

1 [Zoning – Interim moratorium on installation of microcell equipment.]

2
3 **Urgency Ordinance approving an interim zoning moratorium on installation of**
4 **microcell equipment for 45 days and making required findings, including findings of**
5 **consistency with the priority policies of Planning Code Section 101.1 and**
6 **environmental findings.**

7 Note: Additions are single-underline italics Times New Roman;
8 deletions are ~~strikethrough italics Times New Roman~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings.

12 (a) General Findings.

13 (1) San Francisco has a proud tradition of safeguarding the unique character of its
14 diverse neighborhoods and emphasizing community involvement in issues of neighborhood
15 preservation.

16 (2) The advent of wireless technologies has caused the proliferation of outdoor
17 communications equipment throughout the City for provision of wireless services to the public.
18 Such equipment includes microcells, which are small cell units that provide additional
19 coverage and capacity where there are high numbers of users within urban areas. The
20 antennas for microcells are mounted at street level, typically on the external walls of existing
21 structures, lampposts and other street fixtures.

22 (3) Microcell installations are often visible to the public and can detract from the
23 character and dignity of buildings and surrounding neighborhoods.

24 (4) The City has received numerous complaints from neighborhood residents referring
25 to microcells and similar equipment as being unsightly, industrial-looking, and constituting

1 urban blight. Neighborhood residents report that the microcells negatively impact the
2 character and distinctive qualities of their neighborhoods.

3 (5) The Planning Code does not provide a specific planning process for installation of
4 microcells. As a result, microcells and similar equipment have been permitted or allowed as
5 "accessory uses" that have minimal design review and public notice. Microcells are being
6 permitted and installed without consideration for their detrimental impacts on neighborhood
7 character.

8 (6) Many proposed microcells merely increase network capacity and are not needed to
9 fill significant gaps in wireless coverage.

10 (7) The public welfare necessitates a moratorium in order to study the processes and
11 neighborhood impacts (not including health and safety impacts) associated with installation of
12 microcells and similar equipment. The moratorium will enable the City to make
13 recommendations for ensuring adequate public input in the permitting process and for
14 developing design criteria that protect the precious neighborhood characteristics.

15 (b) Findings related to imposition of an interim moratorium.

16 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls
17 to accomplish several objectives, including preservation of historic and architecturally
18 significant buildings and areas; preservation of residential neighborhoods; preservation of
19 neighborhoods and areas of mixed residential and commercial uses in order to preserve the
20 existing character of such neighborhoods and areas; and control of uses which have an
21 adverse impact on open space and other recreational areas and facilities.

22 (2) These controls are intended and designed to deal with and ameliorate the
23 problems and conditions associated with installation of microcells without adequate design
24 criteria and public notice requirements.

25

1 (3) This Board has considered the impact on the public health, safety, peace, and
2 general welfare if the interim controls proposed herein were not imposed.

3 (4) This Board has determined that the public interest will be best served by imposition
4 of these interim controls at this time in order to ensure that the legislative scheme that may be
5 ultimately adopted is not undermined during the planning and legislative process for
6 permanent controls, which process shall be conducted within a reasonable time.

7 (c) Planning Code Section 101.1 Findings.

8 This interim zoning moratorium advances and is consistent with Priority Policy 2 of the
9 Planning Code Section 101.1 in that it seeks to conserve existing housing and neighborhood
10 character and protect the cultural and economic diversity of our neighborhoods. This program
11 also supports Priority Policies 7 and 8 to the extent that microcells would be located on
12 historical buildings or in open space and recreational areas. The Board finds that the interim
13 zoning moratorium does not affect or conflict with Priority Policies 1, 3, 4, 5, and 6.

14 (d) Environmental Findings.

15 The Planning Department has determined that the actions contemplated in this
16 Ordinance are in compliance with the California Environmental Quality Act (California Public
17 Resources Code §§ 21000 et seq.). Said determination is on file with the Clerk of the Board
18 of Supervisors in File No. and is incorporated herein by reference.

19 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
20 Ordinance:

21 (a) No permits or approvals shall be issued for installation of a microcell.

22 (b) For purposes of this Ordinance, a microcell is a low-power location unit through
23 which radio links are established between the wireless system and a wireless unit with a
24 coverage area significantly smaller than a typical cell unit.

25

1 Section 3. Within 25 days of the Board's approval of this Ordinance, the Planning
2 Department shall submit to the Clerk of the Board a written report describing the measures
3 taken to alleviate the conditions that led to the adoption of the Ordinance. Upon receipt of the
4 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.
5 Said hearing and the action taken thereon shall be no later than 35 days after this Ordinance
6 is finally adopted.

7

8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10

11 By: _____
12 John D. Malamut
13 Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25