

1 [Adopting findings related to the conditional use appeal on property located at 3725 Buchanan  
2 Street (a.k.a. 3727 Buchanan Street.)]

3 **Motion adopting findings related to the appeal of the Planning Commission's approval**  
4 **of Conditional Use Authorization No. 2002.0657C (which approved the installation of a**  
5 **total of eight panel antennas and related equipment on the roof of an existing**  
6 **commercial building as part of Verizon's wireless telecommunications network within**  
7 **an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special**  
8 **Sign District) and a 40-X Height and Bulk District) on property located at 3725**  
9 **Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and**  
10 **North Point Streets (Lot 004 in Assessor's Block 0445A).**

11  
12 The appellant, Erika Tarantino, filed a timely appeal on May 29, 2003, protesting the  
13 approval by the Planning Commission of an application for a conditional use authorization  
14 (Conditional Use Application No. 2002.0657C, approved by Planning Commission Motion No.  
15 16571 dated May 1, 2003), pursuant to Planning Code Sections 711.83 and 790.80, to  
16 authorize the installation of a total of eight panel antennas and related equipment on the roof  
17 of an existing commercial building as part of Verizon's wireless telecommunications network  
18 within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special  
19 Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan  
20 Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point  
21 Streets (Lot 004 in Assessor's Block 0445A).

22 The San Francisco Planning Commission adopted the Wireless Telecommunications  
23 Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the  
24 Planning Department in its consideration of applications for conditional use authorization to  
25 install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The

1 Guidelines establish location preferences for installation of WTS facilities throughout the City.  
2 The location preferences set forth seven categories, with location preference one being the  
3 most preferred sites, and location preference seven being the most disfavored sites. The  
4 property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street) falls within a location  
5 preference four because it is wholly commercial structure within an NC-2 Zoning District and  
6 the applicant will not remove any visual obstructions as part of the installation. The area  
7 immediately surrounding the commercial district on Buchanan Street where the property is  
8 located is entirely residential and falls with a location preference seven.

9 On July 22, 2003, the Board of Supervisors conducted a duly noticed public hearing on  
10 the appeal from the Planning Commission's approval of the conditional use authorization  
11 referred to in the first paragraph of this motion. Following the conclusion of the public hearing  
12 on July 22, 2003, the Board voted to disapprove the decision of the Planning Commission  
13 (Planning Commission Motion No. 16571 dated May 1, 2003) and denied the issuance of the  
14 requested Conditional Use Application No. 2002.0657C by a vote of eleven to zero.

15 In considering the appeal of the approval of the requested conditional use  
16 authorization, the Board reviewed and considered the written record before the Board and all  
17 of the public comments made in support of and in opposition to the appeal.

18 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and  
19 County of San Francisco hereby adopts as its own and incorporates by reference herein, as  
20 though fully set forth, the findings made by the Planning Commission in its Motion No. 16571  
21 dated May 1, 2003, except as indicated below.

22 FURTHER MOVED, That the Board of Supervisors further took notice that the project  
23 was categorically exempt from environmental review pursuant to exemption Classes 1, 3 and  
24 11 of Title 14 of the California Administrative Code. The Board finds that there have been no  
25 substantial changes in project circumstances and no new information of substantial

1 importance that would change the determination of categorical exemption issued by the  
2 Planning Commission.

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

4 1. The written and oral information provided by the applicant to the Board was not  
5 persuasive or objectively verified, and the applicant was unable to demonstrate credibly that  
6 the proposed WTS facility is necessary for the neighborhood or the community, contrary to the  
7 requirements of Section 303(c)(1) of the Planning Code.

8 2. The public testimony at the public hearing and the public documentation  
9 submitted in support of the appellant's objections to the decision of the Planning Commission  
10 supported the appellant's position that there is no necessity for the proposed WTS facility to  
11 be approved and installed for residential or business purposes in the neighborhood or the  
12 community because the proposed WTS facility is not necessary to meet the applicant's  
13 present service demands within the geographic service area defined by the applicant.

14 3. The written and oral information provided by the applicant at the July 22, 2003,  
15 public hearing showed that, according to the applicant, the proposed WTS facility would  
16 provide additional capacity to meet its present needs and the growth in demand for its  
17 services in this part of the City, which the applicant contends is higher than in other parts of  
18 the City. According to the applicant, the proposed WTS facility would also improve the  
19 performance of the next generation of wireless voice and data network services offered by the  
20 applicant.

21 4. Notwithstanding this information submitted by the applicant, the written and oral  
22 information provided by the appellant and her supporters at the July 22, 2003, public hearing  
23 showed that the applicant presently had acceptable service in the geographic area of the  
24 proposed WTS facility from the applicant's existing WTS facilities in the vicinity of the  
25 proposed site.

1           5. The public testimony at the public hearing and the public documentation  
2 submitted in support of the appellant's objections to the decision of the Planning Commission  
3 supported the appellant's position that the location of the proposed WTS facility is  
4 incompatible with the existing character of the neighborhood, contrary to the requirements of  
5 Section 303(c)(1) of the Planning Code.

6           6. The written and oral information provided by the appellant and her supporters at  
7 the July 22, 2003, public hearing showed that: (i) the area surrounding the proposed site is  
8 predominately residential and is adjacent to parks, scenic shorelines and historically  
9 significant buildings; (ii) the proposed WTS facility consists of eight panel antennas and twelve  
10 equipment cabinets weighing over seven tons; (iii) the proposed WTS facility would add height  
11 to a building that is the tallest in the neighborhood and that already exceeds the height  
12 restriction for the zoning district; and (iv) equipment that would be installed on the roof as part  
13 of the proposed WTS facility is likely to be noisy.

14           7. The public testimony at the public hearing and the public documentation  
15 submitted in support of the appellant's objections to the decision of the Planning Commission  
16 supported the appellant's position that the location of the proposed WTS facility is undesirable  
17 for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of  
18 the Planning Code. Persons owning more than 49% of the properties within 300 feet of the  
19 proposed site have subscribed to the appeal. This figure includes 77% of the residential  
20 property owners. Many other persons living in the neighborhood signed petitions opposing  
21 the proposed WTS facility. In addition, members of the public expressed overwhelming  
22 opposition to the proposed WTS facility during the July 22, 2003 hearing before the Board.

23           8. There is nothing in the record to suggest that the Board's decision to disapprove  
24 the decision of the Planning Commission in this case will unreasonably discriminate against  
25 the applicant in favor of providers of functionally equivalent services.

1           9. 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 limit or prohibit access to wireless  
3 telecommunications services in the geographic area of the proposed site.

4           10. There is nothing in the record to suggest that the Board's decision to disapprove  
5 the decision of the Planning Commission in this case will prevent the filling of a significant gap  
6 in wireless telecommunications services provided to remote users of those services in the  
7 geographic area of the proposed site, whether those remote users obtain service from the  
8 applicant or from other wireless service providers serving the City.

9           11. There is nothing in the record to suggest that the applicant exhausted its search  
10 for alternative sites for the proposed WTS facility or that the proposed WTS facility would be  
11 the least intrusive means for the applicant to improve its service quality in the geographic area  
12 of the proposed site.

13           12. In the written and oral information provided at the July 22, 2003, public hearing,  
14 members of the public expressed concern that radio frequency emissions from the proposed  
15 WTS facility would have adverse health effects on persons residing in the vicinity. In making  
16 these statements, members of the public exercised their constitutional right to petition the  
17 government. However, there is evidence in the record that the proposed WTS facility would  
18 comply with Federal Communications Commission safety standards for radio frequency  
19 radiation exposure. Thus, in disapproving the decision of the Planning Commission and  
20 denying the issuance of the requested conditional use authorization, the Board has not relied  
21 on the public testimony or public documentation concerning this issue and the Board has not  
22 based its determination on such a ground.

23           FURTHER MOVED, That based upon the findings made in the preceding paragraphs,  
24 the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect  
25 and without substantiation. The Board finds that the installation of the proposed WTS facility

1 is not necessary for the neighborhood or the community. The applicant is able to adequately  
2 provide service to the neighborhood and the community from its existing WTS facilities in the  
3 area of the proposed site.

4 FURTHER MOVED, That based upon the findings made in the preceding paragraphs,  
5 the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect  
6 and without substantiation. The Board finds that the installation of the proposed WTS facility  
7 is not desirable for and compatible with the neighborhood or the community. The construction  
8 of the proposed WTS facility would result in an additional intrusion of unnecessary, noticeable  
9 equipment into a neighborhood that contains a high proportion of residential property and that  
10 is adjacent to parks, scenic shorelines and historically significant buildings. The proposed  
11 WTS facility is not so located, designed, and treated architecturally as to minimize visibility  
12 from public places. The proposed WTS facility is not generally in harmony with neighborhood  
13 character.

14 FURTHER MOVED, That based upon the findings made in the preceding paragraphs,  
15 the Board of Supervisors finds that Finding 10 made by the Planning Commission was  
16 incorrect and without substantiation. The Board finds that the installation of the proposed  
17 WTS facility is not in conformity with, and would not implement the policies of, the City's  
18 General Plan, in that the installation of the proposed WTS facility will not further any of the  
19 objectives referred to by the Planning Commission.

20 FURTHER MOVED, That based upon the findings made in the preceding paragraphs,  
21 the Board of Supervisors finds that Finding 11 made by the Planning was incorrect and  
22 without substantiation. The Board finds that the installation of the proposed WTS facility does  
23 not conform with the priority planning policies established by Section 101.1(b) of the Planning  
24 Code because the proposed WTS facility: (i) is not necessary to preserve and enhance  
25 existing neighborhood-serving retail uses and to preserve and enhance future opportunities

1 for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) is  
2 not necessary to conserve and protect existing housing and neighborhood character (see  
3 Section 101.1(b)(2)); (iii) is not necessary to preserve and enhance the City's supply of  
4 affordable housing (see Section 101.1(b)(3)); (iv) may increase commuter traffic and impede  
5 and overburden the streets (see Section 101.1(b)(4)); (v) is not necessary to maintain a  
6 diverse economic base by protecting the City's industrial and service sectors from  
7 displacement due to commercial office development or to enhance future opportunities for  
8 resident employment and ownership in these sectors (see Section 101.1(b)(5)); (vi) is not  
9 necessary to add to the City's preparedness to protect against injury and loss of life in an  
10 earthquake (see Section 101.1(b)(6)); (vii) is not necessary to preserve any landmarks and  
11 historic buildings (see Section 101.1(b)(7)); and (viii) is not necessary to protect City parks and  
12 open space and their access to sunlight and vistas from development (see Section  
13 101.1(b)(8)).

14 FURTHER MOVED, That based upon the findings made in the preceding paragraphs,  
15 the Board of Supervisors finds that Finding 12 made by the Planning Commission was  
16 incorrect and without substantiation, and the Board finds that the conditional use authorization  
17 would not promote the health, safety and welfare of the City, and will only add an unnecessary  
18 and redundant service and will result in an additional intrusion of unnecessary, noticeable  
19 equipment into a neighborhood that contains a high proportion of residential property and that  
20 is adjacent to parks, scenic shorelines and historically significant buildings.

21 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the  
22 competing public and private interests, disapproved the decision of the Planning Commission  
23 by its Motion No. 16571 dated May 1, 2003, and denied the issuance of Conditional Use  
24 Authorization No. 2002.0657C.

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