

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 9
FOR THE MEETING OF: September 20, 2007**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Approval of a Final Relocation Impact Study developed in accordance with Federal and State regulations.

SUMMARY:

In accordance with Federal and State relocation regulations, the TJPA has prepared a Relocation Assistance Brochure describing the relocation assistance available to businesses displaced by the Program. The TJPA has also prepared a Draft Relocation Impact Study that identifies the businesses that are likely to be displaced by the Program and potential replacement sites, and demonstrates that the TJPA has sufficient funds to provide relocation assistance to these businesses. The TJPA made the Draft Relocation Impact Study available to the public and potentially displaced businesses for a 30-day review and comment period from July 20, 2007, through August 20, 2007. TJPA Staff and consultants have responded to the four comments received from business owners and incorporated the comments and responses in the attached Final Relocation Impact Study. It is requested that the TJPA Board review and approve the Final Relocation Impact Study.

BACKGROUND:

The TJPA has planned the Transbay Transit Center Program to minimize the number of properties acquired and businesses displaced by the Program. The TJPA has also moved the start of Phase 2, DTX construction, to a later date, resulting in an extension of time for several existing businesses to continue operations. Property acquisitions for Phase 1 of the Program will affect business occupants only; Phase 1 of the Program will not displace any residential occupants.

Nonetheless, because the TJPA is a public agency implementing a public project, the TJPA must provide relocation assistance to businesses displaced by the Program in accordance with

Federal and State relocation assistance laws.¹

Relocation Assistance Program

The TJPA has developed a Relocation Assistance Program in compliance with Federal and State regulations. In conjunction with this Program, it has prepared a Relocation Assistance Brochure describing the relocation assistance available to displaced businesses. Relocation assistance consists of help in searching for a replacement site, payment of reasonable moving costs, and payment of certain costs to reestablish the business.

Draft Relocation Impact Study

Also in accordance with Federal and State regulations, the TJPA developed a Draft Relocation Impact Study. The TJPA released that study on July 20, 2007, for a 30-day public review and comment period. The Draft Relocation Impact Study described the businesses that are likely to be displaced by the Program and potential replacement sites, and demonstrated that the TJPA has sufficient funds to provide relocation assistance to these businesses. To prepare the Draft Relocation Impact Study, the TJPA's relocation consultant interviewed owners of properties slated for acquisition, TJPA staff, appraisers, and the owners of 20 businesses that will be displaced by the Program.

The TJPA sent notice of the availability of the Draft Relocation Impact Study to all property owners and occupants that would potentially be displaced by Phase 1 of the Program and other interested parties, posted the Draft Study to the TJPA website, made hard copies available at the San Francisco Main Library at 100 Larkin Street and the TJPA office at 201 Mission Street, and posted notice of the Draft Study in the Transbay Terminal.

While the analysis of business displacement and relocation needs is based on the information available to the TJPA at the time the Draft Study was completed, actual relocation needs may change with changes in the Program schedule and tenant occupancy.

Final Relocation Impact Study

¹ Federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC Section 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.; and the Federal Highway Administration website: www.fhwa.dot.gov/realestate.

The TJPA Staff and relocation consultant reviewed and responded to comments received by the August 20, 2007, deadline and incorporated the comments and responses in the attached Final Relocation Impact Study for the TJPA Board's review and approval. The Final Relocation Impact Study analyzes the relocation needs of 26 businesses, 8 parking vendors, 14 investment property businesses, and 6 transit agencies. The Final Study explains the TJPA's Relocation Assistance Program and concludes that the TJPA has sufficient funds to provide relocation assistance to eligible businesses prior to relocation.

RECOMMENDATION:

Approve the Final Relocation Impact Study.

ATTACHMENTS:

1. Final Relocation Impact Study
2. TJPA Relocation Assistance Brochure

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Joint Powers Authority (TJPA) is a joint powers agency organized and existing under the laws of the State of California; and

WHEREAS, The TJPA is required to provide relocation assistance to eligible occupants of properties acquired by the TJPA for the Transbay Transit Center Program in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC Section 4601 et seq., and its implementing regulations, 49 CFR Part 24; and the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.; and

WHEREAS, The TJPA has developed a Relocation Assistance Program in compliance with Federal and State law; and

WHEREAS, The TJPA prepared a *Draft Relocation Impact Study* that was available for a 30-day public review and comment period; and

WHEREAS, The TJPA has prepared a *Final Relocation Impact Study* based on the public comments received on the *Draft Relocation Impact Study* and information received after publication of the *Draft Relocation Impact Study*; now, therefore, be it

RESOLVED, That the Transbay Joint Powers Authority Board approves the *Final Relocation Impact Study*.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of September 20, 2007.

Secretary, Transbay Joint Powers Authority



Final Relocation Impact Study

September 2007

TRANSBAY TRANSIT CENTER PROGRAM

Final Relocation Impact Study

September 2007

**Prepared for the
Transbay Joint Powers Authority**

Preparation of this report was made possible in part by the Metropolitan Transportation Commission through a grant of Regional Measure 2 (RM2) funds.



**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

CONTENTS	PAGE
1.0 EXECUTIVE SUMMARY	1
1.1 Purpose of the Final Relocation Impact Study	1
1.2 The Transbay Program	1
1.3 The TJPA and Transbay Transit Center Project	2
1.4 Property Acquisitions and Affected Occupants	2
1.5 Relocation Study	3
1.6 Community Outreach	3
2.0 THE TRANSBAY PROGRAM	5
2.1 Background and Schedule	5
2.2 Financing the Transbay Program	5
2.3 Property Acquisitions in Support of Transbay Program Projects	5
2.4 Preparation of the Relocation Impact Study and Public Comment	6
2.5 Relocation Site Office	6
2.6 Preliminary Relocation Cost Analysis	7
3.0 RELOCATION IMPACT	8
3.1 Temporary Terminal Site	8
3.2 Existing Transbay Terminal Site	9
3.3 Transit Center and Bus Ramps Sites	11
3.4 DTX Right-of-Way Preservation Site	12
4.0 RELOCATION RESOURCES	13
4.1 Parking Lots	14
4.2 Professional Office Space	14
4.3 Restaurant and Bar Space	15
5.0 RELOCATION ASSISTANCE PROGRAM	16
5.1 Important Terms	16
5.2 Eligibility for Relocation Assistance and Timing of Move	17
5.3 Relocation Advisory Assistance	18
5.4 Relocation Expenses	19
5.4.1 Actual Moving Expenses	20
5.4.2 Search Expenses for Replacement Property	22
5.4.3 Actual Reestablishment Expenses	22
5.4.4 Fixed Payment for Moving Expenses (In Lieu Payment)	23
5.5 Other Important Information	24
5.5.1 Filing Claims for Reimbursement	24
5.5.2 Right to Appeal	25

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

5.5.3 Relocation Payments Are Not Considered Income25
5.5.4 Business Goodwill25
5.5.5 Nondiscrimination25
5.5.6 General Information.....26
5.6 Project Assurances.....26

FIGURE

1.1 Transbay Program Area – Privately Owned Parcels.....4

TABLES

2.1 Preliminary Relocation Cost Analysis7
3.1 Current Occupants of the Proposed Temporary Terminal Site8
3.2 Current Transit Agency Occupants of the Existing Transbay Terminal Site 10
3.3 Current Business Occupants of the Existing Transbay Terminal Site..... 10
3.4 Current Occupants of the Proposed Transit Center and Bus Ramps Sites 11
3.5 Current Occupants of the Proposed DTX Right-of-Way Preservation Sites 12
4.1 Demonstration of Available Parking Opportunities – June 2007 14
4.2 Demonstration of Available Professional Office Space for Sale – June 2007 14
4.3 Demonstration of Available Professional Office Space for Lease – June 2007 15
4.4 Demonstration of Available Light Industrial/Flex Space for Lease – June 2007 15
4.5 Demonstration of Available Restaurant/Bar Space for Lease – June 2007 16
5.1 Example of a Fixed Moving Payment Computation24

Appendix A, Exhibit Map of State Parcels

Appendix B, Sample Initial Contact Letter

Appendix C, Public Notice, Availability of Draft Relocation Impact Study

Appendix D, Summary of Public Comments in Response to Draft Relocation Impact Study

Appendix E, Comments from the Public

1.0 EXECUTIVE SUMMARY

1.1 Purpose of the Final Relocation Impact Study

The purpose of this Final Relocation Impact Study (Study) is to (1) describe the transit portion of the Transbay Program, its schedule and financing plan, (2) identify the impact that the Transbay Program may have on the occupants of the properties required for the Transbay Program, (3) identify the availability of potential replacement sites, and (4) explain the Transbay Joint Powers Authority's Relocation Assistance Program (Relocation Program).

1.2 The Transbay Program

The Transbay Program is a regional plan to replace the Transbay Terminal with a new modern multimodal Transit Center that will serve eight transportation systems under one roof and anchor the Transbay Redevelopment Area.

Similar to transit centers in major cities worldwide, the Transbay Transit Center will be a hub for multiple transportation modes and serve as a catalyst for vital transit-oriented development, creating vibrant pedestrian spaces around it. The modern, multimodal Transit Center will improve bus and rail service to downtown and provide a seamless connection to the regional rail and bus transit agencies linking San Francisco to the rest of the Bay Area. The Transit Center will reduce non-transit vehicle usage and highway congestion, and help improve air quality in the region.

The Transit Center is expected to serve approximately 90,000 daily transit users by the year 2025, creating the opportunity to become one of the most active and dynamic public spaces in the City. The Transit Center will include space for retail and entertainment establishments, restaurants and services, and community space for transit users, downtown office workers, and local residents of the growing Transbay neighborhood.

As an integral part of the Transbay Program, the redevelopment plan will transform a currently underutilized section of downtown San Francisco into a thriving transit-oriented neighborhood. The land to be developed consists of parking lots and irregular parcels of State-owned land previously occupied by structures that were demolished after the Loma Prieta earthquake. The new Transbay neighborhood will serve as a model for transit-oriented development by providing market-rate and affordable housing in a prime, pedestrian-friendly environment where using a car is unnecessary due to its close proximity to downtown employment and safe and efficient transportation options.

The three interconnected parts of the Transbay Program are:

- **Transit Center:** Replacing the outdated Transbay Terminal at First and Mission streets with a new modern Transit Center.
- **Caltrain Downtown Extension (DTX):** Extending Caltrain underground from its current terminus at Fourth and King streets to the new downtown Transit Center.
- **Transbay Redevelopment Area:** Creating a new Transbay neighborhood with 3,400 new homes (35% of which will be affordable), offices, parks and shops surrounding the new Transit Center.

1.3 The TJPA and Transbay Transit Center Project

The Transit Center and Caltrain Downtown Extension projects are part of the Transbay Program and are overseen by the Transbay Joint Powers Authority (TJPA). The purpose of the TJPA is to design, build, operate and maintain the new Transbay Transit Center and associated facilities in downtown San Francisco, including the extension of the Caltrain commuter rail line 1.3 miles into the new Transit Center, and accommodations for future California High-speed Rail.

The TJPA consists of a historic collaboration of Bay Area government and transportation agencies committed to replacing the current Transbay Terminal in San Francisco with the new Transit Center to improve the transportation needs for the entire Bay Area region and the State. Established in April 2001, the TJPA is managed by TJPA staff and is overseen by a five-member Board of Directors.

The transit portion of the Transbay Program will be developed in two phases. Phase 1 is the design and construction of a temporary bus terminal to serve passengers while the Transit Center is under construction, the above-ground portion of the Transit Center, the foundations for the below-grade rail station, the bus ramps, and the bus storage, as well as design of the full below-ground rail level component of the Transit Center. Phase 2 is the design and construction of the 1.3-mile-long DTX line, which will extend Caltrain from Fourth and King streets underground into the Transit Center, and construction of the below-grade rail station in the Transit Center.

1.4 Property Acquisitions and Affected Occupants

The California Department of Transportation (Caltrans) will transfer specific State-owned parcels to the City and County of San Francisco (City) and the TJPA for development of the Transit Center and associated facilities and for the Transbay Redevelopment Area's residential neighborhood. See Appendix A. Acquisition of privately owned properties needed to secure the balance of land required for Transit Center facilities will be pursued by the TJPA, as outlined in the Final Environmental Impact Study/Environmental Impact Report (FEIS/EIR) certified in April 2004.

The TJPA is actively working with the private and public transit agencies that will be affected by the Caltrans parcel transfer of the existing terminal. The TJPA is coordinating the design and construction of a Temporary Terminal for interim operations by these agencies so that their service is not disrupted.

Other businesses and parking vendors at the existing terminal building will also be affected, and relocation assistance will be provided by the TJPA to eligible occupants. The transfer of Caltrans parcels of other sites will mainly affect parking vendors currently leasing the sites or sites that are currently used for the construction staging of Caltrans projects.

Private property acquisitions will potentially affect businesses, parking vendors and investment property businesses, and the TJPA will provide relocation assistance to eligible occupants. No residences would be displaced by the Phase 1 property acquisitions. See Figure 1.1 on page 4.

1.5 Relocation Study

The TJPA receives Federal and State financial assistance and is therefore required to provide relocation assistance in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), 42 U.S.C. Sections 4601 et seq., and its implementing regulations, 49 CFR Part 24; and the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.

This Study focuses on the impacts of Caltrans parcel transfers and private property acquisitions planned for Phase 1, including properties required to preserve the right-of-way corridor for the DTX project. The impacts of private property acquisitions required later for Phase 2 of the Transbay Program will be studied as part of subsequent relocation impact studies to ensure that information on the eligible occupants and available resources is current. The property acquisitions discussed in this Study are grouped into the following four categories.

- Temporary Terminal
- Existing Transbay Terminal
- Transit Center and Bus Ramps
- DTX Right-of-Way Preservation

1.6 Community Outreach

The TJPA has endeavored to keep the community apprised of the status and progress of the Transbay Program. Information about the Program has been available to the public for a number of years. For example, the draft environmental review for the Program was released in October 2002 for public review and comment, and public hearings were held in November 2002. In April 2004, the TJPA and Peninsula Corridor Joint Powers Board certified the final environmental review at publicly noticed meetings. In June 2004, the City and County of San Francisco certified the final environmental document at a publicly noticed Board of Supervisors meeting. The TJPA has held numerous public meetings in communities throughout the Bay Area over a number of years and maintains a mailing list that provides updates to interested members of the public regarding the project.

The TJPA has kept the public apprised of the Relocation Program by presenting the Draft Relocation Impact Study at a publicly noticed TJPA Board meeting, publishing a notice of availability of the draft study, and making the draft study available for public review and comment on the TJPA's website, at the public library and at TJPA's offices.

The TJPA, as part of its effort to draft the Relocation Impact Study, sent letters to owners and occupants of potentially affected properties. The letters contained a review of the Program and an offer to meet personally with each owner and occupant. Interviews were conducted with property occupants and continue to be scheduled. See Section 2.4, Preparation of the Relocation Impact Study and Public Comment.

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

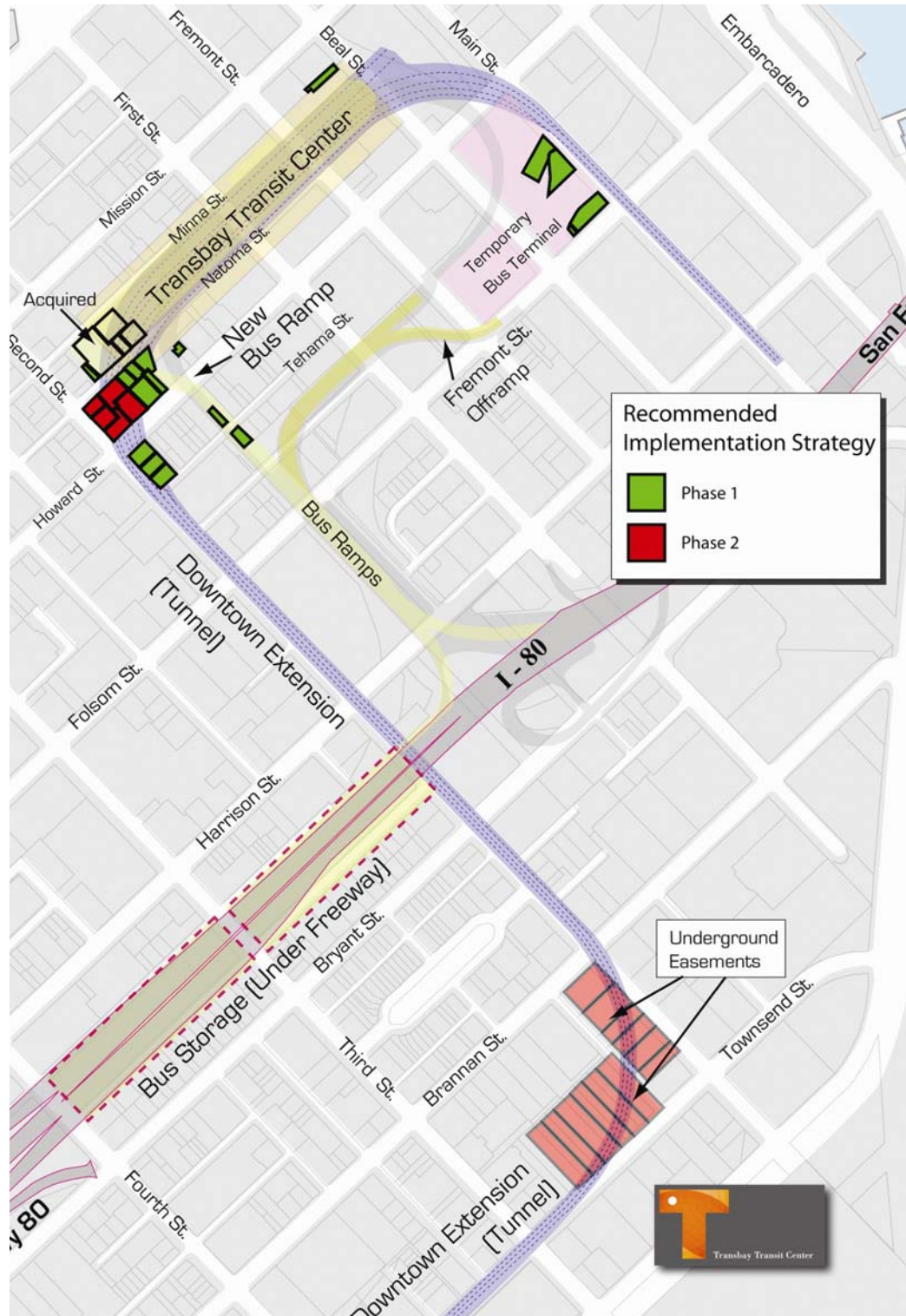


Figure 1.1, Transbay Program Area – Privately Owned Parcels

2.0 THE TRANSBAY PROGRAM

2.1 Background and Schedule

The transit portion of the Transbay Program will be developed in two phases. The TJPA has initiated Phase 1, which includes design and construction of the above-grade Transit Center building to accommodate bus operations, the foundations for the below-grade rail station, bus ramps and bus storage. Phase 1 also includes design of the below-ground rail level component of the Transit Center.

Phase 1 construction will commence at the Temporary Terminal site in 2008. The Temporary Terminal will serve bus passengers while the Transit Center is under construction. Demolition of existing ramps and the Transbay Terminal is scheduled to begin in 2009, and completion of the new Transit Center and bus ramps is expected in 2014.

Phase 2 will extend the Caltrain rail alignment from the Caltrain station at Fourth and King streets underground to the lower level of the new Transit Center. Construction is estimated to begin in 2012 and be completed for operations in 2018, or sooner if funding becomes available.

2.2 Financing the Transbay Program

On June 2, 2006, the TJPA Board of Directors unanimously approved a two-phased plan to build the \$3.4 billion transit portion of the Transbay Program. The \$983 million cost of Phase 1 is funded. Phase 2 is partially funded.

The TJPA receives funding from Federal, State, regional, and local sources. The Program will fund its capital costs with grants, land sales proceeds, lease income from acquired right-of-way parcels, and other one-time revenue generating opportunities available in the near term. To supplement these sources of revenue, the TJPA has identified long-term revenue streams. Because these funds will not be available until the TJPA completes a portion of the Transbay Program, the TJPA will seek a loan. Long-term revenue sources that will be used to repay the loan include tax increment funds from the State-owned parcels in the recently adopted Transbay Redevelopment Area, PFCs (passenger facility charges) or other commitments from transit operators using the Transit Center, and net operating income from the Transit Center. The TJPA Financial Plan Report, March 2006, more fully describes the Transbay Financial Plan. This report can be viewed at the TJPA's website: <http://www.transbaycenter.org/TransBay/content.aspx?id=311>.

2.3 Property Acquisitions in Support of Transbay Program Projects

Much of the Transit Center and associated bus ramps will be developed on the footprint of the existing Transbay Terminal and other Caltrans parcels to be transferred. Additional private properties will need to be acquired to allow for construction of the Temporary Terminal, new bus ramps, the Transit Center, and bus storage, as well as for DTX right-of-way preservation as outlined in the FEIS/EIR. See Figure 1.1 on Page 4 for a map of privately owned parcels to be acquired by the TJPA and Appendix A for an exhibit of State parcels to be transferred.

2.4 Preparation of the Relocation Impact Study and Public Comment

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act and the California Relocation Act require the TJPA to prepare this Relocation Impact Study. The Study provides information to the occupants of the Transbay Program area, residents of San Francisco, and the TJPA with information concerning the anticipated impacts of the property acquisitions planned for Phase 1. The purpose of this Study is to (1) describe the transit portion of the Transbay Program, its schedule and financing plan, (2) identify the impact that the Transbay Program may have on the occupants of the properties required for the Transbay Program, (3) identify the availability of potential replacement sites, and (4) explain the TJPA's Relocation Program.

The TJPA engaged a relocation services consultant, Associated Right of Way Services (AR/WS), to help it prepare the Study and administer the Relocation Assistance Program. To prepare the Study, the TJPA invited the business occupants of the properties that may be acquired for Phase 1 of the Transbay Program to meet with a Relocation Advisor from AR/WS and explain how the Transbay Program might affect their businesses. AR/WS conducted in-person interviews. While the TJPA has included information from those meetings in this Study, it does not disclose the identity of the businesses.

AR/WS and the TJPA gathered additional information from interviews with TJPA staff, appraisers, and persons who own property within the Transbay Program area. All interviews were voluntary. AR/WS and the TJPA analyzed the characteristics of each business to determine the approximate cost of relocation. Due to the nature of this Study, no attempt was made to verify the accuracy of the information disclosed in the interviews. The TJPA will verify this information to determine the eligibility of each business for relocation assistance.

The Study was made available for public review and comment for 30 days. The Study was available at the San Francisco Main Library, 100 Larkin Street in San Francisco, at TJPA's offices, 201 Mission Street, Suite 1960, San Francisco, and on the TJPA's website at <http://www.TransbayCenter.org/> under Documents, Items for Public Comment. Comments have been evaluated as part of the development of this Final Relocation Impact Study, which will be presented to the TJPA Board for approval on September 20, 2007. Appendix D contains a summary of the public comments received during the review and comment period and the TJPA's responses; Appendix E contains the actual comments received. The Final Relocation Impact Study will generally describe the occupants of properties to be acquired by the TJPA who will potentially be displaced in Phase 1 of the transit portion of the Transbay Program; discuss the availability of potential replacement sites; and explain the TJPA's Relocation Assistance Program.

2.5 Relocation Site Office

Federal and State relocation regulations encourage the development of a relocation site office to ensure that affected occupants have regular and convenient access to their Relocation Advisor throughout the project. The TJPA has required the Relocation Advisors for the Transbay Program to be available to meet with affected business owners at their places of business as needed and, therefore, no separate site office or site office hours are required. If a business owner prefers not to meet at the owner's place of business, a meeting room will be available at the TJPA offices located within the project area.

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

The TJPA office is located at:

TJPA
201 Mission Street, Suite 1960
San Francisco, California 94105
(415) 597-4620

Relocation Advisors can be reached at:

Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite 525
Pleasant Hill, California 94523
(800) 558-5151 toll free
(925) 691-8500 direct line
(925) 691-6505 fax

2.6 Preliminary Relocation Cost Analysis

Relocation assistance payments for eligible business owners are based upon the actual and reasonable cost to move personal property from the affected site to the replacement site. In addition, the TJPA will provide assistance to allow the business owner to reestablish the business at a replacement site and to cover the costs to search for a replacement site, within limits set by law. This preliminary analysis of project costs is based upon the TJPA's understanding of the affected business operations at the time of the writing of this Study. The cost to acquire real property and improvements pertaining to realty and the cost associated with loss of business goodwill are not included in this analysis. The actual payments made to eligible business owners will vary based upon personal property to be moved, the replacement site selected, and the project schedule.

Table 2.1, Preliminary Relocation Cost Analysis

	Most Probable Relocation Payments	Anticipated High Estimate of Relocation Payments
Total Preliminary Cost Estimate	\$1,775,000	\$3,410,000

The TJPA will have funds available to provide relocation assistance in accordance with the Relocation Program identified herein prior to proceeding with the relocation of an occupant.

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

3.0 RELOCATION IMPACT

The TJPA has planned the development of the transit portion of the Transbay Program to minimize the number of properties that would need to be acquired and the number of businesses that would be displaced. The TJPA has also planned the development in phases to minimize disruption to properties slated for acquisition.

3.1 Temporary Terminal Site

The Temporary Terminal site is bounded by Beale, Main, Howard and Folsom streets and will operate as a bus facility for approximately five years, until completion of the new Transit Center. This site will then be made available to the San Francisco Redevelopment Agency for the development of two residential projects and a park.

Caltrans will transfer State-owned parcels, and the TJPA plans to acquire private parcels for the Temporary Terminal. The Caltrans parcels are currently used for construction staging and public parking. The private properties are improved with a paved parking lot, an outdoor advertising sign, and two office buildings.

The business occupants of these parcels may be eligible for relocation assistance. The private owners of these investment properties also may be eligible to receive assistance.

The TJPA anticipates that any eligible occupants will be provided with relocation assistance so that they could relocate to replacement sites by spring 2008.

Table 3.1, Current Occupants of the Proposed Temporary Terminal Site

Occupant Description	Current Site Description	Identified Need
Parking Vendor	This parking vendor occupies a paved 185,000 square foot (sf) lot that will accommodate approximately 200 to 400 cars.	A parking lot in San Francisco.
Outdoor Advertising Sign	This advertising sign hangs on the side of a two-story office building. No permanent sign structure is in place.	None.
Building <u>One</u> - Professional Office Owner 1	10,000 sf building with 14-space parking lot that is occupied by the property owner. Property owner has occupied the site for 14 years and requires 800 amps of electrical service in order to accommodate equipment.	Similar site with parking lot to allow for events.
Building <u>Two</u> - Professional Office Tenant 1	Occupant leases a total of 10,000 sf of office space on the second floor and manufacturing and shipping area with loading dock. Long term lease at \$1/sf. Ten employees are employed full time on site. The business has occupied the space for 12 years. There are six assigned parking spaces available to staff.	Similar site that is accessible to delivery trucks.
Building <u>Two</u> - Professional Office Tenant 2	Occupant subleases 900 sf of office space for \$300/month and has occupied the space for two years. The business owner works full time on site and has one assigned parking space. There are no other employees on site.	Similar site in SoMa or downtown.
Building <u>Two</u> - Professional Office Tenant 3	Occupant leases space and subleases to another tenant. Occupant chose not to be interviewed.	Assumed this business would require a similar site.*

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

Table 3.1, Current Occupants of the Proposed Temporary Terminal Site

Occupant Description	Current Site Description	Identified Need
Building <u>Two</u> - Professional Office Tenant 4	Occupant rents and shares approximately 300 sf on a month-to-month basis at \$2/sf and subleases to two other occupants. This business has three full-time and one part-time employee on site. There is one assigned parking space. The business has occupied this space since 2002.	Similar site close to downtown. Would consider similar sublease situation with current tenants.
Building <u>Two</u> - Professional Office Tenant 5	This occupant subleases and shares approximately 300 sf of office space and 60 sf of storage space with two assigned parking spaces for \$1/sf. The occupant and one other full-time employee have occupied the space since 2002.	Similar site close to downtown. Would consider similar sublease situation with current tenants.
Building <u>Two</u> - Professional Office Tenant 6	This occupant subleases and shares approximately 300 sf of office space and storage space with one assigned parking space for \$500/month. Business has two full-time employees on site.	Similar site close to downtown. Would consider similar sublease situation with current tenants.

*No information was provided by the occupant. Identified Need was assumed based upon current site characteristics.

3.2 Existing Transbay Terminal Site

The TJPA is coordinating with Caltrans to evaluate the needs of and potential impacts to the parking vendors, intercity bus companies and other businesses with leases at the existing Transbay Terminal, including confirming which leases are still in effect between Caltrans and the lessees. The TJPA will provide eligible occupants with relocation assistance.

Since the late 1990s, TJPA has actively worked with private and public transit agencies that have leases at the existing Transbay Terminal to coordinate the design, schedule and construction of the Temporary Terminal for interim bus operations while the new Transit Center is under construction. Currently, the TJPA is working to ensure efficient transitions between the Temporary Terminal and new Transit Center with AC Transit, Muni, Golden Gate Transit, SamTrans, Western Contra Costa Transit Authority, and Greyhound.

The TJPA's current project schedule would require that the existing Transbay Terminal be demolished beginning in the fall of 2009. The TJPA will continue to work with the affected transit agencies and potentially displaced businesses and keep them apprised of progress in the proposed schedule.

Provisions for the relocation of professional offices in the Transbay Terminal and at a nearby Caltrans parcel (P) listed in Table 3.2 will be provided as described in the cooperative agreement executed between Caltrans, the City and the TJPA in July 2003. The TJPA is actively addressing the provisions for the transit agencies listed in Table 3.2 with the intent that these transit agencies will relocate to the Temporary Terminal during construction of the Transit Center and will then resume operations at the new Transit Center.

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

Table 3.2, Current Transit Agency Occupants of the Existing Transbay Terminal Site

Occupant Description	Current Site Description	Relocation Plan
Caltrans	Caltrans occupies office space within the exiting Transbay Terminal and at Parcel P.	Caltrans will relocate its office to a temporary site as outlined in the cooperative agreement *
Transit Agency 1	Situated in the Transbay Terminal.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.
Transit Agency 2	This public transit agency operates a ticket office and counter in approximately 1,160 sf within the Transbay Terminal.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.
Transit Agency 3	This public transit agency leases space for bus loading within the Transbay Terminal.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.
Transit Agency 4	This public transit agency leases space for bus loading within the Transbay Terminal.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.
Transit Agency 5	This public transit agency operates a ticket office in a 720-sf leased space within the Transbay Terminal.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.
Transit Agency 6	This public transit agency leases space for bus loading at street level.	This transit agency will relocate to the Temporary Terminal and return to the Transit Center.

*A cooperative agreement was signed by the TJPA, Caltrans, and the City in 2003.

Table 3.3, Current Business Occupants of the Existing Transbay Terminal Site

Occupant Description	Current Site Description	Identified Need
Advertising Sign	This vendor leases advertising space within the Transbay Terminal.	None.
Parking Vendor 1	This parking vendor occupies a paved 16,500 sf lot.	Assumed tenant would like to relocate to similar situation within San Francisco.*
Parking Vendor 2	This tenant occupies over 217,075 sf of paved parking.	Assumed tenant would like to relocate to similar situation within San Francisco.*
Parking Vendor 3	This tenant occupies 16,232 sf of paved parking.	Assumed tenant would like to relocate to similar situation within San Francisco.*
Restaurant/Bar 1	This restaurant and bar occupies a 2,500-sf freestanding building. Tenant would require a replacement site that would allow a liquor license, an entertainment permit, and a live music permit.	Business owner would like to relocate to a similar replacement site in the area.
Retail Vendor	This retail vendor leases a 200-sf wooden, freestanding building situated outside of the existing terminal.	Assumed that business would like to relocate to a similar site.*

*Information is being researched but is not yet available. Identified Need was assumed based upon current site characteristics.

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

3.3 Transit Center and Bus Ramps Sites

The TJPA plans to acquire privately owned properties to secure the balance of land needed for construction of the new Transit Center and associated bus ramps, as outlined in the FEIS/EIR certified in April 2004. See Figure 1.1 on Page 4. These properties are improved with paved parking lots that are leased to separate vendors, dining/bar establishments, an art gallery, and professional office occupants.

One of the occupants owns the property that it occupies and the remaining professional office occupants are tenants.

Demolition in advance of the construction of the new Transit Center and bus ramps is scheduled to begin in summer 2009. Therefore, it is anticipated that the TJPA would initiate negotiations with the property owners in late 2007. Eligible business owners would be able to request relocation assistance at that time. Because several occupants in this phase of development require space with specialized improvements, it is anticipated that they might need a greater lead time to secure replacement sites and to develop those sites to accommodate their businesses. Therefore, the TJPA will make every effort to initiate negotiations approximately 12 months prior to its need for these properties, affording the business occupants a greater opportunity to successfully relocate in the community.

Table 3.4, Current Occupants of the Proposed Transit Center and Bus Ramps Sites

Occupant Description	Current Site Description	Identified Need
Parking Vendor 1	This parking vendor occupies a paved 34,000 sf lot that will accommodate approximately 50 to 250 cars.	A parking lot in San Francisco.
Parking Vendor 2	The parking vendor occupies a paved lot. This vendor chose not to be interviewed. No additional information is available at this time.	Assumed that this vendor is interested in securing a similar replacement site.*
Parking Vendor 3	The parking vendor occupies a paved lot. This vendor chose not to be interviewed. No additional information is available at this time.	Assumed that this vendor is interested in securing a similar replacement site.*
Bar	This bar/lounge occupies a 1,300 sf freestanding building for \$3,400/month. Tenant would need a replacement site that would allow a liquor license and an entertainment permit.	Tenant would like to relocate to a similar site in a stand alone or mixed-use building. Would need significant lead time to secure necessary licenses and permits and to build out replacement site.
Restaurant/Bar	This restaurant and bar has occupied this 5,000 sf freestanding building since 2005. The business employs two full-time and 20 part-time employees. Tenant would require a replacement site that would allow a liquor license, an entertainment permit, and a live music permit.	Tenant would like to relocate to a similar building in the Natoma/Folsom area that would accommodate all licensing and permit costs. The business would need significant lead time to secure necessary licenses and permits and to build out the replacement site.
Art Gallery	This art gallery occupies a 2,100 sf space in a freestanding building.	Tenant would like to relocate to a similar site that would accommodate their special use.
Building One - Professional Office Owner Occupant 1	A portion of the building is occupied by the property owner. The balance of the building is leased to a professional office occupant. This occupant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this business would like to relocate to a similar site.*

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

Table 3.4, Current Occupants of the Proposed Transit Center and Bus Ramps Sites

Occupant Description	Current Site Description	Identified Need
Building <u>One</u> – Professional Office Tenant 1	This tenant leases professional office space on a month-to-month basis and has been in occupancy since April of 2007.	Tenant would like to relocate to professional office space in the area located at ground level or with freight elevator.
Building <u>Two</u> - Professional Office Tenant 1	Occupant leases office space. This tenant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this business would like to relocate to a similar site.*
Building <u>Two</u> - Professional Office Tenant 2	This nonprofit organization subleases approximately 2,000 sf of space for \$2,400 per month.	This nonprofit organization would like to relocate to a similar site north of Folsom and east of Third Street. Would consider another sublease situation.
Building <u>Two</u> - Professional Office Tenant 3	Occupant leases office space. This tenant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this business would like to relocate to a similar site.*
Building <u>Two</u> - Professional Office Tenant 4	Occupant leases office space. This tenant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this business would like to relocate to a similar site.*
Building <u>Two</u> - Professional Office Tenant 5	Occupant leases office space. This tenant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this business would like to relocate to a similar site.*

*Information is being sought; none has yet been provided by the occupant. Identified Need was assumed based upon current site characteristics.

3.4 DTX Right-of-Way Preservation Site

The TJPA plans to acquire privately owned properties to preserve the DTX right-of-way corridor. These parcels are improved with a paved parking lot, an outdoor advertising sign, and two commercial office buildings. One commercial office building is currently occupied by commercial occupants and another is currently vacant. The paved parking lot is leased to a parking vendor.

If the TJPA offers to purchase these properties, it would do so in the summer or fall of 2007. As a result of those offers, the TJPA would determine the eligibility of the commercial occupants to receive relocation assistance in compliance with the TJPA's Relocation Assistance Program. The current proposed project schedule would necessitate that the properties be vacated in 2012 or shortly thereafter.

Table 3.5, Current Occupants of the Proposed DTX Right-of-Way Preservation Site

Occupant Description	Current Site Description	Identified Need
Parking Vendor	This parking vendor leases a paved parking lot that currently accommodates about 20 cars. The vendor chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that this vendor would like to relocate to a similar site.*
Outdoor Advertising Sign	This advertising sign hangs on the side of a two-story office building. No permanent sign structure is in place.	None.
Building <u>One</u> - Professional Office Tenant 1	This business occupant has leased approximately 500 sf of office space at this site since early 2007. The lease rate for the site is \$1,100/month. The business is staffed by the business owner and two full-time interns.	Business would like to relocate to a similar site in SoMa or downtown.

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

Table 3.5, Current Occupants of the Proposed DTX Right-of-Way Preservation Site

Occupant Description	Current Site Description	Identified Need
Building <u>One</u> - Professional Office Tenant 2	This business has subleased approximately 600 sf of office space at this site since 1997. The business owner has only one full-time person at the office that serves clients outside of the immediate area.	The business owner would like to relocate into a similar sublease situation in any area. The business would prefer to relocate into approximately 1,500 sf of space.
Building <u>One</u> - Professional Office Tenant 3	This business has subleased approximately 600 sf of office space at this site since 1989. Two full-time employees staff the office.	The business owner would like to relocate into approximately 2,000 sf of space that rents for \$3,200 per month that is situated close to public transit.
Building <u>One</u> - Professional Office Tenant 4	Occupant has leased 2,000 sf of office space at this location since 1987. The business shares the space with two other businesses and actually occupies approximately 1,000 sf of office space.	The business owner would like to relocate into approximately 1,000 sf of similar space in the immediate area.
Building <u>One</u> - Professional Office Tenant 5	This business has leased 550 sf of office space at this location since late 2006. This space is operated as a satellite office.	The business owner would like to relocate into approximately 600 sf of office space in SoMa or downtown.
Building <u>One</u> - Professional Office Tenant 6	Business occupant has leased approximately 5,000 sf of office space at this location since 2004. Currently, 12 full-time employees work at this site.	The business owner would like to relocate into approximately 5,000 sf of similar office space in SoMa or downtown for \$1/sf.
Building <u>One</u> - Professional Office Tenant 7	Occupant leases office space. This tenant chose not to be interviewed and, therefore, no additional information is available at this time.	Assumed that business would like to relocate to a similar site.*

*Information is being sought; none has yet been provided by the occupant. Identified Need was assumed based upon current site characteristics.

4.0 RELOCATION RESOURCES

As presently planned, the Temporary Terminal, followed by the subsequent development of the site by the City into a park and residential projects, and the Transit Center and bus ramps components of the Transbay Program would require that affected business owners relocate to replacement sites between spring 2008 and spring 2009. Parking vendors, an outdoor advertising sign, leased investment properties, and businesses would be required to relocate to accommodate the construction of the Transbay Program during this time period. Appendix B contains an example of an initial contact letter that the TJPA is sending to affected property owners.

The TJPA plans to assist each eligible business to successfully relocate in the community. Much effort has been made to identify sites in the area South of Market that would accommodate the displaced businesses. Additionally, the TJPA has investigated the potential that other public projects might compete for available replacement sites during the course of the Transbay Program. In discussions with Caltrans, the City, and the Redevelopment Agency, the TJPA learned that there are no planned public projects that would significantly compete for resources during the planned development of the Transbay Program.

The occupants of the existing Transbay Terminal would need to relocate in mid-2009. The TJPA has been working with the transit agencies now operating in the Terminal to develop plans for the transition to the Temporary Terminal and then to the new Transit Center. The public should anticipate that there will be little or no disruption in the services that these transit operators provide during construction.

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

The remaining occupants would be displaced in 2012 or later. Based on currently available lease space, it is anticipated that similar replacement sites will be available in 2012 to accommodate these businesses.

4.1 Parking Lots

Research conducted in June 2007 identified two opportunities to establish parking facilities in San Francisco. The information provided below is representative of the properties that might be available at the time that the affected parking vendors are searching for replacement sites. It is anticipated that several more similar properties will become available for lease during the Transbay Program and that the parking vendors will have the opportunity to consider available sites over a six- to twelve-month period.

Table 4.1, Demonstration of Available Parking Opportunities – June 2007

Site Information	Square Footage of Space	Lease Rate
550 Turk	28,000 sf	\$35,000/mo
Third @ 23rd Street	15,000 sf	Unknown

4.2 Professional Office Space

As of June 2007, the TJPA has identified a minimum of four professional office buildings available for sale and 23 professional office spaces for lease in the SoMa area. An additional three light industrial/flex spaces were available for lease that might accommodate several of the affected professional office occupants or the art gallery. These sites are representative of the properties that might be available at the time the businesses would be seeking replacement sites. It is anticipated that additional properties will become available for sale and for lease during the initial months of Phase 1 of the Transbay Program and that the affected businesses will have the opportunity to consider available sites over a six- to twelve-month period.

Table 4.2, Demonstration of Available Professional Office Space for Sale – June 2007

Site Information	Square Footage of Space	List Price
850 Battery Street	8,894 sf	\$3,700,000
3450 Third Street, Unit B	10,837 sf	\$1,600,000
2601 24th Street	10,000 sf	\$2,600,000
1136 Howard Street	9,000 sf	\$1,800,000

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

Table 4.3, Demonstration of Available Professional Office Space for Lease – June 2007

Site Information	Square Footage of Space	Lease Rate per Square Foot
582 Market Street, Unit 1	456 sf	\$1.97
582 Market Street, Unit 2	376 sf	\$2.26
1265 Folsom Street, Unit 1	5,400 sf	\$1.15
1265 Folsom Street, Unit 2	4,750 sf	\$1.15
149 Ninth Street, Second Floor	362 sf	\$2.25
725 Folsom Street	2,500 to 6,800 sf	\$3.00
22 Battery Street	1,006 sf	\$2.33
185 Clara Street, Unit 1	462 sf	\$2.06
185 Clara Street, Unit 2	553 sf	\$1.99
965 Mission Street, Unit 1	1,102 sf	\$1.50
965 Mission Street, Unit 2	700 sf	\$2.50
965 Mission Street, Unit 3	4,100 sf	\$1.50 to \$1.66
965 Mission Street, Unit 4	1,300 sf	\$2.00
965 Mission Street, Unit 5	1,470 sf	\$1.90
965 Mission Street, Unit 6	1,400 sf	\$2.10
965 Mission Street, Unit 7	1,222 sf	\$1.83
965 Mission Street, Unit 8	416 sf	\$1.83
965 Mission Street, Unit 9	1,102 sf	\$1.66
965 Mission Street, Unit 10	4,704 sf	\$2.00
965 Mission Street, Unit 11	448 sf	\$1.83
1375 Mission Street	5,300 sf	\$1.25
Eighth Street at Folsom Street	1,120 sf	\$1.85
611 Mission Street	5,734 sf	\$2.08

Table 4.4, Demonstration of Available Light Industrial/Flex Space for Lease – June 2007

Site Information	Square Footage of Space	Lease Rate Per Square Foot
135 to 141 10th Street	6,500 sf	\$0.90
Third Street	15,000 sf	\$0.39
Eighth Street at Folsom Street	1,120 sf	\$1.85

4.3 Restaurant and Bar Space

As of June 2007, the TJPA has identified a minimum of 10 restaurant and bar facilities available for lease in the surrounding area. These sites are representative of the properties that might be available at the time the restaurant and bar facilities are searching for replacement sites. It is anticipated that several more similar properties will become available for lease during the initial months of Phase 1 of the Program and that the affected bar and restaurant facilities will have the opportunity to consider available sites over a six- to twelve-month period.

Table 4.5, Demonstration of Available Restaurant/Bar Space for Lease – June 2007

Site Information	Square Footage of Space	Lease Rate Per Square Foot
607 Front Street	15,000 sf	\$2.33
335 Jones Street	2,300 sf	\$1.35
1422 Market Street	2,700 sf	\$1.85
450 Mission Street	3,600 sf	Negotiable
524 Union Street	4,000 sf	\$2.25
1133 Market Street	7,200 sf	\$1.25
1551 Mission Street	1,000 sf	\$2.50
555 Fourth Street	3,592 sf	\$4.04
215 Fremont Street, Unit 1	4,810 sf	\$3.00
215 Fremont Street, Unit 2	1,793 sf	\$3.00

5.0 RELOCATION ASSISTANCE PROGRAM

This portion of the Study summarizes the TJPA’s Relocation Assistance Program. This summary has been provided for general information purposes only and should not be interpreted as law. Should this summary contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence.

5.1 Important Terms

Transbay Joint Powers Authority

The Transbay Joint Powers Authority (TJPA) is a joint powers agency, created under California Government Code Sections 6500 et seq., responsible for developing the transit portion of the Transbay Program. The TJPA, and potentially the City and County of San Francisco, will acquire property for the Transbay Program. The TJPA has contracted with Associated Right of Way Services, Inc. (AR/WS) to administer its Relocation Assistance Program.

Alien Not Lawfully Present

Under Federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by Federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States (8 CFR Section 103.12).

Business

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display(s) must be moved as a result of acquisition of property for the Transbay Program.

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

Displaced Person

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA's written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program. This shall also include any person who moves as a direct result of the TJPA's rehabilitation or demolition of the improvements on real property for the Transbay Program.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable Federal or State law.

Notice of Eligibility

A written notice provided to occupants of real property at the time the TJPA makes an offer to the property owner to purchase the property that describes the types of assistance available to the occupant.

Notice to Vacate

A written notice provided to an occupant of real property that the TJPA plans to acquire informing the occupant that it must move from the property within 90 days.

Personal Property

Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

Small Business

A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired or is displaced by the Transbay Program. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of the Uniform Relocation Act and its implementing regulations.

Transbay Program

A transportation and housing plan that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multimodal Transbay Transit Center; (2) extending Caltrain 1.3 miles from Fourth and King streets into the Transit Center at First and Mission; and (3) creating a new transit-friendly neighborhood with 3,400 new homes (35% of which will be affordable), and mixed-use commercial development.

Unlawful Occupant

A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under State law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

5.2 Eligibility for Relocation Assistance and Timing of Move

The current Transbay Program schedule has been developed to provide eligible businesses and nonprofit organizations with sufficient time to successfully relocate.

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

To be eligible for relocation assistance, a business or nonprofit organization must be lawfully occupying the property to be acquired at the time the TJPA makes a written offer to the property owner to purchase the property. Tenants and occupants of properties that the TJPA offers to purchase will be notified of the TJPA's offer by way of a Notice of Eligibility letter, which the TJPA will send to tenants or occupants at the time it initiates negotiations with a property owner. In addition, under Federal law, any person who is an alien not lawfully present in the United States is not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

Eligible businesses and nonprofit organizations will not be required to move until at least 90 days after receiving a formal, written Notice to Vacate a property. In addition, no business or nonprofit organization will be required to move until the TJPA has notified the business or nonprofit organization of at least one replacement site to which the business or nonprofit organization could be relocated. Please note that the TJPA will make every effort to assist each business in finding reasonably comparable replacement sites for the business or nonprofit organization. However, Federal and State laws do not require the TJPA to guarantee that the business owner will find a replacement site that it finds to be acceptable.

Although a business or organization is not required to move until 90 days after receiving a Notice to Vacate, a business or organization may move as soon as it receives a Notice of Eligibility for relocation assistance services from the TJPA. If a business or organization chooses to relocate at any time after receiving a Notice of Eligibility, then it would be eligible to receive relocation assistance in accordance with the TJPA's Relocation Assistance Program. If a business or organization moves before receiving a written Notice of Eligibility, however, it would not be eligible for, or provided with, relocation assistance.

5.3 Relocation Advisory Assistance

The TJPA's Relocation Assistance Program provides relocation advisory assistance. The TJPA has contracted with a firm, Associated Right of Way Services, Inc. (AR/WS), which specializes in providing relocation assistance, to administer the TJPA's Relocation Assistance Program. Each eligible business and nonprofit organization will be assigned a Relocation Advisor from AR/WS.

The Relocation Advisor will guide each business owner through the relocation process and help to locate a suitable replacement property for the business or nonprofit organization. It is the Relocation Advisor's goal and desire to be of service and to assist each business owner in any way possible to help the business or organization to successfully relocate. The Relocation Advisor is available to help and to advise the business owner. Therefore, each business owner should make full use of the available services.

Individuals with disabilities will be provided the assistance needed to understand their rights under the Relocation Assistance Program and assistance to locate and move to a replacement site. A business owner should notify a Relocation Advisor if additional assistance to understand the business' rights or to secure a replacement site is needed.

When a Relocation Advisor initially contacts a business owner, he or she will explain the TJPA's Relocation Assistance Program. He or she will also interview the business owner

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

to understand the current operation, facility and operating costs. The Advisor will also ask that the business owner describe the type of replacement site they are interested in finding. The Advisor will explain the assistance and payments that the business may claim in accordance with the business' eligibility. It is important that business owners explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview a Relocation Advisor will ask many questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the business owner's rights as a displaced person and will forward information on available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and provide transportation, as needed, to inspect replacement properties, especially if the business representative is elderly or a person with a disability. Business owners are free to use the services of their own real estate brokers.

A Relocation Advisor will continue to work with each business to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are compensable under the Relocation Assistance Program and which costs are not, and assist the business owner with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completing loan documents and/or rental applications; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as Federal, State, and local programs offering assistance to displaced persons; and consumer education literature. A Relocation Advisor also helps to determine any special need for an outside specialist to help a business plan for the move and the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a business owner through any special concerns related to the relocation of the business.

A representative of the TJPA will work with each business owner and the owner of the real property (if the business is a tenant) to identify and to resolve any issues regarding what is "real estate" and what is "personal property" that can be relocated. Each business owner may be asked to provide a copy of the business owner's lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures and equipment.

The TJPA's goal is for each business to achieve a successful relocation in the community. Therefore, it is important that each business owner do everything a prudent business owner would do to maintain the business. This includes working closely with a Relocation Advisor to evaluate and to prepare for the move and searching leads to available replacement sites.

5.4 Relocation Expenses

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit may request a fixed payment in lieu of (i.e., in place of) actual moving expenses. In addition, certain small businesses and

nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

A business owner must provide a Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. The Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess the business' eligibility for reimbursement of certain moving expenses.

5.4.1 Actual Moving Expenses

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business' or organization's move when the move is performed by a professional/commercial mover or when the business owner elects to perform a self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include the following:

- Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.
- Packing, crating, unpacking and uncrating personal property.
- Storage of personal property for a period up to 12 months, as determined by the TJPA to be necessary in connection with relocation.
- Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.
- Replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, its agent or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.
- Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.
- Modifications to personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property.
- Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.
- Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

personal property, moving the personal property, or installing relocated personal property at the replacement site.

- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.
- Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
- Impact fees or one-time assessments for anticipated heavy utility usage.

The TJPA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Advisor will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner should work closely with the assigned Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement. The TJPA will exercise its discretion to decide which expenses relating to the business' or organization's move are eligible for reimbursement.

Commercial/Professional Move

A business owner may elect to hire professional/commercial movers to move personal property. The TJPA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

Self-move

If a business owner agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional/commercial mover, the TJPA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at the TJPA's discretion. The advantage of this moving option is that it relieves the business owner from documenting and seeking reimbursement for actual moving expenses because the payment is made up front based on the amount of the lowest acceptable bid or estimate.

Before a business performs a self-move, the following must be provided to a Relocation Advisor: (1) two acceptable bids or estimates from moving professionals; (2) a certified inventory of all personal property to be moved; (3) the date the business intends to move; (4) the address of the replacement property; and (5) the opportunity to monitor and inspect the move.

Direct Loss of Tangible Personal Property

Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (1) the value of the item for continued use at the displacement site less the

proceeds from its sale, or (2) the estimated reasonable cost of moving the item. A Relocation Advisor will explain this procedure in detail if this is a consideration.

Substitute Personal Property

Where an item of personal property which is used in connection with an operation is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (1) the replacement cost, minus any net proceeds from its sale, or (2) the estimated cost of moving the original item.

Low Value High Bulk Property

If the TJPA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

5.4.2 Search Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation; meals and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents or brokers to locate a replacement site; the reasonable value of time obtaining permits and attending zoning hearings; and the reasonable value of time spent negotiating the purchase of a replacement site.

Commission and fees related to the purchase of a replacement site are not eligible relocation expense and will not be reimbursed.

5.4.3 Actual Reestablishment Expenses

A small business, as defined above, or nonprofit organization may be eligible for reimbursement, not to exceed \$10,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

- Repairs or improvements to the replacement real property required by Federal, State, or local laws, codes or ordinances
- Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation
- Construction and installation costs of exterior signs to advertise the operation
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting
- Advertising the replacement location

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

- Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges, personal or real property taxes, insurance premiums, or utility charges (excluding impact fees)

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation
- Interest on money borrowed to make the move or purchase the replacement property
- Payment to a part-time business in the home which does not contribute materially to the household income

5.4.4 Fixed Payment for Moving Expenses (In Lieu Payment)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$20,000. A business or nonprofit organization that is determined to be eligible for a fixed payment will be paid after it moves from the property that the TJPA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by the TJPA.

- The business owns or rents personal property that must be moved due to the displacement.
- The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).
- The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity which are under the same ownership and are not being displaced by the TJPA.
- The business is not operated at a displacement site solely for the purpose of renting such site to others.
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move (1) complete a Request for Determination of Entitlement form, which is available from a Relocation Advisor, (2) provide a written statement of the reasons the operation cannot be relocated without a substantial loss of existing patronage, and (3) provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different than business requirements. The computation for

**TRANSBAY TRANSIT CENTER PROGRAM
FINAL RELOCATION IMPACT STUDY**

nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

Computation of the Fixed Payment

The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which the business is displaced, or a two-year period deemed more representative by the TJPA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before Federal, State and local income taxes. A business must provide the TJPA with proof of net earnings to support a request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the TJPA.

Table 5.1, Example of a Fixed Moving Payment Computation

2004	2005	2006
Annual Net Earnings \$16,500	Annual Net Earnings \$18,500	Year Displaced
Average annual net earnings		
$\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$		
Fixed Payment = \$17,500		

5.5 Other Important Information

5.5.1 Filing Claims for Reimbursement

Relocation expenses typically will be reimbursed after the business or organization submits to a signed claim and all required documentation supporting the claim to its Relocation Advisor. Claims may be submitted as costs are incurred; the business or organization does not have to wait until the business' or organization's relocation is complete to submit claims for reimbursement.

For tenants of the property, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with the TJPA within 18 months after the business vacates the property. If a business owns and occupies the property, however, then the business owner must file all claims within 18 months of the later of (1) the date the property is vacated, or (2) the date that final payment is received for the acquisition of the property. A Relocation Advisor will work with each business owner to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to the TJPA for review and processing. The TJPA will make every effort to provide reimbursement for any approved, eligible portion of that claim in approximately 45 days.

If it is a hardship for a business to pay for relocation costs and to wait for reimbursement of those costs by the TJPA, the business may petition for hardship assistance. If the TJPA approves the petition for hardship assistance, then it will attempt to advance certain funds for the relocation based on fully documented requests. It is important that each business owner work closely with a Relocation

Advisor if the owner intends to file for hardship assistance. Such a petition should be made approximately eight weeks before payment is required.

If the TJPA denies all or a part of a claim for reimbursement, or if the TJPA refuses to consider a claim, the TJPA shall promptly notify the business owner in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

5.5.2 Right to Appeal

Any aggrieved business or organization may file a written appeal with the San Francisco Relocation Appeals Board if the business or organization believes that the TJPA has failed to properly determine its eligibility for relocation assistance services, or the amount of a relocation payment.

The business owner will be given a prompt and full opportunity to be heard by the Relocation Appeals Board. The business owner has the right to be represented by legal counsel or another representative in connection with any appeal (but solely at the business owner's expense).

The Relocation Appeals Board will consider all pertinent justifications and materials submitted to the TJPA, and any other available information needed to ensure a fair review of the appeal. The Relocation Appeals Board will provide the business owner with a written determination of the appeal with an explanation of the basis for its decision. If still dissatisfied, the business owner may seek judicial review of the decision.

5.5.3 Relocation Payments Are Not Considered Income

No relocation reimbursement received by a business or organization will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other Federal law, except for any Federal law providing low-income housing assistance.

Payments made by the TJPA to a third party can be considered to be a taxable event. As a result, all third-party payments will be subject to an IRS Form W-9 from the TJPA.

5.5.4 Business Goodwill

If a property is acquired through condemnation, business tenants may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of the TJPA's Relocation Assistance Program. Business owners should contact the TJPA's right-of-way coordinator for more information regarding business goodwill.

5.5.5 Nondiscrimination

Under Title VII of the Federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The TJPA's Nondiscrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex.

5.5.6 General Information

This summary of the Relocation Assistance Program has been provided as a courtesy by the TJPA. It is intended to provide general information concerning the Relocation Assistance Program, and to assist each business owner in understanding rights and benefits. Questions regarding the Relocation Assistance Program should be directed to a Relocation Advisor.

Further details regarding Federal and State relocation assistance and benefits are set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 U.S.C. Sections 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.; and the Federal Highway Administration website: www.fhwa.dot.gov/realestate.

5.6 Project Assurances

The TJPA is committed to providing relocation assistance to all eligible occupants in the Transbay Program area who are required to relocate as a result of the Transbay Program. The TJPA is committed to following Federal and State laws as they pertain to the acquisition of property for public projects. The TJPA will not proceed with any phase of this project or other activity that will result in the displacement of any person, business or farm until it makes the following determinations.

- Fair and reasonable relocation payments will be provided to eligible persons in accordance with Federal and State laws and guidelines.
- The TJPA has established a Relocation Assistance Program offering the services described in applicable Federal and State law and guidelines.
- Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- If the Final Relocation Impact Study is approved by the Board of Directors of the TJPA, the TJPA attests to its commitment to have funds available to provide relocation assistance in accordance with the Relocation Program identified herein prior to proceeding with the relocation of an occupant.
- This Study meets the requirements of the California Code of Regulations, Title 25, Chapter 6. The Study will attempt to determine the extent of the need of each eligible person for relocation assistance.
- The TJPA will contract with qualified Relocation Advisors to
 - Provide current and continuing information on the availability, prices, and rentals of comparable commercial properties and locations.
 - Assist each eligible business to complete applications for payments and benefits.
 - Assist each eligible business or nonprofit organization in obtaining and becoming established in a suitable replacement location.

TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY

- Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by State or Federal anti-discrimination laws, or any other arbitrary circumstances.
- Supply to such eligible persons information concerning programs administered by the Small Business Administration, and other Federal or State programs, offering assistance to displaced persons.
- Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
- Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

APPENDIX A
EXHIBIT MAP OF STATE PARCELS

EXHIBIT MAP





DECEMBER 2002
(REVISION: 4/02/03)

SCALE: NONE

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION
AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 4

SHEET 1 OF 6

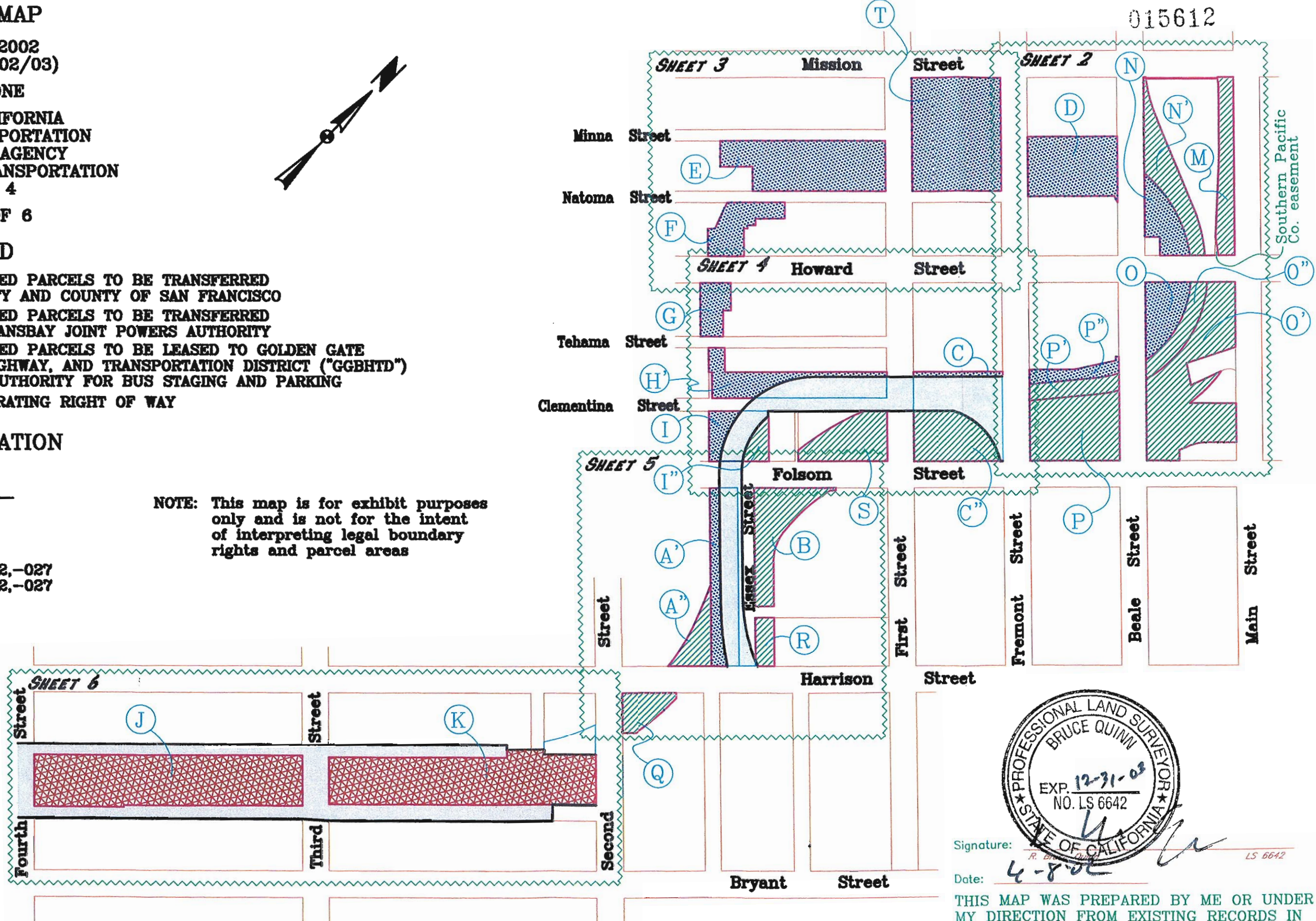
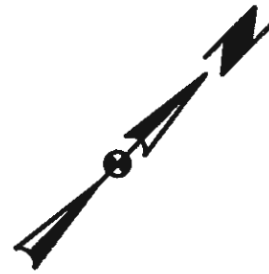
PARCEL LEGEND

-  STATE OWNED PARCELS TO BE TRANSFERRED TO THE CITY AND COUNTY OF SAN FRANCISCO
-  STATE OWNED PARCELS TO BE TRANSFERRED TO THE TRANSBAY JOINT POWERS AUTHORITY
-  STATE OWNED PARCELS TO BE LEASED TO GOLDEN GATE BRIDGE, HIGHWAY, AND TRANSPORTATION DISTRICT ("GGBHTD") AND THE AUTHORITY FOR BUS STAGING AND PARKING
-  STATE OPERATING RIGHT OF WAY

PARCEL INFORMATION

PARCEL NO.	APN
A'	3749-052
A''	3749-052
B	3749-064
C	3737-005,-012,-027
C'	3737-005,-012,-027
D	3719-003
E	3721-006
F	3721-015A
G	3736-089
H	3736-007
I	3736-018
I''	3736-018
J	3762-004
K	3763-112
M	3718-027
N	3718-025
N'	3718-025
O	3739-008
O'	3739-008
O''	3739-008
P	3738-004
P'	3738-004
P''	3738-004
Q	3764-068
R	3749-061
S	3736-120
T	3720-001

NOTE: This map is for exhibit purposes only and is not for the intent of interpreting legal boundary rights and parcel areas

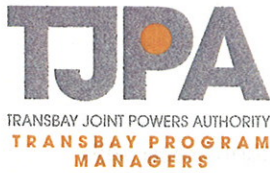


Signature: Bruce Quinn LS 6642
Date: 4-8-02

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION FROM EXISTING RECORDS IN THE OFFICE OF RIGHT-OF-WAY ENGINEERING.

APPENDIX B

SAMPLE INITIAL CONTACT LETTER



May 25, 2007




San Francisco, CA 94103

Subject: Transbay Transit Center Program
Notice of Project Activity
Affected Property Address:



Dear Mr. Birmingham:

The Transbay Joint Powers Authority ("TJPA") is planning to purchase certain properties in San Francisco for the development of the proposed Transbay Transit Center Program ("Transbay Program"). The Transbay Program is a regional transportation and housing plan that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multi-modal Transbay Transit Center that will accommodate local and regional bus operators and commuter and intercity rail; (2) extending Caltrain 1.3 miles from Fourth and King streets into the new Transbay Transit Center at First and Mission streets; and (3) creating a new transit-friendly neighborhood with 3,400 new homes (35% of which will be affordable), and mixed use commercial development.

As you know, the properties that you own located at  San Francisco, California, ("the Properties") are two of several properties in the area that might be purchased for the Transbay Program.

The TJPA recognizes that its purchase of the Properties would have important impacts on you and your tenants. If the TJPA acquires the Properties, the tenants and occupants of your Properties would be required to relocate to allow for the construction of the Transbay Program. The TJPA will provide relocation assistance to all eligible occupants and tenants that are required to relocate, in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the California Relocation Act.

It is important that the TJPA understand how the Transbay Program might affect you and your tenants if it purchases the Properties. The TJPA is in the process of preparing a Draft Relocation Impact Study ("Study") that identifies the needs of occupants and tenants of property that the TJPA may purchase and addresses the issue of available replacement sites within the community. The Study will also describe the TJPA's commitment to provide relocation

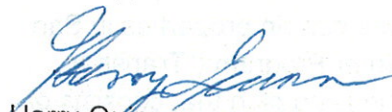
[REDACTED]
May 25, 2007
Page 2 of 2

assistance to occupants and tenants affected by the Transbay Program in accordance with federal and state relocation laws and regulations.

The TJPA has hired a relocation consultant, Associated Right of Way Services, Inc. ("AR/WS"), to assist it in administering the TJPA's Relocation Assistance Program and providing relocation services. We want to notify you that AR/WS will attempt to schedule a meeting with your tenants to discuss the TJPA's Relocation Assistance Program and gather information for the Draft Relocation Impact Study. AR/WS will explain that the TJPA has not purchased the Properties, and will stress to your tenants that they should not move from the Properties at this time. AR/WS will encourage your tenants to continue to honor their existing rental agreements. AR/WS also will explain to your tenants that if they move prematurely, they will not be provided with relocation assistance.


If you have any questions regarding these meetings, or if you would like to discuss the Transbay Program in greater detail, please contact me at (650) 892-5425.

Sincerely,


Harry Quinn
Right-of-Way Coordinator
Transbay Joint Powers Authority

cc: Associated Right of Way Services, Inc.
[REDACTED]

Enclosures: Relocation Assistance Brochure
Transbay Transit Center information folder

Certification of Delivery	
<input checked="" type="checkbox"/>	This Notice was sent via first class and certified mail on May 25, 2007.
Signature: 	Date: May 25, 2007

**APPENDIX C
PUBLIC NOTICE AVAILABILITY OF
DRAFT RELOCATION IMPACT STUDY**



PUBLIC NOTICE

Draft Relocation Impact Study Available for Public Review and Comment

The Transbay Joint Powers Authority (TJPA) plans to acquire property to develop the Transbay Transit Center Program (Program), which will replace the Transbay Terminal at First and Mission streets in San Francisco with a new Transit Center, and build a new neighborhood with approximately 3,400 new residential units.

The TJPA must consider the needs of those who occupy the properties that the TJPA plans to acquire. The TJPA has prepared a Draft Relocation Impact Study (Study) that (1) describes the Program, its schedule and financing plan, (2) identifies the impact that the Program may have on the occupants of property required for the Program, (3) identifies the availability of potential relocation sites, and (4) explains the TJPA's Relocation Assistance Program.

Interested parties are invited to review a copy of the Study and to submit comments. Public comments will help shape the Final Relocation Impact Study, which will be presented to the TJPA Board of Directors in the fall of 2007.

You have 30 days to review and comment on the Study. It is important that you submit your comments by **August 20, 2007**, so that they may be considered in the development of the Final Relocation Impact Study. If you would like to make comments on the Study, please contact Ms. Terri Tran, our Relocation Consultant,

- by calling her office toll-free at 800-558-5151,
- by sending your comments to her office at 2300 Contra Costa Boulevard, Suite 525, Pleasant Hill, California 94523, or
- by emailing her at RelocationDraftStudy@TransbayCenter.org.

The Study is available for review online at www.TransbayCenter.org, located on the Documents page under Items for Public Comment, and at the following locations:

San Francisco Main Library
100 Larkin Street
San Francisco, CA 94102

TJPA Office
201 Mission Street, Suite 1960
San Francisco, CA 94105

**APPENDIX D
SUMMARY OF PUBLIC COMMENTS
IN RESPONSE TO DRAFT RELOCATION IMPACT STUDY**

Summary of Comments Received by the TJPA and Responses to Comments

The Draft Relocation Impact Study (Draft Study) was circulated for public review and comment from July 20, 2007, to August 20, 2007. The TJPA received four comments on the Draft Study (attached as Appendix E). These comments and the TJPA's responses to the comments are summarized below.

Summary of Comments Received	Response to Comment
1. Comment regarding the effect of public comments on the Draft Study.	The TJPA has summarized and responded to all public comments that it received regarding the Draft Study. The summary of comments, responses to comments, and comment letters have been attached to the Final Study. The TJPA will consider all comments in implementing the Relocation Program.
2. Question regarding whether a business owner will be compensated for any cost, stress, or effort the business owner spent to develop its business or improve the property where the business currently is located?	<p>Federal and State law require the TJPA to compensate the owner of real property acquired for the Transbay Program at the fair market value of the property. The TJPA will determine the fair market value of a property based on two independent appraisals of the property, and a review of the appraisals by a third independent appraiser. The property appraisals may include the value of improvements to the property made by a tenant. A tenant that made improvements to the real property where its business is located may be eligible for compensation for the value of such improvements as part of the TJPA's acquisition of the property.</p> <p>The TJPA's payment of the fair market value for a property, including payment for any improvements to the property, is separate from the benefits and services that the TJPA will provide to eligible occupants through the Relocation Program. A tenant that has made improvements to a property that will be acquired by the TJPA and would like to learn more about potential compensation for such improvements should contact the TJPA's right-of-way coordinator Harry Quinn at 201 Mission Street, Suite 2750, San Francisco, CA 94105, (650) 892-5425.</p>
3. Question regarding how a business would make improvements to a replacement site while paying for any cost the business incurred to improve its current location?	<p>The TJPA will provide each eligible occupant a Relocation Advisor who will provide eligible occupants assistance in preparing to move a business to a replacement site, securing cost estimates for certain improvements to a replacement site, and working through any permitting process relating to such improvements. Certain costs related to the move of personal property are eligible for reimbursement under Federal and State law. The Relocation Program also may provide assistance to eligible occupants to hire professional consultants who can help to plan for and implement the move.</p> <p>As described in Response to Comment #2, any costs that an eligible occupant incurred improving real property that will be acquired by the TJPA for the Transbay Program may be eligible for compensation when the TJPA acquires the property. Such</p>

	compensation would be separate, however, from the services and benefits the TJPA will provide through the Relocation Program.
4. Comment that it may be difficult to identify and secure a replacement site with similar architecture and character as the business' current location in an equally affordable and desirable location.	The TJPA will make every effort to help each eligible occupant identify and secure a replacement site that accommodates the needs of the occupant. The TJPA has planned the Transbay Program in such a way as to allow time for occupants to work with their Relocation Advisor to identify and secure such replacement sites.
5. Comment that monetary limitations within the Relocation Program may not be adequate to cover the costs to search for and to reestablish a business.	<p>The TJPA's Relocation Program fully complies with Federal and State law regarding relocation assistance, including the reimbursement of relocation expenses.</p> <p>The Relocation Program does not include any monetary limits for reimbursement of actual and reasonable moving costs related to the move of personal property to a replacement site. The limitations on searching expenses and re-establishment expenses are consistent with Federal and State law.</p>
6. Question regarding whether eligible occupants will be compensated for costs that may be associated with a business' move, including: <ul style="list-style-type: none"> • Permit fees • Legal fees • Utility fees • Bank and insurance fees • Reprinting of marketing materials • Advertising and signage • Prepaid premiums • License and taxes • Marketing materials • Equipment damaged in transit • Good faith • Loss of time spent to improve a current location • Loss of an historic building • Loss of faith in the American Dream • Employee downtime • Employee retraining 	<p>Consistent with Federal and State law and as summarized in Section 5.0 of the Final Study, the TJPA's Relocation Program will provide reimbursement to eligible occupants for many of the costs identified in the comment. The TJPA will provide a Relocation Advisor to each eligible occupant to discuss in detail the occupant's particular circumstances and to assist the occupant in planning and completing its move.</p> <p>As discussed above in Response to Comment #2, certain expenses incurred in improving the property to be acquired by the TJPA may be addressed through the TJPA's payment of fair market value for the real property.</p>
7. Comment regarding the TJPA's authority to approve or deny claims for reimbursement, and to approve requests for advance payments, rather than reimbursement payments, due to hardship.	<p>The TJPA's Relocation Program has been developed in compliance with Federal and State laws regarding relocation. Those laws require that documented costs be submitted to the public agency for review and approval or denial by the agency based upon the guidance provided in the regulations.</p> <p>As described in the Final Study Section 5.5.2, an eligible occupant may appeal to the San Francisco Relocation Appeals Board if the occupant believes that the TJPA has failed to properly determine the occupant's eligibility for relocation assistance services, or the amount of a relocation payment.</p>

<p>8. Question regarding the number of replacement sites that will be identified for each eligible occupant to consider?</p>	<p>Federal and State law do not require a minimum number of replacement site referrals. However, a Relocation Advisor will work with each eligible occupant to help to identify available replacement sites. Sites will be presented to occupants as they become available. Because occupants have greatest familiarity with their needs, they are encouraged to actively contribute to the search for replacement sites.</p>
<p>9. Question regarding whether affected occupants will be given first right of refusal to lease space within the new Transit Center?</p>	<p>There are no current plans to provide affected business owners with the first right of refusal to lease space within the new Transit Center.</p>
<p>10. Question regarding whether an occupant needs to hire an attorney?</p>	<p>The TJPA's Relocation Program will provide a Relocation Advisor to work with each eligible occupant to explain the Relocation Program and the benefits and services available under the Program and search for replacement sites.</p> <p>An occupant business owner may choose to hire an attorney at any time regarding relocation.</p>
<p>11. Question regarding whether eligible occupants will be compensated for any loss of business goodwill, down time, or lost revenue?</p>	<p>As described in Section 5.5.4 of the Final Study, if a property is acquired through condemnation, business tenants may be eligible to make a claim for loss of business goodwill. Any claim for loss of business goodwill is separate from the benefits and services that the TJPA will provide to eligible occupants through the Relocation Program. A tenant that would like to learn more about a claim for lost business goodwill should contact the TJPA's right-of-way coordinator Harry Quinn at 201 Mission Street, Suite 2750, San Francisco, CA 94105, (650) 892-5425.</p>
<p>12. Question regarding whether it would be possible for the TJPA to redesign the Transbay Program to allow for a partial acquisition of a property so that relocation is not required?</p>	<p>The TJPA is interested in minimizing the displacement of businesses to the extent possible and plans to acquire only those properties that are required for the Transbay Program. The properties that are required for the Program, in whole or in part, are identified in the Environmental Impact Report and Addendum (EIR) for the Program. At present, the TJPA plans to acquire each property identified in the EIR for the Program.</p> <p>As described in Response to Comment #6 and as discussed in Section 5.0 of the Final Study, the TJPA's Relocation Program will provide reimbursement to eligible occupants for certain relocation costs. The TJPA will provide a Relocation Advisor to each eligible occupant to discuss in detail the occupant's particular circumstances and to assist the occupant in planning and completing its move.</p>
<p>13. Question regarding the timeline for acquisition of a particular property?</p>	<p>As described in Section 2.1 of the Final Study, the TJPA will proceed with the development of the project in two phases. Phase 1 construction is scheduled to commence at the Temporary Terminal site in 2008. Phase 1 is expected to be complete in 2014. The TJPA will begin making formal written offers to acquire properties for Phase 1 before the end of 2007. As described in Section 5.2 of the Final Study, the TJPA will notify eligible occupants that the TJPA</p>

	<p>has made an offer to purchase a property through a written Notice of Eligibility to the occupant. As noted in Section 4.0 of the Final Study, Phase 1, as presently planned, will require that affected business owners relocate to replacement sites between spring 2008 and spring 2009.</p>
<p>14. Question regarding the timing of any actions a business owner may take toward securing a replacement site?</p>	<p>As described in Section 5.2 of the Final Study, business owners will become eligible to receive Relocation Assistance at the time a formal written offer is made by the TJPA to purchase the property. The TJPA will notify eligible occupants that the TJPA has made such an offer to purchase a property through a written Notice of Eligibility to the occupant. A business owner is encouraged to work with a Relocation Advisor to identify and secure a replacement site at that time.</p> <p>If a business moves before receiving a written Notice of Eligibility, it would not be eligible for, or provided with, relocation assistance.</p>
<p>15. Question regarding the timeline for receiving a notice of relocation assistance services?</p>	<p>As described in Section 5.2 of the Final Study, business owners will become eligible to receive Relocation Assistance at the time a formal written offer is made by the TJPA to purchase the property. The TJPA will notify eligible occupants that the TJPA has made such an offer to purchase a property through a written Notice of Eligibility to the occupant.</p>
<p>16. Question regarding the process for viewing a potential relocation site?</p>	<p>Business owners are encouraged to search for replacement sites that might accommodate their needs. A Relocation Advisor will assist in that effort in accordance with Section 5.3 of the Final Study. In particular business owners may research and view available sites with their Relocation Advisor. Business owners also may work with independent real estate consultants, such as agents and brokers, to locate and view potential replacement sites.</p>
<p>17. Question regarding the duration of relocation to a replacement location?</p>	<p>The TJPA has planned for the development of the Transbay Program in such a way as to provide as much lead time as possible for a business to identify and relocate to a replacement site prior to the date the business would need to vacate the affected property. The duration of any particular business' relocation will depend on the unique circumstances of that business.</p>
<p>18. Question regarding potential revenue loss of a particular business?</p>	<p>The TJPA and the Relocation Advisors will work with businesses that are required to relocate in order to minimize the hardship to such businesses as much as possible.</p> <p>As described in the response to question #11 above and in Section 5.5.4 of the Final Study, if a property is acquired through condemnation, business tenants may be eligible to make a claim for loss of business goodwill. Any claim for loss of business goodwill is separate from the benefits and services that the TJPA will provide to eligible occupants through the Relocation Program. A tenant that would like to learn more about a claim for lost business goodwill should contact the TJPA's right-of-way coordinator Harry Quinn at 201 Mission Street, Suite 2750, San Francisco, CA 94105, (650) 892-5425.</p>

<p>19. Comment regarding potential condemnation of certain real property.</p>	<p>The TJPA has planned for the development of this project to affect the fewest number of properties as is possible. The TJPA will continue to consider options that would result in minimal impact to property owners and property occupants.</p>
<p>20. Comment regarding the comparability of potential relocation sites identified in the Draft Study to a particular business' current site.</p>	<p>The Final Study provides information regarding potential replacement sites, primarily in the South of Market area, as of June 2007. There may be additional replacement sites that the TJPA was not aware of at the time it prepared the Study or which become available after the release of the Study. The Relocation Advisors will continue to work with businesses to identify potential replacement sites throughout the course of the Relocation Program.</p> <p>While Federal or State laws do not require that a comparable replacement site be made available to a business occupant, business owners should work with their Relocation Advisor to attempt to identify replacement sites that best meet their needs.</p>
<p>21. Comment regarding the timing of learning about the Transbay Program.</p>	<p>Information about the Transbay Program has been available to the public for a number of years. For example, the draft environmental review for the Transbay Program was released in October 2002 for public review and comment, and public hearings were held in November 2002. In April 2004, the TJPA and Peninsula Corridor Joint Powers Board certified the final environmental review at publicly noticed meetings, and in June 2004, the City and County of San Francisco certified the final environmental document at a publicly noticed Board of Supervisors meeting. In February 2005, the Federal Transit Administration issued a publicly noticed Record of Decision for the Transbay Program. The TJPA has held numerous public meetings in communities throughout the Bay Area over a number of years. The TJPA maintains a mailing list that provides updates to interested members of the public regarding the project.</p> <p>Specific to the TJPA's Relocation Program and as described in Section 1.6 of the Final Study, the TJPA has sent owners and occupants of potentially affected properties individualized letters and has offered to meet personally with each owner and occupant. The TJPA has kept the public apprised of the Relocation Program by presenting the Draft Study at a publicly noticed TJPA Board meeting, publishing a notice of availability of the Draft Study, and making the Draft Study available for public review and comment on the TJPA's website, at the public library and at the TJPA's offices.</p>

The TJPA has modified the Final Study with the following changes.

- Section 2.6 has been updated as follows:

Table 2.1, Preliminary Relocation Cost Analysis

	Most Probable Relocation Payments	Anticipated High Estimate of Relocation Payments
Total Preliminary Cost Estimate	\$1,775,000	\$3,410,000

The TJPA will have funds available to provide relocation assistance in accordance with the Relocation Program identified herein prior to proceeding with the relocation of an occupant.

The figures in Table 2.1, Preliminary Cost Analysis, have been modified to reflect the elimination of some estimated relocation costs as explained below:

Six public transit agencies currently operate in the Transbay Terminal or at street level near the Terminal under leases with Caltrans (Transit Agencies). While the new Transit Center is under construction, bus services provided by the Transit Agencies will be relocated to a Temporary Terminal bounded by Main, Beale, Howard and Folsom streets. The TJPA is working with the Transit Agencies to minimize the disruption of transit services resulting from the move to the Temporary Terminal. The Transit Agencies will operate at the Temporary Terminal between 2009 and 2014. In 2014, the Transit Agencies will move their operations back to the new Transit Center.

Costs related to the temporary relocation of these six transit agencies to the Temporary Terminal and costs related to their return to the new Transit Center will be addressed as stated under the TJPA's Relocation Program. Payment of claims for five of six of the agencies will be made under the TJPA's construction budget.

Additionally, four businesses recognized in the Draft Study are no longer active; therefore, the relocation assistance costs estimated for these businesses have been eliminated from the Final Study.

- Two definitions were added to Section 5.1, Important Terms:

Notice of Eligibility

A written notice provided to occupants of real property at the time the TJPA makes an offer to the property owner to purchase the property that describes the types of assistance available to the occupant.

Notice to Vacate

A written notice provided to an occupant of real property that the TJPA plans to acquire informing the occupant that it must move from the property within 90 days.

APPENDIX E
COMMENTS FROM THE PUBLIC

August 20, 2007

TO: Ms. Tran
Relocation Advisor
AR\WS

FROM: Rene Acosta
Member Manager
Wooden Spoon & Fork, LLC
Db a Zebulon Restaurant & Bar

RE: Amended Response to Draft Relocation Impact Study

First off, we strongly object to the possible condemnation of the property where our business is located at 83 Natoma St. Zebulon has been in its current location for over 7 years when no other business would dare venture out in what was then a "blighted area" and since then have watched the neighborhood develop into a true mixed use area where millions upon millions of dollars have recently been invested in both upgrading existing buildings as well as new development into retail, residential and commercial uses. The planned new Transit Center will definitely catapult the development of the area into the Billions; ultimately padding the City's coffers with Billions of tax credits for generations to come.

The Transit Plans will negatively impact our restaurant business and our capital investment. While we understand we are required to relocate as result of the Transit Program, we strongly object to the proposed relocation sites. Our restaurant serves a lucrative business district clientele close in proximity to the SOMA financial area. The recommended relocation sites are not comparable for us to becoming an established business in the new location site. While it is our intention to work with the TJPA in the relocation transition, we believe that our business Goodwill will be adversely affected if relocated to the proposed relocation sites. Moreover, we will suffer a loss in the appraisal and attorney costs in preparing data for presenting our goodwill loss to the TJPA and City. As a result, we inquire how we may obtain funds for the costs incurred from the relocation, in particular costs from establishing goodwill and hiring professional consultants.

As an inquiry, will there be a component in the Transit Center Plan that re-establishes minority owned/small businesses, such as ours that were displaced by local entities to move back to the displaced area. We feel that once the Transit Center is complete and operational, the displaced commercial businesses relocated through condemnation should have the option of the right of first refusal in and around the newly developed Transit Center. The positive impact we would have on the new Center would reach new boundaries as a small/minority business. It would be ideal to be able to move-out of the way of progress and be given an opportunity to move back to our original location. With this consideration as an option, we believe the required relocation of our business would not be as adversely impacted.

Dear Ms. Terri Tran,

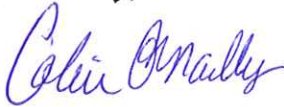
August 16th 2007

RE: Draft Relocation Impact Study

I am writing you this letter in response to the Draft Relocation Impact Study and the TJPA. Enclosed you will find our concerns and comments regarding the relocating our business located at 90 Natoma Street.

Please contact us at your earliest convenience with a response.

Sincerely,



Colin O'Malley of
John Colins Lounge
90 Natoma Street
San Francisco, CA, 94105
415-613-0075 cell
party@johncolins.com



Transbay Joint Powers Authority

Displacement Questions and Concerns:

- **Timeline for 90 Natoma Acquisition?**
- **We should not make any deals or sign any leases for a new location until official notice has been given??**
- **After providing sufficient information and needs, how many sites will the TJPA find for us?**
- **Will we be offered priority to buy or lease an opportunity for the new development?**
- **When will we receive our official notice of relocation assistance services?**
- **Will I need an attorney at any point in this process?**
- **How does the “Goodwill Reimbursement” work?**
- **How can I see a specific space listed in the packet? Located at 215 Fremont St. Unit 2.**
- **How long will our business be closed during the move? Will we be reimbursed for the revenue lost during this time?**
- **How much revenue do we stand to lose during this entire process?**
- **Is there ANY possibility that 90 Natoma could be spared being that your plans do not need our entire building?**

August 15, 2007

Terri Tran
2300 Contra Costa Boulevard Suite 525
Pleasant Hill, CA 94523

Dear Ms. Tran,

In response to the Draft Relocation Impact Study these are some of our main concerns:

1. The Actual Reestablishment Expenses including: Repairs or improvements in order to comply to state, local and federal regulations and codes; Modifications to accommodate replacement of current location suitable for operation; Construction and installations costs of sign and advertising; Redecorating including paint, paneling and floor coverings; Advertising and the estimated increased cost of operation at replacement site during the next two years including insurance premiums, tax and rent increase... are capped off and not to exceed \$10,000- this is absolutely preposterous!

There is no way in hell we could do all of the "Actual Reestablishment" for \$10,000. Based on several bids and renovations for our current location we estimate this cost could range anywhere from \$100,000 with no renovations needed, up to \$600,000 in order to get new location up to specifications and codes.

2. Our Fate lies in the hands of the TJPA~ and that's *not* a good thing.
Based on what is stated in the Assistance Brochure, the TJPA has practically absolute control on how much money is allocated to the small businesses being "re-located". The fact that they "May or may-not" approve reimbursement; that they can deny or refuse hardship; and most importantly they will be auditing our moves and businesses to determine whether we're eligible for reimbursement is *incredibly disconcerting!*

Taking into consideration the TJPA's primary concern is their own projects (Transbay center and the "new neighborhood") more over the budget of said projects, we feel that giving us what we need and deserve to re-locate is not in their best interest. In fact, having witnesses past dealings of the TJPA, we feel that they will do everything possible to minimize allocating proper funds to all of the small businesses who are now in dire straights.

3. Bureaucracy. Need I say more? After sitting down and going thru all our paperwork, all the forms, the applications and permits, the guidelines and codes, The Planning Department!!! Architectural, Seismic, Engineering, and Design plans and permits and inspections; Blue prints, job cards, electrical and plumbing inspections; did I mention the Planning Department!!! Fire, Police and Health licenses, codes, permits and inspections. City Hall, the State Board of Equalization, ABC, Entertainment, Assembly, Bar/Tavern/Lounge; Public hearings, taxes, notifications and Fees, Fees, Fees.... After looking at everything we've done, I cried. To think we have to do it all over again is almost unbearable; to think we may not be able to afford to do it again is death. How are we to be compensated for that amount of headaches and stress?

Varnish is our dream. We've put everything had into it, all our money, all our time, our hearts and souls went into it. Our family, friends, and patrons are all part of it. It's become a place of solace and socializing, a place of creativity and expression, a place of ceremony and love, and a place of education and inspiration.

Varnish is alive. It's not just the art or the wine or the people, it's the beauty of the building that encapsulates all of it that has given it life. The brick, the steel, the wood and all the people who proudly contributed to its structure created this sanctuary, and we feel that means something.

It's not just me who thinks this, nearly every single person who walks thru our doors comments on what a beautiful and special place it is. That's why to all of us, it is simply a crime to destroy it, and to causally bulldoze it down as if it didn't matter. How do you put a price tag on that kind of loss?

Sincerely,


Kerri Stephens
Varnish Fine Art



Candy Coated Catastrophe

VARNISH Fine Art ~Gallery/Wine Bar

The locations of Varnish Fine Art is at 77 Natoma St in San Francisco
It is a free standing brick and masonry building that has been seismically retrofitted (by us)
The building stands 35 feet tall and is 40 feet wide by 65 feet deep
We have built an 1100 square foot mezzanine that brings the total square footage to 3600 sq.ft'.
We pay just under \$1.60 a square foot for rent.

Concerns~Where do we get the money?

1. How do we pay for a new location when we're still paying off our current one?

- Deposit on new venue (most new leases require 6 months rent up front)
- Double rent (remaining open while permits-planning-licenses-inspections-renovation are completed on new venue) ~OR~
 - Loss of revenue from being closed while permit's- planning-licenses-inspections- & renovations are completed on new venue [This process took over 6 months on current location]
- Possible Design-Architectural, engineering Fees
- Expeditor Fees for planning
- Construction Costs~ getting new location ADA compliant and up to fire-health codes
Including labor, materials & seismic upgrade
- Legal Fees ~ negotiation new lease
- Legal Fees ~ eminent domain
- Fees for new permits, filing and re-licensing for the following:
 - ABC
 - Bar, Tavern, Lounge
 - Health
 - Entertainment/Assembly
 - State Board of Equalization
 - Business License
 - LLC
 - Police/Fire
 - Building Inspections
- Other relocating fees for utilities, phone & computer lines
- Changes and Fees for banking and insurance
- Re-printing of all marketing materials
- Advertisement & Signage

2. Where do we get the Time? ~The Move~

- Time, Labor and More Money?
- Storage
- Packing crating
- Replace equipment that we can't take or damaged
- All the stuff listed in relocation impact study....
- How do you account for all the time it takes to go thru the bureaucracy
- How do you account for all the stress

It took us months to get all our permitting, licensing and inspections

It took more months in planning and renovating

Concern: We won't be able to find a location equivilant to what we have~

3. Our Loss

- Loss of revenue from being closed while permit's- planning-licenses- inspections- & renovations are completed on new venue [AGAIN this process took over 6 months on current location]
- Renovations of current location including:
 - Seismic upgrade/change of occupancy to SFBC section 3405 Lateral upgrade
 - 1,100 sq ft' mezzanine
 - Installed new 16' x 18' x 2' glass entryway
 - new concrete slab 40'x65'
 - all new plumbing and septic system to house trap, including drains and floor sinks
 - 2 ADA compliant restrooms including toilets 1 urinal, 2 designer sinks, bathroom stalls and fixtures
 - new water heater and utility sink
 - new electrical through out entire building including 2 new breaker boxes, state of the art gallery light fixtures and switches
 - new emergency exit lighting
 - replaced exterior lighting
 - installed fire and bugler alarm system
 - Floor treatment
 - Replaced all broken windows
 - All new framing, drywall, paint and ceiling treatment
 - New offices, storage and fire corridors
 - Replaced 2 existing exterior doors to comply with current Fire Specifications including emergency exit hardware
 - Fabricated and installed new railings
 - New exterior paint and graffiti removal
- Prepaid premiums licenses and tax
- Marketing materials
- Equipment/damages incurred in move
- Good faith
- Loss of all the time spent designing and building 77 Natoma
- Loss of a beautiful historic building
- Loss of faith in the American Dream

Concern~ The TJPA is going to put us out of business

The money allotted for relocation is but a fraction of what is needed:

1. Actual Reestablishment Expenses Not to exceed \$10,000!
2. Replacement Property search Not to exceed \$2,500!
3. Fixed payment for moving expenses Not to exceed \$20,000

{We anticipate this entire move will cost anywhere between \$150,000-\$650,000}

The Wording used in the Relocation Impact Study- for example:

1. "May" by the TJPA: page 21- The TJPA "may" approve payment

What if they don't approve it- we're out of money and SOL

2. page 21 The TJPA will exercise its discretion to decide which expenses relating to the business' or organization's move are eligible for reimbursement?

So in other words the TJPA is going to pay us whatever they feel like regardless of actual expenses!

3. page 25 in case of hardship- the TJPA can deny or refuse to consider a case of hardship-

So if we can't afford to come up with the money to relocate and the TJPA refuses any initial assistance we're out of business!

What about our employees?? How are they to be compensated for lost time and wages?

What is compensation for loss of employees and retraining?

How are we compensated for our time thru this whole process?

How are we compensated for our labor?

How are we compensated for this nightmare?

Location Location Location

What we need to replace:

A free standing masonry building 40'x65' with skylights & natural light

A building with 34 foot ceilings and a mezzanine that overlooks the main floor

A building that's close to the MOMA and Yerba Buena Center for the Arts

A building that has 3,500 sq ft for under \$1.75 a foot

A building that is wheelchair accessible and has ADA compliant restrooms

A building that passes all fire, police, health and building codes including seismic

A building that has a bar area with required floor sinks and floor drains

A building with ample electricity in order to handle gallery lighting

A building that's beautiful and special- where people want to have their weddings

A building where we can have the following:

- a bar/tavern/lounge
- a place of assembly
- entertainment
- retail sales

A new location that just like this...



August 16, 2007

Terri Tran
2300 Contra Costa Boulevard, Suite 525
Pleasant Hill, CA 94523

Hello Ms. Tran,


In answer to your letter giving us 30 days to comment on the "relocation study," I have a question: What good will it do us to comment? We've been commenting at SF Board of Supervisor and Transbay Joint Powers Authority (TJPA) meetings, detailing our concerns at length, for the last 4 ½ years, since first learning of the threat to our business from the SF Business Times. No one from the TJPA, SF Planning Department, any other city department or agency, nor our landlord, informed us about this impending disaster when we poured all of our funds and energy into remodeling and retrofitting this historic building to start our locally-owned business. Instead, we read about it in the paper a couple weeks after we first opened.

We've given public comment at city meetings, written letters, held press events, organized and run the Friends of Second Street Association and website, been part of a lawsuit challenging the way the TJPA has handled the project, met with the few city officials who would meet with us, yet none of our input has made the slightest difference. All of those previous comments and concerns are being disregarded as though they never happened. In fact, earlier this year I read a quote in San Francisco Magazine by an SF Supervisor---with whom we'd met with many times with our concerns---in which he said that with the Transbay redevelopment project, no one would have to be displaced. Outrageous.

It seems as though we don't exist. And now we've been given 30 days to get you all of our concerns. Anyone who runs a small business in San Francisco can tell you how little free time they have. We've already spent an enormous amount of our limited time expressing our thoughts and concerns about the Transbay Transit project to the TJPA and anyone else we could find. So far, the TJPA and our district Supervisor Chris Daly have done nothing at all to inform us or help us in any way. We're simply in the way of their project. You want us to tell you what our concerns are regarding having or business shut down while we're kicked out of our location? What does a small business have to do to find a proper location, get permits, licenses, inspections, remodels, seismic retrofit, reinvent marketing and everything else that has to be done?

Figure it out by yourself, the hard way, like we had to without any help from the city officials of San Francisco.

Sincerely,


Jennifer Rogers
Varnish Fine Art
77 Natoma Street
San Francisco, CA 94105



Relocation Assistance Brochure

Rights and Benefits Under the TJPA's Relocation Assistance Program for Businesses and Nonprofit Organizations

This brochure summarizes the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et seq., and its implementing regulations, 49 Code of Federal Regulations (CFR) Part 24, and the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.

Much of the content of this brochure was provided by The United States Department of Transportation, Federal Highway Administration, Office of Real Estate Services, Publication Number FHWA-HEP-05-031.

CONTENTS

Introduction	1
Important Terms Used in This Brochure	2
Section 1: Eligibility for Relocation Assistance and Timing of Your Move....	4
Section 2: Relocation Advisory Assistance	4
Section 3: Relocation Expenses.....	6
Actual Moving Expenses	7
Actual Reestablishment Expenses.....	9
Fixed Payment for Moving Expenses (“In Lieu Payment”)	10
Section 4: Other Important Information	12
Filing Claims for Reimbursement	12
Right to Appeal.....	12
Relocation Payments Are Not Considered Income	13
Business Goodwill	13
Nondiscrimination.....	13
General Information.....	14

Relocation Assistance Program for Businesses and Nonprofit Organizations

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. It is the policy of the Transbay Joint Powers Authority ("TJPA") that businesses and nonprofit organizations displaced by the development of the Transbay Transit Center Program ("Transbay Program") shall not suffer unnecessarily as a result of the Transbay Program, which is designed to benefit the public as a whole. The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") and the California Relocation Act recognize the need to balance the right of public agencies to acquire property for public projects with the rights of the occupants of the property acquired to receive relocation assistance. The TJPA must comply with the policies and provisions set forth in these federal and state laws.

This brochure provides a summary of the TJPA's Relocation Assistance Program. Your Relocation Advisor will be able to answer your specific questions regarding relocation of your business or nonprofit organization, and provide any additional information that you may need. While every effort has been made to assure the accuracy of this brochure, it should be understood that it does not have the force and effect of law, rule, or regulation governing relocation assistance benefits or services. Should this brochure contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence.

Please review this brochure carefully and present any questions to your Relocation Advisor. Section 1 of this brochure provides information regarding eligibility for relocation assistance and the timing of any move. Section 2 provides information about the relocation advisory assistance available to displaced persons. Section 3 contains information concerning reimbursement of moving expenses that are available to affected businesses and nonprofit organizations. Section 4 provides additional information necessary to understand the TJPA's Relocation Assistance Program.

Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite 525
Pleasant Hill, California 94523
(800) 558-5151 toll free
(925) 691-8500 direct line
(925) 691-6505 fax

Important Terms Used in This Brochure

Transbay Joint Powers Authority

The Transbay Joint Powers Authority (“TJPA”) is a joint powers agency, created under California Government Code Sections 6500 et seq., responsible for developing the Transbay Transit Center Program (“Transbay Program”). The TJPA, and potentially the City and County of San Francisco, will acquire property for the Transbay Program. The TJPA has contracted with Associated Right of Way Services, Inc., to administer its Relocation Assistance Program.

Alien Not Lawfully Present

Under federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes: (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

Business

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display(s) must be moved as a result of acquisition of property for the Transbay Program.

Displaced Person

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program. This shall also include any person who moves as a direct result of the TJPA’s rehabilitation or demolition of the improvements on real property for the Transbay Program.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable federal or state law.

Personal Property

Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

Small Business

A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired or is displaced by the Transbay Program. A site occupied solely by outdoor advertising signs, displays, or devices is not a “small business” for purposes of the reestablishment expense benefit of the Uniform Act and its implementing regulations.

Transbay Transit Center Program or Transbay Program

A regional transportation and housing plan that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multi-modal Transbay Transit Center that will accommodate local and regional bus operators and commuter and intercity rail; (2) extending Caltrain 1.3 miles from Fourth and King streets into the new Transbay Transit Center at First and Mission; and (3) creating a new transit-friendly neighborhood with 3,400 new homes (35% of which will be affordable), and mixed use commercial development.

Unlawful Occupant

A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant’s tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

Section 1: Eligibility for Relocation Assistance and Timing of Your Move

The current Transbay Program schedule has been developed to provide eligible businesses and nonprofit organizations with sufficient time to successfully relocate.

To be eligible for relocation assistance, a business or nonprofit organization must be lawfully occupying the property to be acquired at the time the TJPA makes a written offer to the property owner to purchase the property. Tenants and occupants of properties that the TJPA offers to purchase will be notified of the TJPA's offer by way of a Notice of Eligibility letter, which the TJPA will send to tenants or occupants at the time it initiates negotiations with a property owner. In addition, under federal law, any person who is an alien not lawfully present in the United States is not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

Eligible businesses and nonprofit organizations will not be required to move until at least 90 days after receiving a formal, written Notice to Vacate a property. In addition, no business or nonprofit organization will be required to move until the TJPA has notified the business or nonprofit organization of at least one replacement site to which the business or nonprofit organization could be relocated. Please note that while the TJPA will make every effort to assist you in finding reasonably comparable replacement sites for your business or nonprofit organization, federal and state laws do not require the TJPA to guarantee that you will find a replacement site that you find acceptable.

Although a business or organization is not required to move until 90 days after receiving a Notice to Vacate, a business or organization may move as soon as it receives a Notice of Eligibility for relocation assistance services from the TJPA. If a business or organization chooses to relocate at any time after receiving a Notice of Eligibility, then it would be eligible to receive relocation assistance in accordance with the TJPA's Relocation Assistance Program. If a business or organization moves before receiving a written Notice of Eligibility, however, it would not be eligible for, or provided with, relocation assistance.

Section 2: Relocation Advisory Assistance

The TJPA's Relocation Assistance Program provides relocation advisory assistance. The TJPA has contracted with a firm, Associated Right of Way Services, Inc. ("AR/WS"), which specializes in providing relocation assistance, to administer the TJPA's Relocation Assistance Program.

Each eligible business and nonprofit organization will be assigned a Relocation Advisor from AR/WS.

Services

The Relocation Advisor will guide you through the relocation process and help you to locate a suitable replacement property for your business or nonprofit organization. It is your Relocation Advisor's goal and desire to be of service to you, and to assist you in any way possible to help your business or organization to successfully relocate. Your Relocation Advisor is available to help and to advise you, so please make full use of the available services. Do not hesitate to ask questions to ensure that you fully understand all your rights and benefits.

Individual with disabilities will be provided the assistance needed to understand their rights under the Relocation Assistance Program and assistance to locate and move to a replacement site. Please notify your Relocation Advisor if you need any additional assistance to understand your rights or to secure a replacement site.

Understanding the Relocation Assistance Program

When your Relocation Advisor initially contacts you, she will explain the TJPA's Relocation Assistance Program. Your Advisor will also interview you to understand your current operation, facility and operating costs. Your Advisor will also ask you to describe the type of replacement site you are interested in finding. Your Advisor will explain the assistance and payments that you may claim in accordance with your eligibility. It is important that you explain any anticipated relocation concerns to your Relocation Advisor. During the initial interview your Relocation Advisor will ask many questions to determine your specific relocation needs.

After the initial interview, your Relocation Advisor will deliver written information regarding your rights as a displaced person and will forward information on available replacement sites as that information becomes available. Your Relocation Advisor will provide you with information regarding available replacement properties, maps of replacement properties, and provide transportation, as needed, to inspect replacement properties, especially if you are elderly or a person with a disability. You are free to use the services of your own real estate broker; your Relocation Advisor cannot, however, refer you to a broker. You will not be required to move until at least one replacement site is made available to you.

Planning and Preparation

Your Relocation Advisor will continue to work with you to help you plan your relocation to a replacement site. In particular, your Relocation Advisor will help you understand which costs are compensable under the Relocation Assistance Program and which costs are not, and assist you

with properly filing and documenting claims for reimbursement of relocation expenses.

Your Relocation Advisor will also provide you with information and assistance to minimize hardships in adjusting to your new location, such as assistance completing loan documents and/or rental applications; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to your replacement site; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. Your Relocation Advisor also can work with you to determine any special need for an outside specialist to help your business plan for the move and the reinstallation of your personal property. If you have special needs, the Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Please make your needs known so that your Relocation Advisor can provide you with the help you need.

A representative of the TJPA will work with you and the owner of the real property (if you are a tenant) to identify and to resolve any issues regarding what is “real estate” and what is “personal property” that can be relocated. You may be asked to provide a copy of your lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures and equipment.

The TJPA’s goal is for you to achieve a successful relocation in the community. Therefore, it is important that you do everything a prudent business owner would do to maintain your business. This includes working closely with your Relocation Advisor to evaluate and to prepare for the move and searching out leads to available replacement sites.

Section 3: Relocation Expenses

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit may request a fixed payment in lieu (i.e., in place) of actual moving expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

You must provide your Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. Your Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to

monitor the move in order to assess your eligibility for reimbursement of certain moving expenses.

Actual Moving Expenses

You may be reimbursed for the actual, reasonable, and necessary cost of your business's or organization's move when the move is performed by a professional/commercial mover or when you elect to move yourself. Any moving expenses for which you are seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include:

- Transportation of you and your personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- Storage of personal property for a period up to 12 months, as determined by the TJPA to be necessary in connection with relocation;
- Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit;
- Replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, its agent or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available;
- Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building;
- Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property;
- Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification;
- Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site;
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies;
- Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move; and

- Impact fees or one-time assessments for anticipated heavy utility usage.

The TJPA will reimburse moving expenses that could not have been avoided or substantially reduced at an alternate available site.

This is not an inclusive list of moving related expenses. Your Relocation Advisor will provide you with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. You should work closely with your Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement. The TJPA will exercise its discretion to decide which expenses relating to your business's or organization's move are eligible for reimbursement.

Commercial/Professional Move

You may elect to hire professional/commercial movers to move your personal property. The TJPA may reimburse you for the cost, based on the lower of two bids or estimates.

Self-Move

If you agree to take full responsibility for all or part of the move of your operation, rather than hiring a professional/commercial mover, the TJPA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at the TJPA's discretion. The advantage of this moving option is that it relieves you from documenting and seeking reimbursement for actual moving expenses because the payment is made up front based on the amount of the lowest acceptable bid or estimate.

Before you perform a self-move of your business, you must provide your Relocation Advisor (1) two acceptable bids or estimates from moving professionals; (2) a certified inventory of all personal property to be moved; (3) the date you intend to move; (4) the address of the replacement property; and (5) the opportunity to monitor and inspect the move.

Direct Loss of Tangible Personal Property

Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (1) the value of the item for continued use at the displacement site less the proceeds from its sale, or (2) the estimated reasonable cost of moving the item. Your Relocation Advisor will explain this procedure in detail if this is a consideration for you.

Substitute Personal Property

Where an item of personal property which is used in connection with an operation is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (1) the replacement cost, minus any net proceeds from its sale, or (2) the estimated cost of moving the original item.

Low Value High Bulk Property

If the TJPA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

Searching Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation; meals and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents or brokers to locate a replacement site; the reasonable value of time obtaining permits and attending zoning hearings; and the reasonable value of time spent negotiating the purchase of a replacement site.

Commission and fees related to the purchase of a replacement site are not eligible relocation expense and will not be reimbursed.

Actual Reestablishment Expenses

A small business, as defined above, or nonprofit organization may be eligible for reimbursement, not to exceed \$10,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by federal, state, or local laws, codes or ordinances;
- Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation;
- Construction and installation costs of exterior signs to advertise the operation;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting;
- Advertising the replacement location; and

- Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges; personal or real property taxes; insurance premiums; or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures;
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation;
- Interest on money borrowed to make the move or purchase the replacement property; and
- Payment to a part-time business in the home which does not contribute materially to the household income.

Fixed Payment for Moving Expenses (“In Lieu Payment”)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu (i.e., in place) of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$20,000. An operation that is determined to be eligible for a fixed payment will be paid after it moves from the property that the TJPA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, the TJPA must determine all of the following:

- The business owns or rents personal property that must be moved due to the displacement;
- The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings);
- The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity which are under the same ownership and are not being displaced by the TJPA;
- The business is not operated at a displacement site solely for the purpose of renting such site to others; and
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish your eligibility for the fixed payment option, before you move you must (1) complete a “Request for Determination of Entitlement” form, which is available from your Relocation Advisor; (2) provide a written statement of the reasons your operation cannot be relocated without a substantial loss of existing patronage; and (3) provide

documentation supporting your claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different than business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If your nonprofit organization is interested in determining its eligibility for a fixed payment, please consult your Relocation Advisor for additional information.

Computation of the Fixed Payment

The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced, or a two-year period deemed more representative by the TJPA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, state and local income taxes. You must provide the TJPA with proof of net earnings to support your request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the TJPA.

Example of a Fixed Moving Payment Computation		
2004	2005	2006
Annual Net Earnings \$16,500	Annual Net Earnings \$18,500	Year Displaced
Average annual net earnings $\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$ Fixed Payment = \$17,500		

Section 4: Other Important Information

Filing Claims for Reimbursement

Relocation expenses typically will be reimbursed after your business or organization submits to your Relocation Advisor a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; your business or organization does not have to wait to submit claims for reimbursement until your business's or organization's relocation is complete.

For tenants of the Property, all claims for relocation assistance must be submitted to your Relocation Advisor and filed with the TJPA within 18 months after you vacate the Property. If you own and occupy the Property, however, then you must file all claims within 18 months of the later of (1) the date you vacate the Property, or (2) the date that you receive final payment for the acquisition of the Property. Your Relocation Advisor will work with you to properly document your claims for reimbursement. Your Relocation Advisor will submit each complete claim to the TJPA for review and processing. The TJPA will make every effort to provide reimbursement for any approved, eligible portion of that claim in approximately forty-five days.

If it is a hardship for your business to pay for relocation costs and to wait for reimbursement of those costs by the TJPA, your business may petition for hardship assistance. If the TJPA approves your petition for hardship assistance, then it will attempt to advance certain funds for your relocation based on fully documented requests. It is important that you work closely with your Relocation Advisor if you intend to file for hardship assistance. Such a petition should be made approximately eight weeks before payment is required.

If the TJPA denies all or a part of a claim for reimbursement, or if the TJPA refuses to consider a claim, the TJPA shall promptly notify you in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

Right to Appeal

Any aggrieved business or organization may file a written appeal with the San Francisco Relocation Appeals Board if the business or organization believes that the TJPA has failed to properly determine its eligibility for relocation assistance services, or the amount of a relocation payment.

You will be given a prompt and full opportunity to be heard by the Relocation Appeals Board. You have the right to be represented by legal counsel or another representative in connection with any appeal (but solely at your expense).

The Relocation Appeals Board will consider all pertinent justifications and materials submitted by you and the TJPA, and any other available information needed to ensure a fair review of your appeal. The Relocation Appeals Board will provide you with a written determination of your appeal with an explanation of the basis for its decision. If you are still dissatisfied, you may seek judicial review of the decision.

Relocation Payments Are Not Considered Income

No relocation reimbursement received by a business or organization will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by the TJPA to a third party can be considered to be a taxable event. As a result, all third party payments will be subject to an IRS Form W-9 from the TJPA.

Business Goodwill

If a property is acquired through condemnation, business tenants may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of the TJPA's Relocation Assistance Program. Your business should contact the TJPA's Right-of-Way Coordinator, Harry Quinn at (650) 892-5425 for more information regarding business goodwill.

Nondiscrimination

Under Title VII of the federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The TJPA's Nondiscrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex.

General Information

This brochure has been provided to you as a courtesy by the Transbay Joint Powers Authority and Associated Right of Way Services, Inc. It is intended to provide general information concerning the Relocation Assistance Program, and to assist you in understanding your rights and benefits. If you have questions regarding your relocation, please contact your Relocation Advisor.

Further details regarding federal and state relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 U.S.C. Section 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.; and the Federal Highway Administration website: www.fhwa.dot.gov/realestate.



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