File No. 171299 **Committee Item No.** _____
Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____ **Date:** _____
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Cmte Board

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Prepared by: Brent Jalipa **Date:** February 22, 2018
Prepared by: _____ **Date:** _____

SMW | LAW OFFICES OF
STEPHEN M. WILLIAMS

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November 30, 2017 (Via Hand-Delivery)

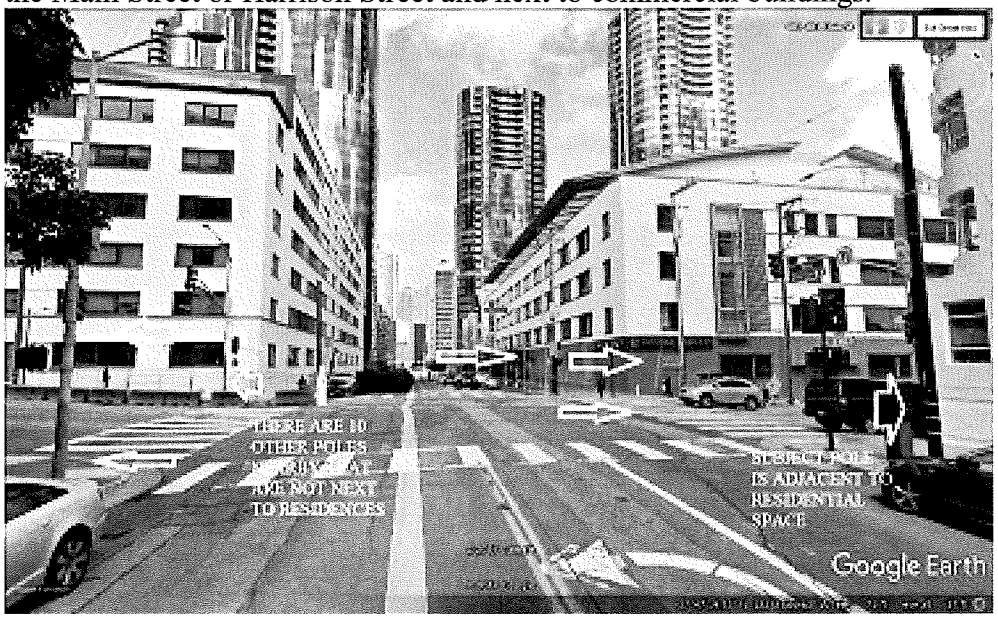
Angela Calvillo, Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: **Appeal of the CEQA Categorical Exemption Determination for ExteNet Systems Inc.—T-Mobile Cell Sites for Personal Wireless Service Facility Site Permit -Install Wireless Facility on Existing Metal Utility Poles owned by Joint Pole Association (JPA);**
Application No.: 16WR-0374; Case No. 2016-01592ENV
Closest Address--- 401 Main Street

Ms. Calvillo:

Introduction:

This office represents the Portside Homeowners Association ("Portside HOA"). The Portside HOA hereby appeals the Categorical Exemption granted (*en masse for 58 facilities*) for the installation of a wireless service facilities on an existing Joint Pole Association (JPA)-owned wooden pole in the public right-of-way directly adjacent to the Portside II building at 403 Main Street. (CEQA Categorical Exemption Determination Attached as Exhibit A) The Personal Wireless Service Facility (antenna) is proposed to be located on a pole just twelve (12) feet from the Portside building at 401 Main Street. The proposed location is one of the only poles in a large intersection located adjacent to the Portside building and multiple better, alternative locations are readily available across the Main Street or Harrison Street and next to commercial buildings.



The proposed location appears to have been given very little thought or review and as set forth below, does not comply with the applicable codes and guidelines for the siting of such facilities.

Procedural Posture:

The Categorical Exemption was issued for this Personal Wireless Service Facility as part of a group approval on April 11, 2016. (Exhibit A). However, the approval for the permit itself came more than a year later and was properly challenged by the Portside HOA at a public hearing in front of a DPW Hearing Officer. The Notice of Tentative Approval of Application for a Personal Wireless Service Site Permit was posted by DPW on July 28, 2017 and protested by the Portside HOA on August 16, 2017. Following the public hearing before the DPW Hearing Officer on September 11, 2017, the Notice of Final Determination to Approve a Personal Wireless Service Facility Site Permit was issued on October 31, 2017. (Attached hereto as Exhibit B). This appeal of the Categorical Exemption is taken within 30 days of that approval action.

It should also be noted that on Monday November 20, 2017, ExteNet installed the wireless facility at this site, illegally and without proper permitting. The crew ignored the objections of the HOA members who ran out of the building to protest and try and stop the installation, informing the worker that the permit was suspended. ExteNet was later forced to remove the installation but only after a concerted effort by the concerned community members.

Legal Authorities and Facts in Support of the Appeal

1. The 401 Main Street Location is a Residential District and a Disfavored Site

The Dept. of Public Works and the Planning Department failed to make a correct determination that the proposed site for the wireless facility at 401 Main Street is a preferred site as specified in the Dept.'s siting criteria. The permit itself acknowledges, *"The proposed Personal Wireless Facility is in a Zoning Protected Location."* The Permit for the site is attached as Exhibit C and confirms that the location should have been reviewed by Planning and DPW as a "protected location" under the Tier B criteria.

A. The Tier B Classification Was Incorrectly Applied to This Site; It is an RH Zoned Residential Mixed-Use District and "Protected Location" as Defined by the Code and Stated on the Permit and Therefore is Also a "Disfavored Site" Under the Dept.'s Guidelines

The mandatory referral from the Planning Dept. was incorrectly conducted and a wrong standard applied for the issuance of the Permit. The subject location and the Portside building is located in the *Rincon Hill Downtown Residential District* which was added to the Planning Code in 2005 (San Francisco Planning Code Section 608.13) and is zoned Residential Mixed Use. The site is also directly adjacent to Port of San Francisco property. The permit itself clearly states that it was issued as a Tier B wireless permit

(Attached hereto as Exhibit C). Tier B permits are for "Zoning Protected Locations". "Zoning Protected Locations" means a proposed location for a Personal Wireless Service Facility that is Planning Protected, Zoning Protected, or a Park Protected Location. As set forth in the Public Works Code, Article 25 states:

"Tier B Compatibility Standard" means that an Applicant for a Personal Wireless Service Facility on a Public Right-of-Way that is either within or Adjacent to a Planning Protected Location or Zoning Protected Location has demonstrated that the proposed Personal Wireless Service Facility would not significantly detract from any of the defining characteristics of the Planning Protected Location or Zoning Protected Location

"Tier B Personal Wireless Service Facility" means a Personal Wireless Service Facility where the proposed location for the facility is in a Planning Protected Location or Zoning Protected Location

Zoning Protected Location means on a Utility, Transit, or Street Light Pole that is on a Public Right-of-Way that is within a Residential or Neighborhood Commercial zoning district under the Planning Code.

"Zoning Protected Location Compatibility Standard" means that an Applicant for a Personal Wireless Service Facility Site Permit on a Public Right-of-Way that is within a Zoning Protected Location has demonstrated that the proposed Personal Wireless Service Facility would not significantly detract from any of the defining characteristics of the Residential or Neighborhood Commercial zoning district."

Because the site at 401 Main Street is proposed for a light pole in a public right of way in a residential district, (the Rincon Hill Downtown Residential District) it is in a "zoning protected location," and therefore the Application should have been reviewed by Planning and DPW under the Tier B Permit criteria and the Planning Dept. Guidelines for siting such facilities.

The decorative street light poles in front of Portside along the block of Bryant Street in front of Portside comply with and were designed to meet Port of San Francisco standards and requirements. Under the SFPUC Master License, no antennas or radio transmitters are allowed on these decorative street light poles. It is clear that Portside and its surrounding area warrant designation as a "Zoning Protected Location," as the block clearly meets the standards of the Port of San Francisco. Furthermore, the Rincon Hill Downtown Residential District neighborhood is a zoning protected location as stated by the Permit. The classification, review and referral by Planning and DPW did not take into account this "zoning protected location" and was improper. Consequently, locating the obtrusive proposed antenna and its two bulky radio units on a pole only a few feet away from the Portside Building at 403 Main Street would significantly detract from the defining characteristics of Portside, Bryant Street, Rincon Hill and the South Beach/Embarcadero neighborhood.

B. As a *Zoning Protected Location*, The Site is a "Disfavored Site" Under the Dept.'s Siting Criteria and No Findings Were Made to Justify the Site

Since 1996 the Dept. has had in place specific criteria for Wireless Telecommunications Services (WTS) Facilities Siting Guidelines. Those Guidelines create a hierarchy of criteria for placement of such facilities and, not surprisingly, there is a preference for less populated areas first and a disfavored designation for residential areas for the placement of these facilities. This requirement is confirmed by the designation stated on the permit that this site is a residential "*zoning protected location.*" (Public Works Code definition set forth above)

The Planning Guidelines require specific findings must be made by the applicant prior to receiving approval for a site located in the disfavored or limited preference sites. Planning is not to approve applications for such sites unless the application provides the following findings:

(a) shows what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area

(b) shows by clear and convincing evidence what good faith efforts and; measures to secure these Preferred Location Sites were taken;

(c) explains why such efforts were unsuccessful; and

(d) demonstrates that the location for the site is essential to meet demands in the geographic service area and the Applicant's citywide network.

As part of the effort to prepare this appeal the Portside HOA served a comprehensive Public Records request under the City's Sunshine Ordinance on the Dept. of Public Works and Planning did not receive any documents or evidence that any of these requirements had been met or that the Applicant made any of these required findings in order to receive the approval in this zoning protected residential area.

The Categorical Exemption given this installation of the proposed Personal Wireless Facility failed to review the site as a "zoning protected location" and no consideration or review was conducted to ensure compatibility with the surroundings and the neighborhood criteria and character. This is endemic to issuing such approvals as a group and without individual consideration of specific sites. The permit must be returned to the Dept. for these mandatory findings.

C. Application Fails to Comply with Waterfront Design and Access Element.

The Waterfront Design and Access Element directs the location and types of public access and open spaces, public view corridors, and historic resources, and provides design criteria for San Francisco's waterfront. Seawall Lot 329 is a triangular parcel of open space in front of Portside developed by the Port of San Francisco to serve as a

visual forecourt to the waterfront from Bryant Street and function as an important waterfront view corridor. Locating the proposed antenna in such close proximity to Portside, Main Street, Harrison Street and Bryant Street's decorative street light poles, and Seawall 329 would significantly detract from the defining characteristics of the neighborhood.

D. <u>The Proposed Antenna Detracts from an Architecturally Significant Building</u>

The Portside condominium complex at 403 Main Street is located across the Embarcadero facing San Francisco Bay. Built in 1994, it was the one of the first and most distinctive residential buildings in the South Beach neighborhood. The award-winning building features a unique nautical appearance and signature Art Deco style, with rounded corners and polished railings reminiscent of a cruise ship, and porthole-type accent windows. This distinctive structure is by any measure an architecturally significant building. Locating the proposed antenna in close proximity to such an architecturally distinguished structure as Portside would significantly detract from the building as one of South Beach's most recognizable landmarks and one of the most defining characteristics of the neighborhood.

2. The Application Does Not Comply with any Other Requirement for <u>Obtaining a Personal Wireless Service Facility Site Permit</u>

<u>Street Tree</u>: Planning Dept. Conditions No. 1, requires the Applicant to install and maintain an appropriate street tree. Sec 1506 of Public Works Code, specifically requires the planting of street trees for all similar installations. However, despite navigating dozens if not hundreds of applications for equipment through the multi-year process of pre-planning, site selection, engineering reports, permit applications and installations for many many years, ExteNet (the company that handles the applications for T-Mobile and Verizon) has yet to apply for a single street tree permit for any of the numerous street trees that are required to accompany the hundreds of wireless equipment installations. Recently, the wireless companies declared they would seek to avoid any street tree placements as required by the Code. The placement of street trees for each Wireless facility approved was intended by the Board of Supervisor's as a way to reduce the environmental impact of the unsightly placement of these facilities. The Board must not allow the Wireless industry to flaunt the law and ignore the legislation intended to reduce the visual blight for these installations.

<u>Photosimulation</u>: The Public Works Code (Sec 1512(c)) requires that the notice of approval of a wireless facilities permit "[p]rovide a description and a photosimulation of the proposed Personal Wireless Service Facility". The photosimulation provided in the notice by the Applicant however does not provide an accurate representation of the proposed PWSF. Instead the photosimulation is conveniently taken from a distance and an angle where only a portion of the total PWSF is visible in the photosimulation. In the photosimulation the antenna is clearly visible on in top of the utility pole in question. However, the two boxes which are proposed to be strapped to the outside of the pole are not visible because of the angel and distance.

Failure to Identify Alternative Locations Away from Occupied Residential Units As the photo of eth intersection of Main and Harrison clearly shows, the antenna's location makes no sense when there are multiple, viable alternative locations nearby, farther away from residences. The Portside HOA identified locations and offered those locations at the DPW hearing but were ignored. The proposed antenna's location makes no sense when there are at least six viable alternative locations nearby, away from densely-populated residential dwellings, including the street light pole on the north side of Harrison Street between Main and Spear Streets and the two street light poles on the northeast corner of Main and Harrison Streets adjacent to the street light pole with the traffic light. The HOA tried to work with the Department of Public Works to identify an appropriate location for the proposed antenna away from high density residences, thereby posing the least potential health risk to humans but DPW refused to even consider viable alternatives. Despite these reasonable alternatives, Applicant refused to consider ANY viable alternative locations. CEQA requires that reasonable alternatives be identified.

Incorrect Project Description

The project description used by Planning to issue the Categorical Exemption is incorrect. The description states in part as follows: "Install wireless facilities on existing metal utility poles owned by the Joint Pole Association (JAP)…" In this instance the pole is not a metal utility pole but is a wooden pole and it has a PG&E tag on it. Again, the metal utility poles are a favored and preferred site for such facilities and the wooden poles are not preferred. There are TWO metal poles directly adjacent to the site! The Planning Dept. has issued different informational bulletins for wooden poles and metal poles and has designated the metal poles as preferred with the wooden poles the *least* preferable after sites on buildings and metal poles. A wooden pole directly next to an occupied residence is the least preferable site.

3. The Department of Public Health Incorrectly Determined that the Application Complies with the Public Health Compliance Standard

Under Public Works Code Sec 1502, the "Public Health Compliance Standard" means whether: (a) any potential human exposure to radio frequency emissions from a proposed Personal Wireless Service Facility described in an Application is within the FCC guidelines". The Department issued a determination regarding the human exposure to radio frequency emissions caused by the proposed Personal Wireless Service Facility, however, the documents submitted by the applicant show that the Department did not have sufficient information to find compliance with the Public Health Compliance Standard and refute the findings.

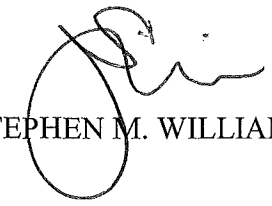
The determination of compliance with the Public Health Compliance Standard is based in part on the Radio Frequency Study performed on behalf of Applicant. However, a review of that radio frequency study reveals that it is a study for **fifty-eight** different proposed facilities in **fifty-eight** different locations. In fact, the study does not even distinguish between sites in which different equipment will be installed. Apparently, the public is just

to take the Applicant's word that all of these sites were analyzed, and included in this study, because there certainly is nothing in the study itself which demonstrates this conclusively. Further, the Applicant states that this equipment has not been used before in other locations.

Conclusion

The Department may not award this project with a categorical exemption based upon the DPW and Planning referral as a Tier B project and Zoning Protected Location without the specific findings provided for by the Dept. Guidelines. The specific language of the Code forbids issuing such a determination for this "protected location." In the rush to give ExteNet and T-Mobile whatever it wants in our neighborhoods, the Dept.'s have failed to correctly review this application. Appellants urge the Board to support the appeal and to require a full review of the site as a "protected location" and for potential health impacts which the project might have on future residents at the site or nearby developments.

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
ExteNet - T-Mobile Cell Sites		N/A	
Case No.	Permit No.	Plans Dated	
2016-01592ENV		Various Dates in 2015	
☑ Addition/ Alteration	☐ Demolition (requires HRER if over 45 years old)	☐ New Construction	☐ Project Modification **(GO TO STEP 7)**

Project description for Planning Department approval.

Install wireless facilities on existing metal utility poles owned by Joint Pole Association (JPA), SFMTA, and SFPUC in the public right-of-way in historic districts and in front of historic properties in the eastern part of San Francisco. The purpose of the project is to provide enhanced T-Mobile service. See attached project description appendix and list of facility locations.

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

*Note: If neither class applies, an *Environmental Evaluation Application* is required.*	
☐	**Class 1 – Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
☐	**Class 3 – New Construction/ Conversion of Small Structures.** Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
☑	**Class** 3(d) Construction and location of limited numbers of new, small communications facilities

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)*
☐	**Hazardous Materials:** If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. *Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the*

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Archeological Resources:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)*
☐	**Slope = or > 20%:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Landslide Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required.**
☐	**Seismic: Liquefaction Zone:** Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required.**
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.</u>	
☑	**Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.**
Comments and Planner Signature (*optional*):	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☑	**Category B:** Potential Historical Resource (over 45 years of age). **GO TO STEP 4.**
☐	**Category C:** Not a Historical Resource or Not Age Eligible (under 45 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	2. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	3. **Window replacement** that meets the Department's *Window Replacement Standards.* Does not include storefront window alterations.
☐	4. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts,* and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	6. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	7. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows.*
☐	8. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☑	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5.**
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☐	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces.**
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
☐	7. **Addition(s),** including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation.*
☑	8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):

☑	9. **Other work** that would not materially impair a historic district (specify or add comments): *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* _____
☐	10. **Reclassification of property status.** *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* ☐ Reclassify to Category A ☐ Reclassify to Category C a. Per HRER dated: _____ *(attach HRER)* b. Other *(specify)*:
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
☑	**Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**
Comments (*optional*): Work will be undertaken within the public right-of-way on existing poles and will not affect poles that are decorative or historic in nature. Equipment is designed to be slim in profile and to avoid large bundles of visible cabling, equipment decals, lighting, or mounting systems so that adjacent buildings are not materially or visually impaired. Work will not physically alter any historic features or materials that characterize known or potential historic resources where these installations occur.	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*: ☐ Step 2 – CEQA Impacts ☐ Step 5 – Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***	
☑	**No further environmental review is required. The project is categorically exempt under CEQA.**	
	Planner Name: Stephanie Skangos	**Signature:**
	Project Approval Action: DPW Final Approvals If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
☐	Result in expansion of the building envelope, as defined in the Planning Code;
☐	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
☐	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
☐	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. CATEX FORM	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	**Signature or Stamp:**

ExteNet for T-Mobile (Application No. 2016-011592ENV)

Project Description – For MTA, PUC and PG&E steel poles, each facility comprises one approx. 2-foot tall, 7.9-inch-dia. antenna placed between 20 to 40 feet above grade, but generally around 30 feet above grade; one approx. 2-foot tall, 10" to 14" dia. shroud to conceal antenna and one approx. 1-foot tall skirt mounted just below antenna to conceal the antenna cabling and related equipment; and two mRRU equipment boxes (approx. 16.5" H x 10" W x 6"D each) mounted on the side of the pole, generally between the heights of 10' and 17' on the pole.

For JPA poles, one approx. 2-foot tall, 14.6-inch-dia. antenna with two hybrid couplers (approx. 3"H x 7"W x 1.5"D each) inside either an antenna skirt placed atop pole or within an approx. 38.5-inch-dia side support arm placed between 20 to 40 feet above grade; two mRRU equipment boxes (approx. 16.5"H x 10"W x 6"D each) mounted on the side of the pole, generally between the heights of 10'and 17' on the pole, and other small ancillary equipment mounted on the side of the pole.

See attached list of locations.

ExteNet for T-Mobile Locations
(Application No. 2016-011592ENV)

Node number	Pole Owner	Address
3a	MTA	1596 Howard St
4b	PUC	1526 Folsom
5a	PGE	1690 Folsom
10c	PUC	median strip on Guerrero btwn 24th and 25th Streets
16a	PUC	median strip on Guerrero btwn 27th and Duncan streets
17a	JPA	3612 26th St
18a	JPA	200 San Jose Ave (27th St frontage)
19a	PUC	Median strip on Cesar Chavez btwn Guerrero and Valencia
22a	PUC	1640 Valencia St
24a	MTA	819 South Van Ness
37a	JPA	3225 26th St
38a	JPA	3101 26th St
40a	PUC	median strip on Cesar Chavez btwn Treat Ave and Folsom St
42a	JPA	3437 19th Street
43a	JPA	3426 20th St
44a	JPA	3572 20th St
46a	PUC	106 Bartlett St (Valencia St frontage)
49b	PUC	2800 Mission St (IFO BART - 24th St Mission Plaza)
51a	PUC	median strip on Guerrero btwn 22nd & Alvarado Sts
55b	JPA	106 Bartlett St
66a	PUC	3110 23rd St
68a	JPA	2690 Harrison St
71a	PUC	3200 24th St
72a	JPA	3089 22nd St
73a	PUC	3100 24th St
74a	PUC	3000 24th St
79a	JPA	3500 23rd St
87a	PGE	670 Geary
97c	PUC	895 O'Farrell St (Polk St frontage)
98a	PUC	626 Polk St
107b	PUC	601 Eddy St
154a	JPA	436 Fell St
171B	MTA	8 Mission Street
172A	PGE	121 Steuart Street
174A	PUC	301 Main Street
176B	JPA	401 Main Street
180A	PUC	201 Harrison Street, fronting Beale Street.
182A	PGE	501 Beale Street
183A	PUC	Median strip on Bryant St. between Beale St. & Bayside Village
200A	PUC	Phelps Street & Newcomb Ave.
201A	MTA	1682 Newcomb Avenue
202A	PUC	1551 Newcomb Avenue
203A	PUC	1744 Oakdale Avenue
205B	PUC	1791 Palou Avenue
207a	MTA	1695 Palou Avenue
208A	PUC	1578 Palou Avenue
209A	PUC	1520 Oakdale Avenue
220B	PUC	201 Middle Point Road
222A	PUC	Ingalls St. & Hudson Ct.
223A	PUC	1195 Hudson Avenue (Beatrice Lane frontage)
224A	PUC	10 Rosie Lee Lane
225A	PUC	1395 Ingalls Street
226B	JPA	1013 Oakdale Avenue
301A	JPA	1765 Newhall Street
302A	JPA	1893 Newhall Street, fronting Topeka Ave.

ExteNet for T-Mobile Locations
(Application No. 2016-011592ENV)

Node number	Pole Owner	Address
303A	JPA	56 Bay View Street
304A	JPA	300 Thorton Avenue, fronting Flora Street.
305A	JPA	48 Lucy Street

NOTICE OF FINAL DETERMINATION TO APPROVE A PERSONAL WIRELESS SERVICE FACILITY SITE PERMIT

SAN FRANCISCO PUBLIC WORKS

Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Manager

Street Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel 415-554-5810

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

Date: 10/24/2017

Application No.: **16WR-0374**
Applicant Name: **ExteNet Systems, Inc.**
Location: **401 Main Street**

San Francisco Public Works has finally approved the above-referenced Application submitted by ExteNet Systems, Inc. for a Personal Wireless Service Facility Site Permit in the vicinity of 401 Main Street.

The Applicant does not know at this time whether it will file an Application for a permit to modify the proposed Personal Wireless Service Facility at any time during the term of the Personal Wireless Service Facility Site Permit.

The equipments to be installed at this location include: One (1) antenna and equipment enclosures (radios, meter, and disconnect switch). A photo-simulation of the approved Personal Wireless Service Facility is attached hereto.

Each of the following City departments made a determination that the Application satisfied the applicable requirements of the Public Works Code:

1. San Francisco Public Works/ Bureau of Street Use and Mapping has approved the following permit with conditions.
2. San Francisco Department of Public Health has approved the following permit with conditions.
3. San Francisco Planning Department has approved the following permit with conditions.

The final approval includes the following condition(s):

Public Works Conditions:

1. This recommendation is based on no variation from the depicted drawings and/or photo simulation; if a variation is different a re-submittal is required. Should the installation vary from said conditions, it should be resubmitted to Department(s) for further review and comment
2. New Poles: no new poles shall be erected or placed in underground districts.
3. Down Guys: Follow all excavation codes to obtain the necessary permits for placement of down guys. Down guy shall avoid crossing conflicting areas but not limited to driveways, curb ramps.
4. Comply with ADA code requirements for Federal, State, local laws. Make sure path of minimum required clear width for accessible path of travel is four feet.
5. At the conclusion of the work, provide a set of as built photos of the installation to the Bureau Street Use & Mapping Permit Office.
6. Maintain a valid certification of insurance annually and forward a copy to the Bureau Street Use & Mapping Permit Office.

Department of Public Health Conditions:

1. Ensure that any equipment associated with the pole installation of this antenna does not produce a noise in excess of 45 dBA as measured at three (3) feet from the nearest residential building façade.
2. Ensure that there are no publicly occupied areas within seven (7) feet from the face of the antenna.
3. This approval is for the antenna directions listed in the report. If an additional direction is activated a new RF report will be required.
4. Once the antenna is installed, Extenet must take RF power density measurements with the antenna operating at full power to verify the level reported in the Hammett and Edison report and to ensure that

the FCC public exposure level is not exceeded in any publicly accessible area. This measurement must be taken again at the time of the permit renewal.

5. Extenet should be aware that the general public may have concerns about the antenna and potential RF source near their dwellings. Extenet should have in place a procedure for taking RF power density levels in nearby dwellings when requested by the members of the general public.
6. In accordance with the San Francisco Public Works Code, Art. 25, Sec. 1527 (a)(2)(C) Extenet is responsible for paying a fee of $210.00 to the San Francisco Department of Public Health for this review.

Please note that this approval and any conditions apply only to the equipment and installation as described. If any changes in the equipment or any increase in the effective radiated power described above are made, a new review by the Department of Public Health must be conducted.

Planning Department Conditions:

1. Plant and maintain an appropriate street tree.
2. No exposed meter, meter pan or meter pedestal may be used.
3. Antenna, and all equipment (external conduit, radio relay units, blinders used to shroud bracket bolts [if needed], and mounting mechanisms); except signage, if used for screening, shall all be painted to match the pole and repainted as needed.
4. Cabling below radio relay units shall enter the pole with no more than a five-inch gap between bottom of each radio relay unit and the bottom of the corresponding entry hole on the pole. Conduit connection at pole entry points shall utilize the smallest fitting sizes available. Sealing compounds, if utilized, shall be tidy without excess bubbling and painted to match pole.
5. Remove raised equipment signage (including filling in manufacturer logo indentations on radio relay units/cabinets) and equipment decals that may be visible from sidewalk and dwellings, unless required by government regulation.
6. Utilize smallest RF warning signage allowed (4 x 6 inches); and place the warning sticker facing out toward street, at a location as close to antenna as is feasible. Sticker shall face away from street, when not facing a nearby window within 15 feet. Background color of sticker shall match the pole-mounting surface; and logo and text shall be white.
7. Stack equipment enclosures (not including antenna) as close as allowed by applicable regulation and manufacturer equipment standards.
8. Seams and bolts/screws at antenna and shroud assembly area shall be fabricated and installed in a manner so as to reduce their visibility (e.g. flush mounting screws) from sidewalk level.
9. Not utilize any visible flashing indicator lights or similar.
10. Not obstruct the view from, or the light into any adjacent residential window.
11. New below ground enclosure excavations (vault), if utilized, shall not damage or remove granite curbs. No significant gaps shall be created between vault enclosure lid and primary sidewalk material due to installation. Any other existing historic architectural elements within the public right-of-way shall be retained and protected during installation. No carrier logo or carrier name may be placed on the vault lid.
12. Non-essential radio relay unit elements (handle and legs) shall be removed.
13. The installer shall arrange to have Planning Department staff review the initial installation, in order to ensure compliance with the aforementioned conditions (notwithstanding inspections by pole owner and Department of Public Works).
14. Ensure Wi-Fi Access Points and associated wiring, utilized by the City's Department of Technology, are not damaged during installation (if present).
15. Should the installation vary from said conditions, the application shall be resubmitted to the Planning Department for further review and comment.

Within fifteen (15) calendar days of the issuance of this notice, any person may appeal the issuance of this permit to the Board of Appeals. Appeals must be filed in person by either the appellant or the appellant's agent. Generally, the Board of Appeals requires that an appointment be made to file an appeal. For further information regarding the appeal process, or to schedule an appointment, please contact the Board of Appeals in person at 1650 Mission Street, Suite 304 or call 415-575-6880.

An appeal must be based on one or more of the following grounds:

1. The Department of Public Health incorrectly determined that the Application complies with the Public Health Compliance Standard (Public Works Code § 1507(b)).
2. The Planning Department incorrectly determined that the Application meets the applicable Tier

Compatibility Standard (Public Works Code § (1509(b)).

3. The Application does not comply with any other requirement for obtaining a Personal Wireless Service Facility Site Permit.
4. The Applicant intends to modify the Personal Wireless Service Facility after the permit is issued in a manner that would not comply with the applicable Compatibility Standard.

To obtain additional information concerning the Application and final approval you may contact Joseph Camicia of ExteNet Systems, Inc. at (415) 722-1183 or jcamicia@extenetsystems.com. You may also contact San Francisco Public Works at (415) 554- 5343.

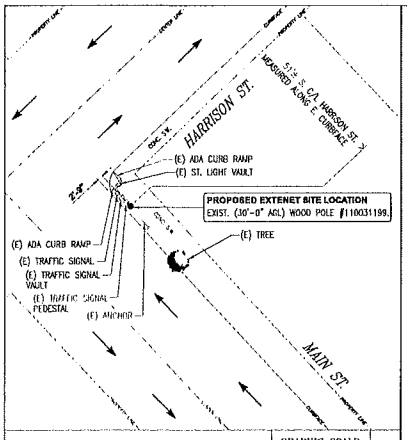
Public Works Wireless Program

PROJECT DESCRIPTION

THESE DRAWINGS DEPICT A PORTION OF A *DISTRIBUTED ANTENNA SYSTEM(DAS) TELECOMMUNICATIONS NETWORK, TO BE CONSTRUCTED, OWNED AND OPERATED BY EXTENET SYSTEMS CA, LLC, IN THE PUBLIC RIGHT OF WAY PURSUANT TO AUTHORITY GRANTED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC).*

THIS PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF WIRELESS ANTENNAS AND ASSOCIATED EQUIPMENT FOR EXTENETS TELECOMMUNICATIONS NETWORK ON EXISTING JPA (30'-0" AGL) WOOD POLE #110031199.
EQUIPMENT CONSISTS OF:

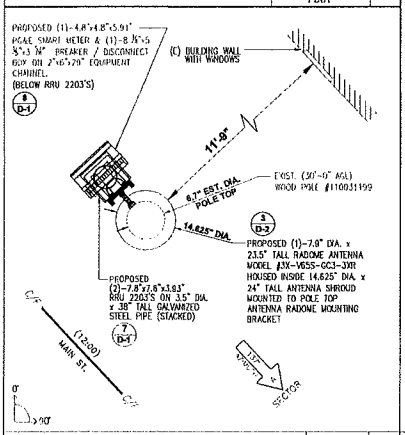
- (1)-7.9" DIA. x 23.5" TALL RADOME ANTENNA (MODEL #3X-V65S-GC3-3XR) HOUSED INSIDE 14.625" x 24" TALL ANTENNA SHROUD MOUNTED ON POLE TOP ANTENNA RADOME MOUNTING BRACKET.
- (1)-8 1/8"x5 1/5"x3 5/8" 60 AMP BREAKER / DISCONNECT BOX (MODEL #LW002CRU).
- (1)-PG&E SMART METER WITH 5.91"x4.8"x4.8" RECEPTACLE BOX.
- (1)-2"x6"x29" EQUIPMENT CHANNEL FOR METER AND BREAKER BOX.
- (2)-7,8"x7.8"x3.93" RRU 2203'S MOUNTED TO 3.5" DIA. x 38" TALL GALVANIZED STEEL PIPE.
- (2)-DIPLEXERS (MODEL #CBC1923-4310).
- (1)-6 3/4"x4 3/4"x2 1/8" FIBER SPLICE BOX.
- PROPOSED FACILITY WILL NOT EMIT ANY SOUND.



SITE PLAN CLOSE UP

GRAPHIC SCALE 0 10 20 FEET

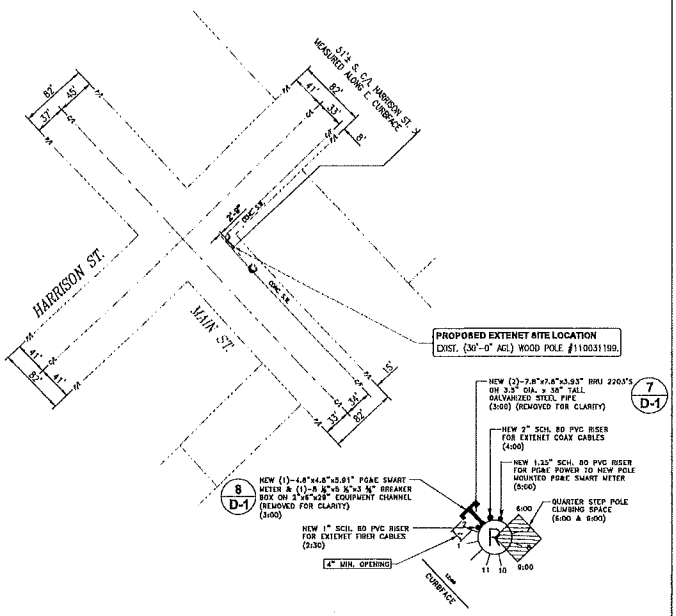
2



VECTOR DETAIL

SCALE: N.T.S.

3



UTILITY LINE TYPE LEGEND

PROPOSED CONDUIT
POWER
GAS
WATER
PHONE
STREET LIGHT
OIL
SEWER
CABLE TV
STORM DRAIN

UNDERGROUND UTILITIES NOTE:
THE LOCATIONS AND EXISTENCE OF ANY UNDERGROUND PIPES, STRUCTURES OR CONDUITS SHOWN ON THIS PLAN WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. THERE MAY BE EX. UTILITIES OTHER THAN THOSE SHOWN ON THIS PLAN. THE CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT SHOWN ON THIS PLAN.

811 Know what's below. Call before you 811/1-800-227-2600

SITE PLAN

GRAPHIC SCALE 20 0 20 40 FEET

1

ISSUE DATE: 08-22-16
ENGINEERED BY: C.E.S.
DRAFTED BY: C.E.S.

NO.	DATE	DESCRIPTION:	BY:
1	01-17-17	REVISED PER PLANNING REQUIREMENTS	CM RS JH
2	01-30-17	REMOVED SIGNAGE FROM PROPOSED ELEVATION	JH PS JH
3	03-24-17	REVISED TO NEW TAPERED ANTENNA HOUSING	CM RS JH
4	04-03-17	REVISED RADOME MOUNTING DETAIL	JH RS JH
5	06-05-17	ADDED POLE REVOS	CM RS JH
6	08-23-17	REVISED PER DPW COMMENTS	CM RS JH

CLIENT: extenet YOUR NETWORK. EVERYWHERE. SYSTEMS

PREPARED BY: CES cable engineering services
PRESCOTT COMMUNICATIONS INC.
10640 Sepulveda Blvd. Suite 1, Mission Hills, CA 91345
Phone No: (818)838-3557 Fax No: (818)838-9198

STAMP:

SITE NUMBER: 176b_TMO_NW-CA-SANFRNMC-00176B

LOCATION: ADJACENT TO 401 MAIN ST. SAN FRANCISCO, CA 94105

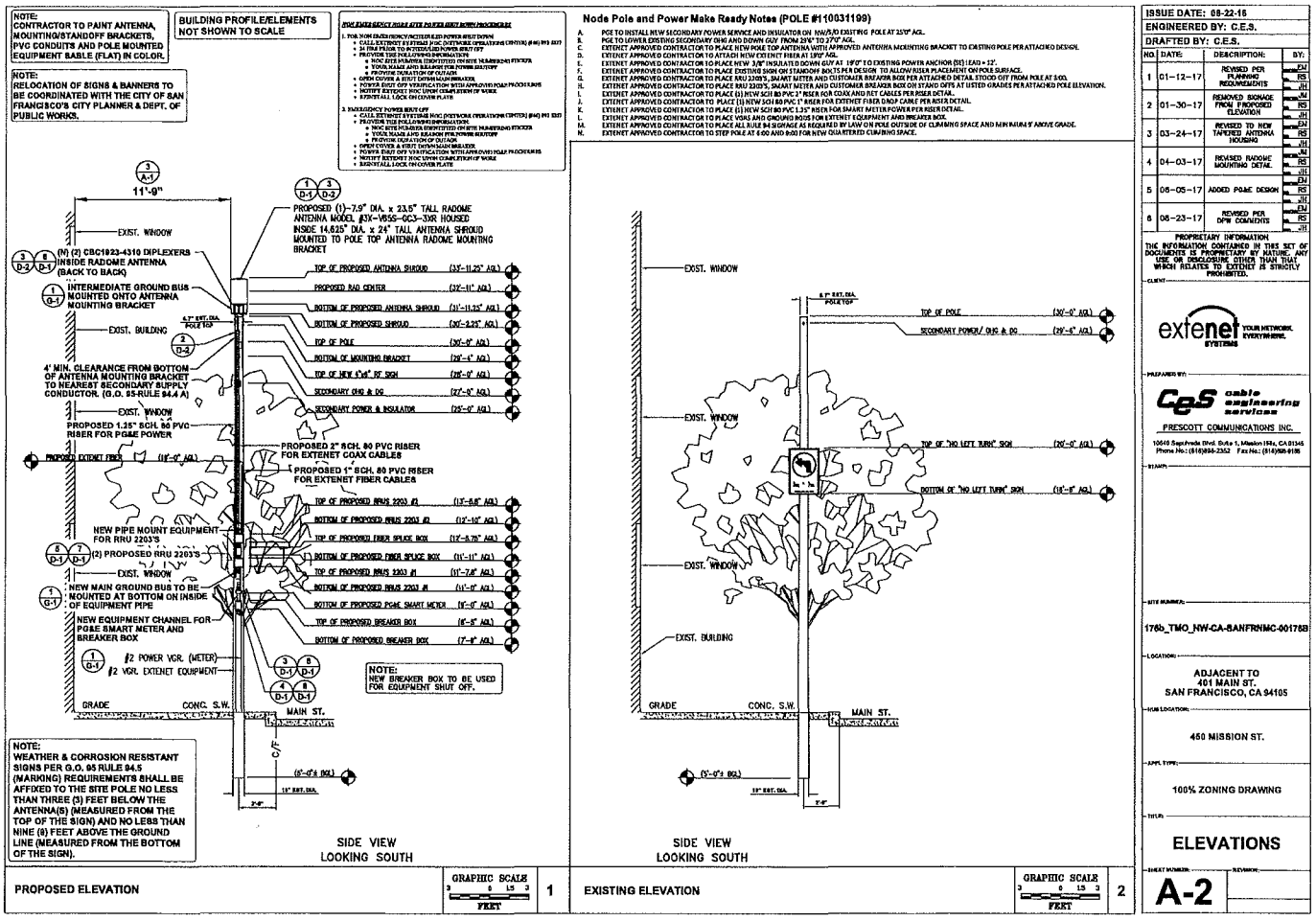
MAIN LOCATION: 450 MISSION ST.

APPL. TYPE: 100% ZONING DRAWING

TITLE: SUBSTRUCTURE SITE PLAN

SHEET NUMBER: A-1

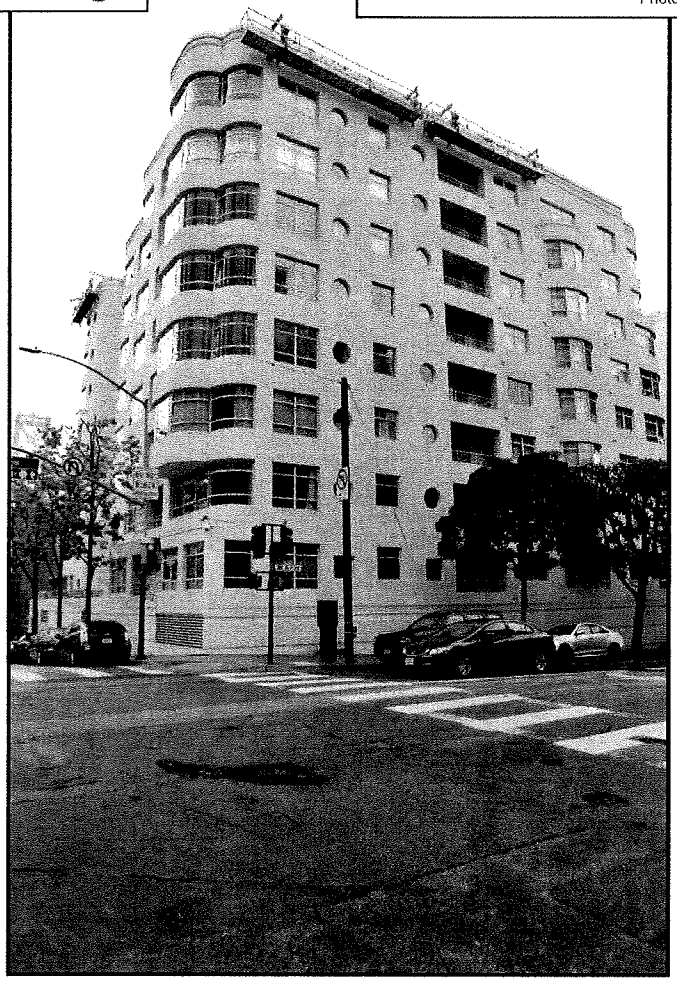
REVISION:


NOTE: CONTRACTOR TO PAINT ANTENNA, MOUNTING/STANDOFF BRACKETS, PVC CONDUITS AND POLE MOUNTED EQUIPMENT BASLE (FLAT) IN COLOR.
NOTE: RELOCATION OF SIGNS & BANNERS TO BE COORDINATED WITH THE CITY OF SAN FRANCISCO'S CITY PLANNER & DEPT. OF PUBLIC WORKS.
BUILDING PROFILE/ELEMENTS NOT SHOWN TO SCALE
11'-9"
EXIST. WINDOW
(N) (2) CBC1923-4310 DIPLEXERS INSIDE RADOME ANTENNA (BACK TO BACK)
INTERMEDIATE GROUND BUS MOUNTED ONTO ANTENNA MOUNTING BRACKET
EXIST. BUILDING
4" MIN. CLEARANCE FROM BOTTOM OF ANTENNA MOUNTING BRACKET TO NEAREST SECONDARY SUPPLY CONDUCTOR. (G.O. 95-RULE 94.4 A)
EXIST. WINDOW
PROPOSED 1.25" SCH. 80 PVC RISER FOR PG&E POWER
PROPOSED EXTENET FIBER (18'-0" AGL)
NEW PIPE MOUNT EQUIPMENT FOR RRU 2203'S
(2) PROPOSED RRU 2203'S
EXIST. WINDOW
NEW MAIN GROUND BUS TO BE MOUNTED AT BOTTOM ON INSIDE OF EQUIPMENT PIPE
NEW EQUIPMENT CHANNEL FOR PG&E SMART METER AND BREAKER BOX
#2 POWER VGR. (METER)
#2 VGR. EXTENET EQUIPMENT
GRADE
CONC. S.W.
MAIN ST.
C/F
(5'-0"± BGL)
15" EST. DIA.
3'-6"
PROPOSED (1)-7.9" DIA. x 23.5" TALL RADOME ANTENNA MODEL #3X-W55S-GC3-35R HOUSED INSIDE 14.935" DIA. x 24" TALL ANTENNA SHROUD MOUNTED TO POLE TOP ANTENNA RADOME MOUNTING BRACKET
PROPOSED 2" SCH. 80 PVC RISER FOR EXTENET COAX CABLES
PROPOSED 1" SCH. 80 PVC RISER FOR EXTENET FIBER CABLES
TOP OF PROPOSED ANTENNA SHROUD (33'-11.25" AGL)
PROPOSED RAD CENTER (32'-11" AGL)
BOTTOM OF PROPOSED ANTENNA SHROUD (31'-11.25" AGL)
BOTTOM OF PROPOSED SHROUD (30'-2.25" AGL)
TOP OF POLE (30'-0" AGL)
BOTTOM OF MOUNTING BRACKET (29'-4" AGL)
TOP OF NEW 4'x6" ST SIGN (28'-0" AGL)
SECONDARY GND & DG (27'-6" AGL)
SECONDARY POWER & INSULATOR (25'-0" AGL)
TOP OF PROPOSED RRUS 2203 #2 (13'-8.6" AGL)
BOTTOM OF PROPOSED RRUS 2203 #2 (12'-10" AGL)
TOP OF PROPOSED FIBER SPLICE BOX (12'-8.75" AGL)
BOTTOM OF PROPOSED FIBER SPLICE BOX (11'-11" AGL)
TOP OF PROPOSED RRUS 2203 #1 (11'-7.8" AGL)
BOTTOM OF PROPOSED RRUS 2203 #1 (11'-0" AGL)
BOTTOM OF PROPOSED PG&E SMART METER (9'-0" AGL)
TOP OF PROPOSED BREAKER BOX (8'-5" AGL)
BOTTOM OF PROPOSED BREAKER BOX (7'-9" AGL)
NOTE: NEW BREAKER BOX TO BE USED FOR EQUIPMENT SHUT OFF.
NOTE: WEATHER & CORROSION RESISTANT SIGNS PER G.O. 95 RULE 94.5 (MARKING) REQUIREMENTS SHALL BE AFFIXED TO THE SITE POLE NO LESS THAN THREE (3) FEET BELOW THE ANTENNA(S) (MEASURED FROM THE TOP OF THE SIGN) AND NO LESS THAN NINE (9) FEET ABOVE THE GROUND LINE (MEASURED FROM THE BOTTOM OF THE SIGN).
SIDE VIEW LOOKING SOUTH
PROPOSED ELEVATION
GRAPHIC SCALE 3 0 1.5 3 FEET
1
Node Pole and Power Make Ready Notes (POLE #110031199)
A. PGE TO INSTALL NEW SECONDARY POWER SERVICE AND INSULATOR ON NWA/0 EXISTING POLE AT 25'0" AGL.
B. PGE TO LOWER EXISTING SECONDARY GWI AND DOWN GUY FROM 28'6" TO 27'0" AGL.
C. EXTENET APPROVED CONTRACTOR TO PLACE NEW POLE TOP ANTENNA WITH APPROVED ANTENNA MOUNTING BRACKET TO EXISTING POLE PER ATTACHED DESIGN.
D. EXTENET APPROVED CONTRACTOR TO ATTACH NEW EXTENET FIBER AT 18'0" AGL.
E. EXTENET APPROVED CONTRACTOR TO PLACE NEW 3/8" INSULATED DOWN GUY AT 19'0" TO EXISTING POWER ANCHOR (SEE LEAD = 12'.
F. EXTENET APPROVED CONTRACTOR TO PLACE EXISTING SIGN ON STANDOFF BOLTS PER DESIGN TO ALLOW RISER PLACEMENT ON POLE SURFACE.
G. EXTENET APPROVED CONTRACTOR TO PLACE NRU 2203'S, SMART METER AND CUSTOMER BREAKER BOX PER ATTACHED DETAIL STICKS OUT FROM POLE AT 5-0D.
H. EXTENET APPROVED CONTRACTOR TO PLACE NRU 2203'S, SMART METER AND CUSTOMER BREAKER BOX OR STAND OFFS AT LISTED GRADES PER ATTACHED POLE ELEVATION.
I. EXTENET APPROVED CONTRACTOR TO PLACE (1) NEW SCH 80 PVC 1" RISER FOR COAX AND RET CABLES PER RISER DETAIL.
J. EXTENET APPROVED CONTRACTOR TO PLACE (1) NEW SCH 80 PVC 1" RISER FOR EXTENET FIBER DROP CABLE PER RISER DETAIL.
K. EXTENET APPROVED CONTRACTOR TO PLACE (1) NEW SCH 80 PVC 1.25" RISER FOR SMART METER POWER PER RISER DETAIL.
L. EXTENET APPROVED CONTRACTOR TO PLACE VGNS AND GROUND RODS FOR EXTENET EQUIPMENT AND BREAKER BOX.
M. EXTENET APPROVED CONTRACTOR TO PLACE ALL RULE 94 SIGNAGE AS REQUIRED BY LAW ON POLE OUTSIDE OF CLIMMING SPACE AND MINIMUM 9' ABOVE GRADE.
N. EXTENET APPROVED CONTRACTOR TO STEP POLE AT 6'00 AND 8'00 FOR NEW QUARTERED CLIMBING SPACE.
EXIST. WINDOW
6 7" EST. DIA. POLE TOP
TOP OF POLE (30'-0" AGL)
SECONDARY POWER/ GWI & DG (29'-6" AGL)
EXIST. WINDOW
TOP OF "NO LEFT TURN" SIGN (20'-0" AGL)
BOTTOM OF "NO LEFT TURN" SIGN (18'-8" AGL)
EXIST. WINDOW
EXIST. BUILDING
GRADE
CONC. S.W.
MAIN ST.
(5'-0"± BGL)
15" EST. DIA.
3'-6"
SIDE VIEW LOOKING SOUTH
EXISTING ELEVATION
GRAPHIC SCALE 3 0 1.5 3 FEET
2
ISSUE DATE: 08-22-16
ENGINEERED BY: C.E.S.
DRAFTED BY: C.E.S.
NO | DATE: | DESCRIPTION: | BY:
1 | 01-12-17 | REVISED PER PLANNING REQUIREMENTS | EM RS JH
2 | 01-30-17 | REMOVED SIGNAGE FROM PROPOSED ELEVATION | JH EM RS JH
3 | 03-24-17 | REVISED TO NEW TAPERED ANTENNA HOUSING | EM RS JH
4 | 04-03-17 | REVISED RADOME MOUNTING DETAIL | JH EM RS JH
5 | 06-05-17 | ADDED PG&E DESIGN | EM RS JH
6 | 08-23-17 | REVISED PER DPW COMMENTS | EM RS JH
PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO EXTENET IS STRICTLY PROHIBITED.
CLIENT:
extenet YOUR NETWORK. EVERYWHERE. SYSTEMS
PREPARED BY:
CES cable engineering services
PRESCOTT COMMUNICATIONS INC.
10648 Sapphrada Blvd. Suite 1, Mission Hills, CA 91345
Phone No.: (818)898-2362 Fax No.: (818)908-9188
STAMP:
SITE NUMBER:
176b_TMO_NW-CA-SANFRNMC-001768
LOCATION:
ADJACENT TO 401 MAIN ST. SAN FRANCISCO, CA 94105
SUB LOCATION:
450 MISSION ST.
APPL. TYPE:
100% ZONING DRAWING
TITLE:
ELEVATIONS
SHEET NUMBER: A-2
REVISION:

view from Main Street looking east at site

SANFRNMC-TMO 00176B
401 Main Street, San Francisco, CA
Photosims Produced On 4-5-2017

Existing

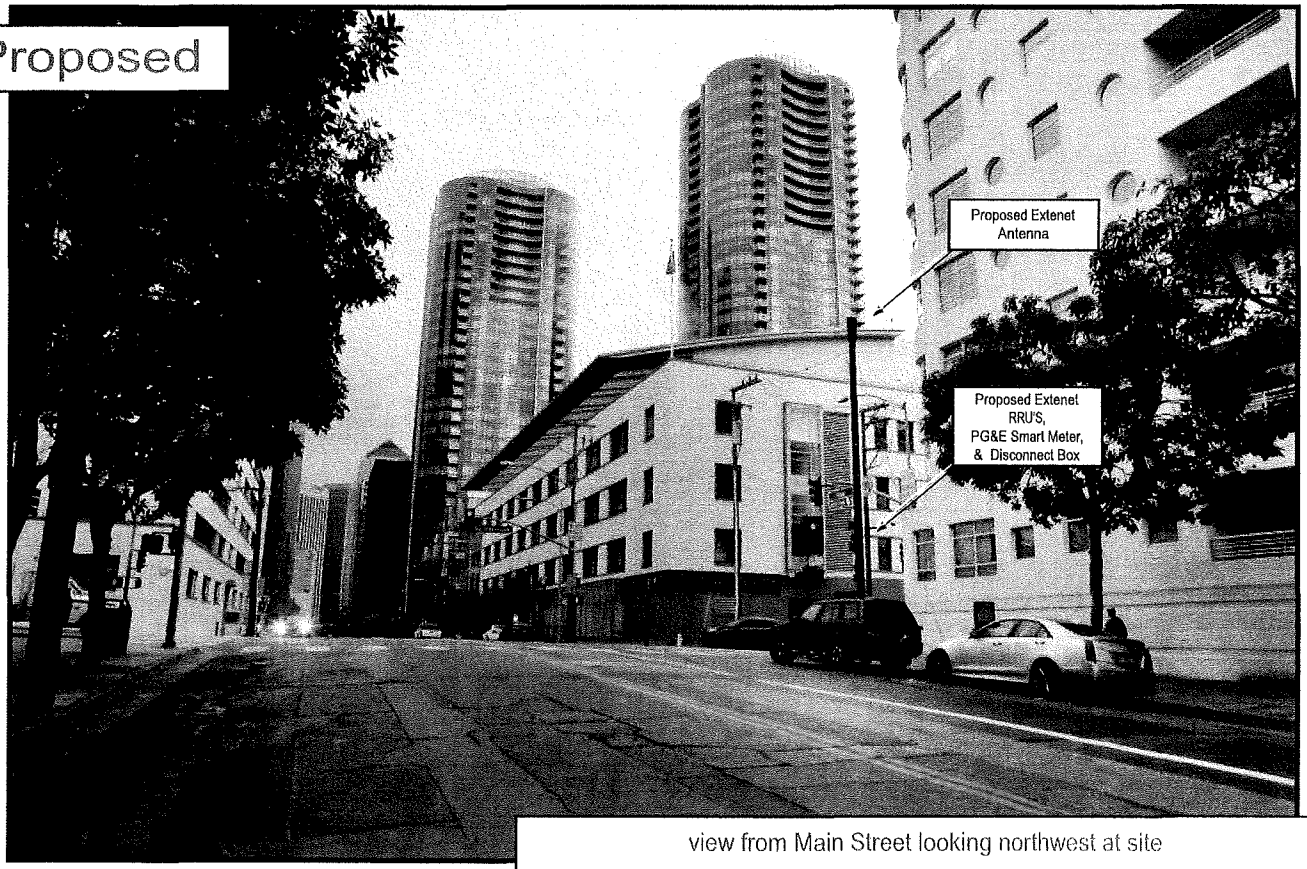


Proposed

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

Existing

Proposed



view from Main Street looking northwest at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 285-8582

extenet SYSTEMS

SANFRNMC-TMO 00176B
401 Main Street, San Francisco, CA
Photosims Produced On 4-5-2017

City and County of San Francisco
San Francisco Public Works · Bureau of Street Use and Mapping
1155 Market Street, 3rd Floor · San Francisco, CA 94103
sfpublicworks.org · tel 415-554-5810 · fax 415-554-6161

16WR-0374 (Original: 16wr-0374) Renewed

Wireless Box Permit

Address : 401 MAIN ST **Cost: $1,432.50** **Block:3768 Lot: 137 Zip: 94105**

ExteNet Systems, Inc.

Name: ExteNet Systems, Inc.

MANDATORY COORDINATION WITH CONFLICTING PERMITS IS REQUIRED. PERMIT HOLDER SHALL NOT COMMENCE WORK WITHOUT FIRST PROPERLY COORDINATING WITH EXISTING PERMIT HOLDERS AS NOTED ON THE EXCEPTION PAGE(S) OF THIS PERMIT. IF THIS PERMIT CONFLICTS WITH A CITY PROJECT OR OTHER APPROVED PERMIT, THE PERMIT HOLDER OF THIS PERMIT SHALL BE RESPONSIBLE FOR THE PROPER COORDINATION AND EVALUATION OF THE SITE PRIOR TO COMMENCING WORK.

Conditions	
Contact247	415-722-1183
Permit Comments	Joe Camicia
Service Address	
Wireless Machine Type	
Wireless Tier	TierB
Permit Pole Location	Main St between Bryant St & Harrison St (node 176b)
Permit Wireless Antenna	One
Permit Wireless AntMakeModel	Commscope 3X-V65S-GC3-3XR
Permit Planning Location	
Permit Tier Comments	
Permit Wireless DPH	Applicant is using equipment for the first time. Attached is an original verified statement from a registered engineer that: (i) potential human exposure to radio frequency emissions from the proposed Personal Wireless Service Facility is within the FCC guidelines; and (ii) noise at any time of the day or night from the proposed Personal Wireless Service Facility is not greater than forty-five (45) dBA as measured at a distance three (3) feet from any residential building facade.
Permit Planning Approval	The proposed Personal Wireless Service Facility is in Zoning Protected Location.
Permit Utility Conditions	Applicant has a valid Utility Conditions Permit
Permit Tier3 Std	
Permit Tier3 Std1	
Permit Tier3 Std2	
Permit Wireless Documents	
Permit_Auto_StartDate_Ind	Y

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 10/31/2017

Applicant/Permitee _____ Date _____

Printed : 10/31/2017 3:45:39 PM Plan Checker Leoncio Palacios

Special Conditions

16WR-0374

Conditions

San Francisco Public Works Conditions:
1. This recommendation is based on no variation from the depicted drawings and/or photo simulation; if a variation is different a re-submittal is required. Should the installation vary from said conditions, it should be resubmitted to Department(s) for further review and comment
2. New Poles: no new poles shall be erected or placed in underground districts.
3. Down Guys: Follow all excavation codes to obtain the necessary permits for placement of down guys. Down guy shall avoid crossing conflicting areas but not limited to driveways, curb ramps.
4. Comply with ADA code requirements for Federal, State, local laws. Make sure path of minimum required clear width for accessible path of travel is four feet.
5. At the conclusion of the work, provide a set of as built photos of the installation to the Bureau Street Use & Mapping Permit Office.
6. Maintain a valid certification of insurance annually and forward a copy to the Bureau Street Use & Mapping Permit Office.

San Francisco Department of Public Health Conditions:
1. Ensure that any equipment associated with the pole installation of this antenna does not produce a noise in excess of 45 dBA as measured at three (3) feet from the nearest residential building façade.
2. Ensure that there are no publicly occupied areas within seven (7) feet from the face of the antenna.
3. This approval is for the antenna directions listed in the report. If an additional direction is activated a new RF report will be required.
4. Once the antenna is installed, Extenet must take RF power density measurements with the antenna operating at full power to verify the level reported in the Hammett and Edison report and to ensure that the FCC public exposure level is not exceeded in any publicly accessible area. This measurement must be taken again at the time of the permit renewal.
5. Extenet should be aware that the general public may have concerns about the antenna and potential RF source near their dwellings. Extenet should have in place a procedure for taking RF power density levels in nearby dwellings when requested by the members of the general public.
6. In accordance with the San Francisco Public Works Code, Art. 25, Sec. 1527 (a)(2)(C) Extenet is responsible for paying a fee of $210.00 to the San Francisco Department of Public Health for this review.

Please note that this approval and any conditions apply only to the equipment and installation as described. If any changes in the equipment or any increase in the effective radiated power described above are made, a new review by the Department of Public Health must be conducted.

San Francisco Planning Department Conditions:
1. Plant and maintain an appropriate street tree.
2. No exposed meter, meter pan or meter pedestal may be used.
3. Antenna, and all equipment (external conduit, radio relay units, blinders used to shroud bracket bolts [if needed], and mounting mechanisms); except signage, if used for screening, shall all be painted to match the pole and repainted as needed.
4. Cabling below radio relay units shall enter the pole with no more than a five-inch gap between bottom of each radio relay unit and the bottom of the corresponding entry hole on the pole. Conduit connection at pole entry points shall utilize the smallest fitting sizes available. Sealing compounds, if utilized, shall be tidy without excess bubbling and painted to match pole.
5. Remove raised equipment signage (including filling in manufacturer logo indentations on radio relay units/cabinets) and equipment decals that may be visible from sidewalk and dwellings, unless required by government regulation.
6. Utilize smallest RF warning signage allowed (4 x 6 inches); and place the warning sticker facing out toward street, at a location as close to antenna as is feasible. Sticker shall face away from street, when not facing a nearby window within 15 feet. Background color of sticker shall match the pole-mounting surface; and logo and text shall be white.
7. Stack equipment enclosures (not including antenna) as close as allowed by applicable regulation and manufacturer equipment standards.
8. Seams and bolts/screws at antenna and shroud assembly area shall be fabricated and installed in a manner so as to reduce their visibility (e.g. flush mounting screws) from sidewalk level.
9. Not utilize any visible flashing indicator lights or similar.
10. Not obstruct the view from, or the light into any adjacent residential window.
11. New below ground enclosure excavations (vault), if utilized, shall not damage or remove granite curbs. No significant gaps shall be created between vault enclosure lid and primary sidewalk material due to installation. Any other existing historic architectural elements within the public right-of-way shall be retained and protected during installation. No carrier logo or carrier name may be placed on the vault lid.
12. Non-essential radio relay unit elements (handle and legs) shall be removed.
13. The installer shall arrange to have Planning Department staff review the initial installation, in order to ensure compliance with the aforementioned conditions (notwithstanding inspections by pole owner and Department of Public Works).
14. Ensure Wi-Fi Access Points and associated wiring, utilized by the City's Department of Technology, are not damaged during installation (if present).
15. Should the installation vary from said conditions, the application shall be resubmitted to the Planning Department for further review and comment.

Permit Addresses

16wr-0374

*RW = RockWheel, SMC = Surface Mounted Cabinets, S/W = Sidewalk Work, DB = Directional Boring, BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps

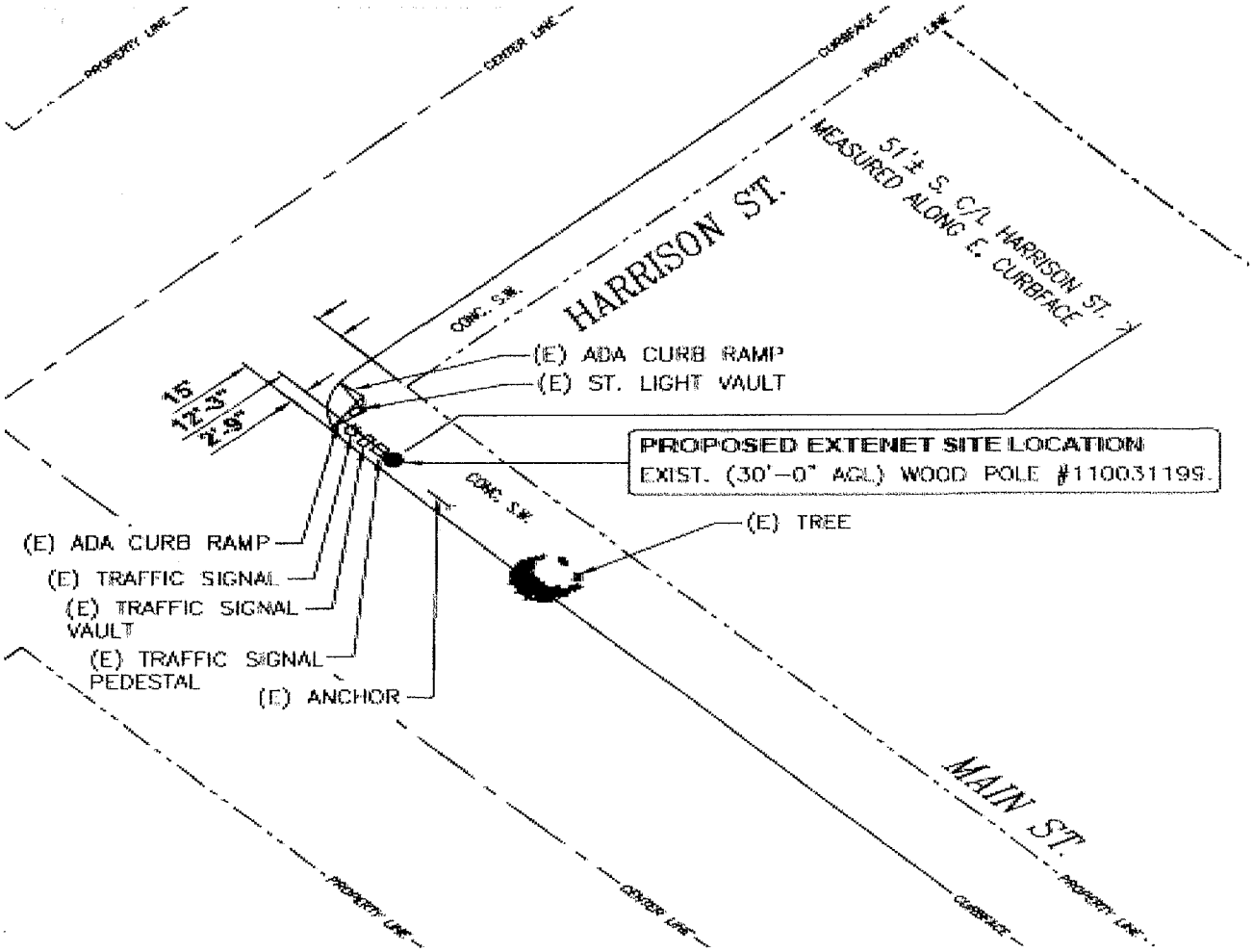
Number of blocks: 1 Total repair size:0 sqft Total Streetspace:0 Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	MAIN ST	HARRISON ST	BRYANT ST	North	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	0	0	
	Total					0	0	0	

Exceptions

16WR-0374

Street Name	From St	To St	Message	Job	Contact	Dates
MAIN ST						
	HARRISON ST	BRYANT ST -	DPT Blue Book Traffic Restriction. Time of day during which lanes must be kept clear: EAST 7AM - 9AM 3PM - 7PM MONDAY THROUGH FRIDAY // WEST 7AM - 9AM 3PM - 7PM MONDAY THROUGH FRIDAY			
	HARRISON ST	BRYANT ST -	Conflict with existing Street Use Permit.	16ECN-0934	650-670-6021 - 650-670-6021	Nov 14 2016-
	HARRISON ST	BRYANT ST -	Conflict with existing Street Use Permit.	17wr-0022	Refer to Agent (925) 549-9671 - 925-549-9671	


PROPERTY LINE
CENTER LINE
CURBFACE
PROPERTY LINE
HARRISON ST.
51'± S. C/L HARRISON ST. MEASURED ALONG E. CURBFACE
CONC. S/W.
(E) ADA CURB RAMP
(E) ST. LIGHT VAULT
15'
12'-3"
2'-9"
PROPOSED EXTENET SITE LOCATION
EXIST. (30'-0" AGL) WOOD POLE #110031199.
CONC. S/W.
(E) TREE
(E) ADA CURB RAMP
(E) TRAFFIC SIGNAL
(E) TRAFFIC SIGNAL VAULT
(E) TRAFFIC SIGNAL PEDESTAL
(E) ANCHOR
MAIN ST.
PROPERTY LINE
CENTER LINE
CURBFACE
PROPERTY LINE

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Portside Homeowners Association
353 Main Street
Redwood City, CA 94063

Union Bank
Los Angeles, CA

11-49/1210

013570

Date	Check	Pay This Amount
11/08/2017	013570	$*******597.00

Five Hundred Ninety-Seven and no/100 DOLLARS********

Pay to the order of

Planning Department
City & County of San Francisco
1650 Mission Street,Suite 400
San Francisco, CA 94103

PUB. RED IMAGE FADES WITH HEAT

Authorized Signature - Not Valid after 120 Days

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

Details on back. Security Features Included

2914

From:	Joseph Camicia
To:	Duong, Noelle (BOS); BOS Legislation, (BOS)
Cc:	smw@stevewilliamslaw.com
Subject:	Request to continue File No. 171299 (401 Main St. Appeal of CEQA determination)
Date:	Thursday, February 08, 2018 10:40:49 AM

Hello,

This is a follow up to a series of telephone conversations I've had with the appellant, Stephen Williams (copied here), the Clerk of the Board's office, and Supervisor Kim's office. ExteNet Systems, the permit holder, and Stephen Williams, the appellant, are continuing to work toward a solution that would be amenable to all parties that could result in the withdrawal of the appeal and/or the permit application. At this time, we would like to continue the item to a later date while we continue to investigate the viability of this solution. The item was initially called at the Board's full hearing on 1/9/18 and was continued to the upcoming 2/27/18 hearing. We'd now like to request that the item be continued to the 5/22/18 Board meeting.

Please review this request at your earliest convenience and let me know how best to proceed. Feel free to call with any questions.

Thank you,

Joseph Camicia
External Relations Manager
Pacific Northwest Region
ExteNet Systems, Inc.
(415) 722-1183

From:	BOS Legislation, (BOS)
To:	"Stephen M. Williams"; jcamicia@extenetsystems.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	SUPPLEMENTAL APPEAL LETTER - REQUEST FOR CONTINUANCE: Appeal of CEQA Exemption Determination - 401 Main Street - Appeal Hearing on January 9, 2018
Date:	Friday, January 05, 2018 1:58:41 PM
Attachments:	image001.png

Good afternoon,

Please find linked below a supplemental appeal letter received by the Office of the Clerk of the Board from Stephen Williams of Law Offices of Stephen M. Williams, representing the appellant, Portside Homeowners Association, regarding a request for continuance on the CEQA Determination of Exemption for the proposed project at 401 Main Street.

Supplemental Appellant Letter - January 5, 2018

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on January 9, 2018.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 171299

Regards,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

Click here to complete a Board of Supervisors Customer Service Satisfaction form

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

SMW | LAW OFFICES OF STEPHEN M. WILLIAMS

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamslaw.com

VIA FACSIMILE/ E-Mail

January 5, 2018

London Breed, President / Angela Calvillo, Clerk of the Board of Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall-Room 244
San Francisco, CA 94102-4089

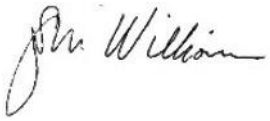
RE: **Appeal of Environmental Review at 401 Main Street**
Hearing Date: January 9, 2018;
Special Order--3:00 p.m.--Items 22-25 on Board's Agenda
REQUEST FOR CONTINUANCE

Dear President Breed and Clerk of the Board Calvillo:

This office represents the Portside Homeowners Association, Appellant in the above entitled matter. The Appeal concerns the categorical exemption granted to the placement of a wireless service facility adjacent to the Portside building at 401 Main Street. On Wednesday, January 3, the parties met at the site to discuss other, viable alternatives to the current site.

Following our meeting the parties have agreed to request that the Board continue this matter until February 27, 2018, to give the parties time to further discuss the matter and determine if a new site may be selected. The Project Sponsor ExteNet has agreed to this continuance and we would appreciate the Board's assistance.

VERY TRULY YOURS,



STEPHEN M. WILLIAMS

CC: Portside Home Owners Association
Joseph Camicia, External Relations Manager, ExteNet Systems
Barbara Lopez, Leg. Aide to Supervisor Jane Kim

From:	BOS Legislation, (BOS)
To:	"Stephen M. Williams"; jcamicia@extenetsystems.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	APPEAL RESPONSE: Appeal of CEQA Exemption Determination - 401 Main Street - Appeal Hearing on January 9, 2018
Date:	Friday, December 29, 2017 4:55:43 PM
Attachments:	image001.png

Greetings,

Please find linked below a memorandum received by the Office of the Clerk of the Board from the Planning Department regarding the Categorical Exemption Determination Appeal for the proposed project at 401 Main Street.

Planning Appeal Response Memo - December 29, 2017

The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on January 9, 2018.

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 171299

Regards,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Categorical Exemption Appeal

ExteNet for T-Mobile Cell Sites on Poles Downtown and South of Market – Approximate Address 401 Main Street

DATE:	December 29, 2017
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Lisa Gibson, Environmental Review Officer – (415) 575-9032 Ashley Lindsay – (415) 575-9178
RE:	Planning Case No. 2016-011592ENV Appeal of Categorical Exemption for ExteNet T-Mobile Cell Sites on Poles Downtown and South of Market – Approximate Address 401 Main Street
HEARING DATE:	January 9, 2018
ATTACHMENTS:	A - Site Photos And Simulations B - Radio Frequency Report And Department Of Public Health Response
PROJECT SPONSOR:	Joseph Camicia, ExteNet Systems, Inc., behalf T-Mobile Wireless, (415) 722-1183
APPELLANT:	Stephen M. Williams, on behalf of the Portside Homeowners Association

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 issuance of a categorical exemption under the California Environmental Quality Act ("CEQA determination") for the proposed ExteNet T-Mobile Cell Sites on Poles Downtown and South of Market – Approximate Address 401 Main Street project (the "project").

The Planning Department, pursuant to CEQA, the CEQA Guidelines, 14 Cal. Code of Reg. Sections 1500 *et seq*., and Chapter 31 of the San Francisco Administrative Code, determined on December 14, 2016, that "ExteNet T-Mobile Cell Sites on Poles Downtown and South of Market," which covered 58 individual cell sites on 58 existing utility poles, is exempt from CEQA in accordance with CEQA Guidelines Section 15303, or Class 3. The project that is the subject of the appeal is the permit issuance of a new small cell site, located on a steel light pole adjacent to 401 Main Street.

The decision before the Board is whether to uphold the Planning Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Planning Department's decision to issue a categorical exemption and return the project to Planning Department staff for additional environmental review.

SITE DESCRIPTION & EXISTING USE

The project site is an approximately 30-foot-tall wood Northern California Joint Pole Association owned wood pole in the sidewalk on the east side of Main Street, approximately 20 feet south of the intersection of Main and Harrison Streets, within the block bounded by Bryant, Main, Harrison, and Spear Streets in the South of Market neighborhood. The project vicinity contains a mixture of residential and commercial buildings that range from one to 10 stories in height, and is dominated by the elevated Bay Bridge entrance, approximately 270 feet south of the project site/light pole and about 70 feet above Main Street. About 700 feet south and east of the project site/light pole is the Embarcadero.

The project site/light pole is approximately 10 feet from the property line of 401 Main Street, an eight-story building constructed in 1994 containing 150 dwelling units. The top of the light pole is at about the height of the third floor of the building (see Attachment A).

PROJECT DESCRIPTION

T-Mobile, and other carriers, enhances wireless service through a distributed antenna system ("DAS") of cell sites on utility poles throughout San Francisco. Each individual cell site generally consists of an antenna on top of an existing pole, a shroud/skirt just below the antenna, and two equipment boxes on the side of the pole. The project that is the subject of the appeal is in the public right of way near 401 Main Street. The equipment to be installed on the existing utility pole consists of the following: one 7.9-inch diameter by 23.5-inch tall radome antenna within a 14.65" diameter by 24" tall fiberglass shroud placed at 30'-2.25" above grade; and two micro radio relay units (mRRUs), each 7.8 inches tall by 7.8 inches wide by 3.93 inches deep, mounted on the side of the pole, at 11'-0" and 12'-10" above grade.

The approval process for such facilities is as follows: Each facility (i.e., on each individual pole) requires a Personal Wireless Service Facility Site permit from the San Francisco Department of Public Works ("Public Works"). The applicant submits the permit application to Public Works, which refers it to the Planning Department and the Department of Public Health ("Public Health"). CEQA review must have been completed before the applicant submits the permit application to Public Works.

Once reviewed and approved by the Planning Department and Public Health, Public Works issues a Tentative Approval. The applicant then sends notification to any person owning property or residing within 150 feet and to neighborhood associations within 300 feet of the proposed facility. Members of the public have 20 days to submit a protest to Public Works. If a protest is received, Public Works schedules a hearing on the application before making a Final Determination to approve or deny the permit. If Public Works issues a Final Determination of Approval, notice is sent to neighborhood associations within 300 feet of the proposed facility and to any person who filed a protest or participated in a hearing for the application. The public then has 15 days to appeal the permit to the Board of Appeals. If an appeal is received, a Board of Appeals hearing is held regarding the proposed facility. If there is no appeal, the facility is approved, and the applicant can begin construction with either an Utility Excavation or Temporary Occupancy permit from San Francisco Public Works.

BACKGROUND

On September 8, 2016, ExteNet Systems, Inc. on behalf of T-Mobile Wireless (hereinafter "project sponsor") filed an application with the Planning Department (hereinafter "Department") for CEQA determination to install wireless transmission facilities on multiple existing, non-historic utility poles in the Downtown and South of Market neighborhoods.

On December 14, 2016, the Planning Department issued an exemption for 58 cell sites on utility poles in the Downtown and South of Market neighborhoods. The project was determined categorically exempt under CEQA Class 3 – new construction or conversion of small structures.

On October 31, 2017, Public Works approved a Personal Wireless Service Facility Site Permit Application 16WR-0374 Final Determination of Approval for 401 Main Street.

On November 30, 1017, an appeal of the categorical exemption determination for the cell site near 401 Main Street was filed by Stephen M. Williams, on behalf of the Portside Homeowners Association.

CEQA GUIDELINES

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review. In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15303, or Class 3, consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3(d) includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the November 30, 2017 appeal letter are cited below and are followed by the Planning Department's responses.

Concern 1: The appellant contends that the Planning Department and Public Works incorrectly applied the Tier B Compatibility Standards and that the proposed facility should be a Disfavored Site as the site a Zoning and Protected Location.

Response 1: The proposed facility is a Tier A Personal Wireless Service Facility as it is not located within a Planning or Zoning Protected location, and therefore the associated compatibility standards do not apply. Under Article 25 of the Public Works Code, "Zoning Protected Location" means a pole that is within a Residential and Neighborhood Commercial district under the Planning Code. The project site is located within the Rincon Hill Downtown Residential (RH - DTR) Zoning District, which is identified under Article 8 of the Planning Code as a Mixed Use District. Regardless, the designation of Tier A or Tier B is not a CEQA issue as it does not result in a change to the physical environment. The Compatibility Standards are assessed during project's review for permit issuance.

Concern 2: The appellant states that the application fails to comply with Waterfront Design and Access Element, which protects historic resources and public view corridors.

Response 2: The light pole/project site is located approximately 500 feet from Port property, which begins along the sidewalk on the east side of Bryant Street; thus, the Port of San Francisco's Waterfront Plan and the Design and Access Element of this plan do not apply to the project site.

The Planning Department's initial study checklist, which is based on Appendix G of the CEQA Guidelines, indicates that assessments of significant impacts on aesthetics should consider whether the project would result in any of the following: (1) have a substantial adverse effect on a scenic vista; (2) substantially damage scenic resources that contribute to a scenic public setting; (3) substantially degrade the existing visual character or quality of the site and its surroundings, or (4) create a new source of substantial light or glare that adversely affects day or nighttime views in the area or which would substantially impact other people or properties.

The cell site facility consists of an antenna on top of the existing utility pole, a shroud/skirt just below the antenna, and two equipment boxes on the side of the pole. That some people may not find the facility attractive does not mean that it would create a significant aesthetic environmental impact. Visual quality, by nature, is highly subjective and different viewers may have varying opinions as to whether cell site facilities on a utility pole contribute negatively to the visual landscape.

Aesthetics evaluation under CEQA must consider the existing environment in which a project is proposed. The project site is an urban right-of-way that already supports similar cell sites on poles dispersed throughout the City. The facility would be visible to passersby and observers from nearby buildings but may not be noticed by the casual observer. Utility-related facilities in the public right-of-way (e.g., other cell sites on utility poles, utility wires, and cabinets) are common throughout the City's

urbanized environment, and the visual effect of the proposed facilities would be minimal. Furthermore, the project would not create a new source of light or glare.

Thus, the project would have a negligible effect on public views and aesthetics. CEQA Guidelines Section 15300.2(c) provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Cell site facilities are ubiquitous, similar to other structures in the public right-of-way in an urban environment; and therefore, cannot be deemed an "unusual circumstance."

Concern 3: The appellant contends that the proposed antenna detracts from an architecturally significant building.

Response 3: The appellant states that the 403 Main Street building, which was built in 1994, is architecturally significant, and that locating the antenna in close proximity would "significantly detract from the building as one of South Beach's most recognizable landmarks and one of the most defining characteristics of the neighborhood." The project site is not located in a historic district. The 403 Main Street building is less than 45 years old, and is designated by the Planning Department as a Category C ("No Historic Resource Present / Not Age Eligible"). Nevertheless, Department preservation staff employed a level of review for this antenna design similar to that for poles adjacent to known or potential historic resources. Preservation staff determined that the project scope would be in conformance with the *Secretary of the Interior's Standards* and would not result in impacts to any known or potential historic resources because (1) the work would be undertaken on an existing pole that is not decorative or historic in nature; (2) the equipment is designed to be slim in profile and to avoid large bundles of visible cabling, equipment decals, lighting, or mounting systems so that adjacent buildings are not materially or visually impaired; and (3) work would not physically alter any historic features or materials that characterize known or potential historic resources where these installations occur. Regardless of whether the nearby building is architecturally significant, the addition of equipment on the nearby pole would not result in an impact on historic resources that could include architecturally significant buildings.

Concern 4: The appellant contends that the application does not comply with Public Works permit requirements involving tree planting, photo simulation, alternative locations and incorrect project description.

Response 4: Alternative site analysis may be studied during the review for permit issuance; if a different site is chosen during that process then additional analysis under CEQA may be required if it had not been already conducted. Street trees are a condition of approval from the Planning Department during the permit review phase of the project. If the Bureau of Urban Forestry determines that a street tree cannot be planted then an in-lieu fee is required. The applicant's other concerns about permit requirements irrelevant to environmental review, as they are components of the entitlement process and would have no physical effect on the environment.

Concern 5: The appellant contends that the project doesn't comply with standards that protect humans from radio frequency emissions.

The appeal states the following:

> "Under Public Works Code Sec 1502, the "Public Health Compliance Standard" means whether: (a) any potential human exposure to radio frequency emissions from a proposed Personal Wireless Service Facility described in an Application is within the FCC guidelines". The Department issued a determination regarding the human exposure to radio frequency emissions caused by the proposed Personal Wireless Service Facility, however, the documents submitted by the applicant show that the Department did not have sufficient information to find compliance with the Public Health Compliance Standard and refute the findings.
>
> The determination of compliance with the Public Health Compliance Standard is based in part on the Radio Frequency Study performed on behalf of Applicant. However, a review of that radio frequency study reveals that it is a study for fifty-eight different proposed facilities in fifty-eight different locations. In fact, the study does not even distinguish between sites in which different equipment will be installed. Apparently, the public is just to take the Applicant's word that all of these sites were analyzed, and included in this study, because there certainly is nothing in the study itself which demonstrates this conclusively. Further, the Applicant states that this equipment has not been used before in other locations."

Response 5: San Francisco Public Works Code, Article 25, Sec. 1507, requires that Public Health review any proposed Personal Wireless Service Facility. Public Health fulfills this standard by requiring that all proposed Personal Wireless Service Facilities submit a radio frequency (RF) report prepared by a licensed engineer. These reports are based on engineering modeling and calculations and include, among other items, the maximum calculated effective radiated power from the antenna and the calculated level of radio frequency energy for any nearby building. Both the engineering report for the proposed facility and the Public Health's approval of the facility are included as Attachment B to this appeal response.

The RF study prepared for the facility near 401 Main Street was prepared by Rajat Mathur, P.E., for Hammett & Edison, Inc., Consulting Engineers. The report concludes:

> Based on the information and analysis above, it is the undersigned's professional opinion that operation of the node proposed by T-Mobile at 401 Main 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.

Public Health reviewed and approved the engineering report, and stated the following:

> The maximum calculated exposure level at the ground level will not exceed .00014 mW/cm2, which is 0.14% of the FCC public exposure standard. The three dimensional perimeter of the

> radio frequency (RF) levels equal to the public exposure limit is calculated to extend a maximum of up to 7 and 2 feet out from the face of the antenna and does not reach any publicly accessible areas. The maximum calculated exposure level at any nearby building is 11% of the FCC public exposure limit for the adjacent building at 12 feet away.

Based on the information provided in the Hammett & Edison report, Public Health confirmed that the proposed installation near 401 Main Street would be in compliance with the FCC standards and would not produce radio frequency energy exceeding the FCC public exposure limits. Thus, the proposed project would not result in a significant health impact with regard to RF emissions.

CONCLUSION

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The Planning Department has found that the proposed project is consistent with the cited exemption. The appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Planning Department.

For the reasons stated above and in the December 14, 2016, CEQA categorical exemption determination, the CEQA determination complies with the requirements of CEQA, and the project is appropriately exempt from environmental review pursuant to the cited exemption. The Planning Department therefore recommends that the Board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

ATTACHMENT A

Existing

Proposed

view from Main Street looking northwest at site

SANFRNMC-TMO 00176B
401 Main Street, San Francisco, CA
Photosims Produced On 4-5-2017

view from Main Street looking east at site

extenet SYSTEMS YOUR NETWORK. EVERYWHERE.

SANFRNMC-TMO 00176B
401 Main Street, San Francisco, CA
Photosims Produced On 4-5-2017

Existing

Proposed

2928

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

ATTACHMENT B

ExteNet Systems CA, LLC • Proposed DAS Node (Site No. 176B)
401 Main 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 ExteNet Systems CA, LLC, a wireless telecommunications facilities provider, to evaluate the addition of Node No. 176B to be added to the ExteNet distributed antenna system ("DAS") 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 an 11-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 GHz	5.00 mW/cm^2	1.00 mW/cm^2
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	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	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

Checklist

Reference has been made to information provided by ExteNet, including drawings by Cable Engineering Services, dated April 3, 2017. It should be noted that the calculation results in this Statement include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operations.

1. *The location, identity, and total number of all operational radiating antennas installed at this site.*

There are reported no wireless base stations presently installed at this site, a utility pole located in the public right-of-way at the east corner of Main and Harrison Streets, in front of the nine-story building at 403 Main Street.

2. *List all radiating antennas located within 100 feet of the site that could contribute to the cumulative radio frequency energy at this location.*

While there may be other WTS facilities near this site, the additive impact at the proposed node location would be negligible in terms of compliance with the FCC public limit.

3. *Provide a narrative description of the proposed work for this project.*

ExteNet proposes to install one antenna on the utility pole. This is consistent with the scope of work described in the drawings for transmitting elements.

4. *Provide an inventory of the make and model of antennas or transmitting equipment being installed or removed.*

ExteNet proposes to install one CommScope Model 3X-V65S-GC3-3XR, 2-foot tall, tri-directional cylindrical antenna, with one direction activated, on top of the utility pole. The effective height of the antenna would be about 33 feet above ground, and its principal direction would be oriented toward 137°T.

5. *Describe the existing radio frequency energy environment at the nearest walking/working surface to the antennas and at ground level. This description may be based on field measurements or calculations.*

Because there are no antennas at the site presently, nor any direct access to the antenna location, existing RF levels for a person at the site are presumed to be well below the applicable public exposure limit.

6. *Provide the maximum effective radiated power per sector for the proposed installation. The power should be reported in watts and reported both as a total and broken down by frequency band.*

T-Mobile proposes to operate from this facility with a maximum effective radiated power of 214 watts, representing simultaneous operation at 107 watts for AWS and 107 watts for PCS service. There are no other carriers presently proposing to use this facility.

7. *Describe the maximum cumulative predicted radio frequency energy level for any nearby publicly accessible building or area.*

The maximum calculated level at any nearby building is 11% of the public exposure limit; this occurs at the adjacent building, located about 12 feet away.

8. *Report the estimated cumulative radio frequency fields for the proposed site at ground level.*

For a person anywhere at ground, the maximum RF exposure level due to the proposed operation is calculated to be 0.0014 mW/cm^2, which is 0.14% of the applicable public exposure limit. Cumulative RF levels at ground level near the site are estimated to be well below the applicable public limit.

9. *Provide the maximum distance (in feet) the three dimensional perimeter of the radio frequency energy level equal to the public and occupational exposure limit is calculated to extend from the face of the antennas.*

The three-dimensional perimeters of RF levels equal to the public and occupational exposure limits are calculated to extend up to 7 and 2 feet out from the antenna, respectively, and to much lesser distances above and below; these do not reach any publicly accessible areas.

10. Provide a description of whether or not the public has access to the antennas. Describe any existing or proposed warning signs, barricades, barriers, rooftop striping or other safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards.

Due to its mounting location and height, the ExteNet antenna would not be accessible to unauthorized persons, 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, it is recommended that appropriate RF safety training be provided to all authorized personnel who have access to the antenna. No access within 2 feet directly in front of the antenna itself, such as might occur during certain activities, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory signs* on the pole at or below the antenna, 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.

11. Statement of authorship and qualification.

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration No. E-18063, which expires on June 30, 2017. 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.

* 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. Signage may also need to comply with the requirements of California Public Utilities Commission General Order No. 95.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the node proposed by ExteNet at 401 Main 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.

Rajat Mathur, P.E.
707/996-5200

April 7, 2017

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

Edwin Lee, Mayor
Barbara A. Garcia, MPA, Director of Health
Stephanie Cushing, MSPH, CHMM, REHS, Director of EH

July 17, 2017

TO: Gene Chan, Dept. of Public Works, Bureau of Street Use and Mapping

FROM: Arthur Duque, Dept. Of Public Health, Environmental Health Services AD

RE: Extenet Pole Mounted Antenna, CommScope Model 3X-V65S-GC3-3XR

Location:	DPW Application:	Node#
401 Main St.	16WR-0374	176B

As requested, I have reviewed the documentation that you and Extenet have provided to me regarding the proposed installation of a CommScope Model 3X-V65S-GC3-3XR, on a utility pole or similar structures located at the above listed location in the City and County of San Francisco.

This review includes April 7, 2017 radio frequency energy report prepared by Hammett and Edison Inc. for this site. The report states that one CommScope Model 3X-V65S-GC3-3XR tri-directional antenna will be mounted on a utility pole near the location listed above. The antenna will be about 33 feet above the ground level. The antenna will be oriented in the 137° direction. Due to the mounting location, the antenna would not be accessible to the general public.

The maximum effective radiated power from this antenna is estimated to be 214 watts.

The maximum calculated exposure level at the ground level will not exceed .0014 mW/cm2, which is 0.14% of the FCC public exposure standard. The three dimensional perimeter of the radio frequency (RF) levels equal to the public exposure limit is calculated to extend a maximum of 7 feet from the face of the antenna and does not reach any publicly accessible areas. The maximum calculated exposure level at any nearby building is 11% of the FCC public exposure limit for the building adjacent, 12 feet away.

Based on the information provided in the Hammett and Edison report, I would agree that this Extenet CommScope antenna, utility pole installation would be in compliance with the FCC standards and would not produce radio frequency energy exceeding the FCC public exposure limits.

In addition, a noise evaluation was done on the combination of equipment assumed to be installed at this location which was prepared by Hammett & Edison, Inc. and was dated December 13, 2016. This evaluation found that none of the equipment being installed will produce noise. As such, the installation of the equipment would be in compliance with the noise standards as outlined in the DPW Code, Article 25.

1390 Market Street, Suite 210 San Francisco, CA 94102
Phone 252-3800 Fax 252-3894

Approval Conditions:

- Ensure that any equipment associated with the pole installation of this antenna does not produce a noise in excess of 45 dBA as measured at three (3) feet from the nearest residential building façade.

- Ensure that there are no publicly occupied areas within seven (7) feet from the face of the antenna.

- This approval is for the antenna directions listed in the report. If an additional direction is activated a new RF report will be required.

- Once the antenna is installed, Extenet must take RF power density measurements with the antenna operating at full power to verify the level reported in the Hammett and Edison report and to ensure that the FCC public exposure level is not exceeded in any publicly accessible area. This measurement must be taken again at the time of the permit renewal.

- Extenet should be aware that the general public may have concerns about the antenna and potential RF source near their dwellings. Extenet should have in place a procedure for taking RF power density levels in nearby dwellings when requested by the members of the general public.

- In accordance with the San Francisco Public Works Code, Art. 25, Sec. 1527 (a)(2)(C) Extenet is responsible for paying a fee of $210.00 to the San Francisco Department of Public Health for this review.

Please note that this approval and any conditions apply only to the equipment and installation as described. If any changes in the equipment or any increase in the effective radiated power described above are made, a new review by the Department of Public Health must be conducted.

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. 554-5227

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 appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, January 9, 2018**

Time: **3:00 p.m.**

Location: **Legislative Chamber, City Hall, Room 250**
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA

Subject: **File No. 171299.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on October 24, 2017, approved on November 23, 2017, for the proposed project for ExtenNet Systems Inc. - T-Mobile Cell Sites to install wireless service facilities on an existing Joint Pole Association-owned wooden pole at the approximate address of 401 Main Street. (District 6) (Appellant: Stephen Williams of the Law Offices of Stephen M. Williams, on behalf of Portside Homeowners Association) (Filed November 30, 2017)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, January 5, 2018.

Angela Calvillo
Clerk of the Board

DATED/MAILED/POSTED: December 26, 2017

From:	BOS Legislation, (BOS)
To:	"Stephen M. Williams"; jcamicia@extenetsystems.com
Cc:	GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	HEARING NOTICE: Appeal of CEQA Exemption Determination - 401 Main Street - Appeal Hearing on January 9, 2018
Date:	Tuesday, December 26, 2017 3:12:35 PM
Attachments:	image001.png

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **January 9, 2017, at 3:00 p.m**., to hear an appeal of Determination of Exemption under CEQA for the proposed project at approximately 401 Main Street.

Please find the following link to the hearing notice for the matter.

Hearing Notice - December 26, 2017

I invite you to review the entire matter on our Legislative Research Center by following the link below:

Board of Supervisors File No. 171299

Regards,

Brent Jalipa
Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

Click here to complete a Board of Supervisors Customer Service Satisfaction form

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

PROOF OF MAILING

Legislative File No. 171299

Description of Items: Public Hearing Notices - Hearing - Appeal of Determination of Exemption From Environmental Review - 401 Main Street - 778 Notices Mailed

I, Brent Jalipa , an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: December 26, 2017

Time: 2:55 p.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature:

Instructions: Upon completion, original must be filed in the above referenced file.

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. 554-5227

December 26, 2017

File Nos. 171299, 171301-171303
Planning Case No. 2016-01592ENV

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Ninety Seven Dollars ($597) representing the filing fee paid by Portside Homeowners Association, for the appeal of the CEQA Exemption Determination for the proposed project at 401 Main Street.

Planning Department
By:

Tony Yeung
Print Name

12/27/17
Signature and Date

From:	BOS Legislation, (BOS)
To:	"Stephen M. Williams"
Cc:	Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - 401 Main Street - Appeal Hearing on January 9, 2018
Date:	Thursday, December 14, 2017 3:42:20 PM
Attachments:	image001.png

Good afternoon,

On November 30, 2017, the Office of the Clerk of the Board received an appeal filing of categorical exemption from environmental review for the proposed project at the approximate location of 401 Main Street, filed by Mr. Stephen M. Williams representing the Portside Homeowners Association.

On December 6, 2017, the Office of the Clerk of the Board received a memorandum from the Planning Department regarding the timeliness of the appeal filing. The Planning Department determined that the appeal was filed after the filing deadline.

On December 11, 2017, the Office of the Clerk of the Board received a revised memorandum from the Planning Department regarding the timeliness of the appeal filing. The Planning Department determined that the appeal was filed in a timely manner and that the previous memorandum, dated December 6, 2017, was rescinded.

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **January 9, 2018, at 3:00 p.m**. Please find linked below a letter of appeal filed for the proposed project at 401 Main Street, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

Appeal Letter - November 30, 2017

Planning Department Memo - December 11, 2017

Clerk of the Board Letter - December 12, 2017

I invite you to review the entire matter on our Legislative Research Center by following the links below.

Board of Supervisors File No. 171299

Thank you,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

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

December 12, 2017

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115

Subject: File No. 171299 - Appeal of CEQA Exemption Determination - 401 Main Street

Dear Mr. Williams:

The Office of the Clerk of the Board is in receipt of a revised memorandum dated December 11, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed project at 401 Main Street. This memorandum dated December 6, 2017, rescinded, corrected, and reissued a timeliness determination for this project, which incorrectly concluded that the appeal was not timely.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, January 9, 2018, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

Continues on next page

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,

Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planner, Planning Department
Ashley Lindsay, Environmental Planner, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Dan Sider, Policy Advisor, Planning Department
Marcelle Boudreaux, Staff Contact, Planning Department

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: December 11, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer

RE: Revised Appeal Timeliness Determination – ExteNet for T-Mobile Cell Site on Existing JPA Wood Pole – Approximate Address 401 Main Street, Planning Department Case No. 2016-011592ENV

This memo supersedes the appeal timeliness determination dated December 6, 2017 for this project. The prior determination was based on an inaccurate Approval Action date and incorrectly concluded that the appeal was not timely. In fact, the appeal was timely filed. The Planning Department regrets any inconvenience caused by this error.

An appeal of the categorical exemption determination for the proposed project in the public right-of-way near 401 Main Street (Planning Department Case No. 2016-011592ENV) was filed with the Office of the Clerk of the Board of Supervisors on November 30, 2017, by Stephen M. Williams on behalf of the Portside Homeowners Association. As explained below, the Planning Department finds the appeal to be timely filed.

Date of Approval Action	30 Days after Approval Action/ Appeal Deadline	Date of Appeal Filing	Timely?
Tuesday, October 31, 2017	Thursday, November 30, 2017	Thursday, November 30, 2017	Yes

Approval Action: On September 28, 2017, the Planning Department issued a CEQA Categorical Exemption Determination for 61 cell sites on utility poles in the public right-of-way in the Downtown and South of Market neighborhoods, including the cell site near 401 Main Street. Each cell site has its own Approval Action, which is the San Francisco Public Works Final Approval for the individual cell site permit. The Final Approval of the permit for the cell site near 401 Main Street was issued by Public Works on October 31, 2017 (Date of the Approval Action).

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Thursday, November 30, 2017(Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Thursday, November 30, 2017, on the Appeal Deadline. Therefore, the appeal is considered timely.

From:	BOS Legislation, (BOS)
To:	"Stephen M. Williams"
Cc:	Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Starr, Aaron (CPC); Sider, Dan (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - 401 Main Street - Appeal Filing Not Timely
Date:	Friday, December 08, 2017 4:55:43 PM
Attachments:	image001.png

Good afternoon,

On November 30, 2017, the Office of the Clerk of the Board received an appeal filing of categorical exemption from environmental review for the proposed project at the approximate location of 401 Main Street, filed by Mr. Stephen M. Williams representing the Portside Homeowners Association.

On December 6, 2017, the Office of the Clerk of the Board received a memorandum from the Planning Department regarding the timeliness of the appeal filing. The Planning Department determined that the appeal was filed after the filing deadline. The Board of Supervisors is not empowered to hear the matter, and the appeal letter will be filed with our office in File No. 171299.

Please find linked below the letter of appeal, the memo from the Planning Department, as well as an informational letter from the Clerk of the Board. I have sent a hard copy of the letter and the filing check to Mr. Williams.

Appeal Letter - November 30, 2017

Planning Department Memo - December 6, 2017

Clerk of the Board Letter - December 7, 2017

I invite you to review the entire matter on our Legislative Research Center by following the links below.

Board of Supervisors File No. 171299

Thank you,

Brent Jalipa
Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

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the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS

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

December 7, 2017

Stephen M. Williams
Law Offices of Stephen M. Williams
1934 Divisadero Street
San Francisco, CA 94115

Subject: File No. 171299 - Appeal of CEQA Exemption Determination - 401 Main Street

Dear Mr. Williams:

The Office of the Clerk of the Board of Supervisors is in receipt of a memo from the Planning Department, dated December 6, 2017, regarding the timely filing of your appeal of the CEQA Categorical Exemption determination issued for the project approximately located at 401 Main Street.

Pursuant to Administrative Code, Sections 31.16(a) and (e), any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the date of Approval Action. The Planning Department has determined that your filing is not timely as it was received after the filing deadline. I have attached a copy of the Planning Department's memo for further explanation, and your check enclosed.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Sincerely,

Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planner, Planning Department
Laura Lynch, Environmental Planner, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Dan Sider, Policy Advisor, Planning Department
Marcelle Boudreaux, Staff Contact, Planning Department

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: December 6, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer

RE: Appeal timeliness determination – ExteNet for T-Mobile Cell Site on Existing JPA Wood Pole – Approximate Address 401 Main Street, Planning Department Case No. 2016-011592ENV

An appeal of the categorical exemption determination for the proposed project in the public right-of-way near 401 Main Street (Planning Department Case No. 2016-011592ENV) was filed with the Office of the Clerk of the Board of Supervisors on November 30, 2017, by Stephen M. Williams on behalf of the Portside Homeowners Association. As explained below, the Planning Department does not find the appeal to be timely filed.

Date of Approval Action	30 Days after Approval Action/ Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
Tuesday, October 24, 2017	Thursday, November 23, 2017	Monday, November 27, 2017	Thursday, November 30, 2017	No

Approval Action: On September 28, 2017, the Planning Department issued a CEQA Categorical Exemption Determination for 61 cell sites on utility poles in the public right-of-way in the Downtown and South of Market neighborhoods, including the cell site near 401 Main Street. Each cell site has its own Approval Action, which is the San Francisco Public Works Final Approval for the individual cell site permit. The Final Approval of the permit for the cell site near 401 Main Street was issued by Public Works on October 24, 2017 (Date of the Approval Action).

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Thursday, November 23, 2017 (a holiday) and the first business day after the 30 days was Monday, November 27, 2017 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Thursday, November 30, 2017, after the Appeal Deadline. Therefore, the appeal is not considered timely.

From:	BOS Legislation, (BOS)
To:	Rahaim, John (CPC)
Cc:	Givner, Jon (CAT); Stacy, Kate (CAT); Jensen, Kristen (CAT); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Boudreaux, Marcelle (CPC); Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; BOS Legislation, (BOS)
Subject:	Appeal of CEQA Exemption Determination - ExtenNet Systems Inc. - T-Mobile Cell Sites - Approximately at 401 Main Street - Timeliness Determination Request
Date:	Friday, December 01, 2017 4:41:10 PM
Attachments:	Appeal Ltr 113017.pdf COB Ltr 120117.pdf

Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed project for ExtenNet Systems Inc. - T-Mobile Cell Sites installing wireless service facilities on an existing Joint Pole Association-owned wooden pole approximately at 401 Main Street. The appeal was filed by Stephen Williams of the Law Offices of Stephen M. Williams, on behalf of Portside Homeowners Association, on November 30, 2017.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

Brent Jalipa
Legislative Clerk
Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

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

December 1, 2017

To: John Rahaim
Planning Director

From: Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 401 Main Street

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed project at 401 Main Street was filed with the Office of the Clerk of the Board on November 30, 2017, by Stephen M. Williams of the Law Offices of Stephen M. Williams, on behalf of the Portside Homeowners Association.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Laura Lynch, Environmental Planning, Planning Department
Dan Sider, Policy Advisor, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Stephanie Skangos, Staff Contact, Planning Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or 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 _____ inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on _____

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

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

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

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Exemption From Environmental Review - 401 Main Street

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on October 24, 2017, approved on November 23, 2017, for the proposed project for ExtenNet Systems Inc. - T-Mobile Cell Sites to install wireless service facilities on an existing Joint Pole Association-owned wooden pole at the approximate address of 401 Main Street. (District 6) (Appellant: Stephen Williams of the Law Offices of Stephen M. Williams, on behalf of Portside Homeowners Association) (Filed November 30, 2017)

Signature of Sponsoring Supervisor: Alisa Somera

For Clerk's Use Only

for 171299