

SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: October 19, 2012

Case No. Case No. 2012.0613R
SFMTA MUNI Operator Restroom Facilities

Block/Lot No.: 1298 Potrero Avenue 4265/007
1451 Hampshire St 4276/014
74101 Ortega Street 2086/001
1601 Hudson Avenue 5260/001
1398 Fitzgerald St 4912/006
682 32nd Ave 1574/001
Additional – see attachment

Project Sponsor: Drew Howard
SF Municipal Transportation Agency
1 South Van Ness Avenue 7th Floor
San Francisco, CA 94103

Applicant: Nick Elsner
Department of Public Works / Bureau of Street Use & Mapping
875 Stevenson Street, Room 460
San Francisco, CA 94102

Staff Contact: Sarah Dennis Phillips – (415) 558-6308
Sarah.Dennis-Phillips@sfgov.org

Recommendation: Finding the project, on balance, in conformity with the General Plan.

Recommended
By: 
John Rahaim, Director of Planning

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PROJECT DESCRIPTION

The Planning Department has received a General Plan Referral application for a Major Encroachment Permit for installation of restroom facilities proposed to be installed in public rights-of-way including sidewalk areas. The restroom facilities would solely be used by MUNI operators and would not be available to the public.

The SF Municipal Transportation Agency provides various types of restroom facilities, including providing restrooms in bus yards, in permanent structures, in privately owned and licensed facilities, and

temporarily in portable restroom facilities. However, out of more than 140 bus line terminals in the city, 43 have no bathroom facilities and 14 have only temporary portable toilets. Drivers along unserved lines are forced to search for facilities or pull into a Muni bus yard, causing service delays. The SFMTA proposes to provide restroom facilities for bus operators at the terminus of numerous lines in order to minimize gaps between available restroom facilities for the comfort and safety of bus operators.

SFMTA has identified five specific route locations where it proposes to install the initial set of prefabricated restroom facilities (Attachment 1). They also propose to locate up to 30 additional facilities throughout the City, at the terminals of numerous SFMTA transit lines. While the precise location of these is still being determined, the nearest intersection is listed in the attached list (Attachment 2). These will be located following the guidelines of "Exhibit B Surface-Mounted Facility Placement Guidelines" of Order No. 175,566 "Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way" (Attachment 3).

SITE DESCRIPTION

The proposed sidewalk bulbouts and MUNI operator restroom facilities would be installed in public rights-of-way along 5 identified routes, described below and further detailed in Attachment 1; and at 30 other locations.

| | <u>MUNI Line</u> | <u>Street Address</u> | <u>Location</u> | <u>Block/Lot</u> |
|----|------------------|--|--|----------------------|
| 1. | 33 Stanyan | 1298 Potrero Avenue 1451 Hampshire St | On 25 th St, east of Potrero Ave On Hampshire, north of Cesar Chavez | 4265/007 4276/014 |
| 2. | 71 Noriega | 4101 Ortega Street | On Ortega, west of 48 th Ave. | 2086/001 |
| 3. | 54 Felton | 1601 Hudson Avenue | On Hudson, west of Newhall St. | 5260/001 |
| 4. | 29 Sunset | 1398 Fitzgerald St | On island at Fitzgerald & Third St. | 4912/006 |
| 5. | 38 Geary | 682 32 nd Ave | On SFUSD property fronting Geary | 1574/001 |

The prefabricated metal units are approximately 12' long x 8' wide x 10' tall, and would be installed within or adjacent to the public sidewalk. Where they conflict with the official sidewalk width, they would be installed in conjunction with planted sidewalk bulb-outs utilizing portions of adjacent parking lanes. The project would result in loss of a limited number of on-street parking spaces in locations where a planted bulb-out is included. All the units will be constructed so that if the terminal is moved, the unit can be disconnected from the utilities and moved as well.

ENVIRONMENTAL REVIEW

The Planning Department's Environmental Planning Section has determined that the proposed project is categorically exempt (Class 3) from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

Provision of restroom facilities for MUNI coach drivers along service routes would address a necessary public health and safety issue, and reduce delays by bus operators seeking to find and use available

restrooms not designated for their use. Provision of such facilities is clearly in support of the City's Transit First Policy and other General Plan policies regarding transit.

The General Plan and the Better Streets Plan both support the relationship between active building frontages, such as those containing commercial, residential or other entries, and the pedestrian realm. The identified route locations for the initial set of prefabricated restroom facilities are sited in relatively unobtrusive locations, and are not directly enfronted by residential or active neighborhood commercial uses. The 30 additional facilities should be similarly sited away from active frontages.

The Better Streets Plan includes dimensions and guidelines for each sidewalk zone, including the throughway zone intended for accessible pedestrian travel. While accessibility regulations require a clear path of travel of minimum 4 feet in width, the Better Streets Plan aims to improve on this minimum and states that all street types other than alleys should maintain 6 feet of clear path of travel in order to provide sufficient space for pedestrian movement. Alleys and neighborhood residential streets with very low pedestrian volumes may maintain a minimum 4 feet clear path of travel. The identified route locations for the initial set of prefabricated restroom facilities meet these directives, and the 30 additional facilities should be sited to similarly maintain the required width for travel.

The Better Streets Plan calls for a clear, accessible path of travel, free from barriers and obstructions, on all streets to increase usability for all, including people with disabilities, seniors, children, and parents with strollers. Restrooms located under this program should be sited to maintain a linear path of travel along the sidewalk, and place obstructions outside of the path of travel to avoid impeding pedestrian flow. To meet this directive, the project sponsor has indicated one of the proposed sitings, Block 2086 Lot 2001 will be moved to the proposed curb line, to retain a consistent path of travel from the existing sidewalk along Ortega Street. The remaining identified route locations meet this directives, and the 30 additional facilities should be sited to similarly maintain a linear path of travel wherever possible.

Placing the facilities away from active frontages, while maintaining a clear and direct path of travel, will ensure consistency with the Better Streets Plan and the General Plan. The 5 selected locations are on balance, **in-conformity** with the below Objectives and Policies of the General Plan: The remaining 30 sites have been identified by the nearest cross street, but a precise location (block/lot) has not yet been determined. These locations are in conformance with the General Plan provided their ultimate location does not conflict with residential or commercial frontages, institutional entrances or entrances to public space; and provides sufficient space for pedestrian movement. Please note that, in order to adhere to the consistency findings of this Referral, *the specific siting of each future restroom must be located away from any active frontages, and must enable a minimum width of 6'feet on most streets.*

Any additional locations other than those covered by this Referral would be subject to additional General Plan review.

TRANSPORTATION ELEMENT

POLICY 11.2

Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.

Every decision to direct expenditures toward improving congestion and parking conditions should first consider the improvement of transit operations.

POLICY 11.3

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

OBJECTIVE 18

ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND.

POLICY 20.5

Place and maintain all sidewalk elements, including passenger shelters, benches, trees, newsracks, kiosks, toilets, and utilities at appropriate transit stops according to established guidelines.

POLICY 21.10

Ensure passenger and operator safety in the design and operation of transit vehicles and station facilities.

POLICY 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

POLICY 23.3

Maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and forcing indirect crossings to accommodate automobile traffic.

POLICY 23.5

Establish and enforce a set of sidewalk zones that provides guidance for the location of all pedestrian and streetscape elements, maintains sufficient unobstructed width for passage of people, strollers and wheelchairs, consolidates raised elements in distinct areas to activate the pedestrian environment, and allows sufficient access to buildings, vehicles, and streetscape amenities.

POLICY 23.9

Implement the provisions of the Americans with Disabilities Act and the city's curb ramp program to improve pedestrian access for all people.

URBAN DESIGN ELEMENT

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.1

Recognize and protect major views in the city, with particular attention to those of open space and water.

POLICY 1.10

Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

PROPOSITION M FINDINGS – Planning Code Section 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock. The project would construct sidewalk bulb-outs on which it would install prefabricated restrooms for use by MUNI operators. In some locations these would replace "port-a-potties" provided for MUNI operator use. When specific sites are considered, the Department may make recommendations provision of street trees to screen the installations, public art or other elements to improve neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking. The project would provide restroom facilities at six MUNI line terminals, providing infrastructure necessary for MUNI operators.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. The prefabricated restroom units would meet standards for similar structures, as required.

7. That landmarks and historic buildings be preserved.

The project does not involve any historic buildings. Installations should be sited adjacent to landmarks or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The project is limited to installation of six (6) prefabricated restroom facilities on sidewalk bulb-outs. The structures, limited to 8' x 12' and 10 feet tall, would not limit park access to sunlight. Should MUNI operator restroom facilities be proposed to be installed in or adjacent to property under the jurisdiction of the Recreation and Park Commission, SFMTA should request review and approval of installation at these locations.

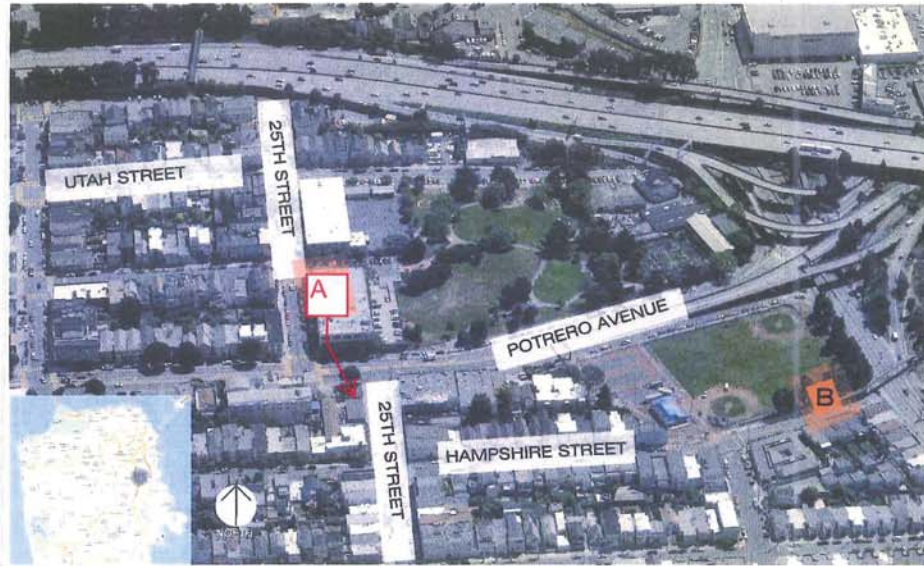
| | |
|------------------------|---|
| RECOMMENDATION: | Finding the Project, on balance, in-conformity with the General Plan |
|------------------------|---|

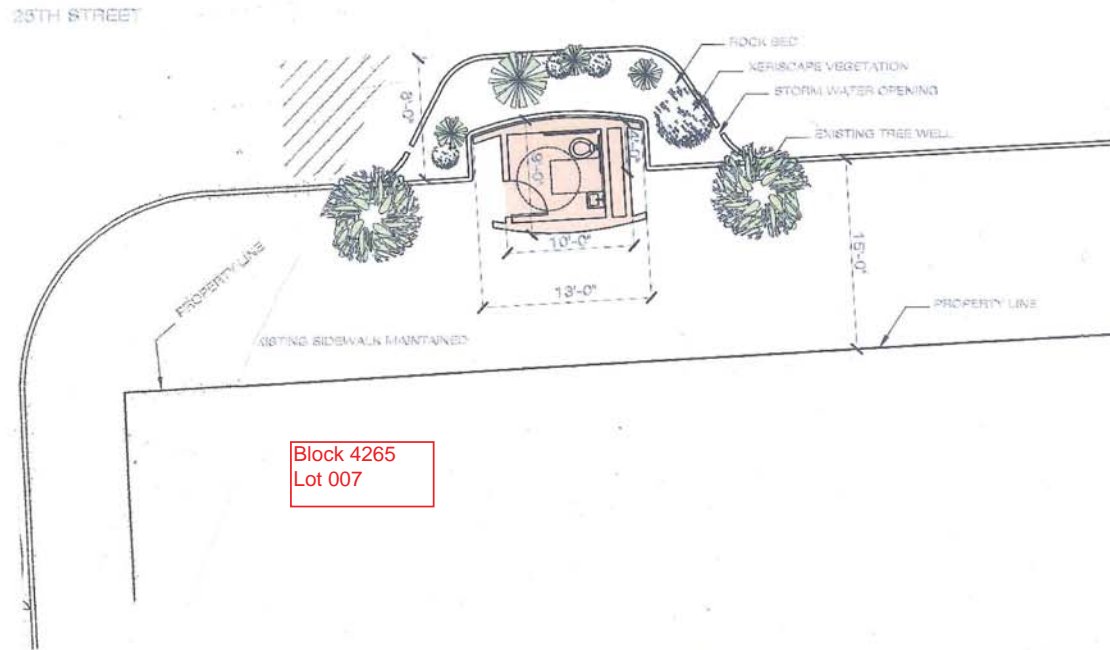
Attachments:

- Attachment 1- Initial Identified Locations
- Attachment 2 - 30 Additional Facilities Locations
- Attachment 3- "Exhibit B Surface-Mounted Facility Placement Guidelines" of Order No. 175,566 "Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way



CONTEXT PHOTOS - SITE OPTION A





Block 4265
Lot 007

SITE PLAN - N.T.S.

BUILDING DESIGN & CONSTRUCTION
S.F. DEPARTMENT OF PUBLIC WORKS
ARCHITECTURE

SFMTA - OPERATOR CONVENIENCE FACILITIES | Design Development
July 19, 2012

#33 STANYAN TERMINAL
SITE PLAN

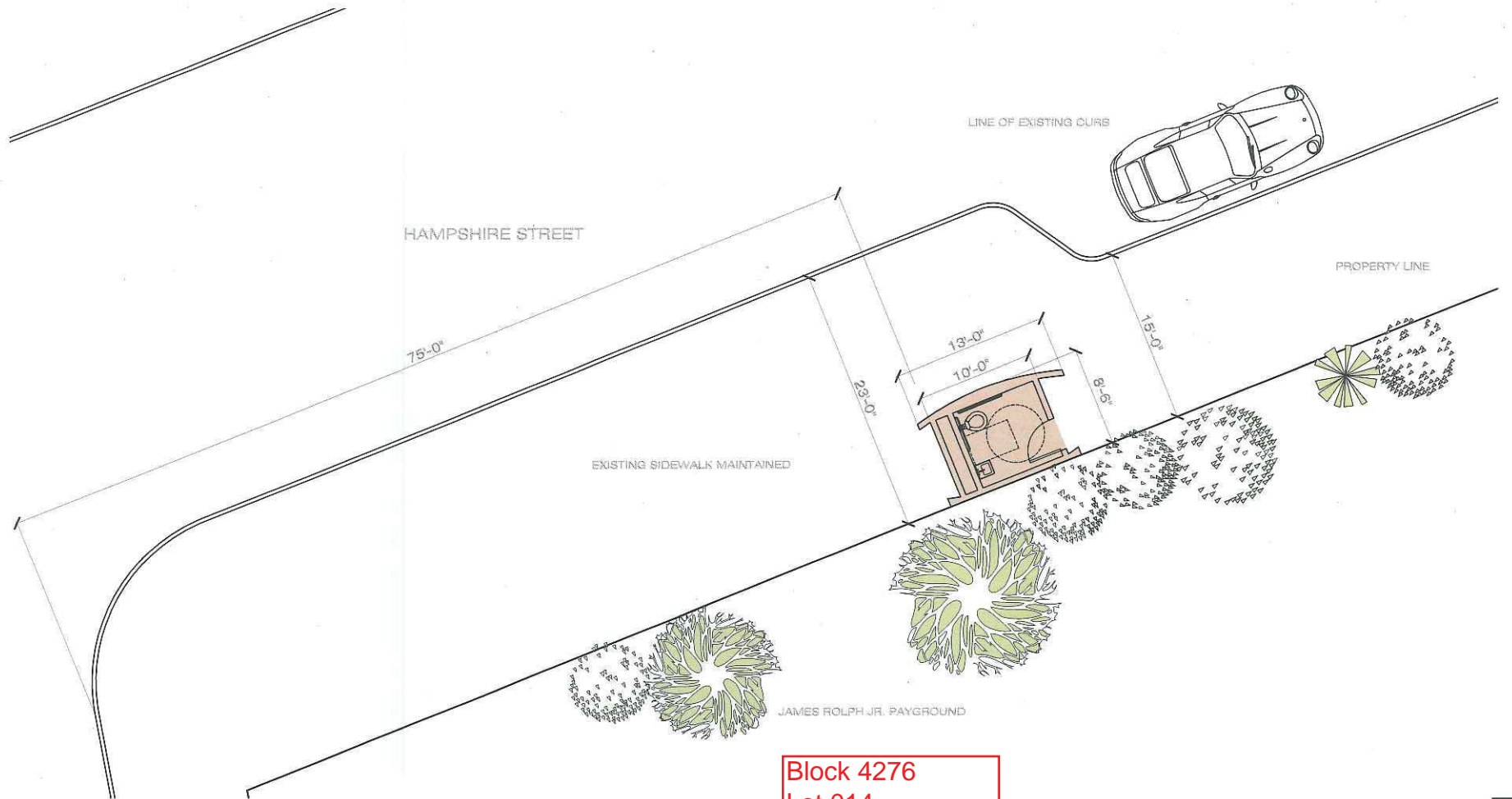
A



CONTEXT PHOTOS - SITE OPTION B



CONTEXT PHOTOS - SITE OPTION B



SITE PLAN - N.T.S.

Block 4276
Lot 014

B



SAMPLE BUILDING ON SITE - OPTION B

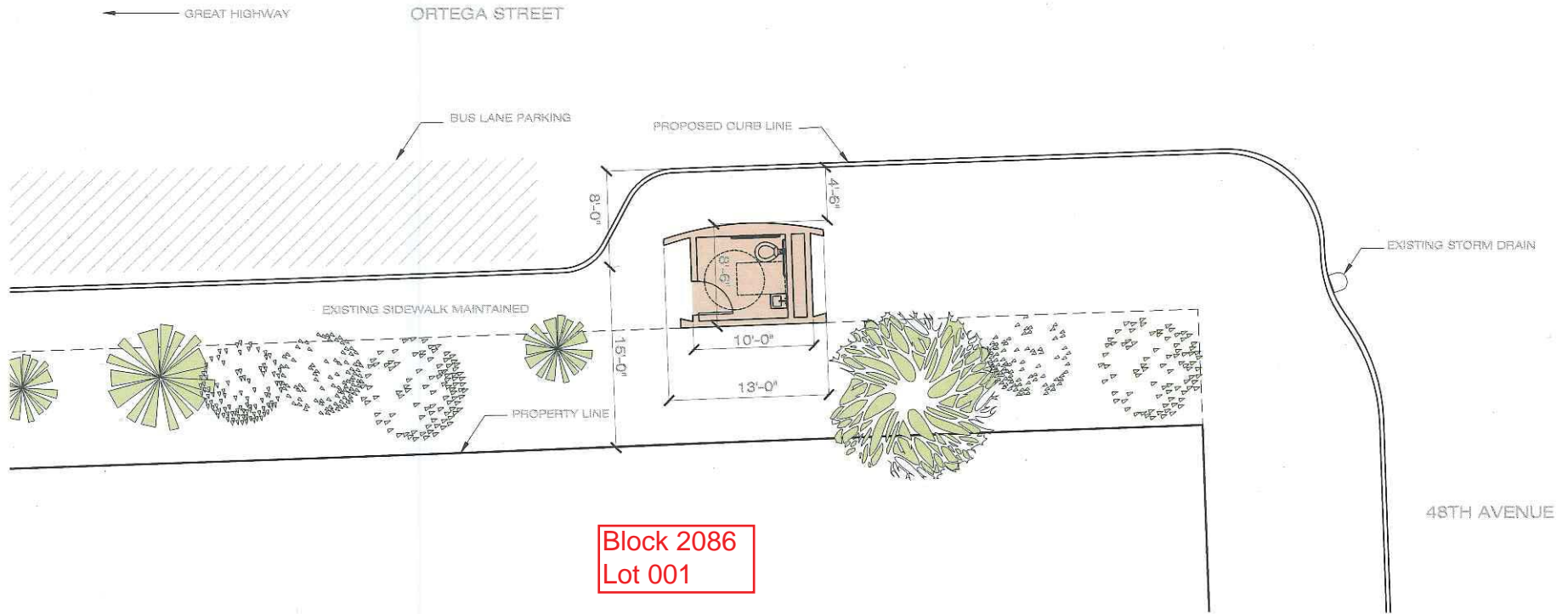
B



CONTEXT PHOTOS



CONTEXT PHOTOS



SITE PLAN - N.T.S.



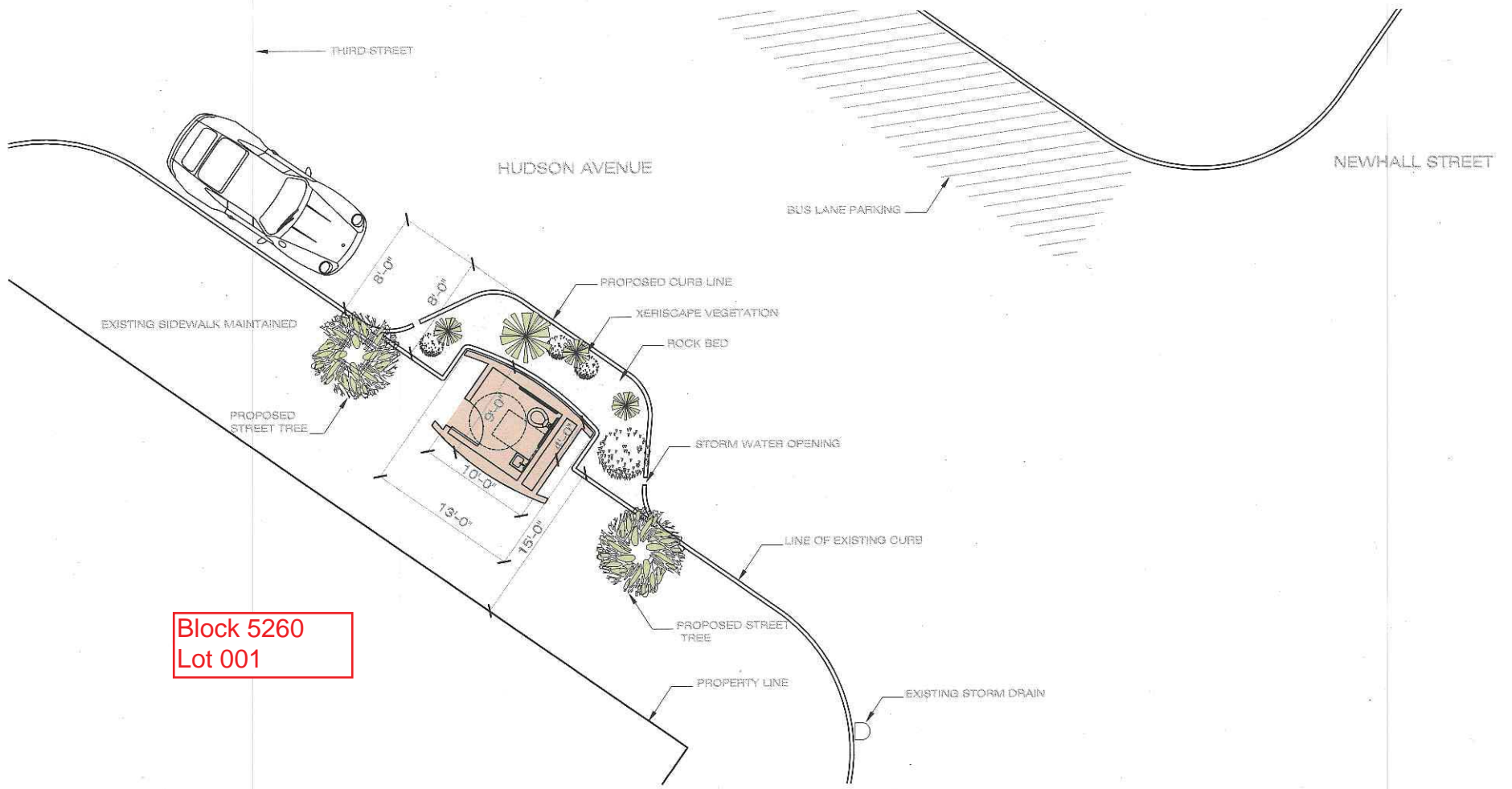
SITE MAP



CONTEXT PHOTOS



CONTEXT PHOTOS



**Block 5260
Lot 001**

SITE PLAN N.T.S.



SAMPLE BUILDING ON SITE



SITE MAP



ORIGINAL PROPOSED LOCATION

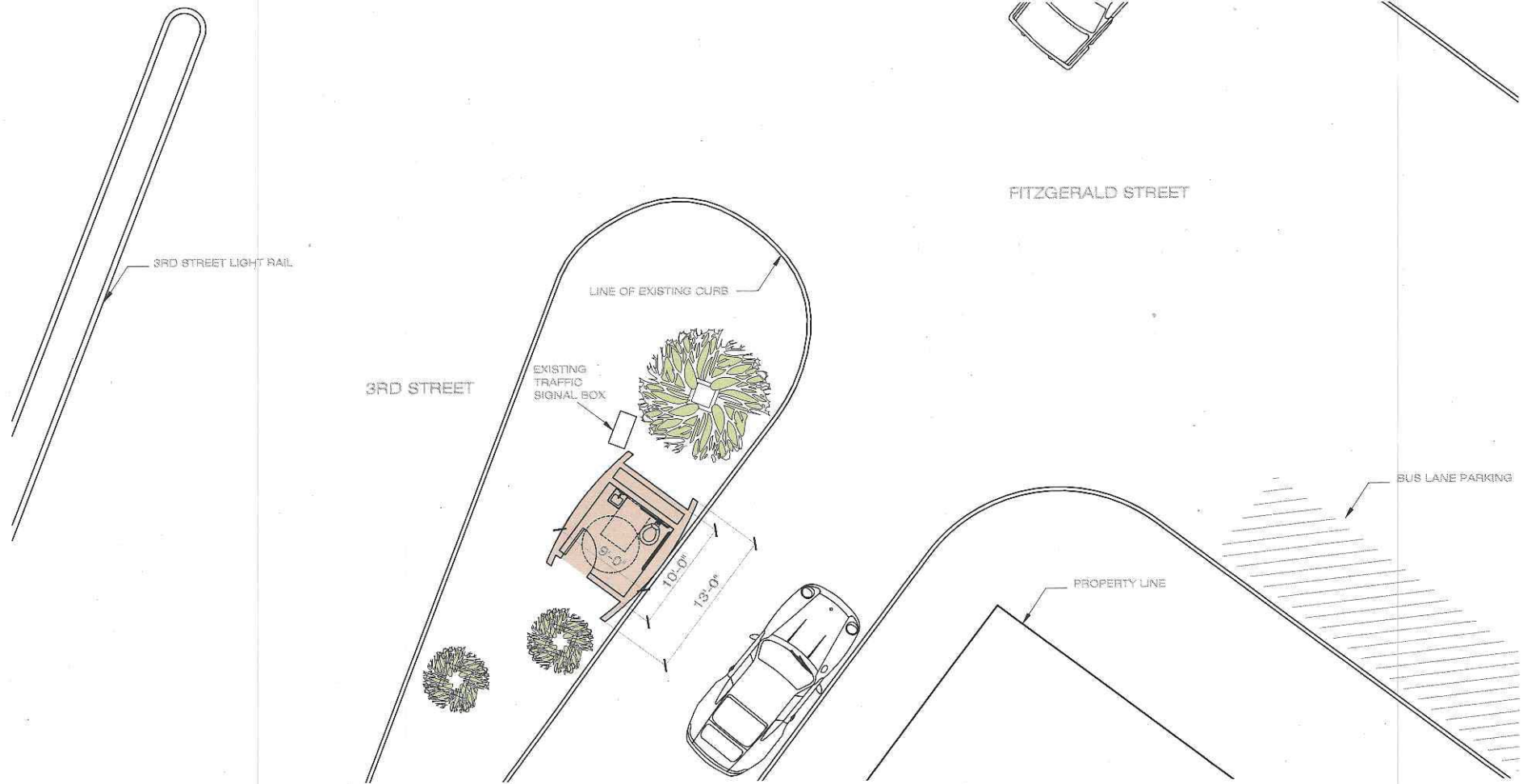


CONTEXT PHOTOS



CONTEXT PHOTOS

Block 4912
Lot 006



SITE PLAN N.T.S.



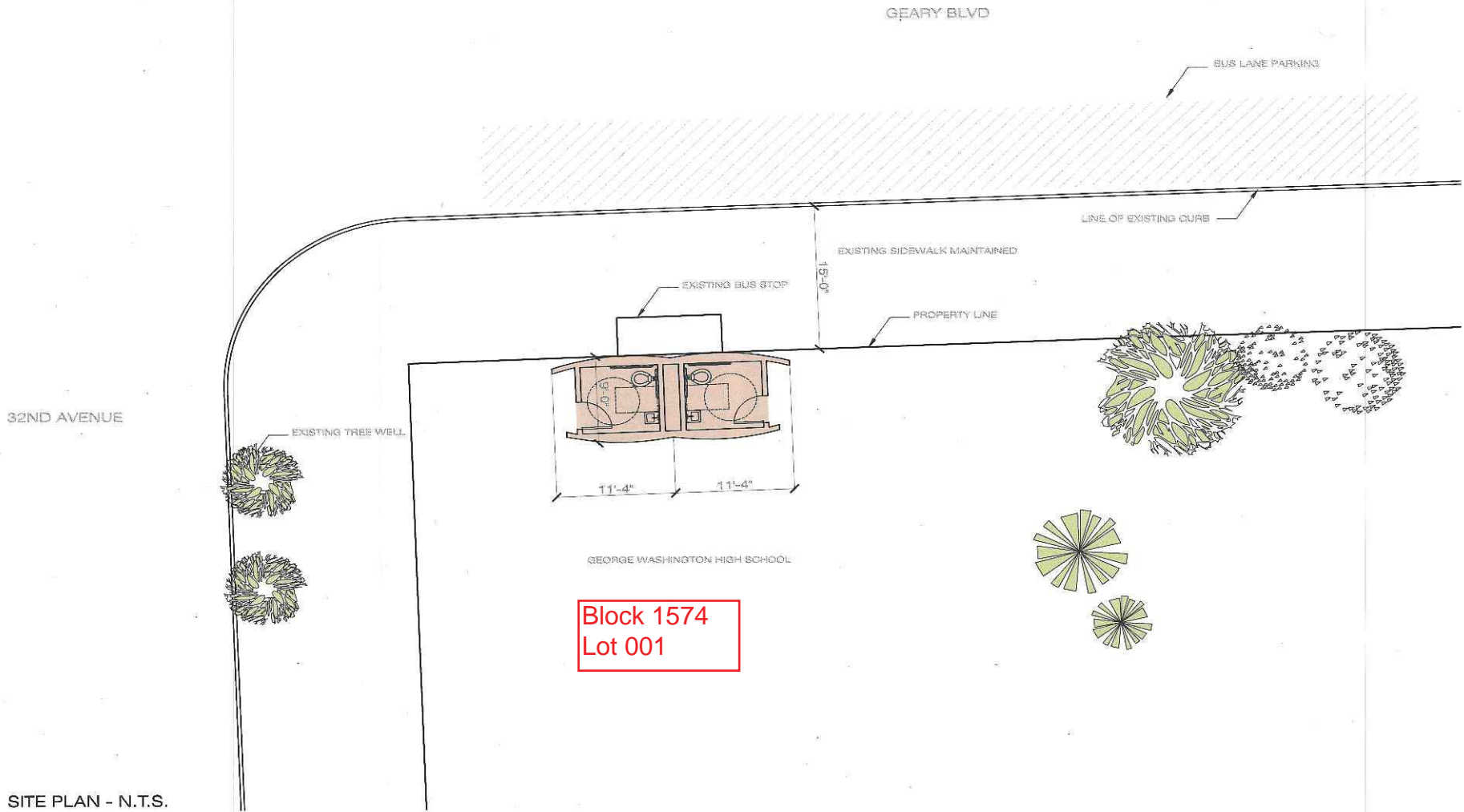
SAMPLE BUILDING ON SITE



CONTEXT PHOTOS



CONTEXT PHOTOS



SITE PLAN - N.T.S.

Block 1574
Lot 001

SFMTA Operator Convenience Facility sites

19th Ave & Buckingham Way
19th Ave & Holloway Ave
20th St & 3rd St
25th Ave & California
32nd Ave & Balboa
Beach St & Divisadero
Cesar Chavez St & Mission St
Chestnut St & Fillmore St
Clement & 14 Ave
Divisadero St & Chestnut St
Dublin between Persia & La Grande
Evans Ave & 3rd St
Geary Blvd & 25th Ave
Geneva & Rio Verde
Geneva St. & Schwerin St.
Jones St & Beach St
Lower Great Hwy & Rivera St
Marina Blvd & Laguna St
McAllister & Jones
Mellon cir & Alana Way
Mission & Lowell
Mission St & San Jose Ave
Noriega & 44th ave
Pacific Ave & Van Ness Ave
Parkridge Dr & Burnett Ave
Sacramento St & Cherry St
Sickles Ave & Alemany Blvd
Sunnydale at McLaren School
Taylor St & Bay St
Valencia St & Cesar Chavez St

- Attachment 3- "Exhibit B Surface-Mounted Facility Placement Guidelines" of Order No. 175,566
"Regulations for Issuing Excavation Permits for the Installation of Surface-Mounted Facilities in the Public Rights-Of-Way"

City and County of San Francisco



Gavin Newsom, Mayor
Edwin M. Lee, Director

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

ORDER NO. 175,566

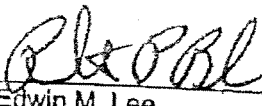
**Regulations for Issuing Excavation Permits for the Installation of
Surface-Mounted Facilities in the Public Rights-Of-Way**

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

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

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

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


Edwin M. Lee
Director of Public Works

Approved: August 17, 2005

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

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

Section 1. Definitions.

A. For purposes of this Order, the following terms, phrases, words, abbreviations their derivations, and other similar terms, when capitalized, shall have the meanings given herein:

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

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

Section 2. Permit Required.

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

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

A. Request for a Department Site Visit

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

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

C. Notice of Intent to Submit Application.

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

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

D. Notice of Site Approval.

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

E. Department Hearing.

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

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

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

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

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

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

Section 5. Department Meetings.

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

Section 6. Additional Permit Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. Additional Indemnity Requirements.

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

Section 10. Additional Insurance Requirements.

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

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

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

EXHIBIT A
PRE-SITE VISIT CHECKLIST

City and County of San Francisco

Department of Public Works
Bureau of Street-Use & Mapping



Surface-Mounted Facility
Pre-Site visit Checklist

Applicant Name: _____ ADDRESS: _____

Contact Name: _____ TEL. NO.: _____

Date: _____ Proposed Location: _____

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

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

EXHIBIT B

SURFACE-MOUNTED FACILITY PLACEMENT GUIDELINES

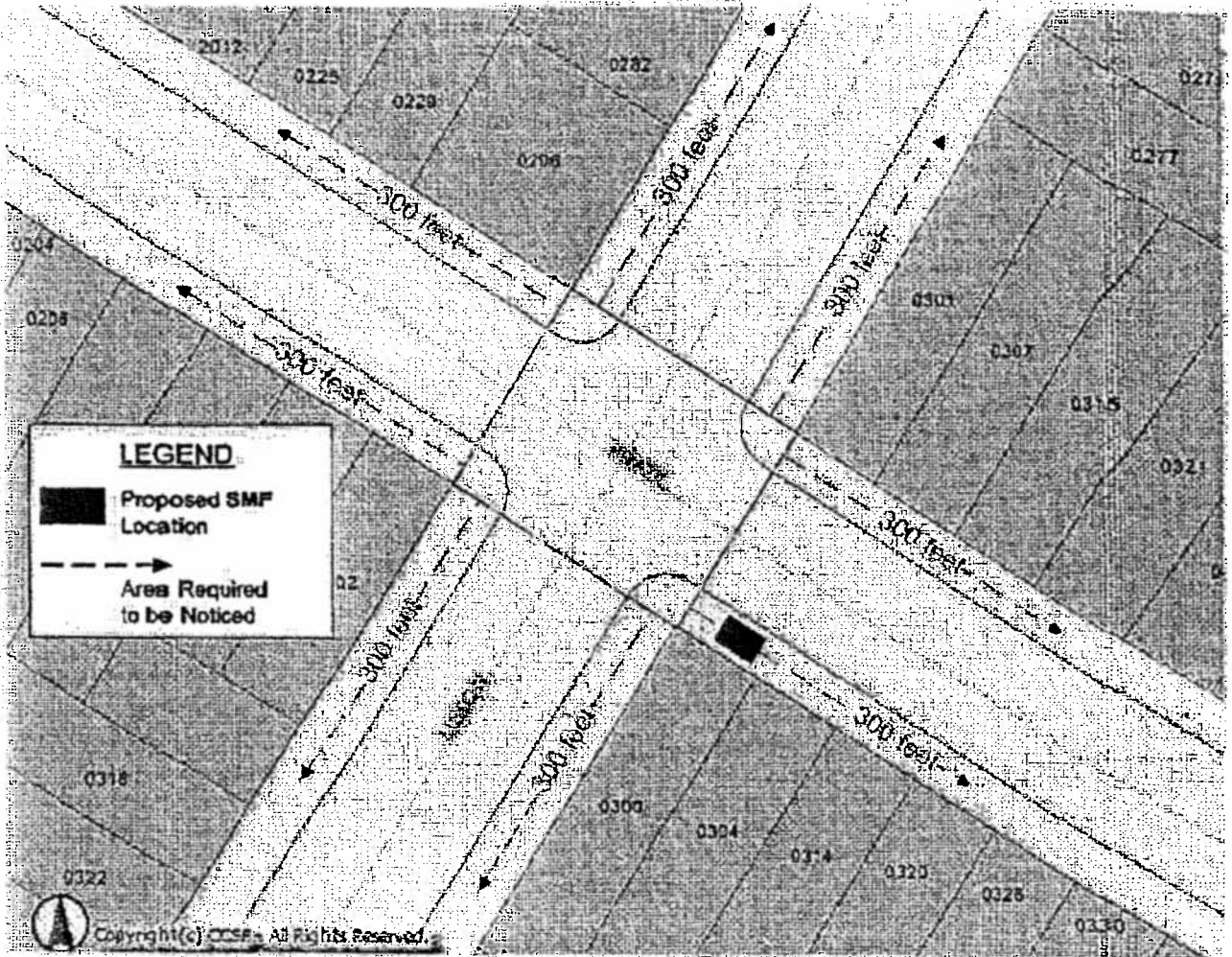
The following are guidelines for the Department to use during a site visit to determine acceptable locations for Surface-Mounted Facilities in the Public Rights-of-Way. The Department is not required to apply any guideline that the Department determines is not applicable to a particular installation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

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

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

EXHIBIT C

Example of Area Required to be Noticed



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

EXHIBIT D

City Department Notification

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

Department of City Planning

1660 Mission, Suite 500
San Francisco, CA 94103

Landmarks Preservation Advisory Board

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

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

San Francisco Arts Commission

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

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

Department of Recreation and Parks

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

Department of City Planning

1660 Mission, Suite 500
San Francisco, CA 94103

EXHIBIT E

COMPANY/AGENCY NAME
MAILING ADDRESS

IMPORTANT NOTICE

CONCERNING YOUR RIGHTS

DATE:

Dear San Francisco Resident:

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

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

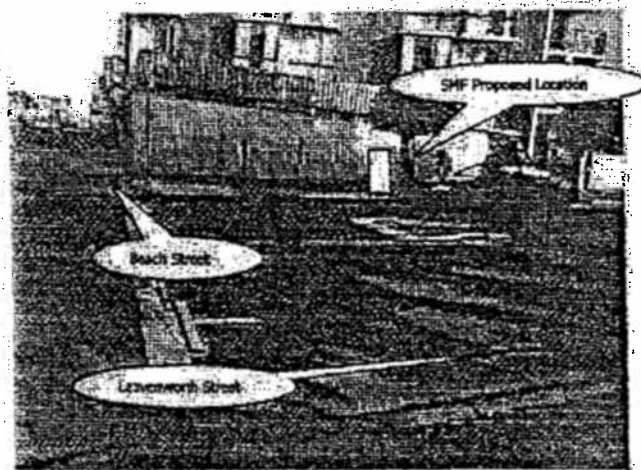
(Briefly provide information about the safety of the cabinet/unit)

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

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

Thank you,

Company/Agency Representative
Address & Phone



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

EXHIBIT F
Surface-Mounted Facility Application Check List

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

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

EXHIBIT G

Surface Mounted Facilities Application Process

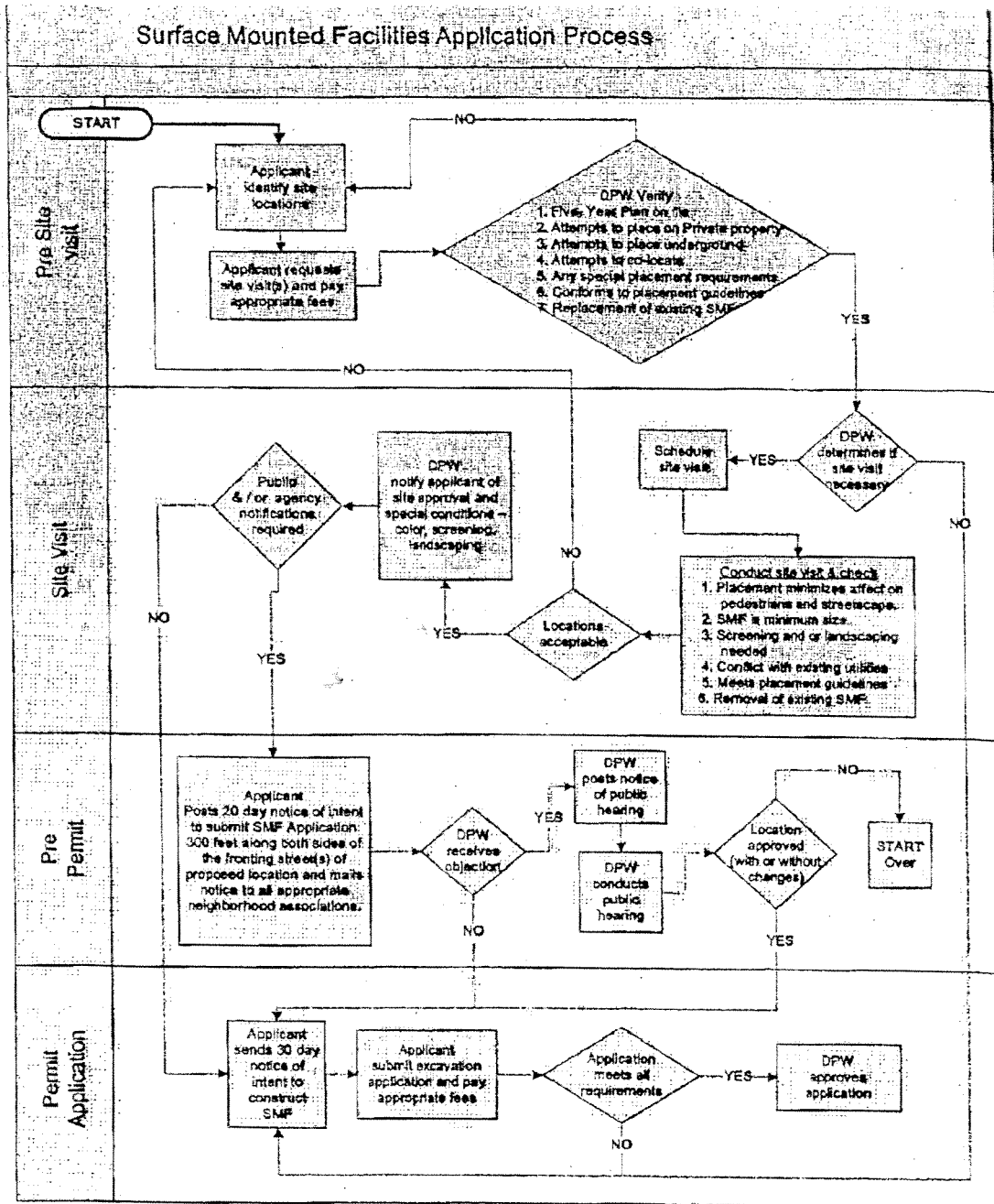


EXHIBIT H
Application Deficiency Checklist

SURFACE-MOUNTED FACILITY APPLICATION
DEFICIENCY NOTICE

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

Proposed Location: _____

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

On: _____ By: _____ Tel
No. _____

1. Transmittal letter is missing the following information:

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

2. Detailed Drawing is missing the following information:

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

3. Photographs of the SMF in the proposed location is missing the following:

- a. Front view of the SMF
- b. Side view of the SMF
- c. View of the SMF in relation to the nearest building or other structure
- d. Other: _____

Location of SMF is incorrect. Explain: _____