

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
STEVEN CURRIER & NANCY BARSOTTI,)
Appellant(s))
vs.)
DEPARTMENT OF PUBLIC WORKS)
BUREAU OF STREET-USE AND MAPPING,)
Respondent

Appeal No. **14-097**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on May 15, 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 May 02, 2014, to SBC - Pacific Bell Engineering, **UTILITY EXCAVATION PERMIT** (install new cabinet) at 1149 Prague Street.

APPLICATION NO. 14EXC-1815

FOR HEARING ON July 16, 2014

Address of Appellant(s):

Steven Currier & Nancy Barsotti, Appellants
116 Drake Street
San Francisco, CA 94112

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

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

MAY 15 2014
APPEAL # 14-097

PRELIMINARY STATEMENT OF APPEAL

I / We, **Steven Currier & Nancy Barsotti**, hereby appeal the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-1815** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **May 02, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **1149 Prague 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: **June 26, 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.

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

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

Hearing Date: **Wednesday, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows: see attached.

Nancy Barsotti

Appellant or Agent (Circle One):
Signature: *[Signature]*
Print Name: Steven R Currier

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

May 15, 2014

BOARD OF APPEALS

Ms. Cynthia Goldstein
Executive Director
Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

MAY 15 2014
APPEAL # 14-097


**RE: Surface Mounted Facility – Permit Number: 14EXC-1815
Permit Date: May 2, 2014
Location 1149 Prague Street @ Pope Street**

Dear Ms. Goldstein:

Nancy Barsotti and Steven R. Currier plan to appeal the above-referenced permit. The deadline for filing an appeal is May 17, 2014/May 19, 2014.

The preliminary reasons are: Lack of AT&T properly notify the neighbors/residents in the 300 foot radius of the subjected facility; DPW's rule that these facilities are not permitted in a park; AT&T's lack of conversation and mitigation with the neighbors/neighborhood; AT&T's lack of camouflaging the subjected box; and not respecting the wishes and recommendations of the Board of Supervisors' Resolution 706-04 passed and dated January 26, 2007.

Sincerely,


Steven R. Currier
Resident of Crocker Amazon

CC: Nancy Barsotti



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

BOARD OF APPEALS

MAY 15 2014

APPEAL # 14-097

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

14EXC-1815

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: Bob Pickard

Phone: (415) 644-7057

Conditions	The NE-Left, SE-Right, SE-Left and SW-Right ramps need to be built at this intersection.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone ✓
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

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

Approved Date : 05/02/2014 ✓

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/2/2014 3:09:43 PM

Plan Checker

Marion Meyer

STREET EXCAVATION REQUIREMENTS:

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

Special Conditions

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

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

==(9:40 AM ==4-4-2014)

Permit Addresses

14EXC-1815

*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:475 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
3	POPE ST	PRAGUE ST \ WINDING WAY	BALTIMORE WAY	East	RW : False SMC : False S/W Only : True DB: False BP: False UB: False	0	67		
Total						0	67		
1	PRAGUE ST	WINDING WAY	POPE ST \ WINDING WAY	Both	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	95	120		
Total						95	120		
2	WINDING WAY	POPE ST \ PRAGUE ST	Intersection	Both	RW : False SMC : False S/W Only : True DB: False BP: False UB: True	0	40		
5		DRAKE ST	POPE ST \ PRAGUE ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	113	40		
Total						113	80		

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Exceptions

14EXC-1815

Street Name	From St	To St	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramps

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. 14-115

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 12, 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 April 04, 2014, to SBC- Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet) at 1149 Prague Street.

APPLICATION NO. 14EXC-1815
JURISDICTION GRANTED JUNE 11, 2014

FOR HEARING ON July 16, 2014

Address of Appellant(s):

Steven Currier, Appellant
116 Drake Street
San Francisco, CA

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

JUN 12 2014

APPEAL # 14-115

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Steven Currier**, hereby appeal the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-1815** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **April 04, 2014**, to: **SBC- Pacific Bell Engineering**, for the property located at: **1149 Prague Street.**

Jurisdiction Granted 6/11/14.

BRIEFING SCHEDULE:

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

Appellant's Brief is due on or before: **June 26, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

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

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

Hearing Date: **Wednesday, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows:

see attached.

Appellant or Agent (Circle One):

Signature: *[Signature]*

Print Name: *Steven R. Currier*

PRELIMINARY STATEMENT OF APPEAL

BOARD OF APPEALS

Date Filed:

JUN 12, 2014

APPEAL #

14-111

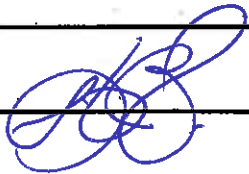
SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

Surface mounted facility - Permit #14EXC-1215

Permit Date: April 4, 2014 - Location: 1149 Prognostic St. & Pope Street

Steven R Carrier plans to appeal the above-referenced permit
The deadline for filing an appeal is June 16, 2014

The Preliminary reasons are: lack of AT+T properly notified
the neighbors/residents in the 300 foot radius of the
subjected facility; DPW's rule that these facilities are
not permitted in a park and other issues to be mentioned
in the brief.





BOARD OF APPEALS

JUN 12 2014

APPEAL # 14-115



(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-1815

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: Bob Pickard

Phone: (415) 644-7057

Conditions

EmergencyConfirmationNumber

24 Hour / 7 Day Contact: Paul Wolfson (925) 426-3221, Cell (925) 548-4937

Service Address/Project: 1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)

Start Date 5/26/14

Permit expires on: 6/8/2014

Purpose Telephone

Excavation Reason Install New Cabinet

Excavation Reason Description Approved Cabinet Application No.-(13SMF-0246)

Method: Open Cut: Sawcut

TrackingNumber1 9078110 R401 4C

TrackingNumber2 13SMF-0246 SF06-230302, 230301

Project Size 475

Inspection

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

Approved Date : 04/04/2014

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/1/2014 10:02:31 AM

Plan Checker

Marion Meyer

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with 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 SFPDW 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

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

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

====(9:40 AM ==4-4-2014)

Permit Addresses

14EXC-1815

*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:475 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
3	POPE ST	PRAGUE ST \ WINDING WAY	BALTIMORE WAY	East	RW : False SMC : False S/W Only : True DB: False BP: False UB: False	0	67		
Total						0	67		
1	PRAGUE ST	WINDING WAY	POPE ST \ WINDING WAY	Both	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	95	120		
Total						95	120		
2	WINDING WAY	POPE ST \ PRAGUE ST	Intersection	Both	RW : False SMC : False S/W Only : True DB: False BP: False UB: True	0	40		
5		DRAKE ST	POPE ST \ PRAGUE ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	113	40		
Total						113	80		

Exceptions

14EXC-1815

Street Name	From St	To St	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramps

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

June 26, 2014

Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

**RE: Surface Mounted Facility – Permit Number: 14EXC-1815
Permit Date: May 2, 2014
Location: 1149 Prague Street @ Pope Street
Board of Appeal File No.: 14-097
Surface Mounted Facility – Permit Number: 14EXC-1815
Permit Date: April 4, 2014
Location: 1149 Prague Street
Board of Appeal File No.: 14-115
Hearing Date: July 16, 2014
CURRIER & BARSOTTI vs. DPW-BSM**

APPELLANT(S)' BRIEF

Commissioners: Ann Lazarus, President, Arcelia Hurtado, Vice President, Frank Fung, Darryl Honda, and Chris Hwang, Commissioners

HISTORY

Steven R. Currier and Nancy Barsotti, hereinafter Appellants, filed their Appeal(s) to the Utility Excavation Permits for the Surface Mounted Facility (SMF) located at 1149 Prague Street, San Francisco, California on May 2, 2014 and April 4, 2014 respectively. Appellants filed their “letters of objection” to the SMF in proper time to the Department of Public Works’ (DPW) Notice dated September 19, 2013, DPW number 13SMF-0246.

Currier, et al. vs. DPW-BSM

The notice advised that members of the public “has (have) 20 days from the date of the notice to send written notice of their objection to DPW.” (A copy of the DPW Notice is attached as Exhibit “A” and a copy of the October 2, 2013 objection letter from Mr. Currier and a copy of the letter early October 2013 objection letter from Ms. Barsotti are attached as Exhibit “B” and “C” respectively.

Appellants attended a DPW hearing that was held on Monday January 6, 2014 regarding Order No. 181997, item number 10, at City Hall, Room 400 opposing the SMF to be located at or approximately located at 1149 Prague Street, at Pope Street and Winding Way, a City owned DPW park. On or on the approximate date of February 13, 2014, DPW’s Director Decision was issued, Order No. 182164, dated February 4 and February 6, 2014 to deny the opposition and APPROVE the request by AT&T to locate the SMF 13SMF-0246 at that location.

DPW issued a Utility Excavation Permit on April 4, 2014. Due to an error at DPW, Appellants did not receive a copy of the permit until May 1, 2014. Subsequently, DPW re-issued the Utility Excavation Permit dated May 2, 2014. AT&T refused to acknowledge the latter permit and was to begin construction. Applicant Currier filed a Jurisdiction Request on May 20, 2014 for the April 4, 2014 permit. This Board granted Jurisdiction unanimously at their hearing on June 11, 2014.

///

///

PRESENT CASE

Appellants oppose the installation of this SMF at this location for several reasons. First, Appellants oppose this location because this is a DPW park. Under Order No.175,566 dated and approved on August 17, 2005 signed by Edwin M. Lee then Director of Public Works, a clause under Exhibit B entitled SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES number 18 which states that "Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space." This guideline does not define a "park" nor does DPW define what a park is or is not whether it be a city park, national park, federal park or a DPW park. Since guideline number 18 mentions a park, recreation area, or open space, Appellants believe that park and open space apply here. Page 15 and 16 of Order No. 175,566 SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES are attached as Exhibit "D".

Second, Appellants oppose this installation at this location and believe there are alternate venues that would better serve this SMF. Furthermore, the current proposed location is not the location that AT&T and Appellant Barsotti initially agreed upon.

Exhibit "A" shows that the SMF would be located fronting the park. Guideline number 18 states that the SMF shall not front the boundaries of a park. Furthermore, the size of the SMF shown on Exhibit "A" is smaller in size of the actual SMF proposed.

Exhibit "G" illustrates the actually size of the SMF that will be located at this location.

Currier, et al. vs. DPW-BSM

Thirdly, Appellants oppose this installation at this location due to the fact AT&T did not properly notify the neighbors/residents in the 300 foot radius of the SMF facility. The Appellants polled several neighbors who stated that they did not know what we were talking about and did not receive anything from AT&T or DPW.

Fourth, Appellants oppose this installation at this location because there are a better location than this park. AT&T has refused to mitigate or engage the residents, including Appellants, in a conversation regarding a better location for this SMF. Appellants feel that AT&T has snubbed them by refusing to talk about this issue.

Fifth, Appellants oppose this installation primarily because the neighbors are opposed to this. Attached as Exhibit "E" are signed petitions against this SMF.

Lastly, Appellants oppose this installation due to the ongoing opposition of any SMF. Appellant Currier was an appointed member of the Utility Undergrounding Task Force which that Task Force recommended undergrounding all utilities in San Francisco. That recommendation, to the Board of Supervisors, was dated January 26, 2007. AT&T was also represented on that Task Force. Attached as Exhibit "F" is page one and two, the Executive Summary, and Task Force Member page of the Utility Undergrounding Task Force Report to the San Francisco Board of Supervisors.

///

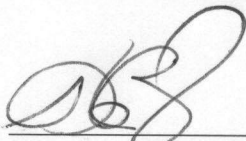
///

///

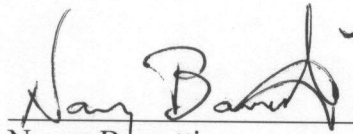
CONCLUSION

Appellants request that the Board of Appeals Commissioners oppose the installation of this Surface Mounted Facility at this location and grant this appeal. Furthermore, Appellants request the Board of Appeals Commissioners to urge AT&T to communicate to the neighbors, residents, and the public before requesting, applying, and installing future surface mounted facilities.

Respectfully submitted:



Steven R. Currier
Appellant



Nancy Barsotti
Appellant

EXHIBIT "A"



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

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF06-230302-9078110-56C

13SMF-0246

Date: September 19, 2013

Dear San Francisco Resident:

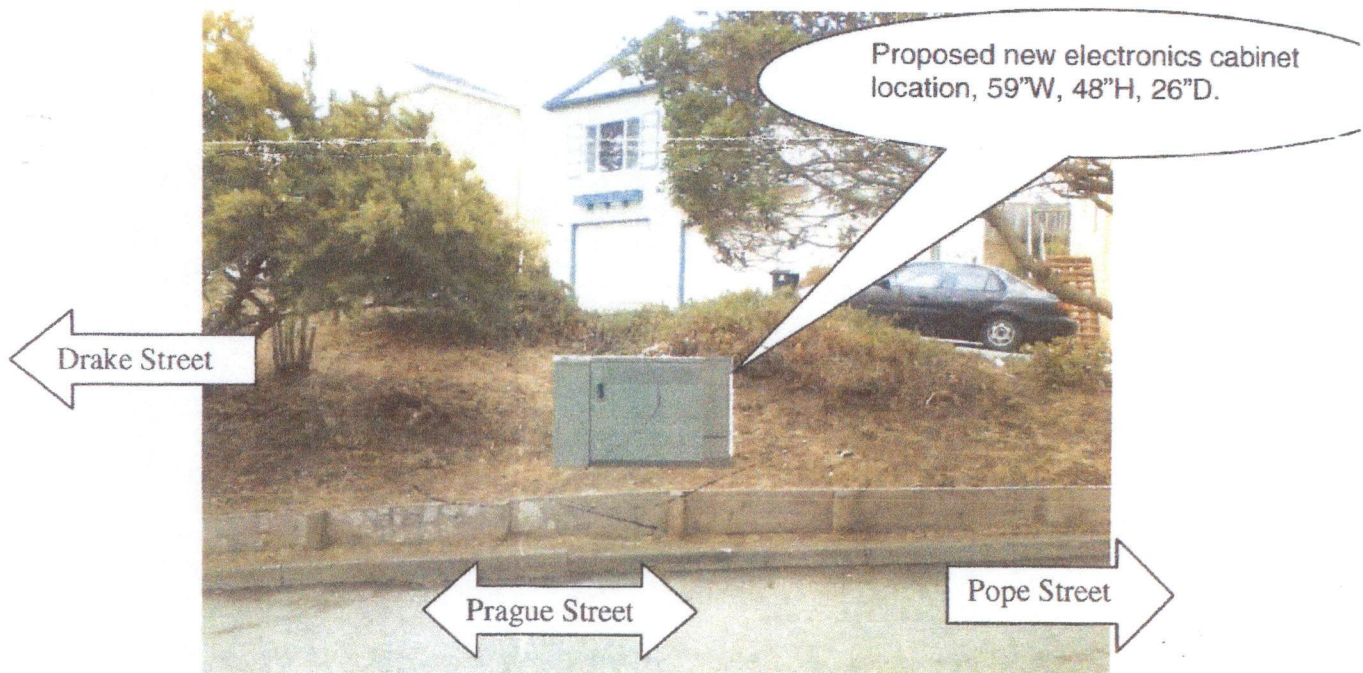
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **1149 Prague Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

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

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

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

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



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

Last date to file an objection: **October 10, 2013**

EXHIBIT "B"

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

October 2, 2013

Department of Public Works
Bureau of Street-Use and Mapping
1155 Market Street, Third Floor
San Francisco, CA 94103-1522

smf@sfdpw.org

RE: AT&T's Surface Mounted Facilities (SMF)
Location: 1149 Prague Street
Case Number: SF06-230302-9078110-56C
13SMF-0246
DPW Order: 175,566
Notice Date: September 19, 2013

Dear DPW:

This is to give the Department of Public Works (DPW) and AT&T notice that I am objecting to the Surface Mounted Facility (SMF) located at 1149 Prague Street, San Francisco, California and I am objecting to this installation at this location.

The reasons for this objection, which include but not limited to: the location, the positioning of this SMF in a DPW City Park, the actual box facility structure, and the request for the description, explanation and/or the definition of this “**new neighborhood hub.**” Also, at the www.att.com/ipnetwork4sf site that is given in this particular notice that I/we are objecting to, there is no reference to this site for the above proposed requisition/transaction/building regarding this project.

///

///

///

Department of Public Works
Bureau of Street-Use and Mapping
October 2, 2013
Page Two

smf@sfdpw.org

Please provide me, and those who are also requesting a hearing and objecting to this project, the date, time, and location, and the hearing officer, of the requested hearing.

Sincerely,

Steven R. Currier
415-587-9150

CC: AT&T
Outer Mission Merchants and Residents Association
Mayor Edwin M. Lee
Mohammed Nuru, Director, SFDPW
Supervisor John Avalos
Captain Timothy Falvey, Ingleside Police Station
Nancy Barsotti

EXHIBIT "C"

NBarsotti@ad.com

To whom it may concern,

This e-mail is in regards to the proposed placement of a new electronics cabinet at 1149 Prague St. I cannot strongly enough voice my opposition to the placement of a "cabinet" at this location. There are multiple reasons that this box should not be placed in this location. This area is often used as a dumping ground for people's debris, garbage and bulky items, and if not maintained it would be a dump and not an urban garden. The cabinet would only be an attraction to more dumping as well as wind driven debris accumulation.

This block of Prague St. is used by a multitude of people that use the 43 Muni line that stops at the lower corner of Curtis and Prague St. The cabinet would be a magnet for graffiti, and I am sure the San Francisco Police Department and the Department of Public Works have more to do than monitor a cabinet for my frequent calls.

This location, directly in front of my home (besides being an eye sore), would effect the property value of my home. This would not only affect me financially but also lower the tax dollar I pay the City of San Francisco, thus affecting the City's General Fund, as well.

AT&T already has two other cabinets just 30 yards from the proposed site. One box at Prague and Pope and another on the opposite corner between Prague and Baltimore. AT&T should be able to combine their units or use one solely for Uverse. Another possibility, as with so much of our updated equipment, is to go underground.

Thank you for your consideration on this matter. Please, contact me to keep me

informed on the hearing procedure.

Sincerely,

Nancy P. Barsotti

1160 Prague St.

San Francisco Ca 9-4112

NBarsotti@aol.com

415-518-4851

EXHIBIT "D"

City and County of San Francisco



Gavin Newsom, Mayor
Edwin M. Lee, Director



Phone: (415) 554-6920
Fax: (415) 554-6944
TDD: (415) 554-6900
<http://www.sfdpw.org>

Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

ORDER NO. 175,566

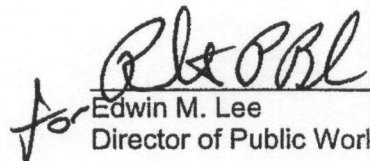
**Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way**

The Department of Public Works (the "Department") has broad authority under Article 18 of the City and County of San Francisco Public Works Code to regulate the placement of utility facilities in the public rights-of-way. In addition, under Article 2.4 of the Public Works Code, any person excavating in the public rights-of-way must obtain an excavation permit and comply with any orders and regulations adopted by the Department that are necessary to preserve and maintain the public health, safety, welfare, and convenience.

The Department has received applications for excavation permits from a number of utility companies and City departments seeking to install surface-mounted facilities in the public rights-of-way. The Department is concerned that the installation of surface-mounted facilities in the public rights-of-way will impede travel on public streets, inconvenience property owners, create visual blight, or otherwise incommode the use of the public rights-of-way by the public.

The Department has consistently informed applicants and potential applicants for excavation permits that it is the Department's policy to require that such surface-mounted facilities be installed on private property or be placed underground to the extent either of these options is technologically and economically feasible. At the very least, the Department has required that applicants minimize the impact that the placement of any surface-mounted facilities will have on use of the public rights-of-way.

The Department adopts this Order to establish rules and regulations for excavators seeking permits to install such surface-mounted facilities in the public rights-of-way. In so doing, the Department will be better able to enforce this long-standing policy. The Department will also ensure that persons affected by the installation of such surface-mounted facilities will have an opportunity to be heard before the Department issues any permits.


Edwin M. Lee
Director of Public Works

Approved: August 17, 2005

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

EXHIBIT B

SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES

The following are guidelines for the Department to use during a site visit to determine acceptable locations for Surface-Mounted Facilities in the Public Rights-of-Way. The Department is not required to apply any guideline that the Department determines is not applicable to a particular installation of a Surface-Mounted Facility.

1. Surface-Mounted Facilities shall be no larger than is reasonably necessary to contain and protect the required equipment.
2. Surface-Mounted Facilities shall not obstruct pedestrians. A minimum of four feet (4') of pedestrian clearance (free of all obstacles for a clear path of travel, unobstructed pedestrian walkway) shall be maintained at all times.
3. Surface-Mounted Facilities shall not intrude on pedestrian "clear zones" at street corners.
4. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from edge of crosswalk areas.
5. Surface-Mounted Facilities shall be set back a minimum of eighteen inches (18") from the face of the curb.
6. Surface-Mounted Facilities shall be set back a minimum of eight feet (8') from any fire escape and/or fire exit.
7. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any fire hydrant, driveway, curb ramp, or blue zone parking space.
8. Surface-Mounted Facilities shall be set back a minimum of forty inches (40") from any other above-ground structure not otherwise specified herein including, but not limited to, street light poles, parking meters, trees, etc.
9. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any Municipal Railway transit shelter and/or kiosk, unless the location of the Surface-Mounted Facility is coordinated with the transit shelter and/or kiosk.
10. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any certified street artist's designated area per list to be provided by the Department (which list is complete only as of the date of this order and will be updated when any new street artist's designated areas are established).
11. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any public art work under the jurisdiction of the Arts Commission of San Francisco, except for public art on kiosks, per the San Francisco Civic Art Collection published by the Arts Commission of San Francisco (which book is complete only as of the date of this order and will be updated when any new public art works are established).
12. Surface-Mounted Facilities shall not be placed over any storm drain or other utility facility.
13. Surface-Mounted Facilities shall not obstruct the view of any traffic sign, wayfinding sign, traffic signal or any other existing facility.
14. Surface-Mounted Facilities shall not be placed on the property of, or adjacent to a designated local, State or National Historic Landmark. For the purposes of applying the limitations and conditions specified in this paragraph, in relation to any specific location, the word adjacent shall mean on the same side of the street and in front of the subject building or in front of the next building on either side.
15. Surface-Mounted Facilities shall not be placed in Local Historic Districts listed in Appendices B-L of Article 10 of the San Francisco Planning Code.

16. Surface-Mounted Facilities shall not be placed in Conservation Districts designated in Appendices E-J of Article 11 of the San Francisco Planning Code.
17. Surface-Mounted Facilities shall not be placed in California Register Historic Districts, National Historic Districts, and National Register Historic Districts.
18. Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space.
19. Surface-Mounted Facilities shall be either stainless steel or painted to match the color used for City structures in the vicinity (e.g., JCDecaux green, Embarcadero blue) unless otherwise specified by the Department and shall have graffiti-proof coating.
20. Surface-Mounted Facilities shall be screened by landscaping where appropriate for the neighborhood and required by the Department.
21. Surface-Mounted Facilities shall not unreasonably affect the aesthetic character of neighborhoods or the natural character of regional open spaces in accordance with the City and County of San Francisco General Plan.
22. Surface-Mounted Facilities may be placed in local, State or National Historic Landmarks as discussed in No. 14 above, Local Historic Districts as discussed in No. 15 above, Conservation Districts as discussed in No. 16 above, and California Register Historic Districts, National Historic Districts, National Register Historic Districts as discussed in No. 17 above, and parks, recreation areas, and open spaces as discussed in No. 18 above, if they are to be collocated with existing transit shelters, kiosks, or other street furniture, provided that the size and footprint of the existing facility is not unreasonably increased by the addition of the Surface Mounted Facility.

EXHIBIT "E"

**PETITION TO STOP THE ELECTRONICS CABINET WITH
ATTACHED ELECTRIC POWER PANEL**

We, the undersigned, hereby oppose the project located at 1149 Prague Street for a Surface Mounted Facility (SMF).

Case Number SF06-230302-9078110-56C/13SMF-0246

DPW Order 175,566

We urge the San Francisco Department of Public Works, Bureau of Street-Use and Mapping denies this Application dated September 19, 2013. When the hearing is scheduled and noticed, please provide the undersigned the date and time of the hearing including the location.

We also oppose this SMF at the location of 1149 Prague Street.

NAME	ADDRESS	SIGNATURE
Nancy Barsotti	1160 Prague St	Nancy Barsotti
CHARLENE CHIN	70 Wall Ave	Charlene Chin
CHARLENE CHIN	70 Wall Ave	Charlene Chin
Orisme Garmilati	230 Drake St.	Orisme Garmilati
DAVID LOWERY	1170 PRAGUE	David Lowery
Frankye Pang	1150 Prague	Frankye Pang
Baldwin Jay	1150 Prague St.	Baldwin Jay
CARLY ABAD	1142 PRAGUE ST	Carly Abad
JAMIE LAPID	349 POPE ST	Jamie Lapid
MARIA BELEN MARTIN	1118 PRAGUE ST	Maria Belen Martin
JASON CASSIDY	1112 Prague St	Jason Cassidy
Carey Harris	1106 Prague St	Carey Harris
Frank Gammal	1079 Prague St.	Frank Gammal
BRIAN CARRILLO	1087 PRAGUE ST.	Brian Carrillo
JESSICA CARRILLO	1087 PRAGUE ST	Jessica Carrillo
Zhan Yang Yu	395 Winding Way	Zhan Yang Yu
Yi Hao Tang	395 Winding Way	Yi Hao Tang
Luis Gagliardi	1160 A PRAGUE	Luis Gagliardi
Barbara Cannizzo	967 Prague	Barbara Cannizzo
Monika Jungert	27 Robinson Drive	Monika Jungert
Lorraine Braddick	1222 Naples St	Lorraine Braddick
Carolyn Chris.	1016 Prague St.	Carolyn Chris.
Benny Menconi	577 EDINBURGH ST	Benny Menconi
Lina Menconi	577 Edinburg St.	Lina Menconi
Justin Merino	398 Winding Way	Justin Merino
CHRISTOPHER MERINO	1134 PRAGUE ST	Christopher Merino
Steven E. Currier	116 Drake St	Steven E. Currier
Kenneth Kalani	116 Drake St.	Kenneth Kalani

EXHIBIT "F"

UTILITY UNDERGROUNDING TASK FORCE

REPORT TO

THE SAN FRANCISCO BOARD OF SUPERVISORS

JANUARY 26, 2007

Utility Undergrounding Task Force Report

Table of Contents

	<u>PAGE</u>
About the Task Force	3
Executive Summary	5
Current Situation and Findings	5
Goals	6
Recommendations – Funding Options	6
Recommendations – Scenarios	8
Recommendations – Conclusion	9
Chapter 1 – Operations	10
Current Situation and Findings	10
Goal	16
Recommendations	16
Chapter 2 – Site Selection & Master Plan Framework	19
Current Situation and Findings	19
Goals	20
Recommendations	20
Chapter 3 – Resources	23
Current Situation and Findings	23
Goal	24
Recommendations	24
Chapter 4 – Outreach	31
Current Situation and Findings	31
Goals	32
Recommendations	33
Footnotes	35
Appendices	
A. UUTF Public Survey and Results	36
B. City of San Diego Undergrounding Model	49
C. Rule 20A Allocation Formula	52

About the Utility Undergrounding Task Force

HISTORY

Board of Supervisors Resolution No. 706-04, creating the Utility Undergrounding Task Force, was approved on November 23, 2004. The Task Force was charged with providing input to the Board of Supervisors on the future of utility wire undergrounding within San Francisco by studying and making recommendations on:

- Improved procedures for legislating underground utility districts
- Best practices for allocation of available resources
- Alternate funding resources
- Options for reduction of utility undergrounding costs
- Coordination of utility undergrounding with other excavation projects
- Alternative tax options, e.g., formation of special benefit districts

The Task Force consisted of fifteen voting members, one from each supervisorial district and four appointed by the Mayor. In addition, the resolution specified that each of the following agencies appoint a representative: Department of Public Works, Public Utilities Commission, Pacific Gas & Electric Company, AT&T Communications, Comcast and RCN.

The writing of this report was a collaborative effort of Task Force members. The final draft was circulated among all members, including the appointed representatives of the utilities and City departments, for their review and commentary. There were no objections or disagreements on the content and recommendations of the final draft. It was approved by a unanimous vote at the last meeting of the Task Force on December 11, 2006.

The life of the Task Force was extended twice by resolutions of the Board and officially terminated on January 31, 2006.

MEMBERSHIP

<i>Voting Members</i>	<i>Affiliation</i>	<i>Voting Members</i>	<i>Affiliation</i>
Vacant	District 1	Josh Crandall	District 9
John Brooke	District 2	Richard Millet	District 10
Eric Freeman	District 3	Steve Currier	District 11
Stephen Gorski	District 4	Steve Aronowitz	Mayor
Charles Wixson	District 5	John Bitterman	Mayor
Jane Martin	District 6	John Newlin	Mayor
Chris Coghlan	District 7	Dan Weaver	Mayor
Bob Macray	District 8		

<i>Non-voting Members</i>		<i>Staff</i>	
Lynn Fong	DPW	Dan McKenna	DPW
Gino Graziani	Comcast	Barbara Moy	DPW/BSM
David Hankin	RCN	Jill Lerner	City Administrator
Jimi Harris	PG&E		
Marla Jurosek	PUC		
Bob Pickard	AT&T		

Executive Summary

CURRENT SITUATION and FINDINGS

Utility wire undergrounding in San Francisco is coming to a halt. When the current 45.8-mile plan ends in 2008, undergrounding will cease for the next twelve years unless we create new ways to fund and implement the program. In this report, the Utility Undergrounding Task Force (UUTF) proposes a citywide program to underground all remaining overhead wires in San Francisco within the next fifty years.

To achieve this goal, additional financial resources and operational efficiencies must be brought to bear. Fortunately the City of San Diego has developed a successful undergrounding program, authorized by the California Public Utilities Commission (CPUC) that may serve as a model for the City and County of San Francisco.

The actual costs of undergrounding in San Francisco under the current CPUC funding program (Rule 20A) have most recently averaged \$3.97 million per mile, up from the estimate of \$1 million per mile on which the 45.8-mile plan was based. Due to these cost increases, San Francisco has borrowed against 20A funds for approximately twelve years into the future. The main obstacle in continuing to underground the City's utilities is a lack of funding.

The current undergrounding program, although carefully and objectively planned, must be significantly revised. To date, the majority of undergrounding has been implemented in the northeast quadrant of the City. Projects have not been implemented utilizing a citywide plan that includes all neighborhoods equally. In addition, Rule 20A construction projects do not allow for unified construction management or review, thus leading to cost overruns and project delays.

An efficient and cost effective plan for San Francisco utility wire undergrounding with a detailed master planning process must be devised now.

Areas undergrounded to date have benefited from past City-funded or Rule 20A-funded undergrounding efforts. However, during the current program, 20A funds have been mortgaged into the future at a significant cost to the City's neighborhoods with overhead utility wires. These areas will not see any undergrounding activity for at least twelve years. This is not an equitable situation.

The UUTF has identified this inequity as one among other issues to be resolved. UUTF members have conducted research and held discussions with City departments and utility company representatives. The accompanying report identifies some of the program's endemic problems and recommends solutions for accomplishing future undergrounding.

GOALS:

- A comprehensive master plan must be drafted to ensure effective management of undergrounding resources.
- Funding should come from utility ratepayers of San Francisco regardless of their current underground or overhead utility service status. A combination of funding resources may be necessary and alternatives should be fully evaluated.
- The funding stream should be sufficient to achieve full undergrounding in San Francisco within fifty years or less.
- Those districts with the highest percentage of overhead wires should receive the highest percentage of overhead projects. However, all districts should receive some additional undergrounding projects during the course of the program. .

Over 3000 San Francisco residents responded to a survey on the UUTF website, and the vast majority expressed a desire for more undergrounding. More than 90% of the respondents stated they would be willing to pay a utility bill surcharge to support further undergrounding. (See **Appendix A, UUTF Survey**, for complete results.)

RECOMMENDATIONS:

For a program of this scope and complexity, secure and predictable funding sources must be in place. There are two types of funding programs available for 20A and 20B undergrounding projects.

Rule 20A Funding Facts:

- The 300% increase in 20A costs has resulted in a 300% increase in the schedule for 20A undergrounding completion. San Francisco cannot depend exclusively on 20A funding to achieve undergrounding in the City.
- San Francisco receives approximately \$6 million in 20A funds annually (2005 dollars), which is enough for about 1.5 miles of undergrounding utility wires at current costs.
- 90% of the costs are paid for by the utilities; the electric utility company costs are passed on to ratepayers as capital improvements through the CPUC.
- 10% of the costs (dedicated new streetlights as required) is paid for by the City, property owners or the utility company.
- Telephone and cable 20A undergrounding costs are paid by each participating utility.
- The 20A program does not cover the seventy miles of rear easement overhead wires.

Rule 20B Funding Facts:

- 20B undergrounding is paid by utilities and by property owners, usually in a special assessment Mello-Roos District.
- San Francisco has not used the 20B program in the past, but it does provide an alternative to continue undergrounding in the absence of 20A funding.
- The property owner share of 20B project costs may be paid by the City if funding is available from other sources such as a utility surcharge dedicated to undergrounding.

Potential Model and Benefits:

- San Diego implemented a 3.5% surcharge on its residents' electric bills to collect 20B funds and speed up undergrounding. San Diego collects and spends approximately \$50 million per-year from the surcharge and 20A funding.

Benefits of a 20B surcharge program are:

- An increased and constant funding stream is provided.
- Efficient, planning and program management.
- Costs are equitably distributed throughout the City, including the areas already undergrounded.
- Efficiency of the planning, design and construction phases is maximized through a citywide, strategic program.
- All local costs can be paid for through the program including required connections to buildings in undergrounding districts. Problems with non-compliant building owners are minimized.
- All overhead utility wires, including rear feed wires, can be undergrounded.

Additional benefits of a citywide Rule 20B or 20A/B program identified through UUTF research:

- Construction contracts can be competitively bid for undergrounding projects instead of the current situation in Rule 20A projects where the electric utility controls the contracting process.
- Undergrounding resources can be assigned to districts on an objective basis (i.e. percentage of overhead wires in the district).
- Continuous audits and ongoing management can increase efficiency and lower the cost-per-mile.
- The program can address road repaving, tree planting and sidewalk curb cuts for disabled pedestrian access as required or requested in undergrounding districts.

Undergrounding Scenarios for San Francisco

The estimates are in 2006 dollars, utilizing the cost of \$5.7 million per mile. (See Chapter 3, "Rule 20B Undergrounding Costs in San Francisco.

1. No changes. Will result in discontinuing programmatic undergrounding within the City for at least twelve years.
2. Rule 20B Projects Only. Privately sponsored Rule 20B projects could yield modest success for the next twelve years if promoted by the City and various civic groups.
3. Rule 20A/B: With Electric Surcharge.
 - a. A 5.0% surcharge will yield \$29 million annually (2006 dollars) and assuming a construction cost of \$5.7 million/mile, 5.09 miles could be completed each year. This also assumes that the surcharge would not be reduced when Rule 20A funds become available to the City. After an estimated twelve years, Rule 20A dollars could become available. Therefore, a total of 6% of electric revenues (\$34.8 million) could be available. About sixty-one miles would be undergrounded for the first twelve yrs, 409 miles would remain. At 6.10 miles per year, it would take approximately eighty years for completion.
 - b. A 3.5% surcharge will yield \$20.3 million annually. Assuming a construction cost of \$5.7 million/mile, 3.56 miles could be completed each year. Assume, as above, that the surcharge would not be reduced when Rule 20A funds become available to the City in twelve years. In the first twelve years, 42.7 miles would be completed, with 427.3 miles remaining. After Year Twelve, a 4.5% revenue stream would yield \$26.1 million per year. At 4.6 miles per year, it would take approximately one hundred and five years to complete.
4. Rule 20A/20B: City/State Electric and Natural Gas Surcharge.

A 5% electric revenue surcharge on the electric revenue total of \$580 million would provide \$29 million (in 2006 dollars) yearly. Pacific Gas & Electric's ("PG&E") San Francisco 2005 gas revenues were \$264 million. A 5% electric and gas surcharge would raise \$42.2 million; this revenue would accomplish 7.4 miles per year in 20B undergrounding. In twelve years, about eighty-nine miles would be accomplished and about 381 miles would remain. After Year 12, Rule 20A could contribute one percent more for a total 6% electric and 5% gas surcharge. With this scenario, \$48 million would be available and at 8.42 miles/year, utility wire undergrounding would be done in approximately fifty-seven years.

To accomplish this fifty-year goal in 2006 dollars would require 9.4 miles per year at a 2005 cost of \$5.7 million per year or \$53.6 million on average per year.

These estimates do not account for possibly cheaper costs by using alternative competitive contractors and possible economies that can be achieved utilizing a well

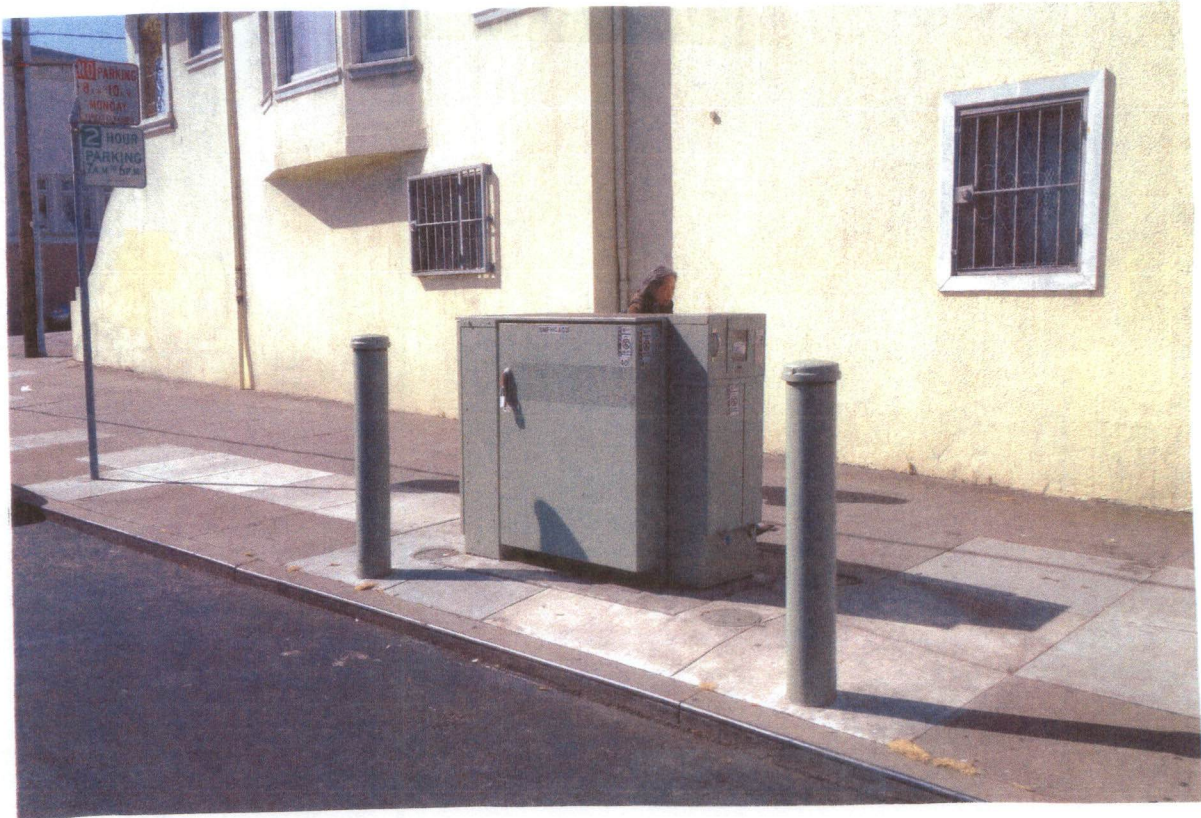
managed, rationally planned undergrounding program (see **Chapter 1 Goals**). Also, with a regular income stream from a utility bill surcharge, revenue bonds could be sold to speed up the process. Other funding streams in lieu of the electric surcharge, or in addition to it, would increase the rate of undergrounding in San Francisco.

CONCLUSION

Utility Undergrounding Task Force Recommendations:

1. Develop a long-term master plan and a properly funded program to underground all utility wires within fifty years.
2. Create a transparent community process that involves residents in the decision-making process.
3. Request the CPUC to approve an electric/natural gas surcharge for San Francisco residents.
4. Seek alternative funding sources for utility undergrounding.
5. Establish a City policy of no new overhead utility wires.
6. Implement a utility undergrounding program that reduces current project timelines by 50% and project costs by 25%.

EXHIBIT "G"







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

AT&T (Appeal Nos.
CALIFORNIA, (14-115
Respondent (1149 Prague Street

**RESPONDENT'S
BRIEF**

EXHIBITS

May 7, 2014 Meeting Minutes of the San Francisco Board of Appeals	Exhibit A
Crown Castle NG West Decision	Exhibit B
DPW Order No. 182164	Exhibit C
April 4, 2014 14EXC-1815 Permit Approval	Exhibit D
Department of Public Works Website 5/14/2014 printout	Exhibit E
May 2, 2014 14EXC-1815 Permit Modification	Exhibit F
DPW Order 175,566 (SMF Order)	Exhibit G
AT&T Application Package	Exhibit H
AT&T Application Package	Exhibit I
AT&T Application Package	Exhibit J
Board of Appeals Rules	Exhibit K
Photographs of Proposed Installation at 1149 Prague Street (taken July 9, 2014)	Exhibit L
Currier & Barsotti v. DPW Appeal on 1149 Prague Street filed May 15, 2014.....	Exhibit M
Jxd. Request on 1149 Prague Appeal filed May 20, 2014.....	Exhibit N
Board of Appeal Letter Granting Jurisdiction Request on 1149 Prague Street	Exhibit O
2nd 1149 Prague Merits Appeal filed June 12, 2014.....	Exhibit P
Correspondence Between Appellants and AT&T.....	Exhibit Q

INTRODUCTION

Appellants Nancy Barsotti and Steven Currier request that the Board reverse the Department of Public Work's decision to issue AT&T an excavation permit in the vicinity of 1149 Prague Street. That request should be denied.

First, DPW made no finding, nor was any evidence presented at the permit hearing, that the proposed location would incommode the public right-of-way. Without such a finding, no legal basis exists for denying the excavation permit that DPW properly granted.

Second, contrary to Ms. Barsotti and Mr. Currier's contention, DPW's discretionary guidelines provide no basis for reversing DPW's decision. The proposed location at 1149 Prague is not a park, recreation area, or open space, but a grassy traffic median on a developed urban street that is crisscrossed by numerous telephone wires, electricity poles, and street lights.

Third, as DPW found, AT&T complied with all aspects of Order No. 175,566 (the "SMF Order") during the permitting process. AT&T conducted box walks, posted Notices of Intent, and performed mailings to residents, businesses, and community organizations prior to applying for an excavation permit. Indeed, AT&T conducted a box walk with Ms. Barsotti on August 2, 2013, during which Ms. Barsotti recommended locating the SMF cabinet at 1149 Prague Street—the very location she now protests.

Finally, the Board does not properly have jurisdiction over this appeal. Ms. Barsotti and Mr. Currier filed their original appeal on May 15, 2014. (Ex. M). Because that appeal was untimely, Appellants subsequently filed a jurisdiction request. (Ex. N). During the public comment period at the June 11, 2014 hearing on this request, Ms. Barsotti was permitted to offer testimony and evidence—despite the fact that the Board rules specifically prohibit "parties to an appeal" from speaking during the public comment period. (Ex. K) (Rules of the Board of Appeals, Art. III, Section 6(d)). The Board then proceeded to grant the jurisdiction request on

the basis of Ms. Barsotti's testimony. Because the Board did not proceed in the manner required by law, its decision to grant jurisdiction is void. The Board thus lacks jurisdiction over this appeal and cannot consider the merits.

In short, no sound reason exists for the Board to reverse a permitting decision approved by the Hearing Officer, the Director, and DPW, after a full hearing on the merits. AT&T has now spent more than almost a year seeking an excavation permit in the vicinity of 1149 Prague Street. Further delay is not warranted on these facts. The Board of Appeals should affirm DPW's decision.

STATEMENT OF FACTS

On August 2, 2013, AT&T filed an application with the Department of Public Works to install a surface-mounted facility in the vicinity of 1149 Prague Street. *See* Ex. C. On September 19, 2013, AT&T mailed notices of intent to all business and residences within a 300-foot radius of the proposed location as well as local community groups. *See* Exs. C & J. Ms. Barsotti was among the neighborhood residents who was mailed a notice.¹ Ex. J. at 1. AT&T also posted notices of intent in the neighborhood.

On August 2, 2013, three AT&T representatives conducted a box walk with two members of the community, Ms. Barsotti and Joelle Kenealy. During this box walk, Ms. Barsotti and Ms. Kenealy told AT&T that they would prefer the SMF cabinet be installed in the grassy median located at 1149 Prague Street because it could be screened by existing foliage and new foliage could be added to blend with the existing greenery. Ms. Barsotti and Ms. Kenealy indicated they preferred this installation over the an alternate location that had been identified on Pope Street.

¹ Mr. Currier lives at 116 Drake Street, San Francisco, CA 94112. *See* App. Brief at 1. Because this address is not within a 300 foot radius of the proposed cabinet, Mr. Currier was not mailed a notice of intent.

On January 6, 2014, DPW hearing officer Aileen Gonzales conducted a hearing to consider testimony on the SMF application. Ex. C. At the hearing Lynn Fong of DPW presented a summary of the permit application stating that “the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits [of] DPW Order No. 175,566.” *Id.* AT&T representative Tedi Vrihaus also testified that a box walk had been conducted on August 2, 2013 and that Ms. Barsotti and Ms. Kenealy “preferred the cabinet to be installed in the existing landscaping.” Ex. C.

Only four members of the community testified in opposition to the proposed location. None of them presented any evidence that the proposed location would incommode the public right of way. Instead, the objections raised included (1) the cabinet might attract graffiti and trash; (2) AT&T should condense the cabinets; (3) the cabinets should be placed underground; and (4) the objectors preferred that the cabinet be located on a different street. Ex. C.

On February 4, 2014, DPW issued DPW Order No. 182164 recommending that the proposed SMF location be approved. On April 4, 2014, the Department of Public Works approved AT&T’s request for an excavation permit at 1149 Prague Street. Ms. Barsotti and Mr. Currier subsequently late-filed their appeal on May 15, 2014—almost four weeks after the jurisdictional deadline.

ARGUMENT

I. The Board Lacks Jurisdiction Over This Appeal As A Matter Of Law.

When an administrative body does not proceed “in the manner required by law,” it “commit[s] an abuse of discretion” and “its action must be annulled.” *Jackson v. City of Pomona*, (1979) 100 Cal.App.3d 438, 451. In violation of its rules, the Board permitted Appellant Nancy Barsotti to testify and offer evidence during the public comment period at the June 11, 2014 jurisdiction hearing. The Board further compounded this error by not permitting

AT&T to respond to Ms. Barsotti's testimony in violation of its due process right to confront adverse testimony. Because the Board did not proceed in the manner required by law in granting Appellants' jurisdiction request at the June 11, 2014 hearing, its prior decision is void, and the Board is without legal authority to consider Ms. Barsotti and Mr. Currier's merits appeal.

Appellants Nancy Barsotti and Steven Currier filed their initial appeal challenging AT&T's permit on May 15, 2014. *See* Ex. M (Appeal No. 14-097, Currier & Barsotti vs. DPW-BSM). Because the excavation permit had been granted April 4, 2014, that appeal was untimely. As a threshold matter, the Board's jurisdiction to hear this appeal thus expired on April 21, 2014—almost four weeks before Ms. Barsotti and Mr. Currier late-filed their appeal.² Apparently realizing that the merits appeal had been untimely filed, Mr. Currier subsequently filed a jurisdiction request on May 20, 2014. Ex. N.

At the jurisdiction hearing on June 11, 2014, Mr. Currier testified as the moving party on behalf of the jurisdiction request. Mr. Currier offered no evidence or testimony that anyone at DPW either "intentionally or inadvertently" caused Appellants to late-file their appeal.³ As such there was no legal basis to grant Appellants' jurisdiction request, and the request thus should have been denied.⁴

After AT&T was permitted to make a statement, the Board opened the hearing to public comment. Board of Appeal Rule Article III, Section 6(d) ("Public Comment) prohibits

² *See* Article 1, Section 8 of the City and County of San Francisco Business and Tax Regulation Code ("Except for variance decisions and place of entertainment, limited live performance, extended hours premises, and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of Appeals shall be taken within 15 days from the making or entry of the order or decision from which the appeal is taken."). Technically, the 15 day calendar period expired on April 19, 2014. Because that date fell on a Saturday, the deadline for filing an appeal was automatically extended to Monday, April 21, 2014. *See* Article V, Section 1 of the Rules of the Board of Appeal (Ex. K).

³ *See* June 11, 2014 Board of Appeal Hearing at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6.

⁴ Section 10(a) of the Rules of the Board of Appeals, pertaining to "Jurisdiction Requests" governs late appeals. It provides: "After the appeal period has expired, the Board lacks jurisdiction over a matter except in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal." (Ex. K). There is no other authority for the Board of Appeals to accept a late-filed appeal.

“[p]ersons who are [] parties to an appeal or representatives of a party” from speaking during the public comment period.

Despite this rule, Ms. Barsotti was permitted to offer testimony and evidence during the public comment period.⁵ Ms. Barsotti made clear that she was an interested party: she stated on the record that “I am one of the several people that oppose this site.” Ms. Barsotti also had signed the original merits appeal that was attached as Ex. H to Appellant’s jurisdiction request. (See Ex. N). The Board then proceeded to grant the jurisdiction request on the basis of Ms. Barsotti’s testimony.

The Board then further compounded this error by not permitting AT&T any opportunity to comment on or rebut this new evidence offered against it in violation of basic requirements of due process. See *Ryan v. California Interscholastic Federation-San Diego Section* (2001) 94 Cal.App.4th 1048, 1068 (due process requires that parties be provided “the opportunity to ... confront the evidence against [them]”); *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194, 208 (“minimal” due process requirements include the right “to confront and cross-examine adverse witnesses”).

Because the Board did not proceed in the manner required by law, its decision to grant jurisdiction is void. The Board thus lacks jurisdiction over this appeal and cannot consider the merits.

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

A. AT&T Has Statutory Rights To Install Its Facilities In The Public Rights-Of-Way Under California Public Utilities Code §§7901 and 5885.

As a threshold matter, Appellants provide no valid legal basis on which AT&T’s permit application could be denied. Under California law, AT&T has statutory rights to deploy its

⁵ Ms. Barsotti’s testimony may be found beginning at minute 15:15 of the Board of Appeals June 11, 2014 hearing.

facilities in the public rights-of-way. The City’s discretion in limiting the placement of utilities is limited. *See* Pub. Util. Code § 7901.1. Without a finding that AT&T’s SMF would obstruct the public right-of-way—a finding that DPW did not make and that Golden Gate cannot demonstrate—reversing DPW’s decision would violate AT&T’s statutory rights.

Section 7901 of the Public Utilities Code provides:

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

This section “‘has been judicially construed by many decisions of [the California courts], and it has been uniformly held that the statute is a continuing offer extended to telephone and telegraph companies to use the highways’ Thus, telephone companies have the right to use the public highways to install their facilities.” *Williams Comms., LLC v. City of Riverside*, 114 Cal.App.4th 642, 648 (Cal. Ct. App. 2003) (quoting *County of L.A. v. Southern Cal. Tel. Co.*, 32 Cal.2d 378, 384 (Cal. 1948)).

This same right to use the public rights-of-way was subsequently extended to all state-franchised video providers. In particular, the legislature added Section 5885(a) to the Public Utilities Code, which provides:

The local entity shall allow the holder of a state franchise under this division to install, construct, and maintain a network within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law, including, but not limited to, the provisions of Section 7901.1.

AT&T is both a “telephone corporation” within the meaning of Section 7901, and a holder of a state franchise under Section 5885. AT&T is certificated by the California Public

Utilities Commission (“CPUC”), under utility identification number U-1001-C, to provide telecommunications services in California, and it owns, controls, operates, and manages millions of telephone lines in California. AT&T also holds a state video franchise from the CPUC, which authorizes AT&T to provide video service within the City, among other places. See <ftp://ftp.cpuc.ca.gov/VideoFranchiseTemplate/AT%26T/ATT%20Certificate%20initial%20033007.pdf>. And the facilities that AT&T seeks to place within the rights-of-way are part of both AT&T’s telephone network and its video network.

B. The Administrative Record Establishes That DPW’s Decision Was Correct.

The franchise rights afforded by section 7901 allow telephone corporations to construct their facilities in the public rights-of-way, subject only to the requirement that construction activities do not “incommode” (i.e., “unreasonably obstruct and interfere with ordinary travel” in) the public rights-of-way. *Pac. Tel. & Tel. Co. v. City & County of S.F.*, 197 Cal.App.2d 133, 146 (1961). There is no evidence that AT&T’s planned facilities would “incommode the public use of the road or highway.” Cal. Pub. Util. Code § 7901.

Indeed, the administrative record confirms that DPW properly issued the challenged excavation permit. The City’s “time, place, and manner” guidelines are set forth in Exhibit B of the SMF Order. At the January 6, 2014 hearing on the permit application for 203 Quintara, Lynn Fong of DPW stated that AT&T “was in compliance with Article 2.4 of the Public Works Code and technical merits [of] DPW Order No. 175,566.”⁶ More critically, no evidence was presented at the hearing (or submitted in written objections) that the proposed location would obstruct or otherwise incommode the public right-of-way. *Id.*

⁶ See DPW Order 182164 (Ex. C).

C. 1149 Prague Is Not A Park, Recreation Area, Or Open Space.

Pointing to the discretionary placement guidelines set forth in Exhibit B of the SMF Order, Appellants assert that DPW's Order should be reversed because the proposed location "is a DPW park." (App. Br. at 3). Appellants are wrong. Exhibit B provides no basis for reversing DPW's decision.

Exhibit B expressly provides that 22 separate placement criteria are "guidelines"—not binding rules. (See SMF Order at 15). Moreover, Exhibit B specifically provides that DPW may waive these criteria as it sees fit: "[t]he Department is not required to apply any guideline that the Department determines is not applicable to a particular installation of a Surface-Mounted Facility." *Id.* Consequently, DPW's decision not to enforce any particular guideline for any particular SMF installation provides no basis for reversal.

Equally unsupported, however, is Appellant's assertion that DPW's decision violates these discretionary guidelines. Guideline 18 states that "Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space." The grassy traffic median located at 1149 Prague Street is not a park, recreation, or open space under the guidelines.

The area surrounding 1149 Prague Street has not been designated as an official open space by San Francisco Planning Department. Nor does the 1100 block of Prague Street appear on the official San Francisco Open Space Map maintained by the Planning Department.⁷ Nor does the grassy traffic median in the vicinity of 1149 Prague Street appear on the Official Map of "Existing Open Space" included in the San Francisco General Plan.

The Recreation and Open Space Element of the San Francisco General Plan defines an "open space" as recreation centers, playgrounds, playing fields, unstructured open areas, trails,

⁷ The Planning Department's Open Space Map is maintained online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/OpenSpaceMap.pdf

cultural arts and recreation centers, sports facilities, community gardens, plazas.⁸ Nothing in the San Francisco General Plan, however, suggests that every undeveloped lot in the City qualifies as a protected “open space” or a “park.” Accordingly, Appellant’s primary argument fails.

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

III. AT&T Complied With All Aspects of the SMF Order and the MOU.

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 miscellaneous “violations” of the SMF Order and the Memorandum of Understanding (“MOU”) AT&T provided the City in 2011. That request is improper for two reasons: AT&T fully complied with the SMF Order and the MOU, and none of the alleged “violations—even if true—would provide a lawful basis for denying AT&T its statutory right to install its facilities in the public rights-of-way.

A. AT&T Complied with the MOU.

Appellants suggest that DPW’s Order should be reversed because they “polled several neighbors who statd they did not know what we were talking about and did not receive anything from AT&T or DPW.” (App. Br. 4). AT&T did in fact mail notices of intent regarding 1149 Prague Street to more than 15 community organizations as well as every residence and business located within a 300 foot radius of the proposed SMF installation. (*See* Ex. J). AT&T also conducted multiple box walks and meetings with community members, including multiple meetings with Appellant Nancy Barsotti, who recommended the permitted location at 1149 Prague Street. *See* Ex. Q.

⁸ *See* Appellant’s Brief, Ex. M, attaching the Recreation and Open Space Element of the San Francisco General Plan.

B. Opposition By Itself Is Not A Legal Basis For Denying Utility Permits.

Appellants finally assert that DPW’s decision should be reversed because Appellant presented a petition in opposition to the approved SMF at the hearing. (App. Br. 4). As discussed above, however, DPW may only disapprove a utility permit request if it determines that the proposed installation would incommode the public right-of-way. Because no such showing was made at the hearing, DPW was required to grant the permit request.

If such opposition by itself were sufficient justification for denying Surface-Mounted Facility permits, it is unlikely that a single one of San Francisco’s estimated 47,000 SMFs would have gained approval. And while Appellant presents a petition, it is worth noting that the approved SMF will provide upgraded digital services to approximately 400 households within the vicinity of 1149 Prague Street—the vast majority of whom are presumably *not* opposed to the installation of the approved SMF cabinet.

IV. Appellants Are Equitably Estopped From Challenging The Permit At 1149 Prague Street.

Equitable estoppel “rests firmly upon a foundation of conscience and fair dealing.” *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488. As codified by Evidence Code § 623, “[w]henver a party has, by his own statement or conduct, intentionally and deliberately led another to believe a particular thing true and to act upon such belief, he is not, in any litigation arising out of such statement or conduct, permitted to contradict it.” To create an equitable estoppel, ‘it is enough if the party has been induced to refrain from using such means or taking such action as lay in his power, by which he might have retrieved his position and saved himself from loss.’ *Superior Dispatch, Inc. v. Insurance Corp. of New York* (2010) 181 Cal.App.4th 175, 187.

Ms. Barsotti is properly estopped from pursuing this appeal. During the August 2, 2013 box walk, it was Ms. Barsotti who requested that AT&T install its cabinet in the grassy median located at 1149 Prague street. AT&T relied upon Ms. Barsotti's recommendation. Having induced AT&T to apply for a permit at 1149 Prague Street, Ms. Barsotti cannot—and should not—be permitted to file an appeal protesting placement of the cabinet at the very location she recommended.

CONCLUSION

Because Appellants make no showing that the approved SMF would “incommode” the public right-of-way, the Board of Appeals should affirm DPW's decision.

EXHIBIT A

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 07, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 16, 2014 minutes.

(4) POSSIBLE ACTION TO SET ASIDE AND VOID BOARD DECISION IN APPEAL NO. 11-004

Possible Action: Approval of resolution setting aside and declaring void, in accordance with the order of the San Francisco Superior Court in Crown Castle NG West Inc. v. The City and County of San Francisco, et al. (CPF-11-511369), the Board of Appeal's April 20, 2011 decision on Appeal No. 11-004 (Jeff & Nicole Cooper v. Dept. of Public Works, Bureau of Street-Use & Mapping) to revoke the subject permit. (Discussion and possible action.)

ITEMS 5(A) and 5(B) SHALL BE HEARD TOGETHER:

(5A) REHEARING REQUEST

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

REGULAR MEETING, BOARD OF APPEALS, MAY 07, 2014 - PAGE 2

(5B) POSSIBLE REHEARING OF APPEAL NO. 11-012, IF REQUEST FOR REHEARING IN ITEM 5(A) IS GRANTED

<p>PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL</p>	<p>69 Montezuma Street. Appealing the denial on Jan. 26, 2011, of Permit to Alter a Building (existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174). APPLICATION NO. 2011/01/25/8939. FOR POSSIBLE REHEARING HEARING TODAY.</p>
--	---

(6) REHEARING REQUEST

<p>Subject property at 480 Potrero Avenue. Letter from Mica Ringel, appellant, requesting rehearing of Appeal No. 14-025, <u>Ringel vs. DBI, PDA</u>, decided on April 9, 2014. At that time, the Board voted 4-0-1 (Commissioner Honda recused) to deny the appeal and uphold the permit on the basis that the project is Code compliant and has gone through extensive review, and with the adoption of California Environmental Quality Act (CEQA) findings that were read into the record. Project: Erect a six-story 77-unit mixed-use building with 10,590sf of ground floor area. APPLICATION NO. 2013/06/25/0465S.</p>

(7) APPEAL NO. 14-046

<p>SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>3130 - 20th Street. Protesting the ISSUANCE on February 10, 2014, to Twentieth Street Associates LP, Letter of Legitimization (regarding a request to legitimize the existing office use on a portion of the 3rd floor in the existing 3-story building). FOR HEARING TODAY.</p>
---	---

(8) APPEAL NO. 14-058

<p>CHRISTOPHER DELANEY, ROCKNE BOGER, LORIE MAAK-INGRAM, JIM MAGER & VICTORIA ZACKSORN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>2051 - 3rd Street aka 650 Illinois Street. Protesting the ISSUANCE on January 14, 2014, to Richard Price, Tree Removal Permit (approval to remove six (6) existing trees and plant nine (9) new trees). APPLICATION NO. 771015. JURISDICTION GRANTED MARCH 19, 2014. FOR HEARING TODAY.</p>
---	--

REGULAR MEETING, BOARD OF APPEALS, MAY 07, 2014 - PAGE 3

ITEMS 9 - 16 MAY BE HEARD TOGETHER:

(9) POSSIBLE ACTION TO DESIGNATE COURT REPORTER TRANSCRIPT AS OFFICIAL RECORD OF PROCEEDINGS

Possible Action: Pursuant to Article IV, Section 2 of the Rules of the Board of Appeals, designation of transcript prepared by court reporter retained for AT&T as official record of the proceedings on Items 10-16. (Discussion and possible action.)

(10) APPEAL NO. 14-049

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1301 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1360. FOR HEARING TODAY.
--	---

(11) APPEAL NO. 14-050

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1311 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1361. FOR HEARING TODAY.
--	---

(12) APPEAL NO. 14-051

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	198 Palm Avenue. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1362. FOR HEARING TODAY.
--	---

(13) APPEAL NO. 14-052

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	398 Carl Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1363. FOR HEARING TODAY.
--	---

REGULAR MEETING, BOARD OF APPEALS, MAY 07, 2014 - PAGE 4

(14) APPEAL NO. 14-053

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4590 Balboa Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1364. FOR HEARING TODAY.
--	--

(15) APPEAL NO. 14-054

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2103 Hayes Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1366. FOR HEARING TODAY.
--	---

(16) APPEAL NO. 14-055

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1303 – 17 th Avenue. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1367. FOR HEARING TODAY.
--	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 2, 2014**

MEMBERS OF THE BOARD OF APPEALS	
ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

REGULAR MEETING, BOARD OF APPEALS, MAY 07, 2014 - PAGE 6

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

REGULAR MEETING, BOARD OF APPEALS, MAY 07, 2014 - PAGE 7

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103
Phone: 415-575-6990
Email: boardofappeals@sfgov.org

EXHIBIT B



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Document Scanning Lead Sheet

Mar-11-2014 4:48 pm

Case Number: CPF-11-511369

Filing Date: Mar-11-2014 4:47

Filed by: LESLEY FISCELLA

Juke Box: 001 Image: 04407887

ORDER

**NEXTG NETWORKS OF CALIFORNIA, INC., A DELAWARE VS. THE CITY AND
COUNTY OF SAN FRANCISCO et al**

001C04407887

Instructions:

Please place this sheet on top of the document to be scanned.

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

7 Attorneys for Petitioner
8 Crown Castle NG West Inc.

FILED
San Francisco County Superior Court

MAR 11 2014

CLERK OF THE COURT
BY: *Jessilyn Fusals*
Deputy Clerk

9 IN THE SUPERIOR COURT STATE OF CALIFORNIA

10 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

11 UNLIMITED JURISDICTION

DAVIS WRIGHT TREMAINE LLP

13 CROWN CASTLE NG WEST INC., a
14 Delaware corporation,

15 Petitioner,

16 v.

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

25 Respondents.

Case No. CPF-11-511369

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

Date: March 11, 2014

Time: 9:30 a.m.

Dept: 302

Petition Filed: June 21, 2011

DAVIS WRIGHT TREMAINE LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

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

IT IS SO ORDERED.

Dated: *March 11*, 2014

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

Approved as to Form

WKS
Deputy City Attorney

EXHIBIT C



Edwin M. Lee, Mayor
Mohammed Nuru, Director

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: 182164

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 1149 Prague Street (13SMF-0246)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **August 2, 2013** the applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface Mounted Facility (SMF) at the above referenced locations. If approved, the applicant will file for an excavation permit to install the SMFs.
2. On **September 19, 2013**, the applicant mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **six (6)** objection to the application during the 20 day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections included:
 - a. Cabinet will harm wildlife in the area.
 - b. Cabinet will attract graffiti and trash.
 - c. Cabinet is an eyesore to the community.
 - d. Too many AT&T cabinets in the area already.
 - e. Cabinet will negatively impact property values.
 - f. Cabinet is too large.
 - g. Notice of Intent does not provide sufficient information.
4. On **January 6, 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 application stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits DPW Order No. 175,566.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **August 2, 2013** and two (2) members of the community that were invited attended. It was interpreted that the community preferred the cabinet to be installed in the existing landscaping.



7. At the hearing, four (4) members of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **1149 Prague Street**. The objectors' testimony included:
 - a. Cabinets attract graffiti and trash.
 - b. AT&T needs to condense cabinets as population of community using landline is diminishing.
 - c. Cabinets should be undergrounded.
 - d. Notice of Intent provides a disproportional picture.
 - e. Prefer the cabinet on Winding Way.

RECOMMENDATION: **APPROVE** the request by AT&T to locate Surface Mounted Facility **13SMF-0246**, in the vicinity of **1149 Prague 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 the technical merits of DPW Order No. 756,566.
3. The applicant, AT&T, could install the surface-mounted facility in other acceptable locations that may have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the surface-mounted facility.
4. The Director of Public Works has reviewed the Hearing Officer's recommendation. The Director of Public Works hereby adopts the hearing officer's recommendation.

APPEAL PROCESS: This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW's issuance of an Excavation Permit to install surface mounted facilities **13SMF-0246 in the vicinity of 1149 Prague 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>



2/4/2014

2/6/2014

X

Sanguinetti, Jerry
Bureau Manager

X

Sweiss, Fuad
Deputy Director and City Engineer

2/6/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



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

EXHIBIT D



(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-1815

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

Conditions	
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

U ✓
L ✓
M ✓

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

Approved Date : 04/04/2014

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

Applicant/Permittee _____ Date _____ Distribution:
Inside BSM: Utility Inspection

Printed : 4/4/2014 9:48:35 AM Plan Checker Marion Meyer

EXHIBIT E

Search -->14EXC-1815 -->Current Page

[Home](#) [Diagram](#) [Review](#)

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

>>>> [Void](#) [Print Permit](#) **Pay \$1,342.67** <<<<<

Permit Type	Excavation	Permit Number	14EXC-1815	Street Address	
Agent Name	SBC - Pacific Bell Engineering				
Received Date	2014-03-26	Permit Status	RENEWED	BSM working 7 work day(s) out of 10 expected days	
Approval Goal Date	2014-04-17	Approval Warning Date		Approved Date	2014-05-02

>>>CHOOSE FROM LIST BELOW FOR SPECIFIC VIEW

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

[Add Comment](#)

referencid	activitytext	activitydate	comment	dateInxstamp	AuditedBy
14EXC-1815	Renewal	14EXC 2666		5/14/2014 9:40:56 AM	Bob Pickard
14EXC-1815	PERMIT STATUS CHANGE	RENEWED		5/14/2014 9:40:55 AM	Bob Pickard
14EXC-1815	Email Sent	Approve Email Sent	rp6825@att.com	5/2/2014 3:08:12 PM	Gene Chan
14EXC-1815	PERMIT STATUS CHANGE	APPROVED		5/2/2014 3:08:12 PM	Gene Chan
14EXC-1815	All Update		SBC-SMF Email to LF SL,RR C'ced to RD JK NL CW,KT GC AU + SBC-BP ==Done at ==(10:04am ==4-4-2014)	4/4/2014 10:08:06 AM	Marion Meyer
14EXC-1815	Email Sent	Approve Email Sent	rp6825@att.com	4/4/2014 9:47:36 AM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	APPROVED		4/4/2014 9:47:35 AM	Marion Meyer
14EXC-1815	CHARGED	1342.67	Invoice # 116093	4/4/2014 9:41:56 AM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	TO_ACCOUNTING		4/4/2014 9:41:56 AM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	PLANCHK		4/4/2014 9:36:16 AM	Marion Meyer
14EXC-1815	Email Sent	Correspondence Email Sent	Marion Meyer@sfdpw.org	4/4/2014 9:22:02 AM	Bob Pickard
14EXC-1815	PERMIT STATUS CHANGE	RESUBMITTED		4/4/2014 9:22:02 AM	Bob Pickard
14EXC-1815	Add Location		back to Applicant - Note to customer: == missing SL segment and C R (NE-R) =done at ==(8:34am==4-4-14)	4/4/2014 8:34:44 AM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	APPLCNT		4/4/2014 8:32:32 AM	Marion Meyer
14EXC-1815	Email Sent	Correspondence Email Sent	rp6825@att.com	4/4/2014 8:32:21 AM	Marion Meyer
14EXC-1815	Note to User	rp6825@att.com	Bob: Hope you are at work. Please do some changes in the project: ADD - Curb Ramp NE-R==== And DELETE Winding Way (NORTH) and ADD Winding Way (SOUTH)- odd numbers) ==> Inspector at site will check if the excavation goes all the way to Pope and Hanover intersection and is part of the project on the trench ends at P/L ==> thank you, Marion. ==(6:32am==4-4-14)	4/4/2014 6:32:21 AM	Marion Meyer
14EXC-1815	Add Location		CRIS Reader use is require to check intersection - curb ramp started at ==(3:25pm==4-3-2014)	4/3/2014 3:57:44 PM	Marion Meyer
14EXC-1815	Add Location		linked to SMF+ added to Permits on project + ==Done at ==(3:22 pm ==4-3-2014)	4/3/2014 3:23:45 PM	Marion Meyer
14EXC-1815	Add Location		linked to SMF+ added to Permits on project + ==Done at ==(3:22 pm ==4-3-2014)	4/3/2014 3:23:03 PM	Marion Meyer
14EXC-1815	INSPECTOR ASIGNED	All@cityfile		4/3/2014 3:20:00 PM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	PLANCHK		4/3/2014 3:07:28 PM	Marion Meyer
14EXC-1815	PLAN CHECKER AS SIGNED	Marion Meyer		4/3/2014 3:07:00 PM	Marion Meyer
14EXC-1815	PERMIT STATUS CHANGE	ONLINE		3/26/2014 3:40:23 PM	Bob Pickard

[Export to Excel](#)



EXHIBIT F



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

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

14EXC-1815

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: Bob Pickard

Phone: (415) 644-7057

Conditions	The NE-Left, SE-Right, SE-Left and SW-Right ramps need to be built at this intersection. Permittee shall adhere to any conditions of 13SMF-0246.
Emergency Confirmation Number	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

Wording added 5/2

M ✓

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

Approved Date : 05/02/2014

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

Applicant/Permittee

Date

Distribution:

Inside BSM: Utility Inspection

Printed : 5/5/2014 8:10:50 AM

Plan Checker

Marion Meyer

EXHIBIT G



Gavin Newsom, **Mayor**
Edwin M. Lee, **Director**

Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

ORDER NO. 175,566

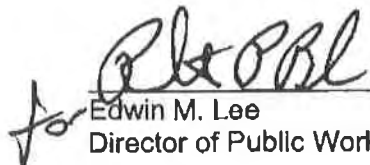
**Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way**

The Department of Public Works (the "Department") has broad authority under Article 18 of the City and County of San Francisco Public Works Code to regulate the placement of utility facilities in the public rights-of-way. In addition, under Article 2.4 of the Public Works Code, any person excavating in the public rights-of-way must obtain an excavation permit and comply with any orders and regulations adopted by the Department that are necessary to preserve and maintain the public health, safety, welfare, and convenience.

The Department has received applications for excavation permits from a number of utility companies and City departments seeking to install surface-mounted facilities in the public rights-of-way. The Department is concerned that the installation of surface-mounted facilities in the public rights-of-way will impede travel on public streets, inconvenience property owners, create visual blight, or otherwise incommode the use of the public rights-of-way by the public.

The Department has consistently informed applicants and potential applicants for excavation permits that it is the Department's policy to require that such surface-mounted facilities be installed on private property or be placed underground to the extent either of these options is technologically and economically feasible. At the very least, the Department has required that applicants minimize the impact that the placement of any surface-mounted facilities will have on use of the public rights-of-way.

The Department adopts this Order to establish rules and regulations for excavators seeking permits to install such surface-mounted facilities in the public rights-of-way. In so doing, the Department will be better able to enforce this long-standing policy. The Department will also ensure that persons affected by the installation of such surface-mounted facilities will have an opportunity to be heard before the Department issues any permits.


Edwin M. Lee
Director of Public Works

Approved: August 17, 2005

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

Section 1. Definitions.

- A. For purposes of this Order, the following terms, phrases, words, abbreviations their derivations, and other similar terms, when capitalized, shall have the meanings given herein:
1. "Aesthetic" means pleasing in appearance in the context of the surrounding area.
 2. "Applicable Law" means all applicable federal, state, and City laws, ordinances, codes, rules, regulations, orders, standard plans and specifications, as the same may be amended or adopted from time to time. Where applicable, Applicable Law also means the requirements contained in any franchise agreement, utility conditions permit or encroachment permit.
 3. "Applicant" means any person filing an application for a Permit to install a Surface-Mounted Facility in the Public Rights-of-Way. Unless expressly stated herein or otherwise prohibited by law, for the purpose of this Order Applicant shall include Municipal Applicant.
 4. "Approval," "Approve," or "Approved," when used with reference to City approval, mean the prior written approval of the Director unless another person or method for approval is specified herein or under Applicable Law. When used in reference to another agency, they mean the final approval of that agency as provided under Applicable Law.
 5. "City" means the City and County of San Francisco.
 6. "City Business Day" means any Monday through Friday that is not observed as an official holiday by the City.
 7. "Day" means any calendar day, unless a City Business Day is specified. For the purposes hereof, the time in which an act is to be performed shall be computed by excluding the first day and including the last. For the purposes hereof, if the time in which an act is to be performed falls on a Saturday, Sunday, or any day observed as an official holiday by the City, the time for performance shall be extended to the following City Business Day. For the purposes hereof, the time in which an act is to be performed shall be computed by excluding the first day and including the last.
 8. "Department" means the Department of Public Works.
 9. "Director" means the Director of the Department or his designee.
 10. "Graffiti" means any inscription, word, figure, marking or design that is affixed, marked, scratched, drawn or painted on a Surface-Mounted Facility, whether permanent or temporary, without the consent of the Applicant.

11. "Municipal Applicant" means any agency, board, commission, department, or subdivision of the City filing an application to install a Surface-Mounted Facility in the Public Rights-Of-Way.
12. "Order" means these Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way.
13. "Permit" means a permit to perform an excavation to install a Surface-Mounted Facility as it has been approved, amended, or renewed by the Department.
14. "Public Rights-Of-Way" means the area in, on, upon, above, beneath, within, along, across, under, and over the public, sidewalks, within the geographic area of the City in which the City now or hereafter holds any property interest, which is dedicated to public use.
15. "Public Works Code" means the City and County of San Francisco Public Works Code.
16. "Surface-Mounted Facility" means any Utility facility (physical element or structure) that installed, attached, or affixed in the Public Rights-of-Way on a site that is above the surface of the street, except a Utility pole or associated appurtenances. The term Surface-Mounted Facility shall not include transit shelters, ramps, and platforms, or traffic signal poles; but shall include other facilities installed in the Public Rights-of-Way for transportation purposes such as, but not limited to traffic signal controllers, communications hubs, back-up power supplies, switch controllers, electric service panels, and ticket vending machines.
17. "Utility" means any of the following services: electricity, gas, information, sewer, steam, telecommunications, high-speed Internet, voice over Internet protocol, video over Internet protocol, cable television, open video, water, or other services that require the provider to install facilities in the Public Rights-of-Way to serve its customers.

Section 2. Permit Required.

- A. An Applicant shall apply for and obtain a Permit and/or all other required regulatory permits and/or Approvals for placement of a Surface-Mounted Facility in the Public Rights-Of-Way that is regulated by the Department in accordance with this Order and Applicable Law, except that no Permit shall be required where the Applicant has applied for and obtained an encroachment permit as required under Applicable Law.
- B. Unless otherwise agreed to by the Department in writing, the requirements of this Section shall apply to an Application to install a Surface-Mounted Facility that is replacing an existing Surface-Mounted Facility, except where the new Surface-Mounted Facility will be placed on an existing foundation and the size of the new Surface-Mounted Facility shall be the same or smaller.

Section 3. Pre-Application Procedures for Obtaining Permits for Surface-Mounted Facilities.

A. Request for a Department Site Visit.

1. Prior to submitting an application for a Permit to construct a Surface-Mounted Facility, an Applicant shall request that the Department conduct a site visit to explore proposed locations for the Surface-Mounted Facility.
2. The Department will not conduct a site visit unless an Applicant sufficiently demonstrates to the Department (by submitting to the Department a complete copy of the form attached hereto as Exhibit A and incorporated by this reference) that it made a good faith effort to comply with each of the following requirements (unless the Department determines that any or all of the requirements of this Section should not apply to a particular Surface-Mounted Facility):
 - a. Prepared and submitted to the Department, or has on file with the Department, a plan, in a format specified by the Department, that shows all Surface-Mounted Facilities anticipated to be installed in the Public Rights-Of-Way in the next five years. Any Applicant that does not anticipate installing any other Surface-Mounted Facilities in the next five years shall submit a plan with a statement to that effect and shall immediately report any Surface-Mounted Facilities that are anticipated to the Department. The Department may refuse to conduct more than five site visits in a calendar year for any Applicant that has not completed a five-year plan.
 - b. Prepared and submitted to the Department plans showing all of the sizes and shapes of the cabinets proposed to be used for its Surface-Mounted Facilities. If the Applicant is seeking Approval of a larger cabinet of the Surface-Mounted Facility, the Applicant shall sufficiently demonstrate to the Department why the larger cabinet is necessary.
 - c. Surveyed the area to be serviced by a Surface-Mounted Facility to identify at least three locations on private property (including City-owned property) that may be appropriate for the installation of the Surface-Mounted Facility.
 - d. Contacted the owners of such properties to determine whether the owners will allow the Applicant to use the property to install the Surface-Mounted Facility.
 - e. Attempted to enter into an agreement with any interested property owner.
 - f. Attempted to place the Surface-Mounted Facility (or parts thereof) underground where such underground placement is technologically or economically feasible. An Applicant may satisfy the requirement contained in this Section by demonstrating to the satisfaction of the Director that it is not technologically or economically feasible for the Applicant to place the Surface-Mounted Facility (or parts thereof) underground. At a minimum, the Applicant must demonstrate to the Director that it conducted a thorough search for adequate underground technology.

- g. Notified the Department of any special requirements for the Surface-Mounted Facility that limits the location for the Surface-Mounted Facility (i.e. line of sight requirements) to a specific site.
 - h. Explored reasonable opportunities to collocate the Surface-Mounted Facility with any other Surface-Mounted Facility installed or to be installed in the Public Rights-Of-Way by other entities including City departments and entities providing services.
 - i. Notified the Department whether the Applicant could remove a Surface-Mounted Facility from the Public Rights-Of-Way because it would no longer be used or useful to the Applicant as a result of the Applicant's installation of a new Surface-Mounted Facility.
3. In lieu of requesting a site visit under Section 3.A above, an Applicant may request that the Department determine that a site visit is not required by providing the Department with sufficient information for the Department to substantiate that a site visit is not required.

B. Department Site Visits.

1. Where the Department has determined that a site visit is necessary, prior to the site visit an Applicant will identify appropriate locations for the Surface-Mounted Facility. In selecting an appropriate location for a Surface-Mounted Facility in the Public Rights-Of-Way, an Applicant shall minimize the impact that the placement of the Surface-Mounted Facility will have on use of the Public Rights-Of-Way by, among other things:
 - a. Placing the Surface-Mounted Facility in the Public Rights-Of-Way so that the path of travel for pedestrians will not be unreasonably impeded, paying particular attention to the needs of persons with disabilities. To the extent feasible, an Applicant shall locate the Surface-Mounted Facilities on streets where pedestrian travel is minimal.
 - b. Placing the Surface-Mounted Facility in the Public Rights-Of-Way so that the Aesthetic character of the streetscape will not be unreasonably affected by the installation of the Surface-Mounted Facility. Where it is not technologically or economically feasible to underground the entire Surface-Mounted Facility, an Applicant shall: (i) limit the height and footprint of the Surface-Mounted Facility to the maximum extent feasible; (ii) use either stainless steel or paint the Surface-Mounted Facility the color used for City structures in the vicinity (e.g. JCDecaux green, Embarcadero blue) unless otherwise specified by the Department and shall have a graffiti-proof coating; (iii) screen the Surface-Mounted Facility by landscaping the Public Rights-Of-Way in the area around the Surface-Mounted Facility or camouflaging the Surface Mounted Facility where requested by the Department; and (iv) make such other changes that are reasonably required by the Department to fully comply with the requirements of this Section.

- c. Ensuring that the Surface-Mounted Facility will not obstruct access to other facilities that are installed or the Department knows are to be installed in the Public Rights-Of-Way (whether above or below ground) by other entities including City departments and entities providing Utility services.
 - d. Placing the Surface-Mounted Facility in a location that is consistent with the placement criteria set forth in Exhibit B attached hereto and incorporated by this reference.
 2. During the site visit, the Department will explore any proposed site for the Surface-Mounted Facility that has been identified by the Applicant and any other sites that are consistent with the placement criteria set forth in Exhibit B.
 3. Within five City Business Days of the site visit, the Department will notify the Applicant:
 - a. Whether any of the proposed locations are acceptable locations consistent with the guidelines set forth in Exhibit B.
 - b. How the proposed locations should be prioritized if more than one of the proposed locations are acceptable under the guidelines.
 - c. If the Department has any recommendations to minimize the Aesthetic affect of the Surface Mounted Facility of the streetscape including, but not limited to, a color for the Surface-Mounted Facility, any screening that should be installed around the Surface-Mounted Facility, any Aesthetic changes to the Surface-Mounted Facility itself or to its installation, and any opportunities for collocating the Surface-Mounted Facility.
 - d. If the Department will require the Applicant, pursuant to Section 3.C below, to notify the public of the proposed installation of the Surface-Mounted Facility prior to submitting an application for a Permit.

C. Notice of Intent to Submit Application.

1. If the Department so requires, prior to submitting an application for a Permit to install a Surface-Mounted Facility an Applicant shall notify the public of its intent to submit an application in the following manner:
 - a. The Applicant shall post the notice in conspicuous places along the Public Rights-Of-Way within 300 feet of either side of the fronting streets of any of the proposed locations for the Surface-Mounted Facility. An example of the area required to be noticed is attached hereto as Exhibit C and incorporated herein by this reference. A minimum of two notices shall be posted along the fronting streets in every direction. The Applicant shall ensure that the notices remain posted for 20 Days after they are first posted and shall remove the notices after the 20 Day notice period ends.

- b. The Applicant shall send the notice to any neighborhood association identified by the Department of City Planning for any neighborhood within 300 feet of any of the proposed locations for the Surface-Mounted Facilities.
 - c. If the Applicant is seeking a permit to install a Surface-Mounted Facility in any location prohibited by item numbers 14 through 18 of Exhibit B, the Applicant shall send the notice to the appropriate City agency identified in Exhibit D attached hereto and incorporated by this reference.
 - d. The Applicant shall send the notice to the Department at the following address: Bureau of Street-use and Mapping, 875 Stevenson Street, Room 460, San Francisco, California, 94103-0942 (Tel: (415) 554-5810; Fax: (415) 554-5843.
2. The notice shall be in a form to be approved by the Department and shall be similar to the form attached hereto as Exhibit E and incorporated herein by this reference. At a minimum, the notice shall contain the following information:
 - a. A picture of the Surface-Mounted Facility in each proposed location.
 - b. If there is more than one acceptable location for the Surface-Mounted Facility, the Applicant's order of preference for the proposed locations.
 - c. That the recipient has 20 Days from the date of notice to notify the Department that the recipient objects to any or all of the proposed locations for the Surface-Mounted Facility.

D. Notice of Site Approval.

Where the Department has Approved a site for a Surface Mounted Facility without requiring the Applicant to send a notice of intent to submit an Application, the Applicant shall instead notify the public of the location of the Approved site at least 30 Days prior to filing an application for a Permit. The notice shall comply with the requirements of Section 3.C.1 and Section 3.C.2 above.

E. Department Hearing.

1. An objection to an intent to submit an application will be timely if made by telephone or postmarked within 20 Days of the date of the notice. Within two City Business Days of the Department's receipt of an objection, the Department shall notify the Applicant by electronic mail of such objection.
2. If the Department receives a timely objection to the notice of intent to apply from the public, the Director will convene a hearing unless the Director in his sole discretion determines that the objection is frivolous or vexatious.
3. If the Director determines that a hearing is required, within ten days after receiving the objection the Director will issue a notice scheduling the hearing for a date that is no later than thirty days after the date of the notice. The hearing will be conducted in accordance with the following procedures:

- a. The Director will appoint an impartial hearing officer to conduct the hearing. The hearing officer will be experienced in conducting proceedings of this kind. The hearing officer shall take evidence and testimony from the Department, the Applicant, and any persons objecting to or supporting any of the proposed locations for the Surface-Mounted Facility.
 - b. The hearing officer will issue a report to the Director. In the report, the hearing officer will summarize the evidence and testimony and recommend that the Director either Approve one of the proposed locations for the Surface-Mounted Facility, or Approve one of the proposed locations provided that the Applicant make reasonable changes to the installation of the Surface-Mounted Facility consistent with Section 3.E.6.b below and Section 3.E.6.c below. The Director may adopt, modify, or reject the hearing officer's recommendation.
4. At the conclusion of the hearing, the hearing officer may keep the hearing open for up to 20 Days to consider additional evidence concerning other locations identified during the hearing. The Applicant and the Department will report to the hearing officer within three City Business Days after the hearing whether or not any of these locations are acceptable and shall provide a copy of the report to all persons participating in the hearing. If the Applicant and the Department determine that none of these locations are acceptable, the hearing officer shall close the hearing.
5. If the Applicant and the Department determine that any of these proposed locations are acceptable, within three City Business Days of issuing the report to the hearing officer the Applicant will notify all persons owning or occupying any property located within 300 feet along either side of the fronting streets of the proposed locations and any neighborhood associations of the hearing. The notice shall be posted and mailed as required in Section 3.C.1 above. The notice shall state that: (a) the hearing officer may recommend to the Director that the Surface-Mounted Facility be installed in one of these proposed locations; and (b) any objection to these proposed locations must be in writing and must be sent to the Department within seven Days of the notice. The Department will provide a copy of such objections to the hearing officer, the Applicant, and all persons participating in the hearing.
6. The hearing officer will base the recommendation, and the Director will base his determination, upon the following matters only:
 - a. Which of the proposed locations (if there is more than one) will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.
 - b. Whether the Applicant could make any reasonable changes to the location of the Surface-Mounted Facility within the same frontage of the given address of the proposed location such that it will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.

- c. Whether the Applicant could make any reasonable changes to the installation of the Surface-Mounted Facility at the proposed location that would address any of the objections.
 - d. Whether the Applicant could install the Surface-Mounted Facility in other acceptable locations (in accordance with Exhibit B) that are preferable to any of the proposed locations because use of such other acceptable locations will have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the Surface-Mounted Facility.
7. Within thirty days after the conclusion of the Director's hearing or any decision not to hold a hearing, the Department will notify the Applicant in writing which one of the proposed locations for the Surface-Mounted Facility the Director has Approved and whether the Director will require the Applicant to make reasonable changes to the installation of the Surface-Mounted Facility.

Section 4. Application Procedures for Obtaining Permits for Surface-Mounted Facilities.

- A. Any application that an Applicant submits to the Department for a Permit to install a Surface-Mounted Facility in the Public Rights-Of-Way shall contain, in addition to the information required under Article 2.4 of the Public Works Code and Department Order No. 171,442, the information set forth in Exhibit F attached hereto and incorporated by this reference.
 1. An Applicant may submit an application for a Permit to install a Surface-Mounted Facility if the Department does not require public notice under Section 3.C above, the Department does not receive a timely objection to the notice of intent to apply for a Permit under Section 3.E.1 above, or a proposed location for a Surface-Mounted Facility has been Approved under Section 3.E.7 above.
 2. The Department will process an application for a Permit to install a Surface-Mounted Facility for one of the approved sites in the manner set forth below and as shown in Exhibit G attached hereto and incorporated herein by this reference:
 - a. The Department will notify an Applicant within a reasonable time after receipt of an application to install a Surface-Mounted Facility whether the application is complete. If an application is not complete, the Department will return the application to the Applicant along with a checklist in the form attached hereto as Exhibit H and incorporated by this reference showing where the application is incomplete. The Applicant may complete the application and resubmit it at any time.
 - b. If the Department notifies an Applicant that an application is complete, the Applicant may apply for a Permit using the Department's electronic permitting system.
 - c. Within three City Business Days after receiving an application through the Department's electronic permitting system, the Department will notify the Applicant within whether the application has been Approved or denied.

3. The Department's Approval or denial of any Permit to install a Surface-Mounted Facility under this Order may be appealed to the Board of Permit Appeals pursuant to Section 4.106(b) of the City's Charter.

Section 5. Department Meetings.

Once a year the Department will convene a meeting with persons who submitted applications for Permits to install Surface-Mounted Facilities in the past year and any other interested persons to discuss issues related to the permitting and construction of Surface-Mounted Facilities in the Public Rights-Of-Way. The Department may also invite equipment vendors to the meeting. At such meetings, the Department will discuss any advancement in technology that would permit Applicants to install Surface-Mounted Facilities underground and any opportunities for Applicants to collocate their Surface-Mounted Facilities. The Department will also post a public notice of the meeting.

Section 6. Additional Permit Fees.

The Department has determined that processing an application for a Permit to install a Surface-Mounted Facility in accordance with the requirements of this Order will require the Department to incur expenses for employee time and materials in excess of those the Department generally incurs to process an application for a Permit. Pursuant to Public Works Code Section 2.4.43, in addition to all other fees required under Subarticle IV of Article 2.4 of the Public Works Code, the Department shall charge an Applicant filing an application for a Permit to install a Surface-Mounted Facility a pre-application site visit fee of \$75.00 for each site visit, an additional administrative fee of \$75.00 for any application Approved without a hearing, a hearing fee of \$150.00 for any application for which a Department hearing is required, and an additional hearing fee of \$100.00 if a hearing is continued to investigate other potential sites for a Surface-Mounted Facility.

Section 7. Applicant's Use of the Public Rights-Of-Way is Subordinate to City's Use.

A. Use of the Public Rights-Of-Way by an Applicant other than a Municipal Applicant for installation of a Surface-Mounted Facility shall be subordinate to any prior lawful occupancy and the continuing right of the City to use and occupy the Public Rights-Of-Way, or any part thereof, exclusively or concurrently with any other person or persons, and further subject to the public easement for streets and any and all other deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, franchises and claims of title which may affect the Public Rights-Of-Way.

B. An Applicant shall not place a Surface-Mounted Facility in the Public Rights-Of-Way in a manner inconsistent with the Public Works Code, the rules, regulations, orders, and standard plans and specifications issued by the Department, other Applicable Law, or in such a way as to interfere with or incommode public use of the Public Rights-Of-Way or create visual blight.

C. When required to ensure the public health, safety or welfare, an Applicant shall at its own cost and expense temporarily or permanently remove, relocate, adjust, and/or support a Surface-Mounted Facility or any part thereof, to such other locations in the Public Rights-Of-Way, in such manner as appropriate and as may be approved by the City in writing and in advance, or otherwise required by the City. The City may not unreasonably withhold its approval of any plan for removal, relocation, adjustment, and/or support of a Surface-Mounted Facility ordered pursuant to this Section. Such removal, relocation, adjustment, and/or support shall be completed within the time and manner prescribed by the

City; however, where feasible the City may require the Applicant to follow the procedures set forth in this Order to obtain a new site for the Surface-Mounted Facility. If an Applicant does not remove, relocate, adjust, and/or support a Surface-Mounted Facility in the manner and time prescribed by the Department, the Department shall take all reasonable, necessary, and appropriate action, including removing the Surface-Mounted Facility, and may charge the Applicant the reasonable costs actually incurred including, but not limited to, administrative costs.

D. Whenever the Department requires an Applicant to remove, relocate, adjust, and/or support a Surface-Mounted Facility to ensure the public health, safety or welfare, the Applicant shall, after such work is complete, at its own cost and expense, promptly restore the Public Rights-Of-Way in accordance with Applicable Law. If an Applicant fails to restore the Public Rights-Of-Way in accordance with Applicable Law, the Department shall have the option to perform or cause to be performed such restoration in such manner as the Director deems expedient and appropriate on behalf of the Applicant and charge the actual costs incurred including, but not limited to administrative costs, to the Applicant.

E. Upon the receipt of a demand for payment by the Department, the Applicant shall reimburse the City for any costs incurred by the Department to remove a Surface-Mounted Facility, as required under Section 7.C above, or to restore the Public Rights-Of-Way, as required under Section 7.D above, or the costs may be deducted from the Applicant's deposit under Public Works Code Section 2.4.46(c).

Section 8. Maintenance and Abandonment of Surface-Mounted Facilities.

A. An Applicant shall be solely responsible for maintaining a Surface-Mounted Facility installed in the Public Rights-Of-Way in a clean and safe condition. The Applicant shall inspect each Surface-Mounted Facility installed in the Public Rights-Of-Way and shall repair any damage to or remove any Graffiti found on a Surface-Mounted Facility within three City Business Days after discovering such damage or Graffiti during an inspection or being notified that there is such damage to or Graffiti on a Surface-Mounted Facility.

B. In the event an Applicant fails to timely repair any damage to or remove Graffiti from a Surface-Mounted Facility as required in this Section, the Department shall have the option to perform or cause to be performed such repair or removal in such manner as the Director deems expedient and appropriate on behalf of the Applicant and to charge the Applicant the actual costs incurred, including but not limited to administrative costs.

C. An Applicant shall place a sign on all Surface-Mounted Facilities that shall contain the Applicant's name and provide a telephone number for people to call to notify the Applicant that there is damage to or Graffiti on a Surface-Mounted Facility. A telephone call to that number will be considered notice to the Applicant.

D. An Applicant shall maintain a written record of damage repair and Graffiti removal from Surface-Mounted Facilities in the Public Rights-Of-Way that contains the following information: (i) the date the damage/Graffiti was discovered; (ii) the location of the Surface-Mounted Facility; (iii) whether the discovery was made as a result of an inspection or from a report; and (iv) the date the damage was repaired or the Graffiti was removed. A copy of this written record shall be sent to the Department on a quarterly basis commencing on October 1, 2005.

E. An Applicant shall notify the Department or the Department may determine that a Surface-Mounted Facility has been abandoned. At the Department's direction, an Applicant shall promptly remove the abandoned Surface-Mounted Facility and restore City property as required by the Department and consistent with Applicable Law, at the Applicant's expense. If the Applicant fails to remove the abandoned Surface-Mounted Facility within a reasonable period of time after receiving such a demand from the Department, the Department may take all reasonable, necessary, and appropriate action to remedy the Applicant's failure to comply and may charge the reasonable costs actually incurred including, but not limited to administrative costs, to the Applicant.

F. Upon the receipt of a demand for payment by the Department, an Applicant shall reimburse the City for any costs incurred by the Department to remove Graffiti from a Surface-Mounted Facility, as required by Section 8.B above, or to remove an abandoned Surface-Mounted Facility, as required by Section 8.E above, or the costs may be deducted from the Applicant's deposit under Public Works Code Section 2.4.46(c).

Section 9. Additional Indemnity Requirements.

In addition to the indemnity contained in Public Works Code Section 2.4.23(b), or any other indemnity required by Applicable Law, an Applicant other than a Municipal Applicant shall protect, defend, indemnify, and hold harmless the City, its commissions, departments, officers, employees, and agents from and against any and all claims, actions, demands, liability, loss, fines, penalties, damages or expense (including reasonable attorney's fees), for claims for injury or damages (collectively "Claims"), including without limitation, Claims arising out of injury to or death of a person, or loss of or damage to real or personal property or to goodwill allegedly resulting from or arising, directly or indirectly out of the installation, maintenance or use of any Surface-Mounted Facility in the Public Rights-Of-Way authorized pursuant to Applicable Law. In addition to an Applicant's obligation to indemnify the City contained in Public Works Code Section 2.4.23(b) and in this Section, an Applicant other than a Municipal Applicant specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any Claim that actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent; this obligation arises at the time such claim is tendered to the Applicant by the City and continues at all times thereafter. An Applicant's indemnity obligations hereunder shall continue for so long as the Applicant continues to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way.

Section 10. Additional Insurance Requirements.

A. Without in any way limiting the requirement that an Applicant indemnify the City pursuant to the Section 9 above, and in addition to the insurance obligation contained in Public Works Code Section 2.4.23(c) or any other insurance required by Applicable Law, an Applicant other than a Municipal Applicant must maintain in force, for so long as the Applicant continues to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way, insurance in the following amounts and coverages:

1. Workers' Compensation, with Employers' Liability Limits not less than \$1,000,000 each accident.

2. Commercial General Liability Insurance with limits not less than \$2,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations.
 3. Business Automobile Liability Insurance with limits not less than \$2,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.
- B. Commercial General Liability and Business Automobile Liability Insurance policies must provide the following:
1. Name as Additional Insured the City, its officers, agents, and employees.
 2. That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.
 3. That the City is entitled to 30 days' advance written notice if the policy should be canceled or materially changed.
- C. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general annual aggregate limit shall be double the occurrence or claims limits specified above.
- D. In the event an Applicant fails to maintain insurance as required herein, the Department may revoke the Applicant's authority to maintain and use any Surface-Mounted Facility in the Public Rights-Of-Way. Upon such revocation, an Applicant shall remove any Surface-Mounted Facility previously installed in the Public Rights-Of-Way, as required Section 7.C above, and restore the Public Rights-Of-Way, as required in Section 7.D above.

**EXHIBIT A
PRE-SITE VISIT CHECKLIST**

City and County of San Francisco



**Department of Public Works
Bureau of Street-Use & Mapping**

**Surface-Mounted Facility
Pre-Site visit Checklist**

Applicant Name: _____ ADDRESS: _____

Contact Name: _____ TEL. NO.: _____

Date: _____ Proposed Location: _____

- 1. Five-year plan or letter indicating no additional work is planned for the next five years is on file.
- 2. Verification that cabinet size is consistent with the plans on file.
- 3. Verification of attempts to place Surface-Mounted Facility on private property (at least 3 locations). Please attach the following:
 - a. Copy of letter mailed to property owners
 - b. Copy of mailing list
 - c. Statement verifying date of mailing
 - d. Copy of responses from property owners
 - e. Verification of attempt to enter into an agreement with any interested property owners
- 4. Verification of attempts to place Surface-Mounted Facility underground.
- 5. Verification of attempts to collocate the Surface-Mounted Facility.
- 6. Verification of special requirements that limit the possible locations for the Surface-Mounted Facility.
- 7. Verification that proposed locations conforms to the placement guidelines.
- 8. Verification that an existing Surface-Mounted Facility could/could not be removed.

ITEM NOS. _____ not required. Request for site visit is accepted AND Site visit is scheduled for: _____, 2005 with: _____ Tel. No.: _____ <input type="checkbox"/> Request for site visit is denied <input type="checkbox"/> Site visit not required because: _____ Reviewed By: _____ Tel. No.: _____

EXHIBIT B

SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES

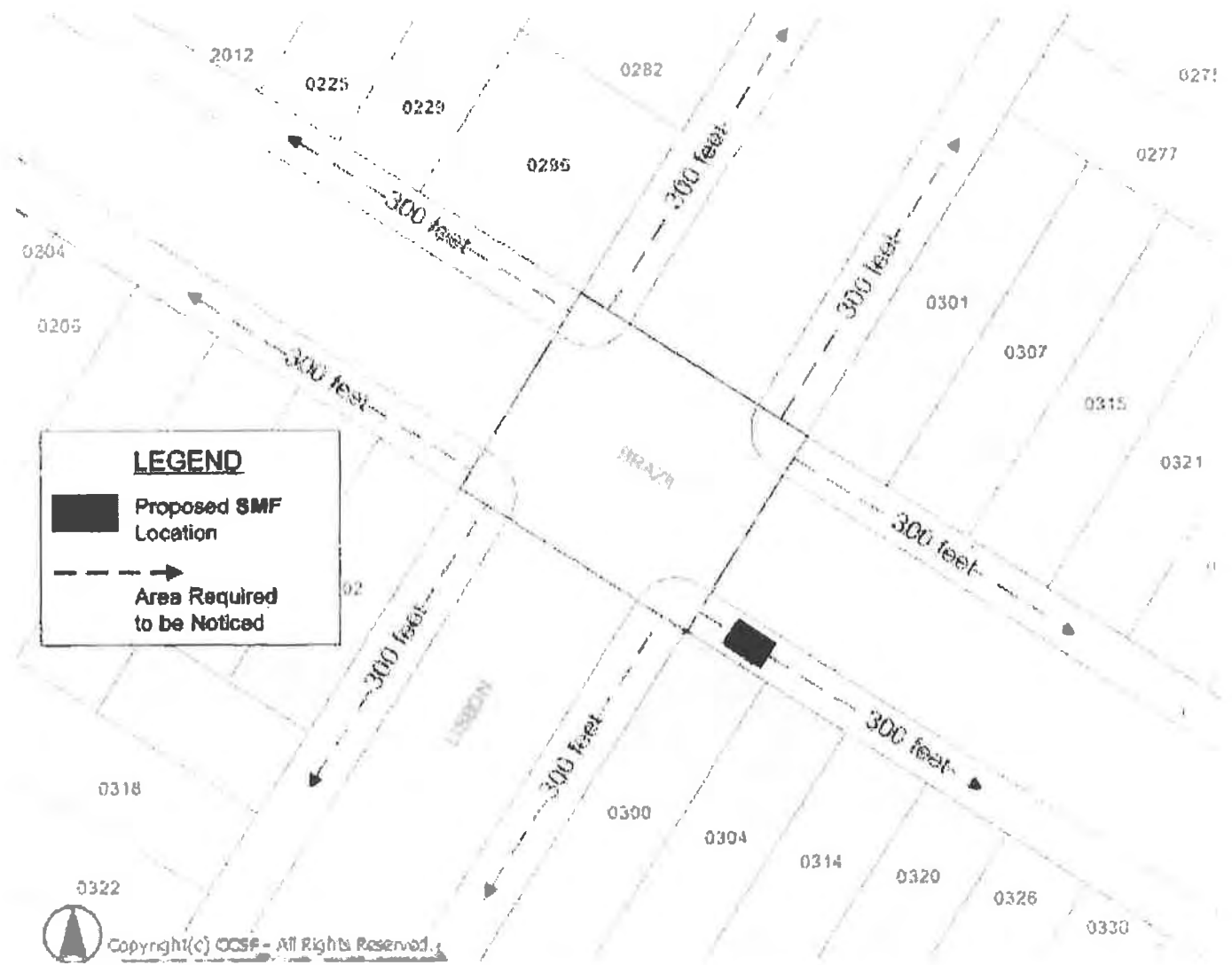
The following are guidelines for the Department to use during a site visit to determine acceptable locations for Surface-Mounted Facilities in the Public Rights-of-Way. The Department is not required to apply any guideline that the Department determines is not applicable to a particular installation of a Surface-Mounted Facility.

1. Surface-Mounted Facilities shall be no larger than is reasonably necessary to contain and protect the required equipment.
2. Surface-Mounted Facilities shall not obstruct pedestrians. A minimum of four feet (4') of pedestrian clearance (free of all obstacles for a clear path of travel, unobstructed pedestrian walkway) shall be maintained at all times.
3. Surface-Mounted Facilities shall not intrude on pedestrian "clear zones" at street corners.
4. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from edge of crosswalk areas.
5. Surface-Mounted Facilities shall be set back a minimum of eighteen inches (18") from the face of the curb.
6. Surface-Mounted Facilities shall be set back a minimum of eight feet (8') from any fire escape and/or fire exit.
7. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any fire hydrant, driveway, curb ramp, or blue zone parking space.
8. Surface-Mounted Facilities shall be set back a minimum of forty inches (40") from any other above-ground structure not otherwise specified herein including, but not limited to, street light poles, parking meters, trees, etc.
9. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any Municipal Railway transit shelter and/or kiosk, unless the location of the Surface-Mounted Facility is coordinated with the transit shelter and/or kiosk.
10. Surface-Mounted Facilities shall be set back a minimum of five feet (5') from any certified street artist's designated area per list to be provided by the Department (which list is complete only as of the date of this order and will be updated when any new street artist's designated areas are established).
11. Surface-Mounted Facilities shall be set back a minimum of sixty feet (60') from any public art work under the jurisdiction of the Arts Commission of San Francisco, except for public art on kiosks, per the San Francisco Civic Art Collection published by the Arts Commission of San Francisco (which book is complete only as of the date of this order and will be updated when any new public art works are established).
12. Surface-Mounted Facilities shall not be placed over any storm drain or other utility facility.
13. Surface-Mounted Facilities shall not obstruct the view of any traffic sign, wayfinding sign, traffic signal or any other existing facility.
14. Surface-Mounted Facilities shall not be placed on the property of, or adjacent to a designated local, State or National Historic Landmark. For the purposes of applying the limitations and conditions specified in this paragraph, in relation to any specific location, the word adjacent shall mean on the same side of the street and in front of the subject building or in front of the next building on either side.
15. Surface-Mounted Facilities shall not be placed in Local Historic Districts listed in Appendices B-L of Article 10 of the San Francisco Planning Code.

16. Surface-Mounted Facilities shall not be placed in Conservation Districts designated in Appendices E-J of Article 11 of the San Francisco Planning Code.
17. Surface-Mounted Facilities shall not be placed in California Register Historic Districts, National Historic Districts, and National Register Historic Districts.
18. Surface-Mounted Facilities shall not front the boundaries of a park, recreation area, or open space.
19. Surface-Mounted Facilities shall be either stainless steel or painted to match the color used for City structures in the vicinity (e.g., JCDecaux green, Embarcadero blue) unless otherwise specified by the Department and shall have graffiti-proof coating.
20. Surface-Mounted Facilities shall be screened by landscaping where appropriate for the neighborhood and required by the Department.
21. Surface-Mounted Facilities shall not unreasonably affect the aesthetic character of neighborhoods or the natural character of regional open spaces in accordance with the City and County of San Francisco General Plan.
22. Surface-Mounted Facilities may be placed in local, State or National Historic Landmarks as discussed in No. 14 above, Local Historic Districts as discussed in No. 15 above, Conservation Districts as discussed in No. 16 above, and California Register Historic Districts, National Historic Districts, National Register Historic Districts as discussed in No. 17 above, and parks, recreation areas, and open spaces as discussed in No. 18 above, if they are to be collocated with existing transit shelters, kiosks, or other street furniture, provided that the size and footprint of the existing facility is not unreasonably increased by the addition of the Surface Mounted Facility.

EXHIBIT C

Example of Area Required to be Noticed



The Applicant shall post the notice in conspicuous places along the Public Rights-Of-Way for a distance of 300 feet on both sides of the street in all directions of the proposed location(s) for the Surface-Mounted Facility. A minimum of two notices shall be posted along the fronting streets in every direction.

EXHIBIT D

City Department Notification

If the Applicant is seeking to install a Surface Mounted Facility on the property of, or adjacent to a designated local, State or National Historic Landmark; in a Local Historic District listed in Appendices B-L of Article 10 of the San Francisco Planning Code; in a Conservation Districts designated in Appendices E-J of Article 11 of the San Francisco Planning Code; in a California Register Historic District, a National Historic District, or a National Register Historic District, the Applicant shall send notice to the following City departments:

Department of City Planning
1660 Mission, Suite 500
San Francisco, CA 94103

Landmarks Preservation Advisory Board
The Planning Department Preservation Coordinator
1660 Mission Street, Suite 500
San Francisco, CA 94103

Preservation Coordinator 415-558-6338
Landmarks Board Recording Secretary 415-558-6266

San Francisco Arts Commission
25 Van Ness Ave, Ste 240
San Francisco CA 94102
415-252-2591

If the Applicant is seeking to install a Surface Mounted Facility in front of the boundaries of a park, recreation area, or open space, the Applicant shall send notice to the following City departments:

Department of Recreation and Parks
Planning Unit
501 Stanyan Street
San Francisco, CA 94117
Tel: (415) 831-2700
Fax: (415) 666-7130

Department of City Planning
1660 Mission, Suite 500
San Francisco, CA 94103

EXHIBIT E

COMPANY/AGENCY NAME
MAILING ADDRESS

IMPORTANT NOTICE

CONCERNING YOUR RIGHTS

DATE:

Dear San Francisco Resident:

(Company/Agency Name) has filed an application with the San Francisco Department of Public Works (DPW) for a permit to install a (unit name/description) at one of the following proposed locations: (location/address). A photograph of the Surface Mounted Facility (SMF) in each of the proposed locations and the specifications for the SMF are shown on the next page.

(Briefly describe the nature of the use of the facility and consequence of not installing)

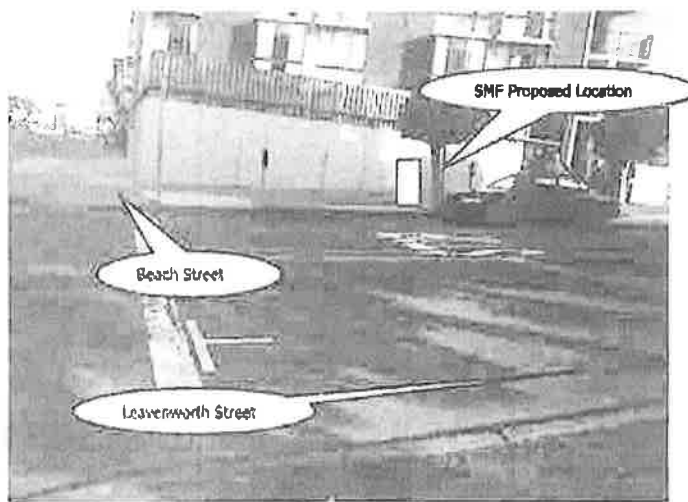
(Briefly provide information about the safety of the cabinet/unit)

If you object to the installation of the SMF at any of the proposed locations, you must notify the Department of Public Works of your objection either by phone at (415) xxx-xxxx554-7222 or by mail at the Bureau of Street-use and Mapping, 875 Stevenson Street, Room 460410, San Francisco, California 94103-0942. You have 20 days from the date of this notice to either telephone or send written notice of your objection to DPW. DPW will not consider any objection unless it is made within this 20-day period.

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

Thank you,

Company/Agency Representative
Address & Phone



cabinet is 43" W x 75" H x 41" D, pedestal is 24" W x 48" H x 17" D.

EXHIBIT F
Surface-Mounted Facility Application Check List

Each application for a Permit to install a Surface-Mounted Facility (SMF) shall contain the following information:

- a. Transmittal letter containing the following information:
 - i. Identification of proposed location of SMF
 - ii. Type of cabinet (include specification if not on file with the Department of Public Works)
 - iii. Date of site visit
 - iv. Name, address, telephone number, facsimile number and e-mail address for contact person
- b. Drawing showing each of the following:
 - i. Street name
 - ii. Names of cross streets
 - iii. Face of curb (FOC)
 - iv. Property lines (PLs)
 - v. Distance from FOC to face of the SMF
 - vi. Distance from FOC to PLs
 - vii. Distance from FOC to back of the SMF
 - viii. Locations and dimensions of existing above-ground street furniture (utility poles, bus shelters, fire hydrants, garbage receptacles, parking meters, etc) and distance from the proposed location of the SMF
 - ix. Locations and dimensions of existing underground utility facilities (vaults, manholes, handholds, meters, etc.) and distance from the proposed location of the SMF
 - x. Distance from nearest cross street to the SMF
 - xi. Identification of SMF type and dimensions
 - xii. Color of the SMF
 - xiii. Screening or aesthetic changes required by the Department
- c. Photographs of the SMF in the proposed location showing the following:
 - i. Front view of the SMF
 - ii. Side view of the SMF
 - iii. View of the SMF in relation to the nearest building or other structure
- d. The location of any SMF to be removed

EXHIBIT G

Surface Mounted Facilities Application Process

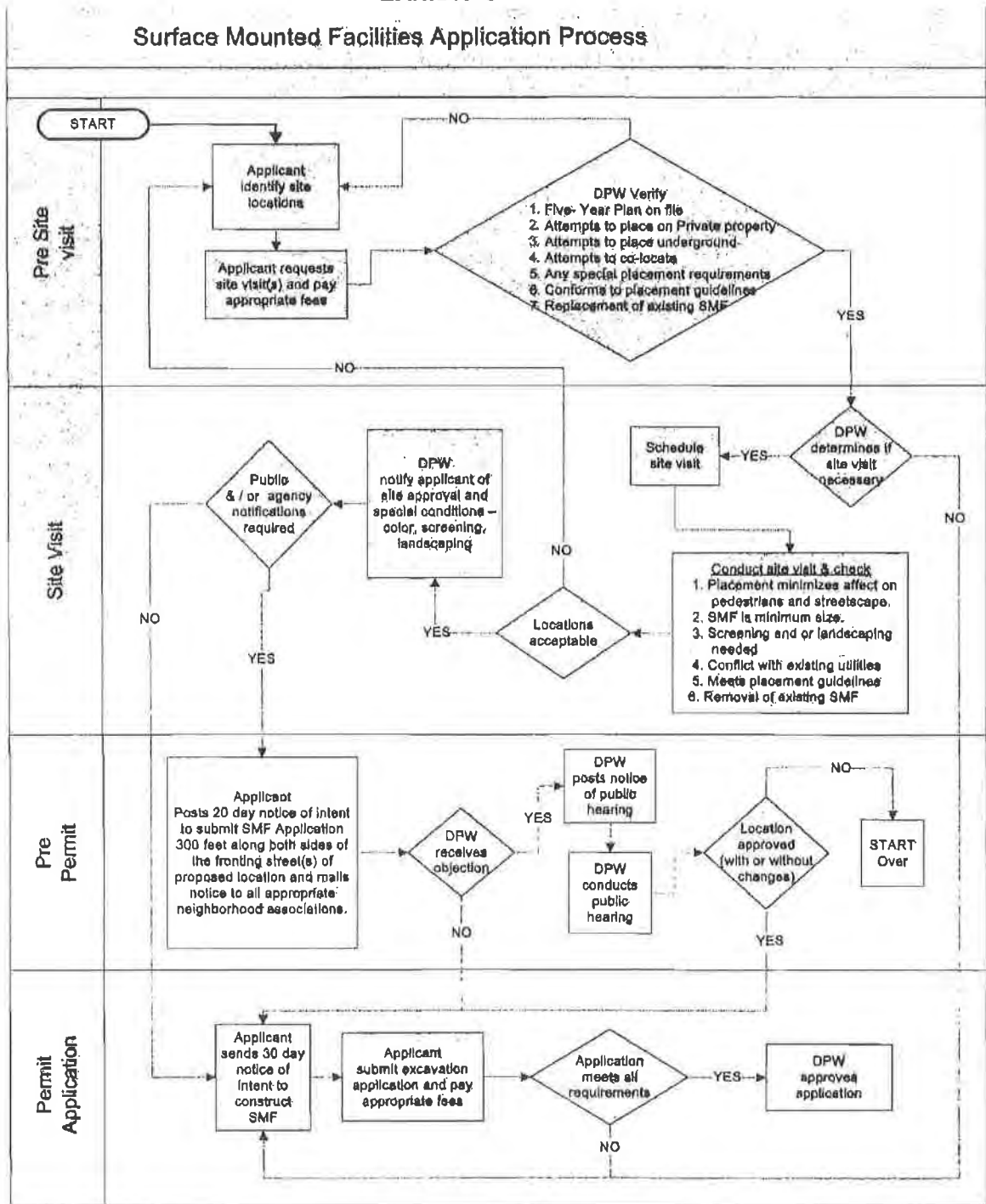


EXHIBIT H
Application Deficiency Checklist
SURFACE-MOOUNTED FACILTY APPLICATION
DEFICIENCY NOTICE

Applicant Name: _____ Contact Name: _____ Tel. No: _____

Proposed Location: _____

The application package is deficient for the reasons indicated below and is returned to: _____

On: _____ By: _____ Tel
No. _____

1. **Transmittal letter** is missing the following information:
 - a. Identification of proposed location of Surface Mounted Facility (SMF)
 - b. Type of cabinet (include specification if not on file with the Department of Public Works)
 - c. Date of site visit
 - d. Name, address, telephone number, facsimile number and e-mail address for contact person.
 - e. Other: _____

2. **Detailed Drawing** is missing the following information:
 - a. Street name
 - b. Name of cross streets
 - c. Face of curb (FOC)
 - d. Property lines (PLs)
 - e. Distance from FOC to face of the SMF
 - f. Distance from FOC to PLs
 - g. Distance from FOC to back of the SMF
 - h. Locations of existing aboveground street furniture (utility poles, bus shelters, fire hydrants, garbage receptacles, parking meters, etc) and distance from the proposed location of the SMF.
 - i. Locations of existing underground utility facilities (vaults, manholes, handholds, meters, etc.) and distance from the proposed location of the SMF.
 - j. Distance from nearest cross street to the SMF.
 - k. Other: _____

3. **Photographs of the SMF** in the proposed location is missing the following:
 - a. Front view of the SMF
 - b. Side view of the SMF
 - c. View of the SMF in relation to the nearest building or other structure
 - d. Other: _____

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

EXHIBIT H



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

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

August 23, 2013

EXHIBIT F - a

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

Location: 1149 Prague Street, south side, east of Pope Street
DPW File: **13SMF-0246**

LETTER OF TRANSMITTAL
PROPOSED SURFACE MOUNTED FACILITY

Enclosed are:

- Exhibit A Pre-site visit checklist
- Exhibit A-2a Five-year plan documentation for this site
updated August 14, 2013
- Exhibit A-2b Cabinet size plan (footprint and clearance plans)
448S photos and specifications
- Exhibit A-2c Private property mailing letter to property owners mailing list
- Exhibit A-2d1 Private property mailing sample letter seeking easements to property owners
- Exhibit A-2d2 Private property mailing date verification, date mailed:
3 property owners notified, July 17, 2013
- Exhibit A-2e Responses from Property Owners
- Exhibit MOU-1 Mailing list of owners and residents within 300 feet
Date mailed:
- Exhibits A-2f-B Verification of policy compliance (undergrounding, collocation, etc.)
- Exhibit C-1b Directory of Neighborhood Organizations list
- Exhibit C-1c City Department Notices for special districts
N/A
- Exhibit E Neighborhood Notice (per sec C-2)
- Exhibit F-b Site Drawing
- Exhibit F-c Photos of site
- Exhibit F-c1 Assessors Parcel Map, Grade Map, and vicinity map
- Exhibit F-d Location of SMF to be removed
N/A
- Exhibit G Approval or denial of site Notice to Applicant
- Exhibit H Application Deficiency Notice

Comments: Request approval to post and mail public notification (Exhibit E)
File: SF06-230302; 9078110; Group: **56C**

EXHIBIT A
Pre-Site Visit Checklist

City and County of San Francisco

Department of Public Works

Bureau of Street-use and Mapping



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

APPLICANT NAME:	AT&T California	ADDRESS:	795 Folsom St., Rm 426
CONTACT NAME:	Paul Lucq	TEL. NO.:	644-7164
DATE:	August 23, 2013	PROPOSED LOCATION:	1149 Prague Street
DPW REF #	13SMF-0246	APPLICANT REF #	SF06-230302, 9078110, 56C

- 1. Five-year plan or letter indicating no additional work is planned for the next five years is on file.
- 2. Verification that cabinet size is consistent with the plans on file.
- 3. Verification of attempts to place Surface-Mounted Facility on private property (at least 3 locations). Please attach the following:
 - a. Copy of letter mailed to property owners
 - b. Copy of mailing list
 - c. Statement verifying date of mailing
 - d. Copy of responses from property owners
 - e. Verification of attempted to enter into an agreement with any interested property owners
- 4. Verification of attempts to place Surface-Mounted Facility underground.
- 5. Verification of attempts to collocate the Surface-Mounted Facility.
- 6. Verification of special requirements that limit the possible locations for the Surface-Mounted Facility.
- 7. Verification that proposed locations conforms to the placement guidelines.
- 8. Verification that an existing Surface-Mounted Facility could/could not be removed.

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

Welcome Paul Lucq

At

Projects Events Conflicts Documents Tasks Mailbox

Projects [Moratoriums](#) [Opportunities](#) **View: LSMF JU 9078110 56C**

Project Information

Name: LSMF JU 9078110 56C
Description: Project Litespeed
Id: 56C
Owner: AT&T - Construction and Engineering
Facility Type: Communication
Asset Type: Communication
Group Code:
Contact: [Paul Lucq](#) 415-644-7164

Schedule

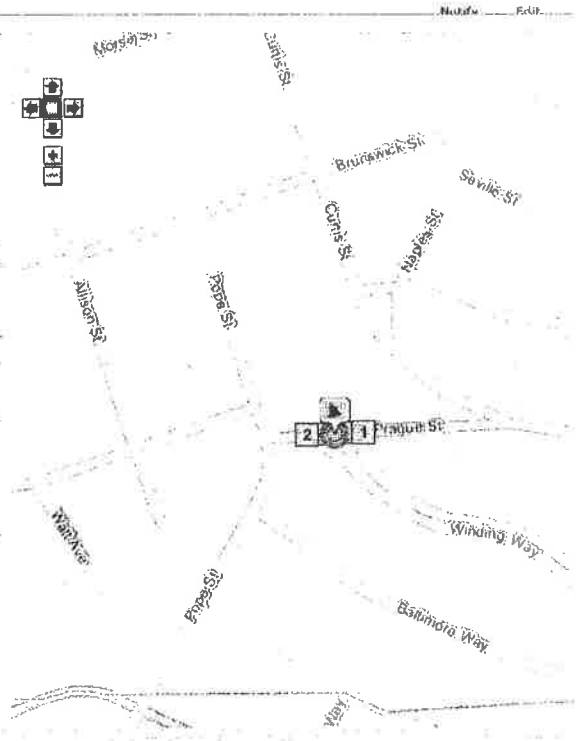
Start Date: 08/15/2014 12:00 AM
Duration: 90.0 days
End Date: 11/12/2014 11:59 PM

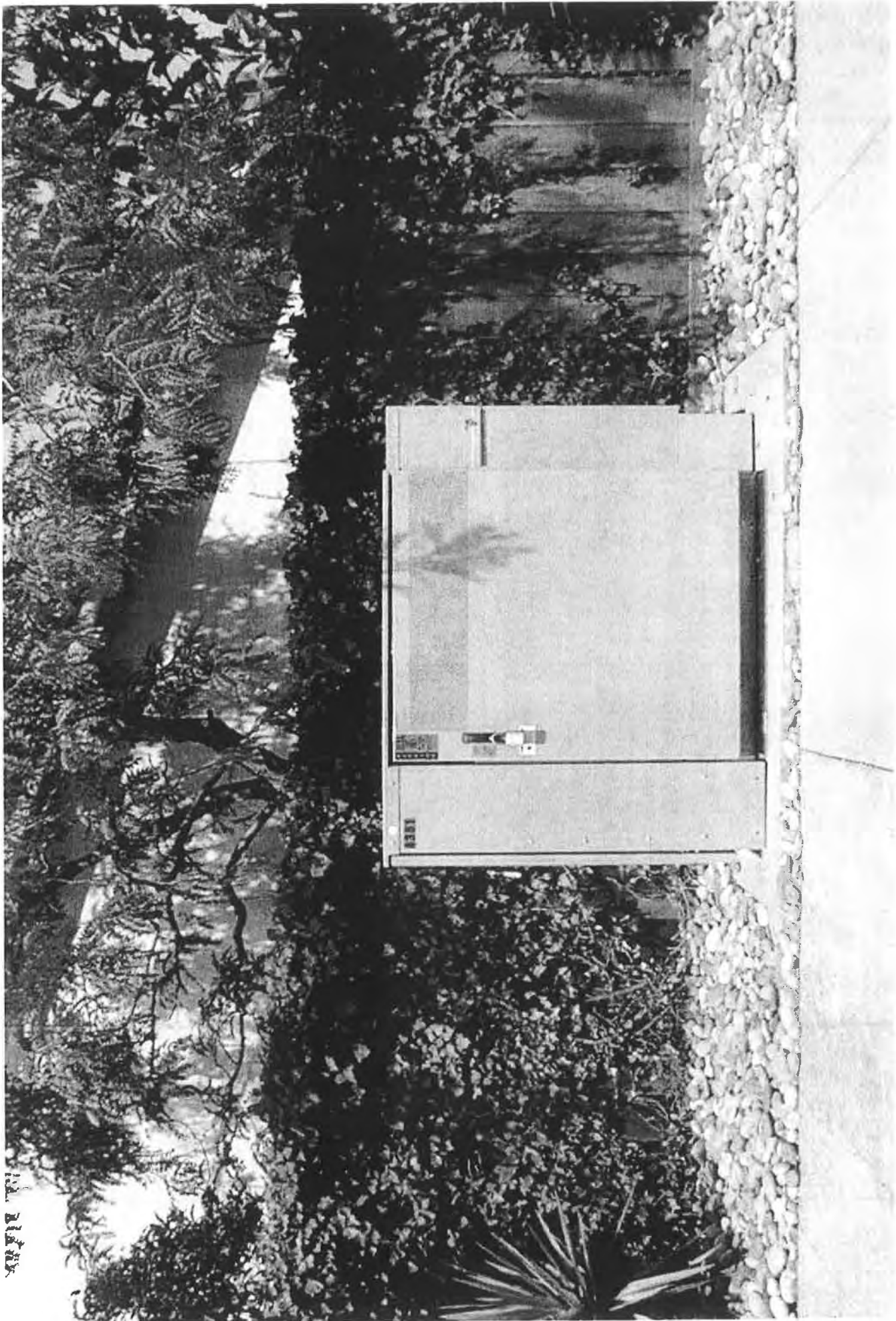
Additional Information

Location

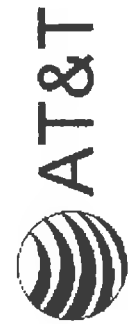
Location: Winding Way & Prague St, San Francisco, California, 94112 to Prague St & Winding Way
Location Type: Line
Location Size: 133 ft

Positions

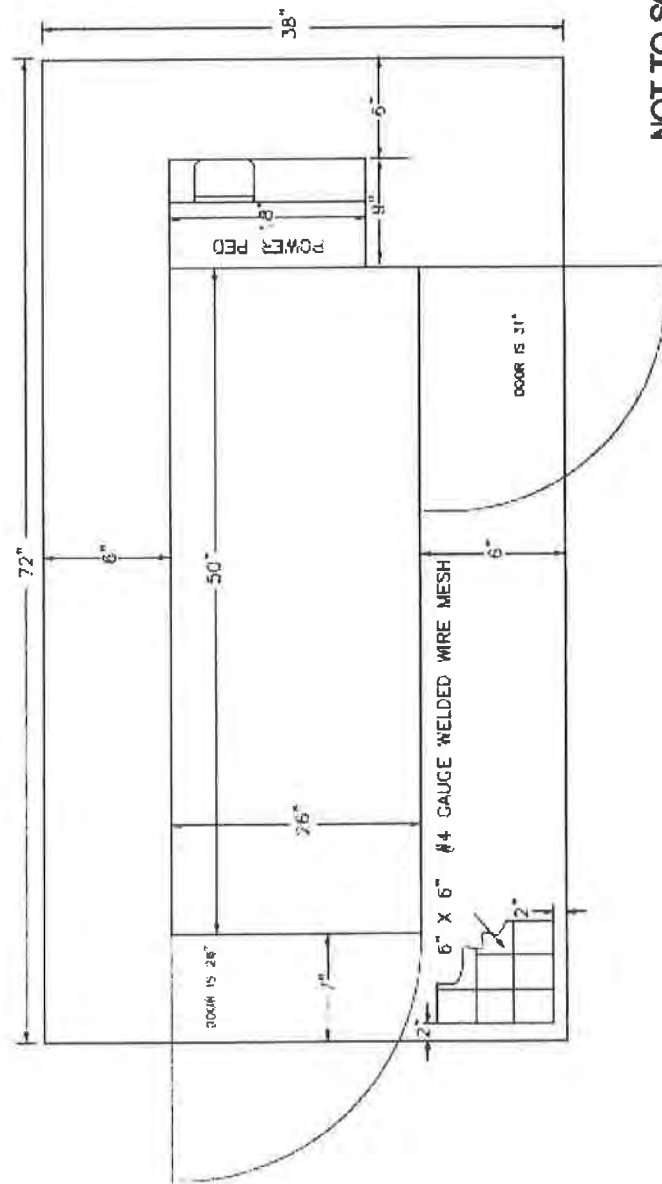
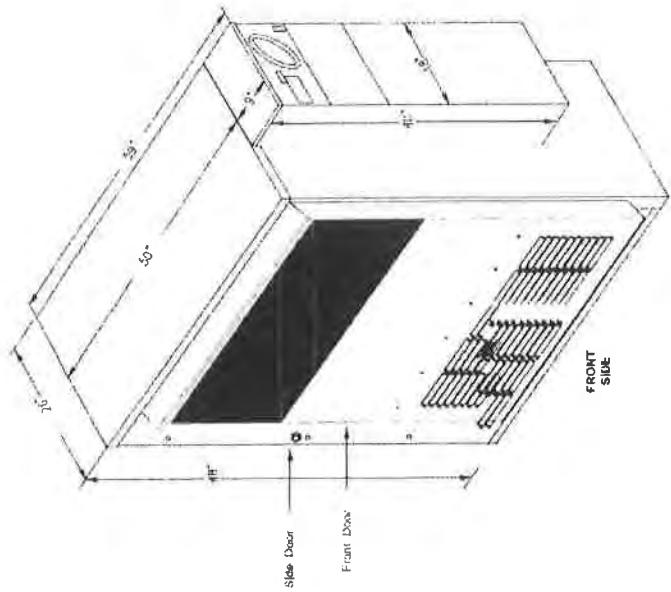




1000



TYPICAL 448S CABINET WITH POWER PEDESTAL SPECIFICATIONS



NOT TO SCALE

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

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

Easement Mailing List
Group 56

AT&T FILE	GROUP	NAMES	MAILING ADDRESS	PROPERTY ADDRESS	DATE SENT
SF06-432101, 9206478	56A	Pedro Garcia Rogelio Ramirez	339 Phelan Avenue, San Francisco, CA 94112-1303	339 Phelan Avenue	July 17, 2013
SF06-432101, 9206478	56A	Lee Wai Gae Yu Bao	594 Flood Avenue, San Francisco, CA 94112-1337	594 Flood Avenue	July 17, 2013
SF06-432101, 9206478	56A	Dora Aida Montalvo Dora Ida Montalvo 2003 Trust	1 Ridgewood Avenue, San Francisco, CA 94112-1356	1 Ridgewood Avenue	July 17, 2013
SF06-220101, 9078104	56B	Wai Pong Leung Ping Jin	695 London Street, San Francisco, CA 94112-3411	695 London Street	July 17, 2013
SF06-220101, 9078104	56B	Allen Jian Min Li	121 Italy Avenue, San Francisco, CA 94112-3515	121 Italy Avenue	July 17, 2013
SF06-220101, 9078104	56B	Steven G. M. Au Monika Liu M H	2127 Ocean Avenue, San Francisco, CA 94127-2707	700 London Street	July 17, 2013
SF06-230302, 9078110	56C	Mark C. Louie Ho Kim	392 Baltimore Way, San Francisco, CA 94112-4433	392 Baltimore Way	July 17, 2013
SF06-230302, 9078110	56C	Mariam Jajeh Mariam Jajeh Family Trust	399 Winding Way, San Francisco, CA 94112-4451	399 Winding Way	July 17, 2013
SF06-230302, 9078110	56C	Juanita B. Soriano Juanita Bamba Soriano Trust	400 Pope Street, San Francisco, CA 94112-4328	400 Pope Street	July 17, 2013
SF12-110711, 9206508	56D	NONE FEASIBLE (56D)			
SF12-121711, 9206532	56E	Richard L. Winger Jarrol Kunz	3201 Baker Street, San Francisco, CA 94123-1806	3201 Baker Street	July 17, 2013
SF12-121711, 9206532	56E	Robert H. O'Connor O'Connor Trust	330 Primrose Road, #201, Burlingame, CA 94010-4026	3159 Baker Street	July 17, 2013
SF12-121711, 9206532	56E	Nicholas & Janet Bijur	3166 Baker Street, San Francisco, CA 94123-1805	3166 Baker Street	July 17, 2013
SF12-121711, 9206933	56F	NONE FEASIBLE (56F)			



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

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

«Date_Mailed»

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

Dear Property Owner:

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

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

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

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

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

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

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

Thank you for your time and consideration.

Best regards,

Paul Lucq
Right of Way Agent

file: «DA_Job_Group», «Group»

Exhibit A-2f

Statements regarding AT&T placing facilities underground

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

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

Exhibit A-2g

Statement regarding the need to site the facility at this location

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

Exhibit A-2h

Statement regarding the collocation of AT&T facilities

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

Exhibit A-2i

Statements regarding the removal of existing Surface-Mounted Facilities

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

Exhibit B

Statement regarding compliance with placement guidelines

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



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

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF06-230302-9078110-56C

13SMF-0246

Date: **Enter date to be posted**

Dear San Francisco Resident:

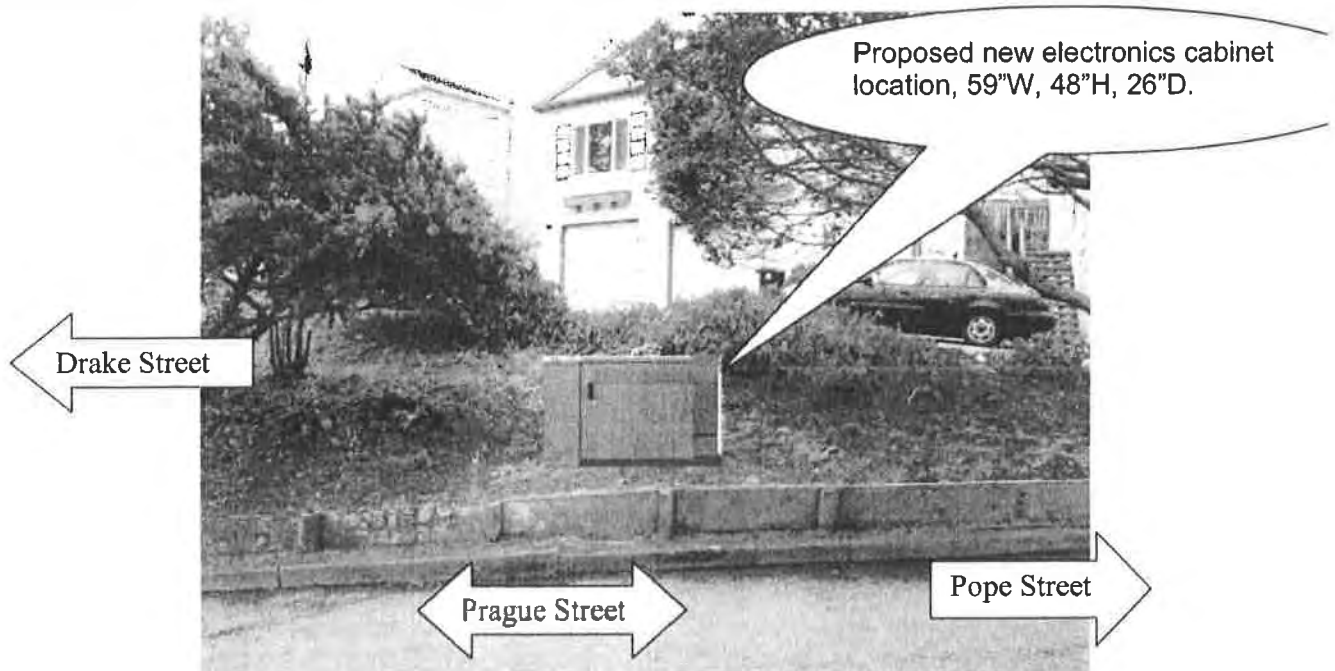
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **1149 Prague Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

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

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

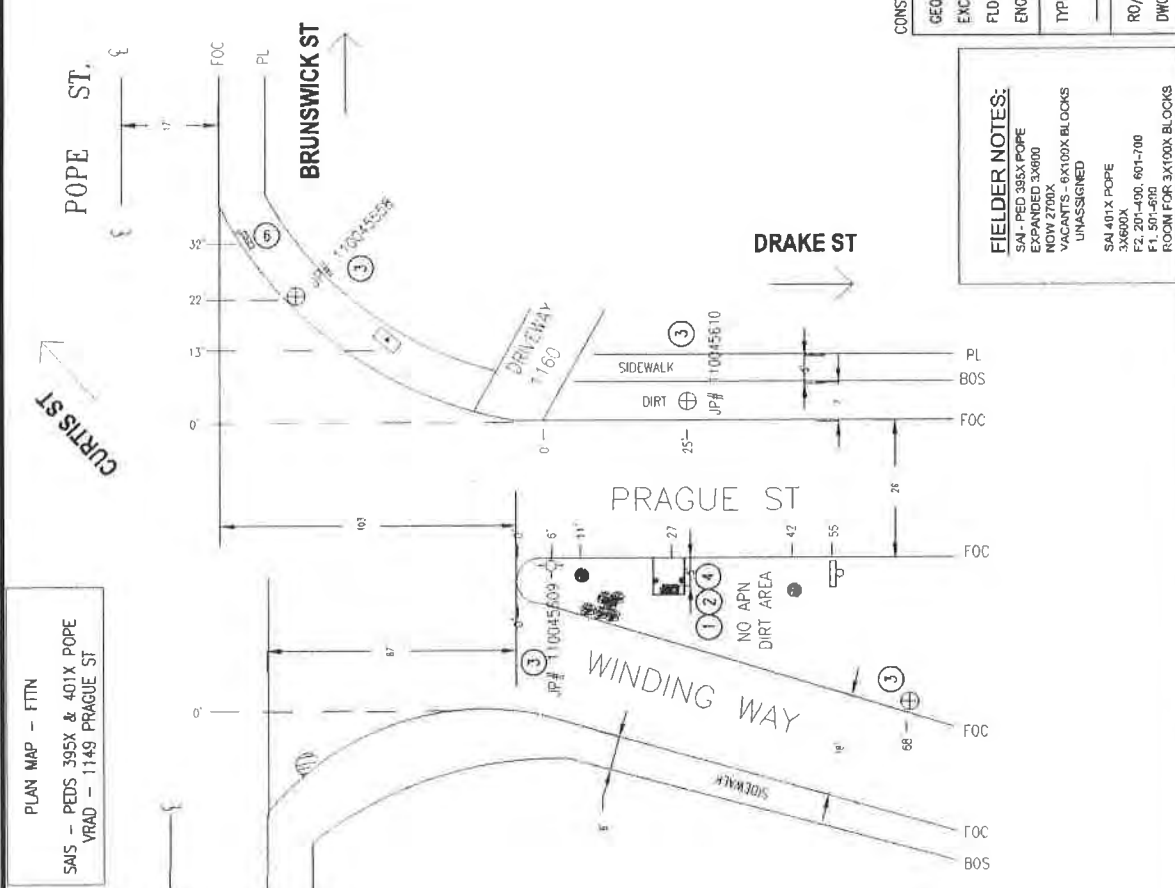
If you submit an objection, DPW may convene a hearing to determine whether the permit for placement of the SMF should be issued. DPW will commence any such hearing within 40 days after the receipt of any objections. You will have the opportunity to express your concerns about the SMF at the hearing should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

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



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

Last date to file an objection: **Enter 21 days after posting date**



- LEGEND**
- PROPOSED ROAD
 - PROPOSED CONDUIT
 - SEWER MAIN INTERFERENCE
 - FIRE HYDRANT
 - SHAWES/BUSHES/GRASS
 - CENTER LINE
 - PROPERTY LINE
 - POLE
 - FACE OF CURB
 - BACK OF SIDEWALK
 - TREE
 - PLANT BOX
 - ANCHOR & CUT
 - ATT SERVICE BOX
 - STANCHION
 - CABLE SERVICE BOX
 - STREET SIGN
 - TRAFFIC LIGHT
 - TRAFFIC LIGHT BOX
 - TRAFFIC LIGHT PEDESTAL
 - STREET LIGHT
 - STOP SIGN
 - PARKING METER
 - CURB BUSH

CONSTRUCTION NOTES:

- POUR IN PLACE 1-72"x38"x8" CONCRETE PAD FOR LOW PROFILE 448S VRAD CABINET (GREEN). CONSTRUCT RETAINING WALL TO PROTECT VRAD FROM SOILEROSION.
- PLACE LOW PROFILE 448S VRAD CABINET E/W 1-4 SLOT SHELF. CABLES WIRED FOR 2 SHELVES. PLACE AC POWER PEDESTAL MILBANK SERIES WITH MOUNTING BRACKET KIT. FLUSH MOUNTED ON THE RIGHT SIDE OF THE CABINET.
- POSSIBLE POWER SOURCE.
- VRAD CABINET EQUIPPED W/ INTEGRATED AC POWER PEDESTAL SHALL BE GROUNDED AS PER NEC CODE, SECTION 250.
- EXISTING ATT SAI - PED 401X POPE.
- EXISTING ATT SAI - PED 395X POPE.

APPROVAL NOTES:

- THIS DESIGN DETAIL PROVIDES THE FIBER DROP, COPPER CABLE AND SPlicing FOR PLACEMENT OF NEW VRAD.
- DUE TO CITY LIMITATIONS, A 448S IS BEING PLACED AT THIS TIME IN LIEU OF A 4460 WHICH THIS DA ULTIMATELY REQUIRES.

FIELDER NOTES:

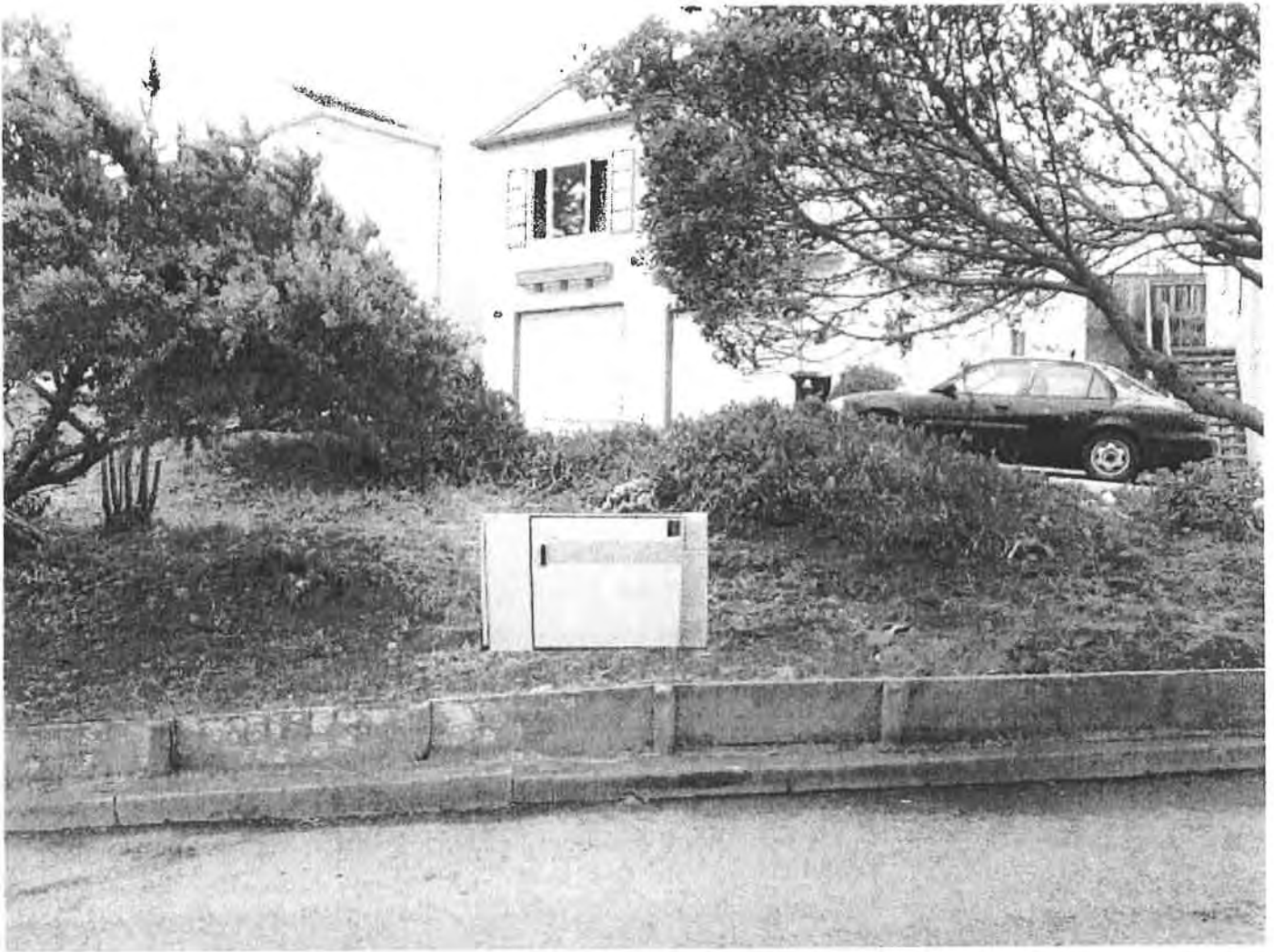
SAI PED 395X POPE
EXPANDED 3X600
NOW 2700X
VACANTS - R102X BLOCKS
UNASSIGNED

SAI 401X POPE
3X600X
F2, 201-400, 601-700
F1, 501-600
ROOM FOR 3X100X BLOCKS

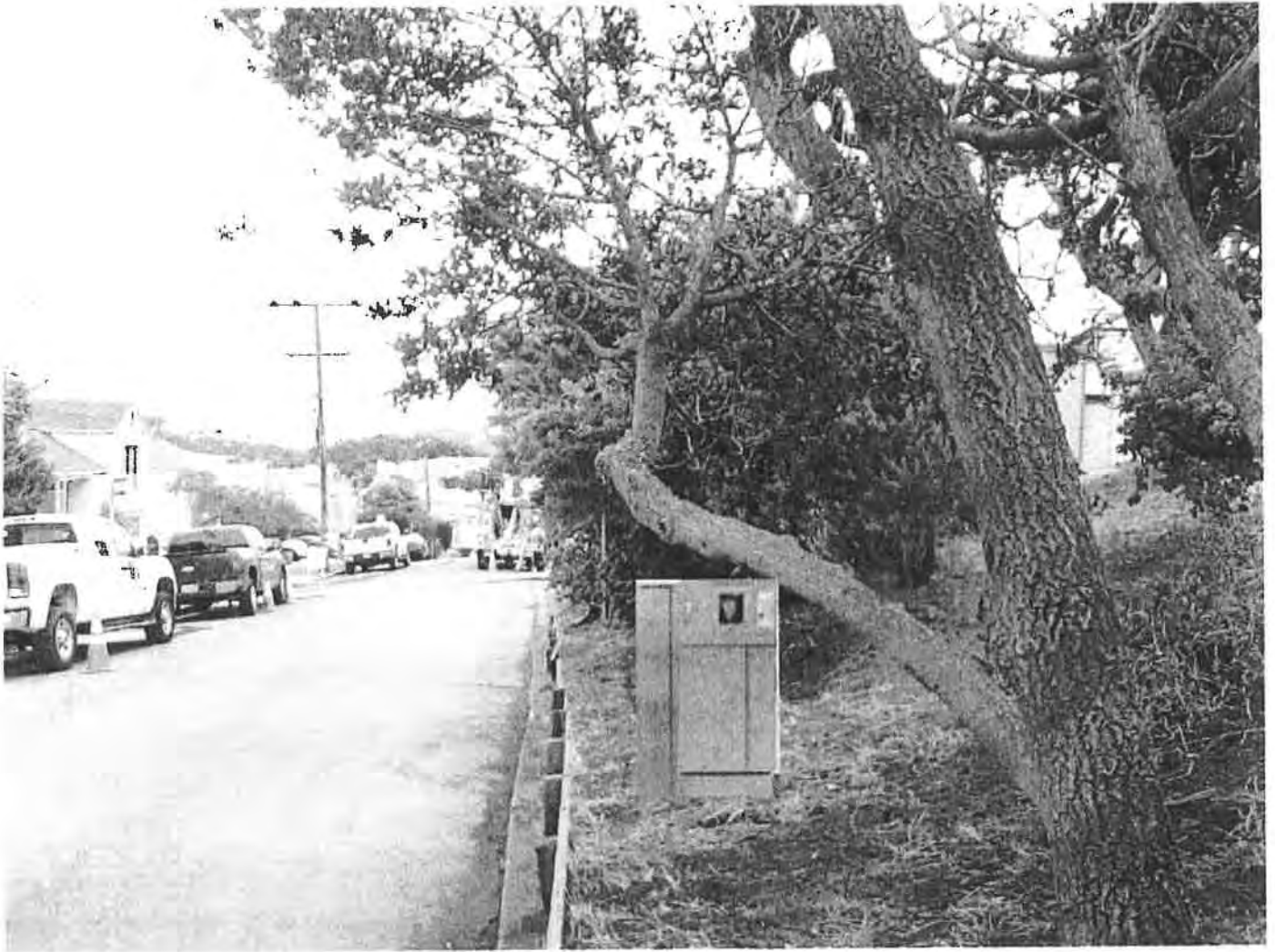
CONST. ARC. _____ **DATE** _____ **COMP.** _____

GEO/CO: R4-01
EMCH: SNECCA06
FLOR: PARAS TEL: _____
ENG. ARC: _____
TYPE OF CONST.: NODE PLACEMENT - PLAN MAP
RO/EST. NO.: 9078110
DWG. NO.: 1 OF 1 DC# 1

DA - 230202, 230301
LU - 638
N.T.S.



Looking south across Prague Street, toward the proposed location Pope Street is on the right, to the west.



Looking east along the south sidewalk/greenspace of Prague Street toward Drake Street.

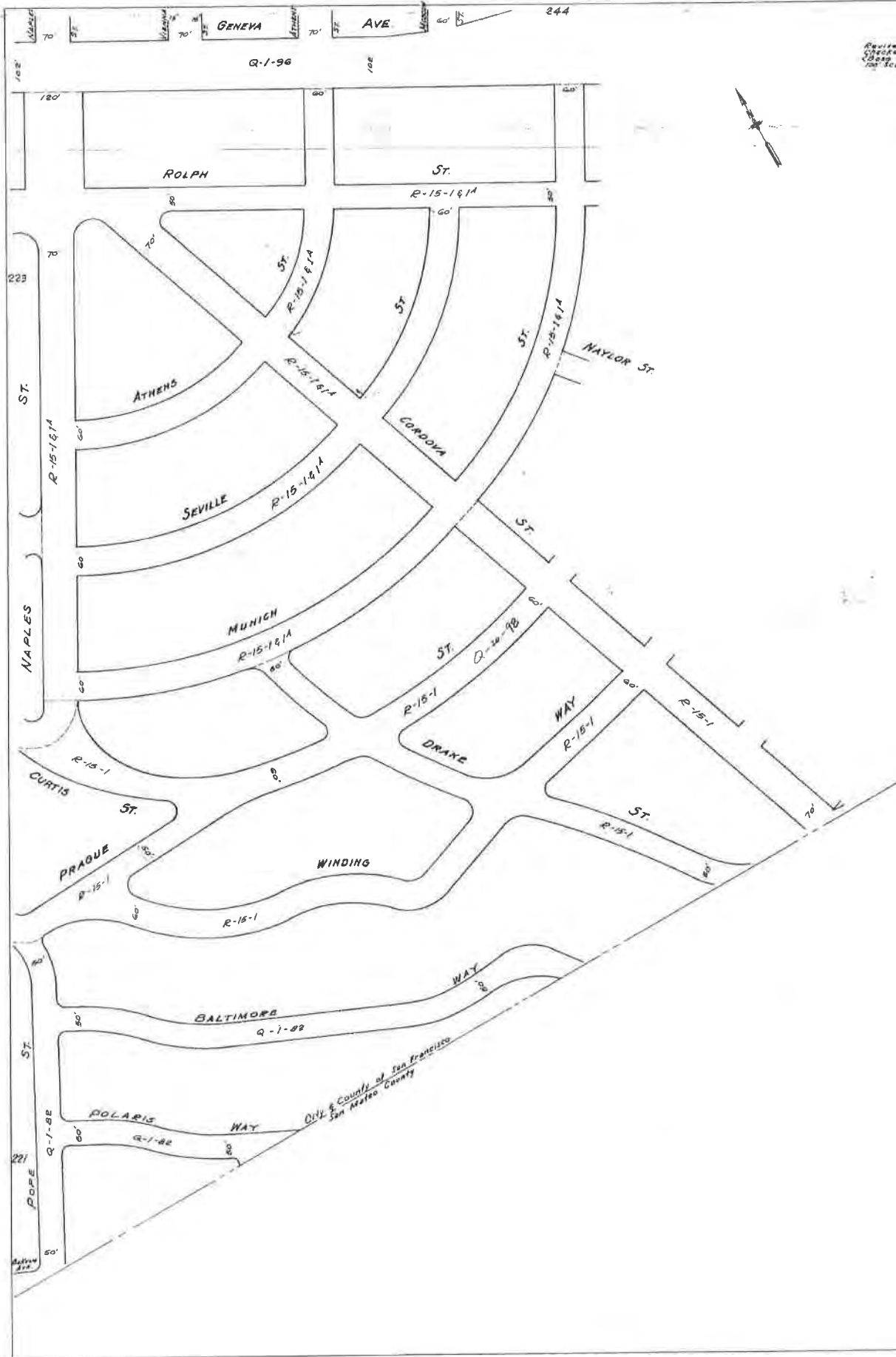


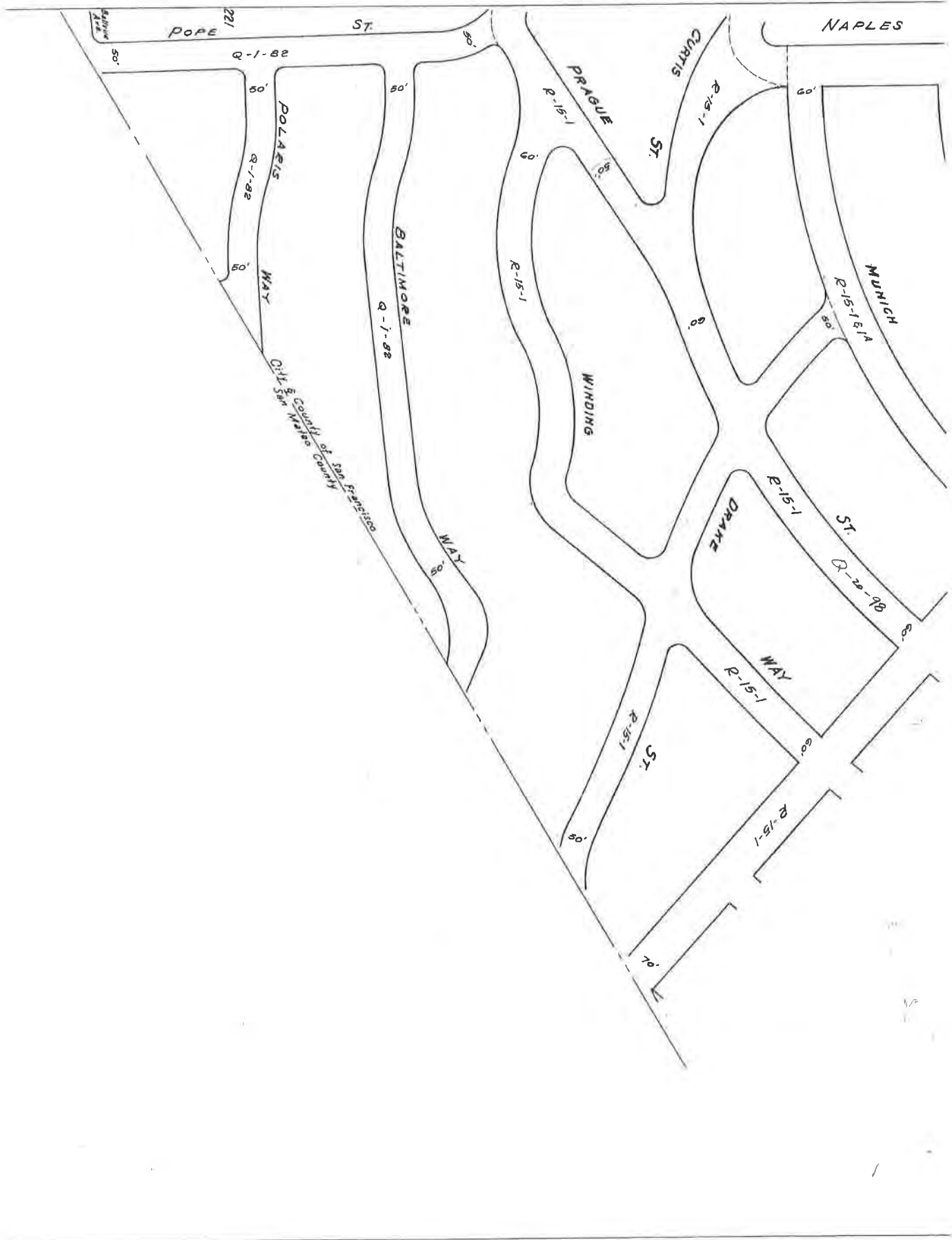
Looking west along the south sidewalk of Prague Street, toward Pope Street.



Looking north across Prague Street from the proposed site. Pope Street is on the left, to the west.

Reviewed Nov. 1968, S.J. Structural Nov. 1968, W.E.C. Copy also reproduced from old plans.





POPE ST. 221

NAPLES

Q-1-82

POLARIS

BALTIMORE

Q-1-82

WAY

CITY OF SAN FRANCISCO
COUNTY OF SAN FRANCISCO

WAY

PRAGUE

R-15-1

CURTIS

ST.

R-15-1

WINDING

R-15-1

MUNICH

R-15-1A

R-15-1

ST.

Q-20-98

DRAKE

WAY

R-15-1

ST.

R-15-1

R-15-1

70'

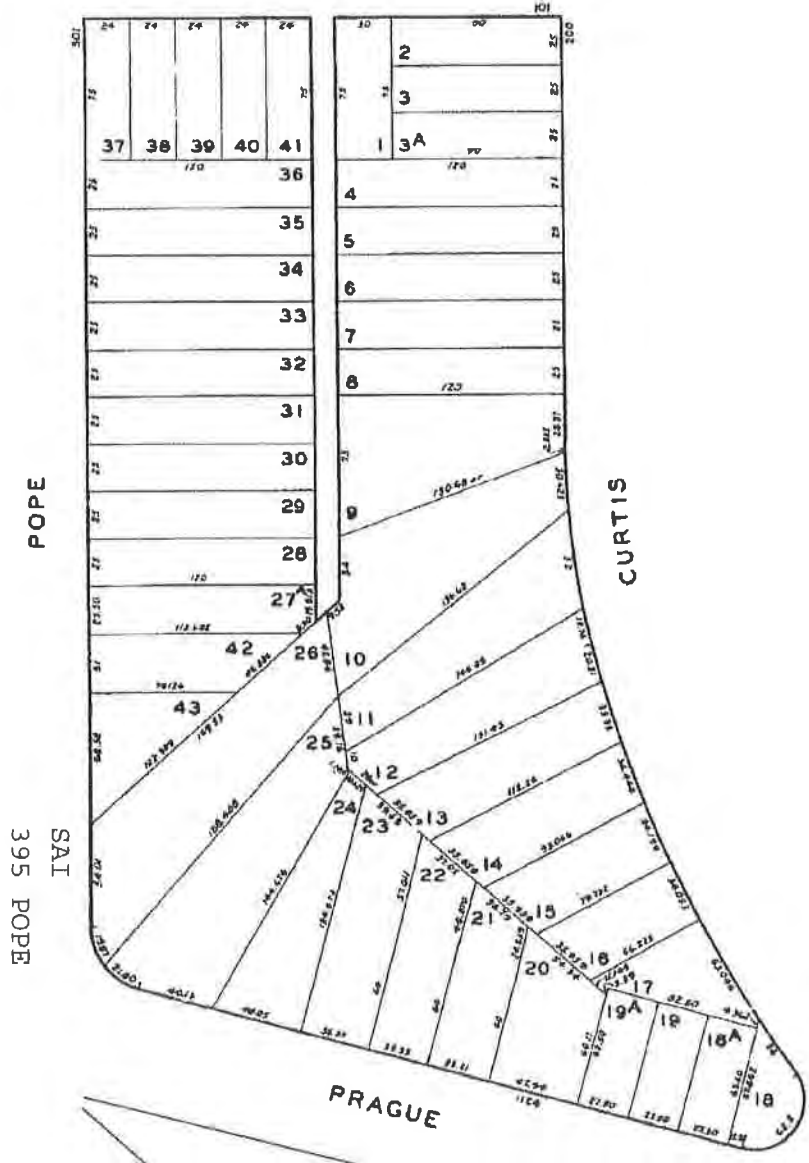
6484

SYND. 1ST ADDN. TO SF BLK.9
CROCKER AMAZON TR. BLK.31

REVISED '58



BRUNSWICK



POPE
SAI
395 POPE

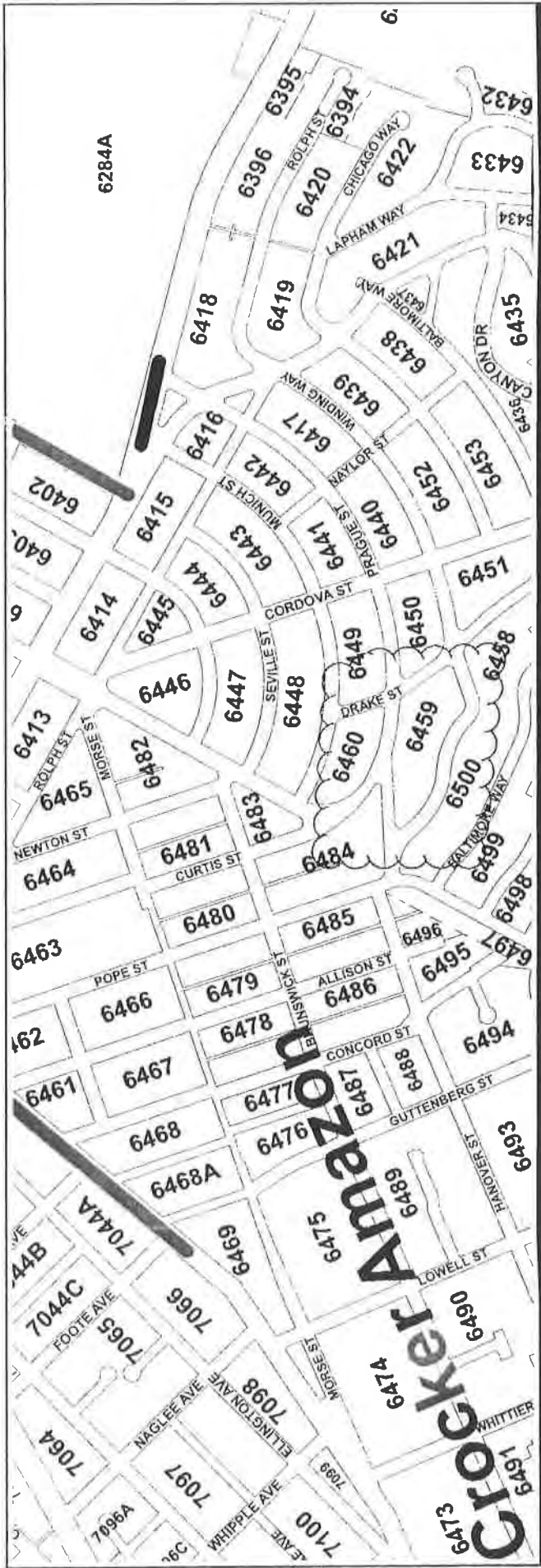
CURTIS

PRAGUE

VRAD

WINDING WAY

TOWARDS
SAI
401 POPE



City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

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

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

Location: **1149 Prague Street**

Cross Streets: Winding Way and Pope Street

Your file or job number: **SF06-230302, 9078110, 56C**

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

- Your application is approved, as submitted, with no additional requirements. You may apply for an excavation permit.
- Your application is approved, subject to the following **mitigation requirements**:
You may apply for an excavation permit.
- Refer to this number in your Excavation Permit application: **13SMF-0246**
- You may **not** apply for a permit at this site, your application is **denied** for the following reason(s):

Date: _____

René Lopez
Utility Permit Coordinator

EXHIBIT H
Application Deficiency Checklist

City and County of San Francisco

Department of Public Works



Bureau of Street-use and Mapping

SURFACE-MOUNTED FACILITY APPLICATION
DEFICIENCY NOTICE

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

Proposed Location: 1149 Prague Street (Group 56C) 13SMF-0246

The application package is deficient for the reasons indicated below and is returned to: _____

On: _____ By: _____ Tel No. _____

1. **Transmittal letter** is missing the following information:
 - a. Identification of proposed location of Surface Mounted Facility (SMF)
 - b. Type of cabinet (include specification if not on file with the Department of Public Works)
 - c. Date of site visit
 - d. Name, address, telephone number, facsimile number and e-mail address for contact person.
 - e. Other:

2. **Detailed Drawing** is missing the following information:
 - a. Street name
 - b. Name of cross streets
 - c. Face of curb (FOC)
 - d. Property lines (PLs)
 - e. Distance from FOC to face of the SMF
 - f. Distance from FOC to PLs
 - g. Distance from FOC to back of the SMF
 - h. Locations of existing above-ground street furniture (utility poles, bus shelters, fire hydrants, garbage receptacles, parking meters, etc) and distance from the proposed location of the SMF.
 - i. Locations of existing underground utility facilities (vaults, manholes, handholds, meters, etc.) and distance from the proposed location of the SMF.
 - j. Distance from nearest cross street to the SMF.
 - k. Other:

3. **Photographs of the SMF** in the proposed location is missing the following:
 - a. Front view of the SMF
 - b. Side view of the SMF
 - c. View of the SMF in relation to the nearest building or other structure
 - d. Other:

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

EXHIBIT I



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

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

August 23, 2013

EXHIBIT F - a

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

Location: 1149 Prague Street, south side, east of Pope Street

DPW File: **13SMF-0246**

LETTER OF TRANSMITTAL
PROPOSED SURFACE MOUNTED FACILITY

Enclosed are:

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

Comments: Revisions per DPW's comments

File: SF06-230302; 9078110; Group: **56C**



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

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF06-230302-9078110-56C

13SMF-0246

Date: **Enter date to be posted**

Dear San Francisco Resident:

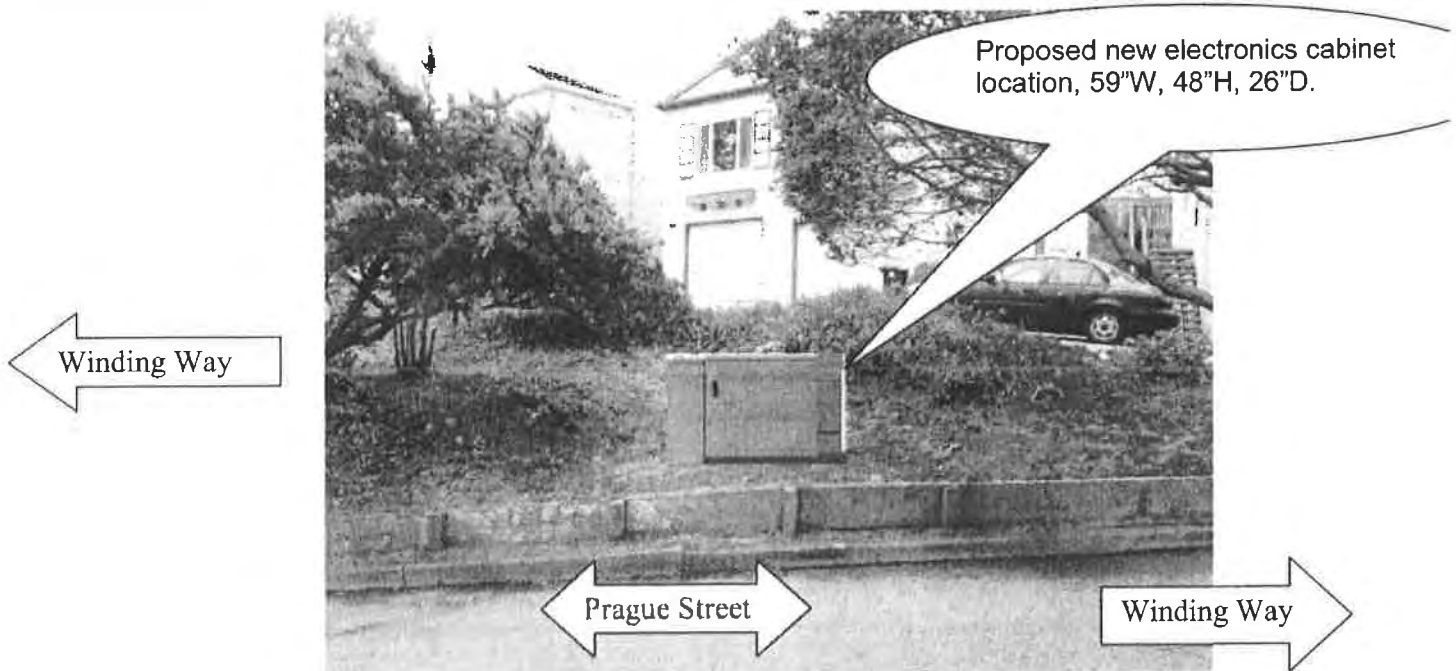
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **1149 Prague Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

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

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

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

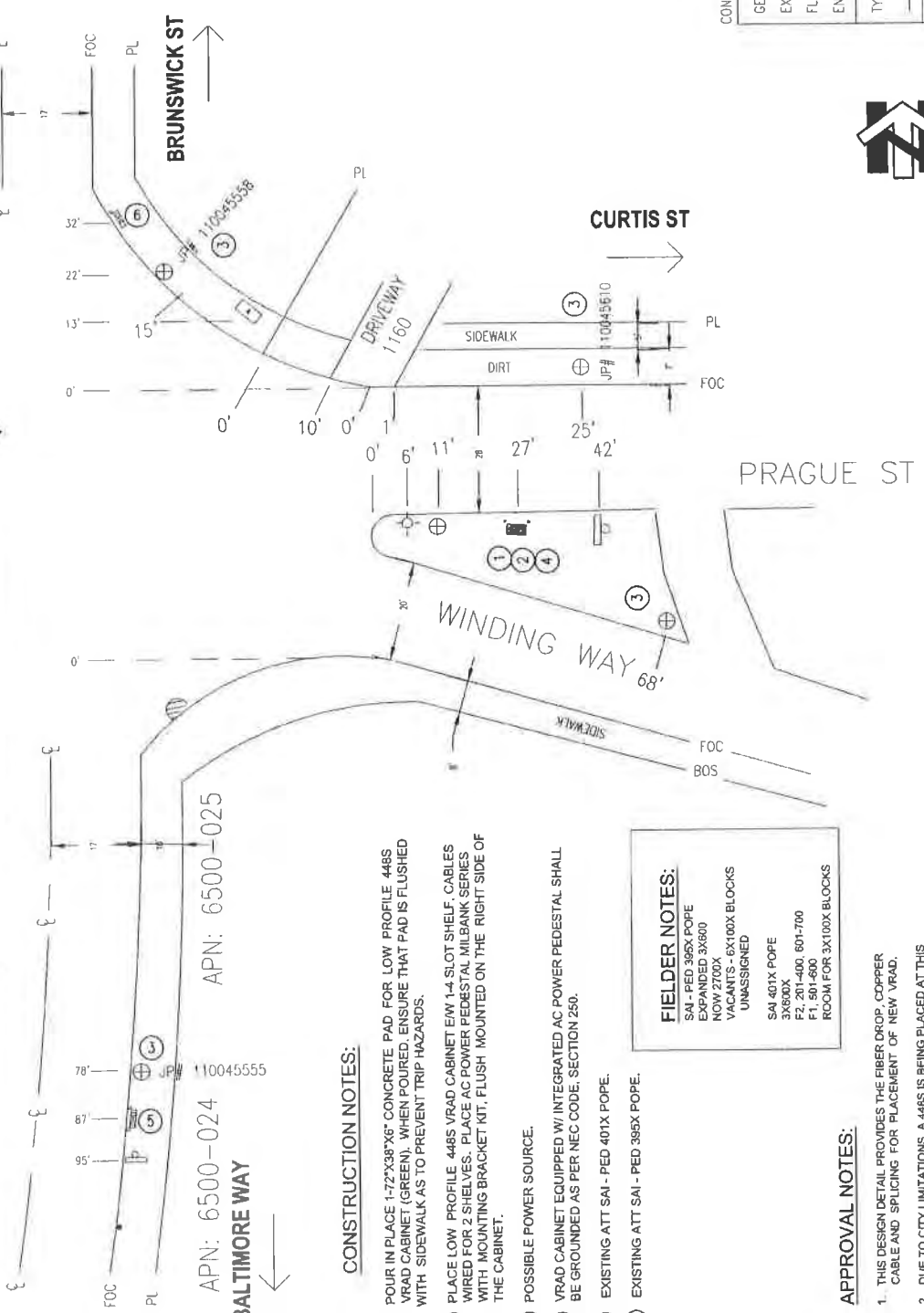
The new cabinet is 59 inches wide, 48 inches tall and 26 inches deep.



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

Last date to file an objection: **Enter 21 days after posting date**

PLAN MAP - FTIN
 SAs - PEDS 395X & 401X POPE
 VRAD - 1149 PRAGUE ST



- LEGEND**
- PROPOSED VRAD
 - PROPOSED CONDUIT
 - SEWER AREA INTERFACE
 - FIRE HYDRANT
 - SHRUBS/BUSHES/GRASS
 - C/L
 - P/L
 - FOC
 - BACK OF SIDEWALK
 - FACE OF CURB
 - PROPERTY LINE
 - PAVE
 - BOSS
 - TREE
 - POPE BOX
 - ANCHOR & OUT
 - ATT SERVICE BOX
 - STANCHION
 - CABLE SERVICE BOX
 - STREET SIGN
 - TRAFFIC LIGHT
 - TRAFFIC LIGHT BOX
 - TRAFFIC LIGHT PEDESTAL
 - STREET LIGHT
 - STOP SIGN
 - PARKING METER
 - CATCH BASIN

DA - 230202, 230301
 LU - 638

CONST - ARC _____ DATE _____
 COMP _____

GEO/CO:	R4-01
EXCH:	SNFCCA06
FLOOR:	PARAS
ENC. ARC:	TEL:
TYPE OF CONST: NODE PLACEMENT PLAN MAP	
RO/EST NO:	9078110
DWG NO:	1 OF 1 DC# 1



N.T.S.

CONSTRUCTION NOTES:

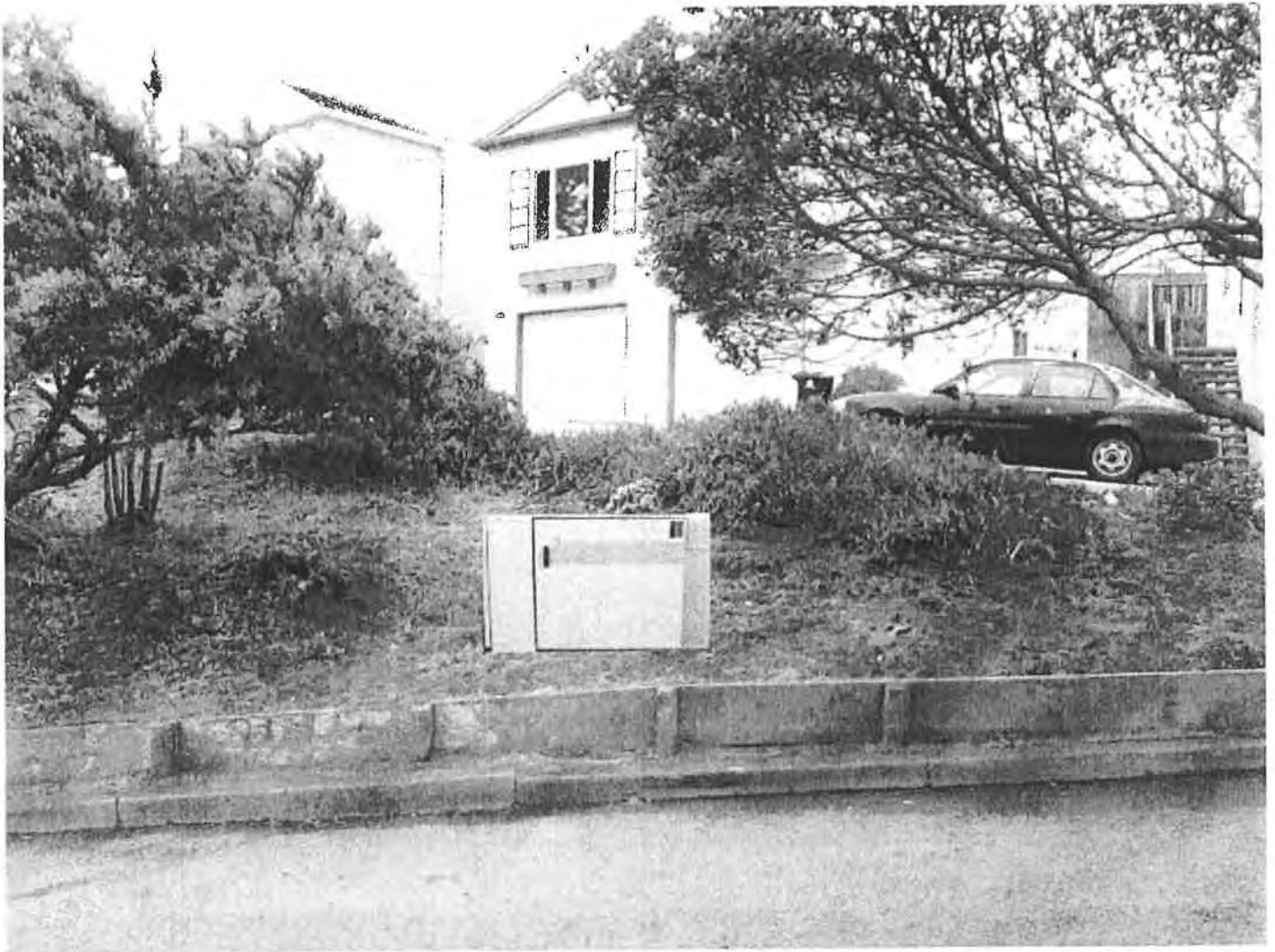
1. POUR IN PLACE 1-22'X38'X6" CONCRETE PAD FOR LOW PROFILE 448S VRAD CABINET (GREEN). WHEN POURED, ENSURE THAT PAD IS FLUSHED WITH SIDEWALK AS TO PREVENT TRIP HAZARDS.
2. PLACE LOW PROFILE 448S VRAD CABINET W/ 1-4 SLOT SHELF. CABLES WIRED FOR 2 SHELVES. PLACE AC POWER PEDESTAL MILBANK SERIES WITH MOUNTING BRACKET KIT, FLUSH MOUNTED ON THE RIGHT SIDE OF THE CABINET.
3. POSSIBLE POWER SOURCE.
4. VRAD CABINET EQUIPPED W/ INTEGRATED AC POWER PEDESTAL SHALL BE GROUNDED AS PER NEC CODE, SECTION 250.
5. EXISTING ATT SAI - PED 401X POPE.
6. EXISTING ATT SAI - PED 395X POPE.

FIELDER NOTES:

SAI - PED 395X POPE
 EXPANDED 3X600
 NOW 2700X
 VACANTS - 6X100X BLOCKS
 UNASSIGNED
 SAI 401X POPE
 3X600X
 F2, 2011-400, 601-700
 F1, 501-600
 ROOM FOR 3X100X BLOCKS

APPROVAL NOTES:

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



Looking south across Prague Street, toward the proposed location Winding Way is on the right, to the west.



Looking east along the south sidewalk/greenspace of Prague Street toward Winding Way.



Looking west along the south sidewalk of Prague Street, toward Pope Street/Winding Way.



Looking north across Prague Street from the proposed site. Pope Street/Winding Way is on the left, to the west.

EXHIBIT J



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

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

February 10, 2014

EXHIBIT F - a

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

Location: 1149 Prague Street, south side east of Pope Street
DPW File: **13SMF-0246**

LETTER OF TRANSMITTAL
PROPOSED SURFACE MOUNTED FACILITY

Enclosed are:

- Exhibit A Pre-site visit checklist
- Exhibit A-2a Five-year plan documentation for this site
- Exhibit A-2b Cabinet size plan (footprint and clearance plans)
- Exhibit A-2c Private property mailing letter to property owners mailing list
- Exhibit A-2d1 Private property mailing sample letter seeking easements to property owners
- Exhibit A-2d2 Private property mailing date verification, date mailed:
- Exhibit A-2e Responses from Property Owners
None received by AT&T
- Exhibit MOU-1 Mailing list of owners and residents within 300 feet
Date mailed: September 19, 2013
- Exhibits A-2f-B Verification of policy compliance (undergrounding, collocation, etc.)
- Exhibit C-1b Directory of Neighborhood Organizations list
- Exhibit C-1c City Department Notices for special districts
Crocker Amazon and City wide mailed on September 19, 2013
- Exhibit E Neighborhood Notice (per sec C-2)
- Exhibit F-b Site Drawing
- Exhibit F-c Photos of site
- Exhibit F-c1 Assessors Parcel Map, Grade Map, and vicinity map
- Exhibit F-d Location of SMF to be removed
N/A
- Exhibit G Approval or denial of site Notice to Applicant
Form attached but it is understood that approval will be online
- Exhibit H Application Deficiency Notice

Comments: Request Final Approval to apply for excavation permit per Directors Decision #182164
File: SF06-230302; 9078110; Group: **56C**

APN	Owner Name (First Name First)	Mail Care Of Name	Mail Address	Mail City/State/ZIP/ZIP+4 DWL
6459-012	DELAGRUZ & TERESITA R GENEROSO		364 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-013	TAMI MARY RESIDENT		368 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-014	ROBERT A ESCOBAR RESIDENT		372 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-015	NATIONSTAR MTG LLC		23572-PARROTS FERRY RD COLUMBIA CA 95310	SAN FRANCISCO CA 94112-4452
6459-016	DAVID S JONDRO		378 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-017	LI XIU YI		350 HIGHLAND DR	LEWISVILLE TX 75067-4177
6459-018	SANDIP GHOSH		386 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-019	PATRICK R GOMES RESIDENT		398 WINDING WAY	SAN FRANCISCO CA 94112-4452
6459-020	JOEL HALVERSON		1087 PRAGUE ST	SAN FRANCISCO CA 94112-4448
6459-022	GRANT PRESTON		1079 PRAGUE ST	SAN FRANCISCO CA 94112-4448
6459-038	SHANNON GLADYS 1994 TRUST THE RESIDENT	GLADYS I SHANNON	1071 PRAGUE ST	SAN FRANCISCO CA 94112-4448
6484-018	CORPUZ/ARELLANO ZALHDEE		1542 DOLORES ST	SAN FRANCISCO CA 94110-4913
6484-018A	CHARLES SNYDER		1057 PRAGUE ST	SAN FRANCISCO CA 94112-4448
6484-019	ALFONSO & DONALD GARDUNO RESIDENT		1051 PRAGUE ST	SAN FRANCISCO CA 94112-4448
6484-019A	BENEDICTY TRUST/BENEDICTY AMY RESIDENT		1100 PRAGUE ST	SAN FRANCISCO CA 94112-4450
6484-020	GOPALACHARI & SARASWATHY RAMAN		341 DARLEY DR	VALLEJO CA 94591-8516
6484-021	MARTIN MERINO RESIDENT		1106 PRAGUE ST	SAN FRANCISCO CA 94112-4450
6484-022	PEARL MASUDA		1112 PRAGUE ST	SAN FRANCISCO CA 94112-4450
6484-023	JAY BALDWIN RESIDENT		1118 PRAGUE ST	SAN FRANCISCO CA 94112-4450
6484-024	NANCY P BARSOOTTI		235 BERRY ST #702	SAN FRANCISCO CA 94158-1650
6484-025	DAVID D LOWERY		1124 PRAGUE ST	SAN FRANCISCO CA 94112-4450
6484-026	IONE CARMINATI RESIDENT	IONE CARMINATI	9627 BROADMOOR DR	SAN FRANCISCO CA 94583-3503
6484-043	DOLORES MORALES RESIDENT		1134 PRAGUE ST	SAN FRANCISCO CA 94112-4450
			1142 PRAGUE ST	SAN FRANCISCO CA 94112-4450
			PO BOX 2372	DANVILLE CA 94526-7372
			1150 PRAGUE ST	SAN FRANCISCO CA 94112-4450
			1160 PRAGUE ST #A	SAN FRANCISCO CA 94112-4450
			1160 PRAGUE ST	SAN FRANCISCO CA 94112-4450
			1170 PRAGUE ST	SAN FRANCISCO CA 94112-4450
			395 POPE ST	SAN FRANCISCO CA 94112-4325
			385 POPE ST #A	SAN FRANCISCO CA 94112-4325
			385 POPE ST	SAN FRANCISCO CA 94112-4325
			290 ALTA VISTA WAY	DALY CITY CA 94014-1404

SF Group 56C 9078110
401 Pope St

6485-014	QING HUA	378 POPE ST	SAN FRANCISCO CA 94112-4326
6485-015	ERIC & JANE DIAZ	2 HANOVER ST	SAN FRANCISCO CA 94112-4318
6485-016	LI JONATHAN	10 HANOVER ST	SAN FRANCISCO CA 94112-4318
	RESIDENT	19 HANOVER ST	19 HANOVER ST
6496-012	LEUBBEN LIVING TRUST	7 CADIZ CT	PACIFICA CA 94044-3402
6497-001	JUANITA BAMBIA SORIANO	400 POPE ST	SAN FRANCISCO CA 94112-4328
6497-002	CHAN & QUACH	404 POPE ST	SAN FRANCISCO CA 94112-4328
6497-003	MARJORIE H HAVER	408 POPE ST	SAN FRANCISCO CA 94112-4328
6500-025	MARIAM JAJEH	399 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-026	WEN D W & ZHAN Y YU	395 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-027	LEONORA R LOPEZ	391 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-028	AN T LAM	387 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-029	SUSAN & SEU P FUNG	385 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-030	ERNESTO & PASTORA PUJOL	381 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-031	CHRISTIAN D & OLIVIA A ADAMS	379 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-032	JAMIE MICHELE TRETHERWAY	375 WINDING WAY	SAN FRANCISCO CA 94112-4451
	RESIDENT	373 WINDING WAY	SAN FRANCISCO CA 94112-4451
6500-033	PETER T DOAN	367 FAXON AVE	SAN FRANCISCO CA 94112-2215

Crocker Amazon

NAME	COMPANY	ADDRESS	CITY, STATE, ZIP
May Wong	Excelsior District Improvement Assoc.	PO Box 12005	San Francisco, CA 94112-0005
John Avalos	Board of Supervisors	1 Dr. Carlton B. Goodlett Pl, Rm #244	San Francisco, CA 94102-4689

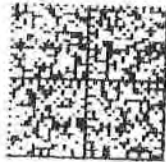
Citywide Group

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

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



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



U.S. POSTAGE PINNEY BOWES



ZIP 94577 \$000.46⁰
02 1W
0001372535 SEP 19 2013

CONSTRUCTION NOTICE

ROBERT A ESCOBAR
23572-PARROTS FERRY RD
COLUMBIA C

SF 9078110 56C

VOKDJSW00

NIXIE 957 FE 1009 0009/24/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 94583500000 *0505-04467-18-42

94583050001

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: 182164

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 1149 Prague Street (13SMF-0246)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **August 2, 2013** the applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface Mounted Facility (SMF) at the above referenced locations. If approved, the applicant will file for an excavation permit to install the SMFs.
2. On **September 19, 2013**, the applicant mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **six (6)** objection to the application during the 20 day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections included:
 - a. Cabinet will harm wildlife in the area.
 - b. Cabinet will attract graffiti and trash.
 - c. Cabinet is an eyesore to the community.
 - d. Too many AT&T cabinets in the area already.
 - e. Cabinet will negatively impact property values.
 - f. Cabinet is too large.
 - g. Notice of Intent does not provide sufficient information.
4. On **January 6, 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 application stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits DPW Order No. 175,566.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **August 2, 2013** and two (2) members of the community that were invited attended. It was interpreted that the community preferred the cabinet to be installed in the existing landscaping.



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

7. At the hearing, four (4) members of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **1149 Prague Street**. The objectors' testimony included:
 - a. Cabinets attract graffiti and trash.
 - b. AT&T needs to condense cabinets as population of community using landline is diminishing.
 - c. Cabinets should be undergrounded.
 - d. Notice of Intent provides a disproportional picture.
 - e. Prefer the cabinet on Winding Way.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility **13SMF-0246**, in the vicinity of **1149 Prague 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 the technical merits of DPW Order No. 756,566.
3. The applicant, AT&T, could install the surface-mounted facility in other acceptable locations that may have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the surface-mounted facility.
4. The Director of Public Works has reviewed the Hearing Officer's recommendation. The Director of Public Works hereby adopts the hearing officer's recommendation.

APPEAL PROCESS: This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW's issuance of an Excavation Permit to install surface mounted facilities **13SMF-0246 in the vicinity of 1149 Prague 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>



2/4/2014

2/6/2014

X



Sanguinetti, Jerry
Bureau Manager

X



Swells, Fuad
Deputy Director and City Engineer

2/6/2014

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW





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

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF06-230302-9078110-56C

13SMF-0246

Date: **September 19, 2013**

Dear San Francisco Resident:

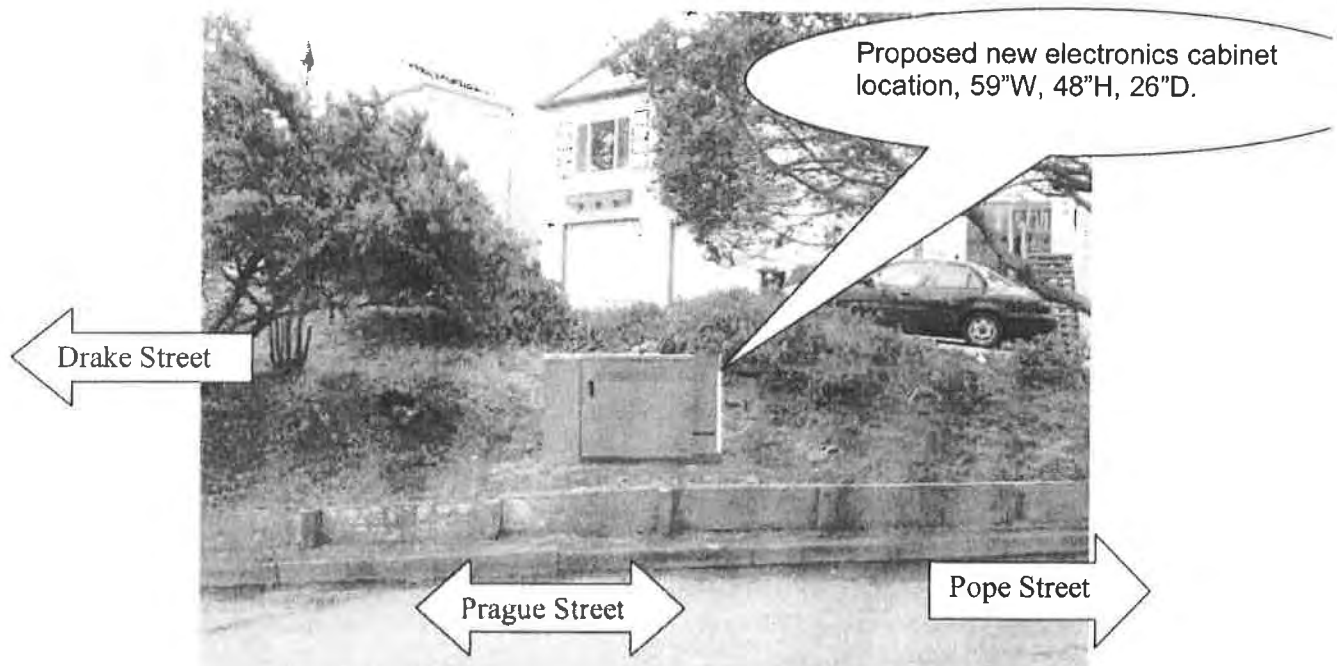
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **1149 Prague Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

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

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

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

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



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

Last date to file an objection: **October 10, 2013**

City and County of San Francisco



Department of Public Works

Bureau of Street-use and Mapping

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

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

Location: **1149 Prague Street**

Cross Streets: Winding Way and Pope Street

Your file or job number: **SF06-230302, 9078110, 56C**

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

- Your application is approved, as submitted, with no additional requirements. You may apply for an excavation permit.
- Your application is approved, subject to the following **mitigation requirements**:
You may apply for an excavation permit.
- Refer to this number in your Excavation Permit application: **13SMF-0246**
- You may **not** apply for a permit at this site, your application is **denied** for the following reason(s):

Date: _____

René Lopez
Utility Permit Coordinator

EXHIBIT K



RULES OF THE BOARD OF APPEALS

ARTICLE I – OFFICERS AND TERMS OF OFFICE

Section 1. The President and Vice President shall be elected at the first regular meeting of the Board held after the 15th day of January of each year, or at a subsequent meeting after the 15th day of January. They shall hold office for one year at the pleasure of the Board, and until their successors are elected.

Section 2. The Board at any regular or special meeting shall appoint an Executive Secretary, who shall hold office at the pleasure of the Board and shall serve as Department Head of the Board of Appeals.

ARTICLE II – DUTIES OF OFFICERS

Section 1. The President shall preside at all meetings of the Board, and shall perform all other duties necessary or incidental to his or her office.

Section 2. In the event of the incapacity or absence of the President, the Vice President shall take the place and perform the duties of the President.

Section 3. It shall be the responsibility of the Presiding Officer to assure a fair hearing to all parties, and that these Rules as adopted are adhered to. It shall be the responsibility of the majority of the Board that the duties of the President and Vice President are properly exercised.

Section 4. The Executive Secretary shall serve as administrative head of the department and shall have responsibility for all activities of the department. He or she shall direct and supervise the personnel of the department and shall plan, assign, coordinate and review the work and activities of the department. He or she shall allocate the time, personnel and funds of the department and shall be responsible for the administration of all regulatory measures entrusted to the department. He or she shall make investigations and reports of the Board's hearings and official actions, and shall certify all Notices of Decision and Order and all documents relating to

the department. He or she shall examine incoming mail for proper referral and answer correspondence, shall maintain records of accounts and departmental operations, and shall verify payrolls and requisitions. The Executive Secretary shall prepare an agenda for each regular meeting, showing the names of the parties and the nature of the order or decision from which an appeal has been taken.

ARTICLE III – MEETINGS

Section 1. Regular Meetings. Regular meetings shall be open to the public and shall be held as scheduled on Wednesdays at 5:00 p.m. in the Board hearing room provided in City Hall.

Section 2. Special Meetings. Subject to the provision of appropriate notice, the President or a majority of Board members may call a special meeting at any time.

Section 3. Meeting Cancellation. The President may cancel any regular or special meeting when notified by the Executive Secretary that there is insufficient business to be conducted or that a quorum (i.e., three Members) will not be in attendance. The Executive Secretary shall notify Board members, parties and members of the public as soon as reasonably possible that the meeting has been cancelled, and shall cause a notice of the cancelled meeting to be conspicuously posted on or near the door of the meeting place prior to the scheduled time of the meeting.

Section 4. Notice of Hearing. When an appeal is filed, the Executive Secretary shall mail notice of the initial hearing to the parties. Announcement at a public hearing of the time and place to which a hearing is rescheduled or continued shall be deemed sufficient notice and no mailed notice shall be required for any such rescheduled or continued hearing.

Section 5. Order of Agenda. Requests for jurisdiction and for rehearing, and matters for further hearing shall generally be considered first on the agenda. At the President's discretion, the ordering of items on the published agenda or the order in which the Board takes up items at any meeting may differ depending upon the circumstances.

Section 6. Order of Presentations. Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows:

(a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order.

(b) In all cases, the Board may request a departmental response at its own discretion.

(c) In cases of multiple appeals of the same departmental action or permit, the appeals shall be joined and the appellants shall each be allowed seven minutes to present relevant testimony and evidence and three minutes for rebuttal. The President shall set the amount of time given to the respondent(s) and other parties, as circumstances warrant and in the interest of fairness, but shall allow no less than seven minutes to present relevant testimony and evidence and three minutes for rebuttal.

(d) Public Comment.

(i) Persons who are not parties to an appeal or representatives of a party may speak once for up to three minutes during the public comment portion of the hearing. The Presiding Officer may limit public comment on an agenda item to less than three minutes per speaker based on such factors as the nature of the agenda item, the number of anticipated speakers for that item, and the number and anticipated duration of other agenda items. Board staff shall provide speaker cards for those intending to speak during public comment to assist in maintaining decorum in the hearing room and to aid in the preparation of Board minutes. The completion of a speaker card is not required; members of the public may speak anonymously.

(ii) Representatives of a party shall address the Board during that party's allotted time and may not also speak during public comment. Representatives are persons with a financial or other close connection to a party, such as family or household members; architects, attorneys, engineers, or similar paid advisors or agents; and, in appeals where an association or organization is a party, officers or board members of the governing board of the association or organization.

Section 7. General Public Comment. On each agenda, there will be time set aside for members of the public to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board and do not relate to a matter calendared on the agenda

for hearing. Each member of the public may address the Board for up to three minutes. (California Government Code §54954.3(a); S.F. Administrative Code §67.17.) Members of the public shall reserve comment with respect to agenda items to when that item is called.

ARTICLE IV – ADMINISTRATIVE RECORD

Section 1. Recording as Official Record. Board proceedings are video recorded and broadcast by SFGTV (Department of Technology). Except as provided in Section 2, below, the SFGTV recording shall be the administrative record for each hearing.

Section 2. Designating Transcript as Official Record. Any party (or parties, jointly) may provide a certified court reporter to transcribe an appeal hearing. Upon request of such party or parties prior to the start of the hearing, the Board may designate the court reporter's transcription as the official record of that proceeding if the parties so stipulate, provided that the requestor agrees to supply the Board with a certified copy of the transcript at no cost to the Board.

ARTICLE V – APPEAL PROCEDURES

Section 1. Filing an Appeal. The method of appeal shall be as set forth in the San Francisco Business and Tax Regulations Code, Article I, Sections 8 through 16, 26, 30 and 31, and under these Rules. When counting "calendar days" for purposes of calculating the deadline for filing an appeal, the appeal period begins the day after the date of the written departmental determination being appealed. If the last calendar day falls on a weekend or City holiday, the last day to file the appeal or other action is the next business day.

(a) The appellant shall submit one copy of the permit, application or other departmental determination being appealed.

(b) The appellant shall complete a Preliminary Statement of Appeal form provided by the Board setting forth the reasons or grounds for the appeal and what action is being requested of the Board. The appellant may attach a brief supplementary statement to the Preliminary Statement of Appeal, which shall be double-spaced and shall not exceed one (1) page in length. No other exhibits or submissions are allowed at this time.

(c) The Executive Secretary or his or her designee will assign a hearing date and provide the hearing date and briefing schedule to the parties, in writing.

(d) The appellant shall submit the required fee and provide Board staff with a valid address and telephone number.

(e) Appeals shall be filed at the Board office during regular business hours up to 4:30 p.m.

Section 2. Briefing. Briefs and other submittals shall conform to the requirements set out in Section V.4, and will be accepted as follows:

(a) Appellant may submit an **APPELLANT'S BRIEF**, due at the Board office no later than 4:30 p.m. three (3) Thursdays prior to the hearing date.

(b) The permit holder, variance holder, determination holder, Business and Tax Regulations Code, Article I Section 14 party, or Department may submit a **RESPONDENT'S/OTHER PARTIES' BRIEF** (whether or not the appellant submits an Appellant's Brief), due at the Board office no later than 4:30 p.m. one (1) Thursday prior to the hearing date.

(c) **MEMBERS OF THE PUBLIC** who are not parties to an appeal or representatives of a party (as defined in Rule III.6(d)(ii)), are welcome to submit written materials to the Board. Members of the public who want their submittals considered by the Board prior to the hearing, may submit materials due at the Board office no later than 4:30 p.m. one (1) Thursday prior to the hearing date. In addition, non-parties may present materials in person during public comment. This subsection is to give direction to those members of the public who want their submittals to be considered by the Board prior to hearing, and in no way interferes with the public's rights under the San Francisco Sunshine Ordinance (S.F. Adm. Code Ch. 67). Parties to an appeal may request copies of materials submitted by members of the public pursuant to San Francisco Administrative Code Chapter 67.28.

(d) Pursuant to Business and Tax Regulations Code, Article I, Section 14, requestors of Discretionary Review (DR) by the Planning Commission, whose property is immediately adjacent to the subject property and who have prevailed or partially prevailed at the Planning Commission, shall have the status of a party in an appeal to the Board. In the event there is more than one such requestor, the Board may, at its discretion, limit the time for oral

presentation to three minutes for each adjacent property owner and a combined total of three minutes of rebuttal for all adjacent property owners.

(e) If the last calendar day to submit a brief or other submittal falls on a weekend or City holiday, the last day to file the brief or other submittal will be as established by the Executive Secretary.

(f) Parties shall be limited to the briefs or submittals authorized by these Rules unless otherwise instructed by the Board. In the event a public hearing is continued by the Board, the Board shall rule on whether to accept any additional written materials and set the deadline for submittal.

(g) In appeals where architectural, construction or engineering plans are at issue, the permit holder or project sponsor is encouraged to submit the City-approved plans associated with the project at the time they submit their brief. The plans should be reduced to an 11" x 17" format.

(h) The parties are encouraged to submit photographs, maps, plans and drawings as exhibits to their briefs. Such exhibits may also be used in presentations and submitted at hearing by displaying the document on the overhead projector and providing a copy to the clerk. Computer-assisted presentations are permitted at hearing to the extent the requisite technology is available in the hearing room. The presenter bears the sole risk that such technology may not be available or operative at any given meeting.

(i) Except as otherwise provided in this section, the Executive Secretary shall reject late submittals and will not include them in the administrative record in the case or provide them to Board members for their review. A party may file a written request for permission to file late on a form provided by the Board. The request must be provided to the other parties. Late submittals will be accepted upon (i) the consent of the other parties, or (ii) the consent of the President upon a showing of good cause. This section does not apply to the submittal of plans.

(j) These Rules shall be interpreted so as to be consistent with the public's rights under the San Francisco Sunshine Ordinance, S.F. Admin. Code Ch. 67.

Section 3. Designation of Experts. The Board may call upon and may designate without charge independent experts as it deems necessary, to report upon and make recommendations concerning technical matters in appeals.

Section 4. Requirements for Written Submittals.

(a) All briefs, whether typewritten or handwritten, shall be double-spaced. Typewritten submittals shall be in a font size no smaller than twelve (12) point. The Executive Secretary, at his or her discretion, may reject submittals that do not conform to these requirements.

(b) Unless otherwise permitted by the President pursuant to subsection (vii) below, the following page limits shall apply:

(i) Appeal briefs shall not exceed twelve (12) pages.

(ii) Jurisdiction Request and Rehearing Request briefs shall not exceed six (6) pages.

(iii) Letters requesting revisions to draft Findings submitted pursuant to Section V.8 below shall not exceed three (3) pages. No exhibits or attachments shall be allowed.

(iv) Except for the filing of a letter requesting revisions to draft Findings, in all other cases, submittals may include an unlimited number of pages of exhibits. Exhibits shall not include additional written argument by a party. Where exhibits exceed ten (10) pages in length, the Board encourages the parties to separate exhibits with tabs and provide a table of contents.

(v) Parties may offer arguments and exhibits as part of their oral presentations to the Board which are not part of their written brief.

(vi) The Executive Secretary shall reject any pages of briefing that exceed the applicable page limit and shall not include them in the administrative record in the case or provide them to Board members for their review.

(vii) A party may file a written request for permission to file a longer brief at least 48 hours before the brief is due. The request must be provided to the other parties, and must state extraordinary reasons why the argument cannot be made within the stated page limit. For good cause shown, the President may grant such a request.

(c) In all cases, an original and ten copies of the brief, all exhibits, including plans, must be submitted, in collated form, to the Board office at the time of filing.

(d) Except for the filing of a Preliminary Statement of Appeal, a Jurisdiction Request or Rehearing Request, every submittal by a party must be delivered to the opposing parties or, if

known, to a party's representative, using a method that ensures delivery on the same day as it is delivered to the Board. An item is "submitted" when delivered to the Board offices.

Section 5. Communications With the Board.

The Board is a quasi-adjudicatory body whose decisions are rendered based on the evidence that is before the Board in the public record. In order to preserve the fairness and integrity of the Board's proceedings, any evidence that the parties or members of the public wish the Board to consider in deciding a case must be made part of the public record as follows:

(a) Parties, their representatives, and members of the public should present evidence regarding a pending case only through the following means: (i) at a public meeting of the Board; and/or (ii) through written submissions to the Board, as provided for in these Rules. Parties, their representatives, and members of the public should refrain from communicating evidence, facts or information about the subject matter of a pending case outside of the public record.

(b) Any written communications to the Board containing information or evidence pertaining to a case pending before the Board must be submitted through the Executive Secretary, and not sent to individual Board member(s).

(c) This Section does not apply to communications with the Board about purely procedural matters or ministerial issues, including but not limited to, scheduling hearings.

(d) This Section is in no way intended to interfere with the public's rights under the San Francisco Sunshine Ordinance (S.F. Adm. Code Ch. 67).

Section 6. Site Visits. If a Board member makes a site visit to the subject property of a pending appeal, the Board member shall limit any discussion to understanding the site's physical conditions underlying the appeal, and shall not otherwise discuss the matter under appeal outside of a public hearing. Prior to commencement of the hearing to which such visit relates, the Board member must disclose the visit, and what he or she observed during the visit, on the record. If a quorum of the Board conducts a site visit at the same time, it must be noticed pursuant to the special meeting requirements of the Sunshine Ordinance (S.F. Admin. Code Ch. 67.6(f)).

Section 7. Continuances and Reschedulings.

(a) At the time of hearing, upon the request of any party, the Board may grant rescheduling requests or continuances for good cause shown. The Board generally will not reschedule a matter based solely on the fact that fewer than five members are present at the hearing. But when the Board hears a matter with less than five members present, and the vote(s) of the missing member(s) could alter the Board's decision, the Board generally will move to continue its deliberation so that the missing member(s) may participate in the final vote.

(b) At any time before the hearing date, the parties may jointly request that the Executive Secretary reschedule the hearing to a mutually agreed upon date. Where a rescheduling request is opposed by one or more parties, the President may approve the request if it is made prior to the publication of the agenda for that hearing. After the relevant meeting agenda has been published, a contested rescheduling request may be granted only by a majority of the members present at a public hearing on the matter.

Section 8. Consideration of Written Findings

In cases where the Board decides to adopt written Findings summarizing the reasons for its decision at a separate subsequent hearing, the parties will be given an opportunity to review and comment on the draft Findings before they are considered by the Board. In such cases, parties may submit comments to the Executive Secretary in a format and on a schedule specified by the Executive Secretary. If any suggested revisions are not accepted by the Executive Secretary, the parties may, but are not required to, submit a letter to the Board addressing the change(s) requested and the reason(s) for or against such change(s) one Thursday prior to the Board's hearing on the Findings. Such letter must conform to the requirements set out in Section V.4. In addition, the parties will have three (3) minutes to present oral argument to the Board at the hearing on the Findings.

Section 9. Rehearing Requests.

(a) Requests for rehearing must be filed within ten days of the hearing at which the Board made its decision. A Rehearing Request may be filed only in writing by a party to an appeal. Written requests for rehearing shall conform to the briefing requirements in Section V.4. The response to a written request for rehearing must be submitted by the other party or real party in interest no later than ten days from the date of filing and shall conform to the briefing requirements set out in Section V.4. Any written material from any party that is not submitted in

accordance with these Rules shall only be accepted by the Board pursuant to Section V.4. No requests for rehearing shall be accepted after the Board has either considered and rejected such a request for rehearing or has voted to rehear such a matter and has reheard it and voted.

(b) Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing. The written request shall state:

- (i) the nature and character of the new facts or circumstances;
- (ii) the names of the witnesses and/or a description of the documents to be produced; and
- (iii) why the evidence was not produced at the original hearing.

(c) Failure to exercise due diligence to produce the new facts and circumstances at the previous hearing shall be deemed grounds for denial of the request.

(d) The Board shall allow testimony of up to three minutes from each party when hearing a Rehearing Request.

(e) This section shall not apply to any motion to rehear a case made by the Board's own initiative.

Section 10. Jurisdiction Requests.

(a) After the appeal period has expired, the Board lacks jurisdiction over a matter except in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal.

(b) A request for jurisdiction must be in writing and shall conform to the briefing requirements set out in Section V.4. The response to a written request for jurisdiction must be submitted by the permit or determination holder(s) no later than ten days from the date of filing, and shall conform to the briefing requirements set out in Section V.4. Any written material from any party that is not submitted in accordance with these Rules shall only be accepted by the Board pursuant to Section V.4.

(c) The Board shall allow testimony of up to three minutes from each party when hearing a Jurisdiction Request.

(d) If the Board grants a Jurisdiction Request, the requestor must file any appeal within five (5) days from the date of the Board's decision.

Section 11. Administrative Dismissals. The Executive Secretary shall administratively dismiss any appeal for which the underlying subject matter has become moot as a matter of law. The Executive Secretary shall promptly notify all parties to such appeal that the matter has been dismissed.

Section 12. Parliamentary Procedure. At the discretion of the President, except where the Charter or other rules provide required procedure, meetings shall be governed by the most recent edition of Robert's Rules of Order.

Section 13. Indigency. The Executive Secretary may waive the required appeal fee where the filing party meets the indigency standards set out in California Government Code Section 68632 or its successor, and submits an Affidavit of Indigency.

ARTICLE VI – AMENDMENTS

Section 1. Amendment of Rules. These Rules may be amended by the Board at any Regular Meeting by a majority vote following a public hearing, provided that at least 10 days public notice is given.

Rules effective as of November 16, 1982; Amended August 28, 1985; Amended February 5, 1986; Amended April 20, 1988; Amended November 30, 1988; Amended October 14, 1992; Amended September 22, 1993; Amended April 12, 1995; Amended July 10, 1996; Amended February 5, 1997; Amended August 13, 1997; Amended June 10, 1998; Amended February 10, 1999; Amended April 4, 2001; Amended November 7, 2001; Amended January 9, 2002; Amended February 20, 2008; Amended July 9, 2008; Amended December 15, 2010.

EXHIBIT L











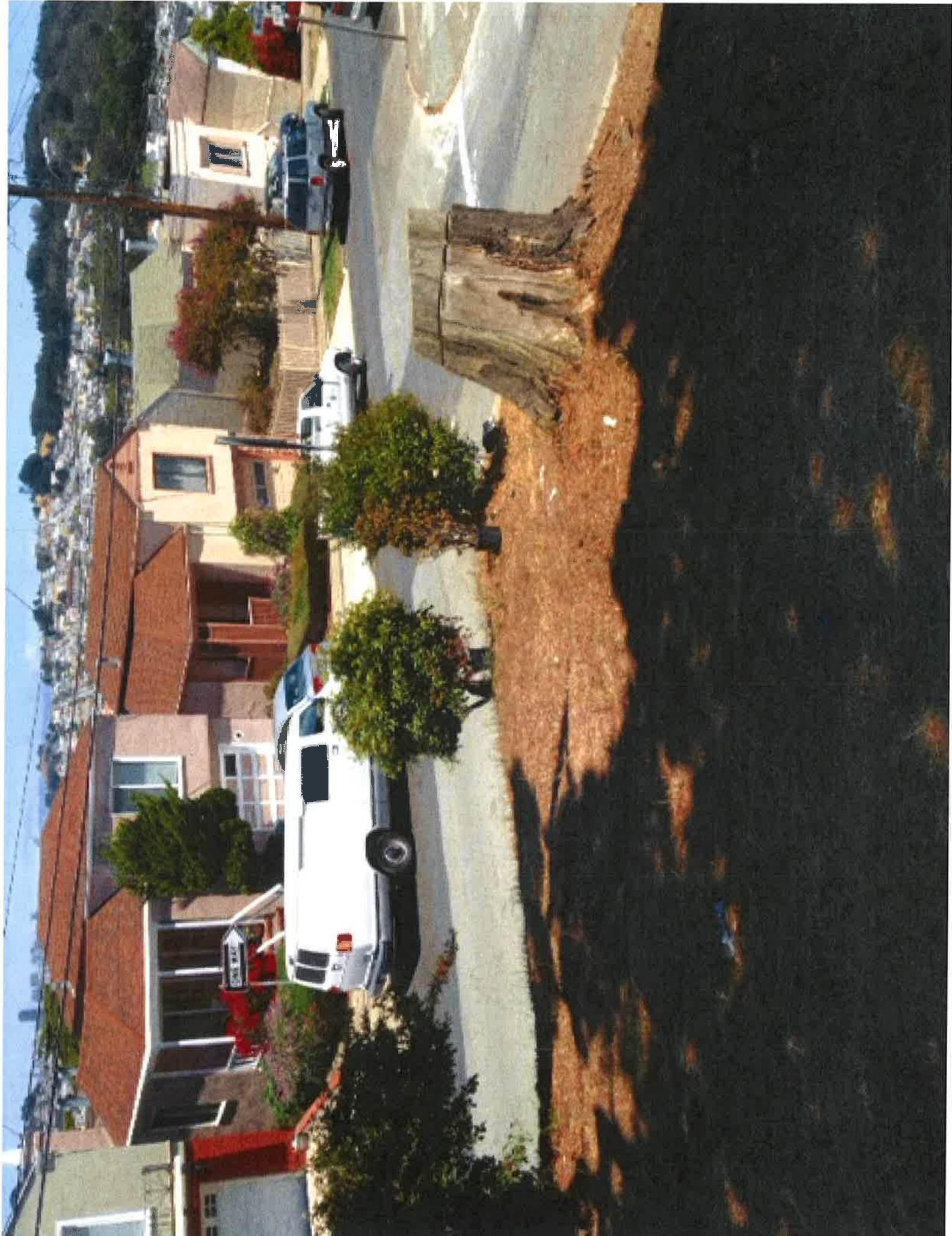


EXHIBIT M

City and County of San Francisco

Edwin M. Lee
Mayor



Board of Appeals

Cynthia G. Goldstein
Executive Director

May 15, 2014

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

Appeal No.: 14-097
Appeal Title: Currier & Barsotti vs. DPW-BSM
Subject Property: 1149 Prague Street
Permit Type: UTILITY EXCAVATION PERMIT
Permit No.: 14EXC-1815

Dear SBC - Pacific Bell Engineering:

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

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

The hearing regarding this matter has been scheduled for **July 16, 2014, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

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

Sincerely,

BOARD STAFF

cc: DPW BSM c/o Lynn Fong

Steven Currier & Nancy Barsotti, Appellants
116 Drake Street
San Francisco, CA 94112



Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

MAY 15 2014

APPEAL #

14-097

PRELIMINARY STATEMENT OF APPEAL

I / We, **Steven Currier & Nancy Barsotti**, hereby appeal the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-1815** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **May 02, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **1149 Prague 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: **June 26, 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.

DPW of Permit Holder
Respondent's and Other Parties' Briefs are due on or before: **July 10, 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, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows: see attached.

Nancy Barsotti
Nancy Barsotti

Appellant or Agent (Circle One):

Signature: *SC*

Print Name: Steven R Currier

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

May 15, 2014

BOARD OF APPEALS

Ms. Cynthia Goldstein
Executive Director
Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

MAY 15 2014
APPEAL # 14-097


**RE: Surface Mounted Facility – Permit Number: 14EXC-1815
Permit Date: May 2, 2014
Location 1149 Prague Street @ Pope Street**

Dear Ms. Goldstein:

Nancy Barsotti and Steven R. Currier plan to appeal the above-referenced permit. The deadline for filing an appeal is May 17, 2014/May 19, 2014.

The preliminary reasons are: Lack of AT&T properly notify the neighbors/residents in the 300 foot radius of the subjected facility; DPW's rule that these facilities are not permitted in a park; AT&T's lack of conversation and mitigation with the neighbors/neighborhood; AT&T's lack of camouflaging the subjected box; and not respecting the wishes and recommendations of the Board of Supervisors' Resolution 706-04 passed and dated January 26, 2007.

Sincerely,


Steven R. Currier
Resident of Crocker Amazon

CC: Nancy Barsotti



BOARD OF APPEALS

MAY 15 2014

APPEAL # 14-093

CONTACT INFORMATION FOR PARTIES

Appeal No(s): _____

APPELLANT(S)

Name: Steven R. Currier / Nancy Barsoff,

Phone Number: 415.587.9150 Fax Number: _____

Email Address: Steven.Currier@sfdistricts.org

Mailing Address: 116 Drake Street San Francisco CA 94112
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

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

Name: SBC - Pacific Bell Engineering

Phone Number: 925-543-1548 Fax Number: _____

Email Address: jd3235@att.com

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

Names of Other Parties: _____

Agent for Other Party

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip



(415) 554-5810
FAX (415) 554-8161
http://www.sfdpw.org

BOARD OF APPEALS

MAY 15 2014

APPEAL # 14-097

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

14EXC-1815

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: Bob Pickard

Phone: (415) 644-7057

Conditions	The NE-Left, SE-Right, SE-Left and SW-Right ramps need to be built at this intersection.
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone ✓
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

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

Approved Date : 05/02/2014 ✓

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/2/2014 3:09:43 PM

Plan Checker

Marion Meyer

STREET EXCAVATION REQUIREMENTS:

1. The permittee shall call Underground Service Alert (U.S.A.), telephone number 1-800-227-2600, 48 hours prior to any excavation.
2. All work including sidewalk and pavement cutting and removal, lagging, excavation, backfill, and sidewalk and pavement restoration shall be done by a licensed paving contractor and in accordance with the requirements of the Standard Specifications of the Bureau of Engineering, Department of Public Works, July 1986 Edition and Department of Public Works Order Nos. 176,707, copy attached.
3.
 - a. DPW Order 181,305, dated 6/17/13, Reinforced Concrete Bus pads, shall be constructed in accordance with SFPDW Standard Plan, File No. 96,607 and SFPDW Standard Specification Section 210 except that the concrete bus pad shall have a minimum compressive strength of 5,000 psi. Concrete bus pads shall be constructed at a minimum thickness of 10 to 12 inches and shall be approximately 10-feet wide.
 - b. DPW Order 181,306 dated 9/26/13, Reinforced concrete sidewalk, shall be constructed in accordance with the SFPDW Standard Plan File No. 96,608 and SFPDW Standard Specification Section 204 with #3 steel reinforced bars at mid-depth of the concrete sidewalk slab.
4. Sidewalk and pavement restoration shall include the replacement of traffic lane and crosswalk striping, parking stall markings, and curb painting that might have been obliterated during street excavation. The permittee shall perform their work under on the following options:
 - a. Have the City forces do the striping and painting work at the permittee's expense. The permittee shall make a deposit with the Department of Parking & Traffic for this purpose in an amount estimated by the Municipal Transportation Agency (MTA) 7th Floor 1 South Van Ness Ave telephone 701-4500, and notify the MTA at least 48 hours in advance of the time the work is to be done.
 - b. Perform the work themselves following instructions available at the Department of Parking & Traffic.
5. The permittee shall submit a non-refundable fee to Bureau of Street-Use and Mapping to pay for City Inspection of the backfill and pavement restoration. At least 48 hours in advance, the permittee shall make arrangements with the Street Improvement Section Inspectors, 554-7149, for an inspection schedule.
6. The permittee shall file and maintain an excavation bond in the sum of \$25,000.00 with the Department of Public Works, to guarantee the maintenance of the pavement in the excavation area for a period of 3 years following the completion of the backfill and pavement restoration pursuant to Article 2.4.40 of the Public Works Code.
7. The permittee shall conduct construction operations in accordance with the requirements of Article 11 of the Traffic Code. The permittee shall contact the MTA 7th Floor 1 South Van Ness Ave telephone 701-4500, for specific restrictions before starting work.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public utility company facilities.
10. The permittee shall pay the required fee for sewer installation permit at the Plumbing Inspection Division, Department of Building Inspection, 1660 Mission Street and arrange for inspection of this work, telephone 558-6054.
11. Concrete form work, planting of trees and pouring of sidewalk and/or curb shall not be performed prior to obtaining a permit from Bureau of Urban Forestry (BUF), telephone: 554-6700.
12. Per DPW Order 178,806, the recycling of Cobble Stones and 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

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

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

====(9:40 AM ==4-4-2014)

Permit Addendums

14EXC-1815

*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:475 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
3	POPE ST	PRAGUE ST \ WINDING WAY	BALTIMORE WAY	East	RW : False SMC : False S/W Only : True DB: False BP: False UB: False	0	67		
Total						0	67		
1	PRAGUE ST	WINDING WAY	POPE ST \ WINDING WAY	Both	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	95	120		
Total						95	120		
2	WINDING WAY	POPE ST \ PRAGUE ST	Intersection	Both	RW : False SMC : False S/W Only : True DB: False BP: False UB: True	0	40		
5		BRAKE ST	POPE ST \ PRAGUE ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	113	40		
Total						113	80		

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Exceptions

14EXC-1811

Street Name	From St.	To St.	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramp

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT N

City and County of San Francisco

Board of Appeals



Edwin M. Lee
Mayor

Cynthia G. Goldstein
Executive Director

May 20, 2014

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

Re: **JURISDICTION REQUEST**
Date Filed: **May 20, 2014**
Departmental Action: **Issuance of Utility Excavation Permit 14EXC-1815**
Subject Property: **1149 Prague Street**

Dear Sir or Madam:

The Board of Appeals has received the enclosed letter requesting that it take jurisdiction beyond the fifteen (15)-day appeal period for the matter(s) referenced above. This **JURISDICTION REQUEST** has been scheduled for consideration on June 11, 2014, at City Hall, Room 416, at 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please note that the filing of a Jurisdiction Request **DOES NOT** suspend the above-referenced departmental action. However, if the Board grants the Jurisdiction Request on the above – referenced date of consideration (4 out of 5 votes required), a new five (5) - day appeal period shall be created which ends on the following Monday, and the subject departmental action shall then be suspended upon the filing of a formal appeal, and until the Board of Appeals decides the matter and releases a notice of decision and order.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit/variance/determination holder(s) or Department no later than 10 days from the date of filing, on or before May 30, 2014, and must not exceed 6 pages in length, with unlimited exhibits. An original and 10 copies shall be submitted to the Board office by 4:30pm, with additional copies delivered to the opposing parties the same day. It is the general practice of the Board that only up to three (3) minutes of testimony for each party will be allowed. If you have any questions, please call (415) 575-6880.

Sincerely,

BOARD STAFF

cc: DPW Lynn Fong & Requestor(s) w/o enclosures

Steven Currier, Requestor
116 Drake Street
San Francisco, CA 94112



BOARD OF APPEALS

Date Filed:

MAY 20 2014

City & County of San Francisco
BOARD OF APPEALS

~~APPEAL #~~ *JR*

JURISDICTION REQUEST

Date of request: **May 20, 2014.**

Steven Currier, (requestor(s)) hereby seeks a new appeal period for the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-1815** by **Department of Public Works Bureau of Street Use and Mapping**, issued to: **SBC - Pacific Bell Engineering**, for property at **1149 Prague Street**, that was issued or became effective on **April 04, 2014**, and for which the appeal period ended at close of business on **April 21, 2014**.

Your **Jurisdiction Request** will be considered by the Board of Appeals on Wednesday, **June 11, 2014 at 5:00 p.m. City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

Pursuant to Article V, § 10 of the Board Rules, the **RESPONSE** to the written request for jurisdiction must be submitted by the permit, variance, or determination holder(s) and/or department(s) no later than **10 days from the date of filing, on or before May 30, 2014**, and must not exceed 6 pages in length (double-spaced), with unlimited exhibits. An original and 10 copies shall be submitted to the Board office with additional copies delivered to the opposing parties the same day.

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from the requestor, the permit holder, and the department(s) will be allowed. Your testimony should focus on the reason(s) you did not file on time, and why the Board should allow a late filing in your situation. Based upon the evidence submitted and the testimony, the Board will make a decision to either grant or deny your Jurisdiction Request. Four votes are necessary to grant jurisdiction. If your request is denied, an appeal may not be filed and the decision of the department(s) is final. If your request is granted, **a new five (5) day appeal period shall be created which ends on the following Monday**, and an appeal may be filed during this time.

Please Print:

Name: Steven R. Currier

116 Drake Street, San Francisco, CA 94112
415-587-9150 Steven.Currier@sfdistricts.org

Signature of Requestor or Agent



CONTACT INFORMATION FOR PARTIES

Appeal No(s): _____

BOARD OF APPEALS

MAY 20 2014

APPEAL # JR

APPELLANT(S) Requestor

Name: Steven R. Currier

Phone Number: 415-587-9150 Fax Number: _____

Email Address: Steven.Currier@sfdistricts.org

Mailing Address: 116 Drake Street San Francisco, CA 94112
Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

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

Name: SBC-Pacific Bell Engineering

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____
Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: C/O Foster Johnson

Phone Number: 650-331-2036 Fax Number: _____

Email Address: foster.johnson@meyerbrown.com

Mailing Address: 3000 El Camino Real Palo Alto CA 94306
Street City State Zip
Two Palo Alto Square #300

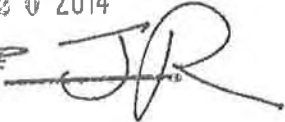
**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CALIFORNIA 94112
TELEPHONE: 415.587.9150**

May 19, 2014

Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

BOARD OF APPEALS

MAY 20 2014

APPEAL # 

**RE: Jurisdiction Request Number:
DPW Permit Number: 14EXC-1815
Utility Excavation Permit – April 4, 2014
Address: 1149 Prague Street @ Pope Street**

JURISDICTION REQUEST APPLICANT'S BRIEF

Commissioners: Ann Lazarus, President, Arcelia Hurtado, Vice President, Frank Fung, Darryl Honda, and Chris Hwang, Commissioners

HISTORY

Steven R. Currier, hereinafter Applicant, filed a "letter of objection" to the Surface Mounted Facility (SNF) located at 1149 Prague Street, San Francisco, California dated October 2, 2014 to the Department of Public Works' (DPW) Notice dated September 19, 2013, DPW number 13SMF-0246. The notice advised that members of the public "has (have) 20 days from the date of that notice to send written notice of their objection to DPW." (A copy of the DPW Notice is attached as Exhibit "A" and a copy of the October 2, 2013 objection letter is attached as Exhibit "B").

On or the approximate date of December 13, 2013, DPW sent notice of a hearing for Monday January 6, 2014 regarding Order No. 181997, item number 10, at City Hall, Room 400. Applicant sent a letter with opposition issues are stated in a letter dated

Currier vs. DPW BUS&M - Board of Appeal: Request for Jurisdiction

December 30, 2013 prior to the January 6, 2014 hearing. (A copy of the letter dated December 30, 2013 is attached as Exhibit "C" and a copy of the January 6, 2014 Agenda is attached as Exhibit "D").

On or the approximate date of February 13, 2014, DPW's Director Decision was sent, Order No. 182164, dated February 4 and February 6, 2014 to deny the opposition and APPROVE the request by AT&T to locate the Surface Mounted Facility 13SMF-0246 in the vicinity of 1149 Prague Street, which is to be located on the periphery of the Winding Way Park owned by DPW. (A copy of the Decision is attached as Exhibit "E").

On May 2, 2014, DPW forward the Utility Excavation Permit, number 14 EXC-1815 dated April 4, 2014. A letter was sent along with the permit, not signed, stating that "We apologize that you are being notified late. You may use this email as evidence that DPW caused you to be late in the filing an appeal." After conversations with the SMF staff and Gene Chan, and calls to Lynn Fong and Gene Chan with calls not returned, DPW resent the Utility Excavation Permit, number 14 EXC-1815 now date May 2, 2014 with the letter stating "Attached is the excavation permit for your use." Again, the documents were sent with no name attached except from the DPW section of the Surface-Mounted Facilities and CC to Gene Chan. This permit issuance triggered the fifteen day rule to file an appeal at the Board of Appeals. That Appeal was filed Thursday May 15, 2014. (A copy of the Utility Excavation Permit with letter dated April 4, 2014 is attached as Exhibit "F" and a copy of the Utility Excavation Permit with letter dated May 2, 2014 is attached as Exhibit "G").

Currier vs. DPW BUS&M - Board of Appeal: Request for Jurisdiction

Present Case

As stated above, Applicant filed an Appeal at the Board of Appeals on May 15, 2014. Hearing is scheduled for July 16, 2014 for the May 2, 2014 Utility Excavation Permit number 14EXC-1815. (A copy of the first page of the Preliminary Statement of Appeal is attached as Exhibit "H"). Applicant of this Request for Jurisdiction felt it was appropriate and within the rules to file the/an Appeal for the May 2, 2014 Utility Excavation Permit.

DESIRED DECISION/ACTION

Applicant requests that the Board of Appeals grant the Jurisdiction Request and allow the late filing of an appeal for the Utility Excavation Permit number 14EXC-1815 due to the late delivery to the Applicant from DPW. Further, the Applicant requests that the Appeal filed by the Applicant on May 15th, Board of Appeals Case number 14-097, be stayed without a new filing fee incurred to the Applicant. Or, the Applicant desires that the Board of Appeals grant a Jurisdiction Request to the Applicant and allows the Applicant to file a new appeal along with the refund of the \$300.00 fee of the May 2, 2014 appeal filed on May 15, 2014, receipt number 096631. (A copy of the Board of Appeals tender receipt is attached as Exhibit "I"). The Applicant requests the above decision because the City, herein DPW, intentionally and/or inadvertently cause the Applicant to be late in

///

///

Currier vs. DPW BUS&M - Board of Appeal: Request for Jurisdiction

filing an appeal on the April 4, 2014 Permit decision. The Applicant also request that DPW assume and reimburse the Applicant in the amount of \$150.00 for the filing of this Request for Jurisdiction hearing. The Applicant also request that AT&T remove all underground markings at or about the area of 1149 Prague Street (Prague and Winding Way) which occurred on May 14, 2014 by AT&T and/or their representative ATAZZ Technical Services. Explanation of this issue from Mark Blakeman, in questioning why the underground markings were marked prematurely are contested, which the Applicant is confused and does not agree with is attached. (A copy of Mr. Blakeman's email is attached as Exhibit "J"). Also, a copy of the door hanging by ATAZZ is attached as Exhibit "K".

Respectfully submitted:


Steven R. Currier
Applicant

EXHIBIT "A"



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

OFFICIAL NOTICE—DO NOT REMOVE DPW Order 175,566

IMPORTANT NOTICE CONCERNING YOUR RIGHTS

SF06-230302-9078110-56C

13SMF-0246

Date: **September 19, 2013**

Dear San Francisco Resident:

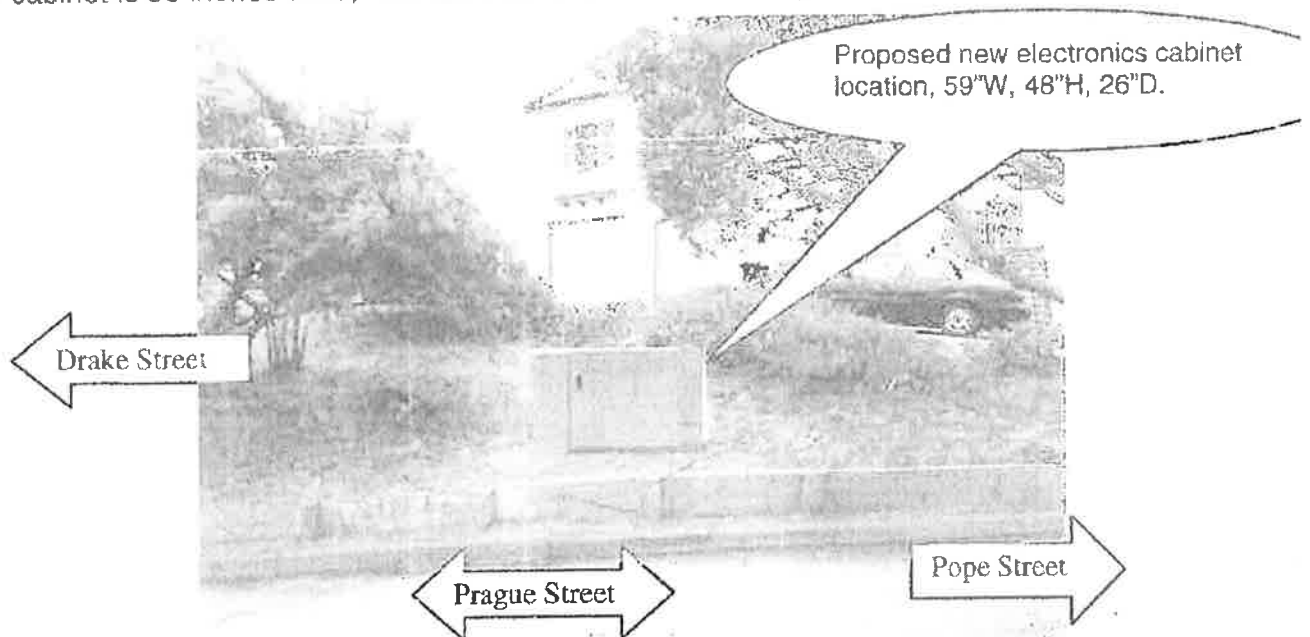
AT&T California is filing an application with the San Francisco Department of Public Works (DPW) for a permit to install an **electronics cabinet with attached electric power panel** at the following proposed location: **1149 Prague Street**. A photograph of the Surface Mounted Facilities (SMF) in the proposed location and the specifications for the SMF are shown below.

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

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

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

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



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

Last date to file an objection: **October 10, 2013**

EXHIBIT "B"

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

October 2, 2013

Department of Public Works
Bureau of Street-Use and Mapping
1155 Market Street, Third Floor
San Francisco, CA 94103-1522

smf@sfdpw.org

RE: AT&T's Surface Mounted Facilities (SMF)
Location: 1149 Prague Street
Case Number: SF06-230302-9078110-56C
13SMF-0246
DPW Order: 175,566
Notice Date: September 19, 2013

Dear DPW:

This is to give the Department of Public Works (DPW) and AT&T notice that I am objecting to the Surface Mounted Facility (SMF) located at 1149 Prague Street, San Francisco, California and I am objecting to this installation at this location.

The reasons for this objection, which include but not limited to: the location, the positioning of this SMF in a DPW City Park, the actual box facility structure, and the request for the description, explanation and/or the definition of this "**new neighborhood hub.**" Also, at the www.att.com/ipnetwork4sf site that is given in this particular notice that I/we are objecting to, there is no reference to this site for the above proposed requisition/transaction/building regarding this project.

///

///

///

Department of Public Works
Bureau of Street-Use and Mapping
October 2, 2013
Page Two

smf@sfdpw.org

Please provide me, and those who are also requesting a hearing and objecting to this project, the date, time, and location, and the hearing officer, of the requested hearing.

Sincerely,

Steven R. Currier
415-587-9150

CC: AT&T
Outer Mission Merchants and Residents Association
Mayor Edwin M. Lee
Mohammed Nuru, Director, SFDPW
Supervisor John Avalos
Captain Timothy Falvey, Ingleside Police Station
Nancy Barsotti

EXHIBIT "C"

**STEVEN R. CURRIER
116 DRAKE STREET
SAN FRANCISCO, CA 94112**

December 30, 2013

Mr. Julian Chang
External Affairs Consultant
AT&T California
525 Market Street, 19th Floor
San Francisco, CA 94105

**Department of Public Works
Bureau of Street-Use and Mapping
1155 Market Street, Third Floor
San Francisco, CA 94103-1522**

smf@sfdpw.org

**RE: AT&T Surface Mounted Facilities (SMF)
Location: 1149 Prague Street
Case Number: SF06-230302-9078110-56C
13SMF-0246
DPW Order: 175,566
Notice Date: September 19, 2013
Hearing Date: Monday, January 6, 2014 – Room 400 – City Hall**

Dear Mr. Chang and DPW:

I, on behalf of my neighbors, object to the installation of the electronics cabinet with attached electrical power panel at 1149 Prague Street. The hearing is scheduled for Monday, January 6, 2014, beginning at 9:00 a.m. Partial reasons are stated below for this objection.

Partial reasons for this objection, which include but not limited to: the location, the positioning of this SMF in a DPW City Park, the actual box facility structure, and the request for the description, explanation and/or the definition of this **“new neighborhood hub.”** Also, at the www.att.com/ipnetwork4sf site that is given in this particular notice that I/we are objecting to, there is no reference to this site for the above proposed requisition/transaction/building regarding this project. Furthermore, DPW or AT&T has given no remedy for any type of graffiti removal or determination for removal or penalties caused while in placement at this location. This neighborhood is bathed in graffiti and destruction of these types of street furniture.

///

Mr. Julian C. Chang
External Affairs Consultant
AT&T California

Department of Public Works
Bureau of Street-Use and Mapping
December 30, 2013
Page Two

smf@sfdpw.org

Furthermore, neither DPW nor AT&T has mitigated, or try to mitigate an alternative location and has not given sufficient reasons at this location for this SMF, or reasons thereof, or the need for this neighborhood for this technology.

I/we, therefore, object to any electronics cabinet, also known as the SMF, located at 1149 Prague Street in a DPW Parklet.

Sincerely,

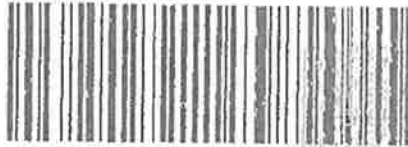
Steven R. Chung
415-587-9150

CC: AT&T
Outer Mission Merchants and Residents Association
Mayor Irwin M. Lee
Mohammed Nuru, Director, SFDPW
Superior John Avalos
Captain Timothy Falvey, Ingleside Police Station
Nancy Marsotti, neighbor

EXHIBIT "D"

**San Francisco County of San Francisco
Department of Public Works**

Office of Street-Use and Mapping
Market Street, 3rd Floor
San Francisco, CA 94103-1555



7013 1710 0002 3656 3585



C2 1R \$06.11
000204292 DEC 13 2013
MAILED FROM ZIP CODE 94103

Steven Currier
116 Drake Street
San Francisco, CA 94112

9411234443 0024



DPW Hearing

Monday, January 6, 2014 9:00am - 11:00am

Location: City Hall, Room 400

Category: Meetings and Hearings

Description

Order No. 181988

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 1157 Church Street.

Order No. 181989

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 1752 Anza Street.

Order No. 181990

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 303 San Carlos Street.

Order No. 181991

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 9 Rausch Street.

Order No. 181992

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 1335 Mission Street.

Order No. 181993

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 1503 Jones Street.

Order No. 181994

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 600 Rutland Street.

Order No. 181995

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 533 Buchanan Street.

Order No. 181996

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 120 Balboa Street.

Order No. 181997

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 1149 Prague Street.

Order No. 181998

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 2128 Kirkham Street.

Order No. 181999

To consider approval of an application submitted by AT&T to install a Surface Mounted Facility in the vicinity of 315 30th Avenue.

The cabinet will provide the latest telecommunications technology offering high-speed internet access and advanced digital television and entertainment services which will be fed by fiber optic cable.

Interested parties are encouraged to attend. Persons unable to attend the public hearing may submit written comments regarding the subject matter to the Bureau of Street Use and Mapping, 1155 Market Street, 3rd Floor, San Francisco, CA 94103. These comments will be brought to the attention of the hearing officer and made a part of the official public record.

Further information, if desired, on this matter may be obtained prior to the hearing by contacting the Bureau of Street Use and Mapping at (415) 554-5810 or at smh@sfdpw.org.

For more information about Accessible Meeting Information, the Sunshine Ordinance and Lobbyist Registration and Reporting requirements follow the link below.

More Info: <http://www.sfdpw.org/index.aspx?page=24>

Location Details

City Hall, Room 400
1 Dr Carlton B Goodlett Place
San Francisco CA 94102 US

EXHIBIT "E"



**City and County of San Francisco
Department of Public Works**

Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103-1555

smf

0227-515

**Steven Currier
116 Drake Street
San Francisco, CA 94112**

AT TOP OF ENVELOPE TO THE POST OFFICE
TURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAIL



7013 2250 0002 0357 00
MJ

9411234443 0024



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: 182164

DIRECTOR'S DECISION REGARDING AT&T CALIFORNIA'S REQUEST TO INSTALL A SURFACE MOUNTED FACILITY IN THE VICINITY OF 1149 Prague Street (13SMF-0246)

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

DESCRIPTION OF REQUEST: Surface Mounted Facility Installation

BACKGROUND:

1. On **August 2, 2013** the applicant (AT&T California) filed an application with the Department of Public Works (DPW) to install a Surface Mounted Facility (SMF) at the above referenced locations. If approved, the applicant will file for an excavation permit to install the SMFs.
2. On **September 19, 2013**, the applicant mailed and posted Notices of Intent to all businesses and residences within a 300-foot radius of the subject location.
3. DPW received **six (6)** objection to the application during the 20 day notification period. DPW subsequently scheduled a public hearing to consider testimony received for this site. The objections included:
 - a. Cabinet will harm wildlife in the area.
 - b. Cabinet will attract graffiti and trash.
 - c. Cabinet is an eyesore to the community.
 - d. Too many AT&T cabinets in the area already.
 - e. Cabinet will negatively impact property values.
 - f. Cabinet is too large.
 - g. Notice of Intent does not provide sufficient information.
4. On **January 6, 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 application stating that the Applicant was in compliance with Article 2.4 of the Public Works Code and technical merits DPW Order No. 175,566.
6. At the hearing, **Ms. Tedi Vriheas** of AT&T stated a box walk was conducted on **August 2, 2013** and two (2) members of the community that were invited attended. It was interpreted that the community preferred the cabinet to be installed in the existing landscaping.



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

7. At the hearing, four (4) members of the community testified at the hearing in opposition to the proposed installation of the SMF cabinets in the vicinity of **1149 Prague Street**. The objectors' testimony included:
 - a. Cabinets attract graffiti and trash.
 - b. AT&T needs to condense cabinets as population of community using landline is diminishing.
 - c. Cabinets should be undergrounded.
 - d. Notice of Intent provides a disproportional picture.
 - e. Prefer the cabinet on Winding Way.

RECOMMENDATION: APPROVE the request by AT&T to locate Surface Mounted Facility **13SMF-0246**, in the vicinity of **1149 Prague 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 the technical merits of DPW Order No. 756,566.
3. The applicant, AT&T, could install the surface-mounted facility in other acceptable locations that may have less of an impact on the convenience and necessities of the property owners and occupants in the immediate vicinity of the surface-mounted facility.
4. The Director of Public Works has reviewed the Hearing Officer's recommendation. The Director of Public Works hereby adopts the hearing officer's recommendation.

APPEAL PROCESS: This decision may then be appealed to the Board of Appeals within fifteen (15) calendar days of DPW's issuance of an Excavation Permit to install surface mounted facilities **13SMF-0246 in the vicinity of 1149 Prague 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>



2/4/2014

2/6/2014

X

Sanguinetti, Jerry
Bureau Manager

2/6/2014

X

Sweiss, Fuad
Deputy Director and City Engineer

X

Mohammed Nuru

Nuru, Mohammed
Director, DPW



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

EXHIBIT "F"

Subject: 1149 Prague St (13SMF-0246, 14EXC-1815)
From: smf <smf@sfdpw.org>
Date: 5/1/2014 10:12 AM
To: Steven Currier <steven.currier@sfdistricts.org>
CC: "Chan, Gene" <Gene.Chan@sfdpw.org>

Good morning Mr. Currier,

AT&T has filed and been issued an excavation permit for 1149 Prague.

The excavation permit # is 14EXC-1815 and is attached to this email. Please notice that the approval date is 4/4/14. This can still be heard as specified by rules of the Board of Appeals:

Section 10. Jurisdiction Requests.

- (a) After the appeal period has expired, the Board lacks jurisdiction over a matter except in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal.
- (b) A request for jurisdiction must be in writing and shall conform to the briefing requirements set out in Section V.4. The response to a written request for jurisdiction must be submitted by the permit or determination holder(s) no later than ten days from the date of filing, and shall conform to the briefing requirements set out in Section V.4. Any written material from any party that is not submitted in accordance with these Rules shall only be accepted by the Board pursuant to Section V.4.
- (c) The Board shall allow testimony of up to three minutes from each party when hearing a Jurisdiction Request.
- (d) If the Board grants a Jurisdiction Request, the requestor must file any appeal within five (5) days from the date of the Board's decision.

We apologize that you are being notified late. You may use this email as evidence that DPW caused you to be late in filing an appeal.

Sincerely,

Surface-Mounted Facilities
Department of Public Works
1155 Market St., 3rd Floor
San Francisco, CA 94103
Office: (415) 554-5810 | Fax: (415) 554-6161
E-mail: smf@sfdpw.org

Attachments:

14EXC-1815_streetuse.pdf.pdf	237 KB
Rules_of_the_Board_effective_December_16_2010_.pdf	70.1 KB



(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-1815

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: Bob Pickard

Phone: (415) 644-7057

Conditions	
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

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

Approved Date : 04/04/2014

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/1/2014 10:02:31 AM

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

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

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

=====(9:40 AM ==4-4-2014)

Permit Addresses

14EXC-1815

*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:475 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
3	POPE ST	PRAGUE ST \ WINDING WAY	BALTIMORE WAY	East	RW : False SMC : False S/W Only : True DB: False BP: False UB: False	0	67		
Total						0	67		
1	PRAGUE ST	WINDING WAY	POPE ST \ WINDING WAY	Both	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	95	120		
2	WINDING WAY	POPE ST \ PRAGUE ST	Intersection	Both	RW : False SMC : False S/W Only : True DB: False BP: False UB: True	0	40		
5		DRAKE ST	POPE ST \ PRAGUE ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	113	40		
Total						113	80		

Exceptions

14EXC-1815

Street Name	From St	To St	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramps

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT "G"

1149 Prague St (13SMF-0246, 14EXC-1815)

Subject: 1149 Prague St (13SMF-0246, 14EXC-1815)
From: smf <smf@sfdpw.org>
Date: 5/2/2014 3:13 PM
To: Steven Currier <steven.currier@sfdistricts.org>
CC: "Chan, Gene" <Gene.Chan@sfdpw.org>

Hi Mr. Currier,

Attached is the excavation permit for your use.

Thanks,

Surface-Mounted Facilities
Department of Public Works
1155 Market St., 3rd Floor
San Francisco, CA 94103
Office: (415) 554-5810 | Fax: (415) 554-6161
E-mail: smf@sfdpw.org

--- Attachments: -----

14EXC-1815_streetuse.pdf.pdf

236 KB

STREET EXCAVATION REQUIREMENTS:

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

Special Conditions

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

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

=====
====(9:40 AM ==4-4-2014)

Permit Addresses

14EXC-1815

*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:475 sqft Total Streetspace: Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
3	POPE ST	PRAGUE ST \ WINDING WAY	BALTIMORE WAY	East	RW : False SMC : False S/W Only : True DB: False BP: False UB: False	0	67		
Total						0	67		
1	PRAGUE ST	WINDING WAY	POPE ST \ WINDING WAY	Both	RW : False SMC : True S/W Only : False DB: False BP: False UB: True	95	120		
Total						95	120		
2	WINDING WAY	POPE ST \ PRAGUE ST	Intersection	Both	RW : False SMC : False S/W Only : True DB: False BP: False UB: True	0	40		
5		DRAKE ST	POPE ST \ PRAGUE ST	Both	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	113	40		
Total						113	80		

Exceptions

14EXC-1815

Street Name	From St	To St	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramps

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT "H"



Date Filed:

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

5 2014
14-097

PRELIMINARY STATEMENT OF APPEAL

I / We, **Steven Currier & Nancy Barsotti**, hereby appeal the following departmental action: **ISSUANCE of UTILITY EXCAVATION PERMIT 14EXC-1815** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **May 02, 2014**, to: **SBC - Pacific Bell Engineering**, for the property located at: **1149 Prague 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: **June 26, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **July 10, 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, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows: see attached.

Nancy Barsotti
Nancy Barsotti

Appellant or Agent (Circle One):
Signature: *Steven R. Currier*
Print Name: Steven R. Currier

EXHIBIT "I"

BOARD OF APPEALS
CITY & CO. OF SAN FRANCISCO
1650 MISSION ST. #304
SAN FRANCISCO, CALIFORNIA

RECEIPT		DATE	No.		
RECEIVED FROM		\$			
		DOLLARS			
<input type="radio"/> FOR RENT		3/14/14			
<input type="radio"/> FOR					
ACCOUNT		<input type="radio"/> CASH	FROM		
PAYMENT		<input checked="" type="radio"/> CHECK		TO	
BAL. DUE		<input type="radio"/> MONEY ORDER			BY
		<input type="radio"/> CREDIT CARD			

EXHIBIT “J”

Steven, thanks for copying me on this e-mail chain. First, let me clarify that the all of the work that your member notes in your e-mail to you is required pre-construction work that takes places before the excavation can begin. This includes calling for underground markings from all underground utility companies who in turn visit the construction site and mark with paint the location of any underground utilities they have in the vicinity; a pre-construction meeting with a DPW inspector and; community notification prior to construction commencing. All of this is required by the city process and none of this work requires a permit. It must be completed prior to excavation beginning (in this case on May 26, 2014). Further, I wanted to clarify that the permit on this site was approved on April 4, 2014 with an excavation start date of May 26 and an expiration date of June 8, 2014. The DPW tracking system tracks all comments and any additional conditions they may have. In this case, on May 2, 2014 DPW added verbiage to the actual excavation permit that was emphasizing conditions that had already been placed on the permit. Specifically, we are required to improve curb ramps as part of our excavation permit in some locations. AT&T included these curb ramps would be approved in our excavation application. For some unknown reason, DPW went back on May 2, 2014 and added this verbiage as a condition on the permit cover sheet, even though it was already a condition of the previously approved permit on 4/4/2014. I hope this helps clarify the issues you brought forth in your e-mail. Marc __ Marc D. Blakeman Regional Vice President - External Affairs AT&T California 525 Market Street, Room 1906 San Francisco, CA 94105 P: 415.778.1230 F: 415.543.3766 M: 415.205.7426 mdb0473@att.com att.com

EXHIBIT "K"



ATTENTION



CONSTRUCTION

Being performed by:



AT&T
Technical Services

CA LIC#884523

The following address & surrounding area:

PERGUE &
WINDING
will be under construction from:
5/19 to 6/6

If you have any questions please contact:

Rick Saunders

Superintendent

Office: (888) 388-1955

Cell: (209) 640-0624

Fax: (916) 504-4049

EXHIBIT O

City and County of San Francisco

Board of Appeals



Edwin M. Lee
Mayor

Cynthia G. Goldstein
Executive Director

June 12, 2014

Steven Currier, Requestor
116 Drake Street
San Francisco, CA 94112

Re: **JURISDICTION REQUEST**
Subject Property: **1149 Prague Street**
Permit / Application No(s): **14EXC-1815**
Type(s) of Action: **Issuance of Utility Excavation Permit**

Dear Requestor(s):

The Board of Appeals considered your request that jurisdiction be taken beyond the 15-day appeal period on Wednesday, June 11, 2014.

Your request was **GRANTED**, and you should come to the office of the Board of Appeals in person to file your appeal. Enclosed are information sheets regarding the procedure for filing an appeal.

You now have five (5) calendar days from the date of the Board's decision to file your appeal; this new appeal period shall end this coming Monday – June 16, 2014.

If you have any further questions, please call the Board office.

Sincerely,

BOARD STAFF

cc: DPW BSM

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

EXHIBIT P



June 12, 2014

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

Appeal No.: 14-115
Appeal Title: Currier vs. DPW BSM
Subject Property: 1149 Prague Street
Permit Type: UTILITY EXCAVATION PERMIT
Permit No.: 14EXC-1815

Dear SBC- Pacific Bell Engineering:

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

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

The hearing regarding this matter has been scheduled for **July 16, 2014, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

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

Sincerely,

BOARD STAFF

cc: DPW BSM c/o Lynn Fong

Steven Currier, Appellant
116 Drake Street
San Francisco, CA



Date Filed:

BOARD OF APPEALS

JUN 12 2014

APPEAL # 14-115

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

PRELIMINARY STATEMENT OF APPEAL

I / We, **Steven Currier**, hereby appeal the following departmental action: **ISSUANCE** of **UTILITY EXCAVATION PERMIT 14EXC-1815** by the **Department of Public Works Bureau of Street-Use and Mapping** which was issued or became effective on: **April 04, 2014**, to: **SBC- Pacific Bell Engineering**, for the property located at: **1149 Prague Street.**

Jurisdiction Granted 6/11/14.

BRIEFING SCHEDULE:

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

Appellant's Brief is due on or before: **June 26, 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.

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

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

Hearing Date: **Wednesday, July 16, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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

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

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

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

The reasons for this appeal are as follows:

see attached.

Appellant or Agent (Circle One):

Signature: *[Signature]*

Print Name: Steven R. Currier

PRELIMINARY STATEMENT OF APPEAL

Date OF APPEALS

Filed: JUN 12, 2014

APPEAL # 14-111

SUMMARY OF REASONS OR GROUNDS FOR APPEAL CONTINUED:

Surface mounted facility - Permit #14EXC-1215

Permit Dates: April 4, 2014 - Location: 1149 Prognostic St. at Pope Street

Steven R Carrier plans to appeal the above-referenced permit

The deadline for filing an appeal is June 16, 2014

The Preliminary reasons are: lack of AT+T properly notified
the neighbors/residents in the 300 foot radius of the
subjected facility; DPW's rule that these facilities are
not permitted in a park and other issues to be mentioned
in the brief.





CONTACT INFORMATION FOR PARTIES

BOARD OF APPEALS

JUN 12 2014

APPEAL # 14-115

Appeal No(s): _____

APPELLANT(S)

Name: Steven R. Carrier

Phone Number: 415-587-9150 Fax Number: -

Email Address: Steven.Carrier@sfdistricts.org

Mailing Address: 116 Drake Street San Francisco CA 94112

Street City State Zip

Names of Other Appellants: _____

Agent for Appellant

Name: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____

Street City State Zip

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

Name: SRL-Pacific Bell Engineering

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____

Street City State Zip

Names of Other Parties: _____

Agent for Other Party

Name: C/O Foster Johnson

Phone Number: 650-331-2036 Fax Number: _____

Email Address: foster.johnson@meyerbrown.com

Mailing Address: 3000 El Camino Real Palo Alto CA 94306

Street City State Zip

Two Palo Alto Square #300



BOARD OF APPEALS

JUN 12 2014
APPEAL # 14-115



(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-1815

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: Bob Pickard Phone: (415) 644-7057

Conditions	
EmergencyConfirmationNumber	
24 Hour / 7 Day Contact:	Paul Wolfson (925) 426-3221, Cell (925) 548-4937
Service Address/Project:	1149 Prague St at Pope St LSMF JU 9078110 56C (13SMF-0246)
Start Date	5/26/14
Permit expires on:	6/8/2014
Purpose	Telephone ✓
Excavation Reason	Install New Cabinet
Excavation Reason Description	Approved Cabinet Application No.-(13SMF-0246)
Method:	Open Cut: Sawcut
TrackingNumber1	9078110 R401 4C
TrackingNumber2	13SMF-0246 SF06-230302, 230301
Project Size	475
Inspection	

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

Approved Date : 04/04/2014 ✓

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

Applicant/Permittee

Date

Distribution:
Inside BSM: Utility Inspection

Printed : 5/1/2014 10:02:31 AM Plan Checker Marion Meyer

STREET EXCAVATION REQUIREMENTS:

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

Special Conditions

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous improvement

Conditions

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

SBC/ Pacific Bell

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

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

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

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

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

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

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

SPECIAL PERMIT CONDITIONS:

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

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

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

=====

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

=====

====(9:40 AM ==4-4-2014)

Exceptions

14EXC-1815

Street Name	From St	To St	Message	Job	Contact	Dates
PRAGUE ST						
	WINDING WAY	POPE ST \ WINDING WAY -	Conflict with existing Street Use Permit.	13SMF-0246	Refer to Agent - Refer to Agent	
	WINDING WAY	POPE ST \ WINDING WAY -	Proposed Excavation.	AT&T - Construction and Engineering	Paul Lucq -	Aug 15 2014-Nov 12 2014
WINDING WAY						
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	Dec 1 2013-Jun 30 2014
	DRAKE ST	POPE ST \ PRAGUE ST - SOUTH	Proposed Excavation.	PG&E	Larry Ng -	May 2 2014-Oct 31 2014

Curb Ramps

Street	Specification	Direction
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - L - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,017, Rev.3 (A) - R - Standard	SouthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - L - Standard	NorthEast
POPE ST : PRAGUE ST \ WINDING WAY - Intersection	55,018.3 (H3) - R - Standard	SouthWest

No Diagram submitted

EXHIBIT Q

Johnson, Foster

From: Steven Currier [steven.currier@sfdistricts.org]
Sent: Monday, June 23, 2014 10:07 PM
To: Johnson, Foster; boardofappeals@sfgov.org
Cc: Steven Currier; Nbarsotti
Subject: 1149PRAGUESTREETSMF14EXC-1815
Attachments: 1149 Prague Street Appeal.pdf

ATTACHED IS THE APPELLANTS' BRIEF

Johnson, Foster

From: Johnson, Foster
Sent: Friday, June 27, 2014 2:14 PM
To: 'Steven Currier'; DI BENE, JOHN (Legal); BLAKEMAN, MARC D
Cc: Nbarsotti; Goldstein, Cynthia; Short, Carla; Nuru, Mohammed;
MALIA.COHEN@SFGOV.ORG; Wiener, Scott; JANE.KIM@SFGOV.ORG
Subject: RE: 1149PRAGUESTREETSMF14EXC-1815 - Appeals Case Numbers 14-097/14-115

Mr. Currier,

I received the brief that you forwarded on June 23, 2014. Thank you for providing respondents with a copy.

As I explained to you on the phone, I am not aware of any legal mechanism by which the parties can settle this appeal such that the Board of Appeals would grant AT&T an excavation permit at a different location.

Both Ms. Goldstein and the City attorney have previously told me that the Board may only do one of three things on a permit appeal: (1) grant the permit; (2) deny the permit; or (3) grant the permit with modifications. According to Ms. Goldstein and the City attorney, the Board's discretion is expressly constrained by Article I, Section 14 of the San Francisco Business & Tax Regulations Code. That section provides: "The Board of Appeals shall hear the applicant, the permit holder or other interested parties, as well as a representative of the department from whose action the appeal is taken. After said hearing and such further investigations as the Board may deem necessary, but not later than 60 days or a reasonable time after the filing with it of the first appeal, the Board may concur in the action of the department authorized to issue, transfer or revoke the permit, or may overrule the action of said department and order that the permit be granted, restored, denied, or permitted to be transferred, as the case may be."

I spoke with Ms. Goldstein earlier this week, who again told me that the Board does not have the power to grant a permit at different location than the location previously approved by the Department. She also told me that the Board has no authority to bless private settlements between parties to the effect that an excavation permit is issued at a different location than that previously approved by DPW. While AT&T disagrees with the City attorney's assessment that Board lacks the power to approve permits at a different location, as a practical matter it doesn't appear that Board would approve any settlement between the parties.

Of course, AT&T is willing to work with you to identify an acceptable alternative location. And AT&T would certainly endorse your request that the Board approve an excavation permit at a different location as long as it was technically feasible for an AT&T installation. All AT&T asks is that the Board and DPW approve the excavation permit at some feasible location within 300 feet of the existing SAI cabinet.

As I promised you on the phone, I have reached out to AT&T and asked that one of their community representatives contact you directly about your concerns about cabinet placement in your neighborhood. I understand that someone from AT&T will be contacting you shortly.

If you believe that I am mistaken about the Board's authority, I would be happy to discuss this matter with you further. As you can imagine, AT&T would prefer to settle this matter rather than take up the Board's time with appeals. I've simply been told--by Board staff--that settlement in this context is not possible. I urge you to contact Ms. Goldstein directly if you have questions the Board's powers.

Best regards,
Foster Johnson
Counsel for AT&T

-----Original Message-----

From: Steven Currier [mailto:steven.currier@sfdistricts.org]
Sent: Wednesday, June 25, 2014 10:57 PM
To: Johnson, Foster
Cc: boardofappeals@sfgov.org; Nbarsotti; Goldstein, Cynthia; Short, Carla; Nuru, Mohammed; MALIA.COHEN@SFGOV.ORG; Wiener, Scott; JANE.KIM@SFGOV.ORG
Subject: Re: 1149PRAGUESTREETSMF14EXC-1815 - Appeals Case Numbers 14-097/14-115

Dear Mr. Johnson:

I did not hear from you regarding receiving the Appellants' Brief regarding 1149 Prague Street, Appeals Case Number 14-097 and 14-115. Please confirm that you received the brief electronically.

Secondly, concerning our telephone conversation on Monday mid-day, I was a little dismayed by your comment that we cannot talk or discuss a settlement prior to the July 16th hearing. As you stated, the Board of Appeals will not or will not entertain a settlement prior to the hearing. This is false. I want to let you know that I have been in front of the Board of Appeals, for many issues, for over 15 years. As the President of the Outer Mission Merchants and Residents Association, which I am not president at this time, I have had many cases in front of the Planning Commission and the Board of Appeals, and Land Use issues was our main concerns, with a few of those cases having been heard or settled prior to hearings. So, your statement that the Board of Appeals will not accept nor affirm a settlement is false.

I wish to, one more time, settle this case with AT&T and this is my last offer, which AT&T is refusing to do and to discuss. I will bring this up at the July 16th hearing that you and AT&T has/have refused to mitigate this issue and we will ask for a full denial of the SMF at the 1149 Prague Street location.

Steven R. Currier
415-587-9150

On 6/23/2014 10:07 PM, Steven Currier wrote:
> ATTACHED IS THE APPELLANTS' BRIEF
>

Johnson, Foster

From: Steven Currier [steven.currier@sfdistricts.org]
Sent: Tuesday, July 01, 2014 10:14 PM
To: Julian Chang
Cc: Lynn Sousa; Marc Blakeman; Johnson, Foster
Subject: Re: 1149 PRAGUE STREET (SMF14EXC-1815) - Appeals Case Numbers 14-097/14-115

Thanks Julian:

Well put and to all the points mentioned.

We will talk tomorrow and hopefully come to some agreement and avoid the hearing on July 16th.

Look forward to our meeting tomorrow.

Steven R. Currier

On 7/1/2014 8:57 PM, Julian Chang wrote:

> Tuesday July 1, 2014

>

> Hi Steve,

>

> Thank you for taking the time to talk to Lynn Sousa today at 1 p.m. per our agreement.

>

> Thank you also for filling me in on your concerns and thrust of your protests. As I understand it, you and your co-appellant oppose the AT&T VRAD being placed at 1149 Prague Street because:

>

> * The VRAD may be in a park (that little triangle of land) and SMF rules prohibit the placement of a VRAD in or fronting a park

> * The original location proposed by AT&T in 2007 (i.e. the 400 block of Pope Street) is a superior location for the VRAD because it would not block any driveways or doorways

> * If the VRAD may be placed in the little triangle of land, the neighbors want the VRAD placed in the interior of the triangle where it can be well camouflaged by plantings, and the VRAD should not be placed at the edge of the park where it is highly visible

>

> Lynn and I have agreed to research "homework" and provide you answers tomorrow as to:

>

> * the City's characterization of the little triangle of land (is it open space? a park? right of way? unused land? deeded to any property or entity? We all agree that the DPW SMF Order does not define "park".

> * if AT&T can feasibly place the VRAD inside the triangle of land and not bordering the frontage so that the VRAD may be screened by plants.

> * whether the 400 block of Pope Street is within 300 feet of the existing AT&T SAI.

>

> We have agreed to meet tomorrow (Wednesday July 2, 2014) at the

> where the
> VRAD might go within 300 feet of AT&T's existing SAI.

> Is there a time we can call you at on Tuesday
> afternoon (July 1,
> 2014)?

> We have some internal team members to include on
> AT&T's side so it's
> easiest if we pick a time certain to talk and we can
> collectively call
> you. I am hoping that we could first discuss your
> concerns on
> the call,
> then if you are available, representatives of
> AT&T's external
> affairs
> and construction and engineering teams can meet
> with you on site on
> Wednesday afternoon, July 2, 2014.

> Please let me know if this plan works for you;
> specifically what
> time we
> can talk on Tuesday afternoon. I look forward to
> hearing from you.

> Julian Chang for AT&T

> --

> ***

> /_If you are not the intended recipient of this
> message, any

> dissemination, distribution, or use of the contents
> of this
> message is
> strictly prohibited._//This email and any
> attachments contain

> information that may be protected work-product
> doctrine, or other
> privileges or protections, and may be restricted
> from disclosure by
> applicable laws. If you received this e-mail
> message in error,
> please
> e-mail the sender by reply e-mail. Please also
> permanently
> delete all
> copies of the original e-mail and any attached
> documentation.

> Thank you./

> ***

Johnson, Foster

From: Julian Chang [jc4919att@gmail.com]
Sent: Thursday, July 03, 2014 6:29 AM
To: Steven Currier; nbarsotti@aol.com; luigiatic@aol.com
Cc: Lynn Sousa; Marc Blakeman; Johnson, Foster
Subject: Re: Thank you for Meeting Us at 1149 Prague Street

Apologies to all, we met on Wednesday, July 2, 2014.

Julian

On Thu, Jul 3, 2014 at 6:25 AM, Julian Chang <jc4919att@gmail.com> wrote:
Dear Steve, Nancy, and Luigi,

Thank you for taking the time to meet with Lynn Sousa and me at 1149 Prague Street yesterday, Wednesday July 3, 2014.

Thank you also for giving us a hard copy of your appellant's brief concerning the proposed placement of an AT&T VRAD at 1149 Prague Street.

As promised, Lynn and I had performed our "homework" and we reported to you the following:

- the City and County of San Francisco maps and databases available to AT&T show that the sidewalk at the 400 block of Pope Street is only 6 feet wide, insufficient for ADA clearance should the VRAD be sited there. While the neighbor whose property fronts the SAI identified as 401X Pope Street has chosen not to extend the brick border of their yard all the way to the public right of way, AT&T cannot and does not rely on permissive use of private land to meet its regulatory requirements. Because there is insufficient clearance for ADA purposes, the 400 block of Pope Street is not a feasible site for the VRAD.
- AT&T apologizes for renderings that show the VRAD at curbside in the triangle. As Lynn and I discussed with Nancy and Joelle on August 2, 2013 and as I promised to research and confirm to you, AT&T can place the VRAD inside the triangle, and plant greenery around the VRAD as long as those plants don't block the door swing or access to the VRAD. We agree with Luigi to keep away from tree roots because by keeping away from the roots, it is good for the tree and good for AT&T's new concrete pad on which the VRAD would rest. So, if the triangle is not a park or open space, from AT&T's perspective the VRAD can be placed inside the triangle and greened and screened.
- From all information, databases, and knowledge available to AT&T at this time, the triangle of land is not classified as a park or open space. However, you indicated that in your minds, this remains an open question since "park" is not defined in the DPW Surface Mounted Facilities Order and the neighborhood considers the triangle to be a park. We understand that Steve will get clarification from DPW about the actual designation of the triangle. From AT&T's perspective, since the DPW staff validated the proposed location and application of AT&T to place a VRAD in the triangle and sent that application through the DPW process, the triangle is not a park or open space otherwise the DPW staff would not have let it proceed because to do so would be a violation of the DPW Surface Mounted Facilities Order. If you do find out that DPW now considers the triangle to be a park or open space, we would appreciate it if DPW would communicate that new finding to all parties, including AT&T.

An open question remains as to whether the western side of 300 block of Pope Street has 6 foot sidewalks. AT&T researched this question -- although not part of our "homework", but in an effort to locate possible

alternative sites -- and the results of our research indicate the 300 block of Pope street also has 6 foot sidewalks, insufficient for federal ADA clearance without incursion onto private property. The research appears to be at odds with the as-built environment since the homeowner at the corner of Pope and Hanover Streets has paved the area between the side of his house to the curb (i.e. the side bordering Pope Street) with concrete. Lynn and I shared with you AT&T's position that because City and County of San Francisco maps available to AT&T at this time indicate only a 6 foot sidewalk for the public right of way, the VRAD could not be placed on the 300 block of Pope Street either. Steve indicated that he would talk to DPW to ascertain the width of the public right of way there.

Lynn and I very much appreciate your cordiality during our meeting. I am glad we got to meet and confer and openly exchange what we know. Thank you again for taking the time to meet with us and for your interest in AT&T's network upgrade plans.

Julian

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

--

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