



CATEGORICAL EXEMPTION APPEAL

350 Amber Drive

Date: December 1, 2025
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571
Josh Pollak, josh.pollak@sfgov.org, (628) 652-7493

RE: Planning Record No. 2024-004318ENV
Appeal of Categorical Exemption for 350 Amber Drive

Hearing Date: December 9, 2025
Attachment(s): A – Visual Simulations and Elevations

Project Sponsor: AT&T Wireless c/o Eric Lentz, (805) 895-4394
Appellant(s): Mitchell M. Tsai of Mitchell M. Tsai Law Firm, on behalf of the Diamond Heights Community Association

Introduction

This memorandum and the attached documents respond 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 the proposed 350 Amber Drive project.

The department, pursuant to Article 19 of the California Environmental Quality Act (CEQA) Guidelines, issued a categorical exemption for the project on May 29, 2025 finding that the proposed project is exempt from CEQA as a Class 3 exemption.

The decision before the board is whether to affirm the department's decision to issue a categorical exemption and deny the appeal, or to reverse the categorical exemption and return the project to department staff for additional environmental review.

Site Description and Existing Use

The project site is located at 350 Amber Drive (Assessor's Block 7521, Lot 005), with frontage along Amber Drive to the northwest, Turquoise Way to the west and Duncan Street to the north. The property is owned by the City and County of San Francisco and under the jurisdiction of the San Francisco Police Department

(SFPD), with a lot area of approximately 195,113 square feet (about 4.5 acres). The project site contains three, one-to-two-story buildings, currently occupied and used by the SFPD as its police academy. The buildings are surrounded by paved surface parking.

The project site is located within the P (Public) Zoning District. The immediate area surrounding the project contains residential, recreation, commercial, and institutional uses. The adjacent neighborhood includes two-to-three-story residential development to the west and north, a public park (Glen Canyon Park) to the southwest, St. Nicholas Orthodox Church to the northeast, another public park (George Christopher Playground) to the south and east, and Diamond Heights Shopping Center further east.

Project Description

The proposed project would construct a new AT&T Macro Wireless Telecommunication Facility on a new approximately 104-foot-tall monopole located at the rear of the San Francisco Police Academy, over a paved parking area with a footprint of approximately 550 square feet. The new facility would consist of twelve antennas, nine remote radio units, three tower-mounted surge suppressors, one global positioning system unit mounted on a proposed outdoor equipment cabinet, one walk-up cabinet, and one 30-kilowatt direct current backup generator with a 190-gallon diesel fuel tank on a concrete pad. The ancillary equipment would be surrounded by an eight-foot-tall chain link fence.

Background

The following bullet points provide a chronological summary of the various actions documented in the record related to the proposed project:

- On May 9, 2024, Eric Lentz, authorized agent for AT&T Wireless (hereinafter project sponsor) filed an application with the department for a CEQA determination regarding the proposed project to construct a wireless telecommunications facility.
- On May 29, 2025, the department determined that the project was categorically exempt under CEQA Class 3— New Construction or Conversion of Small Structures — and that no further environmental review was required.
- On September 25, 2025, the planning commission approved the proposed project by granting a conditional use authorization, under Motion No. 21825.¹ The planning commission required several conditions of approval.
- On October 27, 2025, Mitchell M. Tsai of Mitchell M. Tsai Law Firm, on behalf of the Diamond Heights Community Association (appellant) filed an appeal of the categorical exemption determination.
- On November 3, 2025, the department determined that the appeal was timely filed

¹ Available: <https://citypln-m-extnl.sfgov.org/External/link.ashx?Action=Download&ObjectVersion=-1&vault={A4A7DACD-B0DC-4322-BD29-F6F07103C6E0}&objectGUID={FCAEB256-AC76-40F4-84DE-0BB6F84356F3}&fileGUID={A0C8B36E-05B3-4965-95BF-B67F7CD09952}>

CEQA Guidelines

Categorical Exemptions

Pursuant to CEQA Guidelines section 15061, “Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA” [CEQA Guidelines section 15061(a)]. A project is exempt from CEQA if “the project is exempt pursuant to a categorical exemption...and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.” [CEQA Guidelines section 15061(b)(2).]

In accordance with Public Resources Code section 21084, CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), or Class 3, applies to 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.

As discussed below in Response #2, a categorical exemption may not be used when an exception listed in CEQA Guidelines section 15300.2 applies. Among these exceptions are projects where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances [CEQA Guidelines section 15300.2(c)].

Pursuant to CEQA Guidelines section 15300.2(c), lead agencies must apply a two-pronged analysis in determining whether the “unusual circumstances” exception applies. First, an unusual circumstance must exist, and second, the unusual circumstance must give rise to “a reasonable possibility that the activity will have a significant effect on the environment.” It is important to note that it is not enough for an Appellant to claim the project – as a whole – will have a substantial effect on the environment. Rather, an Appellant must show that the specific unusual circumstances themselves will potentially cause that substantial effect.

Standards of Review

The standard of judicial review of lead agency decisions on a project’s qualification for a given class of exemption is the “substantial evidence” standard of Public Resources Code section 21168.5. Under this substantial evidence standard, courts will defer to the agency decision as long it is supported by substantial evidence, even if there is conflicting evidence.

The standards of judicial review for the “unusual circumstance” exception are two-pronged, as follows: An agency’s determination as to whether (or not) there are “unusual circumstances” [CEQA Guidelines section 15300.2 (c)] is reviewed under the substantial evidence standard. On the other hand, an agency’s determination as to whether unusual circumstances result in “a reasonable possibility that the activity will have a significant effect on the environment” is reviewed under the non-deferential “fair argument” standard. Under the “fair argument” standard, the exception to the exemption would apply, and would require additional environmental analysis under CEQA, if the record contains evidence that supports a fair argument that the unusual circumstances may produce a significant effect on the environment.

Substantial Evidence

In determining the significance of potential environmental effects caused by a project, CEQA Guidelines section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines section 15064(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

Planning Department Responses

The concerns raised in the appeal letter are addressed in the responses below. For the reasons explained, the appellant has failed to meet the legal burden of proof to demonstrate that the project does not qualify for a categorical exemption. The department’s determination that the project is categorically exempt under Class 3 is supported by substantial evidence in the record.

Response 1: The proposed project meets the definition of a Class 3 exemption.

The proposed project would add an approximately 104-foot-tall wireless monopole, with an approximately 550-square-foot fenced enclosure on the ground to hold ancillary equipment, including a backup generator.

CEQA Guidelines section 15303, or Class 3, applies to projects proposing the 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. This class, as a whole, includes a wide range of activities concerning new, small facilities or structures, which allows commercial structures up to 10,000 square feet, for example.

The proposed project would be constructed within a small 550-square-foot footprint relative to the 195,113-square-foot lot of the San Francisco Police Academy, and relative to the square footage allowed for commercial structures within the exemption class. While the monopole would reach a height of 104 feet, it would be immediately adjacent to a stand of numerous mature trees that are similar in height. Attachment A (Visual Simulations and Elevations) shows visual simulations of the proposed project from various nearby viewpoints, and elevations of the proposed project. According to the project sponsor, for the monopole to be fully effective in broadcasting wireless signals, it would need to maintain the proposed height over the treetops. While the monopole would be visible, it would not substantially tower over the adjacent trees, given the context. Given the location of the project with trees that are comparable in scale, the project would not appear large in its context. Therefore, because the project proposes to install modestly-sized equipment in a small footprint and with maximum height comparable to the surrounding trees, the project would fit within the Class 3 exemption.

The appellant’s assertion that this class of exemption is “inapposite and incompatible with the substantial and significant development that the Project here proposes” is unsupported by substantial evidence and

mischaracterizes the scale of the project. As presented above, the department's determination is accurate and supported by substantial evidence; the appellant has not demonstrated otherwise.

When a lead agency determines that a project fits within a class of exemption, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."

Response 2: None of the exceptions for categorical exemptions apply to the proposed project.

The Appellant states that the project is not exempt under CEQA because the following exceptions apply: location in a landslide zone, fire hazards, air pollutants, and biological resources in Glen Canyon Park. However, the Appellant fails to provide any supporting evidence for these claims. As outlined below, and supported by substantial evidence, there are no exceptions that would preclude the project from qualifying for a categorical exemption.

CEQA Guidelines section 15300.2 identifies exceptions to the applicability of certain categorical exemptions. When any of the exceptions apply, a project that otherwise fits within a categorical exemption must undergo a higher level of environmental review. As outlined below, none of the exceptions to the applicable categorical exemption apply to the proposed project.

Location

Certain classes of exemptions, including a Class 3, may not be applied "where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." The project site does not contain an environmental resource of hazardous or critical concern, is not within a landslide zone, is not within a high fire danger zone, nor within a natural resources area.

Significant Effect Due to Unusual Circumstances

Pursuant to CEQA, the department applies a two-part analysis to determine whether there is a reasonable possibility of having a significant effect on the environment due to unusual circumstances. The following describes the two parts, or questions, and their applicability to the project.

Part 1 Question: Do unusual circumstances exist?

Part 1 Answer: There are no unusual circumstances surrounding the project.

The lead agency must determine if unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence, as defined above.

The circumstances surrounding the project and the project site are not unusual nor are the project elements. Construction of a new Wireless Telecommunication Facility on a tall monopole near parks, residences, and landslide zones, in the urban context of San Francisco is not a unique or unusual circumstance. There are numerous wireless telecommunication facilities within San Francisco, and many of them are adjacent to parks

and residential areas.² In addition there are several other wireless monopoles (including ancillary equipment and backup generators), throughout San Francisco, including at the Balboa Bart Station, and adjacent to San Francisco General Hospital at 777 Potrero Avenue near Highway 101 (aka Hospital Curve). There is also a recently approved wireless monopole, adjacent to the parking lot at the Palace of Fine Arts.

The issues raised by the Appellant do not rise to the level of “unusual circumstances,” as similar conditions are encountered at other wireless telecommunication facilities at various locations within San Francisco. For the above reasons, the department’s determination that unusual circumstances are not present is supported by substantial evidence; the appellant has not demonstrated otherwise.

Part 2 Question: Would the project result in significant effects due to unusual circumstances?

Part 2 Answer: This question is not applicable, given that no unusual circumstances are present.

As stated above, there are no unusual circumstances surrounding the project.

Considering the above, none of the exceptions to the use of a categorical exemption apply. As such, the project is not required to undergo further environmental review. The Appellant has not met the legal burden of proof to demonstrate otherwise.

For informational purposes, however, even if unusual circumstances were present, the proposed project would not result in a significant effect on the environment. This includes effects addressed in the exceptions to a categorical exemption discussed in this response, as well as the topics discussed in Responses 3 through 6, below.

Hazardous Waste

A project that is located on a site that is listed as a hazardous waste site pursuant to Section 65962.5 of the California Government Code may not be categorically exempt. The project site is not listed as a hazardous waste site by the state.

Historical Resources

A categorical exemption cannot be applied to a project that “may cause a substantial adverse change in the significance of a historical resource.” No known historical resources are present at or neighboring the project site. As a consequence, the installation of a wireless telecommunications services facility would not cause a substantial adverse change in the significance of a historical resource.

Conclusion regarding Exceptions to Categorical Exemption

Considering the above, the proposed project fits within the Class 3 categorical exemption and none of the exceptions are triggered. As such, the project is not required to undergo further environmental review. Moreover, since the proposed project qualifies for an exemption, mitigation measures cannot be applied to the project. The appellant has not demonstrated that the department’s CEQA determination for the proposed project is not supported by substantial evidence in the record.

² See <https://sfplanninggis.org/wireless/> for a map of existing and proposed wireless facilities throughout San Francisco.

Response 3: For informational purposes, the proposed project does not present any unusual circumstances that would give rise to a significant impact related to geology and soils.

There are no unusual circumstances surrounding the project related to geology and soils. Thus, the following analysis of geology and soils is provided for informational purposes only.

To ensure that the potential for adverse effects related to geology and soils are adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code, including the building department's administrative bulletins. The building department also provides implementing procedures in its information sheets. Compliance with these building codes and procedures ensures the safety of all new construction in the city.

The project site is not in a seismic hazard zone for landslides. Rather, it is located approximately 50 feet from an area that is deemed a seismic hazard zone for landslides. During the building department's review of the building permit, the building department will review the project construction plans for conformance with the building code. The building department may require a geotechnical or other additional site-specific report(s) through the building permit review process and its implementing procedures, as needed. The building department's review of the building permit application pursuant to its implementation of the building code would ensure that the proposed project would not result in any significant impacts related to soils, seismicity, or other geological hazards.

Response 4: For informational purposes, the proposed project does not present any unusual circumstances that would give rise to a significant impact related to fire risks related to accidental fires or wildland fires.

The appeal letter raises the concern about fire risks and hazards from the monopole and the associated fuel tank given the surrounding wooded area. There are no unusual circumstances surrounding the project related to fire hazards. Thus, the following discussion of the project's impacts related to fires is provided for informational purposes only.

San Francisco is not located in a wildfire hazard zone, as shown in the Fire Hazard Severity Zones map, which is mapped by Cal Fire, per mandates under the California Public Resources Code sections 4201-4204.³ The proposed project would be required to meet the state and local fire codes, which include specific requirements for cellular antenna sites and placement of diesel generators.⁴ These code requirements are intended to ensure fire and life safety, fire prevention, and property protection. Therefore, the project would not result in any significant impacts related to wildland fires.

Response 5: For informational purposes, the proposed project does not present any unusual circumstances that would give rise to a significant impact related to air quality impacts.

³ Available: <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>

⁴ Available: <https://sf-fire.org/206-submittal-requirements-cellular-antenna-sites>

There are no unusual circumstances surrounding the project related to air quality impacts. All of the monopole facilities in San Francisco include diesel-powered backup generators similar to the proposed project. Thus, the following analysis of air quality is provided for informational purposes only.

The proposed project would utilize a 30-kilowatt diesel-powered backup generator. The appellant claims that diesel fuel tanks are known to leak air pollutants and that the project would create exposure to air pollutants, but does not provide substantial evidence to support this assertion. In general, the Bay Area Air District is the regional agency that is responsible for permitting diesel-powered backup generators. The Bay Area Air District does not require a permit for diesel-powered backup generators that have a capacity of less than 50 brake horsepower⁵ (approximately 37 kilowatts), such as the proposed project. Similarly, a 160-gallon above-ground diesel fuel tank would not require a permit from the Bay Area Air District, since it would have a volume of less than 1 meter cubed (264 gallon).⁶ The Bay Area Air District states that pieces of equipment such as these small backup generators and fuel tanks can be considered to be insignificant sources of air pollution.⁷ Therefore, the project would not result in any significant impacts related to air quality.

Response 6: For informational purposes, the proposed project does not present any unusual circumstances that would give rise to a significant impact related to biological resources impacts.

There are no unusual circumstances surrounding the project related to biological resources. Thus, the following analysis of biological resources is provided for informational purposes only.

The project site is located adjacent to the Christopher Diamond Softball Field and Glen Canyon Park. The San Francisco Recreation and Parks Department published a Significant Natural Resource Area Management Plan in 2006.⁸ The plan included a detailed assessment of Glen Canyon Park,⁹ including sensitive species that are found with the natural area boundary. However, in the assessment, the natural area boundary is not coterminous with the boundaries of the park, but rather is approximately 200 feet away from the project site. The portion of the natural area that is closest to the project site is also designated as Management Area 3, which is the least sensitive type of habitat, found to be covered with urban forest and invasive grasslands. Therefore, the assessment of biological resources by the Recreation and Parks Department found that while the interior portions of the adjacent park (which is not part of the project site) supports sensitive species, the natural area boundary is not near the project site, and could not be reasonably affected by construction or operation of the proposed project. Therefore, the project would not result in any significant impacts related to biological resources.

Conclusion

The department has determined that the proposed project is categorically exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of one or more of the classes of projects that the Secretary of Resources has found do not have a significant effect on the environment, and

⁵ Available: <https://www.baaqmd.gov/permits/apply-for-a-permit/engine-permits>

⁶ Available: https://www.baaqmd.gov/~media/dotgov/files/rules/refinery-rules-definitions/rg0805_20211103-pdf.pdf

⁷ Available: <https://www.baaqmd.gov/en/permits/permitting-manuals/engineering-policy-and-procedure-manual>

⁸ Available: <https://sfrecpark.org/1402/Natural-Resource-Management-Plan>

⁹ Available: https://sfrecpark.org/DocumentCenter/View/8522/63QShaughnesy_GlenPark

(2) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a Category 3 categorical exemption are applicable to the project. The appellant has failed to demonstrate that the department's determination is not supported by substantial evidence in the record.

For the reasons stated above, and in the May 29, 2025 CEQA categorical exemption determination, the CEQA determination complies with the requirements of CEQA and the department correctly determined that the project is exempt from further environmental review pursuant to the cited exemption. The department therefore respectfully recommends that the board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.



Existing



Proposed



view from lot adjacent to Diamond Heights Boulevard looking southwest at site

Existing



Proposed



Proposed AT&T
Installation

view from field adjacent to Diamond Heights Boulevard looking northwest at site

Existing



Proposed



view from Diamond Heights Boulevard looking west at site

Existing



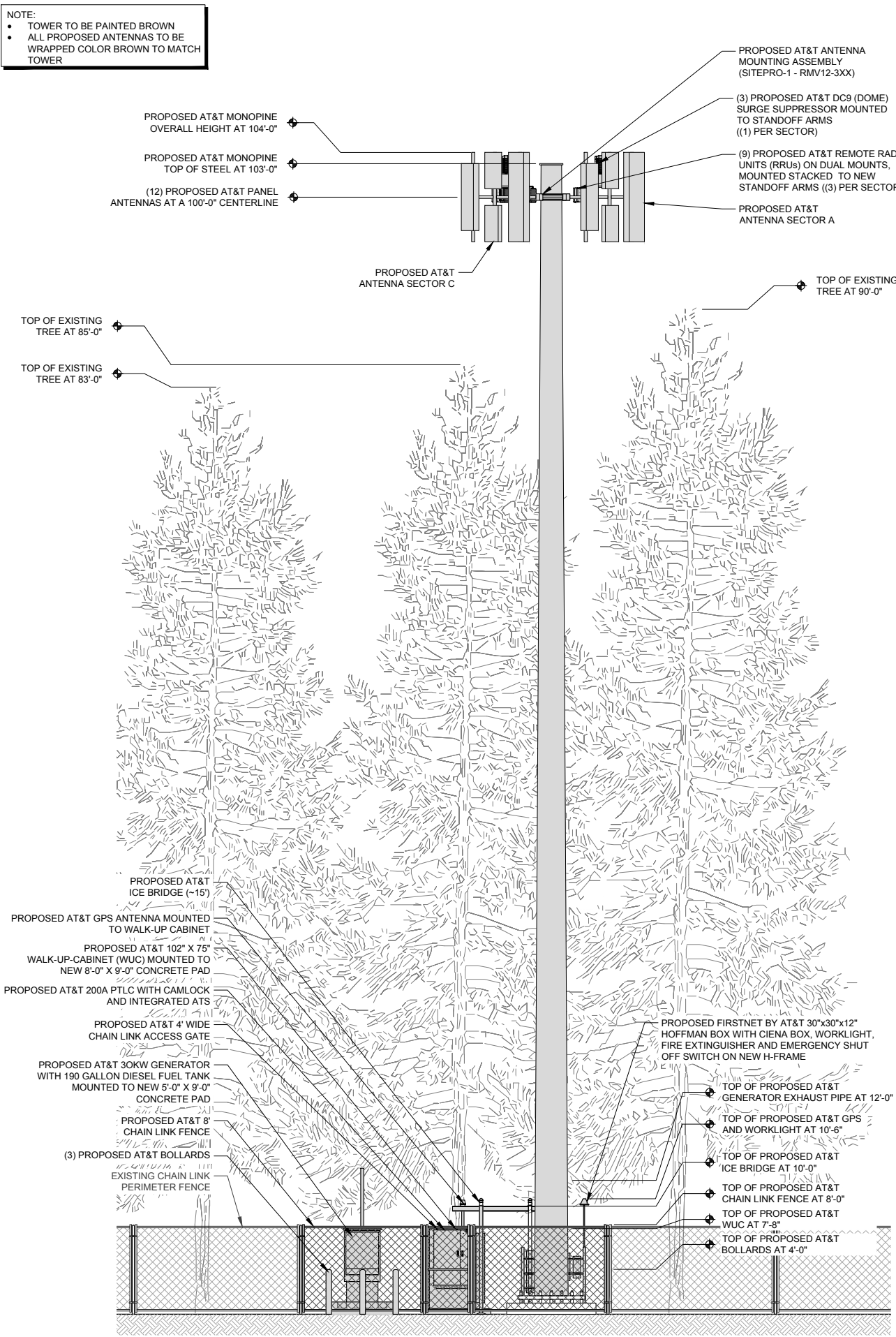
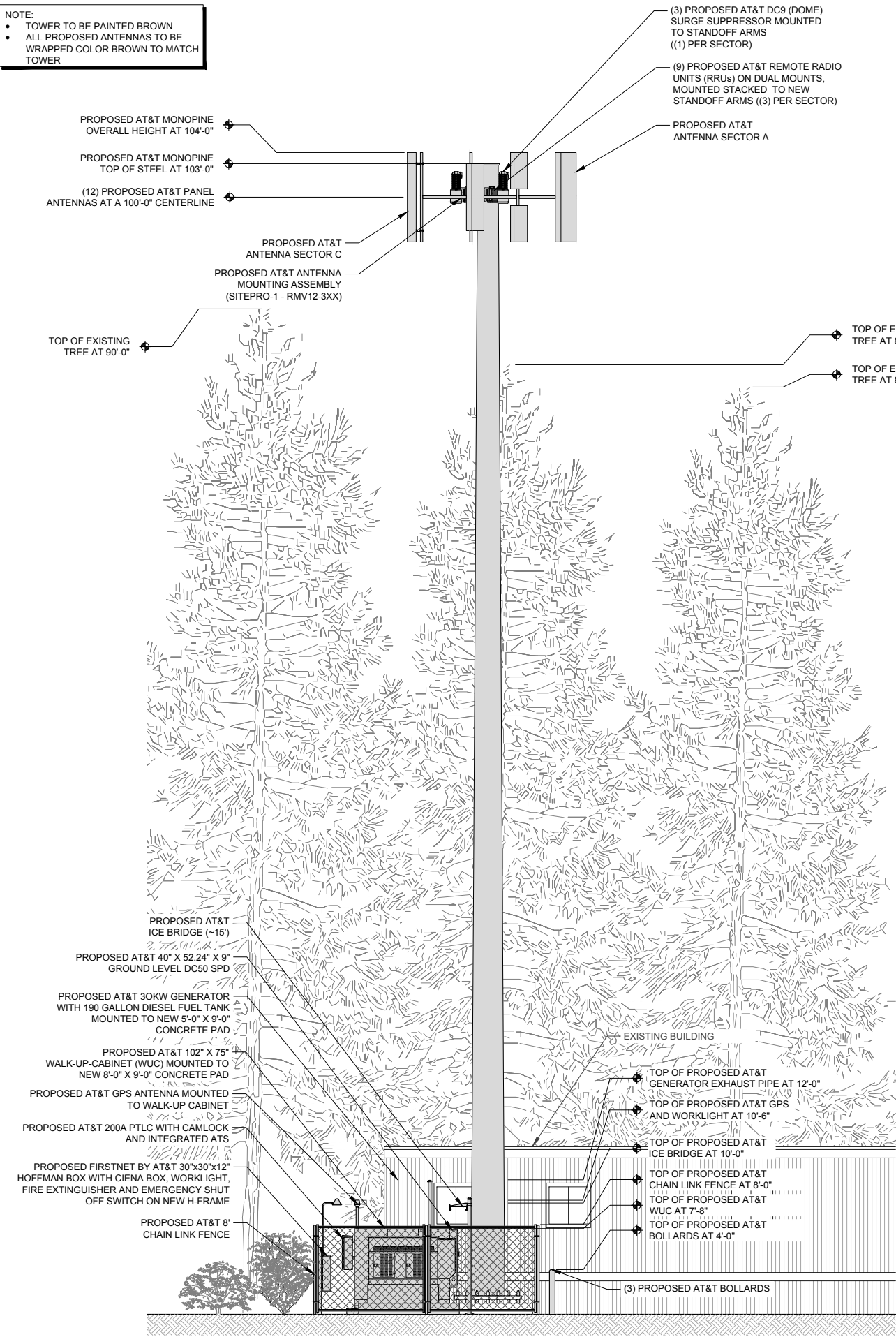
Proposed



view from Amber Drive looking southwest at site

NOTE:
• TOWER TO BE PAINTED BROWN
• ALL PROPOSED ANTENNAS TO BE WRAPPED COLOR BROWN TO MATCH TOWER

NOTE:
• TOWER TO BE PAINTED BROWN
• ALL PROPOSED ANTENNAS TO BE WRAPPED COLOR BROWN TO MATCH TOWER



PROJECT INFORMATION:

CCL05350
SF POLICE ACADEMY

350 AMBER DRIVE
SAN FRANCISCO, CALIFORNIA 94131

PREPARED FOR



5001 EXECUTIVE PARKWAY
SAN RAMON, CALIFORNIA 94583

VENDOR:



SPECTRUM SERVICES, LLC
4850 WEST OQUENDO ROAD
LAS VEGAS, NEVADA 89118
PHONE: (702) 367-7705
FAX: (702) 367-8733

AT&T SITE NO: CCL05350

PROJECT NO: _____

DRAWN BY: R. CRUZ

CHECKED BY: R. MARTINEZ

APPROVED BY: C. WENER

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	01/30/24	90% ZONING	R.C.
0	02/06/24	100% ZONING	R.C.

LICENSURE:

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE:

NORTHEAST AND
SOUTHEAST
ELEVATIONS

SHEET NUMBER

A-4

SOUTHEAST ELEVATION

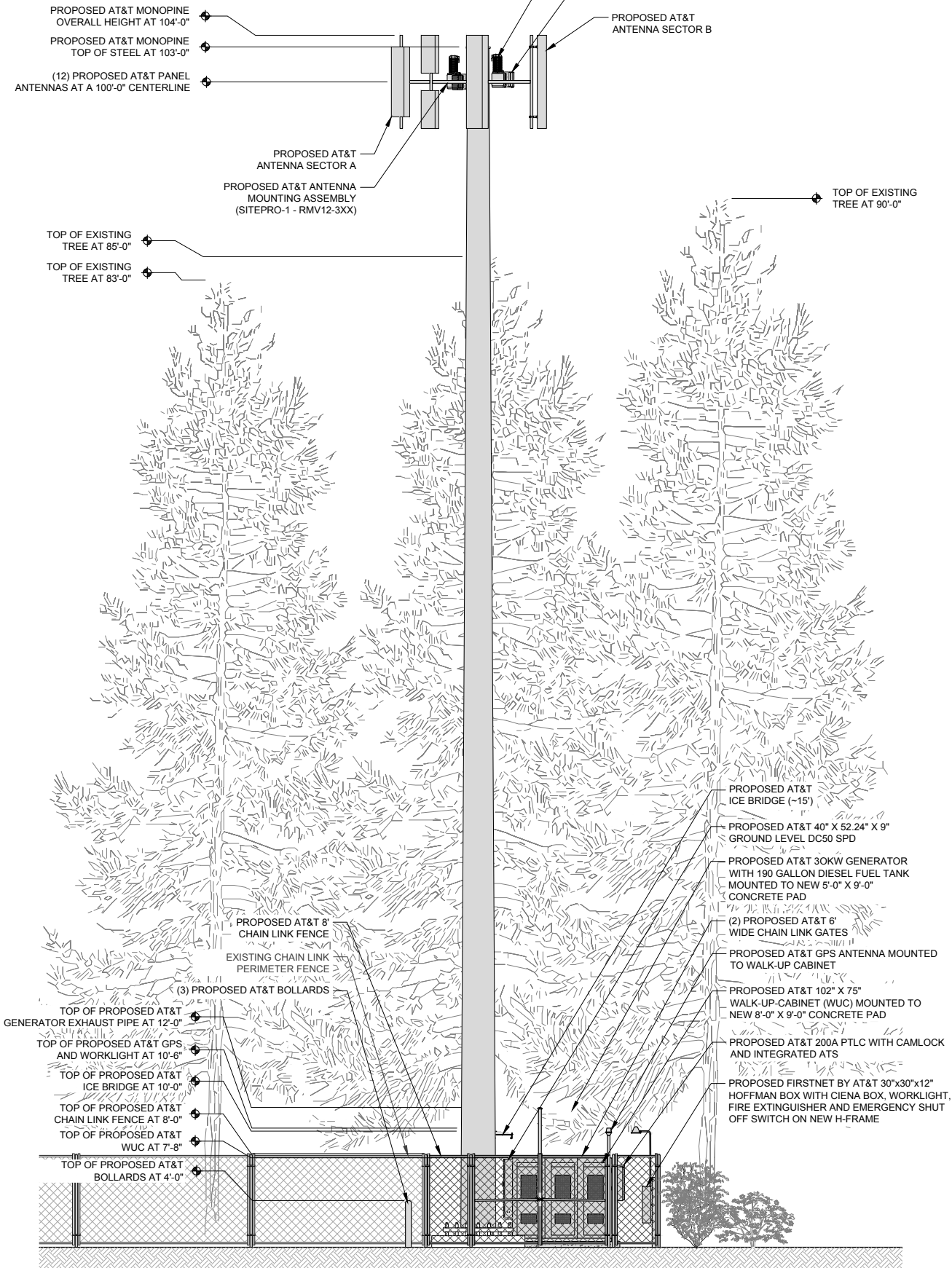
11" X 17" SCALE 24" X 36" SCALE
1" = 12' 1" = 6'

2 NORTHEAST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 12' 1" = 6'

1

- NOTE:
- TOWER TO BE PAINTED BROWN
 - ALL PROPOSED ANTENNAS TO BE WRAPPED COLOR BROWN TO MATCH TOWER



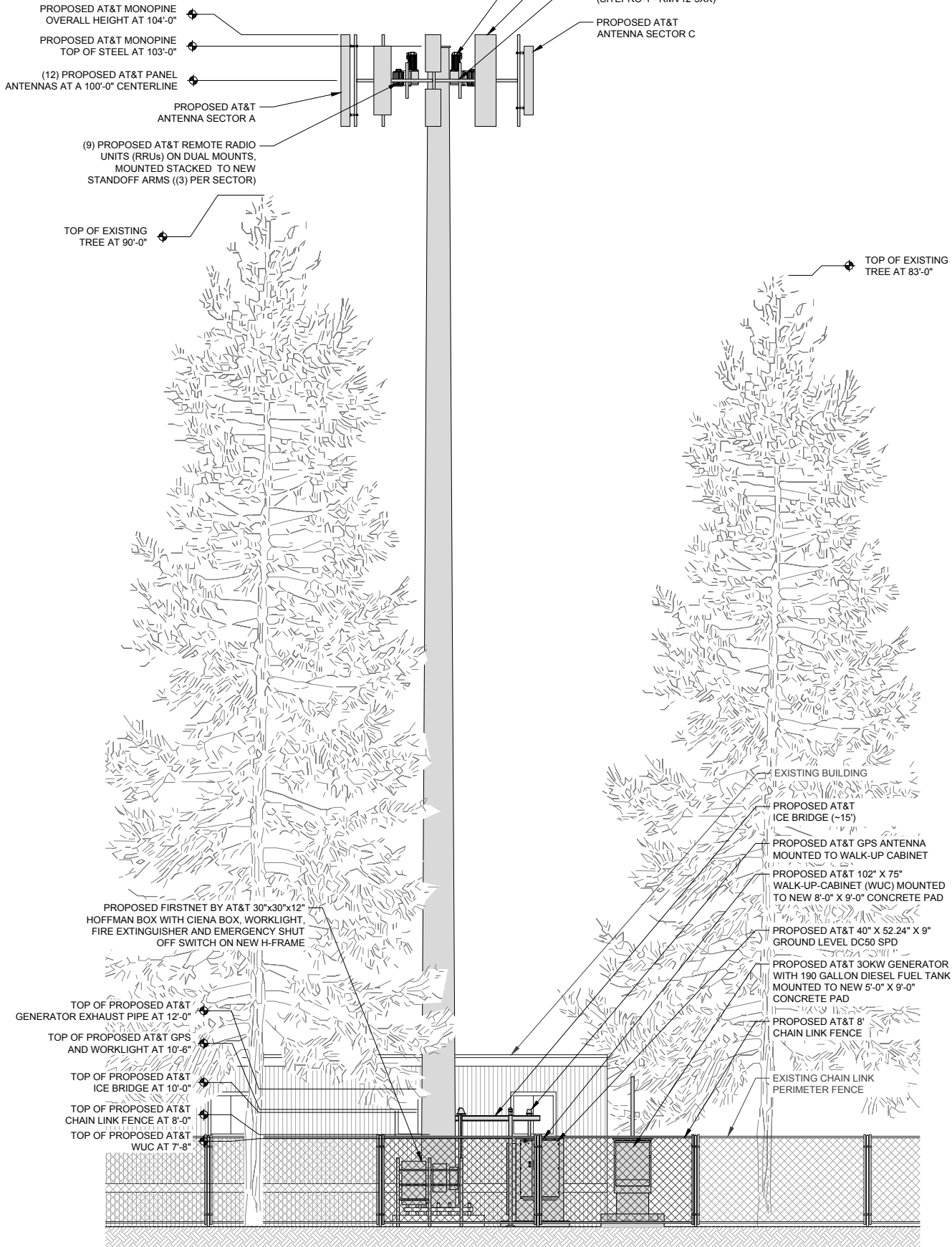
NORTHWEST ELEVATION

11" X 17" SCALE 24" X 36" SCALE
1" = 10' 1" = 5'

2

SOUTHWEST ELEVATION

- NOTE:
- TOWER TO BE PAINTED BROWN
 - ALL PROPOSED ANTENNAS TO BE WRAPPED COLOR BROWN TO MATCH TOWER



11" X 17" SCALE 24" X 36" SCALE
1" = 10' 1" = 5'

1

PROJECT INFORMATION:

CCL05350
SF POLICE ACADEMY

350 AMBER DRIVE
SAN FRANCISCO, CALIFORNIA 94131

PREPARED FOR



5001 EXECUTIVE PARKWAY
SAN RAMON, CALIFORNIA 94583

VENDOR:



SPECTRUM SERVICES, LLC
4850 WEST OQUENDO ROAD
LAS VEGAS, NEVADA 89118
PHONE: (702) 367-7705
FAX: (702) 367-8733

AT&T SITE NO: CCL05350

PROJECT NO: _____

DRAWN BY: R. CRUZ

CHECKED BY: R. MARTINEZ

APPROVED BY: C. WENER

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	01/30/24	90% ZONING	R.C.
0	02/06/24	100% ZONING	R.C.

LICENSURE:

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE:

SOUTHWEST AND
NORTHWEST
ELEVATIONS

SHEET NUMBER

A-5