



SAN FRANCISCO PLANNING DEPARTMENT

July 12, 2016

Ms. Angela Calvillo, Clerk
Honorable Supervisor Avalos
Board of Supervisors
City and County of San Francisco
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**Re: Transmittal of Planning Department Case Number 2014-001711PCA:
Wireless Telecommunications Services (WTS) Facilities Update
Board File No. 160477
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Avalos,

On June 16, 2016, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would amend the Planning Code. At the hearing the Planning Commission recommended approval. On June 1, 2016, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval.

The Planning Commission recommended a finding be added to the resolution, to encourage the use of less-intrusive (e.g. noise and exhaust) backup generators, when utilized at WTS facilities.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal flourish extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:
Victoria Wong, Deputy City Attorney
Frances Hsieh, Aide to Supervisor Avalos
Alisa Somera, Office of the Clerk of the Board



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text 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 3, 2016

Staff Contact: Omar Masry, Senior Analyst
Omar.Masry@sfgov.org, 415-575-9116

Reviewed by: Anmarie Rodgers, Senior Policy Advisor

Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

The proposed Ordinance amends Articles 1, 2, 3, 4, 7, 8, and 9 of the San Francisco Planning Code to: clarify that the Historic Preservation Commission may determine certain scopes of work (including applications for scopes of work involving WTS facilities) as minor in nature (as it currently does) and delegate to Planning Department staff, the ability to render a decision (including disapproval); and create a definition of Micro WTS facilities; and principally permit Micro WTS facilities in all zoning districts subject to specific limitations; and exempt screening elements from height limits for Micro and Macro WTS facilities, consistent with the exemption currently applied to antennas, dishes and towers; and create a consistent and distinct land use class for WTS facilities; and permit WTS facilities as a Conditional Use on upper stories within all neighborhood commercial districts; and create a process for review of temporary WTS facilities; and make environmental findings, and findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1; and make findings under Planning Code Section 302.

The Way It Is Now:

1. Administrative Review of Certain Historic Resource Specific Permit Applications: Article 10 of the Planning Code allows the Historic Preservation Commission to define certain categories of work as minor alterations, and to delegate approval of an Administrative Certificate of Appropriateness (ACOA) to Department staff. No reference is made to the ability of Department staff to deny an application for an ACOA.

Article 11 of the Planning Code allows the Historic Preservation Commission to define certain categories of work as minor alterations and delegate approval of a Minor Permit to Alter (MPTA) to Department staff in subsection (a); however no reference is made to the ability of Department staff to deny an application for an MPTA, except in subsection (b).

2. Land Use Definition: The Planning Code includes a definition of WTS facilities, but does not define "Micro" WTS Facilities; which are currently classified by the Zoning Administrator as an Accessory Use; subject to carrier and facility-specific letters of determination. In addition, the Planning Code does not

include a definition for Temporary WTS facilities.

3. Large-Scale Receiving Systems: In a recent Planning Code Amendment (Ordinance 232-14), a code provision was unintentionally deleted, that allows certain antenna/dishes (e.g. large satellite dishes on the roof of a broadcast studio) used for in-building service to be principally permitted in C, M, and PDR districts.

4. Temporary WTS Facilities: The Planning Code does not reference temporary WTS facilities (e.g. antennas mounted on weighted sleds on roofs, or antennas and a mast attached to a truck), that are typically used for large-scale events, or to provide wireless coverage in the event an existing permanent WTS facility is removed or shut down to construction activity at the underlying Project site.

5. Land Use Controls: WTS facilities are classified as different land uses depending on the type of zoning district. For example, WTS facilities in Article 7 (neighborhood commercial districts) and Article 8 (mixed-use districts) of the Planning Code are classified within the same definition of a "Public Use." The definition of a "Public Use" includes WTS facilities as well as uses such as museums, post offices, and WTS facilities. In Articles 2 and 9, WTS facilities are referred to with various names, such as "Telecommunication Antennae and Equipment."

6. P Districts: In a recent Planning Code Amendment (Ordinance 22-15), a code provision was unintentionally deleted from Section 211.2 that governed whether a WTS facility was prohibited, permitted, or permitted as a Conditional Use in P districts.

7. Parkmerced Special Use District (SUD): Uses requiring a Conditional Use in the Parkmerced SUD, such as WTS facilities, are not subject to the "necessary, desirable, and compatible" findings required by Planning Code Section 303, for a Conditional Use; but are instead subject to specific findings required for conditional uses in the Parkmerced Special Use District.

8. Bernal Heights Special Use District (SUD): The Bernal Heights SUD features specific rules for TV antennas and non-parabolic dishes, but does not reference other types of WTS facilities.

9. Height Limits: Radio and television antenna are exempt from height limits, subject to limitations imposed by the Planning Commission and provisions specified in the Planning Code. No reference is made to height limits for screening elements (e.g. faux vent pipes) that are typically used to integrate a WTS facility into the built environment.

10. Conditional Uses: No time limit applies to Conditional Use authorizations, including those for WTS facilities (where required).

11. Sutro Tower: The Planning Code requires notification of "properties" within a 1,000-foot radius of Sutro Tower for any building permit for work at Sutro Tower. No reference is made to residential tenant notification, as is current practice.

12. Neighborhood Notification for Micro WTS facilities and Temporary WTS Facilities: Neighborhood notification is required for any new Micro WTS facility (which is classified as an Accessory Use), in an RH or RM zoning districts. Notification is also required for new Micro WTS facilities within zoning districts

listed in Article 7 and most of those districts listed in Article 8 of the Planning Code. No reference is made to neighborhood notification for temporary WTS facilities.

13. Uses Permitted in Neighborhood Commercial and Mixed-Use Districts: WTS facilities are classified as a Public Use in neighborhood commercial and mixed-use districts. All uses in these districts are required to be located within enclosed buildings, except for certain uses such as “Public Uses (selected).” No other reference is made to the term “selected.”

14. Mission Bay Office, Commercial-Industrial, and Hotel Districts: WTS facilities are not referenced within these zoning districts. The majority of areas zoned with a Mission Bay prefix are subject to the Mission Bay Redevelopment Plan, instead of the Planning Code; with the exception of the Mission Bay Office (MB-O) zoning district, which currently features the 4th and King Caltrain Station.

15. Rooftop features within Mission Bay Use Districts: Screening or other concealment measures are required for antennas, but no reference is made to WTS facilities, which include other elements such as dishes, equipment cabinets and supporting structures.

16. Folsom and Main Residential/Commercial Special Use District (SUD): The SUD controls include a provision requiring a Conditional Use authorization for “Wireless facilities.”

The Way It Would Be:

1. Administrative Review of Certain Historic Resource Applications: Allow Department staff to render a decision (including disapproval) of an application for an Administrative Certificate of Appropriateness (ACOA) or Minor Permit to Alter (MPTA), if the scope of work has been defined as minor, and delegated by the Historic Preservation Commission to Department staff for review. This change would apply to scopes of work that the Historic Preservation Commission determines can be delegated to Planning Department staff for review. These scopes include WTS facilities and other types of construction, such as signage or certain storefront alterations. These applications do not automatically require a Historic Preservation Commission hearing.

2. Land Use Definition: The Planning Code would:

- Create a single definition of “WTS facilities” and clarify that WTS facilities are subject to the WTS Facility Siting Guidelines.
- Add a definition for a “Micro WTS facility” as applying only to Preference 1 through 6 locations¹ and typically featuring one (1) or two (2) antennas, and smaller equipment, as compared to Macro WTS facilities.

¹ The definition of a Micro WTS facility would indicate this land use would not apply to preference 7 (disfavored) locations as defined in the WTS Facility Siting Guidelines. In a Preference 7 location (e.g. a single-family dwelling in an RH zoning district) a Conditional Use Authorization would be required.

- Add a definition of a “Temporary WTS facility.” These facilities are typically composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or “COW”), or antennas mounted on sleds on rooftops.

3. Large-Scale Receiving Systems: The proposed ordinance would exempt certain antennas/dishes, regardless of height, from requiring a Conditional Use authorization if utilized only for in-building service in C, M, and PDR (except PDR-1-B) zoning districts. The antennas/dishes would remain subject to design review.

4. Temporary WTS Facilities: The proposed ordinance would permit Temporary WTS facilities (e.g. temporary antennas mounted on weighted sleds on rooftops, or antennas and a mast attached to a truck), for up to one (1) year, subject to certain determinations by the Zoning Administrator, including avoiding residential dwellings to the maximum extent feasible, complying with the City’s noise ordinance, being no taller than needed, incorporating screening to the maximum extent feasible, and being erected for no longer than reasonably required.

In addition, permits for temporary WTS facilities for over 90 days would be subject to the neighborhood notification provisions found in Planning Code Sections 311 and 312.

Lastly, the Planning Department may require, where appropriate, notices along street frontages abutting the location of the temporary WTS facility, indicating the nature of the facility and the duration of the permit.

5. Land Use Controls: The proposed ordinance would indicate that WTS facilities would be:

- Consistently classified as a distinct land use (WTS facility) throughout Articles 1, 2, 7, 8, and 9 of the Planning Code.
- Permitted by Conditional Use authorization, on all stories, in all zoning districts except in the following instances:
 - Permitted if a “qualifying” (e.g. in a Preference 1 through 6 location as defined by the WTS Facility Siting Guidelines) **Micro** WTS facility.
 - Prohibited, unless a qualifying Micro WTS facility, in the Residential Enclave District (RED); which is confined to relatively minor areas of the South of Market Area (SOMA) Neighborhood.
 - Permitted if located in a C, M, or PDR (except PDR-1-B) zoning district, and complies with specific height and screening limitations. For example, a freestanding WTS facility (e.g. faux water tower) would require a Conditional Use authorization, even if located in a PDR zoning district.
 - Permitted in most Mission Bay (including Mission Bay Office or “MB-O”) zoning districts; per Article 8 of the Planning Code, or the Mission Bay Redevelopment Plan.

The reference to “wireless facilities” would be stricken from the controls for the Folsom and Main Residential/Commercial Special Use District, as WTS facilities are already permitted as a Conditional Use in the underlying RC-4 zoning district.

6. P Districts: The proposed ordinance would indicate that commercially-operated WTS facilities would be permitted by Conditional Use authorization, and publicly-operated WTS facilities would be permitted.

7. Parkmerced Special Use District: The proposed ordinance would clarify that findings for Conditional Use authorizations for WTS facilities to include those findings required by both the Parkmerced Special Use District (currently in effect), and Section 303 (new) of the Planning Code.

8. Bernal Heights Special Use District (SUD): The proposed ordinance would indicate that WTS facilities, including screening elements would be noted as exempt from height limits.

9. Height Limits: The proposed ordinance would include WTS facilities, and other antennas, dishes, towers and related screening elements within the scope of those structures exempt from height limits; though subject to any applicable Planning Code provisions, including but not limited to applicable design review criteria and Planning Code Section 295 (shadows on parks).

10. Conditional Uses: The proposed ordinance would establish a ten (10) year time limit for any Conditional Use authorization for a WTS facility approved after the effective date of the ordinance. The authorization could be renewed without limitation for subsequent ten (10) year time periods subject to certain filing requirements. In addition, the Planning Commission may, in granting the Conditional Use authorization, determine that the Director shall review and determine whether to grant any application for renewal. This change would not affect the requirement that the wireless carrier construct the WTS facility within three (3) years of the effective date of the Conditional Use authorization approval; and that WTS facilities be removed, pursuant to a building permit application, within six (6) months, if abandoned or inactive for a period of more than six (6) months.

11. Sutro Tower: The proposed ordinance would require notification of both property owners and residential tenants within a 1,000-foot radius of Sutro Tower for any building permit for Sutro Tower. This is consistent with current practice.

12. Neighborhood Notification for Micro WTS facilities: The proposed ordinance would require neighborhood notification, for those project sites subject to Planning Code Section 311 or 312, for permits to allow a temporary WTS facility for over 90 days. A reference to RED zones would be stricken, as Section 312 noticing is already required for Eastern Neighborhoods Mixed-Use Districts, which includes RED.

13. Uses Permitted in Neighborhood Commercial and Mixed-Use Districts: The proposed ordinance would include WTS facilities within the list of uses allowed outside an enclosed building in neighborhood commercial and mixed-use districts.

14. Mission Bay Office, Commercial-Industrial, and Hotel Districts: The proposed ordinance would allow WTS facilities as a principally permitted use within these zoning districts. Mission Bay Office districts are not within the area where the Mission Bay Redevelopment Plan supersedes the Planning Code.

15. Rooftop features within Mission Bay Use Districts: The proposed ordinance would require screening or other concealment measures would be required for antennae, and other elements associated with WTS facilities such as dishes, equipment and supporting structures.

16. Folsom and Main Residential/Commercial Special Use District (SUD): The proposed ordinance would strike a provision requiring a Conditional Use authorization for “Wireless facilities.”

ISSUES AND CONSIDERATIONS

Intent of the proposed changes:

a) Allow Planning Department staff, the Historic Preservation Commission, the Planning Commission, community members, and wireless carriers to work towards siting and design opportunities that may allow the least-intrusive means of providing wireless coverage and capacity; while still complying with Federal and State laws (including timing challenges described below) that preempt some, but not all of the City’s jurisdiction over many types of WTS facilities.

b) Reduce potential challenges to providing timely decisions, at staff level (whether approval or denial) on certain historic preservation (ACOA or MPTA) applications (including applications for both WTS and Personal Wireless Services facilities²). This issue is pertinent due to a recently enacted State law³ that may create a deemed approved remedy, or “automatic approval” if the City does not make a decision on a WTS or Personal Wireless Services facility application, within either 90 or 150 days, as described below.

c) Provide clarity with respect to how WTS facilities are classified based on the type (e.g. whether Micro or Macro) of facility, and zoning district.

Overall timing challenges for WTS Facilities: A State law⁴ took effect on January 2016, that creates a deemed approved remedy, or “automatic approval” if any City/County in California does not make a decision on an application or a WTS facility within 150 days (for new WTS facilities) or 90 days for certain types of modifications and collocations at Project sites featuring an existing WTS facility. These deadlines are referred to as “Shot Clocks” and raise a number of concerns including:

- Ensuring adequate environmental review.
- Ensuing appeal rights are preserved.
- Ensuring sufficient time to review and redesign a project. While the “Shot Clock” can be paused for an “incomplete” application, no such pause is afforded if the application is not viable

² Personal Wireless Services Facilities are typically composed of antennas and equipment mounted in the public right-of-way. Permits are issued by the Department of Public Works, subject to Planning Department staff review, including an Administrative Certificate of Appropriateness; if located in an Article 10 landmark district.

³ AB 57 (Government Code Section 65964.1) became effective January 2016.

appropriate, code complying, if the Project Sponsor is not willing to evaluate feasible alternatives.

The challenge of this State law is that it places Department staff in a position where they may need to schedule applications for a public hearing⁵ with a denial recommendation, if the project is not only complete, but also compatible and code-complying approximately 45 days before the applicable Shot Clock will lapse⁶.

Timing of Certain Historic Preservation Applications: In light of the new Shot Clocks one area of concern would be a scenario in which an application is submitted and the Shot Clock is approaching; however the design is not compatible and consistent with preservation standards.⁷ Department staff may be unable to deny the facility, based on current code language, but must instead refer the project, with a denial recommendation to the Historic Preservation Commission.

In this instance, one key challenge would be conducting public notification prior to the Historic Preservation Commission hearing. This challenge is more pronounced because mailing lists of nearby property owners and occupants are not always required as part of the initial ACOA/MPTA⁸ application submittal. In these instances only a building permit application⁹ (along with submittal requirements) and application for an ACOA/MPTA is required.

Allowing the Historic Preservation Commission (HPC) the option to delegate to Department staff the ability not just approve, but potentially deny an ACOA or MPTA, would ease an otherwise challenging time constraint. It would also eliminate the risk that an inappropriate project would be “deemed approved” without meeting local requirements

Height Limits: Section 260 of the Planning Code currently exempts antennas, dishes, and supporting towers from height limits; while maintaining limitations imposed by the Planning Commission. The proposed change would exempt screening elements typically used to screen antennas, dishes, towers and other supporting elements from view, or within elements considered contextually appropriate within a given location.

The majority of the over 750 Micro and Macro WTS facilities in San Francisco consist of rooftop-mounted antennas or dishes, and equipment cabinets found on rooftops or inside basements and other building recesses. Screening for these elements typically consists of faux vent pipes, faux stairwell/elevator penthouses, faux parapets, and screen boxes for façade mounted antennas. These faux elements are composed of a fiberglass like element that can be textured and painted to mimic steel, concrete, brick or

⁵ For those WTS facilities requiring a public hearing before the Planning Commission and/or Historic Preservation Commission.

⁶ The 45-day estimate is due in part to the time needed to ensure complete staff review and also conduct any required public noticing.

⁷ U.S. Secretary of the Interiors’ Standards for the Treatment of Historic Properties.

⁸ Pursuant to Article 10 of the Planning Code, and Historic Preservation Commission Motion No. 0241, an Administrative Certificate of Appropriateness (ACOA) is typically required for a WTS facility that is at a property considered a landmark, or within an Article 10 landmark district. A Minor Permit to Alter (MPTA) is typically required for a WTS that is at a property designated under Article 11 of the Planning Code, or within a designated Article 11 district. No MPTA is required if the subject building is designated as a Category V (Unrated) building and located outside of a designated (named) Article 11 district.

⁹ Personal Wireless Services Facilities are subject to permits from the Department of Public Works; however an ACOA is still required if located within an Article 10 landmark districts.

stucco elements, while still allowing radio waves to pass through the screening elements. In previous years there has not been a robust consistency of Department application with respect to how height limits are applied to screening elements.

One area of challenge with existing height limit rules is that while a given Project Site may seem to be a compatible and scale-appropriate candidate for a rooftop-mounted Micro/Macro WTS facility; the height limits in place may preclude antenna and equipment screening on buildings that exceed the current height limit. This precludes the use of appropriate screening elements such as faux penthouses or vent pipes on the existing building.

The proposed Planning Code change would preserve the City's ability to ensure screening is consistent with applicable design review criteria. Screening elements above 40 feet would still be subject to shadow review pursuant to Planning Code Section 295.

Ten Year Time Limits for WTS Facilities Permitted as Conditional Use: The proposed change would place a ten-year time limit on any Conditional Use Authorization for a WTS facility approved after the effective date of the proposed ordinance.

The current Planning Code does not currently impose a time limit for any WTS facilities. However, Article 25 of the Public Works Code places a ten-year time limit on permits for wireless facilities located in the public right-of-way.

The proposed change would not apply to new "Micro" WTS facilities, which do not typically require a Conditional Use authorization. Nor would the proposed change apply to permitted WTS facilities in C, M, MB, or PDR (except PDR-1-B) zoning districts.

The proposed change would also include a provision that the Planning Commission may choose to delegate subsequent Conditional Use Authorizations, for WTS facilities, to the Director, for subsequent ten-year periods.

The proposed time limit is recommended because it would help address changes to many WTS facilities themselves over time. This change is consistent with the time limits applied to both wireless facilities in the public right of way in San Francisco, and with time limits established for macro WTS facilities (on private property) by many other cities/counties in California.

Land Use Controls: The proposed change would create a more consistent and distinct land use for WTS facilities throughout relevant portions of the Planning Code. It would also clarify that "Macro" WTS facilities are conditionally permitted on rooftops of two or more story buildings in the Inner Sunset, Pacific Avenue, and West Portal Neighborhood Commercial Districts (NCDs).

Currently, Articles 7 and 8 of the Planning Code classify WTS facilities within the same land use class of "Public Use."

In nearly every NCD in San Francisco, Public Uses are allowed on the first, second, and "three+" stories of buildings. However, in three specific NCDs (Inner Sunset, Pacific Avenue, and West Portal), Public Uses are restricted to just the 1st or the 1st and 2nd floor. This tends to effectively preclude rooftop macro WTS facilities that are typically placed on buildings with three or more stories (to achieve sufficient height for signal coverage and a design that is scale/context appropriate). This also tends to preclude antennas hidden within business blade signs if placed on a building façade parallel to the third-story.

The proposed code change would create a distinct land use for WTS facilities throughout the Planning Code and clarify where they are permitted, prohibited, and permitted with a Conditional Use authorization.

Definition of WTS facilities: The proposed changes are intended to:

- Provide a clearer definition of WTS facilities that recognizes the varying types of infrastructure.
- Clarify that a WTS facility may be located outside of an enclosed building.
- Differentiate WTS facilities from small receiving systems such as personal satellite dishes, TV antennas, and customer-serving small microwave dishes;¹⁰ from neighborhood serving WTS facilities and AM/FM/TV broadcast facilities.
- Clarify that WTS facilities are also subject to the WTS Facility Siting Guidelines, in addition to Planning Code provisions.
- Provide a new definition for a Micro WTS facility (typically 1 to 2 antennas and smaller equipment than a typical Macro WTS facility) consistent with previous determinations by the Zoning Administrator.
- Provide a definition for a temporary WTS facility as described further below.

Temporary WTS Facilities: The proposed change would provide a process for review and potential approval of temporary WTS facilities that is not currently addressed in the Planning Code.

Temporary WTS facilities are not typically needed in areas, other than some City parks, where WTS facilities would typically require a Conditional Use authorization, such as NC districts, but a primary example of when they are needed would be when an office building with an existing (permanent) rooftop-mounted WTS facility is demolished or substantially altered. The proposed code language would allow Planning Department staff to review applications for Temporary WTS facilities. This would enable the Department to ensure that any temporary WTS facilities are minimally intrusive and installed for as limited duration as needed, and for a maximum period of one year. Further, this change would require that permits for WTS facilities in excess of 90 days would be subject to Planning Code Section 311 and 312 neighborhood notification.

The proposed provision would also articulate the process for wireless networks to be brought back online in the event of a major disaster, such as an earthquake, without the need to obtain any special exemptions.

Parkmerced Special Use District: The proposed requirement that findings for WTS facilities requiring a Conditional Use authorization would comply with both the Parkmerced required conditional use findings, and the findings required by Section 303 (for Conditional Uses in nearly all zoning districts) of the Planning Code, is intended to provide consistency in the findings required for WTS facilities.

¹⁰ Typically used by Wireless Internet Service Providers, or “WISPs” to provide in-building broadband connectivity.

Folsom and Main Residential/Commercial Special Use District (SUD): The proposed change would strike the requirement that WTS facilities obtain a Conditional Use authorization. This language is essentially duplicative since Macro WTS facilities are already permitted as a Conditional Use in this SUD by virtue of the underlying RC-4 zoning district. Micro WTS facilities would change from being potentially approved as an Accessory Use, to being permitted.

Bernal Heights Special Use District (SUD): The proposed change would indicate that WTS facilities (and by extension screening elements) are exempt from height limits. This change would likely have only limited effect as the majority of Bernal Heights is zoned RH-1 where WTS facilities are disfavored, though not prohibited.

Sutro Tower: The proposed change would clarify that both property owner (as is currently required) and residential tenant notification is required for properties within 1,000 feet of the parcel containing Sutro Tower; in the event that a building permit is filed. The proposed change would provide consistency with past practice of notifying residential tenants in addition to property owners.

Other proposed changes:

- Use of a consistent term for WTS facilities throughout the Planning Code.
- Strike the erroneous reference to “commercial” preceding WTS facilities as discussed in Planning Code Section 801.2 (References to Articles 1 and 2 [Temporary]).

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The changing form factors and placement of antennas and equipment, as well as the potential individual and cumulative spatial and other effects of WTS facilities, warrants appropriate updates to the Planning Code to ensure that the community, the Planning Commission, the Historic Preservation Commission, Planning Department staff, and wireless carriers are afforded sufficient opportunities and flexibility to achieve the least-intrusive siting of WTS facilities. Additionally, the proposed changes may have the positive effect of avoiding the challenges associated with both State Laws and “oDAS XL” facilities that are described further below.

The proposed changes are also relevant give the growth in the overall number of wireless facilities and their potential effects within neighborhoods. In the mid-1990s it was estimated that approximately 200

WTS facilities would be required to provide sufficient voice coverage in San Francisco for the various wireless carriers providing personal communications services (“cell phones”). As of 2016, there are approximately 750 Micro/Macro WTS facilities (mostly rooftop-mounted) and nearly 700 Personal Wireless Services Facilities (antennas and equipment on light, transit and utility poles) within the public right-of-way, serving both voice and data services.

The nature of WTS facilities used for Tier 1 PCS providers has also changed over time as the majority of facilities are used to provide not just voice coverage, but also enable mobile data usage. Wireless carriers have added secondary equipment areas near antennas to improve data coverage. Additionally, in some instances primary equipment areas have grown to take up the same size of a shipping container, which can be a concern with respect to avoiding tenant displacement or potential equipment noise. Some wireless carriers have added generators, typically diesel fueled, to some Macro WTS facilities in order to provide additional power in the event of an extended power outage. Lastly, WTS facilities with multiple panel antennas that are between two (2) to four (4) feet tall, are often being replaced with larger panel antennas between five (5) to eight (8) feet tall.

Micro/Macro WTS Facility Challenges

Poorly sited or designed Macro WTS facilities have the potential to create negative effects, such as:

- Impairment to public vistas or historic districts and impairment to views of buildings considered potential or known historic resources including landmark properties that define the City of San Francisco.
- Bothersome noise from cooling fans for equipment cabinets and noise and particulate matter from diesel or natural gas generators.
- Cable trays in front of residential windows within light wells.
- The potential for residential or small business tenant displacement, especially for larger WTS facilities with equipment areas the size of a shipping container.

Due to their small nature, “Micro” WTS facilities generally have less potential to create these challenges. Integrating WTS facilities into the built environment, while avoiding these potential negative effects, and still contending with the preemption and timing challenges found in State and Federal laws, remains a challenge for community members and Planning Department staff. The proposed changes help address this.

Outdoor Distributed Antenna Systems - Large (or “oDAS XL”)

While wireless facilities within the public right-of-way¹¹ are not generally regulated by the Planning Code¹² or WTS Facility Siting Guidelines; certain Planning Code provisions such as current height limit rules for screening elements, and some NCD controls may have the effect of discouraging some rooftop-mounted WTS facilities.

¹¹ Antennas and equipment enclosures on wooden poles owned by utilities.

¹² Personal Wireless Services Facilities also require an Administrative Certificate of Appropriateness (“ACOA”), if located within an Article 10 landmark district.

This may make a larger overall deployment, of potentially bulky and noisy “oDAS XL” facilities on multiple wooden light or utility poles a more “attractive” siting path for wireless carriers.¹³

As described earlier, large wireless facilities in the public right-of-way (especially those featuring equipment cabinets the size of refrigerators) tend to be the most intrusive (and generally disfavored) means of providing coverage and capacity given the dense urban nature of the City, where a utility pole, with noise-generating cooling fans, may be located a mere few feet from a residential bay window.



Crown Castle, for Verizon Wireless “oDAS XL” Personal Wireless Services Facilities, in the Outer Sunset. The bulky nature and potential noise generation from cooling fans on residential streets is disfavored.

Wooden light/utility poles are not owned by the City, but are instead owned by various utility providers, including Pacific Gas & Electric. The City’s jurisdiction over wireless facilities on wooden poles is even more limited, compared to wireless facilities on either private property (e.g. Micros/Macros on rooftops), or on City-owned (steel/concrete) poles or due to State law.¹⁴

The proposed Ordinance would reduce some challenges associated with siting of WTS facilities on rooftops; especially on existing 5+ story mixed-use buildings in neighborhood commercial districts, due to current height limits for screening. This change could allow for less-intrusive siting, given that a single rooftop-mounted Micro/Macro WTS facility can typically provide sufficient coverage and capacity as a



Equipment cabinet for a Personal Wireless Services Facility in front of a residential bay window. Many of the larger cabinets feature cooling fans that may be bothersome to residents.

¹³ Due to factors such as: lower mounting heights, smaller antennas and equipment, and lower RF emissions output.

¹⁴ California Public Utilities Code 7901 grants certain wireless carriers with a Certificate of Public Convenience and Necessity, the same right to be in the right-of-way as “traditional wireline” telephone corporations (telephone wires strung up between wood poles). However, multiple court decisions such as Sprint versus City of Rancho Palos Verdes, and Crown Castle/T-Mobile/Extenet Systems versus the City and County of San Francisco, have affirmed the ability of a City/County to exercise some time, place and manner review. Though, not in a manner that would allow for a blanket prohibition of wireless facilities in residential zoning districts within the public right-of-way (e.g. antennas and equipment on wooden utility poles).

larger overall number of more-intrusive “oDAS XL” Personal Wireless Services Facilities on multiple wooden poles in a given neighborhood.

Outdoor Distributed Antenna Systems – Small Cells (or “oDAS R”)

Recently, the two City agencies that own the overwhelming majority of steel poles in the public right-of-way in San Francisco; the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Municipal Transportation Authority (SFMTA or “MUNI”) have begun licensing light and transit (poles holding up overhead electric lines for bus and rail) for wireless facilities.¹⁵



Extene! Systems, for Verizon Wireless “oDAS R” (or Small Cell) on a steel light pole owned by the City (SF Public Utilities Commission). An antenna is located on top and two computers (equipment) are located midway down the pole. Planning Department staff worked with the Department of Public Works, and the carrier to create a bracket to “screen” one of the computers with road signage.

While wireless facilities in the public right of way are generally disfavored, the small (and noiseless) nature of these facilities (and very low radio-frequency emissions) has generally been considered fairly non-intrusive (assuming an approved design); especially in comparison to some of the bulky, cluttered, and noisy “oDAS XL” wireless facilities typically mounted on wooden light and utility poles.

Overall Wireless Deployment Trends in San Francisco

Wireless technology is a rapid evolving field; though it appears the use of Small Cells (“oDAS R”) on steel poles, when paired with scale and context appropriate Micro and Macro rooftop-mounted WTS facilities, can allow for wireless carriers to provide robust coverage and capacity in a manner that is less-intrusive with respect to neighborhoods in San Francisco.

¹⁵ As of June 2016, approximately 320 “Small Cells” have been constructed on steel light and transit poles in portions of the Mission neighborhood, the South of Market Area (SOMA), and areas both north of Market Street and east of Van Ness Avenue. Transit poles are those poles which hold up overhead electric wires for SFMTA electric buses and rail. Additional “Small Cells” are conceptually proposed on replacement concrete light poles in the Marina.

While not a guarantee of future network characteristics, it has been also observed that as wireless carriers seek to improve data speed and capacity, they are doing so through a densification of their existing networks, This means adding more facilities closer together within the City, with each facility covering a smaller area.

Simply put, the general trend line has been for carriers to install more WTS facilities; commonly utilizing lower power levels to fine tune the radio-frequency emissions where they need the spot coverage and capacity. This approach avoids interfering with other wireless facilities in a given neighborhood by the careful and limited re-use of scarce licensed spectrum.

This densification also extends to indoor wireless systems to provide voice and data coverage in many new buildings and commercial, office, and hospitality (hotel) settings. This type of spot coverage is provided through the installation of indoor small cells (also known as indoor distributed antenna systems, or “iDAS”). Typically, an iDAS system will cover just the interior of a particular building.

In fact, many new mid- and high-rise buildings utilize energy efficient glass, also known as low-emissivity, or “low-e” glass, that feature embedded metals and other elements to improve overall building energy efficiency and to reflect the sunshine. But those same windows elements can substantially degrade the ability of cell signals from sites outside the building from penetrating into the building.

While wireless carriers do on occasion still pursue intrusive “oDAS XL” facilities and poorly designed Macro WTS facilities, the City has been able to see more compatible proposals being approved including approximately 45 new Micro/Macro WTS facilities in the last three years, as a result of more robust staff review, earlier feedback on non-viable proposals, and improved outreach with the community. The proposed code amendments will serve to further the City’s goals of less intrusive wireless siting.

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no direct or indirect physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c) and 15378 of the CEQA Guidelines.



Previously approved AT&T Mobility “Macro” WTS Facility in Telegraph Hill. The facility consists of three (3) faux vent pipes (with a total of three [3] antennas) on the roof, and equipment inside the garage. The initial submittal featured nine (9) vent pipes and was not compatible with the subject building or surrounding neighborhood.

HISTORIC PRESERVATION COMMISSION REVIEW

On June 1, 2016, the Historic Preservation Commission unanimously (7-0) adopted a recommendation of approval (Resolution No. 764).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received thirteen (13) inquiries about the proposed ordinance, and presented the proposed ordinance to the members of “Livable City” and “SF Beautiful.” Information concerning the proposed amendments was sent, via e-mail on multiple instances to nearly every neighborhood group registered with the Planning Department, along with those persons/groups interested in legislative changes, and representatives of: Parkmerced, Treasure Island Development Authority, the Port of San Francisco, the Office of Community Investment and Infrastructure, Sutro Tower Incorporated, the San Francisco Antenna Free Union, the Coalition of San Francisco Neighborhoods, SF Heritage, and various wireless carriers (*AT&T Mobility, Crown Castle, Extenet Systems, LightSquared/Ligado, Mobilitie, MonkeyBrains, NextNav, T-Mobile, Sprint, Verizon Wireless, Webpass, and WiLine*) operating in the City.

The approximately six (6) comments received from community members and seven (7) comments from wireless carriers were largely supportive of the proposed changes, except as noted below. Community members did note concerns with the poor installation quality of many existing installations by wireless carriers, including incomplete or missing screening and installations not in conformance with approved plans.

Verizon Wireless representatives (see Attachment B) objected to creating definitions for Micro & Macro WTS facilities, the 10-year time limit for new Conditional Use Authorizations, review of temporary WTS facilities by the Zoning Administrator, language noting a WTS facility can be located inside or outside an enclosed building, and requiring neighborhood notification for temporary WTS facilities over 90 days.

AT&T Mobility (see Attachment C) similarly objected to some of the proposed changes including the proposed ten-year time limit for Conditional Use authorizations and also noted concerns as it relates to consistency with the WTS Facility Siting Guidelines and the timing of processing applications.

Planning Department staff would note that no changes are proposed to the WTS Facility Siting Guidelines (or 2003 Supplement); and the proposed Planning Code amendments would actually provide more opportunities to realize the goal of least-intrusive siting, that serves as the intent of the Guidelines. Furthermore, the Zoning Administrator has affirmed that indoor serving antennas (also known as “indoor Small Cells,” or “indoor Distributed Antenna Systems,” or the acronym, “iDAS”) are generally not subject to the same review as WTS facilities.¹⁶

¹⁶ iDAS systems do require limited Planning Department staff review to ensure: 1) any interior antennas or equipment do not impair contributing interior spaces (e.g. lobbies) of buildings deemed as historic resources; 2) any exterior rooftop-mounted “donor” antennas/dishes and conduit or cable trays do not impair the subject building; and 3) equipment areas (computer servers) do not displace tenants.

A number of delays in the review of applications can largely be attributed to (various) wireless carriers failing to submit complete applications; providing plans or simulations and radio-frequency emissions reports that are inconsistent with other submittal documents or replete with errors; proposing designs not consistent with design or historic resource standards; failing to conduct structural analysis at design stage (which may force equipment relocations and new reviews); failing to conduct Section 106 review (historic preservation consultation with State and Federal entities); proposing incompatible equipment areas that may lead to tenant displacement or the loss of usable open space below required minimums; failing to construct facilities in a manner conforming with approvals; or making changes to sites (e.g. adding antennas to an existing WTS facility or developing an entire WTS facility) without required permits.

Furthermore, staff would note the Planning Department has created a dedicated position to review WTS and Personal Wireless Service facility applications. In addition, the Historic Preservation Commission has substantially streamlined¹⁷ the historic preservation review process through the use of ACOAs and MPTAs (instead of automatic public hearings before the Historic Preservation Commission) for WTS and Personal Wireless Services Facilities.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Verizon Wireless Letter
- Exhibit C: AT&T Mobility Letter
- Exhibit D: Historic Preservation Commission Resolution No. 764
- Exhibit E: Board of Supervisors File No. 160477

¹⁷ Historic Preservation Commission Motion No. 0241.