

File No. 210471

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

Board Item No. 39

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: May 4, 2021

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER

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Prepared by: Lisa Lew

Date: April 30, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Adoption of Findings Related to Conditional Use Authorization - 590 Second Avenue]

2

3 **Motion adopting findings in support of the Board of Supervisors’ disapproval of the**  
4 **decision of the Planning Commission by its Motion No. 20849, regarding the**  
5 **Conditional Use Authorization identified as Planning Case No. 2019-015984CUA, which**  
6 **approved the installation of a wireless telecommunications facility consisting of ten**  
7 **panel antennae, for a proposed project at 590 Second Avenue.**

8

9 WHEREAS, On January 28, 2021, the Planning Commission adopted Motion No.  
10 20849 approving a Conditional Use Authorization, identified as Planning Case No. 2019-  
11 015984CUA, to install a new rooftop AT&T mobility macro wireless telecommunications facility  
12 consisting of installation of 10 panel antennae and ancillary equipment as part of the AT&T  
13 mobility telecommunications network for a proposed project located at 590 Second Avenue,  
14 Assessor’s Parcel Block No. 1544, Lot No. 026; and

15 WHEREAS, On March 1, 2021, Ann Green, on behalf of property owners affected by  
16 the Conditional Use Authorization or located within 300 feet of the subject property, filed a  
17 timely appeal protesting the approval by the Planning Commission; and

18 WHEREAS, On March 23, 2021, the Board of Supervisors (“Board”) held a duly noticed  
19 public hearing on the appeal of the approval of the Conditional Use Authorization; and

20 WHEREAS, Following the conclusion of the public hearing, the Board voted by a vote  
21 of 11-0 to conditionally disapprove the decision of the Planning Commission and deny the  
22 issuance of the requested Conditional Use Authorization; and

23 WHEREAS, In deciding the appeal, the Board reviewed and considered the entire  
24 written record before the Board, which is on file with the Clerk of the Board of Supervisors in

25

1 File No. 210240, and all the public comments made in support of and in opposition to the  
2 appeal; now, therefore, be it

3 MOVED, That the Board finds that:

4 (1) The written and oral information submitted by the project sponsor was not  
5 persuasive or objectively verified, and the project sponsor was unable to demonstrate credibly  
6 that the proposed wireless facility is necessary or desirable for, and compatible with, the  
7 neighborhood or the community.

8 (2) Notwithstanding representations made by the project sponsor that the project is  
9 necessary to support first responder efforts, the project sponsor failed to verify these  
10 representations.

11 (3) Written and oral information submitted into the record establish that less  
12 intrusive alternate locations for the wireless antennae exist, which locations would still enable  
13 the applicant to meet its service needs.

14 (4) The public testimony at the hearing and the documentation submitted in support  
15 of the appeal showed that the project will not be desirable for or compatible with the  
16 neighborhood in light of the size and unsightliness of the structures that will be built to obscure  
17 the wireless antennae, and the shadows those structures will cast on neighboring residential  
18 properties.

19 (5) There is nothing in the record to suggest that the Board's decision to disapprove  
20 the decision of the Planning Commission in this case would unreasonably discriminate against  
21 the applicant in favor of providers of functionally equivalent terms.

22 (6) There is nothing in the record to suggest that the Board's decision to disapprove  
23 the decision of the Planning commission in this case will limit or prohibit access to the  
24 applicant's wireless telecommunications services in the geographic area of the propose site.  
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1           (7)     There is nothing in the record to suggest that the Board's decision to disapprove  
2 the decision of the Planning Commission in this case will prevent the applicant from filling a  
3 significant gap in the wireless telecommunications services it is providing to remote users of  
4 those services in the geographic area of the proposed site; and, be it

5           FURTHER MOVED, That the Board finds that based on the forgoing findings and the  
6 entire record in Board File No. 210240, the proposed project will not be necessary or  
7 desirable for, and compatible with, the neighborhood or the community; and, be it

8           FURTHER MOVED, That based on the foregoing findings and the entire record in  
9 Board File No. 210240, the Board of Supervisors disapproved the decision of the Planning  
10 Commission by its Motion No. 20849, and denied the Conditional Use Authorization.

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# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date \_\_\_\_\_

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 20849, regarding the Conditional Use Authorization identified as Planning Case No. 2019-015984CUA, which approved the installation of a wireless telecommunications facility consisting of ten panel antennae, for a proposed project at 590 Second Avenue.

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only: