

File No. 100382

Committee Item No. \_\_\_\_\_

Board Item No. 31

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 05/18/10

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

Appeal of Determination of Conditional Use for 725 Taraval Street

(Other materials were distributed to each member of the Board upon receipt by the Clerk's Office, and available in File No. 100382) \_\_\_\_\_

Completed by: Joy Lamug

Date 05/13/10

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

18

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T-Mobile SF53306 - 725 Taraval St - Board of Supervisors Appeal - supporting exhibits

Rick Hirsch

to:

Elizabeth Watty

05/06/2010 02:04 PM

Cc:

Rick Caldeira, Joy Lamug

Show Details

## 2 Attachments



REVISED SF53306A - Tom Bldg - BoS Presentation (2).pdf SF53306 alternate site analysis.pdf

Hello Elizabeth,

Please see the attached exhibit packages that we have provided Joy Lamug for distribution to the Supervisors in support of our Tuesday 5/18 Appeal. Please let me know if you have any questions.

Thanks,

Rick

Rick Hirsch, AICP  
Permit Me, Inc.  
Zoning Specialist  
cell: 415.377.7826  
fax: 415.440.7777  
[rickaicp@gmail.com](mailto:rickaicp@gmail.com)

T-Mobile, Tom Building, 725 Taraval Street  
T-Mobile Site ID No. SF53306  
Block: 2408 Lot No. 055

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 MAY -6 PM 1:16

BOS-11  
City May 1

**Alternate Site Analysis**

BY AK

The T-Mobile Radio Frequency Engineering Team researched and pursued six other potential candidate sites and a number of utility poles prior to selecting the subject candidate. Other candidate sites evaluated were as follows:

600 Vicente Street: Catholic Church. Landlord expressed that they were not interested in such a project.

631 Taraval Street building: Mixed Use Bldg. Radio Frequency Engineering Team determined that this site would not meet the intended coverage objective in the coverage ring.

645 Taraval Street building: Mixed Use Bldg. Radio Frequency Engineering Team determined that this site would not meet the intended coverage objective in the coverage ring.

810 Taraval Street building: Mixed Use Bldg. The landlord never responded to numerous queries.

2392 - 16th Avenue (16th & Taraval): Mixed Use Bldg. The landlord never responded to numerous queries.

Safeway Market rooftop (across from A candidate): Grocery Store. The T-Mobile Radio Frequency Engineering Team determined that the rooftop did not provide enough elevation to successfully provide a signal to surrounding neighborhood as the signal would ricochet off of neighboring taller buildings.

In addition, numerous utility pole mountings were evaluated, however, none of them would have provided sufficient coverage within the intended coverage area according to the T-Mobile Radio Frequency Engineering Team.

There is one existing macro facility and five small existing micro facilities in the vicinity of the proposed project; however, none of them provide adequate coverage to the target coverage area.

..T..Mobile..

# Board of Supervisors Presentation

## Tom Building

725 Taraval St, San Francisco, CA

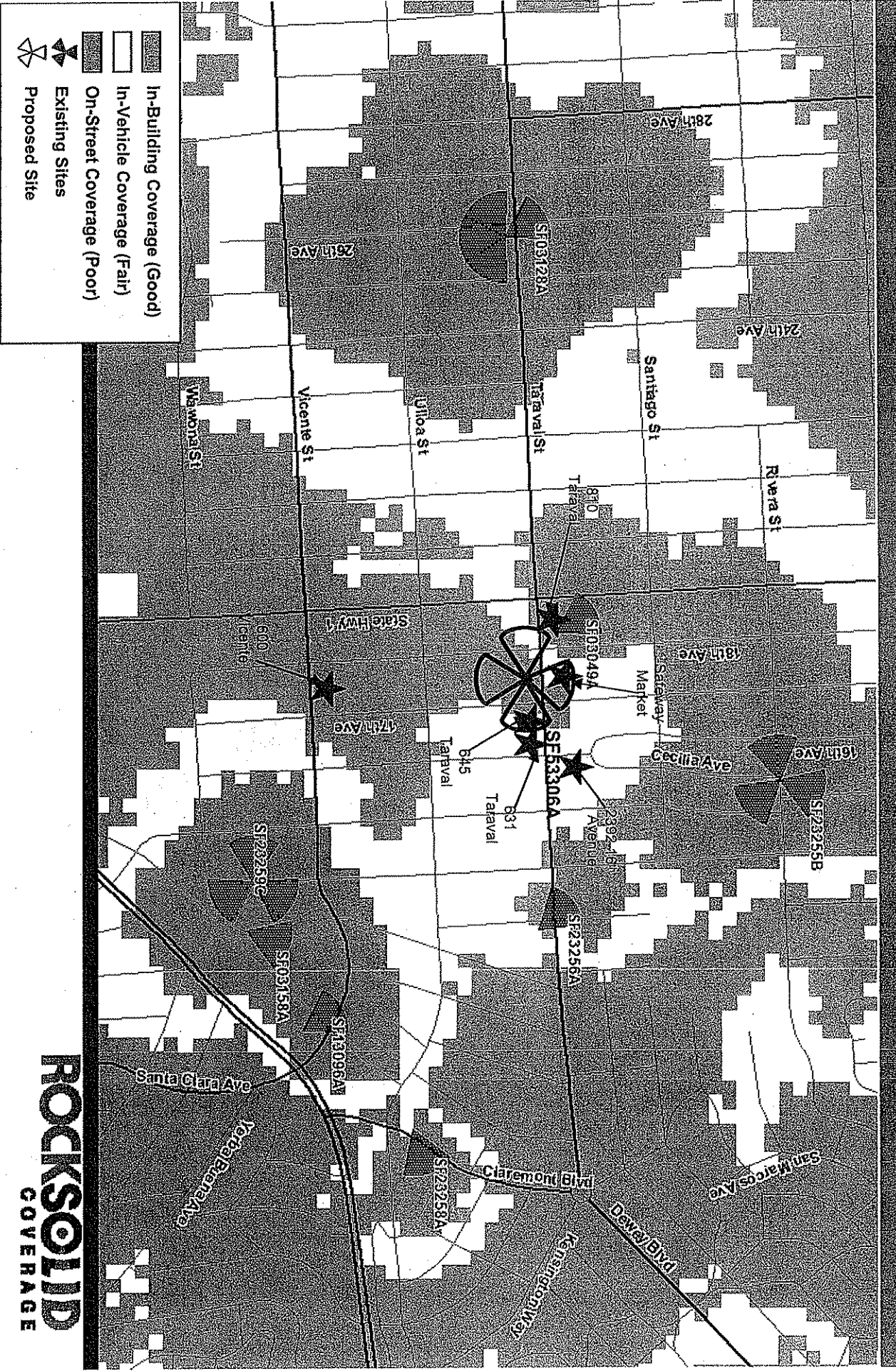
**ROCKSOLID**  
COVERAGE

# F-Mobile Aerial Map of Site Area



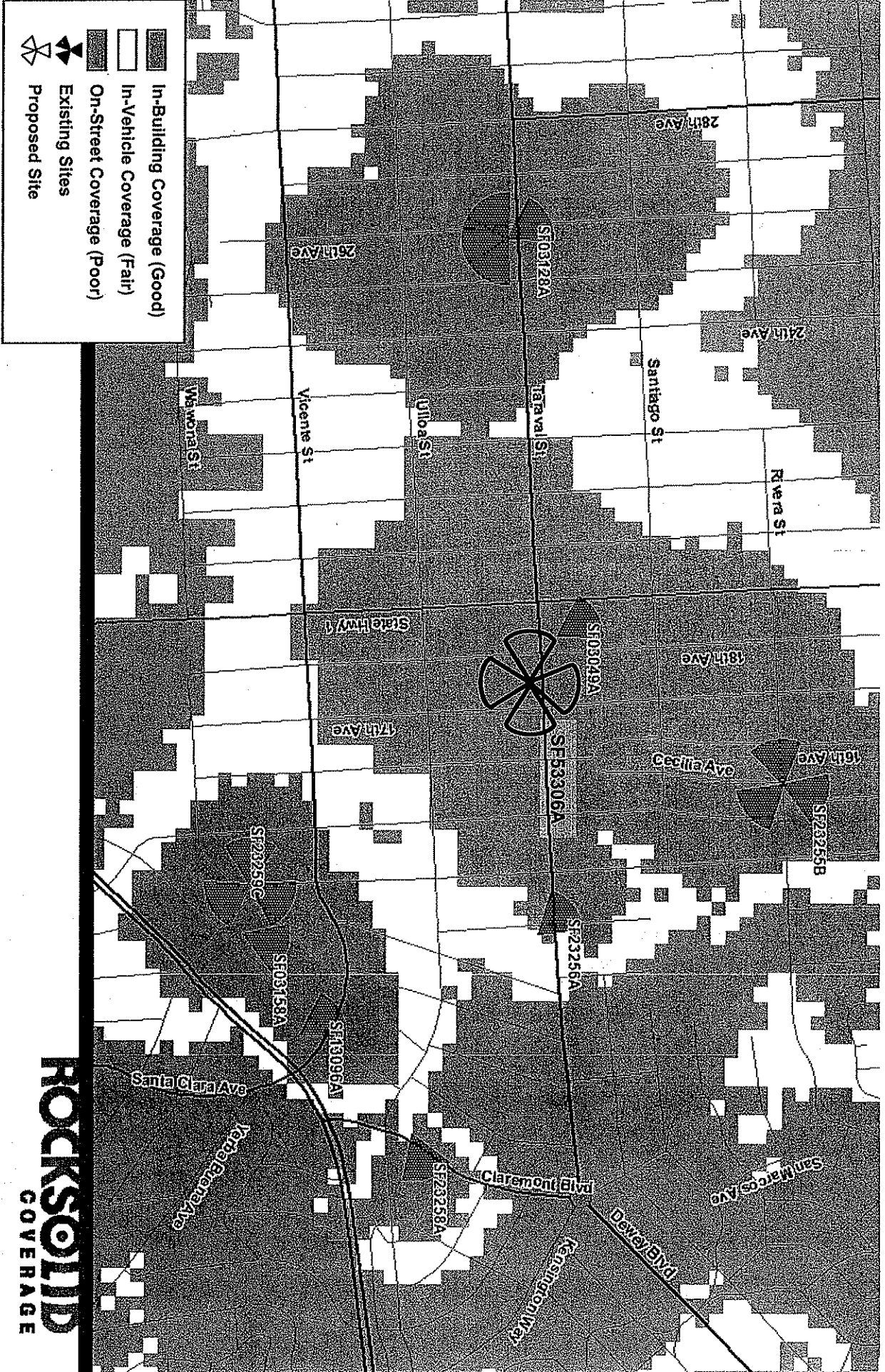
**ROCKSOLID**  
COVERAGE

# T-Mobile Existing Coverage



**ROCKSOLID**  
COVERAGE

# Mobile Coverage with Proposed Site



**ROCKSOLID**  
COVERAGE



# T-Mobile Area Dropped Call Statistics

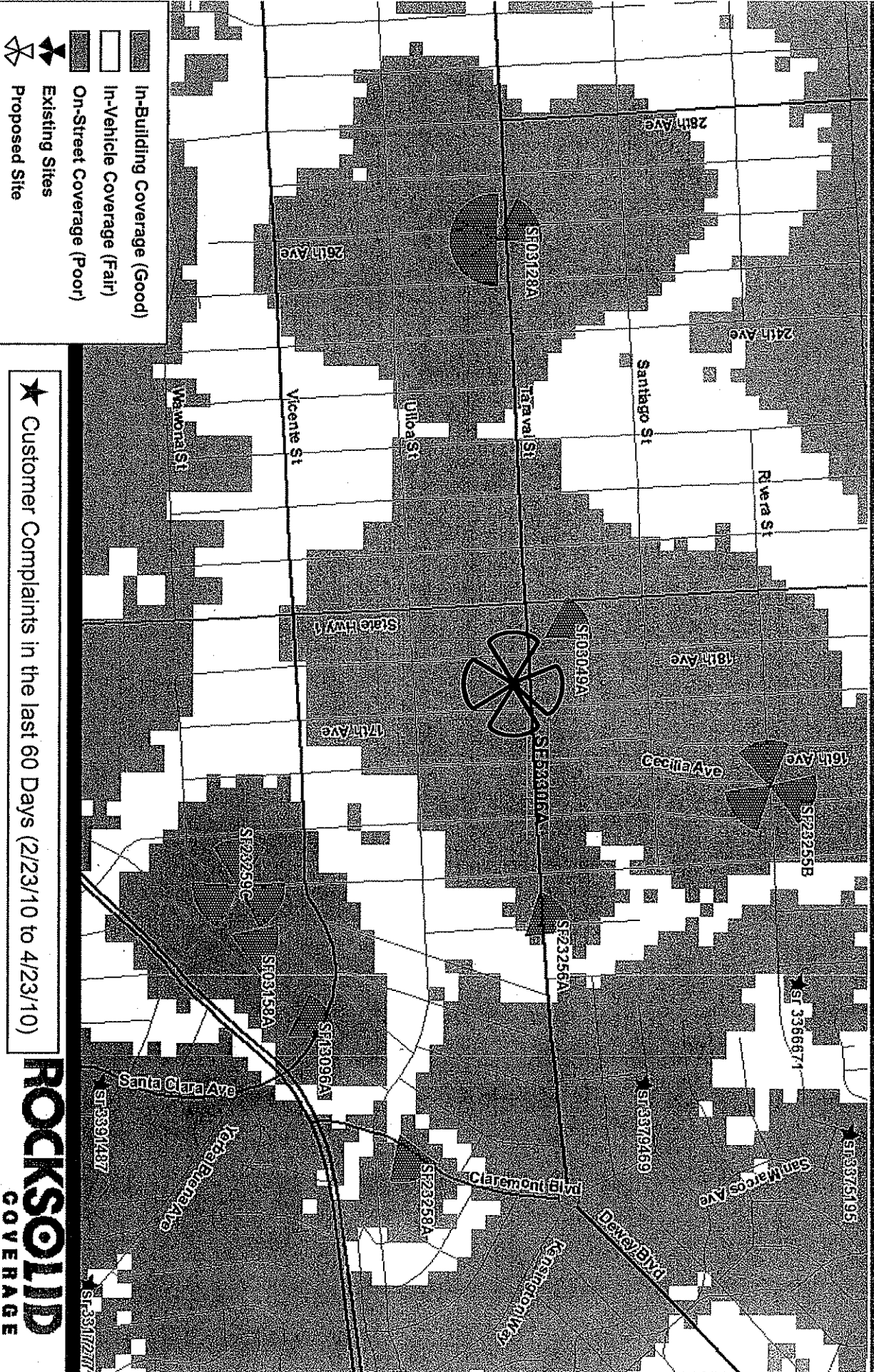


Data from (4/10/10 to 4/23/10)

Cell Name	Dropped Calls (due to RF)			Total Number of Calls		
	Average Daily	Last Week	Last 2 Weeks	Average Daily	Last Week	Last 2 Weeks
SF049A	2.93	17	41	2,898.64	20,653	40,581
SF128A	8.14	58	114	4,000.07	28,074	56,001
SF128B	13.79	94	193	7,529.57	53,792	105,414
SF128C	1.86	11	26	2,058.21	14,629	28,815
SF128D	4.93	41	69	5,411.93	38,941	75,767
SF158A	2.21	16	31	2,219.79	16,276	31,077
SF096A	10.57	81	148	1,441.86	10,332	20,186
SF3255A	21.71	146	304	5,785.14	38,559	80,992
SF3256A	1.50	8	21	1,098.07	8,385	15,373
SF3258B	0.07	0	1	309.86	2,409	4,338
SF3259A	17.86	117	250	882.79	6,298	12,359
<b>Total</b>	<b>85.57</b>	<b>589</b>	<b>1,198</b>	<b>33,635.93</b>	<b>238,348</b>	<b>470,903</b>

**ROCKSOLID**  
COVERAGE

# T-Mobile Customer Complaints (local vicinity)

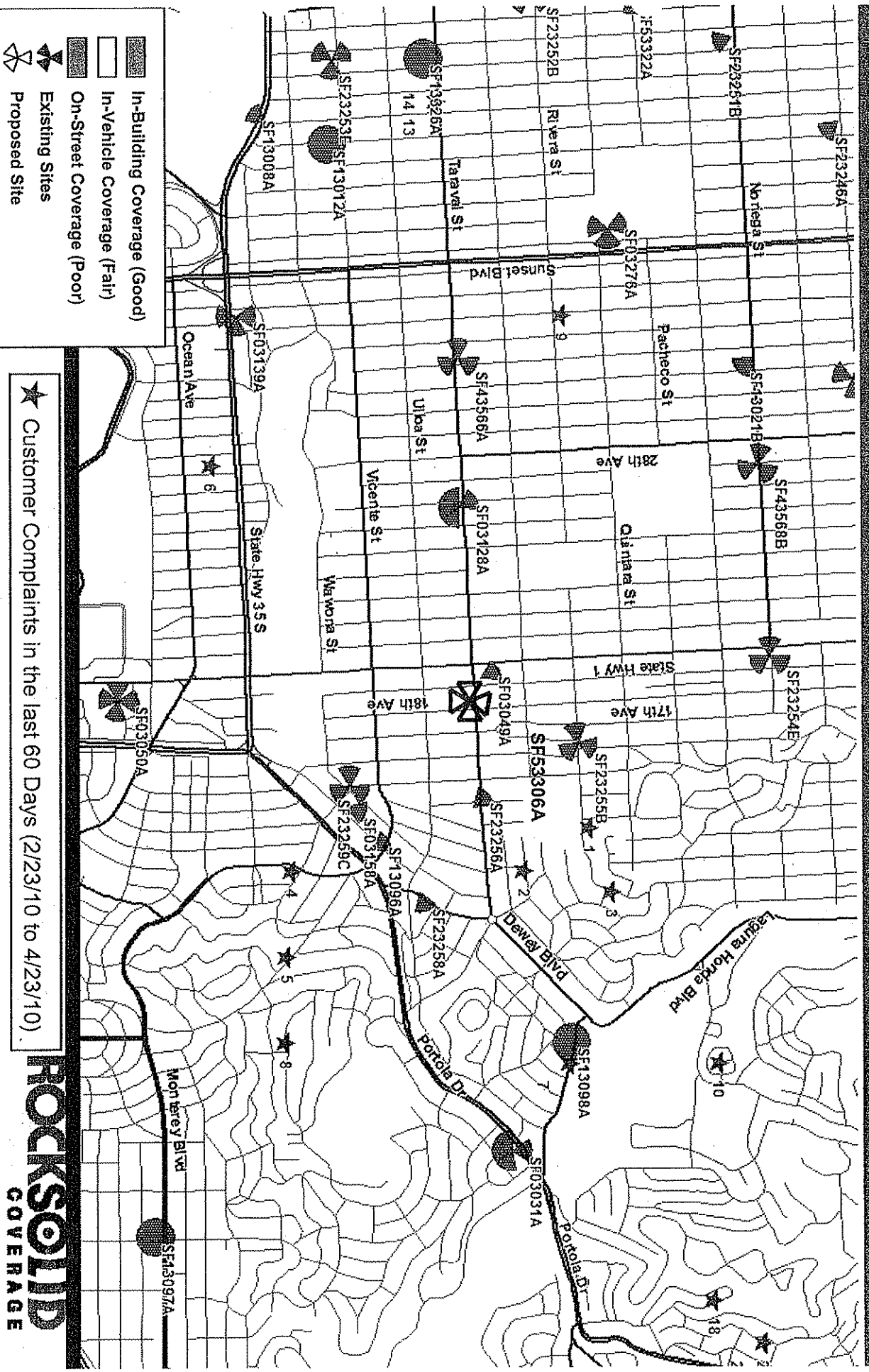


- In-Building Coverage (Good)
- In-Vehicle Coverage (Fair)
- On-Street Coverage (Poor)
- Existing Sites
- Proposed Site

★ Customer Complaints in the last 60 Days (2/23/10 to 4/23/10)

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COVERAGE

# T-Mobile Customer Complaints (within 1 mile radius)



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COVERAGE

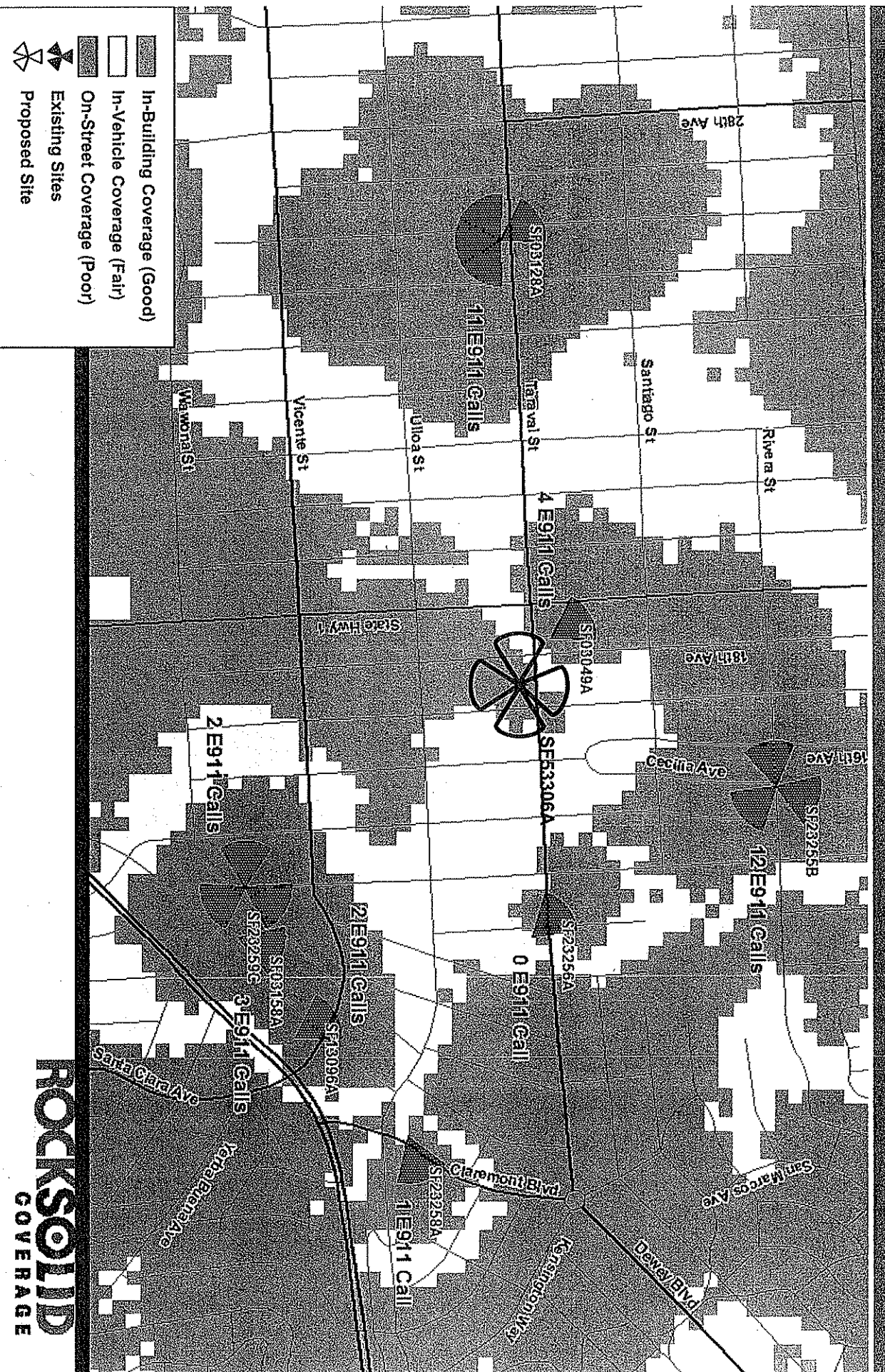
# T-Mobile customer Complaints Details (within 1 mile radius)

Last 60 Days (2/23/10 to 4/23/10)

No.	SR	Location	Customer Complaint Comments	Lat	Long	Distance (mile)
1	3366671	Indoor Residential	loses more than 1 Out 20 calls>> no known outages	37.7474	-122.468	0.44
2	3379469	Outdoors	Has no signal and says can only make emergency calls. No Signal->Preview->No signal->Symptom no signal->NO signal in 2 phones	37.745	-122.466	0.48
3	3375195	Indoor Residential	customer is still having dropped calls 80 - 90 % of the time	37.7483	-122.465	0.62
4	3391487	Indoor Commercial	cm unable to make calls shows one bar or service but goes no where tried multiple times with different phones	37.7364	-122.466	0.63
5	3317277	Indoor Residential	after she received a sms about improved coverage, she began to get a lot of dropped calls in her neighborhood and in her home.	37.7362	-122.462	0.81
6	3386951	Indoor Residential	Call Failure Messages in Building	37.7334	-122.485	0.88
7	3340875	Outdoors	can not make a call saying all circuits are busy	37.7467	-122.457	0.95
8	3344978	Indoor Residential	Not getting service around the house at all. HAS 5 bars and then it will lose the service	37.7361	-122.458	1.00
9	3294470	Indoor Residential	cust reports good service at beginning of service//now drops calls over 2 min in length repeatedly from home location//other TM users in same house are not experiencing this trouble	37.7465	-122.492	1.01
10	3190496	Indoor Residential	Cust is getting no bars in her home without wifi and when she is hooked up to her router she gets 3 but is still not able to make out any calls she has to drive mile down from her home to get a signal on her phone	37.7523	-122.457	1.12
13	3371028	Indoor Residential	Customer is having alot of dropped calls, in and around her home, Seems to happen more when train goes by, also happens around 42nd & Taraval.	37.7418	-122.502	1.54
14	3370989	Outdoors	getting dropped calls in a 5 bar coverage area	37.7418	-122.502	1.54
18	3385876	Outdoors	No service in this area and throughout market since 3:30	37.7521	-122.446	1.64
22	3381093	Indoor Residential	customer has signal and is having dropped calls.	37.7539	-122.444	1.80
23	3382559	Indoor Residential	customer getting alot of dropped calls and internet slowness.. Also switching from edge to 3g and back on a regular basis	37.7539	-122.444	1.80

**ROCKSOLID**  
COVERAGE

# T-Mobile E911 Calls (per site, last 30 days)



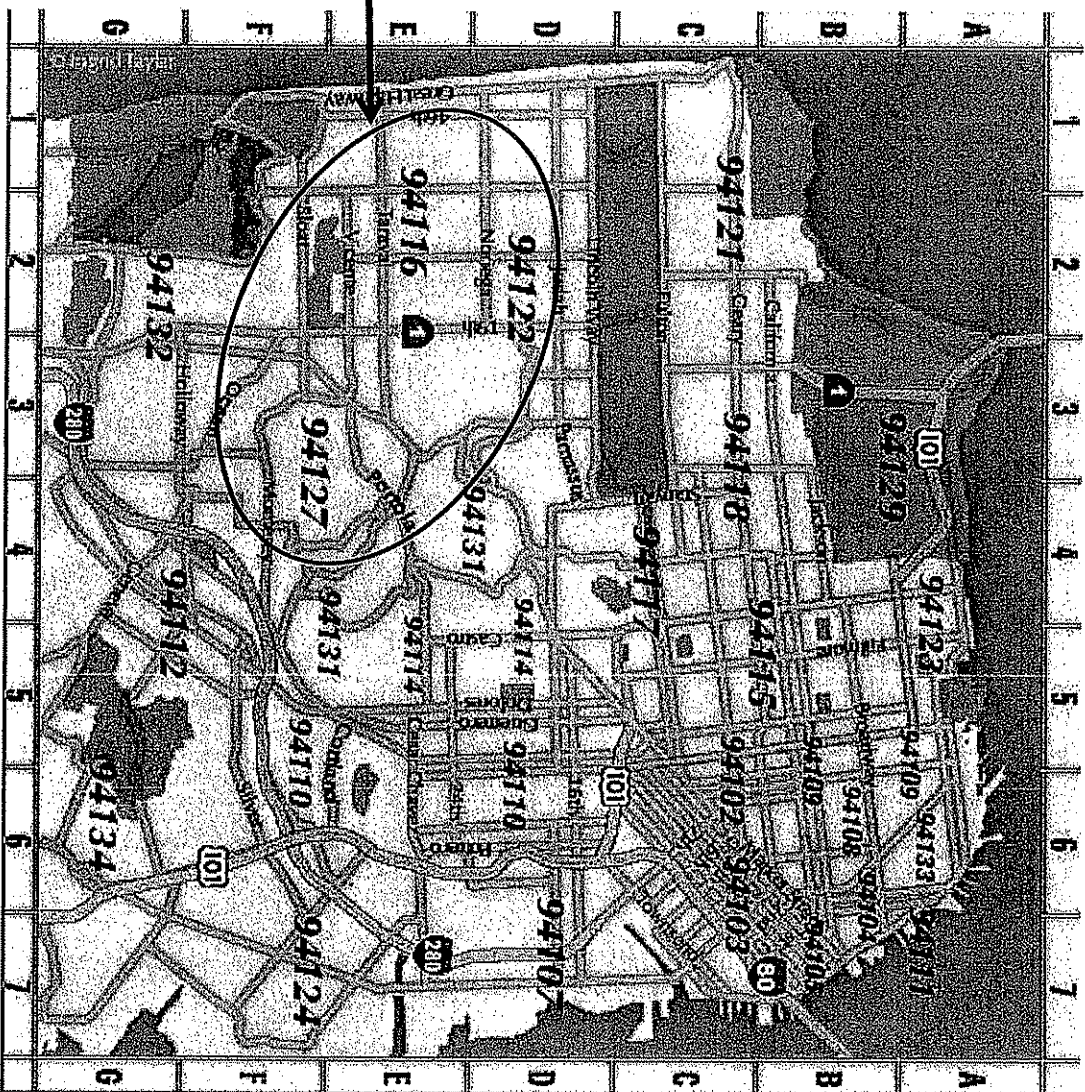
**ROCKSOLID**  
COVERAGE

# Mobile E911 Calls (per zip code, last 30 days)

Data from (3/23/10 to 4/23/10)

Zip Code	No. of Sites	No. of E911 Calls
94116	9	47
94122	27	192
94127	33	223

The site is in the border of these 3 zip codes



**ROCKSOLID**  
COVERAGE

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

NOTICE TO BOARD OF SUPERVISORS OF APPEALS PM 2:04  
FROM ACTION OF THE CITY PLANNING COMMISSION

BY [Signature]

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 725 TARAVAL ST.

FEB. 25, 2010  
Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

3-25-10  
Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2009-0531C

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

The entire decision - see attached P.C. MOTION #18037 & decision

b) Set forth the reasons in support of your appeal:

T-MOBILE'S proposed wireless facility is NOT necessary and NOT desirable at this location and incompatible with the existing residential character of the neighborhood.

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

RICH DA LUZ  
Name

ROBERT CARSON  
Name

2435 17<sup>TH</sup> AVE., S.F. 94116  
Address

2447 17<sup>TH</sup> AVE. S.F. 94116  
Address

415-661-9248  
Telephone Number

415-566-6314  
Telephone Number

Robert Carson  
Signature of Appellant or  
Authorized Agent



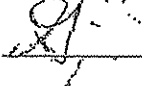
The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2435-17<sup>th</sup> Ave</u>	<u>2408-006</u>	<u>Richard Daluz</u>	<u>[Signature]</u>
2.	<u>2435-17<sup>th</sup> Ave</u>	<u>2408-006</u>	<u>Karen Lau</u>	<u>[Signature]</u>
3.	<u>2426 17<sup>th</sup> Ave</u>	<u>2409-033</u>	<u>Scott Blalock</u>	<u>[Signature]</u>
4.	<u>2426 17<sup>th</sup> Ave</u>	<u>2409-033</u>	<u>Yukie Kato</u>	<u>[Signature]</u>
5.	<u>2439 17<sup>th</sup> Ave</u>	<u>2408-007</u>	<u>MOLLY LEE</u>	<u>[Signature]</u>
6.	<u>2439 17<sup>th</sup> Ave</u>	<u>2408-007</u>	<u>DAVID LEE</u>	<u>[Signature]</u>
7.	<u>2425-16<sup>th</sup> Ave</u>	<u>2409-003</u>	<u>IVONE WONG</u>	<u>[Signature]</u>
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1.	<u>2455-17TH AVE.</u>	<u>2408-011</u>	<u>GARSONG FENG</u>	
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1.	<u>2427 18<sup>th</sup> AVE</u>	<u>2407 3A</u>	<u>WILLIAM DWYAN</u>	<u>William Dwyan</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
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1.	_____	_____	_____	_____
2.	<u>2427-17<sup>TH</sup> AVE</u>	<u>2408-4</u>	<u>FOONIC/ HUI</u>	<u>[Signature]</u>
3.	<u>2427-17<sup>TH</sup> AVE</u>	<u>2408-4</u>	<u>NANCY FAN HUI</u>	<u>Nancy Fan Hui</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
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17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____

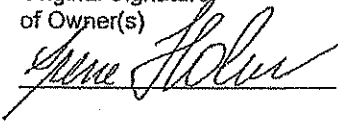
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1. <u>717 Taraval st</u>	_____	_____	_____
2. <u>S.F. Ca. 94116</u>	<u>2408-047</u>	<u>Li Hsueh Pi Ley</u>	<u>[Signature]</u>
3. <u>2418 18th Ave.</u>	_____	_____	_____
4. <u>S.F. Ca. 94116</u>	<u>2408-040A</u>	<u>Li Hsueh Pi Ley</u>	<u>[Signature]</u>
5. <del><u>S.F. Ca. 94116</u></del>	_____	_____	_____
6. <u>2438 18th Ave</u>	_____	_____	_____
7. <u>S.F. CA 94116</u>	<u>2408 036</u>	<u>Victor Ley</u>	<u>[Signature]</u>
8. _____	_____	_____	_____
9. <u>717 TARAVAL ST.</u>	_____	_____	_____
10. <u>SF. CA 94116</u>	<u>2408-047</u>	<u>NELSON F. Li</u>	<u>Nelson F. Li</u>
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
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19. _____	_____	_____	_____
20. _____	_____	_____	_____
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2359-17th Ave.</u>	<u>2346 007c</u>	<u>IRENE HOLM</u>	
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
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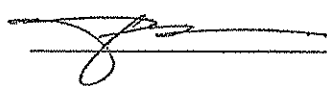
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2419 18<sup>th</sup> Ave</u>	<u>2407-002</u>	<u>ALLEN M. MITCHELL</u>	<u>[Signature]</u>
2.	<u>2419 18<sup>th</sup> Ave ✓</u>		<u>Lucita A. Mitchell</u>	<u>[Signature]</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
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22.	_____	_____	_____	_____

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1.	<u>2423 17TH AVE</u>	<u>2408 003</u>	<u>JACQUELINE CHAN</u>	
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
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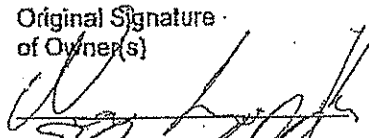
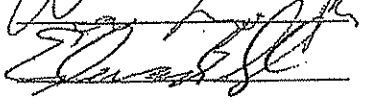
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2434-1774 Ave</u>	<u>Block # 2409 Lot # 31</u>	<u>RICHARD S. Y. JANG</u>	<u>[Signature]</u>
2.	<u>2434-17<sup>TH</sup> Ave.</u>	<u>Block # 2409 Lot # 31</u>	<u>SIU Kuen Jang</u>	<u>[Signature]</u>
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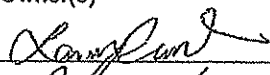
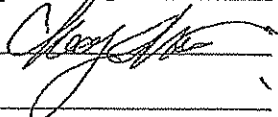
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2423 18th AVE	2407-003	WEI LI KU	
2.	2435 18th AVE	2407-003C	EDWARD SHUM	
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City Planning Commission  
 Case No. 2009-0531C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2431 16<sup>th</sup> AVE</u>	<u>2409-005</u>	<u>LAM WAH CHOW</u>	
2.	<u>  /  /</u>	<u>  /  /</u>	<u>CHOY FUNG CHOW</u>	
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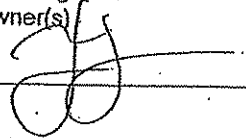
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2378 18 <sup>th</sup> AVE	2346-020	ANANTH RAGHAVAN	
2.	2370-18 <sup>th</sup> AVE	2346-021	PAUL CHIU	
3.	2371 18 <sup>th</sup> AVE	2347-007	DAVID YU HUNT LO.	
4.	2351 18 <sup>th</sup> AVE	2347-004c	Rick Jerome	
5.	2351 18 <sup>th</sup> AVE	2347-004c	Tanya Kuchel Jerome	
6.	2358 18 <sup>th</sup> AVE	2346-023A	Pui Kwan	
7.	2370 18 <sup>th</sup> AVE	2346-021	CORINNA CHIU	
8.	2368 18 <sup>th</sup> AVE	Block 2346 Lot 22	MARY LOU N. FABI	
9.	2368 18 <sup>th</sup> AVE	Block 2346 Lot 22	VIRGINIA N. FABI	
10.	2368 18 <sup>th</sup> AVE	2347-004d	MARY NHA	
11.	2343 18 <sup>th</sup> AVE	2347-004A	GRACE MONARES	
12.	2363 18 <sup>th</sup> AVE	2347-009	LI SIK LING	
13.	2359 18 <sup>th</sup> AVE	2347-004E	Weisheng Liang	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2422 17th Ave</u>	<u>2409/34</u>	<u>J. Law</u>	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2443-17 Ave</u>	<u>2408/008</u>	<u>Gladys + Ann Corbary</u>	<u>[Signature]</u>
2.				
3.				
4.	<u>2447-17 Ave</u>	<u>2408-009</u>	<u>ROBERT CARSON</u>	<u>[Signature]</u>
5.	<u>"</u>	<u>"</u>	<u>JEANNE CARSON</u>	<u>[Signature]</u>
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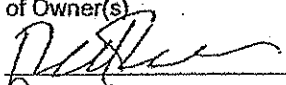
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2419 17th Ave</u>	<u>2408/002</u>	<u>Vladimir Shekhter</u>	<u>V. Zeldites</u>
2.	<u>2419 17th Ave</u>	<u>2408/002</u>	<u>Nadezhda Shekhter</u>	<u>N. Shekhter</u>
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City Planning Commission  
 Case No. 2009-0531C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2450 17th Ave</u>	<u>2409 027</u>	<u>Robert A. Russo</u>	
2.	<u>2450 17th Ave SCA</u>	<u>2409 027</u>	<u>CAROL A. RUSSO</u>	<u>Carol A. Russo</u>
3.	_____	_____	_____	_____
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2443-18<sup>TH</sup> AVENUE</u>	<u>2407-003E</u>	<u>HARRIET LEM</u>	<u>[Signature]</u>
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City Planning Commission  
 Case No. 2009-0531C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2431 18<sup>th</sup> Ave.</u>	<u>2407-00BB</u>	<u>Steven Jia</u> <u>(My Cell)</u> <u>415-828-7828</u>	<u>[Signature]</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2458 17th Ave</u> <u>2458</u>	<u>2409-025</u>	<u>Douglas Tai</u>	<u>Jen-Lue Tai</u>
2.	_____	_____	_____	_____
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	801 Taraval St	18th & Taraval 2407-001	Dorothy Pang	Dorothy Pang
2.	809 Taraval St.	18th & Taraval 2407-033	Mindy Louie	Mindy Louie
3.	800 Taraval St	18th & Taraval 2407-009A	Josephine DiGrande	Josephine DiGrande
4.	801 Taraval St	2407-001	Peter Lee	Peter Lee
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	745 Taranal St	2408-051 (store owner)	RAYMOND CHAN	<i>Raymond Chan</i>
2.	_____	_____	_____	_____
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2451 18TH AVE.</u>	<u>2407-3G</u>	<u>KIN CHAN</u>	<u><i>Kin Chan</i></u>
2.	<u>"</u>	<u>2407-3G</u>	<u>PAULINE CHENG</u>	<u><i>Pauline Cheng</i></u>
3.	<u>2451 18th Ave</u>	<u>2407-3H</u>	<u>BAIYUAN LI</u>	<u><i>Baiyuan Li</i></u>
4.	<u>2451 - 18th Ave</u>	<u>2407-3H</u>	<u>SUZANNE CHOI-LI</u>	<u><i>Suzanne Choi Li</i></u>
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# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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

Recapton:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18037

HEARING DATE: FEBRUARY 25, 2010

*Date:* February 18, 2010  
*Case No.:* 2009.0531 C  
*Project Address:* 725 TARAVAL STREET  
*Current Zoning:* NC-2 (Neighborhood Commercial, Small-Scale) District  
40-X Height and Bulk District  
*Block/Lot:* 2408/052-058  
*Project Sponsor:* Rick Hirsch, for T-Mobile  
2001 McAllister Street  
San Francisco, CA 94118  
*Staff Contact:* Elizabeth Watty - (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303, 711.83 AND 790.80, TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF EIGHT NEW PANEL ANTENNAS LOCATED ON THE EXISTING FOUR-STORY MIXED-USE BUILDING'S ELEVATOR PENTHOUSE STRUCTURES, WITH RELATED EQUIPMENT CABINETS LOCATED WITHIN THE STRUCTURE'S SUBTERRANEAN GARAGE, AS PART OF T-MOBILE'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN A NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On June 18, 2009, T-Mobile (hereinafter "Project Sponsor"), made an application (hereinafter "Application"), for Conditional Use authorization on the property at 725 Taraval Street, Lots 052-058 in Assessor's Block 2408, (hereinafter "Subject Property") to install a wireless telecommunications facility consisting of eight panel antennas mounted to the existing elevator penthouse structures, measuring a maximum of 55'-0" above grade, with four equipment cabinets located within the subterranean garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District.

The Project was determined by the San Francisco Public Utilities Commission's Bureau of Environmental and Regulatory Management to be categorically exempt from the environmental review process pursuant to Class 3 exemptions of Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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The Project as approved herein is consistent with the project description contained in the categorical exemption and would not result in significant impacts not identified in the categorical exemption or cause significant effects already identified in the categorical exemption to be substantially more severe.

On February 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Application for a Conditional Use.

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.

MOVED, that the Commission hereby authorizes the Conditional Use in Application No. 2009.0531C, 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. **Site Description and Present Use.** The project is located on the south side of Taraval Street, between 17<sup>th</sup> and 18<sup>th</sup> Avenues, Block 2408, Lots 052-058, within the NC-2 (Neighborhood Commercial, Small-Scale) District with a 40-X Height and Bulk District.

The Property is developed with a four-story mixed-use building, containing six residential dwelling-units and two ground floor commercial tenant spaces. The building was built circa 2000. The primary ground floor tenant space was recently approved by the Planning Commission as a massage establishment, under Case No. 2009.0629C.

3. **Surrounding Properties and Neighborhood.** The Project Site is located mid-block on Taraval Street between 17<sup>th</sup> and 18<sup>th</sup> Avenues, in the Parkside Neighborhood. To the east of the Subject Property are three mixed-use buildings, with ground floor businesses including: Victor's bakery, Super Hair Cuts, and Parkside Cleaners. To the west of the Subject Property are several other mixed-use buildings, with ground floor businesses including: Shimo Sushi Bar, Sunny Cleaners, The Lost Sock (laundromat), a General Dentistry office, and Stop & Save Liquors. Directly across the street at 730 Taraval Street is Safeway grocery store. The Project site is located in an NC-2 District with a variety of neighborhood-serving uses. The surrounding residential properties on 17<sup>th</sup> and 18<sup>th</sup> Avenues are zoned RH-1 (Residential, House, One-Family).

The Project Site is located in an NC-2 District, which is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is

varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks, to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services and medical, business and professional offices. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

4. **Project Description.** The proposal is to install eight panel antennas on the existing four-story mixed-use building's elevator penthouse structures. Six of the antennas would be mounted on the northern penthouse, approximately 55'-0" above grade; two of the antennas would be mounted on the southern penthouse, approximately 49'-0" above grade; and the four equipment cabinets would be located within the building's underground garage, as part of a wireless transmission network operated by T-Mobile. Each antenna measures approximately 55.9" high by 13.3" wide by 3.15" deep. The antennas would each be mounted on the exterior of the existing elevator penthouse structures, painted to match the penthouse, with blinders placed on the side of each antenna to screen each antenna's mounting hardware. The Subject Property is considered a Location Preference 5 (Mixed Use Buildings in High Density Districts - NC-2 District), according to the Wireless Telecommunications Services (WTS) Siting Guidelines. The Project Site is within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, Taraval Restaurant and Fast-Food Subdistrict, and a 40-X Height and Bulk District.
5. **Location Preference.** The WTS Facilities Siting Guidelines identify different types of buildings for the siting of wireless telecommunications facilities, with Location Preference 1 being the most desirable location and Location Preference 7 being the least desirable location. Under the Guidelines, the Project is a Location Preference Number 5, as it is a preferred location, being a mixed-use building in a High Density Districts (NC-2 District).
6. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 1,959-2,120 Megahertz (MHZ) bands and receive calls in the 1,710-1,895 MHZ bands. These frequencies 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.

7. **Radiofrequency (RF) Emissions:** The Project Sponsor retained Hammett & Edison, Inc., a radio engineering consulting firm, to prepare a report describing the expected RF emissions from the proposed facility. The Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the Guidelines.
8. **Department of Public Health Review and Approval.** There are currently no existing wireless telecommunications facilities located at this site. T-Mobile proposes to install eight RFS Model APX16DWV-16DWV-S-E-A20 antennas. The antennas would be mounted approximately 53 feet above ground level. The estimated ambient RF field from the proposed T-Mobile transmitters at ground level is calculated to be 0.0038 mW/sq. cm., which is .38% of the FCC public exposure limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is expected to extend 6 feet and is not expected to be exceeded at any publicly accessible areas. Warning signs shall be placed in front of the antennas. Warning signs must be in English, Spanish and Chinese. Workers should not have access within 2 feet of the front of the antennas while they are in operation.
9. **Maintenance Schedule.** The proposed facility would operate without on-site staff but with a single maintenance crew, performing regularly scheduled calibration maintenance checks monthly on all radio frequency cabinets and components. Additional visits may sometimes be necessary if a service-affecting situation should occur, such as loss of power for more than four hours, or unexpected T-Mobile system shut down.
10. **Community Outreach.** A Community Outreach Meeting was conducted for the Project. The meeting was held at 6:30 p.m. on Tuesday, November 10, 2009, at the San Francisco Center for Spiritual Living, at 280 Claremont Boulevard, San Francisco. Eleven neighbors attended the meeting.
11. **Five-year plan:** T-Mobile submitted its latest five-year plan, as required, in October 2009.
12. **Public Comment.** The Department has received three comments in opposition to this Project -- specifically concerned about the health implications of wireless telecommunications facilities -- since the filing of the Application.
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.** Per Planning Code Sections 711.83 and 790.80, a Conditional Use is required for all public uses such as wireless transmission facilities.
14. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. 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 will be generally desirable and compatible with the surrounding neighborhood because it will not conflict with the existing uses on the property. The Project will be of such size and nature that it will be compatible with the surrounding mixed-use nature of the vicinity. The approval of this Application has been found to ensure public safety. The placement of antennas and related support and protection features are so located, designed, and treated architecturally to blend in with the mixed-use and residential character of surrounding roof-tops. The placement and size are minimized as much as possible to reduce their visibility from public places, avoid intrusion into public vistas, avoid disruption of the architectural design integrity of the subject building, and to ensure harmony with the neighborhood character. The Project will also provide necessary facilities for emergency transmission and improved communication for the neighborhood, community and the region.*

- B. The 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 Project must comply with all applicable Federal and State regulations to safeguard health and safety, to ensure that persons residing or working in the vicinity will not be adversely affected, and to ensure that the Project will not result in harm to other personal property.*

*An evaluation of potential health effects from RF radiation, conducted by the Department of Public Health, has concluded that the proposed wireless transmission facilities will have no adverse health effects if operated in compliance with the FCC-adopted health and safety standards. The Department has received information that the proposed wireless system must be operated so as not to interfere with radio or television reception in order to comply with the provisions of its license under the FCC.*

*The Department maintains a database of all such wireless telecommunications facilities operating or proposed for operation in the City and County of San Francisco. All Applicants are required to submit information on the location and nature of all existing and approved wireless transmission facilities operated by the Project Sponsor. The goal of this effort is to foster public information as to the location of these facilities.*

- 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;

*No increase in traffic volume is anticipated with the facilities operating unmanned, with a single maintenance crew visiting the site approximately once a month or on an as-needed basis.*

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

*While some noise and dust may result from the erection of the 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 wireless communication network.*

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

*The Subject Property has no existing landscaping or open space visible from the public right-of-way. The installation of eight antennas on the existing roof top penthouse structures and four mechanical equipment cabinets within the underground garage will not affect any landscaping, lighting, open space, parking and loading areas, or service areas. Any signage or lighting will be reviewed by the Planning Department prior to approval.*

- 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 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 Neighborhood Commercial District.

*The Project is consistent with the stated purposes of NC-2 Districts in that the intended use is located on the roof of a mixed-use building, screened by blinders and painted to match the wall color of the elevator penthouse structures, measuring a maximum of approximately 55'-0" feet above grade. The proposed use blends in with the residential roof-top features found throughout the surrounding neighborhood while providing a necessary and desirable service to people who live and visit the Parkside Neighborhood.*

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

## **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:**

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

**Policy 2:**

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

*The Project would enhance the total city living and working environment by providing 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 1:**

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

**Policy 3:**

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

*The site is an integral part of a new wireless communications 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 1:**

Maintain and enhance a favorable business climate in the City.

**Policy 2:**

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

*The Project would benefit the City by enhancing the business climate through improved communication services for residents and workers.*

**COMMUNITY SAFETY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 3:**

ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM THE EFFECTS OF FIRE OR NATURAL DISASTER THROUGH ADEQUATE EMERGENCY OPERATIONS PREPARATION.

**Policy 1:**

Maintain a local agency for the provision of emergency services to meet the needs of San Francisco.

**Policy 2:**

Develop and maintain viable, up-to-date in-house emergency operations plans, with necessary equipment, for operational capability of all emergency service agencies and departments.

**Policy 3:**

Maintain and expand agreements for emergency assistance from other jurisdictions to ensure adequate aid in time of need.

**Policy 4:**

Establish and maintain an adequate Emergency Operations Center.

**Policy 5:**

Maintain and expand the city's fire prevention and fire-fighting capability.

**Policy 6:**

Establish a system of emergency access routes for both emergency operations and evacuation.

*The Project would 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 does comply 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.

*No neighborhood-serving retail use would be displaced by the installation of eight antennas on the existing elevator penthouse structures, and the Project would enhance personal communication services.*

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

*No residential uses would be displaced or altered in any way by the granting of this Application.*

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

*The Project would have no adverse impact on the supply of affordable housing in the vicinity.*

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

*Due to the nature of the Project and the minimal maintenance or repair, municipal transit service would not be impeded and neighborhood parking would not be overburdened.*

- 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 would cause no displacement of industrial and service sector activity.*

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

*Compliance with applicable structural safety and seismic safety requirements would be considered during the Building Permit Application review process.*

- G. That landmarks and historic buildings be preserved.

*No landmarks or historic buildings would be affected by the Project; the subject mixed-use structure was built circa 2000.*

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

*The Project will have no adverse impact on parks or open space, or their access to sunlight or vistas.*

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 Determination of Compliance authorization would promote the health, safety and welfare of the City.



### DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Recitals and Findings set forth above, in accordance with the standards specified in the Code, hereby approves the Conditional Use Authorization under Planning Code Sections 303, 711.83 and 790.80 to install a wireless telecommunications facility consisting of eight panel antennas mounted on the elevator penthouse structures of the existing mixed-use building, a maximum of 55'-0" above grade, with four related equipment cabinets installed within the underground garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District and subject to the conditions of approval attached hereto as Exhibit A.

**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 No. 18037. 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.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on February 25, 2010.

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Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, Moore, Olague

NAYS: Commissioner Sugaya

ABSENT: Commissioner Borden

ADOPTED: February 25, 2010

## Exhibit A

# Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

### General Conditions

1. This approval is for Conditional Use authorization under Planning Code Sections 303, 711.83 and 790.80 to install a wireless telecommunications facility consisting of eight panel antennas mounted on the existing elevator penthouse structures on the roof of a mixed-use building, a maximum of 55'-0" above grade, with four related equipment within the underground garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District.
2. The Project approved by this Motion is in general conformity with the plans dated June 18, 2009, on file with the Department in the docket for Case No. 2009.0531C (labeled EXHIBIT B), reviewed and approved by the Commission on February 25, 2010.

### Design

3. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on February 25, 2010 as Exhibit B found in the Case docket.
4. 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:
  - 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 insure 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.

Performance

5. Project Implementation Report. 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. 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 week day with the subject equipment measured while operating at maximum power.
  - d. 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.
6. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 4 and 13.
7. 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.
8. Notification prior to Project Implementation Report. The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antennae 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.

9. Community Liaison. Within 10 days of the effective date of this authorization, the Project Sponsor shall appoint a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facilities. Upon appointment, the Project Sponsor shall report in writing the name, address and telephone number of this officer to the Zoning Administrator. The Community Liaison Officer 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.
10. Installation. 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.
11. Screening.
  - a. 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:
    - i. Modify the placement of the facilities;
    - ii. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
    - iii. 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; or
    - iv. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
  - b. To the extent necessary to minimize visual obstruction and clutter, installations shall conform to the following standards:
    - i. Antennas and back-up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual impacts;
    - ii. Rooftop installations shall be setback such that back-up facilities are not viewed from the street;
    - iii. Antennae attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
    - iv. 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 are not created.
12. The Project Sponsor or Property Owner shall remove antennae and equipment that has been out of service for a continuous period of six months.

13. Periodic Safety Monitoring. 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.
14. Emissions Conditions. 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.
15. Noise and Heat. The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Ordinance. The WTS facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.
16. Implementation and Monitoring Costs.
  - a. 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.
  - b. The Project Sponsor or its successors shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Electricity and Telecommunications, Office of the City Attorney, or any other appropriate City Department or agency pursuant to Planning Code Section 351(f) (2). The Planning Department shall collect such costs on behalf of the City.
  - c. 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.
17. All Conditions Basis for Revocation. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code Sections 174, 176 and 303(d). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.

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.

18. Complaints and Proceedings. Should any party complain to the Project Sponsor about the installation or operation of the facilities, which complaints are not resolved by the Project Sponsor, the Project Sponsor (or its appointed agent) shall advise the Zoning Administrator of the complaint and the failure to satisfactorily resolve such complaint. If the Zoning Administrator thereafter finds a violation of any provision of the Planning Code and/or any condition of approval herein, the Zoning Administrator shall attempt to resolve such violation on an expedited basis with the Project Sponsor. If such efforts fail, the Zoning Administrator shall refer such complaints to the Commission for consideration at the next regularly scheduled public meeting.
19. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
20. Transfer of Operation. 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, and the authorizing Motion is recorded on the deed of the property stating the new carrier/provider and authorizing conditions of approval.
21. Compatibility with City Emergency Services. The facility shall not be operated, nor 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.

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**SAN FRANCISCO  
PLANNING DEPARTMENT**

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**Conditional Use Authorization Appeal  
725 Taraval Street**

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**DATE:** April 7, 2010  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Elizabeth Watty, Case Planner – Planning Department (415) 558-6620  
**RE:** File No. 100382, Planning Case No. 2009.0531C - Appeal of the approval of  
Conditional Use Authorization for 725 Taraval Street,  
**HEARING DATE:** February 25, 2010  
**ATTACHMENTS:**

- A. Planning Commission Motion
- B. Site photographs and maps
- C. Plans
- D. Department of Public Health Referral Report (August 21, 2009)
- E. BOS Resolution No. 635-96
- F. Planning Department WTS Facilities Siting Guidelines

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**PROJECT SPONSOR:** Rick Hirsch, consultant for T-Mobile, 2001 McAllister St., San Francisco, CA 94118  
**APPELLANT:** Robert Carson, 2447 – 17th Avenue, San Francisco, CA 94116

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**INTRODUCTION**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization), 711.83 (Public Facilities), and 790.80 (Public Use), to allow the installation of a wireless telecommunications facility an existing four-story mixed-use building in an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District ("the Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on March 25, 2010 by Robert Carson, owner of 2447 – 17th Avenue. The Appeal Letter referenced the proposed project in Case No. 2009.0531C.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization to allow the installation of a wireless telecommunications facility on 725 Taraval Street.

**SITE DESCRIPTION & PRESENT USE**

The subject property is located on the south side of Taraval Street, between 17th and 18th Avenues, within the NC-2 (Neighborhood Commercial, Small-Scale) District and 40-X Height and Bulk District.



The Property has a four-story mixed-use building, containing six residential dwelling-units and two ground floor commercial tenant spaces. The building was built circa 2000. The primary ground floor tenant space was recently approved by the Commission as a massage establishment, under Case No. 2009.0629C.

#### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject property is located mid-block on Taraval Street between 17th and 18th Avenues, in the Parkside Neighborhood. The block where the subject property is located consists of mixed-use buildings, all with ground floor commercial tenants. Directly across the street at 730 Taraval Street is Safeway grocery store. The project site is located in an NC-2 (Neighborhood Commercial, Small-Scale) District with a variety of neighborhood-serving uses. The surrounding residential properties on 17th and 18th Avenues are zoned RH-1 (Residential, House, One-Family).

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The commercial uses in these districts typically are specialty retail stores, restaurants, and neighborhood-serving offices, and are confined to the ground floors. The second story may be used by some retail stores, personal services and medical, business and professional offices. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

#### **PROJECT DESCRIPTION**

The Project at 725 Taraval Street is to install eight (8) wireless panel antennas on the exterior of the building's two elevator penthouse structures. Six (6) of the antennas would be mounted on the northern penthouse, approximately 55'-0" above grade; two of the antennas would be mounted on the southern penthouse, approximately 49'-0" above grade. The antennas measure approximately 55.9" high by 13.3" wide by 3.15" deep. They will be painted to match the penthouses, with blinders placed on the side of each antenna to screen each antenna's mounting hardware. The four (4) equipment cabinets associated with the antennas would be located within the building's underground garage. The entire installation will be operated by T-Mobile.

#### **BACKGROUND**

**2009 - Conditional Use Authorization Application filed**

The project sponsor submitted a Conditional Use Authorization application on June 18, 2009.

The Project was determined by the San Francisco Public Utilities Commission's Bureau of Environmental and Regulatory Management to be categorically exempt from the environmental review process pursuant to Class 3 exemptions of Title 14 of the California Administrative Code.

The Department of Public Health reviewed the Project and found that it will comply with the current Federal Communication Commission safety standards for radiofrequency radiation exposure and with

the Planning Department's Wireless Guidelines. They submitted a report to the Department dated August 21, 2009.

The subject property is considered a Location Preference 5 since it is located within a mixed-use building in a High Density District (NC-2 District). (More on the siting preferences below)

#### 2010 – Conditional Use Authorization hearing

At the February 25, 2010 public hearing, the Commission granted a Conditional Use Authorization pursuant to Sections 711.83, and 790.80, authorizing the installation of the proposed wireless telecommunications facility at the subject property.

#### CONDITIONAL USE AUTHORIZATION REQUIREMENTS

The Planning Commission established guidelines for the installation of wireless telecommunications facilities in 1996 ("Guidelines").<sup>1</sup> 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.<sup>2</sup> The Guidelines were updated by the Commission in 2003, 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 these installations;
3. Industrial or Commercial Structures: warehouses, factories, garages, service stations;
4. Industrial or Commercial Structures: supermarkets, retail stores, banks; and
5. Mixed Use Buildings in High Density Districts: housing above commercial or other non-residential space.

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 review, and details about the facilities to be installed.

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<sup>1</sup> Wireless Telecommunications Services (WTS) Facilities Siting Guidelines, August 15, 1996.

<sup>2</sup> BOS File No. 189-92-2, Resolution 635-96, dated July 12, 1996.

In addition to the criteria outlined for the installation of a wireless facility, the Commission must also refer to the criteria outlined in Section 303 (Conditional Uses) of the Planning Code. Section 303 states that the following must be met in order for the Commission to grant approval of an application:

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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.
  - 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
  - e. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

If a proposed wireless telecommunications facility meets the criteria outlined in the Guidelines and the criteria outlined in Section 303 of the Code, then the Commission may grant Conditional Use Authorization.

Lastly, it should be noted that under 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.

#### APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

**Issue 1:** The Appellant contends that the proposed wireless facility is neither necessary nor desirable as required by Section 303 of the Code.

**Response 1:** The Commission found the Project to meet the criteria of Section 303, specifically that it was necessary and desirable. The Commission found the following findings that the Project is necessary and desirable:

1. The installation provides improved coverage, capacity, and data service to an area surrounding the Subject Property.

- a. Coverage

This site is necessary to improve T-Mobile cell phone coverage in the neighborhood. There are a number of existing T-Mobile antenna sites within approximately a one-half mile radius of this site; however, even the cumulative signal coverage provided by all the existing surrounding sites leaves a significant area of weak coverage in the Inner Parkside/West Portal Neighborhoods, centered generally around Taraval Street and 18th Avenue.

The Project will provide improved coverage to more than 30 city blocks, greatly benefitting the neighborhood surrounding the facility, and will extend and enhance cell phone coverage to the entire Parkside Neighborhood. Coverage will extend north to Rivera Street, south to Vicente Street, west beyond 22nd Avenue, and east toward 14th Avenue and up into the west facing slopes of the West Portal neighborhood.

All of the surrounding sites except one are "microcell facilities", meaning that the sites are powered by small cabinets, which provide far less power and coverage than the larger, more powerful, "macro cabinets". Most micro-cell sites are permitted for only one antenna that points in one direction, which provides very specific targeted coverage to one or two city blocks or street segments. The proposed facility will be a "macro site", with four "sectors" of antennas, providing almost 360 degree coverage around the site, and with four "macro cabinets", resulting in greater signal strength than the existing "micro cabinet" sites.

- b. Capacity

This site is necessary to improve T-Mobile's capacity for customers in the neighborhood. T-Mobile's call capacity will be greatly increased with installation of the Project. The seven surrounding existing T-Mobile facilities currently experience an average total of approximately 74 dropped calls per day. With the addition of the proposed facility, that number is expected to drop significantly. In addition, customers will also experience greatly improved signal quality with the new facility.

The call capacity in the area of a telecommunications facility is driven by the number of "radios" installed at each site. Although typical "macro cabinets" can hold up to six "radios" each, they are typically installed with three or four. Existing surrounding T-Mobile facilities have between two and four "radios" per each "sector" of antennas. The maximum number of "radios" per each antenna sector is four. The number of "radios" directly determines how many network users can successfully place calls through a given antenna sector at any given time of day. Each "radio" can accommodate up to seven user calls at one time. Once an eighth user attempts to join the system and place a call through that sector, a second "radio" must be used to place the call. The busiest hours of the day are used as a baseline to determine how many "radios" will be installed for each sector of

each facility site, and the engineers attempt to install as many "radios" per antenna sector as possible. For the Project site, T-Mobile is anticipating installing two "radios" per sector (a total of eight), with the possibility of installing up to eight total additional "radios" as necessary, for a total of 16 "radios", depending on call loads at the busiest hours. The benefits of the new facility in terms of capacity are that calls will be "off-loaded" from neighboring sites, leading to a reduction in the number of dropped calls and much greater signal strength.

c. Data Service

This site is necessary and desirable to improve T-Mobile data coverage in the neighborhood. Installation of the proposed T-Mobile facility will introduce "Third Generation" (3G) data service capability to the T-Mobile user network within the Inner Sunset/West Portal/Parkside neighborhoods.

Broadband data transmission rates (uploading and downloading) will be greatly increased with the 3G network. It is expected that the 3G network will provide higher transmission rates: a typical data rate of 2 Mbit/s for stationary or walking users, and 348 kbit/s in a moving vehicle.

As for security issues, 3G networks provide greater security than the 2G predecessor. By allowing "user equipment" to authenticate the network to which it is attaching, the user can be sure the network is the intended one and not an impersonator.

The bandwidth and location information available to 3G devices supports applications not previously available to mobile phone users. Some of the applications include Mobile TV, in which T-Mobile can redirect a TV channel directly to the subscriber's phone where it can be watched, Video on demand, with which users can send movies to the subscriber's phone, and location-based services, with which T-Mobile can send localized weather or traffic conditions to the user's phone, and the phone allows the subscriber to find nearby businesses or friends.

2. The Project will also provide necessary facilities for emergency transmission throughout the neighborhood, community and the region.

For the above reasons, the Commission found that the installation of a wireless facility at 725 Taraval Street to be necessary and desirable.

Issue 2: The Appellant contends that the proposed wireless facility is incompatible with the existing residential character of the neighborhood.

Response 2: The subject property is not in a residential neighborhood; rather, it is located in an NC-2 District commercial corridor with mixed-use buildings. This district abuts a residential district. The subject block of Taraval Street includes neighborhood-serving uses such as a large grocery store,

drycleaners, laundry mat, liquor store, massage establishment, and a full-service restaurant. As such, the Commission found the Project to be compatible with the overall neighborhood character in that:

1. The wireless facility is neighborhood-serving, as it will provide improved coverage and capacity to the surrounding residential and commercial tenants who use T-Mobile's service.
2. The antennas are located on the rooftop of a mixed-use building in an NC-2 District. Mixed-use buildings in NC-2 Districts are Preference 5 sites under the Guidelines.
3. The subject building is a typical mixed-use building in a NC-2 District. NC-2 Districts are shopping districts with the ground floor dedicated to commercial space, the second floor often dedicated to office space, and the upper floors generally dedicated to residential uses. These zoning districts often run perpendicular to and abut low-density residential neighborhoods.
4. There have been numerous Commission approvals within the past year that have authorized macro wireless installations on mixed-use buildings in NC-2 or more restrictive districts.
5. The placement of antennas and related support and protection features are so located, designed, and treated architecturally to blend in with the mixed-use and residential character of surrounding roof-tops.
6. As is encouraged with rooftop mechanical equipment, the antennas are located away from areas of the building dedicated to residential use, and are screened from and integrated into the design of the building's elevator penthouse structures.

The Commission found that the proposed eight wireless antennas were going to be installed on an existing rooftop feature (the penthouse stairwells) and painted out to match. They would be minimally visible from the public right of way. The building proposed is a mixed use building which faces onto a commercial corridor. The Project therefore, was found to be compatible with the existing commercial character and would not have any impact on the adjacent residential district.

#### CONCLUSION

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission's decision in approving the Conditional Use authorization for the T-Mobile Wireless Telecommunication's Facility at 725 Taraval Street and deny the appeal.





# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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San Francisco,  
CA 94103-2479

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Planning  
Information:  
415.558.5377

## Planning Commission Motion No. 18037

HEARING DATE: FEBRUARY 25, 2010

*Date:* February 18, 2010  
*Case No.:* 2009.0531 C  
*Project Address:* 725 TARAVAL STREET  
*Current Zoning:* NC-2 (Neighborhood Commercial, Small-Scale) District  
 40-X Height and Bulk District  
*Block/Lot:* 2408/052-058  
*Project Sponsor:* Rick Hirsch, for T-Mobile  
 2001 McAllister Street  
 San Francisco, CA 94118  
*Staff Contact:* Elizabeth Watty - (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303, 711.83 AND 790.80, TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF EIGHT NEW PANEL ANTENNAS LOCATED ON THE EXISTING FOUR-STORY MIXED-USE BUILDING'S ELEVATOR PENTHOUSE STRUCTURES, WITH RELATED EQUIPMENT CABINETS LOCATED WITHIN THE STRUCTURE'S SUBTERRANEAN GARAGE, AS PART OF T-MOBILE'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN A NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On June 18, 2009, T-Mobile (hereinafter "Project Sponsor"), made an application (hereinafter "Application"), for Conditional Use authorization on the property at 725 Taraval Street, Lots 052-058 in Assessor's Block 2408; (hereinafter "Subject Property") to install a wireless telecommunications facility consisting of eight panel antennas mounted to the existing elevator penthouse structures, measuring a maximum of 55'-0" above grade, with four equipment cabinets located within the subterranean garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District.

The Project was determined by the San Francisco Public Utilities Commission's Bureau of Environmental and Regulatory Management to be categorically exempt from the environmental review process pursuant to Class 3 exemptions of Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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The Project as approved herein is consistent with the project description contained in the categorical exemption and would not result in significant impacts not identified in the categorical exemption or cause significant effects already identified in the categorically exemption to be substantially more severe.

On February 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Application for a Conditional Use.

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.

MOVED, that the Commission hereby authorizes the Conditional Use in Application No. 2009.0531C, 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. **Site Description and Present Use.** The project is located on the south side of Taraval Street, between 17<sup>th</sup> and 18<sup>th</sup> Avenues, Block 2408, Lots 052-058, within the NC-2 (Neighborhood Commercial, Small-Scale) District with a 40-X Height and Bulk District.

The Property is developed with a four-story mixed-use building, containing six residential dwelling-units and two ground floor commercial tenant spaces. The building was built circa 2000. The primary ground floor tenant space was recently approved by the Planning Commission as a massage establishment, under Case No. 2009.0629C.

3. **Surrounding Properties and Neighborhood.** The Project Site is located mid-block on Taraval Street between 17<sup>th</sup> and 18<sup>th</sup> Avenues, in the Parkside Neighborhood. To the east of the Subject Property are three mixed-use buildings, with ground floor businesses including: Victor's bakery, Super Hair Cuts, and Parkside Cleaners. To the west of the Subject Property are several other mixed-use buildings, with ground floor businesses including: Shimo Sushi Bar, Sunny Cleaners, The Lost Sock (laundromat), a General Dentistry office, and Stop & Save Liquors. Directly across the street at 730 Taraval Street is Safeway grocery store. The Project site is located in an NC-2 District with a variety of neighborhood-serving uses. The surrounding residential properties on 17<sup>th</sup> and 18<sup>th</sup> Avenues are zoned RH-1 (Residential, House, One-Family).

The Project Site is located in an NC-2 District, which is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is

varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks, to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services and medical, business and professional offices. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

4. **Project Description.** The proposal is to install eight panel antennas on the existing four-story mixed-use building's elevator penthouse structures. Six of the antennas would be mounted on the northern penthouse, approximately 55'-0" above grade; two of the antennas would be mounted on the southern penthouse, approximately 49'-0" above grade; and the four equipment cabinets would be located within the building's underground garage, as part of a wireless transmission network operated by T-Mobile. Each antenna measures approximately 55.9" high by 13.3" wide by 3.15" deep. The antennas would each be mounted on the exterior of the existing elevator penthouse structures, painted to match the penthouse, with blinders placed on the side of each antenna to screen each antenna's mounting hardware. The Subject Property is considered a Location Preference 5 (Mixed Use Buildings in High Density Districts - NC-2 District), according to the Wireless Telecommunications Services (WTS) Siting Guidelines. The Project Site is within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, Taraval Restaurant and Fast-Food Subdistrict, and a 40-X Height and Bulk District.
5. **Location Preference.** The WTS Facilities Siting Guidelines identify different types of buildings for the siting of wireless telecommunications facilities, with Location Preference 1 being the most desirable location and Location Preference 7 being the least desirable location. Under the Guidelines, the Project is a Location Preference Number 5, as it is a preferred location, being a mixed-use building in a High Density Districts (NC-2 District).
6. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 1,959-2,120 Megahertz (MHZ) bands and receive calls in the 1,710-1,895 MHZ bands. These frequencies 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.

7. **Radiofrequency (RF) Emissions:** The Project Sponsor retained Hammett & Edison, Inc., a radio engineering consulting firm, to prepare a report describing the expected RF emissions from the proposed facility. The Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the Guidelines.
8. **Department of Public Health Review and Approval.** There are currently no existing wireless telecommunications facilities located at this site. T-Mobile proposes to install eight RFS Model APX16DWV-16DWV-S-E-A20 antennas. The antennas would be mounted approximately 53 feet above ground level. The estimated ambient RF field from the proposed T-Mobile transmitters at ground level is calculated to be 0.0038 mW/sq. cm., which is .38% of the FCC public exposure limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is expected to extend 6 feet and is not expected to be exceeded at any publicly accessible areas. Warning signs shall be placed in front of the antennas. Warning signs must be in English, Spanish and Chinese. Workers should not have access within 2 feet of the front of the antennas while they are in operation.
9. **Maintenance Schedule.** The proposed facility would operate without on-site staff but with a single maintenance crew, performing regularly scheduled calibration maintenance checks monthly on all radio frequency cabinets and components. Additional visits may sometimes be necessary if a service-affecting situation should occur, such as loss of power for more than four hours, or unexpected T-Mobile system shut down.
10. **Community Outreach.** A Community Outreach Meeting was conducted for the Project. The meeting was held at 6:30 p.m. on Tuesday, November 10, 2009, at the San Francisco Center for Spiritual Living, at 280 Claremont Boulevard, San Francisco. Eleven neighbors attended the meeting.
11. **Five-year plan:** T-Mobile submitted its latest five-year plan, as required, in October 2009.
12. **Public Comment.** The Department has received three comments in opposition to this Project – specifically concerned about the health implications of wireless telecommunications facilities – since the filing of the Application.
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.** Per Planning Code Sections 711.83 and 790.80, a Conditional Use is required for all public uses such as wireless transmission facilities.
14. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. 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 will be generally desirable and compatible with the surrounding neighborhood because it will not conflict with the existing uses on the property. The Project will be of such size and nature that it will be compatible with the surrounding mixed-use nature of the vicinity. The approval of this Application has been found to ensure public safety. The placement of antennas and related support and protection features are so located, designed, and treated architecturally to blend in with the mixed-use and residential character of surrounding roof-tops. The placement and size are minimized as much as possible to reduce their visibility from public places, avoid intrusion into public vistas, avoid disruption of the architectural design integrity of the subject building, and to ensure harmony with the neighborhood character. The Project will also provide necessary facilities for emergency transmission and improved communication for the neighborhood, community and the region.*

- B. The 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 Project must comply with all applicable Federal and State regulations to safeguard health and safety, to ensure that persons residing or working in the vicinity will not be adversely affected, and to ensure that the Project will not result in harm to other personal property.*

*An evaluation of potential health effects from RF radiation, conducted by the Department of Public Health, has concluded that the proposed wireless transmission facilities will have no adverse health effects if operated in compliance with the FCC-adopted health and safety standards. The Department has received information that the proposed wireless system must be operated so as not to interfere with radio or television reception in order to comply with the provisions of its license under the FCC.*

*The Department maintains a database of all such wireless telecommunications facilities operating or proposed for operation in the City and County of San Francisco. All Applicants are required to submit information on the location and nature of all existing and approved wireless transmission facilities operated by the Project Sponsor. The goal of this effort is to foster public information as to the location of these facilities.*

- 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;

*No increase in traffic volume is anticipated with the facilities operating unmanned, with a single maintenance crew visiting the site approximately once a month or on an as-needed basis.*

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

*While some noise and dust may result from the erection of the 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 wireless communication network.*

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

*The Subject Property has no existing landscaping or open space visible from the public right-of-way. The installation of eight antennas on the existing roof top penthouse structures and four mechanical equipment cabinets within the underground garage will not affect any landscaping, lighting, open space, parking and loading areas, or service areas. Any signage or lighting will be reviewed by the Planning Department prior to approval.*

- 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 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 Neighborhood Commercial District.

*The Project is consistent with the stated purposes of NC-2 Districts in that the intended use is located on the roof of a mixed-use building, screened by blinders and painted to match the wall color of the elevator penthouse structures, measuring a maximum of approximately 55'-0" feet above grade. The proposed use blends in with the residential roof-top features found throughout the surrounding neighborhood while providing a necessary and desirable service to people who live and visit the Parkside Neighborhood.*

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

#### 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:

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

**Policy 2:**

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

*The Project would enhance the total city living and working environment by providing 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 1:**

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

**Policy 3:**

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

*The site is an integral part of a new wireless communications 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 1:**

Maintain and enhance a favorable business climate in the City.

**Policy 2:**

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

*The Project would benefit the City by enhancing the business climate through improved communication services for residents and workers.*

**COMMUNITY SAFETY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 3:**

ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM THE EFFECTS OF FIRE OR NATURAL DISASTER THROUGH ADEQUATE EMERGENCY OPERATIONS PREPARATION.

Policy 1:

Maintain a local agency for the provision of emergency services to meet the needs of San Francisco.

Policy 2:

Develop and maintain viable, up-to-date in-house emergency operations plans, with necessary equipment, for operational capability of all emergency service agencies and departments.

Policy 3:

Maintain and expand agreements for emergency assistance from other jurisdictions to ensure adequate aid in time of need.

Policy 4:

Establish and maintain an adequate Emergency Operations Center.

Policy 5:

Maintain and expand the city's fire prevention and fire-fighting capability.

Policy 6:

Establish a system of emergency access routes for both emergency operations and evacuation.

*The Project would 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 does comply 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.

*No neighborhood-serving retail use would be displaced by the installation of eight antennas on the existing elevator penthouse structures, and the Project would enhance personal communication services.*

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

*No residential uses would be displaced or altered in any way by the granting of this Application.*

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

*The Project would have no adverse impact on the supply of affordable housing in the vicinity.*

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

*Due to the nature of the Project and the minimal maintenance or repair, municipal transit service would not be impeded and neighborhood parking would not be overburdened.*

- 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 would cause no displacement of industrial and service sector activity.*

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

*Compliance with applicable structural safety and seismic safety requirements would be considered during the Building Permit Application review process.*

- G. That landmarks and historic buildings be preserved.

*No landmarks or historic buildings would be affected by the Project; the subject mixed-use structure was built circa 2000.*

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

*The Project will have no adverse impact on parks or open space, or their access to sunlight or vistas.*

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 Determination of Compliance authorization would promote the health, safety and welfare of the City.



### DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Recitals and Findings set forth above, in accordance with the standards specified in the Code, hereby approves the Conditional Use Authorization under Planning Code Sections 303, 711.83 and 790.80 to install a wireless telecommunications facility consisting of eight panel antennas mounted on the elevator penthouse structures of the existing mixed-use building, a maximum of 55'-0" above grade, with four related equipment cabinets installed within the underground garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District and subject to the conditions of approval attached hereto as Exhibit A.

**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 No. 18037. 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.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on February 25, 2010.

\_\_\_\_\_  
Linda D. Avery  
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, Moore, Olague

NAYS: Commissioner Sugaya

ABSENT: Commissioner Borden

ADOPTED: February 25, 2010

## Exhibit A

# Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

### General Conditions

1. This approval is for Conditional Use authorization under Planning Code Sections 303, 711.83 and 790.80 to install a wireless telecommunications facility consisting of eight panel antennas mounted on the existing elevator penthouse structures on the roof of a mixed-use building, a maximum of 55'-0" above grade, with four related equipment within the underground garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District.
2. The Project approved by this Motion is in general conformity with the plans dated June 18, 2009, on file with the Department in the docket for Case No. 2009.0531C (labeled EXHIBIT B), reviewed and approved by the Commission on February 25, 2010.

### Design

3. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on February 25, 2010 as Exhibit B found in the Case docket.
4. 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:
  - 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 insure 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.

Performance

5. Project Implementation Report. 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. 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 week day with the subject equipment measured while operating at maximum power.
  - d. 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.
6. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 4 and 13.
7. 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.
8. Notification prior to Project Implementation Report. The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antennae 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.

9. Community Liaison. Within 10 days of the effective date of this authorization, the Project Sponsor shall appoint a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facilities. Upon appointment, the Project Sponsor shall report in writing the name, address and telephone number of this officer to the Zoning Administrator. The Community Liaison Officer 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.
10. Installation. 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.
11. Screening.
  - a. 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:
    - i. Modify the placement of the facilities;
    - ii. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
    - iii. 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; or
    - iv. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
  - b. To the extent necessary to minimize visual obtrusion and clutter, installations shall conform to the following standards:
    - i. Antennas and back-up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual impacts;
    - ii. Rooftop installations shall be setback such that back-up facilities are not viewed from the street;
    - iii. Antennae attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
    - iv. 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 are not created.
12. The Project Sponsor or Property Owner shall remove antennae and equipment that has been out of service for a continuous period of six months.

13. Periodic Safety Monitoring. 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.
14. Emissions Conditions. 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.
15. Noise and Heat. The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Ordinance. The WTS facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.
16. Implementation and Monitoring Costs.
  - a. 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.
  - b. The Project Sponsor or its successors shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Electricity and Telecommunications, Office of the City Attorney, or any other appropriate City Department or agency pursuant to Planning Code Section 351(f) (2). The Planning Department shall collect such costs on behalf of the City.
  - c. 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.
17. All Conditions Basis for Revocation. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code Sections 174, 176 and 303(d). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.

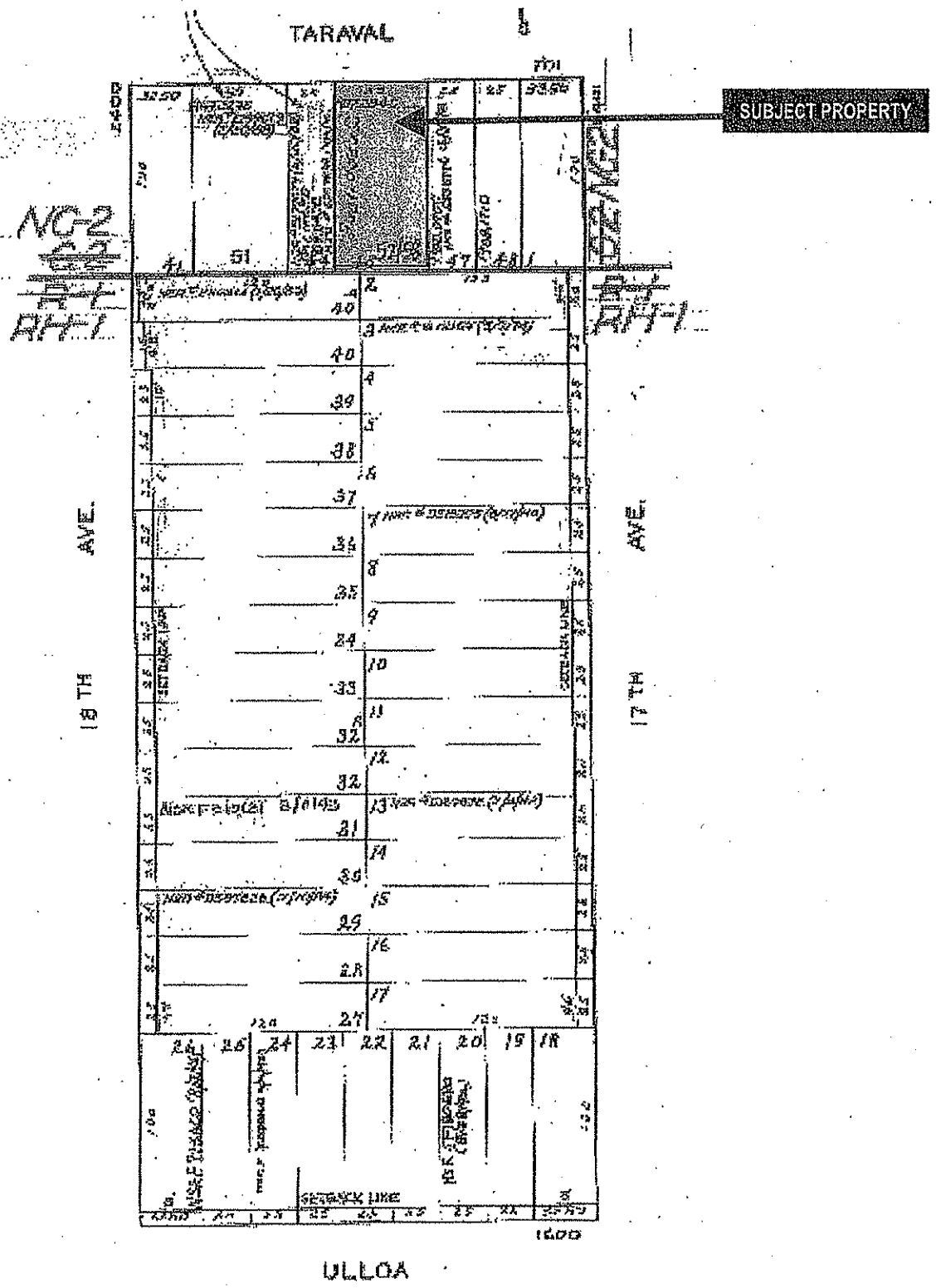
In the event that the project implementation report includes a finding that RF emissions for the site exceed FCC Standards in any uncontrolled location, the Zoning Administrator may require the Applicant to immediately cease and desist operation of the facility until such time that the violation is corrected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

18. Complaints and Proceedings. Should any party complain to the Project Sponsor about the installation or operation of the facilities, which complaints are not resolved by the Project Sponsor, the Project Sponsor (or its appointed agent) shall advise the Zoning Administrator of the complaint and the failure to satisfactorily resolve such complaint. If the Zoning Administrator thereafter finds a violation of any provision of the Planning Code and/or any condition of approval herein, the Zoning Administrator shall attempt to resolve such violation on an expedited basis with the Project Sponsor. If such efforts fail, the Zoning Administrator shall refer such complaints to the Commission for consideration at the next regularly scheduled public meeting.
19. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
20. Transfer of Operation. 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, and the authorizing Motion is recorded on the deed of the property stating the new carrier/provider and authorizing conditions of approval.
21. Compatibility with City Emergency Services. The facility shall not be operated, nor 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.

EW: G:\Documents\CEUs\725 Taraval Street\Final Motion.doc



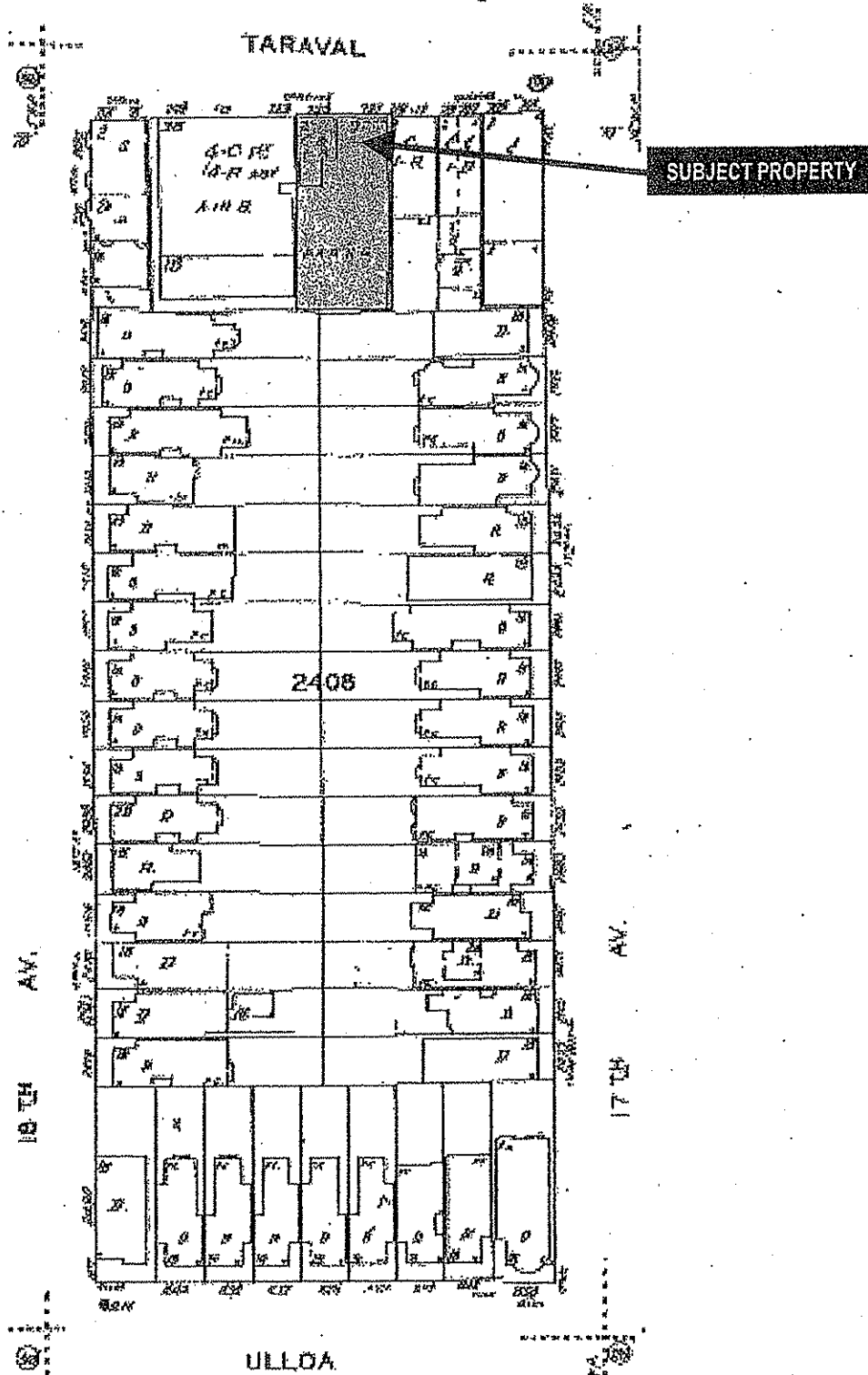
# Parcel Map



CONDITIONAL USE  
 T-Mobile WTS Facility  
 Case Number 2009.0531 C  
 725 Taraval Street



# Sanborn Map

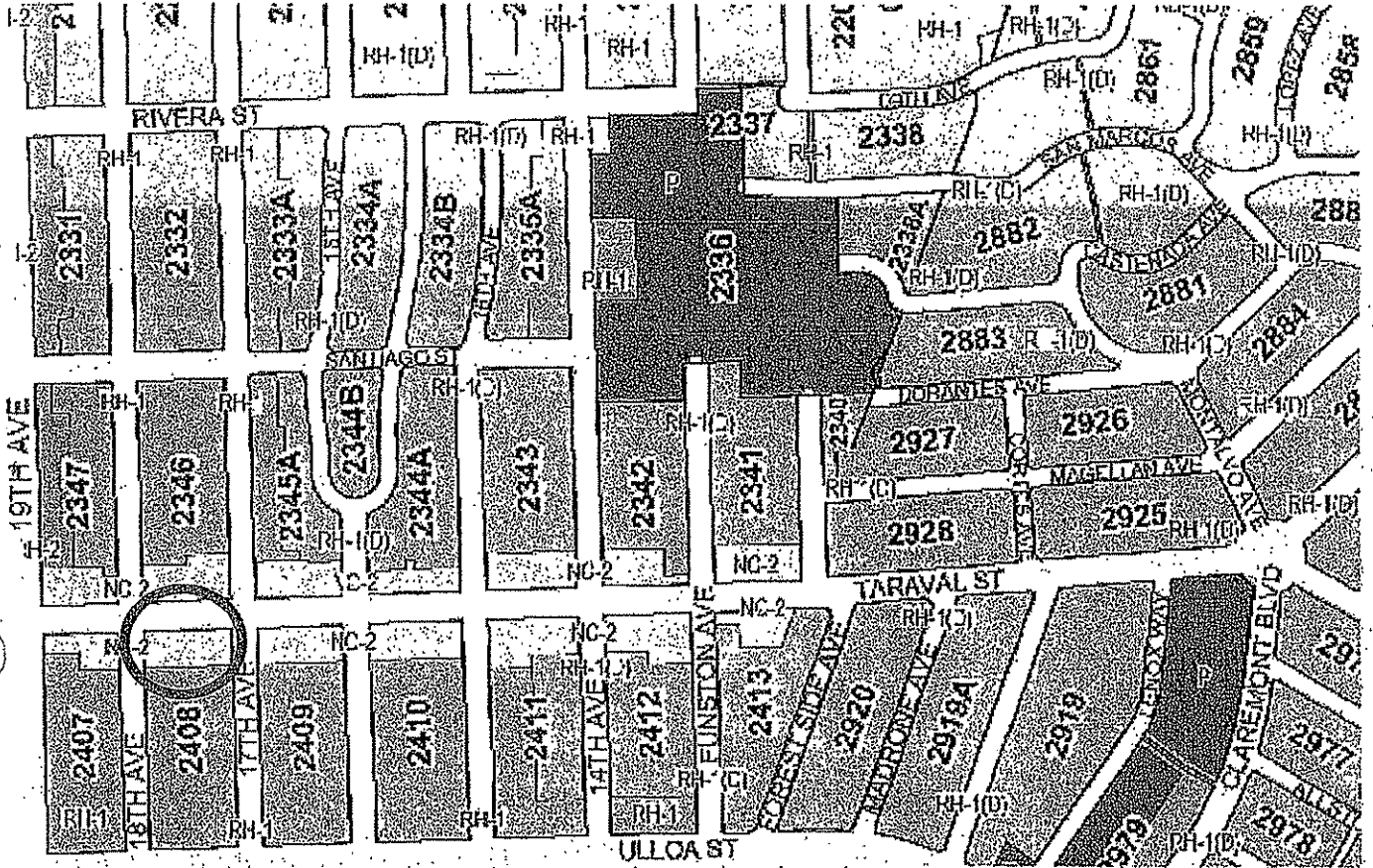


*\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street

# Zoning Map



## ZONING USE DISTRICTS

### RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

### RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

### NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCB NC-S

### SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SL SSO

### COMMERCIAL DISTRICTS

C-2 C-3 C-3-G C-3-R C-3-O C-3-OSD

### INDUSTRIAL DISTRICTS

C-M M-1 M-2

### CHINATOWN MIXED USE DISTRICTS

CRNO CVR CCB

### RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

### REDEVELOPMENT AGENCY DISTRICTS

MB-RA MP-RA

### DOWNTOWN RESIDENTIAL DISTRICTS

RH-DTR EDTR

### MISSION BAY DISTRICTS

MB-OS MB-O

### PUBLIC DISTRICT

P

### CONDITIONAL USE

T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street



# Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street

# Aerial Photos



ANTENNA LOCATIONS



# Aerial Photos

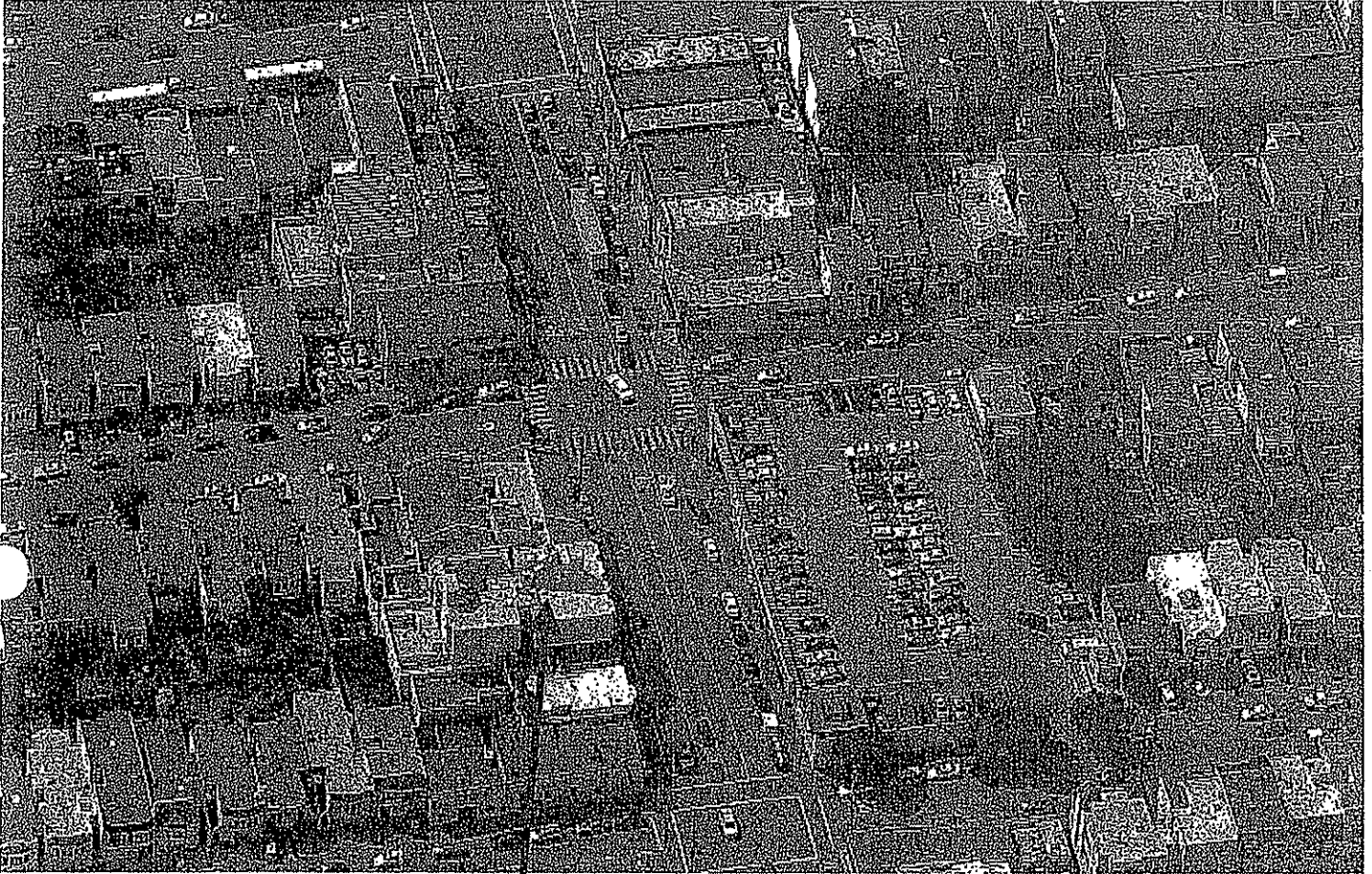


SUBJECT PROPERTY



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street

# Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street

# Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street

# Context Photos



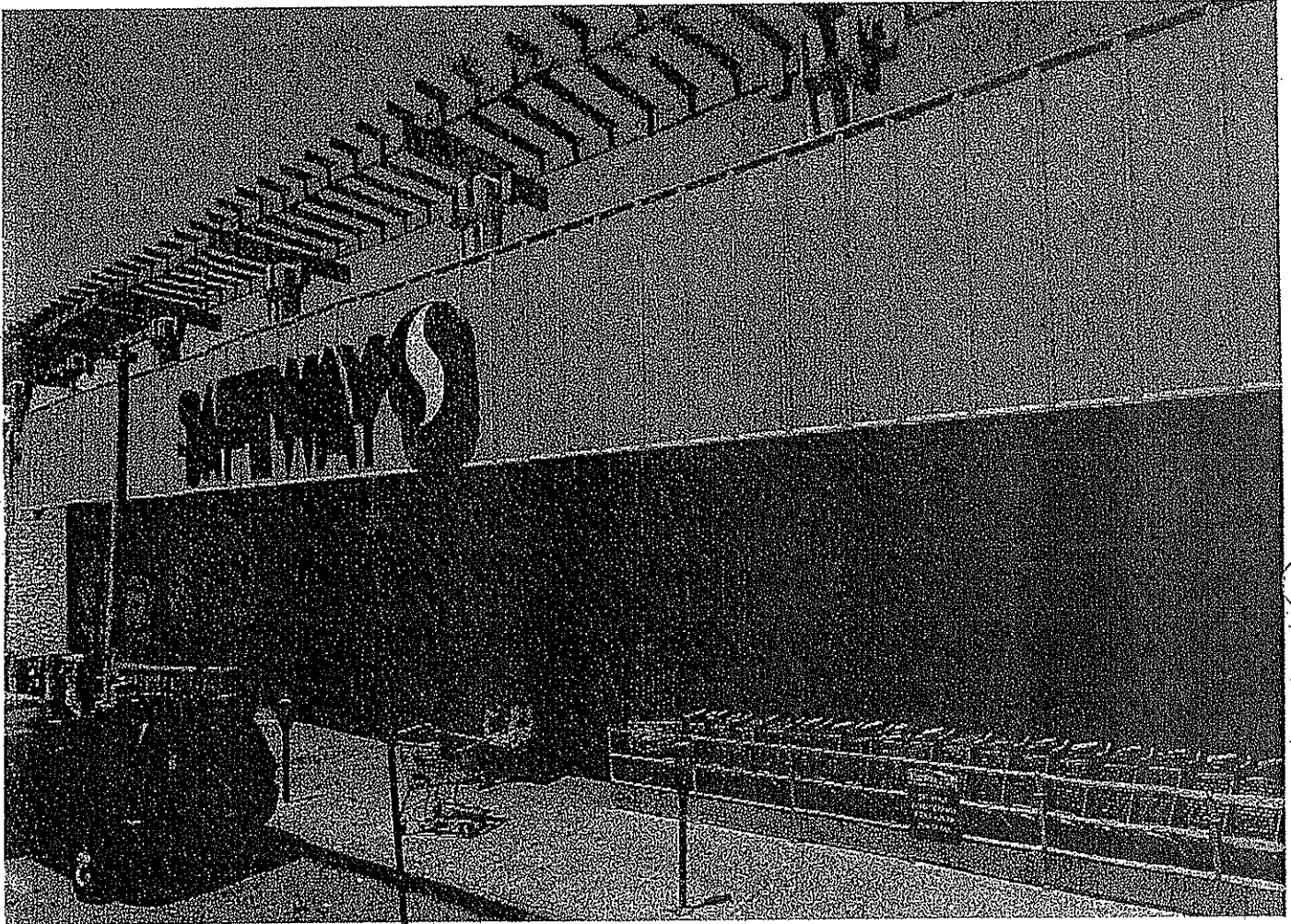
SUBJECT PROPERTY



CONDITIONAL USE  
T-Mobile WTS Facility  
Case Number 2009.0531 C  
725 Taraval Street



# Context Photos

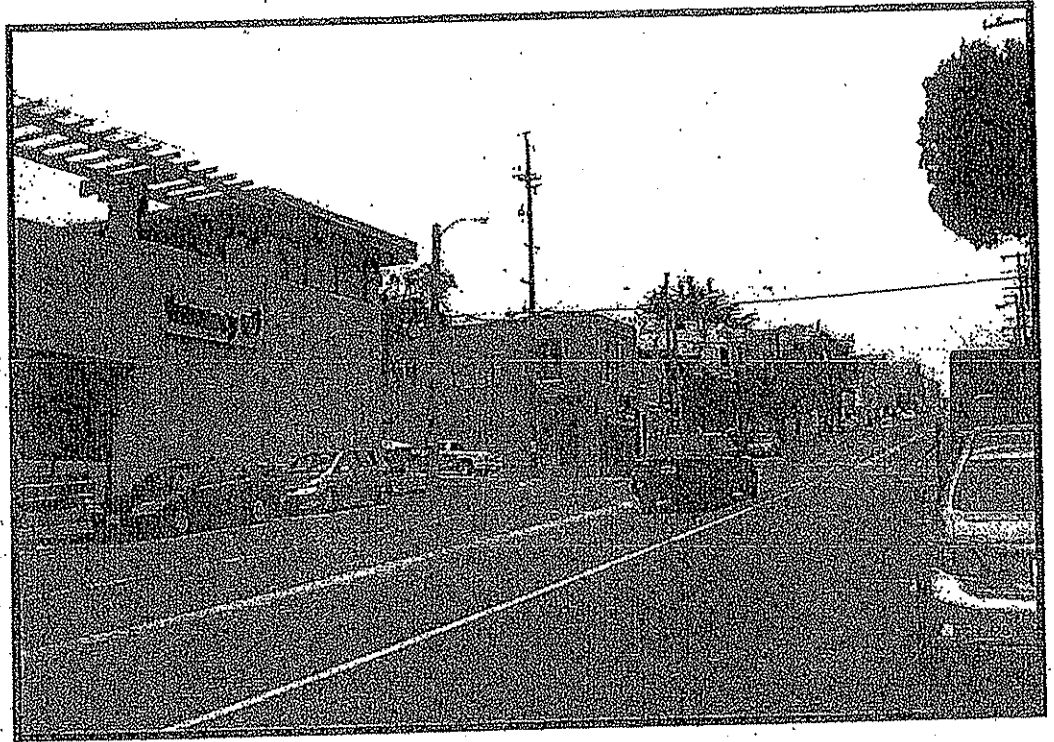


ACROSS THE STREET  
FROM SUBJECT  
PROPERTY



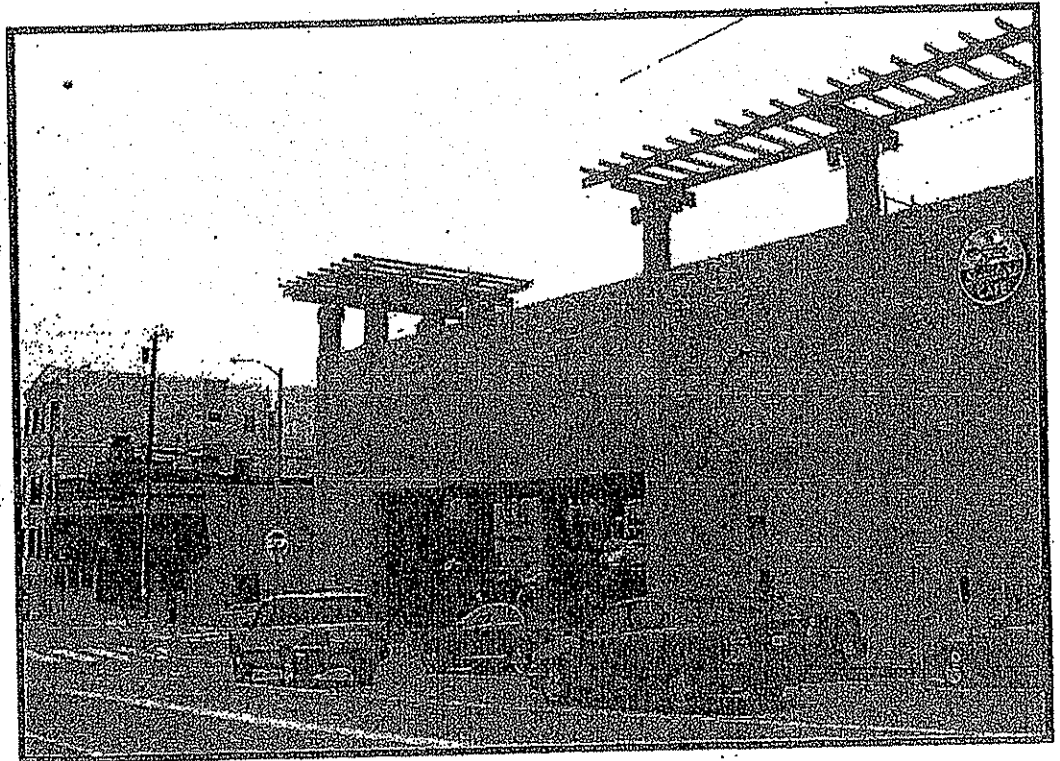
SF53306 Tom Building (725 Taraval) Site Locale Photographs

Safeway store across street, approximate height 35 feet w/ trellis.



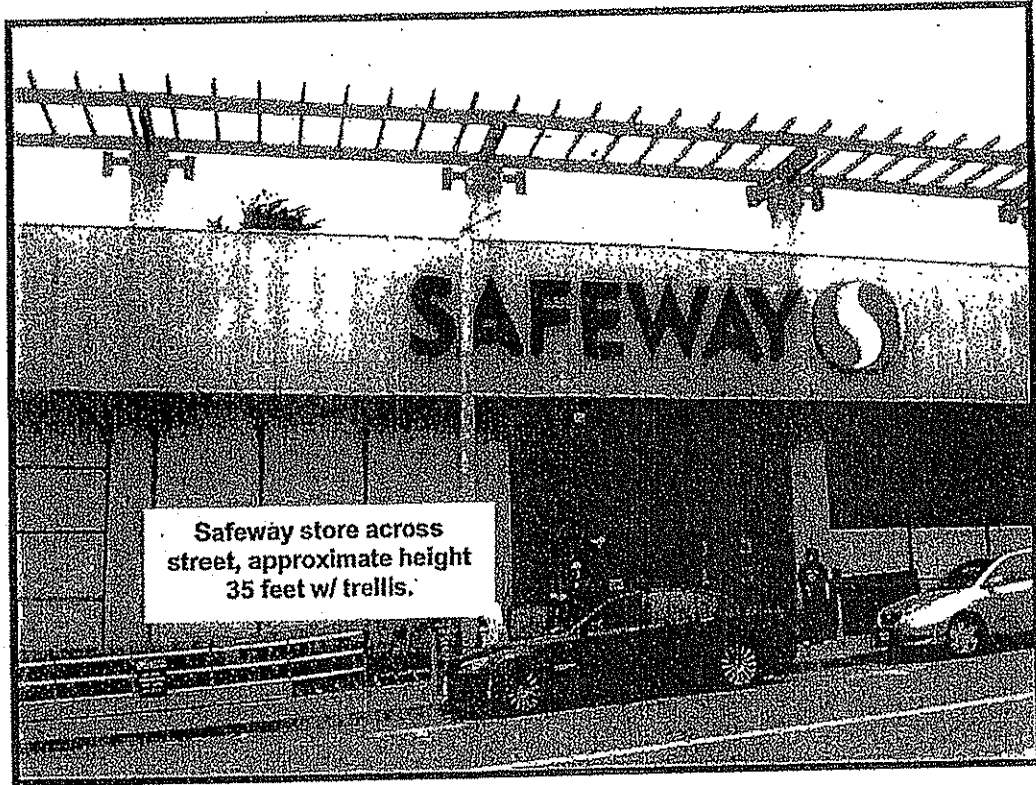
Taraval Avenue Viewing Eastward from front of Project Site.

Neighboring restaurant and stores, approx. height 15 – 30 feet.



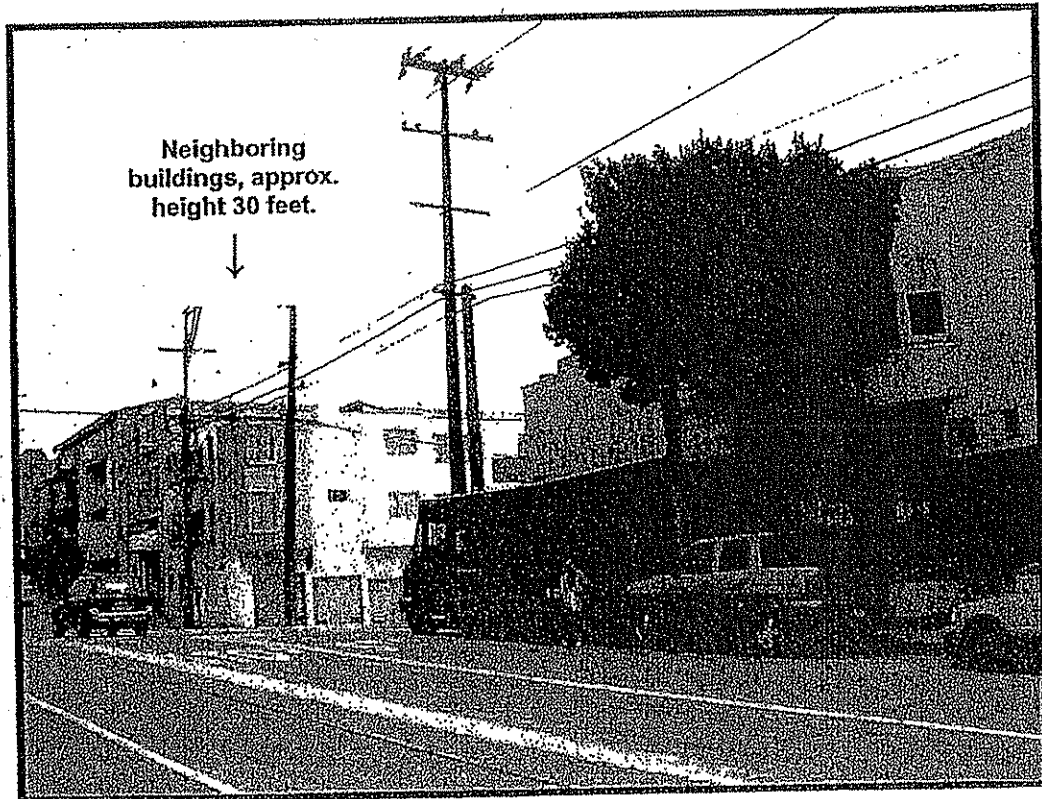
Taraval Avenue Viewing Northwesterly from front of Project Site.

SF53306 Tom Building (725 Taraval) Site Locale Photographs



Safeway store across street, approximate height 35 feet w/ trellis.

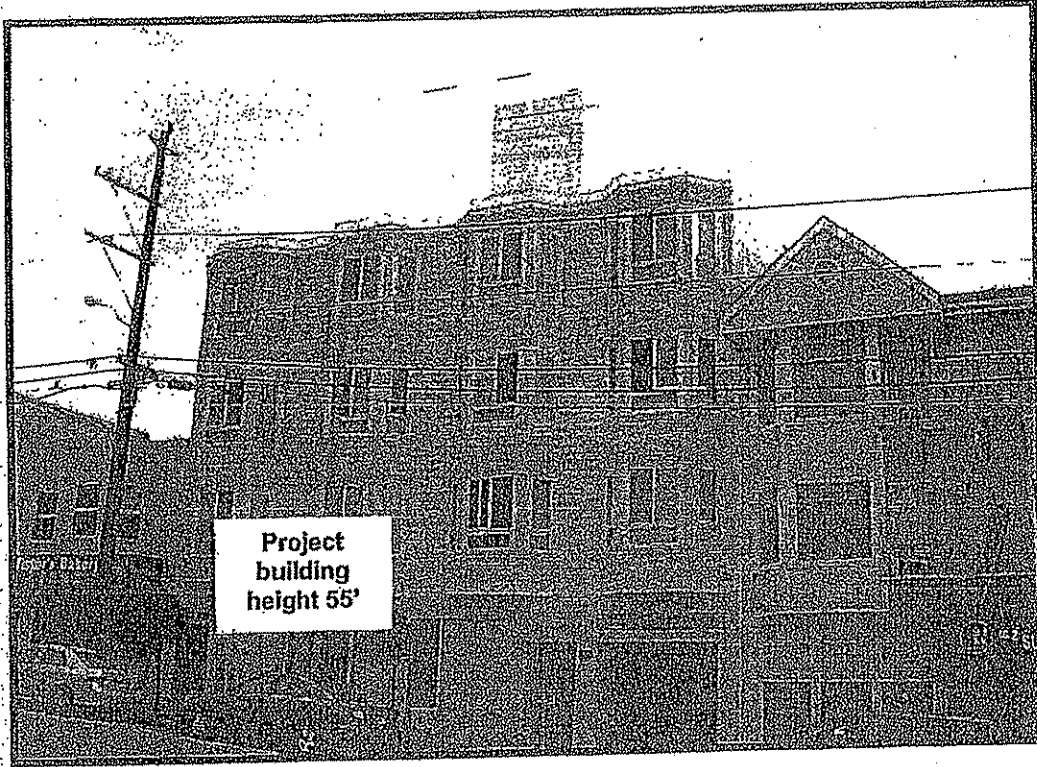
Taraval Avenue Viewing North directly across the street from Project Site.



Neighboring buildings, approx. height 30 feet.

Viewing Southeasterly direction from Taraval Avenue, opposite Project Site.

**SF53306 Tom Building (725 Taraval) Site Locale Photographs**

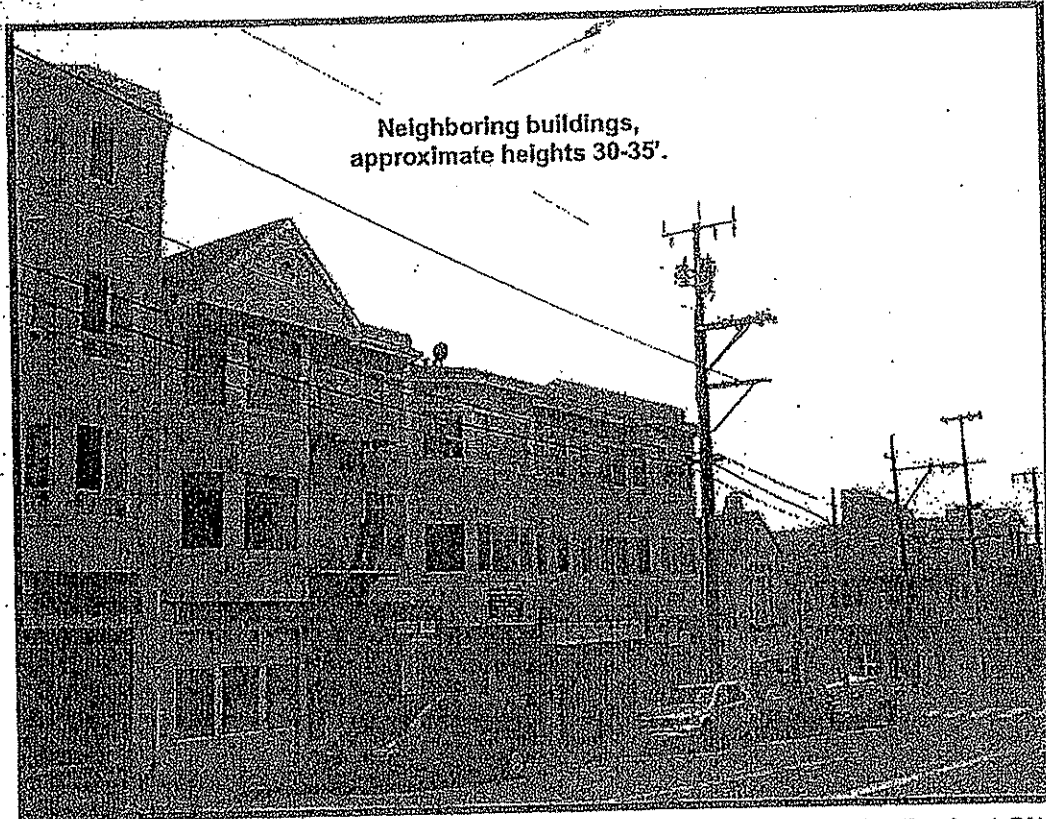


Neighboring buildir  
height approximate  
30 feet.



**Viewing Southerly Toward Project Site from Opposite Side of Taraval.**

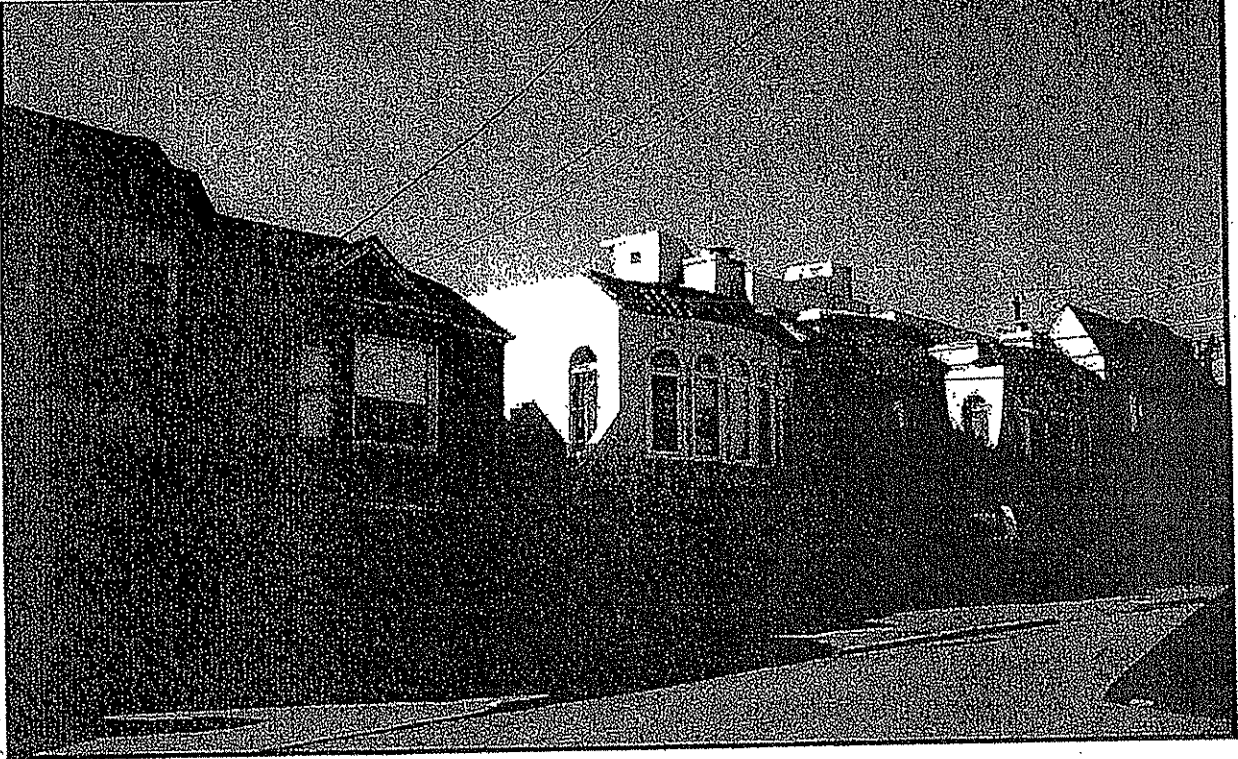
Project  
building  
height 55'



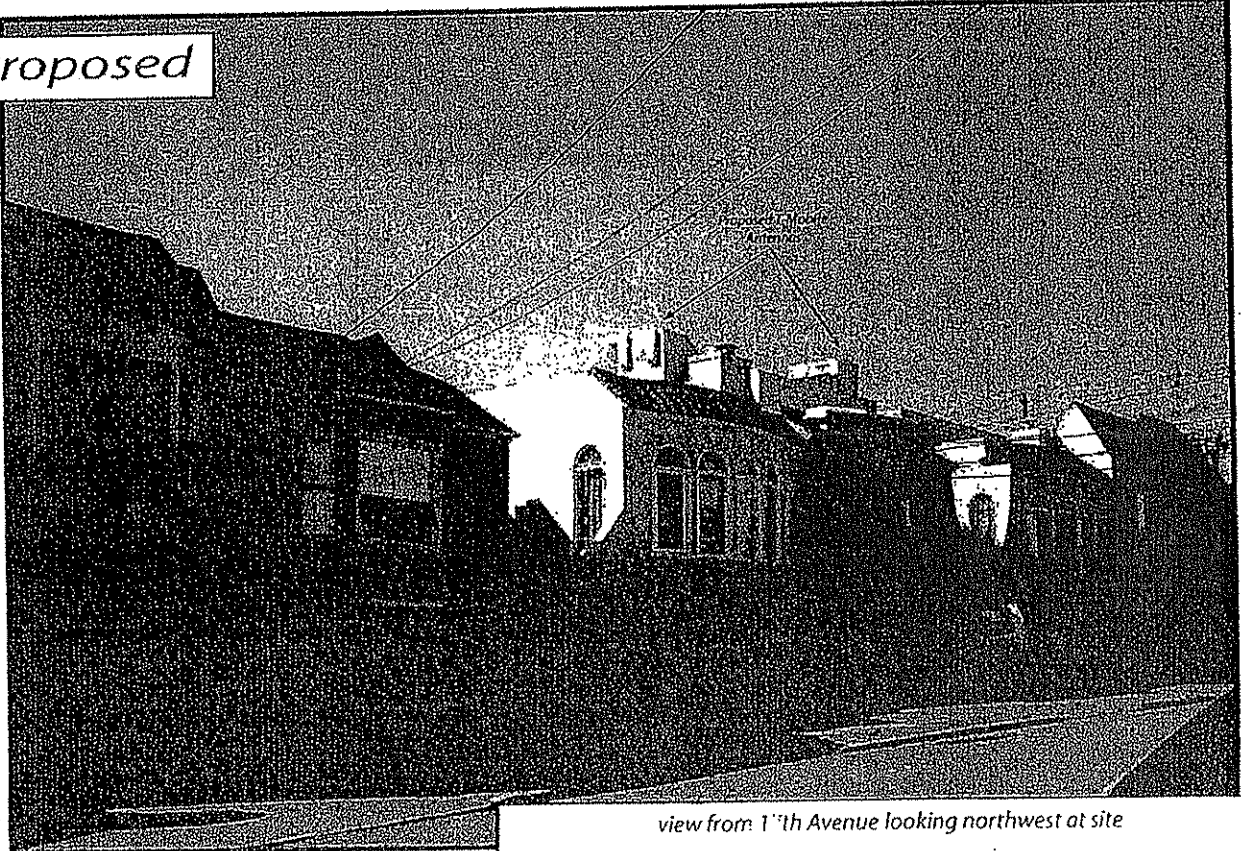
Neighboring buildings,  
approximate heights 30-35'.

**Viewing Southwesterly direction from Taraval Avenue, Opposite Project Site.**

Existing



Proposed



view from 1<sup>st</sup> Avenue looking northwest at site

1<sup>st</sup> Street

T

422

SF53306 Tom Building  
725 Taraval Street San Francisco, CA



City and County of San Francisco  
DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH SECTION

Gravin Newsom, Mayor  
Mitchell H. Katz, MD, Director of Health  
Rajiv Bhatia, MD, MPH, Director of EH

Review of Cellular Antenna Site Proposals

Project Sponsor: T-Mobile Planner: Elizabeth Watty

RF Engineer Consultant: Bill Hammett, Hammett & Edison Phone number 707-996-5200

Project Address/Location: 725 Taraval Street. (#SF53306A)

The following information is required to be provided before approval of this project can be made. These information requirements are established in the San Francisco Planning Department Wireless Telecommunications Services Facility Siting Guidelines dated August 1996.

In order to facilitate quicker approval of this project, it is recommended that the project sponsor review this document before submitting the proposal to ensure that all requirements are included.

- X 1. The location of all existing antennas and facilities. Existing RF levels. (WTS-FSG, Section 11, 2b)
- X 2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from the approved antennas. (WTS-FSG Section 11, 2b)
- X 3. The number and types of WTS within 100 feet of the proposed site and provide estimates of cumulative EMR emissions at the proposed site. (WTS-FSG, Section 10.5.2)
- X 4. Location (and number) of the Applicant's antennas and back-up facilities per building and number and location of other telecommunication facilities on the property (WTS-FSG, Section 10.4.1a)
- X 5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to the application (WTS-FSG, Section 10.4.1c)
- X 6. The total number of watts per installation and the total number of watts for all installations on the building (roof or side) (WTS-FSG, Section 10.5.1).
- X 7. Preferred method of attachment of proposed antenna (roof, wall mounted, monopole) with plot or roof plan. Show directionality of antennas. Indicate height above roof level. Discuss nearby inhabited buildings (particularly in direction of antennas) (WTS-FSG, Section 10.41d)
- X 8. Report estimated ambient radio frequency fields for the proposed site (identify the three-dimensional perimeter where the FCC standards are exceeded.) (WTS-FSG, Section 10.5) State FCC standard utilized and power density exposure level (i.e. 1986 NCRP, 200  $\mu\text{w}/\text{cm}^2$ )
- X 9. Signage at the facility identifying all WTS equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards. (WTS-FSG, Section 10.9.2). Discuss signage for those who speak languages other than English.
- X 10. Statement on who produced this report and qualifications.

**Approved.** Based on the information provided the following staff believes that the project proposal will comply with the current Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC standard 1986 - NCRP Approval of the subsequent Project Implementation Report is based on project sponsor completing recommendations by project consultant and DPH.

*Comments: There are currently no existing wireless telecommunications facilities located at this site. T-Mobile proposes to install eight RFS Model APX16DWV-16DWV-S-E-A20 antennas. The antennas would be mounted approximately 53 feet above ground level. The estimated ambient RF field from the proposed T-Mobile transmitters at ground level is calculated to be 0.0038 mW/sq. cm., which is .38% of the FCC public exposure limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is expected to extend 6 feet and is not expected to be exceeded at any publicly accessible areas. Warning signs shall be placed in front of the antennas. Warning signs must be in English, Spanish and Chinese. Worker should not have access within 2 feet of the front of the antennas while they are in operation.*

**Not Approved, additional information required.** \_\_\_\_\_

**Not Approved, does not comply with Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC Standard**

1 Hours spent reviewing

\$167.00 Charges to Project Sponsor (in addition to previous charges, to be received at time of receipt by Sponsor)

Signed Patrick Fosdahl Digitally signed by Patrick Fosdahl  
DN: cn=Patrick Fosdahl, ou=SFDPH,  
ou=Environmental Health,  
email=patrick.fosdahl@sfph.org, o=US  
Date: 2009.08.21 16:53:20 -0700 Date August 21, 2009

Patrick Fosdahl  
Environmental Health Management Section  
San Francisco Dept. of Public Health  
1390 Market St., Suite 210,  
San Francisco, CA. 94102  
415-252-3904







1 [Revision of Telecommunications Guidelines]

2 URGING THE PLANNING COMMISSION TO REVISE THE WIRELESS  
3 TELECOMMUNICATION FACILITIES GUIDELINES IT ADOPTED MAY 23, 1996 BY  
4 CHANGING THE LOCATION PREFERENCES THEREIN TO LIMIT THE OPPORTUNITY  
5 FOR PLACEMENT OF SUCH FACILITIES IN CERTAIN R-DISTRICTS UNTIL A  
6 TELECOMMUNICATIONS FACILITIES AMENDMENT HAS BEEN ADOPTED AS PART OF  
7 THE MASTER PLAN AND TO RECOMMEND TO THE BOARD OF SUPERVISORS  
8 ADOPTION OF A MORATORIUM ON PLACEMENT OF SUCH FACILITIES, SUBJECT TO  
9 CERTAIN CONDITIONS, FOR SIX MONTHS OR UPON THE ADOPTION OF THE MASTER  
10 PLAN AMENDMENT, WHICHEVER OCCURS LATER.

11 WHEREAS, The Planning Commission considered the Wireless Telecommunications  
12 Facilities Siting Guidelines (Guidelines) at two public hearings in April and May, 1996, and;

13 WHEREAS, Members of the public, the telecommunications industry and interested City  
14 departments commented on all draft versions of these guidelines, and;

15 WHEREAS, Subsequent to the adoption of the Guidelines, the Planning Commission  
16 directed staff to estimate the time and funds needed to conduct planning studies and environmental  
17 review of a Telecommunications Facilities amendment to the Community Facilities Element of the  
18 San Francisco Master Plan, and;

19 WHEREAS, The completion of the planning and environmental review for such an  
20 amendment is estimated to be early 1997, and;

21 WHEREAS, The Guidelines set forth the land use policies and practices that will guide the  
22 Planning Commission in its review and approval of Conditional Use applications for the placement  
23 of wireless telecommunications facilities throughout San Francisco until a Master Plan amendment  
24 and implementing zoning are adopted by this Board of Supervisors, and;

25

1           WHEREAS, An integral component of the Guidelines is the description and ranking of  
2 location preferences for the placement of such facilities, and;

3           WHEREAS, This Board of Supervisors' has reviewed these Guidelines and finds that the  
4 policies that address location preferences should be revised to limit the placement of wireless  
5 telecommunications facilities in RH-1, RH-1(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-  
6 2 zoning districts because the neighborhood character of these districts could be detrimentally  
7 affected by the placement of wireless telecommunications facilities. Specifically, the Board of  
8 Supervisors finds that placement of such facilities in these zoning districts could negatively impact  
9 neighborhood character and aesthetic qualities, could cause visual clutter and could be incompatible  
10 with the prevailing land uses, and;

11           WHEREAS, Because of these potential detrimental effects, the Board of Supervisors finds  
12 that zoning districts RH-1, RH-1(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2 should be  
13 excluded from consideration for sites for wireless telecommunications facilities until the Master  
14 Plan amendment has been adopted by this Board of Supervisors, and;

15           WHEREAS, In order to effectively implement the exclusion on the placement of wireless  
16 telecommunications facilities in RH-1, RH-1(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-  
17 2 zoning districts, the Board of Supervisors further finds that the Planning Commission should  
18 formulate a moratorium for the period necessary for completion of the Master Plan Amendment and  
19 related environmental review of a duration of six months or upon adoption of the Master Plan  
20 Amendment, whichever is longer, and;

21           WHEREAS, The Board of Supervisors further finds that wireless telecommunications  
22 facilities may be installed in RH-1, RH-1(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2  
23 zoning districts for the duration of this moratorium only if the applicant has demonstrated that good  
24 faith efforts were undertaken to secure alternative preferred sites and the excluded site is essential to  
25 meet area service demands, or if the facility will be placed on a publicly used structure, and;

1 WHEREAS, The Board of Supervisors further finds that co-location of facilities should be  
2 encouraged in the Guidelines as a means of eliminating the detrimental effects of the placement of  
3 such facilities throughout San Francisco, now, therefore, be it;

4 RESOLVED, That the Board of Supervisors urges the Planning Commission to revise the  
5 Location Preferences section at page 27 of the Guidelines to read as follows:

6 "The location for siting of WTS/PCS facilities are ranked in order of preference in  
7 paragraphs 1 through 5 below. Locations found in paragraphs 1 through 3 are preferred because  
8 public, institutional, industrial or commercial structures are more compatible with the wireless  
9 telecommunications facilities and could appear less noticeable. Locations in paragraph 4 and 5 are  
10 limited preference sites except if the location is on a publicly used structure as defined in Paragraph  
11 1. Regardless of the underlying zoning of a proposed location, the Planning Commission shall give  
12 great weight to placement of facilities on publicly used structures as defined in Paragraph 1.

13 PREFERRED LOCATIONS WITHIN A PARTICULAR SERVICE AREA

14 1. Unchanged

15 2. Unchanged

16 3. Industrial or commercial structures. Industrial or commercial structures such as retail stores,  
17 supermarkets, banks and garages. Mixed use buildings are also preferred as long as they are located  
18 in RC-3 and RC-4 districts or NC districts, or other districts, not otherwise noted below. No  
19 removal of existing visual obstructions will be required for location on these structures.

20 4. Limited Preference Sites: Buildings located in the following zoning districts are limited  
21 preference sites: Neighborhood Commercial Districts (NCD), NC-1, and RM-4. The Planning  
22 Commission will not approve applications for such sites unless the application describes: (a) what  
23 good faith efforts and measures to secure a site in a more preferred location (i.e., paragraphs 1  
24 through 3) were taken; and, (b) why such efforts were unsuccessful; provided, however, that  
25 facilities placed on publicly used structures, as defined in paragraph 1 herein, in these zoning

1 districts shall not be limited preference sites. An applicant for such structures need not satisfy the  
2 conditions herein for use of limited preference sites. When determining the propriety of the  
3 placement of these facilities on limited preference sites located immediately adjacent to RH-1, RH-  
4 I(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2 zoning districts, the Planning Commission  
5 shall make findings about the effect the facilities will have on any adjacent residential areas,  
6 including but not limited to the land use, aesthetic and visual impacts.

7 5. Disfavored Sites: Buildings located in the following zoning districts are disfavored sites:  
8 RH-1, RH-1(D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2. The Planning Commission  
9 will not approve applications for such sites unless the application shows by clear and convincing  
10 evidence what good faith efforts and measures to secure a site in a more preferred location (i.e.,  
11 paragraphs 1 through 3) were taken, explains why such efforts were unsuccessful and demonstrates  
12 that the location for the site is essential to meet demands in the service area; provided, however, that  
13 facilities placed on publicly used structures, as defined in paragraph 1 herein, in these zoning  
14 districts shall not be disfavored sites. An applicant for such structures need not satisfy the  
15 conditions herein for use of disfavored sites.

16 Co-location Preference: Any existing site on which a wireless telecommunication facility is  
17 currently located shall be a preferred location notwithstanding the limitations of paragraphs 4 and 5.  
18 However, locations which meet this criteria may be subject to the design and siting components of  
19 these Guidelines or any other such policies which are or may be adopted by the Department of City  
20 Planning, including, but not limited to, policies which prevent location of so many facilities on a  
21 structure such that the roof resembles an "antennae farm"; and;

22 BE IT FURTHER RESOLVED, That the Board of Supervisors urges the Planning  
23 Commission to recommend adoption of a moratorium pursuant to Planning Code § 306.7, which  
24 will limit the placement of wireless telecommunications facilities in RH-1, RH-1(D), RH-2, RH-3,  
25 RM-1, RM-2, RM-3, RC-1 and RC-2 zoning districts, for six months or until the adoption of an

1 amendment to the Community Facilities Element of the Master Plan by this Board of Supervisors,  
2 whichever is longer, provided however that the moratorium shall not apply to facilities placed on  
3 publicly used structures, and;

4 BE IT FURTHER RESOLVED, That the Board of Supervisors urges the Planning  
5 Commission to recommend adoption of a moratorium for buildings located in the RH-1, RH-1(D),  
6 RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2 zoning districts unless the applicant  
7 demonstrates by clear and convincing evidence that good faith efforts were undertaken to secure  
8 more preferred locations and that the requested location is essential to meet service area demands;  
9 provided however that the moratorium shall not apply to facilities placed on publicly used  
10 structures.

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Adopted - Board of Supervisors, San Francisco July 8, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Katz Kaufman  
Shelley Teng Yaki

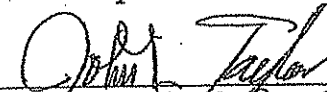
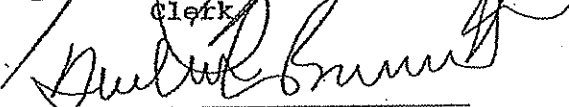
Absent: Supervisors Hsieh Leal

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
189-96-2

JUL 12 1996

Date Approved

  
Clerk  
  
Mayor

**SAN FRANCISCO**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 16539**

**WHEREAS**, The San Francisco Planning Department's 1996 Wireless Telecommunications Services Facilities Siting Guidelines ("Guidelines"), endorsed by Planning Commission ("Commission") Resolution No. 14182, has provided guidance to Department Staff ("Staff") where administrative review is warranted; to the Commission in consideration of conditional use applications; and to the public/industry for siting preferences; and

It has been almost seven years since the Guidelines were adopted in 1996, during which time, industry maturation and increasing neighborhood concerns regarding antennas has made it necessary to review and supplement the Guidelines; and

At the December 10, 2002 Commission hearing, a briefing on the existing Siting Guidelines was presented, after which, the Commission expressed a desire to review and supplement the existing Guidelines without creating a new set of guidelines; and

At the February 20, 2003 Commission hearing, a briefing on existing Department Policies along with staff recommendations for supplementing the Guidelines was presented; and

The Commission recognizes that wireless facilities are to be installed with the least possible negative impact to neighborhood aesthetics and public safety, and that local residents and businesses have access to dependable wireless service;

**NOW THEREFORE BE IT RESOLVED**, That to the extent consistent with the Planning Code and after consideration of the information presented by the Department, Supervisor Ammiano's office, the Industry, and the Public, the Commission adopts the following criteria supplementing the 1996 WTS Guidelines:

1. Community Outreach meetings shall be required for all sites that require a conditional use authorization; a 500 foot radius will be required for the mailings; the notices will include language identifying it as an announcement for a "Community Outreach Meeting on a Wireless Communication Facility proposed in your neighborhood;" and the subject building shall be posted with a notice identifying the meeting subject matter, time and place.
2. New applications for any individual carrier are not to be processed until such time the service provider is up-to-date with their Project Implementation Reports (certifications attested by licensed engineers with expertise in RF emissions, that the facilities are and have been operated within the applicable FCC standards for RF emissions, periodic safety monitoring 10 days after installation and every two years thereafter) for all their existing sites.
3. Alternative Site Analysis will also be required for Location Preference 5 (previously required for Location Preference 6 & 7 applications).
4. Applicants must pursue the most preferential rating within the search ring.
5. Co-location sites must have a facility approved pursuant to the Guidelines. Sites approved pursuant to Accessory Use Determinations, or installed prior to the Guidelines, would not be eligible for co-location status.
6. Service providers must submit 5-Year Plans (an inventory of existing and proposed sites) semi-annually, on April 1<sup>st</sup> and October 1<sup>st</sup>, and no applications are to be processed unless the applicant has the most recent Plan on file.



7. Applicants must submit completed checklists, developed by the Department identifying required materials for submittal of applications.
8. An evaluation for site consolidation shall be submitted for every new site.
9. The Department shall work with the Industry to develop a requirement for coverage maps that establish consistency in scale, information, and criteria.
10. The Planning Commission shall pursue the revision of the WTS Guidelines in cooperation with the Board of Supervisor's Land Use Committee, the Telecommunications Commission, and the Commission on the Environment, when the appropriate funding and staffing has been allocated to the Planning Department.

I hereby certify that the foregoing Resolution was adopted by the Planning Commission on March 13, 2003.

Linda Avery,  
Secretary

Ayes:  
Noes:  
Abstained:  
Absent:

Planning Department  
City & County of San Francisco  
**Wireless Telecommunications Services (WTS)  
Facilities Siting Guidelines**  
August 15, 1996

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# Planning Department Wireless Telecommunications Services Facilities Siting Guidelines

## INTRODUCTION

During the last couple of years various project sponsors have submitted to the Planning Department ("the Department") applications for the permitting of wireless telecommunication facilities. Because this technology was new and the Department had not established policies and guidelines to govern the placement of these particular uses, many were simply handled through the administrative permitting process as either principal or allowable accessory uses. Eventually, however, the number of applications for such uses proliferated dramatically and numerous such uses were contemplated within residential areas of San Francisco. The possibility of continued placement of the technology in various residential areas of San Francisco soon led residents to articulate various concerns. Concerns about health, safety and visual impacts were communicated to the Department, as well as many San Francisco legislators. The increase in the number of applications and the areas potentially affected by these uses, plus the legitimate concerns raised by the residents and the Department, compelled the Department to re-examine its informal procedures in light of applicable Planning Code provisions and to consequently require a Conditional Use Authorization for many of the applications.

Since a Conditional Use Authorization for many of the wireless telecommunication facilities required the approval of the Planning Commission ("the Commission"), the Commission, in connection with several applications for the installation of cellular telephone and personal communication systems, held extensive public hearings wherein many spoke against and in favor of such installations. As a result of those hearings, the Commission determined that, at the very least, the Department had to come forward, as quickly as possible, with comprehensive policies and guidelines to govern the siting of wireless telecommunication technology. The Commission opined that only through comprehensive guidelines and policies could the legitimate concerns and needs of the residents, the City, and the industry be addressed in a logical and balanced fashion. The Commission requested the comprehensive guidelines and policies to be incorporated as a Telecommunications Facilities Plan amendment of the Community Facilities Element of the City's General Plan.

The Department's efforts to prepare comprehensive policies and guidelines soon revealed that to treat comprehensively the siting of the entire spectrum of telecommunication technology was a monumental task, given the complexity of and rapid evolution of the telecommunication technology itself. Thus, to address effectively the immediate concerns over and the needs of technology already making its way through the Department's permitting process, it was decided to generate policies and guidelines on a "phased" basis. The first "phase" of the anticipated policies and guidelines is directed to the cellular mobile telephone and wireless data transmission technology. This document therefore attempts to accommodate the competing interests for that type of technology.

The policies and guidelines presented in this document, and endorsed by the Commission by Resolution No. 14182, will provide guidance to Department staff where administrative review is warranted and to the Planning Commission in their consideration of conditional use applications for such facilities. The policies and guidelines will inform Project Sponsors of the standards to be used by the Department and Commission in the review of any proposed cellular mobile telephone projects, wireless data communication facilities or other similar facilities regulated by the Federal Communications Commission (FCC) and all applications will be reviewed and measured by the same standards as presented herein. Substantive amendments to these standards are to be submitted to the Planning Commission for their endorsement and the amended standards will be made available to the public and prospective Project Sponsors as they are made. The application information requirements described in Section 10 of these Guidelines supplement the information required in the Department's Conditional Use application handout. The information required by the Department's Conditional Use application and the information required in Section 10 herein must be provided to the Department at the time the application is submitted. Non-substantive changes to the Guidelines, such as information required with submittals or types of facilities requiring Administrative Review, will be published as a Zoning Bulletin on an as-needed basis to clarify common questions or identify new interpretations. An example of a Zoning Bulletin for WTS Facility applications is shown in Section 12 of these Guidelines.

Again, it is important to note that due to legitimate logistical considerations, the policies and guidelines in this document (even though potentially applicable to other types of telecommunication technology) only address location policies and preferences, urban design policies and criteria, and sample conditions of approval for cellular mobile telephone technology, including Personal Communications Services (PCS), Enhanced Specialized Mobile Radio (ESMR) services, and other similar wireless technologies which feature similar equipment and/or share similar land use impacts and are regulated by the FCC, pursuant to the provisions of Section 209.6(b), 227(h) and (i), and other relevant sections of the Planning Code. These policies and guidelines do not, at this time, address similar policies, preferences and conditions of approval for AM or FM radio antennae towers, television antennae towers, personal pager microwave dishes, teleport satellite systems, or other similar facilities associated with Wireless Telecommunication Services. Those policies and guidelines will follow according to the mandate(s) of the Commission and will also be incorporated within a comprehensive Telecommunications Facilities Plan chapter of the Community Facilities Element of the City's General Plan.

## **Section 1. Background**

Wireless telecommunications facilities such as radios and televisions have long played a vital role in San Francisco's communications network. Our police, fire and ambulance services have for the past few decades depended on radio receivers and transmitters and accompanying antennae and support structures, interspersed throughout the City, for emergency dispatch and response. AM and FM broadcast facilities keep the City's listeners tuned in to their radios, and many viewers still

depend on the airways for their television reception. Many businesses, such as taxi and repair services, use radio-dispatched vehicles to serve the City.

The technological advances made in this type of technology have also had a direct impact on the types of goods and services made available to the everyday consumer. For example, the advances in cordless phone, cellular phone and personal paging technology during the past fifteen years have made wireless telecommunications very much a part of many businesses and the lives of the general public. It is now common for businesses and individuals to perceive a need for access to wireless communications to stay in business, to expand their business, to provide personal convenience, or to feel assured of personal safety and the ability to communicate with business, government or family and friends on demand.

Public access to personal mobile communications began in the 1980s and quickly gained appeal among people who felt that they needed to be reached at any given time at any place. In 1992, there were approximately 10 million cellular telephone users across the United States, and by the end of 1994, that figure had grown to over 24 million. This figure does not include users of paging systems, Enhanced Specialized Mobile Radio (ESMR) such as radio-dispatched vehicles, or Personal Communications Services (PCS) which transmit voice, e-mail, video and data.

To satisfy the public's demand for services and to generate revenue, the Federal Communications Commission (FCC) has been and is presently in the process of auctioning licenses for additional broadband and narrow band frequencies servicing the new Personal Communications Services (PCS) technology which includes, in addition to the current analog voice transmission, digital voice transmission and video and data transmission capabilities. Based on anticipated sales of these licenses, San Francisco can reasonably anticipate about eight providers of cell phone and PCS services. Based on information currently available to the Department, each provider can be expected to require approximately 40 to 45 cell sites (individual antennae locations) throughout the City. As such, San Francisco can reasonably expect about 175 additional applications for the installations of mobile telephone facilities. Based on the anticipated numbers of applications by six providers, San Francisco can expect around 360 cell sites over the next 10 years. (A similar number of two-way paging companies using narrowband spectrum will likely seek to build systems in the City.) The exact number of additional installations which will be required for each provider throughout the City is unknown at this time. It is anticipated, however, that as the number of customers of each provider increases and use of their radio frequency increases within a particular geographic service area, there may be a need to place the antennae closer than previously anticipated to maximize capacity and, therefore, to service its customers properly. In the neighborhoods with greater number of callers, such as the Financial District and higher density residential districts, more antennae installations can be expected.

### Research Sources

This report was researched by Planning Department staff with the assistance of neighborhood representatives who provided comments, concerns, research papers and anecdotal testimony, written materials provided by industry sources, review of regulations and standards adopted by other jurisdictions, and interviews of City agency

representatives. A great deal of information was derived by a report prepared by the San Diego Association of Governments (SANDAG) and published in December 1995, entitled "Wireless Communications Facilities Issues Paper". A copy of the SANDAG report as well as these Guidelines are available for public review at the Main Public Library, government documents section, as well as at the Planning Department. For review of the Department's Telecommunications Library, please contact planner Susana Montaña at (415) 558-6421 or e-mail address [Susana\\_Montana@CI.SF.CA.US](mailto:Susana_Montana@CI.SF.CA.US). These Guidelines are also available on the ABAG (Association of Bay Area Governments) HomePage at <http://www.abag.ca.gov>

## Section 2. Public Concerns

Numerous residents, neighborhood groups, citywide civic groups and organizations, City agencies, and other interested parties have expressed concerns with WTS facilities in the City. Among the concerns expressed are:

### Health and Safety

- ! Concern with long-term adverse health effects of electromagnetic radiation (EMR) and radio frequency radiation (RF) associated with 24-hour operation of WTS installations which are in close proximity to residential units or to vulnerable populations such as young children, frail elderly, ill persons or pregnant women;
- ! Dissatisfaction with current inconclusive research on long-term human health effects of exposure to EMR and RF emissions from WTS installations and lack of conclusive human epidemiological studies and findings regarding this exposure;
- ! Dissatisfaction with Federal safety standards for EMR due to perceived undue influence of telecommunications industry representation on the Boards that selected the FCC adopted standards;
- ! General skepticism regarding telecommunications industry claims of no adverse effects of WTS facilities and likening these claims to previous claims of no harmful effects from aerosol spray (to the ozone layer), of second-hand smoke, of lead paint, or of asbestos insulation; and
- ! Concern that if antennas are loosened by vandals or an earthquake, they can fall on passersby or the altered panel can "beam" a signal, and any associated EMR, toward a habitable unit.

### Visual/Aesthetics

- ! Proliferation of antennae and "back up" equipment on a particular building which can be

viewed from the street and/or which impede views from adjacent residential units or public view corridors (antennae farms);

- ! Concern with potential visual clutter in certain neighborhoods where there may be many users and each carrier will want to install numerous antennae to increase the capacity of their system; and
- ! Concern that carriers will not remove visually intrusive WTS facilities that are obsolete or that they are not using for normal service.

#### Costs

- ! Concern that the industry should pay all the costs associated with City agency monitoring of health and safety conditions of approval as well as the costs of interdepartmental coordination of telecommunications policies and monitoring/enforcement activities;
- ! Concern that the industry should pay all costs associated with the City's Department of Public Health (or other appropriate City agency) to review scientific literature on health and safety issues related to WTS installations and to analyze and summarize that research and report to the Planning Commission and any other permitting City agency on an annual basis; and
- ! Concern that the industry should pay all the direct and indirect costs associated with the installation of telecommunications facilities in the City's right-of-way including the costs of street cuts and repair and maintenance of streets that have been altered for these installations.

In connection with the concerns identified above, many interested parties have requested the City to:

- ! Practice "prudent avoidance" and deny WTS facility applications until such time that conclusive scientific evidence shows that these facilities pose no harm to the public;
- ! Require carriers to indemnify the City for any adverse health effects associated with permitted WTS facilities that may in the future be proven, based on conclusive scientific research, to be harmful to humans; and
- ! In effect, declare a total moratorium on approving installations until there is a comprehensive "Master Plan" to address land use implications of the WTS technology.

#### Benefits

- ! It is vital to the City's long-term economic health that wireless communications systems are

developed throughout the City and are made accessible and affordable to the City's residents, businesses and visitors. These facilities can help local businesses to market their goods and services globally and to improve their productivity;

- ! The wireless communications industry is one of the fastest growing segments of the telecommunications industry, creating hundreds of jobs for local residents; and
- ! Wireless communications have proven invaluable in many emergencies, such as earthquakes, fires or floods. Public safety personnel rely on wireless phones to coordinate emergency services.

In connection with the public concerns and the position of the various Project Sponsors, the Commission has requested legal advice from the City Attorney as to whether the Commission has the power to preclude such uses/installations through a moratorium as requested by some members of the public. Based on the advice of counsel, the Commission has determined that both Federal and State law (as discussed below) allow reasonable regulation of the technology, but preclude blanket disapproval of projects. It is noted, however, that despite the Federal preemption of the February 8, 1996 Telecommunications Act, the City of Medina, Washington, on February 13, 1996, passed a Resolution imposing a six month moratorium on the issuance of permits for communication facilities in order to study issues related to the siting of these facilities (eg. to allow tall towers and to require co-location/sharing of the city's limited number of available sites). In May 1996, the United States District Court reviewed a request for an injunction on the city's moratorium submitted by a telecommunications carrier (Sprint) and the Court denied the request for an injunction because the six month moratorium would not cause "irreparable harm" and did not in other ways violate the Telecommunications Act.

The Planning Commission has also sought the input of the Department of Public Health (DPH) regarding health concerns and DPH has concluded that: "After thoroughly reviewing the available scientific data, DPH staff has concluded that the data do not indicate that exposures to RF radiation below the ANSI standard results in adverse health effects. Available scientific evidence supports the exposure levels recommended in the ANSI Standard. Further, other national and international standards, such as the NCRP, WHO, British, German, Finnish and Canadian Standards are consistent with and support the exposure levels recommended in the ANSI Standard." [DPH letter dated January 26, 1996, on file with the Planning Department].

In light of this advice, the Commission has decided to move forward with the review of outstanding permit applications related to this technology consistent with applicable law. However, in light of the concerns expressed by the public, the Commission urges the appropriate City authorities to empower the Department of Public Health, the Telecommunications Commission, or other appropriate City agency to continue to review scientific literature and research findings and to report to the Planning Commission on an annual basis any significant developments that could require the Commission and/or the City to revisit and/or amend these policies and guidelines.

In July 1996, the San Francisco Board of Supervisors passed Resolution 635-96 which urged the



Planning Commission to amend its WTS Guidelines to include more stringent facility location criteria and preferences. These Guidelines incorporate those recommendations. The Board also urged the Planning Commission to adopt a "moratorium" on the installation of WTS facilities within the "Disfavored Site" zoning districts until such time as a Telecommunications Plan amendment of the Community Facilities Element of the City's General Plan is adopted. The intent of the modifications presented in the August 1996 Guidelines is to address all concerns articulated by the Board of Supervisors and to implement measures designed to effect all their recommendations.

### Section 3. Wireless Technology

Mobile phone and personal pager calls are transmitted through the air via radio waves at various frequencies. Cellular transmissions differ from television and radio transmission in that cellular depends on a network of small receiving and transmission stations (cell sites) spread out over the service area whereas television and radio rely on one tower to provide service throughout a large region.

Calls from cellular hand sets send radio signals to the closest cell site. Each cell site has a base station with a transmitter and receiver. Each base station communicates with the company's switching office to send the signal to a "hard wired" phone or send the signal to another mobile phone through a series of cell sites. As a mobile caller moves about the service area, the signals are "handed off" to the nearest cell site. Microwave radio frequencies are used to coordinate the switching of signals among the cell sites. The radio signals from the cell site base station is directed toward the adjacent cell sites in a beam that is relatively narrow in the vertical plane. The beam must be uninterrupted by buildings or other obstructions, that is, it must have "line of sight" transmission to the next cell site.

In empty space, radio waves spread at the same speed as light. To create radio waves a transmitter must send pulses at an extremely fast rate—from many thousands to millions of cycles a second. A single wave is called a cycle. Frequencies are stated in cycles a second, or hertz. Thus, a frequency of one kilocycle a second, or one kilohertz, is 1,000 waves a second. One megacycle a second, or one megahertz (MHz) is one million waves a second. Waves of different lengths can cross or even travel along the same lines without mixing. Thus, many stations can operate in the same region without interference if their frequencies are different. The government insures that they will be different by giving exclusive use of a separate, specific frequency to each station in a region.

The cellular phone industry is limited by the Federal Communications Commission (FCC) to 45 MHz of radio spectrum bandwidth, which without reuse, would limit each company to 396 frequencies or voice channels. In order to increase calling capacity, these low power facilities "reuse" frequencies on the electromagnetic spectrum.

Historically, cellular phones have used analog transmission signals. In the analog technology, voice messages are electronically replicated and amplified as they are carried from the

transmitting antenna to the receiving antenna. A problem with this technology is that the amplification procedure tends to pick up "noise", sometimes making the message difficult to hear. In order to diminish this noise and to provide greater capacity per channel, the cellular industry is beginning to switch to digital transmission signals. In the digital technology, voice messages are converted into digits (zeros and ones) that represent sound intensities at specific points in time. Because natural pauses in conversation are eliminated, more calling capacity becomes available from the same amount of spectrum and the background noise of analog calls is eliminated. However, due to the digital technology's higher frequencies on the electromagnetic spectrum, the digital cell phone system (Personal Communications Systems-PCS) will have a smaller radii than cellular sites and will require more transmission sites than the analog cellular system. Based on projections by the current service providers, San Francisco can expect a total of approximately 300 cell sites over the next ten years.

In a highly dense city like San Francisco, cell sites will tend to be spaced closer together than in suburban or rural areas due to the fact that there are more people, thus more potential wireless users. In San Francisco, the pattern of cell development will consist of numerous small cell sites in the downtown and commercial areas and fewer large cell sites in more residential and open space areas. As more people demand wireless service, there will be the need for additional sites to handle the calls.

A wireless network for San Francisco has two primary functions. First, to provide the necessary coverage for the entire city. Second, to provide the necessary capacity to satisfy the demand for calls at any one time throughout the entire city. Traffic jams on the radio waves for cellular phone use would discourage the growth of the industry and the development of more advanced technology and could disable local emergency communications systems. The dual requirements of coverage and capacity necessitate the need for multiple low-powered sites throughout San Francisco.

*Coverage* sites expand service in large areas or in areas with difficult terrain and allow users to make and maintain calls as they travel between calls. *Capacity* sites increase the number of calls when the surrounding sites have reached their practical channel limit.

Sites must be located throughout the City so that continuous and seamless coverage and adequate coverage in every neighborhood will be ensured. Currently, each wireless company licensed to provide service in San Francisco will require sites at locations throughout the City.

Digital wireless facilities will have higher calling capacities than analog cellular cell sites. However, due to the higher frequencies on the electromagnetic spectrum (1,850 to 2,200 MHz versus 800 to 900 MHz), each PCS cell site will cover a smaller area. [Please also refer to the report entitled "Wireless Communications Facilities Issues Paper" published in December 1995 by the San Diego Association of Governments (SANDAG) available at the Main Public Library, government documents section, or at the Planning Department.]

## Section 4. Regulatory Framework

WTS facilities are regulated at the federal, state and local level.

### Federal Law

#### Federal Communication Commiission

The Federal Communications Commission (FCC) is an independent federal regulatory agency which answers directly to Congress. Established by the Communications Act of 1934, the FCC is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The Wireless Telecommunications Bureau (WTB) handles all FCC domestic wireless telecommunications programs and policies, except those involving satellite communications. Wireless telecommunications services include cellular telephones, Enhanced Specialized Mobile Radio (ESMR), personal paging, personal communication services (PCS), public safety, and other commercial and private radio services. The WTB regulates wireless telecommunications providers and licenses and serves as the FCC's principal policy and administrative resource with regard to federal auctions for the private use of public air waves. Portions of the frequency spectrum are allocated to specific uses (such as TV broadcast or cellular), and specific frequencies within that part of the spectrum are assigned to licensed operators.

Section 332 of the 1934 Act was revised by Congress in 1993 to refine federal regulatory policy governing commercial mobile radio services ("CMRS"), such as cellular companies, to ensure the development of an efficient federally regulated, competitive market. In revising Section 332, Congress sought to ensure regulatory parity among all CMRS providers because "the disparities in the current regulatory scheme [e.g. private mobile carriers are exempted from state and federal regulation of rates and entry while common carrier mobile services are not] could impede the continued growth and development of commercial mobile services." The Senate expressly found in its version of the bill that "State regulation can be a barrier to the development of competition in this market" and that "uniform national policy is necessary and in the public interest". The FCC has noted that the 1993 revisions make clear that "Congress intended . . . to establish a national regulatory policy for CMRS, not a policy that is balkanized state-by-state." This national policy is designed to "foster the growth and development of mobile services that, by their nature, operate without regard to state lines as an integral part of the national telecommunications infrastructure."

The Act reserves to the states regulatory authority over "other terms and conditions." The House Report on the 1993 revisions specifically refers to "facilities siting issues (e.g., zoning)" as such "terms and conditions" within the state's purview.

#### 1996 Federal Telecommunications Act

With the potential economic impact of the WTS industry on both the national economy and federal

treasury, Congress, in the recently passed Telecommunications Bill, has further deregulated the industry in order to promote the availability of competing and affordable services. President Clinton signed the bill into law in February 1996.

Section 704 of the Act is entitled National Wireless Telecommunications Siting Policy. This Section, while preserving the local jurisdiction's control over the siting process, sets forth certain important limitations. States and localities cannot unreasonably discriminate among providers of various services, and they cannot take action that prohibits or has the "effect" of prohibiting the provision of wireless services. The legislative history of the bill specifically provides that "it is in the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis." States and localities must act on siting requests "within a reasonable period of time", taking all relevant factors into consideration. Determinations to deny wireless facilities must be in writing and supported by substantial evidence.

The 1996 Act prohibits States and localities from denying siting on the basis of Radio Frequency Radiation (RF) emissions so long as such facilities comply with the FCC's regulations concerning such emissions. The FCC regulations currently accept the American National Standards Institute (ANSI) Standards as the acceptable level of Electromagnetic Radiation (EMR) emissions for cellular phone, radio-dispatched mobile services (ESMR) and personal communications services (PCS) facilities.

The Act creates a cause of action for parties adversely effected by a locality's decision inconsistent with these provisions, and the Courts are directed to hear and decide such action on an expedited basis.

#### Safety Standards

The FCC requires all transmitting facilities that it licenses to comply with the ANSI Standards for human exposure to radio frequency (RF) electromagnetic fields. The ANSI standard is considered a "consensus standards," agreed upon by committees composed of university, telecommunications industry and government representatives. The FCC currently requires cellular, ESMR and PCS providers to comply with ANSI Standards for radio frequency emissions as a condition of the license. The Act prohibits local jurisdictions from imposing more stringent safety standards than that accepted by the FCC.

Power density is a means of determining the level of exposure to RF and EMF emissions. Measurements of equipment can assure compliance with existing exposure standards. The current ANSI Standard recommends general public exposure to EMR not to exceed 550 microwatts per square centimeters at the 800 MHz frequency for exposure of 30 minutes or more; of 567 microwatts per sq.cm. for 30 minutes or more at the 850 MHz frequency; and 600 microwatts per sq. cm. for 30 minutes or more at the 900 MHz frequency. By comparison, a 110 watt light bulb emits a power density of EMR of approximately 200 microwatts per sq.cm. at a distance of six feet.

#### State Level

Although the Federal government controls the sale and use of the airwaves, States retain jurisdiction over other terms and conditions, including facility siting issues. Applicable State law places constraints on a local jurisdiction's exercise of its police power over WTS facilities.

The California Public Utility Commission (CPUC) has jurisdiction over the provision of many utility services, including wireless telephone. The CPUC has broad powers to regulate safety and standards of service. Enhanced Special Mobile Radio (ESMR) licensees operate private systems, over which the CPUC has no jurisdiction pursuant to federal legislation.

The standard applied by the CPUC in issuing a Certificate of Public Convenience and Necessity ("CPC&N") required to operate a cellular system is whether the proposed facilities will serve the public convenience and necessity.

There was much confusion concerning the interplay between the CPUC's regulatory authority and local zoning when cellular systems were first authorized and constructed in the early 1980s. Some providers took the view that the issuance by the CPUC of a CPC&N eliminated the need to obtain local permits. The issue was resolved with the CPUC's issuance of General Order ("GO") 159, which specifically requires the provider to obtain permits from the local jurisdiction, and provides an appeal mechanism if an accommodation cannot be reached.

Early in the development of the cellular system, the CPC&N's expressly authorized specific sites. In the case where the PUC has approved a specific site in an application for a CPC&N, the local jurisdiction cannot refuse to issue necessary permits, though it may attach conditions as long as those conditions do not render the site infeasible.

Today, it is much more likely the case that a cellular provider is seeking a permit for a new facility not specified in its CPC&N, but within the geographic area it is mandated by its' FCC license to serve. In such cases the provider must apply to the local jurisdiction for needed permits. By providing a preemptive appeal as set forth in GO 159, however, the CPUC assures that the public convenience and necessity will not be frustrated by local permit procedures which may prohibit or unreasonably restrict needed cellular facilities.

#### Local Level

The San Francisco Planning Code allows communication utilities such as commercial wireless transmitting, receiving or relay facilities, such as radio, television, paging or cellular antennas and base stations, to be located in various parts of the City. Such facilities are allowed as a Principal Use in Commercial and Industrial Districts when the facility meets certain height and distance from residences criteria and allows their installation as a conditional use in these districts if they do not meet those criteria. In addition, antennas are allowed as a conditional use in Residential and mixed Residential-Commercial Districts.

The Planning Department and Planning Commission has relied on this process of

administrative review of antennas in some Districts and Planning Commission Conditional Use review of antennas in other Districts for decades. However, with the proliferation of such facilities in the past year and the anticipation of a greater number of applications in the near future, the land use implications of such facilities have changed and require greater scrutiny and regulation.

Early in the 1950's tall towers were required to transmit television and radio waves and small antennas were required on buildings to receive these waves for individual customers. In the 1970's, satellite dish antennas were required to transmit or receive radio, television and electronic data from homes and businesses to distant receiving or transmission stations. Now, in the 1990's, very few tall radio and television towers are required in the City. Numerous satellite dish antennas are needed by businesses to transmit data to off-site facilities or to send their product electronically to the next contractor or to the customer. For example, desktop publishers transmit their finished copy electronically through the air waves to printing companies in the Mid-West. More often, companies will send their product to their customer electronically through fiber optic "hard wires" or coaxial wire transmission lines. Cable television is commonplace in homes throughout the City and cable/digital radio is gaining in popularity. In the next few years, it can be expected that most businesses and many residents will be using both hard wire electronic communication systems (computers, facsimile machines, cable television and radio) and wireless communication systems (cellular phones, pagers, satellite dish radio and television, facsimile and video communications, etc.). The number, size, location and types of wireless communication facilities, including antennas, will change dramatically over the next decade. The trends indicate that the facilities will become more numerous and smaller over time.

The land use implications for these wireless communications facilities, including PCS antennas, generally reflect the same concerns addressed over the years by the Planning Department and Planning Commission, including:

- ! Land use compatibility with residential uses regarding noise associated with 24-hour operation of the facility;
- ! Land use compatibility with other transmission facilities such that new systems do not interfere with existing facilities and harm existing businesses;
- ! Health concerns associated with potential exposure to Electromagnetic Radiation and Radio Frequency radiation;
- ! Urban design concerns related to visual obstruction, view blockage, and compatibility with architectural character of the building and neighborhood;
- ! Facilitating economic development and vitality of businesses in the City which depend on these technologies;

- ! Create new job opportunities for San Franciscans; and
- ! Providing sufficient facilities to serve residents, visitors and workers with the technological amenities they desire for modern livability (such as television, radio, cell phone and beepers).

Section 100.2(g) of the June 1954 Planning Code allowed "wireless transmission towers" as a Conditional Use in Residential [R-1, R-2, R-3, R-4 and R-5] Districts and in Commercial [C-1, C-2, and C-3—Sec. 111.2(c)] Districts. In 1954, antennas were lumped into the same land use category as utility installations, public service facilities, landing fields for aircraft, and railroads. The 1954 Code allowed antennas as a Principal Use in Industrial M-1 and M-2 Districts and included them in the same land use category as landing fields for aircraft, railroad facilities and steam power plants. The "wireless transmission towers" of the 1950's featured tall steel towers for television and radio wave transmission and reception. There were very few constructed throughout the City.

The 1974 Planning Code continued the 1954 Code provisions for wireless transmission towers. Section 201.2 of the 1974 Planning Code continued to lump antennas into the land use category of utility installation, public service facility, landing field for aircraft, and railroad facilities for Residential Districts. However, the Commercial and Industrial Districts received a new category under Section 227(h) of "wireless transmission facility". The 1974 Planning Code required Conditional Use authorization for antennas in Residential, Residential-Commercial, and Commercial Districts and allowed them as a Principal Use in Industrial (M-1 and M-2) Districts.

Section 209.6 (b) of the current San Francisco City Planning Code (1985 to date) allows communication facilities, such as transmitting and receiving antennae, as a Conditional Use in Residential and mixed Residential-Commercial Districts. Receiving-only antennae have been deemed by the Zoning Administrator as an "accessory use" to the building occupant. Private carrier owned and operated receiving and transmitting facilities are deemed by the Zoning Administrator to be a separate commercial establishment subject to the applicable zoning regulations as described herein.

Section 227(h) of the Planning Code also allows "commercial wireless transmitting, receiving or relay facilities, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals" as a Principal use in Commercial and Industrial Districts if certain height and distance to residential uses criteria are met. Section 227(i) of the Code allows these facilities in Commercial and Industrial Districts as a Conditional Use if the criteria and provisions of Section 227(h) cannot be met.

Article 7 and 8 of the Planning Code requires Conditional Use authorization for commercial wireless transmitting, receiving or relay facilities in Neighborhood Commercial and Mixed Use (Chinatown and South of Market) Districts.

Article 9 (Mission Bay) allows communication facilities, as defined by Section 209.6(b), as a principle use in the Moderate Density and High Density Residential Districts and prohibits them in the Lower Density Residential District. Section 943 describes how rooftop WTS facilities should be screened from view. Article 9 allows WTS facilities as a conditional use in Mission Bay Neighborhood Commercial Districts and allows them as a principle use in the Mission Bay Office and Commercial-Industrial Districts. They are not permitted in the Mission Bay Hotel District.

WTS facilities owned and operated by a private carrier on a public property which lies within a P-Public District are permitted only as a conditional use pursuant to Section 234.2(a) of the Planning Code. Publicly-owned and operated WTS facilities on public property in P Districts have been deemed by the Zoning Administrator to be a public use permitted as a principal use, pursuant to Section 234 of the Planning Code. However, any change of use on a public property or a public right-of-way, including the installation of a WTS facility, requires a finding of consistency with the City's General Plan by the Planning Commission or, through administrative review, by the Director of Planning or Zoning Administrator (General Plan Referral process). Certain conditions of approval can be attached to a finding of consistency with the General Plan by the Planning Commission or the Department as well as through the Building Permit Application review of Section 101.1 of the Planning Code (Prop. M findings) process.

In addition, Section 260(b)(2)(l) of the Planning Code exempts towers and antennas from the height limitations of a particular zoning district although it does not exempt the "back up" equipment (receiving, transmitting, power supply, cooling/air conditioning equipment generally located within one box, room or shelter). All back-up equipment must be located below the legislated height limit or, if located on a building which already exceeds the height limit, the equipment must be located below the parapet of the building and must be set back such that the equipment is not viewed from the street.

Local businesses and residents will demand new technologies. These new technologies will require new criteria for the siting of wireless communication facilities. As these arise, new siting policies and measures to mitigate potential adverse affects of new WTS technologies, should be adopted as standards for Planning Department administrative review and for Planning Commission Conditional Use review.

## **Section 5. General Plan Policies Relevant to Wireless Telecommunication Services**

Although the types of WTS facilities that are the subject of these Guidelines did not exist when the City's General Plan was last amended in whole in 1988, many of the Plan policies are relevant to the development of siting criteria and policies for WTS facilities. The most relevant sections are found in the Urban Design, Commerce and Industry and Residence Elements. Suggested policies for WTS Facilities (see page 24 of these Guidelines), once fully refined, could be included within the Community Facilities Element of the General Plan.

### **Urban Design Element**



The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1 EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Image and Character

- POLICY 1 Recognize and protect major views in the city, with particular attention to those of open space and water.
- POLICY 3 Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.
- OBJECTIVE 2 CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Natural Areas

- POLICY 1 Preserve in their natural state the few remaining areas that have not been developed by man.
- POLICY 2 Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.

Richness of Past Development

- POLICY 4 Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.
- POLICY 5 Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.
- POLICY 6 Respect the character of older development nearby in the design of new buildings.

Street Space

- POLICY 8 Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.
- POLICY 9 Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

- a. No release of a street area shall be recommended which would result in:
  - (1) Detriment to vehicular or pedestrian circulation;

- (2) Interference with the rights of access to any private property;
  - (3) Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement;
  - (4) Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;
  - (5) Elimination or reduction of open space which might feasibly be used for public recreation;
  - (6) Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility;
  - (7) Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street;
  - (8) Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk;
  - (9) Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment;
  - (10) Removal of significant natural features, or detriment to the scale and character of surrounding development.
  - (11) Adverse effect upon any element of the Master Plan or upon an area plan or other plan of the Department of City Planning; or
  - (12) Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.
- b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:
- (1) Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;
  - (2) In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations.
  - (3) Necessary for a significant public or semi-public use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site;
  - (4) For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element; or
  - (5) In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the Master Plan.

## POLICY 10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

**OBJECTIVE 4** IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY FUNDAMENTAL PRINCIPLES FOR NEIGHBORHOOD ENVIRONMENT POLICIES FOR NEIGHBORHOOD ENVIRONMENT

**Health and Safety**

**POLICY 14** Remove and obscure distracting and cluttering elements.

Signs are another leading cause of street clutter. Where signs are large, garish and clashing they lose their value as identification or advertising and merely offend the viewer. Often these signs are overhanging or otherwise unrelated to the physical qualities of the buildings on which they are placed. Signs have an important place in an urban environment, but they should be controlled in their size and location.

Other clutter is produced by elements placed in the street areas. The undergrounding of overhead wires should continue at the most rapid pace possible, with the goal the complete elimination of such wires within a foreseeable period of time. Every other element in street areas, including public signs, should be examined with a view toward improvement of design and elimination of unnecessary elements.

**Commerce and Industry Element:**

**GOALS**

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals:

1. **Economic Vitality:** The first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city.
2. **Social Equity:** The second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training.
3. **Environmental Quality:** The third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

These goals are interrelated and provide a perspective for evaluating future development issues in the city. All projects should be evaluated against all three goals in determining costs and benefits to the city's present and future population. The objectives and policies that follow seek to set a course for the city by which all three goals can be attained.

**OBJECTIVES AND POLICIES  
GENERAL / CITYWIDE**

**OBJECTIVE 1** MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**POLICY 1.** Encourage development which provides substantial net benefits and minimizes undesirable consequences.

Discourage development which has substantial undesirable consequences that cannot be mitigated.

POLICY 2 Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

A critical aspect of development management is to mitigate negative impacts created by new development: economic, aesthetic, physical, environmental, and social.

To ensure that commercial and industrial activities do not detract from the environment in which they locate, and may in fact benefit their surroundings, performance standards should be applied in evaluating new developments. The policies of the Master Plan provide many of the standards to be used in evaluating development proposals. Other standards are found in various city ordinances and State and Federal laws. As necessary these standards should be reformed and additional standards developed.

OBJECTIVE 2 MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

POLICY 1 Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

POLICY 2 Seek revenue measures which will spread the cost burden equitably to all users of city services.

POLICY 3 Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 3 PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

POLICY 1 Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

POLICY 2 Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

POLICY 3 Emphasize job training and retraining programs that will impart skills necessary for participation in the San Francisco labor market.

POLICY 4 Assist newly emerging economic activities.

INDUSTRY

OBJECTIVE 4 IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

POLICY 1 Maintain and enhance a favorable business climate in the city.

POLICY 2 Promote and attract those economic activities with potential benefit to the City.

Downtown Area Plan.

SPACE FOR COMMERCE  
OBJECTIVES AND POLICIES

OBJECTIVE 1 MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY

LIVING AND WORKING ENVIRONMENT.

- OBJECTIVE 2 MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.
- OBJECTIVE 3 IMPROVE DOWNTOWN SAN FRANCISCO'S POSITION AS THE REGION'S PRIME LOCATION FOR SPECIALIZED RETAIL TRADE.
- OBJECTIVE 4 ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.
- OBJECTIVE 5 RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.
- OBJECTIVE 12 CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.
- POLICY 1 Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.
- POLICY 2 Use care in remodeling significant older buildings to enhance rather than weaken their original character.
- OBJECTIVE 13 CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.
- POLICY 3 Create visually interesting terminations to building towers.
- OBJECTIVE 14 CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.
- POLICY 1 Promote building forms that will maximize the sun access to open spaces and other public areas.
- POLICY 2 Promote building forms that will minimize the creation of surface winds near the base of buildings.
- OBJECTIVE 15 TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.
- POLICY 1 Ensure that new facades relate harmoniously with nearby facade patterns.  
When designing the facade pattern for new buildings, the pattern of large nearby existing facades should be considered to avoid unpleasant juxtapositions. Incongruous materials, proportions, and sense of mass should be avoided.  
  
As a general rule, facades composed of both vertical and horizontal elements fit better with older as well as most new facades.
- POLICY 5 Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

Public Art:

- Art in the public right-of-way is strongly encouraged throughout the downtown area. Art installations might range from sculptures, sidewalk inlays, and kiosk displays to performance art, dance pieces, and temporary installations.
- Empty storefronts should be utilized for temporary art installations to enliven the streetscape.

## NEIGHBORHOOD COMMERCE

### OBJECTIVE 6 MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

- POLICY 1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.
- POLICY 2 Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.
- POLICY 3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.
- POLICY 7 Promote high quality urban design on commercial streets.

### URBAN DESIGN GUIDELINES

The following guidelines for urban design are intended to preserve and promote positive physical attributes of neighborhood commercial districts and facilitate harmony between business and residential functions. The pleasant appearance of an individual building is critical to maintaining the appeal and economic vitality of the businesses located in it, as well as of the whole neighborhood commercial district. An individual project's building design and site layout should be compatible with the character of surrounding buildings and the existing pattern of development in neighborhood commercial districts.

In designing a new development or evaluating a development proposal, the following criteria should be considered:

- Overall district scale;
- Individual street character and form;
- Lot development patterns;
- Adjacent property usage, especially buildings historical, cultural or architectural importance;
- Proposed site development and building design;
- Handicapped access;
- Potential environmental impacts; and
- Feasible mitigation measures.

#### Architectural Design

- The essential character of neighborhood commercial districts should be preserved by discouraging alterations and new development which would be incompatible with buildings which are of fine architectural quality and contribute to the scale and character of the district. The details, material, texture or color of existing architecturally distinctive buildings should be complemented by new development.
- Existing structures in sound or rehabilitable condition and of worthwhile architectural character should be reused where feasible to retain the unique character of a given neighborhood commercial district.
- The design of new buildings, building additions and alterations, and facade renovations should reflect the positive aspects of the existing scale and design features of the area. Building forms should complement and improve the overall neighborhood environment.

- Building design which follows a standardized formula prescribed by a business with multiple locations should be discouraged if such design would be incompatible with the scale and character of the district in which the building is located.

**Materials**

- The materials, textures and colors of new or remodeled structures should be visually compatible with the predominant materials of nearby structures. In most neighborhood commercial districts, painted wood, masonry and tiles combined with glass panes in show cases, windows and doors are the most traditional and appropriate exterior wall materials.

**Details**

- Individual buildings in the city's neighborhood commercial districts are rich in architectural detailing, yet vary considerably from building to building, depending upon the age and style of their construction. Vertical lines of columns or piers, and horizontal lines of belt courses or cornices are common to many buildings as are moldings around windows and doors. These elements add richness to a flat facade wall, emphasizing the contrast of shapes and surfaces.
- A new or remodeled building should relate to its surrounding area by displaying compatible proportions, textures, and details. Nearby buildings of architectural distinction can serve as primary references. Existing street rhythms should also be continued on the facade of a new building, linking it to the rest of the district.

**Rooftop Mechanical Equipment**

- Rooftop mechanical equipment which may be visually obtrusive or create disturbing noises or odors should be located away from areas of residential use and screened and integrated with the design of the building.

**Signs**

- The character of signs and other features attached to or projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. Neighborhood commercial districts are typically mixed-use areas with commercial units on the ground or lower floors and residential uses on upper floors. Sign sizes and design should relate and be compatible with the character and scale of the building as well as the neighborhood commercial district. As much as signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residences within the neighborhood commercial district or in adjacent residential districts. Signs should not be attached to facades at residentially-occupied stories nor should sign illumination shine directly into windows of residential units.

**POLICY 8** Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

**GOVERNMENT, HEALTH AND EDUCATION SERVICES**

**OBJECTIVE 7** ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

**POLICY 1** Promote San Francisco, particularly the civic center, as a location for local, regional, state and federal governmental functions.

**Residence Element**

NEIGHBORHOOD ENVIRONMENT

OBJECTIVE 12 TO PROVIDE A QUALITY LIVING ENVIRONMENT.

POLICY 1 Assure housing is provided with adequate public improvements, services and amenities.

RESIDENTIAL PROJECTS

Exterior Appearance

- Design new and substantially altered buildings in a manner which conserves and protects neighborhood character (See "Residential Design Guidelines", Department of City Planning, November 2, 1989 for more specific guidelines and illustrations.)
- Relate the form and architectural character of new and substantially altered buildings to the general scale and character of surrounding buildings.

Environmental Factors  
(Sunlight, topography, noise, and climate.)

- Expose all units to natural light.
- Insulate units from the intrusion of exterior and interior noise.
- Apply energy conservation measures in the design of the building.

**Community Facilities Element**

The Community Facilities Element contains no relevant policies at this time. However, it is anticipated that by June 30, 1998 a Telecommunications Facilities Master Plan could be incorporated within the Community Facilities Element of the City's General Plan.

**Community Safety Element**

OBJECTIVES AND POLICIES  
EMERGENCY OPERATIONS

OBJECTIVE 3 ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM THE EFFECTS OF FIRE OR NATURAL DISASTER THROUGH ADEQUATE EMERGENCY OPERATIONS PREPARATION.

- POLICY 1 Maintain a local agency for the provision of emergency services to meet the needs of San Francisco.
- POLICY 2 Develop and maintain viable, up-to-date in-house emergency operations plans, with necessary equipment, for operational capability of all emergency service agencies and departments.
- POLICY 3 Maintain and expand agreements for emergency assistance from other jurisdictions to ensure adequate aid in time of need.



- POLICY 4 Establish and maintain an adequate Emergency Operations Center.
- POLICY 5 Maintain and expand the city's fire prevention and fire-fighting capability.
- POLICY 6 Establish a system of emergency access routes for both emergency operations and evacuation.

## Environmental Protection Element

- OBJECTIVE 10 **MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS.**  
The process of blocking excessive noise from our ears could involve extensive capital investment if undertaken on a systematic, citywide scale. Selective efforts, however, especially for new construction, are both desirable and justified.
- POLICY 1 Promote site planning, building orientation and design, and interior layout that will lessen noise intrusion.
- POLICY 2 Promote the incorporation of noise insulation materials in new construction.
- OBJECTIVE 14 **PROMOTE EFFECTIVE ENERGY MANAGEMENT PRACTICES TO MAINTAIN THE ECONOMIC VITALITY OF COMMERCE AND INDUSTRY.**
- POLICY 1 Increase the energy efficiency of existing commercial and industrial buildings through cost-effective energy management measures.
- POLICY 5 Encourage use of integrated energy systems.

## Transportation Element

The Transportation Element contains no relevant policies.

## Arts Element

- GOAL I. SUPPORT AND NURTURE THE ARTS THROUGH CITY LEADERSHIP
- OBJECTIVE 1 **RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.**
- POLICY 1 Promote inclusion of artistic considerations in local decision-making.
- OBJECTIVE 2 **INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.**
- OBJECTIVE 3 **DEVELOP AND EXPAND ONGOING PARTNERSHIPS WITH THE PRIVATE SECTOR IN SUPPORT OF THE ARTS.**
- POLICY 1 Develop partnerships with the private sector and the business community to encourage monetary and non-monetary support of the arts, as well as sponsorships of arts organizations and events.

## Section 6. Quality of Life Considerations Associated with WTS Facilities

A number of health, safety and quality of life concerns have been raised regarding the siting of WTS facilities in the City. These concerns include:

- ❗ Visual impacts of both antennae and "back up" equipment (transceivers, air conditioning, switching and power equipment). How many is "too many"? How can we avoid the "antennae farm" visual impacts of too many on any one building?
- ❗ How can we mitigate the visual impact of numerous antennas on any one street or neighborhood, particularly in residential areas or in view corridors?
- ❗ How can we measure "visual clutter" by WTS facilities; how can we tell when the City has reached a saturation point and cannot accept new such facilities without great visual and aesthetic harm?
- ❗ How can we recommend and encourage replacement of older, larger antennae if new technology develops smaller antennae over time?
- ❗ What type of treatments (ie. selective placement, setbacks on roofs, painting, screening, etc.) can make these facilities less visually obtrusive?
- ❗ How can we protect architecturally significant buildings from visually distracting elements associated with the siting of these facilities?
- ❗ How are warning signs near installations lit at night? Would this produce glare to nearby residents?
- ❗ How can we insure that the antennae do not incorporate a company logo or some other form of advertising sign?
- ❗ How can the City monitor each installation for compliance with FCC/ANSI Standards?
- ❗ How do we insure that all antenna sites incorporate multi-lingual warning signs and fence/barriers to prevent un-trained workers, tenants and the general public from entering dangerous areas?
- ❗ Can the Planning Commission require landlords to advise prospective tenants in writing of the presence of PCS antennae on the premises (so people can choose not to rent)?

## Section 7. WTS Facilities Siting Policies

The following policies and guidelines attempt to address, to the extent possible, the concerns raised by the public.

#### Land Use

**LU1** Insure that the siting of Wireless Telecommunications Services (WTS) Facilities is compatible with nearby uses. WTS facilities should meet Federal Communications Commission (FCC) health and safety standards. Operation of new facilities should not cause interference with existing nearby facilities such that the existing facility would be required to increase its power source or other equipment to continue proper service. These potential impacts should be considered, measured and mitigated prior to approval of a new facility.

**LU2** Insure that the type of WTS facility is compatible with the scale of the locale or, if it is out of scale, is (1) determined to be necessary at that location for the Applicant's operational needs; (2) meets the criteria of Section 303(c) of the Planning Code; and (3) incorporates all feasible measures to ameliorate visual intrusion or other adverse impacts. Whenever feasible, design out-of-scale facilities as public art rather than obtrusive utilities.

**LU3** Insure that the facility is sited on a structure in such a way as to minimize visual obstruction. Sites to be considered, in order of preference, are: (1) Public buildings, structures, utilities, or other neighborhood institutions; (1A) Co-Location Sites; (2) Industrial or commercial buildings where existing visual obstructions/clutter will be removed; (3) Industrial or commercial buildings where existing visual obstructions/clutter cannot, in a commercially reasonable and viable manner, be removed; (4) Residential buildings which exceed the height limit where existing visual obstructions/clutter will be removed; (5) Residential buildings which exceed the height limit and where the back-up equipment is installed within the building envelope or installed in such a way as to minimize visual obstruction; or (6) Residential buildings which are at or below the allowable height limit.

**LU4** Protect landmark structures, historically-significant structures, architecturally-significant structures, landmark vistas or scenery, and view corridors from visually-obtrusive WTS antennas and "back-up" equipment.

**LU5** Protect natural resources, open spaces, recreational trails and/or other recreational resources from intrusion from installation of unmitigated WTS facilities such that emissions, lighting, signage or barriers would diminish the value and/or public access to those resources.

**LU6** Insure that the siting of any WTS facility will be subject to development requirements that will mitigate any potential health, safety, urban design, neighborhood character or public access impacts and insure that the installation

will positively address the 8 priority policies of Section 101.1 of the City Planning Code (Prop.M policies).

#### Urban Design

- UD1 Protect the urban design, scale, architectural character and visual continuity of the neighborhood by siting WTS facilities on buildings and in such a way that would minimize visual obtrusion and protect the vistas and beauty of San Francisco. WTS facilities should be made as unobtrusive as possible, consistent with the reasonable technological requirements of the facility. No advertising sign or identifying logo should be displayed on any WTS facility or element. Antenna panels should not reflect light. The Department or Commission should review applications to determine when a locale or building is approaching the maximum number of WTS facilities such that the locale or site is not overwhelmed with facilities and/or the site is perceived to becoming an "antennae farm" or too "busy" and visually distracting.
- UD2 Require Applicants to develop and submit with their Application a 5 year plan generally describing the services to be provided within the City, each service area within the City, and the size, type and number of facilities anticipated for each service area within the 5 year period.
- UD3 When reasonably possible and commercially practicable, remove existing visual obstructions/clutter on the rooftop or roofline on a permanent basis associated with the installation of WTS facilities in the City.

#### Health and Safety

- HS1 The Applicant should pay all reasonable costs associated with the measuring, recording, reporting and monitoring of emissions, including noise, EMR/RF, and thermal, associated with the WTS facility at all locations. Such information should be made available to any interested party through the Applicant's Neighborhood Liaison. All such records would be available for public review in City records.
- HS2 The Department of Building Inspection has the responsibility to insure that the installation site is structurally-sound and is seismicly-safe for the proposed equipment.
- HS3 The City should insure that emergency telecommunication services are available on a priority basis to the appropriate agencies in the event of a

disaster or emergency; that is, if the system is rendered inoperable by a disaster, carriers shall be required to work closely with the City's Office of Emergency Services (or its' equivalent) to restore emergency City services as quickly as is possible. The installations should not interfere with any City emergency service telecommunications system.

HS4 The Applicant should insure that the WTS facilities are sited in such a way as to comply with any FCC-adopted safety standards governing controlled and uncontrolled access to the facility. Facilities should have barriers to prevent unauthorized access. Signs in several languages as may be required by any FCC-adopted standards should be posted, to advise people of the presence of equipment emitting electromagnetic radiation and radio frequency radiation and to warn people not to approach this equipment.

#### Community Involvement

CI1 Applicants should establish a neighborhood liaison program for each neighborhood within their proposed geographic service area and publicize within the neighborhood the name, address, fax and phone number of the neighborhood liaison. The liaison is encouraged to meet with the community to present their proposals prior to application to the Planning Department. However, once an application is filed with the Planning Department, the Project Sponsor must meet with neighbors and representatives of any neighborhood organization within the area to present their proposal(s). The liaison program should continue throughout the time the WTS facility remains operational in the neighborhood. Persons to be invited to the community meeting by the Applicant shall be drawn from the neighborhood notification sources cited in Section 10.9 of these Guidelines, or a more suitable source as determined by the Zoning Administrator.

CI2 To the extent lawfully permitted, the Applicant should pay the proportionate costs (time and materials) to support on-going interdepartmental City agency coordination with the City's Telecommunications Commission, Department of Telecommunications and Information Services, any other City agency, as appropriate, to coordinate the siting, monitoring and compliance of WTS facilities. Such a group could include representatives from the Department of Planning, the Department of Building Inspection, the Department of Public Health, the Department of and Information Services, the City Administrator's Office, the Department of Public Works, the Office of the City Attorney, the Department of Real Estate (or their equivalents), among others.

### **Section 8. Standard Location and Urban Design Siting Preferences.**

Wireless Telecommunication Services require various types of facilities, depending upon the technology and radio frequency used and the geographic service area. Television and

Radio transmissions require tall towers which typically serve customers throughout a large region. Personal pagers and cellular phones require more numerous yet smaller antennas and relay station facilities. These Guidelines will address Location Preferences, Urban Design Criteria and Sample Conditions of Approval for cellular phone facilities, personal communications services (PCS), Enhanced Specialized Mobile Radio (ESMR) facilities, and other wireless telecommunications facilities which feature similar equipment and land use impacts and are regulated by the FCC. These Guidelines do not address issues related to large towers, monopoles, satellite dishes or micro-dish facilities serving personal pagers.

The Department's experience in the siting of accessory and conditional uses in industrial, commercial, mixed use and residential districts informs them that certain structures are more adaptable to such ancillary facilities and are perceived by the public to be less intrusive than other structures. Placing WTS facilities on certain structures can ameliorate adverse visual or aesthetic effects of such installations. The following location preferences and urban design criteria and treatments, and associated standard conditions of approval, are intended to ameliorate any potential visual or neighborhood livability concerns while still facilitating growth of an industry that is vital to the City's economic health and whose services are demanded by an increasing number of the City's residents, businesses, workers and visitors.

### **Section 8.1. Location Preferences**

The locations for siting of WTS/Personal Communications Services (PCS) facilities in the City are listed in paragraphs 1 through 7 below. Publicly-used structures are preferred locations throughout the City because they appear in all neighborhoods and, within each neighborhood, they appear to be institutional/infrastructure uses, similar in appearance to WTS installations. Therefore, WTS installations on publicly-used structures appear less noticeable than on commercial or residential structures. Similarly, WTS installations on structures which already feature similar installations (co-location sites) would also appear less noticeable than on other structures, up to the point when there would be too many antennae and the structure appears too "busy", "cluttered", visually obtrusive and irritating.

### **Preferred Locations Within A Particular Service Area**

#### **Preferred Location Sites**

1. Publicly-used structures. Public facilities such as police or fire stations, libraries, community centers, utility structures, water towers, elevated roadways, bridges, flag poles, smokestacks, telephone switching facilities, or other public structures. Where the installation complies with all FCC regulations and standards, schools, hospitals, health centers, places of worship, or other institutional structures should also be considered.
2. Co-Location Site: Any existing site on which a legal wireless telecommunications facility is currently located shall be a Preferred Location

Site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of these Guidelines, applicable policies of the General Plan, the Eight Priority Policies of Section 101.1 of the Planning Code (Prop. M Findings), or any other such policies which are or may be adopted by the Planning Department or Planning Commission, including, but not limited to, policies which prevent location of so many facilities on a structure such that the roof or site resembles an "antennae farm" or is otherwise deemed visually obtrusive.

3. Industrial or Commercial Structures. Wholly industrial or commercial structures within RC-3, RC-4, NC-2, NC-3 and NC-S Districts, or other districts not otherwise noted below (such as C-2, CM, M-1 or M-2 Districts), within the service area such as warehouses, factories, retail outlets, supermarkets, banks, garages, service stations where existing visual obstructions/clutter on the roof or along the roofline can and will, in a commercially practicable manner, be removed as part of the installation.
4. Industrial or Commercial Structures. Wholly industrial or commercial structures within RC-3, RC-4, NC-2, NC-3 and NC-S Districts, or other districts not otherwise noted below, such as retail stores, supermarkets, banks and garages. No removal of existing visual obstructions will be required for location on structures within Location Preference 4.
5. Mixed Use Buildings in High Density Districts. Mixed use buildings (housing above commercial or other non-residential space) are also Preferred Location Sites provided they are located in RC-3 and RC-4 Districts or NC-2, NC-3 or NC-S Districts, or other districts not otherwise noted in Paragraphs 6 and 7 below.

#### **Limited Preference Sites**

6. Limited Preference Sites: Buildings located in the following zoning districts are Limited Preference Sites: Individual Neighborhood Commercial Districts (NCDs) subject to Sections 714.1 through 729.1 and 781.1 through 781.7 of the Planning Code, NC-1 Districts, and RM-4 Districts. The Planning Commission will not approve applications for such 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 location (i.e. Paragraphs 1 through 5 above); (c) why such efforts were unsuccessful; and (d) how and why the proposed site is essential to meet service demands for the geographic service area and the Applicant's citywide network.

In addition, when determining the propriety of the placement of WTS facilities on Limited Preference Sites located immediately adjacent to RH-1, RH-1 (D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2 zoning districts, the Planning Commission shall make findings about the effect the facilities will have on any adjacent residential areas, including but not limited to the land use, aesthetic and visual impacts.

An Applicant for publicly-used structures or co-location sites within the Individual NCDs, NC-1 and RM-4 Districts need not satisfy the justification conditions (a) through (d) herein for use of Limited Preference Sites.

### Disfavored Sites

7. Disfavored Sites: Buildings located in the following zoning districts are disfavored sites: RH-1, RH-1 (D), RH-2, RH-3, RM-1, RM-2, RM-3, RC-1 and RC-2. The Planning Commission will not approve applications for such sites unless the application (a) shows what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area; (b) shows by clear and convincing evidence what good faith efforts and measures to secure these Preferred Location Sites were taken; (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 network, provided, however, that facilities placed on publicly-used structures, as defined in Paragraph 1 above, or in co-location sites as defined in Paragraph 2 above, in these zoning districts shall not be disfavored sites and may be approved for a WTS installation by the Planning Commission. An application for installation of a WTS facility on a publicly-used structure shall not be considered a disfavored site and need not satisfy the justification conditions herein for use of disfavored sites. A co-location site within these zoning districts, meeting the criteria of Paragraph 2 above, shall not be considered a disfavored site and need not satisfy the justification conditions herein for use of disfavored sites.

## Section 9. Building Siting Criteria

Each WTS/PSC facility shall be installed on and/or within the building in such a way as to:

1. Minimize the visual impact of the installation from public vistas or streets.
2. Minimize visual impacts of the facility from habitable living areas (such as bedrooms or living rooms) of residential units which directly face the antenna within 100 feet horizontal distance.
  - ! Whenever possible, back-up facilities shall be installed within the existing building envelope;
  - ! If new construction is required for the back-up equipment, the housing for this equipment shall be low-lying and shall be painted, screened, landscaped or



- otherwise treated architecturally to minimize visibility of the equipment or to otherwise create a visually pleasing feature;
- ¶ If back-up equipment is installed on the roof, the facility shall be setback or otherwise located to minimize visibility, especially from the street or public places.
3. Minimize noise and thermal transmission from equipment to tenants of the subject building. In Residential districts, San Francisco noise standards for residential use must be met. Noise levels created by back-up equipment, such as air conditioning, ventilation or power equipment, should at all times be within the levels established by the San Francisco Noise Ordinance.
  4. Avoid or minimize intrusion into usable open space within the lot.
  5. Site antennas in such a way and provide barriers and signage to prevent a person from passing within the safety limits established by the FCC-adopted standards for controlled access.

## **Section 10 . Application Information Required**

Each application for a WTS facility, whether an antenna, relay station or other similar structure or equipment shall provide the following information to the Planning Department.

### **10.1. Five Year Facilities Plan.**

Each application shall include a five year facilities plan. The Department will inventory all existing and proposed cell site installations and would like all carriers to provide the following information in each five year plan. The 5 year Plan must be updated with each submittal, as necessary:

1. Prepare a written description of the type of technology each company/carrier will provide to its customers over the next 5 years (Cellular, PCS, ESMR);
2. Describe the radio frequencies to be used for each technology;
3. Describe the type of consumer services (voice, video, data transmissions) and consumer products (mobile phones, laptop PCs, modems) to be offered;
4. Provide a list of all existing, existing to be upgraded or replaced, and proposed cell sites within the City for these services by your company;

5. Provide a presentation size map of the City which shows the 5 year plan cell sites, or if individual properties are not known, the geographic service areas of the cell sites. We would like the map to be provided in hard copy at a 24 inch by 36 inch or greater size and to be provided on 3 1/2 inch disc formatted for IBM-compatible MapInfo; and
6. Provide a written list of the 5 year cell sites in both hard copy and 3 1/2 inch disc formatted for IBM-compatible WordPerfect 6.0 or Windows Word. The list should include the following information:
  - ! List the cell sites first by address and then be Assessor's Block and Lot;
  - ! List the Zoning District and Height and Bulk District;
  - ! List the type of building (commercial, residential, mixed use) and number of stories;
  - ! List the carrier (your company);
  - ! List the number of antennae and base transceiver stations (BTS) per site by your carrier and, if there are other installations on a site, list the number by each carrier;
  - ! Describe the location and type of antennae installation (stand alone rooftop, rooftop attached to a mechanical penthouse, or building facade) and location of the BTS installation(s);
  - ! List the height from grade to the top of the antennae installation(s); and
  - ! List the Radio Frequency range in Megahertz and list the wattage output of the equipment.

If you do not yet know the specific cell site location, list the Assessor's Blocks contained within the geographic service area you anticipate for each City neighborhood and identify each geographic service area with a number that will correspond to the future cell site (Site 1, site 02).

#### 10.2. Service Area Definition.

Each application shall identify the geographic service area for the subject installation, including a map showing the site and the associated "next" cell sites within the network. Describe the distance between cell sites. Describe how this service area fits into and is necessary for the company's service network.

- 10.3. Location Preference within the Service Area.  
Each application shall provide the following information:  
Identify which Location Preference, identified in Section 8.1. above, the proposed facility is meeting. If the proposed location is not a Preferred Location 1 through 5, describe: (a) what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area. Provide a list (by address with lot and block number noted) and a map at 1:200 scale of all such buildings within the service area; (b) what good faith efforts and measures were taken to secure each of these Preferred Location Sites; (c) describe why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and (d) how and why the proposed site is essential to meet service demands for the geographic service area and the citywide network.
- 10.4. Cumulative Effects:
- 10.4.1 Identify the location of the Applicant's antennas and back-up facilities per building and number and location of other telecommunication facilities on the property; include the following data for each facility:
- a) Height of all existing and proposed WTS facilities on the property, shown in relation to the height limit for the District and measured from sidewalk grade;
  - b) Dimensions of each existing and proposed antenna and back-up equipment on the property;
  - c) Power rating for all existing and proposed back-up equipment subject to the Application;
  - d) Preferred method of attachment of proposed antenna (roof, wall mounted, monopole) with plot or roof plan along with detailed installation plans with a description for screening and/or visual integration into the building's architecture.
- 10.5. Report estimated Ambient Radio Frequency Fields for the proposed site.
- 10.5.1. Identify the total number of watts per installation and the total number of watts for all installations on the building (roof or side).
- 10.5.2. Identify the number and types of WTS within 100 feet of the proposed site and provide estimates of cumulative EMR emissions at the proposed site.

- 10.6.1. To show the scale of the locale, provide photographs (photo montage) identifying the height of buildings within 100 feet distance of the proposed site showing the primary building facades.
- 10.6.2. Provide 20 copies of a site map showing the subject parcel and the Use District and Height and Bulk zoning designations for the subject block and adjacent blocks
- 10.6.3. Provide 20 copies of photographs of the building/site without the installation and 20 copies of a photomontage of the building/site showing the installation.
- 10.6.4. Provide 20 copies of 8 1/2 by 11 inch and one full size architectural plan drawings of the elevation of the building/site which show the dimensions in feet of the (a) height of the building, (b) height of any rooftop penthouse, (c) height of any base transceiver unit (BTU) or other back-up equipment, and (d) the height to the top of the antennae measured from the sidewalk elevation. Provide a rooftop plan if the installation is to be on the roof, if elsewhere provide a plan for that location.
- 10.6.5. Provide 20 8 1/2 by 11 inch copies of scale (showing dimensions in feet and inches) drawings of the BTU and antennae equipment for review by the public and for transmittal to the Planning Commission.
- 10.7. If there is a commonly identified public view corridor within 100 feet of the proposed site (such as an entrance to the City, a view of a famous City landmark or vista), identify what element(s) of the proposed facility (including screening) can be viewed from this public space or vista point.
- 10.8. **Maintenance Program.**  
Provide a description of the anticipated maintenance and monitoring program for the antennae and back-up equipment, including frequency of maintenance services, back-up service plans for disruption of service due to repair, maintenance or monitoring activities.
- 10.9. **Public Notification.**
  - 10.9.1. Provide a list and set of mailing labels for both owners and tenants (occupant designation for tenants is acceptable) of properties within 300 feet of the proposed property as well as all neighborhood organizations in all Districts outside of C-3 and RC-4 Districts. Within the higher density C-3 and RC-4 Districts, the Applicant shall provide

a list and set of mailing labels for (a) owners within 300 feet of the subject property; (b) for residential tenants within the subject building; and (c) for tenants of residential units lying within 25 feet of the subject property. The Applicant may identify the appropriate neighborhood organization from the Department's publication Directory of Neighborhood Organizations and Service Agencies. Department staff may add neighborhood groups or representatives for notification as needed on a case-by-case basis. Applicants will not be responsible for notice to tenants of units existing without legal permits. Note the number of addressees on the list.

- 10.9.2. Provide signage at the facility identifying all WTS equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards.

## Section 11. Sample Conditions of Approval

The Planning Commission or Zoning Administrator could place any or all of these conditions, or could place similar conditions of approval on specific applications. Each application would be reviewed and analyzed on a case-specific basis. It is anticipated that, if deemed suitable for approval, applications for similar-technology WTS facilities will be given the following conditions of approval.

### Conditions of Approval.

1. Authorization. This authorization is granted to install a public use in the form of \_\_\_ antennas and \_\_\_ base receivers (the "facilities") for the provision of personal wireless services on the \_\_\_ of an existing structure at \_\_\_\_\_, Assessor's Block \_\_\_\_\_, Lot \_\_\_\_\_; the facilities are to be installed in general conformity with the plans submitted with the Application and identified as EXHIBIT \_\_, dated \_\_\_\_\_ and submitted to the Commission for review on \_\_\_\_\_.
2. Plan Drawings. 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 this Department ("Plan Drawings"). The Plan Drawings shall:
  - 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 insure public safety, insure compatibility with urban design, architectural and historic preservation principles, and harmony with neighborhood character.

- b) Cumulative Facilities. For the Subject Property, regardless of the ownership of the existing facilities:
- i) Identify the location of all existing antennas and facilities;
  - ii) identify the location of all approved (but not installed) antennas and facilities.
- c) Emissions. Provide a report (as described in Condition 3(e) and 8 below), 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.
3. Project Implementation Report. The Project Sponsor shall prepare and submit to the Zoning Administrator a Project Implementation Report. The Project Implementation Report shall provide the following information in simple English written in such a way as to be easily understandable to the lay person. The Planning Department will establish a standard format for all such reports:
- 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 week day 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. For all measurements made to ensure compliance with this subsection, evidence must be submitted showing that the testing instrument(s) used were calibrated within their manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. 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 Condition 8, below.
  - 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.
4. Notification prior to Project Implementation Report. The Project Sponsor shall undertake to inform and perform appropriate tests for residents of dwelling units located within 25 feet of the transmitting antennae 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 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.
5. Community Liaison. Within 10 days of the effective date of this authorization, the Project Sponsor shall appoint a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facilities. Upon appointment, the Project Sponsor shall report in writing the name, address, telephone and facsimile number of this officer to the Zoning Administrator. The Community Liaison Officer 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.

6. Installation. 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.
7. Screening.
- a) 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:
- i) Modify the placement of the facilities;
  - ii) Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
  - iii) 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; and/or
  - iv) Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
- b) To the extent necessary to minimize visual obstruction and clutter, installations shall conform to the following standards:
- i) Antennas and back-up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual impacts;
  - ii) Rooftop installations shall be setback such that back-up facilities are not viewed from the street;
  - iii) Antennae attached to building facades shall be so located, placed, screened or otherwise treated to minimize any negative visual impact;
  - iv) If WTS facilities are to be located on architecturally-significantly or historic buildings or structures, all facilities shall be integrated



architecturally with the style and character of the structure or otherwise made unobtrusive;

- v) Although co-location of various companies' facilities may be desirable, a maximum number of antennas and back-up facilities per property shall be established, on a case-by-case basis, such that "antennae farms" or similar visual intrusions for a site and area is not created; and
  - vi) The Project Sponsor shall remove antennae and equipment that has been out of service for a continuous period of six months.
8. Periodic Safety Monitoring. 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.
9. Emissions Conditions. 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.
10. Noise and Heat. The WTS facility, including power source, ventilation and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Ordinance. The WTS facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects an building occupant.
11. Implementation and Monitoring Costs.
- a) 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.
  - b) The Project Sponsor or its successors shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Telecommunications and Information Services, Office of the City Attorney, or any other appropriate City Department or agency pursuant to Planning

Code Section 351(f)(2). The Planning Department shall collect such costs on behalf of the City.

- c) 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.
12. All Conditions Basis for Revocation. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code Sections 174, 176 and 303(d). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.  
  
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.
13. Complaints and Proceedings. Should any party complain to the Project Sponsor about the installation or operation of the facilities, which complaints are not resolved by the Project Sponsor, the Project Sponsor (or its appointed agent) shall advise the Zoning Administrator of the complaint and the failure to satisfactorily resolve such complaint. If the Zoning Administrator thereafter finds a violation of any provision of the City Planning Code and/or any condition of approval herein, the Zoning Administrator shall attempt to resolve such violation on an expedited basis with the Project Sponsor. If such efforts fail, the Zoning Administrator shall refer such complaints to the Commission for consideration at the next regularly scheduled public meeting.
14. Severability. 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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

15. Transfer of Operation. 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, and the authorizing Motion is recorded on the deed of the property stating the new carrier/provider and authorizing conditions of approval.
16. Compatibility With City Emergency Services. The facility shall not be operated, nor 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.
17. Recordation. The Property Owner shall execute and record these specified conditions as a Notice of Special Restrictions at the Office of the County Recorder/County Clerk.

Section 12. Zoning Bulletin Describing Zoning Administrator Interpretations Related to WTS Facilities.

August 15, 1996 Wireless Telecommunications Facilities

## Zoning Bulletin

RE: Zoning Administrator Interpretations Regarding Wireless Telecommunications Facilities

FROM: Larry Badiner, Zoning Administrator

The Planning Commission, by Resolution 14182 on August 15, 1996, adopted a set of Wireless Telecommunications Services (WTS) Facilities Siting Guidelines for the review of permit applications for WTS installations. The permit review procedures and conditions of approval described in the Guidelines would be applicable to Building Permit Applications as well as Conditional Use Applications. All applications must submit the information required in Section 10 of the August 15, 1996 Guidelines along with a Building Permit Application or a Conditional Use Application.

The following Zoning provisions and procedures shall apply to applications on private or public property:

1. **Wireless Telecommunications Services (WTS) Facilities on Private Property.**

Section 209.6 (b) of the San Francisco City Planning Code allows communication facilities, such as transmitting and receiving antennae, as a Conditional Use in Residential and mixed Residential-Commercial Districts. Receiving-only antennae have been deemed by the Zoning Administrator as an "accessory use" to the building occupant. Private carrier owned and operated receiving and transmitting facilities are deemed by the Zoning Administrator to be a separate commercial establishment subject to the applicable zoning regulations as described herein.

Section 227(h) of the Planning Code also allows "commercial wireless transmitting, receiving or relay facilities, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals" as a Principal use in Commercial and Industrial Districts if certain height and distance to residential uses criteria are met. Section 227(i) of the Code allows these facilities in Commercial and Industrial Districts as a Conditional Use if the criteria and provisions of Section 227(h) cannot be met.

Articles 7 and 8 of the Planning Code requires Conditional Use authorization for commercial wireless transmitting, receiving or relay facilities in Neighborhood Commercial and Mixed Use (Chinatown and South of Market) Districts.

Article 9 (Mission Bay) allows communication facilities, as defined by Section 209.6(b), as a principle use in the Moderate Density and High Density Residential Districts and prohibits them in the Lower Density Residential District. Section 943 describes how rooftop WTS facilities should be screened from view. Article 9 allows WTS facilities as a conditional use in Mission Bay Neighborhood Commercial Districts and allows them as a principle use in the Mission Bay Office and Commercial-Industrial Districts. They are not permitted in the Mission Bay Hotel District.

In addition, Section 260(b)(2)(l) of the Planning Code exempts towers and antennas from the height limitations of a particular zoning district although it does not exempt the "back up" equipment (receiving, transmitting, power supply, cooling/air conditioning equipment generally located within one box, room or shelter).

## 2. WTS Facilities on Telephone Switching Stations.

Sections 204, 204.2 and 204.3 describe circumstances wherein certain uses which are necessary to the operation of a principal permitted use or are incidental and subordinate to any such use can be approved as an accessory use. The Zoning Administrator has determined that a wireless telecommunications services (WTS) facility, which is both a transmitting and receiving facility, is not accessory to a telephone switching facility unless the existing switching facility already provides wireless transmitting of radio signals; if this were the case, the proposed new WTS facility would not be a change of use and would be considered an accessory use pursuant to Section 204. The switching station may replace the existing wireless transmitting and receiving equipment and antennae with ones serving a new technology (such as Personal Communications Services) or may add new antennae, provided that the number of new antennae would not represent a substantial change and, therefore, become a new use rather than an accessory use. The Applicant must demonstrate to the satisfaction of the Zoning Administrator that the replacement or upgrade would be no more visually obtrusive than the existing equipment, provided that the Applicant provide public notice satisfactory to the Zoning Administrator. The Zoning Administrator will determine, on a case by case basis, whether the addition of antennae represents a new use for the switching facility. If the proposed WTS is determined to represent a new use, it would require a Conditional Use authorization if located within RH, RM or RC Districts or if it met the requirements of Section 227(h)(2) of the Planning Code.

## 3. WTS Facilities on Public Property.

A city-owned telecommunications installation (receiving and transmitting) on a city-owned property zoned P-Public is deemed a public use permitted as a principal permitted use pursuant to Section 234.1 of the Planning Code.

WTS facilities owned and operated by a private carrier on a public property which lies within a P-Public District are permitted only as a conditional use pursuant to Section 234.2(a) of the Planning Code.

A City-operated WTS installation on a City owned property or right-of-way would require a finding of consistency with the General Plan through the General Plan Referral process if the Board of Supervisors needs to act on a lease or some other authorization for the facility. A privately-operated WTS installation on City-owned property would represent a change of use and would also require a finding of consistency with the General Plan. The City agency/department with jurisdiction over the property should send a letter to the Director of Planning requesting a General Plan referral for a finding of consistency with the General Plan for the specific property and installation.

#### 4. General Plan Referral.

Publicly-owned and operated WTS facilities on public property in P-Public Districts have been deemed by the Zoning Administrator to be a public use permitted as a principal use, pursuant to Section 234 of the Planning Code. However, a new such installation on P-zoned land would be considered a "change of use" pursuant to the "Mandatory Referrals" provision of the San Francisco City Charter which requires a finding of consistency with the General Plan for a change of use. The Department which has jurisdiction over the public property would request a finding of consistency with the General Plan through the General Plan Referral process. This can consist of a letter addressed to the Director of Planning asking for a finding of consistency with the General Plan for the use of the property for the wireless telecommunications facility. The Zoning Administrator or the Planning Commission may place conditions of approval on such findings of consistency with the General Plan and/or on a finding of consistency with Section 101.1 of the Planning Code (Prop. M eight Priority Policies). It is the intention of the Planning Commission, as stated in their Resolution No. 14182, to use the sample conditions of approval found in Section 11 of the August 15, 1996 Wireless Telecommunications Services (WTS) Facilities Siting Guidelines for all WTS installations requiring Conditional Use, Principal Use building permits or General Plan Referral approvals.

Any change of use on a public property or a public right-of-way, whether zoned a P District or not, requires a finding of consistency with the City's General Plan by the Planning Commission or, through administrative review, by the Director of Planning or Zoning Administrator (General Plan Referral process). Certain conditions of approval can be attached to a finding of consistency with the General Plan by the Planning Commission or the Department as well as through the Building Permit Application review of Section 101.1 of the Planning Code (Prop. M findings) process. Again, it is the intention of the Planning Commission that the Zoning Administrator place the sample conditions of approval described in the Guidelines on all WTS installations on public property or rights-of-way.

Please note that installation of any communications antennae and/or base transceiver unit (BTU) on property lying within an Open Space (O.S.) Height and Bulk District must receive a finding of consistency with the General Plan prior to permit approval, pursuant to Section 290 of the Planning Code.

5. **Replacement or Upgrading of Existing Facilities.** The location preferences, siting policies and sample conditions of approval as described in the Guidelines for review of

Conditional Use applications or administrative building permit review shall not apply to permit applications for repair or maintenance of any legally existing such facilities or to replacement or upgrading of such legally existing facilities when Applicants demonstrate to the satisfaction of the Zoning Administrator that the replacement or upgrade (such as replacement of analog equipment to digital equipment) would be of substantially equal size and power or would be smaller or would use less power or in any other manner be no more visually obtrusive than the existing legal equipment/facility, provided, however, that the Applicant provide public notice satisfactory to the Zoning Administrator, consisting of, at a minimum, posting a notice at the site and mail notice to adjacent property owners, to neighborhood organizations and to residential tenants on the property for a 20 day prior to any approval of the building permit application

#### 6. 5 Year Plan Submissions.

Section 10 of the Guidelines describe information required to be submitted with Conditional Use Applications and Building Permit Applications. Please note that a five year plan is required to be submitted for each carrier. We believe eight carriers have been licensed by the Federal Communications Commission to provide cellular telephone and Personal Communications Services (PCS) in the City. The Department will inventory all existing and proposed cell site installations and would like all carriers to provide the following information in each five year plan:

1. Prepare a written description of the type of technology each company/carrier will provide to its customers over the next 5 years (Cellular, PCS, ESMR);
2. Describe the radio frequencies to be used for each technology;
3. Describe the type of consumer services (voice, video, data transmissions) and consumer products (mobile phones, laptop PCs, modems) to be offered;
4. Provide a list of all existing, existing to be replaced, and proposed cell sites within the City for these services by your company;
5. Provide a presentation size map of the City which shows the 5 year plan cell sites, or if individual properties are not known, the geographic service areas of the cell sites. We would like the map to be provided in hard copy at a 24 inch by 36 inch or greater size and to be provided on 3 1/2 inch disc formatted for IBM-compatible MapInfo; and
6. Provide a written list of the 5 year cell sites in both hard copy and 3 1/2 inch disc formatted for IBM-compatible WordPerfect 6.0 or Windows Word. The list should include the following information:

- ¶ List the cell sites first by address and then by Assessor's Block and Lot;
- ¶ List the Zoning District and Height and Bulk District;
- ¶ List the type of building (commercial, residential, mixed use) and number of stories;
- ¶ List the carrier (your company);
- ¶ List the number of antennae and base transceiver stations (BTS) per site by your carrier and, if there are other installations on a site, list the number by each carrier;
- ¶ Describe the location and type of antennae installation (stand alone rooftop, rooftop attached to a mechanical penthouse, or building facade) and location of the BTS installation(s);
- ¶ List the height from grade to the top of the antennae installation(s); and
- ¶ List the Radio Frequency range in Megahertz and list the wattage output of the equipment.

If you do not yet know the specific cell site location, list the Assessor's Blocks contained within the geographic service area you anticipate for each City neighborhood and identify each geographic service area with a number that will correspond to the future cell site (Site 1, site 02).



## Section 13. Planning Commission Resolution Adopting the WTS Guidelines

SAN FRANCISCO  
CITY PLANNING COMMISSION  
RESOLUTION NO. 14182

WHEREAS, The San Francisco Planning Code allows communication utilities such as commercial wireless transmitting, receiving or relay facilities, such as radio, television, paging or cellular antennas and base stations, to be located in various parts of the City and such facilities are allowed as a Principal Use in Commercial and Industrial Districts when the facility meets certain height and distance from residences criteria and allows their installation as a Conditional Use in those districts if they do not meet those criteria; and

WHEREAS, The San Francisco Planning Code allows communication utilities such as commercial wireless transmitting, receiving or relay facilities as a Conditional Use in Residential, mixed Residential-Commercial Districts, Neighborhood Commercial and Mixed Use Districts; and

WHEREAS, In the next few years, it can be expected that most businesses and many residents in the City will be using both hard wire electronic communication systems (computers, facsimile machines, cable television and radio) and wireless communication systems (cellular phones, pagers, satellite dish radio and television, facsimile and video communications, etc.) and, as a consequence, the number, size, location and types of wireless communication facilities, including antennas, will change dramatically over the next decade; and

WHEREAS, The Planning Department and Planning Commission has relied on the process of administrative review of antennas in some Districts and Planning Commission Conditional Use review of antennas in other Districts for decades, however, with the current proliferation of such facilities and the anticipation of a greater number of applications for new technologies in the near future, the land use implications of telecommunications facilities have changed and require greater scrutiny and regulation; and

WHEREAS, New technologies will require new criteria for the siting of wireless communication facilities, new procedures for the review of applications, and new measures to ameliorate or mitigate potential adverse impacts associated with these new facilities; and

WHEREAS, The land use implications for these wireless communications facilities, including cellular telephone, Personal Communications Services (PCS), and Enhanced Specialized Mobile Radio (ESMR) antennas and other wireless telecommunications facilities with similar equipment generally reflect the following concerns:

- 1 Land use compatibility with residential uses regarding noise associated with 24-hour operation of the facility;
- 2 Land use compatibility with other transmission facilities such that new systems do not interfere with existing facilities and harm existing businesses;

- Health concerns associated with enforcement of Federal Communications Commission (FCC) adopted standards for human exposure to Electromagnetic Radiation and Radio Frequency radiation;
- Urban design concerns related to visual obstruction, view blockage, and compatibility with architectural character of the building and neighborhood;
- Facilitating economic development and vitality of businesses in the City which depend on these technologies;
- Creating new job opportunities for San Franciscans;
- Providing sufficient facilities to serve residents, visitors and workers with the technological amenities they desire for modern livability (such as television, radio, cell phone and personal pagers); and

WHEREAS, the location preferences, urban design criteria, standards, policies, and guidelines presented in the attached Guidelines, once endorsed by the Commission, would provide guidance to Department staff where administrative review is warranted and to the Planning Commission in their consideration of Conditional Use applications for such facilities and would inform Project Sponsors of the standards to be used by the Department and Commission in the review of any proposed wireless telecommunications facilities with similar land use implications as cellular telephone, PCS, ESMR and other similar projects, and all applications would be reviewed and measured by the same standards as presented herein; and

WHEREAS, Any substantive amendments to the standards in the Guidelines would require endorsement by the Planning Commission at a duly noticed public hearing and, if amended, the amended standards would be made available to the public and prospective Project Sponsors; and

WHEREAS, On July 8, 1996, by Resolution No. 635-96, the San Francisco Board of Supervisors urged the Planning Commission to amend its WTS Guidelines to change its location preferences and siting criteria in such as way as to discourage the siting of WTS facilities in Residential and small scale mixed Residential/Commercial Districts; and

WHEREAS, the Board of Supervisors in that action urged the Planning Commission to formulate a moratorium on the placement of WTS facilities in these districts until a Telecommunications Facilities Plan amendment to the City's Community Facilities Element of the General Plan is adopted; and

WHEREAS, the Planning Commission finds that the amendments to the WTS Guidelines suggested by the Board of Supervisors are compatible and consistent with the Planning Commissions' concerns and policies and are consistent with the General Plan and Section 101.1 of the Planning Code;

THEREFORE BE IT RESOLVED, That the Planning Commission hereby amends the WTS Guidelines as described in the document entitled Wireless Telecommunications Services (WTS) Facilities Siting Guidelines dated August 15, 1996; and

BE IT FURTHER RESOLVED, That the Planning Commission intends to use the location preferences, urban design criteria, siting policies, application information requirements and sample conditions of approval (conditions would be amended, as needed, on a case-by-case basis to properly address a specific site and facility) contained in the Wireless Telecommunications Services (WTS) Facilities Siting Guidelines in their review and consideration of Conditional Use applications for telecommunications facilities subject to the provisions of the Planning Code and for General Plan referrals subject to the provisions of the City Charter and which are filed after May 23, 1996 and the Commission intends to use the sample conditions of approval described in the Guidelines (conditions would be amended, as needed, on a case-by-case basis to properly address a specific site and facility) for their consideration of any current/active Conditional Use application which was filed prior to May 23, 1996; and

BE IT FURTHER RESOLVED, That the Planning Commission urges the Zoning Administrator to use these same Guidelines (including the location preferences, Application information requirements, and conditions of approval) in the review and consideration of building permit applications for telecommunications facilities subject to the provisions of Section 227(h) of the Planning Code and for any other provision where administrative review of such building permit applications are warranted and;

BE IT FURTHER RESOLVED, That the location preferences, siting policies and sample conditions of approval as described in the Guidelines for review of Conditional Use applications or administrative building permit review shall not apply to permit applications for repair or maintenance of any legally existing such facilities or to replacement or upgrading of such legally existing facilities when Applicants demonstrate to the satisfaction of the Zoning Administrator that the replacement or upgrade (such as replacement of analog equipment to digital equipment) would be of substantially equal size and power or would be smaller or would use less power or in any other manner be no more visually obtrusive than the existing legal equipment/facility, provided, however, that the Applicant provide public notice satisfactory to the Zoning Administrator, consisting of, at a minimum, posting a notice at the site and mail notice to adjacent property owners, to neighborhood organizations and to residential tenants on the property for a 20 day prior to any approval of the building permit application; and

BE IT FURTHER RESOLVED, That the Planning Commission urges the San Francisco Port Commission, San Francisco Port Authority, the San Francisco Redevelopment Commission and San Francisco Redevelopment Agency to use these same Guidelines (including the conditions of approval) in the review and consideration of building permit applications for telecommunications facilities for properties lying within their respective jurisdictions and for any other provision where administrative review of such building permit applications by these City agencies are warranted; and

BE IT FURTHER RESOLVED, That the Planning Commission urges City legislators and administrators to support the Department of Public Health, the Department of Telecommunications

and Information Services, or another appropriate City agency, to develop and maintain a monitoring program for the City which would review scientific research and literature regarding potential human health effects of wireless telecommunications technology, which would review compliance reports required by the Planning Commission on individual WTS installations, and which would report to the Planning Commission on an annual basis any significant developments that could require the Commission and/or the City to revisit and/or amend the policies contained within these Guidelines or any conditions placed on individual installation authorizations; and

BE IT FURTHER RESOLVED, That the Planning Commission urges City legislators and/or administrators to provide sufficient funds and resources to the Planning Department to enable the Department to complete, within an 18 month period, (1) the development of a Telecommunications Facilities Plan amendment to the Community Facilities Element of the General Plan; (2) the development of and certification of an environmental analysis of this amendment to the General Plan and any associated amendment(s) to the Planning Code or other City code required to implement the policies and objectives of this Plan amendment; (3) the adoption any amendment to the Planning Code and General Plan required to implement the Telecommunications Facilities Plan; and (4) all coordination efforts with the Telecommunications Commission and other City agencies and Commissions associated with this Plan adoption.

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