

1 [Adopting findings related to the conditional use appeal on property located at 2801-2825
2 California Street.]

3 **Motion adopting findings related to the appeal of the Planning Commission’s approval**
4 **of Conditional Use Application No. 2000.1190C (which authorized, subject to certain**
5 **conditions, the mounting of three panel antennas on the roof of an existing three-story**
6 **over basement mixed use building as part of a wireless telecommunications network),**
7 **within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X**
8 **Height and Bulk District, pursuant to 711.83 of the Planning Code, on property located**
9 **at 2801-2825 California Street, southwest corner at Divisadero Street (Lot 001 in**
10 **Assessor’s Block 1028).**

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12 The appellant, Douglas Loranger, filed a timely appeal on December 17, 2001,
13 protesting the approval by the Planning Commission of an application for a conditional use
14 authorization (Conditional Use Application No. 2000.1190C, approved by Planning
15 Commission Motion No. 16287 on November 15, 2001) to mount, subject to certain conditions
16 imposed by the Planning Commission, a total of three panel antennas on the roof of an
17 existing three-story over basement mixed use building, within an NC-2 (Small-Scale
18 Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to
19 Section 711.83 of the Planning Code, on property located at 2801-2825 California Street,
20 southwest corner at Divisadero Street (Lot 001 in Assessor’s Block 0612).

21 The San Francisco Planning Department adopted Wireless Telecommunications
22 Services (“WTS”) Facilities Siting Guidelines in August of 1996 (“Guidelines”) to help manage
23 the Department’s consideration of applications for conditional use authorization to install WTS
24 facilities. The Guidelines establish location preferences for installation of WTS facilities
25 throughout the City. The Location preferences set forth seven location categories, with

1 category 1 being the most preferred sites and category 7 being the most disfavored sites.
2 The property located at 2801-2825 California Street falls within category 5 (mixed-use building
3 within an NC-2 Zoning District). Location Preference Number 5 of the WTS Guidelines does
4 not require an alternative site analysis. It is the policy of the Planning Commission, however,
5 to require this information from applicants for sites of this preference rating. The applicant
6 (Sprint) prepared an Alternative Site Analysis detailing what publicly-used buildings, co-
7 location sites and/or other Preferred Location Sites of a higher preference than the subject
8 site exist within the required geographic service area. The Alternative Site Analysis identified
9 twenty-seven publicly used buildings (Location Preference 1) and twelve wholly commercial
10 buildings (Location Preferences 3 or 4) within the required geographic service area. Sprint
11 asserts these alternative sites of a higher preference rating were either not available to the
12 applicant or not technologically feasible for the service requirements of the applicant.

13 The public hearing before the Board of Supervisors on said appeal was scheduled to
14 be heard on January 14, 2002. On January 14, 2002, the Board conducted a duly noticed
15 hearing on the appeal from the Planning Commission's approval referred to in the first
16 paragraph of this motion. Following the conclusion of the public hearing on January 14, the
17 Board disapproved the decision of the Planning Commission (Planning Commission No.
18 16287), and denied the issuance of requested Conditional Use Application No. 2000.1190C.

19 In reviewing the appeal of the approval of the requested conditional use authorization,
20 this Board reviewed and considered the written record before the Board and all of the public
21 comments made in support of and opposed to the appeal.

22 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
23 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
24 though fully set forth, the findings made by the Planning Commission in its Motion No. 16287,
25 dated November 15, 2001, except as indicated below; and, be it

1 FURTHER MOVED, That the Board of Supervisors further took notice that the project
2 was categorically exempt from environmental review as a Class I exemption under Title 14 of
3 the California Administrative Code. The Board finds that there have been no substantial
4 changes in project circumstances, and no new information of substantial importance that
5 would change the determination of categorical exemption issued by the Planning Department;
6 and, be it

7 FURTHER MOVED, That the Board of Supervisors finds that:

8 1. At the public hearing, and in documents submitted by the applicant, the applicant
9 stated that the installation of these proposed antennas is necessary to meet the applicant's
10 service demands within the geographic service area defined by the applicant. At the public
11 hearing, however, the applicant was unable to demonstrate credibly that the proposed
12 facilities are necessary. Sprint customers who live or work within the proposed service area
13 testified that they are able to use Sprint's services in the identified locations. Following further
14 questions of the applicant's representatives by members of the Board of Supervisors, the
15 Board determined that the written and oral information provided by the applicant (a) was not
16 persuasive or objectively verified, (b) did not establish that the proposed site is necessary to
17 meet the applicant's service demands, and (c) at most indicated that any deficiencies or gaps
18 in the applicant's service coverage are insignificant. Consistent with this finding, and based
19 on the evidence presented and information contained in Sprint's application, the Board further
20 determined that disapproving the decision of the Planning Commission by its Motion 16287,
21 dated November 15, 2001, would not prohibit, or have the effect of prohibiting, the provision of
22 personal wireless services.

23 2. Nothing in the record suggests that the Guidelines or the Board's application of the
24 Guidelines in this case unreasonably discriminate against the applicant, and the Board,
25 therefore, determined that disapproving the decision of the Planning Commission would not

1 unreasonably discriminate in favor of providers of functionally equivalent services.

2 FURTHER MOVED, That based upon the findings made in the preceding paragraph,
3 the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect
4 and without substantiation, and finds that the installation of the proposed antennas is not
5 necessary to: provide emergency communication options in this neighborhood; to improve the
6 quality of applicant's services in this neighborhood; or to meet the applicant's service
7 demands in the applicant's desired coverage area to be served by the proposed antennas.

8 FURTHER MOVED, That the Board of Supervisors finds that Finding 10 made by the
9 Planning Commission was incorrect and without substantiation, and finds that the installation
10 of the proposed antennas is not necessary or desirable for and compatible with the
11 neighborhood or the community, and will only add an unnecessary service that will result in an
12 additional intrusion of unnecessary, noticeable equipment into a neighborhood which includes
13 a high proportion of residential property.

14 FURTHER MOVED, That the Board of Supervisors finds that Finding 11 made by the
15 Planning Commission was incorrect and without substantiation, and finds that the installation
16 of the proposed antennas is not in conformity with, and would not implement the policies of
17 the City's General Plan, in that the installation of the proposed antennas will not further any of
18 the objectives referred to by the Planning Commission, since the applicant is already able to
19 provide the services they are seeking to expand.

20 FURTHER MOVED, That the Board of Supervisors finds that Finding 12 made by the
21 Planning Commission was incorrect and without substantiation, and finds that the installation
22 of the proposed antennas: is not necessary to preserve and enhance existing neighborhood
23 retail uses and preserve and enhance future opportunities for resident employment in and
24 ownership of such businesses; will be detrimental to the existing housing and neighborhood
25 character; will not preserve and enhance the City's supply of affordable housing; and will not

1 add to the City's preparedness to protect against injury and loss of life in an earthquake.

2 FURTHER MOVED, That the Board of Supervisors finds that Finding 13 made by the
3 Planning Commission was incorrect and without substantiation, and finds that the conditional
4 use authorization would not promote the health, safety and welfare of the city, and will only
5 add an unnecessary service that will result in an additional intrusion of unnecessary,
6 noticeable equipment into a neighborhood which includes a high proportion of residential
7 property.

8 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
9 competing public and private interests, disapproved the decision of the Planning Commission
10 by its Motion No. 16287, dated November 15, 2001, and denied the issuance of Conditional
11 use Application No. 2000.1190C.

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