



Date Filed:

BOARD OF APPEALS

MAY 06 2014

APPEAL # 14-079

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **George Choppelas**, hereby appeal the following departmental action: **ISSUANCE of Utility Excavation Permit 14EXC-2144** by **Department of Public Works Bureau of Street Use and Mapping** which was issued or became effective on: **May 02, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **301 26th Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 05, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **June 19, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, June 25, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: George Choppelas

Print Name: George Choppelas

PRELIMINARY STATEMENT OF APPEAL

Date: **BOARD OF APPEALS**
Filed:

MAY 06 2014

APPEAL # 14-079

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

The location chosen aggravates exist
Problems in the surrounding ~~area~~ ^{area}.
In addition, verification of attempts
to place SMF on Private Property
at three locations (only know of two),
pursuant to "rules"
Also, consideration of alternative
location at 291-26th Ave has never
been resolved.


George T. Chappelle



(415) 554-5810
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http://www.sfdpw.org

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

BOARD OF APPEALS

MAY 06 2014

APPEAL # 14-079

14EXC-2144

Utility Excavation Permit

Address : Multiple Locations

Cost: \$1,242.02

Block: Lot: Zip:

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 178,940 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Permittee

Name: SBC - Pacific Bell Engineering

Address: 795 Folsom Street, Room 426 San Francisco, CA 94107-1243

Contact: Bob Pickard

Phone: (415) 644-7057

Conditions	NE-R, NW-L, NW-R, SW-L, SW-R, SE-L curb ramps required. Permittee shall adhere to any conditions of 13SMF-0265.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	301 26th Ave at California St LSMF EV 9078907 58A (13SMF-0265)
Start Date	6/16/14
Permit expires on:	6/29/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	9078907 R201 4c
TrackingNumber2	13SMF-0265 SF13-120802
Project Size	221
Inspection	

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 05/02/2014

****When drilling/excavating in sidewalk area, entire flag(s) must be replaced.****

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/2/2014 3:37:43 PM

Plan Checker

Gene Chan

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Customer Service

Teamwork

Continuous Improvement

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
 - b. Perform the work themselves following instructions available at the Department of Parking & Traffic.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Concrete form work, planting of trees and pouring of sidewalk and/or curb shall not be performed prior to obtaining a permit from Bureau of Urban Forestry (BUF), telephone: 554-6700.
12. Per DPW Order 178,806, the recycling of Cobble Stones and Granit Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Special Conditions

14EXC-2144

Conditions

NOTES: Per the Public Works Excavation Code:

- 1) 'T' trench shall be the standard restoration practice for all trenches greater than 18 inches in width. The restoration of the concrete base and pavement will be equal to 1 ft. as measured from the edge of the trench;
- 2) The minimum pavement restoration requirements (mill and fill) for trenches exceeding 25% of the length of the block shall include the restoration of all affected lanes for the entire length of the block. For streets that are not delineated by painted lanes and the width of the excavation is less than thirteen (13) feet, the pavement restoration requirements (mill and fill) shall be for the entire length of the block thirteen (13) feet in width;
- 3) For excavation in the intersection, the restoration shall be to pave all affected quadrants either with the 13 foot rule for streets without delineated traffic lanes unless it is on a Muni route and for streets with multiple delineated traffic lanes in one direction, the restoration shall be limited to the affected lane(s).

Per DPW sign specifications, all projects impacting the length of one (1) block face or more will require the installation of a project information sign, for the duration of the project. The project information sign should be located at either end of the project facing oncoming vehicular traffic. For larger projects that exceed five (5) blocks, the project information sign should be placed at five (5) block intervals in both directions. The signage is intended to keep the public informed of the intent of the project, project schedule, contact information and allow for updates as needed.

If concrete street, gutter or parking strip is excavated, SBC/Pacific Bell shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed).

When drilling/excavating in the sidewalk area, entire sidewalk flag(s) must be replaced to adjacent score lines.

Placement or installation of any utility facilities within the curb return area is prohibited per DPW Order No. 175,387.

The Department of Public Works approves this permit pursuant to the following special conditions, which the Department of Public Works incorporates into the permit and makes a part thereof.

SPECIAL PERMIT CONDITIONS:

This permit is approved for 45 day duration under the following conditions:

- 1) All work (excavation to final paving) shall be completed within fourteen (14) calendar days.
- 2) SBC/Pacific Bell shall comply with Code Section 2.4.50(a), post and maintain notice(s) at the site of the excavation 72 hours prior to start of construction. If the work is anticipated to take longer than fourteen (14) calendar days, SBC/Pacific Bell shall comply with Code Section 2.4.50(b)(i), provide written notice(s) delivered by mail to each property owners on the block(s) affected by the excavation at least thirty (30) days prior to start of construction. SBC/Pacific Bell shall also comply with Code Section 2.4.50(b)(ii) and (b)(iii), post and maintain notice(s) at the site of the excavation and deliver a written notice to each dwelling unit on the block(s) affected by the excavation at least ten (10) days prior to start of construction.
- 3) SBC/Pacific Bell shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
- 4) SBC/Pacific Bell shall coordinate all work with other construction projects and events known or unforeseen such as to minimize the impact of construction project on the general public and/or event(s).
- 5) SBC/Pacific Bell work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
- 6) SBC/Pacific Bell shall replace any existing traffic stripings and markings that are removed or damaged by the work activity with temporary stripings and markings after the restoration of the pavement as specified on Section 6.2 'Pavement Markings' of DPT's 'Blue Book'. Also, SBC/Pacific Bell shall pay to DPT the cost of replacing the permanent pavement markings. For any questions, please call Conrad Magat of DPT at (415) 701-4680.
- 7) SBC/Pacific Bell shall restore all trenches per the Excavation Code.
- 8) SBC/Pacific Bell shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
- 9) SBC/Pacific Bell shall construct curb ramps, if applicable, per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 4 and Drawing Nos. CR-2, CR-4 thru CR-6, Revision 0 on any curb return/angular corner where excavation occurs. All curb ramp installation shall comply with ADA requirements.

Failure to comply with the above requirements may render this permit void and may subject SBC/Pacific Bell to a fine or citation.

Permit Addresses

14EXC-2144

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

Number of blocks: 3 Total repair size:221 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2144

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

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Customer Service

Teamwork

Continuous Improvement

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST	26TH AVE	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	26TH AVE	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	26TH AVE	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	26TH AVE	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

No Diagram submitted

H D 6/25/14

FILE

APPEAL OF ISSUANCE OF UTILITY EXCAVATION PERMIT #14EXC-2144

APPELLANT: GEORGE T. CHOPPELAS

APPEAL #14-179

RESPONDENT: SBC-PACIFIC BELL ENGINEERING

BOARD OF APPEALS

JUN 04 2014 *ex*

APPEAL # 14-079

Introduction

Appellant is the property owner of the four unit apartment located at 303 to 309 -26th Avenue, and resides at 311-26th Avenue. There is no 301-26th Avenue, except on paper. I am strongly opposed to the Issuance of the Excavation Permit to install a Surface Mounted Facility (SMF) at "301- 26th Avenue" for the following reasons:

A. Location Chosen Aggravates Existing Problems

1. "Autumn" Leaves (EXHIBIT 1A & 1B)

During three or four months of the year, wind patterns in the surrounding area deposit leaves dropping from the trees to the area designated in EXHIBITS 1A & 1B. The area can be swept and bagged one day, and accumulate again the following day. Although not always as frequent, during those months the addition of the proposed large cabinet and pedestal on the sloped sidewalk will create a hazardous obstruction to both elderly and child pedestrians.

2. Illegal Dumping (EXHIBIT 2)

The NW corner of 26th and California St. unfortunately is the "dumping ground" of people who move, purchase new furniture and appliances, or just want to discard junk. EXHIBIT 2. The "discards" are placed against the building wall, and/or the small sign pole, or the large telephone pole. Cardboard "No Dumping" signs posted by Appellant on the large pole and building are somewhat effective, until torn down. The placement of the SMF at the intended location will only provide an additional place to dump "discards." This will definitely compound and exasperate the existing problem

for the young, the elderly, and other adult pedestrians.

3. Excessive Utility Devices (EXHIBITS 2,3,4,5)

The intersection of 26th and California Street presently has two, either AT&T or PG&E, large electronic magnetic boxes on the S/W and S/E corner telephone poles.

AT&T has a Surface Mounted Electronic Facility on the N/E corner. AT&T now proposes to place another Surface Mounted Electronic Facility on the N/W corner.

At this time, while there is no definitive scientific proof that “electric magnetic fields” can cause permanent bodily damage, the additional placement of the proposed Surface Mounted Facility is cause for concern. Should Electro Magnetic Pollution be deemed to cause injury, the close concentration of said four units could be toxic.

B. Location Chosen Creates New Problems

1. Impediment And Difficulty to Utilize Passenger Side Of Parked Vehicle

In addition to the young, elderly, and other adult pedestrians, the location chosen, for the installation of the SMF cabinet will impede the elderly, and disabled from entering or exiting a parked vehicle, let alone the transfer and positioning of a wheelchair from the trunk to the passenger side of the vehicle. Appellant is well aware that there are parking sign poles, and utility poles placed and existing adjacent to sidewalk curbs throughout the City. However, these poles are a public necessity, for the safety and benefit of the public as a whole. The SMF cabinet, is not only larger in width and depth, but most important, the SMF unit is privately owned and maintained for a private commercial use to improve the AT&T U-Verse internet and television program for only their limited subscribing patrons. The SMF units are not of a “public necessity, for the benefit of the public as a whole”.

2. Close Proximity of Existing PG&E Box And Proposed SMF Unit (EXHIBITS 1A & 5)

On January 6, 2014, Sara A. Roepke, residing at 303-26th Avenue, wrote a letter to the Department of Public Works that there was a “serviceable PG&E box on the telephone pole directly outside my window on the corner of 26th and California, less than 15 feet from the AT&T’s serviceable location.” Mrs. Roepke went on to point out concern for her husband, 4 month child, and herself of having two such serviceable electronic boxes in such close proximity to her dwelling; which would create logistical challenges with coordinating the installations during emergencies, and repairs.(EXHIBIT 1A & 5)

3. Electromagnetic Emissions And Noise

Appellant has additional concerns. It is my understanding that the SMF cabinets contain a fan and battery, and could also utilize generators from AT&T service vehicles. The drone-like humming of a fan, and additional servicing at this location, combined with the PG&E servicing, makes it an additional major inconvenience at this particular residential location. In addition, does the SMF unit also generate electromagnetic emissions? And if so, is there radiation, or other emissions which could have a health impact on those residing in close proximity to the unit? Only AT&T, the Department of Public Works, or some other governmental agency can answer that question, and should.

C. Other Locations and Alternatives

1. Non Compliance With DPW Regulation

As far back as August 17, 2005 (Order #175,566), it was reiterated that the DPW’s Policy was that “...surface-mounted facilities be installed on private property or be placed underground to the extent either of these options is technologically and economically feasible.”

DPW Regulation (initial SMF Application) provides:

“3 – Verification of attempts to place Surface-Mounted –Facility on private property on at least three locations”

Petitioner’s search through the records of this case indicates that AT&T only contacted two locations.

2. “Box Walk” With AT&T Representatives (EXHIBIT 6)

On November 15, 2013, Helga Falkenstein (309-26th Avenue) and Appellant met with AT&T representatives Julian Chang and Lynn Sousa on the site of 26th and California Street for the purpose of discussing alternative locations for the placement of the Surface Mounted Facility (SMF). During the walk around the neighborhood, other locations were discussed.

One such location was that of a gas station located at the SW corner of 25th and California Streets. However, Mr. Chang, rejected the suggestion because it might “possibly excel the 300’ distance to the cross-connect box.” Ms. Sousa also suggested that the site might be too close to the underground gasoline storage tank. However, in the absence of construction engineers to measure the distance between the proposed site and cross-connect box, and not inquiring as to where the underground gasoline tanks were located, it seems that the best site for Facility was arbitrarily ruled out by the AT&T representatives.

Later, after walking around the neighborhood, Mr. Chang suggested the alternative location in front of a fence at 291-26th Avenue. This was confirmed in written form on November 21, 2013, and, attached hereto as EXHIBIT 6. Mr. Chang explained the procedure for proposing an alternative location and departed.

To date, Petitioner has not heard from Mr. Chang, although Appellant has called, and

left numerous messages on his answering device.

It would seem that the procedure that was explained by Mr.Chang was never initiated, nor were questions concerning an easement, the measurements of distances regarding the gas station, and location of the underground gasoline storage tank was ever resolved.

This does not seem to correspond with the representations made by AT&T in the past, indicating that alternative sites would be considered if residents objected to the initial site selection.

3. Department of Public Works Hearing (EXHIBIT 7)

On January 13, 2014, DPW Hearing Officer Greg Crump conducted a hearing concerning the placement of the SMF at 301-26th Avenue. At the hearing Appellant explained, both in written and oral form, that there had been two alternative sites (25th and California Gas Station and 291-26th Avenue) discussed at the “Box Walk” on November 15, 2013. At the request of the AT&T representative, the hearing was extended for 20 days to evaluate both sites. However, the Findings of the Hearing Officer states that only the 25th and California gas station location was considered, , and no mention was made of the 291-26th Avenue location. **EXHIBIT 7**

4. An Analysis of the Findings and the 20 Day Report (EXHIBIT 8)

During the “Box Walk” of November 15th, it was pointed out that the gas station at the corner of 25th and California consisted of a large lot and that an easement could be obtained on the property as a whole. The Report submitted by AT&T refers to the “location fronting the gas station”, and disregards any other location on the property.

In fact, the DPW does not even “agree with the merits of the Report”. In the portion of the Report where AT&T utilizes Article 514 – Motor Dispensing Facilities of the

California Electrical Code, DPW states “It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel.”

5. Alternatives to a Surface Mounted Facility (SUF) (EXHIBIT 9)

The decision by AT&T to proceed with the “outmoded” utilization of Surface Mounted Electronic Facilities is not necessary. There are other innovative solutions available, either to utilize entirely new methods, or at least drastically reduce the number of Surface Mounted Facilities. For example, On December 14, 2011, IDG News Service reported that Sonic.net unveiled a plan to build a “fiber network” for internet service in San Francisco. Sonic.net claimed that a network with fewer boxes by using all fiber instead of a combination of fiber and copper. Sony.net claimed that San Francisco’s utility wires on poles enabled deployments of fiber over those poles. EXHIBIT 9 Did AT&T consider such a more innovated method of delivering service?

Also, COMCAST presently services its subscribers with the same basic services as AT&T including X-FINITY, which is similar to AT&T’s U-VERSE. COMCAST delivers such services through a cable system. EXHIBIT 10. Are Surface Mounted Facilities needed above ground, or are they obsolete?

CONCLUSION

The following is a short summation highlighting what Appellant has endeavored to convey.

First, such a structure impedes travel on a public sidewalk. The 300 block of 26th Avenue, known as Christmas Hill, has a slight grade, and is especially dangerous to those utilizing the public right away with wheelchairs, those with impaired eyesight, young children and the elderly. In addition, its location would impede the entering and exiting of passengers from automobiles parked adjacent to the structure.

In addition, the structure would create a visual blight, aggravate existing problems, and cause additional problems regarding the health, and quiet enjoyment of the residents in the close proximity to the SMF cabinet. There is no public necessity or public benefit from the placement of such a surface mounted facility. The SMF unit is a privately owned structure which can only benefit the Respondent and the subscribers of the Respondent's services. These type structures should not be placed in residential neighborhood areas unless they are underground or on existing telephone polls.

Said placement is not necessary to preserve and maintain the public health, safety, welfare, or convenience of the public at large.

A short time ago, many property owners in San Francisco, including myself, were compelled to expend large sums of money to repair small cracks in sidewalks adjacent to their property. The work was done without qualms because it benefited the community as a whole by improving the safety and aesthetic appearance of the sidewalk, and the neighborhood as a whole.

Unfortunately, placement of the Surface Mounted Facilities in the neighborhood is contrary to the intent and spirit of those improvements.

Respectfully Submitted.


GEORGE T. CHOPPELAS

APPELLANT



PHOTO 13
EXHIBIT 1B

ATT's initial SMF application for 301-26th Ave, 13SMF-0265, dated 8-2-13.pdf



EXHIBIT 2

Copy of IMG_0325.JPG

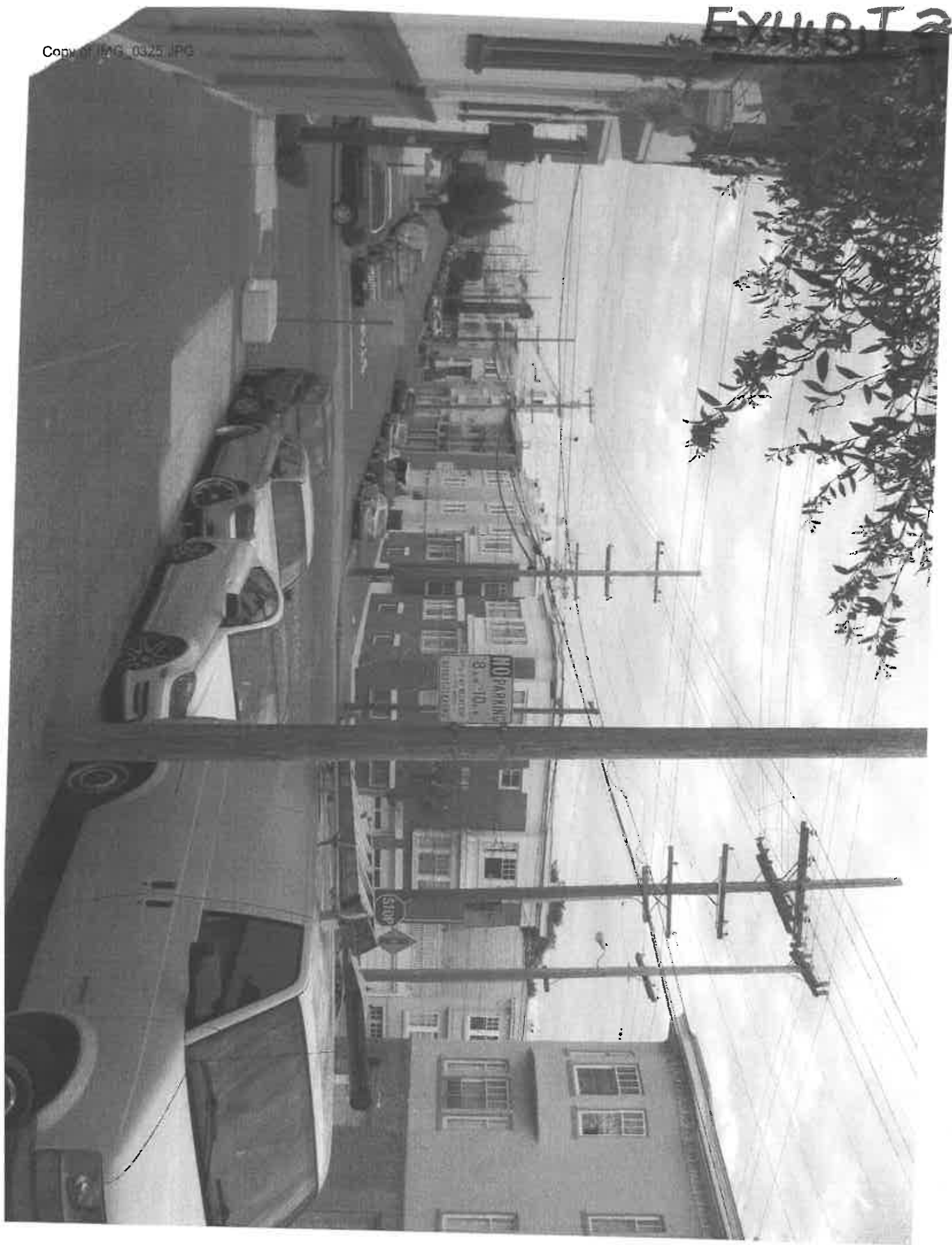
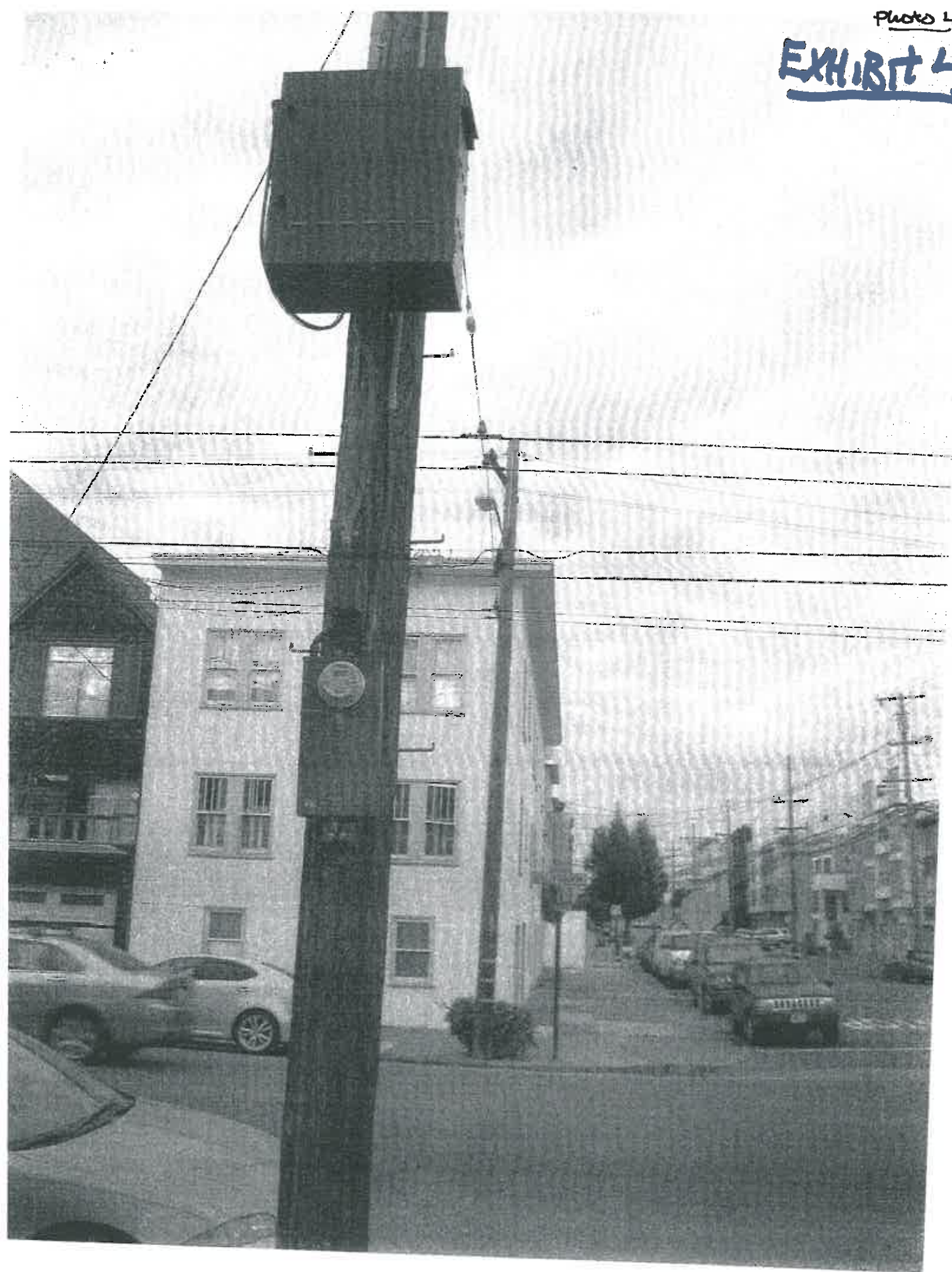


EXHIBIT 3



Photo 4

EXHIBIT 4



PHOTOS

EXHIBIT 5



EXHIBIT 6

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AT&T acknowledgement of meeting on 11/15/13

Julian Chang

Nov 21, 2013

To Me, kinesthesia@sbcglobal.net, Lynn Sousa, and 3 More...

Dear Mr. Choppelas and Ms. Falkenstein,

Thank you for taking the time to meet with Lynn Sousa and me on November 15, 2013 during the Box Walk for AT&T VRAD 58A.

Your objection to siting the VRAD at 301 26th Avenue was noted and discussed.

After our walk, 291 26th Avenue was identified as a possible alternative location for the VRAD.

As I mentioned during our Box Walk, AT&T's engineering team will be validating whether the alternate location is feasible or acceptable since it must meet three legal lists of criteria and guidelines (local, state, federal) as well as be within AT&T's internal guidelines for the placement of VRAD cabinets.

Your voice is important in the San Francisco municipal process which will now continue. As Lynn and I explained, if the alternate location is feasible and acceptable, another posting will be made for the new location.

Eventually there will be a hearing on the matter, and the DPW hearing officer will receive all communications and inputs and then will make a recommendation to the Director of the DPW who will issue the final approval, if any, for AT&T's request for a permit to place the VRAD at either its original site 301 26th Avenue or at the alternative location of 291 26th Avenue, San Francisco.

Please note that any notices about the hearing itself will come from DPW, not from AT&T. Your input into the hearing process is welcomed and important. You can participate either electronically or in person.

Thank you for your interest in AT&T's upgraded network.

Julian Chang for AT&T

If you are not the intended recipient of this message, any dissemination, distribution, or use of the contents of this message is strictly prohibited. This email and any attachments contain information that may be protected work-product doctrine, or other privileges or protections, and may be restricted from disclosure by applicable laws. If you received this e-mail message in error, please e-mail the sender by reply e-mail. Please also permanently delete all copies of the original e-mail and any attached documentation. Thank you.

Reply, Reply All or Forward | More

EXHIBIT 7

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: 182200

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 301 26th Avenue (13SMF-0265)

APPLICANT: AT&T CALIFORNIA
795 Folsom Street, #426
San Francisco, Ca 94107

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **August 2, 2013** the applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface Mounted Facility (SMF) at the above referenced locations. If approved, the applicant will file for an excavation permit to install the SMF.
2. On **September 4, 2013**, the applicant mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **four (4)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections included:
 - a. Will impede on the path of travel and ingress/egress to vehicles parked next to the surface-mounted facility.
 - b. Will create visual blight.
 - c. Will negatively impact property values.
 - d. Will not benefit the public at large.
 - e. Request to plant trees around the surface-mounted facility.
 - f. Will attract graffiti.
 - g. AT&T should have to pay rent to place surface-mounted facility on the sidewalk.
4. On **January 13, 2014**, DPW Hearing Officer **Greg Crump** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Lynn Fong of DPW presented a summary of the permit application stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits DPW Order No. 175,566.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **November 15, 2013** and two (2) members of the community that was invited attended.



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

Exhibit 7v

7. At the hearing, four (4) members of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of 301 26th Avenue. The objector's testimony included:
 - a. Leaves accumulate around the existing cabinet and have to be maintained by fronting property owner.
 - b. There is currently a high density of surface-mounted facilities in the area.
 - c. An alternate location can be at the gas station on the corner of 25th Avenue and California Street.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility 13SMF-0265, in the vicinity of 301 26th Avenue.

FINDINGS:

1. The Hearing Officer reviewed the application, materials from DPW's files, the objections, additional materials submitted by the applicant and persons protesting the application, and the testimony at the hearing.
2. The Hearing Officer determined that the application complies with the requirements of Article 2.4 of the Public Works Code and DPW Order No. 756,566.
3. Hearing was extended for 20 days to evaluate one (1) potential alternate location at a gas station on the corner of 25th Avenue and California Street. On January 15, 2014 and January 22, 2014, AT&T submitted a report stating that placement is unacceptable under ARTICLE 514 of the National Electrical Code.
 - a. DPW does not agree with the merits of the report. However, DPW finds that the only location fronting the gas station that may potentially be feasible includes an underground utility that does not comply with DPW Order 175,566 Exhibit B, item #8 to maintain 40 inches from any other above-ground structures, and item #12 that prohibits placement over any storm drain or other utility facility.
4. The Director of Public Works has reviewed the Hearing Officer's recommendation. The Director of Public Works hereby adopts the hearing officer's recommendation.

APPEAL PROCESS: This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW's approval or denial of an Excavation Permit to install surface mounted facilities 13SMF-0265 in the vicinity of 301 26th Avenue. The Board of Appeals is located at 1650 Mission Street, Suite 304. To obtain further information regarding the appeal process, you can contact the Board of Appeals at 415-575-6880. You can also visit the Board of Appeals website at: <http://www.sfgov3.org/index.aspx?page=763>



Exhibit 7

2/13/2014

X 

Sanguinetti, Jerry
Bureau Manager

2/13/2014

X 

Sweiss, Fuad
Deputy Director and City Engineer

2/18/2014

X Mohammed Nuru

Nuru, Mohammed
Director, DPW



City and County of San Francisco

San Francisco Department of Public Works
Office of the Deputy Director & City Engineer, Fuad Sweiss
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103
(415) 554-5810 ■ www.sfdpw.org



Edwin M. Lee, Mayor
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

DPW Public Hearing 1/13/2014

20-Day Report: investigation of alternate sites to the proposed AT&T Surface Mounted Facility location at 301 26th Avenue (13SMF-0265)

Proposed Alternate Location: Gas station at corner of 25th Avenue and California Street

AT&T Analysis:

AT&T investigated the alternate site brought forth at the box walk and hearing and found the following: It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

DPW Response:

DPW wanted to understand Article 514 for our knowledge and found this:

Definition of a Motor Fuel Dispensing Facility (514.2):

That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

Classification of Locations (514.3):

There are two types of classifications and 2 subtypes:

A. Unclassified

- Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

B. Classified

- Class 1: Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition.
- Class 2: Table 514.3(B)(2) shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids.

Full article can be found here: <https://www.inkling.com/read/nfpa-national-electrical-code-handbook-2011/chapter-5/article-514-motor-fuel>

It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel.



COMPUTERWORLD

Sonic.net plans 1Gbps fiber service to San Francisco homes

The small ISP has applied for permission to build fiber to homes across the city

By Stephen Lawson
December 14, 2011 08:35 PM ET

IDG News Service - Internet service provider Sonic.net unveiled an ambitious plan on Wednesday to build a fiber network that would reach most residences and small businesses in San Francisco with 1G bps Internet access.

The so-called fiber-to-the-home network would be the first such citywide system in San Francisco and would dramatically exceed the current residential speeds offered by AT&T and Comcast, the city's major ISPs. It could draw avid interest in the city, which is a hub for Internet startups and home to many Silicon Valley technology workers. But such a project would pose daunting costs and regulatory hurdles for any service provider, let alone a small operator such as Sonic.

"I'll certainly concede that it's an ambitious project," said Dane Jasper, CEO and co-founder of Sonic, which has just 60,000 subscribers. Those customers are spread across 13 states, but most are in the San Francisco Bay Area, he said.

The company's main business is offering DSL (Digital Subscriber Line) service over leased copper lines, but earlier this year it began rolling out a fiber network in Sebastopol, California, that is similar to the one planned for San Francisco. There, on a trial network reaching 700 homes, it offers 100M bps unlimited broadband for US\$39.95 per month and 1G bps for \$69.95 per month. Both plans include voice service for one or two lines with unlimited domestic calls. Sonic also has been selected by Google to build a fiber network for a neighborhood near Stanford University.

Sonic plans to offer similar plans in San Francisco. It has no plans to serve large businesses with the network, nor to offer TV, Jasper said.

Sonic announced on Wednesday it has applied for permits to build the San Francisco network, which would start with a pilot area of 2,000 homes in the largely residential Sunset district and expand over the course of five years to cover the city of about 800,000 residents. The company hopes to begin work next year. The trial

C1

Exhibit 92

will require one utility box, and a full deployment would require an estimated 188, Jasper said.

The last carrier that tried to roll out a significant new network in San Francisco was AT&T, which proposed in 2007 to deploy its U-Verse high-speed Internet and TV service there. Some parts of the city are now covered by U-Verse, but much of the project is tied up in a legal dispute over whether an environmental impact report is required to understand the overall impact of the estimated 728 utility boxes it would require.

Led by an organization called San Francisco Beautiful, neighborhood groups raised concerns about AT&T's plan to install the boxes on sidewalks. A lawsuit over the proposal is expected to be heard next year. San Francisco Beautiful said it has not yet taken a position on Sonic's proposal.

AT&T's travails will be a key factor in Sonic's deployment schedule, according to Jasper. Sonic won't press the city for approval of its application while the suit over the U-Verse boxes is pending, he said.

Sonic can build its network with fewer boxes because it is using all fiber instead of a combination of fiber and copper, Jasper said. Fiber can carry a given speed of access farther than copper can, and it can also scale up to much higher speeds over time as new generations of network equipment become available.

"The investment in fiber is a 50-year infrastructure," Jasper said.

Laying fiber all the way to subscribers' homes can be an expensive, time-consuming task. Verizon Communications, which offers its FiOS data, voice and video service over fiber to the home, has faced some complaints about torn-up front yards. But Sonic has an advantage in San Francisco in that much of the city is still served by utility wires on poles instead of in the ground, Jasper said. Deploying fiber over those poles is easier and less expensive than laying it in the ground, he said.

Stephen Lawson covers mobile, storage and networking technologies for The IDG News Service. Follow Stephen on Twitter at [@sdlawsonmedia](https://twitter.com/sdlawsonmedia). Stephen's e-mail address is stephen_lawson@idg.com

Important Notices To Our Customers

How to Use Your Cable Service Notice to Customers Regarding Equipment Compatibility & Important Information

Book 1 Revised 8/10 reg 10 X28952 6155-DCG-6 7000 (All)

HOW TO USE YOUR CABLE SERVICE

Congratulations on your choice of one of the world's best entertainment and information media - cable TV! We have designed our Comcast cable television service to be as simple to use as it is exciting to explore!

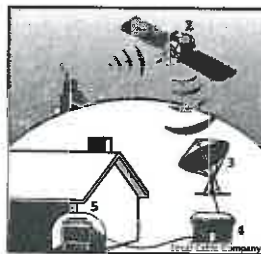
This information is provided to enable you to be more knowledgeable about your service and to answer any questions you may have about it.

HOW CABLE TELEVISION WORKS

Cable television brings you more channels and generally better reception than off-air reception of broadcast television because the television signals travel to your home by way of cable, rather than through the air. Because, television stations are brought into your home through miles of high-technology cable, your television reception is uninterrupted by trees, buildings and other surface obstacles.

In addition to certain local television stations, communications satellites allow you to receive many additional channels through cable television. A large selection of viewing choices is available from your cable company. Here is how these channels are received:

1. Individual television programs are produced in many locations around the world.
2. These programs are transmitted to communication satellites that orbit the earth. These satellites stay in a fixed position 22,300 miles above the earth, allowing them to transmit signals to your community.
3. Local satellite dishes receive these signals.
4. The cable television control center - the "head-end" - processes these satellite signals, along with the signals from your local television stations and other sources, so they can be transmitted over our cable system to your home.
5. These quality television programs are brought to your home by way of hundreds of miles of cable, either strung on poles or buried underground.



COMPLAINT PROCEDURES

If you have a complaint regarding your cable television service or your bill, please call the local customer service number listed below

or our toll-free telephone number which is available 24 hours a day, seven days a week. You can also visit our local business office listed on your billing statement. Alternatively, if you wish to put your comments in writing, your letter should be addressed to Comcast at the local address listed on your billing statement. We will promptly try to resolve your complaint. If we are unable to resolve your complaint, we will notify you that we are unable to do so and explain the reason why. If you are dissatisfied with our resolution of your complaint, or we are unable to resolve your complaint, you may contact the local franchising authority to discuss your complaint. Please refer to your monthly cable bill or call the local customer service number listed below for the name and address of your local franchising authority.

INSTALLATION

Someone over 18 years of age must be home during the installation of your cable television service. This will ensure a thorough and complete installation and will allow you to become more familiar with your cable service and equipment.

GENERAL DO'S AND DON'TS

We have installed cable in your home in a manner that is consistent with Federal Communications Commission ("FCC") rules. Here are a few tips to keep it operating safely and reliably:

1. During severe electrical storms you should unplug your television set and cable converter to avoid damage. Comcast and your set manufacturer are not responsible for damage which occurs due to acts of nature.
2. Your cable converter operates on 110 volts. Please take all the same precautions you would for any small appliance, such as checking the cord to make sure it is not worn or damaged.
3. For your own safety, do not attempt to open or otherwise tamper with your cable converter.
4. If you have someone other than Comcast install the inside wiring in your home, or if you do it yourself, you are responsible for ensuring that the installation
 - a. complies with all applicable governmental regulations (FCC signal leakage rules, for example), and
 - b. does not interfere with the normal operations of the cable system or any other communications systems, such as those used by police and fire departments.

BILLING

Your monthly cable bill not only gives you a listing of your current charges, payments and credits, but it may also contain special messages to our customers. Take time to review your bill to make sure your name, address and other information are correct. You generally will be billed at the same time each month unless you are notified otherwise.

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF APPEAL**

AT&T (Appeal Nos.
CALIFORNIA, (14-079
Respondent (301 26th Avenue

**RESPONDENT'S
BRIEF**

EXHIBITS

SMF Order No. 175,566	Exhibit A
DPW Order No. 182200, Approving AT&T's SMF Application in the Vicinity of 301 26th Avenue	Exhibit B
AT&T's March 3, 2014 Letter of Transmittal	Exhibit C
AT&T's August 2, 2013 Letter of Transmittal	Exhibit D
Appellant's May 6, 2014 Appeal filing on 301 26th Avenue	Exhibit E
Excavation Permit 14EXC-2144 granted April 14, 2014	Exhibit F
DPW Activity Logs for 14EXC-2144	Exhibit G
Photographs of the vicinity of 291 26th Avenue	Exhibit H
Photographs of the vicinity of 301 26th Avenue	Exhibit I
Photographs of the vicinity of 314 25th Avenue	Exhibit J
Crown Castle NG West Decision	Exhibit K
Correspondence Between DPW and AT&T regarding additional site information requested by the Hearing Officer after January 13, 2014 hearing	Exhibit L
AT&T Hearing Notes dated January 13, 2014	Exhibit M

INTRODUCTION

Appellant George Choppelas requests that the Board reverse the Department of Public Work's decision to issue AT&T an excavation permit in the vicinity of 301 26th Avenue. That request should be denied for two reasons. First, Mr. Choppelas late-filed his appeal, depriving the Board of jurisdiction to consider his appeal. Second, DPW made no finding, nor does Mr. Choppelas present any evidence, that the proposed location would incommode the public right-of-way. Without such a finding, no legal basis exists for denying the excavation permit that DPW properly granted.

On appeal, Appellant reasserts the same arguments rejected by the Hearing Officer and the Director: (1) that leaves might accumulate around the proposed cabinet; (2) that there are a number of other surface-mounted facilities in the area; and (3) that an easement could potentially be obtained on private property in front of a gas station located at the corner of 25th avenue and California street. But none of these arguments suggest that the approved SMF location would incommode the public right-of-way. Nor does DPW have authority to order a public utility to place its facilities on private property. More importantly, Appellant's late-filed appeal deprives the Board of jurisdiction even to consider these arguments, much less reverse the Department on the merit.

In short, Appellant provides no sound reason for the Board to reverse a permitting decision approved by the Hearing Officer, the Director, and DPW, after a full hearing on the merits. The Board of Appeals should affirm DPW's decision.

STATEMENT OF FACTS

A. DPW Correctly Determines That the Proposed Installation at 301 26th Avenue Satisfies the SMF Order.

On August 2, 2013, AT&T filed an application with DPW to install a surface mounted

facility in the vicinity of 301 26th Avenue. (*See* Ex. B.) On September 4, 2013, AT&T mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of 301 26th Avenue. (*Id.*) DPW received four objections and scheduled a public hearing to consider testimony on that site. (Ex B.)

At the subsequent hearing, on January 13, 2014, four community members provided testimony regarding the project at 301 26th Avenue. (Ex. B.) The Hearing Officer extended the hearing for 20 days and requested that AT&T evaluate “**one (1)** potential alternate location at a gas station on the corner of **25th Avenue and California Street.**” (Ex. B.) AT&T submitted additional information regarding this alternative site between January 15 and January 22, 2014. (*See* Ex. L) (attaching correspondence between AT&T and DPW regarding the proposed alternative location). AT&T reported that City Building Inspector Dave Fross had previously informed AT&T that it could not install its SMF cabinets in the vicinity of gas stations because such placement violates Article 514 (“Motor Fuel Dispensing Facilities) of the California Electrical Code. AT&T also informed DPW that the City had required that AT&T remove and relocate a prior SMF installed at 1851 Taraval Street on the basis that such placement directly violated Article 514, which requires a minimum 20 feet of separation between gas pumps and other enclosed installation. (Ex. L).

After considering the record and testimony at the hearing, the Hearing Officer recommended that the SMF application be approved for the location at 301 26th Avenue. (Ex. B.) Although DPW disagreed that Article 514 would prohibit installation at the proposed alternative site on 25th Avenue,¹ DPW nevertheless concluded that the proposed alternative location did not satisfy guidelines #8 and #12 of DPW Order No. 175,566 Exhibit B (the “SMF

¹ It appears that DPW misread the requirements of Article 514. Article 514 requires 20 feet of separation between gas pumps and *any* “enclose[d] structure—not just other gas pumps.

Order”).

In March 2014, DPW issued Order No. 182200 approving the SMF application. (Ex. B.) On April 14, 2014, DPW approved and issued Excavation Permit 14EXC-2360 for AT&T’s excavation in the vicinity of 301 26th Avenue. (Ex. F).

B. Mr. Choppelas’s Late-Filed Appeal of Permit 14EXC-2144.

DPW Order No. 182200 specifically advised that appellants have only 15 days to file an appeal from the date a permit is issued: “**APPEAL PROCESS:** This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW’s issuance of an Excavation Permit to install surface mounted facilities **13SM-0265 in the vicinity of 301 26th Avenue.**” (Ex. B). Mr. Choppelas concedes that he received a copy of this Order. (*See* App. Br. Ex. 7). Mr. Choppelas subsequently filed an appeal on May 6, 2014—a week after the filing deadline had passed—and then filed a Jurisdiction Request with the Board on June 11, 2014. (Ex. E).

ARGUMENT

I. The Board Lacks Jurisdiction to Consider Mr. Choppelas’s Untimely Appeal.

Article 1, Section 8 of the San Francisco Business and Tax Regulations Code provides that all appeals to the Board of Appeals must be made within 15 days from the issuance of a City permit.² Pursuant to the City Code, therefore, the appeal period for Excavation Permit 14EXC-2144 expired on April 29, 2014. Because Mr. Choppelas waited until May 6, 2014 to file an appeal, his appeal is untimely and the Board is without jurisdiction to hear it.

The Board’s rules do not change this outcome. Section 10(a) of the Rules of the Board of

² *See* Article 1, Section 8 of the City and County of San Francisco Business and Tax Regulation Code (“Except for variance decisions and place of entertainment, limited live performance, extended hours premises, and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of Appeals shall be taken within 15 days from the making or entry of the order or decision from which the appeal is taken.”).

Appeals, pertaining to “Jurisdiction Requests” governs late appeals. It provides: “After the appeal period has expired, the Board lacks jurisdiction over a matter except in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal.” (Ex. G.) There is no other authority permitting the Board of Appeals to accept a late-filed appeal.

As a matter of law, the City did not either “intentionally or inadvertently” cause the Mr. Chopelas to be late in filing his appeal.³ DPW was under no legal obligation to provide him with notice that it had issued the permit. Neither the City Municipal Code nor the SMF Order (Ex. A) require that DPW notify any private objector that the City has issued an Excavation Permit

This same issue was recently litigated on nearly identical facts in *Crown Castle NG West Inc. v. The City and County of San Francisco* (Case No. CPF-11-511369). On March 11, 2014, Judge Ernest Goldsmith granted Crown Castle’s writ, finding that the Board of Appeals has abused its discretion by hearing the late-filed appeal in violation of its own rules and city law. (Ex. K.) The Court’s Order specifically held that, because DPW was under no legal obligation to provide the appellants with notice of the wireless permit application, “**the lack of notice was not grounds for acceptance of an untimely appeal.**” (*Id.* [emphasis added].) The same result applies here. Because DPW had no legal obligation to provide Mr. Choppelas with notice that it had issued the challenged Excavation Permit on April 14, 2014, DPW did not “intentionally or inadvertently” cause him to file his appeal more than five weeks late, and his purported “lack of notice” is not “grounds for acceptance of an untimely appeal.”⁴ *Id.*; see also *Franklin v. Steele* (1982) 131 Cal.App.3d 558, 562 (holding Board of Appeals has no authority to accept a late-

³ Mr. Choppelas does not argue that anyone at DPW “intentionally” caused him to file his appeal more than five weeks late.

⁴ The Board of Appeals acknowledged its error in granting the untimely appeal without jurisdiction at public hearing on May 7, 2014. Upon motion by Commissioner Fung, the Board voted 4-0-1 to set aside and void its decision on Appeal No. 11-004 in light of Judge Goldsmith’s ruling.

filed appeal in violation of its own rules).⁵

Moreover, it does not appear that the Board has authority to grant late-filed appeals under *any* circumstances. Article 1, Section 8 of the City and County of San Francisco Business and Tax Regulation Code requires that “appeals to the Board of Appeals **shall** be taken within 15 days from the making or entry of the order or decision from which the appeal is taken.” (Emphasis added.) It is well-established California law that the word “shall” is construed as mandatory when it appears in legislation. *Cole v. Antelope Valley Union High School Dist.* (1996) 47 Cal.App.4th 1505, 1511 (observing that “[t]here is nothing ... [that] permits us to construe the word “shall” as other than mandatory). Nothing in the City Charter or the Municipal Code authorizes the Board to override this unambiguous requirement of the City Code. Nor does the Board’s inherent authority to consider whether it *has* jurisdiction permit it to grant late-filed appeals where it plainly *lacks* jurisdiction: “that power must be exercised within the bounds of all applicable city charter, ordinance and code sections, and any action on its part that exceeds those bounds is void.” *City and County of San Francisco v. Board of Permit Appeals* (1989) 207 Cal.App.3d 1099, 1105 (holding board action overruling zoning administrator was in excess of jurisdiction and that its findings were legally irrelevant and contrary to city planning code).

II. No Valid Legal Basis Exists For Reversing DPW’s Order.

As a threshold matter, Appellant provides no valid legal basis on which AT&T’s permit application could be denied. The franchise rights afforded by Public Utilities Code Section 7901 allow telephone corporations to construct their facilities in the public rights-of-way, subject only to the requirement that construction activities do not “incommode” (i.e., “unreasonably obstruct and interfere with ordinary travel” in) the public rights-of-way. *Pac. Tel. & Tel. Co. v. City &*

⁵

County of S.F., 197 Cal.App.2d 133, 146 (1961). There is no evidence that AT&T's planned facilities would "incommode the public use of the road or highway." Cal. Pub. Util. Code § 7901.

Indeed, the administrative record confirms that DPW properly issued the challenged excavation permit. The City's "time, place, and manner" guidelines are set forth in Exhibit B of the SMF Order. At the January 13, 2014 hearing on the permit application for 301 26th avenue, Lynn Fong of DPW stated that AT&T "was in compliance with Article 2.4 of the Public Works Code and [the] technical merits [of] DPW Order No. 175,566." (Ex. B.) More critically, no evidence was presented at the hearing that the proposed location would obstruct or otherwise incommode the public right-of-way. *Id.*

Appellant's brief ignores the controlling standards provided by Public Utilities Code §§ 7901, 7901.1, and 5885, and instead asks the Board to reverse DPW's Order for a host of reasons unrelated to the limited discretion afforded to municipalities under California law. That request is improper. First, Appellant's suggestion that the Board reverse DPW's decision on grounds that having nothing to do with the legal standard set forth by the SMF Order and the Public Utilities Code must be disregarded. Second, neither DPW nor the Board have authority to order public utilities to place their facilities on private property.

Accordingly, DPW correctly determined that AT&T was entitled to an excavation permit. As a result, DPW's decision is lawful and should be affirmed.

A. Appellant's Arguments Are Irrelevant To The Legal Issue Before The Board

Appellant argues variously the Board should reverse DPW's decision because (1) a number of other utility cabinets have been placed in his neighborhood; (2) the AT&T cabinets might generate "electromagnetic emissions"; (3) leaves might gather around the cabinet; (4) or

the fact other alternative internet and video providers exist in San Francisco. None of these arguments are relevant to the legal question before the Board: Would the proposed location at 301 26th Avenue “incommode” the public right-of-way. *See* Pub. Util. Code sections 7901 and 7901.1. Because—by law—an excavation permit can only be denied on the basis of a finding that the proposed location would incommode the public right-of-way, these arguments are irrelevant and must be disregarded.

B. DPW Does Not Have Legal Authority To Order Public Utilities To Install Their Facilities On Private Property.

Appellant also suggests that the Board should reverse DPW’s decision because AT&T could potentially be ordered to place its SMF on private property in front of a gas station located in the vicinity of 306 25th Avenue. (App. Br. at 4-6). Appellant’s argument ignores DPW’s express findings and misapprehends the City’s limited discretion regarding the placement and installation of utility infrastructure.

Under California law, AT&T has statutory rights to deploy its facilities in the public rights-of-way. Section 7901 of the Public Utilities Code provides:

Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

This section “has been judicially construed by many decisions of [the California courts], and it has been uniformly held that the statute is a continuing offer extended to telephone and telegraph companies to use the highways’ Thus, telephone companies have the right to use the public highways to install their facilities.” *Williams Comms., LLC v. City of Riverside*, 114 Cal.App.4th 642, 648 (Cal. Ct. App. 2003) (quoting *County of L.A. v. Southern Cal. Tel. Co.*, 32

Cal.2d 378, 384 (Cal. 1948)). This same right to use the public rights-of-way was subsequently extended to all state-franchised video providers. *See* Pub. Util. Code § 5885(a).

By contrast, the City's discretion in limiting the placement of utilities is limited. *See* Pub. Util. Code § 7901.1. While municipalities have "the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are *accessed*" (Cal. Pub. Util. Code § 7901.1) (emphasis added), that control does not permit cities to deny utilities access to the public right-of-way altogether.

Moreover, as AT&T noted in its correspondence with DPW, the City has previously refused to allow AT&T to install its SMF cabinets in the vicinity of gas stations. (*See* Ex. L.). Indeed, after AT&T was granted an excavation permit and then installed an SMF in front of a gas station at 1851 Taraval Street, City Building Inspector Dave Fross required that AT&T remove and relocate the cabinet at AT&T's own expense. (Ex. L).

Additionally, as the Director's underlying DPW Order recognized, Appellant's suggestion that AT&T's SMF be placed in front of the gas station located at 306 25th Avenue is not a practical solution because DPW found that the proposed installation would violate the SMF Order: "DPW finds that ... [the proposed installation] does not comply with DPW Order 175,566 Exhibit B, item #8 to maintain 40 inches from any other above-ground structures, and item #12 that prohibits placement over any storm drain or other utility facility." (Ex. B).

Finally, Appellant asserts that DPW's decision should be reversed because AT&T "Petitioner's search through the records of this case indicates that AT&T only contacted two locations" regarding securing private easements. (App. Br. 4). That assertion is wholly incorrect. As AT&T's August 2, 2013 SMF Application package demonstrated, AT&T sought easements from *eleven* different property owners within the 300 foot radius of the existing SAI

cabinet, including the City of San Francisco and numerous private property owners. (*See* Ex. D, attaching “Easement Mailing List”).

Because DPW has no legal authority to order AT&T to install its equipment on private property as a condition of exercising its statutory right to install its equipment in the *public* right-of-way, Appellant presents no grounds on which DPW’s decision can be reversed.


CONCLUSION

For the foregoing reasons, the Board of Appeals should affirm DPW’s decision.

EXHIBIT A



Gavin Newsom, Mayor
Edwin M. Lee, Director

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Office of the Director
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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

ORDER NO. 175,566

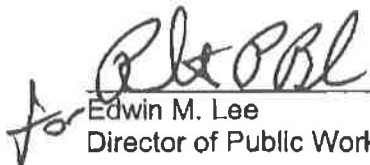
**Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way**

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.E 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 240
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)

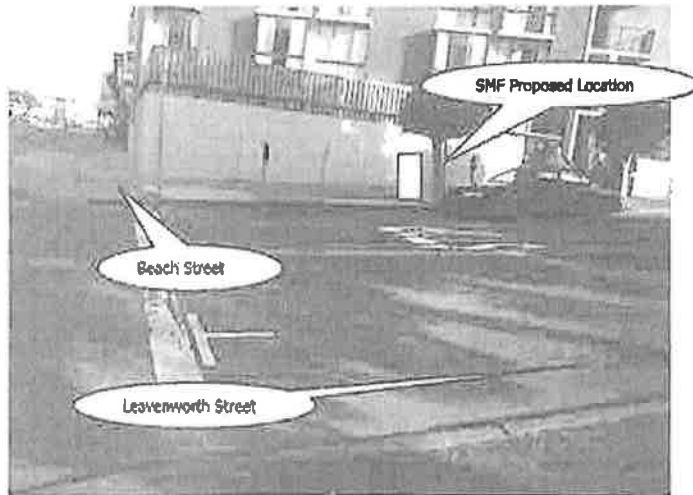
(Briefly provide information about the safety of the cabinet/unit)

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

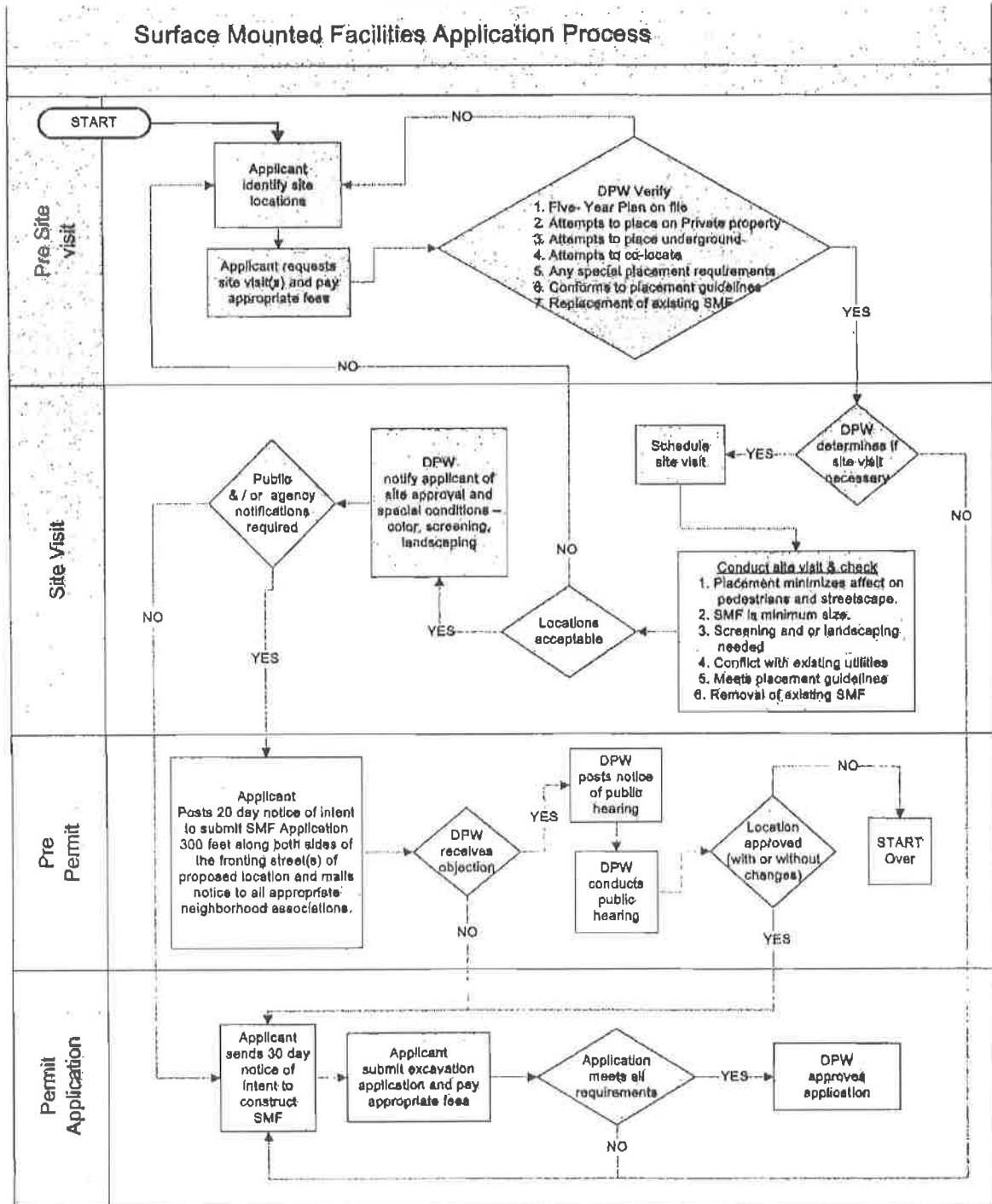


EXHIBIT H
Application Deficiency Checklist

**SURFACE-MOOUNTED FACILTY 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:** _____

EXHIBIT B

City and County of San Francisco

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



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Jerry Sanguinetti, Bureau Manager

DPW Order No: 182200

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF **301 26th Avenue (13SMF-0265)**

APPLICANT: AT&T CALIFORNIA
795 Folsom Street, #426
San Francisco, Ca 94107

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **August 2, 2013** the applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface Mounted Facility (SMF) at the above referenced locations. If approved, the applicant will file for an excavation permit to install the SMF.
2. On **September 4, 2013**, the applicant mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **four (4)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections included:
 - a. Will impede on the path of travel and ingress/egress to vehicles parked next to the surface-mounted facility.
 - b. Will create visual blight.
 - c. Will negatively impact property values.
 - d. Will not benefit the public at large.
 - e. Request to plant trees around the surface-mounted facility.
 - f. Will attract graffiti.
 - g. AT&T should have to pay rent to place surface-mounted facility on the sidewalk.
4. On **January 13, 2014**, DPW Hearing Officer **Greg Crump** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Lynn Fong of DPW presented a summary of the permit application stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits DPW Order No. 175,566.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **November 15, 2013** and two (2) members of the community that was invited attended.



7. At the hearing, four (4) members of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **301 26th Avenue**. The objector's testimony included:
 - a. Leaves accumulate around the existing cabinet and have to be maintained by fronting property owner.
 - b. There is currently a high density of surface-mounted facilities in the area.
 - c. An alternate location can be at the gas station on the corner of 25th Avenue and California Street.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility **13SMF-0265**, in the vicinity of **301 26th Avenue**.

FINDINGS:

1. The Hearing Officer reviewed the application, materials from DPW's files, the objections, additional materials submitted by the applicant and persons protesting the application, and the testimony at the hearing.
2. The Hearing Officer determined that the application complies with the requirements of Article 2.4 of the Public Works Code and DPW Order No. 756,566.
3. Hearing was extended for 20 days to evaluate **one (1)** potential alternate location at a gas station on the corner of **25th Avenue and California Street**. On **January 15, 2014** and **January 22, 2014**, AT&T submitted a report stating that placement is unacceptable under ARTICLE 514 of the National Electrical Code.
 - a. DPW does not agree with the merits of the report. However, DPW finds that the only location fronting the gas station that may potentially be feasible includes an underground utility that does not comply with DPW Order 175,566 Exhibit B, item #8 to maintain 40 inches from any other above-ground structures, and item #12 that prohibits placement over any storm drain or other utility facility.
4. The Director of Public Works has reviewed the Hearing Officer's recommendation. The Director of Public Works hereby adopts the hearing officer's recommendation.

APPEAL PROCESS: This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW's approval or denial of an Excavation Permit to install surface mounted facilities **13SMF-0265 in the vicinity of 301 26th Avenue**. The Board of Appeals is located at 1650 Mission Street, Suite 304. To obtain further information regarding the appeal process, you can contact the Board of Appeals at 415-575-6880. You can also visit the Board of Appeals website at: <http://www.sfgov3.org/index.aspx?page=763>



2/13/2014

2/13/2014

X



Sanguinetti, Jerry
Bureau Manager

X

Sweiss, Fuad
Deputy Director and City Engineer

2/18/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



EXHIBIT C



Public Works Coordinator
AT&T California
795 Folsom Street, Suite 426
San Francisco CA 94107-1243

T: 415.644.7043 or
T: 415.644.7054
F: 415.957.5973
www.att.com

March 3, 2014

René Lopez, Utility Permit Coordinator
City and County of San Francisco
Department of Public Works, Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103-1555

EXHIBIT F - a

Location: 301 26th Ave, west side, south of California Street
DPW File: **13SMF-0265**

LETTER OF TRANSMITTAL
PROPOSED SURFACE MOUNTED FACILITY

Enclosed are:

- Exhibit A Pre-site visit checklist
- Exhibit A-2a Five-year plan documentation for this site
- Exhibit A-2b Cabinet size plan (footprint and clearance plans)
- Exhibit A-2c Private property mailing letter to property owners mailing list
- Exhibit A-2d1 Private property mailing sample letter seeking easements to property owners
- Exhibit A-2d2 Private property mailing date verification, date mailed:
- Exhibit A-2e Responses from Property Owners
None were received by AT&T
- Exhibit MOU-1 Mailing list of owners and residents within 300 feet
Date mailed: September 4, 2013
- Exhibits A-2f-B Verification of policy compliance (undergrounding, collocation, etc.)
- Exhibit C-1b Directory of Neighborhood Organizations list
Outer Richmond and Citywide were also mailed on September 4, 2013
- Exhibit C-1c City Department Notices for special districts
N/A
- Exhibit E Neighborhood Notice (per sec C-2)
Posted and mailed on September 4, 2013
- Exhibit F-b Site Drawing
- Exhibit F-c Photos of site
- Exhibit F-c1 Assessors Parcel Map, Grade Map, and vicinity map
- Exhibit F-d Location of SMF to be removed
N/A
- Exhibit G Approval or denial of site Notice to Applicant
Form attached, but we understand that the approval will be online
- Exhibit H Application Deficiency Notice

Comments: Requesting FINAL APPROVAL to apply for an excavation permit per Director's Decision # 182200.
File: SF13-120802; 9078907; Group: **58A**

APN	Owner Name (First Name First)	Mail Address	Mail Care Of Name	Mail City/State/ZIP/ZIP+4 DWL
1385-019	RESIDENT	6350 CALIFORNIA ST		SAN FRANCISCO CA 94121-1904
	RESIDENT	6352 CALIFORNIA ST		SAN FRANCISCO CA 94121-1904
	RESIDENT	6354 CALIFORNIA ST		SAN FRANCISCO CA 94121-1904
	RESIDENT	6356 CALIFORNIA ST		SAN FRANCISCO CA 94121-1904
	BARON TRUST/KENNETH BARON S	162 28TH AVE		SAN FRANCISCO CA 94121-1036
	RESIDENT	290 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	292 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	294 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	296 26TH AVE		SAN FRANCISCO CA 94121-1127
1385-019A	JUJ-HO WANG	310 CASTILE WAY		SOUTH SAN FRANCISCO CA 94080-5666
	RESIDENT	280 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	284 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	286 26TH AVE		SAN FRANCISCO CA 94121-1127
1385-019B	KUN LIM LAU FAMILY SURVIVORS,	282 26TH AVE		SAN FRANCISCO CA 94121-1127
	RESIDENT	6324 CALIFORNIA ST		SAN FRANCISCO CA 94121-1127
	RESIDENT	6324 CALIFORNIA ST #1		SAN FRANCISCO CA 94121-1127
1385-069	GWYER-LEUNG/CHRISTOPHER GW	1538 BRUNSWIG LN		SAN FRANCISCO CA 94121-1993
	RESIDENT	6324 CALIFORNIA ST #2		SAN FRANCISCO CA 94121-1993
1385-070	GWYER-LEUNG/CHRISTOPHER GW	520 ISLAND PARK DR		SAN FRANCISCO CA 94121-1993
1385-071	PAUL S COWIE	6324 CALIFORNIA ST #3		EMERYVILLE CA 94608-2411
	RESIDENT	267 26TH AVE		SAN FRANCISCO CA 94121-1993
	RESIDENT	269 26TH AVE		SAN FRANCISCO CA 94121-1126
1386-013	ALBERT C & ELAINE LEE	1460 SLOAT BLVD		SAN FRANCISCO CA 94121-1126
	RESIDENT	271 26TH AVE		SAN FRANCISCO CA 94132-1315
	RESIDENT	271 26TH AVE #2		SAN FRANCISCO CA 94121-1126
1386-013A	JEANNIE J J & ALICK Y C GUAN	271 26TH AVE #1		SAN FRANCISCO CA 94121-1126
	RESIDENT	277 26TH AVE		SAN FRANCISCO CA 94121-1126
1386-014	JESSON/JESSON RICHARD R & PAL	275 26TH AVE		SAN FRANCISCO CA 94121-1126
	RESIDENT	283 26TH AVE		SAN FRANCISCO CA 94121-1126
1386-015	CHENG	279 26TH AVE		SAN FRANCISCO CA 94121-1126
	RESIDENT	293 26TH AVE #293		SAN FRANCISCO CA 94121-1126
	RESIDENT	293 26TH AVE		SAN FRANCISCO CA 94121-1126

1386-016	RESIDENT	299 26TH AVE	SAN FRANCISCO CA 94121-1126
1386-017	MICHAEL K & VIRGINIA W LEE	4281 CALLAN BLVD	DALY CITY CA 94015-4433
1386-018	KATSUMATA ATSUSHI	6406 CALIFORNIA ST	SAN FRANCISCO CA 94121-1918
1386-021	JIMMY CHIU	6412 CALIFORNIA ST	SAN FRANCISCO CA 94121-1918
1386-021A	CHOY C M & Y H L 2013 TRUST	6430 CALIFORNIA ST	SAN FRANCISCO CA 94121-1918
	TIMOTHY P & THOYRE-RUNDE RUI	6434 CALIFORNIA ST	SAN FRANCISCO CA 94121-1918
	RESIDENT	294 27TH AVE #A	SAN FRANCISCO CA 94121-1129
	RESIDENT	294 27TH AVE	SAN FRANCISCO CA 94121-1129
	RESIDENT	296 27TH AVE	SAN FRANCISCO CA 94121-1129
1386-022	LOUIE & LISA JAMES	2850 ULLOA ST	SAN FRANCISCO CA 94116-2223
1386-047	MON WAY WONG	6418 CALIFORNIA ST	MON WAY & HSIEH B W WONG SAN FRANCISCO CA 94121-1918
	RESIDENT	6424 CALIFORNIA ST #1	SAN FRANCISCO CA 94121-1918
	RESIDENT	6424 CALIFORNIA ST #2	SAN FRANCISCO CA 94121-1918
	RESIDENT	6424 CALIFORNIA ST #3	SAN FRANCISCO CA 94121-1918
1386-048	PRESTO/GIGLIO PRESTO A	6424 CALIFORNIA ST	SAN FRANCISCO CA 94121-1915
	RESIDENT	303 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	305 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	307 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	309 26TH AVE	SAN FRANCISCO CA 94121-1915
1407-001	GEORGET CHOPRELAS 2000 TRUS	311 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	319 26TH AVE	SAN FRANCISCO CA 94121-1915
1407-002	PAUL G & LYNDA B THOMAS	PO BOX 621	CORVALLIS OR 97339-0621
1407-003	CHOW & LEE/CHOW LEUNG T	323 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	335 26TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	335 26TH AVE #1	SAN FRANCISCO CA 94121-1915
	RESIDENT	335 26TH AVE #2	SAN FRANCISCO CA 94121-1915
1407-006	LEONG DANIEL & EDITH S	335 26TH AVE #3	SAN FRANCISCO CA 94121-1915
	RESIDENT	339 26TH AVE	SAN FRANCISCO CA 94121-1915
1407-007	LEE CAT	444 34TH AVE	SAN FRANCISCO CA 94121-1915
	RESIDENT	343 26TH AVE	SAN FRANCISCO CA 94121-1608
	RESIDENT	343 26TH AVE #1	SAN FRANCISCO CA 94121-1926
	RESIDENT	343 26TH AVE #2	SAN FRANCISCO CA 94121-1926
	RESIDENT	343 26TH AVE #3	SAN FRANCISCO CA 94121-1926

1407-008	GAM LEW	679 22ND AVE	LEW GAM & MEI FUNG WONG	SAN FRANCISCO CA 94121-3702
1407-009	POON EDMOND T K TRUST	347 26TH AVE		SAN FRANCISCO CA 94121-1915
1407-010	LOUIE & GARRICK EDMUND	345 26TH AVE		SAN FRANCISCO CA 94121-1915
1407-039	TATSUO C & YOKO SUMIDA	351 26TH AVE		SAN FRANCISCO CA 94121-1915
1407-040	TAN OF YAN FAMILY TRUST	353 26TH AVE		SAN FRANCISCO CA 94121-1915
1407-041	KAZUAKI & RENKO MATSUDAIRA	717 AIRPORT BLVD		SOUTH SAN FRANCISCO CA 94080-1815
1407-042	CHAN & LAU/CHAN KEVIN	322 27TH AVE		SAN FRANCISCO CA 94121-1812
1407-043	HUGH & MELBA MEAKIN	318 27TH AVE		SAN FRANCISCO CA 94121-1812
1407-044	LEOPOLDO S & MAURA P GUTIERF	6228 CALIFORNIA ST		SAN FRANCISCO CA 94121-1902
1407-045	VIRGINA M MERRIMAN	302 27TH AVE		SAN FRANCISCO CA 94121-1812
1407-046	GET GOO D WONG	304 27TH AVE		SAN FRANCISCO CA 94121-1812
1407-047	RESIDENT	306 27TH AVE		SAN FRANCISCO CA 94121-1812
	RESIDENT	308 27TH AVE		SAN FRANCISCO CA 94121-1812
	RESIDENT	167 S PARK ST		SAN FRANCISCO CA 94107-1808
	RESIDENT	6465 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	6465A CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	6467 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	6469 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	169 RAE AVE		SAN FRANCISCO CA 94112-4135
	RESIDENT	6439 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	6441 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	PO BOX 590001		SAN FRANCISCO CA 94159-0001
	RESIDENT	6427 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	6423 CALIFORNIA ST		SAN FRANCISCO CA 94118-2106
	RESIDENT	6425 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	5343 DIAMOND HEAD LN		SAN FRANCISCO CA 94121-1917
	RESIDENT	6415 CALIFORNIA ST		FREMONT CA 94538-1831
	RESIDENT	6417 CALIFORNIA ST		SAN FRANCISCO CA 94121-1917
	RESIDENT	188 TERRA VISTA AVE		SAN FRANCISCO CA 94121-1917
	RESIDENT	6409 CALIFORNIA ST		SAN FRANCISCO CA 94115-3824
	RESIDENT			SAN FRANCISCO CA 94121-1917

1407-048	RESIDENT	6409 CALIFORNIA ST #A	SAN FRANCISCO CA 94121-1917
	LESLIE E RUDOLF	6411 CALIFORNIA ST	SAN FRANCISCO CA 94121-1917
	RESIDENT	325 26TH AVE	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #101	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #102	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #103	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #104	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #105	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #201	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #202	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #203	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #204	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #205	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #301	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #302	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #303	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #304	SAN FRANCISCO CA 94121-1958
	RESIDENT	325 26TH AVE #305	SAN FRANCISCO CA 94121-1958
1407-049	325 26TH AVE LLC	4623 ANZA ST	SAN FRANCISCO CA 94121-1958
1407-055	ANDREW KLOMPUS	6433 CALIFORNIA ST	SAN FRANCISCO CA 94121-2623
1407-056	RON CALABRESE	6435 CALIFORNIA ST	SAN FRANCISCO CA 94121-1917
	RESIDENT	301 25TH AVE	SAN FRANCISCO CA 94121-1917
1408-001	A & M PROPERTIES	1435 HUNTINGTON AVE #230	SAN FRANCISCO CA 94121-1911
	RESIDENT	334 26TH AVE	SOUTH SAN FRANCISCO CA 94080-5966
	RESIDENT	334 26TH AVE #1	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #2	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #3	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #4	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #5	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #6	SAN FRANCISCO CA 94121-1928
	RESIDENT	334 26TH AVE #7	SAN FRANCISCO CA 94121-1928
1408-033	JOHN M & JENNIE LOW TR-BYPAS	7132 MOUND ST	SAN FRANCISCO CA 94121-1928
	RESIDENT	326 26TH AVE #234	EL CERRITO CA 94530-2030
1408-034	DIONYSIA ELIOPOULOS	326 26TH AVE	SAN FRANCISCO CA 94121-1916

SF Group 58A 9078907
298 26th Ave

1408-035	RESIDENT	322 26TH AVE	SAN FRANCISCO CA 94121-1927
	RESIDENT	322 26TH AVE #1	SAN FRANCISCO CA 94121-1927
	RESIDENT	322 26TH AVE #2	SAN FRANCISCO CA 94121-1927
	RESIDENT	322 26TH AVE #3	SAN FRANCISCO CA 94121-1927
	RESIDENT	322 26TH AVE #4	SAN FRANCISCO CA 94121-1927
	WONG YEE S LIVING TRUST	4826 S 35TH AVE	PHOENIX AZ 85041-2701
	RESIDENT	318 26TH AVE	SAN FRANCISCO CA 94121-1916
	RESIDENT	318 26TH AVE #A	SAN FRANCISCO CA 94121-1916
1408-036	LAWRENCE R HOOGASIAN	615 7TH ST	SAN FRANCISCO CA 94103-4910
	RESIDENT	302 26TH AVE	SAN FRANCISCO CA 94121-1916
	RESIDENT	304 26TH AVE	SAN FRANCISCO CA 94121-1916
	RESIDENT	306 26TH AVE	SAN FRANCISCO CA 94121-1916
	RESIDENT	308 26TH AVE	SAN FRANCISCO CA 94121-1916
1408-037	ELVIN TRUST/ELVIN JON	PO BOX 635	HEALDSBURG CA 95448-0635
	RESIDENT	6337 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6339 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6341 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6343 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
1408-039	TIM FAI & SHUI YING MA	1810A MASON ST	SAN FRANCISCO CA 94133-7030
	RESIDENT	6323 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6325 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6327 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6329 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6331 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
1408-041	TONY YEH	6321 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6355 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903
	RESIDENT	6355 CALIFORNIA ST #2	SAN FRANCISCO CA 94121-1903
1408-055	ZILBERLEYB & TIMOSHEN GRIGOR	6355 CALIFORNIA ST #1	SAN FRANCISCO CA 94121-1903
1408-056	KERTSMAN INTERV TR/GENNADY	6357 CALIFORNIA ST	SAN FRANCISCO CA 94121-1903

Outer Richmond

NAME	COMPANY	ADDRESS	CITY, STATE	ZIP
Margaret Brady	Save Our Richmond Environment	535 39th Avenue	San Francisco, CA	94121
Norman Kondy	Lincoln Park Homeowners Assn	271 32nd Avenue	San Francisco, CA	94121
Dan Baroni	Planning Assn for the Richmond (PAR)	2828 Fulton Street	San Francisco, CA	94118-3300
Peter Winkelstein	Planning Assn for the Richmond (PAR)	129 24th Avenue	San Francisco, CA	94121
David Campos	Board of Supervisors	1 Dr. Carlton B. Goodlett PL, Rm #244	San Francisco, CA	94102-4604
Eric Mar	Board of Supervisors	1 Dr. Carlton B. Goodlett PL, Rm #244	San Francisco, CA	94102-4604
Megan Sullivan	Mid Richmond Coalition	376 17th Avenue	San Francisco, CA	94121
Rose Hillson	Jordan Park Improvement Association	115 Parker Avenue	San Francisco, CA	94118-2607
Jesse Fink	Clement Street Merchant Association	401 Clement Street	San Francisco, CA	94118

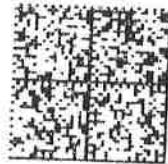
Citywide Group

NAME	COMPANY	ADDRESS	CITY, STATE, ZIP
Ted Gullicksen	San Francisco Tenants Union	558 Capp Street	San Francisco, CA 94110
Lynn Sousa	AT&T California	795 Folsom Street, Room 426	San Francisco, CA 94107-1243
Sue Hestor	Attorney At Law	870 Market Street, #1128	San Francisco, CA 94102
Mary Miles	Coalition for Adequate Review	364 Page Street, #36	San Francisco, CA 94102
Gordon Chin	Chinatown Community Development Ctr.	1525 Grant Avenue (Tower)	San Francisco, CA 94133
Alex Lantsberg	Carpenters Local 22 c/o NCCRC Research	265 Hegenberger Road, Suite 220	Oakland, CA 94621
Janan New	San Francisco Apartment Association	265 Ivy Street	San Francisco, CA 94102-4463
Adrian Simi	Carpenters Local 22	2085 Third Street	San Francisco, CA 94107
Grace Shanahan	Residential Builders Association	1717 17th Street, Suite 200	San Francisco, CA 94103
Stephen Williams	Law Office of Stephen M. Williams	1934 Divisadero Street	San Francisco, CA 94115
Michael Theriault	SF Bldg. & Constr. Trades Council	1188 Franklin Street, Suite 203	San Francisco, CA 94122
Aaron Peskin		470 Columbus Avenue, Suite 211	San Francisco, CA 94133
Chuck Turner	Community Design Center	5 Thomas Mellon Circle, #128	San Francisco, CA 94134
Jake S. Ng	San Francisco Neighbors Association	1900 Noriega Street, Suite 202	San Francisco, CA 94122
	SOMCAN	1070 Howard Street	San Francisco, CA 94103
Paul Olsen	Hayes Valley Neighborhood Association	1800 Market Street, PMB #104	San Francisco, CA 94102

updated: 04/04/13
 04/18/13 BP
 Verified 8/2/13ja



AT&T California
2600 Camino Ramon 2E950
San Ramon, CA 94583



US POSTAGE >>> PITNEY BOWES

ZIP 94577 \$ 000.46⁰
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0001372535 SEP 03 2013

CONSTRUCTION NOTICE

SF 9078907 58A

VOKDJSW00

RESIDENT
6441 CALIFORNIA ST
SAN FRANCISCO, CA 94115

NIXIE 957 DE 2009 0009/08/13

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

BC: 94583500000 *0405-09049-03-41

106

94583500000





AT&T California
2600 Camino Ramon 2E950
San Ramon, CA 94583

CONSTRUCTION NOTICE

SF 9078907 58A

VOKDJSW00

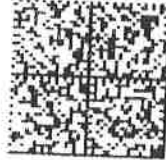
RESIDENT
6423 CALIFORNIA ST
SAN FRANCISCO CA 94117 1017

NIXIE 957 DE 1009 0009/07/13

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

BC: 9458350000 *0405-09040-03-41

9458305000
541213151



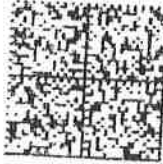
U.S. POSTAGE PTNEY BOWES



ZIP 94577 \$000.46⁰
02 1W
0001372535 SEP 03 2013



AT&T California
2600 Camino Ramon 2E950
San Ramon, CA 94583



U.S. POSTAGE



ZIP 94577 \$000.46⁰
02 1W
0001372535 SFP 03 2013

FW

GWYER-LEUNG/CHRISTOPHER GWYER &
LEUNG C

520 ISLAND PARK DR
DANIEL ISLA NIXIE

294 EE 1009

0009/24/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
ADDRESS TO FORWARD



CONSTRUCTION NOTICE

SF 9078907 58A

VOKDISW00

201309240959



795 Folsom Street, Room 426
San Francisco CA 94107-1243

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF13-120802-9078907-58A

13SMF-0265

Date: **September 4, 2013**

Dear San Francisco Resident:

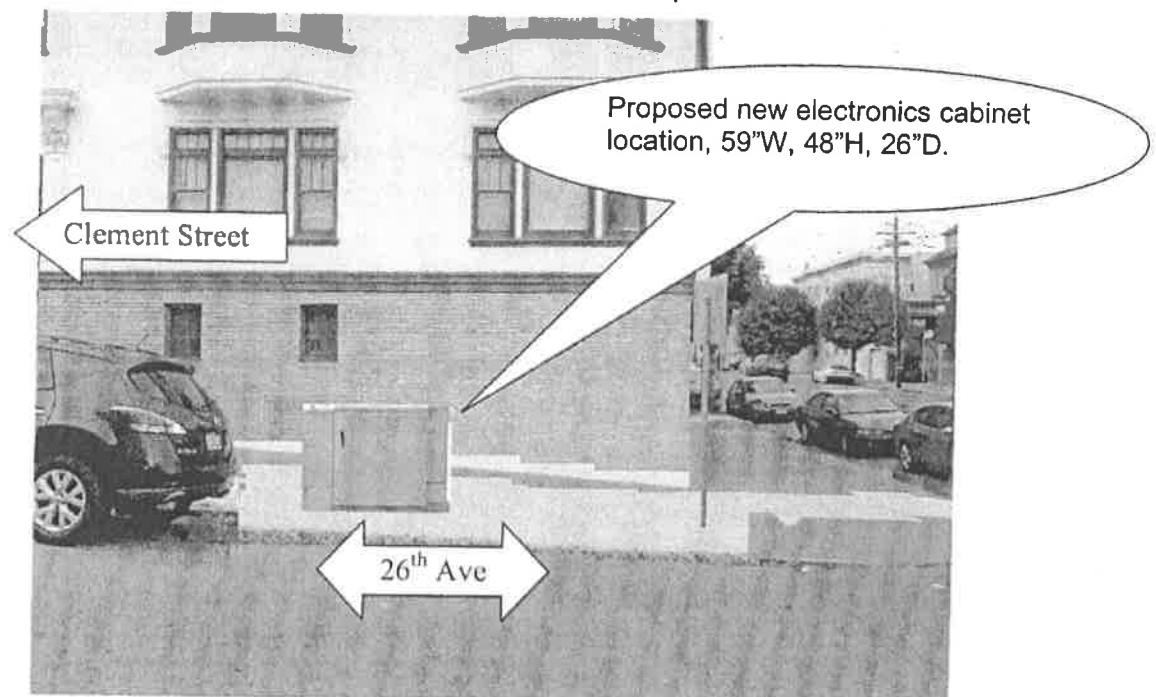
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **301 26th Avenue**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

This cabinet will provide the latest telecommunications technology offering high-speed internet access and advanced digital television and entertainment services, which will be fed by fiber-optic cable to this new neighborhood hub.

Objection to the installation of the SMF at any of the proposed locations must be submitted in writing via e-mail to smf@sfdpw.org, by mail to the **Department of Public Works, Bureau of Street-Use and Mapping, 1155 Market, 3rd Flr, San Francisco, California 94103-1522** or by fax to **(415) 554-6161**. You have 20 days from the date of this notice to 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.

The new cabinet is 59 inches wide, 48 inches tall and 26 inches deep.



For more information, please visit: www.att.com/ipnetwork4sf

Last date to file an objection: **September 25, 2013**

City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

Paul Lucq, Public Works Coordinator
AT&T California
Construction and Engineering
795 Folsom Street, Room 426
San Francisco, CA 94107-1243

**STATUS OF SURFACE MOUNTED FACILITY
PRE-APPROVAL APPLICATION**

Location: **301 26th Avenue**

Cross Streets: California Street and Clement Street

Your file or job number: **SF13-120802, 9078907, 58A**

Your application for pre-approval to construct a surface mounted facility at the location above has been reviewed by the Department, under the terms of DPW Order 175,566.

- Your application is approved, as submitted, with no additional requirements. You may apply for an excavation permit.
- Your application is approved, subject to the following **mitigation requirements**:
You may apply for an excavation permit.
- Refer to this number in your Excavation Permit application: **13SMF-0265**
- You may **not** apply for a permit at this site, your application is **denied** for the following reason(s):

Date: _____

René Lopez
Utility Permit Coordinator



(415) 554-5810
FAX (415) 554-6161
http://www.sfdpw.org

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

14EXC-2144

Utility Excavation Permit

Address : Multiple Locations

Cost: \$1,242.02

Block: Lot: Zip:

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 178,940 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Permittee

Name: SBC - Pacific Bell Engineering

Address: 795 Folsom Street, Room 426 San Francisco, CA 94107-1243

Contact: Bob Pickard

Phone: (415) 644-7057

Conditions	NE-R, NW-L, NW-R, SW-L, SW-R, SE-L curb ramps required.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	301 26th Ave at California St LSMF EV 9078907 58A (13SMF-0265)
Start Date	6/16/14
Permit expires on:	6/29/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	9078907 R201 4c
TrackingNumber2	13SMF-0265 SF13-120802
Project Size	221
Inspection	

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 04/14/2014

****When drilling/excavating in sidewalk area, entire flag(s) must be replaced.****

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 4/15/2014 8:10:58 AM

Plan Checker

Gene Chan

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
 - b. Perform the work themselves following instructions available at the Department of Parking & Traffic.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Concrete form work, planting of trees and pouring of sidewalk and/or curb shall not be performed prior to obtaining a permit from Bureau of Urban Forestry (BUF), telephone: 554-6700.
12. Per DPW Order 178,806, the recycling of Cobble Stones and Granit Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Special Conditions

14EXC-2144

Conditions

NOTES: Per the Public Works Excavation Code:

- 1) ' T ' trench shall be the standard restoration practice for all trenches greater than 18 inches in width. The restoration of the concrete base and pavement will be equal to 1 ft. as measured from the edge of the trench;
- 2) The minimum pavement restoration requirements (mill and fill) for trenches exceeding 25% of the length of the block shall include the restoration of all affected lanes for the entire length of the block. For streets that are not delineated by painted lanes and the width of the excavation is less than thirteen (13) feet, the pavement restoration requirements (mill and fill) shall be for the entire length of the block thirteen (13) feet in width;
- 3) For excavation in the intersection, the restoration shall be to pave all affected quadrants either with the 13 foot rule for streets without delineated traffic lanes unless it is on a Muni route and for streets with multiple delineated traffic lanes in one direction, the restoration shall be limited to the affected lane(s).

Per DPW sign specifications, all projects impacting the length of one (1) block face or more will require the installation of a project information sign, for the duration of the project. The project information sign should be located at either end of the project facing oncoming vehicular traffic. For larger projects that exceed five (5) blocks, the project information sign should be placed at five (5) block intervals in both directions. The signage is intended to keep the public informed of the intent of the project, project schedule, contact information and allow for updates as needed.

If concrete street, gutter or parking strip is excavated, SBC/Pacific Bell shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed).

When drilling/excavating in the sidewalk area, entire sidewalk flag(s) must be replaced to adjacent score lines.

Placement or installation of any utility facilities within the curb return area is prohibited per DPW Order No. 175,387.

The Department of Public Works approves this permit pursuant to the following special conditions, which the Department of Public Works incorporates into the permit and makes a part thereof.

SPECIAL PERMIT CONDITIONS:

This permit is approved for 45 day duration under the following conditions:

- 1) All work (excavation to final paving) shall be completed within fourteen (14) calendar days.
 - 2) SBC/Pacific Bell shall comply with Code Section 2.4.50(a), post and maintain notice(s) at the site of the excavation 72 hours prior to start of construction. If the work is anticipated to take longer than fourteen (14) calendar days, SBC/Pacific Bell shall comply with Code Section 2.4.50(b)(i), provide written notice(s) delivered by mail to each property owners on the block(s) affected by the excavation at least thirty (30) days prior to start of construction. SBC/Pacific Bell shall also comply with Code Section 2.4.50(b)(ii) and (b)(iii), post and maintain notice(s) at the site of the excavation and deliver a written notice to each dwelling unit on the block(s) affected by the excavation at least ten (10) days prior to start of construction.
 - 3) SBC/Pacific Bell shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
 - 4) SBC/Pacific Bell shall coordinate all work with other construction projects and events known or unforeseen such as to minimize the impact of construction project on the general public and/or event(s).
 - 5) SBC/Pacific Bell work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
 - 6) SBC/Pacific Bell shall replace any existing traffic stripings and markings that are removed or damaged by the work activity with temporary stripings and markings after the restoration of the pavement as specified on Section 6.2 'Pavement Markings' of DPT's 'Blue Book'. Also, SBC/Pacific Bell shall pay to DPT the cost of replacing the permanent pavement markings. For any questions, please call Conrad Magat of DPT at (415) 701-4680.
 - 7) SBC/Pacific Bell shall restore all trenches per the Excavation Code.
 - 8) SBC/Pacific Bell shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
 - 9) SBC/Pacific Bell shall construct curb ramps, if applicable, per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 4 and Drawing Nos. CR-2, CR-4 thru CR-6, Revision 0 on any curb return/angular corner where excavation occurs. All curb ramp installation shall comply with ADA requirements.
- Failure to comply with the above requirements may render this permit void and may subject SBC/Pacific Bell to a fine or citation.

Permit Addresses

14EXC-2144

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring,
BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

Number of blocks: 3 Total repair size:221 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2144

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

"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

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST						
	26TH AVE	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	26TH AVE	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	26TH AVE	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	26TH AVE	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT D



Public Works Coordinator
AT&T California
795 Folsom Street, Suite 426
San Francisco CA 94107-1243

T: 415.644.7043 or
T: 415.644.7054
F: 415.957.5973
www.att.com

August 2, 2013

EXHIBIT F - a

René Lopez, Utility Permit Coordinator
City and County of San Francisco
Department of Public Works, Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103-1522

Location: 301 26th Ave, west side, south of California Street

DPW File: 13SMF-0265

LETTER OF TRANSMITTAL
PROPOSED SURFACE MOUNTED FACILITY

Enclosed are:

- Exhibit A Pre-site visit checklist
- Exhibit A-2a Five-year plan documentation for this site
updated August 2, 2013
- Exhibit A-2b Cabinet size plan (footprint and clearance plans)
448S photo and specifications
- Exhibit A-2c Private property mailing letter to property owners mailing list
- Exhibit A-2d1 Private property mailing sample letter seeking easements to property owners
- Exhibit A-2d2 Private property mailing date verification, date mailed:
2 property owners notified, August 2, 2013
- Exhibit A-2e Responses from Property Owners
- Exhibit MOU-1 Mailing list of owners and residents within 300 feet
Date mailed:
- Exhibits A-2f-B Verification of policy compliance (undergrounding, collocation, etc.)
- Exhibit C-1b Directory of Neighborhood Organizations list
- Exhibit C-1c City Department Notices for special districts
N/A
- Exhibit E Neighborhood Notice (per sec C-2)
- Exhibit F-b Site Drawing
- Exhibit F-c Photos of site
- Exhibit F-c1 Assessors Parcel Map, Grade Map, and vicinity map
- Exhibit F-d Location of SMF to be removed
N/A
- Exhibit G Approval or denial of site Notice to Applicant
- Exhibit H Application Deficiency Notice

Comments: Request approval to post and mail public notification (Exhibit E)

File: SF13-120802; 9078907; Group: 58A

EXHIBIT A
Pre-Site Visit Checklist

City and County of San Francisco

Department of Public Works

Bureau of Street-use and Mapping



**SURFACE-MOUNTED FACILITY
PRE-SITE VISIT CHECKLIST**

APPLICANT NAME:	AT&T California	ADDRESS:	795 Folsom St., Rm 426
CONTACT NAME:	Paul Lucq	TEL. NO.:	644-7164
DATE:	August 2, 2013	PROPOSED LOCATION:	301 26 th Avenue
DPW REF #	13SMF-0265	APPLICANT REF #	SF13-120802, 9078907, 58A

- 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 attempted 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: _____, 2011 with: _____ Tel. No.: _____
<input type="checkbox"/> Request for site visit is denied
<input type="checkbox"/> Site visit not required because : _____
Reviewed By: _____ Tel. No.: _____

Welcome Paul Lucq

At

Projects Events Conflicts Documents Tasks Mailbox

Projects [Moratoriums](#) [Opportunities](#) **View: LSMF EV 9078907 58A**

Project Information

Name:	LSMF EV 9078907 58A		
Description:	Project Litespeed		
Id:	58A	Paving Type:	Paving - Not Curb to Curb
Owner:	AT&T - Construction and Engineering	Status:	Planned
Facility Type:	Communication	Facility Indicator:	Fiber Optic
Asset Type:		Activity Type:	Installation
Group Code:			
Contact:	Paul Lucq 415-644-7164		

Schedule

Start Date:	06/05/2014 12:00 AM	End Date:	11/02/2014 11:59 PM
Duration:	90.0 days		

Additional Information

Location

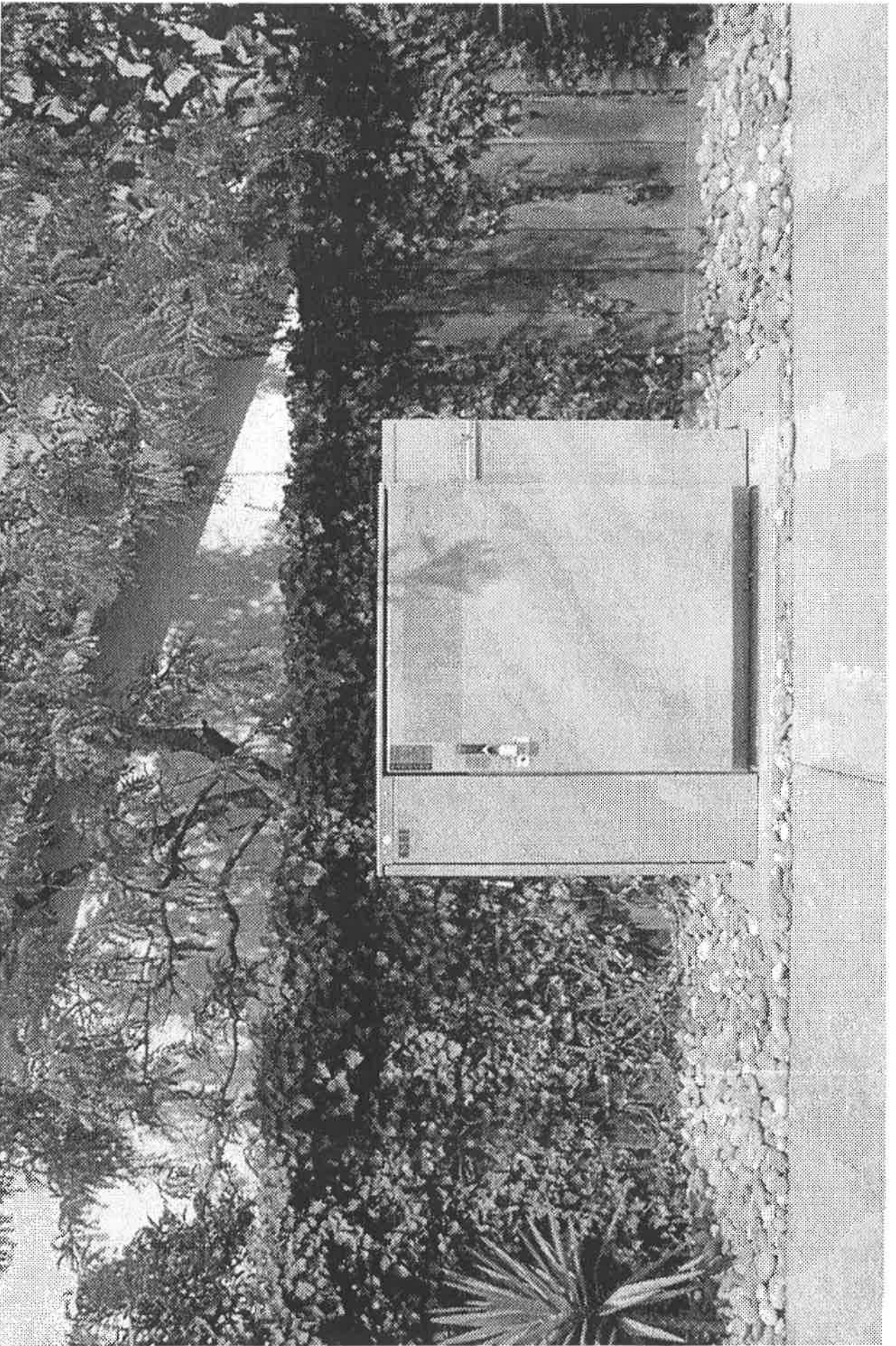
Location: 37.783627, -122.486266; San Francisco, California, 94121 to 6378 California St via 6418 California St

Location Type: Line

Location Size: 192 ft

Positions





Easement Mailing List
Group 58

AT&T FILE	GROUP	NAMES	MAILING ADDRESS	PROPERTY ADDRESS	DATE SENT
SF13-120802, 9078907	58A	Michael K. Lee Virginia W. Lee	4281 Callan Boulevard, Daly City, CA 94015-4433	293-299 26th Avenue	August 5, 2013
SF13-120802, 9078907	58A	Ted & Lisa Chan Ted G. Chan & Lisa S. Y. Chan	6246 California Street, San Francisco, CA 94121-1902	6242-6248 California Street	August 5, 2013
SF13-311002, 9205652	58B	Director of Property SF Unified School District	25 Van Ness Avenue, #400, San Francisco, CA 94102-6051	2049 Grove Street, New Tradition School	August 5, 2013
SF14-120141, 9078912	58C	NONE FEASIBLE (58C)			
SF14-340442, 9078920	58D	Andy Q. Wong Hong Tan Yan	2727 Noriega Street, San Francisco, CA 94122-4130	2727 Noriega Street	August 5, 2013
SF14-340442, 9078920	58D	Rickey A. Lee Alice Louie	2750 Noriega Street, San Francisco, CA 94122-4131	2750 Noriega Street	August 5, 2013
SF14-141841, 9078924	58E	David E. Smith & M. Buxton-Smith c/o Cournaile & Co.	4630 Geary Blvd, 2nd Floor, San Francisco, CA 94118-2954	289 Frederick Street	August 5, 2013
SF14-141841, 9078924	58E	Harold Parker Properties	1844 Union Street, San Francisco, CA 94123-4308	785-787 Clayton Street	August 5, 2013
SF14-141841, 9078924	58E	Director of Property City and County of San Francisco	25 Van Ness Avenue, San Francisco, CA 94102-6033	Muni track and tunnel property APN 1268-005	August 5, 2013
SF14-420142, 9078930	58F	Donald Cavallero Loretta Cavallero	1310 34th Avenue, San Francisco, CA 94122-1309	1401 20th Avenue	August 5, 2013
SF14-420142, 9078930	58F	Edmund S. K. Wan Y. M. Caren	340 Bowdoin Street, San Francisco, CA 94134-1150	1395-1397 21st Avenue	August 5, 2013
SF14-420142, 9078930	58F	Tracy Mok Connie Yeung	1339 Terrace Drive, Millbrae, CA 94030-1003	1447-1449 Judah Street	August 5, 2013



Public Works Coordinator
AT&T California
795 Folsom Street, Suite 426
San Francisco CA 94107-1243

T: 415.644.7054 or
T: 415.644.7043
F: 415.957.5973
www.att.com

«Date_Mailed»

«First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»

Dear Property Owner:

AT&T California would like to upgrade the services it provides to our customers in your neighborhood by installing fiber optic cable to a neighborhood hub. To do so, we must install an above ground electronic equipment cabinet with an attached electric power panel.

The City and County of San Francisco prefers that these facilities be placed on private property, instead of on the public sidewalk. We need a place to locate the cabinet, and would like to discuss obtaining an easement on your property at «Property_Addr», San Francisco. An easement grants a permanent right to use a portion of your land, and attaches to your property land title.

The fiber optic equipment cabinet is 59" wide, 26" deep, and 48" high. The cabinet is weatherproof and intended for outdoor locations. A space about 6 feet by 10 feet is needed to provide clearances to open the cabinet doors.

Access to the equipment by our technicians is required at all times.

If you are not interested in granting AT&T an easement, you do not need to take any action.

If you have an area on your property that is accessible at all times, and are interested in granting a permanent easement, I would appreciate a few moments of your time to discuss this matter.

Please contact me on (415) 644-7164, or by e-mail at pl8353@att.com, at your convenience.

Thank you for your time and consideration.

Best regards,

Paul Lucq
Right of Way Agent

file: «DA_Job_Group», «Group»

Exhibit A-2f

Statements regarding AT&T placing facilities underground

It is not technologically feasible to place AT&T cross-connect boxes (Serving Area Interfaces) underground at this time. No manufacturer has been successful in developing a cross-connect that works underground. An attempt was made in the 1970's to place 3 locations underground in San Francisco. Even though stainless steel components were used, the corrosion that occurred caused the diving-bell type of enclosure to fail. Service issues involving moisture and corrosion at the wire connectors led to the underground facilities being removed and placed above ground. An ongoing attempt by a coalition of major manufacturers and telecom companies to develop an underground cross-connect continue, and AT&T staff is involved in the project. AT&T will use the product in San Francisco at such time that it is approved for use. These issues were discussed at the SMF Committee meetings held in 2004 and 2005.

Cabinets housing electronics used for the conversion of fiber-optic signal to electrical signal have components that cannot be subjected to the moisture and potential flooding of an underground environment.

Exhibit A-2g

Statement regarding the need to site the facility at this location

This location has been selected because of its proximity to existing AT&T facilities, including conduit and cable, cross-connect cabinets, and its central location within the "Distribution Area" being served. This site will minimize excavation and the resultant disruption to the public, it will also reduce construction impact on City streets and sidewalks.

Exhibit A-2h

Statement regarding the collocation of AT&T facilities

AT&T is attempting to combine functions of cabinets to optimize their use and minimize the space required to provide the latest technologies to the public. As more compact facilities become available for use, AT&T will deploy them in San Francisco. No other street furniture exists at this site that permits the possibility of collocation.

Exhibit A-2i

Statements regarding the removal of existing Surface-Mounted Facilities

- This will be a new cross-connect facility, improving the service and installation possibilities for this serving area. No similar facility exists in this serving area, therefore none can be removed.
- The existing cross-connect facility at this location is being upgraded in-place to provide ultimate service capacity for the serving area, and will increase slightly in size to provide for increased capacity and the capability to accept the latest technology improvements when they become available to the neighborhood.
- This facility combines existing facilities and will result in the removal of a cabinet located at: See Exhibit F-d, as well.
- This facility brings new electronic equipment to the serving area. This facility provides the latest fiber-optic served equipment and offers advanced services to serving area residents. No similar facility exists in this neighborhood, therefore none can be removed.
- It is not possible to remove any other SMF with this project.
-

Exhibit B

Statement regarding compliance with placement guidelines

This site complies with the DPW placement guidelines for Surface-Mounted Facilities stipulated in Exhibit B of DPW Order 175, 566, dated August 17th, 2005.



795 Folsom Street, Room 426
San Francisco CA 94107-1243

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF13-120802-9078907-58A

13SMF-0265

Date: Enter date to be posted

Dear San Francisco Resident:

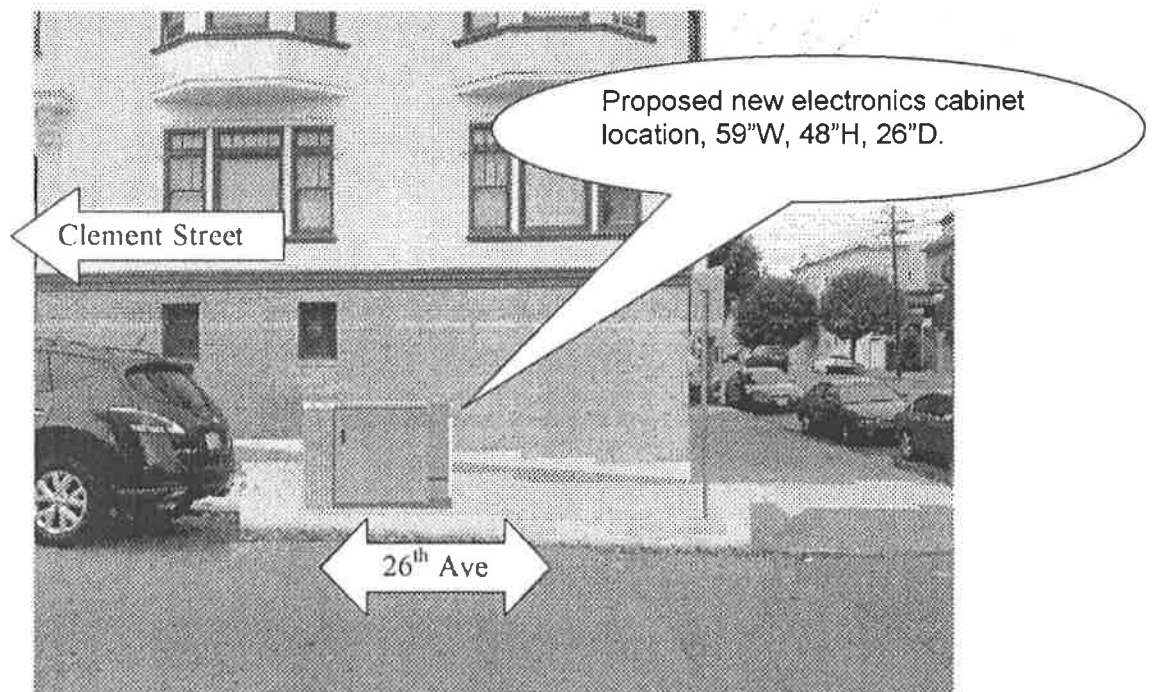
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **301 26th Avenue**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

This cabinet will provide the latest telecommunications technology offering high-speed internet access and advanced digital television and entertainment services, which will be fed by fiber-optic cable to this new neighborhood hub.

Objection to the installation of the SMF at any of the proposed locations must be submitted in writing via e-mail to smf@sfdpw.org, by mail to the **Department of Public Works, Bureau of Street-Use and Mapping, 1155 Market, 3rd Flr, San Francisco, California 94103-1522** or by fax to **(415) 554-6161**. You have 20 days from the date of this notice to send written notice of your objection to DPW. DPW will not consider any objection unless it is made within this 20-day period.

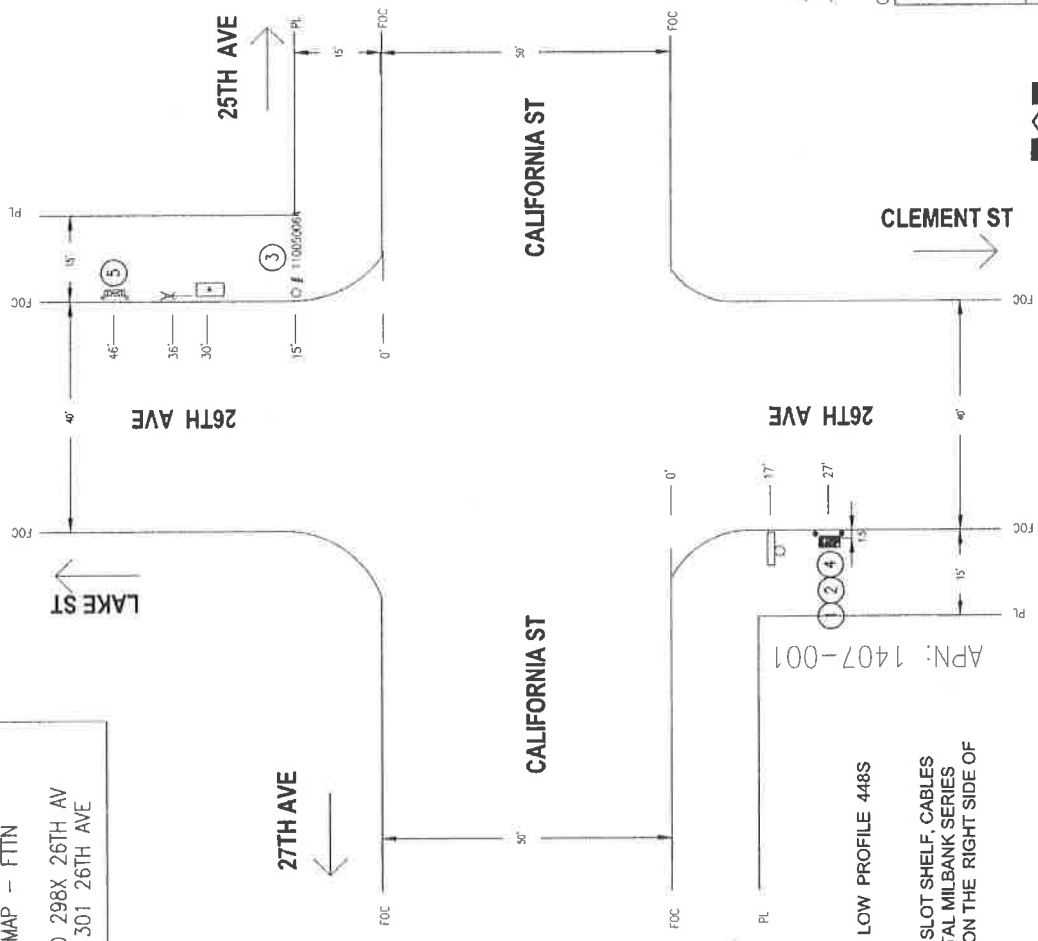
If you submit an objection, DPW may convene a hearing to determine whether the permit for placement of the SMF should be issued. DPW will commence any such hearing within 40 days after the receipt of any objections. You will have the opportunity to express your concerns about the SMF at the hearing should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

The new cabinet is 59 inches wide, 48 inches tall and 26 inches deep.



For more information, please visit: www.att.com/ipnetwork4sf

PLAN MAP - FTIN
 SAI - PED 298X 26TH AV
 VRAD - 301 26TH AVE



- LEGEND**
- PROPOSED VRAD
 - PROPOSED CONDUIT
 - SEWERING AREA INTERFACE
 - FIRE HYDRANT
 - SPRINKLES/BOSES/POSS
 - C/L
 - P/L
 - FOC
 - FACE OF CURB
 - BACK OF SIDEWALK
 - TREE
 - POLE BOX
 - ANCHOR & GUT
 - ATT SERVICE BOX
 - STANCHION
 - TRAFFIC LIGHT BOX
 - STREET SIGN
 - STREET LIGHT
 - STOP SIGN
 - GAS VALVE
 - SPWD BOX
 - TRAFFIC LIGHT

APPROVAL NOTES:

1. THIS DESIGN DETAIL PROVIDES THE FIBER DROP, COPPER CABLE AND SPLICING FOR PLACEMENT OF NEW VRAD.
2. DUE TO CITY LIMITATIONS, A 448S IS BEING PLACED AT THIS TIME IN LIEU OF A 448Q, WHICH THIS DA ULTIMATELY REQUIRES.

FIELDER NOTES:
 SAI - PED 298X 26TH AV
 DOUBLE SIDED
 3X300X LAYOUT PER SIDE
 VAC BPS
 SW SIDE
 PZ, 1701-1800
 STR SIDE
 PZ, 1801-2700
 PZ, 1801-2700
 PZ, 1801-2700
 8X100X BLOCKS UNASSIGNED

CONSTRUCTION NOTES:

1. POUR IN PLACE 1'-7 1/2" X 38" X 6" CONCRETE PAD FOR LOW PROFILE 448S VRAD CABINET (GREEN).
2. PLACE LOW PROFILE 448S VRAD CABINET EW 1-4 SLOT SHELF. CABLES WIRED FOR 2 SHELVES. PLACE AC POWER PEDESTAL MILBANK SERIES WITH MOUNTING BRACKET KIT, FLUSH MOUNTED ON THE RIGHT SIDE OF THE CABINET. VRAD TO FACE SIDEWALK.
3. POSSIBLE POWER FEED.
4. VRAD CABINET EQUIPPED W/ INTEGRATED AC POWER PEDESTAL SHALL BE GROUNDED AS PER NEC CODE, SECTION 250.
5. EXISTING ATT SAI - PED 298X 26TH AV.

DA: 120802
 LU: 591

CONST. ARC: _____ DATE COMP: _____

GEO/CO: PZ-01

EXCH: SNECCA13

ENGR: TEL: _____

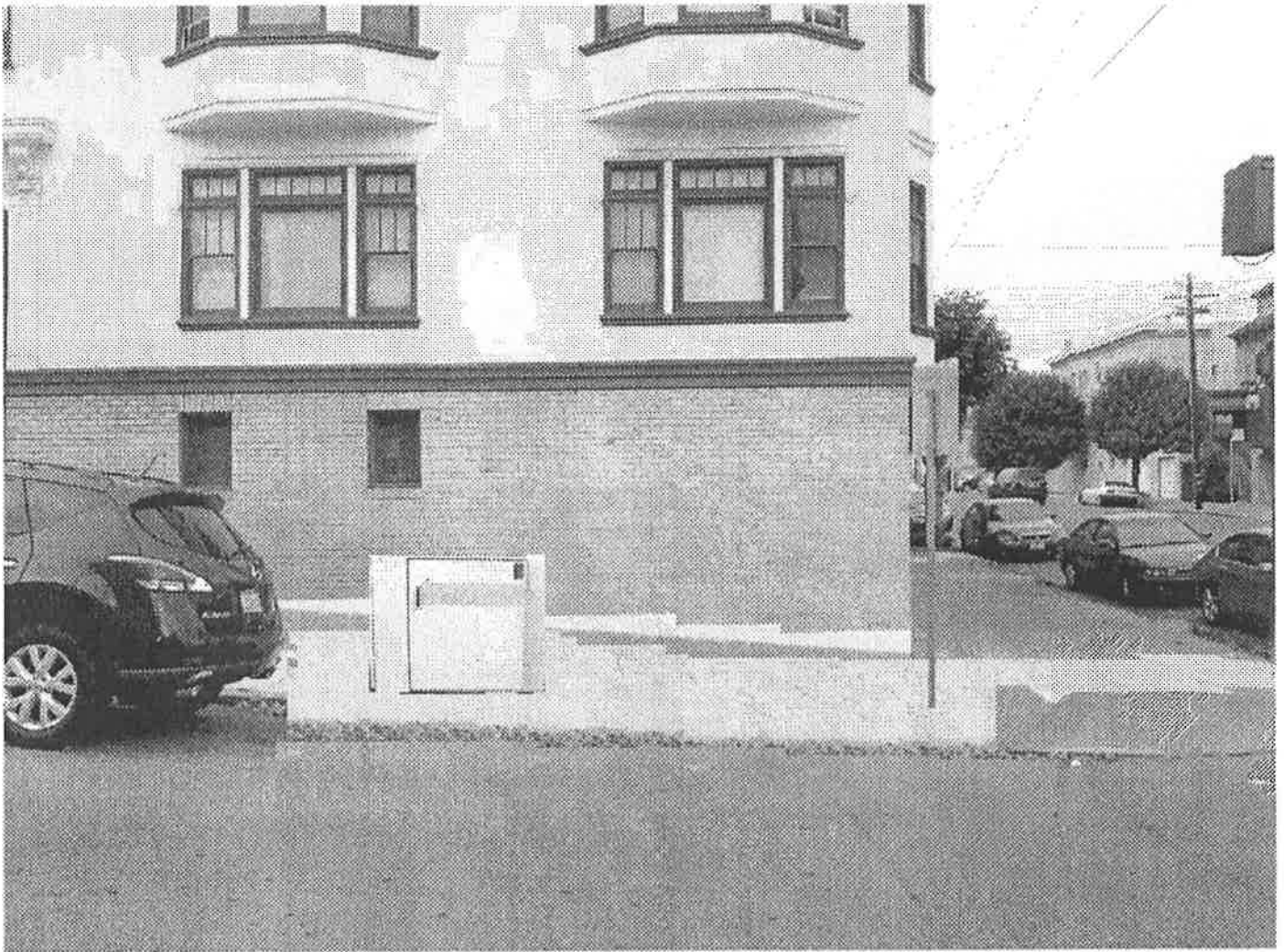
ENG. ARC: _____

TYPE OF CONST.: NODE PLACEMENT-PLAN-MAP

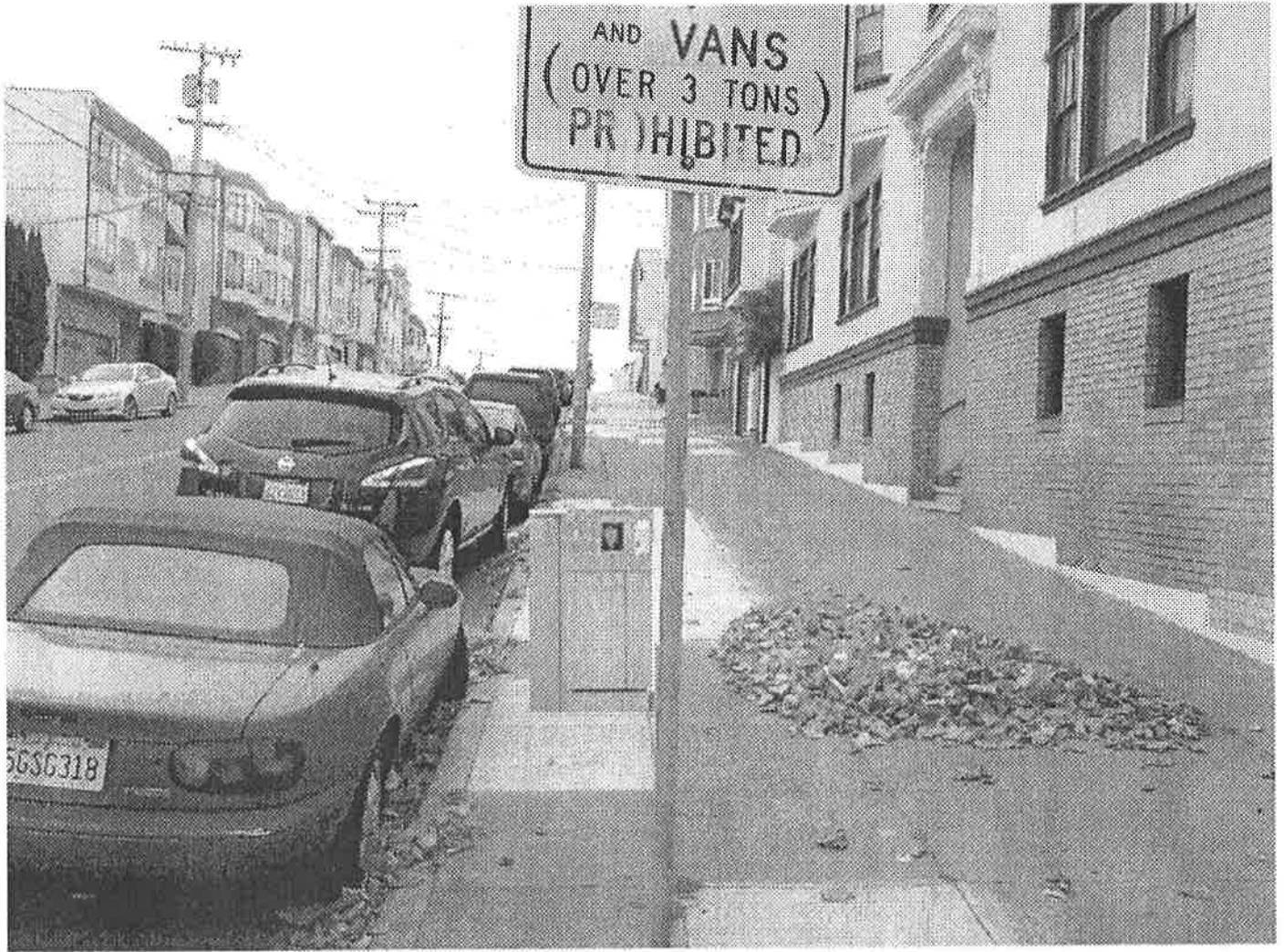
RO/EST. NO.: 9078907

DWG. NO.: 1 OF 1 DC# _____





Looking west across 26th Avenue, toward the proposed location California Street is on the right, to the north.



Looking south along the west sidewalk of 26th Avenue toward Clement Street.

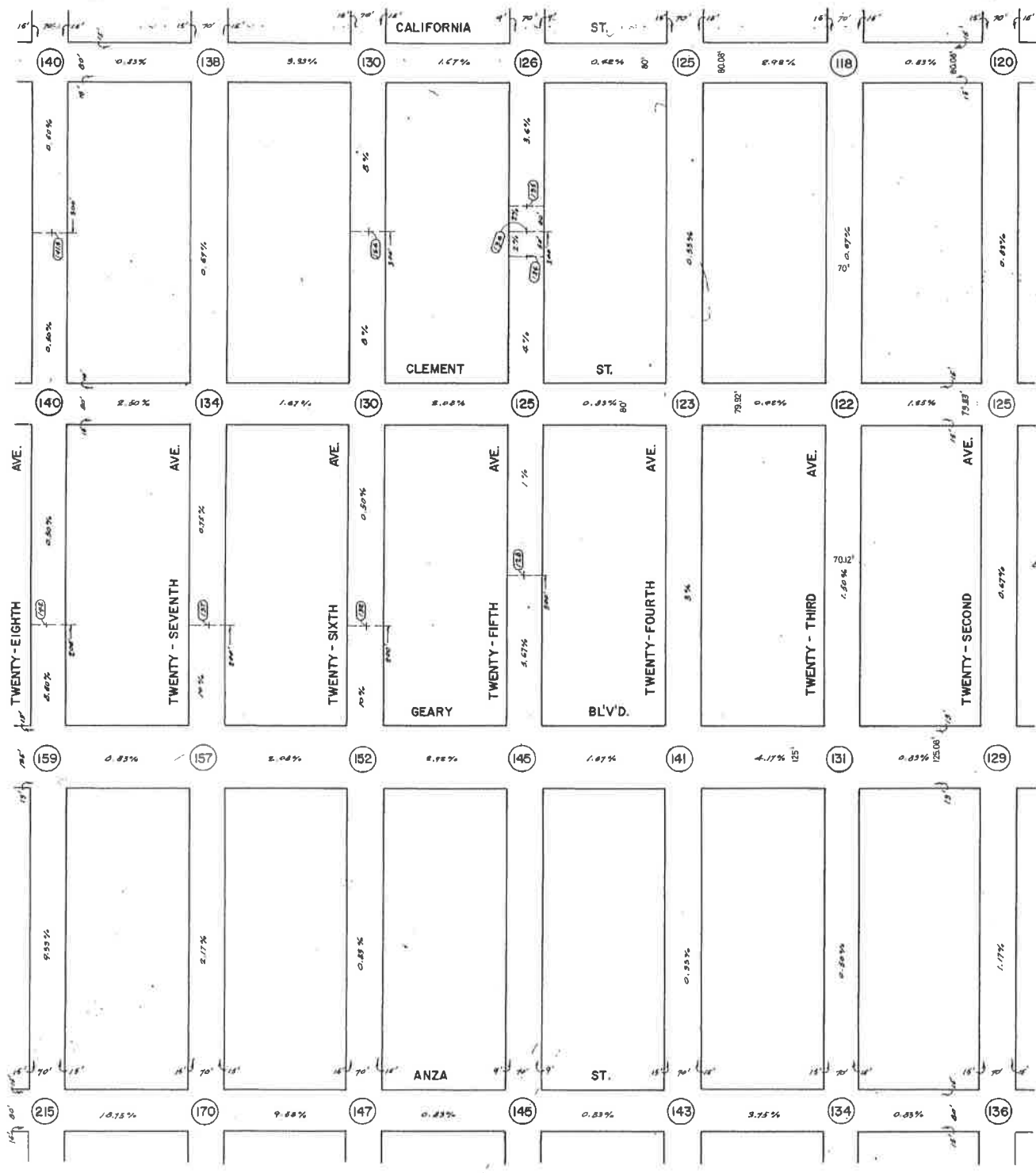


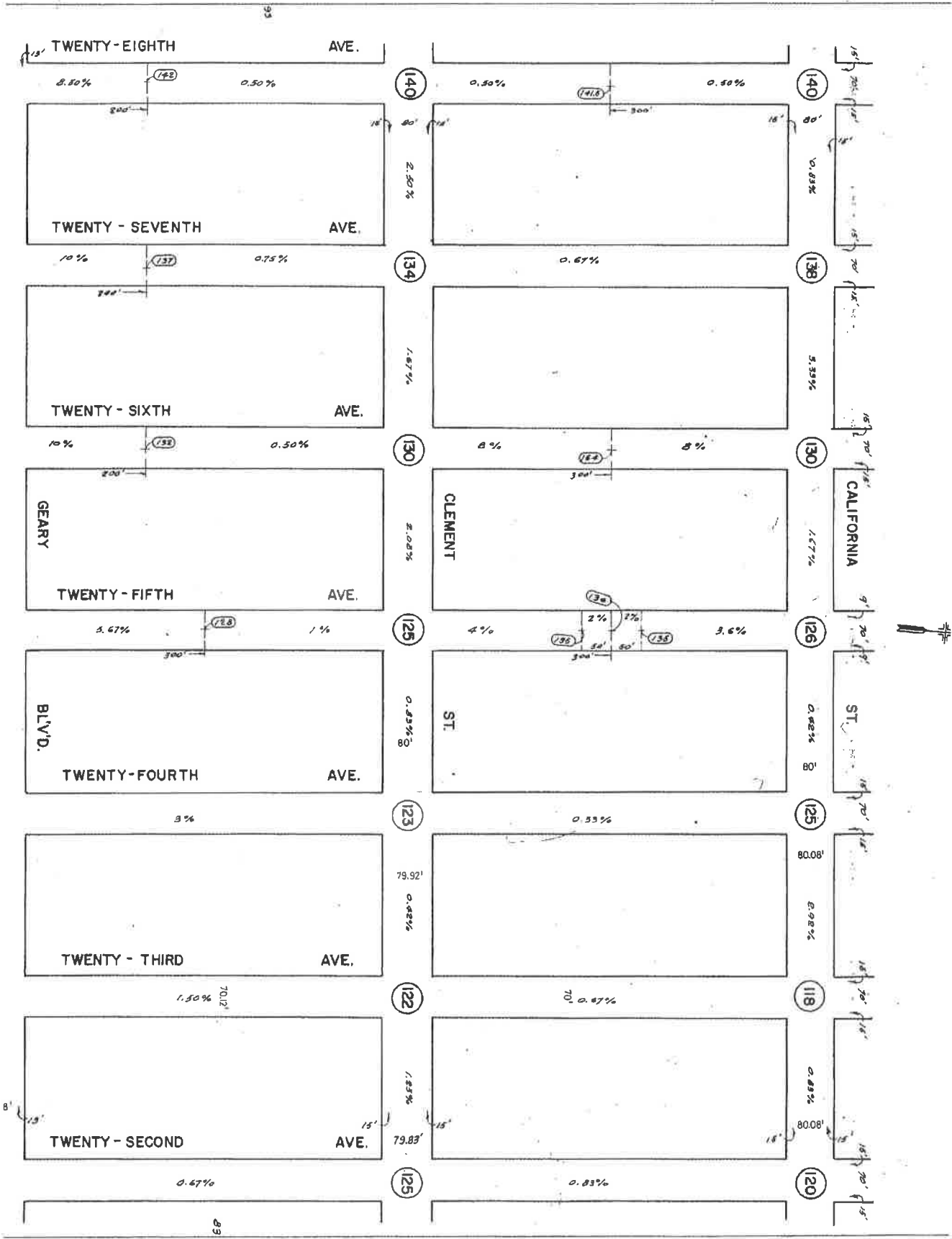
Looking north along the west sidewalk of 26th Avenue, toward California Street.



Looking east across 26th Avenue from the proposed site. California Street is on the left, to the north.

Reference to Revised, Feb. 23, 1971, S.C.
Checked Feb. 26, 1971, W.E.C.
Revised Various St. Widths, J.M. 1189-N.M.





TWENTY-EIGHTH AVE.

8.50% 0.50%

TWENTY-SEVENTH AVE.

10% 0.75%

TWENTY-SIXTH AVE.

10% 0.50%

GEARY

TWENTY-FIFTH AVE.

3.67% 1%

BLVD.

TWENTY-FOURTH AVE.

3%

TWENTY-THIRD AVE.

1.50% 70.12'

TWENTY-SECOND AVE.

0.67%

0.50% 0.50%

0.67%

8% 8%

4% 2% 2% 3.6%

0.55%

1.60% 70'

0.83%

CALIFORNIA

ST.



© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1996

LOTS MERGED
LOT 39 INTO LOT 29 - 1944
" 38 " " " 29 - 1944
" 37A " " " 29 - 1943

SAT

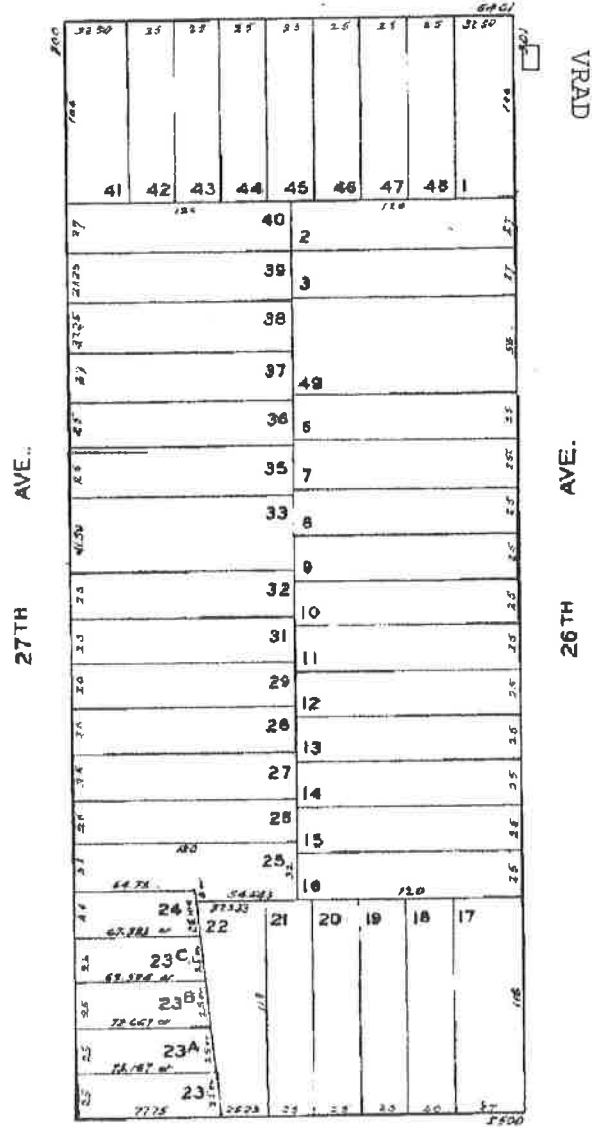
1407

RICHMOND BLK 156

REVISED '03



CALIFORNIA



CLEMENT

City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

Paul Lucq, Public Works Coordinator
AT&T California
Construction and Engineering
795 Folsom Street, Room 426
San Francisco, CA 94107-1243

**STATUS OF SURFACE MOUNTED FACILITY
PRE-APPROVAL APPLICATION**

Location: 301 26th Avenue

Cross Streets: California Street and Clement Street

Your file or job number: SF13-120802, 9078907, 58A

Your application for pre-approval to construct a surface mounted facility at the location above has been reviewed by the Department, under the terms of DPW Order 175,566.

- Your application is approved, as submitted, with no additional requirements. You may apply for an excavation permit.
- Your application is approved, subject to the following **mitigation requirements**:
You may apply for an excavation permit.
- Refer to this number in your Excavation Permit application: **13SMF-0265**
- You may **not** apply for a permit at this site, your application is **denied** for the following reason(s):

Date: _____

René Lopez
Utility Permit Coordinator

EXHIBIT H
Application Deficiency Checklist

City and County of San Francisco

Department of Public Works



Bureau of Street-use and Mapping

SURFACE-MOUNTED FACILITY APPLICATION

DEFICIENCY NOTICE

Applicant Name: AT&T California Contact Name: Paul Lucq Tel. No: 415 644-7164

Proposed Location: 301 26th Avenue, (Group 58A) 13SMF-0265

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 above-ground 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:

4. **Location of SMF is incorrect.** Explain:

EXHIBIT E

City and County of San Francisco

Edwin M. Lee
Mayor



Board of Appeals

Cynthia G. Goldstein
Executive Director

May 06, 2014

SBC - Pacific Bell Engineering, Permit Holder
c/o John Di Bene, Attorney for Permit Holder
2600 Camino Ramon
San Ramon, CA 94583

Appeal No.: 14-079
Appeal Title: Choppelas vs. DPW BSM
Subject Property: 301 26th Avenue
Permit Type: Utility Excavation Permit
Permit No.: 14EXC-2144

Dear Permit Holder(s):

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of your permit. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, your permit is hereby **suspended** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **June 25, 2014, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Dept. of Public Works c/o John Kwong

George Choppelas, Appellant
311 26th Avenue
San Francisco, CA 94121



Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

MAY 06 2014

APPEAL # 14-079

PRELIMINARY STATEMENT OF APPEAL

I / We, **George Choppelas**, hereby appeal the following departmental action: **ISSUANCE of Utility Excavation Permit 14EXC-2144 by Department of Public Works Bureau of Street Use and Mapping** which was issued or became effective on: **May 02, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **301 26th Avenue**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 05, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **June 19, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, June 25, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: George Choppelas

Print Name: George Choppelas

PRELIMINARY STATEMENT OF APPEAL

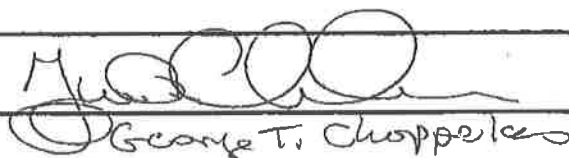
Date: BOARD OF APPEALS
Filed:

MAY 06 2014

APPEAL # 14-079

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

The location chosen aggravates exist
 Problems in the surrounding ~~area~~ ^{area}
 In addition, verification of attempts
 to place SMF on Private Property
 at three locations (only know of two),
 pursuant to "rules"
 Also, consideration of alternative
 location at 291-26th Ave has now
 been resolved.


 George T. Chappelas

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Customer Service

Teamwork

Continuous Improvement

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
 - b. Perform the work themselves following instructions available at the Department of Parking & Traffic.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Concrete form work, planting of trees and pouring of sidewalk and/or curb shall not be performed prior to obtaining a permit from Bureau of Urban Forestry (BUF), telephone: 554-6700.
12. Per DPW Order 178,806, the recycling of Cobble Stones and Granite Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Special Conditions

14EXC-2144

Conditions

NOTES: Per the Public Works Excavation Code:

- 1) ' T ' trench shall be the standard restoration practice for all trenches greater than 18 inches in width. The restoration of the concrete base and pavement will be equal to 1 ft. as measured from the edge of the trench;
- 2) The minimum pavement restoration requirements (mill and fill) for trenches exceeding 25% of the length of the block shall include the restoration of all affected lanes for the entire length of the block. For streets that are not delineated by painted lanes and the width of the excavation is less than thirteen (13) feet, the pavement restoration requirements (mill and fill) shall be for the entire length of the block thirteen (13) feet in width;
- 3) For excavation in the intersection, the restoration shall be to pave all affected quadrants either with the 13 foot rule for streets without delineated traffic lanes unless it is on a Muni route and for streets with multiple delineated traffic lanes in one direction, the restoration shall be limited to the affected lane(s).

Per DPW sign specifications, all projects impacting the length of one (1) block face or more will require the installation of a project information sign, for the duration of the project. The project information sign should be located at either end of the project facing oncoming vehicular traffic. For larger projects that exceed five (5) blocks, the project information sign should be placed at five (5) block intervals in both directions. The signage is intended to keep the public informed of the intent of the project, project schedule, contact information and allow for updates as needed.

If concrete street, gutter or parking strip is excavated, SBC/Pacific Bell shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed).

When drilling/excavating in the sidewalk area, entire sidewalk flag(s) must be replaced to adjacent score lines.

Placement or installation of any utility facilities within the curb return area is prohibited per DPW Order No. 175,387.

The Department of Public Works approves this permit pursuant to the following special conditions, which the Department of Public Works incorporates into the permit and makes a part thereof.

SPECIAL PERMIT CONDITIONS:

This permit is approved for 45 day duration under the following conditions:

- 1) All work (excavation to final paving) shall be completed within fourteen (14) calendar days.
 - 2) SBC/Pacific Bell shall comply with Code Section 2.4.50(a), post and maintain notice(s) at the site of the excavation 72 hours prior to start of construction. If the work is anticipated to take longer than fourteen (14) calendar days, SBC/Pacific Bell shall comply with Code Section 2.4.50(b)(I), provide written notice(s) delivered by mail to each property owners on the block(s) affected by the excavation at least thirty (30) days prior to start of construction. SBC/Pacific Bell shall also comply with Code Section 2.4.50(b)(ii) and (b)(iii), post and maintain notice(s) at the site of the excavation and deliver a written notice to each dwelling unit on the block(s) affected by the excavation at least ten (10) days prior to start of construction.
 - 3) SBC/Pacific Bell shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
 - 4) SBC/Pacific Bell shall coordinate all work with other construction projects and events known or unforeseen such as to minimize the impact of construction project on the general public and/or event(s).
 - 5) SBC/Pacific Bell work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
 - 6) SBC/Pacific Bell shall replace any existing traffic stripings and markings that are removed or damaged by the work activity with temporary stripings and markings after the restoration of the pavement as specified on Section 6.2 'Pavement Markings' of DPT's 'Blue Book'. Also, SBC/Pacific Bell shall pay to DPT the cost of replacing the permanent pavement markings. For any questions, please call Conrad Magat of DPT at (415) 701-4680.
 - 7) SBC/Pacific Bell shall restore all trenches per the Excavation Code.
 - 8) SBC/Pacific Bell shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
 - 9) SBC/Pacific Bell shall construct curb ramps, if applicable, per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 4 and Drawing Nos. CR-2, CR-4 thru CR-6, Revision 0 on any curb return/angular corner where excavation occurs. All curb ramp installation shall comply with ADA requirements.
- Failure to comply with the above requirements may render this permit void and may subject SBC/Pacific Bell to a fine or citation.

Permit Addresses

14EXC-2144

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

Number of blocks: 3 Total repair size:221 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2144

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

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Teamwork

Continuous Improvement

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST						
	26TH AVE	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	26TH AVE	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	26TH AVE	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	26TH AVE	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

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Customer Service

Teamwork

Continuous Improvement

No Diagram submitted



CONTACT INFORMATION FOR PARTIES

BOARD OF APPEALS

MAY 06 2014

Appeal No(s): _____

APPEAL # 14-079

APPELLANT(S)

Name: George T. Choppelas

Phone Number: 387-8327H Fax Number: _____

Email Address: gchoppelas@yahoo.com

Mailing Address: 311-26th Ave San Francisco CA 94121
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: John Di Bene

Phone Number: 925-548-9196 Fax Number: _____

Email Address: jd@att.net

Mailing Address: 2600 Camino Ramon San Ramon CA 94583
Street City State Zip

EXHIBIT F



(415) 554-5810
FAX (415) 554-6161
http://www.sfdpw.org

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

14EXC-2144

Utility Excavation Permit

Address : Multiple Locations

Cost: \$1,242.02

Block: Lot: Zip:

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 178,940 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Permittee

Name: SBC - Pacific Bell Engineering

Address: 795 Folsom Street, Room 426 San Francisco, CA 94107-1243

Contact: Bob Pickard

Phone: (415) 644-7057

Conditions	NE-R, NW-L, NW-R, SW-L, SW-R, SE-L curb ramps required.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	301 26th Ave at California St LSMF EV 9078907 58A (13SMF-0265)
Start Date	6/16/14
Permit expires on:	6/29/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	9078907 R201 4c
TrackingNumber2	13SMF-0265 SF13-120802
Project Size	221
Inspection	

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 04/14/2014

****When drilling/excavating in sidewalk area, entire flag(s) must be replaced.****

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 4/15/2014 8:10:58 AM

Plan Checker

Gene Chan

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
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5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
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12. Per DPW Order 178,806, the recycling of Cobble Stones and Granit Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Special Conditions

14EXC-2144

Conditions

NOTES: Per the Public Works Excavation Code:

- 1) ' T ' trench shall be the standard restoration practice for all trenches greater than 18 inches in width. The restoration of the concrete base and pavement will be equal to 1 ft. as measured from the edge of the trench;
- 2) The minimum pavement restoration requirements (mill and fill) for trenches exceeding 25% of the length of the block shall include the restoration of all affected lanes for the entire length of the block. For streets that are not delineated by painted lanes and the width of the excavation is less than thirteen (13) feet, the pavement restoration requirements (mill and fill) shall be for the entire length of the block thirteen (13) feet in width;
- 3) For excavation in the intersection, the restoration shall be to pave all affected quadrants either with the 13 foot rule for streets without delineated traffic lanes unless it is on a Muni route and for streets with multiple delineated traffic lanes in one direction, the restoration shall be limited to the affected lane(s).

Per DPW sign specifications, all projects impacting the length of one (1) block face or more will require the installation of a project information sign, for the duration of the project. The project information sign should be located at either end of the project facing oncoming vehicular traffic. For larger projects that exceed five (5) blocks, the project information sign should be placed at five (5) block intervals in both directions. The signage is intended to keep the public informed of the intent of the project, project schedule, contact information and allow for updates as needed.

If concrete street, gutter or parking strip is excavated, SBC/Pacific Bell shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed).

When drilling/excavating in the sidewalk area, entire sidewalk flag(s) must be replaced to adjacent score lines.

Placement or installation of any utility facilities within the curb return area is prohibited per DPW Order No. 175,387.

The Department of Public Works approves this permit pursuant to the following special conditions, which the Department of Public Works incorporates into the permit and makes a part thereof.

SPECIAL PERMIT CONDITIONS:

This permit is approved for 45 day duration under the following conditions:

- 1) All work (excavation to final paving) shall be completed within fourteen (14) calendar days.
 - 2) SBC/Pacific Bell shall comply with Code Section 2.4.50(a), post and maintain notice(s) at the site of the excavation 72 hours prior to start of construction. If the work is anticipated to take longer than fourteen (14) calendar days, SBC/Pacific Bell shall comply with Code Section 2.4.50(b)(i), provide written notice(s) delivered by mail to each property owners on the block(s) affected by the excavation at least thirty (30) days prior to start of construction. SBC/Pacific Bell shall also comply with Code Section 2.4.50(b)(ii) and (b)(iii), post and maintain notice(s) at the site of the excavation and deliver a written notice to each dwelling unit on the block(s) affected by the excavation at least ten (10) days prior to start of construction.
 - 3) SBC/Pacific Bell shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
 - 4) SBC/Pacific Bell shall coordinate all work with other construction projects and events known or unforeseen such as to minimize the impact of construction project on the general public and/or event(s).
 - 5) SBC/Pacific Bell work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
 - 6) SBC/Pacific Bell shall replace any existing traffic stripings and markings that are removed or damaged by the work activity with temporary stripings and markings after the restoration of the pavement as specified on Section 6.2 'Pavement Markings' of DPT's 'Blue Book'. Also, SBC/Pacific Bell shall pay to DPT the cost of replacing the permanent pavement markings. For any questions, please call Conrad Magat of DPT at (415) 701-4680.
 - 7) SBC/Pacific Bell shall restore all trenches per the Excavation Code.
 - 8) SBC/Pacific Bell shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
 - 9) SBC/Pacific Bell shall construct curb ramps, if applicable, per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 4 and Drawing Nos. CR-2, CR-4 thru CR-6, Revision 0 on any curb return/angular corner where excavation occurs. All curb ramp installation shall comply with ADA requirements.
- Failure to comply with the above requirements may render this permit void and may subject SBC/Pacific Bell to a fine or citation.

Permit Addresses

14EXC-2144

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

Number of blocks: 3 Total repair size:221 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2144

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

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Customer Service

Teamwork

Continuous Improvement

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST	26TH AVE	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	26TH AVE	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
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Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT G

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Permit Type	Excavation	Permit Number	14EXC-2144	Street Address	
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Agent Name	SBC - Pacific Bell Engineering
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Received Date	2014-04-14	Permit Status	RENEWED	BSM working 0 work day(s) out of 10 expected days
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Approval Goal Date	2014-04-27	Approval Warning Date		Approved Date	2014-05-02
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- Permit Data
- View Criteria
- Estimated Cost
- StreetSpace Usage
- Change Log
- Street Information
- Address Information
- Approval Check
- Important Dates
- Exceptions
- Insurance/Bond
- Activity Log
- Letters
- Diagram
- Violations
- Pictures
- Curb Ramp Inspections

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referenceid	activitytext	activityvalue	comments	datestamp	AddedBy
14EXC-2144	Email Sent	Invoice Paid Email	Plan Checker	6/8/2014 2:21:34 PM	Public User
14EXC-2144	PAYMENT	95377.74	Check	6/9/2014 2:21:34 PM	Arthur Cervantes
14EXC-2144	DRAW DOWN: PAYMENT	1242.02	Balance 3311611802	6/9/2014 2:20:37 PM	Arthur Cervantes
14EXC-2144	Inspector Notes		5-29-14: Pre-con with Arsenio Marcelo, WVC (ATT) 12:30am	6/2/2014 8:57:05 AM	Ray Oropeza
14EXC-2144	Renewed	14EXC-2698		5/6/2014 1:53:51 PM	Bob Pickard
14EXC-2144	PERMIT STATUS CHANGE	RENEWED		5/6/2014 1:53:49 PM	Bob Pickard
14EXC-2144	Email Sent	Approve Email Sent	rp8825@att.com	5/2/2014 3:36:31 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	APPROVED		5/2/2014 3:36:30 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	ACTIVE		5/2/2014 3:35:17 PM	Gene Chan
14EXC-2144	INSPECTOR ASSIGNED	Ray Oropeza		5/2/2014 3:35:00 PM	Gene Chan
14EXC-2144	Email Sent	Approve Email Sent	rp8825@att.com	4/14/2014 4:42:54 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	APPROVED		4/14/2014 4:42:53 PM	Gene Chan
14EXC-2144	CHARGED	1242.02	invoice # 116745	4/14/2014 4:35:53 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	TO_ACCOUNTING		4/14/2014 4:35:53 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	PLANCHK		4/14/2014 4:31:59 PM	Gene Chan
14EXC-2144	PLAN CHECKER ASSIGNED	Gene Chan		4/14/2014 4:31:00 PM	Gene Chan
14EXC-2144	PERMIT STATUS CHANGE	ONLINE		4/14/2014 1:10:31 PM	Bob Pickard

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(415) 554-5810
FAX (415) 554-6161
http://www.sfdpw.org

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

14EXC-2144

Utility Excavation Permit

Address : Multiple Locations

Cost: \$1,242.02

Block: Lot: Zip:

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 178,940 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Permittee

Name: SBC - Pacific Bell Engineering

Address: 795 Folsom Street, Room 426 San Francisco, CA 94107-1243

Contact: Bob Pickard **Phone:** (415) 644-7057

Conditions	NE-R, NW-L, NW-R, SW-L, SW-R, SE-L curb ramps required. Permittee shall adhere to any conditions of 13SMF-0265.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	301 26th Ave at California St LSMF EV 9078907 58A (13SMF-0265)
Start Date	6/16/14
Permit expires on:	6/29/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	9078907 R201 4c
TrackingNumber2	13SMF-0265 SF13-120802
Project Size	221
Inspection	

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Approved Date : 05/02/2014

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Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 6/18/2014 1:04:43 PM Plan Checker Gene Chan

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15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
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Special Conditions

14EXC-2144

Conditions

NOTES: Per the Public Works Excavation Code:

- 1) ' T ' trench shall be the standard restoration practice for all trenches greater than 18 inches in width. The restoration of the concrete base and pavement will be equal to 1 ft. as measured from the edge of the trench;
- 2) The minimum pavement restoration requirements (mill and fill) for trenches exceeding 25% of the length of the block shall include the restoration of all affected lanes for the entire length of the block. For streets that are not delineated by painted lanes and the width of the excavation is less than thirteen (13) feet, the pavement restoration requirements (mill and fill) shall be for the entire length of the block thirteen (13) feet in width;
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The Department of Public Works approves this permit pursuant to the following special conditions, which the Department of Public Works incorporates into the permit and makes a part thereof.

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14EXC-2144

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

Number of blocks: 3 Total repair size:221 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2144

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 5 2014-Nov 2 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	Intersection	Proposed Excavation.	SF MTA Capital Programs and Construction	Darton Ito -	Jan 1 2020-Dec 31 2020
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

"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

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST						
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Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

No Diagram submitted

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Application Street Information Diagram **Review**

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Permit Type	Excavation	Permit Number	14EXC-2696	Street Address	
Agent Name	SBC - Pacific Bell Engineering				
Received Date	2014-05-06	Permit Status	SUSPEND	BSM working 1 work day(s) out of 10 expected days	
Approval Goal Date	2014-05-19	Approval Warning Date		Approved Date	2014-05-07

>>>CHOOSE FROM LIST BELOW FOR SPECIFIC VIEW

<input type="radio"/> Permit Data	<input type="radio"/> Street Information	<input type="radio"/> Exceptions	<input type="radio"/> Diagram
<input type="radio"/> View Criteria	<input type="radio"/> Address Information	<input type="radio"/> Insurance/Bond	<input type="radio"/> Violations
<input type="radio"/> Estimated Cost	<input type="radio"/> Approval Check	<input checked="" type="radio"/> Activity Log	<input type="radio"/> Pictures
<input type="radio"/> StreetSpace Usage	<input type="radio"/> Important Dates	<input type="radio"/> Letters	<input type="radio"/> Curb Ramp Inspections
<input type="radio"/> Change Log			

[Add Comment](#)



referenceid	activityid	initialvalue	comments	datetimestamp	AddedBy
14EXC-2696	Add Location		BOA scheduled for 6:25:14	5/7/2014 12:32:05 PM	Gene Chan
14EXC-2696	PERMIT STATUS CHANGE	SUSPEND		5/7/2014 12:31:20 PM	Gene Chan
14EXC-2696	Email Sent	Approve Email Sent	fp6025@sf.gov	5/7/2014 7:21:58 AM	Rene Lopez
14EXC-2696	PERMIT STATUS CHANGE	APPROVED		5/7/2014 7:21:57 AM	Rene Lopez
14EXC-2696	CHARGED	240.30	Invoice # 118925	5/7/2014 7:21:14 AM	Rene Lopez
14EXC-2696	Fee Changed	Inspection	Waived fee	5/7/2014 7:21:07 AM	Rene Lopez
14EXC-2696	VOID INVOICE	118924	Corrected fee	5/7/2014 7:20:40 AM	Rene Lopez
14EXC-2696	CHARGED	1180.10	Invoice # 118924	5/7/2014 7:18:53 AM	Rene Lopez
14EXC-2696	PERMIT STATUS CHANGE	TO_ACCOUNTING		5/7/2014 7:18:53 AM	Rene Lopez
14EXC-2696	PERMIT STATUS CHANGE	PLANCHK		5/7/2014 7:16:31 AM	Rene Lopez
14EXC-2696	PLAN CHECKER ASSIGNED	Rene Lopez		5/7/2014 7:16:00 AM	Rene Lopez
14EXC-2696	PERMIT STATUS CHANGE	EXTENSION		5/6/2014 1:54:48 PM	Bob Pickard

[Export to Excel](#)



(415) 554-5810
 FAX (415) 554-6161
 http://www.sfdpw.org

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

14EXC-2696

Utility Excavation Permit

Address : Multiple Locations

Cost: \$246.36

Block: Lot: Zip:

Pursuant to Article 2.4 of the Public Works Code in conjunction to DPW Order 178,940 permission, revocable at the will of the Director of Public Works, to excavate and restore the public right-of-way is granted to Permittee.

Permittee

Name: SBC - Pacific Bell Engineering

Address: 795 Folsom Street, Room 426 San Francisco, CA 94107-1243

Contact: Bob Pickard

Phone: (415) 644-7057

Conditions	NE-R, NW-L, NW-R, SW-L, SW-R, SE-L curb ramps required. Permittee shall adhere to any conditions of 13SMF-0265.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	David Gibbons (415) 644-7052, Cell (415) 794-6050
Service Address/Project:	301 26th Ave at California St LSMF EV 9078907 58A (13SMF-0265)
Start Date	6/2/2014
Permit expires on:	6/15/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	
Method:	Open Cut: Sawcut
TrackingNumber1	9078907 R201 4c
TrackingNumber2	13SMF-0265 SF13-120802
Project Size	221
Inspection	

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 05/07/2014

****When drilling/excavating in sidewalk area, entire flag(s) must be replaced.****

Applicant/Permitee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/7/2014 7:59:17 AM

Plan Checker

Rene Lopez

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
 - b. Perform the work themselves following instructions available at the Department of Parking & Traffic.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Concrete form work, planting of trees and pouring of sidewalk and/or curb shall not be performed prior to obtaining a permit from Bureau of Urban Forestry (BUF), telephone: 554-6700.
12. Per DPW Order 178,806, the recycling of Cobble Stones and Granit Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
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Special Conditions

14EXC-2696

Conditions

====>This job was originally approved under Permit No. 14EXC-2144. All previous special conditions under Permit No. 14EXC-2144 are still valid and applicable to this permit (Permit No. 14EXC-2696). (05/07/2014)

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ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	26TH AVE	CALIFORNIA ST	CLEMENT ST	West	RW : False SMC : True S/W Only : True DB: False BP: False UB: True	0	46		
3		LAKE ST	CALIFORNIA ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	40	39		
Total						40	85		
2	CALIFORNIA ST	26TH AVE	Intersection	West	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	46	50		
Total						46	50		

Exceptions

14EXC-2696

Street Name	From St	To St	Message	Job	Contact	Dates
26TH AVE						
	CALIFORNIA ST	CLEMENT ST -	Conflict with existing Street Use Permit.	13SMF-0265	Refer to Agent - Refer to Agent	
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0271	800-743-5000 - 800-743-5000	Mar 6 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing Street Use Permit.	14ECN-0409	800-743-5000 - 800-743-5000	Apr 7 2014-
	LAKE ST	CALIFORNIA ST -	Conflict with existing excavation permit. It is mandatory that you coordinate all work for joint paving.	14EXC-1969	800-743-5000 - 800-743-5000	Mar 27 2014-May 10 2014
	CALIFORNIA ST	CLEMENT ST -	Banners are allowed on this street	N/A		
	CALIFORNIA ST	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	CALIFORNIA ST	CLEMENT ST -	Proposed Paving.	PAVING	Richard Lee -	Aug 16 2016-Dec 16 2016
	CALIFORNIA ST	CLEMENT ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	CALIFORNIA ST	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		
	LAKE ST	CALIFORNIA ST -	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

Street Name	From St	To St	Message	Job	Contact	Dates
CALIFORNIA ST						
	26TH AVE	Intersection	Under G095 requirement, Contractor shall contact Muni Overhead Line Division of any work 10 feet in horizontal or vertical direction of overhead lines. Contact: Tim Lipps @ (415) 554-9227	N/A		
	26TH AVE	Intersection	Prior to performing any construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey, if any construction will take place within 10ft of the monument. For any questions, please call Mapping at #554-5827	Stone or Concrete Monument		

Curb Ramps

Street	Specification	Direction
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	NorthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthEast
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - L - Standard	SouthWest
26TH AVE : CALIFORNIA ST - Intersection	55,017, Rev.4 (A) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT H



Address **291 26th Ave**
San Francisco, CA 94121





Address **291 26th Ave**
San Francisco, CA 94121





Address **291 26th Ave**
San Francisco, CA 94121





Address **291 26th Ave**
San Francisco, CA 94121





Address **291 26th Ave**
San Francisco, CA 94121



EXHIBIT I



Address **300 26th Ave**

Address is approximate



EXHIBIT J



Address **California St & 25th Ave**
California St & 25th Ave
San Francisco, CA 94121





Address **California St & 25th Ave**
California St & 25th Ave
San Francisco, CA 94121





Address **314 25th Ave**

Address is approximate





Address **314 25th Ave**

Address is approximate



EXHIBIT K

1 MARTIN L. FINEMAN (CA State Bar No. 104413)
 2 SAM DAWOOD (CA State Bar No. 178862)
 3 DAVIS WRIGHT TREMAINE LLP
 4 505 Montgomery Street, Suite 800
 5 San Francisco, CA 94111-6533
 6 Telephone: (415) 276-6575
 7 Facsimile: (415) 276-6599
 8 Email: martinfineman@dwt.com
 9 samdawood@dwt.com

10 Attorneys for Petitioner
 11 Crown Castle NG West Inc.

FILED
 San Francisco County Superior Court

MAR 11 2014

CLERK OF THE COURT
 BY: *Arshad Faisal*
 Deputy Clerk

12 IN THE SUPERIOR COURT STATE OF CALIFORNIA

13 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

14 UNLIMITED JURISDICTION

DAVIS WRIGHT TREMAINE LLP

15 CROWN CASTLE NG WEST INC., a
 16 Delaware corporation,

17 Petitioner,

18 v.

19 THE CITY AND COUNTY OF SAN
 20 FRANCISCO, THE CITY AND COUNTY
 21 OF SAN FRANCISCO DEPARTMENT OF
 22 PUBLIC WORKS, and THE CITY AND
 23 COUNTY OF SAN FRANCISCO BOARD
 24 OF APPEALS, public entities organized and
 25 existing under the laws of the State of
 26 California,

27 Respondents.
 28

Case No. CPF-11-511369

**[PROPOSED] ORDER GRANTING
 PETITIONER CROWN CASTLE NG
 WEST INC.'S MOTION FOR A WRIT
 OF ADMINISTRATIVE MANDAMUS**

Date: March 11, 2014
Time: 9:30 a.m.
Dept: 302

Petition Filed: June 21, 2011

DAVIS WRIGHT TREMAINE LLP

1 The Petition for a Writ of Administrative Mandamus or Writ of Mandate filed by
2 Petitioner CROWN CASTLE NG WEST INC. came on regularly for hearing on March 11, 2014
3 in Department 302 of this Court, the Honorable Ernest H. Goldsmith, presiding. Petitioner was
4 represented by Sam Dawood of Davis Wright Tremaine LLP, and Respondents were represented
5 by William K. Sanders, Deputy City Attorney.

6 The Court, having reviewed the administrative record of the proceedings before
7 Respondent the San Francisco Board of Appeals (the "Board"), and having considered all
8 pleadings filed in support of and in opposition to Petitioner's Motion for Writ of Administrative
9 Mandamus or Writ of Mandate, as well as oral argument by the parties, finds as follows:

10 PETITIONER CROWN CASTLE NG WEST INC.'s Motion for Writ of Administrative
11 Mandamus or Writ of Mandate is hereby **GRANTED**. All requests for judicial notice are granted.
12 Respondents proceeded without or in excess of jurisdiction and abused their discretion in
13 considering the late-filed appeal to the Department of Public Works' issuance of Wireless Box
14 Permit No. 10WR-0021. The record shows that the appeal period had expired, and the City had
15 not intentionally or inadvertently caused the requestor to be late in filing the appeal. (See
16 Administrative Record, 1; see also Petitioner's Request for Judicial Notice, Exh, C, Rules of the
17 Board of Appeals, Section 10(a)). Under then-existing law, the lack of notice was not grounds for
18 acceptance of an untimely appeal. ~~Petitioner is ordered to submit Wireless Box Permit No.~~
19 ~~10WR-0021, to the San Francisco Department of Public Works for issuance, which was required~~
~~under then-existing law, Administrative Code Section 11.9.~~

*which the Board's decision inappropriately
revoked, shall remain in effect, and the
Board's decision is void.*

20 **IT IS SO ORDERED.**

21 Dated: *March 11*, 2014

Ernest H. Goldsmith
THE HON. ERNEST H. GOLDSMITH
JUDGE OF THE SAN FRANCISCO
SUPERIOR COURT

22
23
24 *Approved as to Form*

25
26
27 *WKT*
28 *Deputy City Attorney*

EXHIBIT L

SOUSA, LINDA L

From: SOUSA, LINDA L
Sent: Wednesday, January 15, 2014 3:13 PM
To: Fong, Lynn (Lynn.Fong@sfdpw.org)
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn

Should the Hearing Officer choose to hold the hearing open for site **391 26th Avenue 13SMF-0265 58A** for the purposes of considering additional evidence concerning the site, AT&T investigated the alternate site brought forth at the box walk and hearing and found the following:

It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure.

AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

Lynn

Lynn Sousa
Manager – Public Works Coordinator
AT&T Construction and Engineering
795 Folsom Street Room 426
San Francisco, CA 94107
Office: 415-644-7043
Fax: 415-957-5973

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SOUSA, LINDA L

From: LUCQ, PAUL G
Sent: Tuesday, January 14, 2014 2:07 PM
To: SOUSA, LINDA L
Cc: TORRES, MARIA S; NEIL, DANA P; MITCHELL, CAROL B
Subject: Alternate Site Assesment

Lynn,

Here are my responses to yesterday's DPW Administrative Hearing regarding sites: 56F, 56E and 58A.

56F-13SMF-0249 SAI:2799 Pine.

Judy Goetzel suggested two locations (somewhat vague) proposed at the South side and North site of Pine and Broderick Streets. Neither of these locations (south/west) and (north / east) are **un-acceptable** for the following reasons:

South/west location is adjacent to a "historic resource building at 1719 Broderick St as well as existing underground facilities in close proximity to proposed site.

North / east location is in conflict with SFDPW Exhibit B item 8, as it pertains to acceptable space between other above ground structures (trees)

56E-13SMF-0248 SAI: 3159 Baker.

Robert O-Connor suggested an alternate location on Richardson Avenue between Baker St and Francisco St is **un-acceptable** as it is in violation of SFDPW Exhibit B, item 9 as it pertains to set back of minimum sixty feet from Municipal Railway shelter or kiosk.

58A-13SMF-0265 SAI: 298 26th Ave. *SANFRAN13*

George Chappel suggested an alternate location at the gas station on the south/west corner of 25th Avenue and California street. This would require a minimum twenty feet separation between proposed VRAD and existing gas station gas storage tanks, at this location that is not feasible, making this site **un-acceptable**.

Paul Lucq
AT&T California
OSP Engineering/PWC
795 Folsom St.
Room 426
San Francisco, CA
94107
415-644-7164 (office)
415-860-2354 (cell)
415-957-5973 (fax)
PI8353@att.com

SOUSA, LINDA L

From: SOUSA, LINDA L
Sent: Wednesday, January 22, 2014 7:23 AM
To: MILLER, DAVID J (Legal)
Cc: MITCHELL, CAROL B
Subject: FW: DPW SMF Hearing 1/13/14
Attachments: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 3688 Cesar Chavez Street 13SMF-0235 49C to Lynn Fong from Lynn Sousa; Alternate Site Analysis Response from DPW Hearing on January 13, 2014 2505 Francisco Street 13SMF-0248 56E Report to Lynn Fong from Lynn Sousa; Alternate Site Analysis Response from DPW Hearing on January 13, 2014 1790 Broderick Street SMF-0249 56F Report to Lynn Fong from Lynn Sousa; Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Dave,

Please see my response to Gene's e-mail. I would like to send this out this morning.

Gene,

Attached please find the analysis which was sent to Lynn Fong last week regarding:

3688 Cesar Chavez – 13SMF-0235 Alternate Site 1440 Guerrero Street
1790 Broderick Street – 13SMF-0249 Alternate Site southwest and northeast side of Pine and Broderick Streets
2505 Francisco Street – 13SMF-0248 Alternate Site Richardson Avenue between Baker and Francisco Streets
301 26th Avenue – 13SMF-0265 Alternate Site Gas station at southwest corner of 25th Avenue and California Street

Here is the analysis of 4251 19th Street – 13SMF-0256 Alternate Site across the street from Harvey Milk Academy, fronting RPD property:

The proposed alternate site on 19th Street which is directly across from the Harvey Milk Academy fronts a park and is NOT acceptable to AT&T. Per EXHIBIT B SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES Number 18: "Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space."

AT&T did not identify any AT&T technical issues that would make this site unacceptable.

Lynn

From: Chan, Gene [<mailto:Gene.Chan@sfdpw.org>]
Sent: Tuesday, January 21, 2014 5:15 PM
To: SOUSA, LINDA L; VRIHEAS, THEADORA K
Cc: Fong, Lynn; TORRES, MARIA S; NEIL, DANA P; MITCHELL, CAROL B; Urban, Arianna; Dagdagan, Melissa; Sanguinetti, Jerry; Sanders, William
Subject: DPW SMF Hearing 1/13/14

Hello Tedi and Lynn,

This email is to inform you that the DPW Hearing Officer, **Greg Crump**, has requested that the following proposed AT&T SMF sites be kept open to consider additional evidence concerning another potentially suitable location that adheres to Exhibit B of the SMF Order:

1. 3688 Cesar Chavez – 13SMF-0235
 - a. Alternate site: 1440 Guerrero Street
2. 1790 Broderick Street – 13SMF-0249
 - a. Alternate sites: southwest and northeast side of Pine and Broderick Streets
3. 2505 Francisco Street – 13SMF-0248
 - a. Alternate site: Richardson Avenue between Baker and Francisco Streets
4. 301 26th Avenue – 13SMF-0265
 - a. Alternate site: Gas station at southwest corner of 25th Ave and California Street
5. 4251 19th Street – 13SMF-0256
 - a. Alternate site: Across the street from Harvey Milk Academy, fronting RPD property.

The hearing officer requests AT&T to provide a report within **3 City Business Days** of the date of this email that ascertains whether the site proposed by the community member, based on AT&T's testimony at the hearing, is a feasible alternative to this location.

If the report states that this site is a feasible alternative site, AT&T will be required follow the notification procedures as stipulated in Section 3.E.5 and Section 3.C.1 of the SMF Order. Upon receipt of all the objections to this location, DPW will forward all objections to the Hearing officer. The Hearing officer will review the objections for both sites, close the hearing, and make a recommendation to the Director of Public Works.

If the report states that there is no alternate feasible site, the Hearing officer will close the hearing and make a recommendation to the Director of Public Works.

Please let me know if you should have any questions. Thank you.

Gene Chan

Department of Public Works

Bureau of Street Use and Mapping

1155 Market St., 3rd Floor

San Francisco, CA 94103

Office: (415) 554-5806 | Fax: (415) 554-6161

E-mail: gene.chan@sfdpw.org

SOUSA, LINDA L

From: Chan, Gene <Gene.Chan@sfdpw.org>
Sent: Thursday, January 23, 2014 4:41 PM
To: SOUSA, LINDA L; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn,

Thank you for the report.

We wanted to understand Article 514 for our knowledge and found this:

Definition of a Motor Fuel Dispensing Facility (514.2):

That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

Classification of Locations (514.3):

There are two types of classifications and 2 subtypes:

A. Unclassified

- Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

B. Classified

- Class 1: Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition.
- Class 2: Table 514.3(B)(2) shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids.

Full article can be found here: <https://www.inckling.com/read/nfpa-national-electrical-code-handbook-2011/chapter-5/article-514-motor-fuel>

It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel. Also, what does "Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure." actually mean?

Please provide clarity on this code and specifically the reference to 18 in.

Thank you,
Gene

From: SOUSA, LINDA L [mailto:ls4524@att.com]
Sent: Wednesday, January 15, 2014 3:13 PM
To: Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn

Should the Hearing Officer choose to hold the hearing open for site 391 26th Avenue 13SMF-0265 58A for the purposes of considering additional evidence concerning the site, AT&T investigated the alternate site brought forth at the box walk and hearing and found the following:

It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure.

AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

Lynn

Lynn Sousa
Manager – Public Works Coordinator
AT&T Construction and Engineering
795 Folsom Street Room 426
San Francisco, CA 94107
Office: 415-644-7043
Fax: 415-957-5973

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SOUSA, LINDA L

From: SOUSA, LINDA L
Sent: Friday, January 24, 2014 11:14 AM
To: Chan, Gene; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G; MILLER, DAVID J (Legal); DI BENE, JOHN (Legal)
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A
Attachments: 2010 Electrical Code Art 514.pdf

Gene,

In response to your e-mail below, AT&T had a site at 1851 Taraval Street where a cabinet was placed. During the electrical inspection, the inspector (Dave Fross, Inspector for the Building Department) advised AT&T the cabinet could not be placed in the vicinity of the gas station. The cabinet had already been built. AT&T had to remove the cabinet (at our expense), and find a new location for it. He referred AT&T to Article 514 which talks about the placement of electrical structures/devices and the distances that are needed between the electrical devices/structures, and the gas tanks and the fuel dispensing units.

I have attached a complete copy of Article 514.

AT&T still takes the stance that the location at 391 26th Avenue is not an acceptable site per Article 514. However, AT&T has not identified any technical issues that would make this site unacceptable.

Lynn

From: Chan, Gene [mailto:Gene.Chan@sfdpw.org]
Sent: Thursday, January 23, 2014 4:41 PM
To: SOUSA, LINDA L; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn,

Thank you for the report.

We wanted to understand Article 514 for our knowledge and found this:

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That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

Classification of Locations (514.3):

There are two types of classifications and 2 subtypes:

- A. Unclassified

- Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

B. Classified

- Class 1: Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition.
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Full article can be found here: <https://www.inkling.com/read/nfpa-national-electrical-code-handbook-2011/chapter-5/article-514-motor-fuel>

It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel. Also, what does "Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure." actually mean?

Please provide clarity on this code and specifically the reference to 18 in.

Thank you,
Gene

From: SOUSA, LINDA L [mailto:ls4524@att.com]
Sent: Wednesday, January 15, 2014 3:13 PM
To: Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn

Should the Hearing Officer choose to hold the hearing open for site 391 26th Avenue 13SMF-0265 58A for the purposes of considering additional evidence concerning the site, AT&T investigated the alternate site brought forth at the box walk and hearing and found the following:

It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure.

AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

Lynn

Lynn Sousa
Manager – Public Works Coordinator
AT&T Construction and Engineering
795 Folsom Street Room 426
San Francisco, CA 94107
Office: 415-644-7043
Fax: 415-957-5973

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ARTICLE 514

Motor Fuel Dispensing Facilities

FPN: Rules that are followed by a reference in brackets contain text that has been extracted from NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair*

Changes: Only editorial changes were made to the extracted text to make it consistent with this Code.

514.1 Scope. This article shall apply to motor fuel dispensing facilities, nonmotorist fuel dispensing facilities, motor fuel dispensing facilities located inside buildings, and fleet vehicle motor fuel dispensing facilities.

FPN: For further information regarding subscope for motor fuel dispensing facilities, see NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Changes*.

514.2 Definitions.

Motor Fuel Dispensing Facility. That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith. [NFPA 3.3.11]

FPN: Refer to Articles 510 and 511 with respect to electrical wiring and equipment for other areas used at lubrication, service areas, repair rooms, offices, telecontrol, compressor rooms, and similar locations.

514.3 Classification of Locations.

(A) Unclassified Locations. Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

(B) Classified Locations.

(1) Class I Locations. Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition. [30A:8.1, 8.3]

(2) Compressed Natural Gas, Liquefied Natural Gas, and Liquefied Petroleum Gas Areas. Table 514.3(B)(2) shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids. [30A:12.1, 12.4, 12.5]

FPN No. 1: For information on area classification where liquefied petroleum gases are dispensed, see NFPA 58-2008, *Liquefied Petroleum Gas Code*.

FPN No. 2: For information on classified areas pertaining to LP-Gas systems other than residential or commercial, see

NFPA 58-2008, *Liquefied Petroleum Gas Code*, and NFPA 59-2004, *Utility LP-Gas Plant Code*.

FPN No. 3: See 555.21 for motor fuel dispensing stations in marinas and boatyards.

Table 514.3(B)(1) Class I Locations — Motor Fuel Dispensing Facilities

Location	Class I, Group D Division	Extent of Classified Location ¹
Underground Tank Fill opening	1	Any pit or box below grade level, any part of which is within the Division 1 or Division 2, Zone 1 or Zone 2 classified location
	2	Up to 450 mm (18 in.) above grade level within a horizontal radius of 3.0 m (10 ft) from a loose fill connection and within a horizontal radius of 1.5 m (5 ft) from a tight fill connection
Vent — discharging upward	1	Within 900 mm (3 ft) of open end of vent, extending in all directions
	2	Space between 900 mm (3 ft) and 1.5 m (5 ft) of open end of vent, extending in all directions
Dispensing Device ^{2,3} (except overhead type) ³		
Pits	1	Any pit or box below grade level, any part of which is within the Division 1 or Division 2, Zone 1 or Zone 2 classified location
Dispenser	1	FPN: Space classification inside the dispenser enclosure is covered in ANS/UL 87-1995, <i>Power Operated Dispensing Devices for Petroleum Products</i> .
	2	Within 450 mm (18 in.) horizontally in all directions extending to grade from the dispenser enclosure or that portion of the dispenser enclosure containing liquid-handling components FPN: Space classification inside the dispenser enclosure is covered in ANS/UL 87-1995, <i>Power Operated Dispensing Devices for Petroleum Products</i> .
Outdoor	2	Up to 450 mm (18 in.) above grade level within 6.0 m (20 ft) horizontally of any edge of enclosure.
Indoor with mechanical ventilation	2	Up to 450 mm (18 in.) above grade or floor level within 6.0 m (20 ft) horizontally of any edge of enclosure
with gravity ventilation	2	Up to 450 mm (18 in.) above grade or floor level within 7.5 m (25 ft) horizontally of any edge of enclosure

Table 514.3(B)(1) Continued

Location	Class I, Group D	
	Division	Extent of Classified Location ¹
Lubrication or Service Room — Without Dispensing	2	Entire area within any pit used for lubrication or similar services where Class I liquids may be released
	2	Area up to 450 mm (18 in.) above any such pit and extending a distance of 900 mm (3 ft) horizontally from any edge of the pit
	2	Entire unventilated area within any pit, belowgrade area, or subfloor area
	2	Area up to 450 mm (18 in.) above any such unventilated pit, belowgrade work area, or subfloor work area and extending a distance of 900 mm (3 ft) horizontally from the edge of any such pit, belowgrade work area, or subfloor work area
	Unclassified	Any pit, belowgrade work area, or subfloor work area that is provided with exhaust ventilation at a rate of not less than 0.3 m ³ /min/m ² (1 cfm/ft ²) of floor area at all times that the building is occupied or when vehicles are parked in or over this area and where exhaust air is taken from a point within 300 mm (12 in.) of the floor of the pit, belowgrade work area, or subfloor work area
Special Enclosure Inside Building ⁴	1	Entire enclosure
Sales, Storage, and Rest Rooms	Unclassified	If there is any opening to these rooms within the extent of a Division 1 location, the entire room shall be classified as Division 1
Vapor Processing Systems Pits	1	Any pit or box below grade level, any part of which is within a Division 1 or Division 2 classified location or that houses any equipment used to transport or process vapors
Vapor Processing Equipment Located Within Protective Enclosures FPN: See 10.1.7 of NFPA 30A-2003, <i>Code for Motor Fuel Dispensing Facilities and Repair Garages</i> .	2	Within any protective enclosure housing vapor processing equipment
Vapor Processing Equipment Not Within Protective Enclosures (excluding piping and combustion devices)	2	The space within 450 mm (18 in.) in all directions of equipment containing flammable vapor or liquid extending to grade level. Up to 450 mm (18 in.) above grade level within 3.0 m (10 ft) horizontally of the vapor processing equipment
Equipment Enclosures	1	Any space within the enclosure where vapor or liquid is present under normal operating conditions
Vacuum-Assist Blowers	2	The space within 450 mm (18 in.) in all directions extending to grade level. Up to 450 mm (18 in.) above grade level within 3.0 m (10 ft) horizontally

¹If for marine application, *grade level* means the surface of a pier extending down to water level.

²Refer to Figure 514.3 for an illustration of classified location around dispensing devices.

³Ceiling mounted hose reel.

⁴FPN: See 4.3.9 of NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Garages*.

⁵FPN: Area classification inside the dispenser enclosure is covered in ANSI/UL 87-1995, *Power-Operated Dispensing Devices for Petroleum Products*. [30A: Table 8.3.1]

Table 514.3(B)(2) Electrical Equipment Classified Areas for Dispensing Devices

Dispensing Device	Extent of Classified Area	
	Class I, Division 1	Class I, Division 2
Compressed natural gas	Entire space within the dispenser enclosure	1.5 m (5 ft) in all directions from dispenser enclosure
Liquefied natural gas	Entire space within the dispenser enclosure and 1.5 m (5 ft) in all directions from the dispenser enclosure	From 1.5 m to 3.0 m (5 ft to 10 ft) in all directions from the dispenser enclosure
Liquefied petroleum gas	Entire space within the dispenser enclosure; 450 mm (18 in.) from the exterior surface of the dispenser enclosure to an elevation of 1.2 m (4 ft) above the base of the dispenser; the entire pit or open space beneath the dispenser and within 6.0 m (20 ft) horizontally from any edge of the dispenser when the pit or trench is not mechanically ventilated...	Up to 450 mm (18 in.) aboveground and within 6.0 m (20 ft) horizontally from any edge of the dispenser enclosure, including pits or trenches within this area when provided with adequate mechanical ventilation

[30A: Table 12.6.2]

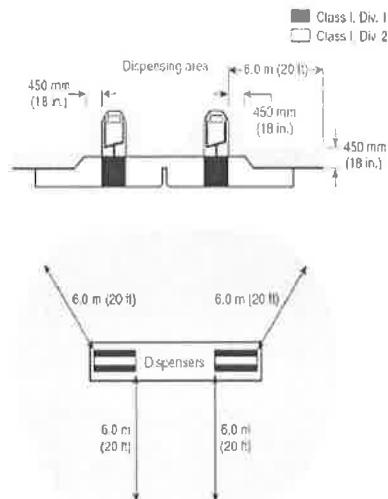


Figure 514.3 Classified Areas Adjacent to Dispensers as Detailed in Table 514.3(B)(1). [30A:Figure 8.3.1]

514.4 Wiring and Equipment Installed in Class I Locations. All electrical equipment and wiring installed in Class I locations as classified in 514.3 shall comply with the applicable provisions of Article 501.

Exception: As permitted in 514.8.

FPN: For special requirements for conductor insulation, see 501.20.

514.7 Wiring and Equipment Above Class I Locations. Wiring and equipment above the Class I locations as classified in 514.3 shall comply with 511.7.

514.8 Underground Wiring. Underground wiring shall be installed in threaded rigid metal conduit or threaded steel intermediate metal conduit. Any portion of electrical wiring that is below the surface of a Class I, Division 1, or a Class I, Division 2, location [as classified in Table 514.3(B)(1) and Table 514.3(B)(2)] shall be sealed within 3.05 m (10 ft) of the point of emergence above grade. Except for listed explosionproof reducers at the conduit seal, there shall be no union, coupling, box, or fitting between the conduit seal and the point of emergence above grade. Refer to Table 300.5.

Exception No. 1: Type MI cable shall be permitted where it is installed in accordance with Article 332.

Exception No. 2: Rigid nonmetallic conduit shall be permitted where buried under not less than 600 mm (2 ft) of cover. Where rigid nonmetallic conduit is used, threaded rigid metal conduit or threaded steel intermediate metal conduit shall be used for the last 600 mm (2 ft) of the underground run to emergence or to the point of connection to the aboveground raceway, and an equipment grounding conductor shall be included to provide electrical continuity of the raceway system and for grounding of non-current-carrying metal parts.

514.9 Sealing.

(A) **At Dispenser.** A listed seal shall be provided in each conduit run entering or leaving a dispenser or any cavities or enclosures in direct communication therewith. The sealing fitting shall be the first fitting after the conduit emerges from the earth or concrete.

(B) **At Boundary.** Additional seals shall be provided in accordance with 501.15. Sections 501.15(A)(4) and (B)(2) shall apply to horizontal as well as to vertical boundaries of the defined Class I locations.

514.11 Circuit Disconnects.

(A) **General.** Each circuit leading to or through dispensing equipment, including equipment for remote pumping systems, shall be provided with a clearly identified and readily accessible switch or other acceptable means, located remote from the dispensing devices, to disconnect simultaneously from the source of supply, all conductors of the circuits, including the grounded conductor, if any.

Single-pole breakers utilizing handle ties shall not be permitted.

(B) **Attended Self-Service Motor Fuel Dispensing Facilities.** Emergency controls as specified in 514.11(A) shall be installed at a location acceptable to the authority having jurisdiction, but controls shall not be more than 30 m (100 ft) from dispensers. [30A:6.7.1]

(C) **Unattended Self-Service Motor Fuel Dispensing Facilities.** Emergency controls as specified in 514.11(A) shall be installed at a location acceptable to the authority having jurisdiction, but the control shall be more than 6 m (20 ft) but less than 30 m (100 ft) from the dispensers. Additional emergency controls shall be installed on each group of dispensers or the outdoor equipment used to control the dispensers. Emergency controls shall shut off all power to all dispensing equipment at the station. Controls shall be manually reset only in a manner approved by the authority having jurisdiction. [30A:6.7.2]

FPN: For additional information, see 6.7.1 and 6.7.2 of NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Garages*.

514.13 Provisions for Maintenance and Service of Dispensing Equipment. Each dispensing device shall be provided with a means to remove all external voltage sources, including feedback, during periods of maintenance and service of the dispensing equipment. The location of this means shall be permitted to be other than inside or adjacent to the dispensing device. The means shall be capable of being locked in the open position.

514.16 Grounding and Bonding. All metal raceways, the metal armor or metallic sheath on cables, and all non-current-carrying metal parts of fixed portable electrical equipment, regardless of voltage, shall be grounded and bonded. Grounding and bonding in Class I locations shall comply with 501.30.

SOUSA, LINDA L

From: Chan, Gene <Gene.Chan@sfdpw.org>
Sent: Friday, January 24, 2014 2:04 PM
To: SOUSA, LINDA L; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G; MILLER, DAVID J (Legal); DI BENE, JOHN (Legal)
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A
Attachments: 2010 Electrical Code Art 514.pdf

Hi Lynn,

Thank you for the timely report.

As stated in another email, since DPW did not notify AT&T of the hearing officer's intent, AT&T's report was made official after notice of hearing extension.

We reviewed the documents provided and still disagree on the use of Article 514 to justify that it is acceptable to AT&T to place a surface-mounted facility fronting the gas station. Gas stations utilize various mechanical and electrical equipment which do not pose a greater threat than a VRAD.

After investigating the potential of locating a surface-mounted facility fronting the gas station, there appears to be only one location on the 25th Avenue frontage, in between two trees. However, there is a utility handhole at this location which will void the possibility of placing any surface-mounted facility there.

Therefore, it's the conclusion that it's not feasible to place a surface-mounted facility fronting the gas station based on existing utilities.

We'll forward this along to the hearing officer so he can make his recommendation.

Thank you,
Gene

From: SOUSA, LINDA L [mailto:ls4524@att.com]
Sent: Friday, January 24, 2014 11:14 AM
To: Chan, Gene; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G; MILLER, DAVID J (Legal); DI BENE, JOHN (Legal)
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Gene,

In response to your e-mail below, AT&T had a site at 1851 Taraval Street where a cabinet was placed. During the electrical inspection, the inspector (Dave Fross, Inspector for the Building Department) advised AT&T the cabinet could not be placed in the vicinity of the gas station. The cabinet had already been built. AT&T had to remove the cabinet (at our expense), and find a new location for it. He referred AT&T to Article 514 which talks about the placement of electrical structures/devices and the distances that are needed between the electrical devices/structures, and the gas tanks and the fuel dispensing units.

I have attached a complete copy of Article 514.

AT&T still takes the stance that the location at 391 26th Avenue is not an acceptable site per Article 514. However, AT&T has not identified any technical issues that would make this site unacceptable.

Lynn

From: Chan, Gene [mailto:Gene.Chan@sfdpw.org]
Sent: Thursday, January 23, 2014 4:41 PM
To: SOUSA, LINDA L; Fong, Lynn
Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G
Subject: RE: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn,

Thank you for the report.

We wanted to understand Article 514 for our knowledge and found this:

Definition of a Motor Fuel Dispensing Facility (514.2):

That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

Classification of Locations (514.3):

There are two types of classifications and 2 subtypes:

A. Unclassified

- Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

B. Classified

- Class 1: Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition.
- Class 2: Table 514.3(B)(2) shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids.

Full article can be found here: <https://www.inkling.com/read/nfpa-national-electrical-code-handbook-2011/chapter-5/article-514-motor-fuel>

It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel. Also, what does "Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure." actually mean?

Please provide clarity on this code and specifically the reference to 18 in.

Thank you,
Gene

From: SOUSA, LINDA L [mailto:ls4524@att.com]

Sent: Wednesday, January 15, 2014 3:13 PM

To: Fong, Lynn

Cc: BLAKEMAN, MARC D; MITCHELL, CAROL B; VRIHEAS, THEADORA K; Julian Chang (julianclchang@gmail.com); lcuadra@bergdavis.com; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G

Subject: Alternate Site Analysis Response from DPW Hearing on January 13, 2014 391 26th Avenue 13SMF-0265 58A

Hi Lynn

Should the Hearing Officer choose to hold the hearing open for site 391 26th Avenue 13SMF-0265 58A for the purposes of considering additional evidence concerning the site, AT&T investigated the alternate site brought forth at the box walk and hearing and found the following:

It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure.

AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

Lynn

Lynn Sousa

Manager – Public Works Coordinator

AT&T Construction and Engineering

795 Folsom Street Room 426

San Francisco, CA 94107

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ARTICLE 514

Motor Fuel Dispensing Facilities

FPN: Rules that are followed by a reference in brackets contain text that has been extracted from NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair*

Garages. Only editorial changes were made to the extracted text to make it consistent with this *Code*.

514.1 Scope. This article shall apply to motor fuel dispensing facilities, marine/motor fuel dispensing facilities, motor fuel dispensing facilities located inside buildings, and fleet vehicle motor fuel dispensing facilities.

FPN: For further information regarding safeguards for motor fuel dispensing facilities, see NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Garages*.

514.2 Definition.

Motor Fuel Dispensing Facility. That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith. [30A:3.3.11]

FPN: Refer to Articles 510 and 511 with respect to electrical wiring and equipment for other areas used as lubrication rooms, service rooms, repair rooms, offices, salesrooms, compressor rooms, and similar locations.

514.3 Classification of Locations.

(A) Unclassified Locations. Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

(B) Classified Locations.

(1) Class I Locations. Table 514.3(B)(1) shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in Article 511. Table 515.3 shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition. [30A:8.1, 8.3]

(2) Compressed Natural Gas, Liquefied Natural Gas, and Liquefied Petroleum Gas Areas. Table 514.3(B)(2) shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids. [30A:12.1, 12.4, 12.5]

Outdoor gasoline
dispensing pumps



FPN No. 1: For information on area classification where liquefied petroleum gases are dispensed, see NFPA 58-2008, *Liquefied Petroleum Gas Code*.

FPN No. 2: For information on classified areas pertaining to LP-Gas systems other than residential or commercial, see

NFPA 58-2008, *Liquefied Petroleum Gas Code*, and NFPA 59-2004, *Utility LP-Gas Plant Code*.

FPN No. 3: See 555.21 for motor fuel dispensing stations in marinas and boatyards.

Table 514.3(B)(1) Class I Locations — Motor Fuel Dispensing Facilities

Location	Class I, Group D Division	Extent of Classified Location ¹
Underground Tank		
Fill opening	1	Any pit or box below grade level, any part of which is within the Division 1 or Division 2, Zone 1 or Zone 2 classified location
	2	Up to 450 mm (18 in.) above grade level within a horizontal radius of 3.0 m (10 ft) from a loose fill connection and within a horizontal radius of 1.5 m (5 ft) from a tight fill connection
Vent — discharging upward	1	Within 900 mm (3 ft) of open end of vent, extending in all directions
	2	Space between 900 mm (3 ft) and 1.5 m (5 ft) of open end of vent, extending in all directions
Dispensing Device^{2,3} (except overhead type) ³		
Pits	1	Any pit or box below grade level, any part of which is within the Division 1 or Division 2, Zone 1 or Zone 2 classified location
Dispenser	1	FPN: Space classification inside the dispenser enclosure is covered in ANSI/UL 87-1995, <i>Power Operated Dispensing Devices for Petroleum Products</i> .
	2	Within 450 mm (18 in.) horizontally in all directions extending to grade from the dispenser enclosure or that portion of the dispenser enclosure containing liquid-handling components FPN: Space classification inside the dispenser enclosure is covered in ANSI/UL 87-1995, <i>Power Operated Dispensing Devices for Petroleum Products</i> .
Outdoor	2	Up to 450 mm (18 in.) above grade level within 6.0 m (20 ft) horizontally of any edge of enclosure
Indoor with mechanical ventilation	2	Up to 450 mm (18 in.) above grade or floor level within 6.0 m (20 ft) horizontally of any edge of enclosure
	2	Up to 450 mm (18 in.) above grade or floor level within 7.5 m (25 ft) horizontally of any edge of enclosure
Dispensing Device³ Overhead type ³	1	The space within the dispenser enclosure, and all electrical equipment integral with the dispensing hose or nozzle
	2	A space extending 450 mm (18 in.) horizontally in all directions beyond the enclosure and extending to grade
	2	Up to 450 mm (18 in.) above grade level within 6.0 m (20 ft) horizontally measured from a point vertically below the edge of any dispenser enclosure
Remote Pump — Outdoor	1	Any pit or box below grade level if any part is within a horizontal distance of 3.0 m (10 ft) from any edge of pump
	2	Within 900 mm (3 ft) of any edge of pump, extending in all directions. Also up to 450 mm (18 in.) above grade level within 3.0 m (10 ft) horizontally from any edge of pump
Remote Pump — Indoor	1	Entire space within any pit
	2	Within 1.5 m (5 ft) of any edge of pump, extending in all directions. Also up to 900 mm (3 ft) above grade level within 7.5 m (25 ft) horizontally from any edge of pump

20 foot clearance

Table 514.3(B)(1) Continued

Location	Class I, Group D	
	Division	Extent of Classified Location ¹
Lubrication or Service Room — Without Dispensing	2	Entire area within any pit used for lubrication or similar services where Class I liquids may be released
	2	Area up to 450 mm (18 in.) above any such pit and extending a distance of 900 mm (3 ft) horizontally from any edge of the pit
	2	Entire unventilated area within any pit, belowgrade area, or subfloor area
	2	Area up to 450 mm (18 in.) above any such unventilated pit, belowgrade work area, or subfloor work area and extending a distance of 900 mm (3 ft) horizontally from the edge of any such pit, belowgrade work area, or subfloor work area
	Unclassified	Any pit, belowgrade work area, or subfloor work area that is provided with exhaust ventilation at a rate of not less than 0.3 m ³ /min/m ² (1 cfm/ft ²) of floor area at all times that the building is occupied or when vehicles are parked in or over this area and where exhaust air is taken from a point within 300 mm (12 in.) of the floor of the pit, belowgrade work area, or subfloor work area
Special Enclosure Inside Building ⁴	1	Entire enclosure
Sales, Storage, and Rest Rooms	Unclassified	If there is any opening to these rooms within the extent of a Division 1 location, the entire room shall be classified as Division 1
Vapor Processing Systems Pits	1	Any pit or box below grade level, any part of which is within a Division 1 or Division 2 classified location or that houses any equipment used to transport or process vapors
Vapor Processing Equipment Located Within Protective Enclosures FPN: See 10.1.7 of NFPA 30A-2003, <i>Code for Motor Fuel Dispensing Facilities and Repair Garages</i> .	2	Within any protective enclosure housing vapor processing equipment
Vapor Processing Equipment Not Within Protective Enclosures (excluding piping and combustion devices)	2	The space within 450 mm (18 in.) in all directions of equipment containing flammable vapor or liquid extending to grade level. Up to 450 mm (18 in.) above grade level within 3.0 m (10 ft) horizontally of the vapor processing equipment
Equipment Enclosures	1	Any space within the enclosure where vapor or liquid is present under normal operating conditions
Vacuum-Assist Blowers	2	The space within 450 mm (18 in.) in all directions extending to grade level. Up to 450 mm (18 in.) above grade level within 3.0 m (10 ft) horizontally

¹For marine application, *grade level* means the surface of a pier extending down to water level.

²Refer to Figure 514.3 for an illustration of classified location around dispensing devices.

³Ceiling mounted hose reel.

⁴FPN: See 4.3.9 of NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Garages*.

SEPN: Area classification inside the dispenser enclosure is covered in ANSI/UL 87-1995, *Power-Operated Dispensing Devices for Petroleum Products*. [30A: Table 8.3.1]

Table 514.3(B)(2) Electrical Equipment Classified Areas for Dispensing Devices

Dispensing Device	Extent of Classified Area	
	Class I, Division 1	Class I, Division 2
Compressed natural gas	Entire space within the dispenser enclosure	1.5 m (5 ft) in all directions from dispenser enclosure
Liquefied natural gas	Entire space within the dispenser enclosure and 1.5 m (5 ft) in all directions from the dispenser enclosure	From 1.5 m to 3.0 m (5 ft to 10 ft) in all directions from the dispenser enclosure
Liquefied petroleum gas	Entire space within the dispenser enclosure; 450 mm (18 in.) from the exterior surface of the dispenser enclosure to an elevation of 1.2 m (4 ft) above the base of the dispenser, the entire pit or open space beneath the dispenser and within 6.0 m (20 ft) horizontally from any edge of the dispenser when the pit or trench is not mechanically ventilated.	Up to 450 mm (18 in.) aboveground and within 6.0 m (20 ft) horizontally from any edge of the dispenser enclosure, including pits or trenches within this area when provided with adequate mechanical ventilation.

[30A: Table 12.6.2]

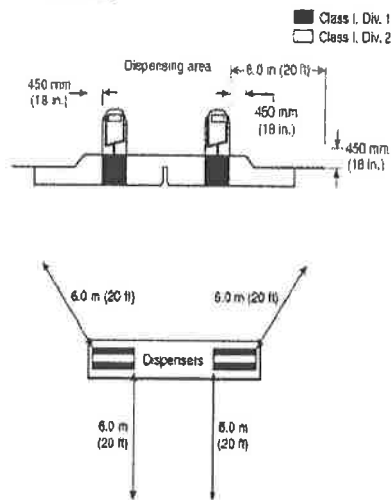


Figure 514.3 Classified Areas Adjacent to Dispensers as Detailed in Table 514.3(B)(1). [30A: Figure 8.3.1]

514.4 Wiring and Equipment Installed in Class I Locations. All electrical equipment and wiring installed in Class I locations as classified in 514.3 shall comply with the applicable provisions of Article 501.

Exception: As permitted in 514.8.

FPN: For special requirements for conductor insulation, see 501.20.

514.7 Wiring and Equipment Above Class I Locations. Wiring and equipment above the Class I locations as classified in 514.3 shall comply with 511.7.

514.8 Underground Wiring. Underground wiring shall be installed in threaded rigid metal conduit or threaded steel intermediate metal conduit. Any portion of electrical wiring that is below the surface of a Class I, Division 1, or a Class I, Division 2, location [as classified in Table 514.3(B)(1) and Table 514.3(B)(2)] shall be sealed within 3.05 m (10 ft) of the point of emergence above grade. Except for listed explosionproof reducers at the conduit seal, there shall be no union, coupling, box, or fitting between the conduit seal and the point of emergence above grade. Refer to Table 300.5.

Exception No. 1: Type MI cable shall be permitted where it is installed in accordance with Article 332.

Exception No. 2: Rigid nonmetallic conduit shall be permitted where buried under not less than 600 mm (2 ft) of cover. Where rigid nonmetallic conduit is used, threaded rigid metal conduit or threaded steel intermediate metal conduit shall be used for the last 600 mm (2 ft) of the underground run to emergence or to the point of connection to the aboveground raceway, and an equipment grounding conductor shall be included to provide electrical continuity of the raceway system and for grounding of non-current-carrying metal parts.

514.9 Sealing.

(A) **At Dispenser.** A listed seal shall be provided in each conduit run entering or leaving a dispenser or any cavities or enclosures in direct communication therewith. The sealing fitting shall be the first fitting after the conduit emerges from the earth or concrete.

(B) **At Boundary.** Additional seals shall be provided in accordance with 501.15. Sections 501.15(A)(4) and (B)(2) shall apply to horizontal as well as to vertical boundaries of the defined Class I locations.

514.11 Circuit Disconnects.

(A) **General.** Each circuit leading to or through dispensing equipment, including equipment for remote pumping systems, shall be provided with a clearly identified and readily accessible switch or other acceptable means, located remote from the dispensing devices, to disconnect simultaneously from the source of supply, all conductors of the circuits, including the grounded conductor, if any.

Single-pole breakers utilizing handle ties shall not be permitted.

(B) **Attended Self-Service Motor Fuel Dispensing Facilities.** Emergency controls as specified in 514.11(A) shall be installed at a location acceptable to the authority having jurisdiction, but controls shall not be more than 30 m (100 ft) from dispensers. [30A:6.7.1]

(C) **Unattended Self-Service Motor Fuel Dispensing Facilities.** Emergency controls as specified in 514.11(A) shall be installed at a location acceptable to the authority having jurisdiction, but the control shall be more than 6 m (20 ft) but less than 30 m (100 ft) from the dispensers. Additional emergency controls shall be installed on each group of dispensers or the outdoor equipment used to control the dispensers. Emergency controls shall shut off all power to all dispensing equipment at the station. Controls shall be manually reset only in a manner approved by the authority having jurisdiction. [30A:6.7.2]

FPN: For additional information, see 6.7.1 and 6.7.2 of NFPA 30A-2008, *Code for Motor Fuel Dispensing Facilities and Repair Garages*.

514.13 Provisions for Maintenance and Service of Dispensing Equipment. Each dispensing device shall be provided with a means to remove all external voltage sources, including feedback, during periods of maintenance and service of the dispensing equipment. The location of this means shall be permitted to be other than inside or adjacent to the dispensing device. The means shall be capable of being locked in the open position.

514.16 Grounding and Bonding. All metal raceways, the metal armor or metallic sheath on cables, and all non-current-carrying metal parts of fixed portable electrical equipment, regardless of voltage, shall be grounded and bonded. Grounding and bonding in Class I locations shall comply with 501.30.

EXHIBIT M

DPW ORDER NO: 182012

ADDRESS: 301 26th Avenue

(58A)

4 protests were received for this site.

Box walk was held on November 15, 2013.

2 protesters showed up for the box walk.

Concerns expressed by the protesters:

- Ugly
- Impedes travel on a public sidewalk
- Impedes the entering and exiting of passengers from automobiles parked adjacent to the structure
- Affects property values
- Will attract trash

The 2 community neighbors and AT&T representatives walked the immediate vicinity to look for possible alternate locations.

One site was identified at 291 26th Avenue, along a blank wooden fence near the NW corner of the intersection at 26th Avenue and California Street. The site is diagonally across the street from the existing SAI.

AT&T agreed to take the site back for review.

Other matters discussed with the community members:

- AT&T's commitment to graffiti abatement
- Greening and Screening
- The municipal process
- AT&T's technical requirements

AT&T has looked at the proposed alternate site and DOES find the site acceptable. It meets the technical requirements of AT&T.

The site at 301 26th Avenue meets the criteria of EXHIBIT B SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES and those of AT&T.

The proposed alternate site at 291 26th Avenue, meets the technical requirements of AT&T and the criteria of EXHIBIT B SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES.

HD 6/25/14

City and County of San Francisco



Edwin M. Lee, Mayor
Mohammed Nuru, Director

FILE

San Francisco Department of Public Works
Office of the Deputy Director & City Engineer, Fuad Sweiss
Bureau of Street-Use and Mapping
1155 Market St., 3rd Floor
San Francisco, CA 94103
(415) 554-5810 ■ www.sfdpw.org



Jerry Sanguinetti, Bureau Manager

June 19, 2014

Ann Lazarus, President
Arcelia Hurtado, Vice President
Frank Fung, Commissioner
Darryl Honda, Commissioner
Chris Hwang, Commissioner
Board of Appeals
City and County of San Francisco
1650 Mission, Room 304
San Francisco, CA 94103

BOARD OF APPEALS

JUN 19 2014

APPEAL # 14-079

Re: Appeal No. 14-079 for Utility Excavation permit number 14EXC-1497 (14SMF-2144)

Dear: President Lazarus, Vice President Hurtado, and Commissioners Fung, Honda, and Hwang:

The City and County of San Francisco ("City") Department of Public Works ("DPW") submits this response to Mr. George Choppela's appeal to DPW's approval of AT&T's application for excavation permit 14EXC-1497 to install a surface-mounted facility ("SMF") in the vicinity of 301 26th Avenue. DPW's response to the appellant's brief is outlined as follows:

- A. The Appellant disagrees with the Department that 301 26th Avenue is a properly permitted site due to the fact that the location will create a hazardous obstruction, exacerbate an existing illegal dumping situation, and will add to the excessive electro-magnetic pollution.**



The proposed location is at the corner of 26th Avenue and California Street. The site was evaluated to determine whether it would unreasonably affect the path of travel or whether it would have sufficient clearances to existing street furniture. The Department has properly evaluated the proposed site in the vicinity of 301 26th Avenue and has determined that it meets Surface Mounted Facility (SMF) guidelines Exhibit B (Exhibit 1) including the required clearances to existing utility facilities and buildings.

B. Two alternate sites, the gas station at the corner of 25th Avenue and California Street, and 291-26th Avenue were identified during a “box walk” conducted by AT&T on November 15, 2013. These two sites were provided to the DPW Hearing officer at the DPW Hearing held on January 13, 2014.

- 1.) AT&T's asserts that the gas station on the corner of 25th Avenue and California does not comply with Article 514, “Motor Fuel Dispensing Facilities” of the California Electrical Code. However, upon further evaluation by DPW, the Code is only related to installations that are considered a Motor Fuel Dispensing Facility. Since the cabinet is not a Motor Fuel Dispensing Facility and is meant to provide data services, DPW is uncertain whether the Code actually applies in this situation. Nevertheless, the site fronting the gas station is not a feasible site because there are existing underground facilities which would prevent the installation of the cabinet and it also does not meet the 40-inch required clearances to any above-ground structures (Exhibit 2).
- 2.) The Department agrees that the Hearing Officer did provide the alternate location in the vicinity of 291 26th Avenue but was not included in the Director's Decision. Upon further review of this site, DPW does find that it complies with the SMF technical requirements in Exhibit B. The site fronts the side of a rear yard fence to a corner lot property. There are no windows or

building entrances that would be blocked by proposal of this alternate location.

In conclusion, the Department believes that it has issued the SMF application appropriately and within the DPW SMF guidelines.

Sincerely,



Carla Short
Deputy Bureau Manager
Bureau of Street-use and Mapping

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.**

City and County of San Francisco

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Edwin M. Lee, Mayor
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

DPW Public Hearing 1/13/2014

20-Day Report: investigation of alternate sites to the proposed AT&T Surface Mounted Facility location at 301 26th Avenue (13SMF-0265)

Proposed Alternate Location: Gas station at corner of 25th Avenue and California Street

AT&T Analysis:

AT&T investigated the alternate site brought forth at the box walk and hearing and found the following: It appears that the alternate location at the gas station on the South/West corner of 25th Avenue and California Street is not acceptable under ARTICLE 514 – MOTOR FUEL DISPENSING FACILITIES of the California Electrical Code. There is a minimum 20 feet (20') separation between proposed VRAD and existing gas station gas storage tanks, thus making this site unacceptable under the California Electrical Code. This requirement is stated in ARTICLE 514- MOTOR FUEL DISPENSING FACILITIES under Dispensing Device: Outdoor: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. AT&T did not identify any AT&T technical issues that would make these sites unacceptable.

DPW Response:

DPW wanted to understand Article 514 for our knowledge and found this:

Definition of a Motor Fuel Dispensing Facility (514.2):

That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

Classification of Locations (514.3):

There are two types of classifications and 2 subtypes:

A. Unclassified

- Where the authority having jurisdiction can satisfactorily determine that flammable liquids having a flash point below 38°C (100°F), such as gasoline, will not be handled, such location shall not be required to be classified.

B. Classified

- Class 1: ~~Table 514.3(B)(1)~~ shall be applied where Class I liquids are stored, handled, or dispensed and shall be used to delineate and classify motor fuel dispensing facilities and commercial garages as defined in ~~Article 511, Table 513.3~~ shall be used for the purpose of delineating and classifying aboveground tanks. A Class I location shall not extend beyond an unpierced wall, roof, or other solid partition.
- Class 2: ~~Table 514.3(B)(2)~~ shall be used to delineate and classify areas where compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied petroleum gas (LPG) is stored, handled, or dispensed. Where CNG or LNG dispensers are installed beneath a canopy or enclosure, either the canopy or the enclosure shall be designed to prevent accumulation or entrapment of ignitable vapors, or all electrical equipment installed beneath the canopy or enclosure shall be suitable for Class I, Division 2 hazardous (classified) locations. Dispensing devices for liquefied petroleum gas shall be located not less than 1.5 m (5 ft) from any dispensing device for Class I liquids.

Full article can be found here: <https://www.inkling.com/read/nipa-national-electrical-code-handbook-2011/chapter-5/article-514-motor-fuel>

It appears that a VRAD may not be considered a Motor Fuel Dispensing Facility because it does not dispense fuel.



Also, what does "Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure. With mechanical ventilation and gravity ventilation: Up to 450 mm (18 in.) above grade level within 6.0 m (20ft.) horizontally of any edge of enclosure." actually mean? Please provide clarity on this code and specifically the reference to 18 in.

AT&T Analysis:

In response, AT&T had a site at 1851 Taraval Street where a cabinet was placed. During the electrical inspection, the inspector (Dave Fross, Inspector for the Building Department) advised AT&T the cabinet could not be placed in the vicinity of the gas station. The cabinet had already been built. AT&T had to remove the cabinet (at our expense), and find a new location for it. He referred AT&T to Article 514 which talks about the placement of electrical structures/devices and the distances that are needed between the electrical devices/structures, and the gas tanks and the fuel dispensing units.

AT&T still takes the stance that the location at the gas station is not an acceptable site per Article 514. However, AT&T has not identified any technical issues that would make this site unacceptable.

DPW Response:

DPW reviewed the documents provided and still disagree on the use of Article 514 to justify that it is acceptable to AT&T to place a surface-mounted facility fronting the gas station. Gas stations utilize various mechanical and electrical equipment which do not pose a greater threat than a VRAD SMF.

After investigating the potential of locating a surface-mounted facility fronting the gas station, there appears to be only one location on the 25th Avenue frontage, in between two trees. However, there is a utility handhole at this location which will void the possibility of placing any surface-mounted facility there.

Therefore, it is the conclusion that it is not feasible to place a surface-mounted facility fronting the gas station based on existing utilities.

DPW will forward this along to the hearing officer so he can make his recommendation.

HD 6/28/14

FILE

Sara A. Roepke
303 26th Ave
San Francisco, Ca 94121

BOARD OF APPEALS

JUN 13 2014

APPEAL # 14-079

6/10/2014

Board of Appeals
1650 Mission St. #304
SF CA 94103

RE: Appeal No. 14-079; 301 26th Ave

Dear Board of Appeals,

My husband, infant son, and I currently reside at 303 26th avenue. Today I received a notice stating that AT&T will begin excavation in front of my home so as to install a new cabinet at "301" 26th directly in front of my apartment. The construction is scheduled to start on 6/12, and conclude on 6/27. I was particularly shocked to hear this news because this work has been strongly contested by residence, and, is scheduled to be the topic of an appeal hearing on June 25th. I'm confused as to how the how AT&T can begin construction on a project that is currently in the appeals process and look to the Board of Appeals for guidance. It's my understanding that the city has specific steps in place which prohibit any construction project from beginning until all appeals have been concluded and a final decision has been made. As the resident in closest proximity to the electronic cabinet I'd like to voice my objections to this AT&T cabinet for the following reasons:

1. AT&T is clearly not concerned with abiding by city regulations or established approval processes. The fact that AT&T has scheduled construction on the project to begin 13 days PRIOR to the calendared appeal hearing, and then conclude 2 days after the appeal, shows the company's complete disregard for city approval process and residence rights to have their voices heard. **I think it's more than reasonable to demand that AT&T follow established approval processes, and, be denied the ability to move forward with this project for so blatantly failing to do so.**
2. There is already a serviceable PG&E box on the telephone pole directly outside of my window on the corner of 26th and, less than 15 feet from the AT&T's planned serviceable location. The corners in question are quite small, and, adding an additional serviceable box owned by another private company creates logistical challenges with coordinating installations, repairs, etc. There is simply not room for both companies to attend to their boxes in tandem, and, I have zero confidence that AT&T and PG&E will make a practice of calling each other before moving forward with standard updates. This poses an additional problem if both companies have outages or emergencies at this location during the same time frame. Which company holds precedence? Is it the city's obligation

to mediate? We've already had a live wire drop in the street this year requiring PG&E's swift and unplanned attention. There's a clear and acute need to make sure that the PG&E box can always be attended to without logistical maneuvering. The fact that AT&T has planned to begin initial construction on a suspended permit prior to concluding the appeals process, reaffirms my concerns mentioned above and blatantly illustrates AT&T's inability to effectively manage construction and servicing logistics within a shared space.

3. AT&T has also posted signs stating they plan to begin construction at 291 26th directly across the street. There is already an existing box directly across from 291 26th ave, and yet another one proposed on 27th avenue. With the high number of boxes already proposed in the near vicinity it makes little sense to put an additional one on my cluttered corner as well. Perhaps the proposed "progress" should be re-evaluated if a box is required on every corner of the neighborhood in order to provide effective service. Comcast currently provides competitive services to this same area and beyond without the blight of boxes on every corner, and, I fail to see why AT&T would be unable to follow suite.
4. I have an infant son and am concerned about adding additional electronic equipment directly in front of my house. If indeed boxes are needed in the closely clustered fashion outlined, I want to again assert that there is a PG&E box already immediately in front of my living room window. I feel it's fair to request that we leave my family in peace and distribute further construction, and concentrated electrical boxes amongst other corners in the neighborhood. Planned and proposed locations at 291 26th Avenue and, on 27th Avenue both easily ensure that the logistical challenges mentioned in point two can be avoided completely, and allow me and my family to avoid being the sole residents in our community flanked by both PG&E and AT&T serviceable boxes, burdened on all sides of our apartment. No such boxes are planned on Lake Street, one block down, and amongst the multi-million dollar single family residences. I find it disappointing that this type of infrastructure is clustered around my tiny apartment alone, have concerns for my infant son, and, am merely asking to share the burden amongst the community.

In conclusion I want to again point out my opposition to this AT&T box at "301" 26th Ave based on the following:

- a. AT&T has clearly disregarded city regulations and approval process by planning to begin construction at "301" 26th with a start date of 6/12, using a suspended permit, and disregarding the 6/25 hearing date.
- b. The corner in question already has existing serviceable infrastructure, there is no need to add more to this same location.
- c. An "upgrade" that requires extra construction and an unreasonable number of boxes to do what competitors already effectively accomplish without such burdens is a hindrance to the community, not a benefit.

- d. I have an infant son and do not want him to be flanked by electrical boxes on all sides of his home. Such burdens should be shared across the community, not clustered around my home alone.

I feel this is a reasonable request and implore the Board of Appeals to rule that AT&T moves forward with another logistically feasible location, fully vetted through proper channels, shared through the community, and a planned construction that takes place only after all appeals are concluded.

Thank you for your time and consideration. I trust the Board of Appeals to consider my concerns outlined above and move the box to a location that better suits PG&E, AT&T and the community's collective needs as "301" 26th Avenue is clearly not the most effective or ideal location for the proposed AT&T box.

My husband, child, and I, thank you for your help with this challenge!

Sara Roepke

**TOW-AWAY
NO STOPPING**

AE

8 AM 5 PM

DATE MON TO SAT

6/12/14 6/27/14 AT&T WORK
W VC

650 364 9464

NAME OF CONTRACTOR & PHONE NUMBER

**CONSTRUCTION
ZONE**

FOR TOWED VEHICLES CALL: 415-553-1235

SF ★ PD

SEC.-22651M C.V.C

PT

CONSTRUCTION NOTICE

AT&T California will have its contractor, West Valley Construction, perform excavation work at the intersection of California and 26th Ave.

This work will involve trenching in the sidewalk and street to install new conduit in order to improve service in your neighborhood.

Our anticipated start date is:
06/12/14

Our anticipated completion
date is: 06/27/14

Parking will be affected, please pay attention to the dates and hours shown on Tow Away signs posted on the street.

City of SF Excavation Permit Number: 14EXC-2144

Owner:

AT&T California
6150 3rd Street, SF
Phone: (925) 426-3766

Contractor:

West Valley Construction
609 Hurlingame Ave. Redwood City
Mobile: 415-286-1019
Office: 650-364-9464

AD 6/23/14

FILTS

Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 4:40 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

BOARD OF APPEALS

JUN 19 2014

APPEAL # 14-079

Dear Commissioners,

When I received AT&T's Notice Of Intent to install a VRAD cabinet in front of the apartment building in which I reside, I was dismayed that such a large, unsightly box could legally be installed on the public sidewalks. In order to respond to appropriately to this sad prospect, I set about informing myself about the relevant regulations, laws, and history that led to AT&T's ability place these VRAD's on the sidewalks of San Francisco.

Exhibit #1:

As I gathered information, it immediately became clear that the DPW permitting process for SMF's was so ambiguous and flawed that AT&T was allowed to proceed with little or no accountability. For example, DPW Order 175,566 explains what the SMF applicant must do to in order to obtain a permit: Pages 4-7 discuss the preliminary steps needed before DPW will grant a site visit. However, #3 on page 5 allows the permittee to continue the process without a site visit. In other words, the applicant is seen as an disinterested and objective arbiter of the best available site and allowed to continue the permit process without any input from DPW. If DPW guideline h. on page 5 concerning collocation had been followed, AT&T would have placed their SMF directly adjacent to the Cross-Connect box at 296 26th. (I discussed this location with Julian Chang during my Box walk, and Mr. Chang acknowledged that there was space next to the Cross-Connect box for the VRAD and that no technical considerations made that location unacceptable.) Again the absence of a DPW site visit makes many other DPW regulations meaningless-most, notably the regulations that envision that DPW will safeguard the aesthetics of the neighborhood (#20, #21 page16) by requiring that SMFs be screened by landscaping.

I was also confused by the direct contradictions I encountered between DPW regulations and AT&T's "informational" website for San Francisco residents. For example, DPW regulations state that SMF applicants should make a good faith attempt to located the smf on private property before exploring locations on sidewalks. Yet AT&T website, <http://ipnetwork4sf.att.com/our-plan/>, contradicts this requirement by stating that "Our first option will always be the public right of way adjacent to the existing cross connect cabinet."

However, as I discovered, AT&T does not follow it's own stated procedures. Consequently, it's impossible to know what motivates the locations they choose. AT&T's website, moreover, is full of inaccuracies and misrepresentations. The size of AT&T's VRADS and the stated intention to conduct a neighborhood "site walks" before applying for a permit are just two examples of disinformation that has not been corrected for 3 or more years.

Exhibit#2 #3:

Nonetheless, I attempted to work with AT&T to find an alternate location for their VRAD cabinet. I adjusted my schedule in order to attend the "Box walk" at the time that AT&T dictated. I received an email from Marc Blakeman on 10/24/13 that led me to believe that some of the technical questions I had would be addressed by the AT&T Community Outreach team and the Construction & Engineering team during the box walk that Mr. Blakeman told me would be at the box walk. (No one from the Construction & Engineering team was present at the box walk.)

Exhibit #3:

I proactively tried to clarify some of the confusion caused by the aforementioned contradictions in my November 2013 emails to DPW and to AT&T. First, I wanted to know what Mr. Blakeman meant when he stated in his email notifying Richmond community leaders that "298 26th Avenue and 292 25th Avenue (Outer Richmond) - to be combined together." Please note that DPW regulations and AT&T's MOU require AT&T to provide the address of proposed SMF's to the relevant community organizations. No community organizations were notified about "301-26th Avenue". I didn't receive a response to my question until the box walk on 11/15/13. During the box walk, Julian Chang was prompted by Lynn to address

my question. He told me that in August 2013, AT&T decided against combining the two cabinets.

Exhibit#4

Mr. Chang's response to my question was soon contradicted by Mr. Blakeman's 11/18/13 email indicating that AT&T indeed planned to use one VRAD (located at 301 26th Avenue) to service the cross connect boxes at 298-26th Avenue and 292-25th Avenue. Please note that the 301-26th Avenue is approximately 400 ft. away from 292-25th Avenue. The fact that this "combining" was or is now being planned contradicts the most important limitation AT&T uses to justify the placement of their VRAD's.

Exhibit#5, #6

On November 21, 2013, Mr. Chang emailed "an acknowledgement of meeting on 11/15/13" to me and Mr. Choppelas. This email did not accurately represent what had been discussed during our meeting, nor did it address whether AT&T's VRAD was or was not going to combine with two cross connect boxes. I was not able to reply to Mr. Chang's email until January 11, 2014. I thought it was important to document what was discussed during the box walk and not let Mr. Chang's version of the box walk go unchallenged. No one from AT&T has responded to this email.

I need to close this narrative of events now because of time constraints. I will have to present other relevant facts at the BOA hearing on 6/25/14.

Thank you for your attention,
Hilda

Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 4:51 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

----- Forwarded Message -----

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
To: Julian Chang <jc4919att@gmail.com>; George Choppelas <gchoppelas@yahoo.com>; "Raymondsnf@aol.com" <Raymondsnf@aol.com>; "eric.l.mar@sfgov.org" <eric.l.mar@sfgov.org>; "Peter.Lauterborn@sfgov.org" <Peter.Lauterborn@sfgov.org>; Arianna Urban <arianna.urban@sfdpw.org>; "Frank.W.Lee@sfdpw.org" <Frank.W.Lee@sfdpw.org>; "Lynn.Fong@sfdpw.org" <Lynn.Fong@sfdpw.org>; "mb3878@att.com" <mb3878@att.com>
Sent: Saturday, January 11, 2014 10:11 PM
Subject: Re: AT&T acknowledgement of meeting on 11/15/13

Hello Mr. Chang,

When I received your email (below), it was clear to me that you did not accurately summarize what was discussed during our meeting on 11/15/13. Much more was said during our meeting than your email indicates. It wasn't possible for me to reply sooner due to illness and the holidays. Now, in the new year, I finally have time to write a detailed response to your email.

I want to clarify what was said during our meeting on 11/15. During the meeting, I suggested that you should consider placing the "VRAD" (aka U-verse) cabinet on the property of the "76" gas station on the southwest corner of California and 25th Ave. Indeed, you said it might be possible to purchase an easement, and you noted a cement platform at the edge of the property that would be a good location to mount the cabinet. Ms. Sousa said that there were federal regulations about how close the VRAD cabinet could be to the gas storage tanks, so it was necessary to obtain that information and measure the distance of the platform from the tanks. I repeated that I thought this would be the best location for the cabinet because a giant metal box would not be such an eyesore in the rear corner of the gas station. Indeed, the material and form of the VRAD cabinets is more or less consistent with the architecture of the gas station.

Did you follow up and contact someone from the gas station? I think it's important that you make every effort to find out if you can purchase an easement for your VRAD cabinet within the property of the gas station. The SF-DPW regulations for surface mounted facilities clearly states that applicants for a surface mounted facility permit make "a good faith effort" to locate the SMF on private property. The fact that you did not explore this possibility before submitting the application for a permit at 301-26th Avenue is very disappointing. Is AT&T obligated to follow all of SF-DPW regulations for SMFs? Can you clarify which SF-DPW regulations regarding SMFs are applicable to AT&T's VRAD cabinets?

I later took the time to walk around the gas station to see if there were more possible locations. The gas station sits on a large lot and there are several large areas adjacent to the main building that would be ideal for mounting your cabinet. It's very likely that there is a space suited for the VRAD box that is far enough away from the gas storage tanks. You would have 24/7 access, and you wouldn't be creating an unsightly obstacle on the public rights-of-way that significantly degrades the streetscape of this neighborhood

During our meeting, you also responded to the email I sent to several AT&T representatives on 11/12/13. I had not received any response to my email when we met on 11/15/13. In that

email, I had asked what Mr. Blakeman meant when he wrote to Richmond District community leaders about proposed VRAD locations in July 2013 that "298-26th Avenue and 292-25th Avenue—to be combined together," and why he did not inform these same people when AT&T decided to place the VRAD box at 301-26th Avenue. About 15 minutes into our meeting, Ms. Sousa prompted you to address the questions posed in my email. You carefully explained that AT&T was originally considering using one VRAD cabinet for both of the cross connect boxes at 298-26th Avenue and 292-25th Avenue, but this option was dropped in August 2013. The VRAD cabinet proposed for 301-26th Ave would only be connected to the cross-connect box at 298 26th Avenue. Although you were very clear about the fact that using one VRAD box for two cross connect boxes was no longer an option for AT&T. I didn't want there to be any ambiguity, so I asked again if the VRAD box you intended for 301-26th Avenue might possibly be used to accommodate the two cross-connect boxes noted. You replied emphatically that that option had been eliminated and was no longer being considered.

One of the reasons I felt the need to make sure there was no misunderstanding is because the proposed dimensions of the VRAD box intended for 301-26th Avenue are unusually large. According to AT&T's own website: VRAD cabinets installed in San Francisco will have dimensions of 48" tall, 26" deep, and a **maximum width of 51.7"**. In contrast, the box intended for 301-26th Avenue measures 48" tall, 26" deep, and **59" wide** which significantly exceeds your stated maximum. Indeed, the dimensions for the cement slab for this VRAD, as noted only in your DPW application packet, are 72"X38"X6". This makes the foot print for the VRAD described in your application a total of 6 feet wide and over 3 feet deep! The larger size of this VRAD suggests that it may be configured for a slightly different function than the other smaller VRAD cabinets installed in San Francisco.

I don't know if you were misinformed about plans to "combine" or link two cross-connect boxes to this particular VRAD or if you had another motive for telling me that the cross-connect boxes would not be combined. In any case, Marc Blakeman sent me an email on 11/18/13 that seems to directly contradict your explanation on 11/15. Even though Mr. Blakeman's email does not actually state that AT&T will be using the VRAD cabinet proposed for 301-26th Avenue for both of the noted cross-connect boxes, he definitely indicates that this is and has always been AT&T's plan.

In addition to the miscommunication regarding the combining of the cross-connect boxes, I had been informed by Marc Blakeman (via email forwarded by Louis Cuadra) that "representatives from the AT&T Community Outreach and **Construction and Engineering** teams will be available to meet with you to answer any questions or concerns you may have on Friday, November 15". I naively expected that construction and engineering experts would be able to give me accurate information about the alternative locations I wanted to propose for the VRAD box. I also looked forward to having 300 feet measured out in the context of this neighborhood. When I asked where the construction and engineering representatives were, you looked down and mumbled that they weren't going to be there. If I had know that no one from AT&T would be present to provide accurate measurements, I would have been prepared to do it. Instead, I was unprepared because I was misled by Mr. Blakeman's email.

I suspect that AT&T never planned to have anyone other than yourself and Ms. Sousa present at our meeting. I've read about other AT&T meetings with San Francisco residents who protested permits for the VRAD/U-verse boxes. You and Ms. Sousa are the only AT&T representatives described or quoted at these meetings. Have there ever been any meetings with SF residents in which representatives from each of these AT&T teams were present? The absence of construction and engineering experts was compounded by the fact that you had no measuring instruments. When discussing possible placement of the VRAD on the far side of the gas station, you estimated the distance from the cross-connect box as more than 300 feet. I estimated that the distance was within 300 feet, but the inability to measure distances accurately meant that I had to rely on your estimates. Ultimately, this kind of ambiguity marked the entire meeting and made it very uncomfortable for me.

Although you and Ms. Sousa were certainly courteous and friendly, you both failed to give me complete information. First you readily acknowledged that the gas station might be a good

location, yet Ms. Sousa's comment that the location of gas tanks might be prohibitive effectively ended that discussion. I was at a disadvantage because I had no information about federal regulations. If you had been open to finding an alternative solution, we could have walked into the gas station and asked about the location of the gas tanks to get a better sense of where a VRAD cabinet might be placed. I also suggested that the VRAD be placed adjacent to the Muni shelter which is in front of the gas station on the south side of California Street. In that location, the VRAD box could be integrated into the bus stop and perhaps serve as a bench or support while residents wait for the bus. You responded that DPW regulations require SMFs to be placed at least 60 feet from the Muni shelter. That objection was misleading because it is only partially true. You ignored the part of the DPW regulations that actually support the location I suggested. The regulations actually say that "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.**"

All of my suggestions for alternative locations were met with objections that were either inaccurate or needed to be researched. If your goal was to direct attention away from possible alternative locations, you could not have been more successful. It's clear that San Francisco residents need to be armed with a thorough understanding of all applicable local, state, and federal codes when meeting with AT&T representatives. However, it is unfair to expect residents to gather all the relevant information and to be able to quickly point out where these regulations contradict your statements. An impartial and informed DPW representative needs to be present at these meetings to make sure that the communication between residents and AT&T is clear and accurate.

After objecting to my suggestions for placing the VRAD in the more commercial area of 25th Avenue and California Street had been stonewalled, you deftly directed us back to the residential area of 26th Avenue and California Street. I asked about placing the VRAD box directly adjacent to the existing cross-connect box at 298-26th Avenue. Here, I completely agree with your objection that the residents of 290-296 26th Avenue should not have to face yet another giant AT&T box directly in front of the entrance to their building every day.

Since AT&T theoretically allows the VRAD cabinet to be placed up to 300 feet from the cross-connect box to which it is paired, I then suggested that we walk down 26th Ave. toward Lake St. or up California St. toward 27th Ave to search for any locations where the box might not be so damaging to the aesthetics of this neighborhood. You declined saying that would take us "too far away." Too far away from what Mr. Chang? From the cross-connect box at 298-26th Avenue that you repeatedly said would not be combined with the cross-connect box at 292-25th Ave. It's only too far away if you knew that the VRAD box proposed for 301-26th Ave. would also have to be paired with the cross-connect box at 25th Ave. In this case, you can't go further than the intersection of 26th Ave. and California ST. which is probably 300 yards or more from the cross-connect box at 25th Ave.

By this time, I was getting very tired and could see that my suggestions would be evaded or dismissed. You then wanted to look at the west side of 26th Ave at 291-26th Ave.—more or less across the street from the cross-connect box at 298-26th Ave. There you found an area that you said might be workable although you had to check if there were any utility lines close by. I suspected that this location would not be approved and that you were proposing it only as an empty gesture of compromise in order to end the meeting. In any case, I didn't consider it a solution. I don't feel that moving the VRAD cabinet away from the building where I reside, and placing it across the street where it would have more or less the same negative impact on the neighborhood is a worthwhile outcome. But I agreed to end the meeting with the understanding that AT&T would check out this location and report the findings to me and Mr. Choppelas. I felt

that it was useless to continue, and I knew I needed to gather more information about all the applicable regulations before discussing the issue further with AT&T.

I believe this summarizes the most important items discussed during our meeting. I do not feel the meeting was useful, nor do I believe that you, Ms. Sousa, or the senior management of AT&T have been willing to make a good faith effort to look at or investigate alternative locations. I again urge AT&T to integrate the proposed box into the Muni Bus stop on the south side of California St. at 25th Ave. or to place it on the property of the 76 gas station at that same corner.

Sincerely,
Hilda Falkenstein

From: Julian Chang <jc4919att@gmail.com>
To: gchoppelas@yahoo.com; kinesthesia@sbcglobal.net
Cc: Lynn Sousa <ls4524@att.com>; Arianna Urban <arianna.urban@sfdpw.org>; Marc Blakeman <mb3878@att.com>; Tedi Vriheas <tv8342@att.com>
Sent: Thursday, November 21, 2013 7:12 AM
Subject: AT&T acknowledgement of meeting on 11/15/13

Dear Mr. Choppelas and Ms. Falkenstein,

Thank you for taking the time to meet with Lynn Sousa and me on November 15, 2013 during the Box Walk for AT&T VRAD 58A.

Your objection to siting the VRAD at 301 26th Avenue was noted and discussed.

After our walk, 291 26th Avenue was identified as a possible alternative location for the VRAD.

As I mentioned during our Box Walk, AT&T's engineering team will be validating whether the alternate location is feasible or acceptable since it must meet three legal lists of criteria and guidelines (local, state, federal) as well as be within AT&T's internal guidelines for the placement of VRAD cabinets.

Your voice is important in the San Francisco municipal process which will now continue. As Lynn and I explained, if the alternate location is feasible and acceptable, another posting will be made for the new location.

Eventually there will be a hearing on the matter, and the DPW hearing officer will receive all communications and inputs and then will make a recommendation to the Director of the DPW who will issue the final approval, if any, for AT&T's request for a permit to place the VRAD at either its original site 301 26th Avenue or at the alternative location of 291 26th Avenue, San Francisco.

Please note that any notices about the hearing itself will come from DPW, not from AT&T. Your input into the hearing process is welcomed and important. You can participate either electronically or in person.

Thank you for your interest in AT&T's upgraded network.

Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 5:00 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

Exhibit #2

----- Forwarded Message -----

From: Luis Cuadra <LCuadra@bergdavis.com>
To: "kinesthesia@sbcglobal.net" <kinesthesia@sbcglobal.net>
Cc: "SOUSA, LINDA L" <ls4524@att.com>
Sent: Thursday, October 24, 2013 11:25 AM
Subject: AT&T Electronic Cabinet

Dear Hilda,

I am contacting you because you filed an objection or raised concerns regarding a permit that AT&T submitted to the San Francisco Department of Public Works (SFPD) that would allow AT&T to install an electronics cabinet with attached electric power panel at 301 26th Avenue. This cabinet, which will be built with skilled union labor and paid for with private investment dollars, is a critical component of AT&T's efforts to upgrade its network in San Francisco. We are committed to addressing the concerns of the community and would like to work with you to find a suitable location for this cabinet. This upgrade will also provide San Francisco residents with more competitive options for voice, Internet and subscription television services.

Representatives from the AT&T Community Outreach and Construction and Engineering teams will be available to meet with you to answer any questions or concerns you may have on **Friday, November 15 at 10am at the corner of 26th Avenue and California Street. Please feel free to share this information with any of your neighbors.**

If you have any questions please contact our community outreach representative Luis Cuadra at 415-788-1000 ext. 207 or lcuadra@bergdavis.com.

Thank you.

Sincerely,

Marc Blakeman

Regional Vice President – External Affairs

Julian Chang for AT&T

If you are not the intended recipient of this message, any dissemination, distribution, or use of the contents of this message is strictly prohibited. This email and any attachments contain information that may be protected work-product doctrine, or other privileges or protections, and may be restricted from disclosure by applicable laws. If you received this e-mail message in error, please e-mail the sender by reply c-mail. Please also permanently delete all copies of the original e-mail and any attached documentation. Thank you.

Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 4:59 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

Exhibit #3a

----- Forwarded Message -----

From: smf <smf@sfdpw.org>
To: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Wednesday, November 13, 2013 11:11 AM
Subject: RE: AT&T SMF at 301-26th Avenue

Hello Ms. Falkenstein,

You are very welcome for the information. For 301 26th Avenue, I am not aware if a DPW representative was able to visit the site before AT&T submitted their application. I do want to clarify, that the application submitted was not for a permit but for permission to post and mail the notices informing neighbors of the proposal. If AT&T decides to move forward with this site, there will be a public hearing before any decisions are made.

Could you clarify for me what you mean by "significance of the regulations"? I would be happy to explain anything you'd like to know. Again, I will try my best to make sure someone from DPW is at your meeting on Friday, but our staff numbers make it difficult to get out to every site visit.

We do not schedule a hearing until AT&T has had a chance to do its due diligence and conduct all the research it can about a site. I cannot give you yet an anticipated date for a hearing, but it will likely be in the new year.

Julian Chang is the community outreach coordinator for AT&T California.

Sincerely,
Arianna

From: Hilda Falkenstein [mailto:kinesthesia@sbcglobal.net]
Sent: Wednesday, November 13, 2013 9:49 AM
To: smf
Subject: Re: AT&T SMF at 301-26th Avenue

Hello Ms. Urban,

Thank you for sending me DPW order 175,566. According to the SMF process described, a DPW representative may or may not have visited AT&T's proposed site at 301-26th Avenue. Can you tell me if anyone from DPW visited the proposed site with AT&T before AT&T submitted it's application for a permit? If not, can I request a site visit with a DPW representative? It would help me understand the significance of the regulations because many regulations appear not to have been followed by AT&T.

Are you waiting for the results of our meeting with AT&T to schedule a hearing? If so, when do you anticipate the hearing will be scheduled?

Who is Julian Chang (julianclchang@gmail.com)? and why would he be a good contact?

Thank you for your assistance,
Hilda

From: smf <smf@sfdpw.org>
To: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Tuesday, November 12, 2013 3:41 PM
Subject: RE: AT&T SMF at 301-26th Avenue

Hi Ms. Falkenstein,

Thank you for writing to me. I do agree that the phrase "to be combined together" is unclear – so much so that I am in fact also not sure what AT&T meant by it. For this, your best bet would be to check with AT&T. Julian Chang (julianclchang@gmail.com) would be a good contact. In addition, upon checking my records I cannot find evidence of AT&T having applied for an excavation permit for 298 and/or 292 26th Avenue. If you have any more information about these locations, please send it over so we can find out what's going on.

I have attached DPW order 175,566 "Regulations for Issuing Excavation Permits for the Installation of Surface Mounted Facilities in the Public Rights of Way" for your reference. I hope this is the document you were referring to.

I will personally not be able to attend the box walk on Friday, but if one of my colleagues is available, we will make every effort to get a DPW staffer out to the meeting.

I hope I was able to answer your questions.
Thank you,

Arianna Urban

Bureau of Street-Use and Mapping
Department of Public Works
1155 Market Street - San Francisco, CA 94103
arianna.urban@sfdpw.org

From: Hilda Falkenstein [<mailto:kinesthesia@sbcglobal.net>]
Sent: Monday, November 11, 2013 10:50 AM
To: smf
Subject: AT&T SMF at 301-26th Avenue

Dear Ms. Urban,

I'm sorry it as taken me so long to get back to you. Below is the email notice that AT&T sent to Richmond community leaders including Supervisor Mar and your supervisor Lynn Fong on 7/22/2013.

The notice lists 6 addresses for the AT&T cabinets, plus "298 26th Avenue & 292 25th Avenue (Outer Richmond) – to be combined together." Because this notice is meant to alert neighborhood leaders of proposed locations for U-verse cabinets, the phrase "to be combined together" suggests that the U-verse cabinets would be combined with the existing cross-connect boxes at the 2 addresses. Instead, AT&T has apparently chosen 301-26th Avenue as the location for their "combined" electronics cabinet without clearly

explaining what it meant by combining the 2 addresses or notifying community groups about the actual address for the proposed cabinet.

Can you find out if the SFDPW representative who had to review the proposed site before authorizing AT&T to submit its application for an installation permit may have objected to combining a U-verse cabinet to the cross-connect boxes at the listed addresses?

If I remember correctly, the size of the proposed cabinet at 301-26th Ave is a little larger than the size of the cabinets listed in AT&T's agreement with the DPW. I tried to access that agreement

at <http://www.sfdpw.org/modules/showdocument.aspx?documentid=3180>, but kept getting an error message. Could you please email me a pdf of that agreement?

I will be meeting with AT&T this Friday, November 15 at 10am at the corner of 26th Avenue and California Street, and will need to review details of AT&T's agreement before Friday. Would it be possible for a representative from DPW who is familiar with the regulations and requirements for AT&T's cabinets to attend this meeting? It would be very helpful to have a DPW representative present who can clarify the accuracy of what AT&T's Community Outreach and Construction and Engineering representatives say during the meeting.

Many thanks for your all your help,
Hilda

From: mb3878@att.com

To: JC4919@att.com, cynthiahuie@gmail.com, ad0357@att.com,
eric.l.mar@sfgov.org, david@beautynetworks.com, bh067m@att.com,
worner@sbcglobal.net, LCuadra@bergdavis.com, nickolas.pagoulatos@sfgov.org,
peg@elevationpilates.com, info@ppnsf.org, Peter.Lauterborn@sfgov.org,
president@sfpwr.org, ninersam@aol.com, victor.lim@sfgov.org, tv8342@att.com

CC: Lynn.Fong@sfdpw.org

Sent: 7/22/2013 6:17:45 P.M. Pacific Standard Time

Subj: AT&T INFRASTRUCTURE IMPROVEMENTS PLANNED FOR YOUR NEIGHBORHOOD

July 22, 2013

CLEMENT STREET MERCHANTS ASSOCIATION
GREATER GEARY BOULEVARD MERCHANTS & PROPERTY OWNERS ASSOCIATION
JORDAN PARK IMPROVEMENT ASSOCIATION
OUTER BALBOZ MERCHANTS
PARK PRESIDIO NEIGHBORS
PLANNING ASSOCIATION FOR THE RICHMOND
RICHMOND COMMUNITY ASSOCIATION

Dear Richmond District Community Leader:

I am contacting you to update you on AT&T's plans to upgrade its broadband experience by bringing AT&T U-verse to your neighborhood. This upgrade requires the placement of new street-level cabinet within 300 feet of existing telecommunications cabinets. We are currently working on our APRIL 2014 plans which may include sites within or near your neighborhood.

These cabinets are a critical component of AT&T's efforts to upgrade its network in San Francisco. We are committed to addressing the concerns of the community and would like to work with your organization when siting these cabinets. We have identified the following locations that may be near your neighborhood for our APRIL 2014 build plan:

701 40th Street (Outer Richmond)

397 5th Avenue (Inner Richmond)
290 Willard North (Inner Richmond)
401 21st Avenue (Outer Richmond)
600 17th Avenue (Inner Richmond)
599 14th Avenue (Inner Richmond)
**298 26th Avenue & 292 25th Avenue (Outer Richmond) – to
be combined together**

If your organization would like to be part of the discussion on any of these sites, please contact our community outreach representative at 415/788-1000 ext. 207 by **FRIDAY, AUGUST 2, 2013**. When you call, please provide us with the specific location(s) your organization is interested in working with us on. Please know that we release our build schedule every month so we will continue to contact you whenever there are planned builds in your area. We received your contact information from the City and County of San Francisco's Citidex SF website as a community organization representing the **Richmond District** neighborhood. Please feel free to share this information with any other organization or party that you feel may also be interested in working with us in siting this cabinet.

You can also find more information about our project at www.att.com/ipnetwork4sf.

If you have any questions, please contact our community outreach representative Luis Cuadra at 415-788-1000 ext. 207.

Thank you.

Sincerely,



Marc Blakeman
Regional Vice President – External Affairs
415-778-1230
mb3878@att.com

Marc D. Blakeman
Regional Vice President - External Affairs

AT&T California
525 Market Street, Room 1906
San Francisco, CA 94105
P: 415.778.1230
F: 415.543.3766
M: 415.205.7426
mb3878@att.com

att.com

Rethink Possible



Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 4:56 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

Exhibit #4

----- Forwarded Message -----

From: "BLAKEMAN, MARC D" <mb3878@att.com>
To: Hilda Falkenstein <kinesthesia@sbcglobal.net>; "lcuadra@bergdavis.com" <lcuadra@bergdavis.com>
Cc: George Choppelas <gchoppelas@yahoo.com>; "president@sfpar.org" <president@sfpar.org>;
"eric.l.mar@sfgov.org" <eric.l.mar@sfgov.org>; "Frank.W.Lee@sfdpw.org" <Frank.W.Lee@sfdpw.org>;
"Lynn.Fong@sfdpw.org" <Lynn.Fong@sfdpw.org>; "smf@sfdpw.org" <smf@sfdpw.org>
Sent: Monday, November 18, 2013 6:14 PM
Subject: RE: proposed AT&T Electronic Cabinet at 301-26th Avenue—meeting 11/15

Ms. Falkenstein,

In response to your e-mail of 11/12, let me clarify some misunderstandings from the email that was sent on July 7, 2013. First, AT&T's upgrade plans consist of constructing surface-mounted cabinets in the city that work in tandem with existing surface-mounted facilities. The existing cabinets are cross connection cabinets that are where we provision telephone service from today and have for decades. There is one of these cabinets located near 298 26th Avenue and another of these cabinets located near 292 25th Avenue. As part of our upgrade plans, we need to place an *additional* cabinet (known as a VRAD) within 300 linear feet of these existing cross connection cabinets. In some instances however, the cross connection boxes are close enough together that we are able to place one VRAD cabinet that can work in combination with TWO cross connection cabinets. In the instance you referred to, I meant to state that AT&T would only be placing ONE VRAD cabinet instead of the normal TWO for these combined locations. There are many factors that go into deciding which cross connect cabinet will serve as the "anchor" for the VRAD, including the size of the distribution areas being served, the availability of space, conflicts with underground facilities etc. I wanted to respond in writing to explain this in case it was not done during your cabinet walk on Friday. The alternative to this would be to place a VRAD within 300 feet of 298 26th Avenue and another VRAD within 300 feet of 292 25th Avenue.

If you have any questions, please do not hesitate to contact me.

Marc

—
Marc D. Blakeman
Regional Vice President - External Affairs

AT&T California
525 Market Street, Room 1906
San Francisco, CA 94105
P: 415.778.1230
F: 415.543.3766
M: 415.205.7426
mb3878@att.com

att.com



From: Hilda Falkenstein [mailto:kinesthesia@sbcglobal.net]
Sent: Tuesday, November 12, 2013 1:50 PM
To: lcuadra@bergdavis.com
Cc: BLAKEMAN, MARC D; George Choppelas; president@spar.org; eric.l.mar@sfgov.org;
Frank.W.Lee@sfdpw.org; Lynn.Fong@sfdpw.org; smf@sfdpw.org
Subject: proposed AT&T Electronic Cabinet at 301-26th Avenue—meeting 11/15

Dear Mr. Cuadra,

As you know, I objected to the installation of an AT&T Electronics Cabinet at 301-26th Avenue. Although I have a limited amount of time on that morning, I do plan to meet with AT&T representatives on Friday 11/15 at 10AM to find an alternative location for this cabinet. Will you be at the meeting on Friday?

In order to make the meeting efficient for everyone, I think it's best to clarify as many facts as possible by email before Friday. Please explain the reasoning behind AT&T's decision to place the cabinet at 301-26th Avenue. This choice appears inconsistent with AT&T's stated preference to place it's new cabinets directly adjacent to it's cross-connect cabinets—"Our first option will always be the public right of way adjacent to the existing cross connection cabinet."

On July 7, 2013, Marc Blakeman emailed Richmond District community leaders a list eight addresses where AT&T intended to locate it's electronics cabinets. His list ended with "**298 26th Avenue & 292 25th Avenue (Outer Richmond) – to be combined together.**" What did Marc Blakeman mean to communicate by writing "to be combined together"? Given AT&T's preference for placing the electronics cabinets directly adjacent to it's cross-connect cabinets, I would have interpreted him to mean that AT&T intended to "combine" or place the U-verse cabinet next to the pre-existing cross-connect cabinets at these two addresses.

Since AT&T did not opt to place it's U-verse cabinet adjacent to the cross-connect cabinet at 298-26th Avenue, I would like to know what Mr. Blakeman intended to communicate by writing "**298 26th Avenue & 292 25th Avenue (Outer Richmond) – to be combined together.**" I also wonder why Mr. Blakeman never sent any notification to the same people when it decided on 301-26th Avenue as the new location.

In short, why isn't AT&T placing the cabinet at 298-26th Avenue? And why does AT&T think that 301-26th Avenue is a better location for the cabinet?

Many thanks for answering my questions and providing me with detailed information about your decision before Friday. I'm sure having this information beforehand will make the meeting quicker and easier for everyone present.

Best regards,
Hilda Falkenstein

Longaway, Alec (PAB)

From: Hilda Falkenstein <kinesthesia@sbcglobal.net>
Sent: Thursday, June 19, 2014 4:50 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-079; 301-26th Avenue

Exhibit # 5

----- Forwarded Message -----

From: Julian Chang <jc4919att@gmail.com>
To: gchoppelas@yahoo.com; kinesthesia@sbcglobal.net
Cc: Lynn Sousa <ls4524@att.com>; Arianna Urban <arianna.urban@sfdpw.org>; Marc Blakeman <mb3878@att.com>; Tedi Vriheas <tv8342@att.com>
Sent: Thursday, November 21, 2013 7:12 AM
Subject: AT&T acknowledgement of meeting on 11/15/13

Dear Mr. Choppelas and Ms. Falkenstein,

Thank you for taking the time to meet with Lynn Sousa and me on November 15, 2013 during the Box Walk for AT&T VRAD 58A.

Your objection to siting the VRAD at 301 26th Avenue was noted and discussed.

After our walk, 291 26th Avenue was identified as a possible alternative location for the VRAD.

As I mentioned during our Box Walk, AT&T's engineering team will be validating whether the alternate location is feasible or acceptable since it must meet three legal lists of criteria and guidelines (local, state, federal) as well as be within AT&T's internal guidelines for the placement of VRAD cabinets.

Your voice is important in the San Francisco municipal process which will now continue. As Lynn and I explained, if the alternate location is feasible and acceptable, another posting will be made for the new location.

Eventually there will be a hearing on the matter, and the DPW hearing officer will receive all communications and inputs and then will make a recommendation to the Director of the DPW who will issue the final approval, if any, for AT&T's request for a permit to place the VRAD at either its original site 301 26th Avenue or at the alternative location of 291 26th Avenue, San Francisco.

Please note that any notices about the hearing itself will come from DPW, not from AT&T. Your input into the hearing process is welcomed and important. You can participate either electronically or in person.

Thank you for your interest in AT&T's upgraded network.

Julian Chang for AT&T

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