

File No. 170442

Committee Item No. 3

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: July 26, 2017

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance <span style="float: right;">Version 4</span>          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest <span style="float: right;">Version 4</span> |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report   |
| <input type="checkbox"/>            | <input 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   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence   |

#### OTHER

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Rec and Parks Presentation - July 12, 2017</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI - April 24, 2017</u>                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI - May 30, 2017</u>                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Hearing Notice - Published July 2 and 7, 2017</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Hearing Notice - Published June 2 and 7, 2017</u> |

Prepared by: John Carroll

Date: July 20, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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

24 Section 1. The Public Works Code is hereby amended by revising Article 27, Sections  
25 2700, 2710, 2711, 2712, 2713, 2722, 2726, and 2727, and adding Section 2732, to read as  
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 ± 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 a 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)(10)~~ **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 and the installation of any required street trees ~~or landscaping~~. Each Permittee and its agents  
13 are jointly and severally liable for all consequences of such construction, installation, and  
14 maintenance of a permitted Surface-Mounted Facility and the installation of any required  
15 street trees ~~or landscaping~~. The issuance of any Permit, inspection, repair suggestion,  
16 approval, or acquiescence of any Person affiliated with the City shall not excuse any  
17 Permittee or its agents from such responsibility or liability.

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

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

24 (1) Any act, omission, or negligence of a Permittee or its ~~any~~ agents,  
25 successors, or assigns while engaged in the construction, installation, or maintenance of any

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

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

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

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

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

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

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

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

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

23 (b) For each application, the Department Report shall contain the following  
24 information: (1) the number of applications submitted by applicant; (2) the proposed location  
25 of the Surface-Mounted Facility set forth in each application; (3) whether those applications

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

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

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

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



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

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

By:   
WILLIAM K. SANDERS  
Deputy City Attorney

n:\legana\as2017\1700410\01207331.docx

**REVISED LEGISLATIVE DIGEST**

(7/18/2017, Amended in Board)

[Public Works Code - 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; and to amend the requirement that a permittee maintain any required street tree.**

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 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.

#### 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 and graffiti abatement. 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.



# Mission Dolores Park

San Francisco Recreation & Park Department

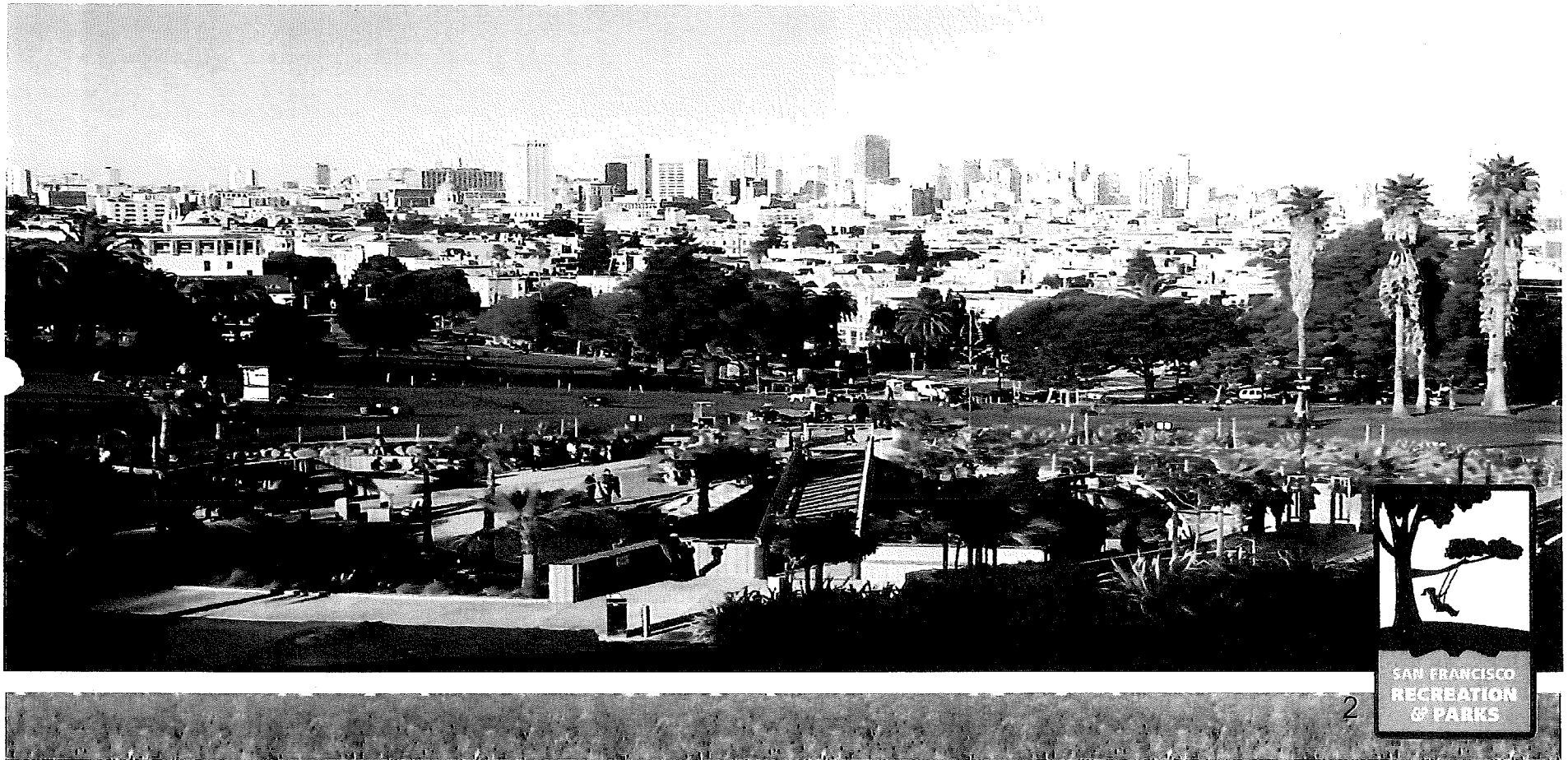
**Public Safety &  
Neighborhood Services**



# FY17-21 Strategic Plan

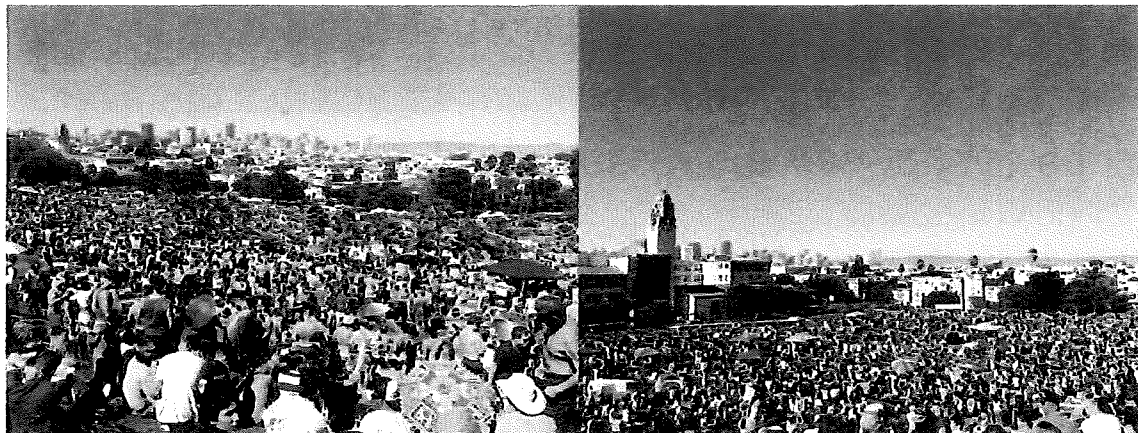
## Strategy Four: Inspire Stewardship

Protect and enhance San Francisco's precious natural resources through conservation, education, and sustainable land/facility management practices



## IMPACTS:

- On an average Spring weekend, Dolores Park sees around 6,000 visitors
- On an average Summer weekend, Dolores Park sees around 10,000 visitors
- **Special events, such as SF Pride, bring over 50,000 people to Dolores Park**

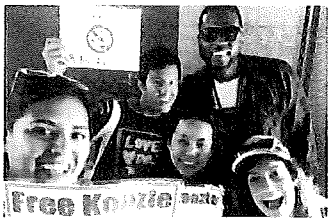
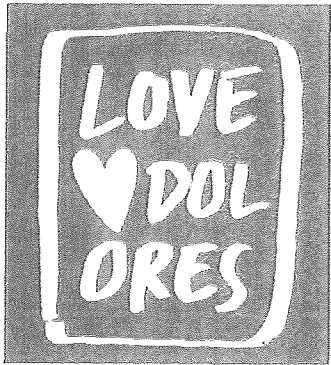


# PRIDE

**Brings around 50,000 people to the park**



# Love Dolores Campaign



- Began 2 years ago while Dolores Park was being renovated to address the large trash problem caused by the high volume of people coming to enjoy the park.
- Working with local community groups, merchants, neighbors, city agencies, and other major stakeholders
- Public Outreach Ambassadors work onsite educating park visitors
- To change the culture norms in order to keep the park clean for everyone to enjoy

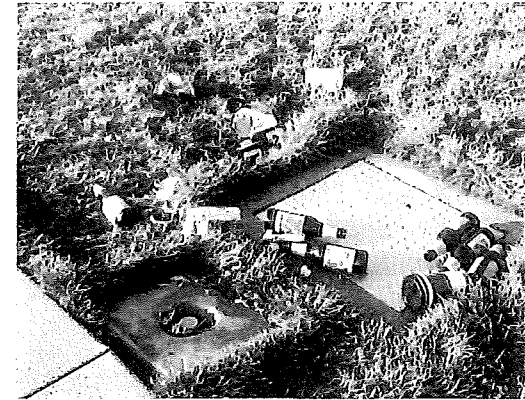




## CHALLENGES:

### LITTERING AND DUMPING:

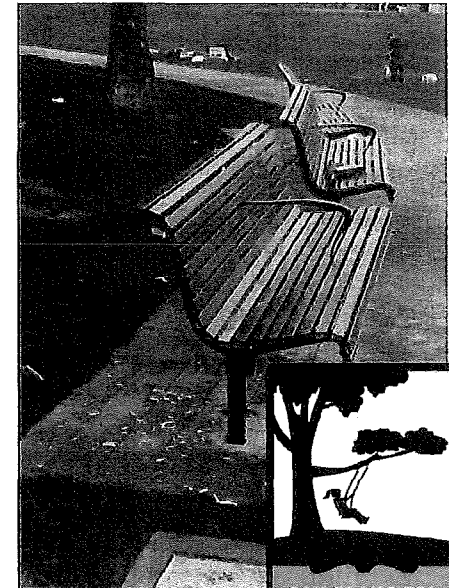
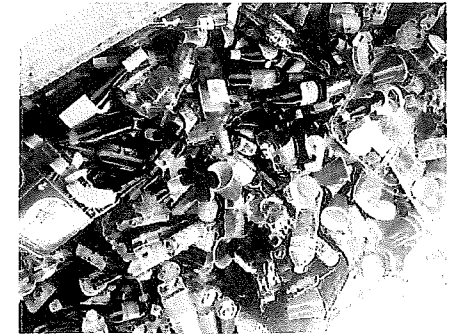
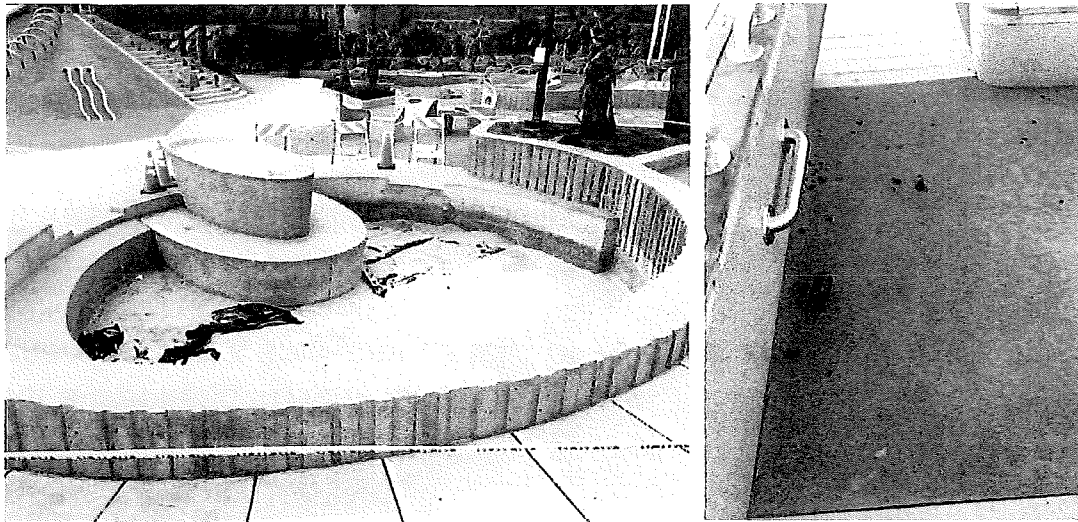
- Over a weekend in April, for example, our gardeners and park staff spent a total of 44 additional hours cleaning up the Park
- 460 trash bags full of litter were collected



## CHALLENGES:

### GLASS:

- Glass breaks easily making it dangerous for anyone walking barefooted or laying on the grass, kids playing around the parks, and dogs.
- Glass is also very difficult to clean up and shards can remain behind endangering park users coming to enjoy our parks.







Tedi Vriheas  
Assistant Vice President  
External Affairs


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tedi@att.com  
www.att.com

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUL 18 AM 11:39

BY   
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***

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 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.

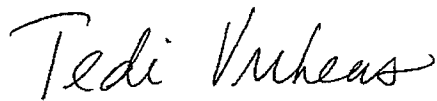
Nothing in this letter shall prevent AT&T from filing any claim of any type on account of, or in any way growing out of or related to the Tree/Landscaping or Mural Requirements in the event that: (1) there is a change in federal or state law concerning the conditions that the City may impose on permits 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

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,

Handwritten signature of Tedi Vriheas in black ink.

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 ~~strikethrough Arial font.~~**

21 **Asterisks (\* \* \* \*) indicate the omission of unchanged Code**

22 **subsections or parts of tables.**

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 *± 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)~~ (D) 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.

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)(10) **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           ~~(e) — 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.

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

11 n:\legana\as2017\1700410\01204654.docx

170442

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**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



5758 Geary Blvd., # 356 - San Francisco CA 94121-2112

VMs & Faxes-(415) 541-5652 – Direct & VMs-(415) 541-5652, Emails [president@sfgpar.org](mailto:president@sfgpar.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](mailto: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 Weiner'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](mailto:Hillary.Ronen@sfgov.org))

Supervisor Jeff Sheehy ([Jeff.Sheehy@sfgov.org](mailto:Jeff.Sheehy@sfgov.org))

Assistant Clerk Erica Major, Public Safety and Neighborhood Services Committee,  
([erica.major@sfgov.org](mailto: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

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

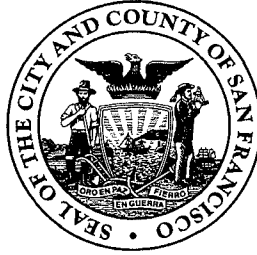
**File No. 170442**

**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.

- 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  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
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

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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 JULY 10, 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 said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170783. Resolution extending interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act 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 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 14, 2017.

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 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 for a maximum period of 30 months; amend the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an 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 (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 written 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 with the Board of Supervisors 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 Public Works. The fee is to compensate the City for its cost related to the appeal. The proposed legislation will also allow appeal to the Director's determination to recommend revocation of a Street Encroachment Permit. After the Director notifies the permittee in writing and an administrative hearing is held, the permittee may appeal the Director's decision to revoke with the Board of Supervisors within 30 days of the date of the written decision of the Director. The permittee's appeal shall be in writing accompanied with checks addressed to the Clerk of the Board of Supervisors for \$635 and \$400 addressed to Public Works. The fee is to compensate the City for its cost related to the appeal. Beginning with fiscal year 2016-2019, 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 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 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 relating to this matter will be available for public review on Friday, July 14, 2017. - Angela Calvillo, Clerk of the Board

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 said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 170696. Ordinance amending the Transportation and Urban Design Elements of the General Plan to implement the City's Vision Zero policy regarding pedestrian safety; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. 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 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 14, 2017. - Angela Calvillo, Clerk of the Board.

PLANNING DEPARTMENT ENVIRONMENTAL REVIEW NOTICE Notice is hereby given to the general public of the following actions under the Environmental Review Process. Review of the documents concerning these projects can be arranged by calling (415) 575-9025 and asking for the staff person indicated.

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

2014.0914E: 1933 - 1937 Polk Street - The 2,200-square-foot project site (Assessor's Block 06949,

Lot 003) is located on the northeast corner of Polk and Cedar Streets. The site is currently occupied by a two-story building, which is vacant, but formerly contained office, retail, and residential uses. The existing building is eligible for listing on the California Register of Historical Resources and therefore is considered a historic resource. The project site is zoned as RC-4 (Residential commercial high density), and is also within the Van Ness Special Use District, 130-V height and bulk district, and the Van Ness Avenue Area Plan. The project sponsor, LC Development Corporation, proposes to demolish the existing building and construct a mixed-use building with ground-floor retail space and frontages along Polk and Cedar Streets, and a total of 18 residential units, including 18 one-bedroom units and one two-bedroom unit on the second to eighth floors. The proposed building will be eight stories tall, reaching approximately 85 feet in height (98 feet in height with parapet and rooftop equipment). The proposed project would not provide off-street parking spaces. Nineteen Class 1 bicycle parking spaces would be provided centrally on the ground floor of the building, with access from the residential lobby and two Class 2 bicycle spaces along the project frontages, and removal of an existing curb out along the Cedar Street frontage. (HUE)

Notice is hereby given to the general public as follows:

- 1) A Notice of Preparation of an EIR was published on July 5, 2017 by the Planning Department in connection with this project.
2) An Initial Study in connection with this project has now been prepared by the Planning Department. A copy of the report can be obtained for public review and comment at the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor. The report can also be viewed on-line starting July 5, 2017 at www.tinyurl.com/stecgadcqs. Referenced materials are available for review at the Planning Department at 1650 Mission Street, 4th Floor. (Call 415- 575-9041 to review the materials.)
3) Public comments concerning the scope of the EIR will be accepted from July 5, 2017 to 5:00 p.m. on August 4, 2017. Mail written comments to Melinda Hues, Acting Environmental Review Officer, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 or email written comments to Melinda.hues@sfgov.org.

ADVERTISEMENT FOR BIDS CITY & COUNTY OF SAN FRANCISCO SAN FRANCISCO PUBLIC UTILITIES COMMISSION INFRASTRUCTURE 16- AND 12-INCH DUCTILE IRON WATER MAIN

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, Lucerne Room, San Francisco, CA 94102, until 2:00 P.M. 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 for a non-refundable \$150 fee paid by cash or by check payable to SFPUC. Call (415) 551-4603 for further information. A CD version of the plans, specifications, is available for a fee of \$10. Visit http://swater.org/contracts for updates.

This Project is subject to compliance monitoring and enforcement of prevailing wage requirements. The California Department of Industrial Relations ("DIR") and the San Francisco Office of Labor Standards Enforcement. No contractor or subcontractor may be listed in a bid for a public works project and no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR per California Labor Code Section 1722.5 (with the limited exceptions from this requirement for bid purposes only under California Labor Code Section 1771.1(a)). This contract requires bidder pre-qualification by the SFPUC. Only contractors who have successfully completed the pre-qualification process for the applicable category of work, as posted at http://swater.org/pre-qualify, will be allowed to submit bids for this contract. The applicable pre-qualification category for this Contract is Small (<48") Water Pipelines.

The objective of the project is to install 4", 6", 8", 12", and 16" ductile iron pipes along with 2" copper services along 7th Street from Townsend to 16th Street. The work to be performed in San Francisco, California. The Engineer's estimate is \$2,050,000. The Contract will be awarded to the lowest responsible and responsive bidder. Bid discounts may be applied as per San Francisco Administrative Code Chapter 14B. The LBE Subcontracting Participation Requirement is 20% and ONLY San Francisco (Local) Small & Micro-LBEs can be utilized to meet this requirement (Firms certified by SF Contract Monitoring Division, SFPUC-LBEs cannot be utilized to meet the 20.00% LBE Subcontracting Participation Requirement. Please contact Jason Chow at (415) 554-3103 for further information. Subcontracting opportunities may include, but not limited, to the following major types of work: traffic control, pavement restoration, pipeline installation and material transportation. Please refer to Section 01 60 00 in the Specifications regarding the purchase of equipment to achieve the LBE subcontracting participation requirement. Interested bidders are encouraged to attend a pre-bid and contractor networking conference to be held at 1990 Newcomb Street, Upstairs Conference Room, starting 10:00 A.M. on July 26, 2017. Prime

bidder's attendance at this conference is worth 15 points toward Chapter 14B "Good Faith Outreach" requirements. Bidders must achieve at least 90 points (out of a possible 100 points), as determined by the CMD, to be deemed compliant with the "Good Faith Outreach" requirements, except those who exceed the above stated LBE subcontracting participation requirement by 5% or more (Section 14B.05(B) of the Administrative Code. A Class "Class A License" California Contractors License is required to bid. Furthermore, each listed subcontractor must possess appropriate licenses for the work each subcontractor will be performing. In accordance with San Francisco Administrative Code ("Administrative Code") Chapter 6, no bid is accepted without a resolution of \$600,000 is awarded by the City and County of San Francisco until such time as (a) the General Manager, SFPUC recommends the contract for award and (b) the SFPUC then adopts a resolution awarding the contract. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds. SFPUC v.0.00 01 02 - 1 Advertisement For Bids Bidders are hereby advised that the Contractor to whom the contract is awarded must be certified by the Contract Monitoring Division as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award by the SFPUC General Manager. This Contract is subject to the requirements of Administrative Code Chapter 12X, which prohibits the City from entering into contracts with companies headquartered in states with laws that perpetuate discrimination against LGBT populations or where any or all of the work on the contract will be performed in any of those states. Bidders are hereby advised that Bidders, which have their United States headquarters in a state on the Covered State List, as that term is defined in Administrative Code Section 12X.3, or where any or all of the work on the contract will be performed in a state on the Covered State List can be found in Section 00 73 73. Each Bidder must certify compliance with this requirement as directed.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(i) of the Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Contract Section 00 73 73 for more information. If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, not later than 10 business days prior to the date of bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the

grounds for the objection. END OF SECTION

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE MONDAY, JULY 17, 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 requirement that a permittee 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 \$1,489. 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 27.12. 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 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 27.12. 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 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

CIVIL

ORDER TO SHOW CAUSE FOR CHANGE OF NAME Case No. 17CV02534 Superior Court of California, County of San Mateo

Petitioner: Cameron Roger Tonna for Change of Name TO ALL INTERESTED PERSONS: Petitioner Cameron Roger Tonna filed a petition with this court for a decree changing his name as follows: Cameron Roger Tonna to Roger Francis-Falzon Tonna. 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. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing. Notice of Hearing: Date: 8-5-17, Time: 9:00 AM, Dept. PJ The address of the court is Superior Court of California County of San Mateo, 400 County Center, Redwood City, CA 94063-1655. A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Examiner Date: 6-15-2017 Susan Irene Etzeadi Judge of the Superior Court NPEI-3026382# EXAMINER - BOUTIQUE & VILLAGER

FICTITIOUS BUSINESS NAMES

FICTITIOUS BUSINESS NAME STATEMENT File No. 27333 The following person(s) is

INVITATION FOR BIDS
Port of San Francisco (the "Port"), a department of the City and County of San Francisco (the "City") announces Contract #2781 CRANE COVE PARK - CONSTRUCTION PACKAGE 2 - PARK IMPROVEMENTS. The work will consist of site grading, sediment cap, landscape, landscaping, site furnishings, site lighting, irrigation, restoration of historic gantry cranes, re-purpose of shipyard relics to interpretive elements, building relocation, building renovation and retrofit conversion for public restrooms, building demolition, site furnishing, and shoreline reconstruction to include a beach and revetment. Bidders shall possess a Class "A" California Contractor's license, Partnering Level 3 is required. Refer to Partnering Requirements (Section 071.31.33). Estimated construction cost for the base bid is \$20.1M. The LBE subcontracting goal is 21%. The project will be 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 (Section 071.31.33). Irrevocable letter of credit (or certified check if required 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 Charter §3.105(i), 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 bid 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 of all bids and waive any minor irregularities in any bid. Pre-bid Meeting: 7/12/2017, 10:30 AM, Pier 1, Bids Due: 7/28/2017, 10:30 AM, Pier 1. For questions contact Steven Reel, (415) 274-0574. Information for the bid package can be found at www.sfpport.com and www.sfgov.org/csa. CNS-3025858#

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. 170565 at the Office of the Clerk of the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. 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 as 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, 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 21, 2017, at Angela Cavillo, Clerk of the Board

LEGISLATION INTRODUCED AT, AND SUMMARY OF ACTIONS OF THE JUNE 27, 2017 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 - 10:30 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

Redwood Shores CA 94065, County of San Mateo Kaspick & Company, LLC, 203 Redwood Shores Parkway, Suite 300, Redwood Shores CA 94065; Delaware This business is conducted by a limited liability company 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.) S/ Lindy Sherwood, Sr. Managing Director This statement was filed with the County Clerk of San Mateo County on May 19, 2017 Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk Original 6/11, 6/18, 6/25, 7/2/17 N/E 010120354 EXAMINER - BOUTIQUE & VILLAGER

GOVERNMENT

NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DRAFT 2035 GENERAL PLAN, DRAFT BELMONT VILLAGE SPECIFIC PLAN/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 COPIES OF THE Draft Environmental Impact Report (DEIR) (SCH # 2015082078) for the Draft 2035 General Plan, Draft Belmont Village Specific Plan (BVSP) and its associated zoning regulations, Draft Phase I 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 18, 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 65300 et seq. The General Plan addresses all land within Belmont city limits and its Sphere of Influence. - Belmont Village Specific Plan (BVSP), a detailed planning document and implementation tool to raise 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 provide a zoning framework to assure new development conforms to the General Plan, serving as a precursor to a comprehensive rewrite ("Phase II") of the City's Zoning Ordinance following the General Plan adoption. The Phase I zoning regulations apply to various land use districts and parcels citywide, and also re-zone the unincorporated Sphere of Influence. The 2035 Climate Action Plan (CAP) which is a Qualified Greenhouse Gas Reduction Strategy consistent with AB 32 that provides a plan for addressing Belmont's greenhouse gas (GHG) emissions, and helps to mitigate GHG-related 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 & Shattuck, W-Trans and ICF) have prepared a Program-level DEIR 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; 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.belmont-2035generalplan.com - 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 electronic form via a USB flash drive; or request a flash drive, please contact Carlos de Melo, Community Development Director at (650) 595-7440 or via email at cdemelo@belmont.gov You may submit comments on the DEIR during the document review period, which begins Friday, June 30, 2017 and extends through Friday, August 18, 2017. All comments received or postmarked by August 18, 2017 will be accepted. Please direct your comments to: cdemelo@belmont.gov Carlos de Melo, Community Development Director City of Belmont One Twin Pines Lane, Suite 310 Belmont, CA 94002 (650) 595-7440 A meeting to receive comments on the DEIR has been scheduled for August 15, 2017 before the Belmont Planning Commission at 7PM at the City Council Chambers, City Hall, One Twin Pines Lane, Belmont, CA 94002. Additional public meetings and hearings will be announced as they are scheduled. Currently, public hearings on these documents are anticipated to be held before the Planning Commission and City Council in Fall 2017. Separate public notice for these meetings and hearings will be distributed. 7/21/17 SPEN-3027855# EXAMINER - REDWOOD CITY TRIBUNE

PROBATE

NOTICE OF PETITION TO ADMINISTER ESTATE OF IRINA LITVAK CASE NO. PES-17-301008

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. The Petition for Probate requests that Igor Litvak be appointed as personal representative to administer the estate of the decedent. The Petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority. A hearing on the petition will be held in this court on 7/19/2017 at 9:00 am in Room 244 located at 400 McAllister St., San Francisco, CA 94102. If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney. If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law. 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) 879-8500 7/2/17 7/9/17 CNS-3027315# SAN FRANCISCO EXAMINER

GOVERNMENT

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO TUESDAY, JULY 25, 2017 - 3:00 PM 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. 170542. Hearing of the Board of Supervisors sitting as a Committee of the Whole on July 25, 2017, at 3:00 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 36600, et seq.) and City and County of San Francisco Business and Tax Regulations Code, Article 15. Pursuant to the California Property and Business Improvement

FICTITIOUS BUSINESS NAMES

FICTITIOUS BUSINESS NAME STATEMENT File No. 273656 The following person(s) is (are) doing business as: TIAA Kaspick, 203 Redwood Shores Parkway, Suite 300,

## Carroll, John (BOS)

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**From:** Carroll, John (BOS)  
**Sent:** Friday, June 30, 2017 4:11 PM  
**To:** Docs, SF (LIB)  
**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/bag072517_170642_proof.pdf)

[http://sfbos.org/sites/default/files/psn071217\\_170442\\_Notice.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](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto: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!!**

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**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  <b>Billed To:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) <b>Created For:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	07/02/2017, 07/07/2017	<b>Depth</b> : 11.13" <b>Lines</b> : 135		<b>Pending</b>	<b>Sent</b>

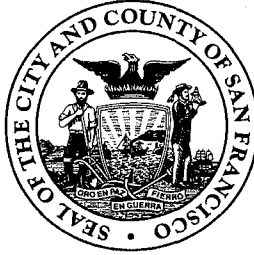
Order No.	Newspaper	View
3027382	SAN FRANCISCO EXAMINER 10%	<a href="#">View Ad In PDF</a>

**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.

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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 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 FY2007-08, this fee shall be reviewed and adjusted each year in

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

**Major, Erica (BOS)**

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**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  
2017 APR 18 11:50

2017 APR 18 11:50  
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

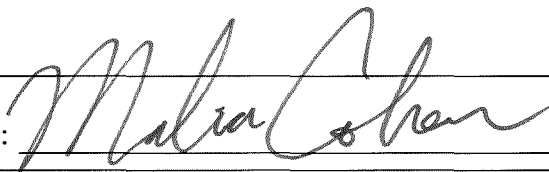
**Subject:**

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: