

File No. 170442

Committee Item No. 4

Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Sept. 13, 2017

Board of Supervisors Meeting:

Date: Sept 19, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - Version 5 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest - Version 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI - April 24, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI May 30, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice - Published Sept. 3 and 8, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice - Published July 2 and 7, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice - Published June 2 and 7, 2017</u> |

Prepared by: John Carroll

Date: Sept. 8, 2017

Prepared by: John Carroll

Date: Sept. 15, 2017

1 [Public Works, Administrative Codes - Requirements for Surface-Mounted Facility Site
2 Permits]

3 **Ordinance amending the Public Works Code to modify the exceptions to the Surface-**
4 **Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an “in-**
5 **lieu” fee instead of installing a street tree; to allow a permittee to choose to pay an “in-**
6 **lieu” fee instead of permitting the installation of a mural on its Surface-Mounted**
7 **Facility; to repeal the requirements that a permittee install landscaping or pay an “in-**
8 **lieu” fee and maintain the required landscaping; to repeal the requirement that an**
9 **applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate**
10 **the facility on private property before submitting an application; to require Public**
11 **Works to submit a report to the Board of Supervisors every two years on the number of**
12 **applications for Surface-Mounted Facility Site Permits submitted and issued and on**
13 **maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to**
14 **amend the requirement that a permittee maintain any required street tree; and to**
15 **amend the Administrative Code to require that the mural “in-lieu” fees be deposited in**
16 **the Public Works Street Beautification Fund to be used to fund murals and other**
17 **beautification projects in the public right-of-way.**

18
19 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
20 **Additions to Codes** are in *single-underline italics Times New Roman font*.
21 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
22 **Board amendment additions** are in double-underlined Arial font.
23 **Board amendment deletions** are in ~~Arial font~~.
24 **Asterisks (* * * *)** indicate the omission of unchanged Code
25 subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

1 Section 1. The Public Works Code is hereby amended by revising Article 27, Sections
2 2700, 2710, 2711, 2712, 2713, 2722, 2726, and 2727, and adding Section 2732, to read as
3 follows:

4 **SEC. 2700. SURFACE-MOUNTED FACILITY SITE PERMIT.**

5 (a) **Surface-Mounted Facility Site Permit Required.** It shall be unlawful for any
6 Person to construct or install a Surface-Mounted Facility in any Public Right-of-Ways that are
7 under the jurisdiction of the Department without first obtaining from the Department a Surface-
8 Mounted Facility Site Permit under this Article 27 authorizing such construction or installation.

9 (b) **Minimum Permit Requirements.** The Department shall require an Applicant for
10 a Surface-Mounted Facility Site Permit to demonstrate to the satisfaction of the Department
11 that:

12 (1) The City has granted Applicant the authority to construct, install, and
13 maintain the proposed Surface-Mounted Facility in the Public Right-of-Ways; and

14 (2) The Director has approved the proposed location for the Surface-
15 Mounted Facility pursuant to the requirements of this Article 27.

16 (c) **Permit Conditions.** The Department may include in a Permit such Conditions,
17 in addition to those already set forth in this Article 27 and other Applicable Law, as may be
18 required to govern the construction, installation, removal, or maintenance of Surface-Mounted
19 Facilities in the Public Right-of-Ways, and to protect and benefit the public health, safety,
20 welfare, and convenience.

21 (d) **Authority Granted.** A Permit shall authorize the Permittee to perform any
22 excavation that is required to install the Surface-Mounted Facility in the Public Right-of-Ways.

23 (e) **Exceptions to Permit Requirement.** The requirements of this Article 27 shall
24 not apply to the following:
25

1 (1) The replacement of an existing Surface-Mounted Facility at the
2 same location, provided the replacement Surface-Mounted Facility would be installed on the
3 existing foundation and would not be substantially larger in height or volume ~~be the same size or~~
4 ~~smaller~~ than the existing Surface-Mounted Facility.

5 (2) The installation of any equipment in the Public Right-of-Ways
6 pursuant to an encroachment permit issued by the Department pursuant to Article 15 of the
7 Public Works Code.

8 (f) **Other Provisions Inapplicable.** This Article shall govern all actions taken by
9 the City with respect to the approval or denial of an Application for a Surface-Mounted Facility
10 Site Permit under this Article 27. The requirements of ~~San Francisco~~ Business and Tax
11 Regulations Code Sections 5, 6, and 26(a) shall not apply to this Article 27 to the extent those
12 provisions are in conflict with the provisions of this Article 27.

13
14 **SEC. 2710. STREET TREE LANDSCAPING.**

15 (a) **Required for Permit.**

16 ~~(1)~~ The Department shall require every Permittee to install a suitable street
17 ~~trees and landscaping~~ in order to minimize any negative effects on the Aesthetic Character of
18 the streetscape resulting from Permittee's construction, installation and maintenance of the
19 permitted Surface-Mounted Facility. ~~The Department shall determine the number of required street~~
20 ~~trees and the total area of the landscaped area. Generally, the Department shall require the installation~~
21 ~~of at least one street tree and sidewalk landscaping of approximately 100 square feet with each~~
22 ~~permitted Surface Mounted Facility.~~

23 (b) "In-Lieu" Fee.

24 ~~(2)(1)~~ In any instance in which the Department cannot require the Permittee to
25 install either an appropriate street trees ~~or landscaping~~ in the vicinity of the permitted Surface-

1 Mounted Facility, including on the basis of inadequate sidewalk width, interference with
2 utilities, or other reasons regarding the public health, safety, or welfare, the Department shall
3 instead require the Permittee to pay make an "in-lieu" ~~fee. payment into the Department's "Adopt-~~
4 ~~A Tree" fund. This payment shall be in the amount specified in Public Works Code Sections 802(h) and~~
5 ~~807(f) for the installation of one street tree in addition to a payment of \$7,500 for sidewalk~~
6 ~~landscaping, and shall be payable prior to the Department's issuance of the Permit. These on lieu fees~~
7 ~~may be adjusted to reflect changes in the relevant Consumer Price Index, subject to the requirements of~~
8 ~~Section 2729(e).~~

9 (2) An Applicant may elect to pay the "in-lieu" fees described in subsection (b)(1)
10 instead of installing any required street tree. The Applicant shall notify the Department of its election
11 in the Notice of Intent required under Section 2712 of this Article 27.

12 (3) The "in-lieu" fee required by this subsection (b) shall be in the amount specified
13 in Public Works Code Sections 802(h) and 807(f) for the installation of one street and shall be paid into
14 the "Public Works Adopt-A-Tree Fund" established under Administrative Code Section 10.100-227.

15 (bc) Care and Maintenance of Street Trees and Landscaping. The ~~Permittee shall be~~
16 ~~responsible for the~~ care and maintenance of any street trees ~~and landscaping~~ required to be
17 installed in the Public Right-of-Ways under this Section shall be in accordance with the terms and
18 conditions of. In this regard, the Permittee shall assume the duty of a "property owner" Article 16 of
19 the as set forth in Public Works Code, Section 800, et seq. Section 805(a).

20 (ed) No Separate Permit Required. ~~Where required, the installation of a The~~ street tree
21 ~~and landscaping requirements set forth subsection (a) above~~ shall be incorporated into the Surface-
22 Mounted Facility Site Permit issued by the Department under this Article 27. No separate
23 permit will be required under Section 810B of the Public Works Code.

1 **SEC. 2711. MURALS.**

2 (a) **Required for Permit.** Any Person or group of Persons may propose to the
3 Department and the Permittee that the permitted Surface-Mounted Facility be used for a
4 mural that is appropriate for the location. The Department shall require every Permittee to
5 work with any Person or group of Persons selected by the San Francisco Arts Commission in
6 consultation with the Department and the Permittee to facilitate the installation of the mural at
7 Permittee's sole expense and at no cost to the City. No mural shall be allowed unless it is
8 approved by the San Francisco Arts Commission. No mural may contain any product
9 advertising of any kind. The Department may establish by order or regulation the process for
10 placing a mural on a permitted Surface-Mounted Facility.

11 (b) **Maintenance.** The Permittee shall at Permittee's expense work with the Person
12 or Persons that installed the mural to ensure that the mural is properly maintained. The
13 requirements of this subsection *(b)* shall be in addition to Permittee's responsibilities under
14 this Article 27 to maintain any permitted Surface-Mounted Facilities and remove any Graffiti
15 from its permitted Surface-Mounted Facilities.

16 (c) "In-Lieu" Fee.

17 (1) An Applicant may elect to pay an "in-lieu" fee instead of permitting the
18 installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of
19 its election in the Notice of Intent required under Section 2712 of this Article 27.

20 (2) The "in-lieu" fee required by this subsection (c) shall be the greater of \$2,000
21 or the product of multiplying the square footage of the total surface area of the proposed
22 Surface-Mounted Facility times in the amount of ~~\$5002,000~~ 48. The fee and shall be paid into
23 the "Public Works Street Beautification Excavation Fund" established under Administrative Code
24 section 10.100-239, 230. The in-lieu fee may be adjusted to reflect changes in the relevant Consumer
25 Price Index, subject to the requirements of Section 2729(e) of this Article 27.

1 **SEC. 2712. NOTICE OF INTENT TO SUBMIT APPLICATION.**

2 (a) **Submission to the Department.** As part of the Pre-Application Approval
3 Process, within ~~1~~ one day after the Preferred Location List has been reviewed and approved
4 by all applicable City departments, the Applicant may submit a Notice of Intent to the
5 Department for its review. An Applicant may request additional time to submit a Notice of
6 Intent.

7 (b) **Form and Contents.** The Notice of Intent shall be in the form approved by the
8 Department by order or regulation, but at a minimum shall contain the information required in
9 Section 2713(c)(1)-(9)(~~11~~).

10 (c) **Department Approval.** If the Department determines that a Notice of Intent is
11 complete, the Department will approve the Notice of Intent and authorize the Applicant to post
12 and mail the Notice of Intent as required in Section 2713.

13 (d) **Completion Requirements.** The Notice of Intent shall not be complete unless
14 the Department determines that the Applicant has complied with the following requirements:

15 (1) The Applicant has satisfactorily conducted the community meeting
16 required in Section 2705.

17 (2) The Applicant has submitted to the Department plans showing all of the
18 sizes and shapes of the cabinets proposed to be used for its Surface-Mounted Facilities,
19 including the dimensions of any ancillary equipment. For Applicants that conduct business in
20 jurisdictions other than San Francisco, the Applicant shall certify that the cabinets proposed
21 for San Francisco are no larger than the smallest used in any other jurisdiction for similar
22 services.

23 (3) If the Applicant is seeking approval of a larger cabinet on an existing
24 Surface-Mounted Facility site, the Applicant has sufficiently demonstrated to the Department
25 the reasons the larger cabinet is necessary.

1 ~~(4) The Applicant has surveyed the vicinity of the Preferred Locations for its~~
2 ~~Surface Mounted Facility to identify locations outside of the Public Right of Ways (including City~~
3 ~~owned property) that may be appropriate for the installation of the Surface Mounted Facility and the~~
4 ~~Applicant has made reasonable efforts to determine whether the owners of any and all suitable~~
5 ~~properties would be willing to allow the Applicant to use their property for Applicant's proposed~~
6 ~~Surface Mounted Facility. For purposes of this subsection, the term "reasonable efforts" includes~~
7 ~~offering the owners of any suitable property market rate compensation for the use of the property for~~
8 ~~the Applicant's Surface Mounted Facility. The Department shall by order or regulation establish~~
9 ~~guidelines defining "reasonable efforts" and "market rate compensation."~~

10 (5)(4) The Applicant attempted to place the Surface-Mounted Facility (or parts
11 thereof) underground where such underground placement is technologically or economically
12 feasible. An Applicant may satisfy the requirement contained in this subsection (d)(4) by
13 demonstrating to the satisfaction of the Director that it is not technologically or economically
14 feasible for the Applicant to place the Surface-Mounted Facility (or parts thereof)
15 underground. At a minimum, the Applicant shall demonstrate to the Director that it conducted
16 a thorough search for adequate underground technology and provide a report from a licensed
17 engineer certifying the information.

18 (6)(5) Where it is not technologically or economically feasible to underground
19 the entire Surface-Mounted Facility, the Applicant has agreed: (A) to underground part of the
20 Surface-Mounted Facility; (B) to limit the height and footprint of the Surface-Mounted Facility
21 to the maximum extent feasible; (C) either to use stainless steel or to paint the Surface-
22 Mounted Facility the color used for City structures in the vicinity, unless otherwise specified by
23 the Department, and added a Graffiti-proof coating; ~~(D) to screen the Surface Mounted Facility~~
24 ~~by landscaping the Public Right of Ways in the area around the Surface Mounted Facility or~~
25 ~~camouflaging or camouflage the Surface Mounted Facility where requested by any City~~

1 department; and ~~(E)~~ to comply with any Conditions imposed by any City department that
2 reviewed the Applicant's Preferred Location List.

3 ~~(7)~~(6) The Applicant has explored reasonable opportunities to co-locate the
4 Surface-Mounted Facility with any other Surface-Mounted Facility installed or to be installed in
5 the Public Right-of-Ways by other entities including City departments.

6 ~~(8)~~(7) The Applicant has explored reasonable opportunities for its Surface-
7 Mounted Facility to serve a dual function such as a bench or other amenity. The Department
8 shall have the authority to require that a Surface-Mounted Facility serve a dual function,
9 where the Department determines that such dual function is technologically and economically
10 feasible.

11 ~~(9)~~(8) The Applicant has notified the Department whether the Applicant could
12 remove an existing Surface-Mounted Facility from the Public Right-of-Ways because it would
13 no longer be used or useful to the Applicant once the proposed Surface-Mounted Facility has
14 been installed.

15 ~~(10)~~(9) The Applicant has submitted a plan to the Department, in a format
16 specified by the Department, showing all of the Surface-Mounted Facilities the Applicant
17 expects to install in the City within five years of the Application date. Any Applicant that does
18 not anticipate installing any other Surface-Mounted Facilities in the next five years may satisfy
19 this requirement by submitting a statement to that effect instead of a five-year plan.

20 ~~(11)~~(10) The Department has determined that at least two of the Applicant's
21 Preferred Locations for the Surface-Mounted Facility are acceptable or the Notice of Intent will
22 include additional proposed locations identified by the Department or another City department
23 that reviewed the Applicant's Preferred Location List, unless the Department has determined
24 that there is only one feasible location for the proposed Surface-Mounted Facility.

1 **SEC. 2713. PUBLIC NOTICE OF NOTICE OF INTENT TO SUBMIT APPLICATION.**

2 **(a) Public Notice Required.** As part of the Pre-Application Approval Process, the
3 Department shall require an Applicant to notify the public that the Applicant has submitted a
4 Notice of Intent to the Department.

5 **(b) Notice Requirements.**

6 (1) The Applicant shall send a copy of the Notice of Intent to all Persons
7 owning or occupying any property located within 300 feet along either side of the fronting
8 streets of any of the Preferred Locations for the Surface-Mounted Facility.

9 (2) The Applicant shall post a copy of the Notice of Intent in conspicuous
10 places along the Public Right-of-Ways within 300 feet of either side of the fronting streets of
11 any of Applicant's Preferred Locations for the Surface-Mounted Facility.

12 (3) The Applicant shall send a copy of the Notice of Intent to any
13 neighborhood planning association identified by the Planning Department for any
14 neighborhood within 300 feet of any of the Applicant's Preferred Locations for the Surface-
15 Mounted Facility.

16 **(c) Form of Notice of Intent.** The Notice of Intent shall be in a form to be approved
17 by the Department by order or regulation. At a minimum, the Notice of Intent shall contain the
18 following information:

19 (1) The fronting address for each of the Preferred Locations and photo-
20 simulations of the Surface-Mounted Facility at each of the Preferred Locations. Such photo-
21 simulations shall accurately depict the proposed Surface-Mounted Facility and any *proposed*
22 *required street trees or landscaping.*

23 (2) The Applicant's order of preference for the Preferred Locations.

24 (3) A brief description of the nature of the use of the proposed Surface-
25 Mounted Facility and the consequences of not installing the facility.

1 (4) Any assessment made of the Applicant's Preferred Locations by the
2 Planning Department and/or Recreation and Park Department.

3 (5) Any Conditions on the installation of the proposed Surface-Mounted
4 Facility at each of the Preferred Locations imposed by any City department that reviewed the
5 Applicant's Preferred Location List (including a statement indicating whether the Applicant has
6 accepted the Conditions).

7 (6) Any additional proposed locations for the Surface-Mounted Facility
8 identified by any City department that reviewed the Applicant's Preferred Location List
9 (including a statement indicating whether the Applicant has accepted the proposed locations).

10 (7) The procedure for protesting any or all of the Preferred Locations
11 contained in the Notice of Intent.

12 (8) The Applicant's contact information for obtaining information related to
13 the Notice of Intent and/or the technical requirements for the proposed Surface-Mounted
14 Facility.

15 (9) A statement that more information about the proposed Notice of Intent
16 can be obtained from the Applicant and more information about submitting a protest can be
17 obtained from the Department.

18 (10) If applicable, a statement that the Applicant will elect to pay an "in-lieu" fee
19 rather than installing a street tree.

20 (11) If applicable, a statement that the Applicant will elect to pay an "in-lieu" fee
21 rather than permitting the installation of a mural on its permitted Surface-Mounted Facility.

22 ~~(d)(10)~~ **Language Requirement.** The Department may require an Applicant to translate
23 the Notice of Intent into such language(s) that the Department determines are appropriate
24 based on the locations for the proposed Surface-Mounted Facility contained in the Notice of
25 Intent. Prior to issuing the Notice of Intent, the Applicant shall inquire of the Department as to

1 whether translation is required, and if so, into which language or languages such translation
2 shall be offered.

3 ~~(d)(e)~~ **Filing with the Department.** The Applicant shall file with the Department proof
4 that the Applicant has complied with the notice requirements contained herein.

5
6 **SEC. 2722. POST-INSTALLATION OBLIGATIONS.**

7 (a) **Required Signage.** A Permittee shall place a sign on a permitted Surface-
8 Mounted Facility that shall contain the Permittee's name and provide a telephone number for
9 people to call to notify the Permittee that there is damage to or Graffiti on a Surface-Mounted
10 Facility or that an associated street tree landscaping is in need of maintenance. A telephone call
11 to that number will be considered notice to the Permittee. Such sign shall be displayed in a
12 conspicuous manner and shall be maintained and/or replaced as necessary.

13 (b) **Surface-Mounted Facility Maintenance.** A Permittee shall be solely
14 responsible for maintaining a Surface-Mounted Facility installed in the Public Right-of-Ways in
15 a clean and safe condition. A Permittee shall repair any damage to a Surface-Mounted Facility
16 within 30 days after discovering or being notified of such damage to a Surface-Mounted
17 Facility.

18 ~~(c) **Landscaping Maintenance.** A Permittee shall be solely responsible for the maintenance~~
19 ~~of any installed landscaping or street tree installed by the Permittee as a Condition of the Department's~~
20 ~~issuance of a Surface Mounted Facility Site Permit for so long as the permitted Surface Mounted~~
21 ~~Facility remains at the location. Such landscaping shall be kept in a state of good visual quality, with~~
22 ~~any dead or diseased material promptly removed and replaced. The Permittee shall remove any litter~~
23 ~~accumulating within the landscaped area within 72 hours after discovering or being notified of such~~
24 ~~litter accumulation.~~

1 ~~(d)~~(c) **Graffiti Removal.** A Permittee shall be solely responsible for the removal of any
2 Graffiti from a Surface-Mounted Facility installed in the Public Right-of-Ways. A Permittee
3 shall remove all Graffiti from a Surface-Mounted Facility within 72 hours after discovering or
4 being notified that there is Graffiti on a Surface-Mounted Facility.

5 ~~(e)~~(d) **Inspection Required.** A Permittee shall regularly inspect each Surface-
6 Mounted Facility installed in the Public Right-of-Ways to determine whether any of its Surface-
7 Mounted Facilities are damaged, in need ~~of a landscaping~~ street tree maintenance, or have
8 been tagged with Graffiti.

9 ~~(f)~~(e) **Records.** A Permittee shall maintain written records of all inspections, repairs
10 to, and maintenance of any permitted Surface-Mounted Facilities in the Public Right-of-Ways
11 in such form as may be required by the Department. The Department may require that a copy
12 of these written records be sent to the Department on a regular basis.

13
14 **SEC. 2726. LIABILITY.**

15 As a condition of a Surface-Mounted Facility Site Permit, each Permittee agrees on
16 behalf of itself and any agents, successors, or assigns to be wholly responsible for the
17 construction, installation, and maintenance of any permitted Surface-Mounted Facility ~~and any~~
18 and the installation of any required street trees ~~or landscaping~~. Each Permittee and its agents
19 are jointly and severally liable for all consequences of such construction, installation, and
20 maintenance of a permitted Surface-Mounted Facility and the installation of any required
21 street trees ~~or landscaping~~. The issuance of any Permit, inspection, repair suggestion,
22 approval, or acquiescence of any Person affiliated with the City shall not excuse any
23 Permittee or its agents from such responsibility or liability.

1 **SEC. 2727. INDEMNIFICATION AND DEFENSE OF CITY.**

2 (a) **Indemnification of City.** As a condition of a Surface-Mounted Facility Site
3 Permit, each Permittee agrees on behalf of itself and its agents, successors, or assigns, to
4 indemnify, defend, protect, and hold harmless the City from and against any and all claims of
5 any kind allegedly arising directly or indirectly from the following:

6 (1) Any act, omission, or negligence of a Permittee or its ~~any~~ agents,
7 successors, or assigns while engaged in the construction, installation, or maintenance of any
8 Surface-Mounted Facility authorized by a Permit, or while in or about the Public Right-of-Ways
9 that are subject to the Permit, for any reason connected in any way whatsoever with the
10 performance of the work authorized by the Permit, or allegedly resulting directly or indirectly
11 from the construction, installation, or maintenance of any Surface-Mounted Facility authorized
12 under the Permit or any required street trees ~~or landscaping~~;

13 (2) Any accident, damage, death, or injury to any of a Permittee's contractors
14 or subcontractors, or any officers, agents, or employees of either of them, while engaged in
15 the performance of the construction, installation, or maintenance of any Surface-Mounted
16 Facility authorized by a Permit or any required street trees ~~or landscaping~~, or while in or about
17 the Public Right-of-Ways that are subject to the Permit, for any reason connected with the
18 performance of the work authorized by the Permit, including from exposure to radio frequency
19 emissions;

20 (3) Any accident, damage, death, or injury to any Person or accident,
21 damage, or injury to any real or personal property in, upon, or in any way allegedly connected
22 with the construction, installation, or maintenance of any Surface-Mounted Facility authorized
23 by a Permit or any required street trees ~~or landscaping~~, or while in or about the Public Right-of-
24 Ways that are subject to the Permit, from any causes or claims arising at any time, including
25 any causes or claims arising from exposure to radio frequency emissions; and

1 (4) Any release or discharge, or threatened release or discharge, of any
2 hazardous material caused or allowed by a Permittee or its agents about, in, on, or under the
3 Public Right-of-Ways.

4 (b) **Defense of City.** Each Permittee agrees that, upon the request of the City, the
5 Permittee, at no cost or expense to the City, shall indemnify, defend, and hold harmless the
6 City against any claims as set forth in subsection (a) above, regardless of the alleged
7 negligence of City or any other party, except only for claims resulting directly from the sole
8 negligence or willful misconduct of the City. Each Permittee specifically acknowledges and
9 agrees that it has an immediate and independent obligation to defend the City from any claims
10 that actually or potentially fall within the indemnity provision, even if the allegations are or may
11 be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered
12 to the Permittee or its agent by the City and continues at all times thereafter. Each Permittee
13 further agrees that the City shall have a cause of action for indemnity against the Permittee for
14 any costs the City may be required to pay as a result of defending or satisfying any claims that
15 arise from or in connection with a Permit, except only for claims resulting directly from the sole
16 negligence or willful misconduct of the City. Each Permittee further agrees that the
17 indemnification obligations assumed under a Permit shall survive expiration of the Permit or
18 completion of installation of any Surface-Mounted Facility authorized by the Permit.

19 (c) **Additional Requirements.** The Department may specify in a Permit such
20 additional indemnification requirements as are necessary to protect the City from risks of
21 liability associated with the Permittee's construction, installation, and maintenance of a
22 Surface-Mounted Facility or any required street trees ~~or landscaping~~.
23
24
25

1 **SEC. 2732. DEPARTMENT OF PUBLIC WORKS REPORTING REQUIREMENT.**

2 (a) Beginning on September 1, 2019, and by September 1 of every other year
3 thereafter, the Department shall submit a report (the "Department Report") to the Board of
4 Supervisors and the Mayor concerning the applications for Surface-Mounted Facility Site
5 Permits submitted during the prior two-year period and maintenance of existing Surface-
6 Mounted Facilities.

7 (b) For each application, the Department Report shall contain the following
8 information: (1) the number of applications submitted by applicant; (2) the proposed location
9 of the Surface-Mounted Facility set forth in each application; (3) whether those applications
10 were protested; (4) the results of all such protests; (5) whether the Department granted or
11 denied those applications; (6) whether any Department determinations were appealed; and
12 (7) the outcome of any such appeals. For each existing Surface-Mounted Facility, the
13 Department Report shall also describe maintenance and graffiti abatement activities by the
14 Permittee during the two-year period.

15
16 Section 2. The Administrative Code is hereby amended by revising Chapter 10, Article
17 13, Section 10.100-239, to read as follows:

18 **SEC. 10.100-239. PUBLIC WORKS STREET BEAUTIFICATION DAMAGE**
19 **RESTORATION FUND.**

20 (a) Establishment of Fund. The Public Works Street Damage Restoration
21 Beautification Fund is established as a category eight fund for the purpose of receiving "in-
22 lieu" fees required under Public Works Code section 2711(c) Street Damage Restoration Fee
23 amounts paid pursuant to Section 2.4.44 of the Public Works Code (Part II, Chapter 10 of the
24 San Francisco Municipal Code).

1 (b) Use of Fund. Monies in the Street Damage Restoration Beautification Fund
2 shall be used exclusively for ~~street resurfacing and reconstruction~~. Notwithstanding the
3 foregoing, the Director of the Department of Public Works may order refunds to be made from
4 the ~~Street Damage Restoration Fund~~ consistent with procedures adopted pursuant to Section
5 2.4.46 of the Public Works Code murals and other beautification projects in the public right-of-
6 way. Public Works shall establish a mechanism for receiving applications for use of these
7 funds for such purposes.
8

9 Section 23. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.
15

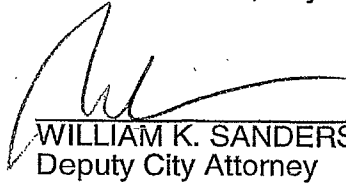
16 Section 34. Severability. If any section, subsection, sentence, clause, phrase, or
17 word of this ordinance, or any application thereof to any person or circumstance, is held to be
18 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
19 shall not affect the validity of the remaining portions or applications of the ordinance. The
20 Board of Supervisors hereby declares that it would have passed this ordinance and each and
21 every section, subsection, sentence, clause, phrase, and word not declared invalid or
22 unconstitutional without regard to whether any other portion of this ordinance or application
23 thereof would be subsequently declared invalid or unconstitutional.
24
25

1 Section 45. No Conflict with Federal or State Law. Nothing in this ordinance shall be
2 interpreted or applied so as to create any requirement, power, or duty in conflict with any
3 federal or state law.
4

5 Section 56. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
9

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12
13 By:


14 WILLIAM K. SANDERS
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee - July 26, 2017.)

[Public Works, Administrative Codes - Requirements for Surface-Mounted Facility Site Permits]

Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an “in-lieu” fee instead of installing a street tree; to allow a permittee to choose to pay an “in-lieu” fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an “in-lieu” fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to amend the requirement that a permittee maintain any required street tree; and to amend the Administrative Code to require that the mural “in-lieu” fees be deposited in the Public Works Street Beautification Fund to be used to fund murals and other beautification projects in the public right-of-way.

Existing Law

Under Article 27 of the Public Works Code, any person installing a Surface-Mounted Facility (“SMF”) in the public right-of-way must obtain a Surface-Mounted Facility Site Permit from Public Works. Article 27 contains certain specified application requirements and permitting conditions for SMFs.

Amendments to Current Law

The proposed ordinance would amend the following sections of Article 27:

- Section 2700(e) (2) would be amended to allow a permittee to make modest changes to the height or volume of an existing SMF on the same foundation without obtaining a new permit.
- Section 2710 would be amended to: (a) repeal the requirement that a permit include a condition that the permittee install landscaping around the permitted SMF and maintain the landscaping; (b) allow an applicant to choose to pay an “in-lieu” fee instead of installing a street tree; and (c) to amend the street tree maintenance requirement to be consistent with San Francisco Charter § 16.129 (added by Proposition E).

- Section 2711 would be amended to allow an applicant to choose to pay an “in-lieu” fee instead of permitting the installation of a mural on its SMF.
- Section 2712 would be amended to: (a) repeal the requirement that an applicant make reasonable efforts to install an SMF on private property; and (b) delete the reference to landscaping.
- Section 2713 would be amended to: (a) delete the reference to landscaping; and (b) in part implement the amendments to Sections 2710 and 2711.
- Section 2722 would be amended to delete the landscaping maintenance requirement.
- Section 2726 would be amended to delete the reference to landscaping.
- Section 2727 would be amended to delete the reference to landscaping.

The proposed ordinance would also require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities.

The proposed ordinance would also amend Administrative Code section 10.100-239 to establish the Public Works Street Beautification Fund where mural “in-lieu” fees would be deposited. Monies in the fund would be used to fund murals and other beautification projects in the public right-of-way.

Background Information

The City has been actively engaged in the SMF siting process since 2005 when the Department of Public Works adopted Director’s Order 175,556 to establish a pre-permitting process for SMFs in the public rights-of-way (“Order”). In 2014, the Board of Supervisors replaced the Order by adopting Article 27 of the Public Works Code.

The street tree and mural requirements are being amended to allow the applicant to choose to pay “in-lieu” fees instead of installing a street tree and permitting the installation of a mural. The City could then use these funds for planting new street trees and landscaping, graffiti abatement, and municipal art or other beautification projects in the public right-of-way. At present, the Bureau of Urban Forestry chooses whether to require the permittee to plant a street tree or pay an “in-lieu” fee. A mural would only be required if neighborhood residents came forward with a plan to create and install one.

The requirement that a permittee maintain any required street tree is being amended in light of section 16.129 to the San Francisco Charter, which the voters approved in Proposition E during the November 2016 election. Section 16.129 transfers responsibility to maintain street trees and sidewalks damaged by street trees from property owners to the City. The proposed amendment would require that the responsibility for maintaining street trees be consistent with Public Works Code Article 16, which section 16.129 requires the Board of Supervisors to amend. The proposed amendment would also repeal the landscaping maintenance requirement.

Section 2712(d)(4) is being repealed in response to a court ruling against the City. In 2014, Pacific Bell sued the City claiming that Public Utilities Code sections 5885 and 7901 preempted the City's authority to require a telephone corporation or state video provider to attempt to place its SMF on private property before applying for a Surface-Mounted Facility Site Permit. The San Francisco Superior Court in *Pacific Bell Telephone Company v. City and County of San Francisco* (Docket No. CGC-14-541846) found for Pacific Bell on that claim. In light of that ruling, San Francisco could not enforce Section 2712(d)(4) against Pacific Bell or other telephone corporations or state video providers.



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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 SEP 13 AM 10:08

BY _____ AK

September 13, 2017

By Hand

President Breed and the Board of Supervisors of the
City and County of San Francisco
c/o Angela Calvillo, Clerk of the Board
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102-4689

Re: File No. 170442, Amendment to Article 27 of the Public Works Code

Dear President Breed and Supervisors Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, and Yee:

In connection with the San Francisco Board of Supervisors ("**Board of Supervisors**") consideration of a proposed amendment to Article 27 of San Francisco's Public Works Code (the "**Ordinance**"), described below, Pacific Bell Telephone Company d/b/a AT&T California ("**AT&T**") agrees as follows.

Background

The Ordinance requires AT&T to obtain site permits to install surface-mounted facilities (SMFs), such as AT&T's equipment cabinets, in the public right-of-way. In September 2014, The Department of Public Works ("**DPW**") issued Order No. 182933 (the "**Order**"), which implements the Ordinance and establishes additional requirements and procedures for obtaining SMF site permits. The Ordinance and the Order specifically require permittees to install and maintain trees and landscaping in the vicinity of the SMF, or to pay an "in-lieu" fee if trees or landscaping cannot be installed (the "**Tree/Landscaping Requirement**"). (S.F. Pub. Works Code ("**PWC**"), § 2710; Order § 7.) The Ordinance and the Order require permittees to facilitate the installation of mural on the SMF at the permittee's expense (the "**Mural Requirement**"). (PWC § 2711; Order § 11).

AT&T obtained decisions allowing it to submit applications to install SMFs at seven locations in the City of San Francisco (the "**City**"). AT&T then submitted applications to install SMFs at these locations on December 16, 2016 (the "**Applications**"), accompanied by a letter explaining that it considered the Tree/Landscaping and Mural Requirements to be impermissible. On December 21, 2016, DPW issued a Notice of Deficiency on the

AT&T



ground that the Applications were incomplete for the reason that AT&T indicated that it did not intend to install street trees or landscaping or pay an in-lieu fee. AT&T requested a final determination on its Applications on January 10, 2017. DPW issued a Notice of Final Determination to Deny Surface-Mounted Facility Site Permits on January 19, 2017. On February 1, 2017, AT&T appealed the denial of the Applications to the San Francisco Board of Appeals. These appeals were assigned Appeal Nos. 17-014, 17-015, 17-016, 17-017, 17-018, 17-019, and 17-020 (the “**Appeals**”). The Appeals are currently set for hearing on October 18, 2017.

The Board of Supervisors is considering a proposed amendment to the Ordinance (the “**Proposed Amended Ordinance**”). Among other things, the Proposed Amended Ordinance would relieve AT&T and other applicants for surface-mounted facility permits of the obligation to: (i) install a street tree if the applicant agreed to pay an in-lieu fee in the amount established by the Proposed Amended Ordinance; and (ii) allow for the installation of a mural if it paid an in-lieu fee in the amount established by the Proposed Amended Ordinance.

AT&T’s Covenant Not to Sue and Agreement to Dismiss Appeals

In the event the Board of Supervisors enacts the Proposed Amended Ordinance in substantially the form that is included in the agenda for the Public Safety and Neighborhood Services Committee meeting on September 13, 2017 (an “**Acceptable Ordinance**”) (attached hereto as **Exhibit A**), AT&T agrees to dismiss the Appeals and covenants not to file or assert any action, claim, demand, lawsuit, arbitration, or other legal or regulatory proceeding in any venue or forum (or continue or maintain any existing suit) against the City regarding Tree/Landscaping or Mural Requirements for a period not to exceed five (5) years.

Nothing in the this letter shall prevent AT&T from filing any claim of any type on account of, or in any way growing out of or related to Tree/Landscaping or Mural Requirements in the event that: (1) there is a change in federal or state law concerning the conditions that the City may impose on permits for SMFs based on aesthetic considerations, including any changes related to the ability of the City to impose such conditions in light of California’s Public Utilities Code Sections 7901 and 7901.1; (2) any state or federal court decision is issued concerning the legality of the imposition in California of “in-lieu” fees of any sort; or (3) any new or additional requirements with respect to Tree/Landscaping or Mural Requirements are imposed by the City beyond those set out in the Acceptable Ordinance (including those requirements imposed by Public Works Code Sections 802(h) and 807(f) to the extent incorporated in the Acceptable Ordinance).



For the avoidance of doubt, AT&T is not releasing any claims of any type which it now has, or it may hereafter accrue or otherwise acquire, on account of, or in any way growing out of or related to AT&T's applications to install surface-mounted facilities in the City, including claims of any type with respect to any requirements that the City has or may impose upon AT&T as a condition to installing or maintaining an SMF in the City or County of San Francisco, including the Tree/Landscaping or Mural Requirements. AT&T is only agreeing that it will not file suit or assert any action, demand, lawsuit, arbitration, or other legal or regulatory proceeding in any venue or forum under the circumstances described above.

In the event that the City does not enact an Acceptable Ordinance by November 8, 2017, AT&T's covenant not to sue shall be void, and will have no force and effect.

Sincerely,

A handwritten signature in black ink that reads "Tedi Vriheas". The signature is written in a cursive, flowing style.

Tedi Vriheas,
Assistant Vice President, External Affairs
AT&T Services, Inc.

Exhibit

Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Thursday, August 31, 2017 12:08 PM
To: Ronen, Hillary; Bonnie Jones
Subject: RE: beautification idea

Categories: 170442, 2017.09.13 - PSNS

Thank you, Chair Ronen, for forwarding this to me.

Bonnie Jones:

I have added the commentary to the file for the matter, and it will appear in the Committee packet for the Committee's consideration on September 13, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170442](#)

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Ronen, Hillary
Sent: Thursday, August 31, 2017 11:27 AM
To: Bonnie Jones <bonniejonesbonniejones@gmail.com>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: RE: beautification idea

Bonnie,

Thanks for your email. This issue is currently before the Public Safety and Neighborhood Services Committee. We are considering legislation where AT&T would make a payment to the city for every box they put in and the city will either wrap the boxes or use the money to fund a mural near by. I will make sure your comment is included in the legislative record (copying the committee clerk). Appreciate the input.

Hillary

Sent from Mail for Windows 10

From: Bonnie Jones

Sent: Friday, August 18, 2017 11:17 AM

To: Bonnie Jones

Subject: beautification idea

Dear Supervisors and Staff, Recently I read about solving the problem of ugly utility boxes and thought that perhaps wrapping them much like the ads on streetcars might be an attractive and cost-effective solution. Initially I wrote to Supervisor Cohen who had expressed interest (vis SF Gate article.) Having no response, I am writing to you all in the hopes that one of you might be interested. Add to that, I see now that Berkeley (see photo) is wrapping their boxes and so I'm hoping SF might consider copying Berkeley. FWIW, I have no relationship w/companies that make these murals but would enjoy being part of the process. Thank you for any interest you might have to beautify our city streets. Sincerely, Bonnie Jones 415 664 4426



170442

From: Richard Corriea <sfparpresident@gmail.com>
Sent: Friday, June 09, 2017 11:24 AM
To: Major, Erica (BOS)
Subject: Proposed Legislation to remove AT&T Utility Box Obligations; Board of Supervisors File No. 170442
Attachments: PAR letter re BOS file No 170442.pdf

The item referenced above comes before the Public Safety and Neighborhood Services Committee on June 12, 2017. Attached please find a statement of PAR's position on the proposed legislation. I would appreciate it if you would see to it that the attached letter is brought to the attention of the Committee and also makes it's way into the hearing record.

Thank you.

Richard Corriea
President
Planning Association for the Richmond



Tedi Vriheas
Assistant Vice President
External Affairs

AT&T California
430 Bush Street
Suite 500
San Francisco, CA 94108

M 415.350.8100
tedi@att.com
www.att.com
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 JUL 18 AM 11:39

BY BJ

July 14, 2017

By Hand

President Breed and the Board of Supervisors of the
City and County of San Francisco
c/o Angela Calvillo, Clerk of the Board
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 941012-4689

Re: File No. 170442, Amendment to Article 27 of the Public Works Code

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AT&T obtained decisions allowing it to submit applications to install SMFs at seven locations in the City and County of San Francisco (the "**City**"). AT&T then submitted applications to install SMFs at these locations on December 16, 2016 (the "**Applications**"), accompanied by a letter explaining that it considered the Tree/Landscaping and Mural Requirements to be

AT&T

impermissible. On December 21, 2016, DPW issued a Notice of Deficiency on the ground that the Applications were incomplete for the reason that AT&T indicated that it did not intend to install street trees or landscaping or pay an in-lieu fee. AT&T requested a final determination on its Applications on January 10, 2017. DPW issued a Notice of Final Determination to Deny Surface-Mounted Facility Site Permits on January 19, 2017. On February 1, 2017, AT&T appealed the denial of the Applications to the San Francisco Board of Appeals. These appeals were assigned Appeal Nos. 17-014, 17-015, 17-016, 17-017, 17-018, 17-019, and 17-020 (the "Appeals"). The Appeals are currently set for hearing on August 9, 2017.

The Board of Supervisors is considering a proposed amendment to the Ordinance (the "**Proposed Amended Ordinance**"). Among other things, the Proposed Amended Ordinance would relieve AT&T and other applicants for surface-mounted facility permits of the obligation to: (i) install a street tree if the applicant agreed to pay an in-lieu fee in the amount established by the Proposed Amended Ordinance; and (ii) allow for the installation of a mural if it paid an in-lieu fee in the amount established by the Proposed Amended Ordinance.

AT&T's Covenant Not to Sue and Agreement to Dismiss Appeals

In the event the Board of Supervisors enacts the Proposed Amended Ordinance in substantially the form that is included in the agenda/packet for the Public Safety and Neighborhood Services Committee meeting on July 12, 2017 (an "**Acceptable Ordinance**") (attached hereto as **Exhibit A**), AT&T agrees to dismiss the Appeals and covenants not to file or assert any action, claim, demand, lawsuit, arbitration, or other legal or regulatory proceeding in any venue or forum (or continue or maintain any existing suit) against the City regarding the Tree/Landscaping or Mural Requirements for a period not to exceed five (5) years.

Nothing in this letter shall prevent AT&T from filing any claim of any type on account of, or in any way growing out of or related to, the Tree/Landscaping or Mural Requirements in the event that: (1) there is a change in federal or state law concerning the conditions that the City may impose on permits for SMFs based on aesthetic considerations, including any changes related to the ability of the City to impose such conditions in light of California's Public Utilities Code Sections 7901 and 7901.1; (2) any state or federal court decision is issued concerning the legality of the imposition in California of "in-lieu" fees of any sort; or (3) any new or additional requirements with respect to the Tree/Landscaping or Mural Requirements are imposed by the City beyond those set out in the Acceptable Ordinance (including those requirements imposed by Public Works Code Sections 802(h) and 807(f) to the extent incorporated in the Acceptable Ordinance).

For the avoidance of doubt, AT&T is not releasing any claims of any type which it now has, or it may hereafter accrue or otherwise acquire, on account of, or in any way growing out of or related to AT&T's applications to install surface-mounted facilities in the City, including claims of any type with respect to any requirements that the City has or may impose upon AT&T as a

AT&T

The San Francisco Board of Supervisors

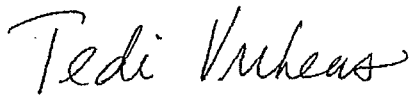
July 14, 2017

Page 3

condition to installing or maintaining an SMF in the City or County of San Francisco, including the Tree/Landscaping or Mural Requirements. AT&T is only agreeing that it will not file or assert any action, claim, demand, lawsuit, arbitration, or other legal or regulatory proceeding in any venue or forum under the circumstances described above.

In the event that the City does not enact an Acceptable Ordinance by August 4, 2017, AT&T's covenant not to sue shall be void, and will have no force and effect.

Sincerely,



Tedi Vriheas,
Assistant Vice President, External Affairs
AT&T Services, Inc.

Exhibit

AT&T

1 [Public Works Code - Requirements for Surface-Mounted Facility Site Permits]

2

3 Ordinance amending the Public Works Code to modify the exceptions to the Surface-
4 Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an “in-
5 lieu” fee instead of installing a street tree; to allow a permittee to choose to pay an “in-
6 lieu” fee instead of permitting the installation of a mural on its Surface-Mounted
7 Facility; to repeal the requirements that a permittee install landscaping or pay an “in-
8 lieu” fee and maintain the required landscaping; to repeal the requirement that an
9 applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate
10 the facility on private property before submitting an application; to require Public
11 Works to submit a report to the Board of Supervisors every two years on the number of
12 applications for Surface-Mounted Facility Site Permits submitted and issued, and on
13 maintenance and graffiti abatement activities at existing Surface-Mounted Facilities;
14 and to amend the requirement that a permittee maintain any required street tree.

15

16 NOTE: Unchanged Code text and uncodified text are in plain Arial font.
17 Additions to Codes are in *single-underline italics Times New Roman font*.
18 Deletions to Codes are in *strikethrough italics Times New Roman font*.
19 Board amendment additions are in double-underlined Arial font.
20 Board amendment deletions are in ~~Arial font~~.
21 Asterisks (* * * *) indicate the omission of unchanged Code
22 subsections or parts of tables.

20

21 Be it ordained by the People of the City and County of San Francisco:

22

23 Section 1. The Public Works Code is hereby amended by revising Article 27, Sections
24 2700, 2710, 2711, 2712, 2713, 2722, 2726, and 2727, and adding Section 2732, to read as
25 follows:

1 **SEC. 2700. SURFACE-MOUNTED FACILITY SITE PERMIT.**

2 **(a) Surface-Mounted Facility Site Permit Required.** It shall be unlawful for any
3 Person to construct or install a Surface-Mounted Facility in any Public Right-of-Ways that are
4 under the jurisdiction of the Department without first obtaining from the Department a Surface-
5 Mounted Facility Site Permit under this Article 27 authorizing such construction or installation.

6 **(b) Minimum Permit Requirements.** The Department shall require an Applicant for
7 a Surface-Mounted Facility Site Permit to demonstrate to the satisfaction of the Department
8 that:

9 (1) The City has granted Applicant the authority to construct, install, and
10 maintain the proposed Surface-Mounted Facility in the Public Right-of-Ways; and

11 (2) The Director has approved the proposed location for the Surface-
12 Mounted Facility pursuant to the requirements of this Article 27.

13 **(c) Permit Conditions.** The Department may include in a Permit such Conditions,
14 in addition to those already set forth in this Article 27 and other Applicable Law, as may be
15 required to govern the construction, installation, removal, or maintenance of Surface-Mounted
16 Facilities in the Public Right-of-Ways, and to protect and benefit the public health, safety,
17 welfare, and convenience.

18 **(d) Authority Granted.** A Permit shall authorize the Permittee to perform any
19 excavation that is required to install the Surface-Mounted Facility in the Public Right-of-Ways.

20 **(e) Exceptions to Permit Requirement.** The requirements of this Article 27 shall
21 not apply to the following:

22 (1) The replacement of an existing Surface-Mounted Facility at the
23 same location, provided the replacement Surface-Mounted Facility would be installed on the
24 existing foundation and would *not be substantially larger in height or volume ~~be the same size or~~*
25 *smaller* than the existing Surface-Mounted Facility.

1 (2) The installation of any equipment in the Public Right-of-Ways
2 pursuant to an encroachment permit issued by the Department pursuant to Article 15 of the
3 Public Works Code.

4 (f) **Other Provisions Inapplicable.** This Article shall govern all actions taken by
5 the City with respect to the approval or denial of an Application for a Surface-Mounted Facility
6 Site Permit under this Article 27. The requirements of ~~San Francisco~~ Business and Tax
7 Regulations Code Sections 5, 6, and 26(a) shall not apply to this Article 27 to the extent those
8 provisions are in conflict with the provisions of this Article 27.

9

10 **SEC. 2710. STREET TREE LANDSCAPING.**

11 (a) **Required for Permit.**

12 ~~(1)~~ The Department shall require every Permittee to install a suitable street
13 trees ~~and landscaping~~ in order to minimize any negative effects on the Aesthetic Character of
14 the streetscape resulting from Permittee's construction, installation and maintenance of the
15 permitted Surface-Mounted Facility. ~~The Department shall determine the number of required street~~
16 ~~trees and the total area of the landscaped area. Generally, the Department shall require the installation~~
17 ~~of at least one street tree and sidewalk landscaping of approximately 100 square feet with each~~
18 ~~permitted Surface Mounted Facility.~~

19 (b) **"In-Lieu" Fee.**

20 ~~(2)(1)~~ In any instance in which the Department cannot require the Permittee to
21 install ~~either an~~ appropriate street trees ~~or landscaping~~ in the vicinity of the permitted Surface-
22 Mounted Facility, including on the basis of inadequate sidewalk width, interference with
23 utilities, or other reasons regarding the public health, safety, or welfare, the Department shall
24 instead require the Permittee to ~~pay~~ make an "in-lieu" ~~fee.~~ ~~payment into the Department's "Adopt-~~
25 ~~A Tree" fund. This payment shall be in the amount specified in Public Works Code Sections 802(h) and~~

1 ~~807(f) for the installation of one street tree in addition to a payment of \$7,500 for sidewalk~~
2 ~~landscaping, and shall be payable prior to the Department's issuance of the Permit. These on-lieu fees~~
3 ~~may be adjusted to reflect changes in the relevant Consumer Price Index, subject to the requirements of~~
4 ~~Section 2729(e).~~

5 (2) An Applicant may elect to pay the "in-lieu" fees described in subsection (b)(1)
6 instead of installing any required street tree. The Applicant shall notify the Department of its election
7 in the Notice of Intent required under Section 2712 of this Article 27.

8 (3) The "in-lieu" fee required by this subsection (b) shall be in the amount specified
9 in Public Works Code Sections 802(h) and 807(f) for the installation of one street and shall be paid into
10 the "Public Works Adopt-A-Tree Fund" established under Administrative Code Section 10.100-227.

11 (bc) Care and Maintenance of Street Trees and Landscaping. The Permittee shall be
12 responsible for the care and maintenance of any street trees and landscaping required to be
13 installed in the Public Right-of-Ways under this Section shall be in accordance with the terms and
14 conditions of. In this regard, the Permittee shall assume the duty of a "property owner" Article 16 of
15 the as set forth in Public Works Code, Section 800, et seq. Section 805(a).

16 (ed) No Separate Permit Required. ~~Where required, the installation of a The street tree~~
17 ~~and landscaping requirements set forth subsection (a) above~~ shall be incorporated into the Surface-
18 Mounted Facility Site Permit issued by the Department under this Article 27. No separate
19 permit will be required under Section 810B of the Public Works Code.

20
21 **SEC. 2711. MURALS.**

22 (a) **Required for Permit.** Any Person or group of Persons may propose to the
23 Department and the Permittee that the permitted Surface-Mounted Facility be used for a
24 mural that is appropriate for the location. The Department shall require every Permittee to
25 work with any Person or group of Persons selected by the San Francisco Arts Commission in

1 consultation with the Department and the Permittee to facilitate the installation of the mural at
2 Permittee's sole expense and at no cost to the City. No mural shall be allowed unless it is
3 approved by the San Francisco Arts Commission. No mural may contain any product
4 advertising of any kind. The Department may establish by order or regulation the process for
5 placing a mural on a permitted Surface-Mounted Facility.

6 (b) **Maintenance.** The Permittee shall at Permittee's expense work with the Person
7 or Persons that installed the mural to ensure that the mural is properly maintained. The
8 requirements of this subsection (b) shall be in addition to Permittee's responsibilities under
9 this Article 27 to maintain any permitted Surface-Mounted Facilities and remove any Graffiti
10 from its permitted Surface-Mounted Facilities.

11 (c) "In-Lieu" Fee.

12 (1) An Applicant may elect to pay an "in-lieu" fee instead of permitting the
13 installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of
14 its election in the Notice of Intent required under Section 2712 of this Article 27.

15 (2) The "in-lieu" fee required by this subsection (c) shall be in the amount of
16 \$5002,000 and shall be paid into the "Public Works Excavation Fund" established under
17 Administrative Code section 10.100-230. The in-lieu fee may be adjusted to reflect changes in the
18 relevant Consumer Price Index, subject to the requirements of Section 2729(e) of this Article 27.

19
20 **SEC. 2712. NOTICE OF INTENT TO SUBMIT APPLICATION.**

21 (a) **Submission to the Department.** As part of the Pre-Application Approval
22 Process, within ~~1~~ one day after the Preferred Location List has been reviewed and approved
23 by all applicable City departments, the Applicant may submit a Notice of Intent to the
24 Department for its review. An Applicant may request additional time to submit a Notice of
25 Intent.

1 (b) **Form and Contents.** The Notice of Intent shall be in the form approved by the
2 Department by order or regulation, but at a minimum shall contain the information required in
3 Section 2713(c)(1)-~~(9)~~(11).

4 (c) **Department Approval.** If the Department determines that a Notice of Intent is
5 complete, the Department will approve the Notice of Intent and authorize the Applicant to post
6 and mail the Notice of Intent as required in Section 2713.

7 (d) **Completion Requirements.** The Notice of Intent shall not be complete unless
8 the Department determines that the Applicant has complied with the following requirements:

9 (1) The Applicant has satisfactorily conducted the community meeting
10 required in Section 2705.

11 (2) The Applicant has submitted to the Department plans showing all of the
12 sizes and shapes of the cabinets proposed to be used for its Surface-Mounted Facilities,
13 including the dimensions of any ancillary equipment. For Applicants that conduct business in
14 jurisdictions other than San Francisco, the Applicant shall certify that the cabinets proposed
15 for San Francisco are no larger than the smallest used in any other jurisdiction for similar
16 services.

17 (3) If the Applicant is seeking approval of a larger cabinet on an existing
18 Surface-Mounted Facility site, the Applicant has sufficiently demonstrated to the Department
19 the reasons the larger cabinet is necessary.

20 ~~(4) The Applicant has surveyed the vicinity of the Preferred Locations for its~~
21 ~~Surface-Mounted Facility to identify locations outside of the Public Right of Ways (including City-~~
22 ~~owned property) that may be appropriate for the installation of the Surface Mounted Facility and the~~
23 ~~Applicant has made reasonable efforts to determine whether the owners of any and all suitable~~
24 ~~properties would be willing to allow the Applicant to use their property for Applicant's proposed~~
25 ~~Surface-Mounted Facility. For purposes of this subsection, the term "reasonable efforts" includes~~

1 ~~offering the owners of any suitable property market rate compensation for the use of the property for~~
2 ~~the Applicant's Surface Mounted Facility. The Department shall by order or regulation establish~~
3 ~~guidelines defining "reasonable efforts" and "market rate compensation."~~

4 ~~(5)(4)~~ The Applicant attempted to place the Surface-Mounted Facility (or parts
5 thereof) underground where such underground placement is technologically or economically
6 feasible. An Applicant may satisfy the requirement contained in this subsection ~~(d)(4)~~ by
7 demonstrating to the satisfaction of the Director that it is not technologically or economically
8 feasible for the Applicant to place the Surface-Mounted Facility (or parts thereof)
9 underground. At a minimum, the Applicant shall demonstrate to the Director that it conducted
10 a thorough search for adequate underground technology and provide a report from a licensed
11 engineer certifying the information.

12 ~~(6)(5)~~ Where it is not technologically or economically feasible to underground
13 the entire Surface-Mounted Facility, the Applicant has agreed: (A) to underground part of the
14 Surface-Mounted Facility; (B) to limit the height and footprint of the Surface-Mounted Facility
15 to the maximum extent feasible; (C) either to use stainless steel or to paint the Surface-
16 Mounted Facility the color used for City structures in the vicinity, unless otherwise specified by
17 the Department, and added a Graffiti-proof coating; ~~(D) to screen the Surface Mounted Facility~~
18 ~~by landscaping the Public Right of Ways in the area around the Surface Mounted Facility or~~
19 ~~camouflaging or camouflage the Surface Mounted Facility where requested by any City~~
20 ~~department; and (E) to comply with any Conditions imposed by any City department that~~
21 reviewed the Applicant's Preferred Location List.

22 ~~(7)(6)~~ The Applicant has explored reasonable opportunities to co-locate the
23 Surface-Mounted Facility with any other Surface-Mounted Facility installed or to be installed in
24 the Public Right-of-Ways by other entities including City departments.

25

1 ~~(8)~~(7) The Applicant has explored reasonable opportunities for its Surface-
2 Mounted Facility to serve a dual function such as a bench or other amenity. The Department
3 shall have the authority to require that a Surface-Mounted Facility serve a dual function,
4 where the Department determines that such dual function is technologically and economically
5 feasible.

6 ~~(9)~~(8) The Applicant has notified the Department whether the Applicant could
7 remove an existing Surface-Mounted Facility from the Public Right-of-Ways because it would
8 no longer be used or useful to the Applicant once the proposed Surface-Mounted Facility has
9 been installed.

10 ~~(10)~~(9) The Applicant has submitted a plan to the Department, in a format
11 specified by the Department, showing all of the Surface-Mounted Facilities the Applicant
12 expects to install in the City within five years of the Application date. Any Applicant that does
13 not anticipate installing any other Surface-Mounted Facilities in the next five years may satisfy
14 this requirement by submitting a statement to that effect instead of a five-year plan.

15 ~~(11)~~(10) The Department has determined that at least two of the Applicant's
16 Preferred Locations for the Surface-Mounted Facility are acceptable or the Notice of Intent will
17 include additional proposed locations identified by the Department or another City department
18 that reviewed the Applicant's Preferred Location List, unless the Department has determined
19 that there is only one feasible location for the proposed Surface-Mounted Facility.

20
21 **SEC. 2713. PUBLIC NOTICE OF NOTICE OF INTENT TO SUBMIT APPLICATION.**

22 (a) **Public Notice Required.** As part of the Pre-Application Approval Process, the
23 Department shall require an Applicant to notify the public that the Applicant has submitted a
24 Notice of Intent to the Department.

25 (b) **Notice Requirements.**

1 (1) The Applicant shall send a copy of the Notice of Intent to all Persons
2 owning or occupying any property located within 300 feet along either side of the fronting
3 streets of any of the Preferred Locations for the Surface-Mounted Facility.

4 (2) The Applicant shall post a copy of the Notice of Intent in conspicuous
5 places along the Public Right-of-Ways within 300 feet of either side of the fronting streets of
6 any of Applicant's Preferred Locations for the Surface-Mounted Facility.

7 (3) The Applicant shall send a copy of the Notice of Intent to any
8 neighborhood planning association identified by the Planning Department for any
9 neighborhood within 300 feet of any of the Applicant's Preferred Locations for the Surface-
10 Mounted Facility.

11 (c) **Form of Notice of Intent.** The Notice of Intent shall be in a form to be approved
12 by the Department by order or regulation. At a minimum, the Notice of Intent shall contain the
13 following information:

14 (1) The fronting address for each of the Preferred Locations and photo-
15 simulations of the Surface-Mounted Facility at each of the Preferred Locations. Such photo-
16 simulations shall accurately depict the proposed Surface-Mounted Facility and any *proposed*
17 *required* street trees *or landscaping*.

18 (2) The Applicant's order of preference for the Preferred Locations.

19 (3) A brief description of the nature of the use of the proposed Surface-
20 Mounted Facility and the consequences of not installing the facility.

21 (4) Any assessment made of the Applicant's Preferred Locations by the
22 Planning Department and/or Recreation and Park Department.

23 (5) Any Conditions on the installation of the proposed Surface-Mounted
24 Facility at each of the Preferred Locations imposed by any City department that reviewed the
25

1 Applicant's Preferred Location List (including a statement indicating whether the Applicant has
2 accepted the Conditions).

3 (6) Any additional proposed locations for the Surface-Mounted Facility
4 identified by any City department that reviewed the Applicant's Preferred Location List
5 (including a statement indicating whether the Applicant has accepted the proposed locations).

6 (7) The procedure for protesting any or all of the Preferred Locations
7 contained in the Notice of Intent.

8 (8) The Applicant's contact information for obtaining information related to
9 the Notice of Intent and/or the technical requirements for the proposed Surface-Mounted
10 Facility.

11 (9) A statement that more information about the proposed Notice of Intent
12 can be obtained from the Applicant and more information about submitting a protest can be
13 obtained from the Department.

14 (10) If applicable, a statement that the Applicant will elect to pay an "in-lieu" fee
15 rather than installing a street tree.

16 (11) If applicable, a statement that the Applicant will elect to pay an "in-lieu" fee
17 rather than permitting the installation of a mural on its permitted Surface-Mounted Facility.

18 ~~(d)~~**(e) Language Requirement.** The Department may require an Applicant to translate
19 the Notice of Intent into such language(s) that the Department determines are appropriate
20 based on the locations for the proposed Surface-Mounted Facility contained in the Notice of
21 Intent. Prior to issuing the Notice of Intent, the Applicant shall inquire of the Department as to
22 whether translation is required, and if so, into which language or languages such translation
23 shall be offered.

24 ~~(d)~~**(e) Filing with the Department.** The Applicant shall file with the Department proof
25 that the Applicant has complied with the notice requirements contained herein.

1 **SEC. 2722. POST-INSTALLATION OBLIGATIONS.**

2 **(a) Required Signage.** A Permittee shall place a sign on a permitted Surface-
3 Mounted Facility that shall contain the Permittee's name and provide a telephone number for
4 people to call to notify the Permittee that there is damage to or Graffiti on a Surface-Mounted
5 Facility or that an associated street tree landscaping is in need of maintenance. A telephone call
6 to that number will be considered notice to the Permittee. Such sign shall be displayed in a
7 conspicuous manner and shall be maintained and/or replaced as necessary.

8 **(b) Surface-Mounted Facility Maintenance.** A Permittee shall be solely
9 responsible for maintaining a Surface-Mounted Facility installed in the Public Right-of-Ways in
10 a clean and safe condition. A Permittee shall repair any damage to a Surface-Mounted Facility
11 within 30 days after discovering or being notified of such damage to a Surface-Mounted
12 Facility.

13 ~~*(c) — Landscaping Maintenance. A Permittee shall be solely responsible for the maintenance*~~
14 ~~*of any installed landscaping or street tree installed by the Permittee as a Condition of the Department's*~~
15 ~~*issuance of a Surface-Mounted Facility Site Permit for so long as the permitted Surface-Mounted*~~
16 ~~*Facility remains at the location. Such landscaping shall be kept in a state of good visual quality, with*~~
17 ~~*any dead or diseased material promptly removed and replaced. The Permittee shall remove any litter*~~
18 ~~*accumulating within the landscaped area within 72 hours after discovering or being notified of such*~~
19 ~~*litter accumulation.*~~

20 ~~*(d)*~~**(c) Graffiti Removal.** A Permittee shall be solely responsible for the removal of any
21 Graffiti from a Surface-Mounted Facility installed in the Public Right-of-Ways. A Permittee
22 shall remove all Graffiti from a Surface-Mounted Facility within 72 hours after discovering or
23 being notified that there is Graffiti on a Surface-Mounted Facility.

24 ~~*(e)*~~**(d) Inspection Required.** A Permittee shall regularly inspect each Surface-
25 Mounted Facility installed in the Public Right-of-Ways to determine whether any of its Surface-

1 Mounted Facilities are damaged, in need ~~of a landscaping street tree~~ maintenance, or have
2 been tagged with Graffiti.

3 ~~(f)(e)~~ **Records.** A Permittee shall maintain written records of all inspections, repairs
4 to, and maintenance of any permitted Surface-Mounted Facilities in the Public Right-of-Ways
5 in such form as may be required by the Department. The Department may require that a copy
6 of these written records be sent to the Department on a regular basis.

7
8 **SEC. 2726. LIABILITY.**

9 As a condition of a Surface-Mounted Facility Site Permit, each Permittee agrees on
10 behalf of itself and any agents, successors, or assigns to be wholly responsible for the
11 construction, installation, and maintenance of any permitted Surface-Mounted Facility ~~and any~~
12 ~~required street trees or landscaping.~~ Each Permittee and its agents are jointly and severally
13 liable for all consequences of such construction, installation, and maintenance of a Surface-
14 Mounted Facility and any required street trees ~~or landscaping.~~ The issuance of any Permit,
15 inspection, repair suggestion, approval, or acquiescence of any Person affiliated with the City
16 shall not excuse any Permittee or its agents from such responsibility or liability.

17
18 **SEC. 2727. INDEMNIFICATION AND DEFENSE OF CITY.**

19 (a) **Indemnification of City.** As a condition of a Surface-Mounted Facility Site
20 Permit, each Permittee agrees on behalf of itself and its agents, successors, or assigns, to
21 indemnify, defend, protect, and hold harmless the City from and against any and all claims of
22 any kind allegedly arising directly or indirectly from the following:

23 (1) Any act, omission, or negligence of a Permittee or its ~~any~~ agents,
24 successors, or assigns while engaged in the construction, installation, or maintenance of any
25 Surface-Mounted Facility authorized by a Permit, or while in or about the Public Right-of-Ways

1 that are subject to the Permit, for any reason connected in any way whatsoever with the
2 performance of the work authorized by the Permit, or allegedly resulting directly or indirectly
3 from the construction, installation, or maintenance of any Surface-Mounted Facility authorized
4 under the Permit or any required street trees ~~or landscaping~~;

5 (2) Any accident, damage, death, or injury to any of a Permittee's contractors
6 or subcontractors, or any officers, agents, or employees of either of them, while engaged in
7 the performance of the construction, installation, or maintenance of any Surface-Mounted
8 Facility authorized by a Permit or any required street trees ~~or landscaping~~, or while in or about
9 the Public Right-of-Ways that are subject to the Permit, for any reason connected with the
10 performance of the work authorized by the Permit, including from exposure to radio frequency
11 emissions;

12 (3) Any accident, damage, death, or injury to any Person or accident,
13 damage, or injury to any real or personal property in, upon, or in any way allegedly connected
14 with the construction, installation, or maintenance of any Surface-Mounted Facility authorized
15 by a Permit or any required street trees ~~or landscaping~~, or while in or about the Public Right-of-
16 Ways that are subject to the Permit, from any causes or claims arising at any time, including
17 any causes or claims arising from exposure to radio frequency emissions; and

18 (4) Any release or discharge, or threatened release or discharge, of any
19 hazardous material caused or allowed by a Permittee or its agents about, in, on, or under the
20 Public Right-of-Ways.

21 (b) **Defense of City.** Each Permittee agrees that, upon the request of the City, the
22 Permittee, at no cost or expense to the City, shall indemnify, defend, and hold harmless the
23 City against any claims as set forth in subsection (a) above, regardless of the alleged
24 negligence of City or any other party, except only for claims resulting directly from the sole
25 negligence or willful misconduct of the City. Each Permittee specifically acknowledges and

1 agrees that it has an immediate and independent obligation to defend the City from any claims
2 that actually or potentially fall within the indemnity provision, even if the allegations are or may
3 be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered
4 to the Permittee or its agent by the City and continues at all times thereafter. Each Permittee
5 further agrees that the City shall have a cause of action for indemnity against the Permittee for
6 any costs the City may be required to pay as a result of defending or satisfying any claims that
7 arise from or in connection with a Permit, except only for claims resulting directly from the sole
8 negligence or willful misconduct of the City. Each Permittee further agrees that the
9 indemnification obligations assumed under a Permit shall survive expiration of the Permit or
10 completion of installation of any Surface-Mounted Facility authorized by the Permit.

11 (c) **Additional Requirements.** The Department may specify in a Permit such
12 additional indemnification requirements as are necessary to protect the City from risks of
13 liability associated with the Permittee's construction, installation, and maintenance of a
14 Surface-Mounted Facility or any required street trees *or landscaping*.

15
16 **SEC. 2732. DEPARTMENT OF PUBLIC WORKS REPORTING REQUIREMENT.**

17 (a) Beginning on September 1, 2019, and by September 1 of every other year
18 thereafter. The Department shall submit a report (the "Department Report") to the Board of
19 Supervisors and the Mayor concerning the applications for Surface-Mounted Facility Site
20 Permits submitted during the prior two-year period and maintenance of existing Surface-
21 Mounted Facilities.

22 (b) For each application, the Department Report shall contain the following
23 information: (1) the number of applications submitted by applicant; (2) the proposed location
24 of the Surface-Mounted Facility set forth in each application; (3) whether those applications
25 were protested; (4) the results of all such protests; (5) whether the Department granted or

1 denied those applications; (6) whether any Department determinations were appealed; and
2 (7) the outcome of any such appeals. For each existing Surface-Mounted Facility, the
3 Department Report shall also describe maintenance and graffiti abatement activities by the
4 Permittee during the two-year period.
5

6 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.
12

13 Section 3. Severability. If any section, subsection, sentence, clause, phrase, or
14 word of this ordinance, or any application thereof to any person or circumstance, is held to be
15 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
16 shall not affect the validity of the remaining portions or applications of the ordinance. The
17 Board of Supervisors hereby declares that it would have passed this ordinance and each and
18 every section, subsection, sentence, clause, phrase, and word not declared invalid or
19 unconstitutional without regard to whether any other portion of this ordinance or application
20 thereof would be subsequently declared invalid or unconstitutional.
21

22 Section 4. No Conflict with Federal or State Law. Nothing in this ordinance shall be
23 interpreted or applied so as to create any requirement, power, or duty in conflict with any
24 federal or state law.
25

1 Section 5. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.
5

6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8
9 By: _____
10 WILLIAM K. SANDERS
 Deputy City Attorney

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5758 Geary Blvd., # 356 - San Francisco CA 94121-2112
VMs & Faxes-(415) 541-5652 – Direct & VMs-(415) 541-5652, Emails president@sfparr.org

June 9, 2017

Supervisor Sandra Lee-Fewer
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689
Sandra.Fewer@sfgov.org

Re: Proposed Legislation to remove AT&T Utility Box Obligations;
Board of Supervisors File No. 170442
(Public Works Code - Requirements for Surface-Mounted Facility Site Permits)

Dear Supervisor Lee-Fewer:

I am writing on behalf of the Planning Association for the Richmond (PAR) regarding the matter referenced above. This proposed legislation is scheduled for hearing at a *special* meeting of the Public Safety and Neighborhood Services Committee on June 12, 2017. As you know, PAR represents thousands of residents in the Richmond District and has been a stakeholder in the utility box issue for many years.

Several years ago, the siting of AT&T's U-Verse program unsightly boxes on sidewalks in residential areas precipitated a tsunami of neighborhood resistance. These large boxes are eye-sores in the public right-of-way and become targets for graffiti vandals. PAR was a party to litigation that followed, which was needed to give the community a voice in the placement of the boxes. The lawsuit sought to ensure that, as a regulated utility, AT&T's Utility Boxes would be properly subjected to CEQA and that Environmental Impact Reports be prepared.

In 2014, then Supervisor Weiner, after collaborating with a diverse set of stakeholders, and following lengthy negotiations and committee hearings, submitted legislation to the full Board of Supervisors that implemented the present constraints upon the siting of AT&T's Utility Boxes, including the following elements:

- AT&T must seek to locate its Utility Boxes on private property prior to requesting

siting on public property.

- AT&T must provide landscaping for its Utility Boxes.
- AT&T must contribute to a fund to enable local artists to employ the large Utility Boxes as canvases for artwork.
- AT&T must remediate any graffiti within 72 hours.

AT&T has not complied with its obligations under the current law. Larry Stringer, deputy director of Public Works, recently sent a strongly worded letter to AT&T accusing the company of "not meeting its legal responsibilities." In particular, presently, AT&T has not complied with the landscaping requirements; has not complied with the graffiti requirements; and, no artist work has been deployed on the Utility Boxes – which may substantially explain the graffiti.

Despite the history of community sentiment on this siting issue, and Scott Welner's legislation that implemented something of a compromise, Supervisor Cohen is now proposing that utilities like AT&T be able to buy their way out of current requirements by paying "In lieu" fees. This proposed legislation ignores public sentiment, obliterates the community protections found in current law and rewards utilities like AT&T in spite of failures to comply with current obligations. The proposed legislation will remove all of AT&T's present series of obligations regarding the siting and installation of its Utility Boxes.

In spite of a long history of community participation in the development of policy and law regarding the siting of utility boxes, AT&T's is attempting to disenfranchise the interested communities of San Francisco by suddenly pursuing legislation permitting it to slide out of its responsibilities. This is a shockingly terrible deal. Rather than this legislation, the Board of Supervisors should direct firm action to ensure lawful compliance with the existing requirements.

We ask not merely the rejection of this terrible proposed legislation, but a resolve to enforce compliance with the existing legislation.

Thank you for your attention to this important matter.

Sincerely,



Richard L. Corriea
President, Planning Association for the Richmond

CC:

Supervisor Hillary Ronen (Hillary.Ronen@sfgov.org)

Supervisor Jeff Sheehy (Jeff.Sheehy@sfgov.org)

Assistant Clerk Erica Major, Public Safety and Neighborhood Services Committee,
(erica.major@sfgov.org)

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
John Rahaim, Director, Planning Department
Phil Ginsburg, General Manager, Recreation and Parks Department
Tom DeCaigny, Director of Cultural Affairs, Arts Commission

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: April 24, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Cohen on April 18, 2017:

File No. 170442

Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Referral from the Office of the Clerk of the Board
Public Safety and Neighborhood Services Committee
April 24, 2017
Page 2

- c: Jennifer Blot, Public Works
- Scott Sanchez, Planning Department
- Lisa Gibson, Planning Department
- AnMarie Rodgers, Planning Department
- Aaron Starr, Planning Department
- Joy Navarrete, Planning Department
- Jeanie Poling, Planning Department
- Sarah Madland, Recreation and Parks Department
- Susan Pontious, Arts Commission
- Rebekah Krell, Arts Commission
- Sharon Page Ritchie, Arts Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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TDD/TTY No. 554-5227

MEMORANDUM

TO: Mei Ling Hui, Urban Forestry Council Coordinator, Urban Forestry Council

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: May 30, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Cohen on April 18, 2017:

File No. 170442

Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

GOVERNMENT

NOTICE OF REGULAR MEETING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE SEPTEMBER 11, 2017 - 1:30 PM CITY HALL LEGISLATIVE CHAMBER, ROOM 250 DR. CARLTON B. GOODLET PLACE, SAN FRANCISCO, CA

The agenda packet and legislative files are available at www.sfbos.org, in Form 244 at the address listed above, or by calling (415) 554-6184.

CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

UNITED FAMILY COURT Case Number: JD18-3239 In the Matter of G.L.G., A Minor

To: AARON DADE, alleged father, and any other person(s) claiming to be the Parent(s) of said minor. You are hereby notified that the San Francisco Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

BY ORDER OF THIS COURT, you are hereby notified and required to appear before this Court on the day of November 16, 2017 at 8:45 a.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

BY ORDER OF THIS COURT, you are hereby notified and required to appear before this Court on the day of November 16, 2017 at 8:45 a.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

BY KELLY DAVIES, Deputy Clerk

CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

UNITED FAMILY COURT Case Number: JD16-3269 In the Matter of A.J.J., A Minor

To: GUY JEFFERY, Alleged Father, and any other person(s) claiming to be the Parent(s) of said minor. You are hereby notified that the San Francisco Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

ordered a hearing pursuant to Welfare and Institutions Code Section 366.26, to determine whether your parental rights should be terminated and your child(ren) be freed from your custody and control for the purpose of having him adopted. BY ORDER OF THIS COURT, you are hereby notified and required to appear before this Court on the day of November 16, 2017 at 8:45 a.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

If you appear on the above-mentioned date in the above-mentioned courtroom, the Judge will advise you of the nature of the proceedings, the procedures, and possible consequences of the entitled action. The parent(s) of the minor(s) have the right to have an attorney present and, if the parent(s) cannot afford an attorney, the Court will appoint an attorney for the parent(s).

BY: NESTOR PANELO, Deputy Clerk

CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

UNITED FAMILY COURT Case Number: JD16-3317 In the Matter of: A.K.B.J.S., A Minor

To: BILL SCOTT, Alleged Father, and any other person(s) claiming to be the Parent(s) of said minor. You are hereby notified that the San Francisco Juvenile Dependency Court has ordered a hearing pursuant to Welfare and Institutions Code Section 366.26, to determine whether your parental rights should be terminated and your child(ren) be freed from your custody and control for the purpose of having him adopted.

BY ORDER OF THIS COURT, you are hereby notified and required to appear before this Court on the day of November 16, 2017 at 8:45 a.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

BY KELLY DAVIES, Deputy Clerk

CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

UNITED FAMILY COURT Case Number: JD16-3269 In the Matter of A.J.J., A Minor

To: GUY JEFFERY, Alleged Father, and any other person(s) claiming to be the Parent(s) of said minor. You are hereby notified that the San Francisco Juvenile Dependency Court, 400 McAllister Street, Room 406, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s).

for Petitioner, Department of Human Services (415) 554-3835. BY MONICA F. WILLEY, Judge of the Superior Court of the County of San Francisco. PUBLIC NOTICE: THE PUBLIC HEARINGS BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE WEDNESDAY, SEPTEMBER 13, 2017 - 10:00 AM CITY HALL, COMMITTEE ROOM 263.1 DR. CARLTON B. GOODLET PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing, to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. Date: Wednesday, September 13, 2017 Time: 10:00 a.m. Location: Committee Room, Room 263.1, located at City Hall, Dr. Carlton B. Goodlet Place, San Francisco, CA Subject: File No. 170442. Ordinance amending the Public Works Code, Section 27.10, to require that a Surface-Mounted Facility Site Permit requirement to allow 27.10 families to choose to pay an "in-lieu fee instead of installing a street tree."

BY: NESTOR PANELO, Deputy Clerk

CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

UNITED FAMILY COURT Case Number: JD16-3317 In the Matter of: A.K.B.J.S., A Minor

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FOR CHANGE OF NAME Case No. 17CV03834 Superior Court of California, County of San Mateo. Petitioner for Change of Name TO: ALL INTERESTED PERSONS: Petitioner Muey Vern Saephon filed a petition with this court for a decree changing names as follows: Muey Vern Saephon to Ginny Lurie. The Court orders that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

BY: NESTOR PANELO, Deputy Clerk

CIVIL

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

Case No. 17CV03834 Superior Court of California, County of San Mateo. Petitioner for Change of Name TO: ALL INTERESTED PERSONS: Petitioner Muey Vern Saephon filed a petition with this court for a decree changing names as follows: Muey Vern Saephon to Ginny Lurie. The Court orders that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

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BY: NESTOR PANELO, Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT

The following person(s) is (are) doing business as: MILOMAX Investments, 2400 Olympic Dr., South San Francisco, CA 94080, County of San Mateo. Hisang Lee Tseng, 2400 Olympic Dr., South San Francisco, CA 94080, County of San Mateo. Min Nian Tseng, 1528 Los Montes Dr., Burlingame, CA 94010. Min Nian Tseng, 1528 Los Montes Dr., Burlingame, CA 94010. This business is conducted by a General Partnership. The registrant(s) commenced to transact business under the fictitious business name or names listed above on N/A. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)

BY: NESTOR PANELO, Deputy Clerk

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BY: NESTOR PANELO, Deputy Clerk

Carroll, John (BOS)

From: Docs, SF (LIB)
Sent: Friday, September 01, 2017 4:08 PM
To: Carroll, John (BOS)
Subject: Re: Please Post the Linked Hearing Notice - Public Safety and Neighborhood Services Committee - 170442 Fee Ad

Categories: 170442, 2017.09.13 - PSNS

Posted/SF Docs/9/1/2017/Laurel Yerkey

From: Carroll, John (BOS)
Sent: Friday, September 1, 2017 3:47 PM
To: Docs, SF (LIB)
Subject: Please Post the Linked Hearing Notice - Public Safety and Neighborhood Services Committee - 170442 Fee Ad

Please post the linked hearing notice for public viewing.

http://sfbos.org/sites/default/files/psn091317_170442_Notice.pdf

Thanks!

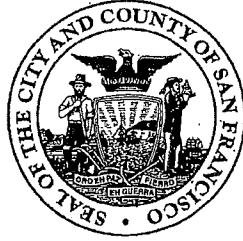
John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Wednesday, September 13, 2017

Time: 10:00 a.m.

Location: Committee Room, Room 263, located at City Hall,
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

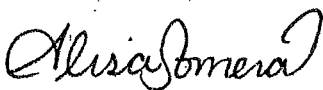
Subject: **File No. 170442.** Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to amend the requirement that a permittee maintain any required street tree; and to amend the Administrative Code to require that the mural "in-lieu" fees be deposited in the Public Works Street Beautification Fund to be used to fund murals and other beautification projects in the public right-of-way.

Continued on next page

Under Public Works Code, Article 27, any person installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 2710, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 2712. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,489. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-2008, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code, Section 2.1.2.

Under Public Works Code, Section 2711, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu fee instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of its election in the Notice of Intent required under Public Works Code, Section 2712, Article 27. The "in-lieu" fee shall be the greater of \$2,000 or the product of multiplying the square footage of the total surface area of the proposed Surface Mounted Facility by \$48, and shall be paid into a "Public Works Street Beautification Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 8, 2017.


for Angela Calvillo
Clerk of the Board

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1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description JEC - PSNS Fee Ad - 170442 Sep 13 2017

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/03/2017 , 09/08/2017

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an

EXM# 3042742

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE WEDNESDAY, SEPTEMBER 13, 2017 - 10:00 AM CITY HALL, COMMITTEE ROOM 263 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: Date: Wednesday, September 13, 2017 Time: 10:00 a.m. Location: Committee Room, Room 263, located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA Subject: File No. 170442. Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to amend the requirement that a permittee maintain any required street tree; and to amend the Administrative Code to require that the mural "in-lieu" fees be deposited in the Public Works Street Beautification Fund to be used to fund murals and other beautification projects in the public right-of-way. Under Public Works Code, Article 27, any person

installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 2710, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 2712. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,489. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-2008, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code, Section 2.1.2. Under Public Works Code, Section 2711, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu fee instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of its election in the Notice of Intent required under Public Works Code, Section 2712, Article 27. The "in-lieu" fee shall be the greater of \$2,000 or the product of multiplying the square footage of the total surface area of the proposed Surface Mounted Facility by \$48, and shall be paid into a "Public Works Street Beautification Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index. In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, information relating to this



* A 0 0 0 0 0 4 5 2 6 6 2 1 *

matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 8, 2017.

New
Order



Your order is sent!!

Customer Information

Customer Name S.F. BD OF SUPERVISORS (NON-CONSECUTIVE) **Master Id** 52704
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State - Zip CA - 94102

Ad Placement Information: Section of Newspaper and Type of Notice

Legal: GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name SF BOS (OFFICIAL) SF **Billing Reference No.** Contract Award 95442
Ad Description JEC - PSNS Fee Ad - 170442 Sep 13 2017 **Sale/Hrg/Bid Date**

Special Instructions

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
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Order No.	Newspaper	View
3042742	SAN FRANCISCO EXAMINER 10%	View Ad In PDF

**NOTICE OF PUBLIC HEARING
 BOARD OF SUPERVISORS OF THE
 CITY AND COUNTY OF SAN
 FRANCISCO PUBLIC SAFETY AND
 NEIGHBORHOOD SERVICES
 COMMITTEE WEDNESDAY,
 SEPTEMBER 13, 2017 - 10:00 AM
 CITY HALL, COMMITTEE ROOM 263
 1 DR. CARLTON B. GOODLETT
 PLACE, SAN FRANCISCO, CA**

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: Date: Wednesday, September 13, 2017 Time: 10:00 a.m. Location: Committee Room, Room 263, located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 170442. Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to amend the requirement that a permittee maintain any required street tree; and to amend the Administrative Code to require that the mural "in-lieu" fees be deposited in the Public Works Street Beautification Fund to be used to fund murals and other beautification projects in the public right-of-way.

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GOVERNMENT

NOTICE OF REGULAR MEETING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE MONDAY, JULY 17, 2017 - 1:30 PM CITY HALL LEGISLATIVE CHAMBER ROOM 250 1 DR. CARLTON B. GOODLETT PLACE SAN FRANCISCO, CA 94102

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE MONDAY, JULY 17, 2017 - 1:30 PM CITY HALL LEGISLATIVE CHAMBER, ROOM 250 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and will hold a public hearing to consider the following proposal and will hold a public hearing to consider the following proposal...

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE MONDAY, JULY 17, 2017 - 1:30 PM CITY HALL LEGISLATIVE CHAMBER, ROOM 250 DR. CARLTON B. GOODLETT PLACE SAN FRANCISCO, CA

and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170761 - Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit with a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner and affirming the Planning Department's determination under the California Environmental Quality Act. If the legislation passes, there will be two new appeal processes for Street Major Encroachment Permits that may be filed with the Board of Supervisors. An applicant filing against the determination of the Director of Public Works or Director for reasons unrelated to engineering design of a Street Encroachment Permit application, may file an appeal with the Board of Supervisors within 30 days of the Director's decision. After the Director notifies the applicant in writing and an administrative hearing is held, the applicant may appeal the Director's decision to deny a street encroachment permit within 30 days of the date of the written decision of the Director. The applicant's appeal shall be in writing accompanied with checks addressed to the Clerk of the Board of Supervisors for \$635 and \$400 addressed to the Clerk of the Board of Supervisors for its cost related to the appeal. Beginning with fiscal year 2018-2019, the appeal fees may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be available for public review on Friday, July 14, 2017.

Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board, Agenda Information Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit with a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner and affirming the Planning Department's determination under the California Environmental Quality Act. If the legislation passes, there will be two new appeal processes for Street Major Encroachment Permits that may be filed with the Board of Supervisors. An applicant filing against the determination of the Director of Public Works or Director for reasons unrelated to engineering design of a Street Encroachment Permit application, may file an appeal with the Board of Supervisors within 30 days of the Director's decision. After the Director notifies the applicant in writing and an administrative hearing is held, the applicant may appeal the Director's decision to deny a street encroachment permit within 30 days of the date of the written decision of the Director. The applicant's appeal shall be in writing accompanied with checks addressed to the Clerk of the Board of Supervisors for \$635 and \$400 addressed to the Clerk of the Board of Supervisors for its cost related to the appeal. Beginning with fiscal year 2018-2019, the appeal fees may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be available for public review on Friday, July 14, 2017.

Notice is hereby given to the general public of the following actions under the Environmental Review Process. Review of the documents concerning these projects will be arranged by calling (415) 576-8025 and asking for the staff person indicated.

NOTICE OF PREPARATION OF EIR The (initial evaluation conducted by the Planning Department and the following project(s) may have significant effects on the environment as that an Environmental Impact Report (EIR) must be prepared.

REPLACEMENT ON 7TH STREET FROM TOWNSEND TO 16TH STREET Contract No. WD-2742 Sealed bids will be received at 525 Golden Gate Avenue, 3rd Floor - Toluna Room, San Francisco, CA 94102, until 2:00 PM on 8/10/2017. Hard copy versions of plans, specifications and bidding documents are available at 525 Golden Gate Avenue, 1st Floor, Customer Service Desk, San Francisco, CA 94102 or at the Administrative Code 94102 for a non-refundable \$150 fee paid by cash or by check payable to SFPUC Call (415) 851-4603 for further information. A CD version of the plans, specifications, is available for fee of \$10. Visit http://water.org/contracts for updates.

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and will hold a public hearing to consider the following proposal...

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INVITATION FOR BIDS
PORT OF SAN FRANCISCO

Port of San Francisco (the "Port"), a department of the City and County of San Francisco (the "City") announces Contract #2781, CRANE COVER PARK CONSTRUCTION PACKAGE 2 - PARK IMPROVEMENTS. The work will consist of site grading, marine sediment cap, hardscapes, landscaping, site furnishings, site lighting, irrigation, restoration of historic gantry cranes, re-purposing of shipyard relics to interpretive elements, building relocation, building renovation and retrofit conversion for public restrooms, building demolition, site utilities, paving, and shoreline reconstruction to include a beach and revetment. Bidders shall possess a Class A City and County Contractor's license. Partnering Level 3 is required. Refer to Partnering Requirements (Section 01 31 33). Estimated construction cost for the base bid is \$20.1M. The L&E subcontracting cost is \$1.5M. The project is subject to prevailing wage requirements (Section 6.22(e)) and Local Hire requirements (Section 6.22(g)). To be qualified to bid, the Contractor must meet the Contractor Qualifications noted in the Advertisement for Bids (Section 00 11 13). If bidder does not meet the requirements stated in this specification, the City may, at its discretion, determine the bidder to be unresponsive. In accordance with the Port of San Francisco Commission Resolution #10-60, no bid is accepted and no contract in excess of \$600,000 is awarded by the City and County of San Francisco until such time as (a) the Port Commission approves the contract for award and (b) the Port Executive Director or designee then issues an order of award. Pursuant to Chapter 83.105(f), all contract awards are subject to certification by the Controller as to the availability of funds. Bidders shall submit proof of a current Business Tax Registration Certificate. Failure of a bidder to provide such proof within fourteen (14) calendar days of bid opening could constitute a refusal to enter into the contract and result in forfeiture of the bond. Bid security in the form of a corporate surety bond or an irrevocable letter of credit (or certified check if required bid security is \$15,000 or less) for ten percent (10%) of the amount bid must accompany each bid. The Port reserves the right to reject any or all bids and waive any minor irregularities in any bid. Pre-bid Meeting: 7/24/2017, 10:30 AM, Elia 1, Bldg. 728, 2011, 10:30 AM, Elia 1. For questions contact Steven Pineda, (415) 274-0574. Information for the bid package can be found at www.spport.com and www.sfgov.org/ocba. CNR-302898#

GOVERNMENT

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO TUESDAY, JULY 25, 2017 - 9:00 P.M. CITY HALL LEGISLATIVE CHAMBER, ROOM 250 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170462, Hearing of the Board of Supervisors sitting as a Committee of the Whole on July 25, 2017, at 9:00 p.m., to consider establishment of a property-based assessment district to be known as the Japantown Community Benefit District, pursuant to the California Property and Business Improvement District Law of 1994 (Streets and Highways Code, Sections 39600, et seq.) and City and County of San Francisco Business and Tax Regulations Code, Article 15, this is to notify you that a petition signed by property owners to form a property and business improvement district in your area was received by the Clerk of the Board of Supervisors on May 9, 2017. The proposed district would be known as the Japantown Community Benefit District (CBD). If this Property and Business Improvement District is formed, it would authorize assessments against real property in the district for tax and one half years with services to be implemented January 1, 2018 through December 31, 2029. The Japantown Community Benefit District would fund and provide the following services: 1) Environmental Enhancements 2) Economic Enhancements 3) Advocacy Administration 4) Reserve Formation of the property and business improvement district is subject to the approval of the Board of Supervisors after notified public hearings and a vote by the property owners who would be subject to the assessments. Following public comment, bids submitted by the property owners in the proposed Japantown Community Benefit District (CBD) will be counted by the Department of Elections and the results will be announced by the Board of Supervisors.

If the ballot election does not result in a majority protest against formation of the proposed district, the Board of Supervisors may vote to establish the Japantown Community Benefit District (CBD). Further information about this petition and proposed district, including the district management plan which describes the boundaries, operations, and activities of the proposed district, may be reviewed in Legislative File No. 170465 at the Office of the Clerk of the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94108. Alternatively, information may be accessed on the Board of Supervisors website at www.sfbos.org and on the Department of Elections Website at www.sfgov.org/elections. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Board of Supervisors. Written comments should be addressed to Angela Cavillo, Clerk of the Board, City Hall, Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 21, 2017 - Angela Cavillo, Clerk of the Board.

LEGISLATION INTRODUCED AT AND SUMMARY OF ACTIONS OF THE BOARD OF SUPERVISORS MEETING OF THE SAN FRANCISCO BOARD OF SUPERVISORS
are available at www.sfbos.org; 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, or by calling (415) 554-5184.

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE MONDAY, JULY 12, 2017 - 10:00 AM CITY HALL, COMMITTEE ROOM 255 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170442, Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay

FICTITIOUS BUSINESS NAMES
FICTITIOUS BUSINESS NAME STATEMENT
File No. 27-656
The following person(s) to (are) doing business as:
TARA KASPIK, 203 Redwood Shores Parkway, Suite 300,

Redwood Shores CA 94065, County of San Mateo KaspiK & Company, LLC, 203 Redwood Shores Parkway, Suite 300, Redwood Shores CA 94065 Delaware
This business is conducted by a limited liability company (applicant) commencing to transact business under the fictitious business name (names listed above on N/A) and that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)
S/ Lindy Sherwood, Sr. Managing Director
This statement was filed with the County Clerk of San Mateo County on May 16, 2017
Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk
Original
#71, 6/18, 6/25, 7/2/17
IPEN-3012035#
EXAMINER - BOUTIQUE & VILLAGER

GOVERNMENT

NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE DRAFT 2035 GENERAL PLAN, DRAFT SPECIFIC PLANNING VILLAGE ZONING, PHASE I ZONING REGULATIONS AND DRAFT 2035 CLIMATE ACTION PLAN FOR THE CITY OF BELMONT
DATE: June 30, 2017
TO: Interested Agencies and Individuals
FROM: Belmont Community Development Department
The Draft Environmental Impact Statement (DEIR) (SOH 201602075) for the Draft 2035 General Plan, Draft Belmont Village Specific Plan (BVSP) and its associated zoning regulations, Draft Phase Zoning Regulations (citywide) and Draft 2035 Climate Action Plan (CAP) are now available for review. Public comment on the DEIR is invited for a review period extending from June 30, 2017 through August 19, 2017. More information is provided below.
The Proposed Project is adoption of four discrete, but interrelated, long-range planning and regulatory documents:
2035 General Plan, which proposes a citywide vision guiding future growth, change, preservation, and quality of life in Belmont, and provides policies and actions to achieve that vision. The Draft 2035 General Plan fulfills State requirements for a General Plan under California Government Code Section 65000 et seq. The General Plan addresses all land within Belmont city limits and its Sphere of Influence.
The Belmont Village Specific Plan (BVSP) is a detailed planning document and implementation tool to realize the vision of a vibrant, mixed use town center that is supported in the General Plan and also includes zoning regulations that

implement the Specific Plan. The BVSP covers an area of approximately 80 acres centered around the Belmont Caltrain Station.
- Phase I Zoning Regulations, which provides a zoning framework to ensure new development conforms to the General Plan, serving as a precursor to a comprehensive rewrite ("Phase II") of the City's Zoning Ordinance following General Plan adoption. The Phase I zoning regulations apply to various land use districts and parcels citywide, and also pre-zone the unincorporated Sphere of Influence.
The 2035 Climate Action Plan (CAP), which is a climate change Gas Reduction Strategy consistent with AB 32 that provides a plan for addressing Belmont's greenhouse gas (GHG) emissions, and helps to mitigate any GHG/climate change impacts associated with the General Plan and BVSP, as well as future development projects in Belmont. It identifies measures and strategies to achieve the City's goal of reducing community-wide GHG emissions by 15 percent by 2020, and 50 percent by 2035 (relative to the baseline year of 2005). The CAP comprises quantifiable objectives and strategies in the areas of energy, transportation, land use, and solid waste. It applies citywide.
The City and its consultants (Dyett & Bhatia, W-Trans, and CDF) have prepared an Environmental Impact Statement pursuant to the California Environmental Quality Act (CEQA) to analyze and disclose the potential adverse significant impacts associated with implementation of the four planning documents described above. A Final EIR will be prepared following public review and comment on the DEIR. The City Planning Commission and City Council will consider this information during their deliberations. Following certification of the Final EIR, the City Council will adopt a final General Plan, Belmont Village Specific Plan, Phase I Zoning Regulations, and CAP.
The DEIR identifies the potential for significant effects in the following impact areas: Aesthetics and Visual Resources; Air Quality; Biological Resources; Climate Change, Greenhouse Gas Emissions, and Energy; Cultural Resources; Geology and Soils; Hydrology, Flooding, and Water Quality; Land Use Planning; Population, and Housing; Noise; Public Services and Recreation; Transportation and Circulation; Utilities; Cumulative Impacts; Growth Inducing Impacts; and Significant Irreversible Changes. Two Alternatives are also analyzed and an Environmentally Superior Alternative is identified.
The DEIR is now available for public review at the following locations:
- Online at the following web link: www.belmontca.gov/2035generalplan
- In printed form at the public counter of the Belmont Community Development Department-Permit Center at One Twin Pines Lane, Suite 110, Belmont, CA 94002.
- In printed form at the Belmont Public Library, 1110 Alameda de las Pulgas, Belmont, CA 94002.

PROBATE

NOTICE OF PETITION TO ADMINISTER ESTATE OF IRINA LITVAK CASE NO. PES-17-30100B
To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of Irina Litvak:
A Petition for Probate has been filed by Igor Litvak in the Superior Court of California, County of San Francisco.
You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.
Attorney for Petitioner: Trevor Zink, 1940 Hamilton Avenue, San Jose, CA 95125, Telephone: (408) 970-8500
7/2, 7/9, 7/17
CNS-302731#
SAN FRANCISCO EXAMINER

Carroll, John (BOS)

From: Docs, SF (LIB)
Sent: Monday, July 03, 2017 8:03 AM
To: Carroll, John (BOS)
Subject: RE: Please Post the Linked Hearing Notices - 170442 Fee Ad and 170642 CoW
Categories: 170442, 170642, 2017.07.25 - BOS, 2017.07.12 - PSNS

Hi John,

I have posted the notices.

Thank you,

Michael

From: Carroll, John (BOS)
Sent: Friday, June 30, 2017 4:11 PM
To: Docs, SF (LIB) <sfdocs@sfpl.org>
Subject: Please Post the Linked Hearing Notices - 170442 Fee Ad and 170642 CoW

Good afternoon,


Please post the linked hearing notices for public viewing.

http://sfbos.org/sites/default/files/bag072517_170642_proof.pdf

http://sfbos.org/sites/default/files/psn071217_170442_Notice.pdf

Thanks!

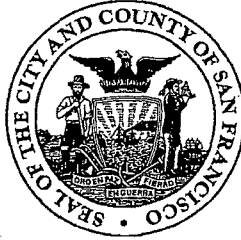
John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Wednesday, July 12, 2017

Time: 10:00 a.m.

Location: Committee Room, Room 263, located at City Hall,
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 170442. Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree.

Under Public Works Code, Article 27, any person installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 2710, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 2712. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,489. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-2008, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code, Section 2.1.2.

Under Public Works Code, Section 2711, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu fee instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of its election in the Notice of Intent required under Public Works Code, Section 2712, Article 27. The in-lieu fee shall be in the amount of \$2,000 and paid into the "Public Works Evacuation Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 7, 2017.



for Angela Calvillo
Clerk of the Board

New
Order



Your order is sent!!

Customer Information

Customer Name S.F. BD OF SUPERVISORS (NON-CONSECUTIVE) **Master Id** 52704
Address 1 DR CARLTON B GOODLETT PL #244 **Phone** (415)554-7704
City SAN FRANCISCO **Fax** (415)554-7714
State - Zip CA - 94102

Ad Placement Information: Section of Newspaper and Type of Notice

Legal GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name SF BOS (OFFICIAL) SF **Billing Reference No.** Contract Award 95442
Ad Description JEC - Fee Add - 170442 - 2017.07.12 **Sale/Hrg/Bid Date**

Special Instructions

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
3027382	SAN FRANCISCO EXAMINER 10%, CA Billed To: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) Created For: CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	07/02/2017, 07/07/2017	Depth : 11.13" Lines : 135		Pending	Sent

Order No.	Newspaper	View
3027382	SAN FRANCISCO EXAMINER 10%	View Ad In PDF

**NOTICE OF PUBLIC HEARING
 BOARD OF SUPERVISORS OF THE
 CITY AND COUNTY OF SAN
 FRANCISCO PUBLIC SAFETY AND
 NEIGHBORHOOD SERVICES
 COMMITTEE MONDAY, JULY 12,
 2017 - 10:00 AM CITY HALL,
 COMMITTEE ROOM 263 1 DR.
 CARLTON B. GOODLETT PLACE,
 SAN FRANCISCO, CA**

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170442. Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree. Under Public Works Code, Article 27, any person installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 2710, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 2712. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,489. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-2008, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code, Section 2.1.2. Under Public Works Code, Section 2711, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu fee instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department

of its election in the Notice of Intent required under Public Works Code, Section 2712, Article 27. The in-lieu fee shall be in the amount of \$2,000 and paid into the "Public Works Evacuation Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index. In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 7, 2017. - Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, June 12, 2017

Time: 10:30 a.m.

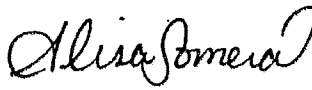
Location: Committee Room, Room 263, located at City Hall,
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 170442. Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree.

Under Public Works Code, Article 27, any person installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 2710, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 2712. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,489. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-08, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code, Section 2.1.2.

Under Public Works Code, Section 2711, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of its election in the Notice of Intent required under Public Works Code, Section 2712, Article 27. The in-lieu fee shall be in the amount of \$500 and paid into the "Public Works Evacuation Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 9, 2017.


for Angela Calvillo
Clerk of the Board

DATED/POSTED: June 2, 2017
PUBLISHED: June 2 and 7, 2017

CALIFORNIA NEWSPAPER SERVICE BUREAU

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ERICA MAJOR
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description EDM - 06.12.17 PSNS - 170442 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

06/02/2017 , 06/07/2017

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an

EXM# 3017701

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE MONDAY, JUNE 12, 2017 - 10:30 AM CITY HALL, COMMITTEE ROOM 2631 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Public Safety and Neighborhood Services Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170442, Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; and to amend the requirement that a permittee maintain any required street tree. Under Public Works Code, Article 27, any person installing a Surface-Mounted Facility in the public right of way must apply for a Surface-Mounted Facility Site Permit from Public Works. If the legislation passes, the in-lieu fee for installation of a street tree would be revised in Public Works Code, Section 27-10, so that an applicant who elects to pay the in-lieu fee shall notify Public Works by a "Notice of Intent" required under Public Works, Article 27, Section 27-12. The in-lieu fee shall be equal to the City's cost to plant and water the tree for three years, with the minimum fee amount being \$1,499. The in-lieu fee shall be imposed by the Public Works Director for the installation of one tree and shall be paid into the "Public Works Adopt-A-Tree Fund." Beginning FY2007-08, this fee shall be reviewed and adjusted each year in

accordance with the procedures set forth in Public Works Code, Section 2.1.2. Under Public Works Code, Section 27-11, a new in-lieu fee shall be established to allow an applicant for a Surface-Mounted Facility Site Permit to elect to pay an in-lieu instead of permitting the installation of a mural on its Surface-Mounted Facility. The Applicant shall notify the Department of its election in the Notice of Intent required under Public Works Code, Section 27-12, Article 27. The in-lieu fee shall be in the amount of \$500 and paid into the "Public Works Evacuation Fund." The in-lieu fee may be adjusted to reflect the changes in the relevant Consumer Price Index. In accordance with San Francisco Administrative Code, Section 67-7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 9, 2017. - Angela Calvillo, Clerk of the Board



* A 0 0 0 0 0 4 4 6 3 7 8 3 *

Major, Erica (BOS)

From: melinda_vazquez@dailyjournal.com
Sent: Thursday, June 01, 2017 10:52 AM
To: Major, Erica (BOS)
Subject: Confirmation of Order 3017701 for EDM - 06.12.17 PSNS - 170442 Fee Ad

Dear Customer:

The order listed below has been received and processed. If you have any questions regarding this order, please contact your ad coordinator or the phone number listed below.

Customer Account Number: 120503
Type of Notice : GPN - GOVT PUBLIC NOTICE
Ad Description : EDM - 06.12.17 PSNS - 170442 Fee Ad
Our Order Number : 3017701
Newspaper : SAN FRANCISCO EXAMINER 10%
Publication Date(s) : 06/02/2017,06/07/2017

Thank you.

MELINDA VAZQUEZ
DAILY JOURNAL CORPORATION
CALIFORNIA NEWSPAPER SERVICE BUREAU
Phone: (800) 788 7840 / (213)229-5300
Fax: (800) 540 4089 / (213)229-5481

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN JOSE, CALIFORNIA

2017 APR 18 PM 3:31
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Cohen

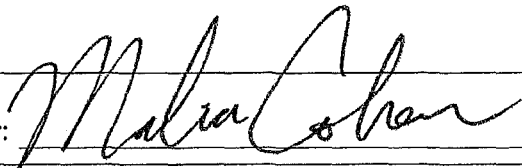
Subject:

Public Works Code - Requirement for Surface-Mounted Facility Permits

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

