

1 [Revenue Agreement - Retroactive - JC Decaux San Francisco, LLC. - Public Toilets and
2 Public Service Kiosk Agreement - \$12,950,000]

3 **Resolution retroactively approving a Revenue Agreement between Public Works and**
4 **JC Decaux San Francisco, LLC, for an automatic public toilet and public service kiosk**
5 **program with anticipated revenues of over \$12,950,000 and a term of 21.5 years**
6 **commencing on July 1, 2019; and affirming the Planning Department’s determination**
7 **under the California Environmental Quality Act.**

8
9 WHEREAS, San Francisco Public Works issued a competitive solicitation through its
10 Request for Proposals dated April 26, 2016, for Public Toilets and Advertising Kiosks; and

11 WHEREAS, JC Decaux San Francisco, LLC (“JC Decaux”) was the only company that
12 responded to this solicitation with a proposal dated June 24, 2016; and

13 WHEREAS, JC Decaux has been providing similar services for over 20 years under the
14 First and Second Amended and Restated Automatic Public Toilet and Public Service Kiosk
15 Agreement, effective as of August 2, 1994, and as further amended from time to time; and

16 WHEREAS, After receiving comments on the initially proposed design, Public Works
17 and JC Decaux ran an invitation-only design competition of local San Francisco design and
18 architecture firms and on May 28, 2018 selected a winning design; and

19 WHEREAS, This new design received approval from the Historic Preservation
20 Commission on October 17, 2018 and the Arts Commission on December 3, 2018; and

21 WHEREAS, On October 5, 2018, the Planning Department issued an Addendum to the
22 Final Negative Declaration for the Kiosk and Automatic Toilet Replacement Project, originally
23 issued September 23, 1993, and concluded that the analyses conducted and the conclusions
24 reached in the Final Negative Declaration adopted and issued on September 23, 1993 for the
25 original project remain valid and that no supplemental environmental review is required, and a

1 copy of the Addendum to the Negative Declaration for the Kiosk and Automatic Toilet
2 Replacement Project is on file with the Clerk of the Board of Supervisors in File No. 190579
3 and is incorporated by reference; and

4 WHEREAS, In the new Agreement, JC Decaux will maintain and operate automatic
5 public toilets free of charge for the public on public right of ways and public land, replace and
6 upgrade all 25 existing and approved automatic public toilets with a new design, compensate
7 the City in the form of guaranteed fee payments and potential payments tied to gross
8 advertising revenue, display public service messages, and provide 48,180 hours of attendant
9 services annually in exchange for the right to operate up to 114 advertising kiosks on public
10 right of ways, replace and upgrade 114 existing advertising kiosks, and add digital screens to
11 its current advertising program over the course of a 21.5 year term; and

12 WHEREAS, In implementing the static and digital public service messaging program
13 and allocating the use of space within the vending kiosks, Public Works will develop and
14 adopt a policy defining the fair and equitable use of these public spaces as well as continue
15 the Arts Commission's role in programming the public service messages for the kiosks on
16 Market Street; and

17 WHEREAS, Upon completion of the policy, Public Works will bring it before the Board
18 of Supervisors for approval by Resolution; and

19 WHEREAS, The anticipated value of attendant services is an estimated \$57,760,000
20 over the term of the Agreement; and

21 WHEREAS, Anticipated revenues from this Agreement are an estimated \$12,950,000
22 and Charter Section 9.118(a) requires that all contracts that when entered into by a
23 department, having anticipated revenue to the City and County of \$1,000,000 or more shall be
24 subject to approval of the Board of Supervisors by resolution; and

25

1 WHEREAS, The term of this Agreement will be 21.5 years, commencing on July 1,
2 2019, and Charter Section 9.118(b) requires that all agreements entered into by a department
3 having a term in excess of ten years shall be subject to approval of the Board of Supervisors
4 by resolution; now, therefore, be it

5 RESOLVED, That the Board of Supervisors approves the proposed Public Toilet and
6 Public Service Kiosk Agreement; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered
8 the Final Negative Declaration and Addendum, and affirms the Planning Department's
9 determination that the analyses conducted and the conclusions reached in the Final Negative
10 Declaration for the original project remain valid and that no supplemental environmental
11 review is required; and, be it

12 FURTHER RESOLVED, That within 30 days of the Agreement being fully executed by
13 all parties, Public Works shall provide the final amendment to the Clerk of the Board for
14 inclusion into the official file.

15
16
17
18
19
20
21
22
23
24
25