

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JOHN MITCHELL, MADELINE COLLINS,
GRAHAM CARBERRY & TAMIRA COLLINS,)
Appellant(s))
vs.)
DEPARTMENT OF PUBLIC WORKS)
BUREAU OF STREET-USE AND MAPPING,)
Respondent

Appeal No. 14-127

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 03, 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 19, 2014, to SBC-Pacific Bell Engineering, Excavation Permit (install new cabinet) at 110 Burrows Street.

APPLICATION NO. 14EXC-3454

FOR HEARING ON August 27, 2014

Address of Appellant(s):

John Mitchell et al., Appellants
106 Burrows Street
San Francisco, CA 94134

Address of Other Parties:

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



Date Filed:

BOARD OF APPEALS

JUL 03 2014

APPEAL # 14-127

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT OF APPEAL

I / We, John Mitchell, Madeline Collins, Graham Carberry, Tamira Collins hereby appeal the following departmental action: **ISSUANCE of Excavation Permit 14EXC-3454** by the **Department of Public Works Bureau of Street Use and Mapping** which was issued or became effective on: **June 19, 2014**, to: **SBC-Pacific Bell Engineering**, for the property located at: **110 Burrows 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: **August 07, 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.

SBC/Permit Holder
Respondent's and Other Parties' Briefs are due on or before: **August 21, 2014, (no later than one (1) Thursday prior to 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.

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

Hearing Date: **Wednesday, August 27, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Madeline Collins

Print Name: Madeline Collins



BOARD OF APPEALS

JUL 03 2014

APPEAL # 14-127

(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-3454

Utility Excavation Permit

Address : Multiple Locations

Cost: \$1,342.67

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: Doug Yamashita

Phone: (925) 823 - 0955

Conditions**Emergency Confirmation Number****24 Hour / 7 Day Contact:**

Judy Jones (415) 330-1880, Cell (415) 244-9799

Service Address/Project:110 Burrows St at San Bruno Ave LSMF TS 8883994
29C-R1 (13SMF-0400)**Start Date**

3/9/15

Permit expires on:

3/22/2015

Purpose

Telephone

Excavation Reason

Install New Cabinet

Excavation Reason Description

Approved Cabinet Application No.-(13SMF-0400)

Method:

Open Cut: Sawcut

Tracking Number1

8883994 R433 4C

Tracking Number2

13SMF-0400 SF17-410803

Project Size

178

Inspection

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

Approved Date : 06/19/2014

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

Applicant/Permittee

Date

Distribution:

Inside BSM: Utility Inspection

Printed : 6/23/2014 3:35:54 PM

Plan Checker

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

Special Conditions

14EXC-3454

Conditions

PGE Pacific Gas and Electric Co.

====>NOTES: Per the Public Works Excavation Code:

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

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

====> If concrete street, gutter or parking strip is excavated, Pacific Gas and Electric Co. 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. PGE 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, PGE 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. PGE 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. PGE shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
4. PGE 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. PGE's work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
6. PGE 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, PGE 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. PGE shall restore all trenches per the Excavation Code.
8. PGE shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
9. PGE 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 PGE 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.

=====

==(10:46 am==6-18-14)

SBC - 14EXC-3454 - 101 Burrows St. and San Bruno Ave. (13SMF-0400) Moratorium =====>> Install New Cabinet =====>> Service Requested on 06-27-2014 ==>>> =====>> For questions please call the assigned inspector (Anthony Lee) @ (415-554-5861)

=====>>PERMIT IS ISSUED UNDER THE CONDITION THAT: SBC - with Permit 14EXC-34542 will coordinate the final paving (mill and fill) for work at Burrows St. and San Bruno Ave. ____Moratorium End Date: 11-1-2018 and will coordinate the final paving (mill and fill) for work at Burrows St. and San Bruno Ave. =====>>>>>>>>

All excavations in streets shall be restored with a "T-Section" along with all other requirements including the agreed upon signed Moratorium waiver (attached). A "T-Section" requires the removal and replacement of both the concrete base and asphalt-wearing surface for an additional one (1) foot beyond the excavated trench. =====>>>

2. -If concrete gutter or parking strip is excavated, SBC shall remove and replace the entire concrete section from construction joint to construction joint. (No new construction joint will be allowed). =====>>

3. - MINIMUM FINAL PAVING (mill and fill) FOR THE EXCAVATION AT INTERSECTION SHALL INCLUDE THE RESTORATION OF THE continuation of AFFECTED Lanes =====>>>>>>>>

=====>>>>>>>> Burrows St. and San Bruno Ave. THE MINIMUM FINAL PAVING (mill and fill) FOR THE EXCAVATION SHALL INCLUDE THE RESTORATION OF THE FULL WIDTH OF ALL AFFECTED at intersection and should show one continuous rectangle pavement section. =====>> All street restorations shall be to the satisfaction of the City and County of San Francisco DPW -BSM. For questions please call inspector (Anthony Lee) @ (415-554-5861) 72 Hrs. prior (mill & fill) and after the restoration Burrows St. and San Bruno Ave. =====>>>> According to CRIS Program – For SBC- 14EXC-3454 – Burrows St. and San Bruno Ave. (CURB RAMPS) (NW-L+R) (NE-R+L) (SE-R) (SW-L) are done under Job Order (Phase Date): 1931J (Completed-11/25/2013) ==>> (6-18-2014).

==(10:44am==6-18-14)

Permit Addresses

14EXC-3454

*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: 4 Total repair size:178 sqft Total Streetspace: Total Sidewalk: sqft

| ID | Street Name | From St | To St | Sides | *Other | Asphalt | Concrete | Street Space Feet | Sidewalk Feet |
|-------|---------------|---------------|---------------|-------|--|---------|----------|-------------------|---------------|
| 1 | BURROWS ST | SAN BRUNO AVE | GIRARD ST | North | RW : False SMC : True S/W Only : False DB: False BP: False UB: True | 28 | 32 | | |
| 3 | | END | SAN BRUNO AVE | North | RW : False SMC : False S/W Only : False DB: False BP: False UB: False | 9 | 3 | | |
| Total | | | | | | 37 | 35 | | |
| 2 | SAN BRUNO AVE | BURROWS ST | Intersection | North | RW : False SMC : False S/W Only : False DB: False BP: False UB: False | 66 | 0 | | |
| 4 | | FELTON ST | BURROWS ST | West | RW : False SMC : False S/W Only : True DB: False BP: False UB: False | 0 | 40 | | |
| Total | | | | | | 66 | 40 | | |

Exceptions

14EXC-3454

| Street Name | From St | To St | Message | Job | Contact | Dates |
|---------------|---------------|-----------------|---|------------|------------------------------------|-------------------------|
| BURROWS ST | | | | | | |
| | END | SAN BRUNO AVE - | Conflict with existing Street Use Permit. | 12IE-0773 | Refer to Agent - Refer to Agent | |
| | SAN BRUNO AVE | GIRARD ST - | Conflict with existing Street Use Permit. | 13SMF-0400 | Refer to Agent - Refer to Agent | |
| | SAN BRUNO AVE | Intersection | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | END | SAN BRUNO AVE - | Banners are allowed on this street | N/A | | |
| | SAN BRUNO AVE | GIRARD ST - | Banners are allowed on this street | N/A | | |
| | SAN BRUNO AVE | 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 | | |
| SAN BRUNO AVE | | | | | | |
| | FELTON ST | BURROWS ST - | Conflict with existing Street Use Permit. | 13D-0311 | Refer to Agent - Refer to Agent | Jul 16 2013-Jul 15 2014 |
| | FELTON ST | BURROWS ST - | Conflict with existing Street Use Permit. | 13TC-0344 | Refer to Agent - Refer to Agent | Jul 16 2013-Jul 15 2014 |
| | BURROWS ST | Intersection | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | FELTON ST | BURROWS ST - | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | BURROWS 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 | | |
| | FELTON ST | BURROWS ST - | Banners are allowed on this street | N/A | | |
| | FELTON ST | BURROWS 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 | | |



(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-3454

Request to Excavate a Moratorium Street

For more information about this permit, please call Bureau of Street-Use & Mapping @
415 554 5810.

Applicant: SBC - Pacific Bell Engineering Received Date: Jun 9 2014 1:36PM

Contact Person: SBC - Pacific Bell Engineering

Contact Phone: 415 644-7043 Contact Email: ls4524@att.com

Method: Open Cut: Sawcut

Purpose:

Reason: Install New Cabinet

Description: 110 Burrows St at San Bruno Ave LSMF TS 8883994 29C-R1 (13SMF-0400)

☐

Approved

☐

Denied

BURROWS ST: SAN BRUNO AVE Intersection (20650000)

Asphalt Square Footage: 66

Concrete Square Footage: 0

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T

Property Owner Phone: 925.823.0955

☐

Approved

☐

Denied

SAN BRUNO AVE: BURROWS ST Intersection (20650000)

Asphalt Square Footage: 66

Concrete Square Footage: 0

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T

Property Owner Phone: 925.823.0955

☐

Approved

☐

Denied

SAN BRUNO AVE: FELTON ST BURROWS ST (11376000)

Asphalt Square Footage: 0

Concrete Square Footage: 40

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T

Property Owner Phone: 925.823.0955

Recommended By:

Recommended By:

Approved By:

Permit Coordinator

Division Manager
(or designee)

Bureau Manager
(or designee)

No Diagram submitted

CELTIC GLASS COMPANY INC
106 BURROWS ST.
SAN FRANCISCO CA 94134
Phone: (415) 468-0980
Fax: (415) 468 8720

BOARD OF APPEALS

JUL 03 2014

APPEAL # 18-127

I, John (Sean) Mitchell, am filing an appeal against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface-Mounted Facility on the sidewalk in front of my property at 110 Burrows St.

I am objecting to the placement of this box because it will be a detriment to the aesthetics, streetscape and outdoor seating for my business at the corner of Burrows Street, The Fat Beli Deli.

I have supported the beatification of the Portola District and believe this Surface-Mounted Facility will an unattractive addition to the street and the neighborhood. Furthermore, I believe this box will attract graffiti artists to tag it due to its light color.

I feel a compromise can still be met to find a location more discreet visually and where there is less foot traffic and no outdoor seating for local businesses.

I have the support from the deli's business manager Tamira Collins and neighborhood residents Madeline Collins and Graham Carberry and Corridor Manager for the Portola Neighborhood Association Jack Tse. I have attached letters with their authorization to be named as appellants.

I appreciate your time and consideration in this matter. Thank you.

John Mitchell

HD 8/27/14

FILE

JOHN MITCHELL
106 BURROWS ST.
SAN FRANCISCO CA 94134
Phone: (415) 468-0980
Fax: (415) 468 8720

BOARD OF APPEALS

AUG 07 2014

APPEAL # 14-127

August 7, 2014

To San Francisco Board of Appeals,

We, John Mitchell, Tamira Collins, Madeline Collins and Graham Carberry, are filing an appeal against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows Street.

We have advocated for the beautification of the Portola neighborhood, working closely with the Portola Neighborhood Association and believe that the installation of this facility will hinder the progress we have beautifying and developing the neighborhood.

The facilities light color will attract graffiti artists, a problem that John Mitchell has deterred with murals on his buildings on San Bruno Avenue and Burrows Street (Fat Beli Deli, Celtic Glass and his building from 108 Burrows to 114 Burrows).

We believe this facility will not only interfere with pedestrian traffic on the sidewalk, but will also interfere with the customer's enjoyment and the overall atmosphere of Fat Beli Deli's outdoor seating area, for which John Mitchell and Tamira Collins pay for a tables and chairs permit annually.

The size of the box will narrow the sidewalk near the outdoor seating at Fat Beli Deli, forcing pedestrians to potentially invade the space of customers eating outside, negatively impacting the customers' atmosphere and experience at the establishment. Though the notice from AT&T did give the dimensions of the box itself, there is no indication on the sidewalk or in the notice from AT&T how far away the box would be placed from the building at 110 Burrows Street. The placement is important due to the planter boxes and flowers that are in close proximity to where the box would be potentially located.

When AT&T began this project about 5 years ago, they made no mention to business owners and community members regarding the eventual need for these Surface Mounted Facilities. Had this been communicated to John Mitchell and other community members and business owners, we feel that a compromise could have been met before the process was begun to find a location that would have allowed AT&T to provide improved telecommunication services to city residents and have the facilities placed in a more discreet location.

Considering the fact that these boxes are intended to serve city residents with improved telecommunication services, it is our belief that AT&T should have considered us in the original planning process and given us full discretion when the equipment for the facilities was installed

underground.

When we first received notice from AT&T with intentions to install a Surface-Mounted Facility at 111 Burrows Street in April 2013, there was a strong reaction from business owners, community members and the Portola Neighborhood Association against the box's proposed location.

AT&T responded to the petition letters we and other community members sent by scheduling a neighborhood walk to work together to find an alternate location. The placement of the box was ultimately denied after the neighborhood walk and a public hearing.

When the second notice was sent in March 2014 for the current DPW Order # 175,566, the same reaction from the community occurred and letters of appeal were sent to AT&T to find an alternate location.

Unlike the first proposal, AT&T sent a letter to community members stating that there would be a scheduled hearing date, skipping the neighborhood walk all together. This demonstrated to us that AT&T planned to go forward with the box's proposed placement despite petitions, concerns and objections against it from community members.

After the public hearing, we received letters stating the box will be placed at 110 Burrows Street unless an appeal was filed within 15 days of the approval of the permit.

Madeline Collins called the Board of Appeals for instructions to file said appeal. She was instructed to check the status of the requested excavation permit #smf-0400 daily as she could not file an appeal until the permit was approved.

Ms. Collins did so at the website <https://data.sfgov.org/Public-Works/Surface-Mounted-Facility-Permits/xu5w-5kgd> provided by smf@sfdpw.org and it has maintained its status of "received" to this day, August 7, 2014.

Had Ms. Collins gone by the link that she was told would be updated to tell her if the permit was approved or denied, we would have missed the 15 day window to file an appeal due to the website's neglect to update the status of SMF permits.

It wasn't until Gene Chan of the Department of Public works, who we reached out to in an effort to find out more information, emailed us that we found out the permit had indeed been approved on June 19, 2014. Our appeal was filed on July 3, 2014, within the 15 day window.

It is our belief that the burden of the installation of this Surface Mounted facility outweighs its benefits to the community and strongly recommend the denial of excavation permit 13SMF-0400.

Thank you for your consideration,



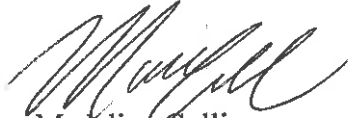
John Mitchell

A handwritten signature in black ink, appearing to read 'Graham Carberry', with a long horizontal flourish extending to the right.

Graham Carberry

A handwritten signature in black ink, appearing to read 'Tamira Collins', with a stylized, cursive script.

Tamira Collins

A handwritten signature in black ink, appearing to read 'Madeline Collins', with a stylized, cursive script.

Madeline Collins

Exhibit 1



PORTOLA NEIGHBORHOOD ASSOCIATION

9 Silliman St, Suite 'B', San Francisco CA, 94134

July 2, 2014

Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102

RE: Proposed AT&T Electrical Cabinet at 110 Burrows St, San Francisco

I am writing on behalf of the Portola Neighborhood Association in support of the Mr Sean appeal against the proposed excavation permit 13SMF-0400 (in relation to DPW Order No. 182581) to install a Surface-Mounted Facility on the sidewalk in front of my property at 110 Burrows St. The PNA is surprised with the AT&T's application, given that the adjacent property owner and the PNA had already expressed our opposition to a proposed location directly across the street at the 111 Burrows St in October 2013.

As cited in opposition to the previous application, the Portola community has worked extremely hard over the past few years revitalizing Burrows St and San Bruno Ave into public spaces the community can enjoy and be proud of. Over the coming months, this public space around Mr Mitchell's property near Burrows street will be further enlivened with the installation living wall, artist mural, public sculptural seating and a community information kiosk through Phase II of the Burrows Pocket Park project.

While the neighborhood, in partnership with city departments, are continuing to work on the removal blighting influences around San Bruno Ave, we feel the proposed AT&T VRAD box will undermine the community's efforts to beautify our corridor. The proposed electrical cabinets are not only large in size (59" wide by 48" high) that will take up much valued sidewalk space, they will attract graffiti by providing a blank canvas in an susceptible locations.

We appreciate the DPW's support for Mr Mitchells' appeal for AT&T's excavation permit 13SMF-0400 at the 110 Burrows Street location.

Regards.



Jack Tse
Corridor Manager

Portola Neighborhood Association
9 Silliman Street, Suite "B"
San Francisco, CA 94134
Email: jack@portolasf.org

Exhibit 2

**Alex Susoev
Yasha's Custom Window Shades
120 Burrows St.
San Francisco CA 94134**

August 7, 2014

Board of Appeals:

I am a business owner and a member of the Portola Community.

This letter is in support of appeal #14-127 against AT&T's installation of 13SMF-0400 at 110 Burrows Street.

I believe that the facility will be too large in size and hinder pedestrian traffic on Burrows Street. It will also clearly encourage graffiti artists to tag the light colored box, a problem that this community has tried hard to discourage.

I am willing to be a part of a neighborhood walk with an AT&T representative to attempt to find an alternate location for this facility.

Thank you for your time and consideration.

Alex Susoev

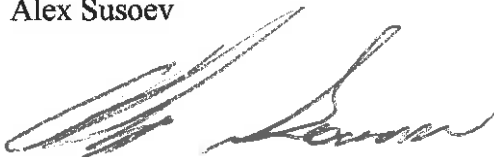
A handwritten signature in black ink, appearing to read 'Alex Susoev', written in a cursive style.

Exhibit 3

Petition against electronics cabinet

| | |
|---|---|
| <p>Petition summary and background</p> | <p>There is a proposed electrical cabinet to be placed at 110 Burrows Street. They originally had planned for it to be installed across the street at 111 Burrows St. but the community responded and forced them to come up with an alternate location. This alternate location we feel is just as hindering and invasive to pedestrian traffic as well as eyesore to the neighborhood that some have worked so hard to beautify the neighborhood. We feel that this will be an eyesore and will block the artwork on the street wall, planter boxes the Portola Neighborhood Committee has donated, and potential expansion of Fat Beli outdoor seating. Please sign this petition to stop the installation of this cabinet by AT&T and urge them to place it somewhere out of site and where it does not affect pedestrian travel.</p> |
| <p>Action petitioned for</p> | <p>We, the undersigned, are concerned citizens who urge our leaders to not install the cabinet at 111 Burrows St and to find an alternate location.</p> |

| Printed Name | Signature | Address | Comment | Date |
|------------------|--------------------|---------------------|---------------------------------------|---------|
| Madeline Collins | <i>[Signature]</i> | 135 Burrows St | Handers pedestrian traffic | 3/8 |
| Lori Johnson | <i>[Signature]</i> | 764 Rowland | Handers Pedestrian traffic | 3/8 |
| Torrey Sam | <i>[Signature]</i> | 210 Hamlet St | we don't want none here | 3/8 |
| Alex Samaya | <i>[Signature]</i> | 267 Brussels St SFO | Please keep sidewalk clean | 3/8 |
| Amber Andrade | <i>[Signature]</i> | 284 Revere Ave | inconvenient. Please don't block side | 3/8 |
| Nicki Traverso | <i>[Signature]</i> | 135 Gardners Dr SFO | Stop HI | 3/8 |
| Jal Jimenez | <i>[Signature]</i> | 2524 SAN BRUNO AVE | No more junk | 3/10/13 |
| Rivita Upates | <i>[Signature]</i> | 711 Burnside Ave | inconvenience to neighbor | 3/10/13 |
| Stacy Dileo | <i>[Signature]</i> | 507 27th Ave | no | 3/10/13 |
| Tannia Mitchell | <i>[Signature]</i> | 106 Burrows St | Handers my business great w/ Fat Beli | 3/19/14 |

Exhibit 4

Petition against electronics cabinet

| | |
|--|--|
| Petition summary and background | There is a proposed electrical cabinet to be placed at 111 Burrows Street. We feel that this will be an eyesore and will block the mural across the street. Please sign this petition to stop the installation of this cabinet by AT&T and urge them to place it somewhere out of site and where it does not affect pedestrian travel. |
| Action petitioned for | We, the undersigned, are concerned citizens who urge our leaders to not install the cabinet at 111 Burrows St and to find an alternate location. |

| Printed Name | Signature | Address | Comment | Date |
|------------------|-------------|-----------------------|-------------------------------|---------|
| Stacy Dileo | [Signature] | 577 27th Ave | Blocks artwork | 4/18/13 |
| Josh Layton | [Signature] | 2544A San Bruno Ave | Blocks Artwork | 4/19/13 |
| Erica Weston | [Signature] | 2544 A San Bruno Ave | Blocks Artwork | 4/19/13 |
| Tania Amador | [Signature] | 2544 A San Bruno Ave | Blocks Artwork | 4-19-13 |
| Sofia P. | [Signature] | 2856 Loma Vista | " | 4-19-13 |
| EVAN D. | [Signature] | 2544 San Bruno | Blocks Artwork | 4-19-13 |
| Paul Lariss | [Signature] | 236 HALE ST. | " | 4-20-13 |
| Josue Mendez | [Signature] | 2550 San Bruno Ave #2 | Blocks Artwork | 4-20-13 |
| Madeline Collins | [Signature] | 135 Burrows St | Blocks artwork | 4/19/13 |
| Eryn Fife | [Signature] | 6325 3rd St | Blocks artwork & ped. traffic | 4/19/13 |
| Tiffany Andrade | [Signature] | 2184 REVERE AVE. | " " & uses to exposed wires | 4/19/13 |
| Eric Fensel | [Signature] | 2499 Apt on San Bruno | Blocks Artwork | 4/20/13 |

[illegible]

Exhibit 5

A photograph of four people standing outside a coffee shop. The woman on the left is wearing a purple shirt and black pants, holding a coffee cup. The man next to her is wearing a blue hoodie and a red baseball cap. The woman on the right is wearing a black jacket and a wide-brimmed hat. The man on the far right is wearing a black t-shirt and sunglasses. The background shows a building with signs for "ESPRESSO LATTE'S", "PAPACINO", and a menu board listing items like "BREAKFAST", "CROISSANTS", "MUFFINS", "BAGELS", "DANISH", "BREAKFAST BURRITOS & SANDWICHES".

A photograph of four people standing outside a coffee shop. The woman on the left is wearing a purple shirt and black pants, holding a coffee cup. The man next to her is wearing a blue hoodie and a red baseball cap. The woman on the right is wearing a black jacket and a wide-brimmed hat. The man on the far right is wearing a black t-shirt and sunglasses. The background shows a building with signs for "ESPRESSO LATTE'S", "PAPACINO", and a menu board listing items like "BREAKFAST", "CROISSANTS", "MUFFINS", "BAGELS", "DANISH", "BREAKFAST BURRITOS & SANDWICHES".

A photograph of four people standing outside a coffee shop. The woman on the left is wearing a purple shirt and black pants, holding a coffee cup. The man next to her is wearing a blue hoodie and a red baseball cap. The woman on the right is wearing a black jacket and a wide-brimmed hat. The man on the far right is wearing a black t-shirt and sunglasses. The background shows a building with signs for "ESPRESSO LATTE'S", "PAPACINO", and a menu board listing items like "BREAKFAST", "CROISSANTS", "MUFFINS", "BAGELS", "DANISH", "BREAKFAST BURRITOS & SANDWICHES".

A photograph of four people standing outside a coffee shop. The woman on the left is wearing a purple shirt and black pants, holding a coffee cup. The man next to her is wearing a blue hoodie and a red baseball cap. The woman on the right is wearing a black jacket and a wide-brimmed hat. The man on the far right is wearing a black shirt and sunglasses. The background shows a building with signs for "ESPRESSO LATTE'S", "PAPACINO", and "BREAKFAST SANDWICHES".

A photograph of four people standing outside a coffee shop. The woman on the left is wearing a purple shirt and black pants, holding a coffee cup. The man next to her is wearing a blue hoodie and a red baseball cap. The woman on the right is wearing a black jacket and a wide-brimmed hat. The man on the far right is wearing a black shirt and sunglasses. The background shows a building with signs for "ESPRESSO LATTE'S", "PAPACINO", and "BREAKFAST SANDWICHES".

Exhibit 6



Exhibit 7



Exhibit 8

"SPECIAL THANKS."
GIVEN AT F.B.I.
CELTIC CLASS.
AND ALL THE PEOPLE OF
THE PEARL
DISTRICT.



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

AT&T (Appeal Nos.
CALIFORNIA, (14-127
Respondent (110 Burrows Street

BOARD OF APPEALS

AUG 21 2014

APPEAL # 14-127

**RESPONDENT'S
BRIEF
SUBMITTED
AUG. 21, 2014**

**HEARING
SCHEDULED:
AUG. 27, 2014**

EXHIBITS

| | |
|--|-----------|
| DPW Order No. 182581, Approving AT&T's SMF Application for Burrows Street..... | Exhibit A |
| Activity Log for Utility Excavation Permit 14EXC-3454 | Exhibit B |
| Utility Excavation Permit 14EXC-3454 | Exhibit C |

INTRODUCTION

Appellants request that the Board reverse the Department of Public Work's decision to issue AT&T an excavation permit in the vicinity of 110 Burrows 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. Appellants offer 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 8, 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 on November 8, 2013. *See* Ex. A. AT&T submitted its excavation permit application on June 9, 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 can contest that AT&T submitted a completed exaction permit application on June 9, 2014, which DPW subsequently approved on June 19, 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, Appellants provide 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 110 Burrows Street Satisfies the SMF Order.

On November 8, 2013, AT&T filed an application with DPW to install a surface mounted facility in the vicinity of 110 Burrows Street. (*See Ex. A.*) On March 3, 2014, AT&T mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of 301 26th Avenue. *Id.* DPW received three objections and scheduled a public hearing to consider testimony on that site. *Id.*

At the subsequent hearing, on April 14, 2014, AT&T reported that, because of technical constraints, no alternative locations existed in the public right-of-way for placement of this SMF

in the vicinity of Burrows Street.² Additionally, Lynn Fong of DPW testified that AT&T's application was "in compliance with DPW's technical requirements and state and federal regulations." *Id.* Only one protestor appeared at the hearing. The protestor testified that the proposed SMF would be "a detriment to the aesthetics, streetscape, and outdoor seating to a nearby café." *Id.*

After considering the record and testimony at the hearing, the Hearing Officer recommended that the SMF application be approved for the location at 110 Burrows Street. *Id.* The Director's decision (DPW Order No. 182200) 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 9, 2014, AT&T applied for an excavation permit. Ex. B. On June 19, 2014, DPW approved and issued Excavation Permit 14EXC-3454 for AT&T's excavation in the vicinity of 110 Burrows Street. Ex. C.

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, Appellants provide 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

² AT&T's Lightspeed cabinets, which provide high speed broadband and video services to local residents through upgraded fiber optic technology, are subject to the following technical limitation: they must be placed within 300' of an existing AT&T SAI cabinet in the public right-of-way. AT&T explained at the hearing that the cabinet could not be installed next to the SAI cabinet because the existing sidewalk is too narrow to satisfy ADA requirements. The cabinet cannot be placed across the street from 110 Burrows because that would place it in front of a commissioned mural. Other sites were also examined but none met the 300' foot technical requirement. Prior to AT&T's submission of its SMF application in fall 2013, AT&T's Lynn Sousa subsequently conferred with Jerry Sanguinetti and Lynn Fong of DPW, who concurred that placement at 110 Burrows Street was the best location for the cabinet.

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, Appellants reassert the same arguments rejected by the Hearing Officer and the Director: (1) that there are plans to “beautify” the area; (2) that the cabinet will attract graffiti; (3) that seating at a nearby deli will be affected; and (4) that the cabinet will take up too much space. None of these arguments suggest that the approved SMF will incommode the public right-of-way. Nor does Appellants’ 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 April 14, 2014 hearing on the permit application for 301 26th avenue, Lynn Fong of DPW stated that AT&T “was in compliance with DPW’s technical requirements and state and federal regulations.” 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 Appellants’ brief that the proposed location would violate these technical requirements. *Id.*

Appellants' 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. Appellants' suggestion that the Board reverse DPW's decision on grounds that having nothing to do with the legal standard set forth by the SMF Order and the Public Utilities Code must be disregarded.

Finally, Appellants' assert that the excavation permit can be denied on the basis of objections alone. App. 3. That assertion is incorrect as a matter of law. "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. It is undisputed that AT&T submitted a completed application for its excavation permit on June 9, 2014. Ex B. Accordingly, the 60-day window for the City to approve or deny AT&T’s permit application closed *no later* than August 8, 2014. DPW approved AT&T’s excavation permit on June 19, 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 10th day after an application was made then snatch it away on the 79th day. Yet that is precisely the action that Appellants 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, 110 Burrows Street is the only technically feasible location in the public right-of-way for AT&T to install its Lightspeed cabinet in the Burrows 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 Appellants now argue 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.³

³ 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 be applied against AT&T.

CONCLUSION

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

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: 182581

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 110 Burrows Street (13SMF-0400)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **November 8, 2013**, the Applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface-Mounted Facility (SMF) at **110 Burrows Street**.
2. On **March 3, 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 **three (3)** objections to the application during the 20-day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections and comments included:
 - There are plans to beautify the area and make it a pleasant civic space.
 - Will attract blight and graffiti.
 - Will take up too much sidewalk space.
 - Window seating at nearby deli will be affected.
4. On **April 14, 2014**, DPW Hearing Officer **Aileen Gonzales** conducted a hearing on the application to consider testimony regarding the subject SMF.
5. At the hearing, Lynn Fong of DPW presented a summary of the permit applications stating that the Applicant was in compliance with DPW's technical requirements and state and federal regulations.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was scheduled for June 3, 2013 and one (1) member attended. At a second box walk held July 31, 2013, a private easement was located however it is a safety hazard for AT&T's service technicians.
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 **110 Burrows Street**. Testimony included:



San Francisco Department of Public Works

Making San Francisco a beautiful, livable, vibrant, and sustainable city.

- Will be a detriment to the aesthetics, streetscape, and outdoor seating to a nearby café.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility 13SMF-0400, in the vicinity of 110 Burrows 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 technical requirements of 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-0400 in the vicinity of 110 Burrows 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>

5/21/2014

5/21/2014

X

Sanguinetti, Jerry
Bureau Manager

X

Sweiss, Fuad
Deputy Director and City Engineer

5/22/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



San Francisco Department of Public Works

Making San Francisco a beautiful, livable, vibrant, and sustainable city.

EXHIBIT B

Search --> 14EXC-3454 --> Current Page

[Home](#)[New Permit](#)[Search Permits](#)[Account Information](#)[User Information](#)[Log Out](#)

Recently Paid \$1,342.67 [Schedule/Print Tow Away Signs](#)

Permit Type: **Excavation** Permit Number: **14EXC-3454** Street Address:

Agent Name: **SBC - Pacific Bell Engineering**

Issuance Date: **2014-06-09** Permit Status: **SUSPEND** User Warning: **1 work day(s) out of 10 expected days**

Approval Check Date: **2014-06-30** Approval Warning Date: Approval Date: **2014-06-19**

PERMIT TRACKER FROM LIST SEARCH FOR THE GIVEN W

Permit Data View Criteria ☐ Address Information ☐ Exceptions ☐ Insurance/Find ☐ Diagrams ☐ Violations ☐

Activity Log ☐ Pictures ☐ Curb Ramp Inspections ☐

Change Log ☐

[Add Comment](#)

| Permit ID | Permit Type | Permit Status | Permit Description | Permit Location | Permit Date | Permit Time | Permit User |
|------------|----------------------|---------------------------|---|-----------------|-------------|-------------|-------------------|
| 14EXC-3454 | Excavation | Issued | Excavation | 14EXC-3454 | 2014-06-09 | 1:57:03 PM | Public User |
| 14EXC-3454 | PAYMENT | 510.021 | Check | 14EXC-3454 | 2014-06-09 | 7:06:34 PM | Alvin Covarrubias |
| 14EXC-3454 | DRAWING | 14EXC-3454 | Reference 2017715057 | 14EXC-3454 | 2014-06-09 | 1:53:05 PM | Alvin Covarrubias |
| 14EXC-3454 | PERMIT STATUS CHANGE | SUSPEND | appealed 7/7/14, being heard 8/27/14, appeal 14-127. | 14EXC-3454 | 2014-06-09 | 3:40:02 PM | Gene Crain |
| 14EXC-3454 | PERMIT STATUS CHANGE | ACTIVE | | 14EXC-3454 | 2014-06-09 | 5:57:57 PM | Anthony Lee |
| 14EXC-3454 | Address Location | | Added to permit on project, added to RFP + email with attachment to L. Fong, S. Levine, Dennis, Rosemary, JK, Chan, Gene, Leo, Aaron (Nap A. Lee), N. Li, Jon, G. P. Vong, K. Thilme Done at 6/10/14 11:00 AM | 14EXC-3454 | 2014-06-09 | 2:59:18 PM | Marion Meyer |
| 14EXC-3454 | Email Sent | Approved Email Sent | dhugan.yamashita@sbc.com | 14EXC-3454 | 2014-06-09 | 2:14:43 PM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | APPROVED | | 14EXC-3454 | 2014-06-09 | 2:55:44 PM | Marion Meyer |
| 14EXC-3454 | CHANGED | 14EXC-3454 | revision # 102-05 | 14EXC-3454 | 2014-06-09 | 2:45:33 PM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | TO ACCOUNTING | | 14EXC-3454 | 2014-06-09 | 2:30:32 PM | Marion Meyer |
| 14EXC-3454 | Note to User | dhugan.yamashita@sbc.com | I sent an email to Rosemary requesting Monitorium approval ***** Done at 6/10/14 11:00 AM | 14EXC-3454 | 2014-06-09 | 10:47:13 AM | Marion Meyer |
| 14EXC-3454 | Card Sent | Correspondence Email Sent | dhugan.yamashita@sbc.com | 14EXC-3454 | 2014-06-09 | 10:47:13 AM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | PLANNING | | 14EXC-3454 | 2014-06-09 | 10:10:17 AM | Marion Meyer |
| 14EXC-3454 | Email Sent | Correspondence Email Sent | Marion Meyer@dpw.org | 14EXC-3454 | 2014-06-09 | 7:22:12 PM | Doug Yamashita |
| 14EXC-3454 | PERMIT STATUS CHANGE | REJECTED | | 14EXC-3454 | 2014-06-09 | 2:22:11 PM | Doug Yamashita |
| 14EXC-3454 | Note to User | dhugan.yamashita@sbc.com | Back to at permit drawing diagram, PG&E, photo, location, etc, unable to patch check at 2:12pm 6/10/14 | 14EXC-3454 | 2014-06-09 | 2:12:08 PM | Marion Meyer |
| 14EXC-3454 | Email Sent | Correspondence Email Sent | dhugan.yamashita@sbc.com | 14EXC-3454 | 2014-06-09 | 2:12:03 PM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | APPROVED | | 14EXC-3454 | 2014-06-09 | 2:09:06 PM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | PLANNING | | 14EXC-3454 | 2014-06-09 | 1:55:13 PM | Marion Meyer |
| 14EXC-3454 | INSPECTION | Approved | Approved | 14EXC-3454 | 2014-06-09 | 1:50:00 PM | Marion Meyer |
| 14EXC-3454 | PERMIT CHECKER | Approved | Approved | 14EXC-3454 | 2014-06-09 | 1:00:00 PM | Marion Meyer |
| 14EXC-3454 | PERMIT STATUS CHANGE | ACTIVE | | 14EXC-3454 | 2014-06-09 | 1:40:45 PM | Doug Yamashita |

[Export to Excel](#)

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-3454**Utility Excavation Permit****Address :** Multiple Locations**Cost:** \$1,342.67**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 Beil Engineering**Address:** 795 Folsom Street, Room 426 San Francisco, CA 94107-1243**Contact:** Doug Yamashita**Phone:** (925) 823 - 0955**Conditions****Emergency Confirmation Number****24 Hour / 7 Day Contact:** Judy Jones (415) 330-1880, Cell (415) 244-9799**Service Address/Project:** 110 Burrows St at San Bruno Ave LSMF TS 8883994
29C-R1 (13SMF-0400)**Start Date** 3/9/15**Permit expires on:** 3/22/2015**Purpose** Telephone**Excavation Reason** install New Cabinet**Excavation Reason Description** Approved Cabinet Application No.-(13SMF-0400)**Method:** Open Cut: Sawcut**TrackingNumber1** 8883994 R433 4C**TrackingNumber2** 13SMF-0400 SF17-410803**Project Size** 178**Inspection**

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

Approved Date : 06/19/2014

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 6/23/2014 3:35:54 PM

Plan Checker

Marlon 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 181,305 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: 554-8700.
12. Per DPW Order 178,808, the recycling of Cobble Stones and Granite Curb shall follow as:
 - a. Cobblestones shall be clean of dirt prior to transporting. Extreme care shall be taken during the transporting the cobblestones to minimize damage before delivery to City. The cobblestones shall be neatly and securely placed on pallets so they can be moved about safely after the delivery. The Minimum size of cobblestone shall be 4 inches square (16 square inches). The cobblestones shall be delivered, including off loading, to the lower lot at the Cesar Chavez Street Yard located at 2323 Cesar Chavez Street or at alternative location directed by the Department within the City of San Francisco. Contact the Department forty-eight hours (48 hours) prior to delivery. The Department can be reached at (415) 641-2627.
 - b. Granite Curb shall be neatly and securely placed on pallets so they can be moved about safely after delivery. The Contractor shall exercise care in transporting the granite curb to minimize damage. The length limit of recyclable granite curbs shall be no less than four feet. The granite curb shall be delivered, including off loading, to the back lot at the Griffith Pump Station located at 1105 Thomas Street or at an alternative location directed by the Department within the City of San Francisco. Contact Bureau of Street and Sewer Repair (BSSR) at least forty-eight hours (48 hours) prior to delivery. BSSR can be reached at (415) 695-2087.
13. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
14. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
15. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
16. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
17. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Special Conditions

14EXC-3454

Conditions

PGE Pacific Gas and Electric Co.

====>NOTES: Per the Public Works Excavation Code:

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

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

====> If concrete street, gutter or parking strip is excavated, Pacific Gas and Electric Co. 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. PGE 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, PGE 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. PGE 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. PGE shall comply with Code Section 2.4.55(b)(i)(ii) and (iii), the 120-Hour Rule.
4. PGE 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. PGE's work shall be in accordance with DPT Blue Book or with any DPT approved traffic routing plans or DPT Special Traffic Permit.
6. PGE 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, PGE 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. PGE shall restore all trenches per the Excavation Code.
8. PGE shall remove all temporary pavement markings including USA marking on both the sidewalk and street at the conclusion of the excavation.
9. PGE 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 PGE 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.

=====
==(10:46 am==6-18-14)

Permit Addresses

14EXC-3454

*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: 4 Total repair size: 178 sqft Total Streetspace: Total Sidewalk: sqft

| ID | Street Name | From St | To St | Sides | *Other | Asphalt | Concrete | Street Space Feet | Sidewalk Feet |
|-------|---------------|---------------|--------------|--|--|---------|----------|-------------------|---------------|
| 1 | BURROWS ST | SAN BRUNO AVE | GIRARD ST | North | RW : False SMC : True S/W Only : False DB: False BP: False UB: True | 28 | 32 | | |
| 3 | END | SAN BRUNO AVE | North | RW : False SMC : False S/W Only : False DB: False BP: False UB: False | 9 | 3 | | | |
| Total | | | | | | 37 | 35 | | |
| 2 | SAN BRUNO AVE | BURROWS ST | Intersection | North | RW : False SMC : False S/W Only : False DB: False BP: False UB: False | 65 | 0 | | |
| 4 | FELTON ST | BURROWS ST | West | RW : False SMC : False S/W Only : True DB: False BP: False UB: False | 0 | 40 | | | |
| Total | | | | | | 66 | 40 | | |

Exceptions

14EXC-3454

| Street Name | From St | To St | Notes/Comments | Job | Contact | Dates |
|---------------|---------------|-----------------|---|------------|------------------------------------|-------------------------|
| BURROWS ST | | | | | | |
| | END | SAN BRUNO AVE - | Conflict with existing Street Use Permit. | 12IE-0773 | Refer to Agent - Refer to Agent | |
| | SAN BRUNO AVE | GIRARD ST - | Conflict with existing Street Use Permit. | 13SMF-0400 | Refer to Agent - Refer to Agent | |
| | SAN BRUNO AVE | Intersection | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | END | SAN BRUNO AVE - | Banners are allowed on this street | N/A | | |
| | SAN BRUNO AVE | GIRARD ST - | Banners are allowed on this street | N/A | | |
| | SAN BRUNO AVE | 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 | | |
| SAN BRUNO AVE | | | | | | |
| | FELTON ST | BURROWS ST - | Conflict with existing Street Use Permit. | 13D-0311 | Refer to Agent - Refer to Agent | Jul 16 2013-Jul 15 2014 |
| | FELTON ST | BURROWS ST - | Conflict with existing Street Use Permit. | 13TC-0344 | Refer to Agent - Refer to Agent | Jul 16 2013-Jul 15 2014 |
| | BURROWS ST | Intersection | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | FELTON ST | BURROWS ST - | Please see special paving requirements for Moratorium Streets. | 1931J | | Nov 1 2013-Nov 1 2018 |
| | BURROWS 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 | | |
| | FELTON ST | BURROWS ST - | Banners are allowed on this street | N/A | | |
| | FELTON ST | BURROWS 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 | | |



(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-3454

Request to Excavate a Moratorium Street

For more information about this permit, please call Bureau of Street-Use & Mapping @
415 554 5810.

Applicant: SBC - Pacific Bell Engineering Received Date: Jun 9 2014 1:38PM

Contact Person: SBC - Pacific Bell Engineering

Contact Phone: 415 644-7043 Contact Email: ls4524@att.com

Method: Open Cut: Sawcut

Purpose:

Reason: Install New Cabinet

Description: 110 Burrows St at San Bruno Ave LSMF TS 8883994 29C-R1 (13SMF-0460)

☐

Approved

☐

Denied

BURROWS ST: SAN BRUNO AVE Intersection (20650000)

Asphalt Square Footage: 66

Concrete Square Footage: 0

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T
California

Property Owner Phone: 925.823.0955

☐

Approved

☐

Denied

SAN BRUNO AVE: BURROWS ST Intersection (20650000)

Asphalt Square Footage: 66

Concrete Square Footage: 0

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T
California

Property Owner Phone: 925.823.0955

☐

Approved

☐

Denied

SAN BRUNO AVE: FELTON ST BURROWS ST (11376000)

Asphalt Square Footage: 0

Concrete Square Footage: 40

Moratorium Start Date: 11/1/2013

Moratorium End Date: 11/1/2018

Date Service Requested: 5/27/2014

Property Owner Name: AT&T
California

Property Owner Phone: 925.823.0955

Recommended By:

Recommended By:

Approved By:

Permit Coordinator

Division Manager
(or designee)

Bureau Manager
(or designee)

No Diagram submitted

Huang, Cecilia (PAB)

From: Victor Lara <victor8010@sbcglobal.net>
Sent: Thursday, August 21, 2014 3:51 PM
To: Board of Appeals (PAB)
Subject: AT&T Electrical Cabinet-Case14-127 - DPW Order Nr.182581

San Francisco Board of Appeals
1650 Mission Street
San Francisco, Ca. 94103

Reg.: The above At&T Cabinet Case

My name is Henni Lara, a resident of the Portola District. I am a member of the PNA as well as the Beautification Committee.

I support the letters you received from Irene Crescio and Luiselle Yakas . I agree with the owners and staff of the "Fat Beli Deli" not to construct a electrical cabinet in front of their restaurant.

Over the last 10 years the community has invested countless hours to beautify San Bruno Avenue. Utility cables were undergrounded, a dead end street (Burrows St.) made into a beautiful pocket park. Wine barrels with flowers were placed in front of various establishments.

I urge you to deny the request by AT&T to place this ugly cabinet at the corner of Burrows and San Bruno Avenue.

Thank you for your help.

Sincerely,
Henni Lara
PNA Beautification Committee



Portola Family Connections

August 21, 2014

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

RE: Appeal No. 14-127; 110 Burrows St. – Excavation permit for AT&T Electrical Cabinet at 110 Burrows Street, San Francisco

As the Executive Director of Portola Family Connections, a family resource center that has been on the San Bruno Avenue corridor for twenty-one years, I am in support of Appeal No 14.127, against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows Street.

We serve thousands of individuals a year many of which are young children and seniors. The particular location of the proposed electrical cabinet is too close to the main business and pedestrian corridor; thus, impeding foot traffic and safety on an already very busy intersection. The addition of a Surface Mounted Facility would make the pedestrian crossing experience more of a challenge by adding a line-of-sight blockage for both drivers and pedestrians. It could restrict pedestrian access to the sidewalk and force people, families with strollers, seniors and the disabled to unsafely step into the street to avoid congestion.

The residents, community and our local businesses have worked hard to make the San Bruno Ave Corridor a safe, clean and pleasing commercial area. The addition of this cabinet would oppose these efforts. There are other options for placement of this unit and we urge you to deny this order for installation. These other options should seriously consider attractive streetscape, pedestrian safety and supporting San Bruno Avenue businesses and community goals that the City shares with the Portola community.

Thank you for your consideration,

Maryann Fleming
Founder and Executive Director

HD 8/27/14



FILE

BOARD OF APPEALS

AUG 21 2014

APPEAL #14-127

PORTOLA NEIGHBORHOOD ASSOCIATION

2 Burrows St, San Francisco CA, 94134

August 19, 2014

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

Re: Case #14-127; 110 Burrows St.

I am writing on behalf of the Portola Neighborhood Association in support of the Mr Sean appeal against the proposed excavation permit 13SMF-0400 (in relation to DPW Order No. 182581) to install a Surface-Mounted Facility on the sidewalk in front his property at 110 Burrows St. The PNA is surprised with the AT&T's application, given that the adjacent property owner and the PNA had already expressed our opposition to a proposed location directly across the street at the 111 Burrows St in October 2013.

As cited in opposition to the previous application, the Portola Neighborhood Association has taken the lead to make this once dangerous and uninviting intersection into a community space. Outdoor seating has been added to the streetscape, bulbs-outs and high profile crosswalks have been created to calm traffic and make pedestrian crossing on busy San Bruno Avenue safer than ever before. While the neighborhood, in partnership with city departments, are continuing to work on the removal blighting influences around San Bruno Ave, we feel the proposed AT&T VRAD box will undermine the community's efforts to beautify our corridor.

Furthermore, the Portola has more senior citizens and schools than most neighborhoods in San Francisco. Foot traffic is heavy at this intersection. In addition, directly to the north of 110 Burrows Street at 2574 San Bruno Avenue is the North East Medical Services (NEMS) community health center that serves a large number of patients. This is a busy sidewalk and extremely busy commercial district. Any obstacle the size of a Surface Mounted Facility will add to the difficulty of mobility of seniors, children, families and people seeking medical treatment.

There are other options for placement of this unit and we urge you to deny this order for evacuation for installation in order to re-consider the proposed location. These alternate sites should be seriously considered should attractive streetscape, pedestrian safety and supporting San Bruno Ave businesses are indeed goals that the City share with the Portola community.

Regards,



Jack Tse

Corridor Manager

Portola Neighborhood Association

PHONE
415-574-9170

WEB
www.portolasf.org

4 D 8/27/14

BOARD OF APPEALS

August 14, 2014

FILE

AUG 21 2014 086

Board of Appeals:

APPEAL # 14-127

We, members of the Portola community, sign this letter in support of appeal #14-127 against AT&T's installation of 13SMF-0400 at 110 Burrows Street.











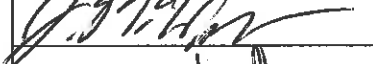

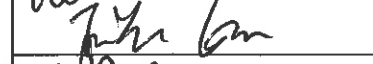







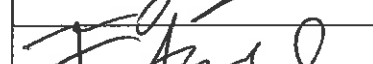

We believe the facility's light color and size will attract graffiti tagging. It will also hinder pedestrian traffic on the sidewalk.

The facility is very large in size and unappealing to the eye. The Portola Neighborhood Association as well as business and community members have worked hard towards the beautification of the neighborhood and this facility will hinder our progress in this regard.

We are willing to be a part of the search for an alternate location for the facility. However our concerns about the placement of this facility at 110 Burrows overshadow any benefits this facility will bring to the community.

Thank you for your time and consideration.

| Signature | Print Name | Address |
|--------------------|--------------------|---------------------|
| B. Ferrero | B. FERRERO | 140 Burrows ST |
| L. Ferrero | L. FERRERO | 140 Burrows |
| Lori A. J. Brady | Lori A. J. Brady | 2598 San Bruno Ave. |
| Carlos Puj | CARLOS PUJ | 2548 SAN BRUNO AVE. |
| Tiffany M. Andrade | Tiffany M. ANDRADE | 2184 REVERE AVE. |
| Green Meinder | Green Meinder | 1000 Ginn St. |
| YUNG DIZ | | 1423 Silliman St |
| M. Cage | Mickey CAGE OR | 1925 Sunnydale AVE. |
| Don Edwards | DON Edwards | 815-Colby |

| Signature | Print Name | Address |
|---|-----------------------|--|
|  | AARON GRECH | 410 HAZELWOOD DR. CELTIC GLASS EMPLOYEE |
|  | Graham Garberry | 135 Burrows St. |
|  | Madeline Collins | 135 Burrows St. |
|  | Tamira Collins | 106 Burrows St |
|  | John Mitchell | 106 Burrows St. |
|  | Alex Suscev | 120 Burrows St |
|  | Ivan Suscev | 120 Burrows St |
|  | CHLOE HUANG | 2574 San Bruno Ave |
|  | Sumi Lin | 2574 San Bruno Ave |
|  | John Michael Williams | 177 Harrison Ave |
|  | Alan Andrade | 940 McAlister St |
|  | Junya Guan | 126 Burrows St. |
|  | Elaine Ouyang | |
|  | Elaine Ouyang | 1306 Palou Ave. St. |
|  | Michelle Kuang | 1375 Silver Ave. S-7- |
|  | Lysette Gomez | 1018 Gilman Ave. |
|  | Johnny Lau | 534 Veana St |
|  | Lilian Li | 705 Broadway St |
|  | Jpyang | 233 Goettingen St |
|  | T. Suresh | 37 PERTHA LN |
|  | Heterathnes | 1477 Folsom |
|  | JIMMY ZHOU | 2600 San Bruno |

| Signature | Print Name | Address |
|-----------|----------------------|------------------------------|
| | Zhen Shun Lao | 2600 San Bruno |
| | Uwee Ch | 2600 San Bruno |
| | Jordan Torres | 1312 Brussels St. |
| | Chris Wong | " " |
| | Jeffrey Chou | " " |
| | Raymond | " " |
| | Alanna Mitchell | 106 Burrows St. |
| | JASON JOHANSEN | 838 PERU ST |
| | KATHERINE | 106 Burrows |
| | Katherine Landaverde | 2585 San Bruno Ave ST |
| | PAUL DUNBAR | 3300 San Bruno |
| | Jessica Whitman | 128 Kisha road |
| | Tyler Williams | 4 cardinal court |
| | Angelo Muller | 132 apollo St apt 24 |
| | Daniel Johansen | 288 Bella Vista SF CA apt 27 |
| | Edgar Orozco | 2585 San Bruno |
| | Ernesto Orozco | 2585 San Bruno |
| | GRACE Carr | 2585 San Bruno |
| | Steven Benitez | 108 Burrows |
| | Tamara Benitez | 108 Burrows |
| | Mike Mason | 128 Kisha road |

| Signature | Print Name | Address |
|-----------|------------------|-------------------------------|
| | Angelica Oropeza | 12 Prague St |
| | DANNY FONG | 1835 ALBANY BLVD |
| | CYNTHIA RONG | 1835 ALBANY BLVD |
| | Megan Linh | 19 Chelsea Ct |
| | Andrew Parra | 19 Chelsea Ct |
| | Vutikri | 19 Chelsea Ct |
| | Angela Lu | 1740 3rd St |
| | Jack Lu | 82 Lois Lane, SE, CHICAGO |
| | GRIFFIN HIGGIN | 110 BURNOWS ST SE |
| | NAT GOPP | 134 Edwards Ave, San Jose |
| | Luis Politron | 135 Burnows St |
| | Jonathan F | 135 Burnows St |
| | Angelica M. | 135 Burnows St |
| | Maria | 400 Mansell St |
| | John McElwain | 106 Burnows St |
| | Jauch R. | 370 SAN BROWN ST |
| | Will Kerkert | 106 Burnows St |
| | HENNI LARA | 543 BOWDOIN STR. |
| | VICTOR LARA | 543 BOWDOIN ST. S.F. 94134 |





HD 8/27/14

FILE

BOARD OF APPEALS

AUG 18 2014 *CB*

APPEAL # 14-127

8-14-2014

Chon Lazarus - Board
of Appeals

I do not want
you to install new
cabinet at

110 Burrows St

Thank you

Beverly Ferrero

H D 8/27/14

Ruth H. Wallace
749 Colby St.
San Francisco, CA 94134
Rwallace57@gmail.com

FILE

BOARD OF APPEALS

AUG 19 2014 *cg8*

APPEAL # 14-127

August 18, 2014

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

Re: Case #14-127; 110 Burrows St.

San Francisco Board of Appeals:

I am very much opposed to the installation of a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows Street and support the appeal filed by John Mitchell and others opposing excavation permit 13SMF-0400 in relation to DPW Order No. 182581.

Over the past four years, I have spent countless hours working to turn the corner of San Bruno Avenue and Burrows Street into a neighborhood hub. Working with merchants like the Mitchell's, residents, neighbors and volunteers, we have transformed the corner and cul-de-sac on the east side of San Bruno Avenue into Burrows Park, an exciting, new public space where none existed previously. The Portola Neighborhood Association has taken the lead to make this once dangerous and uninviting intersection into a place people want to meet friends, dine and linger.


Outdoor seating has been added to the streetscape, bulbs-outs and high profile crosswalks have been created to calm traffic and make pedestrian crossing on busy San Bruno Avenue safer than ever before.

I believe that adding a Surface Mounted Facility here would not only mar the street improvements in the area, it would make the pedestrian crossing experience more of a challenge by adding a line-of-sight blockage for both drivers and pedestrians. It could also restrict pedestrian access to the sidewalk and force people, families with strollers and the disabled to unsafely step into the street to avoid congestion.

The Portola has more senior citizens and schools than most neighborhoods in San Francisco. Foot traffic is heavy at this intersection. In addition, directly to the north of 110 Burrows Street at 2574 San Bruno Avenue is the North East Medical Services (NEMS) community health center that serves a large number of patients. This is a busy sidewalk and extremely busy commercial district. Any obstacle the size of a Surface Mounted Facility will add to the difficulty of mobility of seniors, children, families and people seeking medical treatment.

This location just is not a good fit for an object as large as a Surface Mounted Facility nor an appropriate use of public space given the amount of effort put forth by the community to improve this particular streetscape. Please look elsewhere for a place where the Surface Mounted Facility would be less disruptive to the streetscape and to heavy pedestrian traffic that is evident at this intersection.

Thank you for your consideration,


Ruth Wallace
Portola Resident

AD. 8/27/14

Luissele Yakas
30 Merrill St.
San Francisco, CA 94134

FILE

BOARD OF APPEALS

AUG 20 2014 *966*

APPEAL # 14-127

August 18, 2014

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

RE: Proposed AT&T Electrical Cabinet at 110 Burrows St, San Francisco (Case #14-127;
110 Burrows St.)

As a resident of the Portola neighborhood and a member of the Portola Neighborhood Association, I am in support of John Mitchell, Tamira Collins, Madeline Collins and Graham Carberry, appeal against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows Street.

There has been opposition to this project before and it will continue. To place such a unit on that particular location would not only be a blight to the commercial corridor, but would also impede foot traffic and impose on outside seating for Fat Beli Deli. Also the addition of a Surface Mounted Facility would make the pedestrian crossing experience more of a challenge by adding a line-of-sight blockage for both drivers and pedestrians. It could also restrict pedestrian access to the sidewalk and force people, families with strollers and the disabled to unsafely step into the street to avoid congestion.

The residents of the community and our local businesses have worked hard to make the San Bruno Ave Corridor a safe, clean and pleasing commercial area. The PNA has helped merchants with flower barrels, attractive waste bins for the merchants and supported the Burrows Pocket Park, among many other projects to improve San Bruno Avenue.

There are other options for placement of this unit and we urge you to deny this order for evacuation for installation. These other options should be seriously considered as attractive streetscape, pedestrian safety and supporting San Bruno Ave businesses are indeed goals that the City share with the Portola community.

Thank you for your consideration,

Luiselle Yakas, Chair
Portola Neighborhood Association and
Portola Resident

FILE

Mejia, Xiomara (PAB)

From: Jenny Asinc <Jenny.Asinc@nems.org>
Sent: Thursday, August 21, 2014 2:06 PM
To: Board of Appeals (PAB)
Cc: Jack Tse
Subject: Petition for a Hearing for COMcast or AT&T box (Case #14-127; 110 Burrows St.)

BOARD OF APPEALS
AUG 21 2014
APPEAL # 14-127

NEMS NORTH EAST
MEDICAL SERVICES
2574 San Bruno Avenue
San Francisco, CA 94122

August 18, 2014

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

RE: Proposed AT&T Electrical Cabinet at 110 Burrows St, San Francisco (Case #14-127; 110 Burrows St.)

As a business service provider of San Bruno Ave, we are in support of John Mitchell, Tamira Collins, Madeline Collins and Graham Carberry, to appeal against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows Street

The residents' community and our local businesses have work hard to make the San Bruno Ave Corridor a safe, clean and pleasing commercial area. The Portola Neighborhood Association (PNA) in partnership with the business community have helped installed flower barrels, attractive waste bins for the merchants and supported the Burrows Pocket Park, among many other projects to improve San Bruno Avenue. Furthermore, to place such a unit on that particular location is not only an eye sore to the commercial corridor; but also a safety concern for pedestrian.

In addition, PNA in collaboration with Portola based community service providers have been working to improve overall pedestrian safety on San Bruno Avenue as we are consistently listed as a High Injury Corridor in San Francisco. A surface mounted Facility would make pedestrian crossing experience a challenge by adding a line-of-sight blockage for both drivers and pedestrians. It could also restrict pedestrian access to the sidewalk and force people, families with strollers and the disabled to unsafely step into the street to avoid congestion.

We believe the proponents of AT&T had not sufficiently explored other options for placing this unit and we urge you to deny this order for evacuation for installation. Please support our Portola community by making our business corridor more attractive and most importantly safe for our pedestrians.

Thank you for your consideration.
North East Medical Services – San Bruno Clinic



Jenny Asinc
Clinic Operations Manager
2574 San Bruno Avenue
San Francisco, CA 94134
(415) 391-9686 x6100

Health Care From The Heart

CONFIDENTIALITY NOTICE:

This email and any files transmitted with it are the property of North East Medical Services, are confidential, and intended only for the named recipient(s) **above**. If it has been sent to you in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this email is strictly forbidden. Thank you.

H D 8/27/14

FILE

BOARD OF APPEALS

Mejia, Xiomara (PAB)

AUG 21 2014

From: irene crescio <iac349@aol.com>
Sent: Thursday, August 21, 2014 11:00 AM
To: Board of Appeals (PAB)
Cc: sisderoo@aol.com; jack@portolasf.org; barbarafenech@yahoo.com; victor8010@sbcglobal.net
Subject: Proposed AT&T Electrical Cabinet - Case No. 14-127

APPEAL #14-127

cafb

My name is Irene Crescio, resident of the Portola District and also a member of the Portola Neighborhood Association and Beautification Committee.

In reference to the letter you received from Luiselle Yakas pertaining to Case No. 14-127, I am writing to give my full support to John Mitchell, Tamira Collins, Madeline Collins and Graham Carberry, appeal against excavation permit 13SMF-0400 in relation to DPW Order No. 182581 to install a Surface Mounted Facility on the sidewalk in front of the property at 110 Burrows.

This area currently has outside tables, chairs, and flower planters that help beautify the corner of San Bruno Avenue and Burrows. Placing this cabinet in the proposed location will restrict pedestrians' thoroughfare and it will also interfere with Fat Bel Deli patrons enjoying the outdoor seating.

These cabinets attract graffiti and will take away the beauty that currently exists.

Please consider this appeal to deny placing the unit at this location

Sincerely.

Irene Crescio ,Member
Portola Neighborhood Association and Beautification Committee