

File No. 131232

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date January 27, 2014

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
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Completed by: Andrea Ausberry Date January 23, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Street Encroachment - Operator Convenience Facilities - Terminus of Various Muni Bus  
2 Routes]

3 **Resolution granting revocable permission to the Municipal Transportation Agency to**  
4 **occupy portions of the public right-of-way to install and maintain two new operator**  
5 **convenience facilities at the terminus of various Muni bus routes, and making**  
6 **environmental findings, and findings of consistency with the General Plan, and the**  
7 **eight priority policies of Planning Code, Section 101.1.**

8  
9 WHEREAS, Pursuant to Public Works Code Section 786, the San Francisco Municipal  
10 Transportation Agency (SFMTA) requested permission to occupy portions of the public right-  
11 of-way to install and maintain up to a total of seventy (70) operator convenience facilities  
12 (restrooms) at the terminus of various Muni bus routes throughout the City. Copies of such  
13 plans are on file in the office of the Clerk of the Board of Supervisors in File No. 131232 and  
14 are incorporated herein by reference; and,

15 WHEREAS, The Transportation Advisory Staff Committee, at its meeting of December  
16 20, 2012, recommended the proposed encroachments for approval; and,

17 WHEREAS, The Planning Department, by letter dated October 19, 2012, found 34 of  
18 the proposed restroom locations to be in conformity with the General Plan, including the  
19 following 2 specific locations: (1) Within an existing traffic island on Third Street at Keith  
20 Street; and, (2) On the southerly sidewalk of Hudson Avenue, easterly of Third Street. This  
21 letter also included a determination pursuant to the California Environmental Quality Act  
22 (California Public Resources Code section 21000 et seq.). A copy of said letter is on file with  
23 the Clerk of the Board of Supervisors in File No. 131232, and is incorporated herein by  
24 reference; and,

1           WHEREAS, On July 16, 2012, the San Francisco Arts Commission adopted Resolution  
2 No. 0910-12-227, which approved Phase 1 of the prefabricated design for 34 proposed  
3 restroom locations. A copy of said Resolution is on file with the Clerk of the Board of  
4 Supervisors in File No. 131232, and is incorporated herein by reference; and,

5           WHEREAS, After a duly noticed public hearing on May 22, 2012, the Department of  
6 Public Works (DPW), in DPW Order No. 181381, dated June 13, 2013, recommended  
7 approval of the proposed encroachments. A copy of said Order is on file with the Clerk of the  
8 Board of Supervisors in File No. 131232, and is incorporated herein by reference; and,

9           WHEREAS, The permit and its associated encroachment agreement, which describes  
10 the approximate locations of the restrooms among other terms, shall not become effective  
11 until:

12           (a) The Permittee executes and acknowledges the permit and delivers said permit to  
13 the City's Controller, and

14           (b) DPW records the permit and associated agreement in the office of the County  
15 Recorder; and,

16           WHEREAS, The permit and its associated agreement are on file with the Clerk of the  
17 Board of Supervisors in File No. 131232 and incorporated herein by reference; and,

18           WHEREAS, The Permittee, at its sole expense and as is necessary as a result of this  
19 permit, shall make the following arrangements:

20           (a) To provide for the support and protection of facilities under the jurisdiction of DPW,  
21 the San Francisco Water Department, the San Francisco Fire Department and other City  
22 Departments, and public utility companies;

23           (b) To provide access to such facilities to allow said entities to construct, reconstruct,  
24 maintain, operate, or repair such facilities; and,

1 (c) To remove or relocate such facilities if installation of the encroachment requires  
2 said removal or relocation and to make all necessary arrangements with the owners of such  
3 facilities, including payment for all their costs, should said removal or relocation be required;  
4 and

5 WHEREAS, The Permittee shall procure the necessary permits for installation of the  
6 restrooms from the Bureau of Street-Use and Mapping, Department of Public Works; and,

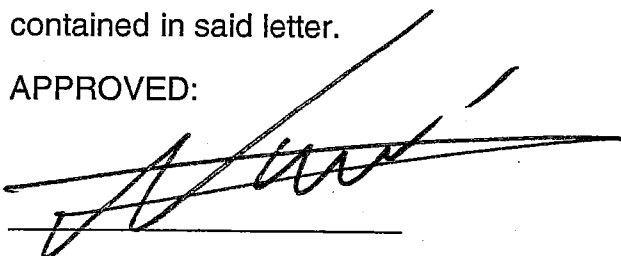
7 WHEREAS, No structures shall be erected or constructed within said street right-of-  
8 way except as specifically permitted herein; and,

9 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the  
10 encroachments and no cost or obligation of any kind shall accrue to DPW by reason of this  
11 permission granted; now, therefore be it

12 RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
13 Supervisors hereby grants revocable permission to SFMTA, to occupy portions of the public  
14 right-of-way to install and maintain two operator convenience facilities(1) Within an existing  
15 traffic island on Third Street at Keith Street; and, (2) On the southerly sidewalk of Hudson  
16 Avenue, easterly of Third Street. and, be it

17 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency  
18 with the General Plan and Planning Code Section 101.1 as set forth in the Planning  
19 Department letter dated October 19, 2012, and affirms the environmental determination  
20 contained in said letter.

21 APPROVED:

22 

23  
24 Mohammed Nuru

25 Director of Public Works

Department of Public Works  
BOARD OF SUPERVISORS



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

AK  
2013 DEC 16 PM 3:54

AK



December 9, 2013

Clerk, Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102-4689

Dear Clerk of the Board:

Attached please find an original, two copies, and one electronic copy of a proposed resolution for Board of Supervisors consideration. This resolution would grant revocable permission to San Francisco Municipal Transportation Agency (SFMTA) to occupy portions of the public right-of-way to install and maintain two operator convenience facilities/restrooms at various locations at terminals of MUNI bus routes. The resolution would also make findings of consistency with the priority policies of Planning Code Section 101.1.

Pursuant to Section 786 of the Public Works Code, SFMTA, the Permittee, requested a Major Encroachment Permit in a letter dated May 14, 2012. The Transportation Advisory Staff Committee (TASC) heard this request on December 20, 2012 and recommended it for approval. The Planning Department, by letter dated November 6, 2012, found the following 2 specific locations: (1) Within an existing traffic island on Third Street at Keith Street; (2) On the southerly sidewalk of Hudson Avenue, easterly of 3<sup>rd</sup> Street; to be in conformity with the General Plan and with the priority policies of Planning Code Section 101.1.

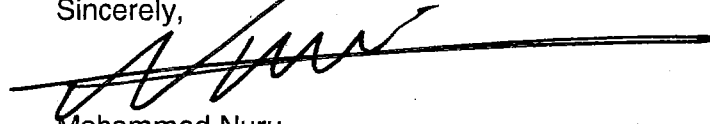
The following is a list of accompanying documents (three sets):

- Letter from SFMTA dated May 14, 2012.
- Letter from the Planning Department dated October 19, 2012.
- DPW Order No. 181381, approved June 13, 2013, recommending the approval of the proposed Major Encroachment.
- Proposed plans for the Major Encroachment Permit.
- Copy of Street Encroachment Agreement (signed original in File No. 130877).



The following people may be contacted regarding this matter: Mr. Nick Elsner of BSM at (415) 554-6186 or Ms. Janet Martinsen of SFMTA at (415) 701-4693

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Nuru', is written over a horizontal line.

Mohammed Nuru  
Director of Public Works

Attachments: As Noted



Edwin M. Lee | Mayor  
Tom Nolan | Chairman  
Cheryl Brinkman | Vice-Chairman  
Leona Bridges | Director  
Malcolm Heinicke | Director  
Jerry Lee | Director  
Joél Ramos | Director  
Edward D. Reiskin | Director of Transportation

14 May 2012

Nick Elsner  
DPW/BSM  
875 Stevenson St. Room 460  
San Francisco, CA 94103

Re: Major Street Encroachment Permit for an SFMTA operator convenience facilities

Dear Mr. Elsner *Nick*

On 20 April 2012 SFMTA submitted a request for a Major Street Encroachment Permit for an SFMTA operator convenience facility at 5 locations. In our subsequent meetings we have decided to revise that submittal. This is a revision of the original request.

SFMTA is requesting a Major Street Encroachment permit for up to 70 SFMTA operator convenience facilities throughout the City. The SFMTA has approximately 76 transit lines with 161 terminals – i.e., each transit line has at least one and in many cases multiple beginning and end terminals. When Muni Operators reach these terminals, they typically take a break, including using a restroom. The SFMTA has provided various types of restrooms, including in yards, in permanent structures, in privately owned and licensed facilities, and temporarily in portables. The SFMTA is also in the process of identifying where there are “gaps” where restrooms need to be provided – now and the future for Muni Operators.

These will be for prefabricated units to be located in the public right of way at the terminals of SFMTA transit lines. There are 6 locations which have been specifically identified. These facilities are located at the terminals of the #44 O’Shaughnessy, the #54 Felton, the #29 Sunset, the #33 Stanyan, the #71 Haight/Noriega and the #1 California.

For the initial six locations SFMTA is planning to use an operator convenience facility that is a prefabricated ADA unit with a women’s, a men’s and a unisex ADA accommodation. The unit is 12’ x 8’ x 10’.

The six locations are Evans Avenue, Hudson Avenue, Fitzgerald Avenue, 25th Street, Ortega Avenue and Geary Boulevard.



Please call me if you have any questions or if there is more information that you need.

Sincerely



Drew Howard  
Project Manger

Attachments

6 sets of location plans revised  
6 sets of locale plans revised

Cc. Kerstin Magary via email  
Dustin White via email  
Joseph Nguyen via email  
Steve Shotland via email  
Monica Pereira via email  
Joy Navarette via email



City and County of San Francisco



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

San Francisco Department of Public Works

Office of the Deputy Director & City Engineer, Fuad Sweiss  
Bureau of Street-Use & Mapping  
1155 Market Street, 3rd Floor  
San Francisco Ca 94103

(415) 554-5810 ■ www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

**DPW Order No: 181381**

RECOMMENDATION OF APPROVAL FOR A MAJOR (STREET) ENCROACHMENT PERMIT FOR MUNICIPAL TRANSPORTATION AGENCY (MTA) TO INSTALL AND MAINTAIN UP TO THIRTY (30) OF A TOTAL OF SEVENTY (70) SFMTA OPERATOR CONVENIENCE FACILITIES/RESTROOMS WITHIN THE PUBLIC RIGHT-OF-WAY AT VARIOUS LOCATIONS.

**APPLICANT:** San Francisco Municipal Transportation Agency  
One South Van Ness Ave, 7<sup>th</sup> Floor  
San Francisco, CA 94103  
Attention: Drew Howard

**PROPERTY IDENTIFICATION:** Various locations

**DESCRIPTION OF REQUEST:** Major (Street) Encroachment Permit

**BACKGROUND:**

SFMTA filed an application with the Department of Public Works (DPW) for a Major (Street) Encroachment Permit to install and maintain up to a total of seventy (70) SFMTA operator convenience facilities/restrooms at various locations throughout the City. These facilities are prefabricated units and are proposed to be located within the public rights-of-way at the terminals of SFMTA/MUNI transit lines. The restroom facilities would solely be for use by MUNI operators and would not be available for use by the general public.

The Planning Department by letter dated October 19, 2012 determined that thirty (30) of the proposed restroom locations are in conformity with the General Plan. SFMTA requested DPW to proceed with the approval of the thirty (30) restroom locations.

The Transportation Advisory Staff Committee (TASC) at its meeting of December 20, 2012 recommended approval of thirty (30) of the proposed restroom locations.

The San Francisco Arts Commission approved Phase 1 of the design of the prefabricated restrooms for the thirty (30) proposed restroom locations on July 16, 2012 by RESOLUTION NO. 0910-12-227



San Francisco Department of Public Works  
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

DPW scheduled a public hearing for May 22, 2013 and posted the public hearing notice in the San Francisco Official Newspaper, San Francisco Chronicle on May 10, 2013 to notify property owners of the hearing to consider the proposed Major (Street) Encroachment Permit for the thirty (30) proposed restroom locations.

Hearing Officer, Gabriella Judd Cirelli, conducted the hearing and heard testimony presented by DPW Staff.

Mr. Drew Howard, the Project Manager, represented SFMTA and presented testimony that these locations are a part of ongoing program to provide facilities at terminals where operators take their breaks. Mr. Drew Howard stated that although this ongoing program requires a total of 30 at this time, a lesser number may actually be installed.

No objections were received to DPW of SFMTA with regard to the newspaper posting, and no additional testimony was presented in support or in opposition to the permit application during the hearing

The Hearing Officer made her decision after hearing the above testimony, and reviewing the application, reports, plans and other documents contained in the Department of Public Works files.

**RECOMMENDATION:** APPROVAL of the request for the Major (Street) Encroachment Permit.

**FINDING 1.** The proposed restroom locations, based on review of the submitted plans, are in compliance with San Francisco Building Code (SFBC), 2010 ADA Standards for Accessible Design and Title II of the ADA, otherwise known as 28 CFR Part 35 "Nondiscrimination on the Basis of Disability in State and Local Government Services,

**FINDING 2.** The subject encroachment is desirable and convenient to the MUNI operators.

**FINDING 3.** The proposed restrooms encroachment design satisfies all technical requirements as they relate to City Standards and the Public Works Code.

**FINDING 4.** The Arts Commission recommended approval of Phase 1 for the design of the thirty (30) prefabricated restrooms. The Civic Design Committee also stated that for all the additional locations, SFMTA would need to come back with site specific design information to be able to get Phase 2

**FINDING 5** The proposed restrooms are on balance, in-conformity with the General Plan provided sufficient space for pedestrian movement.

**FINDING 6** The proposed thirty (30) restroom locations are recommended for approval by TASC and are in conformity with the General Plan.



6/11/2013

X 

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Sanguinetti, Jerry  
Bureau Manager

6/13/2013

X Mohammed Nuru

---

Nuru, Mohammed  
Director, DPW

6/12/2013

X 

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Sweiss, Foad  
Deputy Director and City Engineer





# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

**Date:** October 19, 2012

**Case No.** Case No. 2012.0613R  
SFMTA MUNI Operator Restroom Facilities

**Block/Lot No.:**

|                          |          |
|--------------------------|----------|
| 1298 Potrero Avenue      | 4265/007 |
| 1451 Hampshire St        | 4276/014 |
| 74101 Ortega Street      | 2086/001 |
| 1601 Hudson Avenue       | 5260/001 |
| 1398 Fitzgerald St       | 4912/006 |
| 682 32 <sup>nd</sup> Ave | 1574/001 |

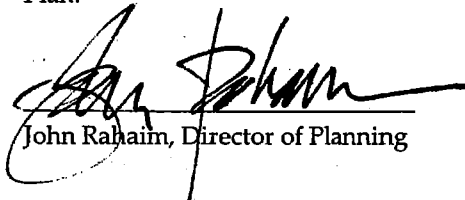
Additional – see attachment

**Project Sponsor:** Drew Howard  
SF Municipal Transportation Agency  
1 South Van Ness Avenue 7<sup>th</sup> Floor  
San Francisco, CA 94103

**Applicant:** Nick Elsner  
Department of Public Works / Bureau of Street Use & Mapping  
875 Stevenson Street, Room 460  
San Francisco, CA 94102

**Staff Contact:** Sarah Dennis Phillips – (415) 558-6308  
*Sarah.Dennis-Phillips@sfgov.org*

**Recommendation:** Finding the project, on balance, **in conformity** with the General Plan.

**Recommended**  
**By:**   
John Rahaim, Director of Planning

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The Planning Department has received a General Plan Referral application for a Major Encroachment Permit for installation of restroom facilities proposed to be installed in public rights-of-way including sidewalk areas. The restroom facilities would solely be used by MUNI operators and would not be available to the public.

The SF Municipal Transportation Agency provides various types of restroom facilities, including providing restrooms in bus yards, in permanent structures, in privately owned and licensed facilities, and

temporarily in portable restroom facilities. However, out of more than 140 bus line terminals in the city, 43 have no bathroom facilities and 14 have only temporary portable toilets. Drivers along unserved lines are forced to search for facilities or pull into a Muni bus yard, causing service delays. The SFMTA proposes to provide restroom facilities for bus operators at the terminus of numerous lines in order to minimize gaps between available restroom facilities for the comfort and safety of bus operators.

SFMTA has identified five specific route locations where it proposes to install the initial set of prefabricated restroom facilities (Attachment 1). They also propose to locate up to 30 additional facilities throughout the City, at the terminals of numerous SFMTA transit lines. While the precise location of these is still being determined, the nearest intersection is listed in the attached list (Attachment 2). These will be located following the guidelines of "Exhibit B Surface-Mounted Facility Placement Guidelines" of Order No. 175,566 "Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way" (Attachment 3).

**SITE DESCRIPTION**

The proposed sidewalk bulbouts and MUNI operator restroom facilities would be installed in public rights-of-way along 5 identified routes, described below and further detailed in Attachment 1; and at 30 other locations.

|    | <u>MUNI Line</u> | <u>Street Address</u>    | <u>Location</u>                             | <u>Block/Lot</u> |
|----|------------------|--------------------------|---|------------------|
| 1. | 33 Stanyan       | 1298 Potrero Avenue      | On 25 <sup>th</sup> St, east of Potrero Ave | 4265/007         |
|    |                  | 1451 Hampshire St        | On Hampshire, north of Cesar Chavez         | 4276/014         |
| 2. | 71 Noriega       | 4101 Ortega Street       | On Ortega, west of 48 <sup>th</sup> Ave.    | 2086/001         |
| 3. | 54 Felton        | 1601 Hudson Avenue       | On Hudson, west of Newhall St.              | 5260/001         |
| 4. | 29 Sunset        | 1398 Fitzgerald St       | On island at Fitzgerald & Third St.         | 4912/006         |
| 5. | 38 Geary         | 682 32 <sup>nd</sup> Ave | On SFUSD property fronting Geary            | 1574/001         |

The prefabricated metal units are approximately 12' long x 8' wide x 10' tall, and would be installed within or adjacent to the public sidewalk. Where they conflict with the official sidewalk width, they would be installed in conjunction with planted sidewalk bulb-outs utilizing portions of adjacent parking lanes. The project would result in loss of a limited number of on-street parking spaces in locations where a planted bulb-out is included. All the units will be constructed so that if the terminal is moved, the unit can be disconnected from the utilities and moved as well.

**ENVIRONMENTAL REVIEW**

The Planning Department's Environmental Planning Section has determined that the proposed project is categorically exempt (Class 3) from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303.

**GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION**

Provision of restroom facilities for MUNI coach drivers along service routes would address a necessary public health and safety issue, and reduce delays by bus operators seeking to find and use available

restrooms not designated for their use. Provision of such facilities is clearly in support of the City's Transit First Policy and other General Plan policies regarding transit.

The General Plan and the Better Streets Plan both support the relationship between active building frontages, such as those containing commercial, residential or other entries, and the pedestrian realm. The identified route locations for the initial set of prefabricated restroom facilities are sited in relatively unobtrusive locations, and are not directly enfronted by residential or active neighborhood commercial uses. The 30 additional facilities should be similarly sited away from active frontages.

The Better Streets Plan includes dimensions and guidelines for each sidewalk zone, including the throughway zone intended for accessible pedestrian travel. While accessibility regulations require a clear path of travel of minimum 4 feet in width, the Better Streets Plan aims to improve on this minimum and states that all street types other than alleys should maintain 6 feet of clear path of travel in order to provide sufficient space for pedestrian movement. Alleys and neighborhood residential streets with very low pedestrian volumes may maintain a minimum 4 feet clear path of travel. The identified route locations for the initial set of prefabricated restroom facilities meet these directives, and the 30 additional facilities should be sited to similarly maintain the required width for travel.

The Better Streets Plan calls for a clear, accessible path of travel, free from barriers and obstructions, on all streets to increase usability for all, including people with disabilities, seniors, children, and parents with strollers. Restrooms located under this program should be sited to maintain a linear path of travel along the sidewalk, and place obstructions outside of the path of travel to avoid impeding pedestrian flow. To meet this directive, the project sponsor has indicated one of the proposed sitings, Block 2086 Lot 2001 will be moved to the proposed curb line, to retain a consistent path of travel from the existing sidewalk along Ortega Street. The remaining identified route locations meet this directives, and the 30 additional facilities should be sited to similarly maintain a linear path of travel wherever possible.

Placing the facilities away from active frontages, while maintaining a clear and direct path of travel, will ensure consistency with the Better Streets Plan and the General Plan. The 5 selected locations are on balance, **in-conformity** with the below Objectives and Policies of the General Plan: The remaining 30 sites have been identified by the nearest cross street, but a precise location (block/lot) has not yet been determined. These locations are in conformance with the General Plan provided their ultimate location does not conflict with residential or commercial frontages, institutional entrances or entrances to public space; and provides sufficient space for pedestrian movement. Please note that, in order to adhere to the consistency findings of this Referral, *the specific siting of each future restroom must be located away from any active frontages, and must enable a minimum width of 6' feet on most streets.*

Any additional locations other than those covered by this Referral would be subject to additional General Plan review.

TRANSPORTATION ELEMENT

POLICY 11.2

Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.

Every decision to direct expenditures toward improving congestion and parking conditions should first consider the improvement of transit operations.

POLICY 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

OBJECTIVE 18

ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND.

POLICY 20.5

Place and maintain all sidewalk elements, including passenger shelters, benches, trees, newsracks, kiosks, toilets, and utilities at appropriate transit stops according to established guidelines.

POLICY 21.10

Ensure passenger and operator safety in the design and operation of transit vehicles and station facilities.

POLICY 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

POLICY 23.3

Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and forcing indirect crossings to accommodate automobile traffic.

POLICY 23.5

Establish and enforce a set of sidewalk zones that provides guidance for the location of all pedestrian and streetscape elements, maintains sufficient unobstructed width for passage of people, strollers and wheelchairs, consolidates raised elements in distinct areas to activate the pedestrian environment, and allows sufficient access to buildings, vehicles, and streetscape amenities.

POLICY 23.9

Implement the provisions of the Americans with Disabilities Act and the city's curb ramp program to improve pedestrian access for all people.

**URBAN DESIGN ELEMENT**

**OBJECTIVE 1:**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**POLICY 1.1**

**Recognize and protect major views in the city, with particular attention to those of open space and water.**

**POLICY 1.10**

**Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.**



**PROPOSITION M FINDINGS – Planning Code Section 101.1**

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

**Eight Priority Policies Findings**

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

*The Project would have no adverse effect on the City's housing stock. The project would construct sidewalk bulb-outs on which it would install prefabricated restrooms for use by MUNI operators. In some locations these would replace "port-a-potties" provided for MUNI operator use. When specific sites are considered, the Department may make recommendations provision of street trees to screen the installations, public art or other elements to improve neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced.

*The Project would have no adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking. The project would provide restroom facilities at six MUNI line terminals, providing infrastructure necessary for MUNI operators.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

*The Project would not affect the existing economic base.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. The prefabricated restroom units would meet standards for similar structures, as required.*

7. That landmarks and historic buildings be preserved.

*The project does not involve any historic buildings. Installations should be sited adjacent to landmarks or historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project is limited to installation of six (6) prefabricated restroom facilities on sidewalk bulb-outs. The structures, limited to 8' x 12' and 10 feet tall, would not limit park access to sunlight. Should MUNI operator restroom facilities be proposed to be installed in or adjacent to property under the jurisdiction of the Recreation and Park Commission, SFMTA should request review and approval of installation at these locations.*

|                        |   |
|------------------------|---|
| <b>RECOMMENDATION:</b> | <b>Finding the Project, on balance, in-conformity with the General Plan</b> |
|------------------------|---|

**Attachments:**

- Attachment 1- Initial Identified Locations
- Attachment 2 - 30 Additional Facilities Locations
- Attachment 3- "Exhibit B Surface-Mounted Facility Placement Guidelines" of Order No. 175,566 "Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way"



Edwin M. Lee, Mayor  
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

## STREET ENCROACHMENT AGREEMENT

### WITNESSETH

In consideration of the City and County of San Francisco Board of Supervisors' adoption of Resolution No. 0362-13 (the "Permit") at its meeting of October 8, 2013, a true copy of which is attached hereto as Exhibit A and incorporated herein by reference, and subject to all the terms, conditions and restrictions of this Street Encroachment Agreement ("Agreement"), the San Francisco Municipal Transportation Agency (referred to herein as SFMTA or "Permittee") agrees as follows:

1. The Permit for the herein described encroachment shall constitute a revocable license, shall be personal to Permittee and shall not be assignable or transferable, whether separate from or together with any interest of Permittee.

Upon revocation of such Permit, the undersigned Permittee will within 30 days remove or cause to be removed the encroachment and all materials used in connection with its construction, without expense to the Department of Public Works and shall restore the area to a condition satisfactory to the Department of Public Works.

2. The occupancy, construction, and maintenance of the encroachment shall be in the location and as specified by the plans submitted, revised, approved and filed in the Department of Public Works and attached hereto as Exhibit B and incorporated herein by reference. The Permittee, by acceptance of this Permit, acknowledges its responsibility to comply with all requirements of the occupancy, construction, and maintenance of the encroachment as specified in Public Works Code Section 786.

3. The Permittee shall verify the locations of City and public service utility company facilities that may be affected by the work authorized by this Agreement and the Permit and shall assume all responsibility for any damage to such facilities due to the work. The Permittee shall make satisfactory arrangements for any necessary temporary or permanent relocation of City and public utility company facilities; however, as a City entity, Permittee, only is responsible for payments related to any relocation of City facilities.

4. In consideration of this Agreement and the Permit being issued for the work described in the application, Permittee on its behalf promises and agrees to perform all the terms of this Agreement and the Permit and to comply with all applicable laws, ordinances, and regulations.



5. The Permittee shall obtain any required building permit at the Department of Building Inspection, 1660 Mission Street for the construction or alteration of any building pursuant to this Agreement. The Permittee or its contractor shall obtain approval of any and all units by the California Department of Housing and Community Development.

6. Prior to undertaking the work permitted herein, the Permittee shall arrange for an inspection of the permitted encroachments by the Department of Public Works' Bureau of Street-Use & Mapping (BSM). The Permittee also shall contact the Department's BSM at (415) 554-7149 for a final inspection of the restrooms to ensure conformance with City Standards and Specifications.

7. The Permittee's right to use the public rights-of-way, as set forth in this Agreement and the Permit, is appurtenant to the properties occupied by the sidewalks that are located near the terminus of existing Muni lines, including the following 2 specific locations: (1) On 25<sup>th</sup> Street, west of Potrero Avenue (1298 Potrero Avenue); and (2) On Ortega Street, west of 48<sup>th</sup> Avenue (4101 Ortega Street);

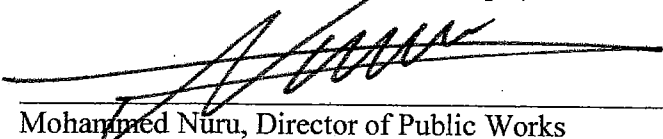
8. Should the Department of Public Works consider any disposition of the affected public right-of-way described in Section 7, the Department of Public Works shall be responsible for providing the SFMTA with reasonable advance notice prior to any action being taken on such property and shall not transfer any title to such property without the SFMTA's prior written approval.

9. The SFMTA shall be responsible for the maintenance of the restrooms located on the public right-of-way, as well as the surrounding sidewalk right-of-way to the nearest score line adjacent to the restroom, as described in Section 7. The Department of Public Works shall be responsible for the maintenance of the public right-of-way surrounding the restrooms, except to the extent maintenance is required as a result of the construction, use, or maintenance of the restrooms, and except for the maintenance of the public sidewalk rights-of-way where Section 706 of the Public Works Code takes precedence.

10. All of the provisions of this Agreement shall be deemed provisions of said Permit. All of the provisions of said Permit shall be deemed provisions of this Agreement.

In witness whereof the undersigned Permittee has executed this Agreement this 25<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Edward D. Reiskin, Director of Transportation

  
\_\_\_\_\_  
Mohammed Nuru, Director of Public Works

# EXHIBIT A

Board of Supervisors' Resolution

1 [Street Encroachment - Operator Convenience Facilities - Terminus of Muni Transit Lines]

2  
3 **Resolution granting revocable permission to the Municipal Transportation Agency to**  
4 **occupy portions of the public right-of-way to install and maintain two new operator**  
5 **convenience facilities at the terminus of various Muni bus routes; and making**  
6 **environmental findings, and findings of consistency with the General Plan, and the**  
7 **eight priority policies of Planning Code, Section 101.1.**

8  
9 WHEREAS, Pursuant to Public Works Code Section 786, the San Francisco Municipal  
10 Transportation Agency (SFMTA) requested permission to occupy portions of the public right-  
11 of-way to install and maintain up to a total of seventy (70) operator convenience facilities  
12 (restrooms) at the terminus of various Muni bus routes throughout the City. Copies of such  
13 plans are on file in the office of the Clerk of the Board of Supervisors in File No. 130877 and  
14 are incorporated herein by reference; and

15 WHEREAS, The Transportation Advisory Staff Committee, at its meeting of December  
16 20, 2012, recommended the proposed encroachments for approval; and

17 WHEREAS, The Planning Department, by letter dated October 19, 2012, found 34 of  
18 the proposed restroom locations to be in conformity with the General Plan, including the  
19 following 2 specific locations: (1) On 25<sup>th</sup> Street, east of Potrero Avenue (1298 Potrero  
20 Avenue); and, (2) On Ortega Street, west of 48<sup>th</sup> Avenue (4101 Ortega Street). This letter  
21 also included a determination pursuant to the California Environmental Quality Act (California  
22 Public Resources Code section 21000 et seq.). A copy of said letter is on file with the Clerk of  
23 the Board of Supervisors in File No. 130877, and is incorporated herein by reference; and

24 WHEREAS, On July 16, 2012, the San Francisco Arts Commission adopted Resolution  
25 No. 0910-12-227, which approved Phase 1 of the prefabricated design for 34 proposed

1 restroom locations. A copy of said Resolution is on file with the Clerk of the Board of  
2 Supervisors in File No. 130877, and is incorporated herein by reference; and

3 WHEREAS, After a duly noticed public hearing on May 22, 2012, the Department of  
4 Public Works (DPW), in DPW Order No. 181381, dated June 13, 2013, recommended  
5 approval of the proposed encroachments. A copy of said Order is on file with the Clerk of the  
6 Board of Supervisors in File No. 130877, and is incorporated herein by reference; and

7 WHEREAS, The permit and its associated encroachment agreement, which describes  
8 the approximate locations of the restrooms among other terms, shall not become effective  
9 until:

10 (a) The Permittee executes and acknowledges the permit and delivers said permit to  
11 the City's Controller, and

12 (b) DPW records the permit and associated agreement in the office of the County  
13 Recorder; and

14 WHEREAS, The permit and its associated agreement are on file with the Clerk of the  
15 Board of Supervisors in File No. 130877 and incorporated herein by reference; and

16 WHEREAS, The Permittee, at its sole expense and as is necessary as a result of this  
17 permit, shall make the following arrangements:

18 (a) To provide for the support and protection of facilities under the jurisdiction of DPW,  
19 the San Francisco Water Department, the San Francisco Fire Department and other City  
20 Departments, and public utility companies;

21 (b) To provide access to such facilities to allow said entities to construct, reconstruct,  
22 maintain, operate, or repair such facilities; and

23 (c) To remove or relocate such facilities if installation of the encroachment requires  
24 said removal or relocation and to make all necessary arrangements with the owners of such  
25

1 facilities, including payment for all their costs, should said removal or relocation be required;  
2 and

3 WHEREAS, The Permittee shall procure the necessary permits for installation of the  
4 restrooms from the Bureau of Street-Use and Mapping, Department of Public Works; and

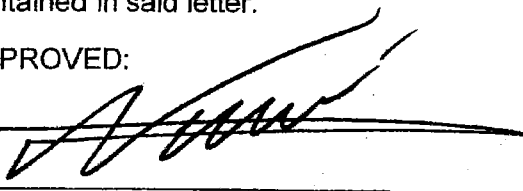
5 WHEREAS, No structures shall be erected or constructed within said street right-of-  
6 way except as specifically permitted herein; and

7 WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the  
8 encroachments and no cost or obligation of any kind shall accrue to DPW by reason of this  
9 permission granted; now, therefore, be it

10 RESOLVED, That pursuant to Public Works Code Section 786, the Board of  
11 Supervisors hereby grants revocable permission to SFMTA, to occupy portions of the public  
12 right-of-way to install and maintain two operator convenience facilities at (1) 25<sup>th</sup> Street, east  
13 of Potrero Avenue (1298 Potrero Avenue); and (2) on Ortega Street, west of 48<sup>th</sup> Avenue  
14 (4101 Ortega Street); and, be it

15 FURTHER RESOLVED, That the Board adopts as its own the findings of consistency  
16 with the General Plan and Planning Code Section 101.1 as set forth in the Planning  
17 Department letter dated October 19, 2012, and affirms the environmental determination  
18 contained in said letter.

19 APPROVED:

20   
21 \_\_\_\_\_

22 Mohammed Nuru

23 Director of Public Works  
24  
25





City and County of San Francisco

Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 130877

Date Passed: October 08, 2013

Resolution granting revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

September 30, 2013 Land Use and Economic Development Committee - AMENDED

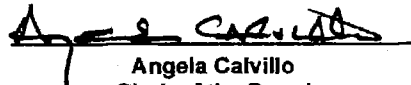
September 30, 2013 Land Use and Economic Development Committee - RECOMMENDED  
AS AMENDED

October 08, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener  
and Yee

File No. 130877

I hereby certify that the foregoing  
Resolution was ADOPTED on 10/8/2013 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved

**CIVIC DESIGN REVIEW COMMITTEE**

**Monday, July 16, 2012**

3:00 p.m.

25 Van Ness Avenue, Suite 70

**Minutes**

**Commissioners present:** Cass Calder Smith, Dorka Keehn, Kimberlee Stryker

**Commissioners absent:** Leo Chow

**Staff present :** Tom DeCaigny, Vicky Knoop

**Call to order: 3:00 p.m.**

**1. SFMTA Operator Convenience Facilities: Phase 1**

Kerstin Magary, SFMTA Project Manager, introduced the project and gave an overview of the current lack of adequate operator facilities at the terminus of bus lines.

Tara Lamont, Interim Manager, DPW BDC presented the locations of the proposed five new prefabricated restrooms. The revised proposal has moved the siting of some of the restrooms from the parking lane to safer locations off of the street. Others will have a sidewalk bulb with a bioswale around the restroom. The prefabricated buildings are plumbed into the City's water system. SFMTA requirements, such as a one week construction period, limit the type and style of the structures.

Commissioner Keehn commented that the siting and design are significantly improved.

Commissioner Smith suggested exploring colors that relate to existing City systems. He also expressed a preference for the curved design option.

Commissioner Stryker suggested combining elements, such as signal boxes and bus shelters, with the new structure to minimize the impact on the street.

Ms. Magary explained that the bus shelters are controlled by a contract with Clear Channel and are unable to be changed.

Commissioner Stryker commented favorably on the bioswale bulb outs.

Commissioner Smith suggested presenting Phase 2 and Phase 3 together, but asked to be sent images of the selected prefabricated structure prior to the next Committee review.

Commissioner Smith opened the floor to public comment.

Eric Williams, Transportation Workers Union, said that he appreciates the Commissioner's comments and that the revised design has responded to many concerns. He reminded the committee of budget and time constraints.

Commissioner Smith closed the floor to public comment.

**Motion to approve Phase 1 of the SFMTA Operator Convenience Facilities with the contingency of exploring additional color options, presenting a more detailed site plan and working with the alternative design options:**

**Commissioner Keehn**  
**Vote: Unanimously approved**

2. **Moccasin Control and Server Building: Phase 1**

Steve Thomazin, Project Engineer, SFPUC HHWP, explained that several of the buildings in Moccasin are from the early 1900's when the SFPUC purchased the town. The Moccasin Control and Server Building will replace one of the older buildings on site that is currently unused. He presented historic photographs of the site and building. He explained that the existing structure is in very poor condition, but the new facility will have the same footprint. The new structure will be a powerhouse operators control room and server data back up center. The building will not be open to the public. The design inspiration is from the existing buildings on site. The town of Moccasin has a population of 160 people with 150 working for the PUC facilities. Fifty people came to a public meeting and spoke in favor of the stucco and tile building.

Commissioner Smith asked about the total construction cost.

Mr. Thomazin said it is \$1.5 million.

Commissioner Keehn asked about solar power.

Mr. Thomazin said that the PUC has decided not to do photovoltaic power in Moccasin. As the powerhouse control room, the facility has a nearly unlimited power supply.

Commissioner Stryker recommended looking at the water consumption of the selected plants. She also suggested adding trees to shade the parking lot.

Mr. Thomazin explained that the planting palette is derived from successful plants in the area.

Commissioner Smith said they are headed in the right design direction by matching the stucco and tile of existing structures.

**Motion to approval Phase 1 of the Moccasin Control and Server Building:**  
**Commissioner Stryker**  
**Vote: Unanimously approved**

3. **Washington Square Restroom Replacement: Phase 1**

Mary Hobson, Project Manager, Recreation and Parks Department, explained that Washington Square Park has landmark status, but the restroom does not.

Paulett Taggart, Paulett Taggart Architects, presented the site of the restroom which is near the existing playground. Currently, this is the second most used restroom in the parks system, but is not ADA accessible. The new design will expand the size of the restrooms and provide maintenance and custodial space. The play area may be expanded at a later date, and the new building is accounting for that possible expansion. Additionally, the roof is designed for

rainwater catchment for use in future community gardens. The roof is zinc and will be recyclable in the future.

Commissioner Smith suggested using a lighter color concrete.

Commissioner Keehn commented that the color could be picked up from the previously approved Recreation and Parks restrooms.

Commissioner Smith asked about extending the roof.

Ms. Taggart responded that they are looking to pull in the screens to make the roof look larger.

Commissioner Smith opened the floor to public comment.

Ken Maley commented that the Friends of Washington Square are pleased with the community process and requested more discussion on the exterior color of the building.

Commissioner Smith closed the floor to public comment.

**Motion to approve Phase 1 of the Washington Square Park Restroom:**

**Commissioner Keehn**

**Vote: Unanimously approved**

**4. Public Comment**

There was no general public comment.

**5. New Business**

There was no new business.

**6. Old Business**

There was no old business.

**7. Adjournment: 4:30 p.m.**

# MEETING OF THE FULL ARTS COMMISSION

Monday, September 10, 2012

3:00 p.m.

City Hall Room 416

1 Dr. Carlton B. Goodlett Place

## Minutes

Commission President JD Beltran called the meeting to order at 3:05 p.m.

### 1. Roll Call

#### Commissioners Present

JD Beltran, President

Gregory Chew

Leo Chow

Charles Collins

Dorka Keehn

Roberto Ordeñana

Jessica Silverman

Barbara Sklar

#### Commissioners Absent

Sherene Melania, Vice President

John Calloway

Amy Chuang

Cass Calder Smith

Kimberlee Stryker

Rodney Fong, ex officio

President Beltran announced that because of a family medical emergency, Commissioner Sklar could not stay past 4:00 p.m. and without her, there would not be a quorum. Therefore, she explained, she would take action items on the agenda first, and take reports later, if there was time. She added that she would sever items 8 and 9 on the Consent Calendar, having to do with the Street Artist spaces, for separate consideration in response to the request of a member of the public.

### 2. Approval of Minutes

There was no public comment and the minutes were approved as submitted.

**RESOLUTION NO. 0910-12-218:** Motion to approve July 2, 2012 Minutes.

### 3. Consent Calendar

President Beltran called for approval of the Consent Calendar except for items 8 and 9, having to do with Street Artist spaces.

#### **Public Comment:**

Ray Hartz of San Francisco Open Government submitted the following written statement:

"Today's agenda is typical of others I have reviewed during Arts Commission meetings. The Consent Calendar has 45 separate items, many with multiple parts. The basis of all action is the recommendation of staff. Part of the Executive Summary of the Civil Grand Jury report of 2011-2012 reads as follows: "The Jury found that the Commission's current make-up of 11 active arts professionals out of the 15 members, as required by the Charter, fosters a focus on arts programming to the neglect of general administration, operations, and finance. Added to that, a lack of sufficient orientation and training of the Commissioners limits their ability to raise questions and make informed evaluations of Commission staff and budgets." I have yet to see any member of the committees vote against the recommendations of staff. I have yet to see any member of the full Commission vote against the recommendations of a committee."

There was no further public comment.

President Beltran commented that frequently, if the Commission or its committees disagree with staff recommendation, they will ask staff to go back and redo the project or rework the recommendation.

Commissioner Collins noted that he was fairly new, and recalled a very lively, informative and wonderful discussion about Bayview Opera House at a recent Community Art, Education and Grants Committee meeting. It helped him better understand the relationships with staff and the community, and he said that he was careful to understand the things he needs to know about. He agreed with President Beltran's comment about the open and clear discussion at the committee level.

President Beltran said that she would have to recuse herself as to item 22, regarding a contract with Scott Minneman on the *Facsimile* art project at Moscone West, and since there were only eight Commissioners present, there would not be a quorum without her, she held over the motion till the next meeting.

President Beltran called for a vote on the remaining Consent Calendar, with the exception of items 8, 9 and 22, as described above. It was approved as follows.

**RESOLUTION NO. 0910-12-219:**

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

**Approval of Committee Minutes**

1. **RESOLUTION NO. 0910-12-220:** Community Arts, Education and Grants Committee Meeting Minutes of July 10, 2012.
2. **RESOLUTION NO. 0910-12-221:** Motion to approve the Street Artists Committee Meeting Minutes of July 11, 2012.
3. **RESOLUTION NO. 0910-12-222:** Motion to approve the Civic Design Review Committee Meeting Minutes of July 16, 2012.

4. **RESOLUTION NO. 0910-12-223:** Motion to approve the Visual Arts Committee Meeting Minutes of July 18, 2012.
5. **RESOLUTION NO. 0910-12-224:** Motion to approve the Visual Arts Committee Meeting Minutes of August 15, 2012.
6. **RESOLUTION NO. 0910-12-225:** Motion to approve the Civic Design Review Committee Meeting Minutes of August 20, 2012.

**Community Arts, Education and Grants Committee  
Recommendations (July 10, 2012)**

7. **RESOLUTION NO. 0910-12-226:** Motion to authorize the Director of Cultural Affairs to enter into contract with the following teaching artists to work in the WritersCorps program for 2012-2013:  
Sandra Garcia, \$35,500  
Rose Tully, \$35,500  
Roseli Ilano, \$38,500  
Harold Terezon, \$38,500  
Anhvu Buchanan \$40,000  
Minna Dubin \$45,000  
Carrie Leiser Williams \$40,000  
Judith Tannenbaum, \$56,000

**Civic Design Review Committee Recommendations (July 16,  
2012)**

8. **RESOLUTION NO. 0910-12-227:** Motion to approve Phase 1 of the SFMTA Operator Convenience Facilities with the contingency of developing the selected structure, refined color options and presenting more detailed site plans.
9. **RESOLUTION NO. 0910-12-228:** Motion to approve Phase 1 of the Moccasin Control and Server Building.
10. **RESOLUTION NO. 0910-12-229:** Motion to approve Phase 1 of the Washington Square Restroom Replacement.

# MEETING OF THE FULL ARTS COMMISSION

Monday, December 3, 2012

3:00 p.m.

City Hall Room 416

1 Dr. Carlton B. Goodlett Place

## Minutes

Commission President JD Beltran called the meeting to order at 3:02 p.m.

### 1. Roll Call

#### **Commissioners Present**

JD Beltran, President  
Gregory Chew  
Amy Chuang  
Charles Collins  
Dorka Keehn  
Roberto Ordeñana  
Barbara Sklar  
Kimberlee Stryker  
Gwyneth Borden, ex officio

#### **Commissioners Absent**

Sherene Melania, Vice President  
John Calloway  
Leo Chow  
Jessica Silverman  
Cass Calder Smith

### 2. Approval of Minutes

#### **Public Comment:**

Paula Datesh said that her comments at the previous meeting were not included verbatim. She said that Street Artists Program Director Howard Lazar had met with MMG, and someone made false accusations about her at that meeting.

Ray Hartz of San Francisco Open Government said that if a member of the public wished to do so, they could submit a written statement of 150 words to be included in the minutes. He said that this would prevent the minutes reflecting only those comments pleasing to the body, and that political speech deserves the highest protection under the First Amendment.

President Beltran acknowledged the comments, and noted that audio recordings of the meetings are available online for anyone who wishes to listen.

There was no further public comment and the minutes were approved as submitted.

**RESOLUTION NO. 1203-12-314:** Motion to approve November 5, 2012



Minutes.

**3. President's Report**

President Beltran reported that the Executive Committee has taken comment from staff, via an anonymous survey, and from Commissioners, for the performance review of the Director of Cultural Affairs. The Committee is preparing a draft review which will be shared with Mr. DeCaigny and the Department of Human Resources. She added that the performance review discussions were held in closed session, since personnel matters are protected by law.

President Beltran reported that she was very excited to have an advance copy of the Heyday book, *Arts for the City*, which should be available in the spring of 2013. She added that Heyday publisher Malcolm Margolin thought the book was stunning, and would be incredibly popular with a variety of readers. She reported that the book's publication date was in April, and she thanked Director of the Public Art Trust and Special Projects Jill Manton and all of the Arts Commission staff for their work on the project.

There was no public comment.

**4. Director's Report**

Director of Cultural Affairs Tom DeCaigny reported that Americans for the Arts has just released its fourth biennial national study on the Arts and Economic Prosperity. He explained that the study used Fiscal Year 2010 data and focused on 182 national sites, including San Francisco. Mr. DeCaigny explained that the Arts Commission hosted three meetings with Randy Cohen, Vice President of Research and Policy for Americans for the Arts, to present the findings of the study. There was a morning meeting at City Hall, a lunch meeting at the Chamber of Commerce, and an afternoon forum at Intersection for the Arts, attended by about 150 members of the arts community.

He reported a few highlights from the report (which is available here: [http://www.sfartscommission.org/CA\\_CityAndCountyOfSanFrancisco\\_AEP4\\_FinalReport.pdf](http://www.sfartscommission.org/CA_CityAndCountyOfSanFrancisco_AEP4_FinalReport.pdf)). Mr. DeCaigny explained that the report covered the nonprofit arts sector and did not include for-profit organizations like theaters or design and architecture firms. He reported that the total economic impact of \$710 million in San Francisco includes both spending by the arts sector of \$472 million and \$238 million by audiences (for restaurants, lodging, etc.). He added that the report was discussed in the San Francisco Business Times, and he commended Public Information Officer Kate Patterson for her work publicizing the report and its message that investing in the arts in San Francisco yields a valuable return on investment.

Mr. DeCaigny reported on public art dedications, including *Pacific Breath*, a stainless steel sculpture atop the fence at the newly-renovated Sunset Playground. The piece, inspired by the wind and waves, was dedicated on November 16. Mr. DeCaigny commended Senior Public Art Project Manager Jennifer Lovvorn, Public Art Project Manager Marcus Davies, and Public Art Program Director Susan Pontious for their work on the project. The dedication of a second project, *Philosopher's Way* in McLaren Park, had to be postponed because of stormy weather; the dedication will be rescheduled. Mr. DeCaigny

explained that the project covers a 2.7-mile trail, with fourteen "musing stations" encouraging contemplation. He added that Recreation and Parks staff, along with volunteers, worked on this unique project, and noted that San Francisco Chronicle reporter Jesse Hamlin covered the piece.

Mr. DeCaigny reported that he had given an update on the strategic plan process to the Executive Committee; the corresponding motion to approve the contract with MIG is on the Consent Calendar for this meeting. He explained that their proposal was posted online with the agenda for the November 26 Executive Committee meeting. He also reviewed the funding sources for the study: \$75,000 came from the Hewlett Foundation; this is private funding earmarked by Hewlett for this specific purpose. An additional \$80,000 came from funds returned by the Center for Cultural Innovation ("CCI") after the cancellation of two studies they had begun. Mr. DeCaigny reminded the Commission that the Controller's report had recommended the cancellation of the studies and return of the funds because they were not granted in accordance with the Cultural Equity Grants legislation. He explained that CCI had been extremely cooperative in returning the funds, and that the work they had already done on studies of the Asian-American and Latino arts ecosystems would be incorporated into the strategic planning process. Mr. DeCaigny explained that the remaining \$40,000 came from prior-year savings in the Arts Commission's budget. He added that fundraising from private sources was continuing, and that any additional private funds raised would replace the prior-year savings funds, allowing them to be used elsewhere in the agency.

He added that the proposal process was comprehensive, and that along with himself, the selection panel included President Beltran, Deputy Director Rebekah Krell, Tere Romo at the San Francisco Foundation and Emiko Ono at the Hewlett Foundation, who brought a wealth of insight.

President Beltran added that she considered it fortunate that one of the members of the chosen consulting team was already familiar with the Arts Commission, having done a long-term study on the Commission as her graduate project.

Mr. DeCaigny reported that the Executive Committee set a schedule for reviewing the agency's financial performance. He explained that Public Art projects, funded by bond money, do not necessarily align with the fiscal year budget calendar, and so are sometimes referred to as "off-budget." Mr. DeCaigny and Ms. Krell will report quarterly on the on-budget items, funded by the General Fund, and semi-annually on Public Art's off-budget items.

There was no public comment.

#### 5. **Consent Calendar**

Commissioner Collins requested that item 25, approval of the contract with MIG for strategic planning, be severed.

#### **Public Comment:**

Mr. Hartz requested that the approval of minutes for the Community Arts, Education and Grants Committee be withdrawn from the Consent Calendar because they were not timely distributed.

Ms. Datesh said that the Street Artists Committee minutes were inaccurate.

There was no further public comment.

President Beltran withdrew items 1 and 2, approval of the minutes of the Community Arts, Education and Grants Committee and the Street Artists Committee respectively, and severed item 25, approval of the MIG contract, for separate consideration.

She called for a motion on the remaining Consent Calendar, which was approved as follows.

**6. RESOLUTION NO. 1203-12-315:**

Approval: RESOLVED, that this Commission does hereby adopt the following items on the Consent Calendar and their related Resolutions:

**Approval of Committee Minutes**

1. This item was withdrawn.
2. This item was withdrawn.
3. **RESOLUTION NO. 1203-12-316:** Motion to approve the Visual Arts Committee Meeting Minutes of November 15, 2012.
4. **RESOLUTION NO. 1203-12-317:** Motion to approve the Civic Design Review Committee Meeting Minutes of November 19, 2012.

**Community Arts, Education and Grants Committee Recommendations (November 13, 2012)**

5. **RESOLUTION NO. 1203-12-318:** Motion to approve the following individuals as grants application review panelists for Cultural Equity Grants: Beth Pickens, Senior Program Manager, Yerba Buena Center for the Arts; Targol Mesbah, Adjunct Associate Professor, Interdisciplinary Studies, California Institute of Integral Studies

**Street Artists Committee Recommendations (November 14, 2012)**

6. **RESOLUTION NO. 1203-12-319:** Motion to authorize Program Director to request Board of Supervisors for permanent designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.
7. **RESOLUTION NO. 1203-12-320:** Motion to approve authorization of Program Director to request Board of Supervisors to re-designate for six (6) months two (2) street artist temporary selling spaces on Post Street, northwest corner, at Stockton Street.
8. **RESOLUTION NO. 1203-12-321:** Motion to request Board of Supervisors to re-designate one (1) selling space ("L-2") on Leavenworth Street, west side, at Jefferson Street, for six (6) months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from

the regulations of Police Code Section 2405(c)(6) and (11) prohibiting selling within ten (10) feet from the outer edge of any entrance to any building and prohibiting selling within five (5) feet of the display of any other street artist.

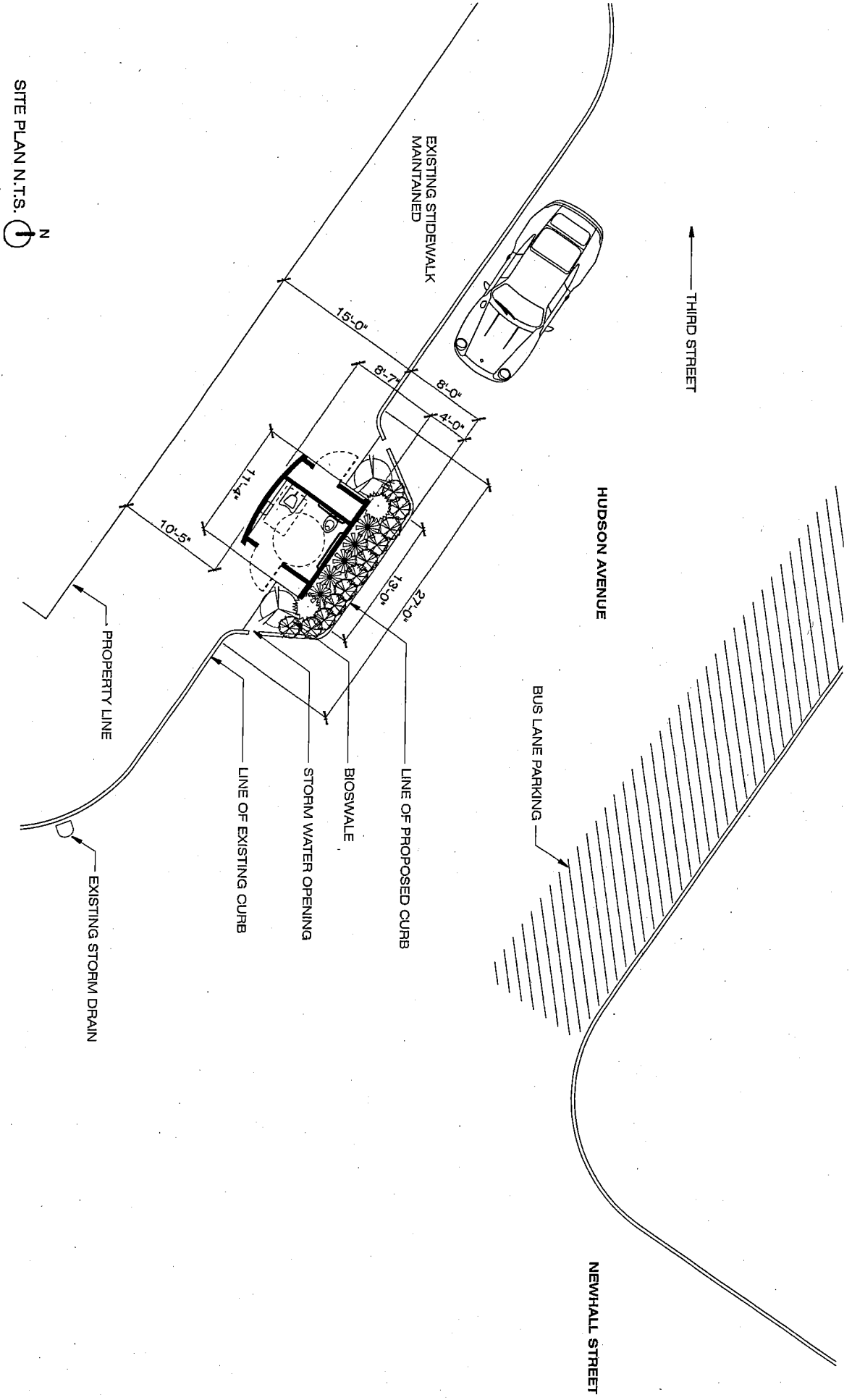
**Visual Arts Committee Recommendations (November 15, 2012)**


9. **RESOLUTION NO. 1203-12-322:** Motion to approve artist honoraria payments in the amount of \$3,000 each to Jason Hanasik and Berndnaut Smilde for their contributions to *Conversation 6*, an upcoming SFAC Main Galleries exhibition.
10. **RESOLUTION NO. 1203-12-323:** Motion to approve artist honoraria payments in the amount of \$700 each to Alice Shaw, Rebecca Horne and David Gardner for their contributions to *Escape*, an upcoming SFAC Galleries exhibition at City Hall.
11. **RESOLUTION NO. 1203-12-324:** Motion to approve a new draft of the text developed by Margo Perin with Shimon Attie, Bay Area Law Enforcement Assistance Fund ("BALEAF") and Arts Commission staff to be permanently incorporated into the Public Safety Building police memorial artwork by Shimon Attie, and to authorize the Director of Cultural Affairs to approve the final draft of the text.
12. **RESOLUTION NO. 1203-12-325:** Motion to rescind Resolution No. 1001-12-285 to increase Attie Art Projects LLC (aka Scott/Shimon Attie) contract for a police memorial artwork in the lobby of the new Public Safety Building from \$342,500 to the new contract amount not to exceed \$392,500 for continuation of fabrication.
13. **RESOLUTION NO. 1203-12-326:** Motion to approve an increase in the total contract amount for Contract DPAR12000057 for Attie Art Projects LLC (aka Scott/Shimon Attie) for the design, fabrication, transportation and consultation during installation of a police memorial artwork in the lobby of the new Public Safety Building from \$342,500 to a total amount not to exceed \$700,000 to cover the costs of fabrication, transportation and consultation during installation of the artwork and to provide an additional \$3,000 for writer Margo Perin, a subcontractor to Attie Art Projects LLC, who has created a new text for the police memorial artwork.
14. **RESOLUTION NO. 1203-12-327:** Motion to limit the number of permanent Central Subway artwork projects for which an artist or artist team may be selected to one.
15. **RESOLUTION NO. 1203-12-328:** Motion to approve the following five artists as selected by the Chinatown Crosscut Cavern Wall Artist Selection Committee for the Crosscut Cavern Wall, and to approve an honorarium payment of \$2,000 to each finalist for preparation of a proposal for this art opportunity: Hung Liu, Clare Rojas, Jovi Schnell, the artist team of Jennifer Starkweather and Amanda Hughen; and Pae White.

16. **RESOLUTION NO. 1203-12-329:** Motion to approve the six final designs for *The City on Film* poster series by artist Christina Empedocles for the 2012-2013 Art on Market Street Kiosk Poster Series, which includes a total of 36 posters installed in 18 bus shelters on Market Street between Embarcadero and 8th streets from January 14 to April 5, 2013.
17. **RESOLUTION NO. 1203-12-330:** Motion to approve payment of up to \$4,200 to Peter Richards for development of Americans with Disabilities Act access plan for *Philosopher's Way* at McLaren Park.
18. **RESOLUTION NO. 1203-12-331:** Motion to approve the design of a 350-square-foot mosaic tile mural entitled *Nature Stream* by lead artist Renee McKenna to be installed at the South Sunset Playground at Vicente Street and 40th Avenue. The mosaic will run the length of two cement walls on the south side of the playground. The mural is sponsored by Art in Every Classroom, Inc. and supported by District 4 Supervisor Carmen Chu and the San Francisco Recreation and Parks Department.
19. **RESOLUTION NO. 1203-12-332:** Motion to approve and accept into the Civic Art Collection the artwork *Mission Parade, 2012* by Michael Bartalos, commissioned for Mission Playground. Fabricated from painted steel, the artwork consists of ten fence panels located along the playground's Valencia Street frontage and ten fence panels on the playground's 19th Street frontage. The artwork consists of ten unique designs, one per panel, duplicated in the two locations.
20. **RESOLUTION NO. 1203-12-333:** Motion to approve and accept into the Civic Art Collection the artwork *Pacific Breath, 2012* by Bryan Tedrick, commissioned for Sunset Recreation Center. Fabricated from painted steel, the artwork consists of five panels topping the park fence along the playground's Lawton Street frontage between 28th and 29th avenues.
21. **RESOLUTION NO. 1203-12-334:** Motion to approve and accept into the Civic Art Collection *Aero #8, 2012*, a stainless steel kinetic sculpture by Moto Ohtake, commissioned for Fulton Playground.

**Civic Design Review Committee Recommendations (November 19, 2012)**

22. **RESOLUTION NO. 1203-12-335:** Motion to approve Phases 2 and 3 of the SFMTA Operator Facilities at the Hudson location contingent on exploration of siting the facility on Newhall Street.
23. **RESOLUTION NO. 1203-12-336:** Motion to approve Phases 2 and 3 of the SFMTA Operator Facilities at the Potrero and Ortega locations.
24. **RESOLUTION NO. 1203-12-337:** Motion to approve Phase 2 for the San Francisco Groundwater Supply Well Stations with the contingency of revising the paving and removing the iris from the green roof plant palette.

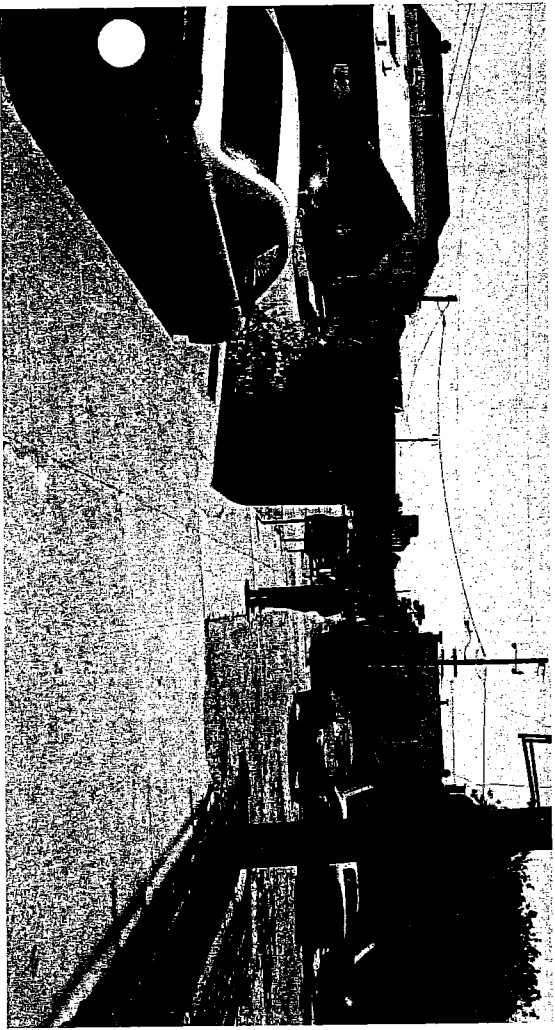


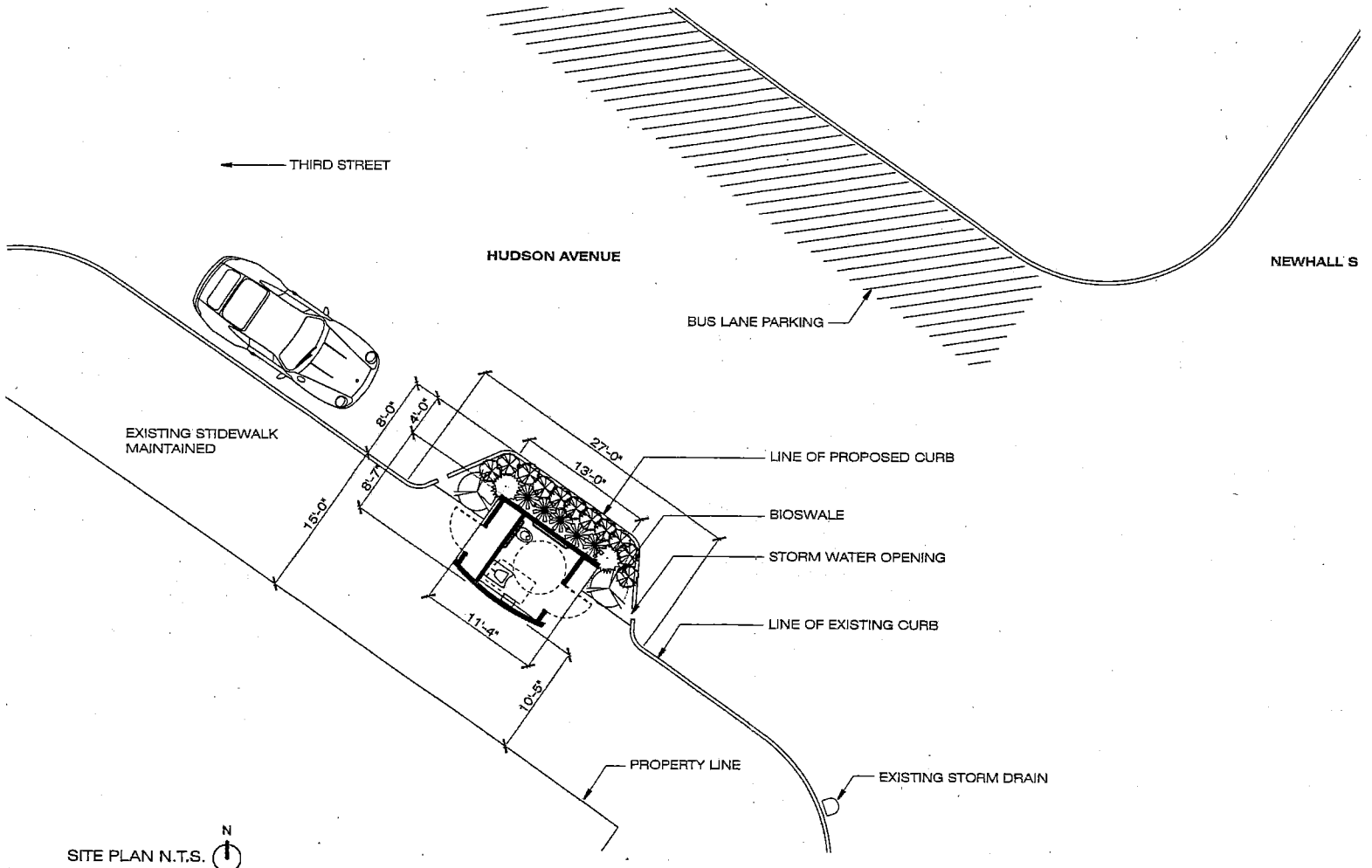
SITE PLAN N.T.S. 

BUILDING DESIGN & CONSTRUCTION  
S.F. DEPARTMENT OF PUBLIC WORKS  
ARCHITECTURE

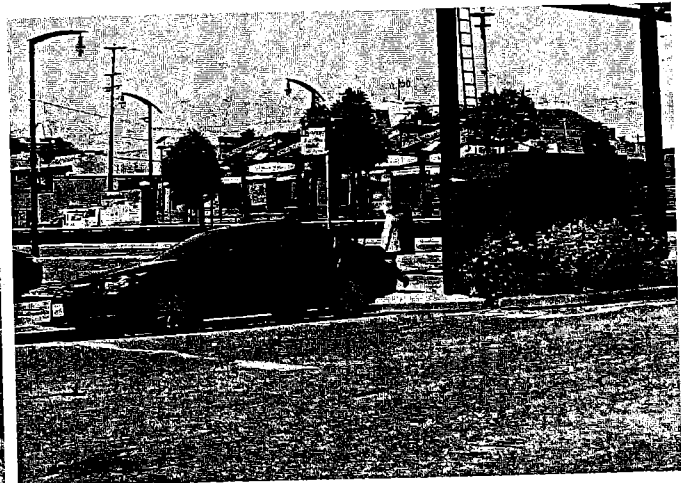
SFMTA - OPERATOR CONVENIENCE FACILITIES | Design Development  
November 19, 2012

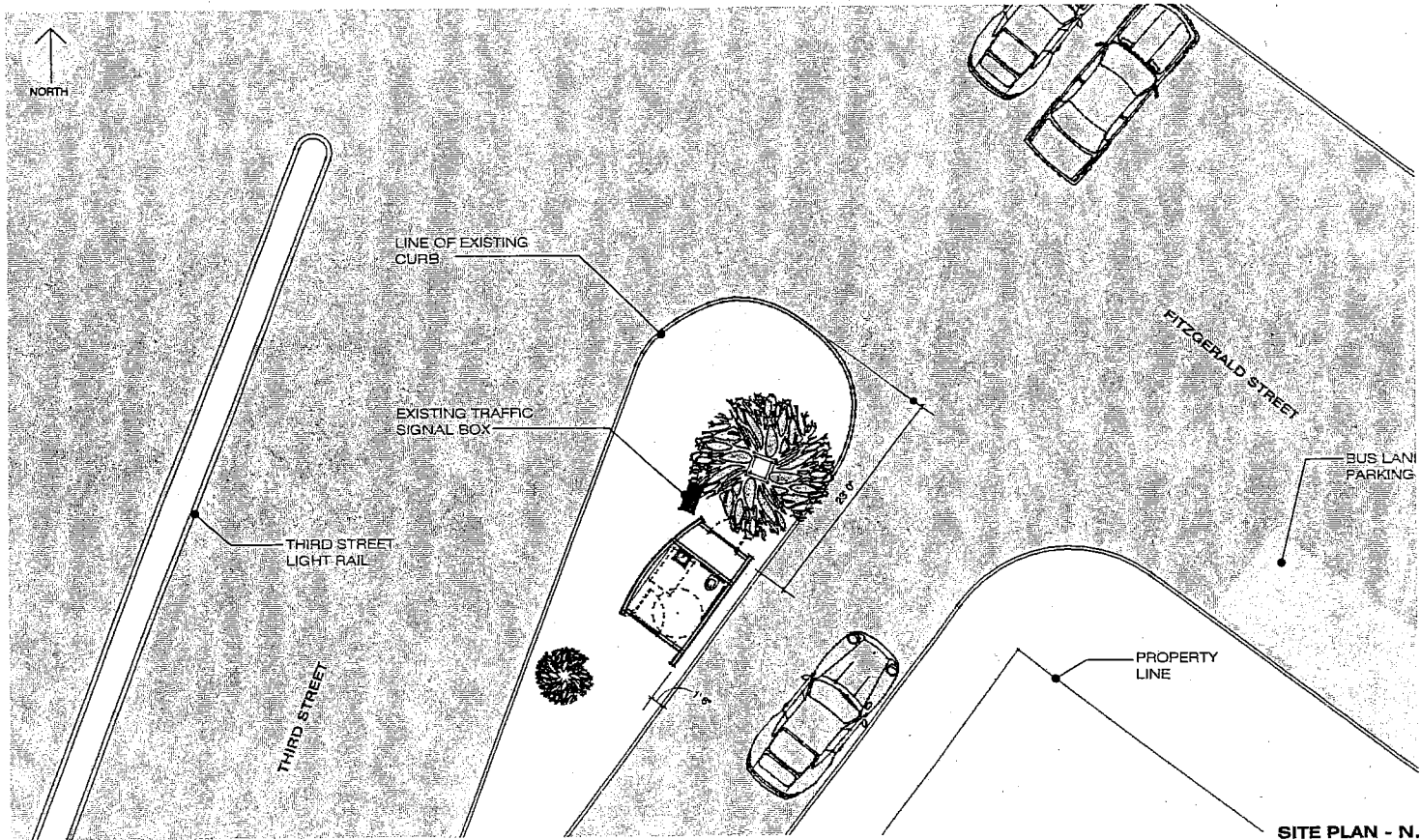
#54 FELTON TERMINAL  
SITE PLAN

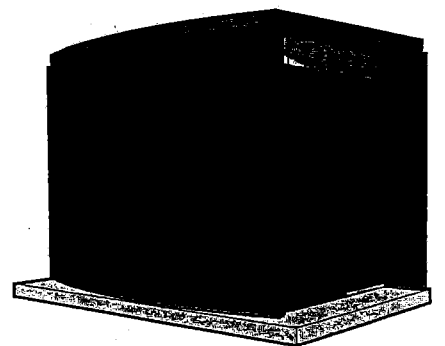


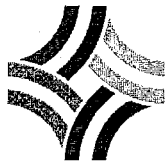












**SFMTA**  
Municipal  
Transportation  
Agency

Edwin M. Lee, *Mayor*

Tom Nolan, *Chairman*

Malcolm Heinicke, *Director*

Joél Ramos, *Director*

Edward D. Reiskin, *Director of Transportation*

Cheryl Brinkman, *Vice-Chairman*

Jerry Lee, *Director*

Cristina Rubke, *Director*

**December 11, 2013**

**The Honorable Board of Supervisors  
City and County of San Francisco  
1 Carlton B. Goodlett Place, Room 244  
San Francisco, California 94102**

***RE: Street Encroachment Agreement between the City and County of San Francisco and SFMTA for the installation of Two SFMTA Muni Operator Convenience Stations at 3<sup>rd</sup> St. & Hudson Ave.; 3<sup>rd</sup> St. & Fitzgerald.***

**Dear Members of the Board of Supervisors:**

Attached for your consideration is a Resolution authorizing the Major Street Encroachment Agreement between the City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) granting permission to occupy portions of the public right of way for the installation of two Muni Operator Convenience Stations. One restroom will be located at 3<sup>rd</sup> St. & Hudson Ave. and one at 3<sup>rd</sup> St. & Fitzgerald. Both of these locations are within Supervisorial District 10. We have worked closely with the District 10 Supervisor's office and the surrounding community to gather feedback and obtain support for these installations.

### **Background**

The SFMTA's Muni transit service is provided by 2,200 Operators who work to deliver service along 76 transit lines throughout the City. They work in challenging conditions to endeavor to meet the City Charter's provisions regarding on-time performance. Routes such as lines 1, 29, 33, 54, and 71 are long, taking 43-85 minutes one-way, and access to clean safe restrooms are not always readily available. Inadequate access can lead to disruption in service when the Operator leaves the scheduled route to find a clean, available restroom. In order to avoid such impacts to the quality of service, Operators need access to decent, safe and sanitary restrooms.

Historically, SFMTA Transit Operators have used restroom facilities provided by gas service stations located throughout the City. However, since the 1970s, many service stations have closed and SFMTA has had to pursue alternate strategies.

To date, these alternate strategies have included:

- Identifying and locating free public restrooms that are easily accessible to the transit line terminals
- Locating and negotiating license agreements with businesses and other public agencies to allow use of their facilities by transit operators
- Working with City planning and local redevelopment projects to include operator restrooms in their development plans

However there are a number of circumstances that prevent use of free restrooms or license agreements at all transit terminals including the following:

- Too great a travel distance between business and transit terminal
- Inappropriate business type for use by transit staff
- Required hours of access extends beyond normal business hours
- Lack of interest in participation by business owner
- Inadequacy of available facilities
- Long wait times due to long lines at the restroom

As a result SFMTA has in some instances designed and constructed its own Operator restrooms. To date there are 21 permanent Operator restrooms located around the City, with the most recent SFMTA Operator Restrooms Phase III project completed in 2008.

### **Current Project**

The current SFMTA Operator Restroom Project includes the planned construction of six new restroom buildings at the following locations:

1. Lincoln/Bowley (in Presidio National Park)
2. 32nd & Geary (on San Francisco Unified School District property)
3. 48th Ave. & Ortega St.
4. 25th St. & Potrero Ave.
5. 3rd St. & Hudson Ave.
6. 3<sup>rd</sup> St. & Fitzgerald Ave.

Of these six sites, only two sites, 3<sup>rd</sup> & Hudson and 3<sup>rd</sup> & Fitzgerald, are included as part of the enclosed Street Encroachment Agreement. 48<sup>th</sup> & Ortega and 25<sup>th</sup> & Potrero were previously approved per Resolution 362-13. Lincoln & Bowley and 32<sup>nd</sup> & Geary sites do not require such agreements as they are located outside the jurisdiction of the Board of Supervisors.

For all sites, SFMTA will be utilizing pre-fabricated restroom structures that are self-contained and can be relocated should the transit terminal change in the future. They are constructed out of durable long-lasting materials such as concrete block with painted cement plaster finish and anti-graffiti coating and stainless steel fixtures. The Operator Convenience Station Prefab units will have locking doors only accessible to SFMTA Transit Operators and other SFMTA field staff.

### **Site Analysis**

For the 3<sup>rd</sup> St. & Hudson Ave. location, site conditions driving the need for a prefabricated Operator Convenience Station restroom included:

1. Local businesses Taco Bell & KFC are 4 minutes away from the bus terminal and are open from 10:00 a.m.-10:00 p.m., but do not meet 54 Line operation hours of 6:45 a.m.-12:15 a.m.

2. Bar at 3<sup>rd</sup> /Hudson is open to 2:00 a.m. but is not conducive to productivity
3. The lack of a restroom will impact service delivery in the neighborhood – “702s” – stop service for 10-12 minutes.

For the 3<sup>rd</sup> St. & Fitzgerald Ave. location, after extensive site investigation SFMTA determined that a prefabricated Operator Convenience Station was necessary because of the following site conditions:

1. Surrounding uses are mostly industrial and cannot accommodate the 29 Line’s operation hours of 6:30 a.m-1:00 a.m.
2. SFMTA staff walked and drove around the area and determined that there were no Licenses available for hours needed, e.g.:
  - Mexico City Iron Works, 1385 Fitzgerald, and Circa Corp., 1330 Fitzgerald – not interested in a License
  - 49 Market – restroom not large enough to meet accessibility requirements
3. Lack of restroom will impact service delivery in the neighborhood – “702s” – stop service for 10-12 minutes.

### **Outreach**

For 3<sup>rd</sup> St. & Hudson, SFMTA staff performed the following community outreach efforts:

1. Met with stakeholders at Bayview Police Station 8/6/12 and Bayview Renaissance Center on 8/30/12
2. Performed survey of neighbors to confirm site selection – residents preferred Hudson over Newhall – prior to Arts Commission approval
3. Community meeting held 10/30/13 at the Bayview Library to update stakeholders on project progress.

For 3<sup>rd</sup> St. & Fitzgerald, SFMTA staff performed the following community outreach efforts:

1. Met with stakeholders at Bayview Police Station 8/6/12 and Bayview Renaissance Center 8/30/12
2. Proposed location for the Operator Convenience Station on a triangular public parcel
3. Community meeting held 10/30/13 at the Bayview Library to update stakeholders on project progress.

### **Approvals**

For both 3rd St. & Hudson and 3rd St. & Fitzgerald sites:

1. Included in SF Planning General Plan Referral issued on 11/15/12, Case No. 2012.0631R
2. Approved by San Francisco Arts Commission, Civic Design Committee 12/3/12

3. Approved by Transportation Advisory Staff Committee (TASC), 12/20/12
4. Approved by DPW Director's Hearing 1/9/13

### **Funding Impact**

The budget for each Operator restroom site is currently estimated at \$170,000 per site. This total includes \$60,000 for the prefab unit, \$50,000 for site and utility work to prepare site for pre-fab unit, and \$60,000 for traffic control, permit fees, utility connection fees, inspection fees and project contingency.

### **Alternatives Considered**

If the proposed resolution is not approved, the Operator Restroom Project will not receive the Major Encroachment Permit needed to proceed with installation of the prefabricated Operator Convenience Station units at the two proposed sites. SFMTA Transit Operators will have to continue using sub-standard facilities (Portables) and the lack of restrooms may impact service delivery and the health and safety of the Muni Operators.

### **SFMTA Board of Directors' Approval**

The contract for both 3<sup>rd</sup> St. sites will be performed through a Micro LBE contract to be presented to the SFMTA Board for approval in early 2014.

### **Recommendation**

The SFMTA recommends that the Board of Supervisors approve this Street Encroachment Agreement between the City and County of San Francisco and the San Francisco Municipal Transportation Agency.

If you have any questions regarding this matter, please contact Tess Kavanagh, SFMTA Project Manager, at 701-4212.

Sincerely,



**Edward D. Reiskin**  
**Director of Transportation**

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
Tom DeCaigny, Director, Arts Commission  
Ben Rosenfield, Controller, Office of the Controller  
Joann Hayes-White, Chief, Fire Department  
Harlan Kelly, Jr., General Manager, Public Utilities Commission

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: January 17, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Public Works Department on January 7, 2014:

**File No. 131232**

**Resolution granting revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes, and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Monica Pereira, Environmental Planning  
Nannie Turrell, Environmental Planning  
Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Rebecca Krell, Arts Commission  
Sharon Paige Ritchie, Arts Commission  
Monique Zmuda, Deputy Controller  
Kelly Alves, Fire Department  
Juliet Ellis, Public Utilities Commission