

File No. 130725

Committee Item No. \_\_\_\_\_  
Board Item No. 58

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date July 30, 2013

**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 checked="" 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)

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Appeal of Conditional Use for 4216 California Street</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department's Response</u>                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Appellant's Index of Exhibits</u>                        |

Completed by: Joy Lamug

Date July 25, 2013

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

Date \_\_\_\_\_

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 JUL -8 AM 8:51

SAB

NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION

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 4216 California Street, San Francisco, CA 94118

June 6, 2013

Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

July 8, 2013

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. 2010.1034C

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.

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

The project does not meet the requirements of Section 303 of the San Francisco Planning Code in that AT&T's proposed wireless facility is not necessary, not desirable and not compatible with the neighborhood and community.

Person to Whom  
Notices Shall Be Mailed

Doug Loranger

\_\_\_\_\_  
Name

4327 California Street  
San Francisco, CA 94118

\_\_\_\_\_  
Address

(415) 752-2326

\_\_\_\_\_  
Telephone Number

Name and Address of Person Filing Appeal:

Wendy Aragon, On Behalf of  
Richmond District Democratic Club

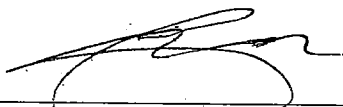
\_\_\_\_\_  
Name

534 25th Avenue, #5  
San Francisco, CA 94121

\_\_\_\_\_  
Address

(415) 350-4765

\_\_\_\_\_  
Telephone Number



\_\_\_\_\_  
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.	159 FIFTH AVENUE	1365/009	CAROL NATHAN	<i>Carol Nathan</i>
2.	159 FIFTH AVENUE	1365/007	RICHARD NATHAN	<i>Richard Nathan</i>
3.	347 Cornwall St	1429/041	SYLVIA FERRAS	<i>S. Ferras</i>
4.	347 Cornwall St	1429/041	JACK FERRAS	<i>Jack Ferras</i>
5.	163 4th Ave.	1364/051	Carol Brewer	<i>Carol Brewer</i>
6.	163 4th Ave	1364/051	Andrew O'Neil	<i>Andrew O'Neil</i>
7.	154 5th Ave	1364/026	Varen Parker	<i>Varen Parker</i>
8.	407 Cornwall	1428/050	Minhui Lim	<i>Minhui Lim</i>
9.	341 Cornwall	1429/042	Ailan Gomes	<i>Ailan Gomes</i>
10.	341 Cornwall	1429/042	Shannon Gomes	<i>Shannon Gomes</i>
11.	131 5th Ave	1365/004	GEORGE NOMOMUKA	<i>George Nomomuka</i>
12.	146 Fifth Ave	1364/028	Anne Krantz	<i>Anne Krantz</i>
13.	146 Fifth Ave	1364/028	Mark Guttar	<i>Mark Guttar</i>
14.	121 4th Ave	1364/052	John Backer	<i>John Backer</i>
15.	4 135 4th Ave	1364/006	SEJAL DESAI	<i>Sejal Desai</i>
16.	135 4th AVE	1364/006	SACHIN DESAI	<i>Sachin Desai</i>
17.	<del>135 4th AVE</del>	<del>1364/006</del>	<del>XXXXXXXXXXXX</del>	<del>XXXXXXXXXXXX</del>
18.	153 5TH AVE	1365/006	PATRICIA SEID	<i>Patricia Seid</i>
19.	153 5TH AVE	1365/006	DEBALD SEID	<i>Debald Seid</i>
20.	407 CORNWALL	1428/050	NORDMAN YAN	<i>Nordman Yan</i>
21.	134 5th Avenue	1364/031	Robert Kostur	<i>Robert Kostur</i>
22.				

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2010.1039C

2013 JUL -8 AM 9:01  
SLS

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.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	154 4th Ave	1363/30	ALFRED K CHAN	<i>[Signature]</i>
2.	154 4th Ave	1363/30	KATHERINE CHAN	<i>[Signature]</i>
3.	155 4th Ave	1364/011	WILLIAM HETHINGTON	<i>[Signature]</i>
4.	144 4th Ave	1363/032	Kwok Ho Wang	<i>[Signature]</i>
5.	139 4th Ave	1364/007	Lucy Tai	<i>[Signature]</i>
6.	126-4th Ave	1363/034	Mary Tillman	<i>[Signature]</i>
7.	139-4th Ave	1364/007	Fanny Tai	<i>[Signature]</i>
8.	168 4th Avenue	1363/050	Margaret C. Stark-Roberts	<i>[Signature]</i>
9.	166 4th Avenue	1363/099	John G. Anglim	<i>[Signature]</i>
10.	174 4th Ave	1363/029A	Kwok Fu Wang	<i>[Signature]</i>
11.	129-314th Ave	1364/005	James G. Ferrell	<i>[Signature]</i>
12.	126-4th Ave	1363/034	Ellen Bolla	<i>[Signature]</i>
13.	128 4th Ave	1363/033	Laura Donahue	<i>[Signature]</i>
14.	128 4th Ave	1363/033	Michael Makera	<i>[Signature]</i>
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**RECORDING REQUESTED BY:**

Fidelity National Title Company  
Escrow No.: 12-951667-JT  
Locate No.: CAFNT0938-0938-0006-0000951667  
Title No.: 12-951667-KD

**When Recorded Mail Document  
and Tax Statement To:**

Michael T. McKeeman  
128 - 4th Ave  
San Francisco, CA



San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
**DOC- 2012-J550721-00**

Acct 11-FIDELITY NATIONAL Title Company  
Wednesday, NOV 28, 2012 08:00:00  
Ttl Pd \$14,269.50 Rcpt # 0004560454  
**REEL K781 IMAGE 0129**  
okc/MR/1-2

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 JUL -8 AM 9:15  
SLS

28E

APN: Lot 033, Block 1363  
128 4th Ave

SPACE ABOVE THIS LINE FOR RECORDER'S  
USE

**GRANT DEED**

The undersigned grantor(s) declare(s)  
Documentary transfer tax is \$14,242.50

- [ ] computed on full value of property conveyed, or
- [ ] computed on full value less value of liens or encumbrances remaining at time of sale,
- [ ] Unincorporated Area City of San Francisco,

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Jennifer Traeger and Adam Hirschfelder, wife and husband

**hereby GRANT(S) to** Michael T. McKeeman and Laura A. Donahue, husband and wife **as community property with right of survivorship**  
**the following described real property in the City of San Francisco, County of San Francisco, State of California:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: November 21, 2012

State of California  
County of San Francisco

On Nov 26 2012 before me,  
Monica Lyons, Notary Public  
(here insert name and title of the officer), personally appeared  
Jennifer Traeger and Adam Hirschfelder

Jennifer Traeger

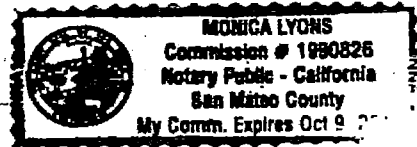
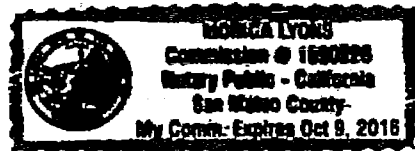
Adam Hirschfelder

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)



**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

FD-213 (Rev 12/07)  
(grant) (10-03) (Rev. 07-11)

GRANT DEED

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:02

BY 343

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>163 5th Ave</u>	<u>1365/008</u>	<u>Louisa Consagra</u>	<u>[Signature]</u>
2.			<u>George Consagra</u>	<u>[Signature]</u>
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City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:02  
*SHB*

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>168 5<sup>th</sup> Ave.</u>	<u>1364/025</u>	<u>Fitzhugh Taylor &amp;</u>	<u><i>FZ</i></u>
2.	<u>"</u>	<u>"</u>	<u>Mary Taylor</u>	<u><i>MPT</i></u>
3.	_____	_____	_____	_____
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BOARD OF SUPERVISORS  
SAN FRANCISCO

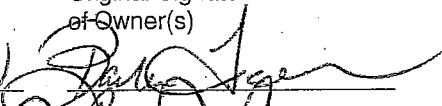
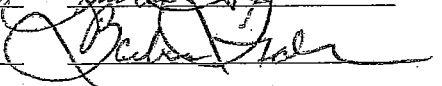
City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:02

BY THB

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).

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>162-64 5th Ave</u>	<u>1364/024</u>	<u>BARBARA FEDUN</u>	
2. <u>139-5th Ave</u>	<u>1365/005</u>	<u>BARBARA FEDUN</u>	
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RECORDING REQUESTED BY:  
PATRICIAN REALTY HOLDINGS, INC.

WHEN RECORDED MAIL TO:

Jak Marquez, Esq.  
Beckman Marquez, LLP  
703 Market Street, Suite 1610  
San Francisco, CA 94103

RE: Block 1365 Lot 005



San Francisco Assessor-Recorder  
Mabel S. Teng, Assessor-Recorder  
**DOC- 2004-H780809-00**

Check Number 1090  
Wednesday, AUG 04, 2004 11:26:12  
Ttl Pd \$13.00 Nbr-0002546585  
**REEL I694 IMAGE 0289**  
0J1/JW/1-3


SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Memorandum of Notice**  
**Regarding Withdrawal of Rental Unit From Rent or Lease**

This memorandum evidences that the owner of the property described in Exhibit A attached, Patrician Realty Holdings, Inc., has filed a notice with the San Francisco Residential Rent Stabilization and Arbitration Board, which contents are certified under penalty of perjury, stating the intent to withdraw from rent or lease all units at said property, pursuant to San Francisco Administrative Code Section 37.9A and the Ellis Act.

I am the President and CEO of Patrician Realty Holdings, Inc., and am authorized to make this declaration on behalf of the corporation. I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. This Memorandum of Notice is signed on 8/22/04 in San Francisco, California.

**PATRICIAN REALTY HODLINGS, INC.**

  
By: BARBARA FEDUN  
(President and CEO)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2004 JUL - 8 AM 9:02

RE: Property located at 139 5<sup>TH</sup> Avenue, San Francisco, California.

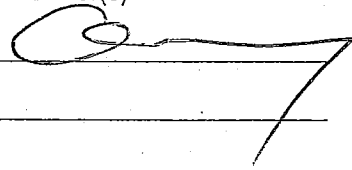
**NOTICE: RESTRICTIONS ON THE FUTURE USE OF THE PROPERTY WILL APPLY TO SUCCESSORS IN INTEREST PURSUANT TO SAN FRANCISCO ADMINISTRATIVE CODE SECTION 37.9A.**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2610.108903 JUL -8 AM 9:02

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>171-173 St AVE</u>	<u>1365 009A</u>	<u>Alvin Wong</u>	
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6/17/2013

9 cellphone  
DO NOT WANT ANTENNAS ON 4<sup>th</sup> ST.  
PLEASE TRY TO STOP.

City Planning Commission  
Case No. 2010.1034C

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.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	176-08 5 <sup>th</sup> Ave.	1364/023A	AL & MARY LOUISE	<i>Al &amp; Mary Louise</i>
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↑  
Please NOTE:  
2 SIGNATURES  
APPEAR ON  
THIS  
LINE

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 JUL - 8 AM 9:02

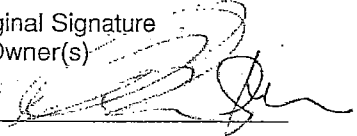
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission 2013 JUL -8 AM 9:02  
Case No. 2010.1034C

*FHB*

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>167 5th Ave</u>	<u>1365/009</u>	<u>Thomas &amp; Claire Johnston</u>	
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PLEASE NOTE:  
2 SIGNATURES  
APPEAR ON THIS  
LINE

City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:02

By: EAB

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>150 5th Ave.</u>	<u>1364/022</u>	<u>RAYMOND CEE</u>	<u>Raymond Cee</u>
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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:03

*ASB*

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>151-53 4th Ave.</u>	<u>1364/010</u>	<u>TRENE SUN</u>	<u><i>Trene Sun</i></u>
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City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:03

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4135 CALIFORNIA ST</u>	<u>1363/020</u>	<u>HASSAN AZIZIAN</u>	<u>H. Azizian</u>
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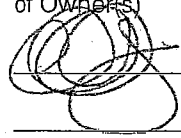


City Planning Commission  
Case No. 2010.1034C 2013 JUL -8 AM 9:03

*[Handwritten initials]*

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4251 California	1364/048	NOE VISTA LLC	
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**State of California  
Secretary of State**

**STATEMENT OF INFORMATION  
(Limited Liability Company)**

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2013 JUL -8 AM 9:03

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Filing Fee \$20.00. If amendment, see instructions.

**IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

1. LIMITED LIABILITY COMPANY NAME (Please do not alter if name is preprinted.)

Noe Vista LLC

This Space For Filing Use Only

**DUE DATE:**

**FILE NUMBER AND STATE OR PLACE OF ORGANIZATION**

2. SECRETARY OF STATE FILE NUMBER

199627810034

3. STATE OR PLACE OF ORGANIZATION

CA

**COMPLETE ADDRESSES FOR THE FOLLOWING** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE

CITY AND STATE

ZIP CODE

3265 - 17th Street, Suite 403

San Francisco, CA 94110

5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (DOMESTIC ONLY)

CITY

STATE

ZIP CODE

3265 - 17th Street, Suite 403

San Francisco, CA 94110 CA

**NAME AND COMPLETE ADDRESS OF THE CHIEF EXECUTIVE OFFICER, IF ANY**

6. NAME

ADDRESS

CITY AND STATE

ZIP CODE

**NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER** (Attach additional pages, if necessary.)

7. NAME

ADDRESS

CITY AND STATE

ZIP CODE

Charles G. Agosta

3265 - 17th Street, Suite 403

3265 - 17th Street, Suite 403

8. NAME

ADDRESS

CITY AND STATE

ZIP CODE

9. NAME

ADDRESS

CITY AND STATE

ZIP CODE

**AGENT FOR SERVICE OF PROCESS** (If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California address. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 11 must be left blank.)

10. NAME OF AGENT FOR SERVICE OF PROCESS

Charles G. Agosta, aka Gerry Agosta

11. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

3265 - 17th Street, Suite 403

3265 17th Street, Suite 403 CA

94110

**TYPE OF BUSINESS**

12. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY

Real Estate Rentals

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

Charles G. Agosta

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

SIGNATURE

Managing Partne

TITLE

08/23/06

DATE

LLC-12 (REV 07/2006)

APPROVED BY SECRETARY OF STATE

6876

15

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City Planning Commission  
Case No. 2010.1639C 13 JUL -8 AM 9:03

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4214 California St.</u>	<u>P. 1364 018</u>	<u>NATALIA NIKOLAIEFF SVENSSON</u>	<u>Natalia Nikolaieff Svensson</u>
2.	<u>4214 California St.</u>		<u>BENGT SVENSSON</u>	<u>Bengt Svensson</u>
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City Planning Commission  
Case No. 2010.1034C

2013 JUL -8 AM 9:03

BY JHB

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4134 CALIFORNIA ST	1363/053	Lynla Cebeci	
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City Planning Commission  
Case No. 2010.1034C 2013 JUL -8 AM 9:03

BY [Signature]

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4132 CALIFORNIA</u>	<u>1363/054</u>	<u>ANASTASIA MOSHKINA</u>	<u>[Signature]</u>
2.	<u>4132 California</u>	<u>1363/054</u>	<u>Lerin Huras</u>	<u>[Signature]</u>
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City Planning Commission JUL -8 AM 9:03  
Case No. 2010.1031C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4220 CALIFORNIA STREET</u>	<u>1364-20</u>	<u>JOSEPH J. MALTA.</u>	<u>[Signature]</u>
2.	<u>4220 CALIFORNIA STREET</u>	<u>1364-20</u>	<u>ELENA J. MALTA</u>	<u>[Signature]</u>
3.	<u>186 - 5<sup>th</sup> Ave.</u>	<u>1364-23</u>	<u>PENNIS HOWARD</u>	<u>[Signature]</u>
4.	<u>182 - 5<sup>th</sup> Ave.</u>	<u>1364-23</u>	<u>Michael Bittel</u>	<u>[Signature]</u>
5.	<u>184 - 5<sup>th</sup> Ave</u>	<u>1364-23</u>	<u>John Barbica</u>	<u>[Signature]</u>
6.	<u>186 - 5<sup>th</sup> Ave</u>	<u>1364-23</u>	<u>MARY E. McEARTHY</u>	<u>[Signature]</u>
7.	<u>180 5<sup>th</sup> AVE</u>	<u>1364-23</u>	<u>JENNIFER HOWARD</u>	<u>[Signature]</u>
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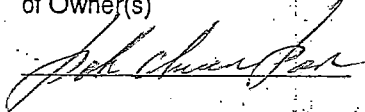
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City Planning Commission

Case No. 2010-10340 13 JUL -8 AM 9:03

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>329 CORNWALL ST.</u>	<u>BLOCK # 1429</u> <u>644</u>	<u>POH, PAK-CHUEN</u>	
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Case No. 2010.1034C

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4226 CAUFORNIA ST	1364/054	Louise Bertman	Louise Bertman
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Case No. 2010-10340 JUL -8 AM 9:04

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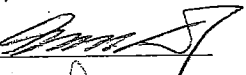
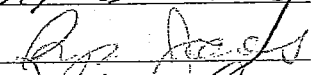
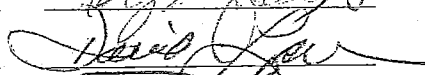
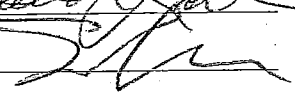
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4224 California</u>	<u>1364/021</u>	<u>GALA KIPPER</u>	<u>G. Kipper</u>
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1.	124 5 <sup>th</sup> Ave #1	1364/034	TUNG VING WONG	
2.	#4	1364/034	RYAN JONES	
3.	#3	1364/034	DAVID LAU	
4.	124 5 <sup>th</sup> Ave #2	1364/034	SCOTT S. YARMARIC	
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# SAN FRANCISCO PLANNING DEPARTMENT

2013.02 Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

## Planning Commission Motion No. 18898

HEARING DATE: JUNE 6, 2013

*Date:* May 30, 2013  
*Case No.:* 2010.1034C  
*Project Address:* 4216 California Street  
*Current Zoning:* NC-1 (Neighborhood Commercial, Cluster)  
 40-X Height and Bulk District  
*Block/Lot:* 1364/019  
*Project Sponsor:* AT&T Mobility represented by  
 Corey Alvin, KDI Planning  
 100 Clement Street, 3rd Floor  
 San Francisco, CA 94108  
*Staff Contact:* Omar Masry – (415) 575-9116  
 Omar.Masry@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 303(c) AND 710.83 TO REMOVE AN EXISTING MICRO-SITE AND INSTALL A WIRELESS TELECOMMUNICATIONS SERVICES FACILITY CONSISTING OF UP TO NINE PANEL ANTENNAS ON THE ROOF BEHIND RADIO-FREQUENCY TRANSPARENT SCREEN WALLS WITH EQUIPMENT LOCATED WITHIN A GROUND FLOOR STORAGE AREA OF AN EXISTING MEDICAL OFFICE BUILDING AS PART OF AT&T MOBILITY'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN A NC-1 (NEIGHBORHOOD COMMERCIAL - CLUSTER) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On November 16, 2010, AT&T Mobility (hereinafter "Project Sponsor"), made an application (hereinafter "Application"), for Conditional Use Authorization on the property at 4216 California Street, Lot 019 in Assessor's Block 1364, (hereinafter "Project Site") to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption (Section 15303 of the California Environmental Quality Act). The Planning Commission has

reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the Planning Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

On June 6, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing (continued without discussion from March 14<sup>th</sup> and May 9<sup>th</sup> hearings) at a regularly scheduled meeting on the application for a Conditional Use authorization.

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. 2010.1034C, 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 building is located on Assessor's Block 1364, Lot 019 on the north side of California Street between 4<sup>th</sup> and 5<sup>th</sup> Avenues. This site is within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and 40-X Height and Bulk District. The Project Site contains a three-story medical office building.
3. **Surrounding Properties and Neighborhood.** Nearby land uses include single-family and two-family homes to the north, single and multiple family residences and office building to the east, an automotive service and gasoline station to the south, and office and residential uses to the west. The Project Site is approximately two blocks south and east of the Presidio, and one block north of the Inner Clement Neighborhood Commercial District.
4. **Project Description.** The proposal is to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls, and equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network. The proposed antennas would measure a maximum of 57" high by 18" wide by 7" thick. A total of nine antennas will be located within three sectors in two different locations on the rooftop. Sector A contains three antennas and is located toward the rear of the building behind a 5' 8" tall screen designed to match the existing building in color and materials. The screen is located five feet from the east and west parapets, five feet from the rear, and approximately 23 feet from the rear property line. Sectors B and C consist of three antennas each, and are located toward the front of the building rooftop behind a 5' 6" tall radio-frequency

transparent screen that is setback 4' 6" from the east and west parapets and five feet from the front of the building. All nine antennas would be mounted on the roof of the three-story, 31-foot tall building, with a maximum height of approximately 37' above grade.

5. **Past History and Actions.** The Planning Commission adopted the Wireless Telecommunications Guidelines for the installation of Wireless Telecommunications Facilities in 1996 (hereinafter known as "Guidelines"). 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. The Guidelines were updated by the Commission in 2003 and again in 2012, 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 wireless installations;
3. **Industrial or Commercial Structures:** buildings such as warehouses, factories, garages, service stations;
4. **Industrial or Commercial Structures:** buildings such as supermarkets, retail stores, banks; and
5. **Mixed Use Buildings in High Density Districts:** buildings such as housing above commercial or other non-residential space.

Section 8.1 of the WTS Siting Guidelines further stipulates that the Planning Commission may not approve WTS applications for Preference 6 (Limited Preference Site) 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 networks.

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 Declaration of Intent, an independent evaluation verifying coverage and capacity, a submittal checklist and details about the facilities to be installed.

Under Section 704(B)(iv) of 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.

In 2005, a micro-site consisting of two Omni-whip antennas at the façade and screened equipment cabinet towards the rear of the building was installed at this site, pursuant to building permit number: 2005 03 21 7963. In June 2010, AT&T Mobility filed for a building permit to install additional equipment cabinets at this site but did not final the permit. In November 2010, AT&T Mobility filed a Conditional Use Permit to upgrade the existing site to a macro site by installing 9 panel antennas on the rooftop of the medical building. On April 5, 2011, the Planning Department received a complaint of antennas installed without the benefit of permits. Subsequently, a Notice of Violation was issued at this location. This Conditional Use Authorization would abate the violation and allow the facility upgrade.

On June 6, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use authorization pursuant to Planning Code Section 710.83 to install a wireless telecommunications services ("WTS") facility consisting of removing an existing micro-site and installing a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind a radio-frequency transparent screen wall with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network.

6. **Location Preference.** The *WTS Facilities Siting Guidelines* identify different types of zoning and/or building uses for the siting of wireless telecommunications facilities. Under the *Guidelines*, the Project is a Location Preference Number 6, as the Project Site is located in a NC-1 District within a medical office building.
7. **Alternative Site Analysis.** The Project Sponsor has submitted an alternative site analysis and has affirmed the subject site to be the most viable site to serve the geographic service area.
8. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 700 - 2170 Megahertz (MHZ) bands, which is 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.
9. **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. Pursuant to the *Guidelines*, the Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the *Guidelines*.
10. **Department of Public Health Review and Approval.** The proposed project was referred to the Department of Public Health (DPH) for emissions exposure analysis. Existing RF levels at ground level were approximately 1% of the FCC public exposure limit. There are two existing antennas operated by AT&T Mobility installed on the rooftop of the building. There were observed no other antennas within 100 feet of this site. AT&T Mobility proposes to remove the two existing antennas and install nine new panel antennas. The antennas will be mounted at a

height of approximately 37 feet above the ground. The estimated ambient RF field from the proposed AT&T Mobility transmitters at ground level is calculated to be 0.057 mW/sq. cm., which is 6.2% of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 66 feet and does not reach any publicly accessible areas. Warning signs must be posted at the antennas and roof access points in English, Spanish, and Chinese. Workers should not have access to within 20 feet of the front of the antennas while in operation. Workers prohibited access and worker notification areas should be marked with red and yellow striping on the rooftop.

11. **Coverage and Capacity Verification.** The maps, data, and conclusion provided by AT&T Mobility to demonstrate need for coverage and capacity have been determined by Hammett & Edison, Inc., a radio engineering consulting firm, to accurately represent the carrier's present and post-installation conclusions.
12. **Maintenance Schedule.** The proposed facility would operate without on-site staff, but with a two-person maintenance crew visiting the property approximately once a month and on an as-needed basis to service and monitor the facility.
13. **Community Outreach.** Per the *Guidelines*, the Project Sponsor held Community Outreach Meetings for the proposed project. The first meeting was held at 6:30 p.m. on February 9, 2011 at the San Francisco Public Library – Richmond Branch at 351 9<sup>th</sup> Street. Twelve members of the community attended the meeting and asked questions about EMF emissions and health, impact on views, the existing micro-site, and location of other nearby AT&T Mobility sites. A second meeting was held at 6:00 p.m. on April 17, 2013 at the same location. The Project Sponsor conveyed to residents that the facility plans were being revised to reflect a six inch increase in antenna and enclosure heights. Those community members present at the second meeting raised similar concerns with regard to EMF emissions, as well as building safety issues cited in prior written comments to the Department.
14. **Five-year plan:** Per the *Guidelines*, the Project Sponsor submitted its latest five-year plan, as required, in April 2013.
15. **Public Comment.** As of May 30, 2013, the Department has received phone calls requesting additional community meetings, concerns regarding health impacts of the antennas, and impact on property values. In addition residents and business owners have submitted a petition against the project and documentation regarding impacts due to seismic, flood, egress, and ventilation concerns.
16. **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 Section 710.83, a Conditional Use authorization is required for the installation of other public uses such as wireless transmission facilities.

17. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply 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.

- i. *Desirable: San Francisco is a leader of the technological economy; it is important and desirable to the vitality of the City to have and maintain adequate telecommunications coverage and data capacity. This includes the installation and upgrading of systems to keep up with changing technology and increases in usage. It is desirable for the City to allow wireless facilities to be installed.*

*The proposed project at 4216 California Street will be generally desirable and compatible with the surrounding neighborhood because the Project will not conflict with the existing uses of the property and will be designed to be compatible with the surrounding nature of the vicinity. The approval of this authorization has been found to insure public safety, and insure that the placement of antennas and related support and protection features are so located, designed, and treated architecturally to minimize their visibility from public places, to avoid intrusion into public vistas, avoid disruption of the architectural design integrity of buildings and insure harmony with neighborhood character. The Project has been reviewed and determined to not cause the removal or alteration of any significant architectural features on the subject building.*

- ii. *Necessary: In the case of wireless installations, there are two criteria that the Commission reviews: coverage and capacity.*

*Coverage: San Francisco does have sufficient overall wireless coverage (note that this is separate from carrier capacity). San Francisco's unique coverage issues are due to topography and building heights. The hills and buildings disrupt lines of site between WTS base stations. Thus, telecommunication carriers continue to install additional installations to make sure coverage is sufficient.*

*Capacity: While a carrier may have adequate coverage in a certain area, the capacity may not be sufficient. With the continuous innovations in wireless data technology and demand placed on existing infrastructure, individual telecommunications carriers must upgrade and in some instances expand their facilities network to be able to have proper data capacity. It is necessary for San Francisco, as a leader in technology, to have adequate capacity.*

*The proposed project at 4216 California Street is necessary in order to achieve sufficient street and in-building mobile phone coverage and data capacity. Recent drive tests in the subject area conducted by the AT&T Mobility Radio Frequency Engineering Team provide evidence that the subject property is the most viable location, based on factors including quality of coverage and aesthetics.*



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

*The Department of Public Health conducted an evaluation of potential health effects from Radio Frequency radiation, and has concluded that the proposed wireless transmission facilities will have no adverse health effects when operated in compliance with the FCC-adopted health and safety standards.*

- 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 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 installation 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;

*Nine antennas are proposed to be mounted on the rooftop behind a radio-frequency transparent screen designed to match the building in color and material.*

- 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.*

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

## HOUSING ELEMENT

### BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE

#### OBJECTIVE 12 – BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

POLICY 12.2 – Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

POLICY 12.3 – Ensure new housing is sustainable supported by the City's public infrastructure systems.

*The Project will improve AT&T Mobility's coverage and capacity in the surrounding residential, commercial and recreational areas along a primary transportation route in San Francisco.*

## URBAN DESIGN

### HUMAN NEEDS

#### OBJECTIVE 4 - IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

POLICY 4.14 - Remove and obscure distracting and cluttering elements.

*The Project adequately "stealths" the proposed antennas by concealing the antennas behind a radio-transparent screen on the top of the building.*

## 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.*

**VISITOR TRADE**

**OBJECTIVE 8 - ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.**

**POLICY 8.3 - Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.**

*The Project will ensure that residents and visitors have adequate public service in the form of AT&T Mobility telecommunications.*

## 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.*

19. **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 and the wireless communications network will 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 authorization.*

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

*The Project would have no adverse impact on 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 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.

*The proposed antennas will be mounted on the rooftop of the existing building that is not a historic resource.*

- 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.*

20. 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.

21. 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 710.83 and 303 to install up to nine panel antennas and associated equipment cabinets at the Project Site as part of a wireless transmission network operated by AT&T Mobility on a Location Preference 6 (Limited Preference Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 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. 18898. 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 June 6, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Sugaya, Wu

NAYS: Hillis, Moore

ABSENT: None

ADOPTED: June 6, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization under Planning Code Sections 710.83 and 303 to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind a radio-frequency transparent screen wall with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 6, 2013 under Motion No. 18898.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18898 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. 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 remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN – COMPLIANCE AT PLAN STAGE

3. **Plan Drawings - WTS.** 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 describe:
  - 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.
  - d. **Equipment.** Identify and implement methods to seal the equipment room from potential flood and sewage overflow events, as is deemed feasible by DPW.



- e. Fire Safety. Identify and implement methods to construct/modify the equipment room in order to achieve an increased fire separation wall rating, above building and fire code(s) minimums, as is deemed feasible by DBI.
- f. Design. Identify and implement opportunities to modify the design to reduce the visual impact of screening structures.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9116, [www.sf-planning.org](http://www.sf-planning.org).*

4. Screening - WTS. 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:

- a. Modify the placement of the facilities;
- b. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
- c. 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;
- d. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
- e. To the extent necessary to minimize visual obstruction and clutter, installations shall conform to the following standards:
- f. Antennas and back up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual effects;
- g. Rooftop installations shall be setback such that back up facilities are not viewed from the street;
- h. Antennas attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
- i. 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 is not created.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

#### MONITORING - AFTER ENTITLEMENT

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

6. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

8. **Implementation Costs - WTS.**

- 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 implementation of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Technology, Office of the City Attorney, or any other appropriate City Department or agency. 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Implementation and Monitoring - WTS.** In the event that the Project implementation report includes a finding that RF emissions for the site exceed FCC Standards in any uncontrolled location (including rooftop areas at 4214 and 4218 California), 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Project Implementation Report - WTS.** 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. 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 weekday 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. 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.
- i. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 2 and 4.
  - ii. 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.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

11. Notification prior to Project Implementation Report - WTS. The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antenna 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. Installation - WTS. 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

13. Periodic Safety Monitoring - WTS. 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.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

## OPERATION

14. **Community Liaison.** Prior to issuance of a building permit application to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Out of Service – WTS.** The Project Sponsor or Property Owner shall remove antennas and equipment that has been out of service or otherwise abandoned for a continuous period of six months.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Emissions Conditions – WTS.** 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.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

17. **Noise and Heat – WTS.** The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Control Ordinance. The WTS facility, including power source and any heating/cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

18. **Transfer of Operation – WTS.** 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

19. **Compatibility with City Emergency Services – WTS.** The facility shall not be operated or 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.

*For information about compliance, contact the Department of Technology, 415-581-4000,  
<http://sfgov3.org/index.aspx?page=1421>*

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**RICHMOND DISTRICT DEMOCRATIC CLUB**

163 17<sup>TH</sup> AVENUE #6, SAN FRANCISCO, CALIFORNIA 94121

2013 JUL -8 AM 8:52

*RHB*

June 28, 2013

San Francisco Planning Department  
1650 Mission St. Suite 400  
San Francisco, CA 94103

Dear Sir or Madam:

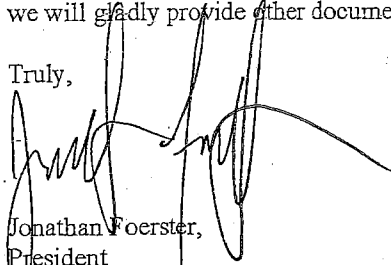
On June 27, the Richmond District Democratic Club held a regular monthly meeting during which our members voted unanimously to support and sponsor the CEQA and CU appeals regarding the AT&T project at 4216 California Street.

The property at 4216 California Street exists within the Richmond. Advocating for and communicating with our members, who overwhelmingly reside in the Richmond District, on matters concerning this area are of the primary focus of our organization.

I have charged Wendy Aragon, the club's vice president, with acting on behalf of the Richmond District Democratic Club in these matters.

The Richmond District Democratic Club, a chartered Democratic club, has been in existence for over 25 years during which time we have maintained continuous activity in the neighborhood. Attached to this letter I will include copies of our minutes going back two years. Many years of documentation exist, and we will gladly provide other documents if requested.

Truly,

  
Jonathan Foerster,  
President  
Richmond District Democratic Club

**General Membership Meeting Minutes  
Richmond District Democratic Club**

May 28, 2009

7:00pm at the Richmond District Police Station

Meeting called to order at 7:05pm by president Jake McGoldrick

President's Announcements:

- The Mayor's office was invited to attend, but was unavailable. Currently preparing a response to the Civil Grand Jury's report which is delayed due to the budget.

Presentation of the Civil Grand Jury report provided by John Murphy

A resolution was considered opposing the State raiding City property tax revenues.

- It was moved by Richard Hanson and seconded by Susan Hall that the resolution be approved. The Resolution was passed without objection.

A resolution was considered supporting a 55% vote to pass the State's budget.

- It was moved by Richard Hanson and seconded by Susan Hall that the resolution be approved. The resolution passed without objection.

Future topics were considered, including:

- Regarding MOUs / union contracts / School District contracts.
- City budget
- Other Civil Grand Jury reports
- Outside Lands Festival
- Collaborative meetings with other Democratic clubs

General announcements were made by members of the club, including:

- Memorial for Brian O'Neil
- Potrero Hill Democratic Club fundraiser with John Burton

The meeting was adjourned at 8:30pm.

*Minutes submitted by Secretary, Jonathan Foerster.*

**General Membership Meeting Minutes  
Richmond District Democratic Club**

**April 29, 2010**

**7:00pm at the Richmond District Police Station**

7:08 Meeting Called to Order by Vice President Hene Kelly

A motion was made by Shirley Hansen to confirm the Board of Director's endorsement of Fiona Ma and Leland Yee for State Assembly and Senate respectively. The motion was duly seconded by Susan Hall and approved by acclamation.

7:12 Clean Power SF

Jason Fried, LAFCo, presented information on a proposal to provide clean power under the management of the PUC.

*Item taken out of order by acclamation, out of deference to the presenter.*

7:41 Approval of the minutes.

A motion was made by Susan Hall and duly seconded by Richard Hansen to approve the minutes from the previous meeting. The motion was approved by acclamation.

7:42 Report on State Convention

Richard Hansen presented a report on the California Democratic Convention.

8:15 Candidate for Governor

Peter Sherman, Democratic candidate for Governor addressed the Club.

8:45 Other Business

Announcements were made by Mark Weinberger and Richard Rothman.

8:52 Election of the Board of Directors

Richard Hansen moved to accept the Board's slate of candidates for the Board of Directors. The motion was seconded by Mark Weinberger and approved by acclamation.

8:57 The meeting was adjourned.

*Minutes submitted by Secretary, Jonathan Foerster.*



General Membership Meeting Minutes  
**Richmond District Democratic Club**  
April 26, 2012  
7:00pm at the Richmond District Police Station

7:05 Meeting Called to Order by vice president Hene Kelly

7:15 Slate Card report – Wendy Aragon

Wendy Aragon announced that the club has almost all the money required for the June primary slate card.

7:20 Consent Agenda

Minutes were approved without objection upon a motion made by Hene Kelly and duly seconded.

7:21 Main Program: City's Financial Status

District 1 Supervisor, Eric Mar, reported to the club on the City's financial status.

8:00 Board of Directors' Election

Jonathan Foerster presented the Board's slate for new directors:

President - Jonathan Foerster  
Vice President - Wendy Aragon  
Secretary - Chuck Chan  
Treasurer - Shirley Hansen

Members at Large:

Elsa Davis  
John Dunbar  
Richard Hansen  
Hene Kelly  
Peter Lauterborn  
Jake McGoldrick  
Richard Rothman  
Mark Weinberger

The slate was elected by acclamation.

Richard Hansen moved to further elect Bill May to the board as a member at large. The motion was seconded.

Hene Kelly moved to postpone the election of Bill May until the board could determine his willingness to join as a director. The motion, duly seconded, was approved without objection and shall appear as old business on the next general membership meeting agenda.

*Minutes submitted by Secretary, Jonathan Foerster.*

# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

**1. Applicant and Project Information**

APPLICANT NAME: Wendy Aragon	
APPLICANT ADDRESS: 534 25th Avenue, #5 San Francisco, CA 94121	TELEPHONE: (415) 350-4765 EMAIL: wendolyn.aragon@gmail.com
NEIGHBORHOOD ORGANIZATION NAME: Richmond District Democratic Club	
NEIGHBORHOOD ORGANIZATION ADDRESS: 163 17th Avenue, #6 San Francisco, CA 94121	TELEPHONE: (415) 699-8205 EMAIL: sfrddc@gmail.com
PROJECT ADDRESS: 4216 California Street, San Francisco, CA 94118	
PLANNING CASE NO.: 2010.1034C	BUILDING PERMIT APPLICATION NO.: 201305025944
DATE OF DECISION (IF ANY): June 6, 2013	

**2. Required Criteria for Granting Waiver**

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

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

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED                       WAIVER DENIED



SAN FRANCISCO  
PLANNING  
DEPARTMENT

FOR MORE INFORMATION:

Call or visit the San Francisco Planning Department

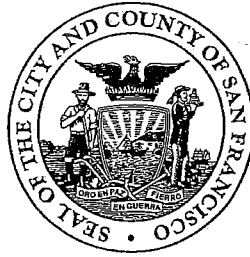
**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2478

TEL: 415.558.6378  
FAX: 415.558.6409  
WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: 415.558.6377  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

July 12, 2013

Wendy Aragon  
On behalf of the Richmond District Democratic Club  
534 25<sup>th</sup> Avenue, #5  
San Francisco, CA 94121

File No. 130725, Planning Case No. 2010.1034C  
4216 California Street Conditional Use Appeal

Dear Ms. Aragon:

This is in reference to the appeal you submitted from the decision of the Planning Commission on June 6, 2013, by Motion No. 18898, on property located at:

4216 California Street, Assessor's Block No. 1364, Lot No. 019.

The Director of Public Works has informed the Board of Supervisors in a letter dated July 11, 2013, (copy attached), that the signatures represented with your appeal of July 8, 2013, have been checked pursuant to the Planning Code and represent owners of more than 20 percent of the property involved and would be sufficient for appeal.

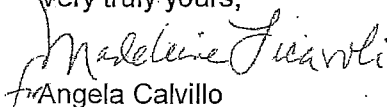
A hearing date has been scheduled on **Tuesday, July 30, 2013, at 3:00 P.M.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco. (Note: An Appeal of Determination of Exemption from Environmental Review was also filed on July 8, 2013, along with this appeal and will be heard on the same date.)

Please provide an electronic copy (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and 18 hard copies to the Clerk of the Board's Office **by**:

**8 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing;  
**11 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing in excel format.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislation Clerk, Joy Lamug at (415) 554-7712.

Very truly yours,

  
Angela Calvillo

Clerk of the Board

c.  
Project Sponsor, Tedi Vriheas, 525 Market Street, 19<sup>th</sup> Floor, San Francisco, CA 94105  
Project Sponsor, Corey Alvin, KDI Planning, 100 Clement Street, 3<sup>rd</sup> Floor, San Francisco, CA 94118  
Doug Loranger, 4327 California Street, San Francisco, CA 94118  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Acting Environmental Review Officer, Planning Department  
AnMarie Rodgers, Manager of Legislative Affairs, Planning Department  
Tina Tam, Senior Historic Planner, Planning Department  
Omar Masry, Project Planner, Planning Department  
Jonas Ionin, Acting Planning Commission Secretary  
Mohammed Nuru, Director, Department of Public Works  
Fuad Sweiss, City Engineer, Department of Public Works  
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping



Edwin M. Lee, Mayor  
Mohammed Nuru, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827  
Fax: (415) 554-5324  
[www.sfdpw.org](http://www.sfdpw.org)  
[Subdivision.Mapping@sfdpw.org](mailto:Subdivision.Mapping@sfdpw.org)

Department of Public Works  
Office of the City and County Surveyor  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

July 11, 2013

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall - Room 244  
San Francisco, CA 94102

RE: 4216 California St.  
Lot 019 of Assessor's Block 1364  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2010.1034C

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 JUL 12 AM 10:34

Dear Ms. Calvillo:

This letter is in response to your July 9, 2013 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

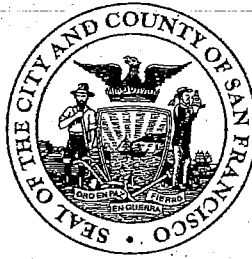
Please be advised that per our calculations the appellants' signatures represent 40.71% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely

Bruce R. Storrs  
City & County Surveyor

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

RECEIVED  
13 JUL 10 PM 4:52  
DEPT. PUBLIC WORKS  
DIRECTOR'S OFFICE

M.C.

July 9, 2013

Mohammed Nuru, Director  
Department of Public Works  
City Hall, Room 348  
San Francisco, CA 94102

Planning Case No. 2010.1034C  
4216 California Street Conditional Use Appeal

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Wendy Aragon, on behalf of the Richmond District Democratic Club on July 8, 2013, from the decision of the Planning Commission by its Motion No. 18898 dated June 6, 2013, relating to the approval of a Conditional Use Authorization (Case No. 2010.1034C), under Planning Code Sections 303(c) and 710.83, to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's Wireless Telecommunications Network within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and a 40-X Height and Bulk District, on property located at:

4216 California Street, Assessor's Block No. 1364, Lot No. 019

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., July 15, 2013, to give us time to prepare and mail out the hearing notices as the Board of Supervisors has tentatively scheduled the appeal to be heard on September 3, 2013, at 3:00 p.m.

(An Appeal of Determination of Exemption from Environmental Review was also filed on July 8, 2013, along with this appeal.)

Sincerely,

Angela Calvillo  
Clerk of the Board

- c:
- Appellant: Wendy Aragon, on behalf of Richmond District Democratic Club, 534 25<sup>th</sup> Ave., #5 San Francisco, CA 94121
- Doug Loranger, 4327 California Street, San Francisco, CA 94118
- Project Sponsor, Tedi Vriheas, 525 Market Street 19<sup>th</sup> Floor, San Francisco, CA 94105
- Project Sponsor, Corey Alvin, KDI-Planning, 100 Clement Street, 3<sup>rd</sup> Floor, San Francisco, CA 94108
- Jon Givner, Deputy City Attorney, w/copy of appeal
- Kate Stacy, Deputy City Attorney, w/copy of appeal
- Marlena Byrne, Deputy City Attorney, w/copy of appeal
- AnMarie Rodgers, Manager of Legislative Affairs, Planning Department, w/copy of appeal
- Scott Sanchez, Zoning Administrator, Planning Department, w/copy of appeal
- Tina Tam, Senior Preservation Planner, Planning Department, w/copy of appeal
- Erica Jackson, Project Planner, Planning Department, w/copy of appeal
- Jonas Ionin, Acting Planning Commission Secretary, w/copy of appeal
- Fuad Sweiss, City Engineer, Department of Public Works, w/copy of appeal
- Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping, w/copy of appeal



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**MEMO**

2013 JUL 25 PM 12:09

**Conditional Use Authorization Appeal**

**4216 California Street**

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** July 23, 2013  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** John Rahaim, Planning Director – (415) 558-6411  
Omar Masry, Case Planner – Planning Department (415) 575-9116  
**RE:** BOS File No. 13-0725 [Conditional Use Authorization No. 2010.1034C]  
Appeal of approval of Conditional Use Authorization for 4216 California Street  
**HEARING DATE:** July 30, 2013

**ATTACHMENTS:**

- A. Commission Packet (including project approval CPC Motion No. 18898)

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**PROJECT SPONSOR:** Theadora Vriheas on behalf of AT&T Mobility

**APPELLANT:** Wendy Aragon, on behalf of the Richmond District Democratic Club

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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 Department's (the "Department") June 6, 2013 approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 710.83 (Public Use) to locate up to nine wireless telecommunication panel antennas in two faux penthouse structures on the roof, along with associated equipment and batteries on the ground floor of a medical and dental office building. The subject building is located on the north side of California Street between 4th and 5th Avenues within an NC-1 (Neighborhood Commercial - Cluster) Zoning District and 40-X Height and Bulk District.

This response addresses the appeal ("Appeal Letter") to the Board filed on July 8, 2013 by Wendy Aragon, on behalf of the Richmond District Democratic Club. The Appeal Letter referenced the proposed project in Case No. 2010.1034C.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of a Conditional Use Authorization to allow AT&T Mobility to establish a wireless telecommunication services (WTS) facility at the site.

## SITE DESCRIPTION & PRESENT USE

The building is located on Assessor's Block 1364, Lot 019 on the north side of California Street between 4th and 5th Avenues. The site is within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and 40-X Height and Bulk District. The Project Site contains a three-story medical office building.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

Nearby land uses include single-family and two-family homes to the north, single and multiple family residences and office buildings to the east, an automotive service and gasoline station to the south, and office and residential uses to the west. The Project Site is approximately two blocks south and east of the Presidio, and one block north of the Inner Clement Street Neighborhood Commercial District.

## PROJECT DESCRIPTION

The proposal is to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof. The facility is proposed to be installed on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. Under the *Guidelines*, the Project is a Location Preference Number 6, a Limited Preference site, as the Project Site is located in an NC-1 Zoning District. The proposed antennas would measure a maximum of 57" high by 18" wide by 7" thick. A total of nine antennas would be located within three sectors in two different locations on the rooftop. Sector A contains three antennas and is located toward the rear of the building behind a 5' 8" tall screen designed to match the existing building in color and materials. The screen is located five feet from the east and west parapets, five feet from the rear, and approximately 23 feet from the rear property line. Sectors B and C consist of three antennas each, and are located toward the front of the building rooftop behind a 5' 6" tall radio-frequency transparent screen that is setback 4' 6" from the east and west parapets and five feet from the front of the building. All nine antennas would be mounted on the roof of the three-story, 31-foot tall building, with a maximum height of approximately 37' above grade.

Originally calendared for March 14th, the case was continued without hearing. The Applicant subsequently modified the project proposal to increase the antenna and enclosure heights by approximately six inches, which is reflected in the facility description above. The modified proposal was also conveyed to residents and interested persons at a community meeting held by the Applicant on April 17th. The Applicant provided revised photo simulations, plans, radio frequency reports (including third-party evaluation) and Department of Public Health approval reflecting the modified proposal.



## BACKGROUND

### 2013 - Planning Commission Hearing

On June 6, 2013, the Planning Commission conducted a hearing to consider a Conditional Use Authorization for the proposed Project.

At the Planning Commission hearing, members of the public, including Doug Loranger (whose correspondence were also included in the appellant's CEQA exemption appeal), voiced opposition to the Project. The Department also received one letter in support of the project and a number of letters and a petition (approximately 100 signatures) in opposition to the Project. Following the public testimony, the Planning Commission voted to approve the Project with three additional conditions:

- **Equipment.** Identify and implement methods to seal the equipment room from potential flood and sewage overflow events, as is deemed feasible.
- **Fire Safety.** Identify and implement methods to construct/modify the equipment room in order to achieve an increased fire separation wall rating, above building and fire code(s) minimums, as is deemed feasible.
- **Design.** Identify and implement design modifications to reduce the visual impact of screening structures.

## CONDITIONAL USE AUTHORIZATION REQUIREMENTS:

The Planning Commission established guidelines for the installation of wireless telecommunications facilities in 1996 ("Wireless 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, places of worship, institutional structures 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;

---

<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.

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.

Section 8.1 of the WTS Siting Guidelines further stipulates that the Planning Commission may not approve WTS applications for Preference 6 (Limited Preference Site) 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 networks.

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, and details about the facilities to be installed.

---

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 General 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 approve Conditional Use Authorization.

## APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The Appeal Letter was limited to information found in the July 8, 2013 appeal filing. No additional documentation submitted after the Planning Commission hearing. Instead, the appellant merely indicated the Conditional Use Authorization (CU) appeal was based "the entire decision."

**Appellant Issue:** The appellant indicated, "the project does not meet the requirements of Section 303 of the San Francisco Planning Code in that AT&T's proposed wireless facility is not necessary, not desirable and not compatible with the neighborhood and community." No additional information was provided.

**Department Response:** The Commission motion describes in detail why the Commission found the project to be necessary, desirable and compatible with the neighborhood. However additional clarification is provided below:

**Necessity of Facility:** Specifically, the motion and CU packet include information outlining the carrier's need for the facility, based on maps, data, and conclusions about service coverage submitted by the Project Sponsor, which was verified by a 3<sup>rd</sup> party and prepared to the satisfaction of staff.

**Desirability and Compatibility:** The Wireless Guidelines establish the type of locations where WTS facilities are considered preferred location sites are therefore deemed the most desirable and compatible locations. Under the *Guidelines*, the Project is a Location Preference Number 6, a Limited Preference site as the Project Site is located in an NC-1 Zoning District. The applicant submitted an extensive alternative site analysis, which concluded no other locations were potentially feasible within the carrier's search ring.

Furthermore, the facility will be generally desirable and compatible with the surrounding neighborhood because the Project will not conflict with the existing uses of the property and will be designed to be compatible with the surrounding nature of the vicinity. The approval of this authorization has been found to insure public safety, and insure that the placement of antennas and related support and protection features are so located, designed, and treated architecturally to minimize their visibility from public places, to avoid intrusion into public vistas, avoid disruption of the architectural design integrity of buildings and insure harmony with neighborhood character.

At the June 6, 2013 Planning Commission hearing, the motion prepared by staff was amended to include the following condition:

**Design.** Identify and implement design modifications to reduce the visual impact of screening structures.

This condition was included to direct staff to explore further opportunities to reduce the visual impact, in terms of bulk and mass in relation to the three-story building for screening surrounding the antennas. This concern was raised specific to the primary (one of two) screen fronting the California Street frontage. The Planning Commission found the design of the facility, specifically the screening structure compatible with the existing building and neighborhood, but sought additional refinement. The size and bulk of the screen is dictated by the height and placement of antennas and the carrier's propagation needs. If, for

example, the applicant is able to pursue another WTS facility in the vicinity (with overlap of the carrier's search ring), or the changing nature of technology potentially allows for shorter antennas, the applicant will be expected to work with staff to revise the facility design to reduce the appearance of the screening structure(s) (e.g. greater setback from roof edge and/or lower screening height).

**CONCLUSION:**

In the Commission's authorization of the Conditional Use, the project was found to be visually compatible with the neighborhood as the antennas are screened from view utilizing material similar in texture and color as the existing building. The Commission further found the project, was necessary and desirable to augment existing wireless coverage, and meet coverage and capacity demands in this area.

For the reasons stated above, the Planning Department recommends that the Board of Supervisors uphold the Planning Commission's decision in approving the Conditional Use authorization for 4216 California Street and deny the Appellant's request for appeal.



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use Authorization HEARING DATE: JUNE 6, 2013 (CONTINUED FROM MAY 9<sup>TH</sup> HEARING)

*Date:* May 30, 2013  
*Case No.:* 2010.1034C  
*Project Address:* 4216 California Street  
*Current Zoning:* NC-1 (Neighborhood Commercial, Cluster)  
40-X Height and Bulk District  
*Block/Lot:* 1364/019  
*Project Sponsor:* AT&T Mobility represented by  
Corey Alvin, KDI Planning  
100 Clement Street, 3rd Floor  
San Francisco, CA 94108  
*Staff Contact:* Omar Masry – (415) 575-9116  
Omar.Masry@sfgov.org

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### PROJECT DESCRIPTION

The proposal is to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof. The facility is proposed to be installed on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. The proposed antennas would measure a maximum of 57" high by 18" wide by 7" thick. A total of nine antennas would be located within three sectors in two different locations on the rooftop. Sector A contains three antennas and is located toward the rear of the building behind a 5' 8" tall screen designed to match the existing building in color and materials. The screen is located five feet from the east and west parapets, five feet from the rear, and approximately 23 feet from the rear property line. Sectors B and C consist of three antennas each, and are located toward the front of the building rooftop behind a 5' 6" tall radio-frequency transparent screen that is setback 4' 6" from the east and west parapets and five feet from the front of the building. All nine antennas would be mounted on the roof of the three-story, 31-foot tall building, with a maximum height of approximately 37' above grade.

Originally calendared for March 14<sup>th</sup>, the case was continued without hearing to May 9<sup>th</sup>, and continued again to June 6<sup>th</sup>. Prior to the May 9<sup>th</sup> hearing date, the Applicant modified the project proposal to increase the antenna and enclosure heights by approximately six inches, which is reflected in the facility description above. The modified proposal was also conveyed to residents and interested persons at a community meeting held by the Applicant on April 17<sup>th</sup>. The Applicant has provided revised photo simulations, plans, radio frequency reports (including third-party evaluation) and Department of Public Health approval reflecting the modified proposal.

## SITE DESCRIPTION AND PRESENT USE

The building is located on Assessor's Block 1364, Lot 019 on the north side of California Street between 4<sup>th</sup> and 5<sup>th</sup> Avenues. The site is within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and 40-X Height and Bulk District. The Project Site contains a three-story medical office building.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

Nearby land uses include single-family and two-family homes to the north, single and multiple family residences and office buildings to the east, an automotive service and gasoline station to the south, and office and residential uses to the west. The Project Site is approximately two blocks south and east of the Presidio, and one block north of the Inner Clement Street Neighborhood Commercial District.

## ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption. The categorical exemption and all pertinent documents may be found in the files of the Planning Department, as the custodian of records, at 1650 Mission Street, San Francisco.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 22, 2013	February 22, 2013	20 days
Posted Notice	20 days	February 22, 2013	February 22, 2013	20 days
Mailed Notice	20 days	February 22, 2013	February 22, 2013	20 days

## PUBLIC COMMENT

Since the original notice on February 22, 2013, the Department has received 15 phone calls from the public requesting additional community meetings, and citing concern regarding property values and health impacts. The Applicant conducted two community meetings on February 9, 2011 and April 17, 2013.

After the second community meeting, a nearby resident, Doug Loranger, submitted a petition of residents and business owners/employees opposed to the project. Mr. Loranger also submitted information challenging the Class 3 Categorical Exemption due to concerns regarding seismic impacts from new structural loads created by the facility, as well as environmental impacts due to prior, and possible flooding of the ground floor room where equipment and battery storage needed to support the facility is proposed.

Doctor Michael Ma, who runs a dental practice on the ground floor of the building, expressed concerns related to the ground floor equipment room. He cited a prior sewage backup event that caused damage to the practice and proposed equipment room. Dr. Ma also expressed concern that the location of the equipment room would hamper egress from the practice in case of emergency given the lack of a second exit door, which would potentially require staff in the back of the suite to traverse a hallway in front of

the equipment room in case of emergency. Lastly, one letter of support from a nearby resident was also received.

Staff is aware of these concerns and in the event the conditional use is approved, no building permits to construct the facility will be issued unless the applicant demonstrates compliance with respect to building and safety standards, including, but not limited to, those related to potential seismic, ventilation, equipment/chemical storage, flood/inundation impacts, and exiting requirements.

## ISSUES AND OTHER CONSIDERATIONS

- Health and safety aspects of all wireless projects are reviewed under the Department of Public Health and the Department of Building Inspections.
- Permits to construct the facility will not be issued unless it has been determined the facility will comply with standards related to the potential for seismic impacts due to the installation rooftop equipment. In addition, exiting requirements and the proposed placement electronic equipment associated with the facility in a ground floor room, shall be reviewed by the San Francisco Fire Department and Department of Building Inspections to ensure compliance with their respective standards, and will also be reviewed by the Department of Public Works with respect to the potential for ground floor flooding or sewage backups.
- An updated Five Year Plan with approximate longitudinal and latitudinal coordinates of proposed locations, including the subject site is on file with the Planning Department.
- All required public notifications were conducted in compliance with the City's code and policies.

## REQUIRED COMMISSION ACTION

Pursuant to Section 710.83 of the Planning Code, Conditional Use authorization is required for a macro-WTS facility in NC-1 Districts.

## BASIS FOR RECOMMENDATION

This project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project complies with the applicable requirements of the Planning Code.
- The project is consistent with the objectives and policies of the General Plan.
- The Project is consistent with the 1996 WTS Facilities Siting Guidelines, Planning Commission Resolution No. 14182 and Resolutions No. 16539 and No. 18523 supplementing the 1996 WTS Guidelines.
- The project site is considered a Location Preference 6, (Limited Preference Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines.
- Health and safety aspects of all wireless projects are reviewed under the Department of Public Health and the Department of Building Inspections.
- The expected RF emissions fall well within the limits established by the FCC.
- Based on propagation maps provided by AT&T Mobility, the project will provide coverage in an area that currently experiences several gaps in coverage and capacity.

- Based on the analysis provided by AT&T Mobility, the project will provide additional capacity in an area that currently experiences insufficient service during periods of high data usage.
- Based on independent third-party evaluation, the maps, data, and conclusions about service coverage and capacity provided by AT&T Mobility are accurate.
- The proposed antennas will be screened on three sides for each of the two sectors, so as to significantly reduce the likelihood of antennas being visible from off-site including adjacent rights-of-way. The screening will mimic an extension of the existing medical office building and insure harmony with neighborhood character.
- The proposed project has been reviewed by staff and found to be categorically exempt from further environmental review. The proposed changes to the subject building do not result in a significant impact on the building and the building is not considered a historic resource. The proposed antenna project is categorically exempt from further environmental review pursuant to the Class 3 exemptions of California Environmental Quality Act.
- A Five Year Plan with approximate longitudinal and latitudinal coordinates of proposed locations, including the subject site, was submitted.
- All required public notifications were conducted in compliance with the City's code and policies.

**RECOMMENDATION:** Approval with Conditions

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Proposed Project</u>                             |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for legibility      |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Photo Simulations         |
| <input checked="" type="checkbox"/> Parcel Map          | <input checked="" type="checkbox"/> Coverage Maps             |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> RF Report                 |
| <input checked="" type="checkbox"/> Aerial Photo        | <input checked="" type="checkbox"/> DPH Approval              |
| <input checked="" type="checkbox"/> Context Photos      | <input checked="" type="checkbox"/> Community Outreach Report |
| <input checked="" type="checkbox"/> Site Photos         | <input checked="" type="checkbox"/> Independent Evaluation    |

Exhibits above marked with an "X" are included in this packet \_\_\_\_\_ on \_\_\_\_\_ Planner's Initials





# SAN FRANCISCO PLANNING DEPARTMENT

2013.02 Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Motion No. 18898

HEARING DATE: JUNE 6, 2013

*Date:* May 30, 2013  
*Case No.:* 2010.1034C  
*Project Address:* 4216 California Street  
*Current Zoning:* NC-1 (Neighborhood Commercial, Cluster)  
 40-X Height and Bulk District  
*Block/Lot:* 1364/019  
*Project Sponsor:* AT&T Mobility represented by  
 Corey Alvin, KDI Planning  
 100 Clement Street, 3rd Floor  
 San Francisco, CA 94108  
*Staff Contact:* Omar Masry – (415) 575-9116  
 Omar.Masry@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 303(c) AND 710.83 TO REMOVE AN EXISTING MICRO-SITE AND INSTALL A WIRELESS TELECOMMUNICATIONS SERVICES FACILITY CONSISTING OF UP TO NINE PANEL ANTENNAS ON THE ROOF BEHIND RADIO-FREQUENCY TRANSPARENT SCREEN WALLS WITH EQUIPMENT LOCATED WITHIN A GROUND FLOOR STORAGE AREA OF AN EXISTING MEDICAL OFFICE BUILDING AS PART OF AT&T MOBILITY'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN A NC-1 (NEIGHBORHOOD COMMERCIAL - CLUSTER) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On November 16, 2010, AT&T Mobility (hereinafter "Project Sponsor"), made an application (hereinafter "Application"), for Conditional Use Authorization on the property at 4216 California Street, Lot 019 in Assessor's Block 1364, (hereinafter "Project Site") to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption (Section 15303 of the California Environmental Quality Act). The Planning Commission has

reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the Planning Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

On June 6, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing (continued without discussion from March 14<sup>th</sup> and May 9<sup>th</sup> hearings) at a regularly scheduled meeting on the application for a Conditional Use authorization.

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. 2010.1034C, 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 building is located on Assessor's Block 1364, Lot 019 on the north side of California Street between 4<sup>th</sup> and 5<sup>th</sup> Avenues. This site is within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and 40-X Height and Bulk District. The Project Site contains a three-story medical office building.
3. **Surrounding Properties and Neighborhood.** Nearby land uses include single-family and two-family homes to the north, single and multiple family residences and office building to the east, an automotive service and gasoline station to the south, and office and residential uses to the west. The Project Site is approximately two blocks south and east of the Presidio, and one block north of the Inner Clement Neighborhood Commercial District.
4. **Project Description.** The proposal is to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls, and equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network. The proposed antennas would measure a maximum of 57" high by 18" wide by 7" thick. A total of nine antennas will be located within three sectors in two different locations on the rooftop. Sector A contains three antennas and is located toward the rear of the building behind a 5' 8" tall screen designed to match the existing building in color and materials. The screen is located five feet from the east and west parapets, five feet from the rear, and approximately 23 feet from the rear property line. Sectors B and C consist of three antennas each, and are located toward the front of the building rooftop behind a 5' 6" tall radio-frequency

transparent screen that is setback 4' 6" from the east and west parapets and five feet from the front of the building. All nine antennas would be mounted on the roof of the three-story, 31-foot tall building, with a maximum height of approximately 37' above grade.

5. **Past History and Actions.** The Planning Commission adopted the Wireless Telecommunications Guidelines for the installation of Wireless Telecommunications Facilities in 1996 (hereinafter known as "Guidelines"). 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. The Guidelines were updated by the Commission in 2003 and again in 2012, 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 wireless installations;
3. **Industrial or Commercial Structures:** buildings such as warehouses, factories, garages, service stations;
4. **Industrial or Commercial Structures:** buildings such as supermarkets, retail stores, banks; and
5. **Mixed Use Buildings in High Density Districts:** buildings such as housing above commercial or other non-residential space.

Section 8.1 of the WTS Siting Guidelines further stipulates that the Planning Commission may not approve WTS applications for Preference 6 (Limited Preference Site) 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 networks.

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 Declaration of Intent, an independent evaluation verifying coverage and capacity, a submittal checklist and details about the facilities to be installed.

Under Section 704(B)(iv) of 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.

In 2005, a micro-site consisting of two Omni-whip antennas at the façade and screened equipment cabinet towards the rear of the building was installed at this site, pursuant to building permit number: 2005 03 21 7963. In June 2010, AT&T Mobility filed for a building permit to install additional equipment cabinets at this site but did not final the permit. In November 2010, AT&T Mobility filed a Conditional Use Permit to upgrade the existing site to a macro site by installing 9 panel antennas on the rooftop of the medical building. On April 5, 2011, the Planning Department received a complaint of antennas installed without the benefit of permits. Subsequently, a Notice of Violation was issued at this location. This Conditional Use Authorization would abate the violation and allow the facility upgrade.

On June 6, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use authorization pursuant to Planning Code Section 710.83 to install a wireless telecommunications services ("WTS") facility consisting of removing an existing micro-site and installing a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind a radio-frequency transparent screen wall with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network.

6. **Location Preference.** The *WTS Facilities Siting Guidelines* identify different types of zoning and/or building uses for the siting of wireless telecommunications facilities. Under the *Guidelines*, the Project is a Location Preference Number 6, as the Project Site is located in a NC-1 District within a medical office building.
7. **Alternative Site Analysis.** The Project Sponsor has submitted an alternative site analysis and has affirmed the subject site to be the most viable site to serve the geographic service area.
8. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 700 - 2170 Megahertz (MHZ) bands, which is 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.
9. **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. Pursuant to the *Guidelines*, the Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the *Guidelines*.
10. **Department of Public Health Review and Approval.** The proposed project was referred to the Department of Public Health (DPH) for emissions exposure analysis. Existing RF levels at ground level were approximately 1% of the FCC public exposure limit. There are two existing antennas operated by AT&T Mobility installed on the rooftop of the building. There were observed no other antennas within 100 feet of this site. AT&T Mobility proposes to remove the two existing antennas and install nine new panel antennas. The antennas will be mounted at a

height of approximately 37 feet above the ground. The estimated ambient RF field from the proposed AT&T Mobility transmitters at ground level is calculated to be 0.057 mW/sq. cm., which is 6.2% of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 66 feet and does not reach any publicly accessible areas. Warning signs must be posted at the antennas and roof access points in English, Spanish, and Chinese. Workers should not have access to within 20 feet of the front of the antennas while in operation. Workers prohibited access and worker notification areas should be marked with red and yellow striping on the rooftop.

11. **Coverage and Capacity Verification.** The maps, data, and conclusion provided by AT&T Mobility to demonstrate need for coverage and capacity have been determined by Hammett & Edison, Inc., a radio engineering consulting firm, to accurately represent the carrier's present and post-installation conclusions.
12. **Maintenance Schedule.** The proposed facility would operate without on-site staff, but with a two-person maintenance crew visiting the property approximately once a month and on an as-needed basis to service and monitor the facility.
13. **Community Outreach.** Per the *Guidelines*, the Project Sponsor held Community Outreach Meetings for the proposed project. The first meeting was held at 6:30 p.m. on February 9, 2011 at the San Francisco Public Library – Richmond Branch at 351 9<sup>th</sup> Street. Twelve members of the community attended the meeting and asked questions about EMF emissions and health, impact on views, the existing micro-site, and location of other nearby AT&T Mobility sites. A second meeting was held at 6:00 p.m. on April 17, 2013 at the same location. The Project Sponsor conveyed to residents that the facility plans were being revised to reflect a six inch increase in antenna and enclosure heights. Those community members present at the second meeting raised similar concerns with regard to EMF emissions, as well as building safety issues cited in prior written comments to the Department.
14. **Five-year plan:** Per the *Guidelines*, the Project Sponsor submitted its latest five-year plan, as required, in April 2013.
15. **Public Comment.** As of May 30, 2013, the Department has received phone calls requesting additional community meetings, concerns regarding health impacts of the antennas, and impact on property values. In addition residents and business owners have submitted a petition against the project and documentation regarding impacts due to seismic, flood, egress, and ventilation concerns.
16. **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 Section 710.83, a Conditional Use authorization is required for the installation of other public uses such as wireless transmission facilities.

17. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply 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.

i. *Desirable: San Francisco is a leader of the technological economy; it is important and desirable to the vitality of the City to have and maintain adequate telecommunications coverage and data capacity. This includes the installation and upgrading of systems to keep up with changing technology and increases in usage. It is desirable for the City to allow wireless facilities to be installed.*

*The proposed project at 4216 California Street will be generally desirable and compatible with the surrounding neighborhood because the Project will not conflict with the existing uses of the property and will be designed to be compatible with the surrounding nature of the vicinity. The approval of this authorization has been found to insure public safety, and insure that the placement of antennas and related support and protection features are so located, designed, and treated architecturally to minimize their visibility from public places, to avoid intrusion into public vistas, avoid disruption of the architectural design integrity of buildings and insure harmony with neighborhood character. The Project has been reviewed and determined to not cause the removal or alteration of any significant architectural features on the subject building.*

ii. *Necessary: In the case of wireless installations, there are two criteria that the Commission reviews: coverage and capacity.*

*Coverage: San Francisco does have sufficient overall wireless coverage (note that this is separate from carrier capacity). San Francisco's unique coverage issues are due to topography and building heights. The hills and buildings disrupt lines of site between WTS base stations. Thus, telecommunication carriers continue to install additional installations to make sure coverage is sufficient.*

*Capacity: While a carrier may have adequate coverage in a certain area, the capacity may not be sufficient. With the continuous innovations in wireless data technology and demand placed on existing infrastructure, individual telecommunications carriers must upgrade and in some instances expand their facilities network to be able to have proper data capacity. It is necessary for San Francisco, as a leader in technology, to have adequate capacity.*

*The proposed project at 4216 California Street is necessary in order to achieve sufficient street and in-building mobile phone coverage and data capacity. Recent drive tests in the subject area conducted by the AT&T Mobility Radio Frequency Engineering Team provide evidence that the subject property is the most viable location, based on factors including quality of coverage and aesthetics.*

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

*The Department of Public Health conducted an evaluation of potential health effects from Radio Frequency radiation, and has concluded that the proposed wireless transmission facilities will have no adverse health effects when operated in compliance with the FCC-adopted health and safety standards.*

- 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 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 installation 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;

*Nine antennas are proposed to be mounted on the rooftop behind a radio-frequency transparent screen designed to match the building in color and material.*

- 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.*

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

## HOUSING ELEMENT

### BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE

OBJECTIVE 12 – BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

POLICY 12.2 – Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

POLICY 12.3 – Ensure new housing is sustainable supported by the City's public infrastructure systems.

*The Project will improve AT&T Mobility's coverage and capacity in the surrounding residential, commercial and recreational areas along a primary transportation route in San Francisco.*

## URBAN DESIGN

### HUMAN NEEDS

OBJECTIVE 4 - IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

POLICY 4.14 - Remove and obscure distracting and cluttering elements.

*The Project adequately "stealths" the proposed antennas by concealing the antennas behind a radio-transparent screen on the top of the building.*

## 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.*

**VISITOR TRADE**

**OBJECTIVE 8 - ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.**

**POLICY 8.3 - Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.**

*The Project will ensure that residents and visitors have adequate public service in the form of AT&T Mobility telecommunications.*

## 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.*

19. 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 and the wireless communications network will 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 authorization.*

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

*The Project would have no adverse impact on 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 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.

*The proposed antennas will be mounted on the rooftop of the existing building that is not a historic resource.*

- 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.*

20. 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.

21. 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 710.83 and 303 to install up to nine panel antennas and associated equipment cabinets at the Project Site as part of a wireless transmission network operated by AT&T Mobility on a Location Preference 6 (Limited Preference Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 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. 18898. 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 June 6, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Sugaya, Wu

NAYS: Hillis, Moore

ABSENT: None

ADOPTED: June 6, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization under Planning Code Sections 710.83 and 303 to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind a radio-frequency transparent screen wall with equipment located within a ground floor storage area of an existing medical office building as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 6, 2013 under Motion No. 18898.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18898 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. 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 remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN – COMPLIANCE AT PLAN STAGE

3. **Plan Drawings - WTS.** 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 describe:
  - 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.
  - d. **Equipment.** Identify and implement methods to seal the equipment room from potential flood and sewage overflow events, as is deemed feasible by DPW.

- e. Fire Safety. Identify and implement methods to construct/modify the equipment room in order to achieve an increased fire separation wall rating, above building and fire code(s) minimums, as is deemed feasible by DBL.
  - f. Design. Identify and implement opportunities to modify the design to reduce the visual impact of screening structures.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9116, [www.sf-planning.org](http://www.sf-planning.org).*
4. Screening - WTS. 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:
- a. Modify the placement of the facilities;
  - b. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
  - c. 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;
  - d. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.
  - e. To the extent necessary to minimize visual obstruction and clutter, installations shall conform to the following standards:
  - f. Antennas and back up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual effects;
  - g. Rooftop installations shall be setback such that back up facilities are not viewed from the street;
  - h. Antennas attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
  - i. 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 is not created.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

#### MONITORING - AFTER ENTITLEMENT

5. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. Monitoring. The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
8. **Implementation Costs - WTS.**
  - 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 implementation of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Technology, Office of the City Attorney, or any other appropriate City Department or agency. 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.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Implementation and Monitoring - WTS.** In the event that the Project implementation report includes a finding that RF emissions for the site exceed FCC Standards in any uncontrolled location (including rooftop areas at 4214 and 4218 California), 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.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Project Implementation Report - WTS.** 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. 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 weekday 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. 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.
  - i. **Notification and Testing.** The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 2 and 4.
  - ii. **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.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

11. **Notification prior to Project Implementation Report - WTS.** The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antenna 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Installation - WTS.** 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Periodic Safety Monitoring - WTS.** 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.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

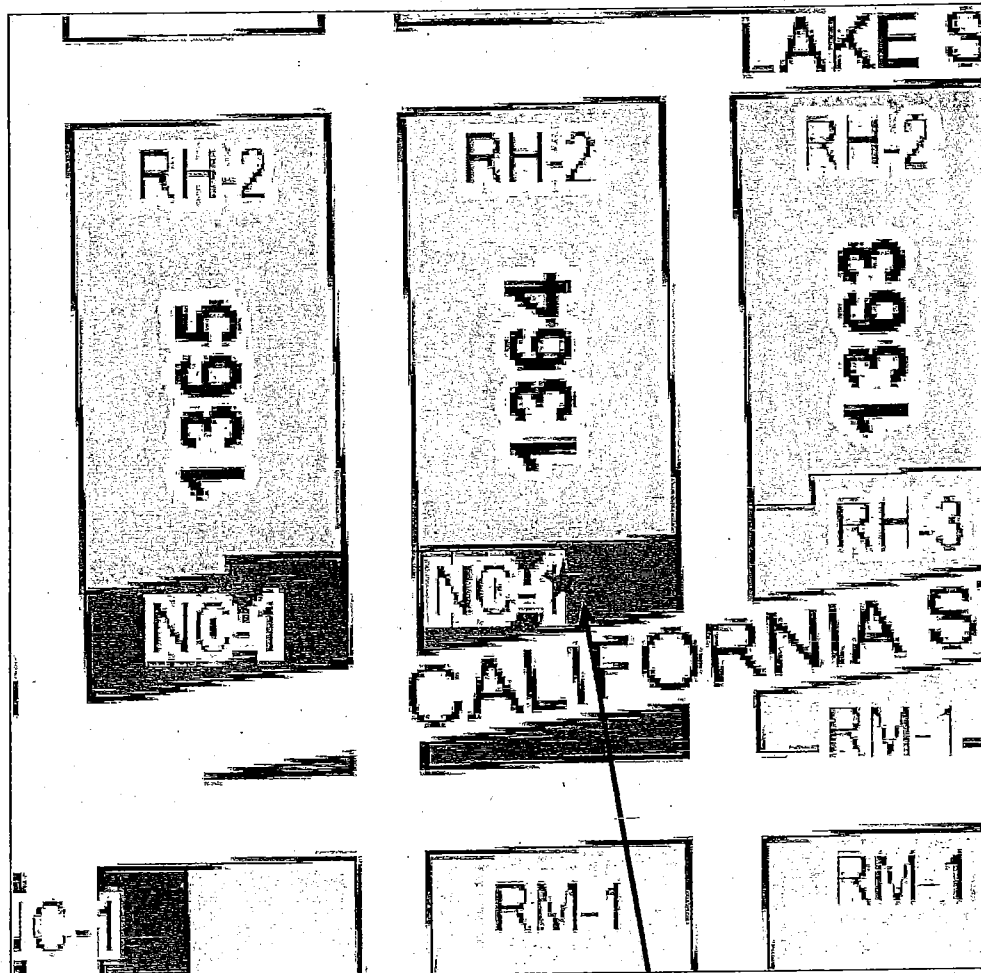
## OPERATION

14. **Community Liaison.** Prior to issuance of a building permit application to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison 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.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
15. **Out of Service – WTS.** The Project Sponsor or Property Owner shall remove antennas and equipment that has been out of service or otherwise abandoned for a continuous period of six months.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
16. **Emissions Conditions – WTS.** 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.  
*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*
17. **Noise and Heat – WTS.** The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Control Ordinance. The WTS facility, including power source and any heating/cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.  
*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*
18. **Transfer of Operation – WTS.** 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.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
19. **Compatibility with City Emergency Services – WTS.** The facility shall not be operated or 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.

*For information about compliance, contact the Department of Technology, 415-581-4000, <http://sfgov3.org/index.aspx?page=1421>*

# Zoning Map



**SUBJECT PROPERTY**



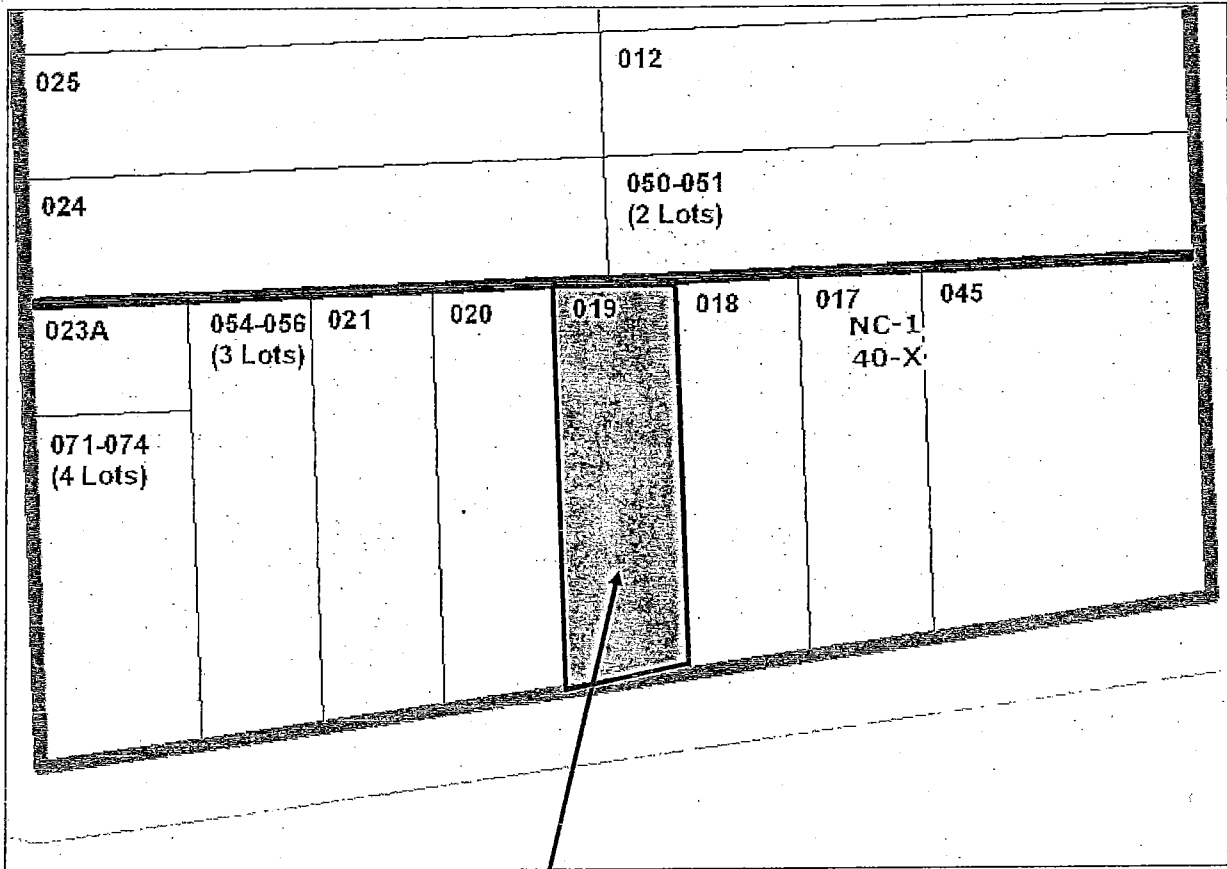
# Aerial Photo



**SUBJECT PROPERTY**

Case Number 2010.1034C  
AT&T Mobility WTS Facility  
4216 California Street

# Parcel Map

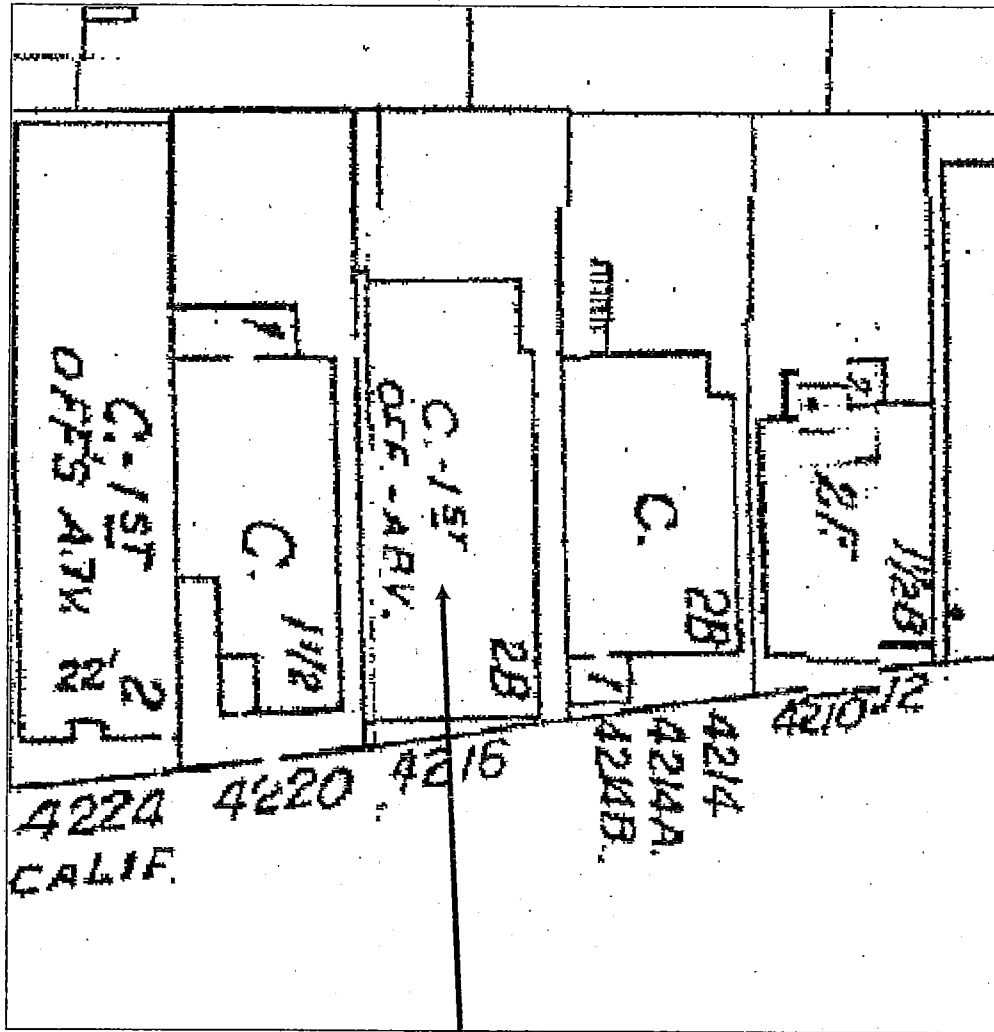


**SUBJECT PROPERTY**



Case Number 2010.1034C  
AT&T Mobility WTS Facility  
4216 California Street

# Sanborn Map\*



**SUBJECT PROPERTY**

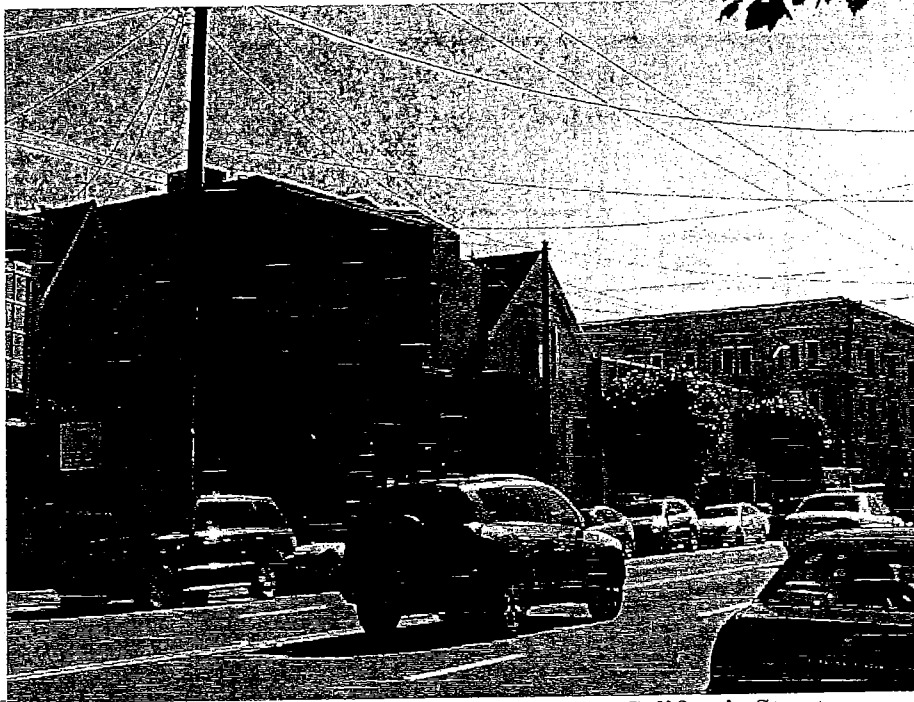
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



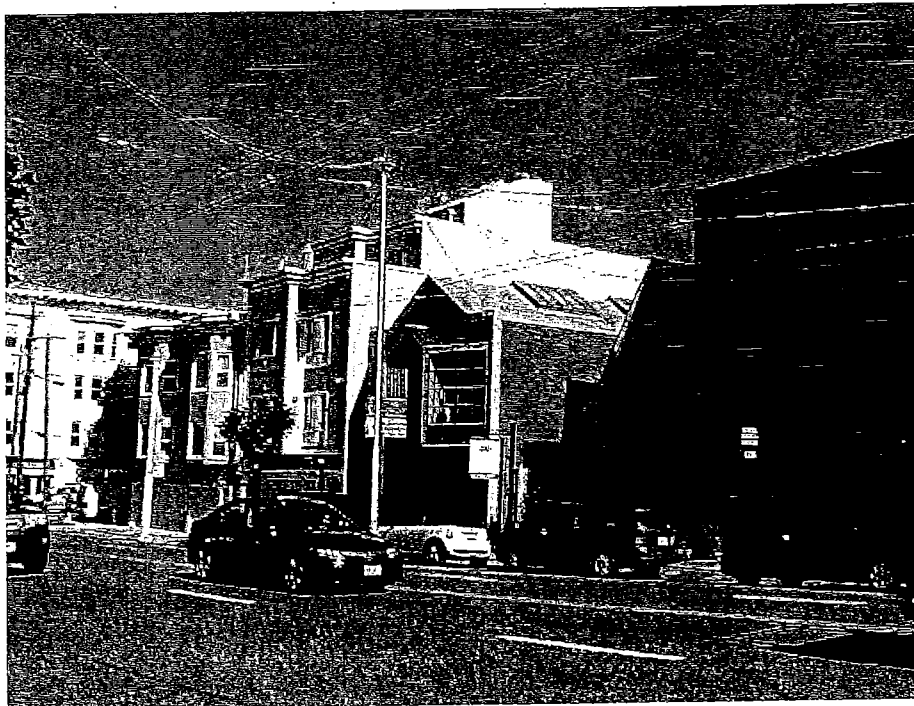
Case Number 2010.1034C  
AT&T Mobility WTS Facility  
4216 California Street

**I. Scale of Locale – Contextual Photographs**

See attached photographs identifying the heights of buildings within 100 feet of proposed site including subject property



View of subject blockface looking east on California Street



View of subject blockface looking west on California Street





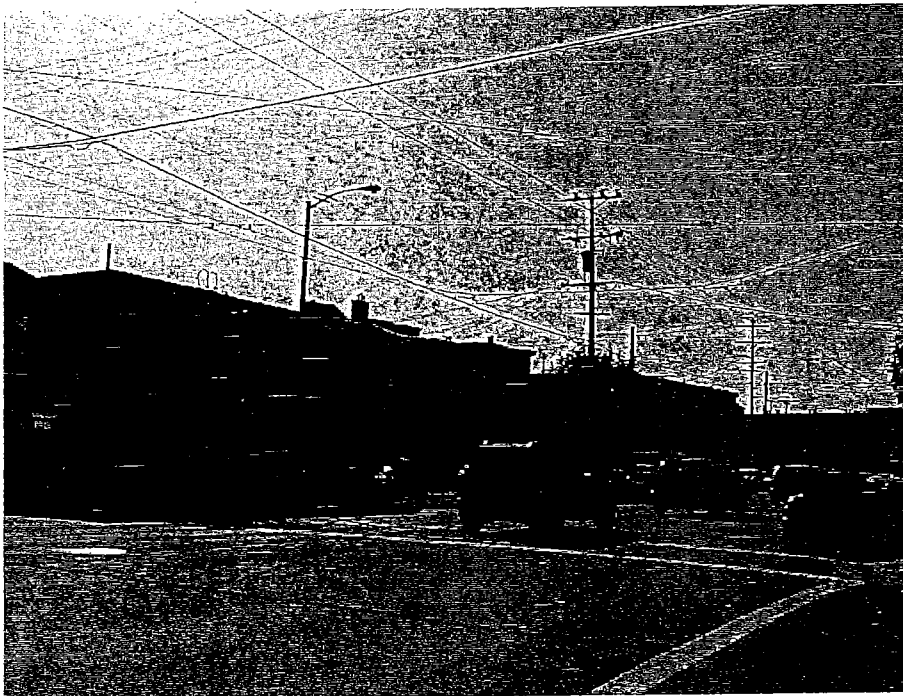
Looking west on California Street from 5<sup>th</sup> Avenue at the northerly blockface



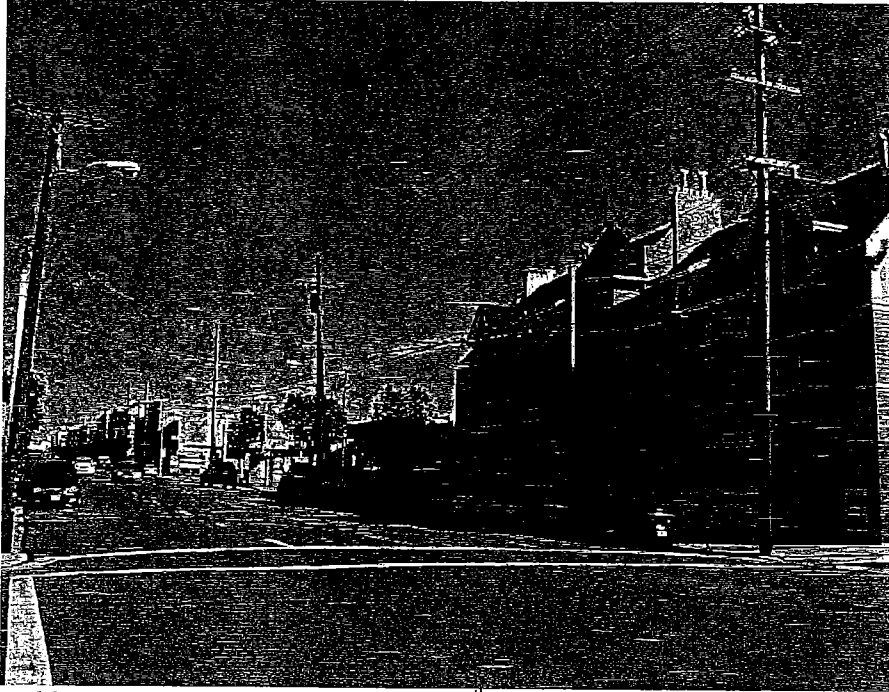
Looking north on 5<sup>th</sup> Avenue at the easterly blockface



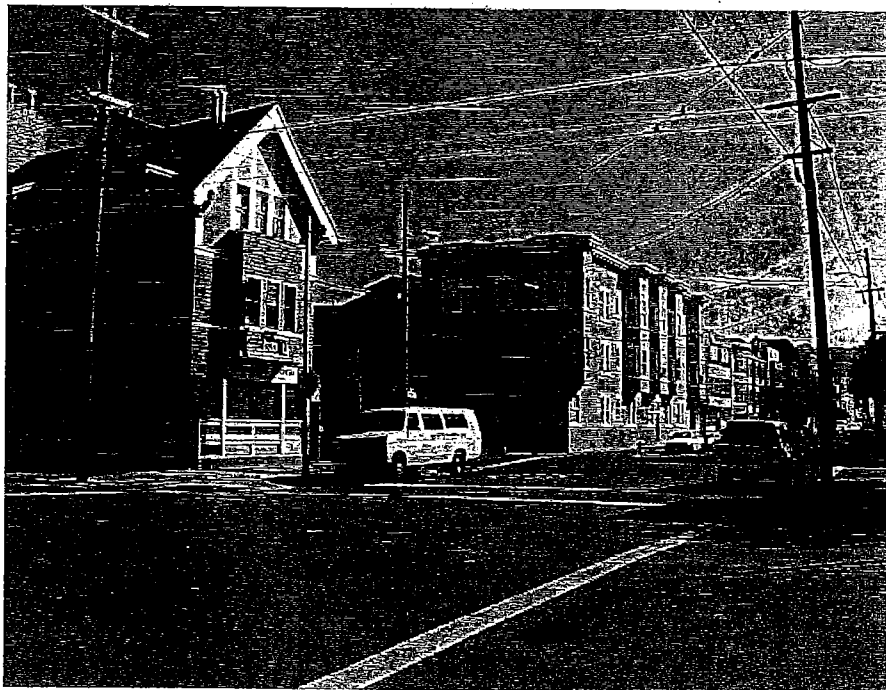
Looking north on 5<sup>th</sup> Avenue at the westerly blockface



Looking west on California Street from 5<sup>th</sup> Avenue at the southerly blockface



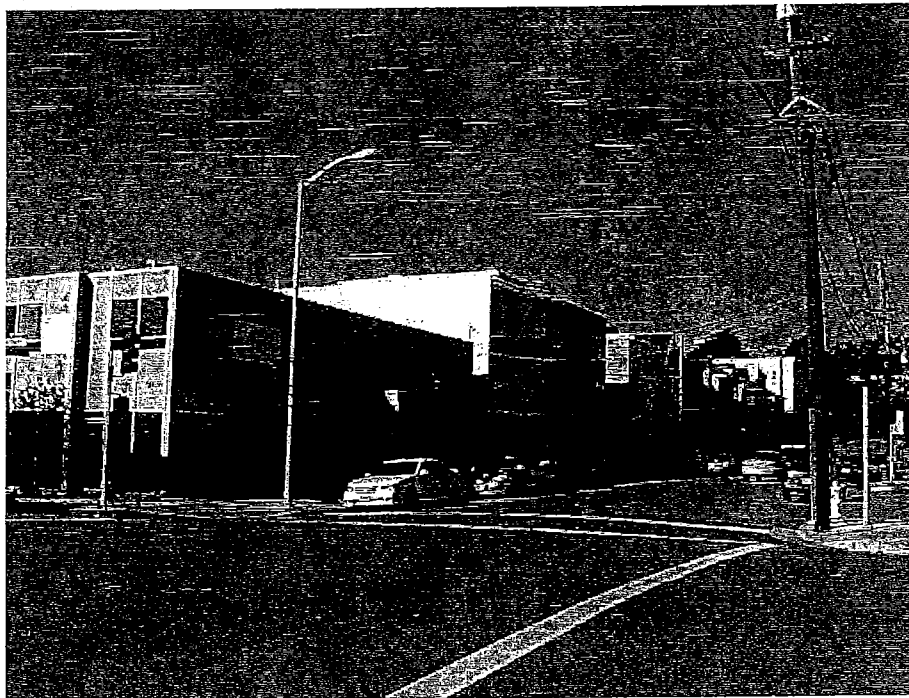
Looking east on California Street from 5<sup>th</sup> Avenue at the southerly blockface



Looking south on 5<sup>th</sup> Avenue at the easterly blockface



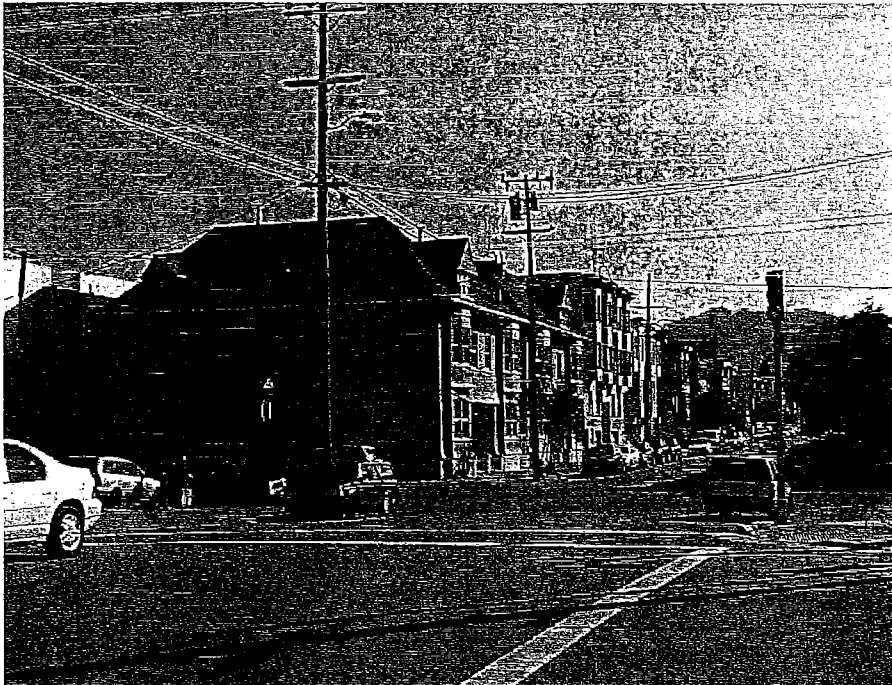
Looking south on 5<sup>th</sup> Avenue at the westerly blockface



Looking north on 4<sup>th</sup> Avenue at the westerly blockface



Looking north down 4<sup>th</sup> Avenue at the easterly blockface



Looking south on 4<sup>th</sup> Avenue at the easterly blockface

Existing

existing AT&T antennas to be removed



at&t

CC4032

Dental Building

4216 California Street  
San Francisco, CA 94118

Proposed

proposed AT&T antenna sectors B & C behind RF-transparent screen



Prepared by: 11.21.2012  
**WW** WW Design & Consulting, Inc.  
1654 Candellero Court  
Walnut Creek, CA 94598  
info@photoslrns.com

Photomulation of the proposed telecommunication facility as seen looking east along California Street

# Existing

Existing AT&T antennas to be removed



at&t

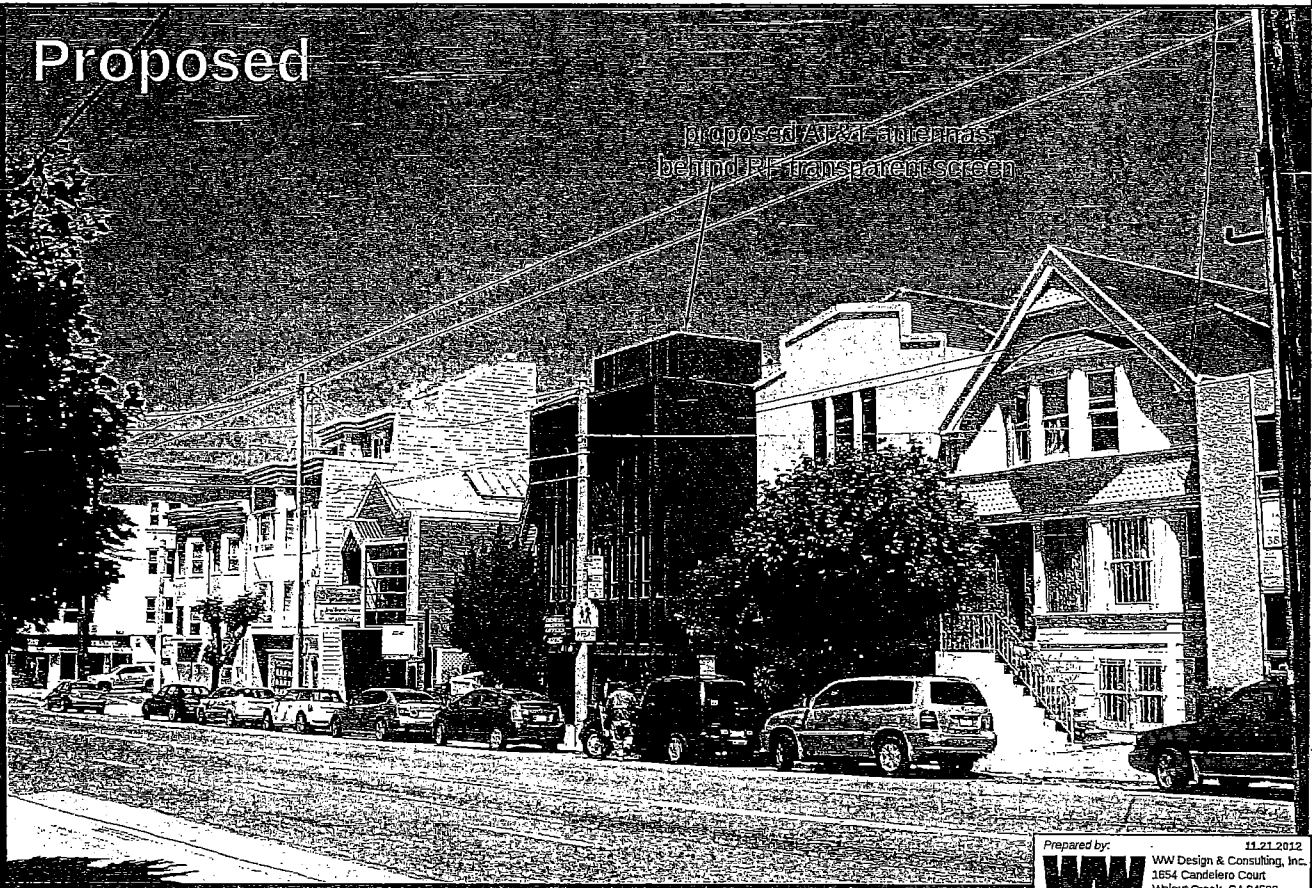
CC4032

Dental Building

4216 California Street  
San Francisco, CA 94118

# Proposed

Proposed AT&T antennas  
behind RF transparent screen



Prepared by: **WW** 11.21.2012  
WW Design & Consulting, Inc.  
1654 Candellero Court  
Walnut Creek, CA 94598  
info@photosims.com

Photosimulation of the proposed telecommunication facility as seen looking west along California Street

AT&T Mobility Conditional Use Permit Application  
4216 California Street, San Francisco

STATEMENT OF MICHAEL CANIGLIA

I am AT&T's radio frequency manager with respect to the proposed wireless communications facility at 4216 California Street, San Francisco (the "Property"). Based on my personal knowledge of the Property and with AT&T's wireless network, as well as my review of AT&T's records with respect to the Property and its wireless telecommunications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a significant service coverage gap in the area roughly bordered by Lake and Clement Streets, 7<sup>th</sup> and 2<sup>nd</sup> Avenues.

The service coverage gap is caused by obsolete or inadequate (or, in the case of 4G LTE, non-existent) infrastructure along with increased use of wireless broadband services in the area. As explained further in Exhibit I, AT&T's existing facilities cannot adequately serve its customers in the desired area of coverage, let alone address rapidly increasing data usage. Although there is reasonable 3G outdoor signal strength in the area, 3G coverage indoors may be weak and the quality of 3G service overall is unacceptable, particularly during high usage periods of the day. Moreover, 4G LTE service coverage has not yet been deployed in this area.

AT&T uses Signal-to-Noise information to identify the areas in its network where capacity restraints limit service. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. Signal-to-Noise information measures the difference between the signal strength and the noise floor within a radio frequency channel, which, in turn, provides a measurement of service quality in an area. Although the signal level may be adequate by itself, the noise level fluctuates with usage due to the nature of the 3G technology and at certain levels of usage the noise level rises to a point where the signal-to-noise ratio is not adequate to maintain a satisfactory level of service. In other words, while the signal itself fluctuates as a function of distance of the user from the base station, the noise level fluctuates with the level of usage on the network on all mobiles and base stations in the vicinity. Signal-to-Noise information identifies where the radio frequency channel is usable; as noise increases during high usage periods, the range of the radio frequency channel declines causing the service coverage area for the cell to contract.



Exhibit 2 to this Statement is a map of existing service coverage (without the proposed installation at the Property) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas within a Signal-to-Noise range that provide acceptable service coverage even during high demand periods. Thus, based upon current usage, customers are able to initiate and complete voice or data calls either outdoors or most indoor areas at any time of the day, independent of the number of users on the network. The yellow shaded cross-hatched areas depict areas within a Signal-to-Noise range that results in a service coverage gap during high demand periods. In this area, severe service interruptions occur during periods of high usage, but reliable and uninterrupted service may be available during low demand periods. The pink shading depicts areas within a Signal-to-Noise range in which a customer might have difficulty receiving a consistently acceptable level of service at any time, day or night, not just during high demand periods. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Under AT&T's wireless customer service standards, any area in the pink or yellow cross-hatched category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 3 to this Statement depicts the current actual voice and data traffic in the immediate area. As you can see from the exhibit, the traffic fluctuates at different times of the day. In actuality, the service coverage footprint is constantly changing; wireless engineers call it "cell breathing" and during high usage periods, as depicted in the chart, the service coverage gap increases substantially. The time periods in which the existing surrounding cell sites experience highest usage conditions (as depicted in the yellow shaded cross-hatched area in Exhibit 2) are significant. Based upon my review of the maps, the Signal-to-Noise information, and the actual voice and data traffic in this area, it is my opinion that the service coverage gap shown in Exhibit 2 is significant.

Exhibit 4 to this Statement is a map that predicts service coverage based on Signal-to-Noise information in the vicinity of the Property if antennas are placed as proposed in the application. As shown by this map, placement of the equipment at the Property closes the significant 3G service coverage gap.

In addition to these 3G wireless service gap issues; AT&T is in the process of deploying its 4G LTE service in San Francisco with the goal of providing the most advanced personal wireless experience available to residents of the City. AT&T holds a license with the FCC and has a responsibility to utilize this spectrum to provide personal wireless services in the City. 4G LTE is capable of delivering speeds

up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience. This is particularly important in San Francisco because of the likely high penetration of the new 4G LTE iPad and other LTE devices.

Exhibit 5 is a map that depicts 4G LTE service in the area surrounding the Property, and it shows a significant 4G LTE service gap in the area. After the upgrades, Exhibit 6 shows that 4G LTE service is available both indoors and outdoors in the targeted service area. This is important in part because as existing customers migrate to 4G LTE, the LTE technology will provide the added benefit of reducing 3G data traffic, which currently contributes to the significant service coverage gap on the UMTS (3G) network during peak usage periods as shown in Exhibit 2.

In order to close the 4G LTE service coverage gap shown in Exhibit 5 and provide the benefits associated with 4G LTE personal wireless service, it is necessary to include 4G LTE-specific antennas to the proposed site. Exhibit 6 shows that the work subject to this application closes the gap.

I have a Master's degree in Business Administration, a Bachelor's degree in Electrical Engineering and an Associate's degree in Electronic Communication Technology. I have worked as an engineering expert in the Wireless Communications Industry for over 20 years.

Michael Caniglia



6 February 2013

**AT&T Mobility • Base Station No. SF2325  
4216 California Street • San Francisco, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate proposed modifications to its existing base station (Site No. SF2325) located at 4216 California Street in San Francisco, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

**Background**

The San Francisco Department of Public Health has adopted a 10-point checklist for determining compliance of proposed WTS facilities or proposed modifications to such facilities with prevailing safety standards. The acceptable limits set by the FCC for exposures of unlimited duration are:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5-80,000 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.35	0.47
[most restrictive frequency range]	30-300	1.00	0.20

The site was visited by Mr. Robert H. Taylor, a qualified field technician employed by Hammett & Edison, Inc., during normal business hours on May 4, 2010, a non-holiday weekday, and reference has been made to information provided by AT&T, including zoning drawings by Streamline Engineering and Design, Inc., dated October 19, 2010.

**Checklist**

*1. The location of all existing antennas and facilities at site. Existing RF levels.*

There was observed an omnidirectional antenna at each of the two front corners of the three-story office building located at 4216 California Street. There were observed no other wireless telecommunications base stations installed at the site. Existing RF levels for a person at ground near the site were less than 1% of the most restrictive public exposure limit.

*2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from approved antennas.*

No other WTS facilities are reported to be approved for this site but not installed.

AT&T Mobility • Base Station No. SF2325  
4216 California Street • San Francisco, California

3. The number and types of WTS within 100 feet of proposed site and estimates of additive EMR emissions at proposed site.

There were no other WTS facilities observed within 100 feet of the site.

4. Location (and number) of Applicant's antennas and back-up facilities per building and location (and number) of other WTS at site.

AT&T proposes to remove its existing antennas and to install nine Andrew Model DBXNH-6565A-R2M directional panel antennas above the roof of the building. The antennas would be mounted with up to 6° downtilt at an effective height of about 36 feet above ground, 4 feet above the roof, and would be oriented in groups of three toward 0°T, on short poles above the roof at the back of the building, and toward 150°T and 220°T, behind a view screen to be constructed at the front of the building.

5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to application.

The expected operating power of the AT&T transmitters is reflected in the resulting effective radiated power given in Item 6 below; the transmitters may operate at a power below their maximum rating.

6. Total number of watts per installation and total number of watts for all installations at site.

The maximum effective radiated power proposed by AT&T in any direction is 5,590 watts, representing simultaneous operation at 1,820 watts for AWS, 1,390 watts for PCS, 1,600 watts for cellular, and 780 watts for 700 MHz service.

7. Plot or roof plan showing method of attachment of antennas, directionality of antennas, and height above roof level. Discuss nearby inhabited buildings.

The drawings show the proposed antennas to be installed as described in Item 4 above. There were noted no buildings of similar height nearby.

8. Estimated ambient RF levels for proposed site and identify three-dimensional perimeter where exposure standards are exceeded.

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed AT&T operation by itself is calculated to be 0.023 mW/cm<sup>2</sup>, which is 4.3% of the applicable public exposure limit. Ambient RF levels at the site are therefore estimated to be less than 5% of the limit. The three-dimensional perimeter of RF levels equal to the public exposure limit is calculated to extend up to 53 feet out from the antenna faces and to much lesser distances above, below, and to the sides; this reaches areas of the roof but does not reach any publicly accessible areas.

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4216 California Street • San Francisco, California

9. Describe proposed signage at site.

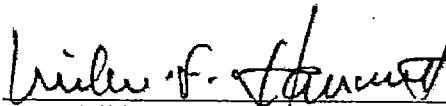
Due to their mounting locations, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 14 feet directly in front of the antennas themselves, such as might occur during maintenance work on the roof, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Marking "exclusion areas" with yellow striping out to the edge of the roof in front of the antennas and posting explanatory warning signs\* at the roof access ladder and on the screens in front of the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

10. Statement of authorship.

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

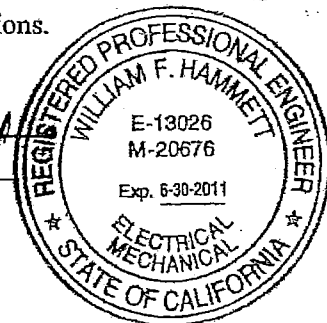
**Conclusion**

Based on the information and analysis above, it is the undersigned's professional opinion that the proposed operation of AT&T Mobility base station located at 4216 California Street in San Francisco, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Marking roof areas and posting explanatory signs is recommended to establish compliance with occupational exposure limitations.



William F. Hammett, P.E.

707/996-5200



October 26, 2010

\* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter; the San Francisco Department of Public Health recommends that all signs be written in English, Spanish, and Chinese.

HAMMETT & EDISON, INC.  
CONSULTING ENGINEERS  
SAN FRANCISCO

AT5504599  
Page 3 of 3



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

Edwin M. Lee, Mayor  
 Barbara A. Garcia, MPA, Director of Health  
 Rajiv Bhatia, MD, MPH, Director of EH

Review of Cellular Antenna Site Proposals

Project Sponsor : AT&T Wireless Planner: Omar Masry  
 RF Engineer Consultant: Hammett and Edison Phone Number: (707) 996-5200  
 Project Address/Location: 4216 California St  
 Site ID: 1291 SiteNo.: SF2325

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)  
 Existing Antennas    No Existing Antennas: 2
- 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)  
 Yes     No
- 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)  
 Yes     No
- 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)  
 Maximum Power Rating: 9820 watts.
- 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).  
 Maximum Effective Radiant: 9820 watts.
- 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  $\mu\text{w}/\text{cm}^2$ )  
 Maximum RF Exposure: 0.057  $\text{mW}/\text{cm}^2$     Maximum RF Exposure Percent: 6.2
- 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.  
 Public Exclusion Area    Public Exclusion In Feet: 66  
 Occupational Exclusion Area    Occupational Exclusion In Feet: 20

X 10. Statement on who produced this report and qualifications.

X **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 2 antennas operated by AT&T Wireless installed on the roof top of the building at 4216 California Street. Existing RF levels at ground level were around 1% of the FCC public exposure limit. There were observed no other antennas within 100 feet of this site. AT&T Wireless proposes to remove the existing antennas and install 9 new antennas. The antennas will be mounted at a height of 34 feet above the ground. The estimated ambient RF field from the proposed AT&T Wireless transmitters at ground level is calculated to be 0.057 mW/sq cm., which is 6.2 % of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 66 feet and includes portions of the rooftop area. Post installation measurements should be taken in order to ensure that the RF levels equal to the public exposure limit are not exceeded for the neighbors on California Street (4214 and 4218). Warning signs must be posted at the antennas and roof access points in English, Spanish and Chinese. Worker should not have access to within 20 feet of the front of the antennas while they are in operation. Red striping should be placed on the rooftop to designate prohibited access areas and yellow striping for the worker notification zones.

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

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

Signed:



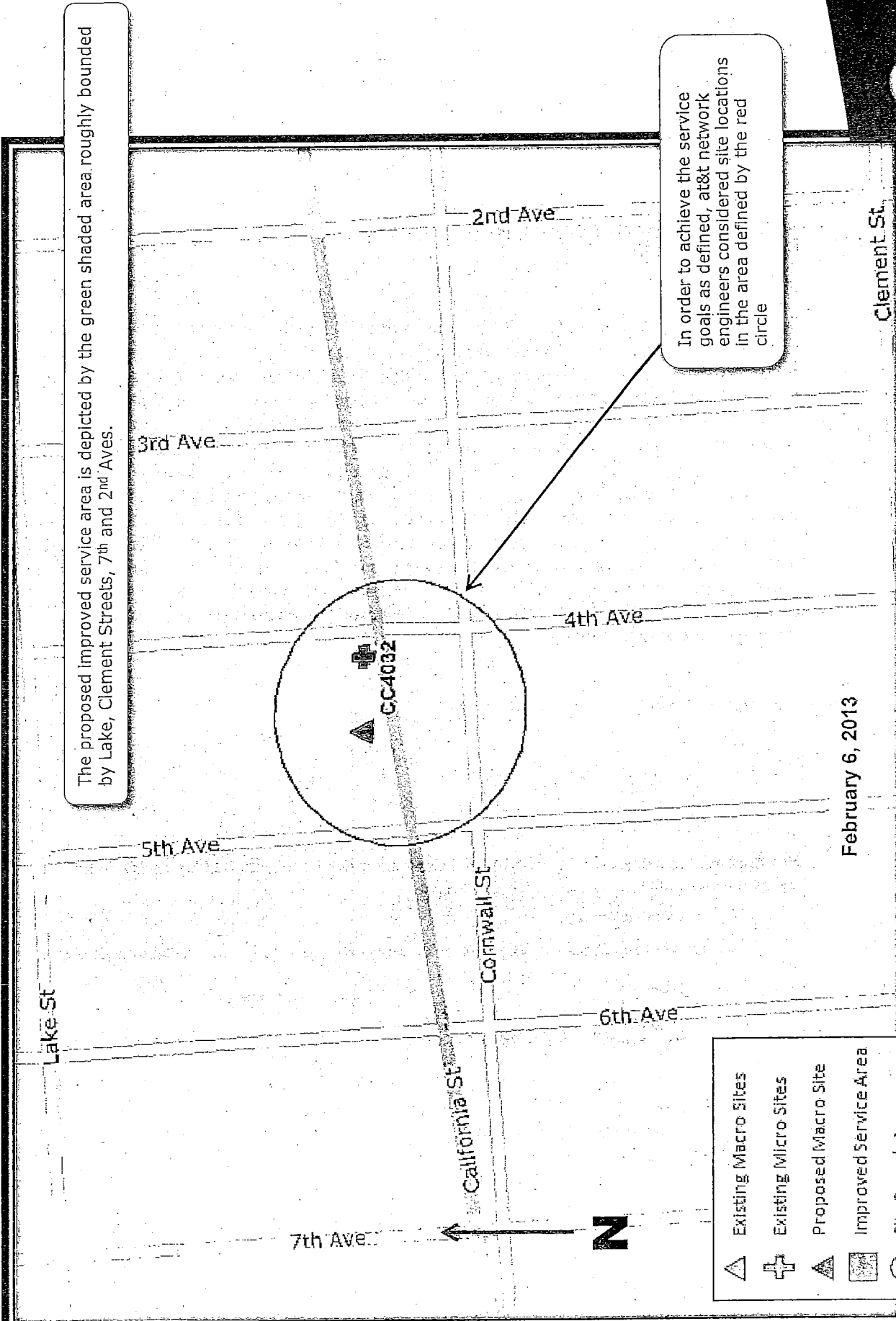
Dated: 4/25/2013

Patrick Fosdahl

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

# Service Improvement Objective (CC4032)

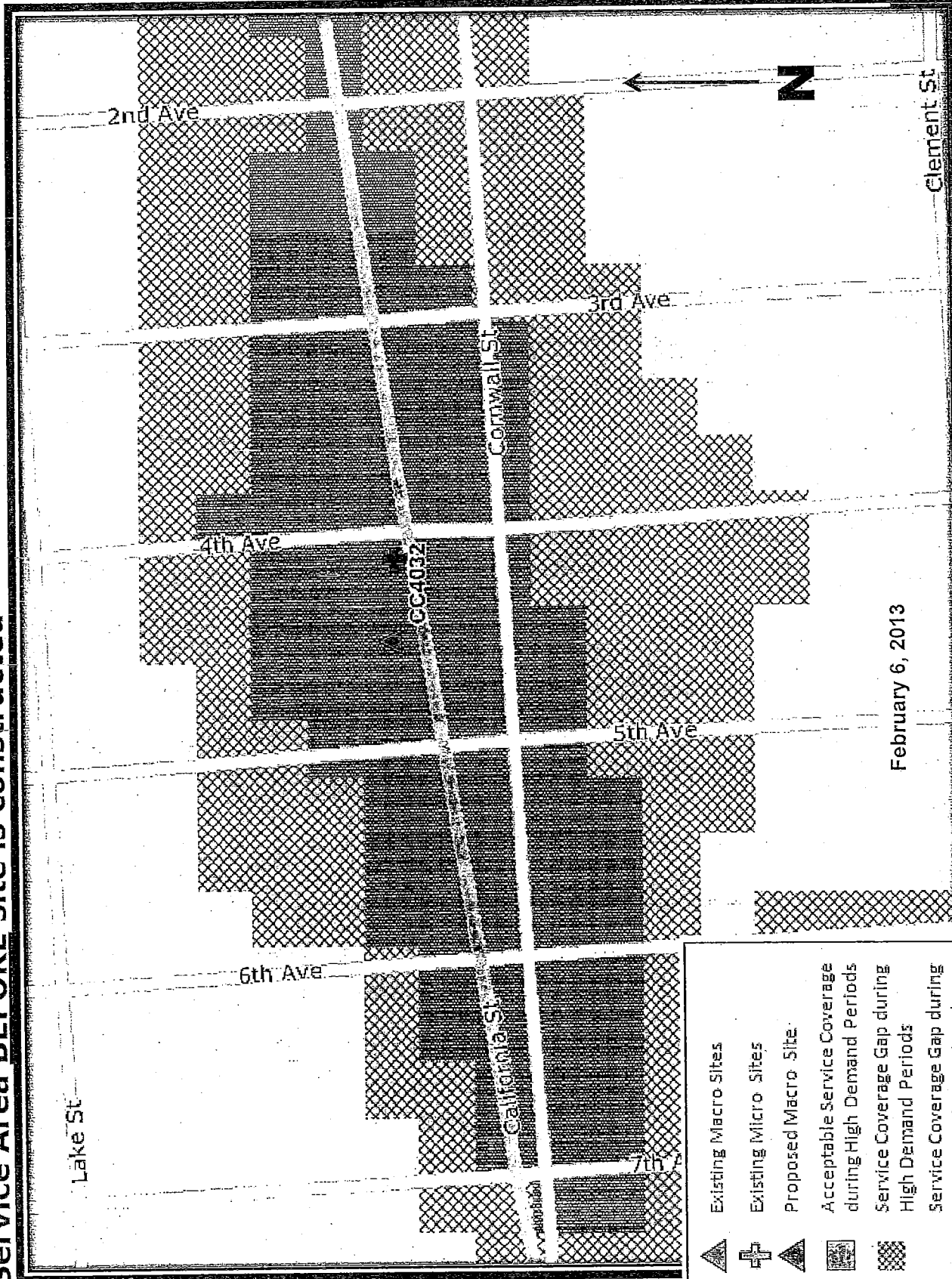
4216 California Street





# Exhibit 2 - Proposed Site at 4216 California (CC4032)

Service Area BEFORE site is constructed

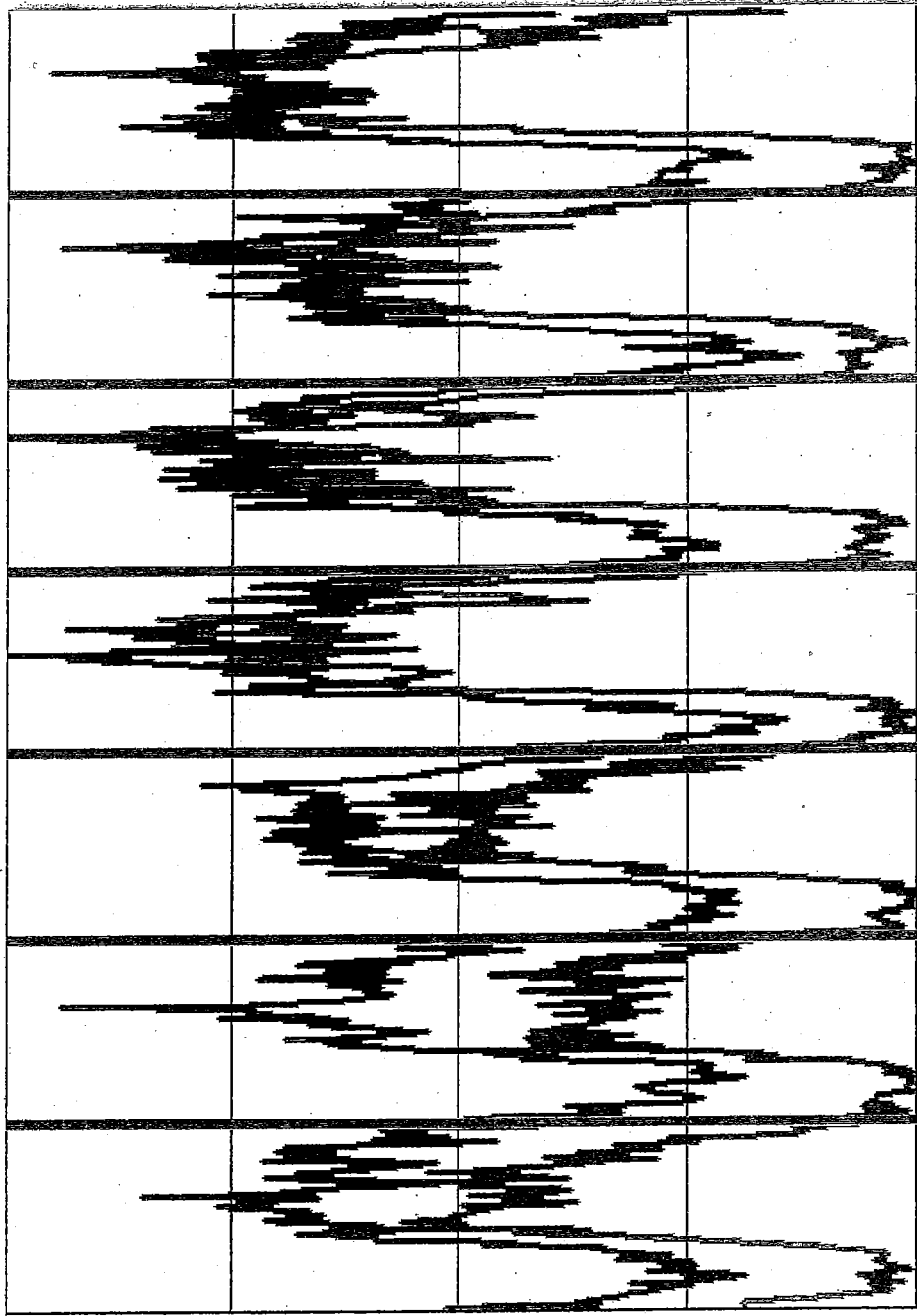


February 6, 2013



# Exhibit 3 - Current 7-Day Traffic Profile for the Location of CC4032

— Data Traffic  
— Voice Traffic



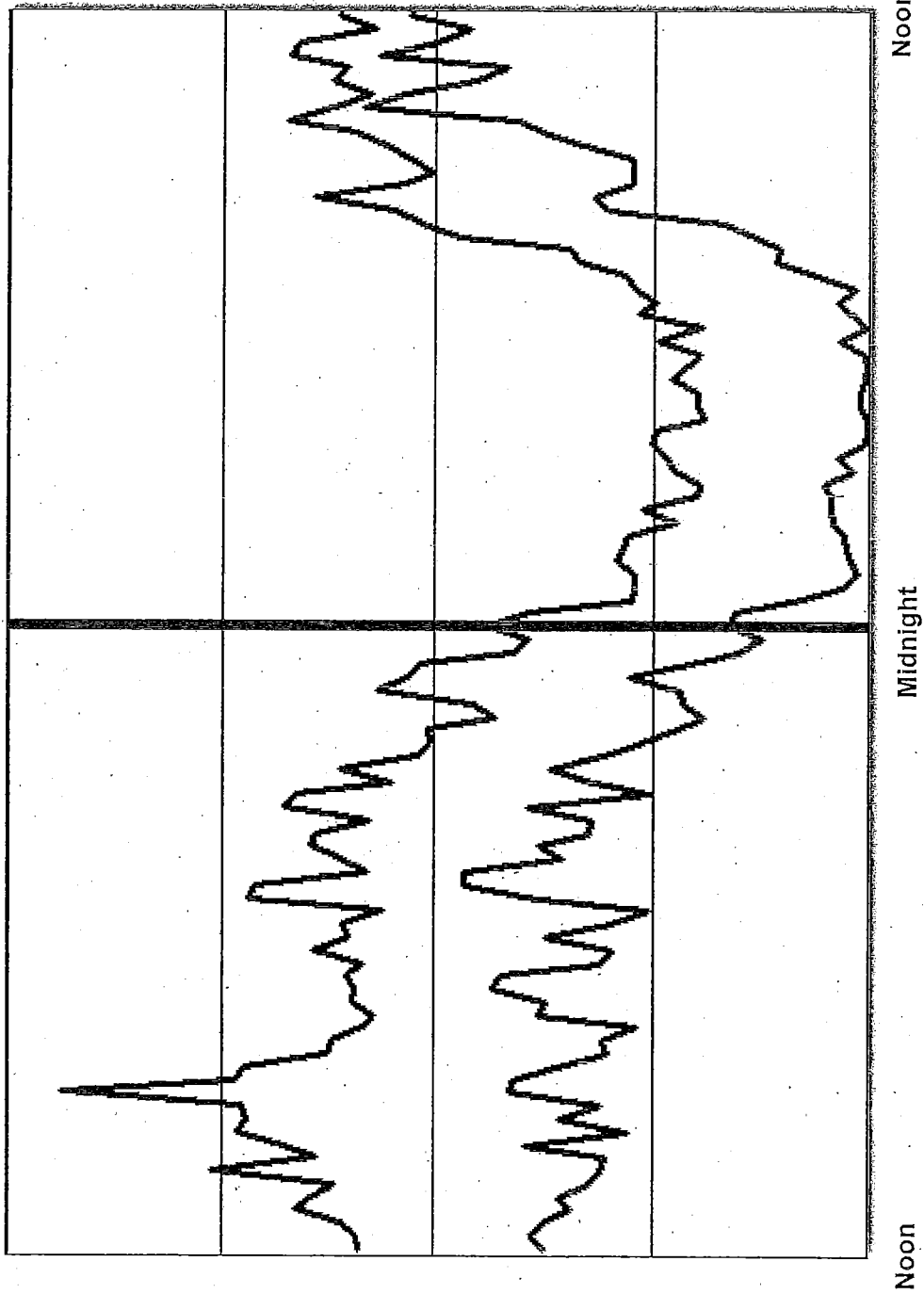
Friday

Saturday



# Exhibit 3 - Current 24-Hour Traffic Profile for the Location of CC4032

— Data Traffic  
— Voice Traffic



Noon

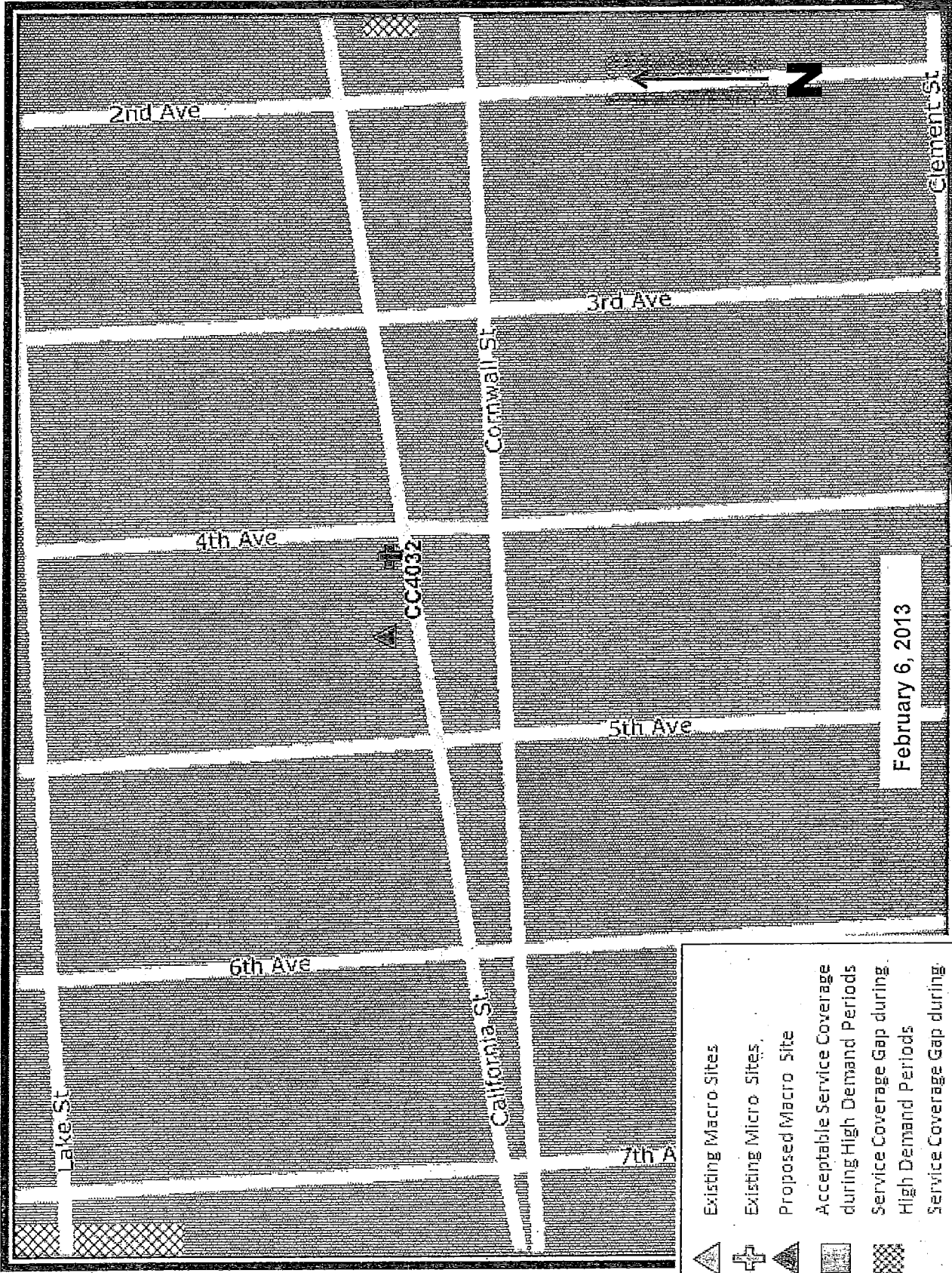
Midnight

Noon



# Exhibit 4 - Proposed Site at 4216 California (CC4032)

Service Area AFTER site is constructed



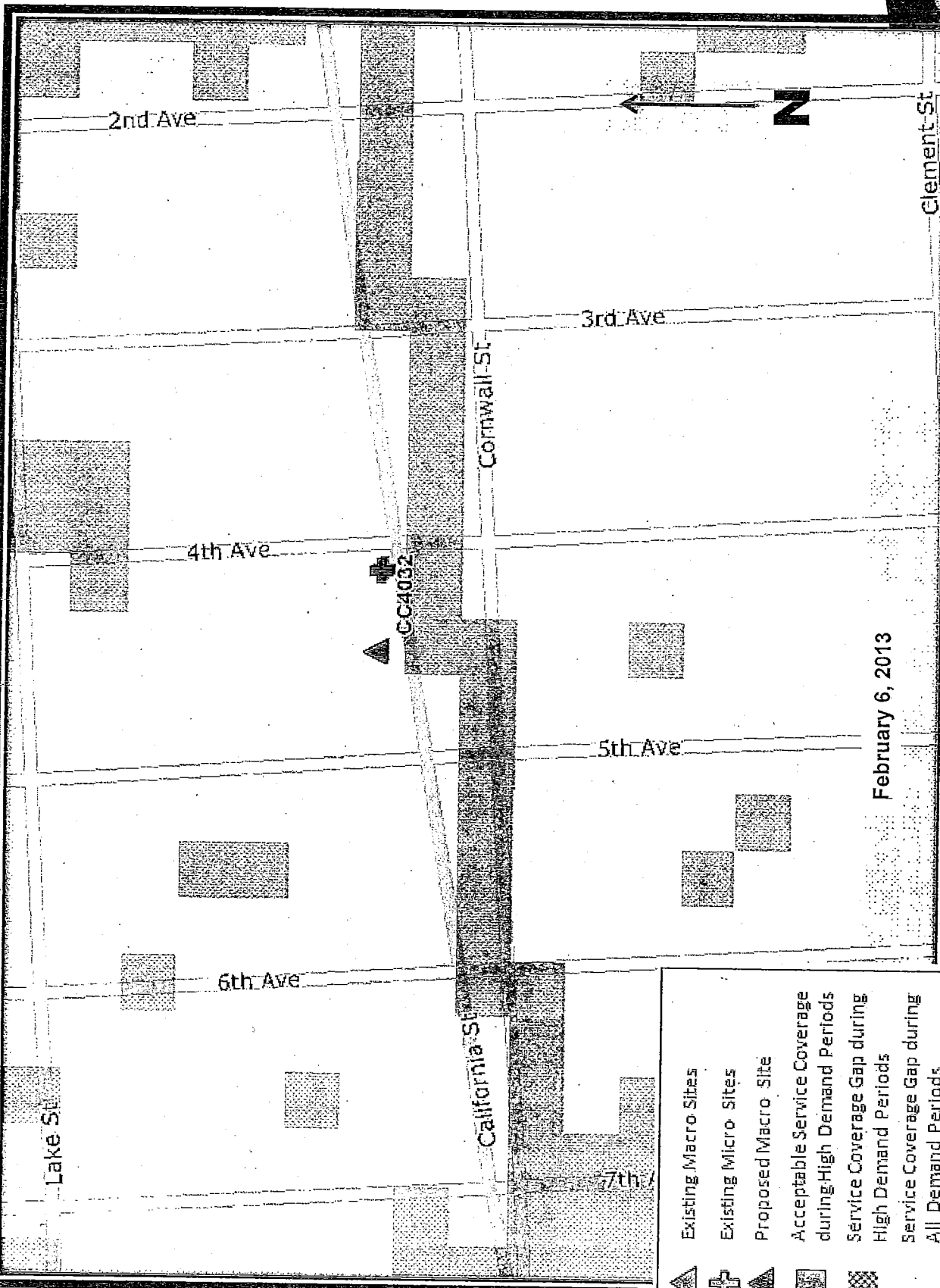
	Existing Macro Sites
	Existing Micro Sites
	Proposed Macro Site
	Acceptable Service Coverage during High Demand Periods
	Service Coverage Gap during High Demand Periods
	Service Coverage Gap during All Demand Periods

February 6, 2013



# Exhibit 5 - Proposed Site at 4216 California (CC4032)

4G LTE Service Area BEFORE site is constructed



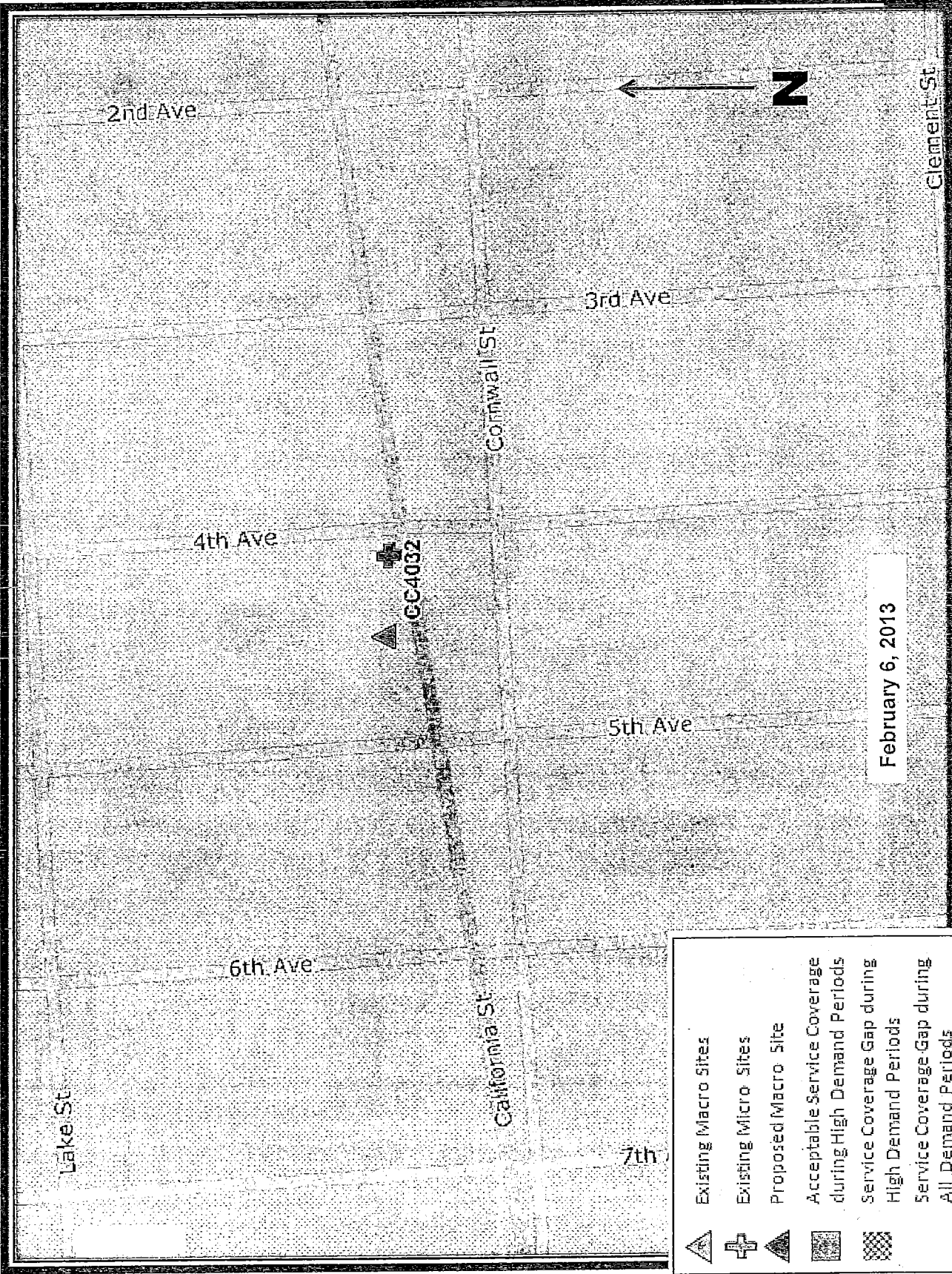
	Existing Macro Sites
	Existing Micro Sites
	Proposed Macro Site
	Acceptable Service Coverage during High Demand Periods
	Service Coverage Gap during High Demand Periods
	Service Coverage Gap during All Demand Periods

February 6, 2013



# Exhibit 6 - Proposed Site at 4216 California (CC4032)

4G LTE Service Area AFTER site is constructed

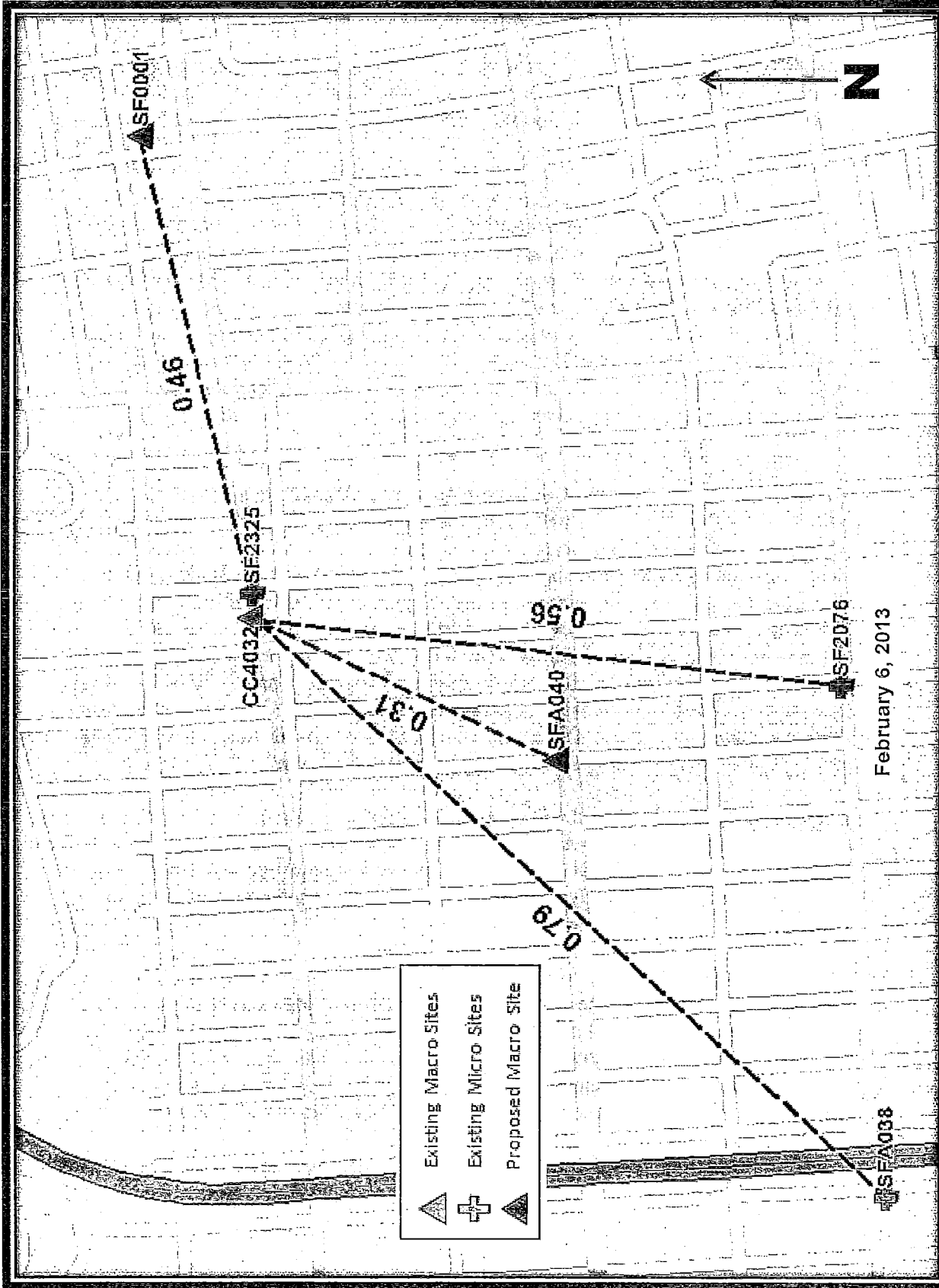


February 6, 2013



# Existing Surrounding Sites at 4216 California

CC4032



February 6, 2013



## **C. Location Preference**

### **Location Preference**

The subject property is located within the NC-1 zoning district. According to the City and County of San Francisco's Wireless Telecommunications Services Facilities Siting Guidelines, dated August 15, 1996 the subject facility is considered to be a Preference 6 location.

Preference Level 6 locations are defined as follows: *Buildings located in the following zoning districts are Limited Preference Sites: Individual Neighborhood Commercial Districts (NCDs), 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.*

### **Site Justification**

The subject proposal consists of upgrading the existing AT&T micro wireless telecommunication facility located on the subject building. The subject building is a wholly commercial building located in a small mixed residential and commercial area along California Street. This mixed-use portion of California Street offers several buildings with ground floor commercial uses and residential uses above. With exception to a small number of parcels along California Street within the NC-1 (Residential Commercial Cluster District) zoning district, the surrounding parcels are within the RH-2 (Residential House, Two-Family), RH-3 (Residential House, Three-Family) and RM-1 (Residential Mixed, Low Density) zoning districts. RH-2, RH-3 and RM-1 are considered Disfavored sites under the WTS guidelines. The NC-1 zoning district is limited to the parcels along California Street between 4<sup>th</sup> Avenue and 7<sup>th</sup> Avenue.

The subject building is located within the defined search area and would provide the height necessary to meet the service improvement objective. As a wholly commercial building in a highly residential neighborhood and a location where wireless telecommunication has already been established as use, the subject site is the best available location within the search area.

### **Alternative Site Locations**

In order to achieve the service goals as previously defined, at&t network engineers considered site locations in the area defined by the search ring in the previously attached Service Improvement Objective map. The proposed improved service area is roughly bounded by Lake and Clement Streets, 3<sup>rd</sup> and 7<sup>th</sup> Avenues. In order to provide service to this area, a centrally located search area along California Street was established.

The area within the search ring is primarily comprised of two- and four-story residential use buildings in the RH-2, RH-3 and RM-1 zoning districts within some mixed-use



commercial properties along California Street within in the NC-1 zoning district. The area offers few wholly commercial or publicly used buildings, which limits the number of Preferred Locations within the established service area. The blocks along California Street offer the typically larger corner buildings, most of which are mixed-use with ground floor commercial storefronts and residential uses on the upper floors. Below is a list of the alternative site locations evaluated by the at&t network engineers and site acquisition team.

**Alternative Site Location #1  
251 6<sup>th</sup> Avenue**



The nearest P (Public) zoning district is located approximately 3 blocks to the southwest of the subject property and is occupied by George Peabody Elementary School. This building was evaluated as a potential location because it is considered a Preference 1 location under the WTS guidelines as a publicly-used structure. However, this building is located outside the defined search area and does not provide the height necessary for a direct line-of-sight to the defined service area. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility. Therefore this candidate was determined to not be a viable candidate.

**Alternative Site Location #2  
4263 California Street**



The building at 4263 California Street is a wholly commercial building located across California Street from the subject property. This parcel is within the NC-1 zoning district and therefore considered a Preference 6 location. The building's architecture (steeply pitched roof, narrow frame) does not provide an opportunity to incorporate the proposed wireless communication facility with minimal visual impact. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility. Therefore it was determined that this building was not the most suitable candidate within the defined search area.

Alternative Site Location #3  
195 5<sup>th</sup> Avenue



The building at 195 5<sup>th</sup> Avenue is a wholly commercial building located to the southwest of the subject property. The parcel is located within the NC-1 zoning district and therefore considered to be a Preference 6 location. The building is relatively smaller than the other buildings in the neighborhood and is partially blocked to the north, east and south by taller buildings. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility; therefore it was determined that this building was not the most suitable candidate within the defined search area.

**Alternative Site Location #4  
300 Lake Street**



The building at 300 Lake Street is occupied by St. Anne's Home (nursing home). This parcel is located within the RH-2 zoning district. This building was evaluated as a potential location because it is considered a Preference 1 location under the WTS guidelines as a health center and therefore a publicly-used structure. However, this building is located outside the defined search area to the north and does not provide the height necessary for a direct line-of-sight to the south and west portion of the defined service area. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility. Therefore this candidate was determined to not be a viable candidate.

Alternative Site Location #5  
191 5<sup>th</sup> Avenue



The building at 191 5<sup>th</sup> Avenue is a mixed use residential and commercial building in the NC-1 zoning district and is therefore considered to be a Preference 6 location under the WTS guidelines. This building is located within the defined search area and appears to be of sufficient height to provide the necessary line-of-sight to the service area to meet the service objective. However, due to the residential component it was determined that this was not the most suitable candidate within the search area. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility. Therefore this candidate was determined to not be a viable candidate.

Alternative Site Location #6  
196 6<sup>th</sup> Avenue



The building at 191 5<sup>th</sup> Avenue is a mixed-use residential and commercial building in the NC-1 zoning district and is therefore considered to be a Preference 6 location under the WTS guidelines. This building was evaluated for its potential to meet the service objective because of its height and its location on the corner of California Street and 6<sup>th</sup> Avenue. However, it is located outside of the defined search ring to the west. In addition, this building has residential uses on the upper floors where a wireless telecommunication facility on a wholly commercial building is feasible. In addition, an important objective of the proposed project is to upgrade the existing micro facility at the existing location where wireless telecommunication has already been established as a use. This location does not provide at&t the opportunity to upgrade its existing micro facility. Therefore, it was determined that this was not the most suitable candidate.

## NOTICE OF NEIGHBORHOOD MEETING

To: Community Groups, Neighbors & Owners within 500' radius of 4216 California Street

### Meeting Information

Date: February 9, 2011  
Time: 6:30 p.m.  
Where: San Francisco Public Library  
Richmond Branch  
351 9<sup>th</sup> Street  
San Francisco, CA 94118

### Site Information

Address: 4216 California Street  
Block/Lot 1364 / 019  
Zoning: NC-1

Applicant  
AT&T Mobility

Contact Information  
AT&T Mobility Hotline  
(415) 646-0972

AT&T Mobility is proposing to upgrade an existing wireless communication facility at 4216 California Street, needed by AT&T Mobility as part of its San Francisco wireless network. The proposed AT&T Mobility site is an unmanned facility consisting of removing the existing AT&T Mobility facility and installing nine (9) panel antennas placed on the roof behind new radio frequency transparent screen walls painted and textured to match the building. The equipment will be located within the building on the ground floor. Plans and photo simulations will be available for your review at the meeting. You are invited to attend an informational community meeting located at The San Francisco Public Library, Richmond Branch, 351 9<sup>th</sup> Avenue on February 9, 2011 at 6:30 p.m. to learn more about the project.

If you have any questions regarding the proposal and are unable to attend the meeting, please contact the AT&T Mobility Hotline at (415) 646-0972 and an AT&T Mobility specialist will return your call. Please contact Sara Velve, project planner with the San Francisco Department of City Planning at (415) 558-6263 if you have any questions regarding the planning process.

**NOTE: If you require an interpreter to be present at the meeting, please contact our office at (415) 646-0972 no later than 5:00pm on Monday February 7, 2011 and we will make every effort to provide you with an interpreter.**

## NOTIFICACIÓN DE REUNIÓN DE VECINDARIO

Para: Grupos comunitarios, vecinos y propietarios dentro de un radio de 500' de 4216 California Street

### Información de la reunión

Fecha: 9 de febrero de 2011  
Hora: 6:30 p.m.  
Dónde: San Francisco Public Library  
Richmond Branch  
351 9<sup>th</sup> Street  
San Francisco, CA 94118

### Información del lugar

Dirección: 4216 California Street  
Cuadra/Lote 1364 / 019  
Zonificación: NC-1

Solicitante  
AT&T Mobility

Información de contacto  
Línea directa de AT&T Mobility  
(415) 646-0972

AT&T Mobility propone una actualización de la instalación de comunicaciones inalámbricas actual en 4216 California Street necesaria para AT&T Mobility como parte de su red inalámbrica en San Francisco. La ubicación propuesta de AT&T Mobility es una instalación sin personal que consta de la remoción de una instalación actual de AT&T Mobility y de la instalación de nueve (9) antenas panel ubicadas en el techo detrás de nuevas paredes de pantalla transparente de radiofrecuencia pintadas y texturadas para que combinen con el edificio. El equipo se ubicará dentro del edificio sobre la planta baja. Habrá planos y fotos disponibles para que usted los revise en la reunión. Se lo invita a asistir a una reunión informativa de la comunidad que se realizará en The San Francisco Public Library, Richmond Branch, 351 9<sup>th</sup> Avenue el 9 de febrero de 2011 a las 6:30 p.m. para tener más información sobre el proyecto.

Si tiene preguntas relacionadas con la propuesta y no puede asistir a la reunión, por favor, llame a la Línea Directa de AT&T Mobility, (415) 646-0972, y un especialista de AT&T Mobility le devolverá el llamado. Por favor, contacte a Sara Velve, planificadora de proyecto, en el Departamento de Planificación de la Ciudad de San Francisco al (415) 558-6263 si tiene alguna pregunta relacionada con el proceso de planificación.

**NOTA: Si necesita que un intérprete esté presente en la reunión, por favor, contacte a nuestra oficina al (415) 646-0972 el lunes 7 de febrero de 2011 antes de las 5:00 p.m., y haremos todos lo posible para proporcionarle un intérprete.**

## 社區會議通知

致: California 街 4216 號周圍五百英尺內的社區組織、居民和業主

### 會議資訊

日期: 2011 年 2 月 9 日  
時間: 下午 6:30  
地點: 加利福尼亞州三藩市 9 號街  
351 號三藩市公共圖書館 Richmond 分館 (郵編 94118)

### 設施地點資訊

地址: California 街 4216 號  
街區 / 地段: 1364/019  
分區: NC-1

### 申請公司

AT&T Mobility

### 聯繫資訊

AT&T Mobility 公司熱線電話  
(415) 646-0972

AT&T Mobility 公司計畫升級位於 California 街 4216 號的一座現有的無線通訊設施, 作為 AT&T Mobility 公司在三藩市無線網路的一部分。計畫中的 AT&T Mobility 設施為無人操作設施。整個工程需要拆除現有的 AT&T Mobility 設施, 另外在樓頂上新的透明射頻圍牆後面放置九 (9) 根平板天線, 這道新圍牆的粉刷和構造將與建築保持一致。設備將被放置在該建築的底層。我們在會上將提供計畫書和類比圖片供您參考。我們誠意邀請您參加定於 2011 年 2 月 9 日下午 6:30 在 9 號街 351 號的三藩市公共圖書館 Richmond 分館召開的社區通氣會, 以便您瞭解有關本專案的更多資訊。

如果您對該計畫有任何疑問, 但是無法出席這次會議, 請撥打 AT&T Mobility 公司熱線電話 (415) 646-0972, AT&T Mobility 公司的一位專業人員將會回復您的電話。如果您對本規劃程式有任何疑問, 請致電 (415) 558-6263 與三藩市城市規劃署的項目計畫員 Sara Velve 聯繫。

**注意: 如果您需要一名翻譯陪同您出席會議, 請在不晚於 2011 年 2 月 7 日下午 5 點前致電 (415) 646-0972 與本辦公室聯繫, 我們將盡力為您配備一名翻譯。**





February 11, 2011

Sara Vellve, Planner  
San Francisco Department of Planning  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Re: File No: 2010.1034C Community Meeting for proposed AT&T Mobility facility  
4216 California Street

Dear Sara,

On February 9, 2011, AT&T mobility conducted a community meeting regarding the proposed wireless facility at 4216 California Street. The attached notification announced the community presentation was to be held at the San Francisco Public Library, Richmond Branch at 351 9<sup>th</sup> Avenue at 6:30 p.m. Notice of the presentation was mailed out on January 27, 2011 to 721 owners and tenants within 500 feet of the proposed installation and 8 neighborhood organizations.

I conducted the meeting on behalf of AT&T Mobility as the project sponsor along with Tedi Vriheas of AT&T's External Affairs. AT&T Mobility invited Bill Hammett, a State of California licensed professional engineer of Hammett and Edison, Inc. Mr. Hammett answered the community's EMF emissions questions. Approximately twelve (12) members of the community attended the meeting, asking various questions about the facility and the perceived impact of EMF emissions the proposed facility would have. A few of those who attended the meeting were supportive of the increased at&t mobility service in the area and others expressed opposition to the proposed facility based on the perceived impact of EMF emissions. A few people expressed surprise that there was already equipment on the building and they were not notified. Questions were asked about other AT&T sites nearby. In addition a comment was made regarding the antenna enclosure potentially blocking views of the Presidio and the inclusion of batteries in the associated equipment.

Please contact me if you have any questions or concerns.

Sincerely,

Amy Million  
KDI Planning  
Representing AT&T Mobility

Attachments:

Community Meeting Notice  
Affidavit  
Neighborhood Groups List  
Community Meeting Sign-up Sheet  
500' Radius List



**HAMMETT & EDISON, INC.**  
 CONSULTING ENGINEERS  
 BROADCAST & WIRELESS

WILLIAM F. HAMMETT, P.E.  
 DANE E. ERICKSEN, P.E.  
 STANLEY SALEK, P.E.  
 ROBERT P. SMITH, JR.  
 RAJAT MATHUR, P.E.  
 ANDREA L. BRIGHT, P.E.  
 KENT A. SWISHER  
 NEIL J. OLJ

ROBERT L. HAMMETT, P.E.  
 1920-2002  
 EDWARD EDISON, P.E.  
 1920-2009

BY E-MAIL OMAR.MASRY@SFGOV.ORG

May 3, 2013

Mr. Omar Masry, AICP  
 Planner  
 SF Planning Department  
 1650 Mission Street, Suite 400  
 San Francisco, California 94103

Dear Omar:

Our firm was selected to conduct the review required by the City of San Francisco of the coverage maps submitted by AT&T Mobility as part of its application package for proposed modifications to its existing base station located at 4216 California Street (Site No. CC4032). This is to fulfill the submittal requirements for Planning Department review.

**Executive Summary**

We concur with the maps, data, and conclusions provided by AT&T. The maps provided to show the before and after conditions accurately represent the carrier's present and post-installation coverage.

There is presently installed an omnidirectional antenna at each of the two front corners of the three-story office building located at 4216 California Street. AT&T proposes to remove its existing antennas and to install nine Andrew directional panel antennas – six Model DBXNH-6565A-R2M and three Model TBXLHB-6565A-R2M – behind view screens above the roof of the subject building. The antennas would be mounted at an effective height of about 34 feet above ground, 3 feet above the roof, and would be oriented in identical groups of three toward 0°T, 150°T, and 220°T. The maximum effective radiated power proposed by AT&T in any direction is 6,320 watts, representing simultaneous operation at 4,540 watts for PCS, 1,000 watts for cellular, and 780 watts for 700 MHz service.

AT&T provided for review two pairs coverage maps, dated February 6, 2013 (as updated), separately showing AT&T's cellular UMTS (850 MHz) and 4G LTE (700 MHz) coverage in the area before the proposed modifications, and dated May 2, 2013, showing coverage in the area after the proposed modifications. Both the before and after UMTS maps show three levels of coverage, which AT&T colors and defines as follows:

- Green                      Acceptable service coverage during high demand periods
- Hashed Yellow          Service coverage gap during high demand periods
- Pink                        Service coverage gap during all demand periods

*e-mail:* bhammett@h-e.com  
*Delivery:* 470 Third Street West • Sonoma, California 95476  
*Telephone:* 707/996-5200 San Francisco • 707/996-5280 Facsimile • 202/396-5200 D.C.

SOR9.1

Mr. Omar Masry, page 2  
May 3, 2013

The 4G LTE maps do not differentiate between demand periods; rather they indicate, with the color blue, locations where 4G service is and would be acceptable.

We undertook a two-step process in our review. As a first step, we obtained information from AT&T on the software and the service thresholds that were used to generate its coverage maps. This carrier uses commercially available software to develop the maps. The thresholds that AT&T uses to determine acceptable coverage are in line with industry standards, similar to the thresholds used by other wireless service providers.

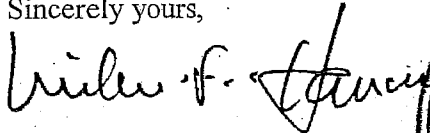
As a second step, we conducted our own drive test to measure the actual AT&T UMTS and 4G LTE signal strength in the vicinity of the proposed site. Our fieldwork was conducted on February 22, 2013, between 4:10 PM and 6:00 PM, during the peak time (10:00 AM to 9:00 PM) for data and voice traffic shown in the 24-hour traffic profile provided by AT&T for this area.

The field measurements were conducted using an Ascom TEMS Pocket network diagnostic tool with built-in GPS along a measurement route selected to cover all the streets within the map area that AT&T had indicated would receive improved service.

Based on the measurement data, we conclude that the UMTS and the 4G LTE AT&T coverage maps showing the service area without the proposed installation accurately represent the carrier's present coverage. The maps submitted to show the after coverage with the proposed modifications to the existing base station were prepared on the same basis as the maps of existing conditions and so are expected to accurately illustrate the improvements in coverage.

We appreciate the opportunity to be of service. Please let us know if any questions arise on this matter.

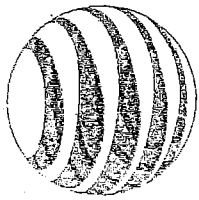
Sincerely yours,



William F. Hammett, P.E.

kj





# at&t

DENTAL BUILDING  
4216 CALIFORNIA ST  
SAN FRANCISCO, CA 94118  
CC4032

DENTAL BUILDING

CC4032  
SAN FRANCISCO, CA 94118

DATE	DESCRIPTION	BY
07/07/14	2D SURV	CM
07/09/14	2D UPG	CM
07/09/14	2D UPG	CM
07/09/14	PERMITS	CM
07/09/14	3D UPG	CM
07/09/14	3D UPG	CM

ISSUE STATUS

DRAWN BY: C. COY

CHECKED BY: C. HANSEN

APPROVED BY: \_\_\_\_\_

DATE: 07/07/14

**Streamline Engineering**  
and Design Inc.  
4444 Serra College Blvd, Suite E, Emeryville, CA 94608  
Eric Hanen, P.E. (949) 466-1941  
E-mail: Eric.Hanen@streamlineeng.com, Fax: (949) 466-1941

REGISTERED PROFESSIONAL ENGINEER  
CIVIL ENGINEERING  
STATE OF CALIFORNIA  
NO. 45874



**at&t**

430 BUSH ST 5TH FLOOR  
SAN FRANCISCO, CA 94108

SHEET TITLE:	
TITLE	
SHEET NUMBER:	T-1

### CODE COMPLIANCE

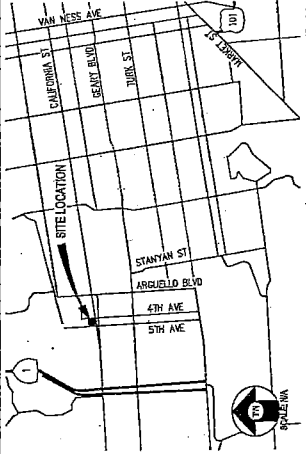
ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- 2010 CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 29)
- 2010 CALIFORNIA BUILDING CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA FIRE CODE
- LOCAL BUILDING CODES
- CITY/COUNTY ORDINANCES
- ANSI/DIN-91A-222-5

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS  
**HANDICAP REQUIREMENTS**

THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, TITLE 24 PART 2, SECTION 10553.3.4.2, EXCEPTION 1.

### VICINITY MAP



### DRIVING DIRECTIONS

FROM: 430 BUSH ST, 5TH FLOOR, SAN FRANCISCO, CA 94108  
TO: 4216 CALIFORNIA ST, SAN FRANCISCO, CA 94118

- START OUT GOING EAST ON BUSH ST TOWARD CLAUDE LN.
- TURN LEFT ONTO MONTGOMERY ST.
- TURN RIGHT ONTO TILKEMEYER ST.
- TURN LEFT ONTO CALIFORNIA ST.

END AT: 4216 CALIFORNIA ST, SAN FRANCISCO, CA 94118

ESTIMATED TIME: 11 MINUTES ESTIMATED DISTANCE: 3.42 MILES

### PROJECT DESCRIPTION

A (P) UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF REMOVING & REPLACING (E) AT&T EQUIPMENT & ADDING (T) (P) IRBS CABINETS AN (E) EQUIPMENT ROOM ON THE GROUND FLOOR. ALSO REMOVING (E) (E) OMNI ANTENNAS & ADDING (P) (P) AT&T ANTENNAS, (24) IRBS'S, & A (P) (P) RIP SCREEN, DESIGN TO MATCH (E) BUILDING.

### PROJECT INFORMATION

SITE NAME:	DENTAL BUILDING	SITE #:	CC4032
COUNTY:	SAN FRANCISCO	JURISDICTION:	CITY OF SAN FRANCISCO
APR:	BLOCK 1064, LOT 019	POWER:	PUBLIC
SITE ADDRESS:	4216 CALIFORNIA ST SAN FRANCISCO, CA 94118	TELEPHONE:	AT&T
CURRENT ZONING:	MC-1		
CONSTRUCTION TYPE:	V-Q, NO SPRINKLERS		
OCCUPANCY TYPE:	U		
HEIGHT / DIKUS:	40'-X		
PROPERTY OWNER:	100% BANK NEW 212 FOMES ST SAN FRANCISCO, CA 94117		
APPLICANT:	AT&T 430 BUSH ST, 5TH FLOOR SAN FRANCISCO, CA 94108		
LEASING CONTACT:	AT&T, COREY ALVIN (415) 760-9763		
ZONING CONTACT:	AT&T, COREY ALVIN (415) 760-9763		
CONSTRUCTION CONTACT:	AT&T, ERICK RIVERA SANCHEZ (415) 281-4725		
LATITUDE:	N 37° 47' 7.57" NAD 83		
LONGITUDE:	W 122° 27' 46.70" NAD 83		
AUS:	4.007		

### APPROVAL

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	-
C-1	TOPOGRAPHIC SURVEY	-
A-1	SITE PLAN	-
A-2	EQUIPMENT PLAN & DETAILS	-
A-3	ANTENNA PLANS	-
A-4	ELEVATIONS	-
A-5	ELEVATIONS	-
A-6	DETAILS	-

### SHEET INDEX

SHEET	DESCRIPTION	REV
RF	RF	-
	LEASING	-
	ZONING	-
	CONSTRUCTION	-
	AT&T	-
	ERICSSON	-

**Streamline Engineering**  
 CONSULTANTS  
 1111 Market Street, Suite 1000  
 San Francisco, CA 94102  
 (415) 774-7410  
 FAX: (415) 774-7411  
 E-MAIL: info@streamlineeng.com

**PROPRIETARY INFORMATION**  
 THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF STREAMLINE ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR DISSEMINATION OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF STREAMLINE ENGINEERING, INC. IS STRICTLY PROHIBITED.

**CAL VADA SURVEYING, INC.**  
 CONSULTANT  
 4111 Market Street, Suite 1000, Emeryville, CA 94608  
 (415) 774-7410  
 FAX: (415) 774-7411  
 E-MAIL: info@calvada.com

**at&t**  
 PREPARED FOR  
 4100 Riverside Drive  
 Philadelphia, California 94108  
 (415) 774-7410

APPROVALS	
DATE	DATE
SAC AND ZONING	DATE
DEVISION CH	DATE
PLAN CH	DATE
OWNER APPROVAL	DATE

PROJECT NAME  
**DENTAL BUILDING**

PROJECT NUMBER  
**572323**

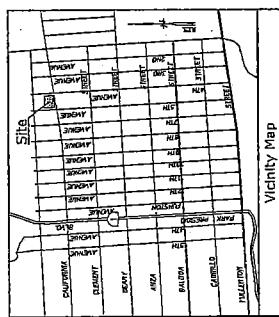
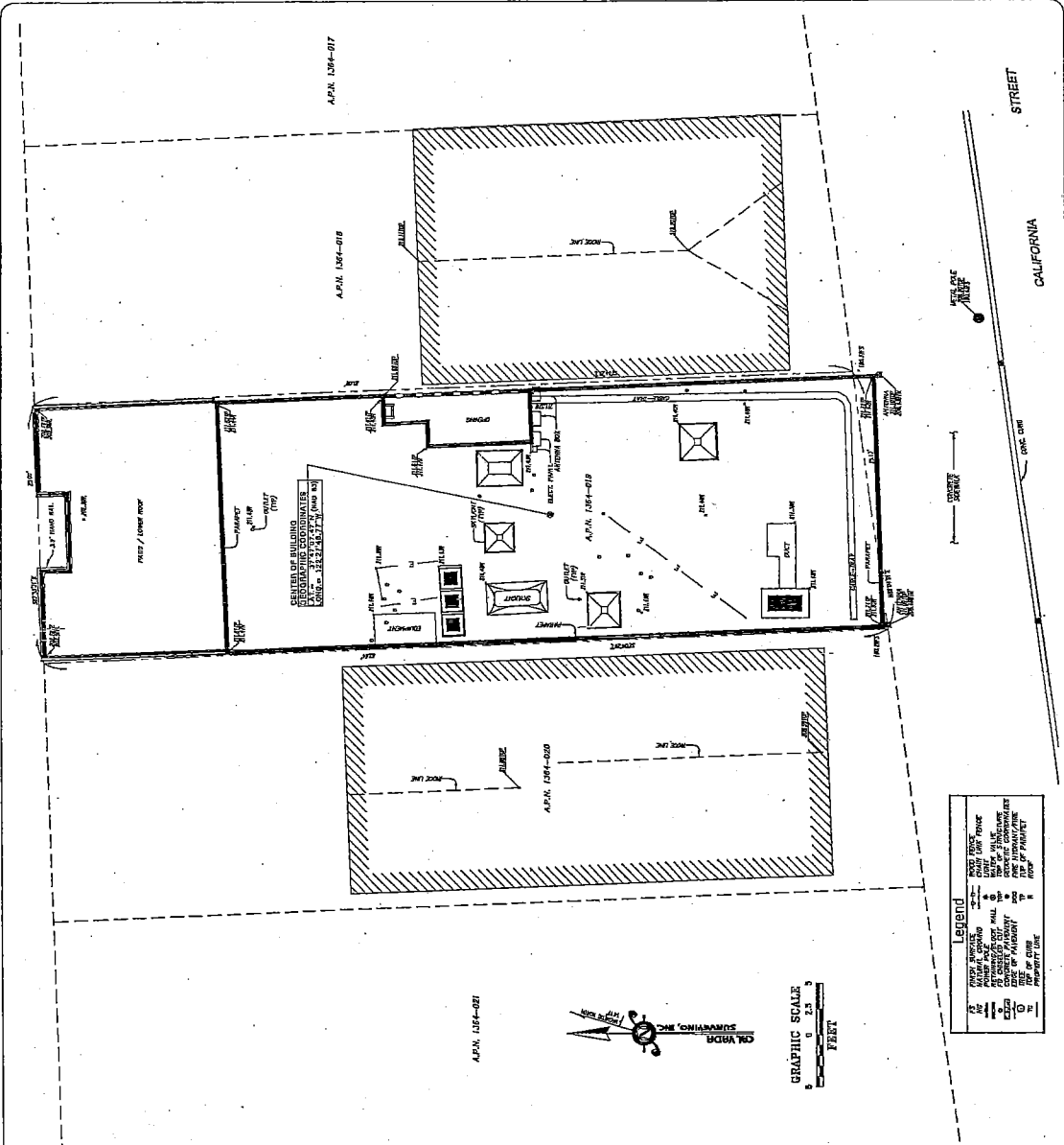
4218 CALIFORNIA ST  
 SAN FRANCISCO COUNTY  
 SAN FRANCISCO, CALIFORNIA

DATE  
 02/17/10

DESCRIPTION  
 ADDITIONAL 100% TOPOGRAPHIC SURVEY

SHEET TITLE  
**TOPOGRAPHIC SURVEY**

**C-1**  
 SHEET 1 OF 1



**Title Report**  
 PREPARED BY: STREAMLINE ENGINEERING, INC.  
 DATE: 02/17/10

**Legal Description**  
 A PORTION OF THE UNDIVIDED LOTS OF CALIFORNIA STREET, DISTRICT 10, COUNTY OF SAN FRANCISCO, CALIFORNIA, BEING THE LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 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998, 999, 1000.

**Assessor's Parcel No.**  
 444-024

**Easements**  
 NO EASEMENTS RECORDED FOR THIS PROPERTY

**Geographic Coordinates at Center of Building**  
 BEARING = 163.757° (S 16.243° E)  
 DISTANCE = 163.757 FEET (S 16.243° E)

**Basis of Bearings**  
 THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE 10

**Bench Mark**  
 THE CALIFORNIA SPECIAL REFERENCE MARK, "108", DEPARTMENT = 06.17 FEET (BMHP 06)

**Dates of Survey**  
 MAY 4, 2010  
 FEBRUARY 24, 2011









**DENTAL BUILDING**

CC4032  
426 CALIFORNIA ST  
SAN FRANCISCO, CA 94118

ISSUE STATUS	
NO.	DATE
1	01/07/13
2	01/07/13
3	01/07/13
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95	01/07/13
96	01/07/13
97	01/07/13
98	01/07/13
99	01/07/13
100	01/07/13

**Streamline Engineering**  
 4444 Shina College Blvd, Suite E, Emeryville, CA 94608  
 Contact: Larry Henchley, Phone: 916-275-4180  
 Email: Larry@streamlineeng.com, Fax: 916-851-1241

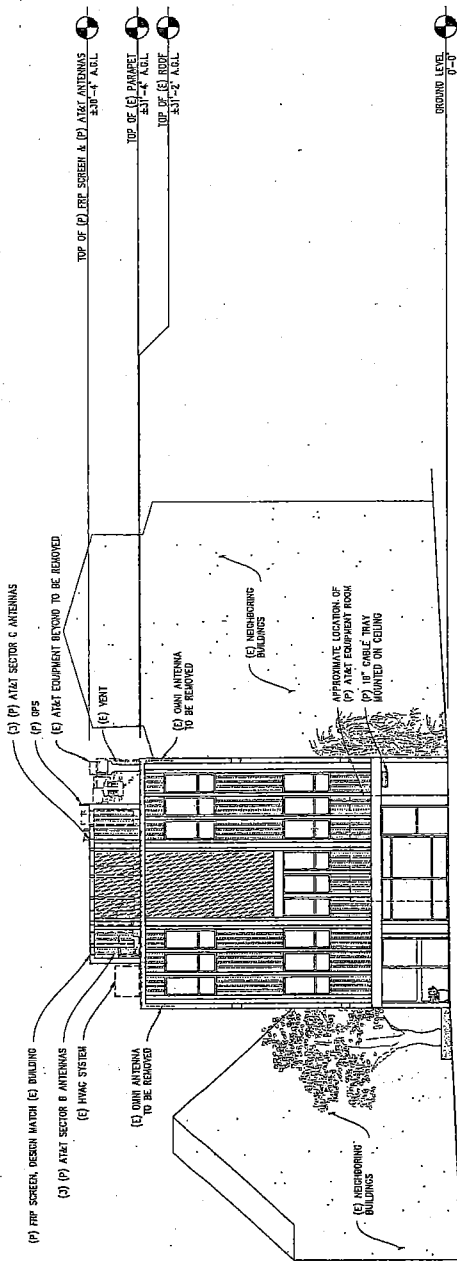
**AT&T**  
 430 BUSH ST, 3TH FLOOR  
 SAN FRANCISCO, CA 94108

**Professional Engineer Seal:**  
 LARRY HENCHLEY  
 CIVIL ENGINEER  
 STATE OF CALIFORNIA  
 No. 92074  
 Exp. 06/30/11

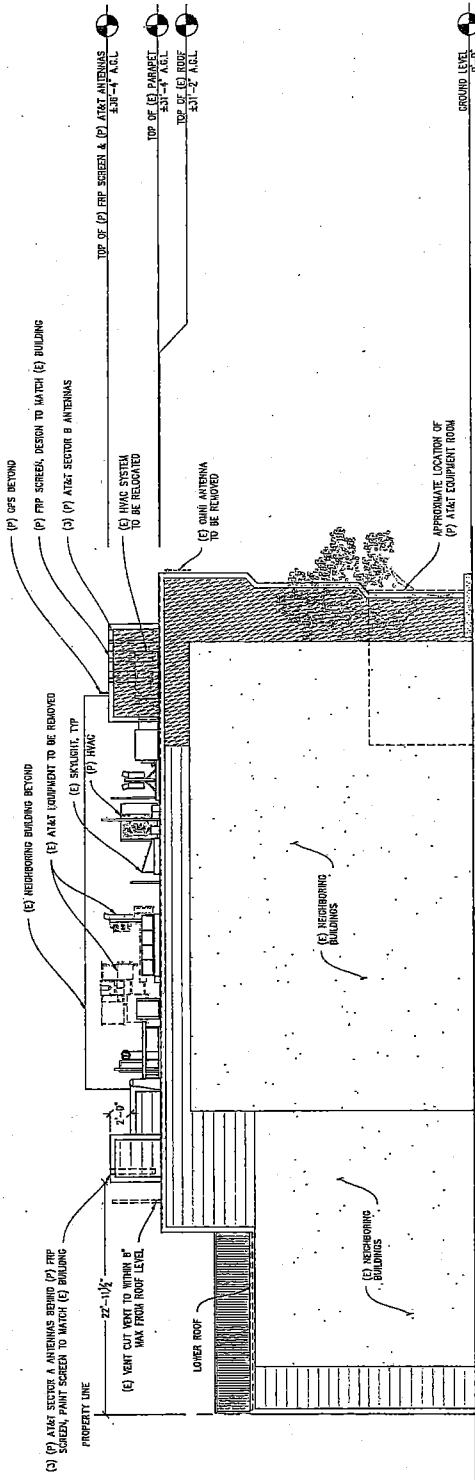
DATE: 01/07/13  
 CHECKED BY: C. WATKINS  
 APPROVED BY: [Signature]  
 DRAWN BY: C. COOT

**at&t**

SHEET TITLE: ELEVATIONS  
 SHEET NUMBER: A-4



**SOUTH ELEVATION**  
 7/8"-1"  
 VIEW FROM CALIFORNIA STREET



**WEST ELEVATION**  
 7/8"-1"  
 VIEW FROM 8TH AVENUE

**DENIAL BUILDING**

CC4032  
430 RUSH ST, 5TH FLOOR  
SAN FRANCISCO, CA 94108

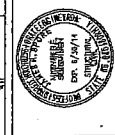
ISSUE STATUS	
Δ	DATE
DESIGN	07/27/12
REVISION	08/06/12
BY	20 808
CA	06
07/27/12	20 1005
07/27/12	PLANNING
07/27/12	C.C.L.
07/27/12	CHECKLIST
07/27/12	FILE

DRAWN BY: C. COOY  
CHECKED BY: C. MATINSON  
APPROVED BY: [Signature]  
DATE: 07/02/13

**Streamline Engineering**  
ARCHITECTURAL & ENGINEERING

8445 Sierra College Blvd, Suite E, Granada Bay, CA 95746  
Contact: Larry Houghley, Project Manager, 916-275-4188  
E-mail: larry.houghley@streamlineeng.com, Fax: 916-680-1941

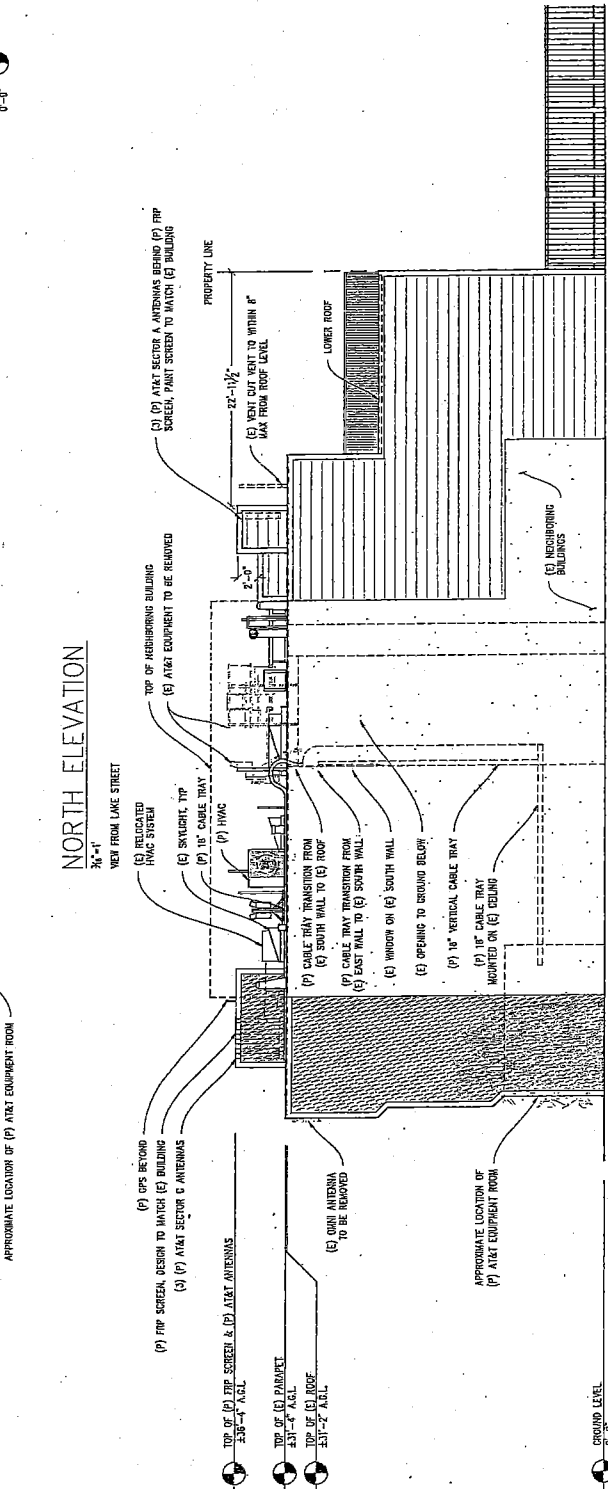
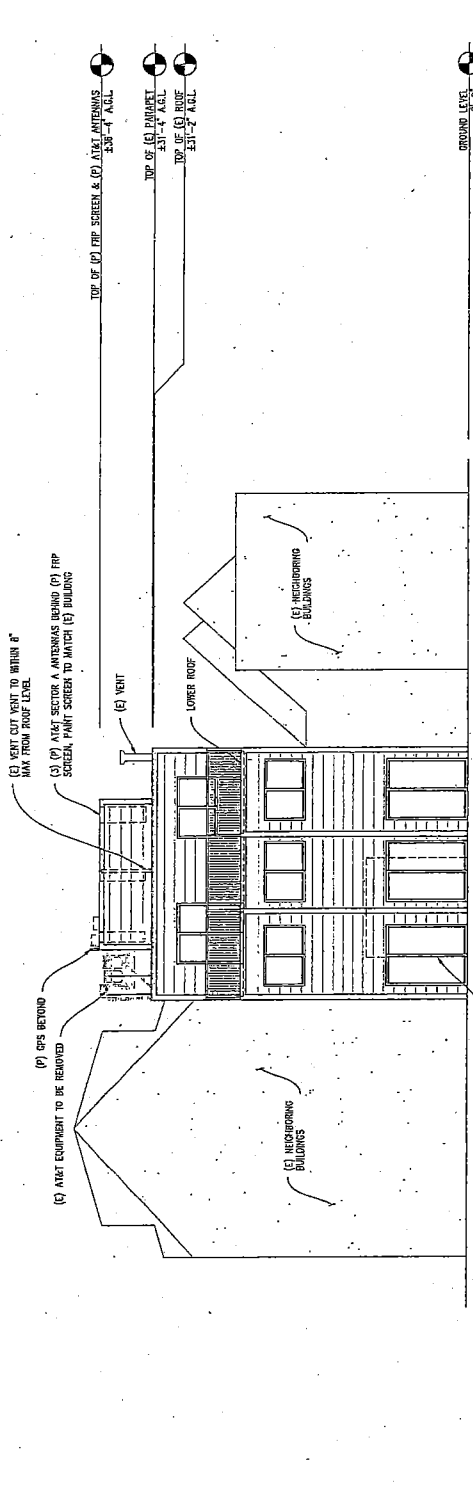
Professional Engineer License No. 45820  
Professional Architect License No. 24522



**at&t**

430 RUSH ST, 5TH FLOOR  
SAN FRANCISCO, CA 94108

SHEET TITLE:	ELEVATIONS
SHEET NUMBER:	A-5



DENTAL BUILDING

CC4032  
 845 CALIFORNIA ST  
 SAN FRANCISCO, CA 94108

ISSUE STATUS			
A	DATE	DESCRIPTION	BY
	07/22/12	REV	CJK
	07/22/12	PLANNING	CJK
	07/20/12	CLIENT REV	CJK

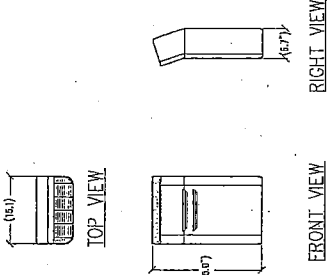
DESIGN BY: C. BOOT  
 CHECKED BY: C. MATTHESEN  
 APPROVED BY: -  
 DATE: 01/20/13

Streamline Engineering  
 CONSULTING INC.  
 8445 Sierra College Blvd, Suite E Grange Bay, CA 94746  
 Contact Larry Houghley Phone: 916-275-1180  
 E-Mail: larry@streamlineeng.com Fax: 916-602-1941

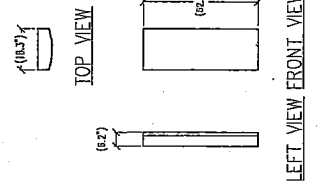


at&t  
 430 BUSH ST, 5TH FLOOR  
 SAN FRANCISCO, CA 94108

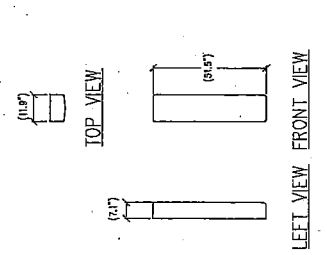
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 DETAILS  
 SHEET NUMBER:  
 A-6



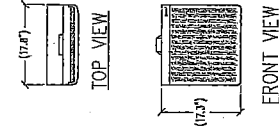
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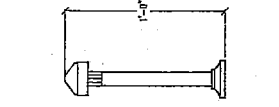
② RRUS-11 DETAIL  
 1'-11-0" HEIGHT x 30 LBS ERICSSON RRUS-11



③ GPS DETAIL  
 3'-11-0"



④ RRUW-01 DETAIL  
 1'-11-0" HEIGHT x 35 LBS ERICSSON RRUW-01



⑤ GPS DETAIL  
 1'-0"

APPELLANT'S INDEX OF EXHIBITS

AT&T Telecommunications Facility at 4216 California Street  
CEQA and Conditional Use Appeal Hearings of Case No. 2010.1034C  
Before the San Francisco Board of Supervisors (File Nos. 130721 & 130725)  
July 30, 2013

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 JUL 22 AM 8:52  
Exhibit No.

Document

- Licensed Architect & Geotechnical Engineer Lawrence B. Karp Letter-Report on Seismic Safety Issues at 4216 California St. & Dr. Karp Photographs of Current Conditions on Roof
- Professional Geologist, Certified Hydrogeologist and Licensed Stormwater Practitioner Matt Hagemann Report on Flood Safety & Indoor Air Emissions Issues at 4216 California St. 2
- Matt Hagemann Response to AT&T Letter & Hydroconsult Engineers, Inc. Report 3
- Michael Ma Letter to Acting Planning Commission Secretary Jonas P. Ionin re: Clarification and Correction of Testimony at June 6, 2013 Planning Commission Hearing 4
- Signed Petitions re: Intention to File Lawsuit in the Event of Injuries Sustained as a Result of Fire, Earthquake or Flood at 4216 California St. 5
- Department of Building Inspection (Second) Notice of Violation (NOV) for Work Without Permit at 4216 California St. dated June 16, 2011 6
- Planning Department Notes & Photos with Zoning Administrator Letter of Determination re: AT&T's Permit Violation at 4216 California St. 7
- Building a Better Future at the Department of Building Inspection, City and County of San Francisco Civil Grand Jury, 2012-2013 Report, June 2013* 8
- [To be provided by Appellant at hearing] 9
- [To be provided by Appellant at hearing] 10

# EXHIBIT 1

**LAWRENCE B. KARP**  
**CONSULTING GEOTECHNICAL ENGINEER**

FOUNDATIONS, WALLS, PILES  
UNDERPINNING, TIEBACKS  
DEEP RETAINED EXCAVATIONS  
SHORING & BULKHEADS  
EARTHWORK & SLOPES  
CAISSONS, COFFERDAMS  
COASTAL & MARINE STRUCTURES

SOIL MECHANICS, GEOLOGY  
GROUNDWATER HYDROLOGY  
CONCRETE TECHNOLOGY

March 30, 2013

Doug Loranger  
4327 California Street  
San Francisco, CA 94118

Subject: 4216 California Street, SF [1364/019]  
Cellular Telephone Equipment Installations

Dear Mr. Loranger:

This letter-report summarizes site and building conditions for the subject structure where AT&T is seeking to legalize unpermitted installation of cellular equipment and also add to the facilities. SFDBI issued a Notice of Violation (NOV) on 4/20/11 which has not been prosecuted to permit as NOV's customarily are. Observations and a study of SFDBI's records for the building and its foundation show that the structure is substandard and would have to be upgraded for support of the facilities both to resist gravity and seismic forces exerted on the roof and foundation by current and anticipated loads.

**Site**

The property is situated in the northern section of the San Francisco Peninsula, a northwest trending range of hills composed of a heterogeneous assemblage of folded, faulted and sheared rocks of the Franciscan formation. Local observations and geologic maps indicate the site is overlain with dune sand [Qd]; clean, well sorted fine to medium sand; yellowish brown to light gray. Recent gradation testing of sand in the 4200 block of California St, show the major size concentration is between the #40 to #60 sieves. Bedrock only exists at depths over 100 feet. The site is mapped by the City's Planning Department as being in a flood-prone zone and liquefaction during maximum credible seismic events is a possibility. Densification of the sand during strong shaking will further compromise the building's substandard foundation.

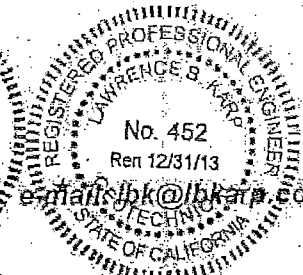
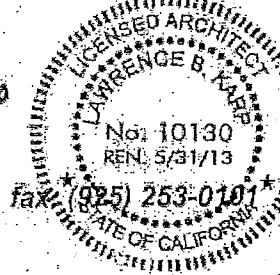
**Building**

The subject building, 1,420 square feet that houses dental offices, was designed and built in 1976 for Henry Hom. The design was prepared without full engineering when constructed nor have there been any improvements since. The soft-storied wood framed building is supported by a concrete slab that was not designed to span loose and medium dense sand. The roof is progressively sagging under dead loads and ponding of rainwater, and major new equipment loads are planned. There is no viable lateral force resisting system in place so any changes to the building must be accompanied by seismic upgrade. The equipment is Unistrut supported, there are no calculations provided for the old or new loads, the 1/8/13 drawings are not properly stamped and signed as required by the B&P Code, and poor building conditions are not addressed.

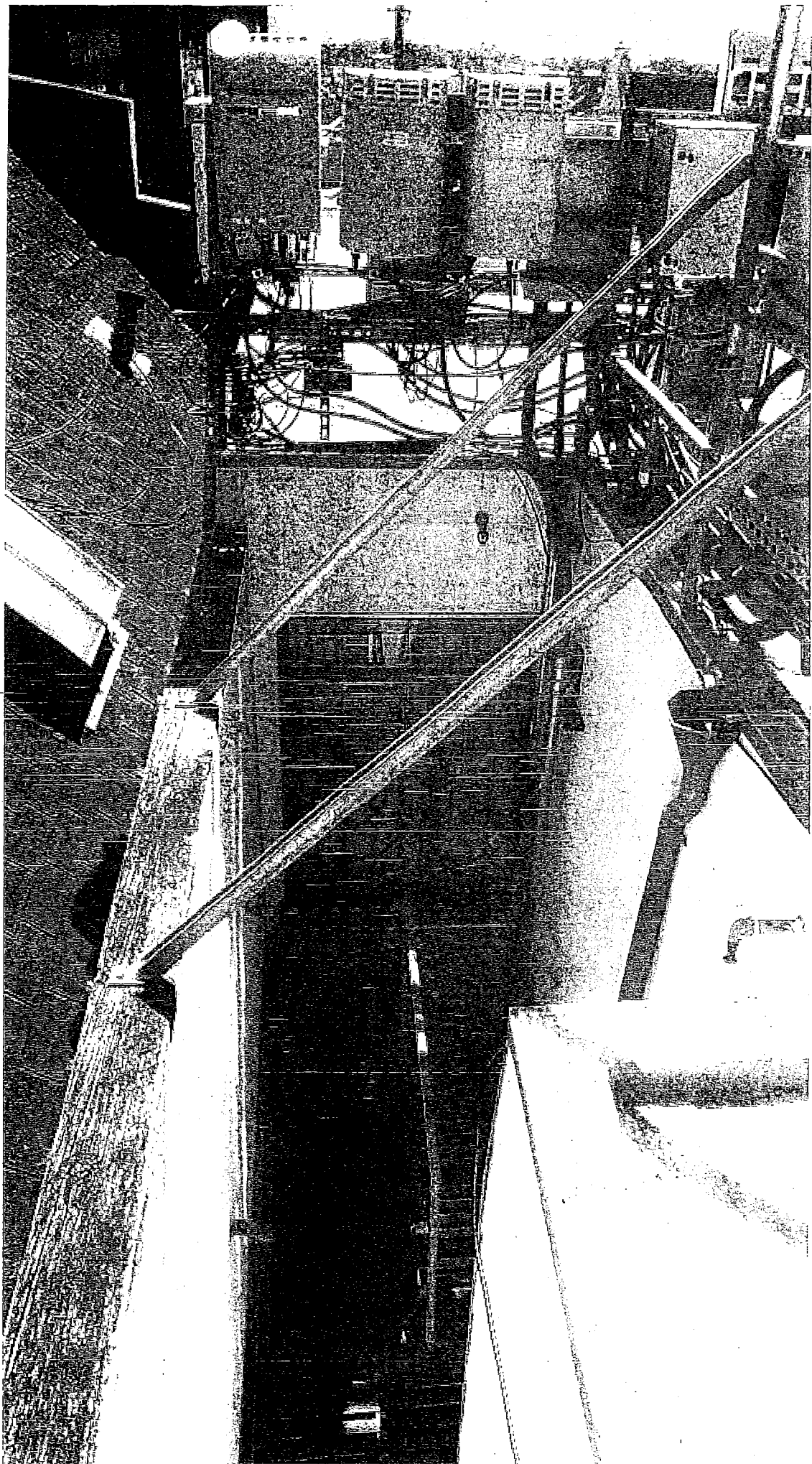
Yours truly,

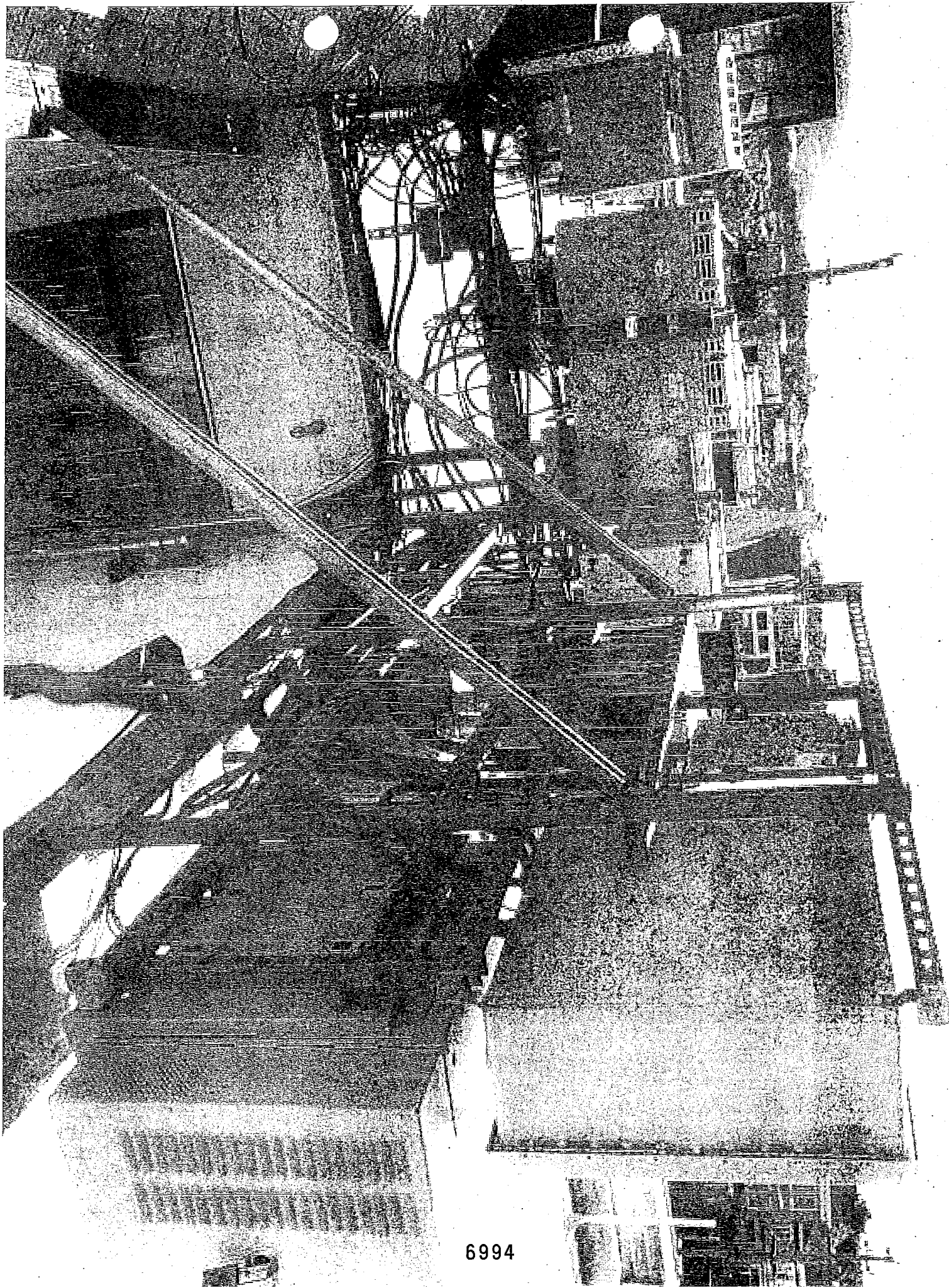
  
Lawrence B. Karp

100 TRES MESAS, ORINDA CA 94563 (925) 254-1222



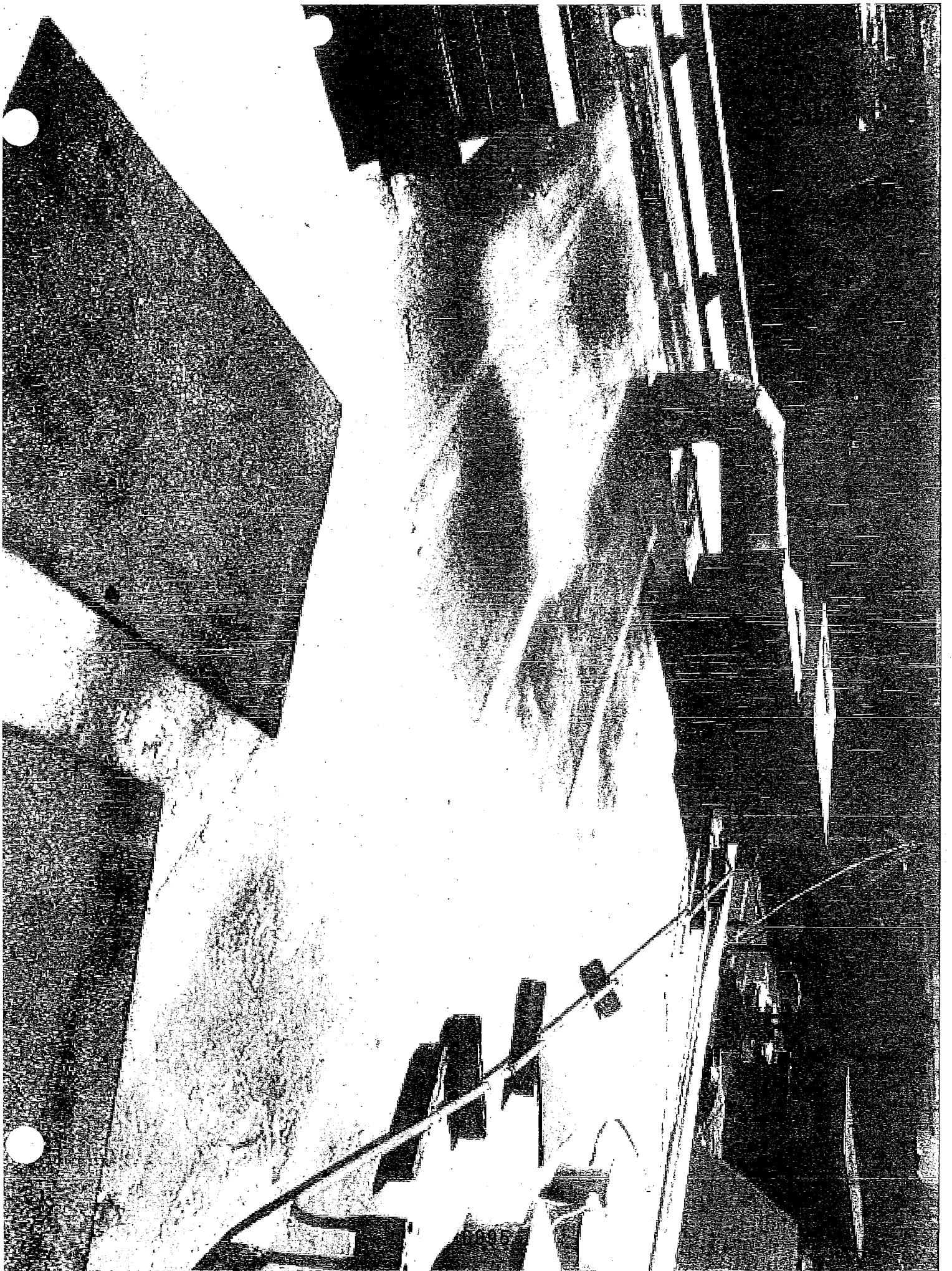
fax (925) 253-0101 \* email: lbk@lbkarp.com





6994





**EXHIBIT 2**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2503 Eastbluff Dr., Suite 206  
Newport Beach, California 92660  
Fax: (949) 717-0069

Matt Hagemann  
Tel: (949) 887-9013  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

April 11, 2013

Omar Masry, Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Subject:** Comments on the Request for Conditional Use Authorization, 4216 California Street,  
San Francisco, California (Case No. 2010.1034C)

---

Dear Mr. Masry:

I am a Professional Geologist, a Certified Hydrogeologist and a licensed Stormwater Practitioner in California. I am a former Senior Science Policy Advisor with the U.S. EPA. My CV is attached for reference (Exhibit A).

I have reviewed plans for a project ("Project") to upgrade an existing wireless telecommunications services micro-site facility operated by AT&T Mobility at 4216 California Street, San Francisco, California. The Project, the subject of a Request for Conditional Use Authorization under Planning Code Sections 710.83 and 303, would involve removal of an existing micro-site and installation of nine panel antennas on the existing building. Some equipment for the Project, including lead-acid batteries, will be located within a ground floor equipment room.

My review has focused on hazards and hazardous waste issues and issues associated with hydrology, specifically flooding, and indoor air emissions. It is my opinion that an Initial Study/Mitigated Negative Declaration ("MND") should be prepared to evaluate potentially significant hazards associated with the installation of lead-acid batteries in an unventilated ground-floor equipment room in an area subject to flooding.

The batteries that will be installed in the ground floor equipment room are manufactured by Marathon, a division of Exide Corporation. The ground floor is also occupied by a dental office and dental offices are located on the second and third floors. According to AT&T's plans for the project, the specific model of the batteries that will be installed on the ground floor is the Marathon FT Valve Regulated Lead Acid

Battery Model M12V155F.<sup>1</sup> A total of 12 batteries of this type will be installed in a rack, with the lowest battery 6 inches feet of the ground (Sheet A-2).

The Material Safety Data Sheet ("MSDS") (attached hereto as Exhibit B) for Marathon lead acid batteries identifies the following hazards and precautions:

- Extremely flammable gas (hydrogen)
- Very toxic to aquatic life with long lasting effects
- Suspected of causing cancer by inhalation
- Reacts violently with water with evolution of heat
- Strong oxidizers, hydrogen peroxide, acids
- Do not allow discharge of acid to sewer
- Store batteries under roof in cool, dry, well-ventilated areas that are separated from incompatible materials and from activities which may create flames, sparks, or heat.
- Keep away from metallic objects that could bridge the terminals on a battery and create a dangerous short-circuit.

Toxicology information on the MSDS includes:

- Inhalation of electrolyte: Breathing of sulfuric acid vapors or mists may cause severe respiratory irritation.
- Lead compounds: Inhalation of lead dust or fumes may cause irritation of upper respiratory tract and lungs.
- Skin contact: Electrolyte: severe irritation, burns, and ulceration.

Because of hazards posed by flooding and from potentially toxic gasses, a MND should be prepared to address conditions that are unaddressed by the current application.

#### Impacts from Flooding Hazards

The Project is located in an area designated as subject to flooding by the City of San Francisco (San Francisco Planning Department Planning Bulletin, Review of Projects in Identified Areas Prone to Flooding, dated April 1, 2007 attached hereto as Exhibit C). The San Francisco Planning Department states that in these flood-prone areas, sewers do not drain freely during a storm and even during dry weather causing backups or flooding.

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<sup>1</sup> <http://www.exide.com/us/en/product-solutions/network-power/product/marathon-ft.aspx>

A flood in the area occurred on January 1, 2006. An insurance claim states that "sewer backed up due to heavy rains causing damage to wall/floor." Photographs that accompanied the claim show damage to walls in the interior of the Project building at 4216 California Street. (March 7, 2013 Letter from The Dentists Insurance Company to 4216 California St. Tenant Michael Ma and accompanying photographs attached hereto as Exhibit D.)

I know of no actions taken by the City of San Francisco to address flooding hazards in the area of the Project. Therefore, the batteries installed on the ground floor of the Project building may be subject to inundation during flooding, resulting in a release of acid electrolyte and lead-in solution. Those who handle batteries if submerged in water after flooding, such as occupants or those involved in cleanup, may be subject to burns and eye damage from electrolyte which has leaked.

Additionally, water quality impacts may result from contact of floodwaters with the electrolyte solution in the batteries. Electrolyte that would escape from the batteries during flooding would eventually flow toward sewers, a hazardous condition that is identified on the MSDS. Impacts to water quality may result from high levels of lead and acid when discharged to the sewer, especially during times of combined sewage/stormwater discharge to adjacent waterways. The MSDS states that acid electrolyte is "very toxic to aquatic life with long lasting effects."

A MND should be prepared to identify mitigation to prevent floodwaters from contacting the batteries.

#### Impacts from indoor air emissions

The equipment room where batteries will be installed has no existing ventilation and no plans for the installation of ventilation are included in the plans for the Project. The MSDS for the batteries states that they should be stored and handled in a well-ventilated area.

The batteries may pose an inhalation hazard according to the MSDS, as follows:

- Breathing of sulfuric acid vapors or mists may cause severe respiratory irritation.
- Lead compounds/antimony oxide: Inhalation of dust or fumes may cause irritation of upper respiratory tract and lungs.

The lack of ventilation presents a hazard for all occupants of the building. Vapors from the batteries may cause health impacts in workers who breathe vapors that originate from the unventilated room and seep into the breathing space of adjacent offices.

Mitigation should be included in a MND to include the installation of a ventilation system that would draw air from the equipment room and exhaust it to the outside air.

## Fire hazard

The batteries emit hydrogen gas that is ignitable. The MSDS states:

In operation, batteries generate and release flammable hydrogen gas [hydrogen is highly flammable and oxygen supports combustion]. They must always be assumed to contain this gas which, if ignited by burning cigarette, naked flame or spark, may cause battery explosion with dispersion of casing fragments and corrosive liquid electrolyte. Carefully follow manufacturer's instructions for installation and service. Keep away all sources of gas ignition and do not allow metallic articles to simultaneously contact the negative and positive terminals of a battery.

In conjunction with the Marathon batteries, AT&T's plans also identify Ericsson RBS 6601 equipment to be installed in the same ground-floor equipment room.<sup>2</sup> RBS 6601 equipment is designed to meet the safety standards of UL 60 950-1, which states in pertinent part:

### 1.1.2 Additional requirements

Requirements additional to those specified in this standard may be necessary for:

equipment intended for operation in special environments (for example, extremes of temperature; excessive dust, moisture or vibration; flammable gases; and corrosive or explosive atmospheres)...<sup>3</sup>

Electrical equipment like the RBS 6601 is another potential ignition source for the flammable hydrogen gas utilized by the batteries and additional precautions should be indicated in a MND to address this foreseeable hazard.

## Conclusion

A MND should be prepared to identify protective measures that will be taken to ensure the equipment room is suitable for storage and charging of the batteries, including provisions for temperature control, humidity control and flood protection. The MND should also identify that all sources of ignition have been evaluated and removed if necessary and that proper warning signs are posted in the room and in the building to note the fire hazard. Evaluation of the fire hazards in the MND should also consider condensation from dampness in the equipment room and the potential for flooding, conditions that can lead to electrical arcing and potential ignition of the hydrogen from the batteries. The MND should

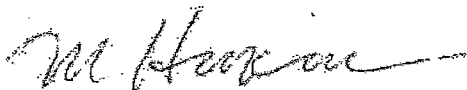
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<sup>2</sup> <http://coscohor.fr/GSM/Divers/Equipment/Ericsson/RBS%206601.pdf>

<sup>3</sup> <http://ulstandardsinfonet.ul.com/scopes/scopes.asp?fn=60950-1.html>

provide for proper fire control in the equipment room, including sprinklers, and should provide for posting hazard signs warning of the fire danger and identification of routes to take in care of fire.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Hagemann", with a long horizontal flourish extending to the right.

Matt Hagemann, P.G., C.Hg., QSD, QSP

Exhibit A





Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2503 Eastbluff Dr., Suite 206  
Newport Beach, California 92660  
Tel: (949) 887-9013  
Fax: (949) 717-0069  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
CEQA Review  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certification:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 – 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Partner, SWAPE:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

### Invited Testimony, Reports, Papers and Presentations:

**Hagemann, M.F., 2008.** Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F., 2008.** Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F., 2005.** Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F., 2004.** Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F., 2004.** Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and Hagemann, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.



Exhibit B



#### IV. FIRE AND EXPLOSION HAZARD DATA (CONTINUED)

**Unusual Fire and Explosion Hazards:** In operation, batteries generate and release flammable hydrogen gas. They must always be assumed to contain this gas which, if ignited by burning cigarette, naked flame or spark, may cause battery explosion with dispersion of casing fragments and corrosive liquid electrolyte. Carefully follow manufacturer's instructions for installation and service. Keep away all sources of gas ignition and do not allow metallic articles to simultaneously contact the negative and positive terminals of a battery.

#### V. REACTIVITY DATA

**Stability:** Stable   X    
Unstable   \_\_\_  

**Conditions to Avoid:** Prolonged overcharge at high current; sources of ignition.

**Incompatibility: (materials to avoid)**

Electrolyte: Contact with combustibles and organic materials may cause fire and explosion. Also reacts violently with strong reducing agents, metals, sulfur trioxide gas, strong oxidizers, and water. Contact with metals may produce toxic sulfur dioxide fumes and may release flammable hydrogen gas.

Lead compounds: Avoid contact with strong acids, bases, halides, halogenates, potassium nitrate, permanganate, peroxides, nascent hydrogen, and reducing agents.

**Hazardous Decomposition Products:**

Electrolyte: Sulfur trioxide, carbon monoxide, sulfuric acid mist, sulfur dioxide, hydrogen sulfide.

Lead compounds: Temperatures above the melting point are likely to produce toxic metal fumes, vapor, or dust; contact with strong acid or base or presence of nascent hydrogen may generate highly toxic arsine gas.

#### VI. HEALTH HAZARD DATA

**Routes of Entry:**

Electrolyte: Harmful by all routes of entry.

Lead compounds: Hazardous exposure can occur only when product is heated above the melting point, oxidized or otherwise processed or damaged to create dust, vapor, or fume.

**Inhalation:**

Electrolyte: Breathing of sulfuric acid vapors or mists may cause severe respiratory irritation.

Lead compounds: Inhalation of lead dust or fumes may cause irritation of upper respiratory tract and lungs.

**Ingestion:**

Electrolyte: May cause severe irritation of mouth, throat, esophagus, and stomach.

Lead compounds: Acute ingestion may cause abdominal pain, nausea, vomiting, diarrhea, and severe cramping. This may lead rapidly to systemic toxicity.

**Skin Contact:**

Electrolyte: Severe irritation, burns, and ulceration.

Lead compounds: Not absorbed through the skin.

**Eye Contact:**

Electrolyte: Severe irritation, burns, cornea damage, blindness.

Lead compounds: May cause eye irritation.

**Effects of Overexposure - Acute:**

Electrolyte: Severe skin irritation, damage to cornea may cause blindness, upper respiratory irritation.

Lead compounds: Symptoms of toxicity include headache, fatigue, abdominal pain, loss of appetite, muscular aches and weakness, sleep disturbances, and irritability.

**Effects of Overexposure - Chronic:**

Electrolyte: Possible erosion of tooth enamel; inflammation of nose, throat, and bronchial tubes.

## VI. HEALTH HAZARD DATA (CONTINUED)

Lead compounds: Anemia; neuropathy, particularly of the motor nerves, with wrist drop; kidney damage; reproductive changes in both males and females.

### Carcinogenicity:

Electrolyte: The National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC) have classified "strong inorganic acid mist containing sulfuric acid" as a substance that is carcinogenic to humans. This classification does not apply to sulfuric acid solutions in static liquid state or to electrolyte in batteries. Batteries subjected to abusive charging at excessively high currents for prolonged periods of time without vent caps in place may create a surrounding atmosphere of the offensive strong inorganic acid mist containing sulfuric acid.

Lead compounds: Listed as a 2B carcinogen, likely in animals at extreme doses. Proof of carcinogenicity in humans is lacking at present.

Arsenic: Listed by International Agency for Research on Cancer (IARC), OSHA and NIOSH as a carcinogen only after prolonged exposure at high levels.

### Medical Conditions Generally Aggravated by Exposure:

Overexposure to sulfuric acid mist may cause lung damage and aggravate pulmonary conditions. Contact of electrolyte (water and sulfuric acid solution) with skin may aggravate skin diseases such as eczema and contact dermatitis. Contact of electrolyte (water and sulfuric acid solution) with eyes may damage cornea and/or cause blindness. Lead and its compounds can aggravate some forms of kidney, liver, and neurologic diseases.

### Emergency and First Aid Procedures

**Inhalation:** Electrolyte: Remove to fresh air immediately. If breathing is difficult, give oxygen.

Lead compounds: Remove from exposure, gargle, wash nose and lips; consult physician.

**Ingestion:** Electrolyte: Give large quantities of water; **do not** induce vomiting; consult physician.

Lead compounds: Consult physician immediately.

**Skin:** Electrolyte: Flush with large amounts of water for at least 15 minutes; remove contaminated clothing completely, including shoes.

Lead compounds: Wash immediately with soap and water.

**Eyes:** Electrolyte and Lead compounds: Flush immediately with large amounts of water for at least 15 minutes; consult physician immediately.

## VII. PRECAUTIONS FOR SAFE HANDLING AND USE

### Handling and Storage:

Store batteries under roof in cool, dry, well-ventilated areas that are separated from incompatible materials and from activities that may create flames, spark, or heat. Store on smooth, impervious surfaces that are provided with measures for liquid containment in the event of electrolyte spills. Keep away from metallic objects that could bridge the terminals on a battery and create a dangerous short-circuit. Handle carefully and avoid tipping, which may allow electrolyte leakage. Single batteries pose no risk of electric shock but there may be increasing risk of electric shock from strings of connected batteries exceeding three 12-volt units.

### Charging:

There is a possible risk of electric shock from charging equipment and from strings of series connected batteries, whether or not being charged. Shut-off power to chargers whenever not in use and before detachment of any circuit connections. Batteries being charged will generate and release flammable hydrogen gas. Charging space should be ventilated. Keep battery vent caps in position. Prohibit smoking and avoid creation of flames and sparks nearby. Wear face and eye protection when near batteries being charged.

### Spill or Leak Procedures:

Stop flow of material, contain/absorb small spills with dry sand, earth, and vermiculite. Do not use combustible materials. If possible, carefully neutralize spilled electrolyte with soda ash, sodium bicarbonate, lime, etc. Wear acid-resistant clothing, boots, gloves, and face shield. **Do not allow discharge of un-neutralized acid to sewer.** Neutralized acid must be managed in accordance with approved local, state, and federal requirements. Consult state environmental agency and/or federal EPA.

### Waste Disposal Methods:

Spent batteries: Send to secondary lead smelter for recycling.

## VII. PRECAUTIONS FOR SAFE HANDLING AND USE (CONTINUED)

Electrolyte: Place neutralized slurry into sealed acid resistant containers and dispose of as hazardous waste, as applicable. Large water diluted spills, after neutralization and testing, should be managed in accordance with approved local, state, and federal requirements. Consult state environmental agency and/or federal EPA.

### Precautionary Labeling:

POISON - CAUSES SEVERE BURNS      CORROSIVE - CONTAINS SULFURIC ACID  
DANGER - EXPLOSIVE GASES      KEEP AWAY FROM CHILDREN

## VIII. CONTROL MEASURES

### Engineering Controls and Work Practices:

Store and handle in well-ventilated area. If mechanical ventilation is used, components must be acid-resistant. Handle batteries cautiously, do not tip to avoid spills. Make certain vent caps are on securely. If battery case is damaged, avoid bodily contact with internal components. Wear protective clothing, eye and face protection, when filling, charging, or handling batteries.

### Respiratory Protection:

None required under normal conditions. When concentrations of sulfuric acid mist are known to exceed PEL, use NIOSH or MSHA-approved respiratory protection.

### Protective gloves:

Rubber or plastic acid-resistant gloves with elbow-length gauntlet.

### Eye Protection:

Chemical goggles or face shield.

### Other Protection:

Acid-resistant apron. Under severe exposure or emergency conditions, wear acid-resistant clothing, gloves, and boots.

### Emergency Flushings:

In areas where water and sulfuric acid solutions are handled in concentrations greater than 1%, emergency eyewash stations and showers should be provided, with unlimited water supply.

## IX. OTHER REGULATORY INFORMATION

### NFPA Hazard Rating for sulfuric acid:

Flammability (Red)      =      0  
Health (Blue)            =      3  
Reactivity (Yellow)    =      2

Sulfuric acid is water-reactive if concentrated.

**TRANSPORTATION:** Wet (filled with electrolyte) batteries are regulated by U.S. DOT as a hazardous material, as provided in 49 CFR 173.159

Proper Shipping Name:    Battery, wet, filled with acid  
Hazard Class/Division:    8  
ID Number:                UN2794  
Packing Group:            III  
Label Required:          Corrosive

**RCRA:** Spent lead-acid batteries are not regulated as hazardous waste when recycled. Spilled sulfuric acid is a characteristic hazardous waste; EPA hazardous waste number D002 (corrosivity).

### CERCLA (Superfund) and EPCRA:

- (a) Reportable Quantity (RQ) for spilled 100% sulfuric acid under CERCLA (Superfund) and EPCRA (Emergency Planning and Community Right to Know Act) is 1,000 lbs. State and local reportable quantities for spilled sulfuric acid may vary.
- (b) Sulfuric acid is a listed "Extremely Hazardous Substance" under EPCRA, with a Threshold Planning Quantity (TPQ) of 1,000 lbs.
- (c) EPCRA Section 302 notification is required if 1,000 lbs or more of sulfuric acid is present at one site. An average automotive/commercial battery contains approximately 7 lbs of sulfuric acid. Contact your locale representative for additional information.
- (d) EPCRA Section 312 Tier Two reporting is required for non-automotive batteries if sulfuric acid is present in quantities of 500 lbs or more and/or if lead is present in quantities of 10,000 lbs or more.

**IX. OTHER REGULATORY INFORMATION (CONTINUED)**

(e) **Supplier Notification:** This product contains toxic chemicals that may be reportable under EPCRA Section 313 Toxic Chemical Release Inventory (Form R) requirements. For a manufacturing facility under SIC codes 20 through 39, the following information is provided to enable you to complete the required reports:

<u>Toxic Chemical</u>	<u>CAS Number</u>	<u>Approximate % by Weight</u>
Lead	7439-92-1	54-62
Sulfuric Acid/Water Solution	7664-93-9	26-40
*Antimony	7440-36-0	0.4
*Arsenic	7440-38-2	0.01

\*Not present in all battery types. Contact your Exide representative for additional information.

If you distribute this product to other manufacturers in SIC Codes 20 through 39, this information must be provided with the first shipment of each calendar year.

Note: The Section 313 supplier notification requirement does not apply to batteries that are "consumer products".

**CAA:**

Exide Technologies supports preventative actions concerning ozone depletion in the atmosphere due to emissions of CFC's and other ozone depleting chemicals (ODC's), defined by the USEPA as Class I substances. Pursuant to Section 611 of the Clean Air Act Amendments (CAAA) of 1990, finalized on January 19, 1993, Exide established a policy to eliminate the use of Class I ODC's prior to the May 15, 1993 deadline.

**TSCA:**

Ingredients in Exide's batteries are listed in the TSCA Registry as follows:

	<u>CAS NO.</u>	<u>TSCA Status</u>
Electrolyte; Sulfuric acid (H <sub>2</sub> SO <sub>4</sub> )	7664-93-9	Listed
Inorganic Lead Compound		
Lead (Pb)	7439-92-1	Listed
Lead Oxide (PbO)	1317-35-8	Listed
Lead Sulfate (PbSO <sub>4</sub> )	7446-14-2	Listed
Antimony (Sb)	7440-36-0	Listed
Arsenic (As)	7440-38-2	Listed
Calcium (Ca)	7440-70-2	Listed
Tin (Sn)	7440-31-5	Listed

**CANADIAN REGULATIONS:**

All chemical substances in this product are listed on the CEPA DSL/NDSL, or are exempt from list requirements.

**CALIFORNIA PROPOSITION 65:** "WARNING: This product contains lead, a chemical known to the State of California to cause cancer, or birth defects or other reproductive harm."

PREPARED BY: ENVIRONMENTAL, SAFETY AND HEALTH DEPARTMENT  
 EXIDE TECHNOLOGIES  
 13000 DEERFIELD PKWY., BLDG. 200  
 MILTON, GA 30004

VENDEE AND THIRD PERSONS ASSUME THE RISK OF INJURY PROXIMATELY CAUSED BY THE MATERIAL IF REASONABLE SAFETY PROCEDURES ARE NOT FOLLOWED AS PROVIDED FOR IN THE DATA SHEET, AND VENDOR SHALL NOT BE LIABLE FOR INJURY TO VENDEE OR THIRD PERSONS PROXIMATELY CAUSED BY ABNORMAL USE OF THE MATERIAL EVEN IF REASONABLE PROCEDURES ARE FOLLOWED.

ALL PERSONS USING THIS PRODUCT, ALL PERSONS WORKING IN AN AREA WHERE THIS PRODUCT IS USED, AND ALL PERSONS HANDLING THIS PRODUCT SHOULD BE FAMILIAR WITH THE CONTENTS OF THIS DATA SHEET. THIS INFORMATION SHOULD BE EFFECTIVELY COMMUNICATED TO EMPLOYEES AND OTHERS WHO MIGHT COME IN CONTACT WITH THE PRODUCT.

WHILE THE INFORMATION ACCUMULATED AND SET FORTH HEREIN IS BELIEVED TO BE ACCURATE AS OF THE DATE HEREOF, EXIDE TECHNOLOGIES MAKES NO WARRANTY WITH RESPECT THERETO AND DISCLAIMS ALL LIABILITY FROM RELIANCE THEREON. RECIPIENTS ARE ADVISED TO CONFIRM IN ADVANCE OF NEED THAT THE INFORMATION IS CURRENT, APPLICABLE, AND SUITABLE FOR THEIR PARTICULAR CIRCUMSTANCES.

ANY PHOTOCOPY MUST BE OF THIS ENTIRE DOCUMENT

Exhibit C



# SAN FRANCISCO PLANNING DEPARTMENT

## PLANNING BULLETIN

DATE: April 1, 2007 (V1.3)  
TITLE: Review of Projects in Identified Areas Prone to Flooding

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**PURPOSE:** This bulletin alerts project sponsors to City and County review procedures and requirements for certain properties where flooding may occur.

### BACKGROUND:

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The attached graphic illustrates areas in the City prone to flooding, especially where ground stories are located below an elevation of 0.0 City Datum or, more importantly, below the hydraulic grade line or water level of the sewer. The City is implementing a review process to avoid flooding problems caused by the relative elevation of the structure to the hydraulic grade line in the sewers.

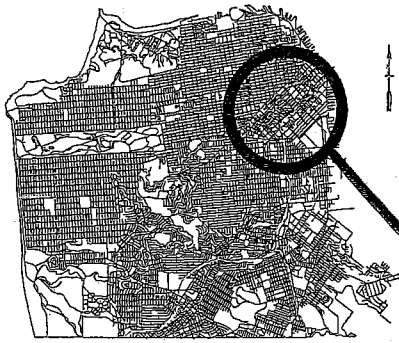
### PERMIT APPLICATION PROCESS:

Applicants for building permits for either new construction, change of use (Planning) or change of occupancy (Building Inspection), or for major alterations or enlargements shall be referred to the San Francisco Public Utilities Commission (SFPUC) at the beginning of the process, for a review to determine whether the project would result in ground level flooding during storms. The side sewer connection permits for such projects need to be reviewed and approved by the PUC at the beginning of the review process for all permit applications submitted to the Planning Department, the Department of Building Inspection, or the Redevelopment Agency.

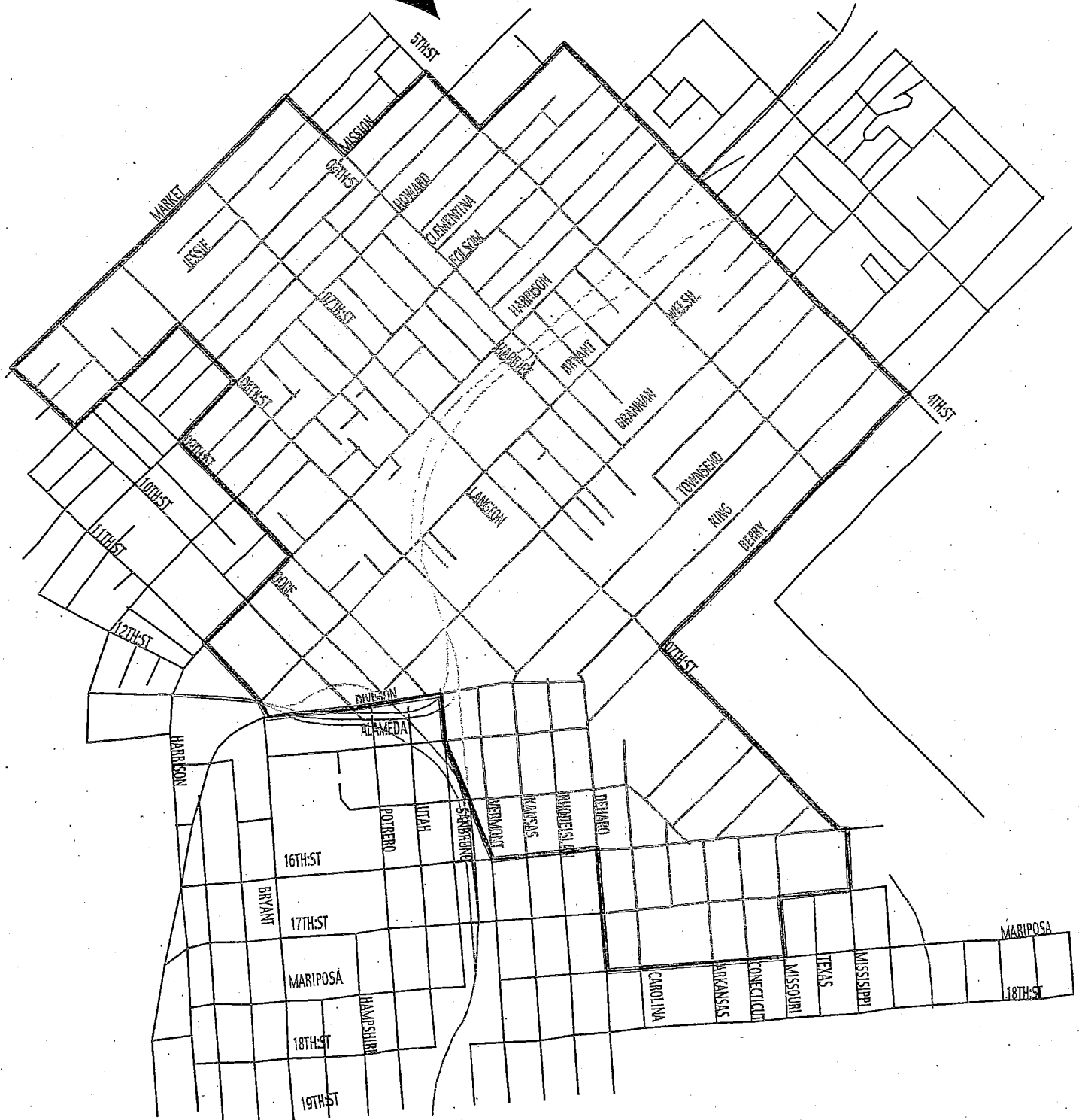
The SFPUC and/or its delegate (SFDPW, Hydraulics Section) will review the permit application and comment on the proposed application and the potential for flooding during wet weather. The SFPUC will receive and return the application within a two-week period from date of receipt.

The permit applicant shall refer to PUC requirements for information required for the review of projects in flood prone areas. Requirements may include provision of a pump station for the sewage flow, raised elevation of entryways, and/or special sidewalk construction and the provision of deep gutters.



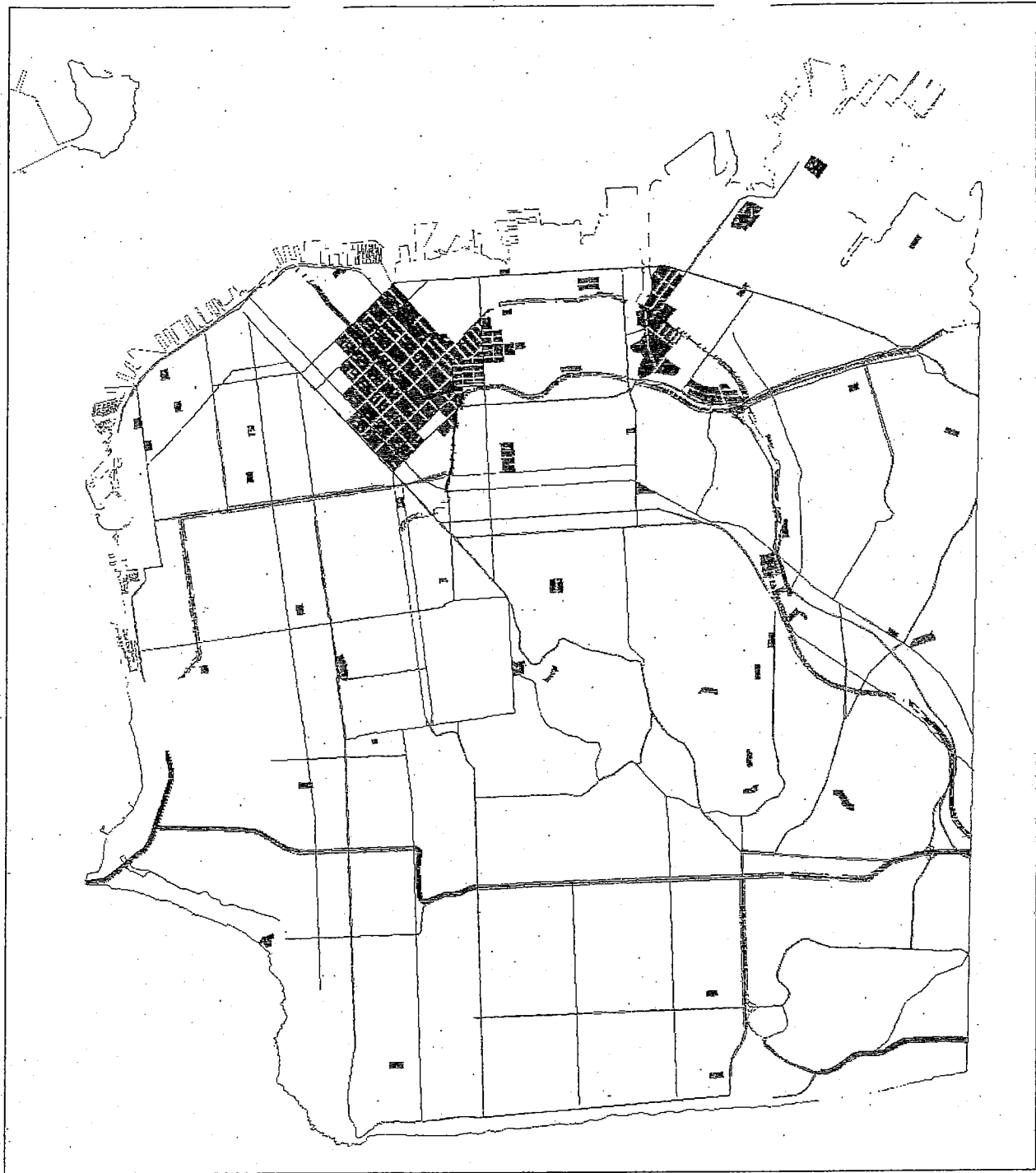


# SOMA FLOOD ZONE



# San Francisco Public Utilities Commission Blocks of Interest

7020



- Legend**
- freeway
  - Highway
  - arterial
  - SF Shoreline
  - SF Blocks
  - Blocks of Interest
  - Blocks of Interest
  - Fill Areas
  - Historical Marsh Areas
  - Liquification areas

Nov, 2006

Exhibit D



March 7, 2013

MICHAEL T. MA, DDS  
VIA EMAIL: mrcm7@yahoo.com

Re: Business Personal Property  
Policy Number: CA 015378-3

Dear Doctor:

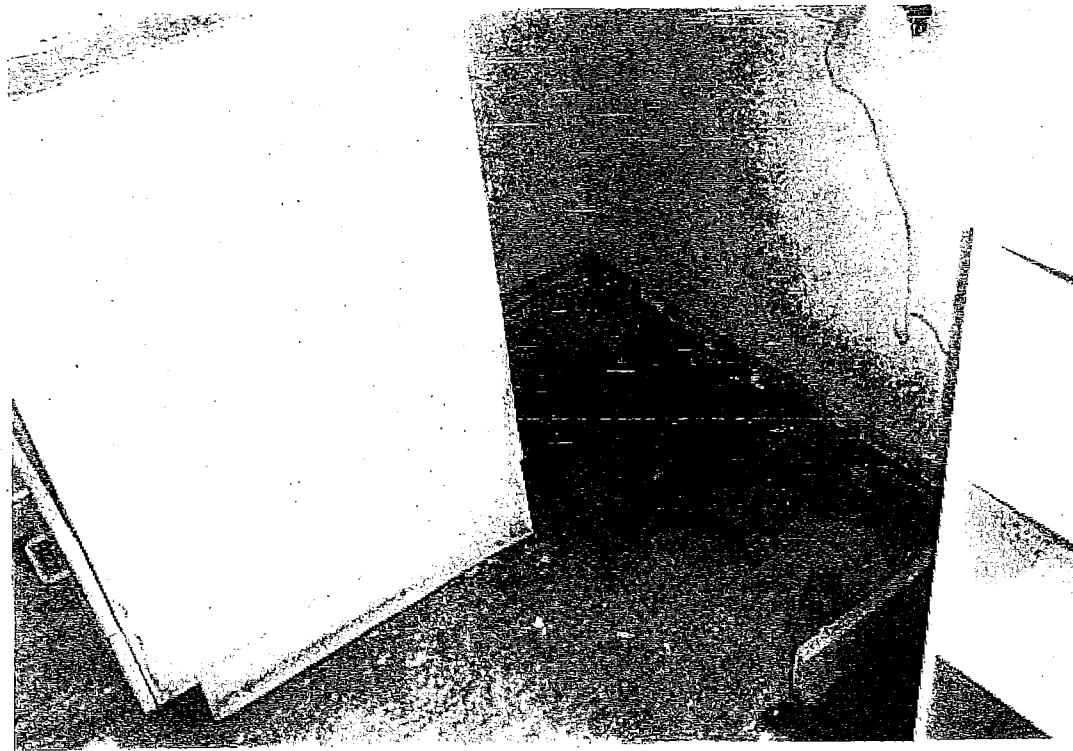
Per your request, a summation of your coverage history and claims activity with TDIC is as follows:

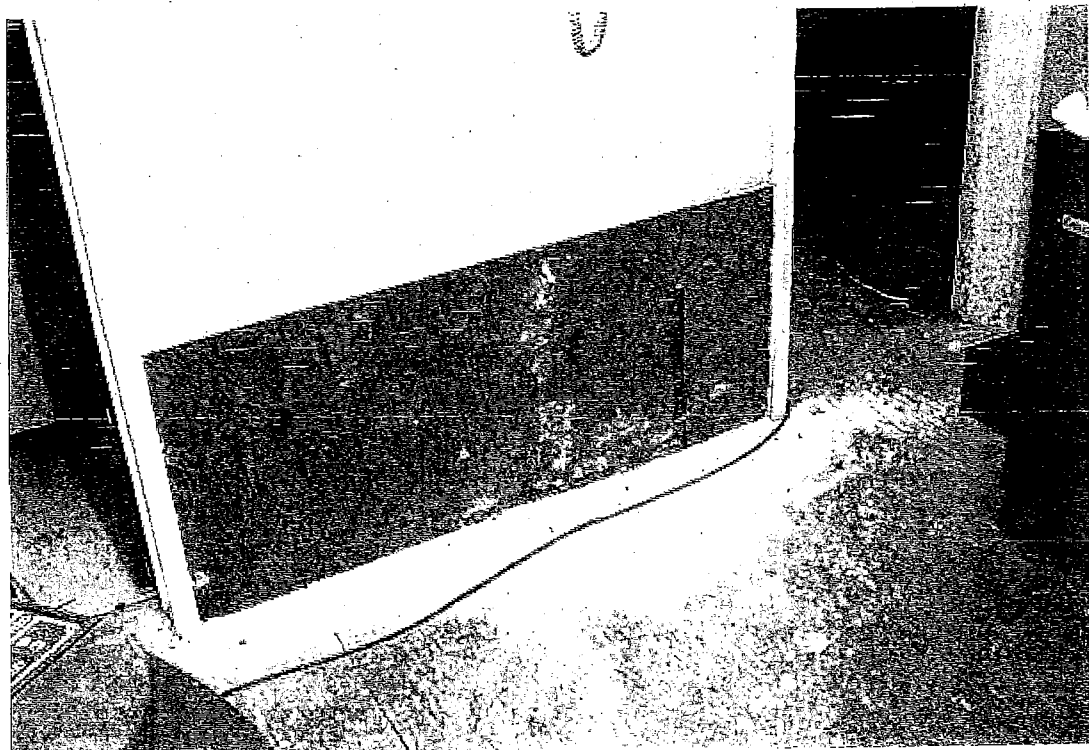
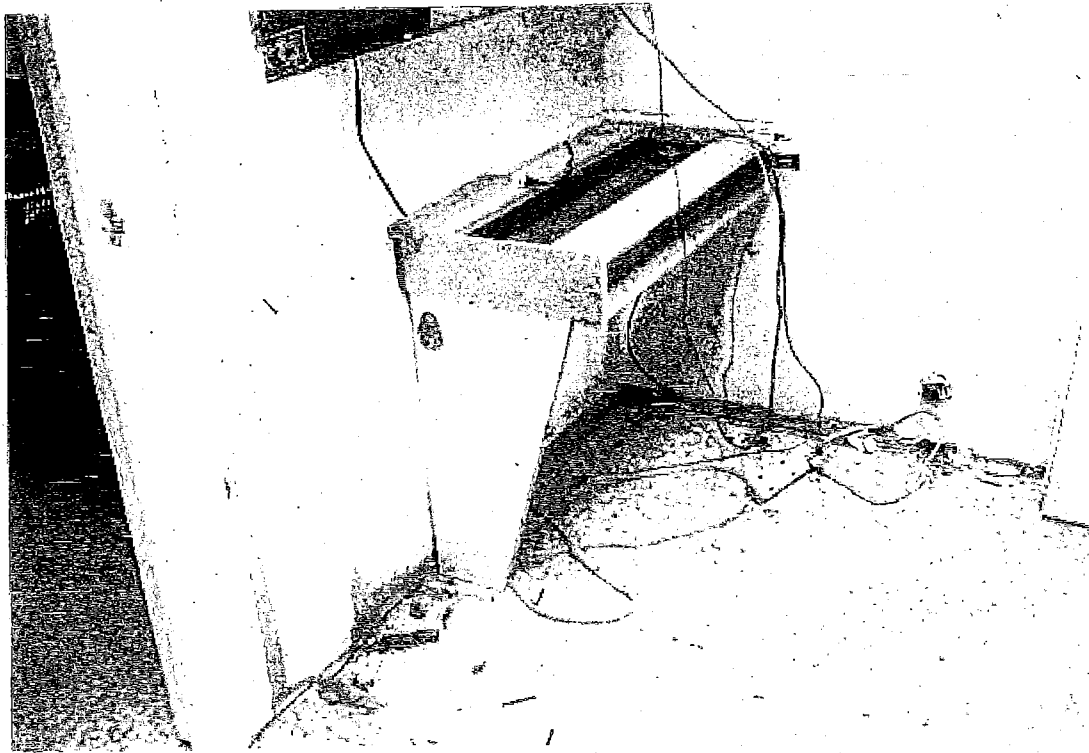
Coverage:	Original Inception Date:	November 6, 1997
	Expiration Date:	July 1, 2013
	Covered Location(s):	4216 California St Ste 150 San Francisco, CA 94118
Claim(s):	Report Date:	January 3, 2006
	Incident Date:	January 1, 2006
	Status:	Closed
	Date Closed:	August 22, 2006
	Claim Payment:	\$96,939
	Description:	Sewer backed up due to heavy rains causing damage to walls/floor.

If you have any questions, or if you need additional information, please contact me in the Underwriting Department at 800.733.0634 ext. 5377.

Sincerely,

Rose Faleroese, AU, AIS  
Underwriter II







## **EXHIBIT 3**





Technical Consultation, Data Analysis and  
Litigation Support for the Environment.

2503 Eastbluff Dr., Suite 206  
Newport Beach, California 92660  
Fax: (949) 717-0069

Matt Hagemann  
Tel: (949) 887-9013  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

July 17, 2013

Supervisor David Chiu  
President, Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

**Subject: Comments on the Request for Conditional Use Authorization, 4216 California Street,  
San Francisco, California (Case No. 2010.1034C)**

---

Dear President Chiu:

I have reviewed the June 4, 2013 response<sup>1</sup> to the April 11, 2013 letter I prepared on the Request for Conditional Use Authorization, 4216 California Street, San Francisco, California (Case No. 2010.1034C). The response includes new information about the replacement of a sewer line along California Street that occurred sometime after a January 1, 2006 flood that damaged the Project building at 4216 California Street. The response states the sewer was sized to accommodate a 100-year storm event and that "there is no possibility that any flood waters would reach the batteries in the equipment room" (p. 8).

Contrary to the assertion that there is "no possibility" of flooding, a 100-year storm event may occur in any given year, resulting in flooding that may overtop gutters along California street and flood the Project building. A "100-year" storm simply means that in any given year there is a 1 percent chance that a storm could occur with a predicted recurrence interval of once every 100 years. The design of the upgraded sewer is just to contain a 5-year storm while the bulk of the discharge of a 100-year storm is to be accommodated by curb-to-curb flow on California Street.<sup>2</sup>

The consultant's report maintains the Project building is safe from flooding because:

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<sup>1</sup> AT&T attorney John Di Bene's June 4, 2013 letter to Jonas Ionin, Acting Commission Secretary, San Francisco Planning Commission, which includes a May 29, 2013 report from Hydroconsult Engineers, Inc.

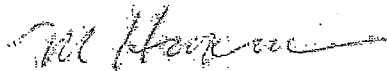
<sup>2</sup> May 29, 2013 report from Hydroconsult Engineers, Inc, p. 2

The project building is above the elevation of the curb, and therefore is above the depth of flow predicted in a 100-year storm event (p. 2).

The conclusion that the Project building is safe from flooding is based on an assumption that the gutters on California Street will hold back the discharge from a 100-year storm. Relying on the curbs to hold back discharge is poor assurance that the Project building will not be flooded. The elevation of the Project building is just above curb height, providing a slim margin of protection between discharge from a 100-year storm and the elevation of the water which would flood the building.

Despite the sewer upgrade, the Project building may be flooded in any given year to a depth that would result in floodwaters contacting the batteries on the ground floor of the Project building. Water contact with the batteries may result in a release of acid electrolyte and lead in solution, presenting a hazard to the occupants and cleanup personnel. Water quality impacts may also result from release of the electrolyte solution in the batteries upon flooding. A mitigated negative declaration should be prepared to identify the flooding hazard and to provide mitigation to prevent floodwaters from contacting the batteries.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Hagemann".

Matt Hagemann, P.G., C.Hg., QSD, QSP

## **EXHIBIT 4**

Michael T.C. Ma, DDS  
4216 California Street, #150  
San Francisco, CA 94118

June 12, 2013

Jonas P. Ionin  
Acting Commission Secretary  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Re: AT&T Wireless Facility at 4216 California St. (Case No. 2010.1034.C)

Dear Mr. Ionin:

I write to clarify and correct for the record the testimony I presented at the Planning Commission hearing on June 6, 2013 in this case.

After public comment was held on the item, Commissioner Antonini called me back to the podium and the following exchange took place:

COMMISSIONER ANTONINI: I don't remember this from your testimony, but did the flood that occurred in 2006 or whenever your office was flooded – I saw the TDIC [The Dentists Insurance Company] payment for damages – was that from a source within your office or from flooding outside of the building?

MICHAEL MA, D.D.S: It was a source from two toilets, one inside my office and one in a hallway. . . .

Based on my answer to his question, Commissioner Antonini later stated that “it's been established that the source of the flood was from within the building, so it's not been a flood from sewer lines.”

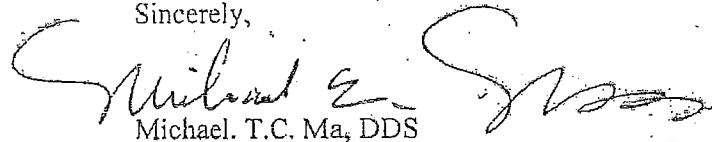
While my response to Commissioner Antonini's question about the source of the flooding in my office in 2006 was correct insofar as the proximate source of the 18 inches of water that flooded my office in January 2006 was the two toilets on the ground floor of the building, the reason that water entered my office by way of the toilets was a broken City sewer line under California Street that ruptured during a heavy rainstorm and resulted in a sewage backup. Thus the “source” of the flooding in my office should more correctly be described as a broken City sewer line in addition to the two ground-floor toilets.

Jonas P. Ionin  
Acting Commission Secretary  
San Francisco Planning Commission  
June 12, 2013  
Page 2

The photographs I took showing work being done on the damaged sewer line on California Street subsequent to the 2006 flood that were attached to Mr. Hagemann's expert report in the case and provided as separate handouts to each Commissioner by resident Diana Scott prior to her testimony at the hearing, as well as my conversations with the workers repairing the sewer line in 2006 and the subsequent replacement of the City's sewer line at this location in 2007 as confirmed by the Department of Public Works, speak to the role of the City's sewer line in the history of flooding at the building. My testimony in response to Commissioner Antonini's question should have included this fact.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T.C. Ma". The signature is fluid and cursive, with a large initial "M" and "T.C." visible.

Michael T.C. Ma, DDS

MM/dal

cc: Omar Masry, Planner

## **EXHIBIT 5**

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

WHEREAS we are informed and believe that the presence of antenna equipment on the roof of a seismically deficient soft story building and lead acid batteries and other equipment on the ground floor of a building with a documented history of flooding will cause serious harm to those of us who work, visit and/or perform services in this building in the event of a fire, earthquake and/or flood;

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SERGEY GORBUNOV 1304 KARMEN CT patient  
Print Name Street Address Relationship to 4216 California St.

Gorbunov Santa Clara CA95051  
Signature City, State & Zip Code

Natalia Vigonskaya 1025 Fillmore Patient  
Print Name Street Address Relationship to 4216 California St.

Nun San Francisco  
Signature City, State & Zip Code

MICHAEL T.C. MA 4216 CALIF. ST. Tenant  
Print Name Street Address Relationship to 4216 California St.

Michael T.C. Ma S.F. 94118  
Signature City, State & Zip Code

BEDROSIAN LILIA 1412 NORANDA DRIVE #1 patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] Sunnyvale, CA 94089  
Signature City, State & Zip Code

SI LING WONG 455 BAY ST #266 patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] S.F. CA 94133  
Signature City, State & Zip Code 94133

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---

<u>KRIS OKA</u> Print Name	<u>4216 CALIFORNIA ST</u> Street Address	<u>BUSINESS OWNER</u> Relationship to 4216 California St.
<u>[Signature]</u> Signature	<u>SAN FRANCISCO, CA 94118</u> City, State & Zip Code	

---

<u>Mikhail Spitkovsky</u> Print Name	<u>405 KENNEDY BL.</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
<u>[Signature]</u> Signature	<u>SUNNYVALE, CA 94086</u> City, State & Zip Code	

---

<u>Larisa Spitkovsky</u> Print Name	<u>405 KENNEDY CT</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
<u>[Signature]</u> Signature	<u>SUNNYVALE, CA 94086</u> City, State & Zip Code	

---

<u>Yaling Li</u> Print Name	<u>577A GIN AVE</u> Street Address	<u>Employee</u> Relationship to 4216 California St.
<u>[Signature]</u> Signature	<u>SF, CA 94118</u> City, State & Zip Code	

---

<u>DMITRY ZISKIND</u> Print Name	<u>124 DOWITCHER WAY</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
<u>[Signature]</u> Signature	<u>SAN RAFAEL, CA 94901</u> City, State & Zip Code	



WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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LARISA VOLOSKOVO 1225 Wawona patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] 94116  
Signature City, State & Zip Code

Somira Shaikh 849 Filbert St. Patent Agent  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SF. CA.  
Signature City, State & Zip Code

Adil Shaikh 849 Filbert Dentist  
Print Name Street Address Relationship to 4216 California St.  
[Signature] 849 Filbert  
Signature City, State & Zip Code

Shelya Krato 1470 Tampico Pl. Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Walnut Creek CA 94598  
Signature City, State & Zip Code

Ozid KRITS 1470 Tampico Pl Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Walnut Creek Ca 94598  
Signature City, State & Zip Code **7035**

Tues 05/28/13

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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Andy Miyashita 615 17th Ave patient  
Print Name Street Address Relationship to 4216 California St.

Andy Miyashita SF, CA, 94121  
Signature City, State & Zip Code

Loretta Napier 370 San Leandro Way SF patient  
Print Name Street Address Relationship to 4216 California St.

SHIRLEY HUIE S.F. 94114  
Signature Shirley Huié City, State & Zip Code patient

Belova Irene 420 20ave SF  
Print Name Street Address Relationship to 4216 California St.

Irene San Francisco 94122  
Signature City, State & Zip Code

Yelene Vilaseca 2058 29 Ave patient  
Print Name Street Address Relationship to 4216 California St.

Yelene San Francisco  
Signature City, State & Zip Code

RAISA MARGOLINA 124 DOWITCHER WAY Patient  
Print Name Street Address Relationship to 4216 California St.

Raisa Margolina SAN RAFAEL, CA 94901  
Signature City, State & Zip Code 7036

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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amy miyashita 615-17th Ave employee  
Print Name Street Address Relationship to 4216 California St.

[Signature] SF CA 94121  
Signature City, State & Zip Code

Tommy YIP 92 Orsi Circle patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] SF CA 94124  
Signature City, State & Zip Code

kum miyashita 615-17th Ave patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] SF CA 94121  
Signature City, State & Zip Code

shoki Miyashita 615-17th Ave patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] SF CA 94121  
Signature City, State & Zip Code

Svetlana Sheykhet 1802 Cornflower Crt patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] Richmond, CA 94806  
Signature City, State & Zip Code

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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Harry Paul 4357 California ST Business owner  
Print Name Street Address Relationship to 4216-California St.

[Signature] S.F CA 94118  
Signature City, State & Zip Code

Kerry Lewis 320 Union St   
Print Name Street Address Relationship to 4216 California St.

[Signature] SF, CA 94127  
Signature City, State & Zip Code

THERESA DORN 3 LAS VILLAS CT. PATIENT  
Print Name Street Address Relationship to 4216 California St.

Theresa Dorn SF CA 94124  
Signature City, State & Zip Code

SIMON WONG 42 Berkeley Way patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] S.F. CA 94131  
Signature City, State & Zip Code

PATRICIA BARROW 27 GARCES DR PATIENT  
Print Name Street Address Relationship to 4216 California St.

Patricia M Barrow SF 94132  
Signature City, State & Zip Code

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Frahnaz Shukh 1656 Powell #201 Patient  
Print Name Street Address Relationship to 4216 California St.  
Frahnaz SF CA 94133  
Signature City, State & Zip Code

JOSEPH SHCOP 491-30 AVE # 4 patient  
Print Name Street Address Relationship to 4216 California St.  
J. Shcop S.F. Ca 94123  
Signature City, State & Zip Code

SARBA KUPLEVATSKAYA 1099 FILLMORE patient  
Print Name Street Address Relationship to 4216 California St.  
S. Kuplevatskaya S of CA 94115  
Signature City, State & Zip Code

Khachig HANSIA 1060 D W GARDEN PATIENT  
Print Name Street Address Relationship to 4216 California St.  
Khachig 121 San Rafael 94903  
Signature City, State & Zip Code

Olga RUTUS 363 Arguello #3 patient  
Print Name Street Address Relationship to 4216 California St.  
Olga SF CA 94118  
Signature City, State & Zip Code **7039**

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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Lana Pankovic 263 Oakridge Dr patient  
Print Name Street Address Relationship to 4216 California St.  
Lana Pankovic Daly City Ca 94014  
Signature City, State & Zip Code

Brandon Rhoads 263 Oakridge Dr. Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Daly City CA 94014  
Signature City, State & Zip Code

BARHILA MAJITHA 1415 Scott St Apt 312 les  
Print Name Street Address Relationship to 4216 California St.  
[Signature] [Signature]  
Signature City, State & Zip Code

Mikhail Koslov 982 Steal Dr Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] San Mateo  
Signature City, State & Zip Code

James Bautista 3145 Geary Blvd #124 Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] San Francisco CA 94118  
Signature City, State & Zip Code

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Hume Lim 3325 Ulloa St. Patient  
 Print Name Street Address Relationship to 4216 California St.  
Hume Lim SF CA 94116  
 Signature City, State & Zip Code

Nemtsova Bella 145 GUEZZO patient  
 Print Name Street Address Relationship to 4216 California St.  
Bella SF CA 94103  
 Signature City, State & Zip Code

Liza Korinzer 30 EDGEMAN PL Patient  
 Print Name Street Address Relationship to 4216 California St.  
Liza Korinzer SAN RAFAEL, CA 94929  
 Signature City, State & Zip Code

W. E. Bates 1348 Poplar St Patient  
 Print Name Street Address Relationship to 4216 California St.  
W. E. Bates Daly City CA 95361  
 Signature City, State & Zip Code

ELENA Bates 1348 Poplar Str Patient  
 Print Name Street Address Relationship to 4216 California St.  
Elena Bates Daly City, CA 95361  
 Signature City, State & Zip Code

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Jimmy Gony  
Print Name  
[Signature]  
Signature  
S.F. 94118  
Street Address  
City, State & Zip Code  
Patient  
Relationship to 4216 California St.

Yevgeniy Shredov  
Print Name  
[Signature]  
Signature  
1195 87th Street  
Street Address  
Daly City 94015  
City, State & Zip Code  
patient  
Relationship to 4216 California St.

Michael Kamentsev  
Print Name  
[Signature]  
Signature  
4405 Norwalk Dr #14  
Street Address  
San Jose, CA 95129  
City, State & Zip Code  
patient  
Relationship to 4216 California St.

Olena Kamentsev  
Print Name  
[Signature]  
Signature  
4405 Norwalk Dr #14  
Street Address  
San Jose, CA 95129  
City, State & Zip Code  
patient  
Relationship to 4216 California St.

SUEJAN ZAGOROV  
Print Name  
[Signature]  
Signature  
724 LAUREL AVE  
Street Address  
SAN MATEO  
City, State & 94402  
patient  
Relationship to 4216 California St.



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Matalya Shkeleva 1195 87th Street patient  
Print Name Street Address Relationship to 4216 California St.  
Matalya Daly City 94015  
Signature City, State & Zip Code

Tanya Mikshansky 1500 33rd Ave patient  
Print Name Street Address Relationship to 4216 California St.  
T Mikshansky San Francisco 94122  
Signature City, State & Zip Code

Leon Podkaminer 1919 Funston patient  
Print Name Street Address Relationship to 4216 California St.  
Podkaminer S.F. CA 94116  
Signature City, State & Zip Code

Ang Lam + 7c 32 Seville St. patient  
Print Name Street Address Relationship to 4216 California St.  
Ang S.F. CA 94112  
Signature City, State & Zip Code

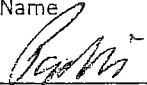
Viktor Mikshansky 1500 33rd Ave patient  
Print Name Street Address Relationship to 4216 California St.  
Viktor S.F. CA 94122  
Signature City, State & Zip Code

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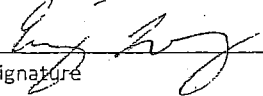
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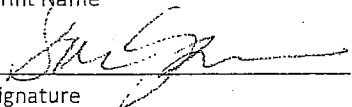
---

<u>PAUL Louie</u>	_____	<u>Patient</u>
Print Name	Street Address	Relationship to 4216 California St.
<u></u>	<u>SF CA 94109</u>	
Signature	City, State & Zip Code	

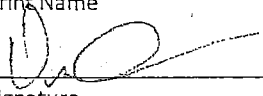
---

<u>CINDY LONG</u>	_____	<u>PATIENT</u>
Print Name	Street Address	Relationship to 4216 California St.
<u></u>	<u>94122</u>	
Signature	City, State & Zip Code	

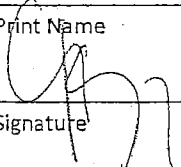
---

<u>DOVA LOUW</u>	_____	<u>patient</u>
Print Name	Street Address	Relationship to 4216 California St.
<u></u>	<u>94080</u>	
Signature	City, State & Zip Code	

---

<u>VINCENT LOUIE</u>	_____	<u>PATIENT</u>
Print Name	Street Address	Relationship to 4216 California St.
<u></u>	<u>94080</u>	
Signature	City, State & Zip Code	

---

<u>LINDA CHANG</u>	_____	<u>PATIENT</u>
Print Name	Street Address	Relationship to 4216 California St.
<u></u>	<u>94583</u>	
Signature	City, State & Zip <u>7044</u>	

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---

DONALD MACLEAN      3352 La Mesa br      patient  
Print Name                      Street Address                      Relationship to 4216 California St.  
Donald Maclean      San Carlos CA 94070  
Signature                      City, State & Zip Code

---

Vera Katseiva      777 San Antonio Rd. #94      patient  
Print Name                      Street Address                      Relationship to 4216 California St.  
Vera Katsava      Palo Alto, CA 94303  
Signature                      City, State & Zip Code

---

Leonid Berezikovskiy      777 San Antonio Rd. #94      patient  
Print Name                      Street Address                      Relationship to 4216 California St.  
Leo Berezov      Palo Alto, CA 94303  
Signature                      City, State & Zip Code

---

KRUTIY VALENTINA      355 24th AVE #201      patient  
Print Name                      Street Address                      Relationship to 4216 California St.  
V. Krutiyy      S.F., CA 94121  
Signature                      City, State & Zip Code

---

Jatolie Podkaminer      1919 Funston ave      patient  
Print Name                      Street Address                      Relationship to 4216 California St.  
J. Podkaminer      S.F. CA 94116  
Signature                      City, State & Zip Code      **7045**

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

WHEREAS we are informed and believe that the presence of antenna equipment on the roof of a seismically deficient soft story building and lead acid batteries and other equipment on the ground floor of a building with a documented history of flooding will cause serious harm to those of us who work, visit and/or perform services in this building in the event of a fire, earthquake and/or flood;

THEREFORE, we the undersigned intend to hold AT&T and the City and County of San Francisco legally responsible for any injury or harm to anyone who works, visits and/or performs services in this building as a result of a fire, earthquake and/or flood. If any injury and/or death occur(s), it is our intention to file suit against AT&T, including but not limited to its subsidiaries, contractors and subcontractors, and the City and County of San Francisco, including but not limited to its Planning Department, Department of Building Inspection, Department of Public Works, Fire Department and Health Department.

HASHIM AZAM 101 BROWNINGWAY Patient.  
Print Name Street Address Relationship to 4216 California St.  
hashim azam VALLEJO, CA 94590  
Signature City, State & Zip Code

NIJARA MUHAMMADTOUNG 683 45<sup>th</sup> AVE. Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SF, CA 94121  
Signature City, State & Zip Code

ANNA TITAREVKO 1319 21st AVE Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SF, CA 94122  
Signature City, State & Zip Code

Tao Zhang 35 Oliver St. assistant  
Print Name Street Address Relationship to 4216 California St.  
Tao Zhang S.F. CA 94112  
Signature City, State & Zip Code

Xiao Xie 35 Oliver St. patient  
Print Name Street Address Relationship to 4216 California St.  
Xiao Xie S.F. CA 94112  
Signature City, State & Zip Code 94112

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SERGEY SKORESSKY 558 28<sup>th</sup> Ave #202 Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SAN FRAN, CA 94121  
Signature City, State & Zip Code

Zinovy Brodsky 11 Hollyleaf Way Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Novato CA 94949  
Signature City, State & Zip Code

Max Paulovich 1148 Peacock Creek Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] CLAYTON, CA  
Signature City, State & Zip Code

Tanya Kulberg 2201 CALISTO #11 Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] S.F. CA 94121  
Signature City, State & Zip Code

Yelena Nisenbaum 230, 12th #204 Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] CA, San Francisco  
Signature City, State & Zip Code 94107

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Huang, Liu Piao 117 Elmira ST patient  
Print Name Street Address Relationship to 4216 California St.  
Liu Piao Huang S.F. CA 94124  
Signature City, State & Zip Code

Raisa Talyamshy 228 Willard North patient  
Print Name Street Address Relationship to 4216 California St.  
R. Talyamshy San Francisco  
Signature City, State & Zip Code

JOSEPH FAYNGOR 1678 21<sup>st</sup> AVE S patient  
Print Name Street Address Relationship to 4216 California St.  
Joseph S.F., CA 94122  
Signature City, State & Zip Code

IAN SIA ADAM I 1064 LOSCAMAS Rd patient  
Print Name Street Address Relationship to 4216 California St.  
IA SIA San Rafael, CA 94903  
Signature City, State & Zip Code

HASHIM AZAM 101 BROADWAY Patient  
Print Name Street Address Relationship to 4216 California St.  
Hashim Azam VALLJO, CA 94590  
Signature City, State & Zip Code 7048

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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ZHI Y ZHU  
 Print Name  
ZHI Y ZHU  
 Signature  
Z-FREDSON  
 Street Address  
S.F. CA 94112  
 City, State & Zip Code  
Patient  
 Relationship to 4216 California St.

SENG IO CHU  
 Print Name  
[Signature]  
 Signature  
Z. Fredson  
 Street Address  
S.F. CA 94112  
 City, State & Zip Code  
Patient  
 Relationship to 4216 California St.

SOU HA WONG  
 Print Name  
[Signature]  
 Signature  
Z Fredson  
 Street Address  
SF. CA 94112  
 City, State & Zip Code  
Patient  
 Relationship to 4216 California St.


Wilfredo Osorio  
 Print Name  
[Signature]  
 Signature  
418 Capp St  
SF CA 94110  
 Street Address  
S.F. CA 94110  
 City, State & Zip Code  
Patient  
 Relationship to 4216 California St.


DANI KYARA  
 Print Name  
[Signature]  
 Signature  
306, St Francis  
 Street Address  
Daly City CA 94015  
7049  
 City, State & Zip Code  
Patient  
 Relationship to 4216 California St.

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

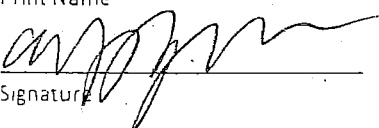
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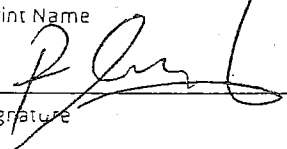
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<u>Saru Baporia</u> Print Name	<u>Almond Ct</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
<u></u> Signature	<u>San Rafael, CA 94903</u> City, State & Zip Code	

<u>SAYEED BAPORIA</u> Print Name	<u>Almond Ct.</u> Street Address	<u>PATIENT.</u> Relationship to 4216 California St.
<u></u> Signature	<u>SAN RAFAEL CA 94903</u> City, State & Zip Code	

<u>Bilkis Munshi</u> Print Name	<u>Miwor Way</u> Street Address	<u>PATIENT.</u> Relationship to 4216 California St.
<u>B. M.</u> Signature	<u>MILL VALLEY CA 94941</u> City, State & Zip Code	

<u>Albert Bergman</u> Print Name	<u>1647 18th Ave</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
<u></u> Signature	<u>SF CA 94122</u> City, State & Zip Code	

<u>Dennis Santos</u> Print Name	<u>FOSTER CITY</u> Street Address	<u>FED EX</u> Relationship to 4216 California St.
<u></u> Signature	<u>9050</u> City, State & Zip Code	



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Wenjun Yu 879 27th Ave patient  
Print Name Street Address Relationship to 4216 California St.

Wenjun S.F. CA 94121  
Signature City, State & Zip Code

Alex Dergun 141 Ortega Ave. patient  
Print Name Street Address Relationship to 4216 California St.

Alex Dergun Mountain View, CA  
Signature City, State & Zip Code 94040

Sonia Dergun 141 Ortega Ave patient  
Print Name Street Address Relationship to 4216 California St.

SD Mtn. View, 94040  
Signature City, State & Zip Code

Yee Ow 638 Royal Glen Ct patient  
Print Name Street Address Relationship to 4216 California St.

Yee Ow San Jose CA 95133  
Signature City, State & Zip Code

Jana Ostrin 10 Arroyo View Cir patient  
Print Name Street Address Relationship to 4216 California St.

Jana Belmont CA 94002  
Signature City, State & Zip Code 94002

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

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LAN DAO 2240 Brookhaven Ct Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SAN PABLO, CA 94806  
Signature City, State & Zip Code

Elaine Li 547 6th Ave Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] S.F. CA 94118  
Signature City, State & Zip Code

Lester Repas 1416 32nd Ave Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SF, CA 94122  
Signature City, State & Zip Code

Hashim Modan 205 Pear ct, San Rafael Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] San Rafael  
Signature City, State & Zip Code

RYAN WONG 209 Lombard Dr Patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SSF, CA 94080  
Signature City, State & Zip Code

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I Smail yacoubali 290 Camino Alto Ct #301 patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] Mill Valley CA 94941  
Signature City, State & Zip Code

EUGENE FURSOV 302 Philip Dr. patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] Paly City  
Signature City, State & Zip Code

ANNA KLIEMAN 320 N. Civic Dr. # 413 Patient.  
Print Name Street Address Relationship to 4216 California St.

[Signature] W. C. CA 94596  
Signature City, State & Zip Code

LYAZAT DANBAROVA 6001 Bollinger Canyon patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] San Ramon, CA  
Signature City, State & Zip Code

Elene Shteyn 2916 Las Gallinas patient  
Print Name Street Address Relationship to 4216 California St.

[Signature] San Rafael CA  
Signature City, State & Zip Code

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LEON PODKAMINER 50 W. POLITE AVE PATIENT  
Print Name Street Address Relationship to 4216 California St.  
[Signature] ST CA 94106  
Signature City, State & Zip Code

SERGEY PASTERNAK 115 Piccadilly Pl. #11 patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] San Bruno CA 94066  
Signature City, State & Zip Code

Natalie Smolchin 781 Moraga Rd, CA patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Lafayette, CA 94549  
Signature City, State & Zip Code

NINA MINAMOTO-TONG 683 45th AVE. patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] S.F. CA 94121  
Signature City, State & Zip Code

Ashiya yacobali 290 Camino Alto ct #321 patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] Mill Valley CA 94941  
Signature City, State & Zip 054

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GIACK LIRISHAN patient  
 Print Name Street Address Relationship to 4216 California St.

Charles Lipsman 1326-44 Ave S.F. CA. 94122  
 Signature City, State & Zip Code

OP Finn 95 Mc Coppin St patient.  
 Print Name Street Address Relationship to 4216 California St.

OP Finn S.F. 94103  
 Signature City, State & Zip Code

ADELE BERGMAN 1847 18th St patients  
 Print Name Street Address Relationship to 4216 California St.

Adelle SF-CA 94122  
 Signature City, State & Zip Code

Sarkisov Yurij 7700 GEARY BLVD APT-11. Patient  
 Print Name Street Address Relationship to 4216 California St.

[Signature] S.F. CA 94121  
 Signature City, State & Zip Code

Alice Yen 167 Jules Ave. Patient  
 Print Name Street Address Relationship to 4216 California St.

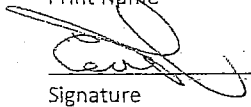
[Signature] SF CA 94112  
 Signature City, State & Zip Code

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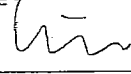
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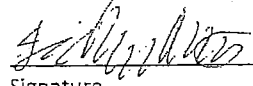
---

<u>Carlos Wu</u> Print Name	<u>301 Bybee St.</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
 Signature	<u>CA, 94132</u> City, State & Zip Code	

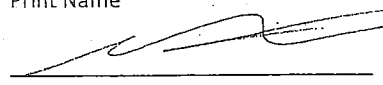
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<u>Mak Hoi Yin</u> Print Name	<u>812 Grant Ave Apt 3</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
 Signature	<u>S.F. CA 94108</u> City, State & Zip Code	

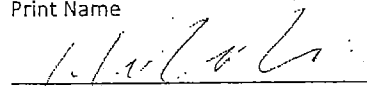
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<u>Jiahui Huang</u> Print Name	<u>854 Vallejo St</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
 Signature	<u>S.F. CA 94133</u> City, State & Zip Code	

---

<u>Zhipeng Zhang</u> Print Name	<u>943 Pacific Ave</u> Street Address	<u>patient</u> Relationship to 4216 California St.
 Signature	<u>SF. CA 94133</u> City, State & Zip Code	

---

<u>Haolan Li</u> Print Name	<u>432 Holyoke St</u> Street Address	<u>Patient</u> Relationship to 4216 California St.
 Signature	<u>SF, CA 94134</u> City, State & Zip <del>7056</del>	

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Polotskaia Marina 1148 Royal Ln patient  
Print Name Street Address Relationship to 4216 California St.  
Polotskaia Marina San Carlos, CA, 94070  
Signature City, State & Zip Code

Diana Blagoderzhskaya 1371 31st Ave patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] SF CA 94122  
Signature City, State & Zip Code

Michael (Coyle) Carr 982 School Dr patient  
Print Name Street Address Relationship to 4216 California St.  
[Signature] San Mateo  
Signature City, State & Zip Code

Fatima Bin-Bilal 414 Dubois Ave patient  
Print Name Street Address Relationship to 4216 California St.  
Fatima Bin-Bilal SF, CA 94117  
Signature City, State & Zip Code

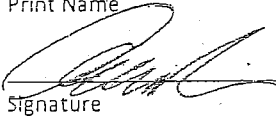
Faina Kautov 1304 Karmen et patient  
Print Name Street Address Relationship to 4216 California St.  
Faina Kautov S. Clara, CA 95051  
Signature City, State & Zip Code

WHEREAS AT&T has filed an application with the San Francisco Planning Department in Case No. 2010.1034C for a Conditional Use Permit to install 9 cellular antennas at 4216 California Street on the roof of this seismically deficient soft story building along with lead acid batteries and other equipment to be stored in a ground floor room in the anterior of the building on a block designated by the City and County of San Francisco as a located in a flood-prone area;

WHEREAS we are informed and believe that the presence of antenna equipment on the roof of a seismically deficient soft story building and lead acid batteries and other equipment on the ground floor of a building with a documented history of flooding will cause serious harm to those of us who work, visit and/or perform services in this building in the event of a fire, earthquake and/or flood;

THEREFORE, we the undersigned intend to hold AT&T and the City and County of San Francisco legally responsible for any injury or harm to anyone who works, visits and/or performs services in this building as a result of a fire, earthquake and/or flood. If any injury and/or death occur(s), it is our intention to file suit against AT&T, including but not limited to its subsidiaries, contractors and subcontractors, and the City and County of San Francisco, including but not limited to its Planning Department, Department of Building Inspection, Department of Public Works, Fire Department and Health Department.

ANDREW AN  
Print Name

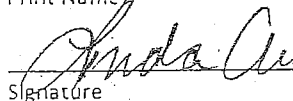
  
Signature

4216 CALIF. #300  
Street Address

SF 94118  
City, State & Zip Code

RENTOR  
Relationship to 4216 California St.

Linda Straub AU  
Print Name

  
Signature

4216 Calif #300  
Street Address

SF Ca 94118  
City, State & Zip Code

employee  
Relationship to 4216 California St.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Relationship to 4216 California St.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Relationship to 4216 California St.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Relationship to 4216 California St.



## **EXHIBIT 6**



# NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

## DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco  
1660 Mission St. • San Francisco, CA 94103 - 2414

- FIRST NOTICE
- SECOND NOTICE
- OTHER: \_\_\_\_\_

COMPLAINT NUMBER

201122281

ADDRESS 4216 CALIFORNIA ST

DATE 6/16/11

OCCUPANCY / USE B Commercial Office

BLOCK 1364 LOT 019

CONST. TYPE 5

STORIES 3  BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT \_\_\_\_\_ PHONE # \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

PERSON CONTACTED @ SITE \_\_\_\_\_ PHONE # \_\_\_\_\_

## VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 103A);  ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106A.4.7);

EXPIRED PERMIT (SFBC 106A.4.4);  CANCELLED PERMIT (SFBC 106A.3.7) PA# \_\_\_\_\_;

UNSAFE BUILDING (SFBC 102A);  SEE ATTACHMENTS

CODE / SECTION #

You failed to comply with Notice of Violation 103A

Date: 4/20/11 therefore this department has initiated

abatement proceedings against the property

BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104A.2.4

FILE BUILDING PERMIT APPLICATION WITHIN \_\_\_\_\_ DAYS ( WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN \_\_\_\_\_ DAYS AND COMPLETE ALL WORK WITHIN \_\_\_\_\_ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN \_\_\_\_\_ DAYS.  NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 4/20/11, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

You will be notified of the date a fine  
is assessed against the property.

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Permit Fee (Work w/o Permit after 9/1/60)
- Other \_\_\_\_\_
- 2x Permit Fee (Work Exceeding Scope of Permit)
- Reinspection Fee \$ \_\_\_\_\_
- No penalty (Work w/o permit prior to 9/1/60)

APPROX. DATE OF WORK W/O PERMIT \_\_\_\_\_ VALUE OF WORK PERFORMED WITHOUT PERMITS \_\_\_\_\_

## BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR \_\_\_\_\_ (Inspector - Print Name)

OFFICE HOURS \_\_\_\_\_ TO \_\_\_\_\_ AM AND \_\_\_\_\_ TO \_\_\_\_\_ PM

PHONE # \_\_\_\_\_

By: (Inspector's Signature) \_\_\_\_\_ DISTRICT # \_\_\_\_\_

CC:  DCP  EID  PID  BID  HIS  CED  PRS  DAD  SFFD  DPH  PS

- Building Inspection Division  
3rd Floor, 1660 Mission St. 558-6096
- Housing Inspection Services  
6th Floor, 1660 Mission St. 558-6220
- Electrical Inspection Division  
3rd Floor, 1660 Mission St. 558-6030
- Plumbing Inspection Division  
3rd Floor, 1660 Mission St. 558-6054
- Code Enforcement Division  
3rd Floor, 1660 Mission St. 558-6454



# NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

NOTICE: 2

NUMBER: 201122281

City and County of San Francisco  
1660 Mission St. San Francisco, CA 94103

DATE: 16-JUN-11

ADDRESS: 4216 CALIFORNIA ST

OCCUPANCY/USE: 0

BLOCK: 1364 LOT: 019

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: LINDA DAVIS HOM REVOC TR  
MAILING: LINDA DAVIS HOM REVOC TR  
ADDRESS: 212 DOWNEY ST  
SAN FRANCISCO CA

PHONE #: --

94117

PERSON CONTACTED @ SITE: LINDA DAVIS HOM REVOC TR

PHONE #: --

## VIOLATION DESCRIPTION:

	CODE/SECTION#
<input checked="" type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

You failed to comply with Notice of Violation dated 4/20/11. Therefore, this department has initiated abatement proceedings against the property (SFBC 103A).

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-558-6120

FILE BUILDING PERMIT WITHIN DAYS

(WITH PLANS) A copy of This Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN DAYS.

NO PERMIT REQUIRED

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 20-APR-11, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

⊗ FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.  
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

You will be notified of time, date and place of Director's Hearing by Code Enforcement Division.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

9x FEE (WORK W/O PERMIT AFTER 9/1/60)

2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

OTHER:

REINSPECTION FEE \$

NO PENALTY

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy

PHONE # 415-558-6120

DIVISION: CES

DISTRICT:

By:(Inspectors's Signature) \_\_\_\_\_

**EXHIBIT 7**

Jonas - I hope jury duty is going okay.

Here is the permit for the California Street micro installation that we have been going around and around on because of a possible violation. Jenny Estes has put together a timeline of the equipment modification history and it looks like DBI has been signing off on electrical permits for equipment that we would not approve under the accessory use determination?

Could you please review the plans and let me know if the current equipment complies with the accessory use letter? If it doesn't, what is our next step?

AT&T/Jenny is calling me every day.....

Thanks.

Sara

Sara, Jenny: A Jenny, she needs to provide equipment plan to document current configuration or do 311/312.

9/25/11 - Phone message for Jenny telling us know that modification since 2011.08.15, VASA requires CU.

4216 California St

(ENR 504/SF 3305)

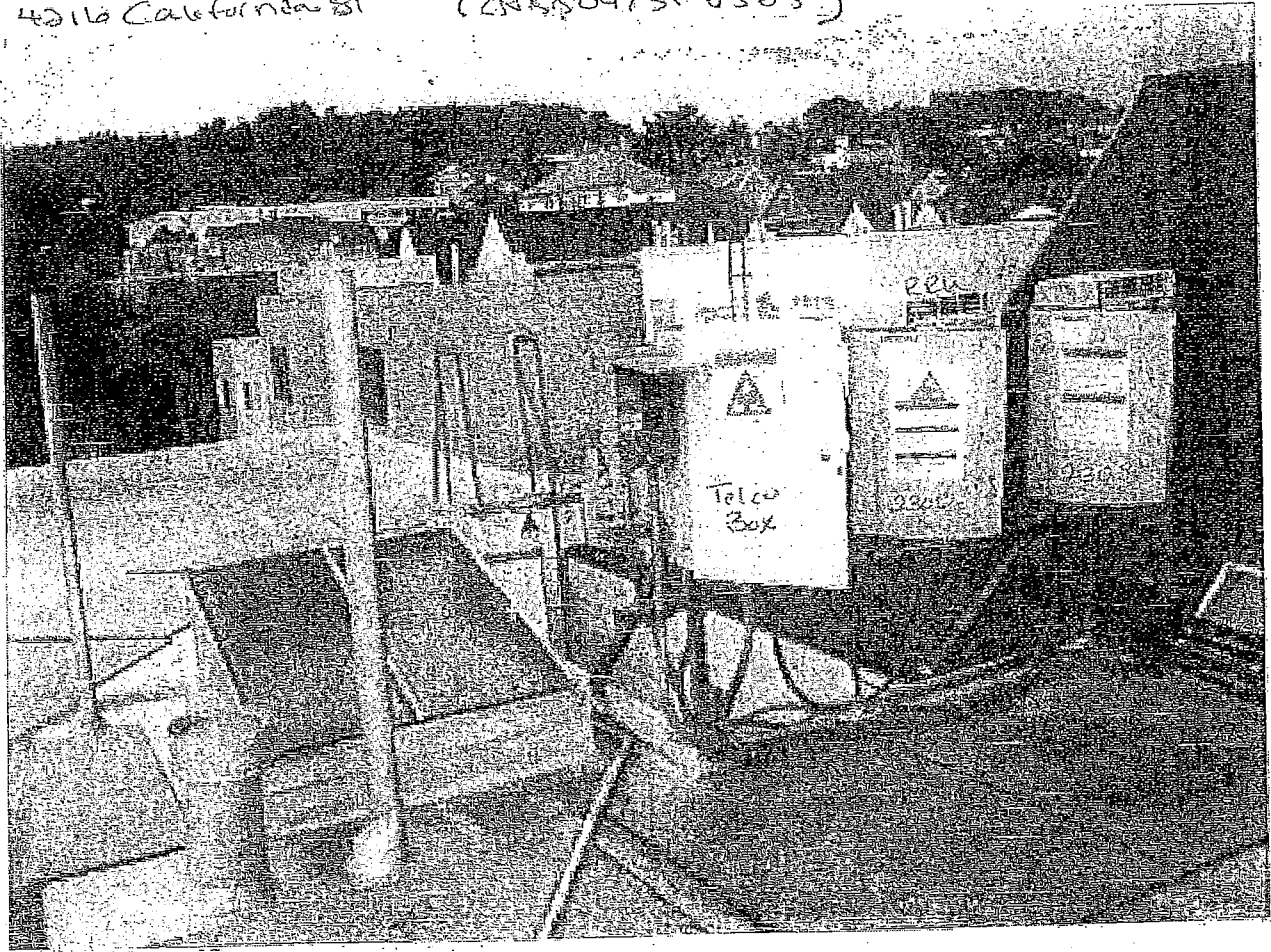
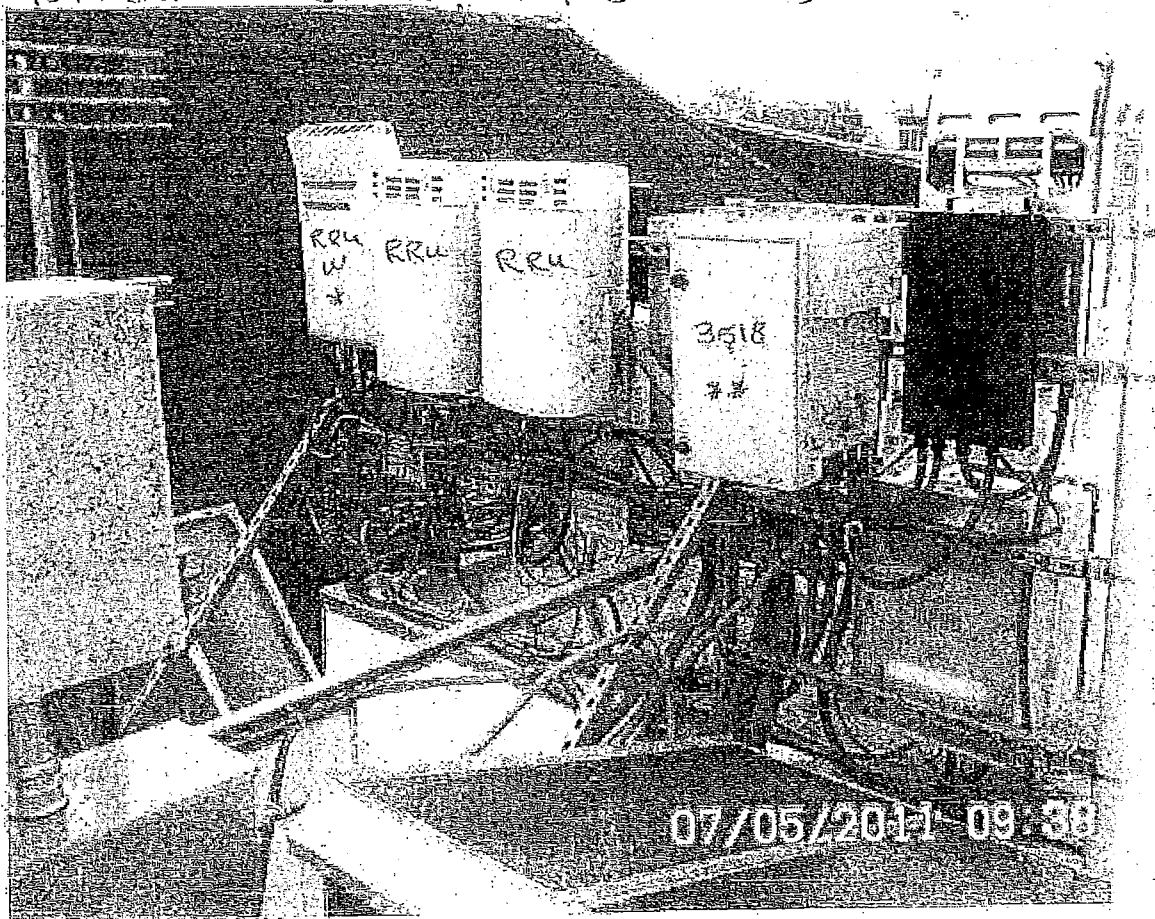


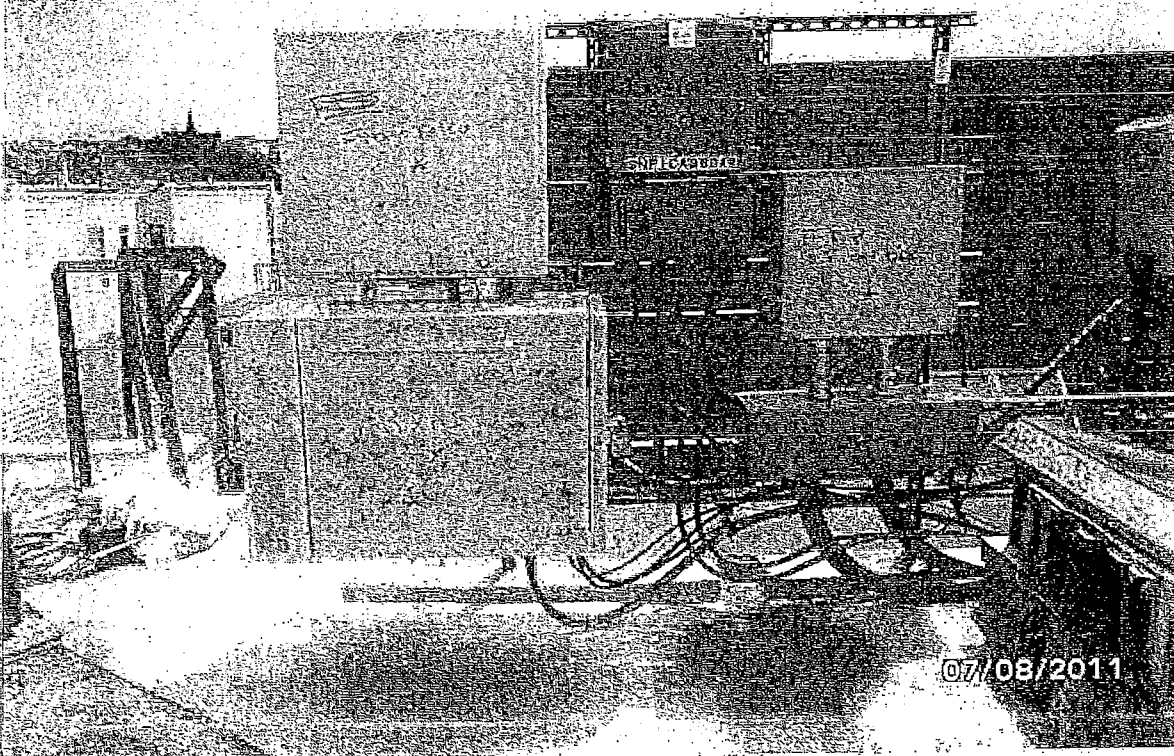
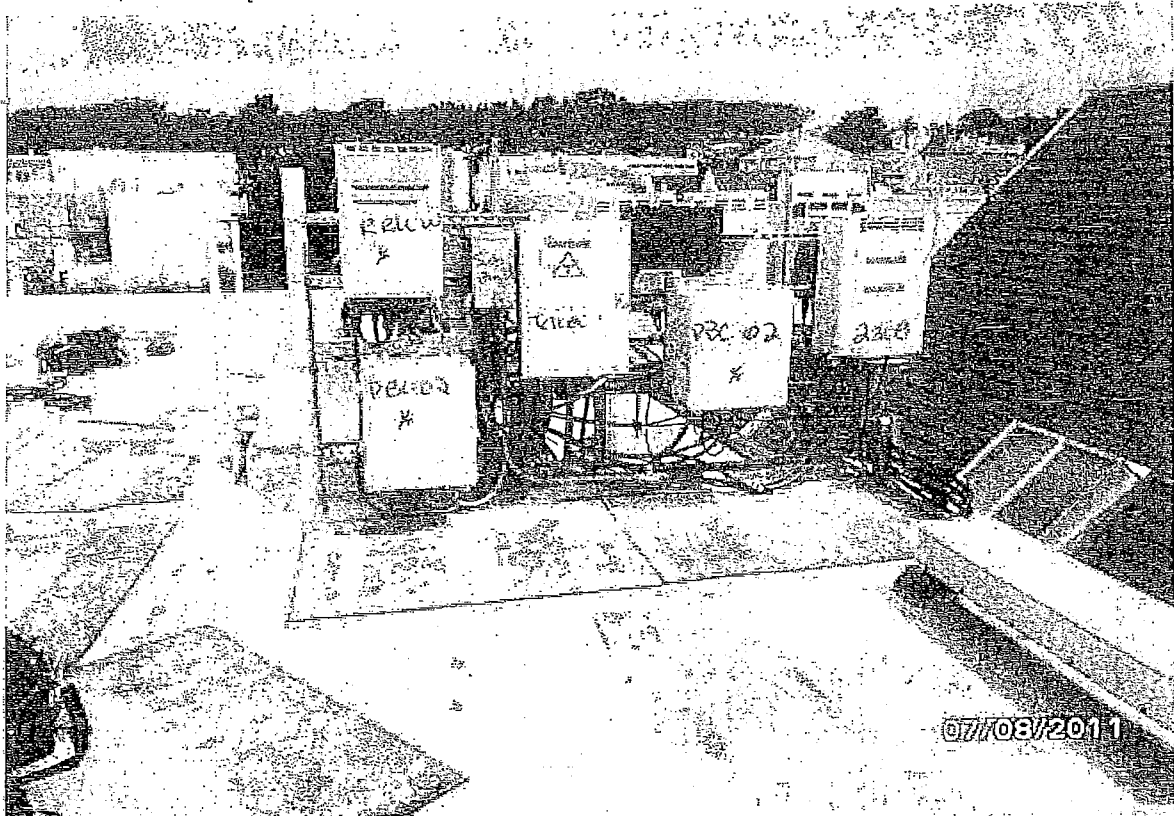
Photo taken in 2006

AT & T Mobility  
4216 California St (N 5504-SF 2325)



\* = Added  
\*\* = Replaced or exchanged

AT-T Mobility  
4216 California St  
(CNS30A/SF2395)







## PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE WWW.SFGOV.ORG/PLANNING
-------------------------------	--	---	---	--

September 27, 2002

Alice Suét Yee Barkley  
Attorney at Law  
30 Blackstone Court  
San Francisco, CA 94123

**RE: AT&T Wireless  
Letter of Determination for Accessory Use**

Dear Ms. Barkley:

This is in response to your August 19, 2002 letter regarding proposed modifications to the AT&T Wireless network. You requested my determination as to whether or not the proposed antenna installations could be considered accessory uses as authorized in previous Letters of Determination (dated July 29, 1997 and August 19, 1999 - for Cellular One, the predecessor of AT&T) and information relating to the status of three permits filed on behalf of AT&T Wireless.

After reviewing the previous Letters of Determination as well as Planning Code Sections 204 (Accessory Uses, General), 703.2(b)(1)(C) (Accessory Uses in Neighborhood Commercial Districts) and the information submitted with your letter, I have determined that the proposed antenna installations comprised of either one or two Ericsson Model RBS2302 transmitters (aka equipment cabinets) paired with one Decibal Products Model ASPP2933E antenna, would fall within the scope of accessory use as authorized in the previous Letters of Determination for the reasons set forth below:

1. The installations would be limited to the following equipment: either one or two Ericsson Model RBS2302 transmitters paired with one Decibal Products Model ASPP2933E antenna. The typical installation would feature the following layout: one existing, previously approved omni-directional antenna (as authorized in the July 29, 1997 Letter of Determination) above the proposed Decibal Products Model ASPP2933E antenna projection mounted via a bracket to a building façade.
2. RF emissions from the proposed installations have been reviewed by the Department of Public Health (DPH) and have been found to comply with FCC standards and will not require radio frequency radiation reports for these sites (see attached).
3. Based on the photos and specifications submitted with your letter, the proposed installation would not have any adverse aesthetic or visual impacts on the subject properties or the surrounding vicinities due to the following:
  - a. Any proposed installation must comply with the design review of the Planning Department.

- b. The equipment associated with the proposed antenna installation would either be located on the roof behind an existing parapet or within the subject building and therefore not creating any visual clutter;
  - c. The antennas would not extend any more than necessary above the roofline of the subject building;
  - d. The antennas would be painted to match the color of the existing buildings and are otherwise designed to blend with existing architectural features.
4. AT&T shall submit a Building Permit Application for the proposed installations.
  5. AT&T has the following accessory use authorizations on file with the Planning Department: "two pairs of whip or omni-antennas, measuring a total of 4 feet long, mounted on the façade of an existing building" (per July 29, 1997 Letter of Determination, see attached), and; a pair of 12 inch wide by 12 inch high by 5 inch deep panel antennas (per August 19, 1999 Letter of Determination, see attached).
  6. For any proposed facility, AT&T must meet all requirements set forth within the current and/or subsequent versions of the Planning Department's WTS Facility Siting Guidelines and WTS Application Checklist for Accessory Uses (February 15, 2001) (see attached). Additionally, AT&T must meet any current and future policies (including those not published within the WTS Guidelines) of the Planning Department for the siting of wireless facilities.
  7. AT&T shall locate all facilities on sites considered Location Preferences 1-6 as described within the current Planning Department's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines (August 15, 1996). AT&T shall not locate facilities on residential buildings within residential districts.

For these reasons, the proposed AT&T facilities, composed of the aforementioned antenna and equipment models (see items 1 and 2) shall be considered as accessory uses. Please be advised, however, that if these antennas are proposed on a building of historical or architectural significance, additional review by the Landmarks Preservation Advisory Board or a staff Preservation Technical Specialist may be required.

The status of the three requested building permit applications are as follows:

- 1) 1300 Fourth Street (Permit Application Number 2002.07.05.0723): filed on 7/5/02 and approved by the Planning Department on 7/24/02 (see attached).
- 2) 833 Mission Street (Permit Application Number 2002.05.02.5524): filed on 5/2/02 and approved by the Planning Department on 9/11/02 (see attached).
- 3) 737-757 Third Street (Permit Application Number 2002.03.29.2630): filed on 3/29/02 and approved by the Planning Department on 6/10/02 (see attached).

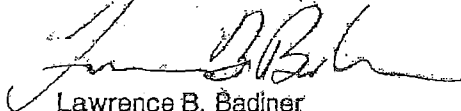
If you have any questions about this determination, please contact Scott Sanchez at 558-6679.

If any one has substantial reasons to believe that there is an error in the interpretation of the provisions of the Planning Code or abuse of discretion on the part of the Zoning Administrator in

September 27, 2002  
Letter of Determination  
Alice Sue Yee Barkley  
Page 3 of 3

this determination, they have fifteen (15) days from the date of this letter to appeal this determination to the Board of Appeals. For information regarding the appeals process, please contact the Board of Appeals, located at 1660 Mission Street, or call (415) 575-6880.

Sincerely,



Lawrence B. Badiner  
Zoning Administrator

Attachments:

- ◆ DPH review of RF emissions
- ◆ Letter of Determinations dated July 29, 1997 and August 19, 1999
- ◆ Planning Department Wireless Telecommunications Facility Services (WTS) Facilities Siting Guidelines Application Checklist for Accessory Uses, February 15, 2001
- ◆ Planning Department Wireless Telecommunications Services (WTS) Facilities Siting Guidelines, August 15, 2001
- ◆ DBI Permit Tracking for requested permits

cc: Richard Lee, DPH (w/o attachments)  
Scott Sanchez, Planner (w/o attachments)

LBB/SFS/NAZA\DETERMIN\2002\AT&T Accessory Use LoD.doc

# **EXHIBIT 8**

City and County of San Francisco  
2012-2013 Civil Grand Jury

**Building a Better Future  
at the Department of Building Inspection**

June 2013



City and County of San Francisco  
Civil Grand Jury, 2012-2013

MEMBERS OF THE 2012-2013  
CIVIL GRAND JURY  
CITY AND COUNTY OF SAN FRANCISCO

Martha Mangold, Foreperson  
Fred A. Rodríguez, Foreperson Pro Tem  
Leslie Finlev, Recording Secretary  
Maria Martinez, Corresponding Secretary

Jon Anderson  
Jennifer Angelo  
Jeanne Barr  
Paul Cheng  
Jerry Dratler  
Hülida E. Garfolo  
D. Peter Gleichenhaus  
Shelly Hing  
Corinna Kaarlela  
Daniel Kreps  
Hilary Pedigo  
Theresa Sabella  
Suzanne Tucker  
Thomas Walker  
Stuart Williams

## THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year.  
It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name.  
Disclosure of information about individuals interviewed by the jury is prohibited.  
California Penal Code, section 929

## STATE LAW REQUIREMENT California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days, as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

- 1) agree with the finding, or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the responding party must report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

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City and County of San Francisco  
2012-2013 Civil Grand Jury

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## Issue

As San Francisco experiences a surge of growth, the Department of Building Inspection (DBI) must emerge from an era of revolving leadership, thwarted efforts at reform, funding deficiencies, staff layoffs, and apparent general resistance to change. Construction in San Francisco has rebounded dramatically from the 2007-09 recession, and the DBI is expected to report an operating surplus of about \$37 million for the fiscal years 2009 through 2013. The Mayor, Board of Supervisors, and Building Inspection Commission currently have the funds available to remedy many of DBI's problems.

In this report, the 2012-13 Civil Grand Jury identifies major operational challenges that currently exist within DBI and opportunities for transparency and transformation.

## Summary

In a dynamic building environment, the City of San Francisco needs a Department of Building Inspection (DBI) that provides transparent, consistent, efficient, and equitable services. The Department has experienced a good deal of turmoil and turnover in leadership in recent years that hampers its operations. City officials and the media have called it "dysfunctional," "inefficient," and "a mess."

The 2012-13 Civil Grand Jury investigation addressed these aspects of DBI:

- Departmental reform: the need for stable and independent leadership, strategic planning, and cultural change, including examination of DBI's ethical standards
- Code enforcement: lax enforcement as a consequence of the Department's current procedures
- The role of technology: the potential for new technology to transform the Department and the current under-investment in technology

Our focus on departmental reform includes the fundamental issue of leadership, including the Mayor's Office, which appoints a majority of the Building Inspection Commission (BIC); BIC itself, which appoints the director of DBI and establishes departmental policy; the DBI Director; and the different department heads who manage DBI's operations.

Our investigation of code enforcement was driven by reports that some code enforcement processes are given low priority, are in need of updating and technical innovation, and do a disservice to vulnerable residents in the City.

The implementation of new technology provides the opportunity to address many issues and will succeed if leadership at all levels fully embraces business process change and the implementation of new tools.

Based on its investigation, the Jury makes the following recommendations in three categories:

Departmental Reform

- 1.1 The DBI management should retain a consultant to update the 2007 *Business Process Reengineering Report* (BPR) findings and recommendations and present the findings to BIC and the DBI Director.
- 1.2 The BIC and DBI Director should develop a detailed action plan with firm due dates for implementing BPR recommendations that the consultant identifies as not completed.
- 2.1 The DBI management should update departmental policies and procedures.
- 2.2 The DBI should make all policies and procedures easily accessible online internally and, where appropriate, externally.
- 3.1 The DBI should assess staff needs for leadership and communication training and develop plans to strengthen areas of weakness.
- 3.2 The DBI should assess technical skill deficiencies in the DBI staff and develop training plans to strengthen these areas.
- 3.3 The DBI should cross-train specific staff members to allow the Department to better respond to fluctuating workloads.
- 4.1 The DBI Director should conduct an ethical climate survey and use the results to identify areas where improved communication of ethical standards and monitoring of employee behavior are needed.
- 5.1 The Board of Supervisors should hold a hearing within six months of the release of this report by the 2012-13 Jury to see if BIC has taken action on the issues raised.

Code Enforcement

- 6.1 The DBI should establish performance standards for resolving code violations within designated time frames (for example, closing 75 percent of Notices of Violation within six months and 95 percent within 12 months of when they are issued). The performance standards should be reviewed and approved by BIC in public session.
- 6.2 The DBI should develop monthly management reports for BIC that monitor the Department's performance against BIC-approved performance standards for resolving building code violations.

- 7.1 The DBI should review and expand its criteria for using the Building Code's Demolition and Repair Fund to achieve actual abatement of unsafe building conditions.
- 7.2 The Abatement Appeals Board should abide by the Building Code's limits on continuances during the Notice of Violation (NOV) process.
- 7.3 The Board of Supervisors should review the administrative procedures in the Building Code and consider enacting a process that provides for stronger penalties at the administrative level.
- 8.1 All DBI enforcement units should use the monetary tools in the Building Code to encourage abatement and to fund enforcement operations.

#### Role of Technology

- 9.1 The DBI should ensure that management has clearly defined the business rules and workflow processes for the new Accela system.
- 9.2 The DBI "subject matter experts" assigned to the Accela implementation team should be given adequate time to respond to consultant questions not addressed by department documentation and to fully assist in system acceptance testing prior to going live.
- 10.1 The DBI should conduct a methodical review of all major business processes to ensure that they are designed to achieve the department objectives and that they include time or due date criteria that can be monitored by information systems.
- 11.1 The DBI should ensure that all field inspectors and supervisors are fully trained and supported in both the use of the mobile equipment and the mobile Accela application being implemented as part of the Permit and Project Tracking System.

## **Background**

### ***1. The Department of Building Inspection***

#### **a. Basic Facts and Figures**

In fiscal year (FY) 2011-12:

- The Department of Building Inspection (DBI) issued 55,442 permits, collecting \$55,657,075 in total revenues, and performed 125,243 inspections.<sup>1</sup>
- The Building, Electrical, and Plumbing Inspection divisions performed 49,311 inspections. They issued 863 Notices of Violation (NOVs) and two

Emergency Orders, achieved abatement of 814 violations, and referred 358 cases to the Code Enforcement Section.<sup>2</sup>

- The Code Enforcement Section received 1,202 complaints, scheduled 705 for a Director's Hearing, and abated 1970 cases, referring six to the City Attorney's Office (CAO).<sup>3</sup>
- Housing Inspection Services (HIS), which is responsible for 20,194 buildings comprising 188,716 units, performed 11,142 inspections and abated 3,711 complaints.<sup>4</sup>

## **b. The Evolution and Mandate of the Department**

The DBI is mandated to ensure the safe construction, renovation, and maintenance of homes and buildings. San Francisco's Planning Department is responsible for land use policy and planning codes. Prior to 1994 the Bureau of Building Inspection, under the Department of Public Works, handled building inspection. In November of that year, tenant advocacy groups dissatisfied with BBI enforcement of housing codes joined with the powerful Residential Builders Association to place an amendment to the City Charter on the ballot. Proposition G was passed by voters, creating DBI and the Building Inspection Commission (BIC).<sup>5</sup>

The seven-member BIC is empowered to "organize, reorganize and manage the Department of Building Inspection." Four members are appointed by the Mayor and three by the Board of Supervisors.

The stated mission of DBI is:

Under the direction and management of the seven-member citizen Building Inspection Commission, to oversee the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Electrical, Mechanical, Plumbing and Disability Access Codes.

The BIC appoints the Director of the Department and approves the budget. DBI is an "enterprise" department that generates its own revenue from permit and inspection fees, penalties, and fines and does not receive money from the General Fund. The Department does not, however, operate on a pure "profit and loss" basis. It has a limited ability to hold funds in reserve and must maintain a balanced budget. Because many larger projects may take several years to complete, funds are put in reserve for work done after the current fiscal year. During the 2007-09 economic downturn, revenues and permit applications decreased to the point where staff layoffs were mandated, leaving the department with a smaller complement and fewer experienced employees to handle the current upswing.

The DBI has a troubled history, including two FBI investigations in 2006 and a high rate of turnover in the director position. Since 2005, DBI has had five directors, none of

whom has served for more than a few years. There has been an acting director since July of 2012, and BIC's process for hiring a permanent director has been protracted.

### c. The Organization of DBI

The DBI is organized into these divisions:<sup>6</sup>

- Permit Services
  - Plan Review performs the intake, routing, and review of submitted plans prior to the issuance of permits.
  - Permit Submittal and Issuance performs the intake of permits not requiring plan review and the issuance of all permits.
- Inspection Services
  - The Building, Electrical, and Plumbing Inspection divisions perform inspection of previously permitted work. Inspectors may note non-permitted work in the course of their duties. They also inspect premises based on citizen complaints about homes with non-permitted work and improper construction. They issue NOVs for non-permitted work and/or work not in compliance with the building codes.
  - Code Compliance (Code Enforcement) inspectors follow up on NOVs issued by the Building, Electrical, and Plumbing Inspection divisions and compel property owners to correct code violations.
  - Housing Inspection Services performs the inspection of built housing for compliance with the Housing Code, including both periodic routine inspections and those arising from citizen complaints. HIS issues NOVs and follows them through to abatement.
- Administrative Services handles records, payroll, and financial services.
- Management Information Services is charged with the implementation and management of the Department's information technology.

### d. The Ethical Environment

The DBI was the subject of documented ethical issues over many years:

- 2001 - The City Controller issued an audit that found a culture of real and perceived preferential treatment at DBI.<sup>7</sup>
- 2003 - A 2002-03 Civil Grand Jury report found that some customers of DBI were receiving preferential treatment and recommended reforms.<sup>8</sup>
- 2003 - A DBI information systems manager pled guilty for defrauding DBI and accepting \$500,000 in kickbacks.<sup>9</sup>
- 2004 - Mayor Newsom appointed an investigator to monitor allegations of favoritism at DBI.<sup>10</sup>
- 2006 - An FBI investigation at DBI resulted in the indictment of the DBI manager who headed the one-stop permit section. He was accused of perjury and of accepting bribes in exchange for favorable treatment of permit applicants.<sup>11</sup> In 2008 a jury acquitted him on four charges and deadlocked on 29 other charges.<sup>12</sup>

- 2006 - A senior building inspector was investigated by the FBI after he purchased a distressed property that had been the subject of a DBI abatement order.<sup>13</sup>
- 2007 - The City Controller investigated this situation and recommended that the DBI adopt rules restricting such purchases in the future.<sup>14</sup>
- 2010 - A former plan checker who became a permit expediter was criminally prosecuted and sued for damages by the City Attorney after he faked documentation for a large number of projects submitted to the permit process.<sup>15</sup>

The DBI always has been subject to the ethics rules and regulations that apply to City employees.<sup>16</sup> In 2005 DBI began to take formal steps to strengthen its ethics rules and regulations by implementing a new Permit Processing Code of Conduct that was adopted by the Ethics Commission.<sup>17</sup> A Statement of Incompatible Activities was issued in 2008.<sup>18</sup> Most significant is the 40-page revised Code of Professional Conduct (CPC) applying to all DBI employees, issued in 2009.<sup>19</sup> This document is comprehensive and provides many useful examples of unacceptable conduct. Despite these changes, there is a common public perception of a lack of ethical behavior within the department.

#### **e. Employee Ethics Compliance Process**

The DBI's ethics guidance and compliance process is unfocused and could lead to the inconsistent application of ethical standards. There is no specific point person for getting answers to ethics questions. Its internal ethics regulations advise non-supervisory employees to go to their supervisors with ethics questions. Supervisors and managers can obtain ethics advice through their immediate superior, the Personnel and Payroll Manager, the Director, the Ethics Commission or the City Attorney. In Jury interviews with DBI management and supervisory staff, we heard that there are procedures that are unwritten but generally understood.<sup>20</sup> There is no one place on the DBI web page or in a manual where all of the ethics rules applying to DBI employees are stated.

DBI employees, like all City employees, are required to take ethics training when hired and every two years thereafter. All DBI employees are required to submit an annual Form 700 (financial disclosure) and a certification statement that they have taken Sunshine Act training annually and ethics training at least every two years.

## **2. The City's Current Building Environment**

After a decline in building construction, there is currently an almost unprecedented building boom in the City.<sup>21</sup> One hundred and forty buildings around the City, including 26 high-rises, currently are adding 4,000 housing units and 1.5 million square feet of office space. Huge projects are underway, such as the new Transbay Terminal, the Mission Bay development, and new hospital buildings. Developers have applied to construct another 40,000 housing units over the coming years. After many projects were shelved during the recession, "shovel ready projects have been breaking ground virtually overnight."<sup>22</sup>

A respected economist in the City told the Jury that, in 2012, building and remodeling activity contributed roughly \$5 billion to the San Francisco economy and generated over 14,000 construction jobs. In addition, almost 7,000 jobs for architects, engineers, and support industries were created.

However, the same economist stated that inefficiencies and service backlogs at DBI and the Planning Department which inhibit or delay housing and commercial construction cause an increase in building costs that ultimately drives up commercial and residential rents, making the City less competitive. According to the S.F. Controller's *Government Barometer Report*<sup>23</sup> issued in February of 2013, the percentage of all building permits involving new construction and major alterations that are approved or disapproved within 90 days of submission declined from 66 percent in the prior quarter to 55 percent, with a downward trend line over both the short- and long-term.

Our report keys off the excellent work done for the 2007 *Business Process Reengineering Report* (BPR),<sup>24</sup> which addresses DBI's weaknesses and need for a strategic plan, improved procedures, and better use of technology.

Many individuals we interviewed pointed out that the performance of the Department is improving and we hope, with this report, to contribute to that positive momentum.

## Investigation

The Jury initiated this investigation because of complaints we heard about the Department of Building Inspection, as well as the Planning Department, from a number of sources. Building Inspection is perceived as taking too long to deliver services, being retaliatory, providing preferential treatment to certain users, being inconsistent in its interpretation of building and housing codes and being dysfunctional in general. There were some people who declined to be interviewed, expressing a fear of retaliation, even though Grand Jury interviews are confidential.

### 1. Departmental Reform

#### a. Management Challenges

Much of the perception about the Department of Building Inspection (DBI) is based on departmental inefficiencies and deficiencies that worsened during the recession when the Department laid off about 100 people, more than 25 percent of its work force, and there were delays in rehiring to meet the recent high demand for services.

Organizations with demands like those facing DBI require management that initiates and supports the development of business management plans and systems that enable the organization to be accountable for its mission. A previous Jury, the Controller, the San



Francisco Planning and Urban Research Association (SPUR), and the BPR report all have noted that DBI lacks a strategic plan which would set priorities, focus energy and resources, ensure that employees are working toward common goals, and adjust operations in response to a changing environment.<sup>25</sup>

The DBI has had a revolving door of directors, with five in the past seven years and, as of our report, an acting director for a year. Such turnover in the director's position and the shuffling of managers, sometimes out of their area of expertise, has hampered the Department as it deals with a flood of work during this building boom.

### **b. Problems in Hiring**

Permit and inspection fees declined swiftly in the most recent recession, reduced operating revenue and required DBI to dramatically reduce staffing levels to maintain a balanced operating budget. Construction activity in San Francisco rebounded after the recession, and DBI was unable to quickly replace staff who were laid off, due to the City's cumbersome hiring procedures and internal Department inefficiency in moving the process forward. The DBI had to analyze job content, update job descriptions, and develop a test for each job classification before recruiting could begin. These and other civil service procedures extended the hiring timeline to about one year. When we began our investigation, there were roughly 75 vacant positions. Although many of them have been filled, the Department remains understaffed for the current workload.

DBI estimates that it will have a \$37 million, four-year department operating surplus at the end of the current fiscal year. A study prepared by the Controller recommends that DBI maintain a \$17 million operating reserve to support an orderly staff level transition when the current building boom ends.

### **c. Lack of Current Policies and Procedures**

The Jury requested and reviewed the Department's policies and procedures manuals, which are a basic tool of any agency and especially important in a regulated, technical field. The policies and procedures documents provided to us were frequently outdated, with some from the late 1980s, most from the 1990s, and a few updates through 2007. We understand that these aging manuals were not widely distributed and used. Some are available as online resources within DBI, and a few can be found online by the public.

### **d. Training**

After a significant number of employees were laid off during the economic downturn, the Department was short of funds and there was some justification to consider training as a secondary need. Current management is trying to emphasize training more than in the past.

Training needs identified but not yet fully implemented include:

- technical training – from inside and outside sources
- functional training across City departments and DBI divisions
- California Building Code training
- instruction in DBI policies and procedures
- leadership and change management training for supervisors and managers
- training in organizational values
- technology training for employees in preparation for a new document management and tracking system, as well as in use of mobile devices that eventually will connect field personnel directly to DBI's database

## ***2. Ethical Standards as an Ongoing Issue***

Our investigation was not focused on finding specific instances of misconduct; we found no direct evidence that ethical violations at DBI are common. However, we were told that in the early months of 2013 an employee was investigated for improper ethical conduct and had resigned. In addition, a review of complaints made to a City agency revealed that periodic allegations of ethical misconduct continue.

### **a. Reducing Potential Favoritism in Plan Check**

A 2007 redesign of the permitting process reduced opportunities for obtaining and giving preferential treatment in the plan check area of DBI. A one-stop Plan Check, located on the fifth floor of DBI headquarters, and Plan Review, located on the second floor, both use supervisor oversight and clipboard signup to ensure that plan checkers are assigned in order of availability, not according to customer preference.

Nevertheless, individuals we interviewed expressed concern that some customers might still be receiving preferential treatment, perhaps because of political pressure asserted by powerful building interests.

That concern may be warranted. Many applicants retain permit expeditors to move their plans through the application and approval process, and these expeditors frequently establish relationships with the plan checkers. This has long been a concern of DBI critics and some members of the Board of Supervisors. At the time of this report, the Board is considering whether expeditors should be required to register as lobbyists with the Ethics Commission and disclose the names of their clients.<sup>26</sup>

Despite the supervised assignment of customers to plan checkers, the work schedules of the checkers are posted, and we heard from DBI staff that some customers might come to DBI on a certain day and let another customer move ahead of them in the line in order to work with a particular employee. This may occur even without the knowledge or involvement of the employee.<sup>27</sup> DBI officials have told BIC that they are “considering doing spreadsheets for the [sign-in] clipboards and copying them every evening, and putting them into the system so staff will know if there is inappropriate contact between a

plan checker and a certain expediter.”<sup>28</sup> The Jury found that this type of system has not been implemented.

## **b. Ensuring Ethics Compliance**

The Jury asked DBI management personnel about efforts to maintain a strong ethical environment. They told us that ethical conduct is a priority; every employee knows that customers must be treated equally and violations will not be tolerated. The DBI customers we interviewed believe that the vast majority of DBI employees adhere to strong ethical standards. But those who want to bend or break the rules are still in a position to grant preferential treatment to favored customers.

As in Plan Check, DBI management has not developed a system to identify inspectors who may be misusing their positions. Inspectors have considerable latitude in scheduling and conducting inspections. They are assigned to geographic territories but have the autonomy to venture outside their territory. Inspectors potentially can approve work outside their assigned areas, a practice that, according to one previous employee, has occurred and resulted in special treatment for select customers. As in Plan Check, DBI has no control mechanism in place to find out if this is occurring.

## **c. Assessing the Ethical Culture**

The DBI has enhanced its ethics regulations and changed its operations to deter favoritism. We interviewed officials who were committed to taking all necessary steps to ensure fairness. The public perception, however, continues to be that DBI does not treat all customers equally, and DBI does not have systems to identify cases of favoritism.

A government official interviewed by the Jury noted that ethical climate surveys are a valuable tool for managers of large organizations. The Jury reviewed two of these surveys<sup>29</sup> at other organizations to determine whether this approach might offer some benefit to DBI. The surveys usually are anonymous and ask employees to respond, for example, on their level of comfort for reporting ethical concerns; whether they have witnessed ethical violations; their awareness of the organization’s ethical practices, policies and procedures; and their understanding of where to turn for advice about ethics. This type of survey could provide DBI leadership with a solid basis for directing management’s attention where it is needed, and could help DBI address the public’s skepticism regarding its ethics.

## **3. Code Enforcement Practices and Priorities**

The Jury became aware of code enforcement problems within DBI after talking to City officials and interested citizens, reviewing complaints, and attending and reviewing the minutes of BIC meetings. We were told that DBI is ineffective in addressing blighted and abandoned properties and that it has a backlog of complaints. To assess the code enforcement process, the Jury conducted numerous interviews, reviewed the applicable

laws and procedures, and examined all DBI complaints received in FY 2008-09 and 2009-10 that resulted in the issuance of a NOV.

### **a. The Origination of Code Violation Cases**

The DBI is responsible for the safety of all buildings in San Francisco. Building safety is achieved through the enforcement of San Francisco and California building, plumbing, electrical, mechanical, and housing codes. DBI is alerted to code violations through its own discovery during inspections and from complaints of alleged violations that are reported to the Department. DBI investigates all complaints and will issue a Notice of Violation (NOV) for code violations.

Property complaints are received by DBI through various channels: from housing residents, through the City's 311 hot line, through other City departments, via email, or through the DBI website. The recent change that allows citizens to anonymously file complaints on the DBI website has increased the number of complaints received.

The ease with which complaints can be filed is a positive factor in enforcing codes and protecting public safety. The resulting high volume of complaints has, however, presented DBI with an ongoing and, so far, unresolved problem: How to deal with complaints efficiently in a manner that will facilitate informed research and evaluation, eliminate complaints with no merit, consolidate duplicate complaints, schedule site inspections, and pursue code violations to a resolution. A new system that allows for online scheduling of field inspections and summarizes complaints by type and inspection district within the City has the potential to assist DBI in managing this process.

The DBI conducted 122,590 site inspections in FY 2010-11.

- Of these, 103,691 inspections were conducted by Building, Electrical, and Plumbing Inspection divisions. These inspections primarily are for new construction and residential housing complaints.
- Another 16,337 inspections were conducted by Housing Inspection Services (HIS), which is responsible for the 20,194 multi-unit buildings in San Francisco that have about 188,716 individual housing units.

Managing a large number of property-specific transactions efficiently without up-to-date information technology presents numerous challenges and limitations for DBI staff. At present, about 130 inspectors take clipboards into the field, fill out paper forms, and return to the office to hand off the forms to clerical employees who input the information into various DBI databases. The building inspectors are unable to access DBI code information and data records from the field, and the information in DBI databases may not be current due to data entry backlogs or may not be accurate due to data entry errors.

As part of the current implementation of a new Permit and Project Tracking System (PPTS), the Department is conducting pilot tests of handheld tablets and smart phones. If building inspectors implement mobile handheld devices they can access DBI records in the field and immediately update DBI databases with the results of their inspection. Data

transcription errors would be reduced and photos could be added to inspection records along with inspector notes.

## **b. Pursuing Resolution of Notices of Violation**

The Jury investigated the code enforcement processes in use at DBI through interviews with staff. Once a complaint has been filed and/or a violation found, the resolution of complaints takes two distinct paths toward resolution, depending on whether it is handled by HIS or by one of the other divisions: Building, Plumbing, Electrical, or Code Enforcement.

### **i. Housing Code Violations**

The Housing Inspection Services (HIS) division of DBI commonly issues NOV's for violations in multi-unit residential housing and single room occupancy multi-tenant buildings (SROs). SROs are small single room living spaces that generally have shared bathrooms and no kitchens. NOV's are issued for problems like water leaks, pests, unstable decks, inadequate heating systems and dilapidated conditions. HIS handles housing code enforcement from start to finish.<sup>30</sup>

- Violations are found during routine inspections or after complaints are investigated. A NOV is issued to the property owner, with a specified time frame for abatement (correction) of the violation. Assessment of enforcement costs is possible.
- If re-inspection reveals that the violation was not abated within the designated time or a property owner is unwilling to address a building code violation, a Director's Hearing can be ordered, at which a DBI hearing officer considers whether to issue a Director's Order of Abatement against the owner. This order notifies the property owner of code enforcement costs and provides a set time period for the owner to apply to DBI for permits, call for inspection, and complete all corrective work.
- If an Order of Abatement is issued, it either becomes final or it can be appealed to the Abatement Appeals Board (AAB), which consists of the seven members of BIC.<sup>31</sup>
- If upheld by AAB, uncorrected violations may be referred to the City Attorney's Office (CAO) after review and approval by the Litigation Committee, which consists of BIC and representatives from DBI and the City Attorney.
- In cases for which City Attorney action is not viable, HIS continues to post notices to the property owner, perform inspections, and update the enforcement costs for eventual recovery. These efforts are intended to pressure the property owner toward code compliance.
- When property owners are unresponsive to Orders of Abatement, DBI may eventually place a lien on a property.

### **ii. Building, Electrical, and Plumbing Code Violations**

The Building, Electrical, and Plumbing Inspection divisions of DBI inspect for work performed without a building permit or exceeding the scope of a permit. Common code

violations addressed by these divisions are: additions of bathrooms, kitchens, and in-law units; abandoned and dilapidated buildings; leaking sewer lines; improper wiring that creates a fire hazard; and non-compliant water heaters.

The steps in the building codes enforcement process in these divisions are:

- After inspection and verification of a code violation, the inspector issues a first NOV with a specified time frame for obtaining permits and correcting the violation.
- After a re-inspection, if all items are not corrected, the inspector issues a second NOV that provides additional time for corrective action. (Re-inspection is scheduled at the discretion of the inspector.)
- When the second NOV does not achieve compliance, the matter is referred to the Code Enforcement Section (CES) of Inspection Services. The CES decides when to order a Director's Hearing and at that point the same steps are available as in housing inspection cases.

The CES can issue its own NOVs, as well, as in the case of a vacant building that is considered a nuisance. When a property owner is in violation of a number of different codes, there may be NOVs issued concurrently by any combination of the Housing, Building, Plumbing, and Electrical Inspection and Code Enforcement divisions.

### iii. DBI Performance on Code Enforcement

The Jury attended a number of BIC meetings that included discussion of some 6,000 pending, unresolved NOVs. We performed a statistical analysis of all NOVs issued by DBI over a two-year period. The goal of the analysis was to calculate the number of NOVs issued by each DBI division and the amount of time required by each division to resolve a NOV. The DBI gave the Jury a spreadsheet download of the 8,875 NOV records for FY 2008-09 and FY 2009-10, providing a data snapshot of the status of those NOVs as of April 30, 2013.

During the two reported time periods:

- The DBI issued 8,875 NOVs. Of these, HIS issued 5,992 (68 percent) and 527 (nine percent) remain open.
- The DBI conducted 766 Director's Hearings for all divisions. HIS initiated 634 (83 percent) of these. After going to Director's Hearings, 238 (38 percent) of HIS NOVs remain open. Thus, the Director's Hearing process is 62 percent effective in abating or closing out HIS NOVs.
- The Building, Electrical, and Plumbing Code Enforcement divisions issued 2,848 (32 percent) of the DBI NOVs. The Building Inspection Division accounts for 70 percent. Eighteen percent remained open as of May 2013. This is twice the rate of open NOVs in HIS.

The Building Inspection Division, Electrical Inspection Division, and Plumbing Inspection Division refer five percent of their open NOVs to a Director's Hearing. This is less than half the rate of HIS referrals for hearings. Of those referred to a hearing, 468 or 61 percent were abated or closed. For 2009 and 2010, 298 or 39 percent of NOVs that went to a hearing remained open as of April 29, 2013.

**iv. Assessed Costs Against NOVs Remaining Open**

The costs that DBI assesses for NOV enforcement include staff time for monthly violation monitoring, case inquiries, case management, permit history research, notice/hearing preparation, inspections, staff appearances/reports at hearings, and case referrals.<sup>32</sup> In FY 2009-10, HIS issued twice as many NOVs as the Building, Electrical, and Plumbing Inspection divisions and assessed more than eight times the amount of costs. According to DBI's data, HIS assessed \$335,016 while the other divisions combined assessed \$40,900:

	2009	2010	Total
HIS	\$212,105	\$ 122,911	\$335,016
All other Divisions	\$ 16,418	\$ 24,482	\$ 40,900
Total	\$228,523	\$ 147,393	\$375,916
HIS % of total	93%	83%	89%

**v. City Attorney Actions**

When action by the inspection services divisions does not correct violations, the case may ultimately be referred to CAO, which can employ an arsenal of building code provisions and state statutes in order to compel compliance with the applicable codes.

Cases are presented to CAO during bimonthly meetings of the Litigation Committee of BIC. As of the date of our report, CAO was handling 84 active cases referred by DBI. These are the numbers of referred cases for each DBI division over the last three years:

Fiscal Year	HIS Referrals to CAO	CED Referrals to CAO
2010-2011	14	5
2011-2012	14	11
2012 through March 2013	9	4
Totals	37	20

Depending on the circumstances, CAO may seek injunctive relief, penalties, attorney fees and costs, recovering and reimbursing the DBI for its attorney fees, litigation costs, and civil penalties imposed.<sup>33</sup>

#### vi. The Accumulation of Open Violations

In the process of examining NOV's issued in 2009 and 2010, the Jury observed that about 4,400 NOV's were issued in a single year by DBI. About 56 percent of the NOV's were closed out in the year they were issued and another 22 percent were closed out in the following year. About 78 percent of NOV's are closed out in the first two years and about 11 percent of the NOV's are never closed out. The DBI is making an effort to reverse this trend, and their annual reports reveal a net decrease in open NOV's from 2011 to 2012.<sup>34</sup>

Ten years of the NOV issuance and closure cycle, explained in the above paragraph, has led to an estimated 6,000 open NOV's. Some of the factors that have contributed to the large number are:

- reductions in the number of building inspectors
- a code enforcement process that is poorly documented and inconsistently enforced
- information technology systems that are not capable of managing the large numbers of building code inspections that lead to NOV's
- DBI's belief that only half of every dollar spent on building code enforcement is recovered
- in some cases, the financial circumstances of the violator

Although members of the public affected by unsafe, blighted, and abandoned properties are frequent speakers at BIC hearings,<sup>35</sup> open building code violations are not apparent to residents unless they have a blighted or abandoned building in their neighborhood or they see a media story about an extreme case. Open code violations are a much more immediate problem for the estimated 30,000 low-income residents of San Francisco who reside in more than 500 SRO residential hotels. Unfortunately, those who are most vulnerable are often subject to prolonged delays in code enforcement.

Located in the Tenderloin, 308 Turk Street is a two-story building with a restaurant on the first floor. Tenants have complained about lack of heat, lack of security, mold, leaking pipes, broken windows, and rodent infested rooms. As of April 9, 2013, the date of a *San Francisco Chronicle* story, there were more than 38 active NOV's issued by DBI on 308 Turk Street.<sup>36</sup> A Director's Hearing has been held several times by DBI regarding the property. The most recent was January 10, 2013, and an order requiring that violations be corrected within seven days was issued. The case was referred to the Litigation Committee on January 15, 2013, and the case was sent to the City Attorney for civil action.

The BIC requests that DBI provide regular updates on the status of open NOV's.<sup>37</sup> DBI managers have increased their efforts to clean up the data and bring long-standing problems to closure; however, lengthy delays continue. As a result of frustration with the current level of code enforcement, a multi-department code enforcement task force has been established by the City to address the most serious open NOV's. Task force participants include DBI, CAO, the police, fire, public health, and public works departments, and some Board of Supervisor offices. While the approach is commendable and the results are good, the task force process is very labor intensive, and the Jury found



that it was only addressing about two percent of the 940 open FY 2008-09 and 2009-10 NOVs. The DBI code enforcement process should be amended to allow for a speedy and fair enforcement process.

### **vii. The Current Processes Delay Resolution**

The current processes are rife with opportunities for delay, and DBI gives property owners leeway as long as they believe the owner ultimately will abate the violation. This allows savvy owners to “game” the system in order to delay repairing their property. To abate a NOV, a property owner must obtain permits and have work done in accordance with the applicable codes and confirmed by a final inspection. DBI officials recognize that owners need reasonable time to correct violations and the process may require months if Planning Department approval is needed. The expressed strategy of DBI managers is to issue a graduated series of penalty notices that will, over time, compel owners to remove code violations and settle any penalties. We found that inspectors, hearing officials, and the Appeals Abatement Board (AAB) tolerate excessive delays.

Inspectors do not schedule a Director’s Hearing until they have given the owner sufficient time. However, in non-housing-related cases there are no set time frames and little apparent tracking. Our review of NOV records revealed that many months often pass between a NOV, a re-inspection, and the issuance of a second NOV. It is not until the second NOV remains unabated that a Director’s Hearing is scheduled.

Before or at the Director’s Hearing, an owner is often given even more time, which puts resolution off beyond the 30-day limit for continuances.<sup>38</sup> Even after the Hearing Officer issues an Abatement Order and provides a set time for compliance, this order may remain open for months or years. When an owner appeals the order, the process may stall again at AAB. It is common for a property owner to request and receive continuances “for good cause shown” beyond the 60-day maximum.<sup>39</sup> Finally, when a matter has been decided by AAB and is ripe for referral to the City Attorney, it must be approved by the Litigation Committee, which meets only every other month.

All the while, DBI costs accumulate. It appears that the accrual of costs and fees for re-inspection, monthly monitoring, hearings, and lien recording are not adequate incentive for compliance in all cases.<sup>40</sup> Indeed, some of these fees may be waived by officials at any stage. In permit violation matters, DBI officials do not routinely seek the multiple penalties to which they are entitled (two times permit cost for work exceeding permit, nine times for work without a permit).<sup>41</sup> Stiff penalties are not assessed until the City Attorney is involved.

## **c. The Potential of an Improved Code Enforcement Process**

### **i. Enhancing Code Enforcement Revenue**

The Board of Supervisors and the Mayor have repeatedly enacted ordinances for fees and other revenue to ensure funding for DBI’s housing and code enforcement efforts. There are annual hotel license and apartment house fees, one- and two-story housing fees, and a host of inspection fees and penalties.<sup>42</sup> In 2010, the Board transferred \$738,240 from the

defunct Code Enforcement and Rehabilitation Fund to DBI “to support code enforcement activities.”<sup>43</sup>

Of particular note is a monthly “violation monitoring fee” for verified NOVs enacted in July of 2010.<sup>44</sup> NOVs issued after the ordinance adoption are subject to this fee – currently \$52 per month - if violation abatement is not achieved 30 days beyond the first compliance date. While HIS routinely assesses and collects these fees, the other divisions have not yet done so, almost three years after they were supposed to be instituted. The Jury was told that they now intend to start. The Jury estimates the amount of revenue lost to DBI from this non-collection to be about \$900,000 (see Appendix).

During the three fiscal years 2011, 2012, and 2013 through March, CAO recovered and reimbursed \$5.56 million in proceeds to DBI. The CAO billed DBI for a total of \$2.87 million for all CAO code enforcement activity on DBI’s behalf during this period.<sup>45</sup> The net proceeds to DBI for this period are \$2.69 million.

The current DBI tracking system does not support automated billing and reporting of code violation assessments. Automating the billing process will increase the number of assessments billed and provide reporting on waived assessments. Better data will allow DBI to identify compliance costs that exceed current assessed costs and adjust individual cost assessments to recover actual costs incurred.

## ii. Other Enforcement Options

NOV administrative procedures provide for due process, are ultimately effective in most cases, and are relatively informal. They do not necessarily involve the expense of legal representation. Hearing officers are DBI employees who also perform other duties, and BIC commissioners are not compensated for service on the Abatement Appeals Board. Nevertheless, for a significant number of NOVs the process works only after years of enforcement efforts when the City Attorney becomes involved with the authority to seek injunctive relief and substantial penalties, e.g., \$1,000 per day.

As the Board of Supervisors and the Mayor have consistently affirmed their desire for stronger code enforcement, they could consider strengthening DBI’s code enforcement processes. For example, a more formal hearing process with an administrative law judge and prescribed procedures (including the right to cross-examination) could provide a level of due process and create a record that would support the assessment of higher administrative penalties than currently are authorized. Or a mediation process could be developed to facilitate agreed-to solutions.

To address NOVs that are longstanding due to the poor finances of an owner, DBI should re-visit its reluctance to use its Repair and Demolition Fund, which may be used to fund demolition and repair of buildings that are subject to emergency orders.<sup>46</sup> DBI officials have told BIC that they are reluctant to use the fund because it is hard to find contractors (sometimes they use the Department of Public Works instead) and it might take DBI longer to do the job than it would take the owner.<sup>47</sup> Yet in some cases it might be the only way to accomplish the Department’s safety goals. The Jury notes that the Controller

recommended in his recent reserve study that DBI transfer \$1.5 million to this fund to enable demolition of properties approved for such action. The controller further recommends that DBI make a one-time grant to the Mayor's Office of Housing to fund loans for repairs for low-income owners.<sup>48</sup> Either or both of these actions would give DBI a way to resolve some of its longstanding NOV's.

Past code enforcement procedure has resulted in a backlog of violations and in the loss of revenue to DBI while allowing owners to avoid and delay corrective action. The code enforcement process can be streamlined to achieve the earliest possible resolution and the full revenue potential of the process. In addition, new reporting can be developed that will provide management with full visibility of code enforcement workflow issues and concentrate staff efforts in resolving them.

#### ***4. The Role of Technology in Implementing Change***

##### **a. Business Process Reengineering**

Business Process Reengineering (BPR) is a management strategy that focuses on the analysis and redesign of workflows and processes with the goal of improving customer service and reducing organizational costs. The design and implementation of the one-stop permitting center on the fifth floor of the DBI building is a good example of business process reengineering. Locating DBI and planning, fire, and public works employees in a single location expedites the issuance of building permits for most residential construction projects.

In 2007, nearly 200 individuals participated in a four-month BPR study of DBI. Four subcommittees examined specific areas within the Planning Department and DBI divisions and contributed their findings for the report. The subcommittee chairs were experts in their disciplines and represented specific groups of DBI customers. The four subcommittees and affiliations of chairs were:

- Plan Review and Issuance -- American Institute of Architects
- Inspection -- Residential Builders Association
- Automation -- A. R. Sanchez-Corea & Associates
- Performance Measures -- San Francisco Planning +Urban Research Association (SPUR)

At the conclusion of the study, a 225-page report including some 180 recommendations was issued. The Jury found the BPR report to be a very comprehensive and professional document. In almost 50 interviews conducted by the Jury, nearly all of the BPR findings were confirmed by DBI customers or employees. However, the majority of the recommendations in the BPR document have not been fully implemented. Some of the recommendations cannot be implemented using the current information technology at DBI.

The BPR recommendations were intended to:

- bring visibility and efficiency to the permit review and inspection processes
- make departmental processes more accessible to both internal City departments and external customers
- improve the accuracy and consistency of data collected
- implement internet-based online services
- establish systems to enable ongoing improvement of data communication to internal and external customers

The BPR Automation Subcommittee findings include the following:

- The databases of the agencies involved in permit reviews and inspections are not linked.
- The current Permit and Project Tracking System (PPTS) does not record which DBI employee approved a permit or allow DBI employees to put a permit application on hold.
- The current PPTS is unable to provide accurate information showing the online real-time status of any project, including which staff person within a specific agency is currently reviewing the project.
- There is too much reliance on paper forms, permits, etc.
- There is a need to implement online plan review and expand the limited online permitting process.
- Field inspection information must be manually transferred to the administrative office for data entry.

The Automation Subcommittee also developed specific recommendations to improve the department's ability to fulfill its mission:

1. Develop a citywide automated permit tracking system to track the entire development, review, permitting, and inspection process.
2. Integrate the databases of all departments involved in the permit review and inspection.
3. Create a "smart" permit numbering system for simplified accurate tracking of projects.
4. Provide updated online services covering all pertinent information for any property, its permit history, construction type, complaints, violations, conditions, and approval, etc.
5. Expand the availability, use, and scope of online permits.
6. Provide field staff with mobile devices capable of receiving, transmitting, and updating information between the field and office database.
7. Pilot electronic plan submittal and plan review.

The Jury believes that it is important to update the key findings and recommendations of each of the four BPR subcommittees to provide BIC and the DBI Director with a current assessment of the Department as part of a strategic planning process. We reviewed a status update of the BPR recommendations prepared by the senior management of DBI in February 2013 and found that many of the BPR findings were not fully implemented five years after the completion of the study.

## **b. New Technology**

In 2010, DBI and the Planning Department issued a request for proposal (RFP) for a single software solution that would replace the aging DBI Permit Tracking System and upgrade the management and automation of the permitting and planning processes. The DBI and the Planning Department evaluated the companies that responded to the RFP. The Accela system, used by over 150 municipalities, was selected.

The Jury observed a demonstration of the Accela system and was impressed with its capabilities. The Jury has concerns, however, about DBI's implementation of Accela. These concerns are:

- Many of the current DBI operating procedures lack specific due dates or follow up dates. If current business processes are not changed to include due dates, Accela will not be able to monitor overdue tasks.
- To compensate for the lack of detailed up-to-date operating procedures, DBI information technology staff and Accela consultants will need the full-time support of current DBI employees who are the "subject matter experts" (SMEs) on the operations within DBI. These employees will play a critical role in system acceptance testing prior to Accela going live. Making these SMEs available while there are many vacant staff positions in DBI and in the current building environment will be an operational challenge.
- By selecting Accela, DBI has acquired hardware and software that appears capable of supporting the system objectives outlined in the BPR study. The Jury learned that the objective of the initial installation of Accela is to replicate current DBI operational processes. Achieving the Accela goals enumerated below will require substantial additional DBI management and technology resources to methodically review and revise existing DBI operating procedures.

## **c. Goals for the Accela Permit and Project Tracking System**

The Accela implementation project's objectives are straight out of the BPR study:

Business objectives:

- create consistent business practices throughout the City
- improve City business processes
- enhance the functionality of the Department
- increase reporting capabilities
- provide enhanced online access
- provide mobile devices for field inspection personnel

The Accela system features that would enable achievement of these objectives are:

- Web-based staff access to the system from any internet device
- a single website portal for citizen access to DBI information or to file a complaint
- user registration allowing the online submission of applications, tracking of projects and payment of fees
- sophisticated management reporting tools

New technology such as Accela, if properly configured, implemented and, most importantly, supported by DBI management, can address many of the Department's business process challenges. Current funding provides an opportunity for DBI to take full advantage of the potential of the system.

## Findings and Recommendations

### *Departmental Reform*

**Finding 1:**

The revolving door of DBI leadership has adversely affected the Department's ability to develop and execute a strategic plan and to implement the recommendations of the 2007 *Business Process Reengineering Report (BPR)*.

**Recommendation 1.1:**

The DBI management should retain a consultant to update the 2007 BPR findings and recommendations and present the findings to BIC and the DBI Director.

**Recommendation 1.2:**

The BIC and DBI Director should develop a detailed action plan with firm due dates for implementing BPR recommendations that the consultant identifies as not completed.

**Finding 2:**

DBI's policies and procedures manuals are not current. The lack of accessible, up-to-date department procedures inhibits the ability of the organization to train its employees and ensure consistent enforcement of departmental policies and procedures.

**Recommendation 2.1:**

The DBI management should update its departmental policies and procedures.

**Recommendation 2.2:**

The DBI should make all policies and procedures easily accessible online internally and, where appropriate, externally.

**Finding 3:**

The DBI does not have a multi-year employee training plan with annual training objectives.

**Recommendation 3.1:**

The DBI should assess staff needs for leadership and communication training and develop department plans to strengthen areas of weakness.

**Recommendation 3.2:**

The DBI should assess technical skill deficiencies in the DBI staff and develop training plans to strengthen these areas.

**Recommendation 3.3:** The DBI should cross-train specific staff members to allow the Department to better respond to fluctuating workloads.

**Finding 4:**

The DBI has put strong rules of ethical conduct in place and made operational changes to deter improper ethical conduct. Nevertheless, the public perception persists that some DBI customers receive preferential treatment.

**Recommendation 4.1:**

The DBI Director should conduct an ethical climate survey and use the results to identify areas where improved communication of ethical standards and monitoring of employee behavior are needed.

**Finding 5:**

Many issues that the Jury found would have been ameliorated by tighter and more active oversight by the Building Inspection Commission (BIC).

**Recommendation 5.1:**

The Board of Supervisors should hold a hearing within six months of the release of this report by the 2012-13 Jury to see if BIC has taken action on the issues raised.

## **Code Enforcement**

**Finding 6:**

DBI's code enforcement policies and practices have resulted in a backlog of unresolved violations.

**Recommendation 6.1:**

The DBI should establish performance standards for resolving code violations within designated time frames (for example, closing 75 percent of Notices of Violation within six months and 95 percent within 12 months of when they are issued). The performance standards should be reviewed and approved by BIC in public session.

**Recommendation 6.2:**

The DBI should develop monthly management reports for BIC that monitor the Department's performance against BIC-approved performance standards for resolving building code violations.

**Finding 7:**

The DBI has been unable to achieve prompt abatement of a significant number of serious, continuing code violations in multi-unit housing and abandoned older buildings.

**Recommendation 7.1:**

The DBI should review and expand its criteria for using the Building Code's Demolition and Repair Fund to achieve actual abatement of unsafe building conditions.

**Recommendation 7.2:**

The Abatement Appeals Board should abide by the Building Code's limits on continuances during the Notice of Violation (NOV) process.

**Recommendation 7.3:**

The Board of Supervisors should review the administrative procedures in the Building Code and consider enacting a process that provides for stronger penalties at the administrative level.

**Finding 8:**

DBI's Building and Code Enforcement Sections have not consistently assessed and/or collected the fees, costs, and penalties available under the Building Code. This has deprived DBI of resources that could be devoted to further enforcement activities.

**Recommendation 8.1:**

All DBI enforcement units should use the monetary tools in the Building Code to encourage abatement and to fund enforcement operations.



## ***Role of Technology***

### **Finding 9:**

Outdated and incomplete documentation and poorly defined business processes could compromise the implementation of the Accela software system.

#### **Recommendation 9.1:**

The DBI should ensure that management has clearly defined the business rules and workflow processes for the new Accela system.

#### **Recommendation 9.2:**

The DBI "subject matter experts" assigned to the Accela implementation team should be given adequate time to respond to consultant questions not addressed by department documentation and to fully assist in system acceptance testing prior to going live.

### **Finding 10:**

Well-designed business processes supported with good information systems can improve the effectiveness of DBI.

#### **Recommendation 10.1:**

The DBI should conduct a methodical review of all major business processes to ensure that they are designed to achieve the department objectives and that they include time or due date criteria that can be monitored by information systems.

### **Finding 11:**

Use of handheld devices interfacing directly with Accela would free inspectors from filling out paper forms, eliminate office data entry of paper forms, and collect more useful, accurate and timely data from the inspection process.

#### **Recommendation 11.1:**

The DBI should ensure that all field inspectors and supervisors are fully trained and supported in both the use of the mobile equipment and the mobile Accela application being implemented as part of the Permit and Project Tracking System.

## Response Matrix

Findings	Recommendations	Responses Required
<p>1. The revolving door of DBI leadership has adversely affected the Department's ability to develop and execute a strategic plan and to implement the recommendations of the 2007 <i>Business Process Reengineering Report</i> (BPR).</p>	<p>1.1 The DBI management should retain a consultant to update the 2007 BPR findings and recommendations and present the findings to BIC and the DBI Director.</p> <p>1.2 The BIC and DBI Director should develop a detailed action plan with firm due dates for implementing BPR report recommendations that the consultant identifies as not completed.</p>	<p>Pres., Building Inspection Commission</p> <p>Board of Supervisors</p>
<p>2. DBI's policies and procedures manuals are not current. The lack of accessible, up-to-date department procedures inhibits the ability of the organization to train its employees and ensure consistent enforcement of department policies and procedures.</p>	<p>2.1 The DBI management should update departmental policies and procedures.</p> <p>2.2 The DBI should make all policies and procedures easily accessible online internally and, where appropriate, externally.</p>	<p>Pres., Building Inspection Commission</p> <p>Dir., Department of Building Inspection</p>
<p>3. The DBI does not have a multi-year employee training plan with annual training objectives.</p>	<p>3.1 The DBI should assess staff needs for leadership and communication training and develop department plans to strengthen areas of weakness.</p> <p>3.2 The DBI should assess technical skill deficiencies in the DBI staff and develop training plans to strengthen these areas.</p> <p>3.3. DBI should cross-train specific staff members to allow the Department to better respond to fluctuating workloads.</p>	<p>Dir., Department of Building Inspection</p>

Findings	Recommendations	Responses Required
<p>4. The DBI has put strong rules of ethical conduct in place and made operational changes to deter improper ethical conduct. Nevertheless, the public perception persists that some DBI customers receive preferential treatment.</p>	<p>4.1 The DBI Director should conduct an ethical climate survey and use the results to identify areas where improved communication of ethical standards and monitoring of employee behavior are needed.</p>	<p>Dir., Department of Building Inspection</p>
<p>5. Many issues that the Jury found would have been ameliorated by tighter and more active oversight by the Building Inspection Commission (BIC).</p>	<p>5.1 The Board of Supervisors should hold a hearing within six months of the release of this report by the 2012-13 Jury to see if BIC has taken action on the issues raised.</p>	<p>Board of Supervisors</p>
<p>6. DBI's code enforcement policies and practices have resulted in a backlog of unresolved violations.</p>	<p>6.1 The DBI should establish performance standards for resolving code violations within designated time frames (for example, closing 75 percent of Notices of Violation within six months and 95 percent within 12 months of when they are issued). The performance standards should be reviewed and approved by BIC in public session.</p> <p>6.2 The DBI should develop monthly management reports for BIC that monitor the Department's performance against BIC-approved performance standards for resolving building code violations.</p>	<p>Pres., Building Inspection Commission                      Dir., Department of Building Inspection                      Board of Supervisors</p>

Findings	Recommendations	Responses Required
<p>7. The DBI has been unable to achieve prompt abatement of a significant number of serious, continuing code violations in multi-unit housing and abandoned older buildings.</p>	<p>7.1 The DBI should review and expand its criteria for using the Building Code's Demolition and Repair Fund to achieve actual abatement of unsafe building conditions.</p> <p>7.2 The Abatement Appeals Board should abide by the Building Code's limits on continuances during the NOV process.</p> <p>7.3 The Board of Supervisors should review the administrative procedures in the Building Code and consider enacting a process that provides for stronger penalties at the administrative level.</p>	<p>Dir., Department of Building Inspection</p>
<p>8. DBI's Building and Code Enforcement Sections have not consistently assessed and/or collected the fees, costs, and penalties available under the Building Code. This has deprived DBI of resources that could be devoted to further enforcement activities.</p>	<p>8.1 All DBI enforcement units should use the monetary tools in the Building Code to encourage abatement and to fund enforcement operations.</p>	<p>Pres., Building Inspection Commission Dir., Department of Building Inspection</p>
<p>9. Outdated and incomplete documentation and poorly defined business processes could compromise the implementation of the Accela software system.</p>	<p>9.1 The DBI should ensure that management has clearly defined the business rules and workflow processes for the new Accela system. 9.2 The DBI "subject matter experts" assigned to the Accela implementation team should be given adequate time to respond to consultant questions not addressed by department documentation and to fully assist in system acceptance testing prior to going live.</p>	<p>Pres., Building Inspection Commission Dir., Department of Building Inspection</p>

Findings	Recommendations	Responses Required
<p>10. Well-designed business processes supported with good information systems can improve the effectiveness of DBI.</p>	<p>10.1 The DBI should conduct a methodical review of all major business processes to ensure that they are designed to achieve the department objectives and that they include time or due date criteria that can be monitored by information systems.</p>	<p>Pres., Building Inspection Commission                      Dir., Department of Building Inspection</p>
<p>11. Use of handheld devices interfacing directly with Accela would free inspectors from filling out paper forms, eliminate office data entry of paper forms, and collect more useful, accurate and timely data from the inspection process.</p>	<p>11.1 The DBI should ensure that all field inspectors and supervisors are fully trained and supported in both the use of the mobile equipment and the mobile Accela application being implemented as part of the Permit and Project Tracking System.</p>	<p>Pres., Building Inspection Commission                      Dir., Department of Building Inspection</p>

## Methodology

The 2012-13 Civil Grand Jury interviewed almost 50 people (several twice), attended public advisory committee meetings, Building Inspection Commission (BIC) meetings, Board of Appeal meetings, and the Accela Users meeting.

We reviewed

- Department of Building Inspection (DBI) budgets
- DBI annual reports
- DBI policies and procedures
- 2007 *DBI Business Process Reengineering Report*
- 2013 DBI progress report on the BPR Report
- *February 2012 DBI Performance Report*
- 2011-2013 performance statistics from the plan check, inspections, and housing divisions
- a recent lawsuit filed against DBI
- the DBI Code of Professional Conduct
- the DBI Statement of Incompatible Activities
- Other ethics laws and regulations applying to DBI
- About 15 building permits and their supporting files
- BIC meeting minutes
- Abatement Appeals Board (AAB) minutes
- Various sections of the building and housing codes

The Jury interviewed current and former employees, officials at DBI, and customers who use its services to learn the status of the Department's ethics regulations and how its processes had been modified to address ethical problems.

We reviewed media accounts of some of the ethical lapses of particular DBI employees and read opinion pieces in blogs, trade newsletters, and websites where customers stated their candid accounts of navigating DBI's permit processing operation. The Jury obtained information from City departments/agencies that receive, track, and investigate allegations and complaints about ethical behavior and other negative activity and behavior in San Francisco government.

The Jury reviewed the complaint and permit information on a number of properties with a long-unresolved Notice of Violation. We attended or reviewed the minutes of a number of AAB hearings. We also discussed the NOV process with DBI staff, other City officials, and members of the community.

## Glossary

AAB	Abatement Appeals Board
BBI	Bureau of Building Inspection
BIC	Building Inspection Commission
BPR	2007 Business Process Reengineering Report
CAO	City Attorney's Office
CES	Code Enforcement Section
CPC	DBI Code of Professional Conduct
DBI	Department of Building Inspection
FBI	Federal Bureau of Investigation
HIS	Housing Inspection Services
NOV	Notice of Violation
PPTS	Permit and Project Tracking System
RFP	Request for Proposals
SIA	DBI Statement of Incompatible Activities
SPUR	San Francisco Planning and Urban Research Association

## Appendix

### ***NOV fees not assessed by DBI***

The Board of Supervisors approved a change in the fees for open or unresolved NOV's. As of August 1, 2010 DBI is allowed to charge \$52 per month for a verified NOV. The additional penalty was intended to provide property owners a financial incentive to close out the NOV and to provide DBI additional funding for building code enforcement.

The Jury found that the Housing Inspection Division of DBI was billing the additional \$52 per month, but the Code Enforcement Section was not billing the \$52 per month. The Jury estimated the revenue lost by the failure of the Code Enforcement Section to bill the \$52 per month to be about \$900,000.

Based on the Jury's statistical review of the NOV's issued in FY 2008-09 and FY 2009-10, the Jury observed that 32.5 percent of the issued NOV's went to Code Enforcement and that the three-year closure rate for all NOV's was 56.3 percent in the year the NOV was issued, 21.5 percent in the year after the NOV was issued, and 7.1 percent two years after the NOV was issued. These observations allowed the Jury to determine that:

- About 1,442 NOV's are sent to Code Enforcement each year.
- At year-end of each of the three years, 631 Code Enforcement NOV's (43.7 percent x 1,442) are open. On average 315 (50 percent) of the NOV's are open for a full year in the year of issuance.
- In each of the three years an NOV was issued, Code Enforcement lost \$196,560 (315 x \$52 x 12) by not billing the property owner. The three-year total is \$589,680. This amount excludes the second- and third-year billings for open NOV's.
- 320 NOV's were open for 12 months in the second year of issuance for the first two years. Failure to bill resulted in a loss of \$399,360 (320 x 2 x \$52 x 12).
- 218 NOV's were open for 12 months in the third year. Failure to bill resulted in a loss of \$136,032 (218 x \$52 x 12).
- The three-year or 36-month total of \$1,125,072 needs to be scaled back for the one month the program was not in effect and to allow a few months of program start up.
- The year-three revenue of \$532,272 is assumed to be for 12 full months. A very conservative assumption is to scale back the third full year by five months. \$221,780 is 5/12<sup>ths</sup> of \$532,272.
- The 36-month computed amount of \$1,125,072 less five months (\$221,780) is \$903,292.



## Endnotes

- <sup>1</sup> Department of Building Inspection 2011-12 Annual Report, introductory page, <http://www.sfdbi.org/modules/showdocument.aspx?documentid=2445>.
- <sup>2</sup> Ibid, 46
- <sup>3</sup> Ibid, 49
- <sup>4</sup> Ibid, 55
- <sup>5</sup> San Francisco Voter Information Pamphlet, November 1994, pp. 107-124, [http://sfpl.org/pdf/main/gic/elections/November8\\_1994short.pdf](http://sfpl.org/pdf/main/gic/elections/November8_1994short.pdf)
- <sup>6</sup> Department of Building Inspection Program Directory, <http://www.sfdbi.org/modules/showdocument.aspx?documentid=172>
- <sup>7</sup> San Francisco Controller Audit 00009, June 11, 2001, pp. 16-17, <http://www.sfcontroller.org/ftp/uploadedfiles/controller/audits/dbi.pdf>
- <sup>8</sup> 2002-03 San Francisco Civil Grand Jury, "Preferential Treatment Persists in a Department Marked by Political Pressures and a Leadership Void: Civil Grand Jury Report on the Management of the Department of Building Inspection," June 2003 <http://www.sfcourts.org/Modules/ShowDocument.aspx?documentid=2247>
- <sup>9</sup> San Francisco Chronicle, July 2, 2003, "Ex-S.F. official to plead guilty/\$500,000 in kickbacks alleged," <http://www.sfgate.com/bayarea/article/Ex-S-F-official-to-plead-guilty-500-000-in-2605308.php#ixzz2VsJmhEI7>
- <sup>10</sup> Office of Mayor Newsom, press release, March 8, 2004, "Mayor Newsom Names Rudy Nothenberg as Special Monitor for the Department of Building Inspection," [http://www.sfmayor.org/ftp/archive/209.126.225.7/archives/PressRoom\\_NewsReleases\\_2004\\_23396/index.html](http://www.sfmayor.org/ftp/archive/209.126.225.7/archives/PressRoom_NewsReleases_2004_23396/index.html)
- <sup>11</sup> San Francisco Chronicle, August 5, 2005, "Permit official faces bribery charges / District attorney and FBI probe S.F. building department," <http://www.sfgate.com/news/article/Permit-official-faces-bribery-charges-District-2618578.php#ixzz2VsLwjGxy>
- <sup>12</sup> San Francisco Chronicle, May 16, 2007, "Ex-building official acquitted on 4 counts," <http://www.sfgate.com/bayarea/article/SAN-FRANCISCO-Ex-building-official-acquitted-on-2560355.php#ixzz2VsNAnwRz>
- <sup>13</sup> San Francisco Chronicle, August 22, 2006, "Property/purchase raises eyebrows/S.F. city inspector snaps up home cited in illegal remodel," <http://www.sfgate.com/politics/article/Property-purchase-raises-eyebrows-S-F-city-2513573.php>
- <sup>14</sup> San Francisco Controller Report, May 24, 2007, "Department of Building Inspection: Using Information Gained on the Job to Buy Property Was an Isolated Incident," [http://www.sfcontroller.org/ftp/uploadedfiles/controller/reports/DBI\\_Property.pdf](http://www.sfcontroller.org/ftp/uploadedfiles/controller/reports/DBI_Property.pdf)
- <sup>15</sup> San Francisco Chronicle, December 2, 2010, "Jimmy Jen codes case settled; S.F. gets \$486,000," <http://www.sfgate.com/default/article/Jimmy-Jen-codes-case-settled-S-F-gets-486-000-2455117.php>
- <sup>16</sup> San Francisco Municipal Campaign & Governmental Conduct Code ("C&GC Code"), Sec. 3.218, <http://www.sfethics.org/ethics/2011/01/san-francisco-campaign-and-governmental-conduct-code.html>
- <sup>17</sup> San Francisco Ethics Commission, Permit Processing Code of Conduct, January 10, 2005, <http://www.sfethics.org/ethics/2011/06/permit-processing-code-of-conduct.html>
- <sup>18</sup> San Francisco Department of Building Inspection, Statement of Incompatible Activities, [http://www.sfdbi.org/ftp/uploadedfiles/dbi/About\\_Us/DBI-SIA.pdf](http://www.sfdbi.org/ftp/uploadedfiles/dbi/About_Us/DBI-SIA.pdf)
- <sup>19</sup> San Francisco Department of Building Inspection, Code of Professional Conduct, <http://www.sfdbi.org/Modules/ShowDocument.aspx?documentid=176>
- <sup>20</sup> For example, it is unwritten but generally understood that if an employee needs work on his or her own home, s/he must channel the permit request through a supervisor.
- <sup>21</sup> The Urbanist, December 2012, Issue 519, "In San Francisco, the Boom is Back," <http://www.spur.org/publications/library/article/san-francisco-boom-back>
- <sup>22</sup> San Francisco Chronicle, May 5, 2013, "San Francisco's Building Boom Brings Change to the City," <http://www.sfchronicle.com/bayarea/article/SF-s-building-boom-brings-change-to-city-4469660.php>

- <sup>23</sup> San Francisco Controller, Government Barometer, Fiscal Year 2013, Quarter 2, February 14, 2013, p. 4, <http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid=4007>
- <sup>24</sup> 2007 Business Process Reengineering Report, <http://www.sfdbi.org/ftp/uploadedfiles/dbi/CCSFDBIBPRReportDec2007.pdf>
- <sup>25</sup> 2002-03 San Francisco Civil Grand Jury, "Preferential Treatment Persists in a Department Marked by Political Pressures and a Leadership Void: Civil Grand Jury Report on the Management of the Department of Building Inspection," June 2003, <http://www.sfcourts.org/Modules/ShowDocument.aspx?documentid=2247> ; Controller's Reserves Analysis of DBI, April 9, 2013, <http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=4183> ; "Planning the City's Future," July 1, 2007, [http://www.spur.org/publications/library/report/Abs\\_planningthecitysfuture\\_090107](http://www.spur.org/publications/library/report/Abs_planningthecitysfuture_090107)
- <sup>26</sup> San Francisco Board of Supervisors, File No. 130374, introduced April 23, 2013
- <sup>27</sup> San Francisco Building Inspection Commission meetings, minutes for November 2012, p.10, <http://www.sfdbi.org/Modules/ShowDocument.aspx?documentid=2604>
- <sup>28</sup> *Ibid*, 12
- <sup>29</sup> City of Oakland, Ethical Climate Survey, November 2012, [http://www.oaklandauditor.com/images/oakland/auditreports/ecs\\_2012\\_final.pdf](http://www.oaklandauditor.com/images/oakland/auditreports/ecs_2012_final.pdf) , Geisinger Medical Center Ethical Climate Survey, [http://www.geisinger.org/professionals/services/bioethics/b\\_notes/survey/ec1n.pdf](http://www.geisinger.org/professionals/services/bioethics/b_notes/survey/ec1n.pdf)
- <sup>30</sup> San Francisco Department of Building Inspection publication, "What You Should Know About the Housing Inspection Services Division," [http://www.sfdbi.org/ftp/uploadedfiles/dbi/Key\\_Information/Housing%20Inspection%20Services%20Division.pdf](http://www.sfdbi.org/ftp/uploadedfiles/dbi/Key_Information/Housing%20Inspection%20Services%20Division.pdf)
- <sup>31</sup> San Francisco Building Code, Sec.105.A.2.
- <sup>32</sup> San Francisco Building Code, Sec.103.A
- <sup>33</sup> See, e.g., Complaint in CCSF et al. v. James P. Quinn et al., <http://www.sfcityattorney.org/Modules/ShowDocument.aspx?documentid=505>
- <sup>34</sup> Department of Building Inspection, 2011-12 Annual Report, pp. 47, 49, 51, and 2010-11 Annual Report, pp. 38, 41, 52, <http://www.sfdbi.org/modules/showdocument.aspx?documentid=1521> . For 2011-12, reporting divisions show 190 opened NOVs and 3,433 closed. For 2010-11, 2,820 opened and 2,329 closed.
- <sup>35</sup> See, e.g., Building Inspection Commission meetings, minutes for November 2011, March 2012, October 2012, January 2013 and February 2013,
- <sup>36</sup> San Francisco Chronicle, April 9, 2013, "Subway's Pagoda Theater plan faces roadblock," <http://www.sfgate.com/bayarea/nevius/article/Subway-s-Pagoda-Theater-plan-faces-roadblock-4419385.php>
- <sup>37</sup> See, e.g., Building Inspection Commission meetings, minutes for November 2011, March 2012, October 2012, January 2013, and February 2013, <http://sfdbi.org/index.aspx?page=183>
- <sup>38</sup> San Francisco Building Code Section 102.A.5
- <sup>39</sup> See San Francisco Building Code 105A.2.6
- <sup>40</sup> See San Francisco Building Code 110A, Table 1A-K
- <sup>41</sup> *Ibid*
- <sup>42</sup> San Francisco Building Code Section 110A
- <sup>43</sup> San Francisco Ordinance 129-10, enacted June 24, 2010, <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0129-10.pdf>
- <sup>44</sup> San Francisco Ordinance 180-10, enacted July 23, 2010, <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0180-10.pdf>
- <sup>45</sup> DBI, like all City agencies, is billed by the City Attorney for legal services.
- <sup>46</sup> San Francisco Building Code 102A.12 through 102A.15
- <sup>47</sup> For example, see Building Inspection Commission meetings, minutes of July 20, 2010 and June 15, 2011, <http://sfdbi.org/modules/showdocument.aspx?documentid=1539> and <http://www.sfdbi.org/modules/showdocument.aspx?documentid=1458>
- <sup>48</sup> Controller's Reserves Analysis of DBI, April 9, 2013



**NOTICE OF PUBLIC HEARING**

**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, July 30, 2013


**Time:** 3:00 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall, 1 Dr. Carlton B Goodlett Place, San Francisco, CA 94102

**Subject:** File No. 130725. Hearing of persons interested in objecting to the Planning Commission's approval on June 6, 2013, of a Conditional Use Authorization identified as Planning Case No. 2010.1034C, by its Motion No. 18898, pursuant to Planning Code Sections 303(c) and 710.83, to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building, as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and a 40-X Height and Bulk District, on property located at 4216 California Street, Assessor's Block No. 1364, Lot No. 019. (District 2) (Appellant: Wendy Aragon, on behalf of the Richmond District Democratic Club) (Filed July 8, 2013).

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on **July 25, 2013**.

  
Angela Calvillo  
Clerk of the Board

# 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. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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 For**

**Sponsor(s):**

Clerk of the Board

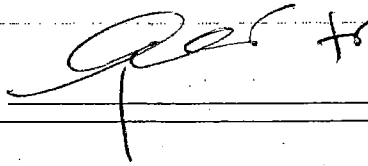
**Subject:**

Public Hearing - Appeal of Conditional Use - 4216 California Street

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

Hearing of persons interested in objecting to the Planning Commission's approval on June 6, 2013, of a Conditional Use Authorization identified as Planning Case No. 2010.1034C, by its Motion No. 18898, pursuant to Planning Code Sections 303(c) and 710.83, to remove an existing micro-site and install a wireless telecommunications services facility consisting of up to nine panel antennas on the roof behind radio-frequency transparent screen walls with equipment located within a ground floor storage area of an existing medical office building, as part of AT&T Mobility's wireless telecommunications network within a NC-1 (Neighborhood Commercial - Cluster) Zoning District and a 40-X Height and Bulk District, on property located at: 4216 California Street, Assessor's Block No. 1364, Lot No. 019. (District 2) (Appellant: Wendy Aragon, on behalf of the Richmond District Democratic Club) (Filed July 8, 2013).

Signature of Sponsoring Supervisor:

A handwritten signature in black ink, appearing to be "Raf H", written over a horizontal line.

For Clerk's Use Only:

