

City Hall
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

# LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO:

Supervisor Scott Wiener, Chair

Land Use and Economic Development Committee

FROM:

Andrea Ausberry, Committee Clerk

DATE:

November 26, 2013

SUBJECT:

**COMMITTEE REPORT, BOARD MEETING** 

Tuesday, November 26, 2013

The following files should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, November 26, 2013. These items were acted upon at the Committee Meeting on November 25, 2013, at 1:30 p.m., by the votes indicated.

Item No. 31 File No. 130968

Ordinance amending the Administrative and Planning Codes to provide a preference in occupying units or receiving assistance under all affordable housing programs administered or funded by the City, including all former San Francisco Redevelopment Agency affordable housing programs administered or funded by the City, to certain tenants being evicted under the Ellis Act, California Government Code, Section 7060 et seq.; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

AMENDMENT OF THE WHOLE BEARING SAME TITLE RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye Supervisor Jane Kim - Aye Supervisor David Chiu - Aye

# Item No. 32 File No. 131069

Resolution approving the construction of a cafe in the West Garden of the Academy of Sciences in Golden Gate Park pursuant to Charter, Section 4.113; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the Golden Gate Park Master Plan, the General Plan, and the eight priority policies of Planning Code, Section 101.1.

## RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye Supervisor Jane Kim - Aye Supervisor David Chiu - Aye

# Item No. 33 File No. 131119

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

# RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Scott Wiener - Aye Supervisor Jane Kim - Aye Supervisor David Chiu - Aye

Board of Supervisors
 Angela Calvillo, Clerk of the Board
 Rick Caldeira, Deputy Legislative Clerk
 Jon Givner, Deputy City Attorney

File No.	131119	٠.	Committee Item No.	1
		<del></del>	Board Item No.	33

# COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Land Use and Economic Developm	<u>ient</u> Date	November 25, 2013
Board of Su	pervisors Meeting	Date _	·
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	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst R Youth Commission Report Introduction Form Department/Agency Cover Letter MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	•	oort
OTHER	(Use back side if additional space	e is needed	)
Completed b Completed b			oer 21, 2013 · 26.13

NOTE:

[Transportation Code - Inoperable/Broken Parking Meter Time Limits]

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

> **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

14

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 131119 and is incorporated herein by reference.

17

Section 2. The Transportation Code is hereby amended by revising Sections 1.1. 7.2.30 and 7.2.65, to read as follows:

# SEC. 1.1. DEFINITIONS.

21

Whenever in this Transportation Code words or phrases are used that are not defined by the provisions of this Code, but are defined in the Vehicle Code, the definition and meaning shall be applied as set forth in the Vehicle Code.

23

Any words or phrases that are not defined in the Vehicle Code or in Division II of this Code shall have the meanings set forth below.

25

- (1) California Public Utilities Commission, CPUC. The Public Utilities Commission of the State of California.
- (2) Chief of Police. The Chief of the San Francisco Police Department, or his or her designee(s).
  - (3) City. The City and County of San Francisco.
- Code. The Transportation Code of the City and County of San Francisco, consisting of Division I, under the jurisdiction of the San Francisco Board of Supervisors, and Division II, under the jurisdiction of the Board of Directors of the Municipal Transportation Agency.
- Director of Public Health. The Director of the San Francisco Department of Public Health or his or her designee(s).
- (6) **Director of Transportation.** The Director of Transportation of the Municipal Transportation Agency or his or her designee(s).
- Division I. Division I of the Transportation Code, under the jurisdiction of the San Francisco Board of Supervisors.
- (8) **Division II.** Division II of the Transportation Code, under the jurisdiction of the Municipal Transportation Agency Board of Directors.
- Final SFMTA Decision. A decision upon which the SFMTA has taken the last action according to procedures set forth in Division II, Section 203 (Final SFMTA Decision; Request for Review).
- (10) Fire Chief. The Chief of the San Francisco Fire Department of the City and County of San Francisco, or his or her designee(s).
- (11) Municipal Parking Facility. An off-street parking lot or off-street parking garage owned, leased or operated by the City or the Parking Authority of the City and County of San Francisco.

- (12) Newsgathering Vehicle. A vehicle displaying a permit issued by the Police Department pursuant to Section 939.2 of the Police Code.
- Mon-motorized User-propelled Vehicle, NUV. Any device of two or more wheels lacking a belt, chain, or gears that is powered by the rider through pedals or by pushing off of or kicking at the ground, including, but not limited to, in-line skates, roller-skates, kick or push scooters, skateboards, and toy vehicles.
- (14) Park. To park or stop a vehicle, as defined in the Vehicle Code, or to cause or permit a vehicle to be parked or stopped, unless the context requires a different meaning.
- Parking Control Officer, PCO. A City employee authorized by the Municipal Transportation Agency to enforce state laws and the San Francisco Municipal Code related to Parking of vehicles.
- (16) Parking Meter. Any device, including any electronic pay station, that, upon payment, registers the amount of time for which a vehicle is authorized to Park in a particular Parking Space.
- Parking Permit. A permit issued by the Municipal Transportation Agency to a person or a vehicle which, when current, valid and properly displayed, entitles the vehicle or a vehicle occupied by the person to specified exemptions from the Parking regulations of this Code.
- Parking Space. A space demarcated by painted lines or other indicators for the Parking of a single vehicle.
- Placard. A placard issued by a state agency to a person with disabilities pursuant to Vehicle Code Sections 22511.55 or 22511.59 that entitles the holder to Parking privileges as specified in Vehicle Code Sections 22511.5 et seq.
- Police Officer. An employee of the San Francisco Police Department authorized to enforce the criminal laws of the state and of the San Francisco Municipal Code.

- (21) **Port Commission.** The Port Commission of the City and County of San Francisco.
- (22) **Port Regulations.** With respect to any property under the jurisdiction of the San Francisco Port Commission, such Parking and traffic conditions and regulations as are imposed by and on file and available for public inspection at the office of the Port Commission.
- Proof of Payment or Proof of Payment Program. A fare collection system that requires transit passengers to possess a valid fare receipt or transit pass upon boarding a transit vehicle or while in a Proof of Payment Zone, and which subjects such passengers to inspections for proof of payment of fare by any authorized representative of the transit system or duly authorized peace officer.
- (24) **Proof of Payment Zone.** The paid area of a subway or boarding platform of a transit system within which any person is required to show proof of payment of fare for use of the transit system.
- (25) **Public Property.** Property owned or controlled by a public agency that is not within the public right-of-way.
- (26) Request for Review. A form submitted to the Clerk of the Board of Supervisors that seeks Board of Supervisors' review of a Final MTA Decision.
- (27) San Francisco Municipal Transportation Agency or SFMTA. The Municipal Transportation Agency of the City and County of San Francisco.
- (28) **Sidewalk Bicycle.** Any bicycle with wheel diameter of less than 21 inches overall, including tires.
- Special License Plate. A license plate issued by a state agency to the vehicle of a person with disabilities pursuant to Vehicle Code Section 5007 that entitles the holder to Parking privileges as specified in Vehicle Code Sections 22511.5 et seq.

- Special Traffic Permit. A permit issued by the Municipal Transportation Agency required for any obstruction of traffic upon a street or sidewalk area by any construction, excavation or other activity, to the extent that such activity will not be conducted in accordance with City contract specifications or with the Municipal Transportation Agency's "Regulations for Working in San Francisco Streets" (otherwise known as the "Bluebook").
- (31) **Stand.** A zone established by the Municipal Transportation Agency for the exclusive use of a class or classes of vehicles identified by signs posted at such Stand.
  - (32) State. The State of California.
- (33) **Truck.** A commercial motor vehicle with six or more wheels that is designed, used, or maintained primarily for the transportation of goods.
- (34) Truck Loading Zone. A zone for the exclusive use of Trucks while loading or unloading freight, subject to any posted time limits.
- (35) **Vehicle Code.** The Vehicle Code of the State of California. **SEC. 7.2. INFRACTIONS.**

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

# SEC. 7.2.30. OVERTIME PARKING.

For the operator of any vehicle Parked on the street:

- (a) To Park a vehicle for longer than posted time restrictions within the Downtown Core; (32(c)(1)).
- (b) To Park a vehicle for longer than applicable posted time restrictions on the street outside the Downtown Core;  $(32(c)(2))_{\underline{c}}$  or
- (c) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time permitted for Parking at that Parking Meter within the Downtown Core. Any vehicle Parked at an inoperable or broken Parking Meter *for which Parking is permitted in excess of two hours* shall be permitted to Park for *thea* maximum time period *permitted for that Parking Meter of two hours*.
- (d) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time permitted for Parking at that Parking Meter outside the Downtown Core. Any vehicle Parked at an inoperable or broken Parking Meter for which Parking is permitted in excess of two hours shall be permitted to Park for the maximum time period permitted for that Parking Meter of two hours.
- (e) Each hour or portion thereof that a vehicle is Parked in violation of this Section shall be a separate and distinct offense, except that in a yellow zone indicated by yellow paint on the curb, any non-commercial vehicle may be issued no more than one citation per one-half hour for violations of time restrictions, and no vehicle may be issued more than two citations within a 12-hour period: (32, 38.G).

# SEC. 7.2.65. OVERTIME PARKING.

For the operator of any vehicle Parked in a Municipal Parking Facility:

- (a) To Park a vehicle for longer than posted time restrictions; or
- (b) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time permitted for Parking at that Parking Meter. Any vehicle Parked at an inoperable or

broken Parking Meter for which Parking is permitted in excess of two hours shall be permitted to Park for thea maximum time period permitted for that Parking Meterof two hours.

Each hour or portion thereof that a vehicle is Parked in violation of this Section (c) shall be a separate and distinct offense, but no vehicle may be issued more than two citations within a 12-hour period.

Section 3. 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.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

Deputy City Attorney

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# **LEGISLATIVE DIGEST**

[Transportation Code – Inoperable/Broken Parking Meter Time Limits]

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

# **Existing Law**

The Transportation Code currently limits the time permitted for parking at a broken or inoperable parking meter to the maximum time permitted for parking at that parking meter. However, if a parking meter permits parking in excess of two hours, the maximum time period to park is limited to two hours.

# Amendments to Current Law

Effective January 1, 2014, state law will be changed to require local authorities to permit vehicles to park up to the posted time limit in any public parking space regulated by an inoperable or broken parking meter or parking payment center. Local authorities, such as a the City, will be prohibited from restricting the parking of vehicles in any public parking space regulated by a parking meter or parking payment center to a period of time less than the posted time limit for parking.

# **Background Information**

The SFMTA has installed SF*park* parking meters and parking payment centers that permit vehicles to park for time periods in excess of two hours. As a result, in 2011, the SFMTA proposed an ordinance, sponsored by Supervisor Avalos, to limit the time vehicles were permitted to park at inoperable or broken SF*park* parking meters or parking spaces regulated by inoperable or broken SF*park* payment centers to two hours. In 2013, AB 61 was approved by the California State Legislature and signed into law by the Governor. AB 61 becomes effective January 1, 2014, and will expire on January 1, 2017, unless subsequent legislation extends that date.



# **MEMORANDUM**

DATE:

October 7, 2013

TO:

SFMTA Board of Directors

Tom Nolan, Chairman

Cheryl Brinkman, Vice Chairman Malcolm Heinicke, Director

Jerry Lee, Director Joél Ramos, Director Cristina Rubke, Director

THROUGH: Edward D. Reiskin

Director of Transportation

FROM:

Bond M. Yee

Director of Sustainable Streets

SUBJECT:

Ordinance Amending Division I of the Transportation Codes 7.2.30 and 7.2.65

On Overtime Parking at Inoperable On and Off-Street Parking Meters

The San Francisco Municipal Transportation Agency (SFMTA) will be forwarding legislation to the Board of Supervisors to amend Section 7.2.30 and 7.2.65 of the Transportation Code. This memo summarizes the background behind the State law changes (Assembly Bill 61) that require this local amendment.

# Background Information

The SFMTA has installed parking meters that permit vehicles to park for time periods in excess of two hours. As a result, in 2011, the SFMTA proposed an ordinance, sponsored by Supervisor Avalos, to limit the time vehicles were permitted to park at inoperable or broken parking meters to two hours maximum. These proposals were reviewed by the SFMTA Board Policy and Governance Committee on January 11, 2011 and approved by the SFMTA Board at its February 1, 2011 meeting. The Transportation Code currently limits the time permitted for parking at a broken or inoperable parking meter to the maximum time permitted for parking at that parking meter. However, if an on or offstreet parking meter permits parking in excess of two hours, the maximum time period to park is limited to two hours. This was to discourage someone from tampering with a meter to park legally for half or all day in one parking spot for free.

SFMTA Board of Directors
Ordinance Amending Division I of the Transportation Codes 7.2.30 and 7.2.65
On Overtime Parking at Inoperable On and Off-Street Parking Meters
October 7, 2013
Page 2

# Assembly Bill 61

The SFMTA formally opposed Assembly Bill (AB) 61. This bill was introduced to address issues related to the broken meter policy adopted in Los Angeles, where parking at broken meters had been completely prohibited. AB 61 reads in part as follows:

# California Vehicle Code Section 22508.5, Section 2:

- (a) A vehicle may park, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center.
- (b) A local authority shall not, by ordinance or resolution, prohibit or restrict the parking of vehicles in a space that is regulated by an inoperable parking meter or inoperable parking payment center.

In 2013, AB 61 was approved by the California State Legislature and signed into law by the Governor. Effective January 1, 2014, state law will be changed to require local authorities to permit vehicles to park up to the meter time limit in any public parking space regulated by an inoperable or broken parking meter or parking payment center. Local authorities like the SFMTA will be prohibited from restricting the parking of vehicles in any public parking space regulated by a parking meter or parking payment center to a period of time less than the posted time limit for parking. In order to conform to this change in state law, Section 7.2.65 will be amended to remove the provision for a two hour maximum time limit at any meter. The proposed change will become operative on January 1, 2014.

AB 61 will expire on January 1, 2017, unless subsequent legislation extends that date. At that time the SFMTA may consider re-introducing this provision of the Transportation Code.

Attachments: Amendment to Transportation Code Division I



#### MEMORANDUM

DATE:

October 7, 2013

TO:

SFMTA Board of Directors

Tom Nolan, Chairman

Cheryl Brinkman, Vice Chairman Malcolm Heinicke, Director

Jerry Lee, Director Joél Ramos, Director Cristina Rubke, Director

THROUGH: Edward D. Reiskin

Director of Transportation

FROM:

Bond M. Yee

Director of Sustainable Streets

SUBJECT:

Ordinance Amending Division I of the Transportation Codes 7.2.30 and 7.2.65

On Overtime Parking at Inoperable On and Off-Street Parking Meters

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## Background Information

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Member, Board of Supervisors District 8



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City and County of San Francisco

**SCOTT WIENER** 

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DATE:

November 20, 2013

TO:

Angela Calvillo

Clerk of the Board of Supervisors

FROM:

Supervisor Scott Wiener

Chairperson

RE:

Land Use and Economic Development Committee

COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on November 26, 2013, as a Committee Report:

131119 Transportation Code - Inoperable/Broken Parking Meter Time Limits

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

This matter will be heard in the Land Use and Economic Development Committee on November 25, 2013, at 1:30 p.m.



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

November 21, 2013

File No. 131119

Sarah Jones **Environmental Review Officer** Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103

Dear Ms. Jones:

On November 19, 2013, Supervisor Chiu introduced the following legislation:

File No. 131119

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

**Attachment** 

Monica Pereira, Environmental Planning Nannie Turrell, Environmental Planning

Not a project per CEQA

Guide lines Lec Fron 15060(c)(2).

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Povember 21, 2013



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# MEMORANDUM

TO:

Edward Reiskin, Director, Municipal Transportation Agency Harlan Kelly, General Manager, Public Utilities Commission Barbara Garcia, Director, Department of Public Health

Joanne Hayes-White, Chief, Fire Department

Greg Suhr, Chief, Police Department Monique Moyer, Executive Director, Port

FROM:

Andrea Ausberry, Clerk, Land Use and Economic Development Committee

**Board of Supervisors** 

DATE:

November 21, 2013

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on November 19, 2013:

File No. 131119

Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

If you would like to submit reports or comments prior to the hearing, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.miller@sfgov.org and andrea.ausberry@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency
Kate Bren, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency Board
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Greg Wagner, Department of Public Health
Collen Chawla, Department of Public Health
Kelly Alves, Fire Department

John Monroe, Police Department Amy Quesada, Port



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November 21, 2013

File No. 131119

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, 4<sup>th</sup> Floor San Francisco, CA 94103

Dear Ms. Jones:

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning Nannie Turrell, Environmental Planning Print Form

# **Introduction Form**

By a Member of the Board of Supervisors or the Mayor

I her	eby submit the following item for introduction (select only one):	or meeting date
$\boxtimes$	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. Request for Closed Session (attach written motion).	
	10. Board to Sit as A Committee of the Whole.	
	11. Question(s) submitted for Mayoral Appearance before the BOS on	
Pleas	se check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission    Youth Commission    Ethics Comm	_
	☐ Planning Commission ☐ Building Inspection Commission	n
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	
Sponso	or(s):	
Super	visor David Chiu	
Subjec	et:	
	ance amending the Transportation Code to clarify the definition for "Parking Meter" and chang meter time limits	ange the time for
The te	ext is listed below or attached:	•
See at	tached.	
	Signature of Sponsoring Supervisor:	

For Clerk's Use Only:

Time stamp