

File No. 131131

Committee Item No. 2

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 25, 2013

Board of Supervisors Meeting

Date December 10, 2013

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date November 21, 2013

Completed by:  Date 12.4.13

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

2
3 **Resolution correcting Resolution No. 362-13, which granted revocable permission to**
4 **the Municipal Transportation Agency to occupy portions of the public right-of-way to**
5 **install and maintain two new operator convenience facilities at the terminus of various**
6 **Muni bus routes; and making environmental findings, and findings of consistency with**
7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, The Municipal Transportation Agency intends on installing two new
10 operator convenience facilities within the public right-of-way at the terminus of Muni bus
11 routes; and

12 WHEREAS, The Transportation Advisory Staff Committee (TASC) at their meeting of
13 December 20, 2012, the Planning Department by letter dated October 19, 2012, San
14 Francisco Arts Commission by Resolution No. 0910-12-227, and upon a duly noticed public
15 hearing, the Department of Public Works (DPW) in DPW Order No. 181381, approved June
16 13, 2013, all recommended approval of the proposed encroachments; and

17 WHEREAS, The Planning Department, by letter dated October 19, 2012, found the
18 proposed restroom locations to be in conformity with the General Plan, including the following
19 specific locations: (1) On 25th Street, west of Potrero Avenue (1298 Potrero Avenue); and, (2)
20 On Ortega Street, west of 48th Avenue (4101 Ortega Street). This letter also included a
21 determination pursuant to the California Environmental Quality Act (California Public
22 Resources Code section 21000 et seq.). A copy of said letter is on file with the Clerk of the
23 Board of Supervisors in File No. 131131, and is incorporated herein by reference; and,

1 WHEREAS, The Resolution presented to the Board of Supervisors for approval
2 erroneously states one of the approved convenience facilities shall be installed on the south
3 side of 25th Street, east of Potrero Avenue (1298 Potrero Avenue); and

4 WHEREAS, The Board of Supervisors approved the convenience facilities in
5 Resolution No. 362-13 containing the erroneous location; now, therefore, be it

6 RESOLVED, That the Board of Supervisors hereby approves a correction to Resolution
7 No. 362-13, striking the erroneous location on 25th Street, east of Potrero Avenue, and
8 replacing it with the correct location on 25th Street, west of Potrero Avenue.

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

BOARD of SUPERVISORS



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

November 21, 2013

File No. 131131

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On November 19, 2013, Supervisor Weiner introduced the following legislation:

File No. 131131

Resolution correcting Resolution No. 362-13, which granted revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Miller in cursive.

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Exempted under Certificate of
Determination, Exemption
from Environmental Review
Case No. 2012.0631E;
SFMTA - Operator Convenience
Facilities dated
October 4, 2012.*

*Nannie R. Turrell
November 21, 2013*



**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:

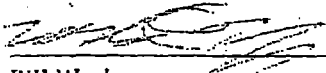
Categorical Exemption, Class 3, [State CEQA Guidelines Sections 15303]

REMARKS:

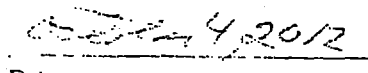
See next page.

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

Vitna 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 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.

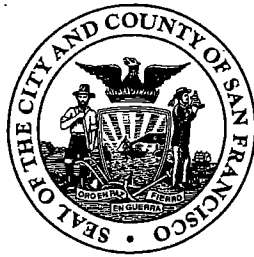
Exemption Status. CEQA State Guidelines Section 15303, or Class 3, provides an exemption from environmental review for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of 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.

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Edward Reiskin, Director, Municipal Transportation Agency
Tom DeCaigny, Director, Arts Commission
Mohammed Muru, Director, Public Works Department

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

DATE: November 21, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on November 19, 2013:

File No. 131131

Resolution correcting Resolution No. 362-13, which granted revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you would like to submit reports or comments prior to the hearing, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency
Kate Bren, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency Board
Rebecca Krell, Arts Commission
Sharon Paige Ritchie, Arts Commission
Howard Lazar, Arts Commission
Frank Lee, Public Works Department

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November 21, 2013

File No. 131131

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

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File No. 131131

Resolution correcting Resolution No. 362-13, which granted revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Wiener

Subject:

Street Encroachment – Operator Restroom Facilities – Terminus of Muni Transit Lines

The text is listed below or attached:

Resolution correcting Resolution No. 362-13, which granted revocable permission to the Municipal Transportation Agency (MTA) to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: Scott Wiener

For Clerk's Use Only:

