

File No. 130877

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 30, 2013

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Municipal Transportation Agency Letters, dtd 9/25/13 & 5/14/12</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Department of Public Works Letter, dtde 9/10/13</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPW Order No. 181381</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Street Encroachment Agreement</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Design Options</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Arts Commission Minutes for 9/10/12</u> |
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Completed by: Alisa Miller Date September 27, 2013

Completed by: _____ Date _____

1 [Street Encroachment - Operator Convenience Facilities - Terminals 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 4 specific locations: (1) On 25th Street, east of Potrero Avenue (1298 Potrero
20 Avenue); and, (2) On Ortega Street, west of 48th 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

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,

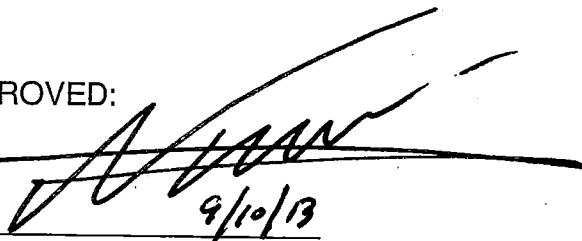
7 WHEREAS, No structures shall be erected or constructed within said street right-of-
8 way except as specifically permitted herein; and,

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 at the terminus of
15 various MUNI bus routes throughout the City; and, be it

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

20
21 APPROVED:

22 
23 9/10/13

24 Mohammed Nuru

25 Director of Public Works

Department of Public Works
BOARD OF SUPERVISORS



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*

September 25, 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

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.

Background

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 try 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 an 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, beginning in the 1970-80s, many service stations 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

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 four new restroom buildings at the following locations:

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

Of these four sites, only 48th Ave. & Ortega and 25th St. & Potrero Ave. are within the Board of Supervisors' jurisdiction and are included as part of the enclosed Street Encroachment Agreement.

For all sites, SFMTA will be utilizing prefabricated 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 accessible only to SFMTA Transit Operators and SFMTA field staff.

Site Analysis

For the 25th St. & Potrero Ave. location, after extensive site investigation SFMTA determined that a prefabricated Operator Convenience Station was necessary because of the following site conditions:

1. Two free restrooms at 1294 Potrero and 2789 25th St. are within a half block and available 7:45 a.m. - 5:00 p.m., but do not meet operation hours of 6:00 a.m. - 1:15 a.m. for the 33 Line;
2. Operator safety concerns at current portable toilet at the terminal. A Portable was overturned while in use by a female bus Operator;
3. The closest business to the terminal, Potrero Market, does not have a restroom that meets size and accessibility requirements;

4. Walgreens at 24th St. & Potrero Ave. is a long block away from the terminal – more than 100 feet;
5. The public toilet at James Rolph Jr. playground is not feasible due to security, cleanliness and distance to the terminal;
6. Lack of restroom will impact service delivery in the neighborhood – “702s” – stop service for 10-12 minutes.

For the 48th Ave. and Ortega St. location, site conditions driving the need for a prefabricated Operator Convenience Station restroom include:

1. Located by the Great Highway;
2. No available businesses located within blocks of terminal;
3. Neighbors want the existing Portable restroom removed;
4. Lack of restroom will impact service delivery in the neighborhood – “702s” – stop service for 10-12 minutes.

Outreach

For 25th St. & Potrero Ave., SFMTA staff performed the following community outreach efforts:

1. Met with Hampshire Street Neighbors on September 18 and November 15, 2012 to discuss concerns about restroom location and design. Developed narrow unit design in response to concerns about maintaining path of travel width for pedestrians
2. Met with Recreation & Park Department staff to discuss installation of Prefab at the Rolph Jr. Playground, but was determined to be unfeasible.

For 48th Ave. & Ortega St., SFMTA staff performed the following community outreach efforts:

1. Met with neighbors on November 13, 2012 at Ortega Branch Library to discuss concerns. Included bulb-out of sidewalk in design to provide path of travel width for pedestrians.

Approvals

For both 25th St. & Potrero Ave. and 48th Ave. & Ortega St. sites:

1. Included in SF Planning General Plan Referral issued on November 15, Case No. 2012.0631R
2. Approved by San Francisco Arts Commission, Civic Design Committee on December 3, 2012
3. Approved by Transportation Advisory Staff Committee on December 20, 2012
4. Approved by DPW Director’s Hearing on January 9, 2013

Funding Impact

The budget for each Operator restroom 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

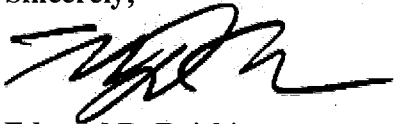
The contract for work at the 48th Ave. & Ortega St. site will be performed through use of a Job Order Contract and will not require approval by the SFMTA Board of Directors. The contract for the 25th St. & Potrero Ave. site will be performed through a Micro-LBE contract to be presented to the SFMTA Board of Director 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 SFMTA.

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

cc: SFMTA Board of Directors



Edwin M. Lee, Mayor
Mohammed Nuru, Director

September 10, 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) On 25th Street, east of Potrero Avenue (1298 Potrero Avenue); (2) On Ortega Street, west of 48th Avenue (4101 Ortega 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.
- Street Encroachment Agreement.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

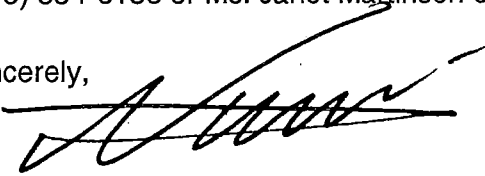
2013 SEP 13 PM 4:45

at _____



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,



Mohammed Nuru
Director of Public Works

Attachments: As Noted





Edwin M. Lee, Mayor
 Mohammed Nuru, Director
 Fuad S. Sweiss, PE, PLS,
 City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
 Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
 Bureau of Street-Use & Mapping
 1155 Market Street, 3rd Floor
 San Francisco, CA 94103

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

2013 SEP 13 PM 4:46

MAJOR ENCROACHMENT PERMIT ROUTING SHEET

Everyone involved in the processing of this Major Encroachment Permit is requested to complete this form so that the department has a written record of the steps taken. Please notify BSM at 554-6186 or the sender (see below) of any delays or questions.

MAJOR ENCROACHMENT PERMIT

Date Sent: September 10, 2013	Applicant: San Francisco Municipal Transportation Agency (SFMTA)
Date Due at BOS: Noon, Monday, September 16, 2013	Location(s): (1) on 25 th St, east of Potrero Ave (1298 Potrero Ave); (2) on Ortega St, west of 48 th Ave (4101 Ortega St); (3) on Hudson Ave, west of Newhall St; and (4) on traffic island at Fitzgerald Ave and Third St (1398 Fitzgerald)

SENDER

Name: Nick Elsner	Telephone: (415) 554-6186
Address: 1155 Market Street, 3rd Floor	Email: Nick.Elsner@sfdpw.org

ROUTE

Date Received	To	Date Forwarded or Signed
9/10/13	Frank W. Lee Executive Assist. To Director City Hall, Room 348	
9/10/13	Mohammed Nuru Director of Public Works City Hall, Room 348	<i>MN 9/10/13</i>
9/13/13	Clerk of Board of Supervisors (BOS) City Hall, Room 244 (Submit a copy of this sheet with package)	
	When package is submitted to BOS, please return this copy of routing sheet with the BOS date received stamp to sender.	



130877

14 May 2012

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

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

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.



1. Evans Avenue (Option 1)

The unit would be located in the parking strip on the south side of Evans Avenue ~ 197' east of Third Street. It would be connected to the City utilities.

A second option is being considered if there are issues with the initial location

1a. Newhall Street (Option 2)

The unit would be located in the parking strip on the east side of Newhall Street ~ 25' south of Evans Avenue. It would be connected to the City utilities.

2. Hudson Avenue

The unit would be located in the parking strip on the south side of Hudson Avenue ~ 25' west of Newhall Street. It would be connected to the City utilities.

3. Fitzgerald Avenue

The unit would be located in the parking strip on the north side of Fitzgerald Avenue ~ 25' east of 3rd Street. It would be connected to the City utilities.

4. 25th Street

The unit would be located in the parking strip on the south side of 25th Street ~ 25' east of Potrero Boulevard. It would be connected to the City utilities.

5. Ortega Avenue

The unit would be located in the parking strip on the south side of Ortega Avenue ~ 25' west of 48th Avenue. It would be connected to the City utilities.

6. Geary Boulevard (Option 1)

The unit would be located in the parking strip on the south side of Geary Boulevard ~ 25' east of 33th Avenue. It would be connected to the City utilities

6a. Geary Boulevard (Option 2)

The unit would be located in the parking strip on the south side of Geary Boulevard ~ 150' east of 32nd Avenue. It would be connected to the City utilities

SFMTA is currently initiating the process for the parking changes that would be required at 5 of the locations. The Ortega Avenue location is currently a red zone transit stop.

Per phone conversation between Nick Elsner and Drew Howard on 19 April 2012 due to the locations being in various areas of the city, a newspaper posting of the hearing would be made in lieu of providing the 300-foot radius map, list of property owners and mailing labels.

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, 7th 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 

Sanguinetti, Jerry
Bureau Manager

6/13/2013

X Mohammed Nuru

Nuru, Mohammed
Director, DPW

6/12/2013

X 

Sweiss, Fuad
Deputy Director and City Engineer



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



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. _____ (the "Permit") at its meeting of _____, 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 25th Street, east of Potrero Avenue (1298 Potrero Avenue); and (2) On Ortega Street, west of 48th 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.

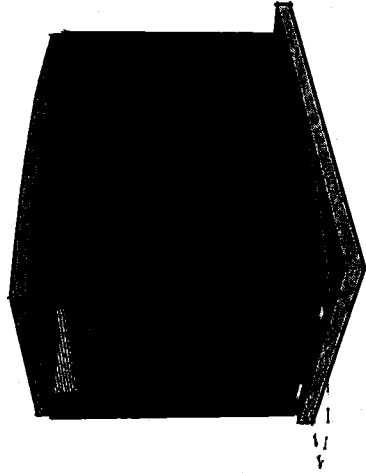
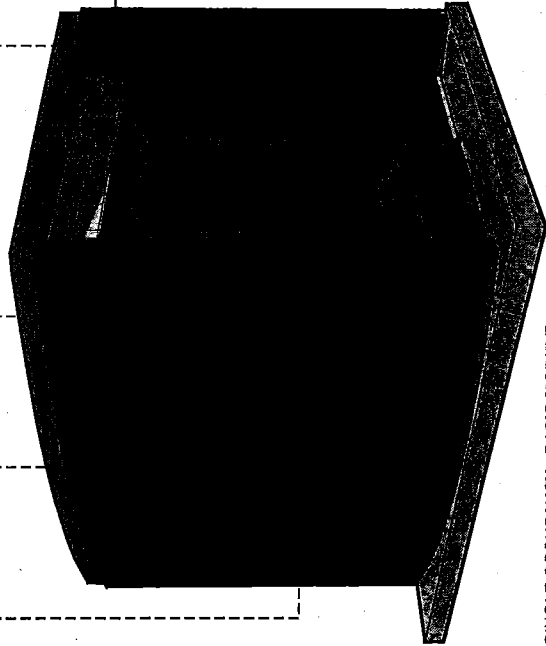
10. All of the provisions of this Agreement shall be deemed provisions of said Permit. All of the provisions of said Permit shall be deemed provisions of this Agreement.

In witness whereof the undersigned Permittee has executed this Agreement this _____ day of _____, 2013.

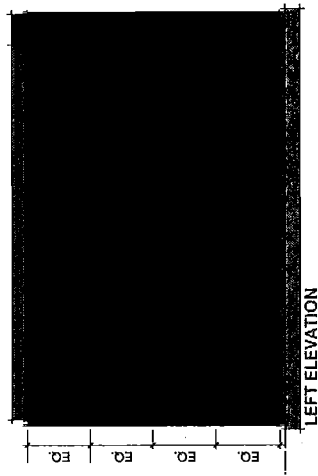
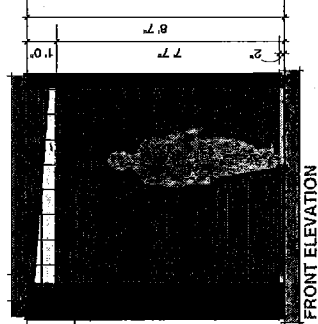
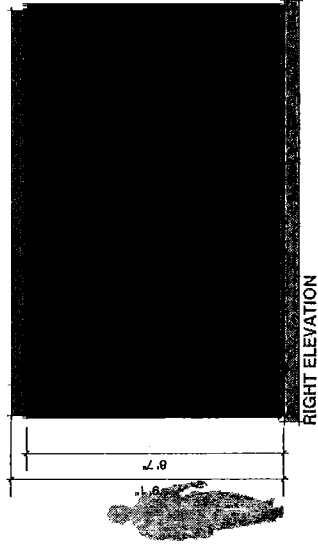
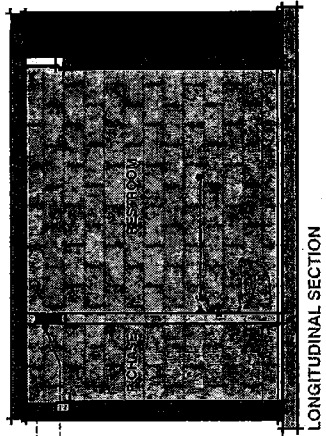
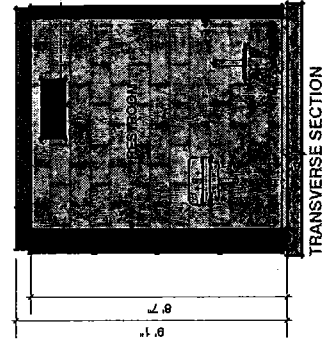
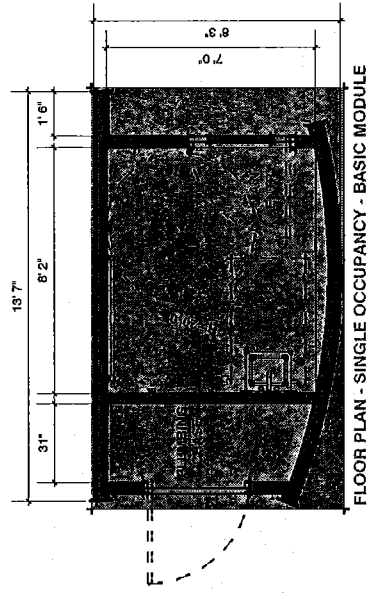
Edward D. Reiskin, Director of Transportation

Mohammed Nuru, Director of Public Works

MATERIALS & COLOR SCHEME



DESIGN OPTION

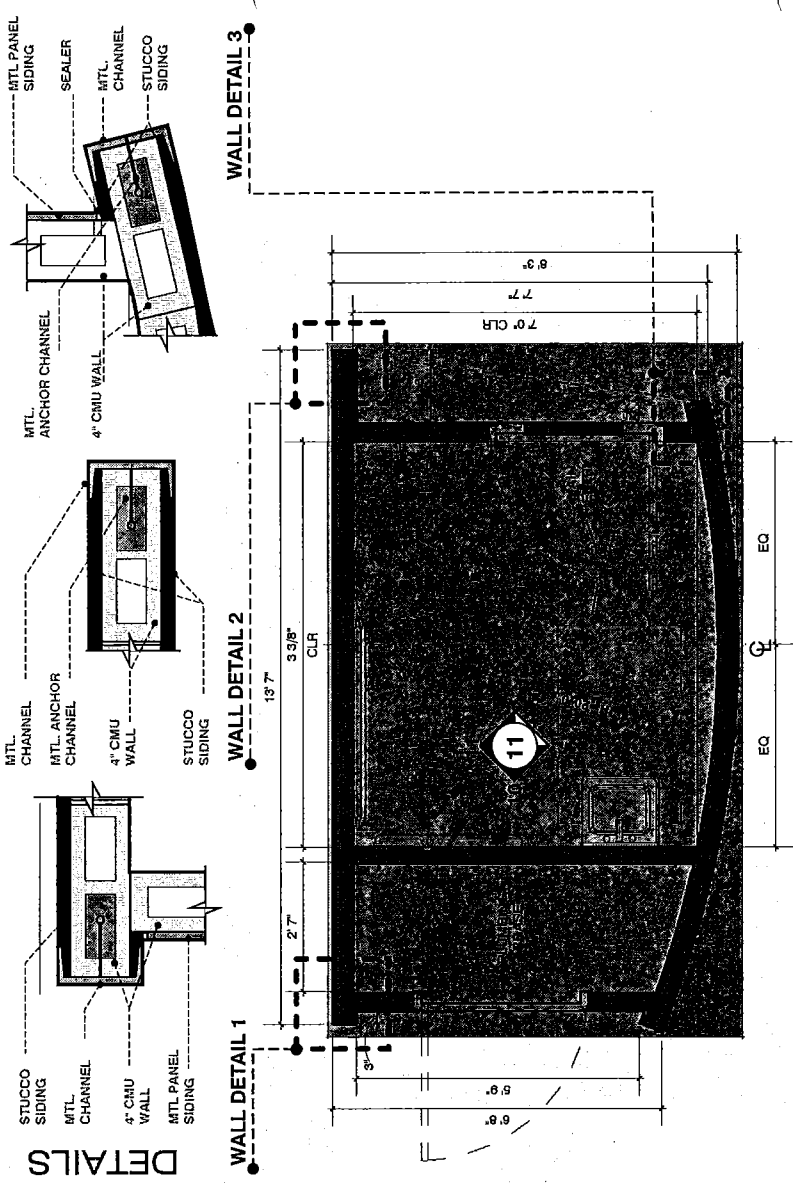


BUILDING DESIGN & CONSTRUCTION
S.F. DEPARTMENT OF PUBLIC WORKS
ARCHITECTURE

SFMTA - OPERATOR CONVENIENCE FACILITIES | Design Development
September 04, 2012

DESIGN OPTION

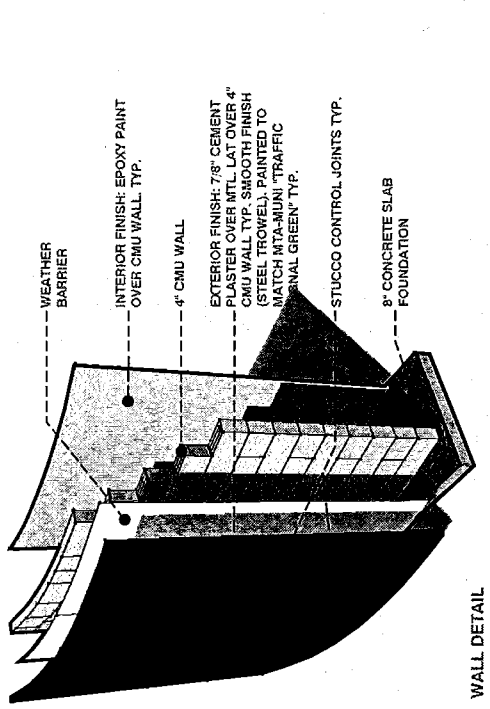
DESIGN OPTION



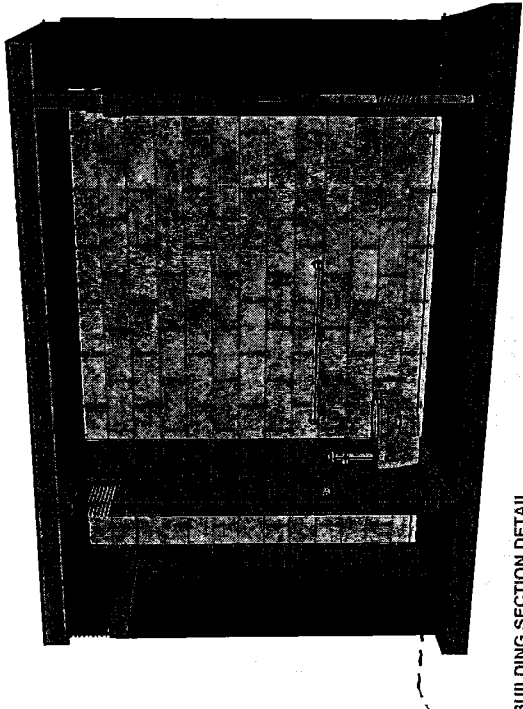
FLOOR PLAN - SINGLE OCCUPANCY - BASIC MODULE

DESIGN CRITERIA:
TEMPORARY/PREFABRICATED FACILITIES

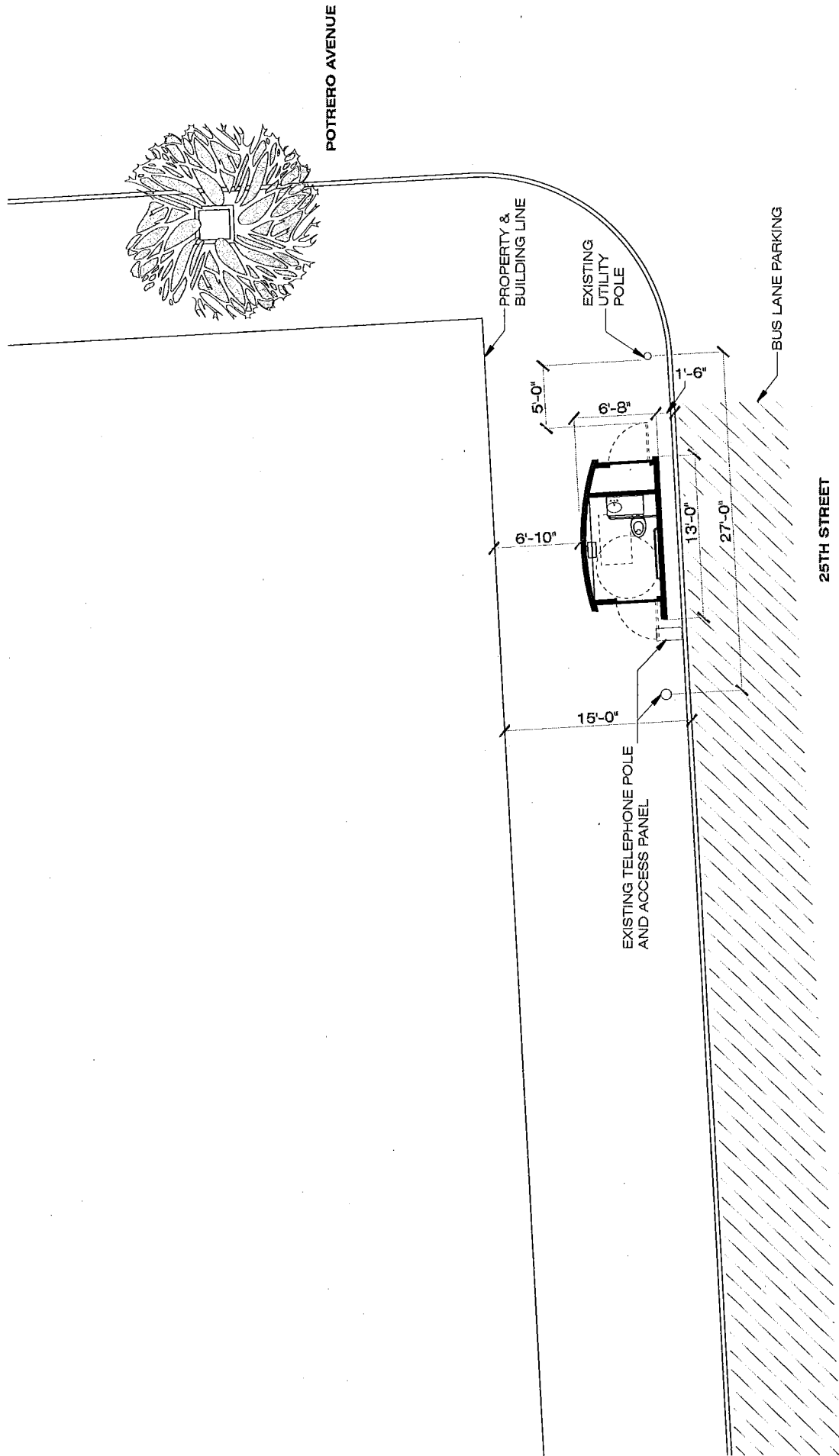
- WALLS: 4" CMU WALLS
- EXTERIOR FINISH: 7/8" CEMENT PLASTER OVER MTL LAT OVER 4" CMU WALL TYP. SMOOTH FINISH (STEEL TROWEL). PAINTED TO MATCH MTA-MUNI TRAFFIC SIGNAL GREEN, W/ ANTI-GRAFFITI CLEAR COATING TYP.
- INTERIOR FINISH: EXPOSED CMU WALL WITH EPOXY PAINT TYP.
- ROOF: BUILD UP ROOF/ FLUID APPLIED ROOFING (WATER PROOFING ROOFGUARD/SOLATEC TYP.)
- DOORS: EXTERIOR METAL DOOR, PAINTED.
- NATURAL ILLUMINATION: KAL WALL SYSTEM WALL
- VENTILATION: METAL LOUVERS (WALLS AND DOORS), & MECHANICAL EXHAUST FAN.
- LIGHTING: INTERIOR-MOTION ACTIVATED LIGHT; EXTERIOR-RECESSED CEILING LIGHT.
- FLOOR: EXPOSED CONCRETE.




WALL DETAIL



BUILDING SECTION DETAIL



SITE PLAN - N.T.S. 

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

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

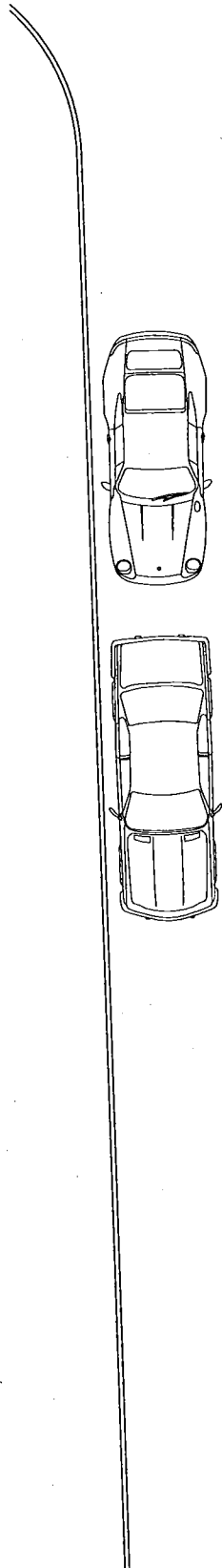
#33 STANYAN TERMINAL
SITE PLAN



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

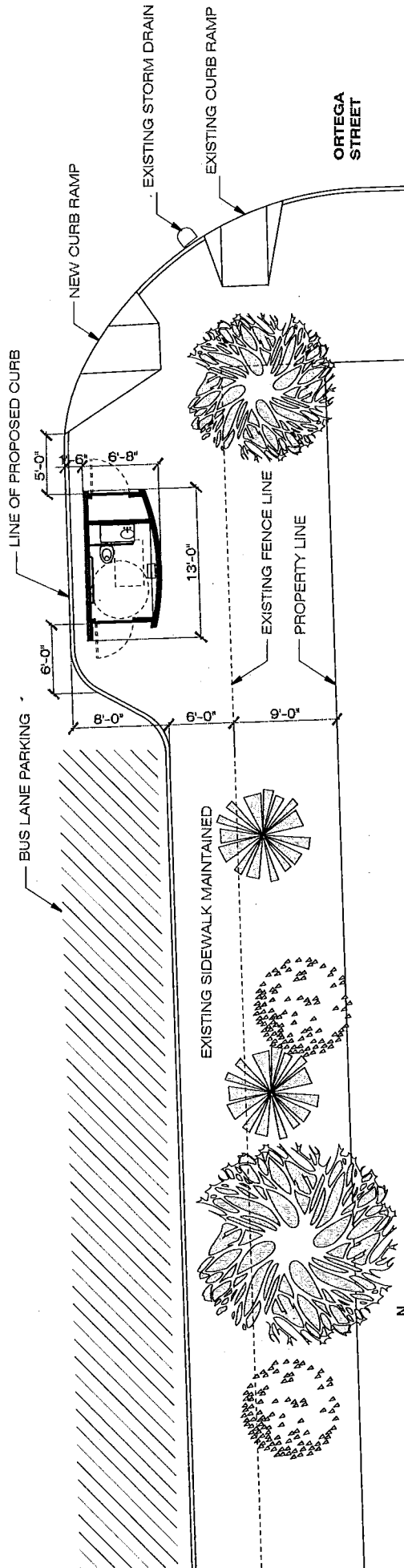
SFMTA - OPERATOR CONVENIENCE FACILITIES | Design Development
November 19, 2012


#33 STANYAN TERMINAL



48TH AVENUE

← GREAT HIGHWAY

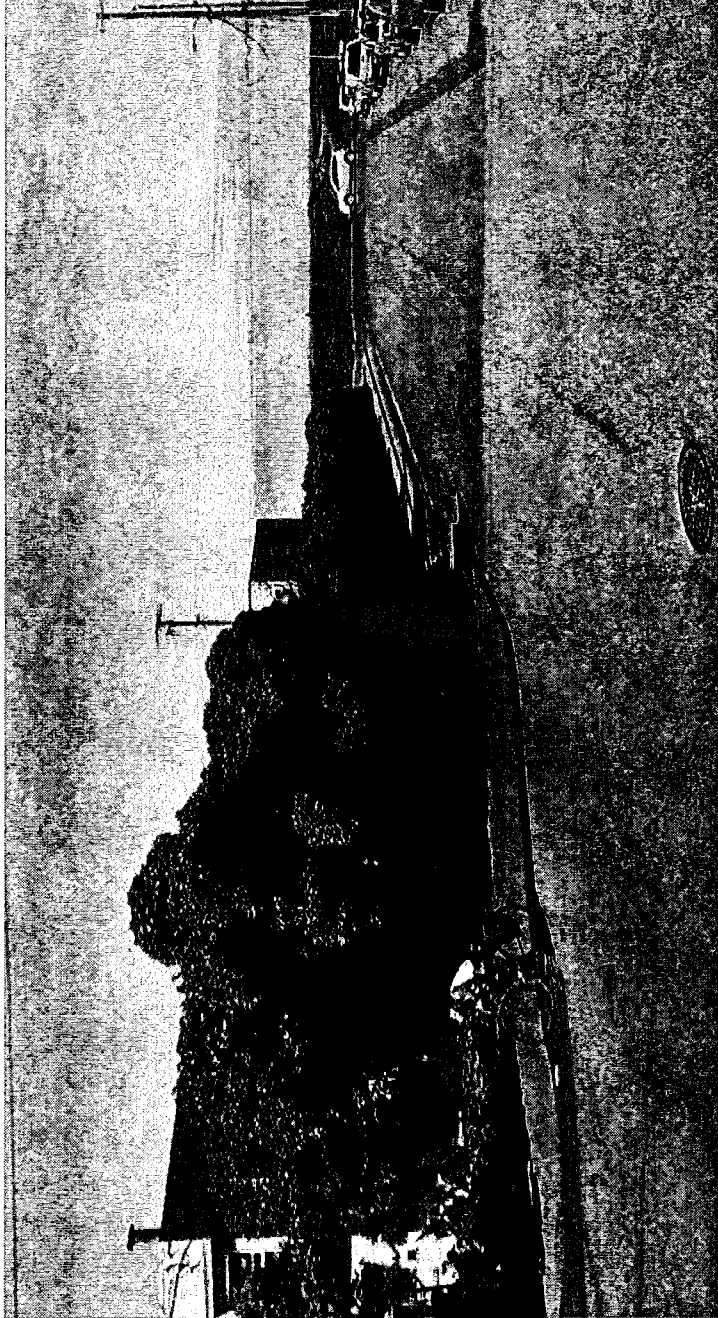


SITE PLAN - N.T.S. 

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

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

#71 HAIGHT TERMINAL
SITE PLAN



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

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

#71 HAIGHT - NORIEGA TERMINAL



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Certificate of Determination
Exemption from Environmental Review**

Case No.: 2012.0631E
Project Title: SFMTA – Operator Convenience Facilities
Zoning: Varies
Block/Lot: 5260/001 (1601 Hudson St); 4912/006 (1398 Fitzgerald Ave);
 2086/001 (4101 Ortega Ave); 1574/001 (682 32nd Ave);
 4265/007 (1298 Potrero Ave); 4276/014 (1451 Hampshire St);
 Plus 30 other locations
Lot Size: 112 square feet each, 600 square feet total
Project Sponsor: San Francisco Municipal Transportation Agency
 Andrew Howard – (415) 701-4298
Staff Contact: Christopher Espiritu – (415) 575-9022
 christopher.espiritu@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6408

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes the installation of SFMTA operator convenience facilities, or restrooms, at multiple locations near bus terminals throughout the city. The objective of the project is to address the lack of accessible restroom facilities available to SFMTA operators at terminals. Currently, available facilities for SFMTA operators include licensed facilities at existing businesses or portable rental facilities. Initially, five (5) locations have been identified at 1601 Hudson Avenue, 1398 Fitzgerald Avenue, 4101 Ortega Street, 682 32nd Avenue, 1298 Potrero Avenue, and 1451 Hampshire Street, where convenience facilities would be installed. An additional 30 locations have been identified, but a precise location (block/lot) has not been determined; the nearest cross streets have been provided to identify the location of the 30 additional sites. (Continued on the following page)

EXEMPT STATUS:

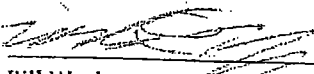
Categorical Exemption, Class 3, [State CEQA Guidelines Sections 15303]

REMARKS:

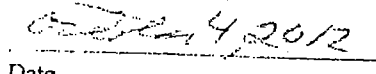
See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.



Bill Wycko
 Environmental Review Officer



Date

cc: Andrew Howard, SFMTA, Project Sponsor
 Sarah Dennis-Phillips, Citywide Planning

Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

SFMTA proposes to provide restroom facilities for operators at several bus terminal locations in order to minimize gaps between available restroom facilities for the comfort and safety of bus operators. At each location, an approximately 8-ft long by 13-ft wide, prefabricated ADA compliant restroom facility would be installed. Restroom facilities would be connected to existing utilities, but could be moved if route changes require the terminal to be relocated. The restroom facilities would solely be used by MUNI operators and would not be available for public use.

REMARKS (continued):

Initially, SFMTA has identified five (5) locations where prefabricated restroom facilities would be installed; however, the proposed project includes the installation of these facilities at 30 additional locations throughout the SFMTA bus system. The precise locations of the other 30 restroom facilities are currently under review by SFMTA and would be determined at a later date. SFMTA has provided a list of approximate locations for the additional 30 restroom sites identified by cross street (See Table 1). The proposed project would not cause adverse impacts to the environment since no new permanent construction would occur. The installation of the proposed restroom facilities would not be considered as a permanent modification to the built environment, since these facilities would include reversible connections to existing utilities and no major excavation activities are required.

Table 1: Proposed Locations of Additional SFMTA Operator Convenience Facilities

19th Ave & Buckingham Way	Dublin between Persia & La Grande	Mission St & Lowell St
19th Ave & Holloway Ave	Evans Ave & 3rd St	Mission St & San Jose Ave
20th St & 3rd St	Geary Blvd & 25th Ave	Noriega St & 44 th Ave
25th Ave & California	Geneva & Rio Verde	Pacific Ave & Van Ness Ave
32nd Ave & Balboa	Geneva St. & Schwerin St.	Parkridge Dr & Burnett Ave
Beach St & Divisadero	Jones St & Beach St	Sacramento St & Cherry St
Cesar Chavez St & Mission St	Lower Great Hwy & Rivera St	Sickles Ave & Alemany Blvd
Chestnut St & Fillmore St	Marina Blvd & Laguna St	Sunnydale Ave at McLaren School
Clement & 14 th Ave	McAllister & Jones	Taylor St & Bay St
Divisadero St & Chestnut St	Mellon Circle & Alana Way	Valencia St & Cesar Chavez St

Source: SFMTA, 2012

The proposed project is subject to the requirements for excavation permits in Article 2.4 of the Public Works Code and the requirements of Department of Public Works (DPW) Order No. 175,566 concerning placement of surface-mounted facilities in the public right-of-way.¹ DPW reviews each application on an individual basis and evaluates the potential for the proposed facilities to impede travel on public streets, inconvenience property owners, or otherwise disturb the use of the public right-of-way by the public.

¹ Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Right-Of-Way, DPW Order No. 175,566. This document is available for review at the Planning Department, at 1650 Mission Street, Suite 400, as part of Case No. 2012.0631E.

DPW would ensure that persons affected by the installation have an opportunity to be heard before an impartial hearing officer appointed by the Director of DPW. The hearing officer would summarize the evidence and testimony and will make recommendations to the Director, who would make the final determination. In addition, SFMTA will provide notice to all residents within 300 feet of the work 48 hours prior to the commencement of work.

Public Views and Aesthetics. In evaluating whether the SFMTA operator restroom facilities would be exempt from environmental review, the Planning Department determined that the proposed facilities would not result in a significant impact to public views and aesthetics. Visual quality, by nature, is highly subjective and different viewers may have varying opinions as to whether a proposed restroom facility contributes negatively to the visual landscape of the City and its neighborhoods. The Planning Department's Initial Study Checklist, which is based on Appendix C of the California Environmental Quality Act (CEQA) Guidelines, indicates that assessments of significant impacts on visual resources should consider whether the project would result in: (1) a substantial, demonstrable negative aesthetic effect; (2) a substantial degradation or obstruction of any scenic view or vista now observed from public areas; or (3) generation of obtrusive light or glare substantially impacting other properties. The installation of the proposed restroom facilities would not result in any of these conditions, as described below.

SFMTA proposes to install 35 restroom facilities in a dispersed manner within public right-of-way. The profile of these facilities would be visible to passersby and observers from nearby buildings, but may not be noticed by the casual observer. The visual impacts of the restrooms would be confined to the immediate areas in which the units are located. Utility-related facilities, as well as public restroom units, in the public right-of-way are common throughout the City's urbanized environment (e.g., traffic control cabinets, utility cabinets, public toilets, and portable restrooms). SFMTA's restroom facilities would generally be viewed in the context of the existing urban background, and the incremental visual effect of the proposed facilities would be minimal. In addition, the proposed restrooms would not generate any obtrusive light or glare. The initial five (5) locations identified by SFMTA were reviewed by the Planning Department and the proposed plans support the Department's conclusion that the restroom facilities would have a negligible effect on public views and aesthetics.

In reviewing aesthetics under CEQA, generally, consideration of the existing context in which a project is proposed is required and evaluation must be based on the impact on the existing environment. That some people may not find the proposed restroom facilities attractive does not mean that these would create a significant aesthetic environmental impact; these must be judged in the context of existing conditions. For the proposed project, the context is urban right-of-way that supports similar utility and public restroom structures dispersed throughout the City. The proposed restroom facilities are thus consistent with existing developed environment. The aesthetics of the restroom facilities are similar to other structures in public right-of-way and therefore cannot be deemed an "unusual circumstance." For those same reasons, the "unusual circumstance" exception to the categorical exemptions is not applicable to aesthetic impacts that are similar to existing or potential comparable structures. The restroom facilities would not be unusual and would not create adverse aesthetic impacts on the environment.

For all the above reasons, installation of the proposed restroom facilities would not result in a significant adverse effect on public views or aesthetics.

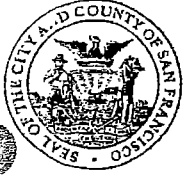
Historic Architectural Resources. None of the 35 identified SFMTA convenience station sites are located within a historic or potentially historic district, or adjacent to a historic resource. Therefore, the proposed project would not result in a significant impact to historic resources.

Exemption Status. CEQA State Guidelines Section 15303, or Class 3, provides an exemption from environmental review for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 also provides an exemption for accessory structures including garages, carports, patios, swimming pools, and fences, and others. The proposed project would install temporary restroom facilities on existing on-street parking spaces at the terminals of five (5) initial bus routes and 30 additional locations. Furthermore, the proposed project would not impair sidewalk access or encroach onto private residential or commercial properties near the bus terminals. Therefore, the proposed project meets the criteria for exemption under Class 3.

As SFMTA identifies additional locations in the future, Planning Department review and evaluation would be documented in a separate environmental analysis.

CONCLUSION:

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances. As described above, the proposed project is not expected to have a significant effect on aesthetics and public views. Also, the proposed 35 restroom facilities would not be located within historic districts or potentially historic district, or adjacent to historic resources. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under each of the above-cited classifications. For all of the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: October 19, 2012

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

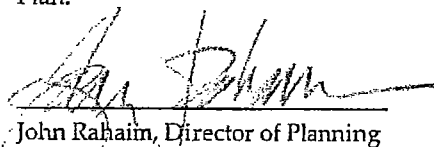
Block/Lot No.: 1298 Potrero Avenue 4265/007
1451 Hampshire St 4276/014
74101 Ortega Street 2086/001
1601 Hudson Avenue 5260/001
1398 Fitzgerald St 4912/006
682 32nd Ave 1574/001
Additional – see attachment

Project Sponsor: Drew Howard
SF Municipal Transportation Agency
1 South Van Ness Avenue 7th 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.

MUNI Line	Street Address	Location	Block/Lot
1. 33 Stanyan	1298 Potrero Avenue	On 25 th 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 th 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 nd 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

GENERAL PLAN REFERRAL

CASE NO. 2012.0631R MAJOR ENCROACHMENT PERMIT TO INSTALL MUNI OPERATOR RESTROOM FACILITIES ON SIDEWALK BULB-OUTS

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.

GENERAL PLAN REFERRAL

**CASE NO. 2012.0631R
MAJOR ENCROACHMENT PERMIT TO INSTALL MUNI OPERATOR
RESTROOM FACILITIES ON SIDEWALK BULB-OUTS**

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.

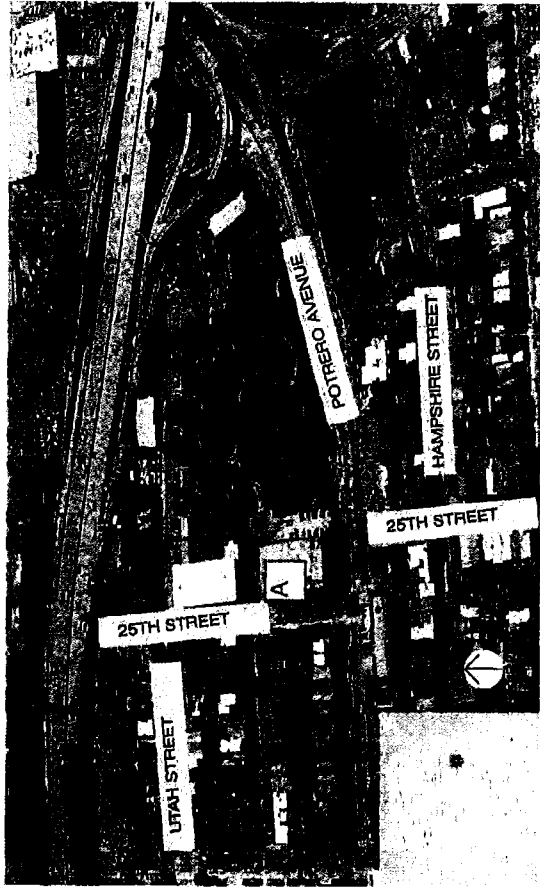
8. That our parks and open space and their access to sunlight and vistas be protected from development.

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.

RECOMMENDATION: Finding the Project, on balance, in-conformity with the General Plan
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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"



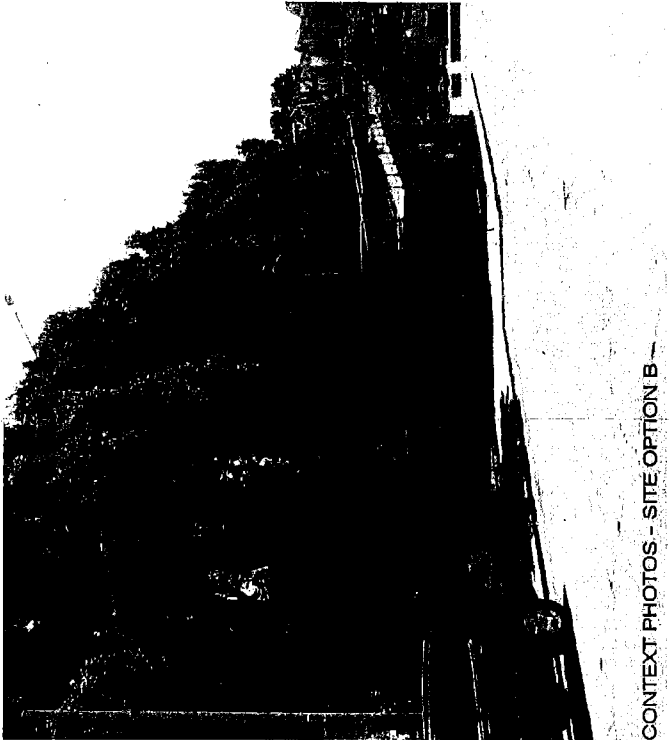
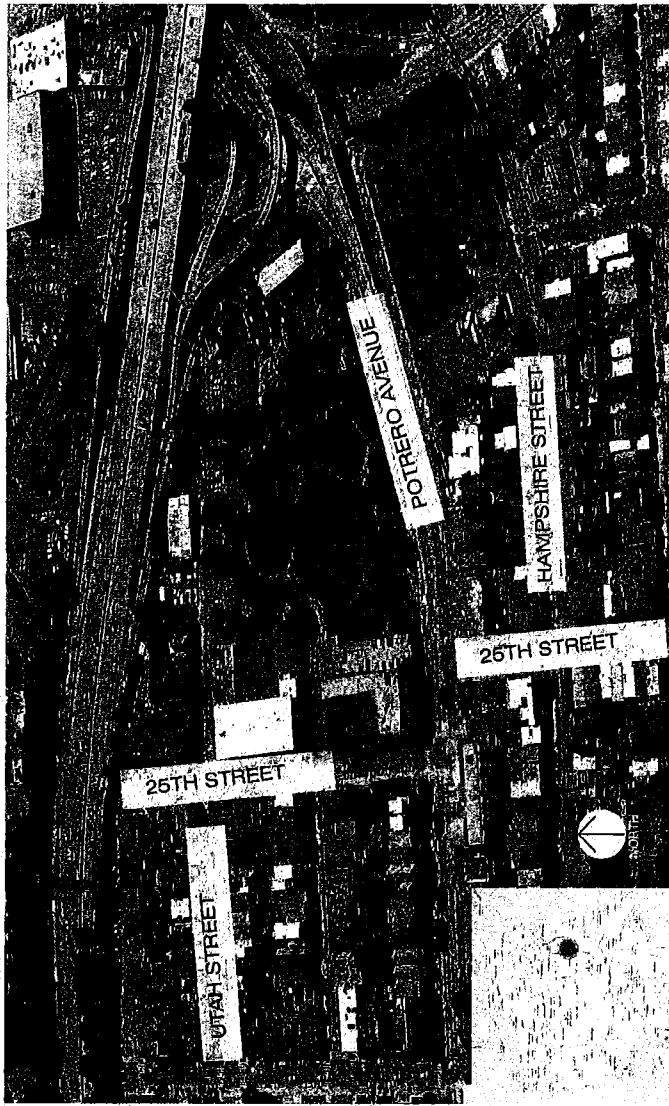
CONTEXT PHOTOS - SITE OPTION A

A

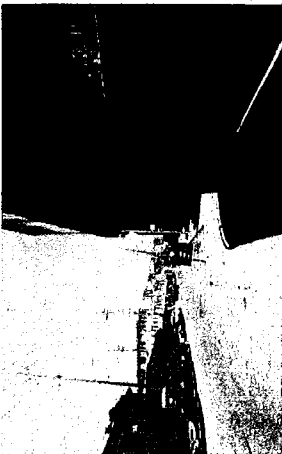
#33 STANYAN TERMINAL
CONTEXT

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

S.F. DEPARTMENT OF PUBLIC WORKS
ARCHITECTURE



CONTEXT PHOTOS - SITE OPTION B



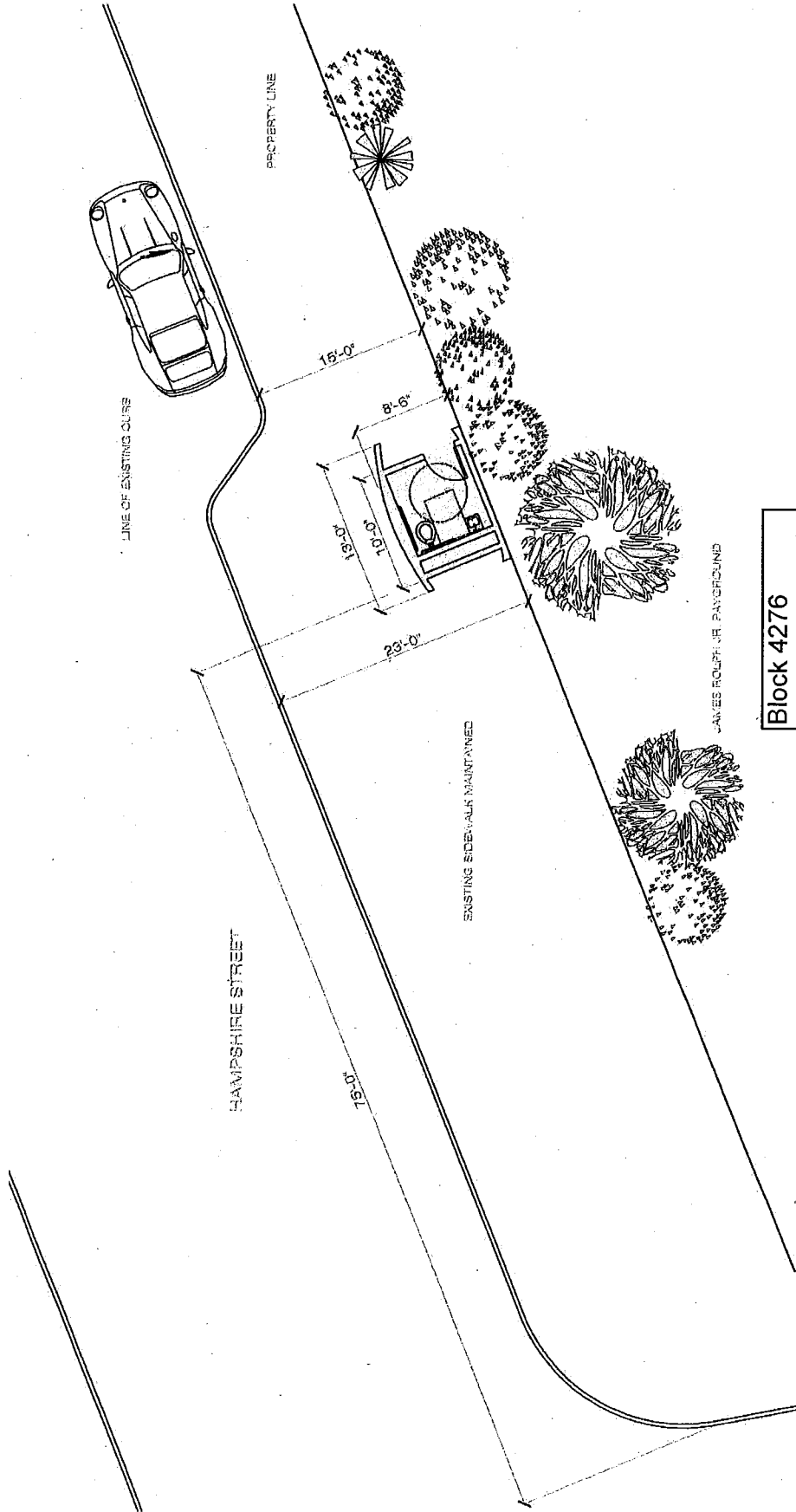
CONTEXT PHOTOS - SITE OPTION B

B

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

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

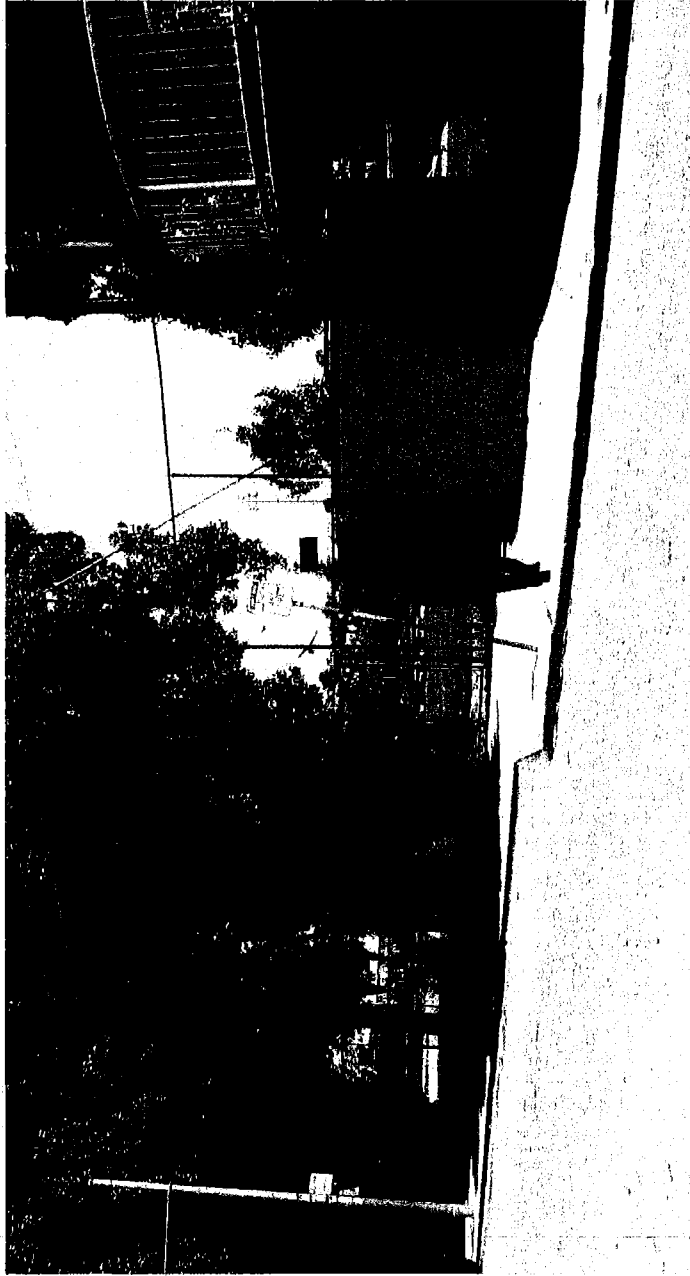
#33 STANYAN TERMINAL
CONTEXT



Block 4276
Lot 014

SITE PLAN - N.T.S.

B



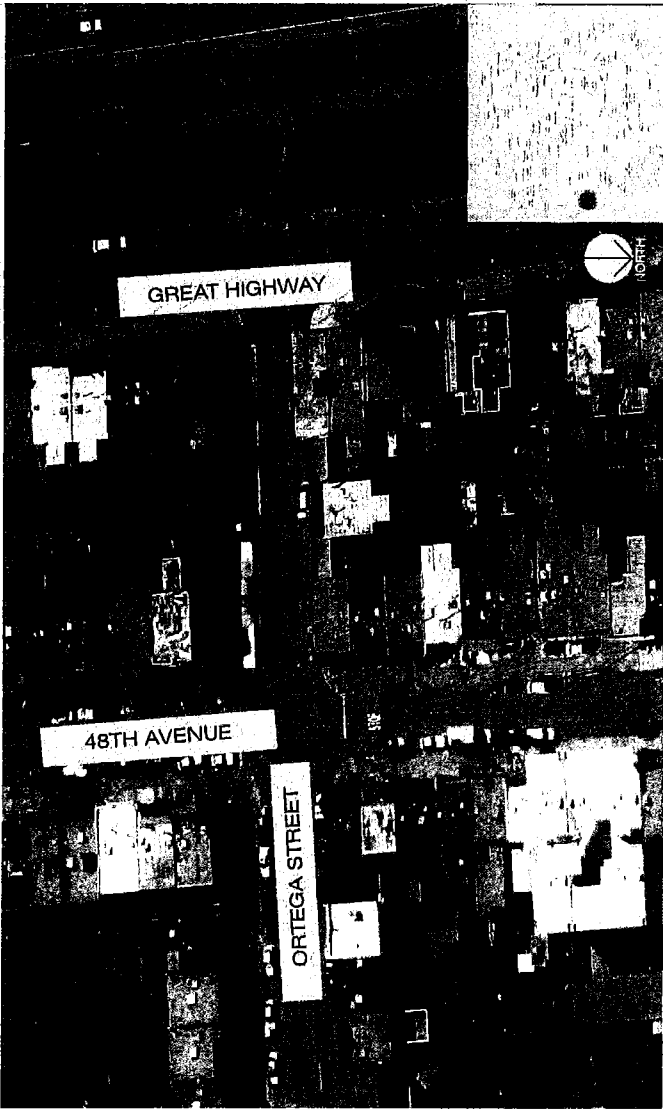
SAMPLE BUILDING ON SITE - OPTION B

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

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

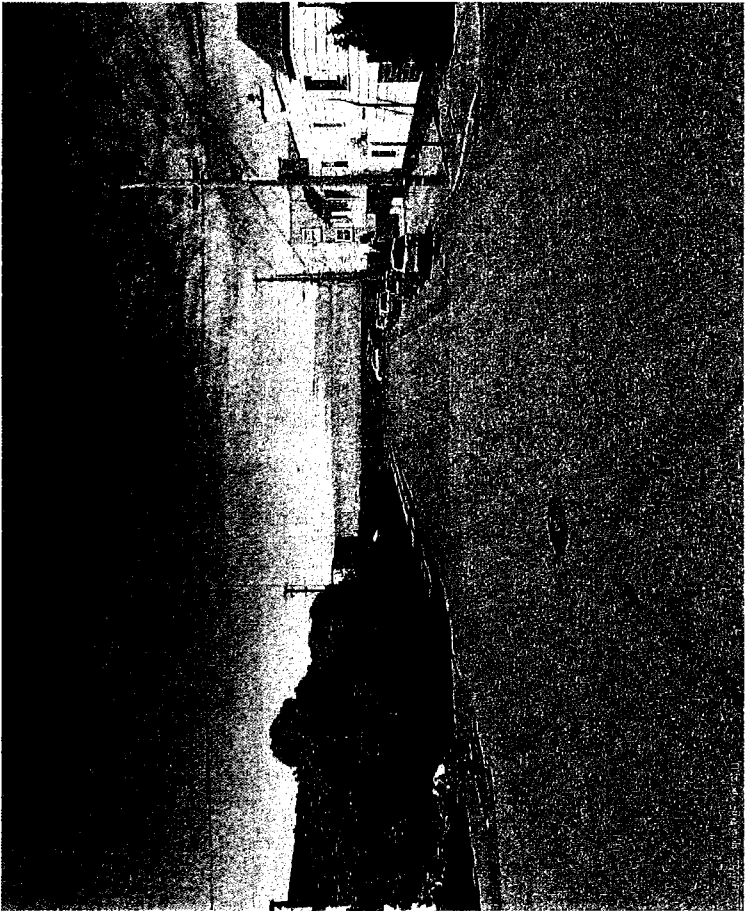
#33 STANYAN TERMINAL
SAMPLE

B



CONTEXT PHOTOS





CONTEXT PHOTOS

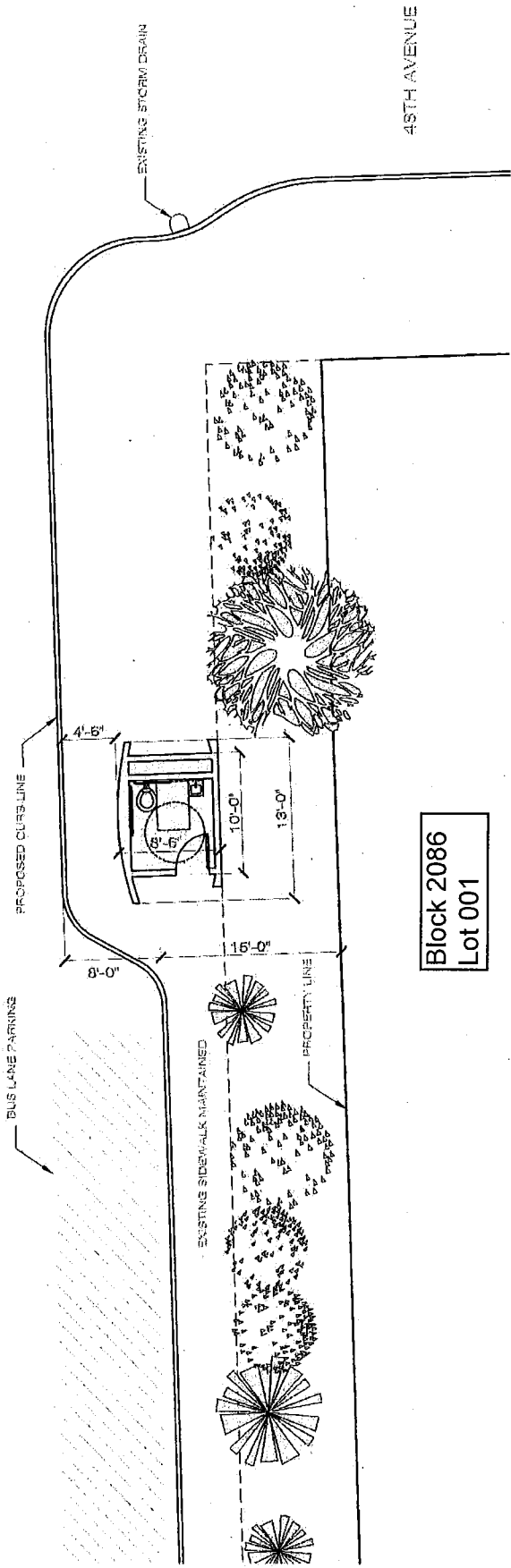
BUILDING DESIGN & CONSTRUCTION
S.F. DEPARTMENT OF PUBLIC WORKS
ARCHITECTURE

SFMTA - OPERATOR CONVENIENCE FACILITIES 1 Design Development
July 19, 2012

#71 HAIGHT - NORIEGA TERMINAL
CONTEXT

— GREAT HIGHWAY

ORTEGA STREET



45TH AVENUE

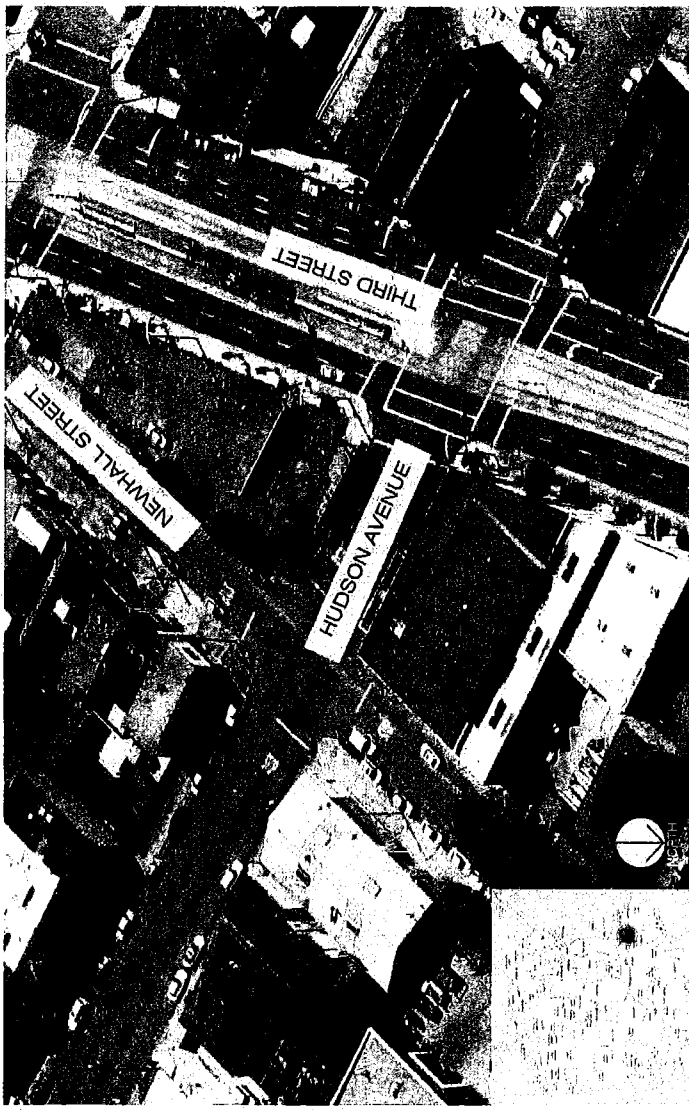
Block 2086
Lot 001

SITE PLAN - N.T.S.

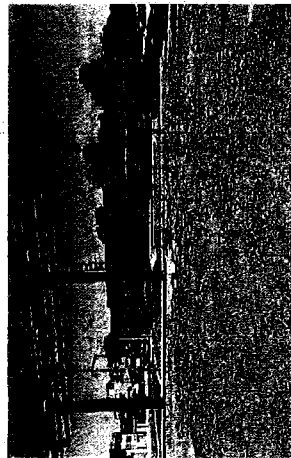
BUILDING DESIGN & CONSTRUCTION
S.F. DEPARTMENT OF PUBLIC WORKS
ARCHITECTURE

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

#71 HAIGHT - NORIEGA TERMINAL
SITE PLAN



SITE MAP

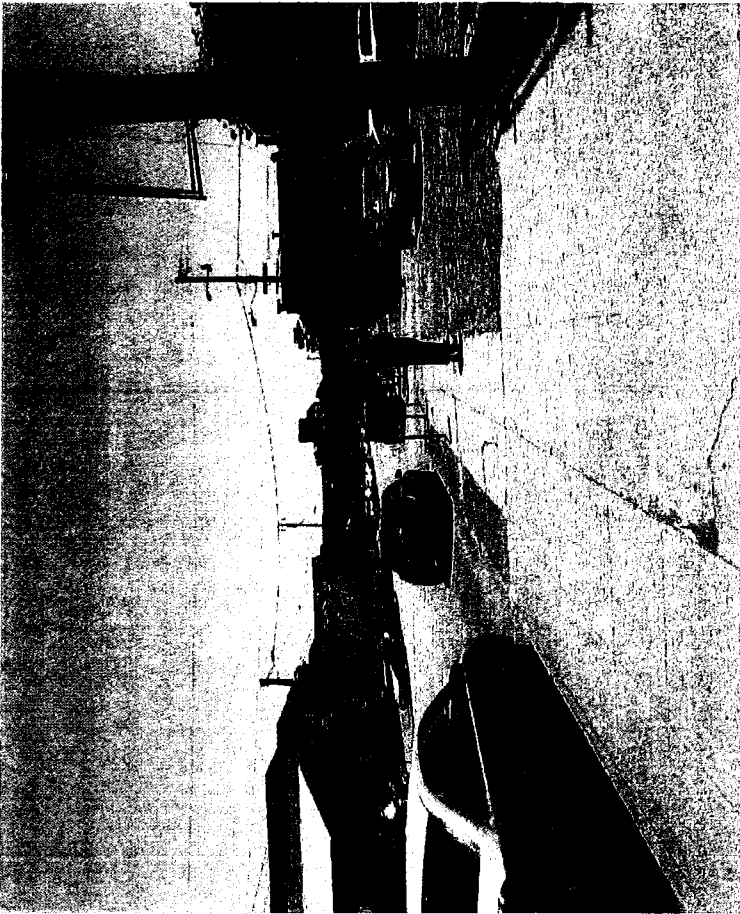


CONTEXT PHOTOS

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

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

#54 FELTON TERMINAL
 SITE PLAN

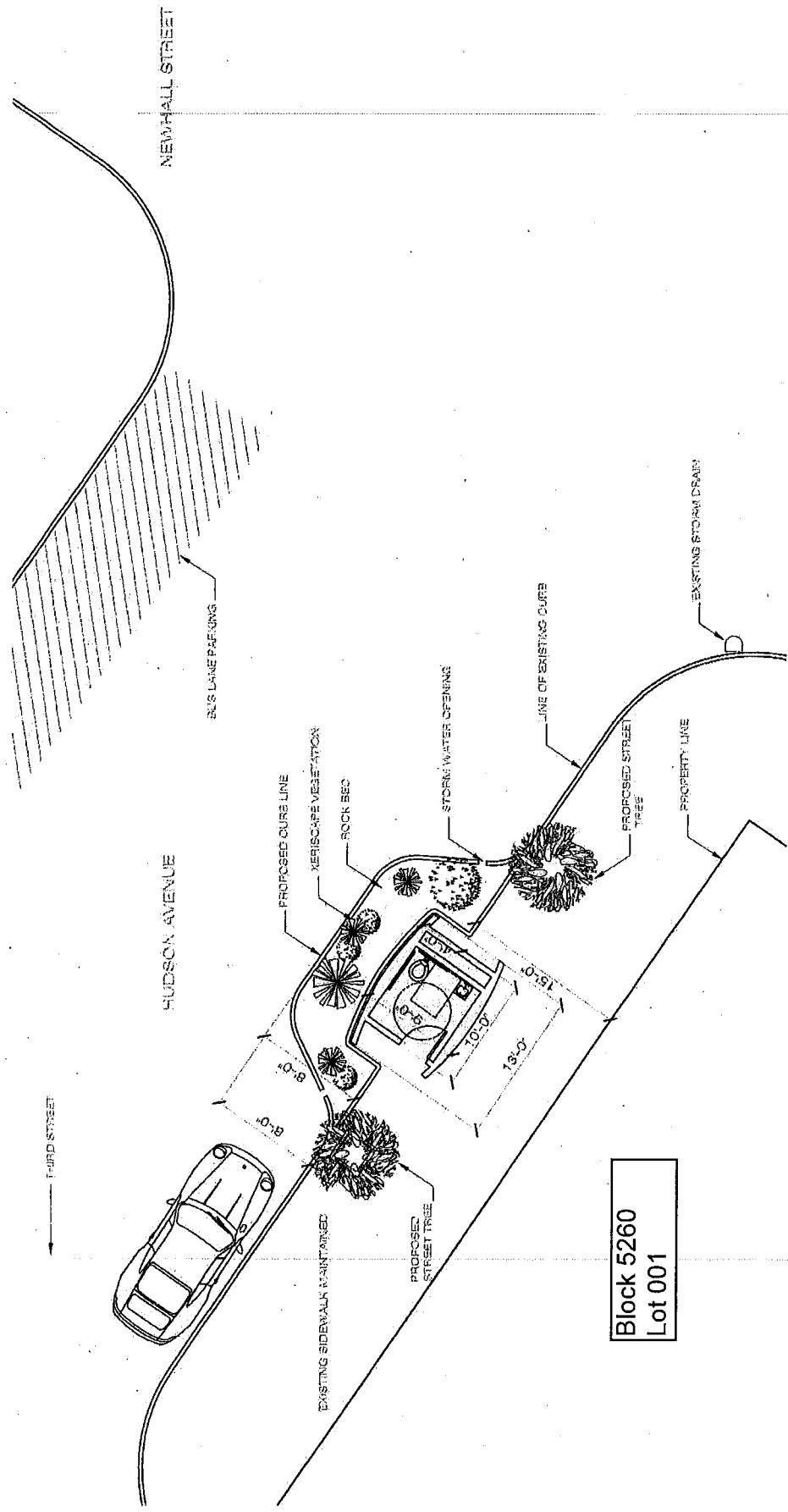


CONTEXT PHOTOS

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

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

#54 FELTON TERMINAL
CONTEXT



Block 5260
Lot 001

SITE PLAN N.T.S.

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

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

#54 FELTON TERMINAL
SITE PLAN



SAMPLE BUILDING ON SITE

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

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

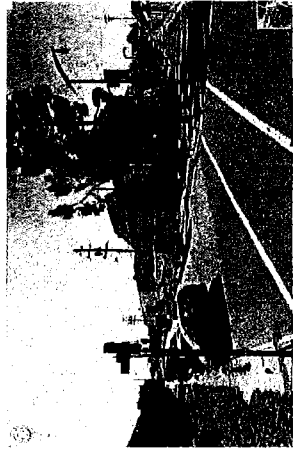
#54 FELTON TERMINAL
EXAMPLE



SITE MAP



ORIGINAL PROPOSED LOCATION



CONTEXT PHOTOS



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

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

#29 SUNSET TERMINAL
 CONTEXT



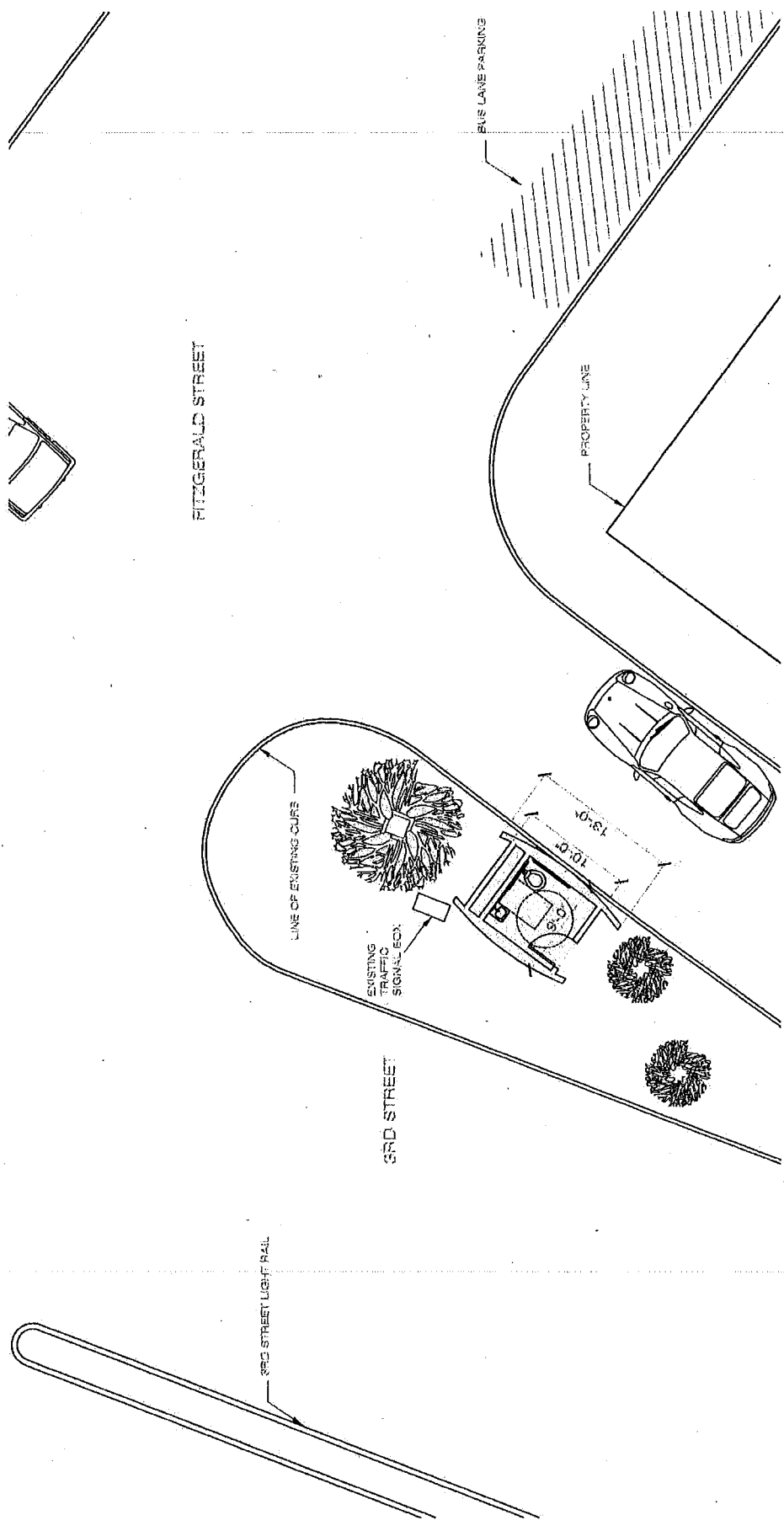
CONTEXT PHOTOS

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

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

#29 SUNSET TERMINAL
CONTEXT

Block 4912
Lot 006



SITE PLAN N.T.S.

#29 SUNSET TERMINAL
SITE PLAN

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

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

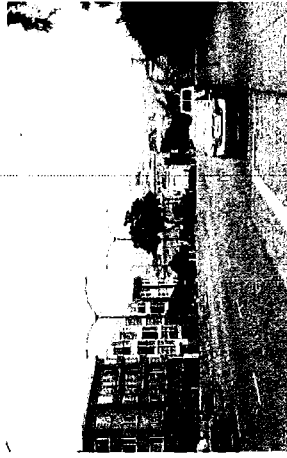


SAMPLE BUILDING ON SITE

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

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

#29 SUNSET TERMINAL
EXAMPLE



CONTEXT PHOTOS



CONTEXT PHOTOS

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

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

#38 GEARY TERMINAL
CONTEXT

GEARY BLVD

BUS LANE PARKING

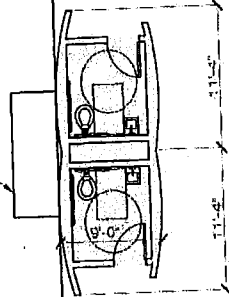
LINE OF EXISTING CURB

EXISTING SIDEWALK MAINTAINED

PROPERTY LINE

EXISTING BUS STOP

15'-0"



GEORGE WASHINGTON HIGH SCHOOL

Block 1574
Lot 001

SEOND AVENUE

EXISTING TREE WELL

SITE PLAN - N.T.S.

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

SFMTA - OPERATOR CONVENIENCE FACILITIES | Design Development

July 19, 2012

#38 GEARY TERMINAL
SITE PLAN

SFMTA Operator Convenience Facility sites

19th Ave & Buckingham Way
19th Ave & Holloway Ave
20th St & 3rd St
25th Ave & California
32nd Ave & Balboa
Beach St & Divisadero
Cesar Chavez St & Mission St
Chestnut St & Fillmore St
Clement & 14 Ave
Divisadero St & Chestnut St
Dublin between Persia & La Grande
Evans Ave & 3rd St
Geary Blvd & 25th Ave
Geneva & Rio Verde
Geneva St. & Schwerin St.
Jones St & Beach St
Lower Great Hwy & Rivera St
Marina Blvd & Laguna St
McAllister & Jones
Mellon cir & Alana Way
Mission & Lowell
Mission St & San Jose Ave
Noriega & 44th ave
Pacific Ave & Van Ness Ave
Parkridge Dr & Burnett Ave
Sacramento St & Cherry St
Sickles Ave & Alemany Blvd
Sunnydale at McLaren School
Taylor St & Bay St
Valencia St & Cesar Chavez St

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

City and County of San Francisco



Gavin Newsom, Mayor
Edwin M. Lee, Director

Phone: (415) 554-6920
Fax: (415) 554-6944
TDD: (415) 554-6900
<http://www.sfdpwr.org>

Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4845

ORDER NO. 175,566

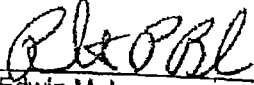
**Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way**

The Department of Public Works (the "Department") has broad authority under Article 18 of the City and County of San Francisco Public Works Code to regulate the placement of utility facilities in the public rights-of-way. In addition, under Article 2.4 of the Public Works Code, any person excavating in the public rights-of-way must obtain an excavation permit and comply with any orders and regulations adopted by the Department that are necessary to preserve and maintain the public health, safety, welfare, and convenience.

The Department has received applications for excavation permits from a number of utility companies and City departments seeking to install surface-mounted facilities in the public rights-of-way. The Department is concerned that the installation of surface-mounted facilities in the public rights-of-way will impede travel on public streets, inconvenience property owners, create visual blight, or otherwise incommode the use of the public rights-of-way by the public.

The Department has consistently informed applicants and potential applicants for excavation permits that it is the Department's policy to require that such surface-mounted facilities be installed on private property or be placed underground to the extent either of these options is technologically and economically feasible. At the very least, the Department has required that applicants minimize the impact that the placement of any surface-mounted facilities will have on use of the public rights-of-way.

The Department adopts this Order to establish rules and regulations for excavators seeking permits to install such surface-mounted facilities in the public rights-of-way. In so doing, the Department will be better able to enforce this long-standing policy. The Department will also ensure that persons affected by the installation of such surface-mounted facilities will have an opportunity to be heard before the Department issues any permits.


Edwin M. Lee
Director of Public Works

Approved: August 17, 2005

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.
Customer Service Teamwork Continuous Improvement

Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way

Section 1. Definitions.

- A. For purposes of this Order, the following terms, phrases, words, abbreviations their derivations, and other similar terms, when capitalized, shall have the meanings given herein:
1. "Aesthetic" means pleasing in appearance in the context of the surrounding area.
 2. "Applicable Law" means all applicable federal, state, and City laws, ordinances, codes, rules, regulations, orders, standard plans and specifications, as the same may be amended or adopted from time to time. Where applicable, Applicable Law also means the requirements contained in any franchise agreement, utility conditions permit or encroachment permit.
 3. "Applicant" means any person filing an application for a Permit to install a Surface-Mounted Facility in the Public Rights-of-Way. Unless expressly stated herein or otherwise prohibited by law, for the purpose of this Order Applicant shall include Municipal Applicant.
 4. "Approval," "Approve," or "Approved," when used with reference to City approval, mean the prior written approval of the Director unless another person or method for approval is specified herein or under Applicable Law. When used in reference to another agency, they mean the final approval of that agency as provided under Applicable Law.
 5. "City" means the City and County of San Francisco.
 6. "City Business Day" means any Monday through Friday that is not observed as an official holiday by the City.
 7. "Day" means any calendar day, unless a City Business Day is specified. For the purposes hereof, the time in which an act is to be performed shall be computed by excluding the first day and including the last. For the purposes hereof, if the time in which an act is to be performed falls on a Saturday, Sunday, or any day observed as an official holiday by the City, the time for performance shall be extended to the following City Business Day. For the purposes hereof, the time in which an act is to be performed shall be computed by excluding the first day and including the last.
 8. "Department" means the Department of Public Works.
 9. "Director" means the Director of the Department or his designee.
 10. "Graffiti" means any inscription, word, figure, marking or design that is affixed, marked, scratched, drawn or painted on a Surface-Mounted Facility, whether permanent or temporary, without the consent of the Applicant.

11. "Municipal Applicant" means any agency, board, commission, department, or subdivision of the City filing an application to install a Surface-Mounted Facility in the Public Rights-Of-Way.
12. "Order" means these Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way.
13. "Permit" means a permit to perform an excavation to install a Surface-Mounted Facility as it has been approved, amended, or renewed by the Department.
14. "Public Rights-Of-Way" means the area in, on, upon, above, beneath, within, along, across, under, and over the public, sidewalks, within the geographic area of the City in which the City now or hereafter holds any property interest, which is dedicated to public use.
15. "Public Works Code" means the City and County of San Francisco Public Works Code.
16. "Surface-Mounted Facility" means any Utility facility (physical element or structure) that installed, attached, or affixed in the Public Rights-of-Way on a site that is above the surface of the street, except a Utility pole or associated appurtenances. The term Surface-Mounted Facility shall not include transit shelters, ramps, and platforms, or traffic signal poles; but shall include other facilities installed in the Public Rights-of-Way for transportation purposes such as, but not limited to traffic signal controllers, communications hubs, back-up power supplies, switch controllers, electric service panels, and ticket vending machines.
17. "Utility" means any of the following services: electricity, gas, information, sewer, steam, telecommunications, high-speed Internet, voice over Internet protocol, video over Internet protocol, cable television, open video, water, or other services that require the provider to install facilities in the Public Rights-of-Way to serve its customers.

Section 2. Permit Required.

- A. An Applicant shall apply for and obtain a Permit and/or all other required regulatory permits and/or Approvals for placement of a Surface-Mounted Facility in the Public Rights-Of-Way that is regulated by the Department in accordance with this Order and Applicable Law, except that no Permit shall be required where the Applicant has applied for and obtained an encroachment permit as required under Applicable Law.
- B. Unless otherwise agreed to by the Department in writing, the requirements of this Section shall apply to an Application to install a Surface-Mounted Facility that is replacing an existing Surface-Mounted Facility, except where the new Surface-Mounted Facility will be placed on an existing foundation and the size of the new Surface-Mounted Facility shall be the same or smaller.

Section 3. Pre-Application Procedures for Obtaining Permits for Surface-Mounted Facilities.

A. Request for a Department Site Visit.

1. Prior to submitting an application for a Permit to construct a Surface-Mounted Facility, an Applicant shall request that the Department conduct a site visit to explore proposed locations for the Surface-Mounted Facility.
2. The Department will not conduct a site visit unless an Applicant sufficiently demonstrates to the Department (by submitting to the Department a complete copy of the form attached hereto as Exhibit A and incorporated by this reference) that it made a good faith effort to comply with each of the following requirements (unless the Department determines that any or all of the requirements of this Section should not apply to a particular Surface-Mounted Facility):
 - a. Prepared and submitted to the Department, or has on file with the Department, a plan, in a format specified by the Department, that shows all Surface-Mounted Facilities anticipated to be installed in the Public Rights-Of-Way in the next five years. Any Applicant that does not anticipate installing any other Surface-Mounted Facilities in the next five years shall submit a plan with a statement to that effect and shall immediately report any Surface-Mounted Facilities that are anticipated to the Department. The Department may refuse to conduct more than five site visits in a calendar year for any Applicant that has not completed a five-year plan.
 - b. Prepared and submitted to the Department plans showing all of the sizes and shapes of the cabinets proposed to be used for its Surface-Mounted Facilities. If the Applicant is seeking Approval of a larger cabinet of the Surface-Mounted Facility, the Applicant shall sufficiently demonstrate to the Department why the larger cabinet is necessary.
 - c. Surveyed the area to be serviced by a Surface-Mounted Facility to identify at least three locations on private property (including City-owned property) that may be appropriate for the installation of the Surface-Mounted Facility.
 - d. Contacted the owners of such properties to determine whether the owners will allow the Applicant to use the property to install the Surface-Mounted Facility.
 - e. Attempted to enter into an agreement with any interested property owner.
 - f. Attempted to place the Surface-Mounted Facility (or parts thereof) underground where such underground placement is technologically or economically feasible. An Applicant may satisfy the requirement contained in this Section by demonstrating to the satisfaction of the Director that it is not technologically or economically feasible for the Applicant to place the Surface-Mounted Facility (or parts thereof) underground. At a minimum, the Applicant must demonstrate to the Director that it conducted a thorough search for adequate underground technology.

- c. Ensuring that the Surface-Mounted Facility will not obstruct access to other facilities that are installed or the Department knows are to be installed in the Public Rights-Of-Way (whether above or below ground) by other entities including City departments and entities providing Utility services.
 - d. Placing the Surface-Mounted Facility in a location that is consistent with the placement criteria set forth in Exhibit B attached hereto and incorporated by this reference.
2. During the site visit, the Department will explore any proposed site for the Surface-Mounted Facility that has been identified by the Applicant and any other sites that are consistent with the placement criteria set forth in Exhibit B.
 3. Within five City Business Days of the site visit, the Department will notify the Applicant:
 - a. Whether any of the proposed locations are acceptable locations consistent with the guidelines set forth in Exhibit B.
 - b. How the proposed locations should be prioritized if more than one of the proposed locations are acceptable under the guidelines.
 - c. If the Department has any recommendations to minimize the Aesthetic affect of the Surface Mounted Facility of the streetscape including, but not limited to, a color for the Surface-Mounted Facility, any screening that should be installed around the Surface-Mounted Facility, any Aesthetic changes to the Surface-Mounted Facility itself or to its installation, and any opportunities for collocating the Surface-Mounted Facility.
 - d. If the Department will require the Applicant, pursuant to Section 3.C below, to notify the public of the proposed installation of the Surface-Mounted Facility prior to submitting an application for a Permit.

C. Notice of Intent to Submit Application.

1. If the Department so requires, prior to submitting an application for a Permit to install a Surface-Mounted Facility an Applicant shall notify the public of its intent to submit an application in the following manner:
 - a. The Applicant shall post the notice in conspicuous places along the Public Rights-Of-Way within 300 feet of either side of the fronting streets of any of the proposed locations for the Surface-Mounted Facility. An example of the area required to be noticed is attached hereto as Exhibit C and incorporated herein by this reference. A minimum of two notices shall be posted along the fronting streets in every direction. The Applicant shall ensure that the notices remain posted for 20 Days after they are first posted and shall remove the notices after the 20 Day notice period ends.

- b. The Applicant shall send the notice to any neighborhood association identified by the Department of City Planning for any neighborhood within 300 feet of any of the proposed locations for the Surface-Mounted Facilities.
 - c. If the Applicant is seeking a permit to install a Surface-Mounted Facility in any location prohibited by item numbers 14 through 18 of Exhibit B, the Applicant shall send the notice to the appropriate City agency identified in Exhibit D attached hereto and incorporated by this reference.
 - d. The Applicant shall send the notice to the Department at the following address: Bureau of Street-use and Mapping, 875 Stevenson Street, Room 460, San Francisco, California, 94103-0942 (Tel: (415) 554-5810; Fax: (415) 554-5843.
2. The notice shall be in a form to be approved by the Department and shall be similar to the form attached hereto as Exhibit E and incorporated herein by this reference. At a minimum, the notice shall contain the following information:
 - a. A picture of the Surface-Mounted Facility in each proposed location.
 - b. If there is more than one acceptable location for the Surface-Mounted Facility, the Applicant's order of preference for the proposed locations.
 - c. That the recipient has 20 Days from the date of notice to notify the Department that the recipient objects to any or all of the proposed locations for the Surface-Mounted Facility.

D. Notice of Site Approval.

Where the Department has Approved a site for a Surface Mounted Facility without requiring the Applicant to send a notice of intent to submit an Application, the Applicant shall instead notify the public of the location of the Approved site at least 30 Days prior to filing an application for a Permit. The notice shall comply with the requirements of Section 3.C.1 and Section 3.C.2 above.

E. Department Hearing.

1. An objection to an intent to submit an application will be timely if made by telephone or postmarked within 20 Days of the date of the notice. Within two City Business Days of the Department's receipt of an objection, the Department shall notify the Applicant by electronic mail of such objection.
2. If the Department receives a timely objection to the notice of intent to apply from the public, the Director will convene a hearing unless the Director in his sole discretion determines that the objection is frivolous or vexatious.
3. If the Director determines that a hearing is required, within ten days after receiving the objection the Director will issue a notice scheduling the hearing for a date that is no later than thirty days after the date of the notice. The hearing will be conducted in accordance with the following procedures:

- a. The Director will appoint an impartial hearing officer to conduct the hearing. The hearing officer will be experienced in conducting proceedings of this kind. The hearing officer shall take evidence and testimony from the Department, the Applicant, and any persons objecting to or supporting any of the proposed locations for the Surface-Mounted Facility.
 - b. The hearing officer will issue a report to the Director. In the report, the hearing officer will summarize the evidence and testimony and recommend that the Director either Approve one of the proposed locations for the Surface-Mounted Facility, or Approve one of the proposed locations provided that the Applicant make reasonable changes to the installation of the Surface-Mounted Facility consistent with Section 3.E.6.b below and Section 3.E.6.c below. The Director may adopt, modify, or reject the hearing officer's recommendation.
4. At the conclusion of the hearing, the hearing officer may keep the hearing open for up to 20 Days to consider additional evidence concerning other locations identified during the hearing. The Applicant and the Department will report to the hearing officer within three City Business Days after the hearing whether or not any of these locations are acceptable and shall provide a copy of the report to all persons participating in the hearing. If the Applicant and the Department determine that none of these locations are acceptable, the hearing officer shall close the hearing.
5. If the Applicant and the Department determine that any of these proposed locations are acceptable, within three City Business Days of issuing the report to the hearing officer the Applicant will notify all persons owning or occupying any property located within 300 feet along either side of the fronting streets of the proposed locations and any neighborhood associations of the hearing. The notice shall be posted and mailed as required in Section 3.C.1 above. The notice shall state that: (a) the hearing officer may recommend to the Director that the Surface-Mounted Facility be installed in one of these proposed locations; and (b) any objection to these proposed locations must be in writing and must be sent to the Department within seven Days of the notice. The Department will provide a copy of such objections to the hearing officer, the Applicant, and all persons participating in the hearing.
6. The hearing officer will base the recommendation, and the Director will base his determination, upon the following matters only:
- a. Which of the proposed locations (if there is more than one) will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.
 - b. Whether the Applicant could make any reasonable changes to the location of the Surface-Mounted Facility within the same frontage of the given address of the proposed location such that it will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.

- c. Whether the Applicant could make any reasonable changes to the installation of the Surface-Mounted Facility at the proposed location that would address any of the objections.
 - d. Whether the Applicant could install the Surface-Mounted Facility in other acceptable locations (in accordance with Exhibit B) that are preferable to any of the proposed locations because use of such other acceptable locations will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.
7. Within thirty days after the conclusion of the Director's hearing or any decision not to hold a hearing, the Department will notify the Applicant in writing which one of the proposed locations for the Surface-Mounted Facility the Director has Approved and whether the Director will require the Applicant to make reasonable changes to the installation of the Surface-Mounted Facility.

Section 4. Application Procedures for Obtaining Permits for Surface-Mounted Facilities.

- A. Any application that an Applicant submits to the Department for a Permit to install a Surface-Mounted Facility in the Public Rights-Of-Way shall contain, in addition to the information required under Article 2.4 of the Public Works Code and Department Order No. 171,442, the information set forth in Exhibit F attached hereto and incorporated by this reference.
1. An Applicant may submit an application for a Permit to install a Surface-Mounted Facility if the Department does not require public notice under Section 3.C above, the Department does not receive a timely objection to the notice of intent to apply for a Permit under Section 3.E.1 above, or a proposed location for a Surface-Mounted Facility has been Approved under Section 3.E.7 above.
 2. The Department will process an application for a Permit to install a Surface-Mounted Facility for one of the approved sites in the manner set forth below and as shown in Exhibit G attached hereto and incorporated herein by this reference:
 - a. The Department will notify an Applicant within a reasonable time after receipt of an application to install a Surface-Mounted Facility whether the application is complete. If an application is not complete, the Department will return the application to the Applicant along with a checklist in the form attached hereto as Exhibit H and incorporated by this reference showing where the application is incomplete. The Applicant may complete the application and resubmit it at any time.
 - b. If the Department notifies an Applicant that an application is complete, the Applicant may apply for a Permit using the Department's electronic permitting system.
 - c. Within three City Business Days after receiving an application through the Department's electronic permitting system, the Department will notify the Applicant within whether the application has been Approved or denied.

3. The Department's Approval or denial of any Permit to install a Surface-Mounted Facility under this Order may be appealed to the Board of Permit Appeals pursuant to Section 4.106(b) of the City's Charter.

Section 5. Department Meetings.

Once a year the Department will convene a meeting with persons who submitted applications for Permits to install Surface-Mounted Facilities in the past year and any other interested persons to discuss issues related to the permitting and construction of Surface-Mounted Facilities in the Public Rights-Of-Way. The Department may also invite equipment vendors to the meeting. At such meetings, the Department will discuss any advancement in technology that would permit Applicants to install Surface-Mounted Facilities underground and any opportunities for Applicants to collocate their Surface-Mounted Facilities. The Department will also post a public notice of the meeting.

Section 6. Additional Permit Fees.

The Department has determined that processing an application for a Permit to install a Surface-Mounted Facility in accordance with the requirements of this Order will require the Department to incur expenses for employee time and materials in excess of those the Department generally incurs to process an application for a Permit. Pursuant to Public Works Code Section 2.4.43, in addition to all other fees required under Subarticle IV of Article 2.4 of the Public Works Code, the Department shall charge an Applicant filing an application for a Permit to install a Surface-Mounted Facility a pre-application site visit fee of \$75.00 for each site visit, an additional administrative fee of \$75.00 for any application Approved without a hearing, a hearing fee of \$150.00 for any application for which a Department hearing is required, and an additional hearing fee of \$100.00 if a hearing is continued to investigate other potential sites for a Surface-Mounted Facility.

Section 7. Applicant's Use of the Public Rights-Of-Way is Subordinate to City's Use.

A. Use of the Public Rights-Of-Way by an Applicant other than a Municipal Applicant for installation of a Surface-Mounted Facility shall be subordinate to any prior lawful occupancy and the continuing right of the City to use and occupy the Public Rights-Of-Way, or any part thereof, exclusively or concurrently with any other person or persons, and further subject to the public easement for streets and any and all other deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, franchises and claims of title which may affect the Public Rights-Of-Way.

B. An Applicant shall not place a Surface-Mounted Facility in the Public Rights-Of-Way in a manner inconsistent with the Public Works Code, the rules, regulations, orders, and standard plans and specifications issued by the Department, other Applicable Law, or in such a way as to interfere with or incommode public use of the Public Rights-Of-Way or create visual blight.

C. When required to ensure the public health, safety or welfare, an Applicant shall at its own cost and expense temporarily or permanently remove, relocate, adjust, and/or support a Surface-Mounted Facility or any part thereof, to such other locations in the Public Rights-Of-Way, in such manner as appropriate and as may be approved by the City in writing and in advance, or otherwise required by the City. The City may not unreasonably withhold its approval of any plan for removal, relocation, adjustment, and/or support of a Surface-Mounted Facility ordered pursuant to this Section. Such removal, relocation, adjustment, and/or support shall be completed within the time and manner prescribed by the

City; however, where feasible the City may require the Applicant to follow the procedures set forth in this Order to obtain a new site for the Surface-Mounted Facility. If an Applicant does not remove, relocate, adjust, and/or support a Surface-Mounted Facility in the manner and time prescribed by the Department, the Department shall take all reasonable, necessary, and appropriate action, including removing the Surface-Mounted Facility, and may charge the Applicant the reasonable costs actually incurred including, but not limited to, administrative costs.

D. Whenever the Department requires an Applicant to remove, relocate, adjust, and/or support a Surface-Mounted Facility to ensure the public health, safety or welfare, the Applicant shall, after such work is complete, at its own cost and expense, promptly restore the Public Rights-Of-Way in accordance with Applicable Law. If an Applicant fails to restore the Public Rights-Of-Way in accordance with Applicable Law, the Department shall have the option to perform or cause to be performed such restoration in such manner as the Director deems expedient and appropriate on behalf of the Applicant and charge the actual costs incurred including, but not limited to administrative costs, to the Applicant.

E. Upon the receipt of a demand for payment by the Department, the Applicant shall reimburse the City for any costs incurred by the Department to remove a Surface-Mounted Facility, as required under Section 7.C above, or to restore the Public Rights-Of-Way, as required under Section 7.D above, or the costs may be deducted from the Applicant's deposit under Public Works Code Section 2.4.46(c).

Section 8. Maintenance and Abandonment of Surface-Mounted Facilities.

A. An Applicant shall be solely responsible for maintaining a Surface-Mounted Facility installed in the Public Rights-Of-Way in a clean and safe condition. The Applicant shall inspect each Surface-Mounted Facility installed in the Public Rights-Of-Way and shall repair any damage to or remove any Graffiti found on a Surface-Mounted Facility within three City Business Days after discovering such damage or Graffiti during an inspection or being notified that there is such damage to or Graffiti on a Surface-Mounted Facility.

B. In the event an Applicant fails to timely repair any damage to or remove Graffiti from a Surface-Mounted Facility as required in this Section, the Department shall have the option to perform or cause to be performed such repair or removal in such manner as the Director deems expedient and appropriate on behalf of the Applicant and to charge the Applicant the actual costs incurred, including but not limited to administrative costs.

C. An Applicant shall place a sign on all Surface-Mounted Facilities that shall contain the Applicant's name and provide a telephone number for people to call to notify the Applicant that there is damage to or Graffiti on a Surface-Mounted Facility. A telephone call to that number will be considered notice to the Applicant.

D. An Applicant shall maintain a written record of damage repair and Graffiti removal from Surface-Mounted Facilities in the Public Rights-Of-Way that contains the following information: (i) the date the damage/Graffiti was discovered; (ii) the location of the Surface-Mounted Facility; (iii) whether the discovery was made as a result of an inspection or from a report; and (iv) the date the damage was repaired or the Graffiti was removed. A copy of this written record shall be sent to the Department on a quarterly basis commencing on October 1, 2005.

E. An Applicant shall notify the Department or the Department may determine that a Surface-Mounted Facility has been abandoned. At the Department's direction, an Applicant shall promptly remove the abandoned Surface-Mounted Facility and restore City property as required by the Department and consistent with Applicable Law, at the Applicant's expense. If the Applicant fails to remove the abandoned Surface-Mounted Facility within a reasonable period of time after receiving such a demand from the Department, the Department may take all reasonable, necessary, and appropriate action to remedy the Applicant's failure to comply and may charge the reasonable costs actually incurred including, but not limited to administrative costs, to the Applicant.

F. Upon the receipt of a demand for payment by the Department, an Applicant shall reimburse the City for any costs incurred by the Department to remove Graffiti from a Surface-Mounted Facility, as required by Section 8.B above, or to remove an abandoned Surface-Mounted Facility, as required by Section 8.B above, or the costs may be deducted from the Applicant's deposit under Public Works Code Section 2.4.46(c).

Section 9. Additional Indemnity Requirements.

In addition to the indemnity contained in Public Works Code Section 2.4.23(b), or any other indemnity required by Applicable Law, an Applicant other than a Municipal Applicant shall protect, defend, indemnify, and hold harmless the City, its commissions, departments, officers, employees, and agents from and against any and all claims, actions, demands, liability, loss, fines, penalties, damages or expense (including reasonable attorney's fees), for claims for injury or damages (collectively "Claims"), including without limitation, Claims arising out of injury to or death of a person, or loss of or damage to real or personal property or to goodwill allegedly resulting from or arising, directly or indirectly out of the installation, maintenance or use of any Surface-Mounted Facility in the Public Rights-Of-Way authorized pursuant to Applicable Law. In addition to an Applicant's obligation to indemnify the City contained in Public Works Code Section 2.4.23(b) and in this Section, an Applicant other than a Municipal Applicant specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any Claim that actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent; this obligation arises at the time such claim is tendered to the Applicant by the City and continues at all times thereafter. An Applicant's indemnity obligations hereunder shall continue for so long as the Applicant continues to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way.

Section 10. Additional Insurance Requirements.

A. Without in any way limiting the requirement that an Applicant indemnify the City pursuant to the Section 9 above, and in addition to the insurance obligation contained in Public Works Code Section 2.4.23(c) or any other insurance required by Applicable Law, an Applicant other than a Municipal Applicant must maintain in force, for so long as the Applicant continues to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way, insurance in the following amounts and coverages:

1. Workers' Compensation, with Employers' Liability Limits not less than \$1,000,000 each accident.

2. Commercial General Liability Insurance with limits not less than \$2,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations.
3. Business Automobile Liability Insurance with limits not less than \$2,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.

B. Commercial General Liability and Business Automobile Liability Insurance policies must provide the following:

1. Name as Additional Insured the City, its officers, agents, and employees.
2. That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.
3. That the City is entitled to 30 days' advance written notice if the policy should be canceled or materially changed.

C. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general annual aggregate limit shall be double the occurrence or claims limits specified above.

D. In the event an Applicant fails to maintain insurance as required herein, the Department may revoke the Applicant's authority to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way. Upon such revocation, an Applicant shall remove any Surface-Mounted Facility previously installed in the Public Rights-Of-Way, as required Section 7.C above, and restore the Public Rights-Of-Way, as required in Section 7.D above.

EXHIBIT A
PRE-SITE VISIT CHECKLIST

City and County of San Francisco.



Department of Public Works
Bureau of Street-Use & Mapping

Surface-Mounted Facility
Pre-Site visit Checklist

Applicant Name: _____ ADDRESS: _____

Contact Name: _____ TEL. NO.: _____

Date: _____ Proposed Location: _____

- 1. Five-year plan or letter indicating no additional work is planned for the next five years is on file.
- 2. Verification that cabinet size is consistent with the plans on file.
- 3. Verification of attempts to place Surface-Mounted Facility on private property (at least 3 locations). Please attach the following:
 - a. Copy of letter mailed to property owners
 - b. Copy of mailing list
 - c. Statement verifying date of mailing
 - d. Copy of responses from property owners
 - e. Verification of attempt to enter into an agreement with any interested property owners
- 4. Verification of attempts to place Surface-Mounted Facility underground.
- 5. Verification of attempts to collocate the Surface-Mounted Facility.
- 6. Verification of special requirements that limit the possible locations for the Surface-Mounted Facility.
- 7. Verification that proposed locations conforms to the placement guidelines.
- 8. Verification that an existing Surface-Mounted Facility could/could not be removed.

ITEM NOS. _____ not required. Request for site visit is accepted AND Site visit is scheduled for: _____, 2005 with: _____ Tel. No.: _____ <input type="checkbox"/> Request for site visit is denied <input type="checkbox"/> Site visit not required because: _____ Reviewed By: _____ Tel. No.: _____

EXHIBIT B

SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES

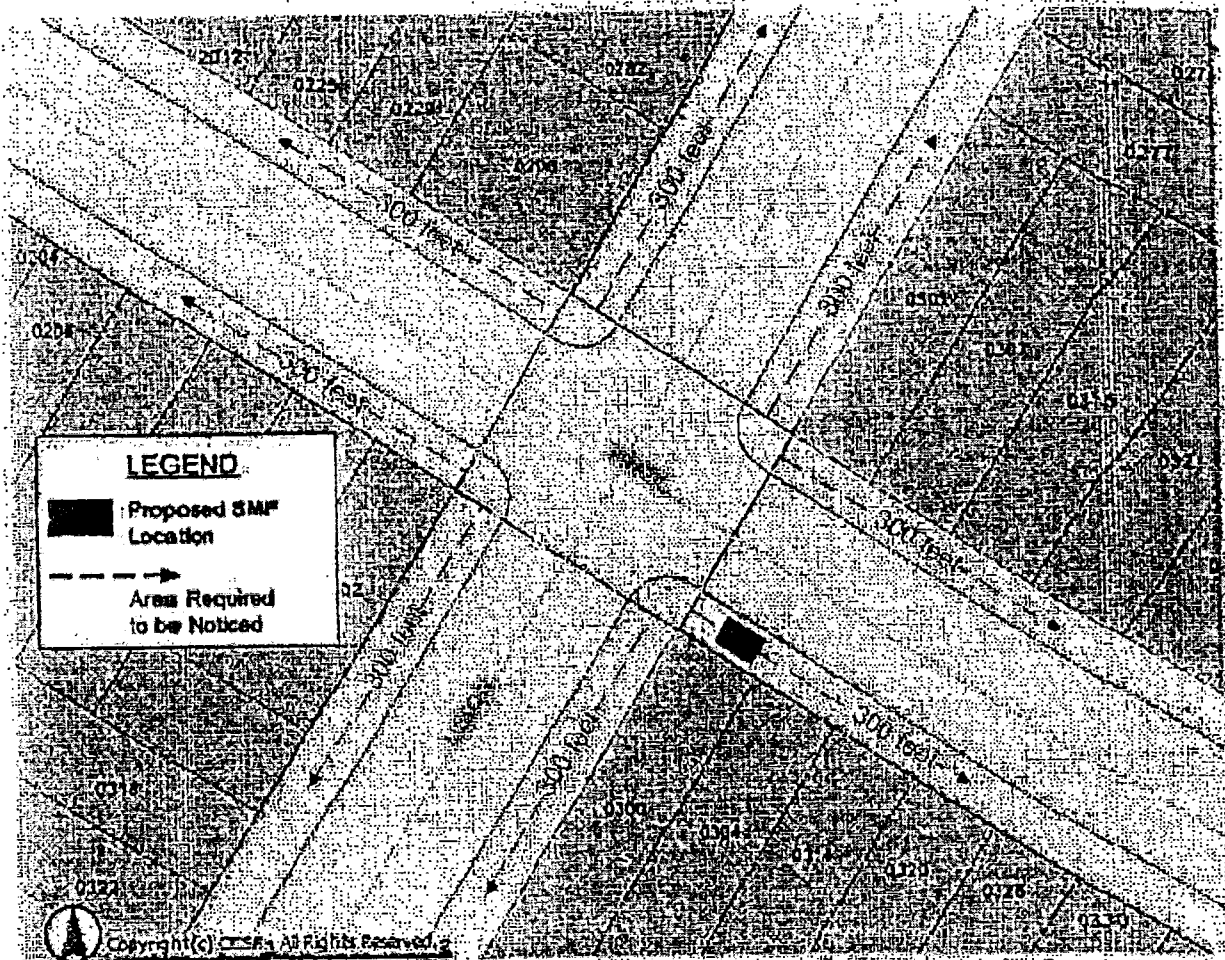
The following are guidelines for the Department to use during a site visit to determine acceptable locations for Surface-Mounted Facilities in the Public Rights-of-Way. The Department is not required to apply any guideline that the Department determines is not applicable to a particular installation of a Surface-Mounted Facility.

1. Surface-Mounted Facilities shall be no larger than is reasonably necessary to contain and protect the required equipment.
2. Surface-Mounted Facilities shall not obstruct pedestrians. A minimum of four feet (4') of pedestrian clearance (free of all obstacles for a clear path of travel, unobstructed pedestrian walkway) shall be maintained at all times.
3. Surface-Mounted Facilities shall not intrude on pedestrian "clear zones" at street corners.
4. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from edge of crosswalk areas.
5. Surface-Mounted Facilities shall be set back a minimum of eighteen inches (18") from the face of the curb.
6. Surface-Mounted Facilities shall be set back a minimum of eight feet (8') from any fire escape and/or fire exit.
7. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any fire hydrant, driveway, curb ramp, or blue zone parking space.
8. Surface-Mounted Facilities shall be set back a minimum of forty inches (40") from any other above-ground structure not otherwise specified herein including, but not limited to, street light poles, parking meters, trees, etc.
9. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any Municipal Railway transit shelter and/or kiosk, unless the location of the Surface-Mounted Facility is coordinated with the transit shelter and/or kiosk.
10. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any certified street artist's designated area per list to be provided by the Department (which list is complete only as of the date of this order and will be updated when any new street artist's designated areas are established).
11. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any public art work under the jurisdiction of the Arts Commission of San Francisco, except for public art on kiosks, per the San Francisco Civic Art Collection published by the Arts Commission of San Francisco (which book is complete only as of the date of this order and will be updated when any new public art works are established).
12. Surface-Mounted Facilities shall not be placed over any storm drain or other utility facility.
13. Surface-Mounted Facilities shall not obstruct the view of any traffic sign, wayfinding sign, traffic signal or any other existing facility.
14. Surface-Mounted Facilities shall not be placed on the property of, or adjacent to a designated local, State or National Historic Landmark. For the purposes of applying the limitations and conditions specified in this paragraph, in relation to any specific location, the word adjacent shall mean on the same side of the street and in front of the subject building or in front of the next building on either side.
15. Surface-Mounted Facilities shall not be placed in Local Historic Districts listed in Appendices B-L of Article 10 of the San Francisco Planning Code.

16. Surface-Mounted Facilities shall not be placed in Conservation Districts designated in Appendices E-J of Article 11 of the San Francisco Planning Code.
17. Surface-Mounted Facilities shall not be placed in California Register Historic Districts, National Historic Districts, and National Register Historic Districts.
18. Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space.
19. Surface-Mounted Facilities shall be either stainless steel or painted to match the color used for City structures in the vicinity (e.g., JCDecaux green, Embarcadero blue) unless otherwise specified by the Department and shall have graffiti-proof coating.
20. Surface-Mounted Facilities shall be screened by landscaping where appropriate for the neighborhood and required by the Department.
21. Surface-Mounted Facilities shall not unreasonably affect the aesthetic character of neighborhoods or the natural character of regional open spaces in accordance with the City and County of San Francisco General Plan.
22. Surface-Mounted Facilities may be placed in local, State or National Historic Landmarks as discussed in No. 14 above, Local Historic Districts as discussed in No. 15 above, Conservation Districts as discussed in No. 16 above, and California Register Historic Districts, National Historic Districts, National Register Historic Districts as discussed in No. 17 above, and parks, recreation areas, and open spaces as discussed in No. 18 above, if they are to be collocated with existing transit shelters, kiosks, or other street furniture, provided that the size and footprint of the existing facility is not unreasonably increased by the addition of the Surface Mounted Facility.

EXHIBIT C

Example of Area Required to be Noticed



The Applicant shall post the notice in conspicuous places along the Public Rights-Of-Way for a distance of 300 feet on both sides of the street in all directions of the proposed location(s) for the Surface-Mounted Facility. A minimum of two notices shall be posted along the fronting streets in every direction.

EXHIBIT D

City Department Notification

If the Applicant is seeking to install a Surface Mounted Facility on the property of, or adjacent to a designated local, State or National Historic Landmark; in a Local Historic District listed in Appendices B-L of Article 10 of the San Francisco Planning Code; in a Conservation Districts designated in Appendices E-J of Article 11 of the San Francisco Planning Code; in a California Register Historic District, a National Historic District, or a National Register Historic District, the Applicant shall send notice to the following City departments:

Department of City Planning
1660 Mission, Suite 500
San Francisco, CA 94103

Landmarks Preservation Advisory Board
The Planning Department Preservation Coordinator
1660 Mission Street, Suite 500
San Francisco, CA 94103

Preservation Coordinator 415-558-6338
Landmarks Board Recording Secretary 415-558-6266

San Francisco Arts Commission
25 Van Ness Ave, Ste 245
San Francisco CA 94102
415-252-2591

If the Applicant is seeking to install a Surface Mounted Facility in front of the boundaries of a park, recreation area, or open space, the Applicant shall send notice to the following City departments:

Department of Recreation and Parks
Planning Unit
501 Stanyan Street
San Francisco, CA 94117
Tel: (415) 831-2700
Fax: (415) 666-7130

Department of City Planning
1660 Mission, Suite 500
San Francisco, CA 94103

EXHIBIT E

**COMPANY/AGENCY NAME
MAILING ADDRESS**

IMPORTANT NOTICE

CONCERNING YOUR RIGHTS

DATE:

Dear San Francisco Resident:

(Company/Agency Name) has filed an application with the San Francisco Department of Public Works (DPW) for a permit to install a (unit name/description) at one of the following proposed locations: (location/address). A photograph of the Surface Mounted Facility (SMF) in each of the proposed locations and the specifications for the SMF are shown on the next page.

(Briefly describe the nature of the use of the facility and consequence of not installing)

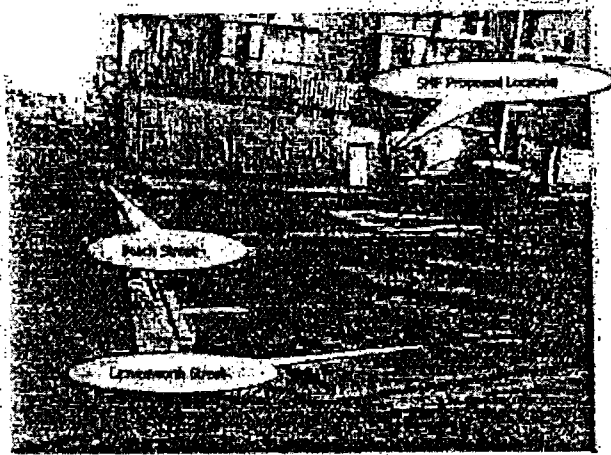
(Briefly provide information about the safety of the cabinet/unit)

If you object to the installation of the SMF at any of the proposed locations, you must notify the Department of Public Works of your objection either by phone at (415) xxx-xxxx554-7222 or by mail at the Bureau of Street-use and Mapping, 875 Stevenson Street, Room 460410, San Francisco, California 94103-0942. You have 20 days from the date of this notice to either telephone or send written notice of your objection to DPW. DPW will not consider any objection unless it is made within this 20-day period.

If you submit an objection, DPW may convene a hearing to determine whether the permit for placement of the SMF should be issued. DPW will commence any such hearing within 40 days after the receipt of any objections. You will have the opportunity to express your concerns about the SMF at the hearing should you choose to attend.

Thank you,

**Company/Agency Representative
Address & Phone**



cabinet is 43" W x 75" H x 41" D, pedestal is 24" W x 48" H x 17" D.

EXHIBIT F
Surface-Mounted Facility Application Check List

Each application for a Permit to install a Surface-Mounted Facility (SMF) shall contain the following information:

- a. Transmittal letter containing the following information:
 - i. Identification of proposed location of SMF
 - ii. Type of cabinet (include specification if not on file with the Department of Public Works)
 - iii. Date of site visit
 - iv. Name, address, telephone number, facsimile number and e-mail address for contact person
- b. Drawing showing each of the following:
 - i. Street name
 - ii. Names of cross streets
 - iii. Face of curb (FOC)
 - iv. Property lines (PLs)
 - v. Distance from FOC to face of the SMF
 - vi. Distance from FOC to PLs
 - vii. Distance from FOC to back of the SMF
 - viii. Locations and dimensions of existing above-ground street furniture (utility poles, bus shelters, fire hydrants, garbage receptacles, parking meters, etc) and distance from the proposed location of the SMF
 - ix. Locations and dimensions of existing underground utility facilities (vaults, manholes, handholds, meters, etc.) and distance from the proposed location of the SMF
 - x. Distance from nearest cross street to the SMF
 - xi. Identification of SMF type and dimensions
 - xii. Color of the SMF
 - xiii. Screening or aesthetic changes required by the Department
- c. Photographs of the SMF in the proposed location showing the following:
 - i. Front view of the SMF
 - ii. Side view of the SMF
 - iii. View of the SMF in relation to the nearest building or other structure
- d. The location of any SMF to be removed

EXHIBIT G

Surface Mounted Facilities Application Process

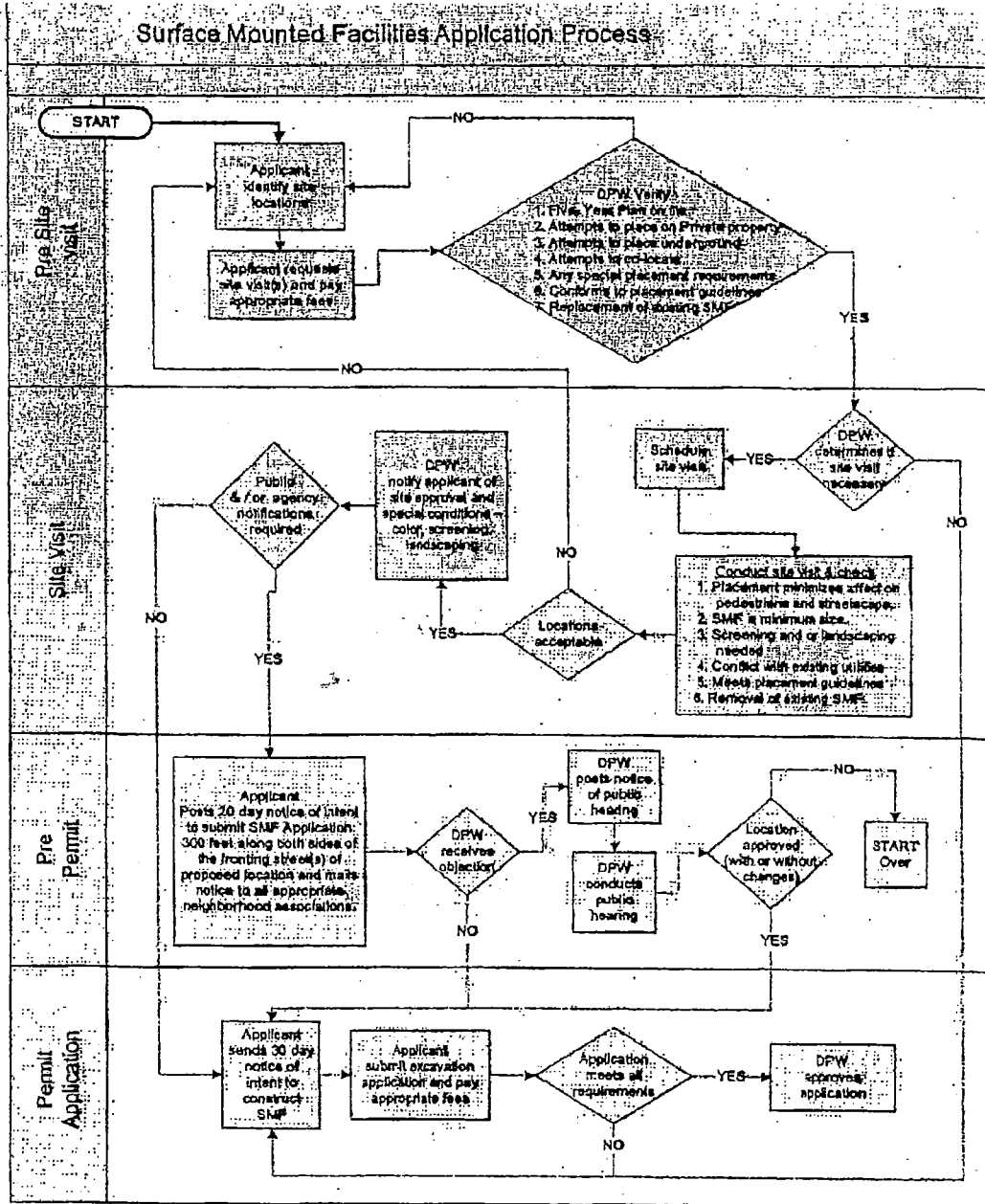


EXHIBIT H
Application Deficiency Checklist
SURFACE-MOUNTED FACILITY APPLICATION
DEFICIENCY NOTICE

Applicant Name: _____ Contact Name: _____ Tel. No: _____
Proposed Location: _____
The application package is deficient for the reasons indicated below and is returned to: _____
On: _____ By: _____ Tel: _____
No. _____

1. Transmittal letter is missing the following information:
- a. Identification of proposed location of Surface Mounted Facility (SMF)
 - b. Type of cabinet (include specification if not on file with the Department of Public Works)
 - c. Date of site visit
 - d. Name, address, telephone number, facsimile number and e-mail address for contact person.
 - e. Other: _____

2. Detailed Drawing is missing the following information:
- a. Street name
 - b. Name of cross streets
 - c. Face of curb (FOC)
 - d. Property lines (PLs)
 - e. Distance from FOC to face of the SMF
 - f. Distance from FOC to PLs
 - g. Distance from FOC to back of the SMF
 - h. Locations of existing aboveground street furniture (utility poles, bus shelters, fire hydrants, garbage receptacles, parking meters, etc) and distance from the proposed location of the SMF.
 - i. Locations of existing underground utility facilities (vaults, manholes, handholds, meters, etc.) and distance from the proposed location of the SMF.
 - j. Distance from nearest cross street to the SMF.
 - k. Other: _____

3. Photographs of the SMF in the proposed location is missing the following:
- a. Front view of the SMF
 - b. Side view of the SMF
 - c. View of the SMF in relation to the nearest building or other structure
 - d. Other: _____

Location of SMF is incorrect. Explain: _____

September 10, 2012

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.

Visual Arts Committee Recommendations (July 18, 2012)

11. **RESOLUTION NO. 0910-12-230:** Motion to approve an exterior painted mural by Precita Eyes lead artists Yukako Ezoe Onodera and Max Marttila on a retaining wall in the playground area of the Minnie and Lovie Ward Recreation Center 650 Capital Street in the Oceanview District. The painting pictures the community engaged in healthy activities. The mural is sponsored by Rebuilding Together San Francisco.
12. **RESOLUTION NO. 0910-12-231:** Motion to approve Rebar's proposal *Handsignals* for the public artwork for the revised design of McCoppin Hub.
13. **RESOLUTION NO. 0910-12-232:** Motion to approve final designs for interior and exterior artwork pieces and mock-up of interior artwork piece by artist Ron Saunders for the new Bayview Branch Library.
14. **RESOLUTION NO. 0910-12-233:** Motion to approve and accept into the Civic Art Collection the artwork *Plaything of the Wind*, 2012 by Colette Crutcher, commissioned for the Betty Ann Ong Chinese Recreation Center. Fabricated of ceramic tile, crockery, recycled mirrors, grout and cement board, the artwork consists of mosaic panels distributed over two wall areas approximately 7 feet high by 12 feet wide, located on the west wall of the Chinese Recreation Center, in the children's outdoor playground area.
15. **RESOLUTION NO. 0910-12-234:** Motion to approve and accept into the Civic Art Collection the artwork *Active Memory*, 2012 by Shan Shan Sheng, commissioned for the Betty Ann Ong Chinese Recreation Center. Fabricated of Venetian handmade glass and stainless steel, the artwork is suspended in the entry lobby of the Chinese Recreation Center from a ceiling area approximately 8 feet wide by 4 feet deep, with 8 individual strands up to 15 feet

long.

16. **RESOLUTION NO. 0910-12-235:** Motion to approve the San Francisco International Airport Artist Selection Panel's recommendation of Val Britton, Adriane Colburn, James Melchert, and Catherine Wagner to develop proposals for the Non-Secure Connector at the San Francisco International Airport, and authorization to pay a proposal fee to each of \$3,250.
17. **RESOLUTION NO. 0910-12-236:** Motion to approve the San Francisco International Airport Artist Selection Panel's recommendation for the artist team Merge to develop a proposal for a light sculpture at Boarding Area E at the San Francisco International Airport, and authorization to pay a proposal fee of \$3,250.
18. **RESOLUTION NO. 0910-12-237:** Motion to approve the San Francisco International Airport Artist Selection Panel's recommendation for the artist Eric Staller to develop a proposal for the Children's Area at Boarding Area E at the San Francisco International Airport, and authorization to pay a proposal fee of \$1,500.
19. **RESOLUTION NO. 0910-12-238:** Motion to approve public art program outline for Arelious Walker Stair Replacement Program.
20. **RESOLUTION NO. 0910-12-239:** Motion to recommend to the full Commission, at the request of San Francisco Recreation and Parks, the de-accession from the Civic Art Collection of Johanna Poethig's *Flying Dragon-Snake-Monkey-Bird*, 1988 (Accession #1988.41) located at Father Alfred Boeddeker Recreation Center Clubhouse 295 Eddy Street.
21. **RESOLUTION NO. 0910-12-240:** Motion to approve, at the request of San Francisco Recreation and Parks, the destruction of Johanna Poethig's *Flying Dragon-Snake-Monkey-Bird*, 1988 (Accession # 1988.41) following the expiration of a 90-day notice period in which the artist or a party authorized by the artist is given opportunity to remove and relocate the artwork.

Executive Committee Recommendations (July 23, 2012)

22. **RESOLUTION NO. 0910-12-241:** Motion to authorize the Director of Cultural Affairs to enter into a draft Memorandum of Understanding between the Arts Commission and the Public Utilities Commission ("PUC") regarding the use of PUC art enrichment funds for artworks, community-based arts programs, and capital improvements to the Cultural Centers.
23. **RESOLUTION NO. 0910-12-242:** Motion to approve recommendations to award 58 grants totaling \$235,475 in the 2011-2012 cycle of Individual Artist Commission grants to the following individuals, and to authorize the Director of Cultural Affairs to enter into grant agreements with each for the amounts listed:
 - Annie Danger, \$5,060
 - Anthony Williams, \$10,000
 - Benjamin Levy, \$8,100
 - Dave End, \$8,100
 - Deborah Slater, \$7,700
 - Elizabeth Stephens, \$10,000
 - Erling Wold, \$10,000
 - Francis Wong, \$9,500
 - Guillermo Gómez-Peña, \$10,000
 - Idris Ackamoor, \$8,100
 - Jacob Felix Heule, \$8,100
 - Jewlia Eisenberg, \$7,700
 - Jon Jang, \$9,500

Lenora Lee, \$8,100
 Leticia Hernandez, \$7,315
 Lily Cai, \$8,100
 Lisa Gray-Garcia, \$8,100
 Marcus Shelby, \$10,000
 Mica Sigourney, \$8,100
 Monique Jenkinson, \$10,000
 Nathaniel Justiniano, \$8,100
 Sara Shelton Mann, \$10,000
 Sascha Jacobsen, \$8,100
 Scott Wells, \$10,000
 Sean Dorsey, \$10,000
 Todd Brown, \$10,000
 Weishan Liu, \$7,700

24. **RESOLUTION NO. 0910-12-243:** Motion to authorize the Director of Cultural Affairs to enter into a contract with Heyday, for an amount not to exceed \$25,500, to publish, produce, promote, market and distribute the San Francisco Arts Commission book tentatively titled *Arts of the City: A Cultural History of San Francisco*; the Arts Commission shall have the right to purchase copies from Heyday at a discount as long as the book is in print.

Visual Arts Committee Recommendations (August 15, 2012)

25. **RESOLUTION NO. 0910-12-244:** Motion to approve the following additional arts professionals as potential panelists for the Central Subway Public Art Projects Selection Panels:
- Joseph Becker, Assistant Curator of Architecture and Design, San Francisco Museum of Modern Art
 Timothy Anglin Burgard, Ednah Root Curator of American Art, de Young Museum
 Jennifer Dunlop Fletcher, Acting Head of Architecture and Design, San Francisco Museum of Modern Art
 Kendal Henry, Faculty at School of the Visual Arts (New York City) and former Manager of Arts Programs at the Metropolitan Transportation Authority (MTA) Arts for Transit
 Constance LeWallen, adjunct curator at University of California, Berkeley Art Museum and Pacific Film Archive
 Marc Pally, Artistic Director, Glow (Los Angeles) and independent curator
 Karen Tsujimoto, former Senior Curator of Art, Oakland Museum
 Connie Wolf, Director, Iris & B. Gerald Cantor Center for Visual Arts at Stanford
26. **RESOLUTION NO. 0910-12-245:** Motion to amend Resolution No. 0604-12-166 due to a clerical error, to increase the honorarium amount of \$1,200 each for artists Randy Colosky, Val Britton and Rachel Mica Weiss to \$2,000 for each artist. This reflects an \$800 increase in each honorarium, with a total increase of \$2,400.
27. **RESOLUTION NO. 0910-12-246:** Motion to approve the painted mural entitled *Play in 14 Languages* by Renee McKenna for the exterior west wall of the South Sunset Clubhouse at Vincente Street and 40th Avenue. The mural is sponsored by Art in Every Classroom, Inc. and supported by the San Francisco Recreation and Parks Department.
28. **RESOLUTION NO. 0910-12-247:** Motion to approve, at the request of the San Francisco Recreation and Parks, the destruction of Johanna Poethig's *Flying Dogs*, located at Father Alfred Boeddeker Recreation Center Clubhouse 295 Eddy Street, following the expiration of a 90 day notice period in which the artist or a party authorized by the artist is given opportunity to remove and relocate the artwork.
29. **RESOLUTION NO. 0910-12-248:** Motion to approve the final designs for *Transform. Reveal. Challenge. Expand. Imagine. Celebrate.* poster series by artist Julie Chang for the Art

on Market Street Program 2012-2013, which includes a total of 36 posters installed in 18 bus shelters on Market Street between Embarcadero and 8th streets from October 8, 2012 to January 4, 2013.

30. **RESOLUTION NO. 0910-12-249:** Motion to approve the proposed light "honey color" patina as shown in the material sample presented at the August 15, 2012 Visual Arts Committee meeting for the *Chairs* project by Primitivo Suarez-Wolfe for the Church and Duboce streetscape.
31. **RESOLUTION NO. 0910-12-250:** Motion to approve the final design proposal for the glass History Panels to be installed on the exterior façade of the Bayview Branch Library.
32. **RESOLUTION NO. 0910-12-251:** Motion to approve the new location and landscape design surrounding Beniamino Bufano's *Peace*, 1939 (Accession # 1956.3) at 800 Brotherhood Way.
33. **RESOLUTION NO. 0910-12-252:** Motion to approve designs developed by Marissa Mossberg for the ArtIMPACT 3rd Street Kiosk Poster Series to support National Arts in Education Week based on reformatting the text into the negative space. Exhibition will be displayed in 15 shelter kiosks from the 3rd Street/T-Line (Embarcadero) to and including the Carroll Street stations from September 13 to December 31, 2012.
34. **RESOLUTION NO. 0910-12-253:** Pending approval by the Airport Art Steering Committee, motion to approve revised artwork locations and conceptual design approach for Amy Ellingson's artwork for San Francisco International Airport's Boarding Area E in Terminal 3 and to use option two as the basis for conceptual design.
35. **RESOLUTION NO. 0910-12-254:** Motion to approve mock-up of exterior artwork piece by artist Ron Saunders for the new Bayview Branch Library.
36. **RESOLUTION NO. 0910-12-255:** Motion to approve artist Adriane Colburn for the design, fabrication, transportation and installation of an artwork for Daggett Park, as recommended by the Daggett Park Artist Selection Panel.
37. **RESOLUTION NO. 0910-12-256:** Motion to authorize the Director of Cultural Affairs to enter into a contract with Adriane Colburn for the design, fabrication, transportation and installation of an artwork for Daggett Park in an amount not to exceed \$192,780.
38. **RESOLUTION NO. 0910-12-257:** Motion to approve Memorandum of Understanding between the San Francisco Arts Commission and Electric Works on the sale of limited edition prints featuring the Coit Tower murals as a fundraiser for ArtCare.

Civic Design Review Committee Recommendations (August 20, 2012)

39. **RESOLUTION NO. 0910-12-258:** Motion to approve Phase 2 of the San Francisco Groundwater Supply—South Windmill Well Station.
40. **RESOLUTION NO. 0910-12-259:** Motion to approve Phases 2 and 3 of the SFMTA Operator Convenience Facilities located at the terminal of the the #71 line at Hampshire and Cesar Chavez streets and the terminal of the #29 line at Fitzgerald Avenue and 3rd Street. The approval is contingent on presenting additional color options, unifying the materials, reducing the amount of grating and exploring using metal panel on the walls and doors.
41. **RESOLUTION NO. 0910-12-260:** Motion to approve Phase 1 of the Transbay Folsom Streetscape Design with the contingency to create better connections to Oscar Park and to

look into the tree spacing.

Executive Committee Recommendations (August 27, 2012)

42. **RESOLUTION NO. 0910-12-261:** Motion to approve artist honorarium payments for participation in *2 Months of 2 Blocks of Art* to the following artists in the amounts listed:
- Reynaldo Cayetano, Inks of Truth \$500
 - Julian Dash, Holy Stitch \$1,500
 - Natalie Hopner, Conspiracy of Venus \$1,000
 - Isaac Frankle, Shovelman \$500
 - HOK Architects, Central Market Community Benefit District \$1,500
 - Yeye Suárez, Yeye Suárez Ensemble \$1,500
 - Todd Berman \$500
 - Jaden Rose Davies, Solar Flare \$1,000
 - Garrett Kobsef \$1,200
 - Temistocles Fuentes Betancourt, Grupo Experimental Nago \$1,500
 - Caroline Chung, Citizens Jazz \$600
 - Fred Anderson \$1,000
 - Tisha Kahl, Theatre Flamenco of San Francisco \$1,500
 - John Chatman \$600

President Beltran turned to items 8 (to request approval from the Board of Supervisors for a six-month redesignation of space L-2 on Leavenworth and Jefferson) and 9 (to request approval from the Board of Supervisors for a six-month designation of a Street Artist space on Jefferson at Leavenworth).

Public Comment:

David Berbey of SFO Forecast dba Wharf Outdoor said that he had submitted a letter to the Commission and didn't understand how the Consent Calendar worked. He said that this matter was heard by the Street Artists Committee on July 11, but they didn't have all the information at the time. He explained that the proposed space was in front of his store's door, which was opened in March. He explained how having a street artist there impacts his business, and showed a graph of his sales. He said that there were 147 spaces on the wharf, 94 of them within a block, and typically only six or seven are used. He said that the spot in front of his doorway was important to protect his business.

Mike Addario, street artist, said that street artists had been in that location for 38 years, much longer than Mr. Berbey's business, and he knew that when he opened his door. Mr. Addario questioned the numbers Mr. Berbey presented in the absence of an audit. Mr. Addario said that while Mr. Berbey sold lots of imports from China, in front of his store was an American artist doing sketches. He said that construction beginning in October would eliminate many spaces, and that some people didn't want the artists back later. He said there was a much bigger problem.

At the request of President Beltran, Street Artists Program Director Howard Lazar discussed the two motions, showing photos and maps of the area, and discussed the history of the program in the area, specifics of the spaces, including dimensions, Americans with Disabilities Act ("ADA") requirements, and the proposed exemptions to the street artist ordinance requirements. He emphasized that the two motions were only one step in a process, moving the actions to the Board of Supervisors, who would have to approve them before sending them on to the Port Commission. He added that this was only for a six-month period, and the spaces would be reviewed after that time.

Public Comment:

Mr. Hartz said he didn't understand what was being proposed, and he doubted that

Commissioners did either. He asked about the Committee handing this matter, and said that he agreed that numbers can be manipulated. He compared this to a landlord-tenant dispute, where the landlord decides not to do maintenance for two years, then ask for a passthrough of costs after doing all the maintenance in the third year. He recommended sending the motions back to the Committee, or continuing them.

Mr. DeCaigny said that there were many complex elements involved with the street artist ordinance and the tension between street artists and local businesses. In this case, he said, we have lost some spaces and are trying to replace them. He explained that the matter was heard at the Street Artists Committee, in great detail, including much of what Commissioners heard today. He said that the information from Mr. Berbey was new, and he would have to be taken at his word. He said that the Commission's role was to make a recommendation to the Board of Supervisors, who would have a full hearing on the matter. It would then go to the Port Commission, who would also hold an open hearing. He said that the recommendation included an exemption of the ten-foot limit, but the space was within half a foot of that limit.

Commissioner Chew, Street Artists Committee Chair, agreed completely with Mr. DeCaigny. He said that the Committee had looked for the best feasible solution for the business owner as well as the artists, and to meet the requirements of the ADA and the Port Commission.

Commissioner Chow asked why the proposal was for temporary spaces. Mr. Lazar explained that this provided a trial period, with the reassurance that if there were problems, the spaces would not be renewed.

Commissioners asked about the time-sensitivity of the vote. Mr. DeCaigny said that when spaces are unavailable, some street artists are unable to earn an income from their work.

After some Commissioners expressed reservations and asked further questions, President Beltran tabled the two motions for future consideration. She noted Mr. Berbey's offer to provide further information.

As the other Committees had no action items, President Beltran moved immediately to the Street Artists Committee Report.

4. Committee Reports and Committee Matters

1. Executive Committee

1. There was no report from the Committee.

2. Civic Design Review Committee—Cass Calder Smith, Chair

1. There was no report from the Committee.

3. Community Arts, Education and Grants Committee

1. There was no report from the Committee.

4. Street Artists Committee—Gregory Chew, Chair

1. Commissioner Chew reported that the Committee would meet later that week. He presented the motion below.

Public Comment:

Mr. Addario said that the Civil Grand Jury had said bringing people back into the Street Artists Program without rescreening was a problem, and he alleged that 20% of the artwork being sold was not handmade. He said that it was difficult and sometimes costly to remove someone from the program, and that perhaps the Commission should

consider eliminating the practice.

In response to questions from Commissioner Keehn, Mr. Lazar explained that all of the artists have to make the work that they sell, and that this group of fifteen artists had unwittingly allowed their permits to expire. In one case, he said, there was a family emergency, and in another, everything was stolen from the artist. He added that in general, if there were a problem, or if the license lapsed for a long time, the artist would be rescreened.

He explained that the Street Artists Advisory Committee watches each artist making their work, and that they go out on weekends to see that the artists are actually selling the work they've demonstrated, and he does the same during the week. He said that if any of the Committee members, or any of the street artists, make a complaint about someone selling unauthorized work, he issues a written warning. The artist can then be reviewed by the Street Artists Committee, and can lose his or her license for weeks or months, and in extreme cases the license can be revoked. He added that the artist can go to the Board of Appeals.

Mr. Berbey said that at least 20% of the artists he saw were selling goods from China, some of the same items in his store, and he questioned the effectiveness of enforcement. He said the spaces are for true artists.

Mr. Lazar added that anyone was welcome to attend the Street Artists Committee meetings.

There was no further public comment.

The motion was approved as follows.

2. **RESOLUTION NO. 0910-12-262:** Motion to approve requests by former certificate-holders for priority issuance of certificate with waiver of re-screening of wares: Maria Cisneros, Jimothy Hoang, Napoleon Paz, Florence Hori, Hugo Espinoza, Rikki Romero, Willie McDaniel, Birgitt Helleman, David Beatty, Michael Johnson, Henry Jiao, Shawn Harris, Nicole Yong-Cowan, Jian Liang Zhao, Tom Kubik.

Commissioner Chew presented the following motions, which were approved.

3. **RESOLUTION NO. 0910-12-263:** Motion to approve re-issuance of former certificate number (#5700) to street artist Jonovan (currently #8594).
4. **RESOLUTION NO. 0910-12-264:** Motion to approve honorarium payment of \$200 each plus cost of materials to David Campos and Drew Flores for assisting Program Director in repainting spaces in the Fisherman's Wharf area.
5. **RESOLUTION NO. 0910-12-265:** Motion to ratify approval of certificate issued to Florence Hori on August 8, 2012.

5. Visual Arts Committee

1. There was no report from the Committee.

5. Director's Report

Director of Cultural Affairs Tom DeCaigny reminded everyone that there was no meeting in August, and he knew that all of the Commissioners had received the Civil Grand Jury Report. He reported

that he was working closely with staff, with the City Attorney's office and with other City departments to prepare a response. He recalled that the report was already underway when he accepted the position as Director, and he was grateful to the Civil Grand Jury for their investigation. He expected to issue the agency's response by the deadline at the end of September.

Mr. DeCaigny explained what the Civil Grand Jury was, and noted that they became aware of the Arts Commission through a New York Times article on the Civic Art Collection. He explained that the Board of Supervisors would review the recommendations and the response to the report.

Mr. DeCaigny said that much of the report focused on governance within the agency, and said that the agency was correcting problems and was now in a much better position. He explained that the Executive Committee was now reviewing financial reports quarterly, and was reviewing his performance as Director of Cultural Affairs. He reminded the Commission that at a previous Executive Committee meeting, he had reported that the agency has now implemented eight of the twelve recommendations of the Controller's Office review within six months. He added that the Deputy Director position has been reinstated, and this is a crucial position for governance.

Mr. DeCaigny reported that there has been a longtime focus on the Civic Art Collection, which has been desperately short on resources. He said that he was thrilled to have recently hired Jennifer Doyle Crane to work on the collection, and that an additional person would soon be hired to work on completing the inventory of the collection. He said that the agency has taken other steps to insure proper staffing and resources for the collection, though he expects it will always be a struggle to keep up with this world-class collection, with the challenges of weather, graffiti and budgets.

Turning to the Cultural Centers, Mr. DeCaigny praised their world-class programming, and reported that last year they secured the largest capital commitment in over a decade. He added that staff is engaging community partners to properly care for and recognize the centers.

Mr. DeCaigny reported that the Street Artists Program recently celebrated its 40th anniversary.

He reported that Kate Patterson has been appointed Director of Communications, and this should make agency communication clearer to the public and to other City staff; there was not a single point person before this.

He reported that the Civil Grand Jury also mentioned the Commission's 80-year relationship with the San Francisco Symphony. He compared the City's budget set-aside for the Symphony to those for the Library, the Police Department and others.

He asked if Commissioners had questions about this high-level summary; they did not. He reiterated that he would be submitting a full written response in a few weeks, and would review that at the coming meetings of the Executive Committee and the full Commission.

Mr. DeCaigny reported that the six-month follow-up of the Controller's review noted eight of the twelve recommendations met and closed, and good progress on the remaining four. He reported that personnel reviews for all staff were underway, and he hoped to have closed all four of the recommendations within the year.

He reported that the organizational chart has been restructured effective September 1, partly to streamline the number of people reporting directly to him. The Street Artists Program now reports to Deputy Director Rebekah Krell, and she will attend all of the Committee's meetings. Mr. DeCaigny added that he will continue to meet frequently with Ms. Krell.

Mr. DeCaigny was pleased to report that MIG has been hired as strategic planning consultant, one of six competitive bids and three finalists. He announced that the agency's annual report is near completion, and he showed an example of the district fact sheets. In response to the City's environmental priorities, it will be published online rather than printed. There will be a two-page fact sheet for each supervisorial district, giving a high-level overview of all program activities in the district.

Finally, he reported that posters for the Third Street T Line, on National Arts in Education Week, September 9-15, would be going up in the next couple of days.

President Beltran congratulated Arts Education Program Manager Tyra Fennell on the posters.

Public Comment:

Mr. Hartz submitted the following written statement:

"I have observed that many San Francisco boards and commissions like to take credit for all that goes well and evade responsibility for that which does not. While this may be very human it is not the basis for good government. This Civil Grand Jury report and the Financial Management Review conducted by the City Controller raise serious issues related to the operations of the Arts Commission. Many matters can be broken into factors of "content" and "process." Content is what is being done, while process is how it is done. In this case "content" is art and "process" is all the rest. While members of the Arts Commission are very experienced in the "what," it has been made clear by these reports that there is a need to improve the "how!" In their consideration of these matters I would encourage the members to accept any input that might help."

There was no further public comment.

6. President's Report

President Beltran made no report, in the interest of time.

7. Public Comment

Mr. Hartz submitted the following written statement:

"The Sunshine Ordinance, Brown Act, and California Public Records Act (CPRA) all exist to protect the rights of the citizens of this City and State to participate in the workings of government. The members of the Arts Commission and all of its various committees, have a legal responsibility to work with citizens wishing to do so. This is also a moral responsibility to recognize that any citizen has the right to comment upon anything agreed to regarding public art paid for with public monies. Going forward this can be a respectful relationship or a contentious one. The choice really is that of the members of this commission. Going forward, I intend to participate as I see fit. I will also work to educate the members as to where I feel they are failing in their responsibilities as regards open-government matters. Like it or not, the public is here to stay!"

Commissioner Sklar left the meeting at 4:25, so there was no longer a quorum. President Beltran allowed the remaining members of the public who wished to comment to do so.

Mr. Addario discussed the Fisherman's Wharf street artist spaces, proposals by the Port and others to reduce or eliminate spaces, and the artists' efforts to keep them. He played a recorded message about relocating the artists away from Port property, and he recommended that the Street Artists Program should be "divorced" from the Arts Commission.

Mr. Berbey questioned Mr. Addario's playing the recording without permission. He asked why, if certain spaces were not economically viable, they were still there, and said there were 78 unused spaces.

President Beltran said that she would defer the rest of the agenda items to the next meeting and asked if there was any further general public comment.

Mr. Hartz referred to the Sunshine Ordinance and the Brown Act, and said the Commission had a moral responsibility to recognize public comment. He said that he intended to continue to participate as he saw fit and to encourage others. He said that this was no longer a public meeting, and the Commission was in violation of the law, that the minute Commissioner Sklar left, the Commission was officially done.

Mr. Addario agreed with Mr. Hartz, and said there was an issue with concealment within the Arts Commission, that pulling back the curtain revealed malfeasance. He said that the Commission should be posting correspondence as the Department of Recreation and Parks does. He said that he didn't want to go to the Sunshine Ordinance Task Force any longer, that they were useless and the board had been purged. He said that the artists were promised online licensing, but it has never happened. He said that over \$2,000,000 has been paid in license fees since 2000, and said that it was time for a divorce, and to let the artists go.

President Beltran said that she was not deferring the agenda items for the Commissioners' convenience, but that they spent the time on exactly what they are supposed to do: they went into detail, looking carefully at what's going on.

Commissioner Collins asked about the vacancies on the Commission. President Beltran said that the Mayor's office is carefully reviewing potential appointments, and was hopeful they will be made soon.

There was no further public comment.

8. New Business and Announcements

There was no further new business or announcements.

9. Adjournment

There being no further business, the meeting was adjourned at 4:44 p.m.

9/28/12 spr