

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
VIOLA YEE,

Appeal No. 14-117

)
Appellant(s))
)
vs.)
)
DEPARTMENT OF PUBLIC WORKS BUREAU OF STREET-USE AND MAPPING,)
Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 18, 2014, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on June 09, 2014, to SBC - Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet) at 699 Page Street.

APPLICATION NO. 14EXC-3360

FOR HEARING ON August 13, 2014

Address of Appellant(s):

Address of Other Parties:

Viola Yee, Appellant 360 Steiner Street San Francisco, CA 94117	SBC - Pacific Bell Engineering, Permit Holder c/o Foster Johnson, Attorney for Permit Holder 3000 El Camino Real, Two Palo Alto Square #300 Palo Alto, CA 94306
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Date Filed:

BOARD OF APPEALS

JUN 18 2014

APPEAL # 14-117

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Viola Yee**, hereby appeal the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-3360** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **June 09, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **699 Page Street**.

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: **July 24, 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: **August 07, 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, August 13, 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 attached.

Appellant or Agent (Circle One):

Signature: Viola Yee

Print Name: VIOLA YEE

360 Steiner St.
San Francisco, CA 94117
E-mail: pdtom@ucdavis.edu

June 18, 2014

San Francisco Board of Appeals
1650 Mission St., #304
San Francisco, CA 94103

BOARD OF APPEALS

JUN 18 2014

APPEAL # 14-117

Re: Utility Excavation Permit 14 EXC-3360
Permitee: SBC - Pacific Bell Engineering
Approved Cabinet Application (13SMF-0321)
Tracking Number 1: 9077252 R301 4C
Tracking Number 2: 13SMF-0321 SF04-415301

To Whom It May Concern:

I am 92 years old. It is a hardship to clean up debris on my corner which is often left as trash by others. The SMF and optional planter that AT&T wants to place at "699 Page St." creates a new surface space for passersby to leave trash as well as graffiti both on the SMF and the wall of my home on the southeast corner of Page and Steiner Streets. A tree encourages dogs and homeless to urinate on it; this is a public health hazard. A cabinet encourages people to abandon items on or near it.

PG&E has placed an anchor for wiring future cables in the same vicinity (PG&E Case from DPW #: 4559289626). The anchor is an obstacle on the sidewalk. A senior citizen from the neighborhood complained to me about the danger of having the obstacle on the sidewalk. I am requesting the SF Board of Appeals to ask AT&T to relocate plans of a SMF, tree or sidewalk garden elsewhere away from the southeast corner of Page and Steiner Streets.

At the southwest corner of the intersection of Page and Steiner Streets there already exists an AT&T Cross-Connection SMF.

In conclusion I am registering my request to the SF Board of Appeals to prevent any additions by AT&T at the southeast corner of Page and Steiner Streets.

Sincerely,


Viola Yee



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

BOARD OF APPEALS

JUN 18 2014

APPEAL # 14-117

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

14EXC-3360

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

EmergencyConfirmationNumber

24 Hour / 7 Day Contact: David Gibbons (415) 644-7052, Cell (415) 794-6050

Service Address/Project: 699 Page St at Steiner St LSMF OT 9077252 54E (13SMF-0321)

Start Date 2/23/15

Permit expires on: 3/8/2015

Purpose Telephone

Excavation Reason Install New Cabinet

Excavation Reason Description Approved Cabinet Application No.-(13SMF-0321)

Method: Open Cut: Sawcut

TrackingNumber1 9077252 R301 4C

TrackingNumber2 13SMF-0321 SF04-415301

Project Size 140

Inspection

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

Approved Date : 06/09/2014

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 6/13/2014 9:50:16 AM Plan Checker Marion Meyer

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-foot 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, or 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

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

Conditions

Duration to 45-day permit: Per agreement for small and medium size projects without any additional notification requirements as a result of the increased permit timeframe. The purpose will be to allow SBC an additional 30 days to obtain appropriate STPs or other permits or bids and contractors.

SBC/ Pacific Bell

====>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 place 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's 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 per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 3 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.

Please note that this project is required to comply with the two (2) new standards which are for the reinforcement of the concrete bus pads under DPW Order No. 181305 and for constructing reinforced concrete in new sidewalk under DPW Order No. 181306.

==(01:25 PM==6-6-2014)

Permit Addresses

14EXC-3360

*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:140 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	PAGE ST	FILLMORE ST	STEINER ST	South	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	32	26		
3		STEINER ST	PIERCE ST	South	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	10	3		
Total						42	29		
2	STEINER ST	PAGE ST	Intersection	South	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	69	0		
Total						69	0		

Exceptions

14EXC-3360

Street Name	From St	To St	Message	Job	Contact	Dates
PAGE ST						
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	12ECN-0424	Refer to Agent 5504900 - Refer to Agent 5504900	Apr 16 2012-
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	13ECN-1496	800-743-5000 - 800-743-5000	Dec 6 2013-
	STEINER ST	Intersection	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	STEINER ST	PIERCE ST -	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	STEINER ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	STEINER ST	PIERCE ST -	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	FILLMORE ST	STEINER ST -	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	STEINER ST	Intersection	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	STEINER ST	PIERCE ST -	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	FILLMORE ST	STEINER 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	Railroad Spike		

Street Name	From St	To St	Message	Job	Contact	Dates
	STEINER 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	Railroad Spike		
STEINER ST						
	PAGE ST	Intersection	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	PAGE ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	PAGE ST	Intersection	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	PAGE 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	Railroad Spike		

No Diagram submitted

Appeal Number: 14-117

360 Steiner St.
San Francisco, CA 94117
E-mail: pdtom@ucdavis.edu

July 8, 2014

San Francisco Board of Appeals
1650 Mission St., #304
San Francisco, CA 94103

To Whom It May Concern:

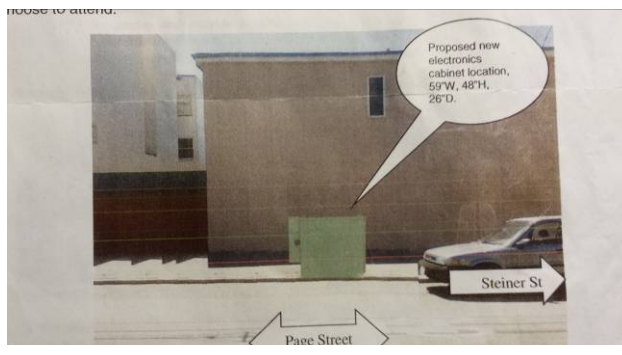


Photo #1.

My name is Viola Yee, I am 92 years old, and live independently. It is an extreme hardship for me to clean up debris often left on my corner as trash by others. The SMF that AT&T proposes to place at “699 Page St.” creates a new surface area for passersby to

leave trash as well as graffiti both on the SMF and the north wall of my home on the southeast (SE) corner of Page and Steiner Streets. (See Photo #1 with *proposed* green SMF inserted.

Source: January 24, 2014 letter sent to me by the SF Planning Department, re: Surface Mounting Facility Proposed.) I have lived in my home for over 57 years. A free standing structure encourages dogs and homeless to urinate on it; this is a public health hazard. **I am requesting the SF Board of Appeals to ask AT&T to relocate plans of a SMF, tree or sidewalk garden elsewhere away from the SE corner of Page and Steiner Streets.**

A cabinet encourages people to abandon items on or near it; this has occurred at the southwest (SW) corner of the intersection of Page and Steiner Streets. At the SW corner an AT&T Cross-Connection SMF has existed for years. (See photo #2 on page 2.) Furthermore, I have had to

call “3-1-1, SF Community Services” on numerous occasions (especially recently) for trash removal on the southeast (SE) corner. 3-1-1 has a record of the numerous times that I have needed to call to have large pieces of trash hauled away.



Photo #2.



Photo #3

The Pacific Gas & Electric Co. (PG&E Case from the SF Department of Public Works #: 4559289626) has already installed an anchor for wiring future cables in the same vicinity where the SMF is proposed to be installed.

(See photo #3.) The anchor is an obstacle on

the sidewalk. A senior citizen from the neighborhood complained to me about the danger of having the obstacle on the sidewalk.

At the SW corner of the intersection of Page and Steiner Streets there already exists an AT&T Cross-Connection SMF. (See photos #2 and #4.)

According to the SF Department of Public Works (DPW) utility excavation permit (14-EXC-3360), AT&T intends to excavate from Fillmore to Steiner Streets, the Steiner intersection, and Steiner to Pierce Streets



Photo #4

along Page Street. There are three parking spaces along the SE Page Street side of my house. When the passenger side door of a car opens, the door will surely hit the cabinet. (See photo #4 of the AT&T Cross-Connection SMF which shows one of two posts on each side of the cabinet which interfere with passengers being able to open the car door.)

On my property at the SE corner of Steiner and Page Streets, we often get a lot of trash abandoned on the pavement. At the present there is a commercially large debris box for construction purposes on Page Street directly north of my home. I see people urinating between the cars and the debris box. A similar situation can happen between the SMF and cars.

There is a great potential for graffiti to be tagged on the proposed AT&T SMF, just like my garbage can that is left out overnight for early morning pickup. Plus, the large north side wall of my building that faces Page Street has been often used by vandals as an open canvass for graffiti.

The SF DPW has a record of warning me on two separate incidents of graffiti in which I was required to clean up the wall or face a fine of \$500 per incident, because we were unaware that our side wall on Page Street was vandalized with graffiti. (Otherwise, I would have taken care of having the graffiti painted over.) During my 57 years at my home, I have had countless occasions of having to do touchups on my wall due to offensive graffiti. One time my husband who was in his 80s when he was alive, fell onto the pavement while touching up the graffiti. He needed a passerby to help him get up. As a 92 year old senior, retouching the graffiti on my property is a physical and financial hardship. The SFM will encourage graffiti to continue on my

street corner which is an ongoing problem and occurred as recently as two weeks ago by vandals on the northeast property on Page and Steiner Streets.

The SMF is not an improvement to my property and could lead to devaluation. I am depending on my property to carry me through assisted living or a nursing home when the time comes.

In conclusion, I am registering my request to the SF Board of Appeals to prevent any additions by AT&T at the SE corner of Page and Steiner Streets.

Sincerely,

A handwritten signature in cursive script that reads "Viola Yee". The signature is written in dark ink and is positioned above the printed name.

Viola Yee

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

AT&T (Appeal Nos.
CALIFORNIA, (14-117
Respondent (699 Page Street

**RESPONDENT'S
BRIEF
SUBMITTED
SEPT. 11, 2014**

**HEARING
SCHEDULED:
SEPT. 18, 2014**

EXHIBITS

DPW Order No. 182394, Approving AT&T's SMF Application for Page Street.....Exhibit A

Application Package for 699 Page Street Exhibit B

Utility Excavation Permit 14EXC-3360 Exhibit C

2013-2014 Correspondence Between AT&T and DPW regarding DelaysExhibit D

Dec. 10, 2013 Correspondence from AT&T to Planning Department and DPW Regarding
Planning Department Delays Exhibit E

Jan. 10, 2014 Correspondence from AT&T to Planning Department and DPW Regarding
Planning Department Delays Exhibit E

Jan. 29, 2014 Approval to Post Notice of Intent from DPWExhibit G

INTRODUCTION

Appellant requests that the Board reverse the Department of Public Work's decision to issue AT&T an excavation permit in the vicinity of 699 Page Street. That request should be denied for multiple reasons.

First, DPW specifically found that the proposed installation did not incommode the public right-of-way. Appellant offers no evidence that the proposed installation violates any of the objective criteria set forth in DPW Order. No. 175,566 or the newly enacted SMF Ordinance. Without such a showing no legal basis exists for denying the excavation permit that DPW properly granted.

Second, any jurisdiction that the Board had to consider this appeal expired no later than August 3, 2014. Public Utilities Code section 5885 requires that municipalities approve or deny permit applications by video services franchise holders like AT&T within 60 days. AT&T submitted its SMF application more than a *year ago* on September 13, 2013. *See* Ex. A. AT&T submitted its excavation permit application on June 4, 2014.¹ Ex. B. Because more than 60 days has passed since these applications were submitted, the Board of Appeals lacks legal authority to act on this appeal. Under no circumstances, does the Public Utilities Code permit the Board to deny a permit previously approved by DPW after the expiration of the 60-day time window mandated by the Digital Infrastructure and Video Competition Act of 2006. *See* Pub. Util. Code § 5800 *et seq.*

Finally, even if the Board had jurisdiction to consider this appeal, Ordinance No. 76-14 does not provide a basis for reversing DPW retroactively. The State of California has granted

¹ AT&T disputes DPW's prior contention that the 60-day clock runs from the submission of AT&T's excavation permit application rather than from its submission of its original SMF application. That dispute, however, is irrelevant in this appeal: No party contests that AT&T submitted a completed excavation permit application on June 4, 2014, which DPW subsequently approved on June 9, 2014. *See* Ex. B & C.

AT&T both telephone and video services franchises. Those franchises grant AT&T the right to use the public right-of-way subject only to one condition: that its facilities do not incommode the public right-of-way. It is undisputed that this condition has been met. Neither DPW nor the Board have authority to impose additional obligations on AT&T as a condition of approving its permit applications. Moreover, the new Ordinance itself is void as applied to AT&T. Because the new Ordinance does not apply to all entities in an equivalent fashion, it is an unreasonable application of the City's time, place, and manner discretion pursuant to Public Utilities Code section 7901.1. And to the extent that it imposes conditions in excess of AT&T's franchise rights, the Ordinance is preempted by Public Utilities Code sections 7901 and 5800 et seq.

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 699 Page Street Satisfies the SMF Order.

On September 13, 2014, AT&T filed an application with DPW to install a surface mounted facility in the vicinity of 699 Page Street. *See* Ex. A. Instead of immediately processing the application, DPW referred this application for review to the Planning Department. *See* Ex. D. The Planning Department took no action on AT&T's application for months. Consequently, DPW did not give AT&T approval to post its Notice of Intent January 29, 2014—more than *four months* after AT&T submitted its application. *See* Ex. G.

On February 6, 2014, AT&T mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the proposed location. *See* Ex. A. DPW received objections and scheduled a public hearing to consider testimony on that site. *Id.* The objections

variously complained that (1) AT&T's U-Verse service was already offered in the area; (2) AT&T uses outdated technology; (3) concern for graffiti and trash; (4) an existing AT&T cabinet was located at the corner of Page and Steiner. AT&T subsequently conducted a box walk and community outreach on February 28, 2014.

At the subsequent hearing, on March 3, 2014, AT&T reported that it had been unable to identify any feasible alternatives to the proposed location at 699 Page Street.² Gene Chan of DPW also testified that AT&T's application "was in compliance with Article 2.4 of the Public Works Code and DPW Order No. 175,566 Exhibit B." *Id.*

Only one protestor appeared at the hearing. The protestor presented no evidence that the proposed SMF at 699 Page would incommode the public right-of-way or otherwise violate City regulations. Instead, the protestor objected that the "[e]xisting cabinet on Page/Steiner is blighted and attracts illegal dumping." *Id.*

After considering the record and testimony at the hearing, the Hearing Officer recommended that the SMF application be approved for the location at 699 Page Street. *Id.* The Director's decision (DPW Order No. 182394) adopted the Hearing Officer's recommendation. *Id.* That decision specifically found that "the application complies with the requirements of Article 2.4 of the Public Works Code and technical requirements of DPW Order No. 756, 566." *Id.*

On June 4, 2014, AT&T applied for an excavation permit. Ex. B. On June 9, 2014, DPW approved and issued Excavation Permit 14EXC-3360 for AT&T's excavation in the vicinity of 699 Page. Ex. C.

² During the box walk, AT&T identified a potential alternative location at 698 Page Street. *See* Ex. A. That location met all of AT&T's technical requirements. *Id.* However, as the Director's Decision noted, "plans to improve upon [the] land [had] already been submitted to Department of Building Inspectors" which ruled out locating an SMF at this alternative site. *See* Ex. A.

ARGUMENT

I. No Valid Legal Basis Exists For Reversing DPW's Order Because The Proposed SMF Would Not Incommode The Public Right-of-Way.

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 Sections 7901 and 5885 allow telephone and video services providers 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 & 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.

On appeal, Appellant reasserts the same basic arguments already rejected by the Hearing Officer and the Director: (1) a cabinet encourages people to abandon items near it; (2) a "free standing structure encourages dogs and homeless people to urinate on it" (3) that a cabinet might prevent the a parked car from opening the passenger side door, and (4) that "there is a great potential for graffiti to be tagged on the proposed AT&T SMF." *See* App. Br. 1-3. None of these arguments suggest that the approved SMF will incommode the public right-of-way. Nor does Appellant's brief show that AT&T's proposed installation would violate any of the objective guidelines for making this determination provided by DPW Order No. 175,566 or Ordinance No. 76-14. 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.

Moreover, the administrative record confirms that DPW properly issued the excavation permit. The City's "time, place, and manner" guidelines are set forth in Exhibit B of the SMF

Order. At the February 28, 2014 hearing on the permit application, DPW's Gene Chan testified that AT&T "was in compliance with Article 2.4 of the Public Works Code and DPW Order No. 175,566 Exhibit B." Ex. A. The "technical requirements" in the DPW Order No. 175,566 are substantially the same as the placement criteria in Ordinance No. 76-14. More critically, no evidence was presented at the hearing or in Appellant's brief that the proposed location would violate these technical requirements. *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. 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 should be disregarded.

Appellant's assertion that AT&T's permit should be denied because its cabinet might attract graffiti or trash does not lend any support to her appeal. There is nothing about a utility cabinet that makes it more likely to attract graffiti than any other structure in an urban neighborhood. Indeed, the same arguments were made and rejected during the City's CEQA review. Moreover, Ordinance 76-14 requires that AT&T regularly inspect its cabinets for trash and graffiti and mitigate any complaints within three days.

Nor is there any validity to Appellant's unsupported accusation that the proposed SMF might block passenger car doors from opening. The DPW Order requires that cabinets be located a minimum of 18" inches from the face of the curb. That provides more than enough space for a car door to be opened.

In short, the Board is required to grant the permit because Appellant has presented no evidence that the proposed installation would incommode the public right-of-way or otherwise violate any of the objective guidelines set forth by City regulations. “The construction and maintenance of telephone lines in the streets and other places within San Francisco is a matter of state concern and not a municipal affair.” *Pacific Tel. & Tel. Co. v. City and County of San Francisco* (1961) 197 Cal.App.2d 133, 143. In enacting Public Utilities Code sections 7901 and 5885, the Legislature made clear that the installation of utilities in the public right-of-way is not subject to a popular referendum on each particular installation. Because the Legislature wished to encourage the state-wide development of telephone, internet, and video services technology, it granted utilities the right to place their equipment in the public right-of-way subject only to the condition that they do no unreasonably obstruct and interfere with ordinary travel in the public right-of-way. *Id.* at 146.

Objections—by themselves—are not grounds for denying telephone companies access to the public right-of-way under California law. If they were, California would not have telephone lines in the vast majority of the state, much less wireless towers, high speed broadband, or video services equipment. Accordingly, DPW’s decision is lawful and should be affirmed.

II. The New Ordinance Provides No Basis For Retroactively Denying Permits That DPW Properly Approved.

A. The Board Lacks Jurisdiction To Act On This Appeal.

California law requires that “[a] local entity shall either approve or deny an application from a holder of a state franchise for an encroachment permit within 60 days of receiving a completed application.” Pub. Util. Code § 5885.³ It is undisputed that AT&T submitted a completed application for its excavation permit on June 4, 2014. Ex B. Accordingly, the 60-day

³ DPW has consistently ignored this requirement of state law throughout the history of the SMF application program. *See* Exs. D-E.

window for the City to approve or deny AT&T's permit application closed *no later* than August 3, 2014. DPW approved AT&T's excavation permit on June 9, 2014. Because the 60-day window for the City to take action on AT&T's permit application has closed, as a matter of state law, the Board no longer has any legal authority to act on this appeal.

Legislation must be interpreted to "promote rather than defeat [a] statute's general purpose ... avoiding a construction that would lead to absurd consequences." *Smith v. Superior Court* (2006) 39 Cal.4th 77, 83. The Legislature's intent in enacting section 5885 was to provide utilities with certainty regarding a proposed excavation application within a reasonably short period of time. Section 5885 was intended to prevent municipalities from holding permit applications in limbo for months or years at a time. In no event can the City grant a permit on the 5th day after an application was made then snatch it away on the 106th day. Yet that is precisely the action that Appellant would have the Board take. Because section 5885 forbids such actions, the appeal must be dismissed for lack of jurisdiction.

B. Public Utilities Code §§ 7901 and 5885 Forbid Municipalities From Denying Telephone Corporations Access To The Public Right-of-Way.

It is well-established that, "because of the interest of the people throughout the state in the existence of telephone lines in the streets in the city, the right and obligation to construct and maintain telephone lines" is "a matter of state concern." *Pacific Tel. & Tel. Co. v. City & Cty. of San Francisco* (1959) 51 Cal.2d 766, 774. For just this reason, cities cannot exclude telephone lines from the streets upon the theory that 'it is a municipal affair.'" *Id.*

As AT&T explained both during community box walks and at the hearing, 699 Page Street is the only feasible location in the public right-of-way for AT&T to install its Lightspeed cabinet in the Page street neighborhood. Because no alternative locations exist, denying

AT&T's permit would deny AT&T all access to the streets in that neighborhood. Such denial is forbidden by Public Utilities Code sections 7901 and 5885.

C. Ordinance No. 76-14 Cannot Be Retroactively Applied To AT&T.

The new Ordinance cannot be “retroactively” applied to AT&T to deny the SMF permit. 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 same right to use the public rights-of-way was subsequently extended to all state-franchised video providers. *See* Pub. Util. Code § 5885(a). These franchise rights to use the public right-of-way are subject only to the condition that the proposed use does not incommode the public right-of-way.

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, that “control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.” Pub. Util. Code, § 7901.1(b).

It is undisputed that AT&T's proposed SMF does not incommode the public right-of-way. The Director's decision confirmed that the application met all the technical requirements

of the public works code (Ex. A), and no evidence or argument has been presented to the contrary.

To the extent that DPW or Appellant now argues that AT&T's permit application should be denied because AT&T has not satisfied *other* conditions imposed by the new Ordinance that argument fails. Any conditions imposed in excess of AT&T's franchise rights are specifically preempted by Public Utilities Code sections 7901 and 5885. *See* Cal. Const. art. XI, § 7 ("A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations *not* in conflict with general laws.") (emphasis added).

Moreover, the Ordinance violates Public Utilities Code section 7901.1(b) because, by its plain terms, the Ordinance does not apply to all entities in an equivalent manner. *See, e.g.,* Ordinance No. 76-14 § 2702. Consequently, since it is not a "reasonable" exercise of the City's time, place, and manner discretion, the entire Ordinance is void and without effect as applied to AT&T.⁴

CONCLUSION

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

⁴ Additionally, Ordinance No. 76-14 suffers from a host of constitutional infirmities as-applied to AT&T. San Francisco's attempt to impose conditions in excess of AT&T's franchises with the State of California violates the Contract Clause of both the United States and California Constitutions. *See, e.g., U.S. Trust Co. of New York v. New Jersey* (1977) 431 U.S. 1, 28 (serious impairment of contract by legislation violates Contract Clause). The Ordinance is also void as applied to AT&T because it impermissibly burdens AT&T's rights to freedom of speech and freedom of the press secured by the First Amendment and the California Constitution. *See, e.g., City of Cincinnati v. Discovery Network, Inc.* (1993) 507 U.S. 410, 418 ("time, place, and manner" regulations of the public right-of-way are void when they impose impermissible burdens on First Amendment rights). Consequently, neither the retroactivity section nor any other section of the new Ordinance may applied against AT&T.

EXHIBIT A



Edwin M. Lee, Mayor
Mohammed Nuru, Director



Jerry Sanguinetti, Bureau Manager

DPW Order No: 182394

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF **699 Page Street (13SMF-0321)**

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **September 13, 2013**, the Applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface-Mounted Facility (SMF) at **699 Page Street**.
2. On **February 6, 2014**, the applicant mailed and posted Notices of Intent (NOI) to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **seven (7)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objection and comments included:
 - Concern for graffiti, noise, negative impact on property values, path of travel, access to cars, safety, trash accumulation from wind pattern.
 - U-verse is already offered in the area.
 - Notice left out information.
 - AT&T uses outdated technology.
 - Existing AT&T cabinet on Page/Steiner.
 - Unreasonable to expect senior citizens in adjacent home to supervise graffiti removal.
4. On **March 3, 2014**, DPW Hearing Officer **Alex Murillo** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Gene Chan of DPW presented a summary of the permit applications stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and DPW Order No. 175,566 Exhibit B.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **February 28, 2014** and **two (2)** members of the community attended. During the box walk, AT&T and the attendees located the following potentially feasible alternate location(s):



- 698 Page Street: complies with AT&T's technical requirements; however, plans to improve upon land have already been submitted to Department of Building Inspections.
7. At the hearing, one (1) member of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **699 Page Street**. Testimony included:
- Existing cabinet on Page/Steiner is blighted and attracts illegal dumping.

RECOMMENDATION: **APPROVE** the request by AT&T to locate Surface Mounted Facility **13SMF-0321**, in the vicinity of **699 Page Street**.

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. 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-0321 in the vicinity of 699 Page Street**. 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>

3/31/2014

3/31/2014

X



Sanguinetti, Jerry
Bureau Manager

X



Sweiss, Fuad
Deputy Director and City Engineer

3/31/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



EXHIBIT B



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

September 13, 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: 699 Page Street, south side, east of Steiner Street

DPW File: **13SMF-0321**

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: September 9, 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
1 of 3 provided on private property owners list, see Fielding for Easements form
- Exhibit A-2d1 Private property mailing sample letter seeking easements to property owners
- Exhibit A-2d2 Private property mailing date verification, date mailed:
August 26, 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: SF04-415301; 9077252; Group: **54E**

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:	Dana Neil	TEL. NO.:	644-7027
DATE:	9/13/13	PROPOSED LOCATION:	699 Page Street
DPW REF #	13SMF-0321	APPLICANT REF #	SF04-415301, 9077252, 54E

- 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.: _____

Windows Vista 64-bit

44

Projects Events Conflicts Deliverables Tasks MyBox

View: LSMF OT 9077252

Project Information

Name: LSMF OT 9077252
Description: PROJECT LIGHTSPEED
Id: 54E
Owner: AT&T - Construction and Engineering
Facility Type: Communication
Asset Type: Terminal
Group Code:
Contact: [Done](#) [Neil](#) 415-644-7027

Paving Type: Paving - Not Curb to Curb
Status: Planned

Facility Indicator: Fiber Optic
Activity Type: Installation

Schedule

Start Date: 08/21/2014 12:00 AM
End Date: 11/18/2014 11:59 PM
Duration: 90.0 days

Additional Information

Location

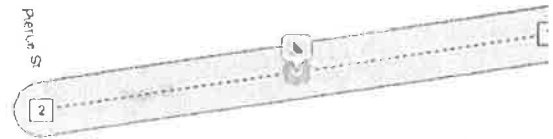
Location: Page St from 672 to Pierce St, San Francisco, California, 94117
Location Type: Line
Location Size: 609 ft

Positions



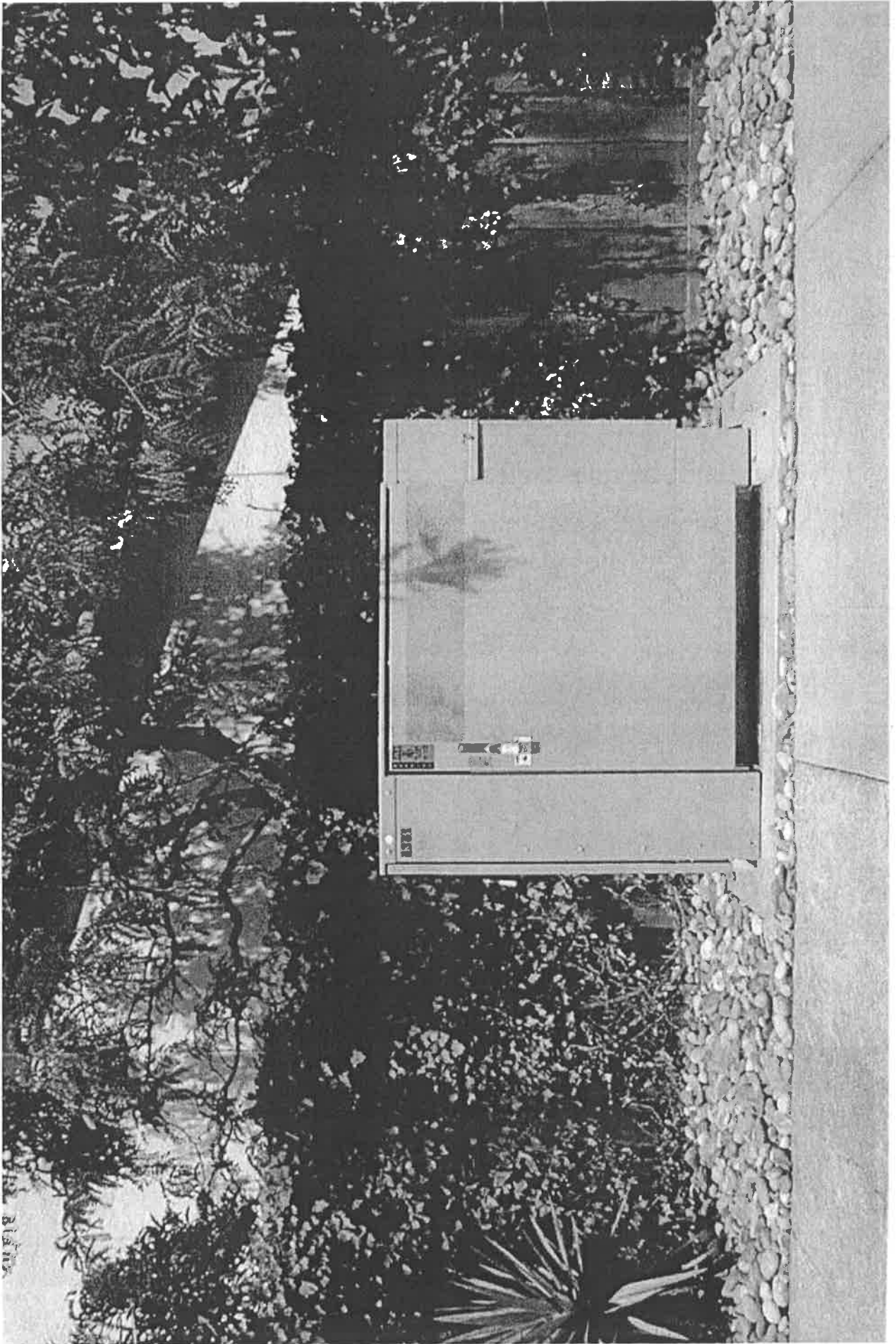
Oak St

Pierce St



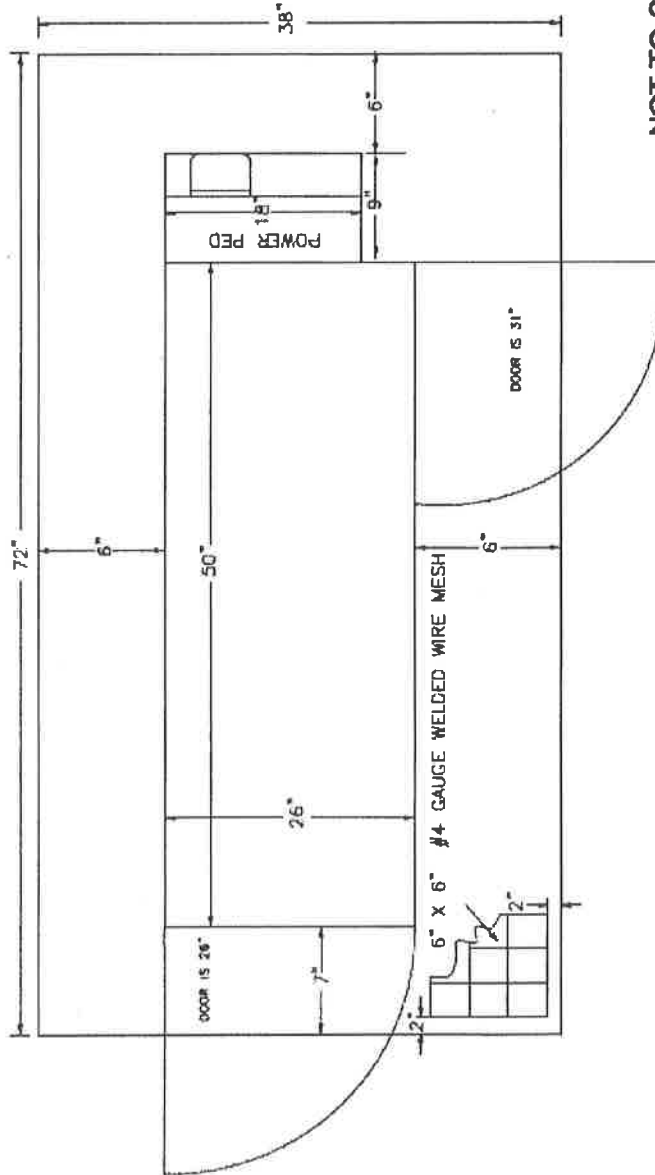
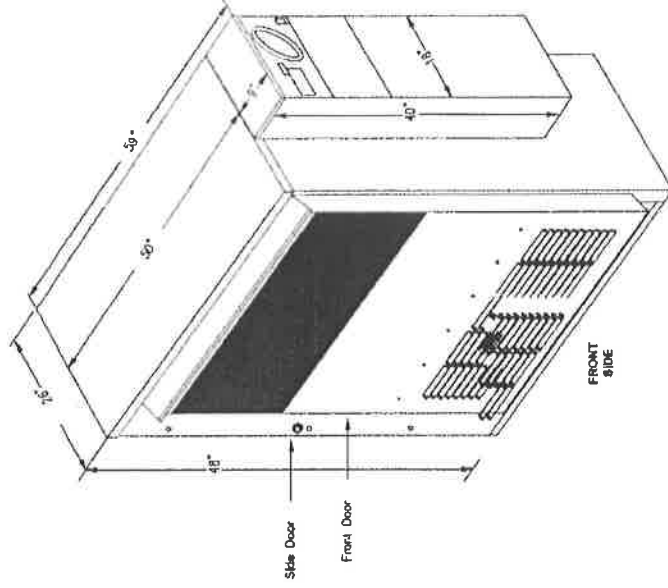
Conover St

Haight St





TYPICAL 448S CABINET WITH POWER PEDESTAL SPECIFICATIONS



NOT TO SCALE

NOTES:

1. CONCRETE TO BE 4000 PSI AT 28 DAYS IN ACCORDANCE WITH ACI STANDARD.
2. PAD TO BE 6" THICK. TOP OF PAD SHOULD BE 2" ABOVE GRADE, UNLESS NOTED ON PERMIT APPLICATION.

448S CABINET DIMENSIONS		POWER PEDESTAL DIMENSIONS	
HEIGHT	48"	HEIGHT	40"
WIDTH	50"	WIDTH	9"
DEPTH	26"	DEPTH	18"

Easement Mailing List
Group 54

AT&T FILE	GROUP	NAMES	MAILING ADDRESS	PROPERTY ADDRESS	DATE SENT
SF14-410543, 9072179	54A	Director of Property City and County of San Francisco	25 Van Ness Avenue, San Francisco, CA 94102-6033	APN 1791-001, Sunset Boulevard, Irving to Judah	August 26, 2013
SF17-210802, 9065708	54B	Alexander R. Reese A Answer, Inc.	3026 San Bruno Avenue, San Francisco, CA 94134-2008	3024-3030 San Bruno Avenue	August 26, 2013
SF17-210802, 9065708	54B	Issam J. Mizirawi Mizirawi Family 2011 Lvg Trust	2030 Cliffwood Drive, Fairfield, CA 94534-7968	5 Dwight Street	August 26, 2013
SF04-411202, 9077236	54C	Charles G. Still	564 Roosevelt Way, San Francisco, CA 94114-1419	564 Roosevelt Way	August 26, 2013
SF04-411202, 9077236	54C	Arthur S. Hough, Jr. Lucille & Eving Palmiere	78 Scotch Road, Ewing, NJ 08628-2505	575 Roosevelt Way	August 26, 2013
SF04-411202, 9077236	54C	Director of Property City and County of San Francisco	25 Van Ness Avenue, San Francisco, CA 94102-6033	APN 2645-023, Roosevelt Way Slope Protection	August 26, 2013
SF04-411202, 9077236	54C	Laurence Peiperl	564 Roosevelt Way, San Francisco, CA 94114-1419	564 Roosevelt Way	August 26, 2013
SF04-411405, 9077242	54D	NONE FEASIBLE (54D)			NA
SF04-415301, 9077252	54E	Page Steiner Associates, LLC	431 Steiner Street, San Francisco, CA 94117-2520	690 Page Street	August 26, 2013
SF04-611209, 9077253	54F	Potrero Hill Imaging, LLC	3952 Sutherland Drive, Palo Alto, CA 94303-4725	100 Texas Street	August 26, 2013

**Fielding for Easements
San Francisco**

CO & DA:	SF04-415301	Group:	54E
Job Number:	9077252	Old Job Number:	None
DA SAI Address:	701 Page	Date Fielded:	
VRAD Address:		PWC:	DN

Property 1 Prospective Easement (APN or Address)

690 Page St - 0843-016

Property 2 Prospective Easement (APN or Address)

None feasible

Property 3 Prospective Easement (APN or Address)

None feasible

Are there any City-owned Properties suitable within 300'

No

Check Here if no Private Property Sites Available within 300' of SAI _____

Explanation of why no Private Property Sites Available for this DA:

None feasible. No front facing easements available, nor accessible side easements.



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) 644-7027, or by e-mail at dn1281@att.com, at your convenience.

Thank you for your time and consideration.

Best regards,

Dana Neil
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

SF04-415301, 9077252, 54E 13SMF-0321

Date: **Enter date to be posted**

Dear San Francisco Resident:

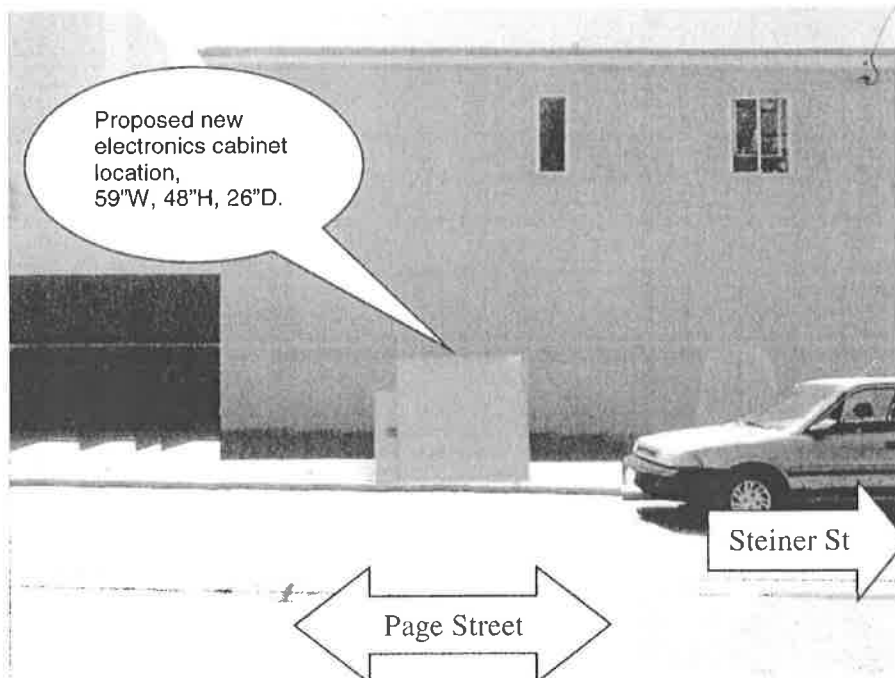
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **699 Page Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed 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 Street, 3rd Floor, 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: **Enter 21 days after posting date**



PLAN MAP - FTIN
 SAI - PED 701X PAGE
 VRAD - 699 PAGE ST

LEGEND

- PROPOSED VAND
- PROPOSED CONDUIT
- SEWING AREA INTERFACE
- FIRE HYDRANT
- SHRUBS/BUSHES/GRASS
- C/L
- P/L
- PROPERTY LINE
- POLE
- FACE OF CURB
- BACK OF SIDEWALK
- TREE
- POLE BOX
- ANCHOR & GFI
- ATT SERVICE BOX
- STATION
- CABLE SERVICE BOX
- STREET SIGN
- TRAFFIC LIGHT
- TRAFFIC LIGHT BOX
- TRAFFIC LIGHT PEDESTAL
- STREET LIGHT
- LAG GUIDE
- PARKING METER
- SEWER RIM
- SPWD
- SUPPORT POLE
- TRAFFIC SERVICE BOX
- TRAFFIC LIGHT PEDESTAL
- DATE
- CONST. ARC
- COMP

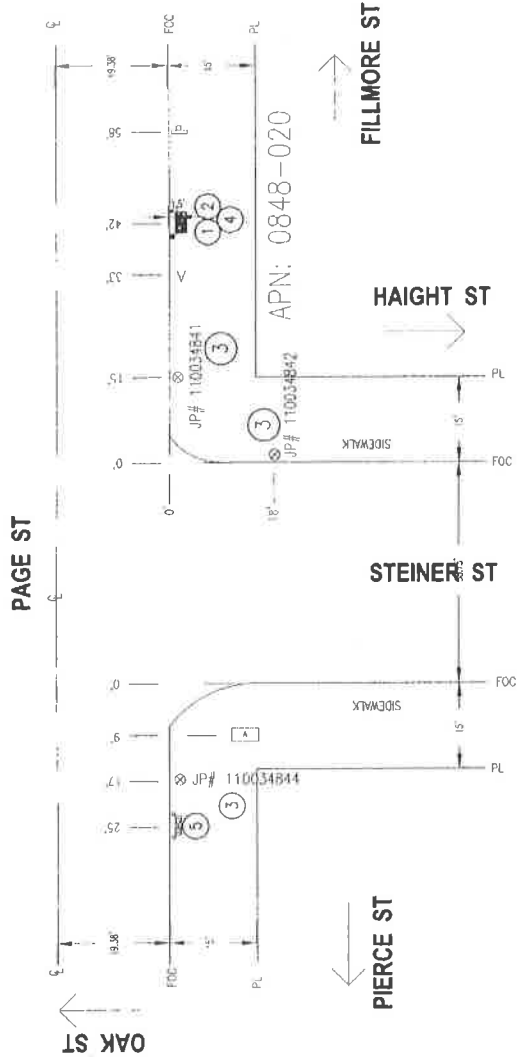
DA - 415301
 TOTAL LU = 366

GEO/CO:	RZ-01
EXCH:	SNECCA04
FLDR:	PAPAS TEL:
ENG. ARC:	
TYPE OF CONST.: NODE-PLACEMENT-PLAN MAP	
RD/EST. NO.:	9077952
DWG. NO.:	1 OF 1 DC# 1



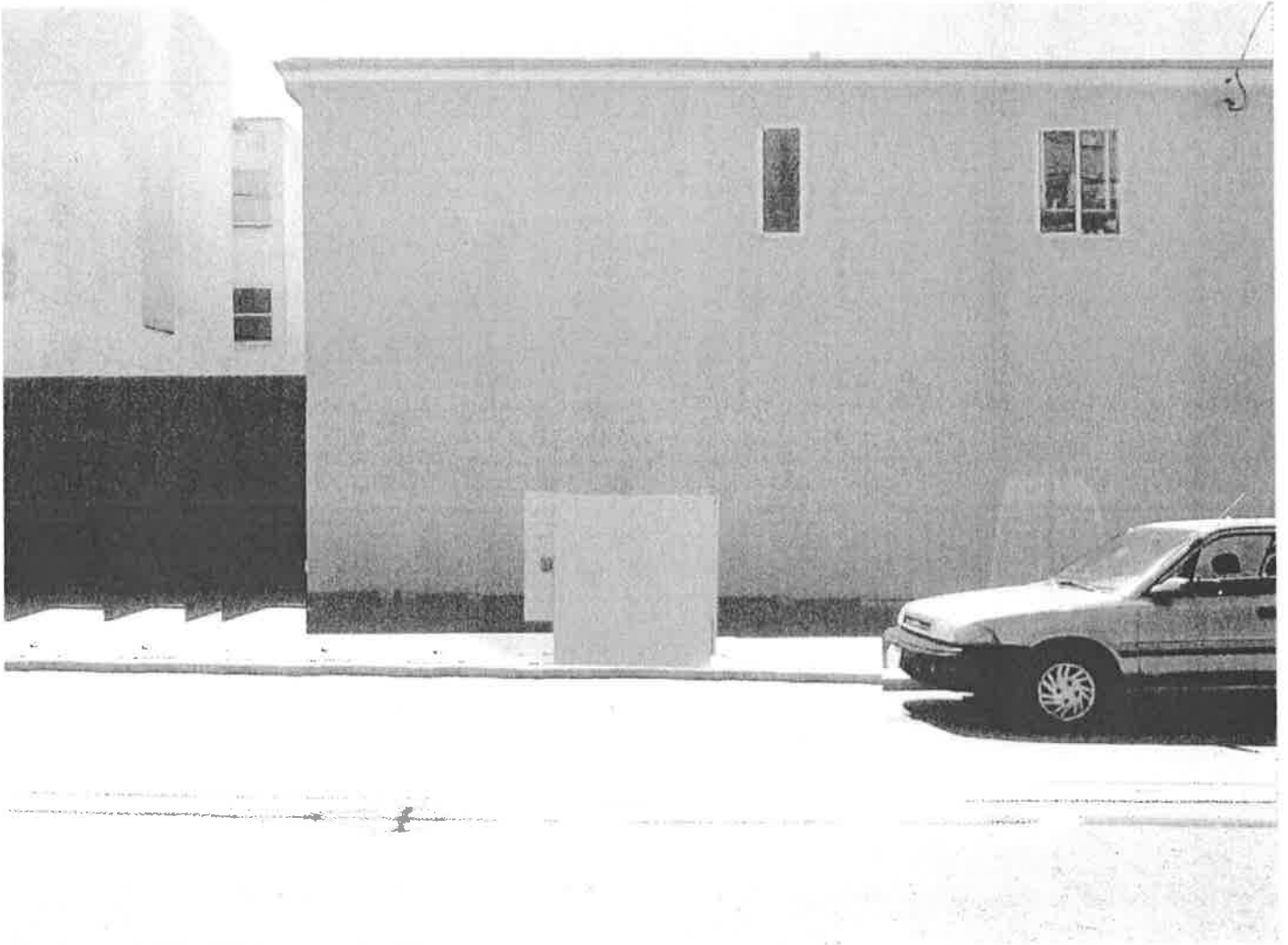
FIELDER NOTES:

SAI - PED 701X PAGE
 3X900X LAYOUT
 VACANTS
 F2, 501-600, 1301-1500
 F1, 701-900
 N.T.S.



CONSTRUCTION NOTES:

1. POUR IN PLACE 1-72"X38"X6" CONCRETE PAD FOR LOW PROFILE 448S VRAD CABINET (69"WX26"Dx48"H - 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 701X PAGE.



Looking south across Page Street towards the proposed location, Steiner Street is on the right, to the west.



Looking east along the south sidewalk of Page Street towards Fillmore Street.



Looking west along the south sidewalk of Page Street towards Steiner Street.



Looking north across Page Street from the proposed site. Steiner Street is on the left to the west.

LOTS MERGED

lots 5A into lot 6A '83
" 17 " 16 1953
2H & 2J " 23 '84

W A BLK. 371

REVISED '57
" '83
" '84

SAI 5

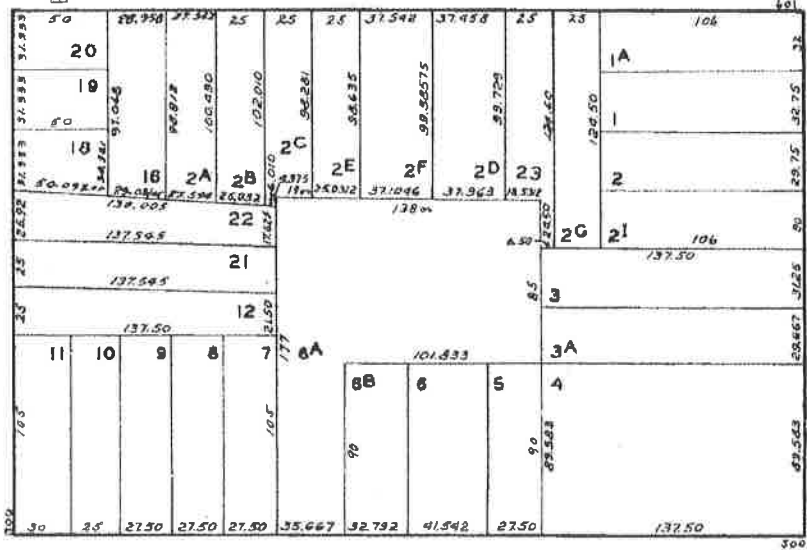
VRAD □

PAGE



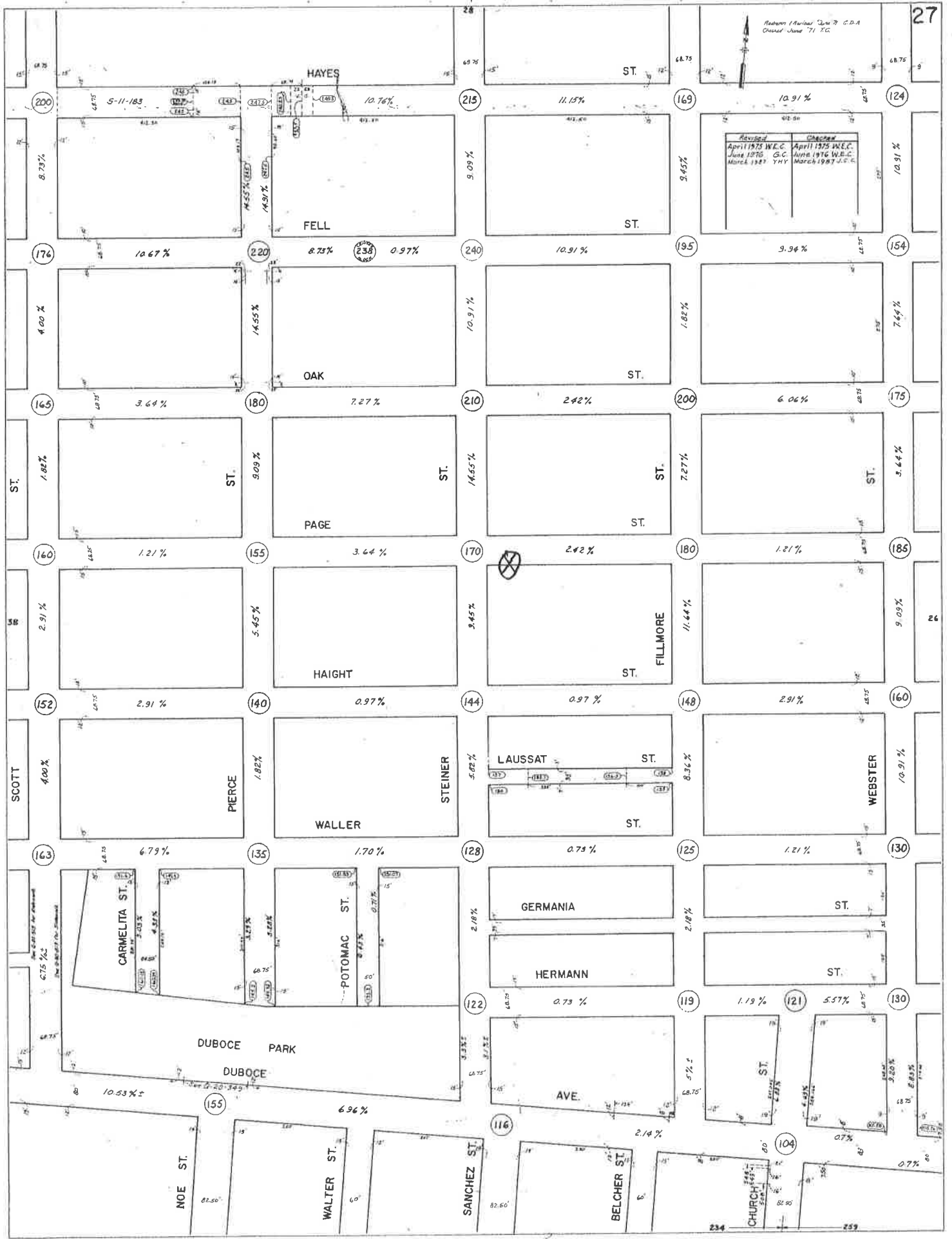
STEINER

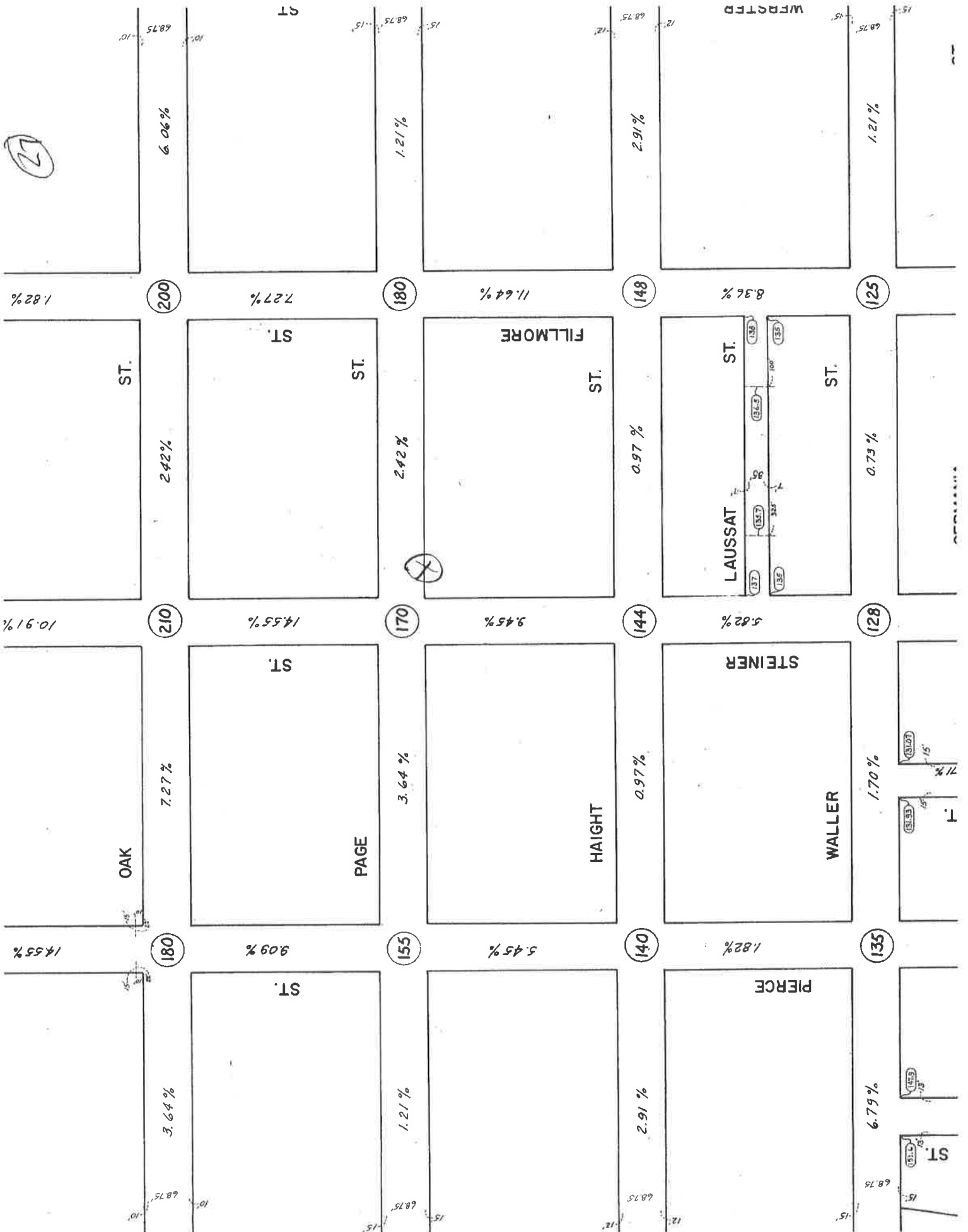
FILLMORE



HAIGHT

Revised Plat Book 79 C.D.A
Checked June '71 T.C.







1183

GROVE ST

1201

1200

HAYES ST

1204

1205

FELL ST

1215

1214

OAK ST

1218

1219

PAGE ST

1237

1236

Haight St

1240

1241

1202

1203

1216

1217

1238

1239

SQUARE 0799

HAYES ST

0822

0823

0824

FELL ST

0827

0826

0825

OAK ST

0843

0844

0845

0849

0847

0846

FILLMORE ST

0860

0861

PIERCE ST

0862

0867

0863

STEINER ST

0866

0865

0864

1260

1259

1258

ENANA STA ARK

EBSTER ST

0821

0828

0842

0849

0859

0868

ST 0818

0819

0820

0830

0829

0840

0841

0851

0850

0857

0858

0870

MARKET ST 0872

BUCHANAN ST

0869

0873

WALLER ST

HERMANN ST

0874

CHURCH

3536

353

35

NOE S

3539

ALPI

BUER

ROSEMO

35

DO

35

City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

Dana Neil, 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: **699 Page Street**

Cross Streets: Steiner Street and Fillmore Street

Your file or job number: **SF04-415301, 9077252, 54E**

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-0321**
- 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: Dana Neil Tel. No: 415 644-7027

Proposed Location: 699 Page Street (Group 54E) 13SMF-0321

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:



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

April 8, 2014

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: 699 Page Street, south side, east of Steiner Street

DPW File: **13SMF-0321**

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: February 6, 2014
- Exhibits A-2f-B Verification of policy compliance (undergrounding, collocation, etc.)
- Exhibit C-1b Directory of Neighborhood Organizations list
Western Addition and Citywide were also mailed on February 6, 2014
- Exhibit C-1c City Department Notices for special districts
N/A
- Exhibit E Neighborhood Notice (per sec C-2)
Posted and mailed on February 6, 2014
- 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 # 182394.

File: SF04-415301; 9077252; Group: **54E**

Group 54E SAN FRANCISCO - Job #9077252

A		D		E		F		G	
1	APN	Owner Names	Mail Care Of Name	Mail Address	Mail City/State/ZIP				
2		RESIDENT		612 PAGE ST	SAN FRANCISCO, CA 94117				
3	0843-011	HOUILLION JAMES M		610 PAGE ST	SAN FRANCISCO CA 94117-2519				
4		RESIDENT		616 PAGE ST #B	SAN FRANCISCO CA 94117-2519				
5		RESIDENT		616 PAGE ST	SAN FRANCISCO CA 94117-2519				
6	0843-012	MORITA STEVEN S		614 PAGE ST	SAN FRANCISCO CA 94117-2519				
7	0843-013	SPINGOLA STEVEN J/JARE WENDT		630 PAGE ST	SAN FRANCISCO CA 94117-2519				
8	0843-014	SILVA SHARON M		632 PAGE ST	SAN FRANCISCO CA 94117-2519				
9		RESIDENT		678 PAGE ST	SAN FRANCISCO, CA 94117				
10		RESIDENT		676 PAGE ST	SAN FRANCISCO, CA 94117				
11		RESIDENT		674 PAGE ST	SAN FRANCISCO, CA 94117				
12		RESIDENT		672 PAGE ST	SAN FRANCISCO, CA 94117				
13		RESIDENT		670 PAGE ST #1	SAN FRANCISCO, CA 94117				
14		RESIDENT		670 PAGE ST	SAN FRANCISCO, CA 94117				
15	0843-015	APKE ALEXANDER E/ANA MUNOZ M		668 PAGE ST	SAN FRANCISCO, CA 94117				
16		RESIDENT		690 PAGE ST	SAN FRANCISCO, CA 94117				
17	0843-016	PAGE STEINER ASSOCS LLC		431 STEINER ST	SAN FRANCISCO CA 94117-2520				
18		RESIDENT		410 STEINER ST	SAN FRANCISCO, CA 94117				
19	0843-017	NEPLOKH ERIC A	UNIF INC	500 MASONIC AVE	SAN FRANCISCO CA 94117-1215				
20		RESIDENT		432 STEINER ST	SAN FRANCISCO, CA 94117				
21		RESIDENT		430 STEINER ST #6	SAN FRANCISCO, CA 94117				
22		RESIDENT		430 STEINER ST #5	SAN FRANCISCO, CA 94117				
23		RESIDENT		430 STEINER ST #4	SAN FRANCISCO, CA 94117				
24		RESIDENT		430 STEINER ST #3	SAN FRANCISCO, CA 94117				
25		RESIDENT		430 STEINER ST #2	SAN FRANCISCO, CA 94117				
26		RESIDENT		430 STEINER ST #1	SAN FRANCISCO, CA 94117				
27		RESIDENT		430 STEINER ST	SAN FRANCISCO, CA 94117				
28	0843-018	KEBBE GEORGE/WHITTINGTO GEORGE & KIMBERLY		190 CRESTA VISTA DR	SAN FRANCISCO CA 94127-1635				
29		RESIDENT		440 STEINER ST	SAN FRANCISCO CA 94117-2521				
30	0843-035	HAHN FAMILY TRUST		438 STEINER ST	SAN FRANCISCO CA 94117-2521				
31		RESIDENT		401 STEINER ST #41	SAN FRANCISCO, CA 94117				
32		RESIDENT		401 STEINER ST #12	SAN FRANCISCO, CA 94117				
33		RESIDENT		401 STEINER ST #11	SAN FRANCISCO, CA 94117				
34		RESIDENT		401 STEINER ST #10	SAN FRANCISCO, CA 94117				
35		RESIDENT		401 STEINER ST #9	SAN FRANCISCO, CA 94117				
36		RESIDENT		401 STEINER ST #8	SAN FRANCISCO, CA 94117				
37		RESIDENT		401 STEINER ST #7	SAN FRANCISCO, CA 94117				
38		RESIDENT		401 STEINER ST #6	SAN FRANCISCO, CA 94117				
39		RESIDENT		401 STEINER ST #5	SAN FRANCISCO, CA 94117				
40		RESIDENT		401 STEINER ST #4	SAN FRANCISCO, CA 94117				
41		RESIDENT		401 STEINER ST #3	SAN FRANCISCO, CA 94117				
42		RESIDENT		401 STEINER ST #2	SAN FRANCISCO, CA 94117				
43		RESIDENT		401 STEINER ST #1	SAN FRANCISCO, CA 94117				

Group 54E SAN FRANCISCO - Job #9077252

A		D		E		F		G	
1	APN	Owner Names	Mail Care Of Name	Mail Address	Mail City/State/ZIP				
44		RESIDENT		401 STEINER ST	SAN FRANCISCO, CA 94117				
45	0844-004	WALTON JOHN M/STE CHARLES		700 PAGE ST	SAN FRANCISCO, CA 94117				
46		RESIDENT		712 PAGE ST	SAN FRANCISCO, CA 94117				
47		RESIDENT		708 PAGE ST	SAN FRANCISCO, CA 94117				
48	0844-005	WETZEL JOSEPH/HILTON EMILY		710 PAGE ST	SAN FRANCISCO CA 94117-2409				
49		RESIDENT		718 PAGE ST	SAN FRANCISCO CA 94117-2409				
50		RESIDENT		714 PAGE ST	SAN FRANCISCO CA 94117-2409				
51	0844-005A	PREPARATA CLAUDIA/JOHN SUTER PATRICK		716 PAGE ST	SAN FRANCISCO CA 94117-2409				
52		RESIDENT		399 STEINER ST #21	SAN FRANCISCO, CA 94117				
53		RESIDENT		399 STEINER ST #20	SAN FRANCISCO, CA 94117				
54		RESIDENT		399 STEINER ST #19	SAN FRANCISCO, CA 94117				
55		RESIDENT		399 STEINER ST #18	SAN FRANCISCO, CA 94117				
56		RESIDENT		399 STEINER ST #17	SAN FRANCISCO, CA 94117				
57		RESIDENT		399 STEINER ST #16	SAN FRANCISCO, CA 94117				
58		RESIDENT		399 STEINER ST #15	SAN FRANCISCO, CA 94117				
59		RESIDENT		399 STEINER ST #14	SAN FRANCISCO, CA 94117				
60		RESIDENT		399 STEINER ST #13	SAN FRANCISCO, CA 94117				
61		RESIDENT		399 STEINER ST #12	SAN FRANCISCO, CA 94117				
62		RESIDENT		399 STEINER ST #11	SAN FRANCISCO, CA 94117				
63		RESIDENT		399 STEINER ST #10	SAN FRANCISCO, CA 94117				
64		RESIDENT		399 STEINER ST #9	SAN FRANCISCO, CA 94117				
65		RESIDENT		399 STEINER ST #8	SAN FRANCISCO, CA 94117				
66		RESIDENT		399 STEINER ST #7	SAN FRANCISCO, CA 94117				
67		RESIDENT		399 STEINER ST #6	SAN FRANCISCO, CA 94117				
68		RESIDENT		399 STEINER ST #5	SAN FRANCISCO, CA 94117				
69		RESIDENT		399 STEINER ST #4	SAN FRANCISCO, CA 94117				
70		RESIDENT		399 STEINER ST #3	SAN FRANCISCO, CA 94117				
71		RESIDENT		399 STEINER ST #2	SAN FRANCISCO, CA 94117				
72		RESIDENT		399 STEINER ST #1	SAN FRANCISCO, CA 94117				
73		RESIDENT		399 STEINER ST	SAN FRANCISCO, CA 94117				
74	0847-001	HELMBERGER BRUCE P & BARBARA J/HELMBERGER BARBAR		1252 VALENCIA ST #A	SAN FRANCISCO CA 94110-3029				
75		RESIDENT		343 STEINER ST #3	SAN FRANCISCO CA 94117-3345				
76		RESIDENT		343 STEINER ST #2	SAN FRANCISCO CA 94117-3345				
77		RESIDENT		343 STEINER ST #1	SAN FRANCISCO CA 94117-3345				
78	0847-002	CANDLER THELMA		343 STEINER ST	SAN FRANCISCO CA 94117-3345				
79		RESIDENT		311 STEINER ST	SAN FRANCISCO, CA 94117				
80	0847-003	ROSEWINKLE LLC		270 DIVISADERO ST #8	SAN FRANCISCO CA 94117-3253				
81	0847-005	TARBOX WILLIAM & LAURA		307 STEINER ST	SAN FRANCISCO CA 94117-3310				
82		RESIDENT		733 PAGE ST	SAN FRANCISCO CA 94117-2408				
83	0847-034	TSUTSUI MASAFUMI		735 PAGE ST	SAN FRANCISCO CA 94117-2408				
84		RESIDENT		721 PAGE ST #B	SAN FRANCISCO, CA 94117				
85		RESIDENT		721 PAGE ST	SAN FRANCISCO, CA 94117				

Group 54E SAN FRANCISCO - Job #9077252

A	D	E	F	G
1 APN	Owner Names	Mail Care Of Name	Mail Address	Mail City/State/ZIP
86 0847-035	BURKE SCOTT S		719 PAGE ST	SAN FRANCISCO CA 94117-2408
87	RESIDENT		713 PAGE ST	SAN FRANCISCO, CA 94117
88	RESIDENT		711 PAGE ST	SAN FRANCISCO, CA 94117
89 0847-037	MURPHY PATRICK & GAIL/PATRICK MURPHY A		876 FRANCISCO ST	SAN FRANCISCO CA 94109-1323
90	RESIDENT		309 STEINER ST #A	SAN FRANCISCO, CA 94117
91 0847-040	KUMANA SAROSH D/PIP INC		1201 FULTON ST	SAN FRANCISCO CA 94117-1507
92 0847-041	GRANOFF ELIZABETH H		309 STEINER ST #B	SAN FRANCISCO CA 94117-3388
93 0847-042	HODGSON JACOB W		309 STEINER ST #C	SAN FRANCISCO CA 94117-3388
94	RESIDENT		309 STEINER ST D	SAN FRANCISCO, CA 94117
95 0847-043	SEAMONKEY LLC		270 DIVISADERO ST #8	SAN FRANCISCO CA 94117-3253
96 0847-056	ODONNELL SHIRLEY A		707 PAGE ST	SAN FRANCISCO CA 94117-2408
97 0847-057	TSOU WINIFRED C		709 PAGE ST	SAN FRANCISCO CA 94117-2408
98	RESIDENT		715 PAGE ST	SAN FRANCISCO, CA 94117
99 0847-058	BENJAMIN SARAH & MARK (TE)		1500 VIA LOPEZ	PALOS VERDES ESTATES CA 90274-1
100 0847-059	SEELY RONALD L LIVING TRUST/LATULIPPE DAVID A LIVING TRUST		717 PAGE ST	SAN FRANCISCO CA 94117-2408
101	RESIDENT		359 FILLMORE ST #16	SAN FRANCISCO, CA 94117
102	RESIDENT		359 FILLMORE ST #15	SAN FRANCISCO, CA 94117
103	RESIDENT		359 FILLMORE ST #14	SAN FRANCISCO, CA 94117
104	RESIDENT		359 FILLMORE ST #12	SAN FRANCISCO, CA 94117
105	RESIDENT		359 FILLMORE ST #11	SAN FRANCISCO, CA 94117
106	RESIDENT		359 FILLMORE ST #10	SAN FRANCISCO, CA 94117
107	RESIDENT		359 FILLMORE ST #9	SAN FRANCISCO, CA 94117
108	RESIDENT		359 FILLMORE ST #8	SAN FRANCISCO, CA 94117
109	RESIDENT		359 FILLMORE ST #7	SAN FRANCISCO, CA 94117
110	RESIDENT		359 FILLMORE ST #6	SAN FRANCISCO, CA 94117
111	RESIDENT		359 FILLMORE ST #5	SAN FRANCISCO, CA 94117
112	RESIDENT		359 FILLMORE ST #4	SAN FRANCISCO, CA 94117
113	RESIDENT		359 FILLMORE ST #3	SAN FRANCISCO, CA 94117
114	RESIDENT		359 FILLMORE ST #2	SAN FRANCISCO, CA 94117
115	RESIDENT		359 FILLMORE ST #1	SAN FRANCISCO, CA 94117
116	RESIDENT		359 FILLMORE ST	SAN FRANCISCO, CA 94117
117 0848-001A	MEENAGHAN JAMES		144 MARINA BLVD	SAN RAFAEL CA 94901
118	RESIDENT		679 PAGE ST	SAN FRANCISCO, CA 94117
119	RESIDENT		677 PAGE ST	SAN FRANCISCO, CA 94117
120 0848-002A	LARSON MICHAEL D		255 W 23RD ST #2HW	NEW YORK NY 10011-2341
121	RESIDENT		673 PAGE ST	SAN FRANCISCO, CA 94117
122	RESIDENT		671 PAGE ST	SAN FRANCISCO, CA 94117
123 0848-002B	GREENBERG FAMILY LIVING TRUST		316 MID VALLEY CTR #176	CARMEL CA 93923-8516
124 0848-002C	STALLWOOD DAVID A		665 PAGE ST #4	SAN FRANCISCO CA 94117-2508
125	RESIDENT		649 PAGE ST #10	SAN FRANCISCO, CA 94117
126	RESIDENT		649 PAGE ST #9	SAN FRANCISCO, CA 94117
127	RESIDENT		649 PAGE ST #8	SAN FRANCISCO, CA 94117

SAN FRANCISCO - Job #9077252

Group 54E

A	D	E	F	G
APN	Owner Names	Mail Care Of Name	Mail Address	Mail City/State/ZIP
128	RESIDENT		649 PAGE ST #7	SAN FRANCISCO, CA 94117
129	RESIDENT		649 PAGE ST #6	SAN FRANCISCO, CA 94117
130	RESIDENT		649 PAGE ST #5	SAN FRANCISCO, CA 94117
131	RESIDENT		649 PAGE ST #4	SAN FRANCISCO, CA 94117
132	RESIDENT		649 PAGE ST #3	SAN FRANCISCO, CA 94117
133	RESIDENT		649 PAGE ST #2	SAN FRANCISCO, CA 94117
134	RESIDENT		649 PAGE ST #1	SAN FRANCISCO, CA 94117
135	RESIDENT		649 PAGE ST	SAN FRANCISCO, CA 94117
136	SEIWALD FAMILY 1994 REV TRUST	ROBERT J SEIWALD	59 BURNSIDE AVE	SAN FRANCISCO CA 94131-2904
137	RESIDENT		661 PAGE ST	SAN FRANCISCO, CA 94117
138	BARGANEY ELLA M		663 PAGE ST	SAN FRANCISCO CA 94117-2518
139	RESIDENT		655 PAGE ST #10	SAN FRANCISCO, CA 94117
140	RESIDENT		655 PAGE ST #9	SAN FRANCISCO, CA 94117
141	RESIDENT		655 PAGE ST #8	SAN FRANCISCO, CA 94117
142	RESIDENT		655 PAGE ST #7	SAN FRANCISCO, CA 94117
143	RESIDENT		655 PAGE ST #6	SAN FRANCISCO, CA 94117
144	RESIDENT		655 PAGE ST #5	SAN FRANCISCO, CA 94117
145	RESIDENT		655 PAGE ST #4	SAN FRANCISCO, CA 94117
146	RESIDENT		655 PAGE ST #3	SAN FRANCISCO, CA 94117
147	RESIDENT		655 PAGE ST #2	SAN FRANCISCO, CA 94117
148	RESIDENT		655 PAGE ST #1	SAN FRANCISCO, CA 94117
149	RESIDENT		655 PAGE ST	SAN FRANCISCO, CA 94117
150	MCAULIFFE DANIEL J & MARGARET T	DANIEL J MCAULIFFE	78 OTSEGO AVE	SAN FRANCISCO CA 94112-2534
151	RESIDENT		627 PAGE ST #8	SAN FRANCISCO, CA 94117
152	RESIDENT		627 PAGE ST #7	SAN FRANCISCO, CA 94117
153	RESIDENT		627 PAGE ST #6	SAN FRANCISCO, CA 94117
154	RESIDENT		627 PAGE ST #5	SAN FRANCISCO, CA 94117
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157	RESIDENT		627 PAGE ST #2	SAN FRANCISCO, CA 94117
158	RESIDENT		627 PAGE ST #1	SAN FRANCISCO, CA 94117
159	RESIDENT		627 PAGE ST	SAN FRANCISCO, CA 94117
160	HENRY & FRANCES GAGE LP		PO BOX 1208	SANTA CLARA CA 95052-1208
161	RESIDENT		324 STEINER ST	SAN FRANCISCO, CA 94117
162	RESIDENT		322 STEINER ST	SAN FRANCISCO, CA 94117
163	RESIDENT		320 STEINER ST	SAN FRANCISCO, CA 94117
164	RESIDENT		318 STEINER ST	SAN FRANCISCO, CA 94117
165	RESIDENT		316 STEINER ST	SAN FRANCISCO, CA 94117
166	RESIDENT		314 STEINER ST	SAN FRANCISCO, CA 94117
167	RESIDENT		312 STEINER ST	SAN FRANCISCO, CA 94117
168	RESIDENT		310 STEINER ST	SAN FRANCISCO, CA 94117
169	RESIDENT		308 STEINER ST	SAN FRANCISCO, CA 94117

Group 54E SAN FRANCISCO - Job #9077252

A	D	E	F	G	
1	APN	Owner Names	Mail Care Of Name	Mail Address	Mail City/State/ZIP
170		RESIDENT		306 STEINER ST	SAN FRANCISCO, CA 94117
171		RESIDENT		304 STEINER ST #B	SAN FRANCISCO, CA 94117
172		RESIDENT		304 STEINER ST #4	SAN FRANCISCO, CA 94117
173		RESIDENT		304 STEINER ST	SAN FRANCISCO, CA 94117
174		RESIDENT		598 HAIGHT ST	SAN FRANCISCO, CA 94117
175		RESIDENT		596 HAIGHT ST	SAN FRANCISCO, CA 94117
176	0848-011	STDENNY STEVEN & SEMARAPIKI	REAL MANANGEMENT CO	1234 CASTRO ST	SAN FRANCISCO CA 94114-3232
177		RESIDENT		326 STEINER ST	SAN FRANCISCO, CA 94117
178	0848-012	BROWN JAMES R & ANDREA C		328 STEINER ST	SAN FRANCISCO CA 94117-3311
179		RESIDENT		681 PAGE ST #8	SAN FRANCISCO, CA 94117
180		RESIDENT		681 PAGE ST #7	SAN FRANCISCO, CA 94117
181		RESIDENT		681 PAGE ST #6	SAN FRANCISCO, CA 94117
182		RESIDENT		681 PAGE ST #5	SAN FRANCISCO, CA 94117
183		RESIDENT		681 PAGE ST #4	SAN FRANCISCO, CA 94117
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186		RESIDENT		681 PAGE ST #1	SAN FRANCISCO, CA 94117
187		RESIDENT		681 PAGE ST	SAN FRANCISCO, CA 94117
188	0848-016	VARUM ALEX		148 AMBER DR	SAN FRANCISCO CA 94131-1626
189	0848-018	PHILLIPS PATRICIA & AUGUSTINE		340 STEINER ST	SAN FRANCISCO CA 94117-3311
190	0848-019	CHATFIELD-TAYLOR CHARLES F		350 STEINER ST	SAN FRANCISCO CA 94117-3311
191	0848-020	YEE WING YON/RE VIOLA J 1998	WING YON & VIOLA J YEE	360 STEINER ST	SAN FRANCISCO CA 94117-3311
192		RESIDENT		334 STEINER ST	SAN FRANCISCO, CA 94117
193	0848-021	MANLEY MICHAEL H		332 STEINER ST	SAN FRANCISCO CA 94117-3311
194		RESIDENT		336 STEINER ST	SAN FRANCISCO, CA 94117
195	0848-022	MANLEY MICHAEL H		332 STEINER ST	SAN FRANCISCO CA 94117-3311
196		RESIDENT		635 PAGE ST #5	SAN FRANCISCO, CA 94117
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200		RESIDENT		635 PAGE ST #1	SAN FRANCISCO, CA 94117
201		RESIDENT		635 PAGE ST	SAN FRANCISCO, CA 94117
202	0848-023	THOMPSON EVELYN Z		880 BRUSSELS ST	SAN FRANCISCO CA 94134-1906

Western Addition

NAME	COMOPANY	ADDRESS	CITY	STATE	ZIP
President	Japantown Merchants Association	1581 Webster Street	San Francisco	CA	94115
Adrienne Shiozaki-Woo	Nihonmachi Little Friends	2031 Bush Street	San Francisco	CA	94115
Al Sodini	Anza Vista Civic Improvement Club	140 Terra Vista Avenue	San Francisco	CA	94115
Gus Hernandez	Alamo Square Neighborhood Association	P.O. Box 15372	San Francisco	CA	94115
Jan Bolalaffi	Western Addition Neighborhood Association	2331 Bush Street	San Francisco	CA	94115
Jason Henderson	Market/Octavia Community Advisory Comm.	300 Buchanan Street, Apt. 503	San Francisco	CA	94102
Lawrence Li	Lower Haight Merchant & Neighbors Association	498 Waller Street, Apt. 9	San Francisco	CA	94117
Leela Gill	North of Panhandle Neighborhood Association (NOPNA)	850 Baker Street	San Francisco	CA	94115
London Breed	Board of Supervisors	1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94102-4689
Mark Farrell	Board of Supervisors	1 Dr. Carlton B Goodlett Place, Room #244	San Francisco	CA	94102-4689
Marvis Phillips	Alliance for a Better District 6	230 Eddy Street #1206	San Francisco	CA	94102-6526
Pat Tura	Duboce Triangle Neighborhood Association	2261 Market Street PMB #301	San Francisco	CA	94114
Patricia Vaughney	Marina/Cow Hollow Neighbors & Merchants	2742 Baker Street	San Francisco, CA	CA	94123
Peter Cohen	Noe Street Neighbors	33 Noe Street	San Francisco	CA	94114
Richard Rabbitt	Temescal Terrace Association	55 Temescal Terrace	San Francisco	CA	94118
Russell Pritchard	Hayes Valley Merchants Association	568 Hayes Street	San Francisco	CA	94102
Thomas Reynolds	Fillmore Merchants & Improvement Association	2184 Sutter Street #155	San Francisco	CA	94115
William Bulkeley	Hayes Valley Neighborhood Association	1800 Market St., PMB #104	San Francisco	CA	94102

City Wide

NAME	COMPANY	ADDRESS	CITY	STATE	ZIP
Aaron Peskin		470 Columbus Avenue, Ste. 211	San Francisco	CA	94133
Adrian Simi	Carpenters Local 22	2085 Third Street	San Francisco	CA	94107
Alex Lantsberg	Carpenters Local 22 c/o NCCRC Research	265 Hegenberger Road, Ste. 220	Oakland	CA	94621
Chuck Turner	Community Design Center	5 Thomas Mellon Circle, #128	San Francisco	CA	94134
David Villa-Lobos	Community Leadership Alliance	P.O. Box 642201	San Francisco	CA	94109
Grace Shanahan	Residential Builders Association	1717 17th Street, Ste. 200	San Francisco	CA	94103
Lynn Sousa	AT&T Construction and Engineering	795 Folsom Street, Rm.426	San Francisco	CA	94107-1243
Marsha Garland	Garland Public & Community Relations	535 Green Street	San Francisco	CA	94133
Mary Miles	Coalition for Adequate Review	364 Page Street, #36	San Francisco	CA	94102
Michael Theriault	SF Building and Construction Trades Council	1188 Franklin Street, Ste.203	San Francisco	CA	94109
Sona Trauss	SF Bay Area Association of Renters	1552 7th Street	Oakland	CA	94607
Stephen Williams	Law Office of Stephen M. Williams	1934 Divisadero Street	San Francisco	CA	94115
Sue Hestor		870 Market Street, #1128	San Francisco	CA	94102
Ted Gullicksen	San Francisco Tenants Union	558 Capp Street	San Francisco	CA	94110

04/18/13 BP

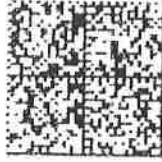
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Updated: 11/11/13ja

Updated: 02/05/14ja



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San Ramon, CA 94583



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RESIDENT
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SAN FRANCISCO CA 94117

SF 9077252 54E
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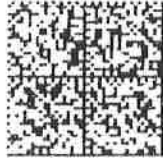
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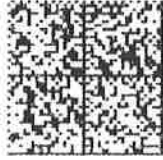
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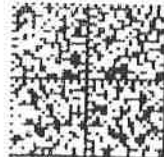
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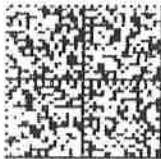
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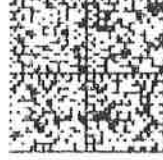
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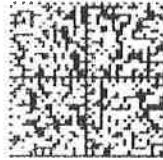
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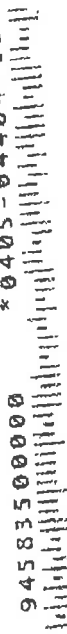
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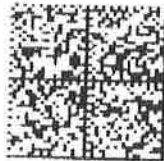
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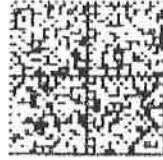
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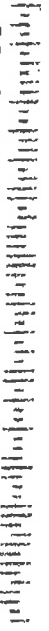
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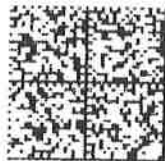
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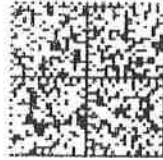
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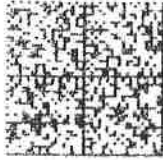
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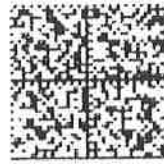
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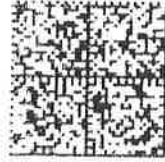
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795 Folsom Street, Room 426
San Francisco CA 94107-1243

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF04-415301 9077252

54E

Dear San Francisco Resident:

February 6, 2014

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: **699 Page Street**. A mock-up of the Surface Mounted Facilities (SMF) in the proposed location is shown below. The cabinet dimensions are: 59 inches wide, 48 inches tall, and 26 inches deep.

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.

All objections to the installation of the SMF must be submitted in writing via:

E-mail to: smf@sfdpw.org

US Mail to:

Department of Public Works

Fax to: (415) 554-6161

Bureau of Street-Use and Mapping

Refer to Permit Appl #: 13SMF-0321

1155 Market Street, 3rd Floor

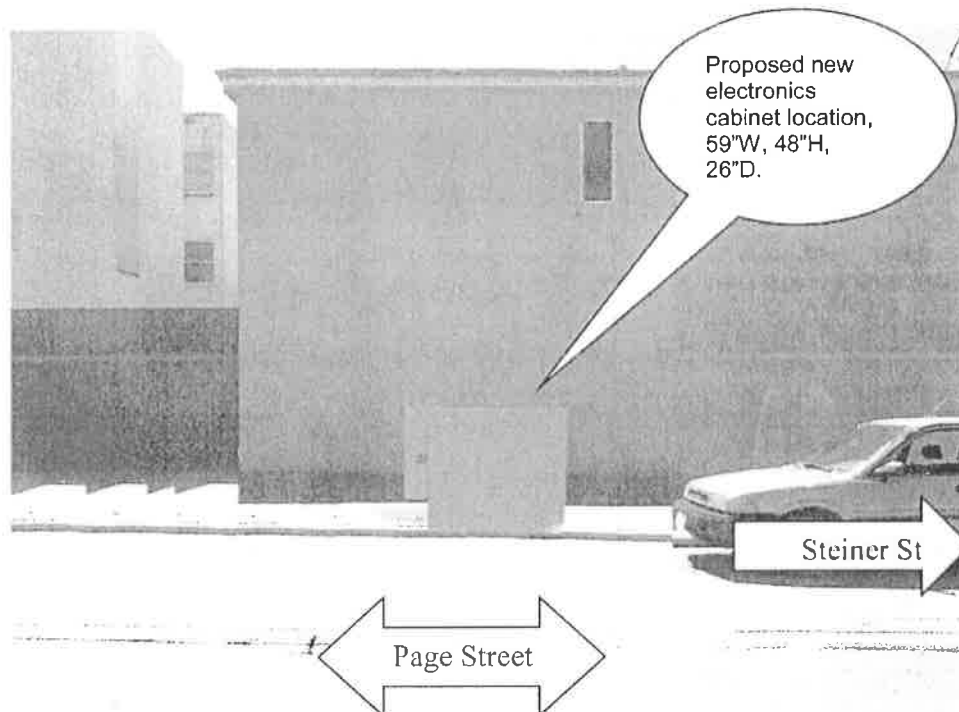
Last date to object: **February 27, 2014**

San Francisco, CA 94103-1555

Please reference Permit Application # 13SMF-0321 with all correspondence

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.



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

City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

Dana Neil, 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: **699 Page Street**

Cross Streets: Steiner Street and Fillmore Street

Your file or job number: **SF04-415301, 9077252, 54E**

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-0321**
- 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

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: 182394

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 699 Page Street (13SMF-0321)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **September 13, 2013**, the Applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface-Mounted Facility (SMF) at **699 Page Street**.
2. On **February 6, 2014**, the applicant mailed and posted Notices of Intent (NOI) to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **seven (7)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objection and comments included:
 - Concern for graffiti, noise, negative impact on property values, path of travel, access to cars, safety, trash accumulation from wind pattern.
 - U-verse is already offered in the area.
 - Notice left out information.
 - AT&T uses outdated technology.
 - Existing AT&T cabinet on Page/Steiner.
 - Unreasonable to expect senior citizens in adjacent home to supervise graffiti removal.
4. On **March 3, 2014**, DPW Hearing Officer **Alex Murillo** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Gene Chan of DPW presented a summary of the permit applications stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and DPW Order No. 175,566 Exhibit B.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **February 28, 2014** and **two (2)** members of the community attended. During the box walk, AT&T and the attendees located the following potentially feasible alternate location(s):



- 698 Page Street: complies with AT&T's technical requirements; however, plans to improve upon land have already been submitted to Department of Building Inspections.
7. At the hearing, one (1) member of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **699 Page Street**. Testimony included:
- Existing cabinet on Page/Steiner is blighted and attracts illegal dumping.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility **13SMF-0321**, in the vicinity of **699 Page Street**.

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. 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-0321 in the vicinity of 699 Page Street**. 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>

3/31/2014

3/31/2014

X

Sanguinetti, Jerry
Bureau Manager

X

Sweiss, Fuad
Deputy Director and City Engineer

3/31/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



EXHIBIT C



(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-3360

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	
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	David Gibbons (415) 644-7052, Cell (415) 794-6050
Service Address/Project:	699 Page St at Steiner St LSMF OT 9077252 54E (13SMF-0321)
Start Date	2/23/15
Permit expires on:	3/8/2015
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0321)
Method:	Open Cut: Sawcut
TrackingNumber1	9077252 R301 4C
TrackingNumber2	13SMF-0321 SF04-415301
Project Size	140
Inspection	

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

Approved Date : 06/09/2014

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 9/4/2014 11:36:34 AM

Plan Checker

Marion Meyer

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

"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

Conditions

=====
Duration to 45-day permit: Per agreement for small and medium size projects without any additional notification requirements as a result of the increased permit timeframe. The purpose will be to allow SBC an additional 30 days to obtain appropriate STPs or other permits or bids and contractors.
=====

SBC/ Pacific Bell

====>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 place 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's 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 per Standard Curb Ramp Drawing Nos. CR-1 and CR-3, Revision 3 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.

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Please note that this project is required to comply with the two (2) new standards which are for the reinforcement of the concrete bus pads under DPW Order No. 181305 and for constructing reinforced concrete in new sidewalk under DPW Order No. 181306.
=====

==(01:25 PM==6-6-2014)

Permit Addresses

14EXC-3360

*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:140 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	PAGE ST	FILLMORE ST	STEINER ST	South	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	32	26		
3		STEINER ST	PIERCE ST	South	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	10	3		
Total						42	29		
2	STEINER ST	PAGE ST	Intersection	South	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	69	0		
Total						69	0		

Exceptions

14EXC-3360

Street Name	From St	To St	Message	Job	Contact	Dates
PAGE ST						
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	12ECN-0424	Refer to Agent 5504900 - Refer to Agent 5504900	Apr 16 2012-
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	13ECN-1496	800-743-5000 - 800-743-5000	Dec 6 2013-
	STEINER ST	Intersection	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	STEINER ST	PIERCE ST -	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	14CN-0189	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	14CN-0190	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	14MSE-0317	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Conflict with existing Street Use Permit.	14MSE-0318	Refer to Agent - Refer to Agent	
	FILLMORE ST	STEINER ST -	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	STEINER ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	STEINER ST	PIERCE ST -	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	FILLMORE ST	STEINER ST -	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	STEINER ST	Intersection	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	STEINER ST	PIERCE ST -	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		

"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
	FILLMORE ST	STEINER 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	Railroad Spike		
	STEINER 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	Railroad Spike		
STEINER ST						
	PAGE ST	Intersection	Conflict with existing Street Use Permit.	13smf-0321	Refer to Agent - Refer to Agent	
	PAGE ST	Intersection	Proposed Excavation.	AT&T - Construction and Engineering	Dana Neil -	Aug 21 2014-Nov 18 2014
	PAGE ST	Intersection	Blocks with Bicycle Route designations require special attention. For details see Section 10 of DPT's Blue Book and Section 6.3 of DPW's Order No. 171.442.	N/A		
	PAGE 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	Railroad Spike		

No Diagram submitted

EXHIBIT D

Johnson, Foster

From: TORRES, MARIA S [mt1276@att.com]
Sent: Friday, August 22, 2014 11:53 AM
To: Johnson, Foster
Subject: FW: Planning review of AT&T SMF applications

From: Fong, Lynn [mailto:Lynn.Fong@sfdpw.org]
Sent: Wednesday, September 11, 2013 12:45 PM
To: SOUSA, LINDA L; TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G; VRIHEAS, THEADORA K
Cc: Urban, Arianna; Chan, Gene; Kwong, John; Dagdagan, Melissa; Hrushowy, Neil
Subject: Planning review of AT&T SMF applications

Hello everyone,

Effective immediately, the Planning Department will begin the review of all AT&T permit applications. This means that the following 5 sites that DPW has received on 9/6/13 from AT&T will be sent to the Planning Department:

Group	CO	DA	Job	SMF
60B	SF05	413004	9082510	13SMF-0315
60C	SF05	414301	9082513	13SMF-0316
60D	SF05	511002	9082517	13SMF-0317
60E	SF06	220201	9082520	13SMF-0318
60F	SF06	220902	9082521	13SMF-0319

Our current expectation on how the review process will be as follows:

- 1.) AT&T submits the weekly SMF applications (5 per week)
- 2.) DPW will perform a cursory review to ensure that the site meets the DPW Order 175,566 site requirements.
- 3.) After the cursory review is completed, DPW will forward the applications to Planning while continuing with the review of the entire application package.
- 4.) Planning will review the applications and then return the comments/conditions of approval where applicable to DPW.
- 5.) If revisions are necessary, DPW will send AT&T the redlines.
- 6.) If revisions are not necessary, DPW will continue the process and allow AT&T to proceed with the 20 day posting.
- 7.) DPW will incorporate all Planning/DPW conditions of approval into the final approved SMF application.

Please note that Planning will be billing AT&T for the review time. DPW will be setting up a mechanism to collect the fees for Planning.

I have included Neil Hrushowy into this email, in case that you may have any questions related to the billing or other Planning related items.

Thank you for your support and help!

Lynn S.N. Fong
Department of Public Works
Bureau of Street Use and Mapping
1155 Market Street, 3rd Floor
SF, CA 94103
phone: (415) 554-4860
email: Lynn.Fong@sfdpw.org

Johnson, Foster

From: TORRES, MARIA S [mt1276@att.com]
Sent: Friday, August 22, 2014 12:21 PM
To: Johnson, Foster
Subject: FW: Approval to Post NOI

Email from DPW approving us to post.

From: Chan, Gene [mailto:Gene.Chan@sfdpw.org]
Sent: Wednesday, February 26, 2014 1:51 PM
To: TORRES, MARIA S; NEIL, DANA P; LUCQ, PAUL G; SOUSA, LINDA L; MITCHELL, CAROL B
Cc: Fong, Lynn; Urban, Arianna
Subject: Approval to Post NOI

Hi All,

The following are approved to post NOI:

- 65G, 13SMF-0376: 996 Cayuga Ave
- 62A, 13SMF-0391: 799 Russia Ave
- 62E, 13SMF-0396: 297 Lisbon St
- 66C, 13SMF-0403: 298 Vienna St
- 70F, 13SMF-0407: 326 Craut St

The following need revisions before posting (redlines in database):

- 62F, 13SMF-0397: 198 Hearst Ave
- 66D, 13SMF-0404: 802 Plymouth Ave
- 69C, 13SMF-0398: 998 Lombard St
- 69D, 13SMF-0399: 1002 Balboa St
- 67C, 13SMF-0380: 225 Point Lobos Ave

Thanks,

Gene Chan

Department of Public Works

Bureau of Street Use and Mapping

1155 Market St., 3rd Floor

San Francisco, CA 94103

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E-mail: gene.chan@sfdpw.org

**MARCH 14, 2013 EMAIL FROM LYNN FONG
TO MARC D. BLAKEMAN & JOHN KWONG
RE: SMF 7 WEEK BACK LOG EXPECTED TO
BE COMPLETED NLT 3/29/13**

From: Fong, Lynn [mailto:Lynn.Fong@sfdpw.org]
Sent: Thursday, March 14, 2013 11:34 AM
To: BLAKEMAN, MARC D; Kwong, John
Cc: SOUSA, LINDA L; TORRES, MARIA S; PICKARD, ROBERT; Kwong, John; Dagdagan, Melissa; Lopez, Rene
Subject: SMF 7 week back log expected to be completed NLT 3/29/13

Hi Marc,

I have an update on the SMF applications that are listed as a part of the 7 week back log.

We expect that all the SMFs that you have listed below to be reviewed, approved and submitted to ATT within the next 2 weeks.

I will email you twice a week (every Tues and Thurs) each of the next two weeks to update you and ensure that we keep on track with our target completion of 2 weeks.

See red bold target completion dates below.

Lynn S.N. Fong
Department of Public Works
Bureau of Street Use and Mapping
1155 Market Street, 3rd Floor
SF, CA 94103
phone: (415) 554-4860
email: Lynn.Fong@sfdpw.org

From: BLAKEMAN, MARC D [mailto:mb3878@att.com]
Sent: Tuesday, March 12, 2013 5:52 PM
To: Fong, Lynn; Kwong, John
Cc: Sanguinetti, Jerry
Subject: AT&T Follow-up

Our team meets every Tuesday to review our pending items with the SFDPW. As discussed, I will provide you weekly updates on those items that are pending with your office.

First, we had originally agreed upon five permits a week as a threshold we felt that could easily be managed by DPW and would allow us to build out and planned for those intervals. As it stands we still have 17 permits left to submit for our 2013 build (things we hope to build THIS year). As DPW has not been turning around permits in a reasonable timeframe,

we as you know are behind on our build and are in jeopardy of losing capital dollars for the city. To that end, we will be submitting the remaining 17 permits as we design them, and not waiting to submit five a week as we need to get them in the pipeline now in hopes that you will catch up on your backlog. I wanted to give you a heads up on that because they will not be coming in in batches of 5 for these remaining 17. Also, we will soon begin submitting our permits for our 2014 build. We will go back to the pace of five a week, for those, but may need to accelerate those as well if the intervals don't normalize.

If it is helpful in any way, I am meeting again with the City Administrator and the Mayor on this issue and others and will again ask for assistance in freeing up the job requisitions you have sought. Our attorney will likely write a letter to the city informing them that under state statute (DIVCA legislation) cities are required to act on permits within 60 calendar days and the city is not even close to meeting that obligation. Just thought that might give some weight to the "ask".

Our biggest back log now is the Surface Mounted Facilities requests for public notification. These are going to continue to come in at a steady pace. In addition to the 38 we have pending below, we will be submitting another 17 likely by the end of the month for our 2013 build. Any efforts to shorten the expected return dates you gave us would be greatly appreciated. In fact the expected due dates are about 7 weeks out and even with that period some weeks they are returned past the expected returned date.

Here is what we are showing pending to date:

EXCAVATION PERMITS
NONE PENDING!!

SURFACE MOUNTED FACILITIES REQUEST FOR PUBLIC POSTING (38 PENDING)

Group 26 D, Group 28 A, 28 C, 34 A Sent on 1/18/13 (Expected Return 3/8/13) Approved by 3/14/13

26D-12SMF-0067

28A 13SMF-0003

28C 13SMF-0004

34A 13SMF-0015

Group 27 B,C & E Sent on 1/25/13 (Expected Return 3/15/13) Approved by 3/14/13

27B-12SMF-0063 NOTE: Missing in your list are 12SMF-0051, 23, 21 and 17

27C-13SMF-0016

27E-13SMF-0019

Group 22C Sent on 2/1/13, 24A-B, 24D-E Sent on 2/1/13 (Expected Return 3/22/13) Approved by 3/14/13

22C-13SMF-0025

24A-13SMF-0027

24B-13SMF-0028

24D-13SMF-0029

24E-13SMF-0030

Group 13D-R1 Sent on 2/1/13 (Expected Return 3/29/13) Target to be Approved by 3/22/13

13D-R1 13SMF-0031

Group 29 A-E Sent on 2/8/13 (Expected Return 3/29/13) Target to be Approved by 3/22/13

29A-12SMF-0064

29B-13SMF-0032

29C-13SMF-0035

29D-13SMF-0033

29E-13SMF-0034

Group 30A-C, 30E, 33A, Sent on 2/14/13 (Expected Return 4/5/13) Target to be approved by 3/29/13

30A-13SMF-0018
30B-13SMF-0020
30C-13SMF-0022
30E-13SMF-0024
33A-13SMF-0006

Group 31A, 31C, 31E, 32A, 32C Sent on 2/22/13 (Expected Return 4/12/13) Target to be approved by 3/29/13

31A-13SMF-0038
31C-13SMF-0039
31E-13SMF-0040
32A-13SMF-0041
32C-13SMF-0042

Group 32D, 33B-33E Sent on 3/1/13 Target to be approved by 3/29/13

32D-13SMF-0044
33B-13SMF-0007
33C-13SMF-0008
33D-13SMF-0009
33E-13SMF-0010

Group 32E, 34B-34E Sent on 3/8/13 Target to be Approved by 3/22/13

32E-13SMF-0045
34B-13SMF-0046
34C-13SMF-0047
34D-13SMF-0048
34E-13SMF-0049

As you noted in your email Friday night we are also awaiting 15 director's orders from the hearings held last week. Thanks for your efforts to get those returned quickly as well. There are 15 sites pending in this batch. Although the tracker you sent out last Friday only showed 8 sites, there were actually 15 although I believe 7 had no complaints actually filed, but nonetheless I believe we cannot apply for excavation permits on those 7 until a director's order has been issued, correct?

Again, many thanks for your assistance and I hope this update helps keep us on the same page to make sure we are tracking the same items. Perhaps we can schedule some time on Friday for John, Lynn and I to discuss the outcome of your discussions on permitting assistance as well as this tracking update. I think a 20 minute call would be all we would need. Let me know your thoughts. And Lynn thanks so much for the thorough updates you have been sending!

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
M: 415.205.7426

**APRIL 23, 2013 EMAIL FROM LYNN FONG
TO MARC D. BLAKEMAN & JOHN KWONG
RE: DIRECTOR'S DECISIONS**

From: Fong, Lynn [<mailto:Lynn.Fong@sfdpw.org>]

Sent: Tuesday, April 23, 2013 1:43 PM

To: BLAKEMAN, MARC D; Kwong, John

Cc: VRIHEAS, THEADORA K; SOUSA, LINDA L; TORRES, MARIA S; Sanguinetti, Jerry; Urban, Arianna

Subject: RE: Director's decisions

Marc,

We have finally just received the Hearing officer's decisions. In anticipation of receiving these decisions, I had prepared a draft for each of the decisions so that as soon as we received them, we would then be able to seek signatures. Since receiving the decisions, I have already sent two of the decisions (78 Hancock and 178 Mendell) through the DPW order portal today. The portal is our system to systematically have the order signed by management. The remaining ones will be sent through the portal both today and tomorrow.

This process will take a few days to complete. I will update you on the progress.

I hope that this information helps. Please let me know if you need any additional information. Thank you.

Lynn S.N. Fong

Department of Public Works

Bureau of Street Use and Mapping

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SF, CA 94103

phone: (415) 554-4860

email: Lynn.Fong@sfdpw.org

From: BLAKEMAN, MARC D [<mailto:mb3878@att.com>]

Sent: Tuesday, April 23, 2013 1:12 PM

To: Kwong, John

Cc: Fong, Lynn; VRIHEAS, THEADORA K; SOUSA, LINDA L; TORRES, MARIA S

Subject: Director's decisions

John – We still have 15 sites from a hearing date in early March that we still have no director's decision on. Isn't there a timeframe set forth in the SMF Order on the timeframe that these should be turned around? We are approaching seven weeks (as of tomorrow) and it seems that this is an extraordinary period of time...especially since state law says they are to be turned around in 45 days.

Can I please have an update on the status of these?

Thanks.

Marc

Marc D. Blakeman
Regional Vice President - External Affairs

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Rethink Possible



**MAY 8, 2013 EMAIL FROM LYNN FONG TO
MARC D. BLAKEMAN & JOHN KWONG RE:
ANOTHER FOLLOW UP ON ITEMS
PENDING FROM 3/6/2013 HEARING**

From: Fong, Lynn [mailto:Lynn.Fong@sfdpw.org]
Sent: Wednesday, May 08, 2013 2:42 PM
To: BLAKEMAN, MARC D; Kwong, John
Cc: Sanguinetti, Jerry
Subject: RE: Another follow up on items pending from 3/6/2013 hearing

I checking on the status of approval for the sites on a daily basis and as of 11:30am this morning, they have not gone through final approval.

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email: Lynn.Fong@sfdpw.org

From: BLAKEMAN, MARC D [mailto:mb3878@att.com]
Sent: Tuesday, May 07, 2013 3:12 PM
To: Kwong, John
Cc: Fong, Lynn; Sanguinetti, Jerry
Subject: RE: Another follow up on items pending from 3/6/2013 hearing

Thanks John

Marc D. Blakeman
Regional Vice President - External Affairs

AT&T California
525 Market Street, Room 1906
San Francisco, CA 94105
P: 415.778.1230
M: 415.205.7426

From: Kwong, John [mailto:John.Kwong@sfdpw.org]
Sent: Tuesday, May 07, 2013 2:59 PM
To: BLAKEMAN, MARC D
Cc: Fong, Lynn; Sanguinetti, Jerry
Subject: RE: Another follow up on items pending from 3/6/2013 hearing

Mark,

Jerry and moved it forward for the required signatures. We'll reach out to the DDE and Director.

Thanks for your patience. Lynn or I will contact you within the next 2 days with an update.

John Kwong, P.E.
Permit Manager
DPW-BSM

1155 Market St. 3rd Fl.
john.kwong@sfdpw.org
(415) 554-5810

From: BLAKEMAN, MARC D [<mailto:mb3878@att.com>]
Sent: Tuesday, May 07, 2013 2:31 PM
To: Kwong, John
Cc: Fong, Lynn; Sanguinetti, Jerry
Subject: Re: Another follow up on items pending from 3/6/2013 hearing

Any new information on this John?

Marc D. Blakeman

Sent to you by AT&T...America's Fastest Mobile Broadband Network. Rethink Possible.

On Apr 30, 2013, at 6:07 PM, "Kwong, John" <John.Kwong@sfdpw.org> wrote:

Dear Marc,

I received you email to Lynn and I want to provide some clarity to the issues at hand.

I recognizes that it has been nearly 60 days from the Director's Hearing schedule on 3/6/2013 and AT&T is awaiting the Director's Decision. I apologize for this delay. However, I must also point out that Lynn has been working diligently in trying to get the Hearing Officer to provide the recommendation. We finally received the recommendations on 4/23 and have finalized all the Director's Decisions for the locations heard on 3/6. They are now going through the approval process and I expected to final signoff to be made shortly, either by the end of this week or sometime by the middle of next week.

Further, I understand your concerns related to the deployment of AT&T's network improvements. Nevertheless, I must point out that over the last several months, Lynn has placed additional efforts to identify and resolve the various bottlenecks and chock points that were identified within the process to provide AT&T timely approvals for the initial SMF review and provide authorization for posting. She has gone above and beyond what is normally expected in her communication to Tedi, Linda and others at AT&T to keep them abreast of the status of the various SMFs. It is due to her stewardship that AT&T's postings and process is back on schedule. She is a very valuable member of my team.

The timeliness of a recommendation from the Hearing Officer is a Departmental issue and is beyond the control and purview of Lynn. I will bring this concern and provide a recommendation to both Jerry and other senior leaders of DPW to find an appropriate solution and will provide you with an answer shortly.

Sincerely,
John Kwong, P.E.
Permit Manager
DPW-BSM

1155 Market St. 3rd Fl.
john.kwong@sfdpw.org
(415) 554-5810

From: BLAKEMAN, MARC D [<mailto:mb3878@att.com>]
Sent: Tuesday, April 30, 2013 1:19 PM
To: Fong, Lynn
Cc: Kwong, John; SOUSA, LINDA L; TORRES, MARIA S; MITCHELL, CAROL B
Subject: Another follow up on items pending from 3/6/2013 hearing

Lynn – I am still awaiting decisions from the 3/6/2013 hearings held. It is almost 60 days now.

Section 3, paragraph 7 of the DPW Order 175,566 states that “Within 30 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.”

I am unclear why the Department is not following its own order on this subject. If the hearing officer is not responding in a timeframe that allows the Department to conform with its own rules, what steps are being taken to remedy this situation.

I appreciate the cooperation that department has given AT&T on processing our permits, this appears to be the last “glitch” in process that is slowing down our ability to build out our network improvements.

I would appreciate any information you can give me on this topic. Thanks in advance.

Marc

Marc D. Blakeman
Regional Vice President - External Affairs

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<image001.jpg>

**AUGUST 16, 2013 EMAIL FROM LYNN FONG
TO JOHN KWONG, MARC D. BLAKEMAN &
THEADORA K. VRIHEAS RE: 12SFM-0034 AT
498 PORTOLA DRIVE**

From: Fong, Lynn [mailto:Lynn.Fong@sfdpw.org]
Sent: Friday, August 16, 2013 8:39 PM
To: Kwong, John; BLAKEMAN, MARC D; VRIHEAS, THEADORA K
Cc: TORRES, MARIA S; SOUSA, LINDA L; Short, Carla; Sanguinetti, Jerry
Subject: RE: 12SMF-0034 at 498 Portola Drive

Also, as I understand it, during the meeting AT&T expressed concern that DPW was not meeting the State DIVCA (Digital Infrastructure and Video Competition Act) 60 day turn around requirement

I have researched this requirement and I have found that the DIVCA 60 day turn around period only applies to permits. Since Surface Mounted Facility (SMF) applications are only used as a site pre-approval process, the SMF guidelines are not required to follow DIVCA regulation.

The 60 day turn around period would apply only to the resultant excavation permit that is issued to install a SMF. In this regard, the City has been meeting the 60 day turn around period for most permits prior to March 2013. And, since March 2013, BSM has instituted a monitoring and tracking report to ensure that AT&T receives all excavation permits well within the required time frame.

Lynn S.N. Fong
Department of Public Works
Bureau of Street Use and Mapping
1155 Market Street, 3rd Floor
SF, CA 94103
phone: (415) 554-4860
email: Lynn.Fong@sfdpw.org

From: Kwong, John
Sent: Friday, August 16, 2013 1:38 PM
To: 'BLAKEMAN, MARC D'; VRIHEAS, THEADORA K
Cc: 'Maria Torres'; 'SOUSA, LINDA L'; Fong, Lynn; Short, Carla; Sanguinetti, Jerry
Subject: 12SMF-0034 at 498 Portola Drive

Dear Mark,

I was informed and provided information from Lynn Fong during her final process of the results of the Director's Hearing for this SMF. During her review there was a question regarding this proposed location and the corresponding fronting property owner. In my evaluation, the fronting property owner is the parcel that is highlighted in red in the attached photo. The property owner is Department of Recreation and Park. Based upon the hearing and the issues raised by the objectors, it appears that they may be ok with the location with additional landscaping/greening.

In order for us to move forward, DPW will need the following.

1. A request for variance from the SMF Order from AT&T for the placement of this SMF fronting Rec. Park.
2. Validation from Rec. & Park that they are ok or not with the additional landscaping, etc. As the fronting property owner, it will be their responsibility to maintain and landscaping, etc. after the installation and a short maintenance period.

Should you and your team have any questions, please feel free to contact either myself or Ms. Lynn Fong.

John Kwong, P.E.
Permit Manager
DPW-BSM

1155 Market St. 3rd Fl.
john.kwong@sfdpw.org
(415) 554-5810



**SEPTEMBER 16, 2013 EMAIL FROM MARC
D. BLAKEMAN TO LYNN FONG RE:
DOUGLASS ST. ELECTRONIC CABINET –
PERMIT OBJECTION**

From: BLAKEMAN, MARC D

Sent: Monday, September 16, 2013 10:45 PM

To: Fong, Lynn

Cc: SOUSA, LINDA L; TORRES, MARIA S; Sanguinetti, Jerry; Kwong, John; Short, Carla; Chan, Gene; Urban, Arianna

Subject: Re: Douglass St. Electronic Cabinet - Permit Objection

Lynn I have to respectfully disagree. The working arrangement we had with Grace was to schedule any site with protests for hearing immediately after the 20 day notice period. If this process was changed, we will begin formally requesting those hearings on the day posting is removed, and will assume based on this email, all hearings will be scheduled within 40 days.

Marc D. Blakeman

Sent to you by AT&T...America's Fastest Mobile Broadband Network. Rethink Possible.

On Sep 16, 2013, at 6:13 PM, "Fong, Lynn" <Lynn.Fong@sfdpw.org> wrote:

Hi Marc,

Thank you for your email.

As you know, DPW works collaboratively with your AT&T team to ensure that the SMF guidelines are met.

As a part of the hearing process outlined in the guidelines, DPW also works mutually with AT&T by scheduling hearings only after DPW receives a request from AT&T to schedule a hearing for a site. Based on this, AT&T has full control over this portion of the hearing process.

And, as is often the case, the request by AT&T to schedule a hearing occurs after the 40 days have already elapsed, and therefore, DPW would be unable to adhere to the 40 day timeframe.

For example, the protest period for 120 Dwight Street ended on 6/24, but, DPW did not receive a request to schedule a hearing until 8/20, 57 days after the protest period had ended. (see attached examples of not meeting the 40 day timeframe).

If the intention by AT&T is to schedule a hearing as close to the 40 day timeframe from when the protest period has ended, then, DPW can work with AT&T by automatically scheduling in a hearing for all sites.

Please keep in mind, however, that if DPW commences with this plan at the request by AT&T, AT&T will not be able to subsequently withdraw a site prior to a hearing. Once a site has been scheduled, the site will need to go through the entire process, which will delay those sites without an objection, to receiving an excavation permit.

I hope that this email clarifies the hearing process as well as AT&T's involvement on the determination as to when the hearing will be scheduled.

Lynn S.N. Fong
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1155 Market Street, 3rd Floor
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phone: (415) 554-4860
email: Lynn.Fong@sfdpw.org

From: BLAKEMAN, MARC D [<mailto:mb3878@att.com>]
Sent: Monday, September 16, 2013 3:23 PM
To: smf; Fong, Lynn; Kwong, John; Sanguinetti, Jerry
Cc: SOUSA, LINDA L; TORRES, MARIA S
Subject: FW: Douglass St. Electronic Cabinet - Permit Objection

All – Lynn and Gene and our field team (Lynn and Maria) have been offering some good suggestions about how both AT&T and SFDPW can set proper expectations with the general public, especially around the NOI DPW. One concern we have about the verbiage that DPW has asked us to include is I believe required by the SMF Order:

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.

We are currently not seeing DPW Administrative hearings scheduled within 40 days after the receipt of the objections. In many cases it is many months after the objections were filed. I did hear at one community meeting a complaint that “I complained, you hold a meeting with me shortly after the complaint, and then I find out two months later that a hearing is going to be scheduled, and I assume that it has already been cared for only to find out it hasn’t and I now need to attend a hearing.” She then tried to claim AT&T was scheduling these hearings so late in hopes that people will forget they complained or so they won’t attend the hearing. I explained that AT&T has no control over when the hearings get scheduled and we are at the mercy of the DPW and the amount of other items on their agendas as to when these items get scheduled. I wanted to bring this complaint to your attention and concern that every single notice we post and message we are required to place this language.

Marc

From: TORRES, MARIA S
Sent: Monday, September 16, 2013 2:51 PM
To: smf; Julian Chang; SOUSA, LINDA L; BLAKEMAN, MARC D
Cc: Fong, Lynn
Subject: RE: Douglass St. Electronic Cabinet - Permit Objection

Attached is the revised NOI DPW requested we use. The revised NOI will be used starting with the pre-approval packages that are scheduled to be submitted on 9/20/13.

Maria Torres
Manager - OSP Plng & Eng Design

AT&T California
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e-mail: mt1276@att.com

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From: smf [<mailto:smf@sfdpw.org>]
Sent: Monday, September 16, 2013 2:24 PM
To: TORRES, MARIA S; Julian Chang; SOUSA, LINDA L; BLAKEMAN, MARC D
Cc: Fong, Lynn
Subject: FW: Douglass St. Electronic Cabinet - Permit Objection

Just an FYI.

This is an example of how the word "permit" on the NOI can ignite tempers and create a hostile environment from the beginning.

Thank you for your understanding.

Surface Mounted Facilities

Department of Public Works

Bureau of Street Use and Mapping
1155 Market St., 3rd Floor
San Francisco, CA 94103
Office: (415) 554-5810 | Fax: (415) 554-6161
E-mail: smf@sfdpw.org

From: Christopher Screnci [<mailto:cjscrenci@yahoo.com>]
Sent: Monday, September 16, 2013 10:07 AM
To: smf
Subject: Douglass St. Electronic Cabinet - Permit Objection

Dear SF Department of Public Works...

I'm writing to object to AT&T California's application for a permit to install an electronics cabinet and electrical power panel at 298 Douglass St., San Francisco, CA.

I am a resident of this neighborhood located just one block from the proposed permit site. My neighbors and I take great pride in maintaining the sidewalks to ensure they are safe and clean. Adding this cabinet will not only create an eye sore which will deter from the aesthetic of the area, but will also impeded the safety of our neighborhood. With the increasing crime rates, this cabinet opens the opportunity for graffiti which the residents, not the city, will be responsible for cleaning.

In addition, I'm upset that I learned of this permit from a posting on a telephone pole one block from my home. I don't understand why this notice was not sent directly to me and my surrounding neighbors. Awareness is key to addressing this issues and without proper notice I have to assumer there are many neighbors who have lost an opportunity to object to this permit.

I strongly urge that this permit be denied.

Regards...
Christopher Screnci

SF04-411304-9077257-55A 13SMF-0227

<mime-attachment>

<13SMF-0116 120 Dwight NOI.pdf>

**OCTOBER 8, 2013 EMAIL FROM LINDA L.
SOUSA TO LYNN FONG & ARIANNA URBAN
RE: HEARING SCHEDULE**

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

Sent: Tuesday, October 08, 2013 2:35 PM

To: Fong, Lynn; Urban, Arianna

Subject: Hearing Schedule

Hi Lynn and Arianna,

Would you please let me know the date of the hearing for the new protests that we have received in the past couple of days? I understand from Marc Blakeman that a hearing date is to be set right after the 1st protest is received.

Thanks for following up on this request.

Lynn

Lynn Sousa

Manager – Public Works Coordinator

AT&T Construction and Engineering

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San Francisco, CA 94107

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**MARCH 21, 2014 EMAIL FROM LYNN FONG
TO THEADORA K. VRIHEAS RE: MARCH 3,
2014 – DPW DEPARTMENTAL HEARING**

From: "Fong, Lynn" <Lynn.Fong@sfdpw.org>
Date: March 21, 2014 at 7:26:24 AM PDT
To: "VRIHEAS, THEADORA K" <tv8342@att.com>
Cc: "Kwong, John" <John.Kwong@sfdpw.org>, "Chan, Gene" <Gene.Chan@sfdpw.org>, "Dennis, Rassendyll" <Rassendyll.Dennis@sfdpw.org>, "SOUSA, LINDA L" <ls4524@att.com>, "Urban, Arianna" <Arianna.Urban@sfdpw.org>, "BLAKEMAN, MARC D" <mb3878@att.com>, "Sanders, William" <William.Sanders@sfgov.org>, "Sanguinetti, Jerry" <Jerry.Sanguinetti@sfdpw.org>, "Short, Carla" <Carla.Short@sfdpw.org>
Subject: RE: March 3, 2014 - DPW Departmental Hearing

Hi Tedi,

As mentioned previously, the DPW Order is a guideline and not a requirement of DPW Hearing officers.

The process utilized by the DPW hearing officers is a departmental wide process for DPW hearings.

Hope this helps. Thanks!

Lynn Fong
Permit Manager
Department of Public Works
Bureau of Street Use and Mapping
1155 Market St., 3rd Floor
San Francisco, CA 94103

Office: (415) 554-4860
E-mail: Lynn.Fong@sfdpw.org

From: VRIHEAS, THEADORA K [<mailto:tv8342@att.com>]
Sent: Thursday, March 20, 2014 9:12 PM
To: Fong, Lynn
Cc: Kwong, John ; Chan, Gene; Dennis, Rassendyll; SOUSA, LINDA L; Urban, Arianna; BLAKEMAN, MARC D
Subject: RE: March 3, 2014 - DPW Departmental Hearing

Hi Lynn,

The SMF Order provides that the hearing officer "may" decide, "[a]t the conclusion of the hearing," to "keep the hearing open for up to 20 days" to consider alternative sites. (See Section 3.E.4.) At the March 3rd hearing, the hearing officer did not indicate whether or not he was electing to keep the hearing open. Through the email below, I was seeking clarification regarding whether the hearing was being held open to consider alternative sites. No such clarification has been received by AT&T to date.

Going forward, AT&T requests that the hearing officer indicate "[a]t the conclusion of the hearing" whether or not it is being held open. That is what the SMF Order requires. Moreover, it is necessary that DPW move through its process expeditiously if it is to have any hope of complying with its obligations under Public Utilities Code section 5885(c)(2). Section 5885(c)(2) requires that the City approve or deny AT&T's applications for VRAD encroachment permits within 60 days, and that 60 days includes the so-called "pre-" application process set forth in Section 3 of the SMF Order.

AT&T requests that DPW's hearing officers be made aware that they must indicate at the conclusion of the hearing whether or not they intend to hold it open, and that they must conduct the process in a manner that ensures compliance with section 5885(c)(2).

Thank you,

Tedi

From: Fong, Lynn [<mailto:Lynn.Fong@sfdpw.org>]
Sent: Thursday, March 06, 2014 8:38 PM
To: VRIHEAS, THEADORA K
Cc: Kwong, John ; Chan, Gene; Dennis, Rassendyll; SOUSA, LINDA L; Urban, Arianna
Subject: RE: March 3, 2014 - DPW Departmental Hearing

Hi Tedi,

We have not yet received the DPW Hearing officer's recommendation yet on any of these sites.

Lynn Fong
Permit Manager
Department of Public Works
Bureau of Street Use and Mapping
1155 Market St., 3rd Floor
San Francisco, CA 94103
Office: (415) 554-4860
E-mail: Lynn.Fong@sfdpw.org

From: VRIHEAS, THEADORA K [<mailto:tv8342@att.com>]
Sent: Wednesday, March 05, 2014 12:45 PM
To: Fong, Lynn
Cc: Kwong, John ; Chan, Gene; Dennis, Rassendyll; SOUSA, LINDA L; Urban, Arianna
Subject: March 3, 2014 - DPW Departmental Hearing

Hi Lynn,
Would you please clarify whether, pursuant to Section 3.E.4. of the SMF Order, the hearing officer has elected to keep the March 3, 2014 hearing open for 20 days to consider the alternate locations?

As stated during the hearing, AT&T finds the following alternate sites presented at the hearing to be acceptable:

DPW Order Number	Proposed Address	Alternate Address
182202	2952 25 th Street	2933 25 th Street
182203	801 Lyon Street	1972 Golden Gate Avenue
182204	2323 15 th Street	2325 15 th Street
182205	3515 19 th Street	3496 19 th Street
182206	6202 California Street	6257 California Street
182207	1305 17 th Street	128 Missouri Street and 1230 17 th Street 2 Alt sites were proposed
182215	3 Mirabel Avenue	5 Montezuma Avenue

Pursuant to Section 3.E.4, please notify us within three city business days from the hearing date whether the Department finds any of these locations acceptable. If so, AT&T will provide notice of the alternate locations as set forth in Section 3.E.5.

Best,
Tedi
415-350-8100

EXHIBIT E



Marc D. Blakeman
Regional Vice President
External Affairs

AT&T California
525 Market Street
Room 1906
San Francisco, CA 94105

T: 415.778.1230
F: 415.541.9270
blakeman@att.com
www.att.com

[Via U.S. First Class mail and e-mail]

December 10, 2013

Mr. John S. Rahaim
Planning Director
San Francisco Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Mr. Mohammed Nuru
Director
San Francisco Department of Public Works
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 348
San Francisco, CA 94102

Dear Messrs. Rahaim and Nuru:

I am writing on behalf of Pacific Bell Telephone Company d/b/a AT&T California ("AT&T") regarding the Planning Department's proposed review process for AT&T's utility boxes. Although AT&T does not object to Planning Department review that occurs within the timeframe required by law and is otherwise consistent with legal constraints, the specific process recently proposed by Planning cannot feasibly be implemented in a manner that would comply with applicable law.

California law provides that applications by a franchised video provider like AT&T for a permit to place its network facilities in the public rights-of-way must be acted upon within 60 days. Public Utilities Code § 5885(c)(2). The permitting procedures currently being followed by the City, in particular under DPW Order 175,566 (Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-of-Way) ("SMF Order"), already result in a timeline that, in practice, often significantly exceeds that required by section 5885(c)(2). Even without Planning review, the City frequently has taken over 236 days to issue a permit for AT&T's network facilities.

The Planning Department's proposal would cause the City to fall even further out of compliance with section 5885(c)(2). I understand that permits filed with the Department of Public Works ("DPW") now are being referred to Planning for review. As a result of this referral, more than 100 of AT&T's permits currently are awaiting Planning review—some for nearly 90 days. The delay imposed to date indicates that the current approach to Planning review cannot be reconciled with the City's obligations under section 5885(c)(2).

Moreover, the additional procedures proposed by Planning are not necessary. To the extent the Planning Department wishes to review any of AT&T's proposed installations, and propose potential alternatives or mitigation options, it can do so within the process already set forth in the City's regulations, namely the SMF Order. Of course, any Planning Department recommendations would need to be "reasonable time, place, and manner" regulations authorized by Section 7901.1 of the Public Utilities Code, and the entire review process must be completed within the 60 days allowed by section 5885(c)(2).¹

Finally, the City does not require this same proposed Planning Review of all other users of the rights-of-way. Pursuant to Public Utilities Code section 7901.1, however, the City's control of the time, place, and manner of access to the rights-of-way must "be applied to all entities in an equivalent manner." As a result, even if the Planning Department were to create a reasonable review process to apply to every above-ground installation, it would have to do so through broader regulations, and could not apply them to AT&T alone.

AT&T demands that the Planning Department immediately release back to DPW the over 100 permits it is currently reviewing, and that DPW process those applications expeditiously without any further delay. The City's flawed proposal to add formal Planning review has already caused it to fall further out of compliance with section 5885(c)(2), and the City must act quickly to remedy its noncompliance. We look forward to working with the City to resolve this matter in a timely manner.

Sincerely,



Marc D. Blakeman
Regional Vice President - External Affairs

cc: Ms. Naomi Kelly, City Administrator, City and County of San Francisco
Mr. Scott Wiener, Supervisor, District 8, City and County of San Francisco
Mr. Andres Power, Legislative Aide to Supervisor Scott Wiener

¹ Many of the "Mitigation Options" set forth in Planning's November 19, 2013 Draft Proposal would exceed the City's authority to impose "reasonable time, place, and manner" restrictions under sections 7901 and 7901.1.

EXHIBIT F

Johnson, Foster

From: BLAKEMAN, MARC D [mb3878@att.com]
Sent: Friday, January 10, 2014 1:33 PM
To: Hrushowy, Neil
Cc: Sanguinetti, Jerry; Fong, Lynn; Power, Andres; Switzky, Joshua; Rahaim, John; Rodgers, AnMarie; Scott Wiener; VRIHEAS, THEADORA K
Subject: Re: Planning Review of AT&T Boxes
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

AT&T stands by its earlier letter dated December 10, 2013. This proposal is discriminatory, conflicts with state and local law, and only serves to elongate a permit review period that already fails to conform with state law.

Sent from my iPad

On Jan 9, 2014, at 5:38 PM, "Hrushowy, Neil" <neil.hrushowy@sfgov.org> wrote:

Marc: Happy New Year. I hope you had a good break.

I wanted to bring you up to speed on what the City has been working on the past several weeks ahead of our hearing on Monday. Per our meeting with Supervisor Wiener, Planning and DPW have developed new materials and a design review process aimed at streamlining our role and providing greater certainty for all stakeholders, while still ensuring the public receives the maximum opportunity to receive a landscaping benefit when a new SMF is installed. As a result of this effort, we are ready to send our first ten approvals to DPW starting tomorrow, January 10th, with an additional ten sites sent every week until we have cleared all permits submitted to us.

The details are in the attached document, including the roles and responsibilities for all parties. Please feel free to contact me or Jerry to discuss.

Best,
Neil

Neil Hrushowy, PhD, MS
Acting Manager, City Design Group, Citywide Planning

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6471 | Fax: 415-558-6409
Email: neil.hrushowy@sfgov.org
Web: www.sfplanning.org

<image001.png> <image002.png> <image003.png> <image004.png> <image005.png>

<ATT Mitigation Summary-January 07 2014.docx>



SAN FRANCISCO PLANNING DEPARTMENT

AT&T Utility Boxes

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

NEXT STEPS

AT&T:

1. Forward dataset (as Excel file or GIS Shapefile) detailing:
 - a) Location of existing SAIs
 - b) Locations of existing SMFs
 - c) Location of proposed SMFs
 - d) Locations of other ATT wireless facilities (non SAI or SMF)

- A. FOR SMF APPLICATIONS ALREADY RECEIVED BY PLANNING (~76)**
 - a) Planning has processed backlog of ~76 applications
 - b) Planning will send letters to fronting property owners detailing mitigation options at a rate of 10 per week until the backlog is cleared, beginning Friday, January 10, 2014
 - i) *see "Draft Mitigations and Recommendations" in next section*
 - ii) *see attached sample letter to property owners*
 - c) Planning will communicate mitigation options to DPW and provide FUF with the addresses contacted that week to allow them to proceed with their outreach efforts
 - d) AT&T will proceed with its public notification process and coordinate with FUF to ensure timely planting of landscaping or trees, depending on property-owner preference

- B. FOR SMF APPLICATIONS NOT YET RECEIVED BY PLANNING (726 total minus ~160 installed minus ~76 received by Planning):**

Planning

1. Conduct citywide GIS analysis based on locations supplied by AT&T:
 - a) For SMF locations that have already been proposed: identify alternate (preferred) street segments for installation based on a buffer analysis of existing SAI locations
 - b) For SMF locations that have not yet been proposed: identify at least two alternate (preferred) street segments for installation
 - c) The above analysis shall be based on the following factors:
 - i) Inclusionary:
 - (1) 300' radius buffer analysis of existing SAI locations
 - (2) Density of tree and sidewalk planting

- (3) Opportunities to implement streetscape improvements based on existing streetscape plans, capital projects, BID or CBD initiatives
- ii) Exclusionary
 - (1) Park and open space frontages
 - (2) NCD districts / significant corridors
 - (3) Historic districts and/or historic building frontages
- d) Proceed with letters to fronting property owners as proposed above

AT&T:

1. Use Planning's proposed locations as basis for SMF permit applications
2. Proceed with public notification process and coordinate with FUF to ensure timely planting of landscaping or trees, depending on property-owner preference

MITIGATION OPTIONS

The mitigations will be organized according to “standard” mitigations that are part of every installation, and non-standard mitigations that will be recommended for a small subset of locations based on established guidelines in the Better Streets Plan.

Options A-C will be considered part of the standard mitigations. Option A will be presented to the fronting property as an automatic part of the SMF program. They will be given the choice to opt out of Option A and to select Option B, or none of the above. If the fronting property owner selects none of the above, Option C will be recommended as an appropriate public improvement.

Options D and E pertain only to those locations already identified for streetscape improvements through an adopted City plan.

A. Fund Sidewalk Landscaping at Proposed Location or nearby; executed by Friends of the Urban Forest

Permittee shall fund the installation of 150 square feet of sidewalk landscaping around or near the proposed SMF, to be executed by Friends of the Urban Forest and their established protocols and practices.

Permittee shall fund 5 years of establishment maintenance.

Siting and design of the landscaping should be determined by willing neighbors, their capacity to maintain, and the most appropriate design and plant selection for the context.

B. Plant Two Trees at proposed SMF site, executed by FUF

Permittee shall fund the planting of two street trees near the proposed site of the SMF, to be executed by Friends of the Urban Forest. FUF shall manage neighbor outreach, siting, tree selection and installation as per standard FUF practice.

Trees should be sited on either side of the proposed SMF. Permittee or licensed contractor should maintain the tree for five years, as per the Personal Wireless Service Facility Site Permit. Maintenance of the tree includes weekly watering for five years; structural integrity of tree, stakes, cross bracing and other hardware; sidewalk and basin care; and pruning.

C. Fund local public art project (through StreetSmARTs or other City program)

Public art projects can improve the aesthetic character of a street, build community and create unique public spaces. They may include murals, through San Francisco’s established StreetSmARTs program and list of artists, Precita Eyes or other community organizations. Unique installations could provide creative screens to proposed SMFs, while maintaining service access to the facility, visibility and pedestrian passage.

Permittee shall fund a public art project or mural, such that the SMF is visually obscured by the surrounding art or the aesthetic of the street is not impacted by the SMF. Artists can be selected from an established City pool of artists, as per SF Streetsmarts.

D. Build Bulb Out(s) at Proposed Location or nearby, per Planned Street Improvement(s)

Bulb-outs (aka curb extensions) extend the sidewalk into the parking lane to narrow the roadway and provide additional pedestrian space at corners and mid-block locations. Curb extensions can increase pedestrian visibility, pedestrian space, traffic safety and neighborhood aesthetics.

In areas with a funded streetscape plan that includes bulb outs, permittee should contribute to the construction of a bulbout in the vicinity of the proposed SMF. Bulb outs should adhere to standards in the Better Streets Plan (Section 5.3). Permit is conditioned on approval of the design, planting plan, and a maintenance plan for the gutter and tree.

E. Contribute to Streetscape Improvements at Location or nearby, prescribed by preexisting CBD or BID Streetscape Plan, and Subsidize Maintenance for 5 years

In areas with an existing streetscape plan or plan for neighborhood improvements, whether through a local community benefit district, business improvement district, or other agency, the aesthetic character of an SMF can run counter to established community objectives, design intentions and pedestrian design. Such plans include a variety of public improvements, including seating, lighting, murals, news rack consolidation, or other street furniture.

Permittee shall fund improvements included in an existing streetscape, CBD or BID plan, with the approval of the local CBD, BID or implementing agency. Installation shall be executed by same agency or organization.

EXHIBIT G

Johnson, Foster

From: Chan, Gene [Gene.Chan@sfdpw.org]
Sent: Wednesday, January 29, 2014 4:44 PM
To: TORRES, MARIA S; NEIL, DANA P; SCHUSSEL, LINDA L
Cc: Fong, Lynn; Urban, Arianna; Dagdagan, Melissa; LUCQ, PAUL G
Subject: Approval to Post NOI

Follow Up Flag: Follow up
Flag Status: Flagged

Hi All,

The following are approved to post:

- 13SMF-0321: 699 Page Street

The following are approved to post provided that some adjustments are made:

- 13SMF-0370: 487 Munich Street
- 13SMF-0338: 395 12th Avenue

The following is rejected due to the VRAD fronting property classified as historic:

- 13SMF-0351: 2996 Folsom Street

In the meantime, Planning submitted comments to the following applications:

- 13SMF-0348: 301 Fair Oaks Street (59F) – Planning asks if the VRAD can be located next to the SAI as it might create the least impact for access to vehicles.
- 13SMF-0350: 3201 Cesar Chavez (69A) – Planning requests to relocate to Folsom Street next to SAI. DPW has notified Planning that there are 2 trees there and likely won't satisfy DPW Order Exhibit B. DPW is in conversation with Planning. Does AT&T have another possible location?

Look ahead for applications that AT&T can expect in return:

- Planning notified DPW that they should have 15 applications ready for return by January 31st, 2014. This should account for the quota.

Thanks,

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



Edwin M. Lee, Mayor
Mohammed Nuru, Director

BOARD OF APPEALS

SEP 11 2014

APPEAL # 14-117



Jerry Sanguinetti, Manager

September 4, 2014

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

Re: Appeal No. 14-117

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

The City and County of San Francisco ("City") Department of Public Works ("DPW") submits this response to the appeal of Appellant Viola Yee to DPW's approval of AT&T's application for an excavation permit to install a surface-mounted facility ("SMF") in the vicinity of 699 Page Street. As discussed below, DPW agrees with Appellant that the Board of Appeals ("Board") should grant the appeal, but for different reasons.

I. INTRODUCTION

This appeal concerns an excavation permit DPW issued to AT&T based on the DPW Director approving the location proposed by AT&T for an SMF in the vicinity of 699 Page Street. Under DPW Order No. 175,556 (commonly referred to as the "SMF Order"), before DPW may issue an excavation permit for an SMF the applicant must obtain DPW's approval of the proposed location for the SMF in the public rights-of-way. Part of the SMF siting process is public notice of the proposed location for an SMF, after



which local residents and property owners can object to the proposed location. If objections are submitted, DPW will hold a hearing on the proposed location. At the end of the hearing, the hearing officer will make a recommendation to the DPW Director whether to approve the proposed site and the DPW Director will issue an order.

Objections were submitted to AT&T's proposed location for this SMF. After these objections were filed, DPW held a hearing on AT&T's request to install an SMF in the vicinity of 699 Page Street. After the DPW Director issued an order approving the proposed location, DPW granted AT&T's excavation permit application on appeal here.

In this appeal, Appellant asks the Board to grant the appeal and overturn DPW's decision. Appellant argues:

1. The proposed SMF will encourage people to abandon their trash and be a magnet for graffiti.
2. There is an existing PG&E anchor that already creates an obstacle for senior citizens.
3. The proposed SMF will interfere with passengers exiting their vehicles parked on Page Street.

As discussed below, none of these arguments is a lawful basis for the Board to grant the appeal. Nonetheless, DPW asks the Board to grant the appeal, because the Board of Supervisors in Ordinance No. 76-14 has required the Board to do so.

II. DPW PROPERLY APPROVED AT&T'S EXCAVATION PERMIT APPLICATION AT 699 PAGE STREET

As a telephone corporation and state video provider, AT&T has the right under State law to install utility facilities like its proposed SMF in the public rights-of-way. (See Public Utilities Code §§ 7901, 5885(a).) The City may ensure that AT&T's facilities do not "incommode" the use of the public rights-of-way and exercise "reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed" by AT&T. (See Public Utilities Code §§ 7901, 7901.1, 5885(a).)



AT&T's proposed location at 699 Page Street was approved by the DPW Director in DPW Order No. 182,394. (A copy of which is attached hereto as Exhibit A.) At the hearing on the objections to AT&T's proposed location, DPW testified that the proposed location met all of the requirements of Article 2.4 of the Public Works Code and the SMF Order. DPW made that determination when it reviewed AT&T's proposed SMF location at 699 Page Street. DPW continues to believe that this determination was correct.

There is evidence in the record that during the "box walk" AT&T conducted on February 28, 2014 the attendees identified an alternate location at 698 Page Street, which complied with AT&T's technical requirements. However, it appears that the Department of Building inspection was reviewing plans to improve upon the land at that address.

During the hearing on the protest, one member of the public spoke out in opposition to the installation of AT&T's proposed SMF at 699 Page Street. The concern was that an existing SMF at Page and Steiner Streets is already a blight on the neighborhood and attracts illegal dumping. The Director properly rejected these generalized concerns and approved AT&T's request to install an SMF in the vicinity of 699 Page Street.

III. ORDINANCE NO. 76-14 REQUIRES THE BOARD TO GRANT THE APPEAL

A. In Ordinance No. 76-14, the Board of Supervisors Made Retroactive the Surface-Mounted Facility Permitting Requirements of Article 27 of the Public Works Code Adopted Therein

In Ordinance No. 76-14, the Board of Supervisors added Article 27 to the Public Works Code and established a separate Surface-Mounted Facility Site Permit. No longer will SMFs be permitted under Article 2.4 of the Public Works Code, or be subject to the requirements of the SMF Order. In Section 4 of Ordinance No. 76-14, the Board of Supervisors indicated its intent that the permitting requirements contained in Article 27 would apply to any permit that was not "final on the effective date" of the ordinance.



The Board of Supervisors also determined that a permit was not “final if the permit is subject to a pending appeal before the Board of Appeals.”

The Board of Supervisors had a good reason for making the requirements of Article 27 retroactive. While the substantive requirements for siting SMFs contained in Article 27 are similar to those in the SMF Order, Article 27 contains a permitting process that is very different from the process contained in the SMF Order. It ensures community involvement in the siting process, while making it clear that applicants must identify more than one proposed location for their proposed SMFs. It also requires the Planning Department to review all of the proposed SMF sites.

B. The Retroactivity Provision Applies to this Appeal

The Board of Supervisors' clear direction in Ordinance No. 76-14 requires this Board to uphold the appeal and require AT&T to submit a new application to install its proposed SMF in the vicinity of 699 Page Street under Article 27.¹ While DPW issued an excavation permit for the 699 Page Street site before the effective date of Ordinance No. 76-14, once this appeal was filed there was no longer a valid excavation permit. For this reason, the retroactivity provision applies to AT&T's excavation permit at 699 Page Street.

In order to ensure that AT&T is not prejudiced, the Board should find that the one-year prohibition contained in Section 31 of the Business and Tax Regulations Code for applying for a new permit at this location does not apply.

¹ DPW is not accepting applications under Article 27 at the present time. DPW must first adopt a Director's order implementing the requirements of Article 27. The Board of Supervisors required DPW to adopt this order within 60 days of the effective date of the ordinance, which meant DPW had until August 26, 2014. DPW intended to meet that deadline. On August 14, 2014 DPW issued a draft of the order. On August 18, 2014 DPW held a hearing on a draft of the order. Following the hearing, the hearing officer decided to allow stakeholders until September 2, 2014 to submit additional written comments. Due to this delay, DPW expects that the Director will issue a final order soon.



C. The Board Cannot Refuse to Enforce the Retroactivity Provision of Ordinance No. 76-14 Based on a Claim that It is Preempted by State Law

AT&T has argued in the past that the Board must deny any appeals of its excavation permits to install SMFs, because by granting these appeals the Board would by denying AT&T certain rights it has under State law to install these types of facilities in the public rights-of-way. (See Public Utilities Code §§ 7901, 7901.1, and 5885.) This argument is not properly before the Board. The Board lacks the power to declare a statute or ordinance unconstitutional or to refuse to enforce a statute or ordinance. (Cal. Const., Art. III, § 3.5; see *Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055; *California State Teachers' Ret. Syst. v. County of Los Angeles* (2013) 216 Cal.App.4th 41, 59, fn.8.)

AT&T's claim here would be that State law preempts the Board from enforcing the retroactivity provision or Ordinance No. 76-14. A preemption claim of this nature raises constitutional issues, because it is based on Article XI, Section 7 of the California Constitution, which provides that "[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (*Action Apartment Ass'n, Inc. v. City of Santa Monica* (2007) 41 Cal.4th 1232, 1242-1243.) "If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void." (*Candid Enterprises, Inc. v. Grossmont Union High School Dist.* (1985) 39 Cal.3d 878, 885.)

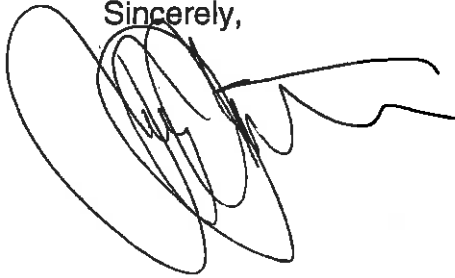
Ordinance No. 74-14 is a validly enacted local ordinance. The Board, therefore, cannot refuse to enforce the retroactivity provision of Ordinance No. 74-14 based on a claim that it is preempted by State law.



IV. CONCLUSION

The Board should find that DPW acted within its authority when it approved AT&T's application for an excavation permit in the vicinity of 699 Page Street. Nonetheless, the Board should grant the appeal based the directive of the Board of Supervisors in Ordinance No. 76-14.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Sanguinetti", written over a large, light-colored oval shape.

Jerry Sanguinetti
Bureau Manager
Bureau of Street-use and Mapping

cc: Viola Yee
John diBene (AT&T) (via e-mail)
Foster Johnson (AT&T) (via e-mail)



Exhibit A

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: 182394

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 599 Page Street (13SMF-0321)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **September 13, 2013**, the Applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface-Mounted Facility (SMF) at **699 Page Street**.
2. On **February 5, 2014**, the applicant mailed and posted Notices of Intent (NOI) to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **seven (7)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objection and comments included:
 - Concern for graffiti, noise, negative impact on property values, path of travel, access to cars, safety, trash accumulation from wind pattern.
 - U-verse is already offered in the area.
 - Notice left out information.
 - AT&T uses outdated technology.
 - Existing AT&T cabinet on Page/Steiner.
 - Unreasonable to expect senior citizens in adjacent home to supervise graffiti removal.
4. On **March 3, 2014**, DPW Hearing Officer **Alex Murillo** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Gene Chan of DPW presented a summary of the permit applications stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and DPW Order No. 175,566 Exhibit B.
6. At the hearing, **Ms. Tedi Vrihas** of AT&T stated a box walk was conducted on **February 28, 2014** and **two (2)** members of the community attended. During the box walk, AT&T and the attendees located the following potentially feasible alternate location(s):



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

- 698 Page Street: complies with AT&T's technical requirements; however, plans to improve upon land have already been submitted to Department of Building Inspections.
7. At the hearing, one (1) member of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **699 Page Street**. Testimony included:
- Existing cabinet on Page/Steiner is blighted and attracts illegal dumping.

RECOMMENDATION: **APPROVE** the request by AT&T to locate Surface Mounted Facility **13SMF-0321**, in the vicinity of **699 Page Street**.

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. 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-0321 in the vicinity of 699 Page Street**. 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>

3/31/2014

3/31/2014

X



Sanguinetti, Jerry
Bureau Manager

X



Sweiss, Fuad
Deputy Director and City Engineer

3/31/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



BOARD OF APPEALS

SEP 05 2014

14-117

Deanna Fong
665 Page Street #4
San Francisco, Ca 94117

3 September 2014

(415) 632-3350

City and County of San Francisco
Board of Appeals
1650 Mission Street #304
San Francisco, CA 94103

In Re: Appeal No. 14-117

Dear Sirs:

I do not want to see the installation of an AT&T electronic cabinet at the proposed location on the sidewalk at 699 Page Street.

The electronics cabinet at street level, as proposed by AT&T, would be a target for graffiti and vandalism as well as a target for human and animal feces and urine. Such a cabinet would quickly become an eyesore and we need no such eyesores in our neighborhood.

In addition, street level cabinets would be extremely dangerous as they would provide an excellent hiding place for rapist and muggers who could more readily attack unsuspecting victims, especially at night.

It is my understanding that all new public utilities were supposed to be subterranean. AT&T's electronic cabinets should be no exception. Under no circumstances would the placement of these cabinets on the street level of 600 block of Page Street in the City and County of San Francisco be tolerated.

The use of subterranean electronics cabinets in vaults with scissor lifts would be a simple solution. Subterranean electronics cabinets could be position almost anywhere throughout the city without objection. The AT&T cabinets must be kept out of sight. Anything less is unacceptable.

Sincerely,


Deanna Fong

BOARD OF APPEALS

SEP 05 2014

APPEAL # 14-117

David A. Stallwood
665 Page Street #1
San Francisco, Ca 94117

3 September 2014

house (415) 864-7272

City and County of San Francisco
Board of Appeals
1650 Mission Street #304
San Francisco, CA 94103

In Re: Appeal No. 14-117

Dear Sirs:

I am adamantly opposed to the proposed location for the AT&T electronic cabinet at 699 Page Street. The reasons for my opposition are outlined below:

- The exposed cabinet on a public street or sidewalk make it subject to graffiti and become an eyesore.
- The prevailing easterly winds and the occasional westerly winds means the cabinet will collect windblown debris and trash.
- The cabinet's position on the curb will block passenger door opening for parked cars at that location.
- The cabinet would provide an excellent hiding place for rapist and muggers who could lay in wait to attack their unsuspecting victims.
- Positioning the electronic cabinets in the street or sidewalk creates as a target for human and animal urine and feces.
- The cabinet could obstruct a driver's view of children entering the cross walk.

All public utilities in San Francisco are supposed to be subterranean. AT&T's electronic cabinets should be no exception. Wherever they go, they must not be placed above ground on the street or sidewalks 600 block of Page Street in the City and County of San Francisco.

The solution is simple. If AT&T built subterranean vaults with a scissor lifts, they could position the cabinets almost anywhere throughout the city. Anything less is unacceptable.

Sincerely,



David A. Stallwood