



CONDITIONAL USE AUTHORIZATION APPEAL

350 AMBER DR – CUA Appeal (Revised)

Date: December 8, 2025
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Sarah Dennis-Phillips, Planning Director – Planning Department (628) 652-7600
John Dacey, Case Planner – Planning Department (628) 652-7415

Re: **Board File No. 25108, Planning Case No. 2024-004318APL**
Appeal of Conditional Use Authorization for 350 Amber Drive

Hearing Date: December 9, 2025
Project Sponsor: AT&T Wireless c/o Eric Lentz, (805) 895-4394
Appellants: Mitchell M. Tsai of Mitchell M. Tsai Law Firm, on behalf of the Diamond Heights Community Association

Introduction

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization under Planning Department Case Number 2024-004318CUA pursuant to Planning Code Sections 211.2 (Public District), and 303 (Conditional Use Authorization) for a project located at 350 Amber Drive.

This memorandum addresses the appeal to the Board, filed on October 27, 2025, by Mitchell M. Tsai of the Mitchell M. Tsai Law Firm, representing a local community group (Diamond Heights Community Association).

The decision before the Board is whether to uphold, overturn, or amend the Planning Commission’s approval of an application for Conditional Use Authorization to allow the proposed project at the subject property.

Site Description & Present Use

The project site is located at 350 Amber Drive (Assessor's Block 7251, Lot 005), with frontage along Amber Drive to the northwest, Turquoise Way to west and Duncan Street to the north. The property is owned by the City and County of San Francisco and under the jurisdiction of the San Francisco Police Department (SFPD), with a lot area of approximately 195,113 square feet (about 4.5 acres). The project site contains three, one-to-two-story buildings, and is currently occupied and used by SFPD as its police academy. The buildings are surrounded by paved surface parking.

Surrounding Properties and Neighborhood

The project site is located within the P (Public) Zoning District in the Diamond Heights neighborhood. The immediate context is mixed in character with residential, recreation, and institutional uses. The immediate neighborhood includes two-to-three-story residential development to the west and north, a public park (Glen Canyon Park) to the southwest, St. Nicholas Orthodox Church to the northeast, and another public park (George Christopher Playground) to the south and east.

Project Description

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

Background

- On May 9, 2024, Eric Lentz, on behalf of AT&T Wireless (hereinafter "Project Sponsor") filed Application No. 2024-004318CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for the project.
- On May 29, 2025, the project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this project.
- On September 25, 2025, the Commission conducted a duly noted public hearing at a regularly scheduled meeting and voted 4-3 to approve the project by granting a Conditional Use Authorization, under Motion 21825.¹ The Commission required conditions of approval.

¹ <https://citypln-m-extnl.sfgov.org/External/link.ashx?Action=Download&ObjectVersion=-1&vault={A4A7DACD-B0DC-4322-BD29F6F07103C6E0}&objectGUID={FCAEB256-AC76-40F4-84DE-0BB6F84356F3}&fileGUID={A0C8B36E-05B3-4965-95BF-B67F7CD09952}>

- On October 27, 2025, Mitchell M. Tsai of Mitchell M. Tsai Law Firm, on behalf of the Diamond Heights Community Association (appellant), filed an appeal of both the Conditional Use Authorization and the Categorical Exemption determination for the project.
- On November 3, 2025, the Department determined the CEQA appeal was timely filed.
- On November 6, 2025, the Clerk of the Board initially determined the signatures submitted for the appeal of the Conditional Use Authorization did not meet the required threshold of 20%, with only 16.92% of the required area represented.
- On November 25, 2025, the Clerk of the Board issued a second determination that a sufficient amount of signatures had indeed been acquired and proceeded with scheduling the CUA appeal for hearing.
- On December 3, 2025, the appellant submitted additional correspondence in support of their CUA appeal application.

Conditional Use Authorization Requirements

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

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

4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

Appellant Issues and Planning Department Responses

ISSUE 1: The appellant is concerned about the safety of the proposed project in light of its location, given its location in a landslide zone and atop an infill site.

RESPONSE 1:

The Appellant has not provided any supportive evidence that the geology and soils present at the project site pose a safety risk. Thus, the following analysis of geology and soils is provided for information purposes only.

To address potential adverse effects related to geology and soils, San Francisco relies on state and local regulations. Building permits are reviewed and approved under the California Building Code and the San Francisco Building Code. The local code includes state requirements plus city-specific amendments and administrative bulletins. The building department also issues information sheets with implementation procedures. Following these codes and procedures helps ensure the safety of all new construction in the city.

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

ISSUE 2: Appellant asserts that the applicant misrepresented the Project to the Commission, by providing plans lacking accurate location information and intends to construct a 104-foot-tall monopine, a tower camouflaged as a pine tree with artificial branches and leaves, which must be assessed for potential environmental impacts.

RESPONSE 2: The plans reviewed and approved by the Commission, dated February 6, 2024 and stamped "Exhibit B" under Motion 21825, omitted latitude and longitude coordinates and area calculations for the project site, and contained a typo on sheets A-4 and A-5, labeling the monopole as a "monopine". However, the design and location were accurately depicted in the site plan, illustrated elevations and described in the presentation to the Commission. The Motion and all references to the design are for a monopole design, and the applicant has stated that they intend to proceed with the simple monopole design. A monopine design was presented at the September 25, 2025 Commission meeting only to demonstrate an alternative design that was considered in the preparation of the application but was ultimately found to be less favorable by the Commission. To obtain Department

approval, the proposed 104-foot monopole design must conform to the plans and project description approved by the Planning Commission in its September 25, 2025 motion.

ISSUE 3: Potential safety issues from the wireless facility as a potential fire hazard, based on its proximity to Glen Canyon Park.

RESPONSE 3: The Appellant raises concerns about fire risks and hazards from the monopole and the associated fuel tank given its proximity to the nearby parks and surrounding wooded area. No evidence has been provided that the proposed project poses a risk to residents and visitors in the vicinity as a fire hazard. Thus, the following discussion of the project's impacts related to fires is provided for informational purposes only.

San Francisco is not located in a wildfire hazard zone, as shown in the Fire Hazard Severity Zones map, which is mapped by Cal Fire, as mandated by California Public Resources Code sections 4201-4204.² The proposed project would be required to meet the state and local fire codes, which include specific requirements for cellular antenna sites and placement of diesel generators.³ These code requirements are intended to ensure fire and life safety, fire prevention, and property protection.

In addition, the project site is less than a mile from two SFFD stations, approximately 0.7 miles away from Fire Station 26 at 80 Digby Street and 0.8 miles away from Fire Station 24 at 100 Hoffman Avenue. Further, the City's fire division will conduct a compliance review as part of the building permit application process.

ISSUE 4: Potential project impacts on wildlife species and wildlife corridors at Glen Canyon Park.

RESPONSE 4: The project site is located adjacent to the Christopher Diamond Softball Field and Glen Canyon Park. The San Francisco Recreation and Parks Department published a Significant Natural Resource Area Management Plan in 2006.⁴ The plan included a detailed assessment of Glen Canyon Park, including sensitive species that are found within the natural area boundary.⁵ The assessment reveals that the natural area boundary is not coterminous with the boundaries of the park, but rather is approximately 200 feet away from the project site. The portion of the natural area that is closest to the project site is also designated as Management Area 3, which is the least sensitive type of habitat, found to be covered with urban forest and invasive grasslands. Therefore, the Recreation and Parks Department's assessment found that while the interior portions of the adjacent park support sensitive species that natural area boundary is not near the project site and could not be reasonably affected by construction or operation of the proposed project.

Because the proposed project is not located directly adjacent to a natural area, that the nearest natural area is of the least sensitive status and that the project site would be entirely fenced in, the project would not result in any significant impacts related to biological resources.

² <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>

³ <https://sf-fire.org/206-submittal-requirements-cellular-antenna-sites>

⁴ <https://sfrecpark.org/1402/Natural-Resource-Management-Plan>

⁵ https://sfrecpark.org/DocumentCenter/View/8522/630Shaughnesy_GlenPark

ISSUE 5: Potential impacts on St Nicholas Orthodox Church, which appellant describes as a potential historic resource.

RESPONSE 5: Contrary to appellant’s argument, St. Nicholas Orthodox Church has not been identified as a potential historic resource and there are no identified historical resources in the project’s vicinity. Moreover, the project is located approximately 500 feet away from the Church. The Appellant has not provided any evidence that the installation of a wireless telecommunications services facility under these circumstances would result in a substantial adverse change to the significance of a historic resource.

ISSUE 6: Appellant asserts that the Planning Commission’s findings of General Plan consistency are unsupported, as they leave out inconsistencies with the open space preservation and public health and safety policies under the General Plan and its Open Space and Safety Elements.

RESPONSE 6: The appellant asserts that specific policies within the General Plan are inconsistent with the approval of the proposed project. In their letter, they contend that the project is inconsistent and incompatible with Policy 1.10 and Policy 1.3 of the Recreation and Open Space Elements. They also assert the project is inconsistent with Goal 3 of the City’s Safety and Resilience Element and that the approval of the project is incompatible with Policy 3.2.4 of the same Element due to the geological conditions of the project location.

Policy 1.10 of the Recreation and Open Space Element is to “*Ensure that open space is safe and secure for the City’s entire population.*”⁶ The appellant’s letter states that improving AT&T’s coverage and capacity within the playground and park and in the neighborhood does not address safety and security for the City’s surrounding population. While the examples listed under this policy are mostly regarding the physical design of open space, improved cellular coverage would allow for better utilization of the parks, as more residents would have access to emergency services, and feel safer while utilizing the parks for recreation. It would further reduce the fear of crime, as an increase in park visitors would encourage more “eyes on the park”.

Policy 1.3 of the Recreation and Open Space Element is to “*Preserve existing open space by restricting its conversion to other uses and limiting encroachment from other uses, assuring no loss of quantity or quality of open space.*” Under this policy the General Plan states “*Outdoor space in parks and playgrounds should not be diminished except in very unique cases. Yet, despite general agreement on the need to preserve public open space, developments may indeed be proposed on public land designated as open space. It is anticipated that the most persuasive arguments in favor of development will be based on the “public value” of the proposed development. The public value will differ among proposals, and a determination of this projected value as compared the potential open space benefit will be difficult and must be subject to rigorous public scrutiny.*”

The proposed project is in an existing parking lot located at the rear of the San Francisco Police Academy and is not readily accessible to the public. It is not located on Recreation and Park Department Land and is not identified as existing or proposed open space in the General Plan as shown in *Map 3: Existing and*

⁶ https://generalplan.sfplanning.org/I3_Recreation_and_Open_Space.htm

*Proposed Open Space.*⁷ A Shadow Analysis was prepared by Fastcast and reviewed at the June 9, 2025 hearing of the Recreation and Park Commission, who adopted a resolution to the Planning Commission confirming that the net new shadow cast by the proposed project will not have a significant adverse impact on the use of George Christopher Playground and Glen Canyon Park. Because the project allows for greater utilization of the existing adjacent open space at both nearby parks by providing improved cellular coverage in case of emergency and does not lead to the loss of any quantity or quality in their open space, the project remains compatible and consistent with the Recreation and Open Space Element.

The appeal states that the Planning Commissions limited their focus to the disaster management policies in the Safety and Resilience Element, rather than focusing on Goal 3, Hazard Mitigation and the objectives and policies within this section on reducing the likelihood, scale and severity of impacts from all disasters. Appellant further claims that the project will directly cause fire or natural disasters and question the benefits of wireless service to the general public. The project's location outside of a wildfire hazard zone, and the existing local and state building regulations, would result in a low risk of fire or other risk of disaster. On the contrary, Policy 5.1.3 of the Safety and Resilience Element specifically states that private communication systems, including AT&T, are critical facilities in the City's communication system and redundant networks will help ensure that incidental failures do not have grave impacts.⁸

Policy 3.2.4 is to “ensure foundations and structural systems are designed with consideration of site soils conditions when reviewing projects in areas subject to liquefaction, slope instability, sea level rise, groundwater rise, and other flood hazards.” As mentioned in the response to Issue 1, the building permit application will be reviewed against state and local codes for any potential adverse effects related to geology and soils. Following these codes and procedures helps ensure the safety of all new construction in the city.

Summary Response

The Appellant claims that the project would result in significant health and safety impacts based upon seismic, landslide, fire and chemical hazards to the public, and to the environmentally sensitive resources in Glen Canyon Park. They also claim that the project is incompatible with the General Plan goals, objectives and policies. No substantive evidence has been provided to support these claims or indicating that the Commission erred in their approval of the Conditional Use Authorization. Furthermore, the conditions of approval under Motion 21825 will address any potential impacts of the proposed project.

Conclusion

For the reasons stated in this document, Planning Commission Motion 21825, and in the Planning Department case file, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use Authorization.

⁷ https://generalplan.sfplanning.org/images/I3.recreation_openspace/ROS_Map3.pdf

⁸ https://generalplan.sfplanning.org/I8_Safety_and_Resilience.htm