

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

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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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 APPROVED:

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Mohammed Nuru

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Director of Public Works

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