

File No. 110307

Committee Item No. _____

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date April 12, 2011

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

Appeal of Determination of Exemption from Environmental Review for 1653 Grant Avenue

Planning Department's Attachments E, F, G, H, I, J

Letter from Paul B. Albritton on behalf of the Project Sponsor dated April 4, 2011

Completed by: Joy Lamug

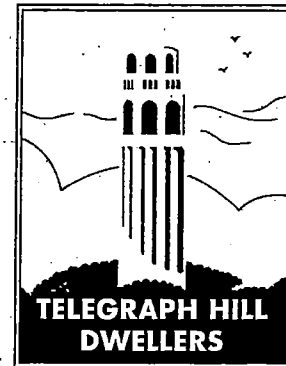
Date April 7, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR -4 PM 2:52
BY _____



March 4, 2011
VIA HAND DELIVERY

Angela Calvillo, Clerk
San Francisco Board of Supervisor
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: APPEAL OF CATEGORICAL EXEMPTION, T-MOBILE CELL SITE 1653 GRANT AVE.
Planning Dept. Case No. 2010.0557

Dear Ms. Calvillo,

This is an appeal of the Certificate of Determination of Exemption from Environmental Review for the proposed cellular antennae site proposed at 1653 Grant Ave. in San Francisco. A copy of the exemption determination and required appellant fee is attached herewith.

On February 17, 2011, three T-Mobile-sponsored wireless telecommunications sites were scheduled for Discretionary Review hearings at the San Francisco Planning Commission ("Commission"). On February 17, 2011, T-mobile requested that one site be withdrawn (1763 Stockton), one site be continued to a future Planning Commission hearing (1500 Grant Ave.) and one site be heard (1653 Grant Ave.) as scheduled. The Commission denied the request for Discretionary Review for 1653 Grant Ave. and relied on the attached Categorical Exemption from the California Environmental Quality Act ("CEQA") in its action.

T-Mobile's proposed project is not categorically exempt from CEQA under CEQA Guidelines §15303 (Class 3 Exemption). While the Planning Department and Commission determined that a categorical exemption from CEQA applies, neither that determination, nor the basis for the determination, is correct or supportable. As will be further elucidated in a forthcoming brief prior to the Board of Supervisors' hearing, the proliferation and concentration of wireless telecommunication sites in the immediately surrounding area may have created Radio Frequency Radiation ("RFR") levels that exceed Federal Communications Commission (FCC) RFR exposure levels, which constitute a potential impact under CEQA. The Board must find based on the evidence that cumulative ambient RFR exposures require environmental review.

Class 3 Exemption and Cumulative Impacts

The Exemption Determination states that the project is categorically exempt under §15303 of the Guidelines (Class 3 Exemption) for the construction or conversion of "new, small

Angela Calvillo, Clerk

March 4, 2011

Page 2

facilities or structures" and "installation of small new equipment and facilities in small structures."

CEQA categorical exemptions are not absolute. There are several exceptions to the categorical exemptions, including the "cumulative impact" exception (§15300.2(b)) and "significant effect" or "unusual circumstances" exception (§15300.2(c)). Even if an activity fits within an otherwise exempt category, the lead agency may not find it exempt "when the cumulative impact of successive projects of the same type in the same place, over time is significant" or "where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."

Exemption under CEQA is inappropriate "when the cumulative impact of successive projects of the same type in the same place, over time is significant." §15300.2(b). With regard to T-Mobile's project, the Planning Department has failed to consider the cumulative impact of all existing and proposed wireless telecommunication devices in the surrounding area, including but not limited to installations on utility poles, PG&E's Smart Meters, and the automated water meter program. Additional evidence as to the known existing and proposed wireless facilities in the area will be presented.

RF Exposures

In support of its each of its applications for the 3 microcell facilities in North Beach, T-Mobile has submitted a "Statement of Hammett & Edison, Inc., Consulting Engineers" ("H&E Reports") to document "compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields."

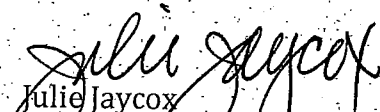
The H&E Reports are limited to a discussion of (1) existing cumulative RF levels from all sources AT GROUND LEVEL near the North Beach sites and their relation to FCC exposure guidelines; (2) a calculation of the maximum ambient RF exposure level AT GROUND LEVEL due to the proposed T-Mobile facilities individually and the RF level for that single site in relation to FCC exposure guidelines; and (3) the three-dimensional perimeter of RF levels equal to the FCC public exposure limit relative to T-Mobile's antennas.

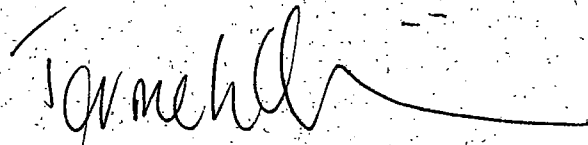
The reasonable possibility that T-Mobile's project at 1653 Grant Ave., particularly when considered cumulatively with all existing and proposed wireless telecommunication devices in the surrounding area, will have a significant effect on the environment - *i.e.*, exceed FCC exposure standards for members of the general public -- creates an environmental risk that does not exist for the general class of exempt projects under CEQA and therefore the Categorical Exemption must be denied. Environmental review of this project must be required.

Angela Calvillo, Clerk
March 4, 2011
Page 3

Supplemental material will be submitted to the Board of Supervisors no less than 8 days prior to the hearing once it is scheduled.

Sincerely,


Julie Jaycox
Telegraph Hill Dwellers


Termeh Yeghiazarian
Telegraph Hill Dwellers



SAN FRANCISCO PLANNING DEPARTMENT

Historical Resource Review Form

Address of Project: 1653 GRANT AVENUE (aka 501 GREENWICH ST.)

Cross Streets: Intersection of Grant Ave / Greenwich St. Block/Lot: 0088/001

Case No. _____ Permit No. 2009.0626.1437

1650 Mission
Suite 400
San Francisco,
CA 94103-247

Reception:
415.558.637

Fax:
415.558.640

Planning
Information:
415.558.637

STEP 1: EXEMPTION CLASS

If neither class applies, an *Environmental Exemption Application* is required.

- Class 1 – Existing Facilities: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of this determination.
- Class 3 – New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

STEP 2: HISTORICAL RESOURCE STATUS (Refer to *Preservation Bulletin 16.*)

- Category A: Known Historical Resource Proceed to Step 3.
Preservation Technical Specialist Review
- Category B: Potential Historical Resource Proceed to Step 3.
- Category C: Not a Historical Resource Proceed to Step 4.
No Further Historical Resource Review Required.

STEP 3: APPROVED WORK CHECKLIST

Per plans dated: 5/7/2010

- Project falls within the scope of work described below. Proceed to Step 4. No Further Historical Resource Review Required.
- Project does not fall within the scope of work described below. Proceed to Step 4. Further Historical Resource Review Required.
- If 4 or more boxes are initialed, Preservation Technical Specialist review is required.

Planner's Initials	Work Description
	1. Interior alterations. Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require Preservation Technical Specialist review.
	2. Regular maintenance or restorative work that is based upon documentation of the building's historic appearance (i.e., photographs, physical evidence, historic drawings or documents, or matching buildings).
	3. In-kind window replacement at visible facades. (The size, configuration, operation, material, and exterior profiles of the <i>historic</i> windows must be matched.)

	4. Window replacement or installation of new openings at non-visible facades.
	5. Construction of deck or terrace that is not visible from any immediately adjacent public right-of-way.
	6. Installation of mechanical equipment at the roof which is not visible from any immediately adjacent public right-of-way.
	7. Installation of dormers that meet the requirements for exemption from public notification under <i>Zoning Administrator Bulletin: Dormer Windows, No. 96.2</i> .
	8. Installation of garage opening that meets the requirements of the <i>Guidelines for Adding Garages and Curb Cuts</i>
	9. Horizontal addition that is not visible from the adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure; and does not have a footprint that is more than 50% larger than that of the original building.
	10. Vertical addition that is not visible from the adjacent public right-of-way for 150' in each direction; is only a single story in height; and does not cause the removal of architectural significant roofing features such as ornate dormers, towers, or slate shingles.

Preservation Technical Specialist Review Required for work listed below:

	11. Window replacement at visible facades that is not in-kind but meets the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
	12. Sign installation at Category A properties.
	13. Façade alterations that do not cause the removal or alteration of any significant architectural features (i.e. storefront replacement, new openings, or new elements).
	14. Raising the building.
	15. Horizontal or vertical additions, including mechanical equipment, that are minimally visible from a public right-of-way and that meet the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
	16. Misc. <i>WTS</i>

STEP 4: RECOMMENDATION

- No Further Historical Resource Review Required.
- Further Historical Resource Review Required: File *Environmental Exemption Application*.

Notes: _____

Planner Name: Aaron Hollister

Signature: Aaron Hollister Date: 6.3.2010

Preservation Technical Specialist Name: T. FRYE

Signature: [Signature] Date: 6.3.2010

Save to [I:\Building Permit Applications or I:\Cases].

If "Category A," save to [I:\MEA\Historical Resources\Category A Admin Catex].



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 24, 2011
 TO: Interested Parties
 FROM: Linda D. Avery
 Planning Commission Secretary
 RE: Planning Commission Action – No. DRA -- 0197

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

Property Address: 1653 Grant Avenue
 Building Permit Application No.: 2009.0626.1437
 Discretionary Review Case No.: 2010.0557D

On February 17, 2011, the Planning Commission conducted a Discretionary Review hearing to consider the following project:

1653 GRANT AVENUE (aka 501 GREENWICH STREET) - southwest corner of Grant Avenue and Greenwich Street, Lot 001 in Assessor's Block 0088 – Request for Discretionary Review of Building Permit Application No. 2009.0626.1437, proposing to add a T-Mobile micro wireless telecommunications service facility consisting of an omni antenna shrouded inside a faux vent pipe structure and equipment cabinets. The faux vent pipe would be mounted on the rooftop of the subject building, while the equipment cabinets would be mounted to the wall of an existing penthouse stair structure. The subject property is located in the RM-2 (Residential, Mixed Districts, Moderate Density) District, the Telegraph Hill-North Beach Residential Special Use District and a 40-X Height and Bulk District.

ACTION

The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department.

FINDINGS

The reasons the Commission took the action described above include:

There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code and the General Plan.

Speakers at the hearing included:

In support of the project	In support of the DR request
Joe Camicia	Termeh Yeghiazarian
Paul Albritton	Mark Bruno
Jeff Enty	Christine Brown

Mark Cabiollo	Catherine Ismay
Che Hung	Julie Jaycox
Mark Leach	Joan Wood
Mike Leon	
Dan Molega	
Robeta Bau	
Ron Lee	
Anne Yue	
Max Marcus	
Richard Wallet	
Jeff Blake	
Stephano Costalano	

Ayes: Commissioners Olague, Antonini, Borden, Fong, and Sugaya.

Nayes: Commissioners Miguel and Moore

Absent:

Case Planner: Aaron Hollister, (415) 575-9078

You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

cc: Linda D. Avery

G:\DOCUMENTS\Projects\DR\1653 Grant Avenue\1653 Grant Avenue DR Action Memo.doc



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

1650 Mission St
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>JULIE JAYCOX</u>	Address of Project: <u>1653 GRANT AVE.</u>
Neighborhood Organization: <u>THD</u>	Planning Case No: <u>2010.0557</u>
Applicant's Address: <u>P.O. Box 330159 SF 94133</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415-205-8459</u>	Date of Decision: <u>2-17-11</u>
Applicant's Email Address: <u>PRESIDENT@THD.ORG</u>	

DCP STAFF USE ONLY

- Appellant authorization
- Current organization registration
- Minimum organization age
- Project impact on organization

Planner's Name: _____

Date: _____

Planner's Signature: _____

WAIVER APPROVED

WAIVER DENIED

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

March 11, 2011

Julie Jaycox
Termeh Yeghiazarian
Telegraph Hill Dwellers
P.O. Box 330159
San Francisco, CA 94133

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 1653 Grant Avenue

Dear Ms. Jaycox and Ms. Yeghiazarian:

The Office of the Clerk of the Board is in receipt of a memorandum dated March 10, 2011, (copy attached) from the City Attorney's office regarding the timely filing of an appeal of the Determination of Exemption from Environmental Review for a project located at 1653 Grant Avenue (aka 501 Greenwich Street).

The City Attorney has determined that the appeal was filed in a timely manner.

A hearing date has been scheduled on **Tuesday, April 12, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;

11 days prior to the hearing: names of interested parties to be notified of the hearing.

Please provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

If you have any questions, please feel free to contact Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerk, Joy Lamug at (415) 554-7712.

Very truly yours,

Handwritten signature of Angela Calvillo in black ink.

Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department

Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Aaron Hollister, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne
Deputy City Attorney *MGB*

DATE: March 10, 2011

RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 1653 Grant Street

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers, received by the Clerk's Office on March 4, 2011, of the Planning Department's determination that a project located at 1653 Grant Street (aka 501 Greenwich Street) is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves installation of a wireless telecommunications service facility to an existing building. The Appellants provided a copy a Historical Resources Review Form, issued by the Planning Department on April 3, 2010, finding the project exempt under Class 3 of the CEQA Guidelines (14 Cal.Code Reg. §15000 *et seq.*).

Appellant also provided a copy of a Planning Department memorandum from Planning Commission Secretary Linda Avery, dated February 24, 2011, indicating that the Planning Commission had heard a request for discretionary review of the proposed project, but had declined to take discretionary review and instead directed staff to approve the project as proposed. Accordingly, the appeal is ripe for review.

Additionally, we are informed that no building permits have yet been finally approved for the proposed project. Accordingly, it is our view that the appeal is timely. Therefore, the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Andrea Ausberry, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: February 18, 2011
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 1653 Grant Street

Nannie Turrell, Planning Department
Linda Avery, Planning Department
Chelsea Fordham, Planning Department

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

March 7, 2011

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira 
Deputy Director

**Subject: Appeal of Determination of Exemption from Environmental Review -
1653 Grant Avenue**

An appeal of determination of exemption from environmental review issued for the proposed cellular antennae located at 1653 Grant Avenue was filed with the Office of the Clerk of the Board on March 4, 2011, by Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions No. 5, I am forwarding this appeal, with attached documents, to the City Attorney's office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

MEMO

BY: [Signature] AM 10:12
6

Categorical Exemption Appeal

1653 Grant Avenue (aka 501 Greenwich Street)

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
information:
415.558.6377

DATE: April 4, 2011
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer – (415) 558-9048
Aaron Hollister, Case Planner – Planning Department (415) 575-9078
RE: BOS File No. 11-0307 [Building Permit Application No. 2009.0626.1437]
Appeal of Categorical Exemption for 1653 Grant Avenue
HEARING DATE: April 12, 2011
ATTACHMENTS:

- A. Planning Department Historical Resource Review Form, June 3, 2010
- B. Site maps
- C. Department of Public Health Referral Report (June 18, 2010)
- D. Department of Public Health Wireless Communications Memo, dated June 14, 2010
- * E. Planning Commission Discretionary Review Action Memo No. 0197, dated February 24, 2011
- * F. T-Mobile 5-year Plan
- * G. Site photographs
- * H. Plans
- * I. Planning Department *Wireless Telecommunications Services Facilities Siting Guidelines*
- * J. Department of Public Health Radio Frequency Map, dated March 29, 2011

PROJECT SPONSOR: Joseph Camicia of Permit Me on behalf of T-Mobile

APPELLANT: Julie Jaycox and Termeh Yeghiazarian of the Telegraph Hill Dwellers

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project that would allow the installation of a wireless telecommunications facility to be located inside a faux ventilation pipe placed on the rooftop at 1653 Grant Avenue (the "Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on March 4, 2011 by Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers. The Department, pursuant to Title 14

of the CEQA Guidelines, issued a Categorical Exemption for the proposed wireless telecommunications facility at 1653 Grant Avenue on June 3, 2010.

The decision before the Board is whether to uphold the Department's categorical exemption determination and deny the appeal, or to overturn the Department's determination and return the project to the Department staff for additional environmental review.

SITE DESCRIPTION & PRESENT USE

The subject property is located at 1653 Grant Avenue on the southwest corner of Grant Avenue and Greenwich Street within the RM-2 (Residential, Mixed, Moderate Density) District, the North Beach-Telegraph Hill Special Use District and a 40-X Height and Bulk District. The project site is entirely occupied by a three to four-story residential building that contains 15 dwelling units. The subject building was constructed in 1908 and is a Category B property under the Planning Department's Preservation Bulletin 16, entitled *CEQA Review Procedures for Historical Resources*. For the purposes of CEQA, the subject property is considered a potential historic resource as it is more than 50 years old.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project is located on the western slope of Telegraph Hill, which is primarily residential in use and features a variety of multi-story, multi-dwelling unit buildings with varying architectural styles. Pioneer Park and Coit Tower are located one block to the east of the Project, while the Grant Avenue commercial corridor of the North Beach Neighborhood Commercial District is located one block to the south of the project site.

PROJECT DESCRIPTION

The proposed project entails the installation of a wireless telecommunications service ("WTS") facility consisting of a T-Mobile panel antenna located inside a faux vent pipe structure and equipment cabinets. The faux vent pipe would be mounted on the rooftop of the subject building at a height of approximately 42.5 feet with approximate dimensions of five feet in height and 10 inches in diameter. The faux vent pipe would be set back a minimum of seven feet from edge of the building. The equipment cabinets would be mounted to the wall of an existing penthouse stair structure found at the center of the structure.

BACKGROUND

2009 - Building Permit Filed

The project sponsor submitted a building permit to install a micro WTS facility in June 2009. The Department requested revisions to the Project to reduce the visibility of the faux vent pipe when viewed from public rights-of-way.

2009-2010 Review

The project sponsor complied with the Department's request to minimize the visibility of the faux vent pipe. The project sponsor and the Department discussed alternatives to minimize the visibility of the faux vent structure as viewed from nearby public rights-of-way. As part of the review process, Department staff and the project sponsor met on location to test a mock-up of the proposed WTS facility. After viewing a mock-up of the revised design, Department staff confirmed that the proposed faux vent pipe would not be visible or would be minimally visible when viewed from nearby public rights-of-way. After this meeting, staff instructed the Project Sponsor to revise the plans to reflect the site mock-up. The project sponsor complied and submitted revised plans.

2009 – Project Review Process

The revised drawings were reviewed pursuant to the Planning Code, *the Wireless Telecommunications Services Facilities Siting Guidelines*¹ ("*Wireless Guidelines*") and CEQA. Prior to the adoption of the *Wireless Guidelines* by the Planning Commission, the Board of Supervisors provided input as to where wireless facilities should be located within San Francisco in Resolution No. 635-96². The *Wireless Guidelines* were updated by the Commission in 2003, requiring community outreach, notification, and detailed information about the facilities to be installed. Before the Department can approve an application to install a wireless facility, the project sponsor must submit a five-year facilities plan, which must be updated biannually; submit an emissions report; receive approval by the Department of Public Health; complete Section 106 review; and provide details about the facilities to be installed. Staff found that the proposed project complied with these regulations.

At this time the Department determined the Project to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures. The practice of approving similar micro-cellular sites, such as the project, as Accessory Uses has been a well-vested practice of the Department since 1997. A Letter of Determination issued by the Zoning Administrator dated May 15, 2006, established the equipment type, equipment concealment efforts and processing procedures that would be necessary to consider micro WTS facilities as an Accessory Use in Residential Districts as defined in Planning Code Section 204. Pursuant to the Board's action, if a WTS facility is considered an Accessory Use in a Residential Zoning District, then the site may be processed as a Building Permit Application with Section 311 Notification. Macro WTS sites require Conditional Use Authorization by the Planning Commission in Residential Use Districts.

The Department of Public Health ("DPH") also reviewed the Project and found that it would comply with the current Federal Communication Commission ("FCC") safety standards for radiofrequency radiation exposure and with the Planning Department's *Wireless Guidelines*, as outlined in a report to the Department dated June 18, 2010. (Attachment C). As specified in the Planning Department's *Wireless Guidelines*, the Department of Public Health has a three step process for ensuring compliance with FCC exposure standards for radiofrequency radiation from WTS facilities as summarized below:

¹ *Wireless Telecommunications Services (WTS) Facilities Siting Guidelines*, August 15, 1996.

² BOS File No. 189-92-2, Resolution Number 635-96, dated July 12, 1996.

1. **Health Report:** This first step occurs prior to approval and includes a description of the project and the anticipated cumulative radiofrequency energy levels.
2. **Field Measures:** This step occurs after project completion. Readings are taken to verify that the radiofrequency levels are consistent with the projected levels. Project sponsors must notify neighbors within 25 feet of the antenna and offer to take measurements from within the dwellings.
3. **Periodic Safety Measurements.** Every two years after installation, additional readings are required as part of the ongoing monitoring requirements.

This process of post-installation monitoring is probably unique in the nation. The Department is not aware of any other jurisdiction that regularly monitors radiofrequency levels after installation. Lastly, it should be noted that under the 1996 Federal Telecommunications Act, local jurisdictions cannot deny wireless facilities based on Radio Frequency (RF) radiation emissions so long as the facilities comply with the FCC's regulations concerning such emissions.

After Planning and the Public Health Department determined that the project was compliant with local and federal requirements, on June 7, 2010, the Project was publically noticed, pursuant to Section 311 of the Planning Code. The mandatory 30-day Notice of Building Permit Application was mailed to neighbors within a 150-foot radius of the Project, as well as posted on the site on June 7, 2010. The 30-day review period expired on July 7, 2010. On July 6, 2010, an application for Discretionary Review was filed by the Telegraph Hill Dwellers.

2011 - Planning Commission Discretionary Review Hearing

Code complying projects, like this project, may be the subject of Discretionary Review ("DR") hearings before the Planning Commission upon filing of a DR request. On February 17, 2011, the Planning Commission conducted a DR hearing to consider the request.

At the hearing, the Commission considered numerous issues related to General Plan policies; the citing of the antenna; cumulative impacts of antenna installations; and aesthetic considerations. As the project is located in a "Preference 7" location, the Department's *Wireless Guidelines* require that the project sponsor demonstrate that the proposed location (a) shows what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area; (b) shows by clear and convincing evidence what good faith efforts and measures to secure these Preferred Location Sites were taken; (c) explains why such efforts were unsuccessful; and (d) demonstrates that the location for the site is essential to meet demands in the geographic service area and the Applicant's citywide network. Members of the public voiced both support and opposition to the Project. The Department also received numerous letters and petitions both in support and opposition to the Project. Following the public testimony, the Planning Commission voted to not take Discretionary Review and approve the Project as proposed.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15303, or Class 3, provides for an exemption from environmental review for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. CEQA State Guidelines Section 15303(d) specifically applies to utility extensions. Thus, the proposed installations are covered by the range of activities properly exempted pursuant to Class 3.

CEQA Guidelines Section 15300.2(f) does not allow a categorical exemption to be used for a project that may cause a substantial adverse change in the significance of a historic resource.

Exceptions to Exemptions/Exclusions from Environmental Review

CEQA Guidelines Section 15300.2 lists exceptions to the use of categorical exemptions. The exceptions include that an exemption shall not be used 1) where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances (Section 15300.2(c)); 2) where the project would cause a substantial adverse change in the significance of a historical resource (Section 15300.2(f)); and 3) where the project would result in a significant cumulative impact (Section 15300.2(b)). As described below, there are no conditions associated with the proposed project that would suggest the possibility of a significant environmental effect.

CEQA and Historic Resources

As documented on the Historical Resource Review Form dated June, 3, 2010 (attached), the proposed project was reviewed by a Preservation Technical Specialist. Based on the submitted information (site mock-up and the photo simulations of the proposed project), the Department determined that the proposed project fell within the scope of work defined as not impactful to the building. The proposed wireless facility would not be visible, or only be minimally visible, when viewed from nearby public rights-of-way, and would not cause any removal of historic fabric from the building. As such, the Department determined that there would be no impact to the existing building and no further historic review is therefore required.

Public Views and Aesthetics

In evaluating whether the proposed wireless telecommunications facility would be exempt from environmental review, the Department determined that it would not result in a significant impact to

public views and aesthetics. Visual quality, by its nature, is subjective and different viewers may have varying opinions as to whether the proposed wireless facility contributes negatively to the visual landscape of the City and its neighborhoods.

It should be noted that CEQA's primary focus regarding visual impact is on scenic vistas within the public realm and the impact of the project on the existing scenic environment. The CEQA Guidelines provide an Initial Study Checklist which indicates that assessments of significant impacts on visual resources should consider whether the project would: Have a substantial, adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; Substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light and glare which would adversely affect day and nighttime views of the area. The Project would not result in any of these conditions for the reasons described below:

The proposed wireless facility would not be visible, or only minimally visible from select vantage points, when viewed from nearby public rights-of-way. The only portion of the facility that would be visible from a nearby public right-of-way is the faux vent pipe. The faux vent pipe would be minimally visible with only the top one to two feet of the faux vent pipe being visible from nearby public rights-of-way. When visible, the faux vent pipe would manifest itself as a rooftop appurtenance that is commonly found on similar buildings in the area. Additionally, the proposed wireless facility would not generate any obtrusive light or glare. The Department reviewed computer-generated photo simulations from the project sponsor of the proposed wireless facility, as well as a site mock-up, which support the Department's conclusion that the proposed project would have a negligible effect on public views and aesthetics.

In reviewing aesthetics under CEQA generally, consideration of the existing context in which a project is proposed is required and evaluation must be based on the impact on the existing environment. The proposed project, when visible, would be compatible with the neighborhood context as the faux vent pipe would appear as a rooftop appurtenance commonly found in the area. The proposed wireless facility is thus consistent with the existing developed environment and therefore cannot be deemed an "unusual circumstance." For those same reasons, the "unusual circumstance" exception to the categorical exemptions is not applicable to aesthetic impacts that are similar to existing structures. This wireless facility would not be unusual and would not create adverse aesthetic impacts on the environment.

For all the above reasons, the Department concluded that the installation of the proposed project would not result in a significant adverse effect on public views or aesthetics.

a) Radiofrequency Radiation

The proposed equipment would generate radiofrequency (RF) radiation. The applicant submitted a report evaluating the RF emissions that would be generated by the proposed project. The report concludes that the wireless telecommunications facility, as proposed, complies with the prevailing FCC-adopted health and safety standards limiting human exposure to RF energy, and would not cause a significant effect on the environment. Pursuant to DPW Order No. 177,163, prior to approval of a

Personal Wireless Service Facilities Permit, DPH ensures that proposed project's RF emissions comply with FCC-adopted public exposure limits.

Furthermore, on January 3, 1996, the Federal Government adopted the Telecommunications Act of 1996 ("Act"). The Act establishes limitations on local jurisdiction regulation of wireless facilities. Among other things, the Act specifically prohibits local jurisdictions from disapproving wireless facilities for public health concerns or denying a permit without "substantial evidence" in a written record. Local jurisdictions retain land use authority and can regulate the height, location, visual impact, and/or zoning compliance of a new antenna.

Federal Guidelines for Local and State Government Authority over the Siting of Personal Wireless Service Facilities

"Section 332(c)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

Allegations that a state or local government has acted inconsistently with Section 332(c)(7) are to be resolved exclusively by the courts (with the exception of cases involving regulation based on the health effects of RF emissions, which can be resolved by the courts or the Commission). Thus, other than RF emissions cases, the Commission's role in Section 332(c)(7) issues is primarily one of information and facilitation. "

For the reasons described above, the operation of the proposed wireless telecommunications facilities would not pose a health hazard to the general public. Therefore, the proposed project would not result in a significant effect with regard to RF emissions, and this issue would not trigger an exception to the use of a categorical exemption.

b) Cumulative Impacts

CEQA State Guidelines Section 15300.2(b) provides that a categorical exemption shall not apply if significant impacts would result over time from successive projects of the same type in the same place. The DPH-reviewed and approved the RF emissions report, which concludes that the proposed wireless telecommunications facility would comply with the prevailing FCC-adopted health and safety standards limiting human exposure to RF energy, and would not for this reason cause a significant effect on the environment. (See additional discussion below under "Response 1: Potential Cumulative Impacts".) Therefore, the impacts of the Project would not aggregate under CEQA to a degree where the project, by itself, would have cumulative impacts. The project-specific RF exposure discussion is contained in the below discussion.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The Appeal Letter dated March 4, 2011 is cited in a summary below and is followed by the Department's responses.

Issue 1: Potential Cumulative Impacts "The Planning Department has failed to consider the cumulative impact of all existing and proposed wireless telecommunication devices in the surrounding area, including but not limited to installations on utility poles, PG&E's Smart Meters, and the automated water meter program."

Response 1: Potential Cumulative Impacts In 1996 the Federal Government passed the Telecom Act, requiring the FCC to adopt a nationwide human exposure standard which would ensure that the facilities it licensed did not have a cumulative impact on human health or the environment. The FCC developed these standards for exposure to RF energy. In San Francisco, the Planning Department adopted the local *Wireless Telecommunications Services Facilities Siting Guidelines*, which require wireless facilities to evaluate RF exposure both before and after installation. In sum, the FCC provides the standard, but the local Wireless Guidelines enforces this standard by requiring an exposure evaluation both before and after installation as part of a three-step process.

The first step of the process is the submittal of a Health Report to DPH which includes a description of the Project and the anticipated RF energy levels. A June 22, 2009 report by Hammett & Edison, Inc., Consulting Engineers evaluated the Project for compliance with appropriate guidelines limiting human exposure to RF electromagnetic fields. The report stated that for any person anywhere at ground level, the maximum ambient RF exposure level due to the proposed relay operation by itself would be 0.0028% of the applicable public exposure limit.

The report also concluded that cumulative existing RF levels from RF-emitting technologies in the area were below 1% of the most restrictive FCC public exposure limit. DPH also took field measurements of cumulative existing RF emissions in the project area, as well as on the rooftop of the subject building. DPH's field measurements of the cumulative RF emissions from existing RF-emitting technologies also revealed that the project area and the rooftop of the subject building are currently subject to less than 1% of the most restrictive FCC public exposure limit. Please reference the DPH Radio Frequency Map (Attachment J), dated March 29, 2011, for RF field measurement locations and levels.

To place these numbers in context consider the following. According to the attached DPH Memo, the World Health Organization notes that over 25,000 studies have been published during the past 30 years on the biological effects of RF energy. RF has been studied more than most known carcinogens. Based on this information, the prevailing opinion among governmental agencies continues to be that the only known impacts of RF are due to tissue heating. The FCC public exposure level limits are set at a level that is equal to 1/50th of the amount of RF energy required to cause thermal effects in humans associated with RF energy. In this case, the maximum exposure level from the antennae would be 0.0028% of 1/50th the amount of energy needed to cause heating, the only known biological effect. Further, RF energy decreases with distance following the inverse square law. Meaning as one doubles the distance from the source, the amount of RF energy is reduced by ¾. Distance significantly reduces exposure levels. The

attached RF report demonstrates that with the proposed antennae type, once a person is standing 6' away from the antennae exposure levels will never be great enough to reach the FCC public exposure limit which has been set at 1/50 the level required to produce heating. The proposed antennae siting at this location is setback 7' from the edge of the building—meaning no amount of RF that could cause heating will leave the site. Because the rooftop area where the antenna would be mounted is a non-publicly accessible space located approximately 42.5 feet above the ground, no member of the public would be exposed to RF energy levels that would exceed FCC standards. Furthermore, the six-foot non-publicly accessible zone would not extend beyond the rooftop of the subject building as the subject antenna would be set back a minimum of seven from the edge of the rooftop.

Given these facts, neither potential cumulative impacts from additional antennas nor any unusual circumstance could create a "reasonably possibility that the activity will have a significant effect on the environment due to unusual circumstances".

T-Mobile will be required to provide DPH with a Project Implementation Report ("PIR"), which includes field measurements verifying that the cumulative radiofrequency levels are consistent with the projected cumulative levels outlined in the Health Report within 10 days of the project's completion as the second step in the three-step process. T-Mobile must also notify neighbors located within 25 feet of the antenna and offer to take RF measurements from inside their dwellings during the PIR period. In addition to the PIR, T-Mobile must also conduct field RF measurements every two years as a part of a Periodic Safety Measuring Report as the third step in the process to ensure continuing compliance with FCC standards. When/if T-Mobile decides to pursue one of their proposed facilities, T-Mobile would be required to go through the same process described above so no new cumulative or project-specific RF emission effects would result as a result of a future project.

CONCLUSION

The Appellant has not identified other projects that have resulted in a particular cumulative impact. The Appellant has not identified a cumulative impact and has not explained how this project would contribute to a cumulative impact in a considerable way.

For the reasons stated above the categorical exemption for the proposed project at 1653 Grant Avenue complies with the requirements of CEQA. The Department therefore recommends that the Board uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination.



SAN FRANCISCO PLANNING DEPARTMENT

Historical Resource Review Form

Address of Project: 1653 Grant Avenue (aka 501 Greenwich St.)
 Cross Streets: Intersection of Grant Ave./Greenwich St. Block/Lot: 0088/001
 Case No. _____ Permit No. 2009.06.26.1437

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

STEP 1: EXEMPTION CLASS

If neither class applies, an *Environmental Exemption Application* is required.

- Class 1 – Existing Facilities: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of this determination.
- Class 3 – New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

STEP 2: HISTORICAL RESOURCE STATUS (Refer to *Preservation Bulletin 16*.)

- Category A: Known Historical Resource Proceed to Step 3.
Preservation Technical Specialist Review
- Category B: Potential Historical Resource Proceed to Step 3.
- Category C: Not a Historical Resource Proceed to Step 4.
No Further Historical Resource Review Required.

STEP 3: APPROVED WORK CHECKLIST

Per plans dated: 5/7/2010

- Project falls within the scope of work described below. Proceed to Step 4. No Further Historical Resource Review Required.
- Project does not fall within the scope of work described below. Proceed to Step 4. Further Historical Resource Review Required.
- If 4 or more boxes are initialed, Preservation Technical Specialist review is required.

Planner's Initials	Work Description
	1. Interior alterations. Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require Preservation Technical Specialist review.
	2. Regular maintenance or restorative work that is based upon documentation of the building's historic appearance (i.e., photographs, physical evidence, historic drawings or documents, or matching buildings).
	3. In-kind window replacement at visible facades. (The size, configuration, operation, material, and exterior profiles of the <i>historic</i> windows must be matched.)

	4. Window replacement or installation of new openings at non-visible facades.
	5. Construction of deck or terrace that is not visible from any immediately adjacent public right-of-way.
	6. Installation of mechanical equipment at the roof which is not visible from any immediately adjacent public right-of-way.
	7. Installation of dormers that meet the requirements for exemption from public notification under <i>Zoning Administrator Bulletin: Dormer Windows, No. 96.2.</i>
	8. Installation of garage opening that meets the requirements of the <i>Guidelines for Adding Garages and Curb Cuts</i>
	9. Horizontal addition that is not visible from the adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure; and does not have a footprint that is more than 50% larger than that of the original building.
	10. Vertical addition that is not visible from the adjacent public right-of-way for 150' in each direction; is only a single story in height; and does not cause the removal of architectural significant roofing features such as ornate dormers, towers, or slate shingles.

Preservation Technical Specialist Review Required for work listed below:

	11. Window replacement at visible facades that is not in-kind but meets the <i>Secretary of the Interior Standards for the Treatment of Historic Properties.</i>
	12. Sign installation at Category A properties.
	13. Façade alterations that do not cause the removal or alteration of any significant architectural features (i.e. storefront replacement, new openings, or new elements).
	14. Raising the building.
	15. Horizontal or vertical additions, including mechanical equipment, that are minimally visible from a public right-of-way and that meet the <i>Secretary of the Interior Standards for the Treatment of Historic Properties.</i>
	16. Misc. <i>WTS</i>

STEP 4: RECOMMENDATION

- No Further Historical Resource Review Required.
- Further Historical Resource Review Required: File *Environmental Exemption Application.*

Notes: _____

Planner Name: *Aaron Hollister*

Signature: *Aaron Hollister*

Date: *6.3.2010*

Preservation Technical Specialist Name: *F. FRYE*

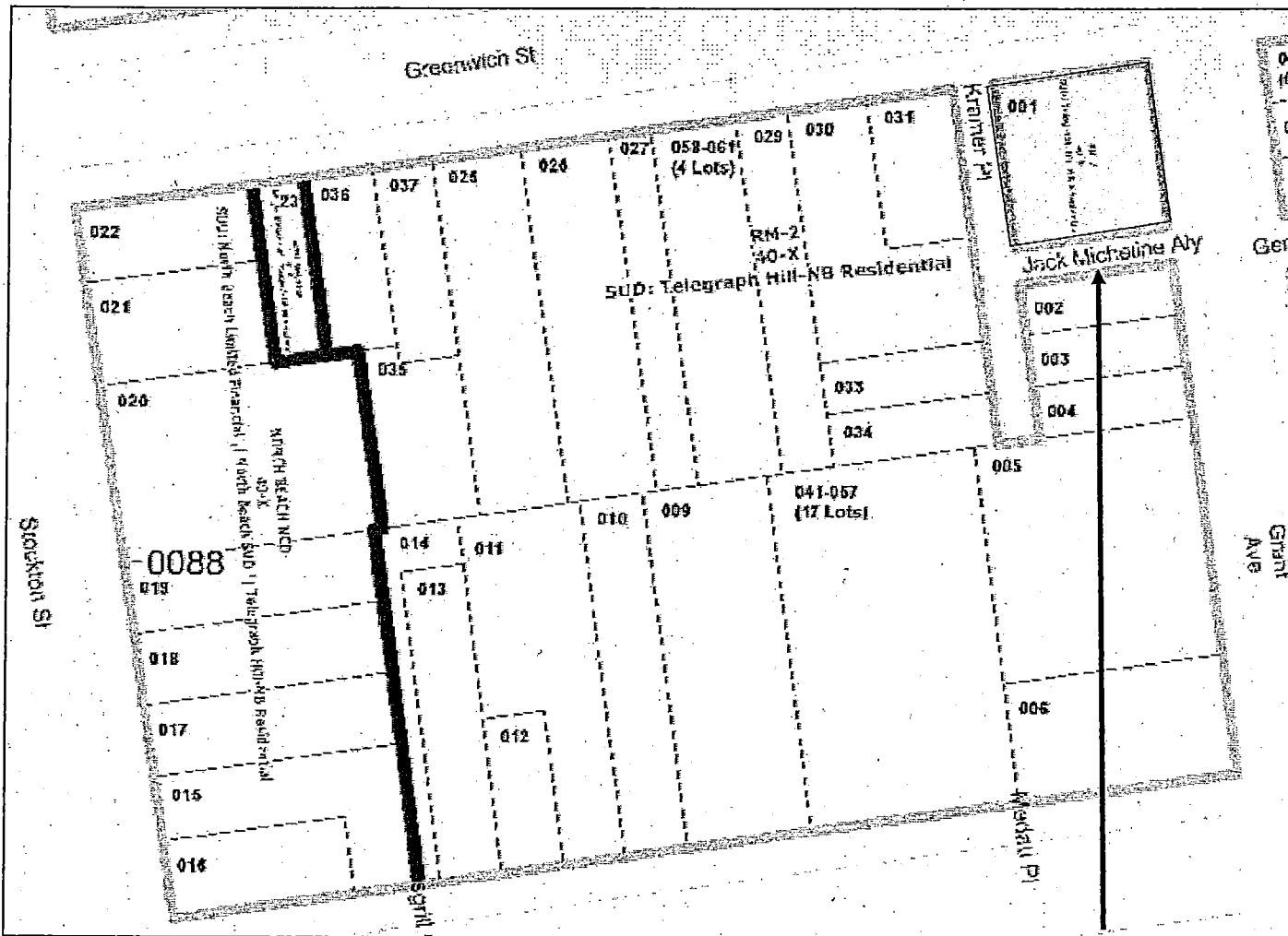
Signature: *[Signature]*

Date: *6.3.2010*

Save to [I:\Building Permit Applications or I\Cases].

If "Category A," save to [I:\MEA\Historical Resources\Category A Admin Catex].

Parcel Map

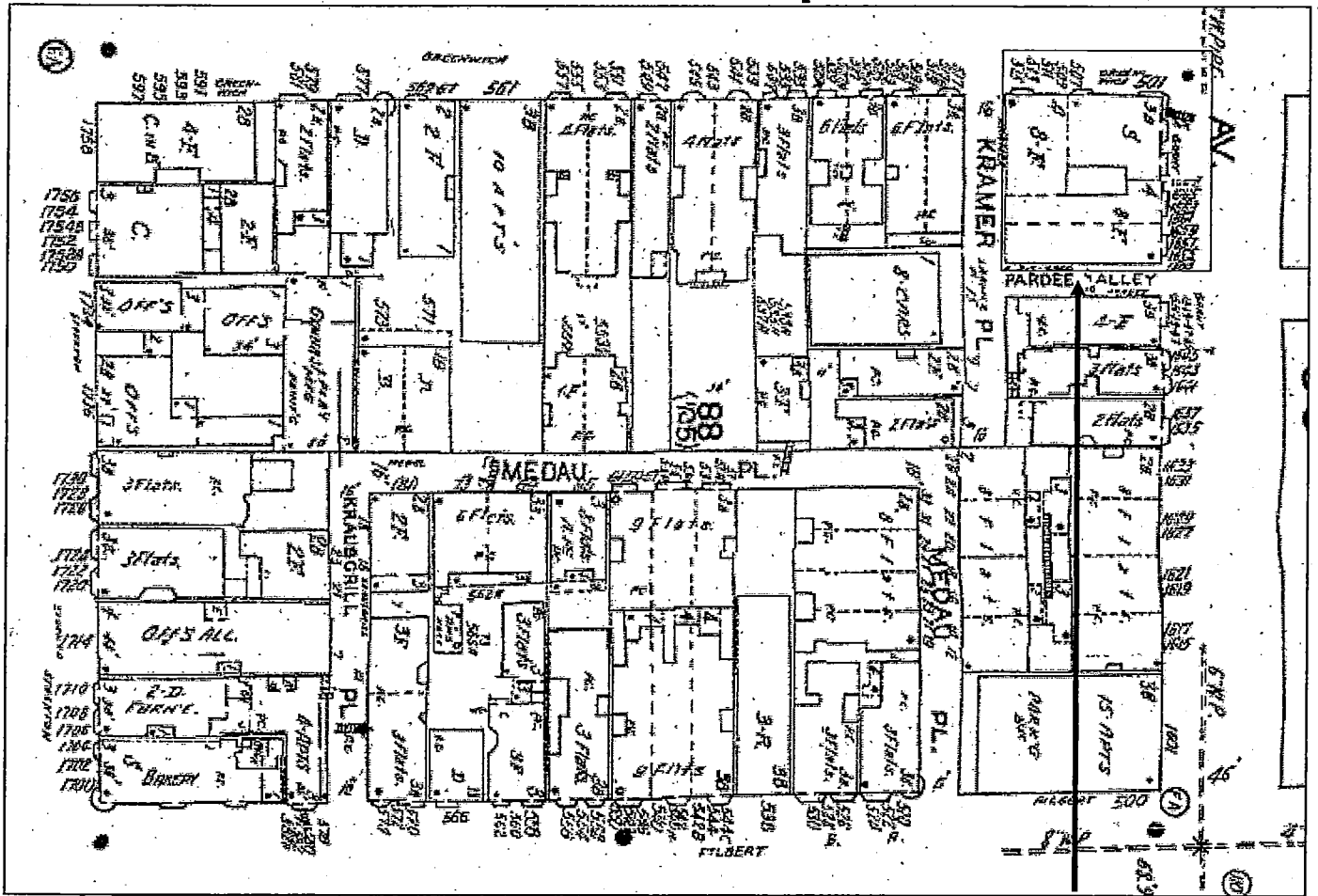


SUBJECT PROPERTY



Categorical Exemption Appeal
 Building Permit No. 2009.0626.1437
 1653 Grant Avenue

Sanborn Map*



SUBJECT PROPERTY

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Categorical Exemption Appeal
Building Permit No. 2009.0626.1437
1653 Grant Avenue

Aerial Photo



SUBJECT PROPERTY



Categorical Exemption Appeal
Building Permit No. 2009.0626.1437
1653 Grant Avenue

Aerial Photo

North-Facing



SUBJECT PROPERTY



Aerial Photo

East-Facing



SUBJECT PROPERTY



Aerial Photo

South-Facing



SUBJECT PROPERTY



Categorical Exemption Appeal
Building Permit No. 2009.0626.1437
1653 Grant Avenue

Aerial Photo

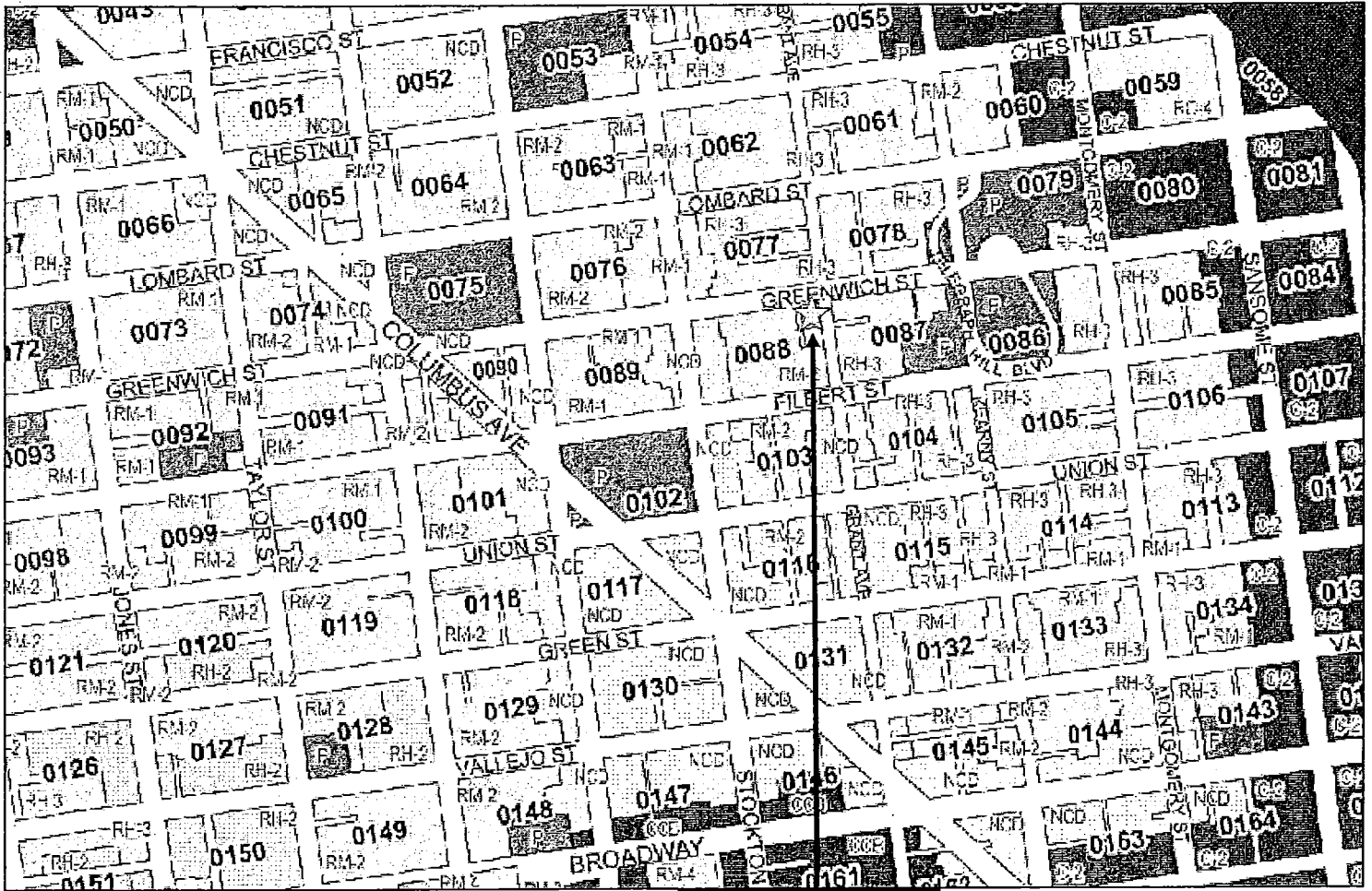
West-Facing



SUBJECT PROPERTY



Zoning Map



SUBJECT PROPERTY



Categorical Exemption Appeal
Building Permit No. 2009.0626.1437
1653 Grant Avenue

**T-Mobile • Proposed Base Station (Site No. SF13114)
501 Greenwich Street • San Francisco, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by T-Mobile, a personal wireless telecommunications carrier, to evaluate the base station (Site No. SF13114) proposed to be located at 501 Greenwich Street in San Francisco, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Background

The San Francisco Department of Public Health has adopted a 10-point checklist for determining compliance of WTS facilities with prevailing safety standards. The acceptable limits set by the FCC for exposures of unlimited duration are:

Personal Wireless Service	Approx. Frequency	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
Long Term Evolution ("LTE")	700	2.33	0.47
[most restrictive frequency range]	30-300	1.00	0.20

The site was visited by Mr. Robert W. Hammett, a qualified employee of Hammett & Edison, Inc., on June 18, 2009, and reference has been made to drawings by Streamline Engineering and Design, Inc., dated June 12, 2009, and to additional information provided by T-Mobile.

Checklist

1. The location of all existing antennas and facilities at site. Existing RF levels.

There were observed no existing antennas on the three-story, mixed-use building located at 501 Greenwich Street. Existing RF levels at ground level near the site were less than 1% of the most restrictive public exposure limit.

2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from approved antennas.

No other WTS facilities or other communications facilities are reported to be approved for this site but not yet installed.

3. The number and types of WTS within 100 feet of proposed site and estimates of additive EMR emissions at proposed site.

There were no other WTS facilities observed within 100 feet of the site.



**T-Mobile • Proposed Base Station (Site No. SF13114)
501 Greenwich Street • San Francisco, California**

4. Location (and number) of Applicant's antennas and back-up facilities per building and location (and number) of other WTS at site.

T-Mobile proposes to mount one RFS Model APXV18-206513T-C directional PCS antenna at the northeast corner of the roof inside an enclosure configured to resemble the existing vents on the roof. The antenna would be mounted at an effective height of about 42 feet above ground, 3¹/₂ feet above the roof, and would be oriented toward 20°T.

5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to application.

The maximum power rating of the T-Mobile transmitters is 2.2 watts, and the maximum composite output power rating of the power amplifier is 125 watts. The actual operating power will depend upon the system losses encountered after the physical cabling runs have been installed; the transmitter may operate at a power below its maximum rating, such that the power radiated from the antennas does not exceed the level given in Item 6 below.

6. Total number of watts per installation and total number of watts for all installations at site.

The maximum effective radiated power proposed by T-Mobile in any direction is 275 watts.

7. Plot or roof plan showing method of attachment of antennas, directionality of antennas, and height above roof level. Discuss nearby inhabited buildings.

The drawings show the proposed antenna to be installed as described in Item 4 above. There were noted taller buildings, across the street.

8. Estimated ambient RF levels for proposed site and identify three-dimensional perimeter where exposure standards are exceeded.

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed T-Mobile operation by itself is calculated to be 0.0028 mW/cm², which is 0.28% of the applicable public exposure limit. The maximum calculated level at any nearby building is 1.0% of the public limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is calculated to extend less than 6 feet directly in front of the T-Mobile antenna, and to much lesser distances to the side, below, and above the antenna.

9. Describe proposed signage at site.

Due to its mounting location, the T-Mobile antenna would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 2 feet in front of the T-Mobile antenna itself, such as might occur during building maintenance activities, should be allowed



**T-Mobile • Proposed Base Station (Site No. SF13114)
501 Greenwich Street • San Francisco, California**

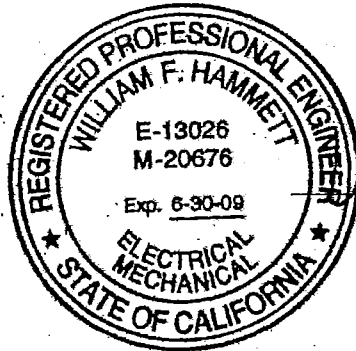
while the site is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Marking an "exclusion area" to 5 feet in front of the antenna with yellow striping, and posting explanatory warning signs* at the roof access door and on the enclosure in front of the antenna, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

10. Statement of authorship.

The undersigned author of this statement is a qualified Professional Engineer, holding California Registrations Nos. E-13026 and M-20676, which expire on June 30, 2009. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

Conclusion

Based on the information and analysis above, it is my professional opinion that the proposed T-Mobile base station will comply with the prevailing standards limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest estimated exposure levels in publicly accessible areas are many times less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.



William F. Hammett
William F. Hammett, P.E.

June 22, 2009

* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.





City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION

Gavin Newsom, Mayor
 Mitchell H. Katz, MD, Director of Health
 Rajiv Bhatia, MD, MPH, Director of EH

Review of Cellular Antenna Site Proposals

Project Sponsor : T-Mobile **Planner:** Ionin
RF Engineer Consultant: Hammett and Edison **Phone Number:** (707) 996-5200
Project Address/Location: 501 Greenwich St
Site ID: 1314 **SiteNo.:** SF13114

The following information is required to be provided before approval of this project can be made. These information requirements are established in the San Francisco Planning Department Wireless Telecommunications Services Facility Siting Guidelines dated August 1996. In order to facilitate quicker approval of this project, it is recommended that the project sponsor review this document before submitting the proposal to ensure that all requirements are included.

- 1. The location of all existing antennas and facilities. Existing RF levels. (WTS-FSG, Section 11, 2b)
 Existing Antennas No Existing Antennas: 0
- 2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from the approved antennas. (WTS-FSG Section 11, 2b)
 Yes No
- 3. The number and types of WTS within 100 feet of the proposed site and provide estimates of cumulative EMR emissions at the proposed site. (WTS-FSG, Section 10.5.2)
 Yes No
- 4. Location (and number) of the Applicant's antennas and back-up facilities per building and number and location of other telecommunication facilities on the property (WTS-FSG, Section 10.4.1a)
- 5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to the application (WTS-FSG, Section 10.4.1c)
 Maximum Power Rating: 2.2 watts.
- 6. The total number of watts per installation and the total number of watts for all installations on the building (roof or side) (WTS-FSG, Section 10.5.1).
 Maximum Effective Radiant: 275 watts.
- 7. Preferred method of attachment of proposed antenna (roof, wall mounted, monopole) with plot or roof plan. Show directionality of antennas. Indicate height above roof level. Discuss nearby inhabited buildings (particularly in direction of antennas) (WTS-FSG, Section 10.41d)
- 8. Report estimated ambient radio frequency fields for the proposed site (identify the three-dimensional perimeter where the FCC standards are exceeded.) (WTS-FSG, Section 10.5) State FCC standard utilized and power density exposure level (i.e. 1986 NCRP, 200 $\mu\text{w}/\text{cm}^2$)
 Maximum RF Exposure: 0.0028 mW/cm^2 Maximum RF Exposure Percent: 0.28
- 9. Signage at the facility identifying all WTS equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards. (WTS-FSG, Section 10.9.2). Discuss signage for those who speak languages other than English.
 - Public Exclusion Area Public Exclusion In Feet: 6
 - Occupational Exclusion Area Occupational Exclusion In Feet: 2

X 10. Statement on who produced this report and qualifications.

X **Approved.** Based on the information provided the following staff believes that the project proposal will comply with the current Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC standard 1986-NCRP **Approval of the subsequent Project Implementation Report is based on project sponsor completing recommendations by project consultant and DPH.**

Comments:

There are 0 antennas existing operated by T-Mobile installed on the roof top of the building at 501 Greenwich St. Existing RF levels at ground level were around 1% of the FCC public exposure limit. There were observed no other antennas within 100 feet of this site. T-Mobile proposes to install 1 new antenna. The antennas are mounted at a height of 40 feet above the ground. The estimated ambient RF field from the proposed T-Mobile transmitters at ground level is calculated to be 0.0028 mW/sq cm., which is 0.28 % of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 6 feet and does not reach any publicly accessible areas. Warnings signs must be posted at the antennas and roof access points in English, Spanish and Chinese. Worker should not have access to within 2 feet of the front of the antennas while they are in operation.


 Not Approved, additional information required.

 Not Approved, does not comply with Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC Standard

 1 Hours spent reviewing

Charges to Project Sponsor (in addition to previous charges, to be received at time of receipt by S)

Signed:



Dated: 6/18/2010

Patrick Fosdahl

Environmental Health Management Section
San Francisco Dept. of Public Health
1390 Market St., Suite 210,
San Francisco, CA. 94102
(415) 252-3904



Gavin Newsom
Mayor

Mitchell H. Katz, MD
Director of Health

MEMORANDUM

DATE: June 14, 2010

TO: James Illig, President
and Honorable Members of the Health Committee

THRU: Mitchell H. Katz, MD *Mitchell Katz*
Director of Health

FROM: Rajiv Bhatia, MD, MPH *Rajiv Bhatia*
Director, Occupational & Environmental Health

RE: Health Effects and Regulation of Wireless Communications Networks

Radiofrequency (RF) and microwave (MW) radiation are two types of electromagnetic radiation (EMR). They are in the frequency ranges 3 kilohertz (kHz) - 300 Megahertz (MHz), and 300 MHz - 300 gigahertz (GHz), respectively. Other forms of non-ionizing EMR include the spectrum of ultraviolet (UV), visible light, infrared (IR), and extremely low frequency (ELF) EMR. Non-occupational population exposure to RF radiation arises from wireless communications systems and devices including radio and television broadcasting and cellular and cordless telephones.

Approximately 25,000 articles have been published over the past 30 years in the area of biological effects and medical applications of non-ionizing radiation.ⁱ Health research has established that exposure to RFR may increase body temperatures and cause tissue damage but only at high doses. A potential exists for interference between cell phones and some medical devices if in close proximity (within a few centimeters). Experimental studies on RFR have not demonstrated consistent toxicological effects or identified a biological mechanism linking RFR to cancer.^{ii, iii} Epidemiological studies have evaluated whether there is a higher frequency of certain adverse health effects in populations with higher RFR exposures including residents living in proximity to RFR emitting antennae and cell phone users. These epidemiological studies have not linked current population RFR exposure with either non-thermal effects or serious health problems such as cancer.^{iv, v, vi}

The Federal Communication Commission (FCC) is the regulatory agency for radiofrequency electromagnetic fields in the U.S. In 1996, through the Telecommunications Act, the United States Congress required the FCC to adopt a nationwide human exposure standard for radio frequency radiation (RFR). The FCC guidelines for human exposure to RF fields are based on the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE). The current NCRP, IEEE, and International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure guidelines state the threshold level at which harmful biological effects may occur, at a specific absorption rate (SAR) value for the whole body of 4 watts per

kilogram (4 W/kg) of tissue based on the potential of RFR exposure to cause thermal heating. The SAR is a quantity used to measure how much RF energy is absorbed by a body.

Based on this information, the FCC has set maximum exposure limits for wireless system devices. All wireless devices, including cell phone base stations and all cellular phones that are sold in the United States must comply with FCC guidelines on RF exposure. The maximum permitted levels of RFR allowed from cellular base station antennas is 1.0 mW/cm².^{vii} The limit provides a substantial margin of safety relative to the FCC threshold for thermal health effects regardless of age or gender. These standards are reviewed every 5 years based on the latest available information.

The Telecommunications Act of 1996, §704(a) prohibits state or local jurisdictions from implementing their own RF exposure standard. In San Francisco, City Planning rules implemented with oversight by the SF Department of Public Health require that cell antennas located in the city meet FCC standards. The City has a three-step process for ensuring compliance with the FCC standards for RFR.

1. Sponsors must submit a Health Report which includes a description of the project and the anticipated radiofrequency energy levels.
2. Sponsors must provide a Project Implementation Report which includes field measurements verifying the radiofrequency levels outlined in the Health Report within 10 days of the projects completion. Sponsors must notify neighbors located with 25 feet of the antenna and offer to take measurements from inside their dwellings.
3. Sponsors must conduct every two years field measurements be taken and submitted as a part of a Periodic Safety Monitoring Report.

Monitoring conducted in San Francisco has confirmed that exposures to RFR from wireless networks cordless phones are very low for the general population and much lower than FCC maximum permitted exposure standards. RF radiation energy decreases rapidly with distance (in proportion to the inverse square of distance) and building structures attenuate transmission of RFR substantially. In San Francisco, RFR exposure at the ground level around these cellular base stations has been found to have a low of .005% and a high of 9.6% of the FCC public exposure standard. Ground-level measurements taken from directly below the antennas indicate that the average ground exposure in San Francisco is approximately 1% or less of the FCC public exposure standard (1.0 mW/cm² for PCS transmissions).

Overall, although research is ongoing, public health science has not established casual links between radiofrequency electromagnetic radiation and adverse health effects at levels of exposure found in the population. DPH concludes that scientific evidence does not support the existence of any adverse health effects from RF radiation at levels below the current ANSL standard. In San Francisco, Department of City Planning rules and Department of Public Health monitoring assures compliance with FCC standards.

ⁱ World Health Organization: <http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>

ⁱⁱ Repacholi MH. Radiofrequency field exposure and cancer: what do the laboratory studies suggest? *Environ Health Perspect*. 1997 December; 105(Suppl 6):1565-8.

ⁱⁱⁱ Krewski D, Glickman BW, Habash RW, Habbick B, Lotz WG, Mandeville R, Prato FS, Salem T, Weaver DF. Recent advances in research on radiofrequency fields and health: 2001-2003. *J Toxicol Environ Health B Crit Rev*. 2007 Jun-Jul; 10(4):287-318.

^{iv} INTERPHONE Study Group. Brain tumour risk in relation to mobile telephone use: results of the INTERPHONE international case-control study. *Int J Epidemiol*. 2010 Jun; 39(3):675-94. Epub 2010 May 17.

^v Deltour I, Johansen C, Auvinen A, Feychting M, Klæboe L, Schüz J. Time trends in brain tumor incidence rates in Denmark, Finland, Norway, and Sweden, 1974-2003. *J Natl Cancer Inst*. 2009 Dec 16; 101(24):1721-4.

^{vi} Ahlbom A, Feychting M, Green A, Kheifets L, Savitz DA, Swerdlow AJ; ICNIRP (International Commission for Non-Ionizing Radiation Protection) Standing Committee on Epidemiology. Epidemiologic evidence on mobile phones and tumor risk: a review. *Epidemiology*. 2009 Sep; 20(5):653-5.

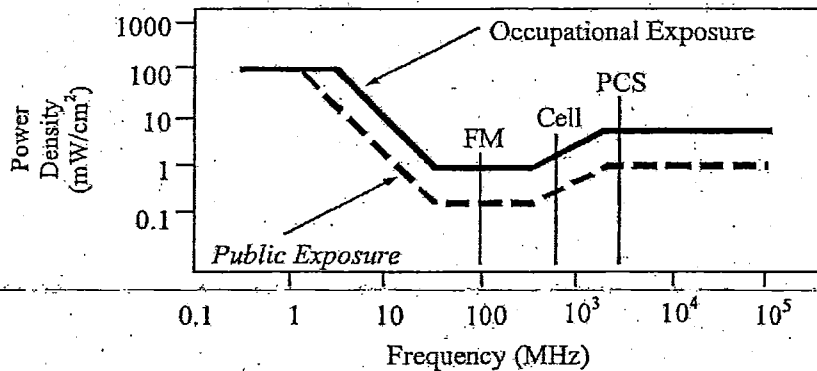
^{vii} For those broadcasting in the lower cellular frequency the limit is determined by dividing the frequency by 1500.

FCC Radio Frequency Protection Guide

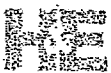
The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)				Equivalent Far-Field Power Density (mW/cm ²)	
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)			
0.3 - 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 - 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 - 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 - 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 - 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 - 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

FCC Guidelines
Figure 1



BOS-11
C.A. 2

MACKENZIE & ALBRITTON LLP
220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

April 4, 2011

VIA EMAIL AND HAND DELIVERY

President of the Board David Chiu
Supervisors Eric Mar, Mark Farrell,
Carmen Chu, Ross Mirkarimi, Jane Kim,
Sean Elsbernd, Scott Wiener, David Campos,
Malia Cohen and John Avalos
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

#110307

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR - 4 PM 4:06

Re: Support for T-Mobile Micro Wireless Telecommunications Service Facility
Case No. 2010.0557D, 1653 Grant Avenue (aka 501 Greenwich Street)

Dear President Chiu and Supervisors:

We write on behalf of our client T-Mobile to supplement our legal letter submitted earlier today with the attached set of over 600 letters, emails and petition signatures from residents, businesses and customers in support of the above-referenced facility and improved wireless service in San Francisco. We hope that you will agree that the overwhelming support for improved wireless service in North Beach supercedes the misguided concerns of the immediate neighbors to the proposed faux vent pipe.

Very truly yours,

Paul B. Albritton

cc: Marian Vetro, Esq.
Kevin Brinkley, Esq.
Joy Lamug

Attachments

BOS-11
Cheryl Adams

MACKENZIE & ALBRITTON LLP

220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

#110307

April 4, 2011

VIA EMAIL AND HAND DELIVERY

President of the Board David Chiu
Supervisors Eric Mar, Mark Farrell,
Carmen Chu, Ross Mirkarimi, Jane Kim,
Sean Elsbernd, Scott Wiener, David Campos,
Malia Cohen and John Avalos
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR - 4 PM 1:41
RC

Re: T-Mobile Micro Wireless Telecommunications Service Facility
Case No. 2010.0557D, 1653 Grant Avenue (aka 501 Greenwich Street)

Dear President Chiu and Supervisors:

We write on behalf of our client T-Mobile to urge you to deny this baseless appeal, which relates to T-Mobile's application for a building permit to install a virtually unnoticeable microcell facility on the roof of an existing building at 1653 Grant Avenue (the "Microcell"). Appellants seek to overturn Planning's determination that the Microcell is categorically exempt from the California Environmental Quality Act ("CEQA"), based solely on their claim that the radio-frequency ("RF") emissions of the Microcell may have a significant environmental impact.

We stress at the outset that this appeal concerns *only* the narrow procedural issue of whether the Microcell is categorically exempt from CEQA review. Granting the appeal would not result in denial of T-Mobile's application, but instead would require additional review by already overburdened City staff, who would be required to look for evidence of environmental impacts where none exist.

As we explain below, CEQA does not apply to the approval of the Microcell, and even if it did, Planning staff properly determined it categorically exempt. In addition, the delay – or ultimately denial – which appellants seek to bring about would violate T-Mobile's rights under the federal Telecommunications Act.

I. The Microcell Will Have No Significant Impacts.

The Microcell design chosen by T-Mobile was approved by the Zoning Administrator in a Letter of Determination dated May 15, 2006 ("LOD"). While the approved design in the LOD permits a single-panel antenna inside a five-foot-tall faux chimney set back five feet from any edge of the building, the proposed Microcell exceeds this minimum standard. The T-Mobile antenna will be concealed in a faux vent approximately five feet tall and ten inches in diameter, and set back a minimum of seven feet from the roofline to further minimize any visual impact. Radio equipment servicing the antenna will be attached to an existing penthouse stair structure.

We have attached a photograph of the full scale mockup of the faux vent presently installed at the site as Exhibit A. As this photograph illustrates, the Microcell will have no significant visual impact. In fact, it will be indistinguishable from the vents and chimneys that appear on the roof-tops of other buildings in the immediate vicinity, and indeed throughout San Francisco.

The Microcell will not generate significant noise, traffic, or any other impacts. Furthermore, as we explain below, the *only* impact alleged by the appellants – the alleged health and safety impact of RF emissions – is preempted by federal law. In short, the Microcell will not have significant impacts of any kind.

II. The City's Approval Of The Microcell Is Not Subject To CEQA.

As a threshold matter, CEQA does not even apply to the City's approval of the Microcell, for two reasons. First, the Microcell does not appear to qualify as a "project." CEQA defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." "Environment," in turn, "means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." The Microcell will have no effect on any of these physical conditions. It will be attached to the roof of an existing mixed-use building, will not affect flora, fauna, or any other aspect of the environment, and will not affect any object of historic or aesthetic significance. Consequently, the Microcell does not even qualify as a "project" subject to CEQA.

Second, CEQA applies only to discretionary projects. It does not apply to ministerial acts such as a building or encroachment permit. See *Qwest Comm. Corp. v. City of Berkeley*, 146 F.Supp.2d 1081, 1104-5 (N.D. Cal. 2001) ("[T]he Court agrees with Qwest that CEQA does not apply here because approval of the excavation project under the City's general excavation permit process involves a ministerial act. . . . CEQA review does not apply to projects approved by a ministerial act.").

While appellants requested Discretionary Review ("DR") by the Planning Commission in an effort to prevent or delay issuance of a building permit, that does not

change the ministerial character of a building permit. DR is a "special power" of the Commission, outside the normal building permit application approval process. It is appropriate only when there are "exceptional and extraordinary" circumstances associated with a proposed project.

The Commission determined in this case that no such "exceptional and extraordinary" circumstances exist when it denied DR. Absent the requisite exceptional circumstances, the City's approval of a building permit is ministerial, because the job of City staff reviewing the application was simply to determine whether it satisfied the objective standards of the LOD and the applicable provisions of the building and electrical codes. See *Prentiss v. City of S. Pasadena* (1993) 15 Cal. App. 4th 85 (CEQA did not apply to building permit, which was ministerial because issuing official determined only whether applicant satisfied objective standards for its issuance).

III. Even If CEQA Were Deemed To Apply, The Microcell Is Categorically Exempt.

Even if the City deems T-Mobile's Microcell to be a discretionary "project" for CEQA purposes, it would still be categorically exempt. This is apparent from the treatment of larger telecommunications facilities on private land. Even though such facilities usually require a conditional use permit or other discretionary review, most California jurisdictions treat them as categorically exempt from CEQA.

In addition to the exemption for small structures (CEQA Guidelines Section 15303) applied by City staff here, the Microcell would appear to qualify for each of the following exemptions: minor modification of existing structures (CEQA Guidelines Section 15301), accessory structures (CEQA Guidelines Section 15311), and the general "common sense" exemption for projects which are certain to have no significant environmental impact (CEQA Guidelines Section 15061(b)(3)).

A. Staff Properly Applied the Small Structures Exemption.

The CEQA Guidelines exempt "[C]onstruction and location of new, small facilities or structures; installation of small new equipment in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure." CEQA Guidelines Section 15303. The Guidelines list specific examples of activities that qualify for this exemption, including *construction of up to three single-family residences, or up to four commercial buildings occupying up to 10,000 square feet*. Given the inclusion of far larger, more obtrusive structures, T-Mobile's placement of a small antenna and equipment boxes on an existing roof-top would obviously satisfy this exemption.

The breadth of this exemption was illustrated in *Association for Protection of Environmental Values in Ukiah v. City of Ukiah*, 2 Cal. App. 4th 720 (1991). There, neighboring landowners appealed a planning department's determination that a newly

constructed, 2,700 square foot home was exempt from CEQA review. The neighboring landowners cited concerns related to aesthetics, privacy and soil stability. The court in *Ukiah* held that such generalized, nonspecific concerns do not remove the project from exemption. *Id.*

Given the robust application of the Small Structures exemption to much larger structures (including very large commercial structures) T-Mobile's installation of the Microcell on an existing multi-story building undoubtedly qualifies under CEQA's Small Structures exemption.

B. T-Mobile's Microcell Is Categorically Exempt As A Minor Alteration To An Existing Structure.

The Microcell also qualifies for the Class 1 exemption of "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features." CEQA Guidelines Section 15301. The Guidelines list public utility facilities among the examples qualifying for this exemption. CEQA Guidelines Section 15301(b). T-Mobile is a telephone corporation, and thus a public utility under state law. *See* Pub. Util. Code Section 216(a) (defining "public utility" as including every for-profit telephone corporation).

The only condition on the Class 1 exemption is that the proposed activity must involve "negligible or no expansion of an existing use." *See* Guidelines Section 15301. T-Mobile obviously satisfies this condition. First, the LOD acknowledges that the Microcell is not a significant change in use by treating it as an accessory use. Second, in contrast to T-Mobile's small, essentially unnoticeable equipment, the Guidelines create a safe harbor for much larger expansions of existing structures, including additions up to 10,000 square feet. *See* Guidelines Section 15301(e)(2).

C. T-Mobile's Microcell Is Categorically Exempt As An Accessory Structure.

T-Mobile also qualifies for the Class 11 exemption of the "construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities." Again, the LOD confirms that the Microcell is an accessory use. In addition, courts have applied this exemption to the addition of much larger structures, even those with non-traditional or unique uses. For instance, in *Simons v. City of Los Angeles*, 72 Cal. App. 3d 924 (1977), the court upheld the exemption of a 1,500 square foot police firearms training simulator. Despite the size of the facility, the court held that it was "clearly within exempt class 11 . . . as a minor structure accessory to existing institutional facilities." 72 Cal. App. 3d at 938-9. Here too, T-Mobile's Microcell clearly qualifies as a minor structure accessory to the existing building.

D. T-Mobile's Microcell Is Categorically Exempt Because It Is Certain To Have No Significant Environmental Impact.

Under the so-called "common-sense exemption," an activity is exempt from CEQA "[w]here it can be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment." CEQA Guidelines Section 15061(b)(3). T-Mobile qualifies for this exemption as well. As discussed above, the Microcell will not have any effect on "land, air, water, minerals, flora; fauna, ambient noise [or] objects of historical or aesthetic value," which is how CEQA defines the environment.

E. No Exceptions to the Exemptions Apply.

Appellants challenge the categorical exemption on the sole basis that the RF emissions from other wireless devices in the surrounding area "may have created" RF levels that exceed federal safety standards. This is nothing more than speculation, completely devoid of factual support. As this Board is aware, federal law provides that the City may not regulate on the basis of RF emissions provided the Microcell operates below federal limits on such emissions.¹

Here, there is no legitimate dispute that the Microcell's RF emissions will be well below the limits established by the Federal Communications Commission ("FCC"). As confirmed in the engineering study by Hammett & Edison Consulting Engineers (attached as Exhibit B), the maximum RF emissions from the Microcell at any nearby building will be approximately 1 % of the FCC limit for public exposure (at ground level, maximum exposure is far lower still, at 0.28 % of the FCC limit). Appellants have provided no evidence to the contrary. In the absence of such evidence, vague allegations of unspecified "cumulative impacts" provide no basis for overturning the categorical exemption.

IV. Further Delay or Denial Would Violate Federal Law.

The Telecommunications Act contains fundamental limits on the right of a local government to regulate the placement of wireless facilities. In addition to pre-empting regulation on the basis of concerns over RF emissions, as discussed above, the Telecommunications Act also:

- Requires the City to take final action on a permit application within a reasonable period of time;²
- Requires that any permit denial be in writing and based on substantial evidence in the record;³

¹ 47 USC § 332(c)(7)(B)(iv).

² 47 USC § 332(c)(7)(B)(iii).

- Prohibits unreasonable discrimination among competing wireless carriers;⁴ and
- Bars local regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.⁵

As we will explain, this appeal implicates every one of these provisions.

A. Further Delay Would Be Unlawful And Serve No Useful Purpose.

T-Mobile applied for the building permit in question on June 26, 2009. In other words, the protracted review of this application has delayed T-Mobile by more than *eighteen months* in its efforts to provide improved service within the North Beach neighborhood. As noted above, the Telecommunications Act requires the City to take final action on this application within a “reasonable period of time.”

Much of the delay to date has been due to T-Mobile’s efforts to provide additional information and work with the concerned neighbors, at the request of Supervisor Chiu. At this point, however, the City has all of the information needed to take final action, the appeal is without merit, and there is no justification for any further delay, particularly the additional six months to a year that would be required for an EIR. Consequently, failure to take final action at the hearing on April 12, 2011, would constitute a failure to act within the time limits established under federal law.

Furthermore, additional delay would serve no useful purpose. While denial of the application is not an option on this appeal – which is limited to the procedural question whether the project is categorically exempt from CEQA – denial is obviously appellants’ ultimate goal. As we explain below, however, denial would be unlawful because it would violate other provisions of the Telecommunications Act.

B. Further Delay or Denial Would Constitute Unreasonable Discrimination.

Since the first approval of microcell facilities in a Letter of Determination in 1998, hundreds of such facilities have been approved and constructed in San Francisco by various wireless carriers. Of these hundreds of facilities, many of which pose greater aesthetic impacts with exposed un-camouflaged antennas, none have ever been subjected to the months of additional delay that would be required for an EIR. To subject T-Mobile’s virtually unnoticeable Microcell application to such delay – or even worse, denial – would constitute unreasonable discrimination among competing wireless carriers.⁶

³ 47 USC § 332(c)(7)(B)(iii).

⁴ 47 USC 332(c)(7)(B)(i)(I).

⁵ 47 USC 332(c)(7)(B)(i)(II).

⁶ 47 USC 332(c)(7)(B)(i)(I).

C. There Is No Substantial Evidence That Would Support Denial.

As determined by City staff and the Planning Commission in rejecting the DR request, the Microcell meets all requirements for approval and will have no significant impacts. There is no substantial evidence that would warrant overturning these decisions.

Here, Planning Department Staff have fully documented the substantial evidence for approval of the Microcell. As noted above, the Microcell complies with the design requirements set forth and approved by the Zoning Administrator under the LOD. By their nature, microcell designs are diminutive and pose insignificant impacts in comparison to the alternative of installing full macrocell facilities. In this case, the faux vent is set back from the roof's edge more than required and, as demonstrated by the existing mock installation, has no visual impact. In addition, the Microcell has received approval by the San Francisco Department of Public Health, and has been determined categorically exempt by the Planning Department under CEQA, posing no significant environmental impacts.

In contrast, appellants have provided only generalized concerns and speculation, but no evidence, let alone the substantial evidence required, to support denial.

D. Denial Would Constitute An Unlawful Prohibition Of Service.

T-Mobile has demonstrated both that there is a significant gap in coverage and that the Microcell is the least intrusive means for meeting the coverage needs in North Beach. Under federal law, if these two criteria are met, the facility *must* be approved. This is true because when these factors are present, denial of the application would have the unlawful effect of prohibiting service, in violation of the Telecommunications Act.⁷ See *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 734-35 (9th Cir. 2005).

In compliance with Planning Department requirements, T-Mobile submitted detailed coverage maps and drive test data that document the existence of a significant coverage gap in the area to be served by the Microcell. In addition, the more than 400 signatures, emails and letters from North Beach residents and business owners supporting the application further confirm the significant coverage gap.

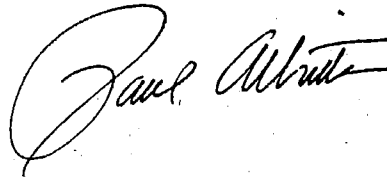
Furthermore, the Microcell is the least intrusive alternative to address the coverage gap. T-Mobile followed the direction of Planning Staff and the San Francisco Planning Code in designing a diminutive microcell with an approved design rather than a much larger, more intrusive macrocell to meet its coverage needs. As detailed in the Alternatives Analysis submitted to the Planning Commission, there were simply no feasible, less-intrusive alternatives to the Microcell. Under these circumstances, denial would constitute an unlawful prohibition of service.

⁷ 47 USC §332(c)(7)(B)(i)(II).

Conclusion

T-Mobile has worked in good faith to meet the communications needs of San Francisco, and to do so in a manner consistent with both federal law and City land use regulations and guidelines. In a densely populated area of the City, T-Mobile's proposal will bring life-saving technology to a very large number of San Francisco residents, service providers, emergency service personnel and visitors. We urge the Board to reject this baseless appeal.

Very truly yours,



Paul B. Albritton

cc: Marian Vetro, Esq.
Kevin Brinkley, Esq.
Joy Lamug

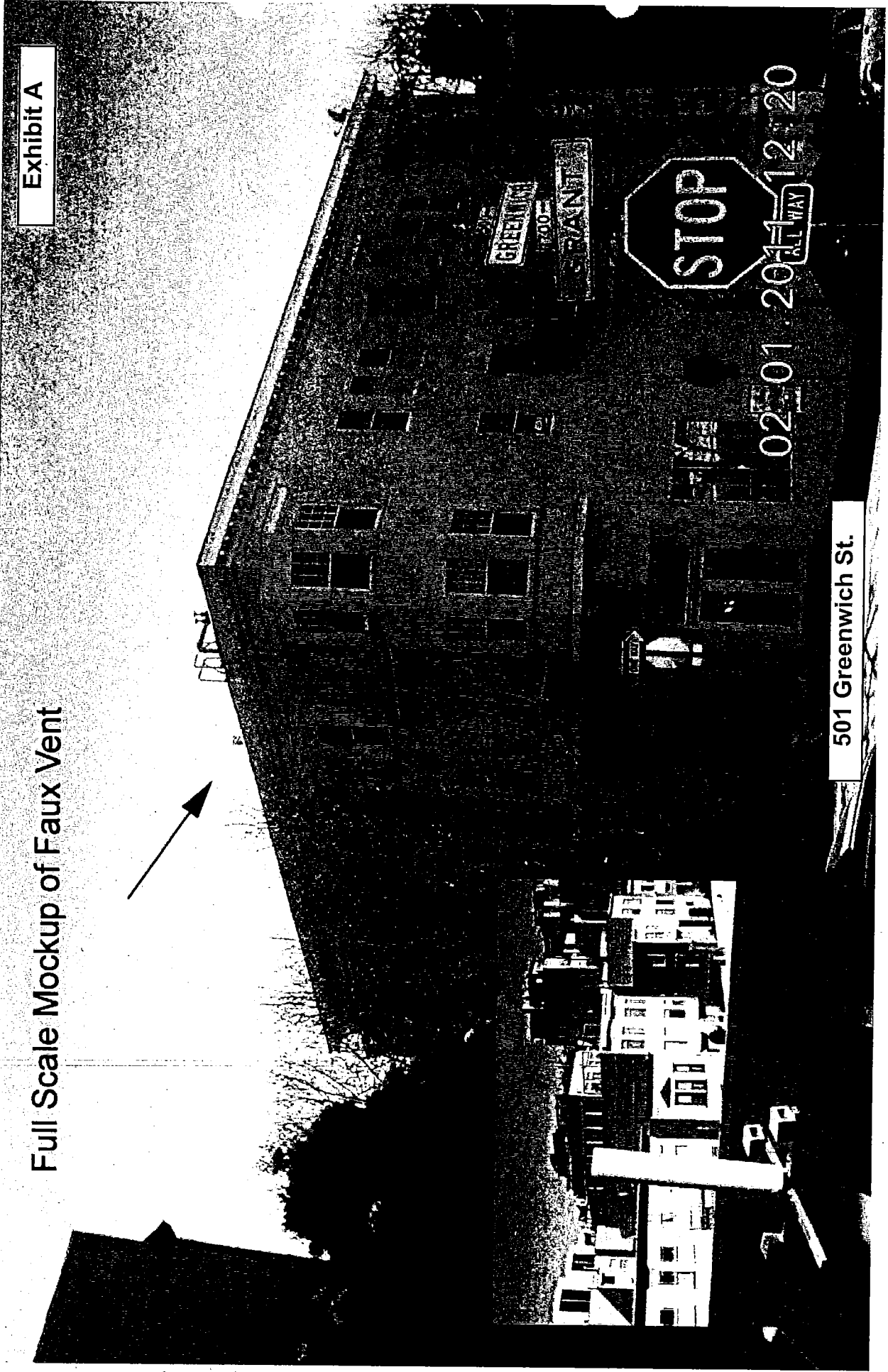
Schedule of Exhibits:

Exhibit A: Photograph of existing mock-up
Exhibit B: Statement of Hammett & Edison, Inc., Consulting Engineers,
June 22, 2009

Full Scale Mockup of Faux Vent



Exhibit A



501 Greenwich St.

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by T-Mobile, a personal wireless telecommunications carrier, to evaluate the base station (Site No. SF13114) proposed to be located at 501 Greenwich Street in San Francisco, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Background

The San Francisco Department of Public Health has adopted a 10-point checklist for determining compliance of WTS facilities with prevailing safety standards. The acceptable limits set by the FCC for exposures of unlimited duration are:

Personal Wireless Service	Approx. Frequency	Occupational Limit	Public Limit
Broadband Radio ("BRS")	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless ("AWS")	2,100	5.00	1.00
Personal Communication ("PCS")	1,950	5.00	1.00
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio ("SMR")	855	2.85	0.57
Long Term Evolution ("LTE")	700	2.33	0.47
[most restrictive frequency range]	30-300	1.00	0.20

The site was visited by Mr. Robert W. Hammett, a qualified employee of Hammett & Edison, Inc., on June 18, 2009, and reference has been made to drawings by Streamline Engineering and Design, Inc., dated June 12, 2009, and to additional information provided by T-Mobile.

Checklist

1. The location of all existing antennas and facilities at site. Existing RF levels.

There were observed no existing antennas on the three-story, mixed-use building located at 501 Greenwich Street. Existing RF levels at ground level near the site were less than 1% of the most restrictive public exposure limit.

2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from approved antennas.

No other WTS facilities or other communications facilities are reported to be approved for this site but not yet installed.

3. The number and types of WTS within 100 feet of proposed site and estimates of additive EMR emissions at proposed site.

There were no other WTS facilities observed within 100 feet of the site.



**T-Mobile • Proposed Base Station (Site No. SF13114)
501 Greenwich Street • San Francisco, California**

4. Location (and number) of Applicant's antennas and back-up facilities per building and location (and number) of other WTS at site.

T-Mobile proposes to mount one RFS Model APXV18-206513T-C directional PCS antenna at the northeast corner of the roof inside an enclosure configured to resemble the existing vents on the roof. The antenna would be mounted at an effective height of about 42 feet above ground, 3 1/2 feet above the roof, and would be oriented toward 20°T.

5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to application.

The maximum power rating of the T-Mobile transmitters is 2.2 watts, and the maximum composite output power rating of the power amplifier is 125 watts. The actual operating power will depend upon the system losses encountered after the physical cabling runs have been installed; the transmitter may operate at a power below its maximum rating, such that the power radiated from the antennas does not exceed the level given in Item 6 below.

6. Total number of watts per installation and total number of watts for all installations at site.

The maximum effective radiated power proposed by T-Mobile in any direction is 275 watts.

7. Plot or roof plan showing method of attachment of antennas, directionality of antennas, and height above roof level. Discuss nearby inhabited buildings.

The drawings show the proposed antenna to be installed as described in Item 4 above. There were noted taller buildings, across the street.

8. Estimated ambient RF levels for proposed site and identify three-dimensional perimeter where exposure standards are exceeded.

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed T-Mobile operation by itself is calculated to be 0.0028 mW/cm², which is 0.28% of the applicable public exposure limit. The maximum calculated level at any nearby building is 1.0% of the public limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is calculated to extend less than 6 feet directly in front of the T-Mobile antenna, and to much lesser distances to the side, below, and above the antenna.

9. Describe proposed signage at site.

Due to its mounting location, the T-Mobile antenna would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 2 feet in front of the T-Mobile antenna itself, such as might occur during building maintenance activities, should be allowed

**T-Mobile • Proposed Base Station (Site No. SF13114)
501 Greenwich Street • San Francisco, California**

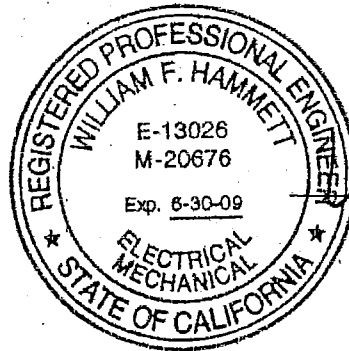
while the site is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Marking an "exclusion area" to 5 feet in front of the antenna with yellow striping, and posting explanatory warning signs* at the roof access door and on the enclosure in front of the antenna, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

10. Statement of authorship.

The undersigned author of this statement is a qualified Professional Engineer, holding California Registrations Nos. E-13026 and M-20676, which expire on June 30, 2009. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

Conclusion

Based on the information and analysis above, it is my professional opinion that the proposed T-Mobile base station will comply with the prevailing standards limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest estimated exposure levels in publicly accessible areas are many times less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.



William F. Hammett
William F. Hammett, P.E.

June 22, 2009

* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

File 110307
BOS-11

~~UNITED RESIDENTS AND MERCHANTS OF POLK~~

copy
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR -5 PM 3:07
AK

To: President David Chiu, and
Members, San Francisco Board of Supervisors
1 Dr. Carlton Goodlett Place
City Hall, Rm. 244
San Francisco, CA 94102-4689

From: United Residents and Merchants of Polk

RE: Oppose Appeal of 501 Greenwich antenna project
(a.k.a. 1653 Grant)

March 30, 2011

Dear President Chiu and Supervisors:

The United Residents and Merchants of Polk (U.R.M.P.) is a registered neighborhood organization in San Francisco. On behalf of our members we write in opposition to the appeal of the microcell antenna proposed for 501 Greenwich.

We believe it is simply unreasonable to require an Environmental Impact Report (EIR) of a tiny antenna that is just 30 inches tall. This microcell antenna will be enclosed in a rooftop vent just five (5) feet in height and obscured from view by casual observers.

To require additional costly environmental review and resultant delays would set a dangerous precedent that could harm all neighborhoods with businesses or property owners seeking to build or expand with minor improvements. We believe that this will be a waste of the City resources as well and not reasonable at these bad times in our economy.

We support the proposed T-Mobile microcell antenna for this site because it expands the wireless network and reduces gaps in mobile phone coverage for residents and businesses in portions of District 3. This will help all of us to stay ~~UNITED~~.

We urge you to reject the appeal.

Sincerely,



Vlad Abramov, Vice Chair-Person
On behalf of 20+ members of URMP
415-786-2119
vabramov7@yahoo.com

cc: Board of Supervisors - all members



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110307: Micro Cell Antenna/501 Greenwich Street

copy BOS-11
File 110307

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

— Forwarded by Board of Supervisors/BOS/SFGOV on 04/05/2011 12:31 PM —

From: Wilfred James <wilfredjames@att.net>
To: David Chiu <david.chiu@sfgov.org>, Board.of.supervisors@sfgov.org
Date: 04/05/2011 12:18 PM
Subject: Micro Cell Antenna/501 Greenwich Street

I am a long time North Beach resident and am opposed to the appeal filed by the Telegraph Hill Dwellers trying to overturn the Planning Commission's decision made on February 17th supporting the installation of a micro cell antenna at 501 Grant Avenue.

The Telegraph Hill Dwellers are total hypocrites. They use microwave ovens and walk around all day with cell phones attached to their ears and now they want to oppose these micro antennas! Give me a break!

Wilfred James
North Beach



Fw: Oppose Appeal of 1653 Grant Avenue T-Mobile antennas

Carmen Chu, David Campos, David
Board of Supervisors to: Chiu, Eric L Mar, John Avalos, Ross
Mirkarimi, Sean Elsbernd, Malia Cohen,

04/05/2011 12:33 PM

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

— Forwarded by Board of Supervisors/BOS/SFGOV on 04/05/2011 12:34 PM —

From: ABD SIX <sf_district6@yahoo.com>
To: BoardofSupervisors <board.of.supervisors@sfgov.org>
Cc: Alliance For A Better District 6 <sf_district6@yahoo.com>
Date: 03/31/2011 12:18 PM
Subject: Oppose Appeal of 1653 Grant Avenue T-Mobile antennas

Dear Board of Supervisors:

Please refer to attached letter.

If there are any question please contact the Alliance for a Better District 6 at the below contact information.

Michael Nulty

Executive Director

ALLIANCE FOR A BETTER DISTRICT 6
P.O. Box 420782; San Francisco, CA 94142-0782
(415) 820-1560 Voice / (415) 820-1565 Fax
<http://allianceforabetterdistrict6.blogspot.com/>
<http://groups.yahoo.com/group/District6inSF>
<http://womenoftheyear.cfsites.org/>

To incorporate the interests of District 6's low income households onto San Francisco public, social and land use policy.

<http://www.linkedin.com/in/michaelnulty>
<http://www.facebook.com/michael.nulty>
<http://twitter.com/sfdistrict6>

<http://sfdistrict6.slide.com>



3-30-10_1653GrantAntenna.doc

**Alliance for a
Better District 6**

SF Board of Supervisors
City Hall
San Francisco, CA 94102

March 30, 2010

Re: Oppose Appeal of 1653 Grant Avenue T-Mobile antennas

Dear San Francisco Board of Supervisors:

The Alliance for a Better District 6 is writing in opposition to the appeal of the Environmental Impact Report of the 1653 Grant Avenue project proposing to add a T-Mobile micro wireless telecommunications service facility consisting of an Omni antenna shrouded inside a faux vent pipe structure and equipment cabinets.

T-Mobile has a plan to improve leading edge mobile phone and data coverage for the North Beach and Telegraph Hill neighborhoods. The small microcell wireless antenna are proposed for a rooftop on 1653 Grant Avenue (Also known as 501 Greenwich) to improve wireless infrastructure to meet customer needs and improve coverage.

The Alliance for a Better District 6 believes it is just unreasonable to require an Environmental Impact Report (EIR) of a tiny antenna that is just 30 inches tall and enclosed in a rooftop vent just five (5) feet in height and obscured from view by casual observers.

We thank you for your consideration.

Sincerely,

Dean Clark
Board President



Appeal of 1563 Grant

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Ross Mirkarimi, Sean Elsbernd, Malia Cohen,

04/05/2011 12:24 PM

From: "Kathy Cady" <kathycady01@comcast.net>
To: <David.Chiu@sfgov.org>, <Board.of.Supervisors@sfgov.org>
Date: 04/05/2011 07:35 AM
Subject: Appeal of 1563 Grant

San Francisco Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Subject: Appeal of 1563 Grant (also known as 501 Greenwich)
T-Mobile microcell antenna and 1500 Grant antenna**

Dear Supervisors:

I am a long-time North Beach resident who lives at 1416 Grant Avenue about 2 blocks away from the proposed micro antennas. I oppose the appeal of the environmental assessment. There are no reasonable grounds to expect additional information that would change this assessment.

This is not the kind of project that California's environmental laws were enacted to review. It is small in size, virtually invisible to people walking by. With radio frequencies from all sources added in cumulatively, the engineering study shows the site is at less than 1% of the federal safety standard. People have more exposure to radio frequencies from a cordless phone than from these antennas. To claim there might be an environmental impact here verges on hysteria.

As you know, San Francisco has significant gaps in neighborhood wireless coverage for cell phone and mobile devices. I am a cell phone user and also the President of a prominent concierge association in San Francisco. Naturally, I am aware of the importance to our tourists and convention goers of their smart phones and mobile devices. People are constantly using Facebook, Twitter, Groupon, LinkedIn, Zynga, Smartphones, and other apps. This is how we live today.

As a result, with more data and graphics sent by wireless, we have a serious gap in coverage in parts of the City. If San Francisco values the tourist industry, it will work harder to cure gaps in wireless coverage. Delays due to the misuse of environmental law to circumvent the Planning Commission's decisions only add to such gaps in our neighborhood's coverage.

Please oppose the appeal and support these micro antennas designed to improve North Beach coverage.

Thank you,

Kathy Cady

BOS-11
c-page



1653 Grant Ave.
Wilfred James
to:
David Chiu, Board.of.supervisors
04/04/2011 11:39 AM
Show Details

#110307

From: SFSPier33@aol.com
Date: April 3, 2011 8:10:53 PM PDT
To: Wilfred James
Subject: 1653 Grant Ave.

I support the denial of the appeal, and ask to uphold the 5-2 vote by the planning commission. I cannot find any negative environmental impact. The improvement of service is needed.

Wm. T. Dawson
1846 Grant Ave.
San Francisco, Ca. 94133

C-page

BOS-11



Oppose Appeal Of 501 Greenwich project

Awadalla Awadalla

to:

Carmen Chu

04/03/2011 03:42 PM

Cc:

David.Chiu, board.of.supervisors

Show Details

110307

1 Attachment



appeal of 501 Greenwich project.pdf

Hello Supervisor Carmen Chu,

Attached to this E-mail is a letter from the OSMPA, opposing the appeal of 501 Greenwich project, and the support of T-Mobile antenna in this location and in the future locations in the sunset.

Thanks

Awadalla

President OSMPA



April 3, 2011

To whom it may concern,

The Outer Sunset Merchant and Professional Association (OSMPA), voted to reject the appeal of 501 Greenwich project (Also Known as 1653 Grant). We believe that is unnecessary to re require an Environmental Impact Report.

We Support the proposed T-Mobile Antenna in the above location, and the commission's decision made on February 17th. We believe that the more cellular coverage, the better for merchants and business in general.

Please reject the appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Awadalla M. Awadalla".

Awadalla M. Awadalla

President (OSMPA)

Cell: 415-720-5680

Fax: 415-276-9887

awadalla@sbcglobal.net



1653 grant avenue
Wilfred James
to:
David Chiu, Board.of.supervisors
04/04/2011 11:38 AM
Show Details

110307

Begin forwarded message:

From: FL Fox <flfent1@gmail.com>
Date: April 3, 2011 10:55:44 PM PDT
To: Wilfred James>
Subject: **1653 grant avenue**

as a condo owner-resident of north beach since 1988, dear board of supervisors: please deny THD's appeal regarding 1653 grant avenue, and uphold the planning commission's 5-2 vote thank you

F.L.Fox