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Via Email

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RE: Planning Case Number 2018-012648CUA - Saint Ignatius Stadium Lighting Project

Honorable Members of the Board of Supervisors:

I am writing on behalf of the Saint Ignatius Neighborhood Association (SINA) concerning the proposal to install stadium lighting and a telecommunications tower at the Saint Ignatius athletic field ("Project") as a Conditional Use (Planning Case No. 2018012648CUA). SINA is an association comprised of over 165 neighbors who live in the area surrounding Saint Ignatius College Preparatory, located at 2001 37th Avenue in the Sunset District.

Pursuant to San Francisco Administrative Code Section 31.16(e), SINA hereby appeals the San Francisco Planning Department's June 3, 2020 issuance of a categorical exemption from the California Environmental Quality Act ("CEQA") for the Project (Exhibit A) and the San Francisco Planning Commission's approval of the Project on July 23, 2020 (Exhibit B).

The Project proposes to add four 90-foot tall light towers to the J.B. Murphy Field Stadium (field) at St. Ignatius College Preparatory (SI), a private secondary school located in a residential neighborhood in the Sunset District of San Francisco. The light towers are intended to allow for up to 150 nights a year of weekday and weekend evening use of the field for practice, games and events lasting until 9:00 p.m. and on 20 evenings per year until 10:00 p.m. In addition,

on the proposed northwest light tower, the Project seeks to install and operate a Verizon Wireless telecommunication service facility, consisting of nine antennas, six remote radio units and ancillary equipment located within a fenced adjacent compound.

The light and wireless towers would be by far the tallest structures in the area of the affected Sunset District neighborhood, exceeding the 40 foot height limit for this area by more than a factor of two. At this time there is no lighting at the field, which means the Project proposes a significant expansion of use of the field in the evening hours from 5-6 p.m. in the fall and winter seasons to 9-10 p.m. under the proposed Project. This change in use accompanying the Project will have new and potentially significant impacts on residents surrounding the stadium due to evening light pollution and glare, as well as noise, traffic and parking impacts caused by the change in the timing of events into the evening and nighttime hours and the aesthetic impacts of four 90 foot towers suddenly appearing in the neighborhood.

Despite the potentially significant impacts of this major change in the field facility, including a shift from daytime to nighttime sports activities, the Planning Department chose to exempt this Project from CEQA review. As presented in SINA's prior comments, a CEQA exemption for this major project is contrary to CEQA law, case decisions and standard practice in which the conversion of stadiums to lighted athletic fields typically requires the preparation of an environmental impact report (EIR). SINA appeals the Planning Department's and Planning Commission's actions as contrary to CEQA as well as good public policy, which requires the potentially significant impacts of this new lighting and change in use to be evaluated in a CEQA process rather than summarily dismissed as insignificant by planning staff.

BASIS FOR APPEAL - VIOLATION OF CEQA

In this appeal, SINA challenges the Planning Department's determination that the Project is exempt from CEQA review as a Class 1 Existing Facility, or a Class 3, New Construction. SINA appeals this determination, which is contrary to CEQA. First, the Project itself does not fit within either of these proposed exemptions. Second, even if an applicable CEQA exemption *did* apply, the Project in this case clearly has the potential for significant impacts due to its unusual size and new change of use being introduced into the evening hours of the neighborhood, in which case the CEQA exceptions to exemptions would apply, thereby requiring CEQA review. *See* 14 Cal. Code Regs. (CEQA Guidelines) § 15300.2.

The Project before the Board is a large construction that will introduce lighted evening sports activities into a low light residential neighborhood for up to 150 nights during the fall and winter evenings until 9 or 10 p.m. This is a drastic change with foreseeable significant impacts to residents due to light and glare pollution and the aesthetic impacts of the large towers, as well as increased evening noise, traffic and parking, particularly for the 20 events a year lasting until 10 pm envisioned by the Project. As is true for other lighted sports stadium projects being considered in California, CEQA review is required for light stadium projects such as this one. *See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal. App. 4th 1013 (requiring

EIR for stadium light project.); Supplement to SINA Advance Submission filed on June 9, 2020 (Supplemental Submission) pp. 2-4 (listing lighted stadium projects requiring EIR). Such review is necessary to assess adequately the significance of these adverse impacts, *see* Pub. Res. Code § 21065 (“project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment”); *id.*, § 21068 (significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment”); and whether there is mitigation or project alternatives that can avoid or substantially lessen their worst effects. *See* Pub. Res. Code § 21002.

Instead in this instance, the exemption process has made a mockery of the required CEQA review. The proposed exempt Project contains no traffic or parking analysis that addresses the substantial changes that may occur from shifting over 150 games and practices a year into the late evening hours. *See Taxpayers for Accountable School Bond Spending, supra*, 215 Cal. App. 4th 1013 (EIR required to study traffic and parking issues for lighted stadium project.) There is no noise study but instead simply a conclusory assertion that the Project “would not result in substantial permanent increase in ambient noise levels in the project vicinity or expose persons in excess of noise level standards,” notwithstanding that noise levels at events would logically be expected to increase due to higher expected attendance, as well as creating high noise levels in the more sensitive evening hours as compared to noise occurring earlier in the day.

Finally, rather than completing a photometric study with narrative explanation for why light spillage, glare and constant blue light glow every winter and fall evening does not have the potential for significant aesthetic impacts to adjacent residents, the Planning Department’s report simply references the opinion of staff that lighted field projects do not have the potential for adverse impacts on the surrounding local community. The Department apparently backs up this subjective finding with printout sheets of a light modeling run by SI’s consultant Musco, without any narrative explanation of how tests were run, and which itself reveals levels of light trespass and glare that greatly exceed generally accepted community standards for residential neighborhoods. *See* St. Ignatius Sports Lighting Proposal Response, Kera Lagios, LEED AP, dated July 7, 2020 (Lighting Proposal Response), submitted with SINA’s 2nd Supplement to Advance Submissions dated July 22, 2020 (Second Supplement).

This approach does not comply with CEQA. CEQA review allows the public to meaningfully consider information presented in a CEQA review document that has analyzed the potential adverse environmental impacts of a project. *See e.g., Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (CEQA process “protects not only the environment but also informed self-government.”) Here, the public has not been given that opportunity. The Board should grant SINA’s appeal on this matter and remand to the Planning Department to conduct an initial study, the required first step in the CEQA review process.

A. The Project is Not Subject to the Planning Department’s Claimed Exemptions.

Under CEQA, categorical exemptions are reserved for classes of projects that have been

determined not to have significant impacts on the environment. *See* CEQA Guidelines § 15300. For that reason, categorical exemptions under CEQA should be narrowly construed to ensure that they are not applied in a manner that exempts a project that was not envisioned under any of the CEQA exempt classes.

A lighted stadium project such as this one in a residential community is not a project that as a ‘class’ can be determined not to have potentially significant impacts on the surrounding neighborhood. In contrast, due to the predictable light pollution and issues arising out of increased nighttime use involving games and events, such projects are normally subjected to full CEQA review. *See* Supplemental Submission, pp. 2-4. The Project in this case is no different than any other lighted stadium facility and cannot be exempted from CEQA review.

1. The Project Does not Fall Within the Class I Exemption for Existing Facilities.

The Class One exemption under CEQA Guidelines § 15301 is not applicable to a stadium lights project that will create an entirely new source of light pollution and glare, meanwhile expanding stadium use into the nighttime hours to 9 or 10 pm on over 150 nights per year with accompanying noise, traffic, parking and other adverse effects on the local neighborhood.

The Class One exemption “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” CEQA Guidelines § 15301. The exemption envisions different types of existing facilities, but notes that “[t]he key consideration is *whether the project involves negligible or no expansion of use.*” *Id.* (emphasis added.)

None of the exempt projects listed under this exemption remotely resemble the proposed Project, a new lighted stadium facility in which new nighttime lighting and evening athletic games and events will now be allowed to occur. *See id.* §§ 15301(a)-(o).

The Department defends its Class 1 exemption determination by characterizing the Project as “[i]nterior and exterior alterations” or “additions under 10,000 sq. ft.” But the construction of four light towers of 90 feet and a wireless cell phone tower facility is not a ‘minor alteration’ of an existing structure; instead the new facility will exceed local height standards for this zoning district by over two fold. Further, the towers are 1) not an ‘existing structure’; and 2) not a ‘building’ for which this exemption standard might be applicable. The conversion of the existing stadium into a lighted facility is not a ‘minor’ structural alteration, it is a new development with new light impacts on the surrounding neighborhood.

More fundamentally, the Project proposes not a ‘negligible’ but rather a considerable “expansion of use,” 150 games and events into the late evening hours, with accompanying lights, noise, traffic and parking impacts. Surprisingly, the Planning Department appears to have ignored this impact in its exemption decision, asserting instead that “[t]he proposed addition of lights at the

existing facility would not expand the use of such facility” because “the proposed lights would shift the existing use to later times in the day and/or days of the week.” This assertion completely ignores the Project purpose, which is to expand the level of use by increasing the times available for athletic games and events and allowing more spectators to attend in the later evening hours. Allowing this expanded use to occur in the evening (versus daytime) hours is itself an ‘expansion’ of use in that use previously limited to daylight hours is now expanded into the evening hours with foreseeable greater impacts on affected residential communities living next door to the proposed Project.

2. The Project Does not Fall Within the Class III Exemption for New Construction

The Class Three exemption under CEQA Guidelines § 15303 for new construction is not applicable to a stadium lights project that will create new light pollution and glare, noise, traffic and parking into the nighttime hours to 9 or 10 pm on over 150 nights per year within a residential neighborhood.

The Class Three exemption, also known as the ‘infill exemption,’ “consists of 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.” CEQA Guidelines § 15303. Examples provided by this section are “[o]ne single-family residence, or a second dwelling unit in a residential zone,” a “store, motel, office, restaurant or similar structure....not exceeding 2500 square feet in floor area” or 10,000 square feet in urbanized areas, “[w]ater main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length,” “garages, carports, patios, swimming pools, and fences.” CEQA Guidelines §§ 15303(a)-(f).

The Department lists its Class Three exemption as applying to “[u]p to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft.” The Department provides no other explanation for how a new lighted sports facility extending games and events to 9-10 p.m. into a residential neighborhood falls within any of these categories.

Here, the 90 foot light towers erected to allow for nighttime sports activities in a residential neighborhood is a completely different project than the ‘small structures’ described in the exemption such as a garage, patio or a residence. The Department’s reference to the exemption’s 10,000 square footage limits demonstrates this incongruity, as the issue with 90 foot, lighted towers has nothing to do with the square footage of a building on the ground, but rather the excessive height of the structures as well as the construction of lighting apparatus that will permanently allow games and events to be played into the late evening. Nor can the new towers and lights be considered simply a ‘utility extension’ that would be accessory to standard infill development such as a “store, motel, office, restaurant or similar structure.” Instead, they comprise a new lighted stadium facility with potentially significant impacts on the neighborhood that would not be at issue for projects properly falling within this exemption.

B. A CEQA Exemption Cannot Apply Because There Is a Reasonable Possibility That the Project Will Have a Significant Effect on the Surrounding Community Environment Due to Unusual Circumstances.

Even if a CEQA exemption were to apply to the Project, CEQA requires an ‘exception’ to the exemption for an “activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” CEQA Guidelines 15000.3(c). Here the lighted stadium Project has a reasonable possibility of having significant impacts to the surrounding neighborhood due to the unusual circumstances of this Project, which, unlike all the other types of projects discussed in the CEQA Class 1 & 3 exemptions claimed for the Project by the Planning Department, proposes tall towers greatly exceeding the local height limit, which will allow the stadium to function as a nighttime lighted sports facility causing environmental impacts that would never occur from the projects described in the exemptions.

1. There Is a Reasonable Possibility That the Project Will Have a Significant Effect on the Surrounding Neighborhood.

There is a reasonable possibility that the lighted stadium Project being proposed will have significant impacts on the surrounding neighborhood and environment due primarily to the effects of constant light and glare on most winter and fall evenings punctuated by numerous games and events that will be attended by hundreds if not thousands of spectators.

Whether there is a reasonable possibility of significant impacts is reviewed under the fair argument standard, *see Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1114, which requires CEQA review if the “lead agency is presented with a fair argument that a project may have a significant effect on the environment, ...even though it may be presented with other substantial evidence that the project will not have a significant effect.” *Id.* at 1111. Here there is adequate evidence to support a fair argument that the Project could have potentially significant impacts on the surrounding neighborhood.

a. The Light Impacts of the Project are Potentially Significant.

The Project proposes 90 foot light towers which will operate up to 150 nights a year. A review by SINA’s lighting expert identified that according to SI’s lighting consultant Musco, illumination from the Project shows:

- illumination levels of 0.33 footcandles (fc) horizontal, and 0.42 fc vertical at the facades of the houses directly across 39th Avenue, which are 3-4 times higher than recommended for those residential areas according to the standards of the IES (Illuminating Engineering Society) for residential neighborhoods.
- illumination levels of 6 fc horizontally and almost 7 fc vertically at the property line, which greatly exceeds the IES standards of 0.3 fc recommended levels at the property line of the light

source, as well as the recommended levels of 0.5 fc set by the International Commission on Illumination (“CIE”).

- illumination off the ground of 2.6 fc measured offsite in the middle of the street , which is 25 times greater than the 0.10 fc limits identified in Leadership in Energy and Environmental Design (LEED) green building standards used worldwide.
- glare impacts measured at between 1,000 to 50,000 candelas (cd) at the edge of residences on 39th Avenue, with constant glare of between 1,000 to 5,000 candelas extending well past residential property lines, into the backyard of some residences, approximately 10 times the 500 candela level identified by Musco as insignificant.

See Lighting Proposal Response, pp. 1-2, 6.

These figures all represent potentially significant light pollution impacts that have not been addressed by SI, nor the Planning Department’s cursory dismissal of the issue based on its “experience of conducting environmental review on similar projects near residential areas.” Here, the offsite illumination levels predicted by Musco are high, well above the various IES and CIE levels advised for residential areas. *See* Lighting Proposal Response, p. 2 (“[T]his is an excessive amount of light spilling off of the property.”)

Similarly for glare, the impacts identified in Musco’s own chart shows constant candela levels of well above the 500 cd level found to cause human disturbance. Musco assumes that 25,000 candelas represents a ‘significant’ amount of glare, comparable to staring into the headlights of a car with its brights on. This threshold is excessive, as both the IES and CIE traditional candela standards for glare are well below this figure for low-light residential areas. The most recent 2017 CIE standards dispense with simple candela measurements based on illumination and instead adopt a more specific calculation based on the ambient brightness zone, the aiming and size of the light source relative to a specific receiver, and the distance of the receiver from the light source. *See* CIE 150: 2017 Table 3. Under these criteria, constant glare ranging from 1,000 to 5,000 cd would constitute a significant impact, particularly for neighbors having to deal with such constant light pollution up to 150 nights per year.¹

Besides Musco’s own abbreviated information actually showing a possibility of significant light impacts, other impacts are identified by SINA’s light expert as potentially significant, even in the

¹ These levels of exposure shown by the Musco report contrast directly with SI’s initial assertions in its application, which falsely stated: “The results of the spill/glare light studies indicate that spill/glare light impact should be zero toward the west side of 39th Avenue, Rivera Street and 37th Avenue. 39th Avenue and Rivera Street residents should not see any glare from fixtures at all; only the illuminated surface of the football field will be visible.” The Musco report, while itself incomplete and lacking adequate information, nonetheless demonstrates that light and glare impacts to surrounding residents will certainly not be ‘zero.’

absence of adequate information provided by SI or the Planning Department. For example, light trespass is measured generally at ground level, thereby missing entirely light and glare affecting higher elevations, particularly the second stories, which are the primary living spaces of residences on 39th Ave. *See* Lighting Proposal Response, p. 1 (“Musco’s photometrics show the vertical illuminance of 0.42 fc (~4.2 lux) at the facades of the residences, however, this measurement is taken 3’-0” above the ground...this does not at all represent the amount of light entering the windows which are mostly on the 2nd level of the homes. Given the mounting heights of the lights (15’, 16’, 22’, and 65’, 87’, 90’), much more light will be present at eye level above grade and entering the residential windows, approx. 12’-20.’”)

This concern is particularly acute with respect to glare. Glare is not a simple function of distance, and depends critically on geometry and observer elevation relative to the proposed light sources. *See* SINA’s May 6, 2020 Advance Submission (Advance Submission), Appendix 1, Photographic Renditions and Scale Drawings Showing Relationship of 90-foot Pole Height to Surrounding Buildings and Landscape, Cross Sectional drawings on pp. 5-6 of Appendix. This means that predictions of glare effects at the property line at a given receiver elevation are not necessarily representative of glare effects as viewed off-site at receivers having a higher elevation (i.e., above the horizontal plane of playing field.)

Further, significant glare and ‘brightness’ effects are identified by SINA’s expert but not addressed by the Project documents. These include the fact that the lights proposed for the facility are considered “cool” and thus produce more glare than a similar fixture with a lower color temperature, making the glare appear even brighter, an effect known to be more severe for people over 65. *See* Lighting Proposal Response, pp. 3-4. SINA’s expert further identifies this type of blue stadium light as particularly disruptive to the circadian system and concludes that “[b]ecause the circadian system responds to the quantity of light received at eye level, the higher vertical illuminances created by the Musco lights are going to elevate the impact.” *Id.* p. 6. “Most importantly, the lights will be on....virtually every weeknight during the school year, for up to 4 or 5 hours at a time in winter. This significant increase in the quantity and duration of blue-enriched light during dark hours has the potential to have significant impacts on circadian health, *especially in children who are much more vulnerable to such disruptions.*” *Id.* The prevalence of typical Sunset District fog will further exacerbate these glare and light pollution effects, by greatly increasing the reflective power of the lighted facility. *Id.*, p. 7.

The Musco model runs and Planning Department responses provide no assurance that these light impacts of the Project will not be significant. They do not address the degree to which the expected constant glare and light pollution – occurring nearly every evening for five months in the fall and winter – does not have the potential to be adverse and significant. There is no narrative explanation for why light and glare impacts will be insignificant, except Musco’s inappropriate references to a glare threshold corresponding to looking straight into a car’s high light beams. Further, most problematically, “Musco has not provided the IES photometric data files ..or any report on the photometric distribution of the luminaires” making it impossible for the public to “evaluate the BUG (backlight-uplight-glare) ratings of the selected luminaires to evaluate their characteristics,” or the

how the angled tower lighting will be shielded to avoid light impacts not necessarily detected by Musco's model runs conducted without any of the background information necessary to confirm the accuracy of the model's predictions. *Id.*, p. 7. Without this information, there is no way for the public even to assess the veracity of SI's dubious assertions that light impacts will be negligible. Such information would be routinely presented and analyzed in a normal CEQA process but has been withheld here based on the Planning Department's unsupported assertion that the Project is exempt from CEQA review.

b. There is a Reasonable Possibility that Noise, Parking, Traffic and Public Safety Impacts Caused by Expanding Use to Games, Events and Practices Until 9 or 10:00 p.m. 150 Nights a Year May be Significant.

In addition to practices, the Project proposes to host potentially over 100 games and events running until 9:00 or 10:00 p.m., with attendant noise, traffic and parking impacts, which will extend beyond those times as visitors in attendance depart after the stadium lights are shut off. These games and events will create a host of adverse effects to surrounding residents that have not been addressed *in any way* through the Planning Department's exemption of the Project from CEQA review.

As discussed in SINA's Advance Submission, the impacts of some of SI's prior events using borrowed lights have caused significant noise, traffic, parking and public safety impacts:

In previous years, SI has rented field lighting for select night time football games. During those games we experienced extreme noise levels, with cheering, band music, game announcers and recorded music blaring over loudspeakers. The games typically lasted until well after 9PM. The associated noise prevented us from having normal dinner conversations, hearing our televisions, or getting our children to sleep. Even neighbors several blocks away complained about the noise. There were also pre and post-game celebrations with drinking, public urination, cars honking and loud cheering. These games attracted not only SI students/fans, but also the opposing team's students/fans. Not only did we experience high traffic volumes, but also found our driveways blocked and no available street parking. We and any friends visiting us had to park many blocks away. After the games everyone went home, and the neighbors were left with litter and broken bottles, and overly tired children.

See Advance Submission, p. 4.

Here, however, the Planning Department has inexplicably not required SI to prepare either a noise study, a traffic and parking study, or a public safety analysis. Instead, the Project assumption appears to be that 1) noise, traffic and parking impacts will not change with the later event and game times from the current daytime schedule; and 2) low noise levels will be maintained by a new PA system, information on which is not provided as part of the Department's review; and 3) parking, traffic and public safety will be addressed on an ad hoc basis as the Project commences operation. This approach is wholly inadequate under CEQA. Here, neighborhood testimony contained in its three submissions to the City contain evidence that evening events attract more visitors, cause higher

noise levels due to “cheering, band music, game announcers and recorded music blaring over loudspeakers,” and lead to myriad traffic and parking effects that prevent residents from even accessing their own homes. This is completely consistent with the experience of other jurisdictions, such as in Marin County, where the County determined that stadium lighting at Marin Catholic would lead to noise increases that would likely be significant:

The proposed project, installation of a field lighting system on an existing school athletic field, would essentially serve to extend the hours of activity on the field. The noise impact report, prepared by your consultant, [shows] there would be as much as an 11 decibel difference (with a maximum of 71 decibels) between the existing ambient noise levels and the noise levels that would be generated during a Friday night game, as measured from neighboring properties. Other types of sports games and practices are anticipated to increase decibel levels by as much as 10 decibels, as compared to the existing ambient noise levels during evening hours in the surrounding neighborhood. *Our opinion is that the nighttime use of the field should be treated as a new use rather than an existing use because the field is not usable during the evening hours without a lighting system.....*In reviewing the proposed project with respect to the anticipated noise impacts that would result from activating a presently dormant athletic field during the evening hours, it is apparent that there will be a notable change to the noise levels in the surrounding neighborhoods, where the existing ambient noise levels are relatively low during the evening hours.

See Advance Submission, Attachment 1, Marin County Planning Division 2016 Letter Re: Marin Catholic High School Lighting Proposal, p. 2 (emphasis added),

Rather than assessing potential noise impacts from late night games and events – occurring at more sensitive times when residents are preparing for and going to sleep - the Planning Department has simply abdicated its regulatory responsibility, deciding instead, without support, that the “proposed project would not result in substantial permanent increase in ambient noise levels in the project vicinity or expose persons in excess of noise level standards” because the ‘new sound system would be designed to direct sound away from the neighbors during games” and thus “it is anticipated that noise levels could decrease.” This reasoning is laughingly flawed.

The Department willingly ignores the increased sensitivity of residents to late evening – as opposed to daytime – noise. Further, no analysis is presented regarding the increased attendance at games and events that will be made possible by hosting these activities after the work day when more spectators can attend. The Department’s theory that an improved sound system will ‘decrease’ noises levels further ignores that 1) the noise from games and events is caused not just by the sound system but also by “cheering, band music and recorded music blaring over loudspeakers,” including “pre and post-game celebrations” involving “drinking, public urination, cars honking and loud cheering;” and 2) no information on the so-called ‘improved’ sound system has been presented or is even part of the Project. In other words, there is no guarantee that a new system will provide reduced noise levels or, in the absence of enforceable mitigation being adopted as part of a CEQA review process, that SI will even bother to create a new sound system in the first place. In sum, the

Department's unanalyzed and logically flawed reasoning that noise impacts need not be addressed does not come near meeting CEQA's requirements. *See e.g.*, CEQA Guidelines, Appendix G, Section XII (significant noise impacts where project will result in "a substantial temporary or periodic increase in the ambient noise levels in the project vicinity above levels existing without the project.")

Similarly, Marin County found that traffic for evening games at Marin Catholic would be greatly increased from daytime levels:

According to your traffic analysis, your proposal to host Friday night football games would result in *an additional 722 pre-game PM peak hour and 754 post-game peak hour vehicle trips*. Placing this many additional vehicles on the road during the Friday PM peak hours would alter traffic flows at the already impacted intersections in the vicinity of the school, causing more inconvenience to others in the neighborhood without offsetting that inconvenience with public benefits. Moreover, an increase to traffic volumes at such a magnitude could contribute to the existing challenge ambulances and other emergency vehicles face in reaching Marin General Hospital.

Id., p. 3 (emphasis added). In stark contrast, SI's Project application states that "SI has not been required to do a traffic or parking impact study by the SF Planning Department as it was determined that changes to traffic and parking would have no effect on current patterns and would improve weekend parking and traffic patterns." However, there is no basis for this conclusion without an assessment of baseline traffic and parking conditions. By way of comparison, the Court of Appeal in *Taxpayers for Accountable School Bond Spending*, *supra*, described the requisite traffic analysis for a stadium light project as follows:

The Initial Study, including the traffic impact study, did not include any calculation or other description of existing attendance at Hoover football games. To the extent District asserts that calculation was not required by CEQA because Hoover's football games currently are held in the afternoon, the record appears to reflect a virtual consensus among Hoover staff, parents, and alumni, neighborhood residents, and others that *the addition of stadium lighting would allow more persons (e.g., parents) to attend football games during evening hours when most persons are not working and thus increase attendance at Hoover football games*. Accordingly, District should have considered such afternoon game attendance in calculating a baseline attendance figure so it could compare that baseline to expected attendance at evening football games on completion of the Project."

215 Cal. App. 4th at 1048 (emphasis added.)

Ironically, SI's own application appears to acknowledge the potential for significant traffic and parking impacts that have not yet been resolved:

We have met with representatives of the SFMTA and asked for their input on how to alleviate

parking and traffic flow while improving safety. SFMTA recommended adding diagonal parking to Rivera Street from 37th to 39th Avenue.... SI has also been in discussion with SFPR and has asked for neighborhood support concerning daytime use of the West Sunset Playground parking lot which would add 40 to 50 parking spaces during school hours...The school will rent A.P. Giannini Middle School parking *whenever possible* for major field events...(emphasis added.)

These traffic and parking impacts must be addressed in CEQA through a traffic and parking study, which is routine for any stadium lighting project surrounded by residential neighborhoods. *See Taxpayers for Accountable School Bond Spending, supra*, 215 Cal. App. 4th at 1050 (“Taxpayers asserts that District did not conduct an adequate study of the Project's impact on parking. The Initial Study stated the Project will create a parking shortage of 174 spaces. However, based on our review of LOS's study, it appears LOS did not make any attempt to ascertain the total number of offsite, street parking spaces in the immediate area, nor did LOS make any attempt to ascertain the number of available offsite, street parking spaces during the Friday evening time period of 5:30 p.m. to 6:30 p.m. that it selected for determining traffic levels. *Therefore, LOS had no basis on which to conclude the parking shortage of 174 spaces would be filled by available offsite, street parking spaces in the immediate area.*”) (emphasis added.)

c. The Aesthetic Impacts of the Large 90 Foot Light Towers Are Significant.

Besides the impacts of the Project due to lighting and nighttime activities leading to noise, traffic, parking and public safety impacts, the Project construction itself will cause significant aesthetic impacts through the construction of four 90 foot towers in the middle of a residential neighborhood where existing buildings are subject to a height limit of 40 feet. *See e.g.* Advance Submission, Appendix 1, pp. 1-6; SINA’s First Supplement to Advance Submissions dated June 9, 2020 (First Supplement), pp. 7-8 (photo renditions of towers in existing environmental setting.); *id.*, p. 11 (90-foot poles, whether for lighting or wireless facilities at this location would be grossly out of scale for this particular neighborhood (see Figures 2 and 3 above). Figure 4 below, created for SINA by a local architect, gives a sense of the relative scale of the poles to the surrounding area. Two of the four poles would be located directly inside the school’s fence line as shown in the figure and would loom over the street and neighborhood at the height of a 9-story building.”); *id.*, p. 12 (architect drawing of light tower size compared to existing neighborhood.)

The Department’s failure to consider these impacts as a significant component of aesthetic effects represents a failure to proceed according to law under CEQA.

2. The Project’s Potentially Significant Effects are Due to Unusual Circumstances.

The potentially significant effects of this Project on the neighboring community are due to the unusual circumstances of this Project, which, unlike the small structures or alterations envisioned in the CEQA Guidelines, instead propose tall towers greatly exceeding the local height limit that will allow the stadium to function as a nighttime lighted sports facility causing new environmental

impacts that would not typically be caused by any of the projects described in the CEQA Guidelines.

To determine whether unusual circumstances exist, the Board should consider whether “the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects.” *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1024. *See also Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 800 (“[W]hether a circumstance is ‘unusual’ is judged relative to the typical circumstances related to an *otherwise typically exempt project.*”) (emphasis added.)

The Project differs considerably from the small structural alteration of an existing facility with negligible expansion of use (Class I) or a small-scale construction of infill development (Class 3). This can be seen from its height, which greatly exceeds by more than a factor of two the zoning standards applying in the neighborhood where the Project would be built. The extreme height and light to be emitted from the light structures raise a host of aesthetic impacts that would not occur for typical projects in the Class I and Class 3 exemption. *See Voices for Rural Living v. El Dorado Irrigation Dist.* (2012) 209 Cal. App. 4th 1096, 1109 (“The sheer amount of water to be conveyed under the MOU obviously is a fact that distinguishes the project from the type of projects contemplated by the class 3 categorical exemption.”)

The Project also differs significantly from the Class I and Class 3 exemptions in that it greatly expands use of the stadium into the nighttime hours, with events attracting potentially over 1,000 spectators lasting until 9 to 10 p.m.

The Class I exemption is limited to projects creating at most a “negligible” expansion of use. For residents now having to deal with new light pollution, and the attendant impacts of large, late evening gatherings due to traffic and lack of parking, such a use expansion is far from negligible. *See e.g., Advance Submission*, p. 4 (“The games typically lasted until well after 9PM. The associated noise prevented us from having normal dinner conversations, hearing our televisions, or getting our children to sleep....There were also pre and post-game celebrations with drinking, public urination, cars honking and loud cheering. ...Not only did we experience high traffic volumes, but also found our driveways blocked and no available street parking. We and any friends visiting us had to park many blocks away. After the games everyone went home, and the neighbors were left with litter and broken bottles, and overly tired children.”)

The Class 3 exemption is also not intended for projects that substantially change the use of a facility. Instead, this exemption focuses on the construction of new infill development projects. Neither of these exemptions apply to a non-negligible expansion in use that has the potential to cause significant adverse effects to the surrounding community.

C. A CEQA Exemption Cannot Apply in this Case Due to the Cumulative Impacts of Foreseeable Future Expansion Projects.

The CEQA Guidelines also require an exception to an exemption “when the cumulative impact of successive projects of the same type in the same place, over time is significant.” *See* 14 Cal. Code Regs. § 15300.2(b). Here, three foreseeable projects will increase cumulative ambient lighting around the Project site on the SI campus, which leads to the possibility of significant cumulative light pollution in the surrounding neighborhood. These projects are:

- expansion of the lights schedule at the upper practice field from lights off at 7:30 p.m. to 9:00 p.m. on practice nights and 10:00 p.m. on Friday game nights, matching the Murphy Field light schedule (this expansion was originally proposed as part of the Project).
- Bleacher & Pedestrian Pathway Lighting requiring “code compliant lighting” to “be added for the bleachers and sidewalk surrounding the field.”
- construction of a new theatre/performing arts center and large outdoor swimming pool as part of SI’s five year Master Plan expansion plans stated in 2015, which will further increase outdoor lighting and light pollution in and around the school site.

Each of these projects will contribute to the significant effects of SI’s planned expansion, including the impacts of this Project. However, none of these cumulative effects are considered by the Planning Department’s ‘analysis’ that CEQA review is not required.

D. The Project has been Unlawfully Segmented.

A public agency may not divide a single project into smaller individual projects in order to avoid its responsibility to consider the environmental impacts of the project as a whole. *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal. App. 3d 1145, 1171. Courts have considered separate activities as one CEQA project and required them to be reviewed together where, for example, the second activity is a reasonably foreseeable consequence of the first activity (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263); the second activity is a future expansion of the first activity that will change the scope of the first activity’s impacts (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376); or both activities are integral parts of the same project (*No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal. App. 3d 223.)

Here, SI has determined not to include the following approvals as part of its proposed Project:

- expansion of the lights schedule at the upper practice field from lights off at 7:30 p.m. to 9:00 p.m. on practice nights and 10:00 p.m. on Friday game nights, matching the Murphy Field light schedule.
- Bleacher & Pedestrian Pathway Lighting requiring “code compliant lighting” to “be added

for the bleachers and sidewalk surrounding the field.”

- addition of a sound system to the newly lighted stadium for PA play by play announcement during evening games and events, which is discussed in the Project but never analyzed or assessed.

Each of these future activities must be considered as part of this Project, which envisions lighted activities at both Murphy Stadium and the upper practice field, corresponding lighting for the area around the stadium and fields, and sound system for the planned events and games. These additional activities will increase impacts relating to light pollution, noise, traffic and parking, which have not been addressed in this proceeding. This failure violates CEQA.

CONCLUSION

The proposed Project portends a major change in use and environmental effects to the surrounding neighborhood community. The impacts of this change must be assessed in a CEQA review process in order to identify potentially significant impacts and evaluate the feasibility of mitigation measures or alternative approaches that may avoid or substantially lessen those impacts. *See Pub. Res. Code § 21002.*

SINA represents the local community which has made repeated good faith efforts to require CEQA review to ensure that their lives and local environment are not permanently disrupted by SI's plans to expand its athletic facilities and activities. SINA requests that the Board grant SINA's appeal and remand the Project application back to the Planning Department to prepare an initial study as required by CEQA.

Yours Truly,



Michael Graf

On Behalf of Saint Ignatius Neighborhood Association

EXHIBIT A

**CEQA CATEGORICAL EXEMPTION DETERMINATION
2018-012648CUA**

JUNE 3, 2020



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2001 37TH AVE		2094006
Case No.		Permit No.
2018-012648ENV		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input checked="" type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>Conditional Use Authorization to permit the addition of new stadium lights on an existing football field at St. Ignatius College Preparatory. The project proposes a lighting system at the J.B. Murphy Field athletic stadium to allow for evening use and a Verizon macro wireless telecommunications services (WTS) facility consisting of nine (9) panel antennas that will be screened. The project would construct four 90-foot tall poles with LED light fixtures and the north-west pole would include the WTS facility and ancillary equipment. Installation of each pole would require up to approximately 30 feet of excavation below ground surface, resulting in a total of approximately 60 cubic yards of soil disturbance.</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)</p>
<input checked="" type="checkbox"/>	<p>Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</p>
<input type="checkbox"/>	<p>Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input checked="" type="checkbox"/>	<p>Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Don Lewis PLEASE SEE ATTACHED</p>	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input checked="" type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): Installation of four light standards around football field, will not remove or impact football field features or other college structures or building.
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Allison Vanderslice	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Commission Hearing	Signature: Don Lewis 06/03/2020
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>		

CEQA Impacts

The department's staff archeologist conducted preliminary archeological review on 12/28/2018 and determined that no CEQA-significant archeological resources are expected within project-affected soils.

The department's transportation staff reviewed the proposed project and determined that additional transportation review is not required. The proposed addition of lights at the existing facility would not expand the use of such facility. Instead, the proposed lights would shift the existing use to later times in the day and/or days of the week. The project does not propose streetscape changes or additional parking.

The proposed lighting design uses the Light Structure System equipped with total light control for LED fixtures designed and manufactured by Musco Lighting Systems, which requires 36 1,500-watt LED fixtures to achieve the recommended 50 footcandle average. The total light control for LED fixtures are designed to concentrate the light on the field area with minimal light emitted outside the targeted areas. The lighting system is designed to be switched to a "dimmed" setting. This feature would allow the lights to be turned down during events not requiring full lighting. The proposed field lighting system would be equipped with spill and glare shielding.

A lighting study prepared for the proposed project by Musco Lighting illustrates that light measurements at the nearest residences (approximately 100 feet), would drop to less than 1 footcandle due to the shielding and focusing of the lights. The light spillover would not be expected to substantially affect the closest residences. In addition, Verde Design provided analysis of the light impact to neighboring areas. The results also indicate that the light and glare from the proposed lighting system would be nominal on surrounding residential areas.

A geotechnical investigation was prepared by Langan Engineering and Environmental Services (dated June 6, 2019), confirming that the proposed project is feasible. The project's structural drawings would be reviewed by the building department, where it would be determined if further geotechnical review and technical reports are required.

The project sponsor submitted a Maher application to the health department on 6/2/20 and has enrolled in the Maher Program.

The proposed project would not result in substantial permanent increase in ambient noise levels in the project vicinity or expose persons in excess of noise level standards. The proposed project would replace the existing amplification system at the field with a new sound system. The new sound system would be designed to direct sound away from the neighbors during games. In addition, the school would no longer need generator-powered temporary lights. With implementation of the proposed project, it is anticipated that noise levels could decrease.

Based on the planning departments experience of conducting environmental review on similar projects near residential areas, the effects of nighttime lighting would not substantially impact people or properties in the project vicinity, and would not result in a significant impact on biological resources.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name:

Date:

EXHIBIT B

PLANNING COMMISSION MOTION 20769, JULY 23, 2020



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20769

HEARING DATE: JULY 23, 2020

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: **2018-012648CUA**
Project Address: **2001 37th Avenue**
Zoning: Residential-House, One Family (RH-1)
40-X Height and Bulk District
Block/Lot: 2094/006
Applicant: St. Ignatius College Preparatory
Ken Stupi
2001 37th Avenue
San Francisco, CA, 94116
Property Owner: St. Ignatius College Preparatory
2001 37th Avenue
San Francisco, CA, 94116
Staff Contact: Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION & PLANNED UNIT DEVELOPMENT PURSUANT TO PLANNING CODE SECTIONS 209.1, 303 AND 304, TO AMEND AN EXISTING PLANNED UNIT DEVELOPMENT AND ALLOW A MODIFICATION TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134) FOR THE EXPANSION OF A PRIVATE SECONDARY SCHOOL (ST. IGNATIUS COLLEGE PREPARATORY) THROUGH THE ADDITION OF FOUR 90-FOOT TALL LIGHT STANDARDS TO THE J.B. MURPHY FIELD ATHLETIC STADIUM AND TO INSTALL A NEW VERIZON MACRO WIRELESS TELECOMMUNICATIONS SERVICE FACILITY ATTACHED TO THE NORTHWEST LIGHT STANDARD LOCATED AT 2001 37TH AVENUE, LOT 006 IN ASSESSOR'S BLOCK 2094, WITHIN THE RH-1 (RESIDENTIAL-HOUSE, ONE FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 8, 2018, Ken Stupi, VP of Finance & Administration at St. Ignatius College Preparatory (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization to amend an existing Planned Unit Development for an existing secondary school (St. Ignatius College Preparatory) to allow the addition of four 90-foot tall outdoor light standards to the J.B. Murphy Field Stadium and On March 31, 2020, Chad Christie of Ridge Communications, representing Verizon Wireless, filed a supplemental Conditional Use Authoritarian application for a Wireless Telecommunication Services Facility to be attached to the northwest light standard (hereinafter "Project") at 2001 37th Avenue, Block 2094 Lot 006 (hereinafter "Project Site").

On June 3, 2020 the project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and Class 3, Existing Facilities and New Construction, under CEQA as described in the determination contained in the Planning Department files for this Project.

On July 23, 2020, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2018-012648CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-12648CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties. The Commission discussed the Monday through Thursday use of the lights and modified Condition of Approval #11 to require the lights to be dimmed no later than 8:30 pm and turned off no later than 9:00 pm for up to 150 nights per year. Affiliates of the school may use the lights on up to 20 of the 150 evenings.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-12648CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project proposes the expansion of an existing private secondary school (St. Ignatius College Preparatory [SI]) to by adding four (4) 90-foot tall light standards differing fixture arrays to the J.B. Murphy Field Stadium. The two poles on the west side of the field (closest to 39th avenue) will have 12 fixtures (9 at the top of the pole, 1 bleacher/emergency egress fixture at 65' and 2 BallTracker fixtures at approximately 15 feet). The two poles on the east side of the field (in front of the home bleachers) will mirror the west side poles in terms of number of fixtures and fixture locations. The four poles will be situated symmetrically in a rectangular formation surrounding the football field (at approximately the 10-yard line). Additional safety lighting will be added for the bleachers and sidewalk surrounding the field.

The addition of the lights will allow for weekday and weekend evening use of the field for practice, games and events. As approved, on Monday through Thursday nights the lights shall be dimmed no later than 8:30 pm and turned off no later than 9:00 pm and on up to 20 evenings per year, the lights may remain on until 10:00 pm.

On the proposed northwest standard, Verizon Wireless is seeking to install and operate an unmanned macro wireless communications facility. The physical components of the projects

consist of nine (9) Antennas, six (6) Remote Radio Units located on the light standard, two (2) Surge Suppressors and ancillary equipment located within a 12-foot by 28-foot, 336 square foot, fenced compound on the ground adjacent to the north of the light standard.

- 3. Site Description and Present Use.** SI has been operated by the Society of Jesus and been in San Francisco since 1855 and has been located at 2001 37th Avenue in the Sunset District of San Francisco since 1969 (CU66.005). Originally an all-boys schools, SI became co-ed in 1989 and made improvements that were undertaken as part of the Planned Unit Development, the project included the gymnasium and pool, a student center and a parking structure. (Motion No. 12024). Further amendments to the Project's Planned Unit Development were made in 2004 to add lights to the upper sports field (Motion No. 16770) and to expand the student center (Motion No. 17115). In 2018 a new 100-student, 6th through 8th grade middle school, the Fr. Sauer Academy, was established (Motion No. 20204).

The SI campus occupies a 495,470 square foot parcel and is developed with approximately 290,595 square feet of secondary school facilities. J.B. Murphy Field athletic stadium is located at the southwest corner of the campus, with frontage on 37th Avenue and Rivera Street. The stadium consists of a football field with artificial turf and a six-lane synthetic track that surrounds the football field perimeter. There is a seating capacity of 2008 – a 1,234 seat home bleacher section which includes a 20 person press box and a 774 seat visitors' section. There are two storage buildings located at the northwest corner of the project site, a classroom building and weight room adjacent to the northeast corner of the site. The project site also includes a free-standing scoreboard located in the south end of the football field and various other track facilities located near the north football field end zone. The project site is surrounded by a steel fence with four locked access gates located on-site: three locked gates on 39th avenue and one locked gate on Rivera Street.

Field usage has expanded over the years with the addition of coed sports. The field is currently used Monday through Sunday on an annual basis for approximately 100 games/meets (including pre-season), up to 20 playoff games, 750 practices and 50 events for outside not-for-profit groups.

- 4. Surrounding Properties and Neighborhood.** The AP Gianni Middle School, Ortega Branch Library, West Sunset Playground and Fields, and the Sunset Elementary School are located to the north, and the San Francisco Park and Recreation Sports fields to the east. The Sunset Parkway, consisting of 36th Avenue, Sunset Boulevard, 37th Avenue and landscaped medians are located to the east of the project. The predominant uses in the immediate area are two-story, low density, mostly single-family residential homes, including directly west of the sports field across 39th Avenue and to the south across Rivera Street.
- 5. Public Outreach and Comments.** The Project Sponsor maintains neighborhood outreach mailing and email lists to provide school and project related updates to the community and have a "Good Neighbor" program with a corresponding website. The Project Sponsor has held four (4) community meetings specific to the Stadium Lights projects, as well as other outreach and communication efforts.

Per Planning Commission policy (Resolution No. 16539), Verizon held a virtual public outreach meeting on Wednesday, April 29, 2020, from 6:00PM – 7:00PM on the proposed WTS facility. The Department received 4 correspondences from the public regarding the proposed project and the facilitation of this meeting. Verizon had noticed an in-person meeting for March 18, 2020, which had to be cancelled due to the City's March 16th, 2020, *Shelter in Place* Health Order.

The Department has received approximately 105 letters of support of the lights and nighttime use of the sports field, most letters received were from residents of the Sunset neighborhood and approximately 32 letters in opposition to the project with concerns of impacts from lights and increased traffic and parking, most of which are from adjacent residents of the surrounding streets, including a letter with supplemental materials submitted by the Saint Ignatius Neighborhood Association and a online petition with 150 signatures.

6. **Past History and Actions.** The Planning Commission adopted the *Wireless Telecommunications Services (WTS) Facilities Siting Guidelines* ("Guidelines") for the installation of wireless telecommunications facilities in 1996. These Guidelines set forth the land use policies and practices that guide the installation and approval of wireless facilities throughout San Francisco. A large portion of the Guidelines was dedicated to establishing location preferences for these installations. The Board of Supervisors, in Resolution No. 635-96, provided input as to where wireless facilities should be located within San Francisco. The Guidelines were updated by the Commission in 2003 and again in 2012, requiring community outreach, notification, and detailed information about the facilities to be installed.

Section 8.1 of the Guidelines outlines Location Preferences for wireless facilities. There are five primary areas where the installation of wireless facilities should be located:

1. Publicly-used Structures: such facilities as fire stations, utility structures, community facilities, and other public structures;
2. Co-Location Site: encourages installation of facilities on buildings that already have wireless installations;
3. Industrial or Commercial Structures: buildings such as warehouses, factories, garages, service stations;
4. Industrial or Commercial Structures: buildings such as supermarkets, retail stores, banks; and
5. Mixed-Use Buildings in High Density Districts: buildings such as housing above commercial or other non-residential space.

Section 8.1 of the WTS Siting Guidelines further stipulates that the Planning Commission will not approve WTS applications for Preference 5 or below Location Sites unless the application describes (a) what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area; (b) what good faith efforts and measures were taken to secure these more Preferred Locations, (c) explains why such efforts were unsuccessful; and (d) demonstrates that the location for the site is essential to meet demands in the geographic service area and the Applicant's citywide networks.

Before the Planning Commission can review an application to install a wireless facility, the Project Sponsor must submit a five-year facilities plan, which must be updated biannually, an emissions report and approval by the Department of Public Health, Section 106 Declaration of Intent, an independent evaluation verifying coverage and capacity, a submittal checklist and details about the facilities to be installed.

Under Section 704(B)(iv) of the 1996 Federal Telecommunications Act, local jurisdictions cannot deny wireless facilities based on Radio Frequency (RF) radiation emissions so long as such facilities comply with the FCC's regulations concerning such emissions.

7. **Location Preference.** The WTS *Guidelines* identify different types of zoning districts and building uses for the siting of wireless telecommunications facilities. Based on the zoning and land use, the proposed WTS facility is at a Location Preference 2 Site (Co-Location Site) according to the WTS *Guidelines*, making it a desired location.
8. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network is designed to address coverage and capacity needs in the area. The network will operate at 193 watts for 28 GHz, 172 watts for CBRS, 5,250 watts for AWS, 5,130 watts for PCS, 4,170 watts for cellular, and 3,630 watts for 700 MHz, which are regulated by the Federal Communications Commission (FCC) and must comply with the FCC-adopted health and safety standards for electromagnetic radiation and radio frequency radiation.
9. **Radiofrequency (RF) Emissions:** The Project Sponsor retained Hammett and Edison, Inc, a radio engineering consulting firm, to prepare a report describing the expected RF emissions from the proposed facility. Pursuant to the Guidelines, the Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the Guidelines.
10. **Department of Public Health Review and Approval.** The Project was referred to the Department of Public Health (DPH) for emissions exposure analysis. Radio-Frequency (RF) levels from the proposed Verizon Wireless transmitters at any nearby publicly accessible building or area would 11% of the FCC public exposure limit.

There are no antennas existing operated by Verizon installed on the roof top of the building at 2001 37th Avenue. Existing RF levels at ground level were around 1% of the FCC public exposure limit. No other antennas were observed within 100 feet of this site. Verizon proposes to install 12 new antennas. The antennas are mounted at a height of 45- 63 feet above the ground. The estimated ambient RF field from the proposed Verizon transmitters at ground level is calculated to be 0.032 mW/sq cm., which is 5.2 % of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 94 feet and does not reach any publicly accessible areas. Warning signs must be posted at the antennas and roof access points in English, Spanish and Chinese. Workers should not have access to within 36 feet of the front of the antennas while they are in operation.

11. **Coverage and Capacity Verification.** The maps, data, and conclusion provided by Verizon Wireless to demonstrate the need for outdoor and indoor coverage and capacity have been

determined by Hammett and Edison, Inc, an engineering consultant and independent third party, to accurately represent the carrier's present and post-installation conclusions.

12. **Maintenance Schedule.** The facility would operate without on-site staff but with a maintenance crew visiting the property to service and monitor the facility.
13. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 209.1 requires Conditional Use Authorization for a school use and for a macro WTS facility within the RH-1 (Residential House, One-Family) Zoning District. Conditional Use Authorization is also required for a Planned Unit Development pursuant to Planning Code Section 304.

The Project is requesting Conditional Use Authorization from the Planning Commission amend the existing PUD and to allow for the construction of four light standards and to allow a macro WTS facility.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided opposite the Ocean Avenue frontage.

The Project seeks to encroach into the rear yard by constructing two 90-foot tall light standards and a macro WTS facility with ancillary equipment located within a 12-foot by 28-foot, 336 square foot, fenced compound on the ground adjacent to the northwest light standard. As a result, the Project Sponsor is requesting a rear yard modification per the criteria and limitations provided in Planning Code Section 304, described below.

- C. **Review of proposed buildings and structures exceeding a height of 40 feet in RH districts, or more than 50 feet in RM and RC Districts.** Planning Code Section 253 requires that any building or structure exceeding 40 feet in height in a RH District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval.

Per Planning Code Sections 260(b)(2)(J), "Warning and navigation signals and beacons, light standards and similar devices..." and 260(b)(2)(I) "Wireless Telecommunications Services Facilities and other antennas..." are exempt from height limits established by the Planning Code. The project is seeking approval from the Planning Commission due to the Conditional Use requirements of the expansion of the school and existing PUD and a new WTS facility with a RH-1 District.

- D. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

Per Planning Code Section 260(b)(2)(J), "Warning and navigation signals and beacons, light standards and similar devices..." and (I) "Wireless Telecommunications Services Facilities and other antennas..." are exempt from height limits established by the Planning Code.

14. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is, on balance, consistent with the Objectives and Policies of the General Plan. An addition of light standards and evening use of the sports field is not expected to adversely increase or impact traffic and parking in the neighborhood. The Project maintains and expands an educational and recreational use, which are uses that support of families and children in San Francisco. The WTS facility is generally desirable and compatible with the surrounding neighborhood because the Project will not conflict with the existing uses of the property and will be designed to be compatible with the surrounding neighborhood. The overall location, setback from public streets, height and design of the proposed facility, including visible screening elements is situated to avoid intrusion into public vistas, and to ensure harmony with the existing neighborhood character and promote public safety. Recent drive tests in the subject area conducted by the Verizon Wireless Radio Frequency Engineering Team provide that the Project Site is a preferable location, based on factors including quality of coverage and aesthetics.

The Project is desirable because it promotes the operation of a neighborhood-serving school. The Project would be consistent with the mixed character of the immediate neighborhood and would assist in maintaining the area's diverse economic base. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing buildings will remain the same and the Project will not alter the existing appearance or character of the project's vicinity. The proposed work will not affect the any existing building envelope.

- ii. 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;

The proposed addition of field lights at the existing facility would not expand the use of such facility. Instead, the proposed lights would shift the existing use to later times in the day and/or days of the week. Additionally, the Planning Code does not require parking or loading for a WTS facility. The

proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed lighting design uses the Light Structure System equipped with total light control for LED fixtures. The total light control for LED fixtures are designed to concentrate the light on the field area with minimal light emitted outside the targeted areas. The lighting system is designed with a feature allowing the lights to be switched to a "dimmed" setting. This feature would allow the lights to be turned down during events not requiring full lighting. The proposed field lighting system would be equipped with spill and glare shielding. Light and glare from the proposed lighting system would be nominal on surrounding residential areas.

While some noise and dust may result from the installation of the standards and the WTS antennas and transceiver equipment, noise or noxious emissions from continued use are not likely to be significantly greater than ambient conditions due to the operation of the lights and wireless communication network.

A community liaison will also be appointed by the project sponsor to address any related concerns if construction occurs.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The project requires no additional street treatment. Landscape screening exists between the project's western property line and the proposed leasing area for the WTS facilities accessory equipment. The proposed field lighting system would be equipped with spill and glare shielding. Light and glare from the proposed lighting system would be nominal on surrounding residential areas.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project maintains and expands educational and recreational uses, which are uses in support of families and children in San Francisco. The light system would have a nominal impact of light and glare to the surrounding residential areas. Nighttime use of the field is not expected to adversely impact traffic and parking in the neighborhood. The Project is desirable because it promotes the operation of a neighborhood-serving school.

The Department finds that the Project is, on balance, consistent with the Wireless Telecommunications Services Facilities Siting Guidelines, and the Objectives and Policies of the General Plan. The proposed WTS facility would be screened from view by virtue of proposed enclosures, and their placement on light standard. The proposal would not significantly detract from views of the Subject property or from views of other surrounding buildings, nor would it detract from adjacent streetscapes, and vistas.

Overall, the Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity. The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. The Project is conditionally permitted within the RH-1 Zoning District and complies with and promotes many of the Objectives and Policies of the General Plan, as detailed below.

6. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

- A. **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code. These modifications are listed below, along with reference to the relevant discussion for each modification.

Rear Yard: Since the Project Site is larger than a half-acre, the Project may seek approval as a Planned Unit Development (PUD) per Planning Code Section 304. Under a PUD, the Commission may grant modifications from certain Planning Code requirements for projects that produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. The Project requests modifications from the Planning Code requirements for rear yard (Planning Code Section 134). The two western light standards and Verizon's ancillary equipment are located within the sites' required 25% rear yard (137 feet, 6 inches).

- B. **Criteria and Limitations** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

- 1) Affirmatively promotes applicable objectives and policies of the General Plan;

The Project complies with the objectives and policies of the General Plan, as detailed below.

- 2) Provides off-street parking adequate for the occupancy proposes.

The Project is not required to provide off-street parking.

- 3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

The Project far exceeds the required amount of open space for the school through outdoor courtyards and fields.

- 4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

No dwelling units are proposed.

- 5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;

The Project does not contain or propose commercial uses.

- 6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The Project is not requesting any exceptions to the height limits. Per Planning Code Section 260(b)(2)(J), "Warning and navigation signals and beacons, light standards and similar devices..." and (I) "Wireless Telecommunications Services Facilities and other antennas..." are exempt from height limits established by Article 2.5 of the Planning Code.

- 7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

The Project is not located within a NC District.

- 8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

The Project is not located within a NC District.

- 9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through

the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

The Project is not located in an RTO or NCT District.

- 10) Provide Street trees as per the requirements of Section 138.1 of the Code.

Per Planning Code Section 138.1(c)(1), the Department of Public Works is responsible for reviewing and guiding any new street trees present on the project site.

- 11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

Project is not subject to the requirements of Planning Code Section 132(g) and (h).

15. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE & INDUSTRY ELEMENT

OBJECTIVE 7:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

Policy 7.2

Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

The Project maintains and expands an educational use, which is a use in support of families and children in San Francisco. The Project is desirable because it promotes the operation of a neighborhood-serving school. More flexible use of the athletics facilities will also provide greater recreational opportunities to a diverse body of students drawn from the community, thereby improving the educational services provided to the City as a whole.

Policy 7.3

Promote the provision of adequate health and educational services to all geographical districts and cultural groups in the city.

The Project will enhance the educational services available to residents of the local area neighborhoods as well as the City at large. St. Ignatius College Preparatory will continue to provide tuition assistance and outreach to a socially and economically diverse community.

HOUSING ELEMENT

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.8:

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The Project will minimize disruption by expanding the school vertically on the existing Campus, which has been a part of the neighborhood since 1969.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

The Project will enhance the total city living and working environment by providing recreational and communication services for residents and workers within the City. Additionally, the Project would comply with Federal, State and Local performance standards.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.3:

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

The Site will be an integral part of a new wireless telecommunications network that will enhance the City's diverse economic base.

OBJECTIVE 4:

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

Policy 4.1:

Maintain and enhance a favorable business climate in the City.

Policy 4.2:

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

The Project will benefit the City by enhancing the business climate through improved communication services for residents and workers and hosting sporting events

VISITOR TRADE

OBJECTIVE 8:

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

Policy 8.3:

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

The Project will ensure that residents and visitors have adequate public service in the form of Verizon Wireless telecommunications.

COMMUNITY SAFETY ELEMENT

Objectives and Policies

OBJECTIVE 3:

ESTABLISH STRATEGIES TO ADDRESS THE IMMEDIATE EFFECTS OF A DISASTER.

Policy 1.20

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

Policy 2.4

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

Policy 2.15

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

Policy 3.7:

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

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

16. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project site does not possess any neighborhood-serving retail uses. The wireless communications network will enhance personal communication services for businesses and customers in the surrounding area.

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The expansion to an existing school has been designed to be sensitive to the surrounding neighborhood character. Overall, the school use is beneficial and supports children and families in the City.

C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not currently possess any existing affordable housing.

D. That commuter traffic does not impede MUNI transit service or overburden our streets or neighborhood parking.

The school will manage and supervise traffic and parking adjacent to the school during events, in order to discourage double parking and promote an orderly flow of traffic. The project would change the times that event attendees visit the site, this would not result in increased MUNI ridership, the Project is not expected to materially impair or affect MUNI service or traffic in the neighborhood.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project does not include commercial office development.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed light standards would be greater than 40 feet tall but would not be of sufficient bulk to cast substantial shadow. Although the Project may cast shadow on the adjacent public park, the adjacent public park (West Sunset Fields) is still afforded access to sunlight, which should not dramatically affect the use and enjoyment of this park. Therefore, no shadow effects would ensue as a result of the proposed project.

17. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
18. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-012648CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 18, 2018 for the light standards and April 16, 2019 for the WTS, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 23, 2020.

Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Imperial, Johnson, Koppel, Moore

NAYS: Fung

ABSENT: None

ADOPTED: July 23, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to amend an existing Planned Unit Development with a rear yard modification to allow the expansion of a private secondary school (St. Ignatius College Preparatory) by constructing four light standards and a new macro wireless telecommunications facility, located at 2001 37th Avenue, Lot 006 in Assessor's Block 2094, pursuant to Planning Code Section(s) 209.1, 303 and 304 within the Residential-House One Family (RH-1) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated September 18, 2018 for the light standards and April 16, 2019 for the WTS, and stamped "EXHIBIT B" included in the docket for Record No. 2018-012648CUA and subject to conditions of approval reviewed and approved by the Commission on July 23, 2020 under Motion No. 20769. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 23, 2020 under Motion No 20769.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20769 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Plan Drawings - WTS.** Prior to the issuance of any building or electrical permits for the installation of the facilities, the Project Sponsor shall submit final scaled drawings for review and approval by the Planning Department ("Plan Drawings"). The Plan Drawings shall describe:

- A. **Structure and Siting.** Identify all facility related support and protection measures to be installed. This includes, but is not limited to, the location(s) and method(s) of placement, support, protection, screening, paint and/or other treatments of the antennas and other appurtenances to ensure public safety, insure compatibility with urban design, architectural and historic preservation principles, and harmony with neighborhood character.
- B. **For the Project Site, regardless of the ownership of the existing facilities.** Identify the location of all existing antennas and facilities; and identify the location of all approved (but not installed) antennas and facilities.
- C. **Emissions.** Provide a report, subject to approval of the Zoning Administrator, that operation of the facilities in addition to ambient RF emission levels will not exceed adopted FCC standards with regard to human exposure in uncontrolled areas.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

9. **Screening - WTS.** To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, and upon the recommendation of the Zoning Administrator, the Project Sponsor shall:

- A. Modify the placement of the facilities;
- B. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
- C. Install multi-lingual signage, including the RF radiation hazard warning symbol identified in ANSI C95.2 1982, to notify persons that the facility could cause exposure to RF emissions;
- D. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
- E. To the extent necessary to minimize visual obstruction and clutter, installations shall conform to the following standards:

- F. Antennas and back up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual effects;
- G. Rooftop installations shall be setback such that back up facilities are not viewed from the street;
- H. Antennae attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
- I. Although co location of various companies' facilities may be desirable, a maximum number of antennas and back up facilities on the Project Site shall be established, on a case by case basis, such that "antennae farms" or similar visual intrusions for the site and area is not created.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

10. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

11. **Operation of Lighted Field.** The operation of the lighted field shall meet the following Conditions:

- A. The following time limitations shall apply to the use of lights on the field:
 - i. Except as noted in (ii)(b) below, Monday-Thursday lights shall be dimmed no later than 8:30 pm and turned off no later than 9:00 pm.
 - a. The Project Sponsor anticipates the use of the lighted field on these nights shall primarily be for practice and low attendance games (i.e., games where the anticipated attendance is below 1,000).
 - b. Lights shall be used no more than 150 nights per year.
 - I. Affiliates of the school may use the lights for no more than 20 of the 150 evenings.
 - ii. For no more than 20 evenings per year, the lights may remain on until 10:00 pm
 - a. The Project Sponsor anticipates that approximately 10 of these events might be high attendance games (i.e., games where the anticipated attendance is above 1,000 to a maximum of 2,800) are Friday or Saturday evenings with visiting teams;
 - b. The Project Sponsor anticipates that approximately 10 other weeknight events might be necessary due to circumstances that prevent a Friday or Saturday night event; and
 - c. The Project Sponsor does not anticipate lights being used on Sundays.

- iii. The Project Sponsor shall use the lights only during the main school year (i.e., roughly between Aug. 15 and May 31 in the current schedule)
 - B. The Project Sponsor shall not light the field for use by groups unaffiliated with the Project Sponsor.
 - C. Communication with neighbors.
 - i. For updates and general information, the Project Sponsor shall continue to maintain a Good Neighbor Program webpage where it posts schedules and provides contact information to call or email the school.
 - ii. The Project Sponsor shall post on the webpage the schedule of nighttime events on the field at least a month in advance. In addition, the Project Sponsor shall post the schedule for each season by:
 - a. August 1st for Fall sports;
 - b. October 1st for Winter sports; and
 - c. February 1st for Spring sports.
 - iii. The Project Sponsor shall send neighbors an annual communication reminder of how to contact the Project Sponsor about noise, parking or other concerns.
 - D. The Project Sponsor will distribute its J.B. MURPHY FIELD NIGHT GAME OR LARGE EVENT MANAGEMENT PLAN to home and visiting communities prior to games. This plan shall continue to include a CODE OF CONDUCT for student and spectator behavior.
 - E. At the end of each academic year, the Project Sponsor shall provide to the Zoning Administrator and shall post on the Good Neighbor Program webpage a summary of that year's usage of the field for practice, low attendance games, high attendance games, and any other events.
12. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

14. **Implementation Costs - WTS.** The Project Sponsor, on an equitable basis with other WTS providers, shall pay the cost of preparing and adopting appropriate General Plan policies related to the placement of WTS facilities. Should future legislation be enacted to provide for cost recovery for planning, the Project Sponsor shall be bound by such legislation.

The Project Sponsor or its successors shall be responsible for the payment of all reasonable costs associated with implementation of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Technology, Office of the City Attorney, or any other appropriate City Department or agency. The Planning Department shall collect such costs on behalf of the City.

The Project Sponsor shall be responsible for the payment of all fees associated with the installation of the subject facility, which are assessed by the City pursuant to all applicable law.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Implementation and Monitoring - WTS.** In the event that the Project implementation report includes a finding that RF emissions for the site exceed FCC Standards in any uncontrolled location, the Zoning Administrator may require the Applicant to immediately cease and desist operation of the facility until such time that the violation is corrected to the satisfaction of the Zoning Administrator.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Project Implementation Report - WTS.** The Project Sponsor shall prepare and submit to the Zoning Administrator a Project Implementation Report. The Project Implementation Report shall:
- A. Identify the three dimensional perimeter closest to the facility at which adopted FCC standards for human exposure to RF emissions in uncontrolled areas are satisfied;
 - B. Document testing that demonstrates that the facility will not cause any potential exposure to RF emissions that exceed adopted FCC emission standards for human exposure in uncontrolled areas.
 - C. The Project Implementation Report shall compare test results for each test point with applicable FCC standards. Testing shall be conducted in compliance with FCC regulations governing the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday weekday with the subject equipment measured while operating at maximum power.
 - D. Testing, Monitoring, and Preparation. The Project Implementation Report shall be prepared by a certified professional engineer or other technical expert approved by the Department. At the sole option of the Department, the Department (or its agents) may monitor the performance of testing required for preparation of the Project Implementation Report. The cost of such monitoring shall be borne by the Project Sponsor pursuant to the condition related to the payment of the City's reasonable costs.

- E. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 2 and 4.
- F. Approval. The Zoning Administrator shall request that the Certification of Final Completion for operation of the facility not be issued by the Department of Building Inspection until such time that the Project Implementation Report is approved by the Department for compliance with these conditions.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

17. **Coverage and Capacity Verification.** Use is authorized as long as an independent evaluator, selected by the Planning Department, determines that the information and conclusions submitted by the wireless service provider in support of its request for conditional use are accurate. The wireless service provider shall fully cooperate with the evaluator and shall provide any and all data requested by the evaluator to allow the evaluator to verify that the maps, data, and conclusions about service coverage and capacity submitted are accurate. The wireless service provider shall bear all costs of said evaluation. The independent evaluator, upon request by the wireless service provider shall keep the submitted data confidential and shall sign a confidentiality agreement acceptable to the wireless service provider. The independent evaluator shall be a professional engineer licensed by the State of California.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9079, www.sf-planning.org.

18. **Notification prior to Project Implementation Report - WTS.** The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antenna at the time of testing for the Project Implementation Report.
- A. At least twenty calendar days prior to conducting the testing required for preparation of the Project Implementation Report, the Project Sponsor shall mail notice to the Department, as well as to the resident of any legal dwelling unit within 25 feet of a transmitting antenna of the date on which testing will be conducted. The Applicant will submit a written affidavit attesting to this mail notice along with the mailing list.
 - B. When requested in advance by a resident notified of testing pursuant to subsection (a), the Project Sponsor shall conduct testing of total power density of RF emissions within the residence of that resident on the date on which the testing is conducted for the Project Implementation Report.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Installation - WTS.** Within 10 days of the installation and operation of the facilities, the Project Sponsor shall confirm in writing to the Zoning Administrator that the facilities are being maintained and operated in compliance with applicable Building, Electrical and other Code requirements, as well as applicable FCC emissions standards.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. **Periodic Safety Monitoring - WTS.** The Project Sponsor shall submit to the Zoning Administrator 10 days after installation of the facilities, and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions, that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions.
For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

OPERATION

21. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
22. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
23. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
24. **Out of Service – WTS.** The Project Sponsor or Property Owner shall remove antennae and equipment that has been out of service or otherwise abandoned for a continuous period of six months.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
25. **Emissions Conditions – WTS.** It is a continuing condition of this authorization that the facilities be operated in such a manner so as not to contribute to ambient RF/EMF emissions in excess of then current FCC adopted RF/EMF emission standards; violation of this condition shall be grounds for revocation.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

26. **Noise and Heat – WTS.** The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Control Ordinance. The WTS facility, including power source and any heating/cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

27. **Transfer of Operation – WTS.** Any carrier/provider authorized by the Zoning Administrator or by the Planning Commission to operate a specific WTS installation may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that such transfer is made known to the Zoning Administrator in advance of such operation, and all conditions of approval for the subject installation are carried out by the new carrier/provider.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

28. **Compatibility with City Emergency Services – WTS.** The facility shall not be operated or caused to transmit on or adjacent to any radio frequencies licensed to the City for emergency telecommunication services such that the City's emergency telecommunications system experiences interference, unless prior approval for such has been granted in writing by the City.

For information about compliance, contact the Department of Technology, 415-581-4000, <http://sfgov3.org/index.aspx?page=1421>



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2020 AUG 18 AM 9:45
BY [Signature]

BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS INFORMATIONAL AND APPLICATION PACKET

Pursuant to Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, the Planning Director shall consider and make determinations regarding applications for the authorization of a Board of Supervisors Appeal Fee Waiver.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS AN APPLICATION FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER?

Planning Code Section 350(j)(3) and Ordinance No. 149-16, Section 4, establishes a waiver from the Board of Supervisor Appeal fees if the appeal is filed by a neighborhood organization that has been in existence for 24 months prior to the filing date of the request, is on the Planning Department's neighborhood organization notification list and can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

WHO MAY APPLY FOR A DISCRETIONARY REVIEW FEE WAIVER?

Any individual or neighborhood group can file for a Board of Supervisors Appeal. Exact criteria for neighborhood group organizations in order to qualify for a fee waiver are specified below:

- the appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization;
- the appellant is appealing on behalf of the organization that is registered with the Planning Department and that appears on the Planning Department's current list of neighborhood organization. To determine if the neighborhood group organization is registered with the Planning Department, visit <http://sf-planning.org/neighborhood-groups-map>;
- ✓ the appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, website or roster; and
- ✓ the appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

HOW DO I SUBMIT THE APPLICATION?

If the requirements above are met, complete the following application, along with any necessary supporting materials, and submit it to the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, CA 94013.

A check must be made for the correct amount per the Planning Department Fee Schedule, payable to San Francisco Planning Department. Once the Department determines that the requestor is eligible for the fee waiver, the Department will mail the check back to the entity.



San Francisco Planning

BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: Deborah Brown

Address: 2151 39th Ave, San Francisco CA 94116

Email Address: sisunsetneighbors@hotmail.com

Telephone: 415-566-6075

Neighborhood Group Organization Information

Name of Organization: Saint Ignatius Neighborhood Association

Address: c/o D. Brown 2151 39th Ave, San Francisco CA 94116

Email Address: sisunsetneighbors@hotmail.com

Telephone: 415-566-6075

Property Information

Project Address: 2001 37th Avenue, San Francisco CA

Project Application (PRJ) Record No: 2018-012648

Building Permit No: none yet

Date of Decision (if any): July 23, 2020

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	<input checked="" type="checkbox"/>	

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION CURRENT ORGANIZATION REGISTRATION MINIMUM ORGANIZATION AGE
 PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



SI Neighborhood Association

The Saint Ignatius Neighborhood Association (SINA) was formed in August 2015 by neighbors in the vicinity of Saint Ignatius College Preparatory High School (SI). We are strongly opposed to the school's plan to install permanent nighttime stadium lights on their football field.

The SINA formally registered as a community organization with the SF Planning Department in October 2016.

We met with SI four times in 2015 about the lighting project and had additional email interactions with them in 2016 until SI put the project on hold in November 2016. It was not until March 2020 that we were notified by SI that the project had been reactivated and this current approval process began.

Our current membership totals 165 neighbors led by a five member Steering Committee with Deborah Brown as contact/secretary.

SINA has the support of the Sierra Club, D4Ward and the Sunset Community Garden among others, in opposition to the lighting project.

Attached is our first official communication from a member of our Steering Committee.

sisunsetneighbors@hotmail.com

Deborah Brown
Secretary, SINA

New event: Meeting Regarding St. Ignatius proposed Football Field Lighting on Sep 15

From: Nextdoor Outer Parkside (reply@rs.email.nextdoor.com)

To: sftremor@yahoo.com


Date: Friday, August 28, 2015, 5:30 PM PDT





NEW EVENT


Meeting Regarding St. Ignatius proposed Football Field Lighting

Details

 Tue, Sep 15, 7:00 PM

 St. Ignatius College Preparatory
St. Ignatius College Preparatory, 37th Avenue, San Francisco, CA, United States

 In the Rectory Building. Come learn more about the proposed stadium light (90' lights on new cell-tower poles, possibly) and the impact of night-time football games on ... [Read more](#)

 Posted by *Nina Manzo* from Outer Parkside
Just now

[View details and respond](#)

[Map](#)

Save The Date - Meeting with S.I.

sisunset neighbors <sisunsetneighbors@hotmail.com>

Thu 10/13/2016 6:07 PM

To: Seiko Grant <sgrant654@gmail.com>; Larry & Shirley Yee <lolune@yahoo.com>; Shirley & Yulei Shang <xuxialian@gmail.com>; Kathy Howard <kathyhoward@earthlink.net>; Tim & Allison Harrington <alistwinroses@gmail.com>; Randall Hung <randall.hung@gmail.com>; Wong Family <wongs39@sbcglobal.net>; Denise Little <florence723@yahoo.com>

Cc: Brendan Kenneally <kenneally.brendan@gene.com>; Isabelle Hurtubise <ihurtubise@gmail.com>; sftremor@yahoo.com <sftremor@yahoo.com>

As you know, Saint Ignatius has requested a meeting with a smaller group of neighbors to discuss their proposed night lights on the football field.

This meeting will be next **Thursday, October 20th 6:45 pm*** - please save the date.

You are included in our core/select group of neighbors.

For this meeting only, please do not invite anyone who is not on this list.

We are purposefully keeping this meeting to 10-12 neighbors for now.

(Jack is included he just doesn't do email)

More details and our "agenda" will follow.

Thank you Deborah & Brendan

* Mtg will be at SI -- President's Conference Room of McGucken Hall. This is the building furthest to the north on campus (nearest to Pacheco Street)

DEBORAH FISCHER-BROWN
RAYMOND BROWN
2151 39TH AVE
SAN FRANCISCO CA 94116-1651

1004
11-35/1210 CA
1310

8-13-20
DATE

PAY TO THE ORDER OF SF Planning Dep. \$ 640⁰⁰ xxx
Six hundred forty dollars + 00/100 DOLLARS

BANK OF AMERICA

Wealth Management Banking

ACH R/T 121000358

846210-012648

