



**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 32<sup>nd</sup> 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  
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**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 32<sup>nd</sup> 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:**

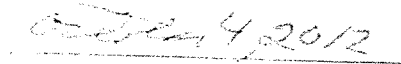
See next page.

**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 <sup>th</sup> 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 <sup>th</sup> 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.<sup>1</sup> 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.

<sup>1</sup> 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 G 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.