

1 [Wireless Telecommunication Facilities - Moratorium.]

2 **Resolution imposing interim zoning controls to prohibit new wireless**
3 **telecommunication facilities from being erected or placed on any property in the City**
4 **and County of San Francisco falling within Location Preferences 5, 6 or 7 as defined in**
5 **the Planning Department's Wireless Telecommunication Services Facilities Siting**
6 **Guidelines, or within Location Preferences 1 or 2 if a given site would otherwise fall**
7 **under Location Preferences 5, 6, or 7 based on its zoning use category or, for sites**
8 **zoned P (Public), the most restrictive zoning of all adjacent lots pursuant to the San**
9 **Francisco Planning Code, for a six-month period, and making findings of consistency**
10 **with the priority policies of Planning Code Section 101.1.**

11 WHEREAS, In the document entitled "Wireless Telecommunication Siting Guidelines"
12 ("Guidelines") adopted on May 23, 1996 and amended on August 15, 1996, the Planning
13 Commission formulated land use and aesthetic impact policies to govern the placement of
14 certain wireless telecommunication facilities in the City and County of San Francisco; and

15 WHEREAS, The "Location Preferences" section of the Guidelines (Section 8.1)
16 establishes seven location priorities for the installation of wireless telecommunication services
17 ("WTS") and personal communication services ("PCS") facilities in the City and County of San
18 Francisco with category 1 being the most favored sites and category 7 being the most
19 disfavored sites. Location Preferences 1, 2, 3, 4 and 5 are ranked as "preferred," Location
20 Preference 6 is ranked as of "limited preference," and Location Preference 7 is ranked as a
21 "disfavored" location for WTS/PCS facilities; and

22 WHEREAS, The Location Preferences in the Guidelines generally seek to avoid
23 installation of WTS/PCS facilities in residential areas; and,
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1 WHEREAS, With respect to applications for sites in Location Preferences 5, 6, and 7,
2 the Planning Department requires applicants to demonstrate what good faith efforts were
3 taken to secure the use of a more preferred location and to demonstrate how and why the
4 proposed site is essential to meet the applicant's service demands; and

5 WHEREAS, The Planning Department reports that an increasing number of
6 applications are being received for sites that are not "Preferred" sites according to the
7 guidelines; and

8 WHEREAS, The Guidelines have been in effect for almost five years, during which
9 time, as demonstrated by an inventory of existing sites recently created by the Planning
10 Department, carriers have built extensive networks within the City and new technologies have
11 been developed that were not contemplated when the Guidelines were initially adopted; and

12 WHEREAS, It is time for the City to evaluate whether the Guidelines have succeeded
13 in providing for installation of WTS/PCS facilities in the most desirable locations within the City
14 and whether the Guidelines are well-suited to the issues that face the City now as networks
15 continue to develop; and

16 WHEREAS, Planning Code Section 306.7 authorizes the Board to impose interim
17 controls to suspend temporarily the processing of building permits or certain applications for
18 land use authorizations which may be in conflict with a contemplated zoning proposal which
19 the Board of Supervisors is considering or intends to study; and

20 WHEREAS, The procedure for considering and imposing interim controls is set forth in
21 Planning Code Section 306.7; and

22 WHEREAS, A moratorium on the erection or placement of WTS/PCS facilities on
23 property in the City and County of San Francisco that falls within Location Preferences 5, 6 or
24 7 as defined in the Guidelines, or within Location Preferences 1 or 2 if a given site would
25 otherwise fall under Location Preference 5, 6, or 7 based on its zoning use category or, for

1 sites zoned P (Public), the most restrictive zoning of all adjacent lots pursuant to the San
2 Francisco Planning Code, will allow time for review and possible revision of the Guidelines'
3 Location Preference priorities as well as other related evaluations; and

4 WHEREAS, The Board of Supervisors has considered the impact on the public health
5 safety, peace and general welfare if the moratorium is not imposed: and

6 WHEREAS, This interim control is consistent with the purposes of the Planning Code
7 as set forth in Section 101, and with the priority policies of Section 101.1 in that it either has
8 no negative impact on or does not involve: existing neighborhood-serving retail uses, resident
9 employment or business ownership (Policy 1), existing housing and neighborhood character
10 (Policy 2), the City's supply of affordable housing (Policy 3), commuter traffic (Policy 4), the
11 City's industrial and service sectors (Policy 5), earthquake preparedness (Policy 6),
12 preservation of landmarks and historic buildings (Policy 7); parks and open space (Policy 8),
13 and

14 WHEREAS, The Board of Supervisors has balanced the potential hardship on property
15 owners caused by the imposition of the moratorium against the detriment to the public if the
16 moratorium is not adopted; now, therefore, be it

17 RESOLVED, That Board of Supervisors hereby imposes a temporary moratorium
18 prohibiting any City agency, board, commission, officer, or employee from receiving,
19 processing or approving conditional use permit applications for the erection or placement of
20 any WTS/PCS facilities on property in the City and County of San Francisco that fall within
21 Location Preferences 5, 6 or 7 as defined in the Guidelines, or within Location Preferences 1
22 or 2 if a given site would otherwise fall under Locations Preference 5, 6, or 7 based on its
23 zoning use category or, for sites zoned P (Public), the most restrictive zoning of all adjacent
24 lots pursuant to the San Francisco Planning Code; provided, however that the moratorium
25 shall not prohibit action to deny any application which would otherwise be deemed approved

1 during the moratorium pursuant to the California Government Code Section 65950, et. seq.;

2 and, be it

3 FURTHER RESOLVED, That all conditional use permit applications otherwise covered

4 by this moratorium which have been received and deemed complete by the Planning

5 Department as of July 9, 2001 shall not be subject to the terms of this moratorium; and be it

6 FURTHER RESOLVED, That this interim control shall not bar the approval of a permit

7 to alter, replace or reconstruct any lawfully existing WTS/PCS facilities; and, be it

8 FURTHER RESOLVED, That during the temporary moratorium the Planning

9 Department shall: 1) evaluate the priority rankings set forth in Section 8.1 of the Guidelines

10 and evaluate the burdens WTS/PCS carriers must meet to install WTS/PCS facilities in each

11 Location Preference; 2) review categories of telecommunication facilities which have been

12 issued letters of determination by the Zoning Administrator classifying them as accessory

13 uses under Planning Code Section 204; 3) evaluate whether new developments in technology

14 since the Guidelines were adopted should be addressed in the Guidelines; 4) evaluate

15 whether the Guidelines should be amended to encourage the placement of WTS/PCS

16 facilities in public rights-of-way; 5) evaluate whether the fees paid by wireless carriers

17 adequately cover the City's costs related to review of WTS/PCS applications; 6) evaluate the

18 City's current measures to ensure that all WTS/PCS facilities comply with the standards for

19 human exposure to radio-frequency ("RF") radiation adopted by the Federal Communications

20 Commission; and, be it

21 FURTHER RESOLVED, That the Planning Department shall report back to the Board

22 of Supervisors regarding its conclusions on all of the issues identified above, including any

23 proposed revisions to the Guidelines, within five months of the effective date of this resolution;

24 and, be it

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1 FURTHER RESOLVED, That this interim control shall remain in effect for a period of
2 six (6) months from its effective date.

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4 APPROVED AS TO FORM:
5 LOUISE H. RENNE, City Attorney

6 By: _____
7 Sarah Owsowitz-Klein
8 Deputy City Attorney

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