



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19666 Planning Code Amendment Adoption

HEARING DATE: JUNE 16, 2016

Project Name: Wireless Telecommunications Services (WTS) Facilities
(aka "cell antennas") Planning Code Update

Case Number: 2014-001711PCA [Board File No. 160477]

Initiated by: Supervisor Avalos / Introduced May 2016

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO DEFINE WIRELESS TELECOMMUNICATIONS SERVICES (WTS) FACILITIES; 2) CREATE DISTINCT WTS FACILITY LAND USE CONTROLS; 3) REQUIRE A CONDITIONAL USE AUTHORIZATION (CU) FOR MACRO WTS FACILITIES IN MOST ARTICLE 2, 7 AND 8 DISTRICTS; 4) REGULATE MICRO WTS FACILITIES IN ALL DISTRICTS; 5) REQUIRE THAT A WTS FACILITY'S CU SHALL EXPIRE AFTER TEN YEARS; 6) REGULATE WTS FACILITIES IN CERTAIN MISSION BAY DISTRICTS AND P DISTRICTS; 7) EXEMPT CERTAIN TELECOMMUNICATIONS EQUIPMENT ACCESSORY USES FROM HEIGHT LIMITATIONS; 8) ALLOW SCREENING ELEMENTS FOR WTS FACILITIES TO EXCEED HEIGHT LIMITS, CONSISTENT WITH EXISTING HEIGHT LIMIT EXEMPTIONS FOR ANTENNAS; 9) DEFINE AND REGULATE TEMPORARY WTS FACILITIES; 10) ALLOW THE HISTORIC PRESERVATION COMMISSION TO DELEGATE DETERMINATIONS ON APPLICATIONS FOR ADMINISTRATIVE CERTIFICATES OF APPROPRIATENESS AND MINOR PERMITS TO ALTER TO PLANNING DEPARTMENT STAFF; 11) AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND 12) MAKE FINDINGS UNDER PLANNING CODE SECTION 302

PREAMBLE

Whereas, in 1996 the City adopted comprehensive WTS Facility Siting Guidelines to ensure adequate review of WTS facilities, given the over 200 WTS facilities estimated would be needed in San Francisco, to provide sufficient mobile voice coverage; and

Whereas, to date there are approximately 1,400 wireless facilities (including WTS facilities primarily mounted on buildings, and Personal Wireless Services Facilities mounted on light and utility poles) in San Francisco, that used to provide both mobile voice and data coverage;

Whereas, the installation of WTS facilities and Personal Wireless Services facilities (hereinafter “wireless facilities”); whether on buildings or attached to light/utility poles, can, if poorly designed or modified, negatively affect (e.g. noise from equipment/generators, tenant displacement, and views) properties include those considered historic resources, and detract from views within historic districts; and

Whereas, State and Federal laws tend to limit, but do not preclude the City’s jurisdiction over wireless facilities, and a recently enacted State law (Government Code Section 65964.1) may create a deemed granted remedy (automatic approval) if the City does not make a decision on an application for a WTS facility within 150 days (new facilities) or 90 days (major changes to existing facilities and collocations); and

Whereas, the Historic Preservation Commission has determined that certain scopes of work can be considered minor in nature (including scopes of work such as storefront alterations, signage, WTS facilities on buildings or inside signage, and Personal Wireless Services Facilities in the public right-of-way) and delegated approval by Department staff to approve such applications through an Administrative Certificate of Appropriateness (Article 10 of the Planning Code) or Minor Permit to Alter (Article 11 of the Planning Code); and

Whereas, Articles 10 and 11 of the Planning Code do not specify in a consistent manner whether Planning Department staff may administratively render a decision, including denial of an Administrative Certificate of Appropriateness or Minor Permit to Alter if the proposed wireless facility application is not considered consistent with the U.S. Secretary of the Interiors Standards for the Treatment of Historic Properties; and

Whereas, the Planning Code allows antennas and towers to exceed height limits, but does not address height limits (or exemptions) for the screening elements typically used to screen antennas or equipment; and

Whereas, when height limit exemptions were added to the Planning Code for antennas and towers, screening elements such as faux vent pipes were not available or widely in use; and

Whereas, the Planning Code does not define “Micro” WTS facilities, nor address siting provisions; and

Whereas, the Planning Code does not define Temporary WTS facilities, nor address siting provisions; and

Whereas, the Planning Code precludes WTS Facilities from upper stories of the Inner Sunset, Pacific Avenue, and West Portal Neighborhood Commercial Districts by virtue of their inclusion within the same land use of “Public Use;” and

Whereas, previous Planning Code Amendments unintentionally removed code provisions addressing WTS facilities in P districts and Large Scale Receiving Systems (in C, M, and certain PDR zoning districts) as an Accessory Use; and

Whereas, the Planning Code does not feature a time limit for Conditional Use Authorizations for WTS facilities; and

Whereas, the overall changes in wireless facility proliferation and the form factors involved warrant changes to the Planning Code; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on March 17, 2016, and recommended initiation (Motion No. 19591) of the proposed Ordinance on June 16, 2016; and

WHEREAS, on May 3, 2106, Supervisor Avalos introduced the proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 160477; and

WHEREAS, the Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on June 1, 2016, and recommended adoption (Motion No. 764) of the proposed Ordinance on June 1, 2016; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider recommending adoption of the proposed Ordinance on June 16, 2016; and

Whereas, the Planning Department has determined that the proposed Ordinance/amendment is not considered a project under Sections 15060(c)(2) and 15378 of the CEQA Guidelines because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- The challenges associated with ensuring wireless facilities are installed and modified in the least-intrusive manner possible warrants updates to the Planning Code.

- The proposed code amendments will allow for orderly development and modification of WTS facilities and timely review of certain historic preservation applications, including applications for WTS Facilities, Personal Wireless Services Facilities, and other scopes of works, considered minor in nature, such as storefront alterations and signage.
 - Amending the Planning Code would improve the ability of the City to work with the community and wireless carriers to seek opportunities for less-intrusive wireless siting while allowing for robust coverage and capacity.
 - The proposed changes to Articles 10 and 11 of the Planning Code would clarify the ability for Department staff to approve or deny an Administrative Certificate of Appropriateness or Minor Permit to Alter.
 - Department staff shall work with wireless carriers to evaluate opportunities to use cleaner fuel sources, in lieu of diesel-fueled generators for backup power supply.
1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.3:

Ensure new housing is sustainable supported by the City's public infrastructure systems.

The proposed amendments would continue to provide a means for wireless carriers to provide robust wireless services.

URBAN DESIGN ELEMENT

Objectives and Policies

HUMAN NEEDS

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.14:

Remove and obscure distracting and cluttering elements.

The proposed amendments would allow carrier to better integrate WTS facilities into the built environment by allowing for scale and context appropriate screening elements to be used in more instances.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development, which provides substantial net benefits and minimizes undesirable consequences. Discourage development, which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The proposed amendments would enhance the total city living and working environment by continuing to allow communication services for residents and workers within the City. The ability for Department staff to render a decision (including denial) for an Administrative Certificate of Appropriateness or Minor Permit to Alter would provide for timely decisions on those scopes of work previously considered minor and delegated to staff for review. Additionally, the Project would comply with Federal, State and Local performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed amendments would continue to allow the City to permit the development of wireless communications networks that would enhance the City's diverse economic base.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.1:

Maintain and enhance a favorable business climate in the City.

Policy 4.2:

Promote and attract those economic activities with potential benefit to the City.

The proposed amendments would benefit the City by enhancing the business climate through improved communication services for residents and workers.

VISITOR TRADE

OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.3:

Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.

The proposed amendments would continue to ensure that residents and visitors have adequate public service in the form of competitive telecommunications services.

COMMUNITY SAFETY ELEMENT

Objectives and Policies

OBJECTIVE 3:

ESTABLISH STRATEGIES TO ADDRESS THE IMMEDIATE EFFECTS OF A DISASTER.

Policy 1.20

Increase communication capabilities in preparation for all phases of a disaster and ensure communication abilities extend to hard-to-reach areas and special populations.

Policy 2.4

Bolster the Department of Emergency Management's role as the City's provider of emergency planning and communication, and prioritize its actions to meet the needs of San Francisco.

Policy 2.15

Utilize advancing technology to enhance communication capabilities in preparation for all phases of a disaster, particularly in the high-contact period immediately following a disaster.

Policy 3.7:

Develop a system to convey personalized information during and immediately after a disaster.

The proposed amendments would continue to enhance the ability of the City to protect both life and property from the effects of a fire or natural disaster by providing communication services.

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

By adopting the proposed amendments, the Planning Commission's intends to conserve and protect neighborhood character by ensuring WTS facilities are well-designed and do not detract from individual building, including neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

By adopting the proposed amendments, the Planning Commission's intends to conserve and protect neighborhood character by ensuring WTS facilities are well-designed and do not detract from individual buildings and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance and procedural changes will have no adverse effect on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance and procedural changes will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would provide greater means to balance the siting and design challenges associated with WTS facilities, while still providing robust wireless coverage and capacity that is important to residents, and the City's economic activities.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected. Any new construction

or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments and procedural changes. Should a proposed use be located within a landmark or historic building, such site would be evaluated under all applicable Planning Code provisions and comprehensive Planning Department policies. The ability for Department staff to render a decision (including denial) for an Administrative Certificate of Appropriateness or Minor Permit to Alter would provide for timely decisions on those scopes of work previously considered minor and delegated to staff for review.


H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposal. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

3. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 16, 2016.



Jonas P. Ionin
Commission Secretary

AYES: Antonini, Hillis, Johnson, Moore, Richards, Wu

NAYS: None

ABSENT: Fong

ADOPTED: June 16, 2016