



SAN FRANCISCO PLANNING DEPARTMENT

Conditional Use Authorization Appeal 590 2nd Avenue

DATE: March 15, 2021
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Rich Hillis, Planning Director – Planning Department (415) 558-6411
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RE: Board File No. 210240, Planning Case No. 2019-015984CUA
Appeal of Conditional Use Authorization for 590 2nd Avenue
HEARING DATE: March 23, 2021
PROJECT SPONSOR: Misako Hill, 5001 Executive Parkway, San Ramon, CA 94583
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INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Department Case Number 2019-015984CUA pursuant to Planning Code Sections 209.2 (Residential-Mixed Use) and 303 (Conditional Use Authorization) to construct a new rooftop AT&T mobility macro wireless telecommunications facility consisting of installation of ten (10) panel antennas, and ancillary equipment as part of the AT&T mobility telecommunications network.

This memorandum addresses the appeal to the Board, filed on March 1, 2021 by Ann Green, resident at 588 2nd Avenue, San Francisco, CA.

The decision before the Board is whether to uphold, overturn, or amend the Planning Commission’s approval of an application for Conditional Use Authorization to allow the installation of the new rooftop AT&T macro wireless telecommunication facility at the subject property.

SITE DESCRIPTION & PRESENT USE

The Project is a corner lot located on the east side of 2nd Avenue, with approximately 25 feet of frontage along 2nd Avenue and 105 feet of frontage along Balboa Street; Lot 026 in Assessor’s Block 1544 within the RM-2 (Residential-Mixed, Moderate Density) Zoning District with a 40-X Height and Bulk District. The site is an approximately 2,625 square foot lot with 25 feet of frontage and a depth of 100 feet. The project site has an existing four-story residential building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the RM-2 Zoning District, immediately adjacent to the RH-2 Zoning District. The immediate context is mixed in character with residential (houses and apartment buildings)

and contains supporting nonresidential uses. The immediate neighborhood includes two-to-four story residential buildings, and nonresidential services. The Angelo J. Rossi Playground is located east of the Project Site. The block-face is characterized by two- to three-story buildings of mixed architectural style.

PROJECT DESCRIPTION

The Project includes a new AT&T Mobility Macro Wireless Telecommunications Services Facility at rooftop consisting of installation of ten (10) panel antennas, and ancillary equipment as part of the AT&T Mobility Telecommunications Network. Antennas and ancillary equipment will be screened within two (2) FRP enclosures.

BACKGROUND

On September 10, 2019, Misako Hill on behalf of AT&T Mobility filed a Conditional Use Authorization Application with the Planning Department to construct a new macro wireless telecommunications facility at 590 2nd Avenue.

On September 17, 2020 the San Francisco Planning Commission continued the proposed Conditional Authorization Application after closing public comment.

With this action, the Commission requested that the Project Sponsor conduct a second round of outreach to property owners to determine if other viable locations could meet the coverage needs and or meet a higher preference site in accordance with section 8.1 of Wireless Telecommunications Services (WTS) Facilities Siting guidelines.

In response, the Project Sponsor submitted information regarding the due diligence carried out to determine other viable locations or higher preference sites. The sponsor also conducted an initial outreach to research other locations for sites prior to Commission's request. The project sponsor also submitted redesigned plans to address neighbor concerns and planning staff recommendations to develop a low impact design to meet the coverage and capacity demands of the neighborhood.

The case was further continued from November 19, 2020 to December 10, 2020, and then was heard at a regularly scheduled meeting on January 28, 2021.

After reviewing the revised project, and taking public comment, the Planning Commission voted to unanimously approve the project with conditions.

CONDITIONAL USE AUTHORIZATION REQUIREMENTS

Planning Code Section 303 establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

ISSUE 1: The proposed project is not in compliance with Finding 7 “Location Preference” as it is situated in a *Disfavored Site* according to the WTS Facilities Siting Guidelines.

RESPONSE 1: The Planning Commission found that due diligence was carried out regarding the feasibility of the siting according to the WTS Facilities Siting Guidelines.

The Project application initially considered the Rossi Pool in the nearby Angelo J. Rossi Playground as a possible site for the installation of the AT&T macro WTS facility. This site was determined not feasible by the SF Recreation and Parks Department because of structural limitations and the substantial alterations that would need to be made to the architecturally significant roofline. Two Alternate Site Analyses, dated July 5, 2019 and November 25, 2020 respectively, were submitted, showing that good faith efforts were taken to secure other Preference 7 sites. 14 other locations were scouted, out of which one alternative, less feasible site was available. However, the resultant design at the alternative site was deemed less aesthetically favorable than the proposed design at the subject site at 590 2nd Avenue. The application showed an existing coverage gap in the AT&T Mobility wireless telecommunications network and included coverage maps that showed the coverage gap potentially closed after installation.

ISSUE 2: The proposed project raises concerns about radio frequency radiation (RF) levels being equal to or greater than the public exposure limit and its impact on residential units that are in close proximity to the installation.

RESPONSE 2: The Planning Commission found that proposed project was properly referred to the Department of Public Health (DPH) for emissions exposure analysis. Further, radio frequency (RF) emissions levels are regulated by State and Federal regulations.

The Project was referred to the Department of Public Health (DPH) for emissions exposure analysis. Radio-Frequency (RF) levels from the proposed AT&T Mobility transmitters at any nearby publicly accessible building or area would be 98% of the FCC public exposure limit, which occurs at the roof of the three-story residences located adjacent to the north.

There are no existing antennas on the rooftop of the subject building. Existing RF levels at ground were presumed to be well below the Federal Communications Commission (FCC) public exposure limit. No other antennas within 100 feet of this site were observed. AT&T Mobility proposes to install ten (10) new antennas. The height to the top of the antennas is approximately 45 feet above the ground. The estimated RF field from the proposed AT&T Mobility transmitters at ground level is calculated to be 0.18 mW/sq cm, which is 23% of the FCC public exposure limit. The three-dimensional perimeter of RF levels equal to the public exposure limit extends 90 feet, and the three-dimensional perimeter of RF level equal to the occupational exclusion limit extends 39 feet; both limits do not reach any publicly accessible areas. Warning signs will be posted at the antennas and roof access points in English, Spanish and Chinese. Workers will not have access to within 39 feet of the front of the antennas while they are in operation.

Additionally, the Planning Commission was informed by the City Attorney's office that radiofrequency emissions (RF) and electromagnetic susceptibility (EMS) are regulated by the FCC.

ISSUE 3: The proposed increase in height of the building adversely affects the adjacent neighbor's access to sunlight and significantly alters the appearance of the building.

RESPONSE 3: The Planning Commission found that the project had been modified to the fullest extent possible to minimize impacts on adjacent buildings.

The proposed screening for the wireless facility was modified to move 2.5 feet away, reduced in height by 3 feet, and minimized the sector count following comments received at a community meeting on November 7, 2018. Additionally, the rooftop installations are set back and screened to minimize visual impact to ensure compliance with FCC regulations.

The Planning Commission also found that the rooftop installations can only be set back by a limited distance to ensure the best coverage and compliance with FCC regulations.

ISSUE 4: The proposed project does not satisfy the Conditions of Approval related to "Screening of WTS Facilities."

RESPONSE 4: The WTS Facilities Siting Guidelines, Section 9 'Building Siting Criteria' establishes guidelines for minimizing the visual impacts of WTS facilities.

The WTS Facilities Siting Guidelines, specifically Section 9 of the Building Siting Criteria, establishes requirements to minimize the visual impacts of the WTS facilities. The requirements state that, to the extent necessary, and to ensure compliance with FCC regulations, "*facilities shall be installed within the existing building envelope; the housing for this equipment shall be low-lying and shall be painted, screened, landscaped or*

otherwise treated architecturally to minimize visibility of the equipment or to otherwise create a visually pleasing feature; if installed on the roof, the facility shall be setback or otherwise located to minimize visibility, especially from the street or public places."

The Planning Commission found that the project had been modified based on the Planning Department's recommendations to set back the equipment from the edge of the building by 6 feet as well as to paint and screen the housing for the equipment to match the appearance of the existing building on which it is installed. Photo simulations of the proposed installation were provided for the Commission's review.

SUMMARY RESPONSE

The Appellant brings up the issue of the proposed siting location's status as a Disfavored Site, for which the Planning Commission found that due diligence had been carried out to research alternative locations. Further, evidence was provided to support the determination that 590 2nd Avenue was the most favorable site. The Appellant also brings up the issue of radio frequency (RF) emission levels, which are not protected by the Planning Code but rather regulated by the Federal Communications Commission. The remaining issues raised by the Appellant deal with the proposed project's compliance with the requirements established by the Planning Code Sections 303, 101.1(b), and Screening requirements for WTS facilities under the Conditions of Approval. On these issues, the Planning Commission concluded that required actions to minimize the visual impacts of the facility by modifying the placement of the sectors, installing required signage, and screening of visible equipment were addressed based on recommendations by the Planning Department.

CONCLUSION

For the reasons stated in this document, in the attached Resolution, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization to install a new rooftop AT&T mobility macro wireless telecommunications facility consisting of installation of ten (10) panel antennas, and ancillary equipment as part of the AT&T mobility telecommunications network at 590 2nd Avenue.