



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: MAY 5, 2011

Date: April 28, 2011
Case No.: **2009.1101.C**
Project Address: **333 Baker Street**
Current Zoning: RM-1 (Mixed Apartments and Houses, Low Density) District
80-E Height and Bulk District
Block/Lot: 1206/003
Project Sponsor: Rick Hirsch, T-Mobile West Corporation
2001 McAllister Street, #238
San Francisco, CA 94118
Staff Contact: Sara Vellve – (415) 558 - 6263
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

T-Mobile West Corporation proposes to install four panel antennas, one GPS antenna, and associated equipment cabinets as part of their wireless transmission network. According to the Wireless Telecommunications Services (WTS) Siting Guidelines, the property is a Location Preference 7 (Disfavored Sites – Residential District); however, as a result of AT&T's approval in 1992 (Case No. 1992.282A) and subsequent antenna installation, the current proposal is considered a Location Preference 2 (Co-Location Site). The four panel antennas will be flush-mounted on an existing building penthouse at the building's southeast corner of a height of approximately 95 feet from grade. In order to improve the visual quality of the site, all antennas will be encased by screens of synthetic material that is RF (Radio Frequency) Transparent, which allows transmission to occur even though the antennas are obscured. The maximum dimension for all the proposed antennas is approximately: 5' tall, by 13" wide by 3" thick. The proposed WTS installation includes installation of associated mechanical equipment to be located within a new mechanical penthouse on the building's roof.

SITE DESCRIPTION AND PRESENT USE

The Southern Pacific Company Hospital Complex/Mercy Terrace encompasses the city block bounded by Hayes, Lyon, Fell and Baker Streets, and lies directly north of the east boundary of Golden Gate Park's Panhandle. The building contains apartments for occupants over the age of 55 who are able to live independently. The building on which the antennas will be placed is located on the southeast portion of the block, while parking is located on the west portion of the block, and two-to-four story buildings are located on the north portion of the block. The antennas will specifically be located on an existing penthouse located at the building's southeast corner. The subject building was constructed in 1908 and is Landmark Number 192 pursuant to Article 10 of the Planning Code. The building reaches a height of 81

feet. The proposed antennas and mechanical penthouses reach a height of approximately 95 feet above grade. There are nine existing AT&T antennas located on the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located near the boundary of the Haight-Ashbury and Western Addition neighborhoods. The subject site is zoned RM-1, which is described in the Planning Code as containing a mixture of the dwelling types found in RH Districts but having a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The surrounding neighborhood generally consists of multi-unit residential buildings on standard 25' by 100' lots. A number of lots fronting Baker Street are 50' feet wide. The Department of Motor Vehicles is located diagonally across Fell Street from the subject property.

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption. The property is City Landmark No. 192 and subject to Article 10 of the Planning Code. The Planning Commission and Historic Preservation Commission granted a Certificate of Appropriateness for the project on November 17, 2010 through Case No. 2009.1101A. The proposed changes to the subject building do not result in a significant impact on the resource. The screening material for the antennas will match the look of the existing building and will allow for transmission of radio frequencies.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 15, 2011	April 15, 2011	20 days
Posted Notice	20 days	April 15, 2011	April 14, 2011	21 days
Mailed Notice	10 days	April 25, 2011	April 12, 2011	23 days

PUBLIC COMMENT

- As of April 28, 2011, the only comments regarding the proposal that the Department has received were those expressed in the community meeting held on February 9, 2011, where two members of the public had general comments and concerns regarding sponsor profits, project timeline and necessity.

ISSUES AND OTHER CONSIDERATIONS

- The Project will utilize an existing penthouse and install antennas that will be concealed by screening to match the existing building color and material.
- The proposed location is across from the Golden Gate Park's Panhandle. The project is a Location Preference 2, preferred location. AT&T was granted permits to locate nine antennas on the

building in 1992 and the site is considered a co-location site per the WTS Facilities Siting Guidelines.

- A similar WTS proposal by Verizon Wireless is proposed to be heard by the Planning Commission on May 5, 2011 as well. Through case number 2009.1076C Verizon is proposing to locate up to four panel antennas on the same penthouse as the subject T-Mobile proposal, one antenna in a faux vent and one antenna on a smaller penthouse.
- Health and safety aspects of all wireless projects are reviewed by the Department of Public Health and the Department of Building Inspection.
- The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 categorical exemption. The property is City Landmark No. 192 and subject to Article 10 of the Planning Code. The Planning Commission and Historic Preservation Commission granted a Certificate of Appropriateness for the project on November 17, 2010 through Case No. 2009.1101A. The proposed changes to the subject building do not result in a significant impact on the resource. The screening material for the antennas will match the look of the existing building and will allow for transmission of radio frequencies.
- A Five Year Plan with approximate longitudinal and latitudinal coordinates of proposed locations, including the subject site, was submitted.
- All required public notifications were conducted in compliance with the City’s code and policies.
- The Project will provide wireless coverage to an area that currently receives poor coverage.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization pursuant to Planning Code Sections 209.6(b) and 303 to allow the installation of wireless facilities.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project complies with the applicable requirements of the Planning Code.
- The project is consistent with the objectives and policies of the General Plan.
- The Project is consistent with the 1996 WTS Facilities Siting Guidelines, Planning Commission Resolution No. 14182.
- The project site is a Location Preference 2, a preferred location, according to the Wireless Telecommunications Services (WTS) Siting Guidelines.
- The project will improve coverage for an area where there is currently poor cell phone coverage.

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

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

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion

HEARING DATE: MAY 5, 2011

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 209.6(b) AND 303 TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF FOUR PANEL ANTENNAS AND ASSOCIATED EQUIPMENT, ON EXISTING PENTHOUSES AT A MAXIMUM HEIGHT OF 95-FEET, AS PART OF T-MOBILE'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN A RM-1 (MIXED APARTMENTS AND HOUSES, LOW DENSITY) ZONING DISTRICT AND AN 80-E HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 1, 2009, T-Mobile West Corporation (hereinafter "Project Sponsor"), made an application (hereinafter "application"), for Conditional Use Authorization on the property at 333 Baker Street, aka The Southern Pacific Company Hospital Complex/Mercy Terrace, Lot 003 in Assessor's Block 1206, (hereinafter "project site") to install a wireless telecommunications facility consisting of four panel antennas located on an existing penthouse and screened from view and related mechanical equipment located in a new penthouse as part of T-Mobile's wireless telecommunications network within a RM-1 (Mixed Apartments and Houses, Low Density) Zoning District and an 80-E Height and Bulk District.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption. The property is City Landmark No. 192 and subject to Article 10 of the Planning Code. The Planning Commission and Historic Preservation Commission granted a Certificate of Appropriateness for the project on November 17, 2010 through Case No. 2009.1101A. The proposed changes to the subject building do not result in a significant impact on the resource. The screening material for the antennas will

match the look of the existing building and will allow for transmission of radio frequencies. The categorical exemption and all pertinent documents may be found in the files of the Planning Department (hereinafter "Department"), as the custodian of records, at 1650 Mission Street, San Francisco.

On May 5, 2011, the San Francisco Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use authorization.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use in Application No. 2009.1101C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Southern Pacific Company Hospital Complex/Mercy Terrace encompasses the city block bounded by Hayes, Lyon, Fell and Baker Streets, and lies directly north of the east boundary of Golden Gate Park's Panhandle. The building contains apartments for occupants over the age of 55 who are able to live independently. The building on which the antennas will be placed is located on the southeast portion of the block, while parking is located on the west portion of the block, and two-to-four story buildings are located on the north portion of the block. The antennas will specifically be located on an existing penthouse located at the building's southeast corner. The subject building was constructed in 1908 and is Landmark Number 192 pursuant to Article 10 of the Planning Code. The building reaches a height of 81 feet. The proposed antennas and mechanical penthouses reach a height of approximately 95 feet above grade. There are nine existing AT&T antennas located on the property.
3. **Surrounding Properties and Neighborhood.** The Project Site is located near the boundary of the Haight-Ashbury and Western Addition neighborhoods. The subject site is zoned RM-1, which is described in the Planning Code as containing a mixture of the dwelling types found in RH Districts but having a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The surrounding neighborhood generally consists of multi-unit residential buildings on standard 25' by 100' lots. A number of lots fronting Baker Street are 50' feet wide. The Department of Motor Vehicles is located diagonally across Fell Street from the subject property.
4. **Project Description.** T-Mobile Wireless proposes to install four panel antennas, one GPS antenna, and associated equipment cabinets as part of their wireless transmission network.

According to the Wireless Telecommunications Services (WTS) Siting Guidelines, the property is a Location Preference 7 (Disfavored Sites – Residential District); however, as a result of AT&T's approval in 1992 (Case No. 1992.282A) and subsequent antenna installation, the current proposal is considered a Location Preference 2 (Co-Location Site). The four panel antennas will be flush-mounted on an existing building penthouse at the building's southeast corner of a height of approximately 95 feet from grade. In order to improve the visual quality of the site, all antennas will be encased by screens of synthetic material that is RF (Radio Frequency) Transparent, which allows transmission to occur even though the antennas are obscured. The maximum dimension for all the proposed antennas is approximately: 5' tall, by 13" wide by 3" thick. The proposed WTS installation includes installation of associated mechanical equipment to be located within a new mechanical penthouse on the building's roof.

5. **Past History and Actions.** The Planning Commission established guidelines for the installation of wireless telecommunications facilities in 1996 ("Guidelines"). These Guidelines set forth the land use policies and practices that guide the installation and approval of wireless facilities throughout San Francisco. A large portion of the Guidelines was dedicated to establishing location preferences for these installations. The Board of Supervisors, in Resolution No. 635-96, provided input as to where wireless facilities should be located within San Francisco. The Guidelines were updated by the Commission in 2003, requiring community outreach, notification, and detailed information about the facilities to be installed.¹

Section 8.1 of the Guidelines outlines Location Preferences for wireless facilities. There are five primary areas where the installation of wireless facilities should be located:

1. Publicly-used Structures: such facilities as fire stations, utility structures, community facilities, and other public structures;
2. Co-Location Site: encourages installation of facilities on buildings that already have wireless installations;
3. Industrial or Commercial Structures: buildings such as warehouses, factories, garages, service stations;
4. Industrial or Commercial Structures: buildings such as supermarkets, retail stores, banks; and
5. Mixed Use Buildings in High Density Districts: buildings such as housing above commercial or other non-residential space.

Before the Planning Commission can review an application to install a wireless facility, the project sponsor must submit a five-year facilities plan, which must be updated biannually, an emissions report and approval by the Department of Public Health, Section 106 Declaration of Intent, a submittal checklist and details about the facilities to be installed.

¹ PC Resolution 16539, passed March 13, 2003.

Under Section 704(B)(iv) of the 1996 Federal Telecommunications Act, local jurisdictions cannot deny wireless facilities based on Radio Frequency (RF) radiation emissions so long as such facilities comply with the FCC's regulations concerning such emissions.

On May 5, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use authorization pursuant to Planning Code Sections 209.6 and 303 to allow the installation of a wireless telecommunications facility consisting of four panel antennas and related equipment and one GPS antenna on the an existing penthouse as part of T-Mobile's wireless telecommunications network.

6. **Location Preference.** The *WTS Facilities Siting Guidelines* identify different types of buildings for the siting of wireless telecommunications facilities. Under the *Guidelines*, the Project is a Location Preference Number 2, as it is a co-location site.
7. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 700 Megahertz (MHZ) bands and receive calls in the 700 to 800 MHZ bands, which are regulated by the Federal Communications Commission (FCC) and which must comply with the FCC-adopted health and safety standards for electromagnetic radiation and radio frequency radiation.
8. **Radiofrequency (RF) Emissions:** The project sponsor retained Hammett & Edison, Inc., a radio engineering consulting firm, to prepare a report describing the expected RF emissions from the proposed facility. Pursuant to the *Guidelines*, the Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the *Guidelines*.
9. **Department of Public Health Review and Approval.** The proposed project was referred to the Department of Public Health (DPH) for emissions exposure analysis. The maximum ambient RF exposure at the ground level to install four RFS Model APX16DWV-16DWV-S-E-A20 directional antennas is calculated to be .13% of the FCC public exposure limit. The maximum calculated limit for nearby buildings is calculated to be .53% of the FCC public exposure limit. The antennas would be mounted at an effective height of approximately 73 to 86 feet above ground level. The GPS antenna does not emit any frequencies and proposes to only receive frequencies. The three dimensional perimeter of RF levels equal to the public exposure limit is calculated to extend approximately 12 feet directly in front of the antennas and to much lesser distances behind, below, above, and to the sides; this does not reach any publicly accessible areas. Due to the mounting locations of the antennas, Warning signs must be posted on the bottom of the tower in English, Spanish, and Chinese. Workers should not have access to the front of the antennas while in operation.
10. **Maintenance Schedule.** The proposed facility would operate without on-site staff but with a two-person maintenance crew visiting the property approximately once a month and on an as-needed basis to service and monitor the facility.

11. **Community Outreach.** Per the *Guidelines*, the project sponsor held a Community Outreach Meeting for the proposed project. The meeting was held at 7:00 P.M. on Wednesday, February 9th, 2011 at the John Adams Campus of San Francisco City College located at 1860 Hayes Street, which is approximately three blocks from the subject site. A total of 2 members of the public attended the meeting with general comments and concerns regarding sponsor profits, project timeline, and necessity.
12. **Five-year plan:** Per the *Guidelines*, the project sponsor submitted its latest five-year plan, as required, in April 2011.
13. **Public Comment.** As of April 28, 2011, the only comments regarding the proposal that the Department has received were those expressed in the community meeting held on February 9, 2011, where two members of the public had general comments and concerns regarding sponsor profits, project timeline and necessity.
14. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Per Planning Code Sections 209.6(b) and 303, a Conditional Use authorization is required for the installation of public uses such as wireless transmission facilities.
 - B. **Height.** Per Planning Code Section 260(b)2(I), radio antennae for transmission, reception, or relay of radio, television of other electronic signals, where permitted as principal or conditional uses are exempt from height limits.
15. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.
 - (i) *Desirable: San Francisco is a leader of the technological economy; it is important and desirable to the vitality of the city to have and maintain adequate telecommunications coverage and data capacity. This includes the installation and upgrading of systems to keep up with changing technology and increases in usage. It is desirable for the City to allow wireless facilities to be installed.*

The proposed project at 333 Baker Street will be generally desirable and compatible with the surrounding neighborhood because the project will not conflict with the existing uses of the property and will be of such size and nature to be compatible with the surrounding nature of the vicinity. The approval of this authorization has been found, first and foremost, to insure public safety, and insure that the placement of antennas and related support and protection features are so located, designed, and treated architecturally to minimize their visibility from public places, to

avoid intrusion into public vistas, avoid disruption of the architectural design integrity of building and insure harmony with neighborhood character. The project has been reviewed and determined to not cause the removal or alteration of any significant architectural features on the subject known historic resource.

- ii *Necessary: In the case of wireless installations, there are 2 criteria that the Commission reviews: coverage and capacity.*

Coverage: San Francisco does have sufficient overall wireless coverage (note that this is separate from carrier service). It is necessary for San Francisco to have as much coverage as possible in terms of wireless facilities. Due to the topography and tall buildings in San Francisco, unique coverage issues arise because the hills and building break up coverage. Thus, telecommunication carriers often install additional installations to make sure coverage is sufficient.

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

The proposed project at 333 Baker Street is necessary in order to achieve sufficient street and in-building mobile phone coverage. Recent drive tests in the subject area conducted by the T-Mobile Radio Frequency Engineering Team provide conclusive evidence that the subject property is the most viable location, based on factors including quality of coverage, population density, land use compatibility, zoning and aesthetics. The proposed coverage area will serve the vicinity generally bounded by Haight Street to the south, Scott Street to the east, Turk Street to the north, and Masonic Avenue to the west, as indicated in the coverage maps. This facility will fill in the gaps to improve coverage in the Haight Ashbury and Western Addition areas as well as to provide necessary facilities for emergency transmission and improved communication for the neighborhood, community and the region.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
 - i Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

The Department of Public Health conducted an evaluation of potential health effects from Radio Frequency radiation, and has concluded that the proposed wireless transmission facilities will have

no adverse health effects if operated in compliance with the FCC-adopted health and safety standards. The Department has received information that the proposed wireless system must be operated so as not to interfere with radio or television reception in order to comply with the provisions of its license under the FCC.

The Department is developing a database of all such wireless communications facilities operating or proposed for operation in the City and County of San Francisco. All applicants are now required to submit information on the location and nature of all existing and approved wireless transmission facilities operated by the Project Sponsor. The goal of this effort is to foster public information as to the location of these facilities.

- ii The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

No increase in traffic volume is anticipated with the facilities operating unmanned, with a single maintenance crew visiting the site once a month or on an as-needed basis.

- iii The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

While some noise and dust may result from the erection of the antennas and transceiver equipment, noise or noxious emissions from continued use are not likely to be significantly greater than ambient conditions due to the operation of the wireless communication network.

- iv Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposed antennas will be located behind RF transparent screens and flush mounted to an existing penthouse on the building's southeast corner. The proposed replacement RF transparent screen will match the look, size, texture, and color of the existing penthouse. The proposed externally mounted GPS antenna is small in size (approximately 1'-6" tall) and will be minimally visible at the pedestrian level. The project will not affect the existing landscaping or building character.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of RM-1 Districts in that the intended use is located on an existing building penthouse to a height of approximately 95 feet.

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

HOUSING ELEMENT

HOUSING DENSITY, DENSITY, DESIGN & QUALITY OF LIFE

OBJECTIVE 11 - IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

POLICY 11.2 - Ensure housing is provided with adequate public improvements, services, and amenities.

The Project will improve T-Mobile Wireless coverage in a residential, commercial and recreational area along primary transportation routes in San Francisco.

URBAN DESIGN

HUMAN NEEDS

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

POLICY 4.14 - Remove and obscure distracting and cluttering elements.

The Project adequately "stealths" the proposed antennas and related equipment, by locating the antennas and equipment cabinets within the building, at grade and screened from view on an existing penthouse.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1:

Encourage development, which provides substantial net benefits and minimizes undesirable consequences. Discourage development, which has substantial undesirable consequences that cannot be mitigated.

Policy 2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The project would enhance the total city living and working environment by providing communication services for residents and workers within the City. Additionally, the project would comply with Federal, State and Local performance standards.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The site is an integral part of a new wireless communications network that will enhance the City's diverse economic base.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 1:

Maintain and enhance a favorable business climate in the City.

Policy 2:

Promote and attract those economic activities with potential benefit to the City.

The project would benefit the City by enhancing the business climate through improved communication services for residents and workers.

VISITOR TRADE

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

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

The Project will ensure that residents and visitors have adequate public service in the form of T-Mobile Wireless mobile telecommunications.

COMMUNITY SAFETY ELEMENT

Objectives and Policies

OBJECTIVE 3:

ENSURE THE PROTECTION OF LIFE AND PROPERTY FROM THE EFFECTS OF FIRE OR NATURAL DISASTER THROUGH ADEQUATE EMERGENCY OPERATIONS PREPARATION.

Policy 1:

Maintain a local agency for the provision of emergency services to meet the needs of San Francisco.

Policy 2:

Develop and maintain viable, up-to-date in-house emergency operations plans, with necessary equipment, for operational capability of all emergency service agencies and departments.

Policy 3:

Maintain and expand agreements for emergency assistance from other jurisdictions to ensure adequate aid in time of need.

Policy 4:

Establish and maintain an adequate Emergency Operations Center.

Policy 5:

Maintain and expand the city's fire prevention and fire-fighting capability.

Policy 6:

Establish a system of emergency access routes for both emergency operations and evacuation.

The project would enhance the ability of the City to protect both life and property from the effects of a fire or natural disaster by providing communication services.

17. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No neighborhood-serving retail use would be displaced and the wireless communications network will enhance personal communication services.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

No residential uses would be displaced or altered in any way by the granting of this authorization.

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

The project would have no adverse impact on housing in the vicinity.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

Due to the nature of the project and minimal maintenance or repair, municipal transit service would not be impeded and neighborhood parking would not be overburdened.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would cause no displacement of industrial and service sector activity.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Compliance with applicable structural safety and seismic safety requirements would be considered during the building permit application review process.

- G. That landmarks and historic buildings be preserved.

The proposed alterations do not cause the removal or alteration of any significant architectural features and has been determined to be categorically exempt as class 1(a). The property is City Landmark No. 192 and subject to Article 10 of the Planning Code. The Planning Commission and Historic Preservation Commission granted a Certificate of Appropriateness for the project on November 17, 2010.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no adverse impact on parks or open space, or their access to sunlight or vistas.

18. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
19. The Commission hereby finds that approval of the Determination of Compliance authorization would promote the health, safety and welfare of the City.

DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Recitals and Findings set forth above, in accordance with the standards specified in the Code, hereby approves the Conditional Use authorization under Planning Code Sections 209.6(b) and 303 to install a wireless telecommunications facility consisting of four panel antennas on an existing penthouse at the southeast corner of the Southern Pacific Company Hospital Complex/Mercy Terrace, a Location Preference 2 (Preferred Location – Co-Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, as part of T-Mobile’s wireless telecommunications network within a RM-1 (Mixed Residential, Low Density) Zoning District and a 80-E Height and Bulk District and subject to the conditions of approval attached hereto as **Exhibit A**.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this conditional use authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXX The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on **May 5, 2011**.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 5, 2011

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

General Conditions

1. This approval is for Conditional Use authorization under Planning Code Sections 209.6(b) and 303 to install a wireless telecommunications facility consisting of four panel antennas on an existing penthouse of the Southern Pacific Company Hospital Complex/Mercy Terrace, a Location Preference 2 (Preferred Location – Co-Location Site) according to the Wireless Telecommunications Services (WTS) Siting Guidelines, as part of T-Mobile's wireless telecommunications network within a RM-1 (Mixed Residential, Low Density) Zoning District and a 80-E Height and Bulk District
2. The Project approved by this Motion is in general conformity with the plans dated March 28, 2011 (and consistent with Case No. 2009.1101A) on file with the Department in the docket for Case No. 2009.1101C (labeled EXHIBIT B), reviewed and approved by the Commission on May 5, 2011.

Design

3. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on May 5, 2011, 2010 as Exhibit B found in the Case docket.
4. Prior to the issuance of any building or electrical permits for the installation of the facilities, the Project Sponsor shall submit final scaled drawings for review and approval by the Planning Department ("Plan Drawings"). The Plan Drawings shall:
 - a. Structure and Siting. Identify all facility related support and protection measures to be installed. This includes, but is not limited to, the location(s) and method(s) of placement, support, protection, screening, paint and/or other treatments of the antennas and other appurtenances to insure public safety, insure compatibility with urban design, architectural and historic preservation principles, and harmony with neighborhood character.
 - b. For the Project Site, regardless of the ownership of the existing facilities: Identify the location of all existing antennas and facilities; and identify the location of all approved (but not installed) antennas and facilities.

- c. Emissions. Provide a report, subject to approval of the Zoning Administrator, that operation of the facilities in addition to ambient RF emission levels will not exceed adopted FCC standards with regard to human exposure in uncontrolled areas.

Performance

5. Project Implementation Report. The Project Sponsor shall prepare and submit to the Zoning Administrator a Project Implementation Report. The Project Implementation Report shall:
 - a. Identify the three-dimensional perimeter closest to the facility at which adopted FCC standards for human exposure to RF emissions in uncontrolled areas are satisfied;
 - b. Document testing that demonstrates that the facility will not cause any potential exposure to RF emissions that exceed adopted FCC emission standards for human exposure in uncontrolled areas.
 - c. Compare test results for each test point with applicable FCC standards. Testing shall be conducted in compliance with FCC regulations governing the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day with the subject equipment measured while operating at maximum power.
 - d. The Project Implementation Report shall be prepared by a certified professional engineer or other technical expert approved by the Department. At the sole option of the Department, the Department (or its agents) may monitor the performance of testing required for preparation of the Project Implementation Report. The cost of such monitoring shall be borne by the Project Sponsor pursuant to the condition related to the payment of the City's reasonable costs.
6. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 4 and 13.
7. Approval. The Zoning Administrator shall request that the Certification of Final Completion for operation of the facility not be issued by the Department of Building Inspection until such time that the Project Implementation Report is approved by the Department for compliance with these conditions.
8. Notification prior to Project Implementation Report. The Project Sponsor shall undertake to inform and perform appropriate tests for residents of any dwelling units located within 25 feet of the transmitting antennae at the time of testing for the Project Implementation Report.
 - a. At least twenty calendar days prior to conducting the testing required for preparation of the Project Implementation Report, the Project Sponsor shall mail notice to the Department, as well as to the resident of any legal dwelling unit within 25 feet of a transmitting antenna, of the date on which testing will be conducted. The Applicant will submit a written affidavit attesting to this mail notice along with the mailing list.
 - b. When requested in advance by a resident notified of testing pursuant to subsection (a), the Project Sponsor shall conduct testing of total power density of RF emissions within

the residence of that resident on the date on which the testing is conducted for the Project Implementation Report.

9. Community Liaison. Within 10 days of the effective date of this authorization, the Project Sponsor shall appoint a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facilities. Upon appointment, the Project Sponsor shall report in writing the name, address and telephone number of this officer to the Zoning Administrator. The Community Liaison Officer shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
10. Installation. Within 10 days of the installation and operation of the facilities, the Project Sponsor shall confirm in writing to the Zoning Administrator that the facilities are being maintained and operated in compliance with applicable Building, Electrical and other Code requirements, as well as applicable FCC emissions standards.
11. Screening.
 - a. To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, and upon the recommendation of the Zoning Administrator, the Project Sponsor shall:
 - i. Modify the placement of the facilities;
 - ii. Install fencing, barriers or other appropriate structures or devices to restrict access to the facilities;
 - iii. Install multi-lingual signage, including the RF radiation hazard warning symbol, to notify persons that the facility could cause exposure to RF emissions; or
 - iv. Implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC Radio Frequency emission standards.
 - b. To the extent necessary to minimize visual obtrusion and clutter, installations shall conform to the following standards:
 - i. Antennas and back-up equipment shall be painted, fenced, landscaped or otherwise treated architecturally so as to minimize visual impacts;
 - ii. Rooftop installations shall be setback such that back-up facilities are not viewed from the street;
 - iii. Antennae attached to building facades shall be so placed, screened or otherwise treated to minimize any negative visual impact; and
 - iv. Although co-location of various companies' facilities may be desirable, a maximum number of antennas and back-up facilities on the Project Site shall be established, on a case-by-case basis, such that "antennae farms" or similar visual intrusions for the site and area is not created.

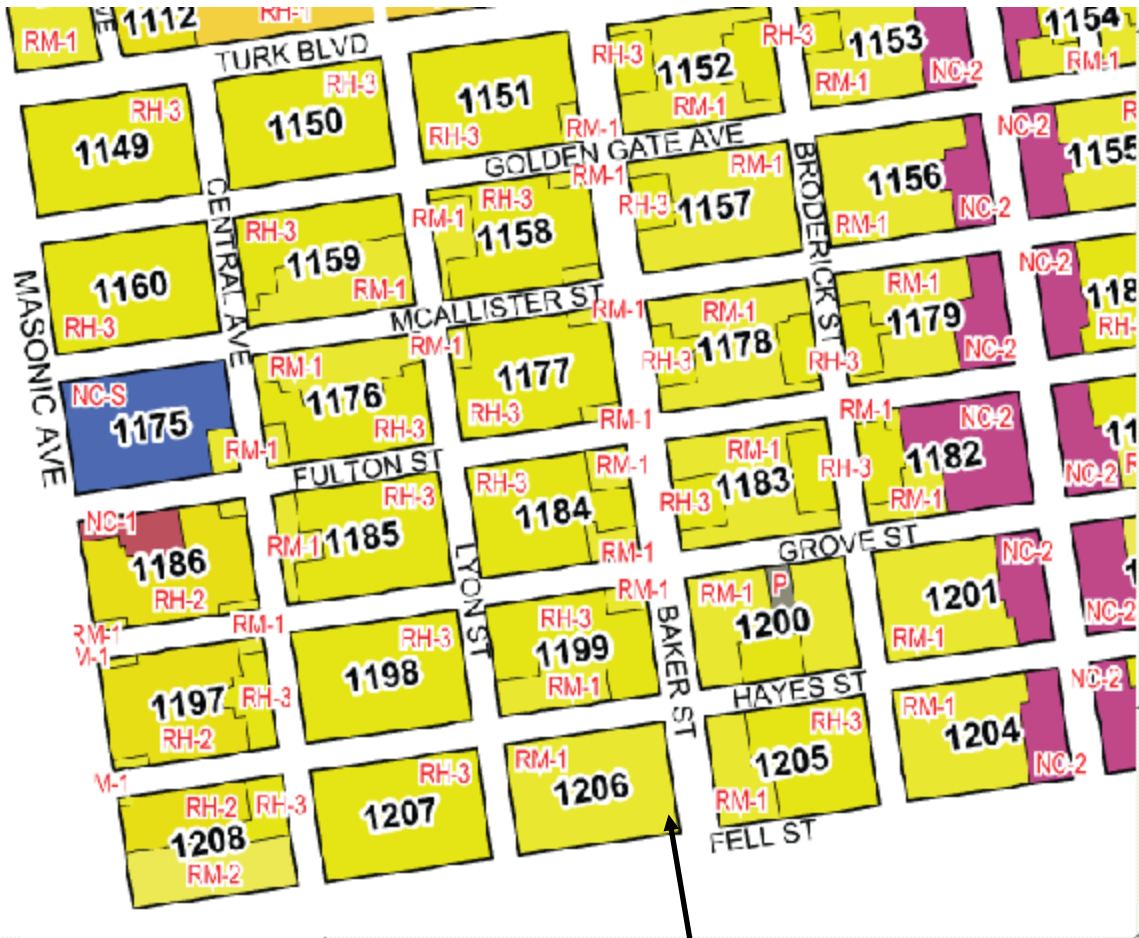
12. The Project Sponsor or Property Owner shall remove antennae and equipment that has been out of service for a continuous period of six months.
13. Periodic Safety Monitoring. The Project Sponsor shall submit to the Zoning Administrator 10 days after installation of the facilities, and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions, that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions.
14. Emissions Conditions. It is a continuing condition of this authorization that the facilities be operated in such a manner so as not to contribute to ambient RF/EMF emissions in excess of then current FCC adopted RF/EMF emission standards; violation of this condition shall be grounds for revocation.
15. Noise and Heat. The WTS facility, including power source and cooling facility, shall be operated at all times within the limits of the San Francisco Noise Ordinance. The WTS facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects a building occupant.
16. Implementation and Monitoring Costs.
 - a. The Project Sponsor, on an equitable basis with other WTS providers, shall pay the cost of preparing and adopting appropriate General Plan policies related to the placement of WTS facilities. Should future legislation be enacted to provide for cost recovery for planning, the Project Sponsor shall be bound by such legislation.
 - b. The Project Sponsor or its successors shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this Department, the Department of Public Health, the Department of Electricity and Telecommunications, Office of the City Attorney, or any other appropriate City Department or agency pursuant to Planning Code Section 351(f)(2). The Planning Department shall collect such costs on behalf of the City.
 - c. The Project Sponsor shall be responsible for the payment of all fees associated with the installation of the subject facility, which are assessed by the City pursuant to all applicable law.
17. All Conditions Basis for Revocation. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code Sections 174, 176 and 303(d). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.

In the event that the project implementation report includes a finding that RF emissions for the site exceed FCC Standards in any uncontrolled location, the Zoning Administrator may require the Applicant to immediately cease and desist operation of the facility until such time that the violation is corrected to the satisfaction of the Zoning Administrator.

18. Complaints and Proceedings. Should any party complain to the Project Sponsor about the installation or operation of the facilities, which complaints are not resolved by the Project Sponsor, the Project Sponsor (or its appointed agent) shall advise the Zoning Administrator of the complaint and the failure to satisfactorily resolve such complaint. If the Zoning Administrator thereafter finds a violation of any provision of the Planning Code and/or any condition of approval herein, the Zoning Administrator shall attempt to resolve such violation on an expedited basis with the Project Sponsor. If such efforts fail, the Zoning Administrator shall refer such complaints to the Commission for consideration at the next regularly scheduled public meeting.
19. Severability. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
20. Transfer of Operation. Any carrier/provider authorized by the Zoning Administrator or by the Planning Commission to operate a specific WTS installation may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that such transfer is made known to the Zoning Administrator in advance of such operation, and all conditions of approval for the subject installation are carried out by the new carrier/provider, and the authorizing Motion is recorded on the deed of the property stating the new carrier/provider and authorizing conditions of approval.
21. Compatibility with City Emergency Services. The facility shall not be operated, nor caused to transmit on or adjacent to any radio frequencies licensed to the City for emergency telecommunication services such that the City's emergency telecommunications system experiences interference, unless prior approval for such has been granted in writing by the City.
22. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

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Zoning District Map



SUBJECT PROPERTY

ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

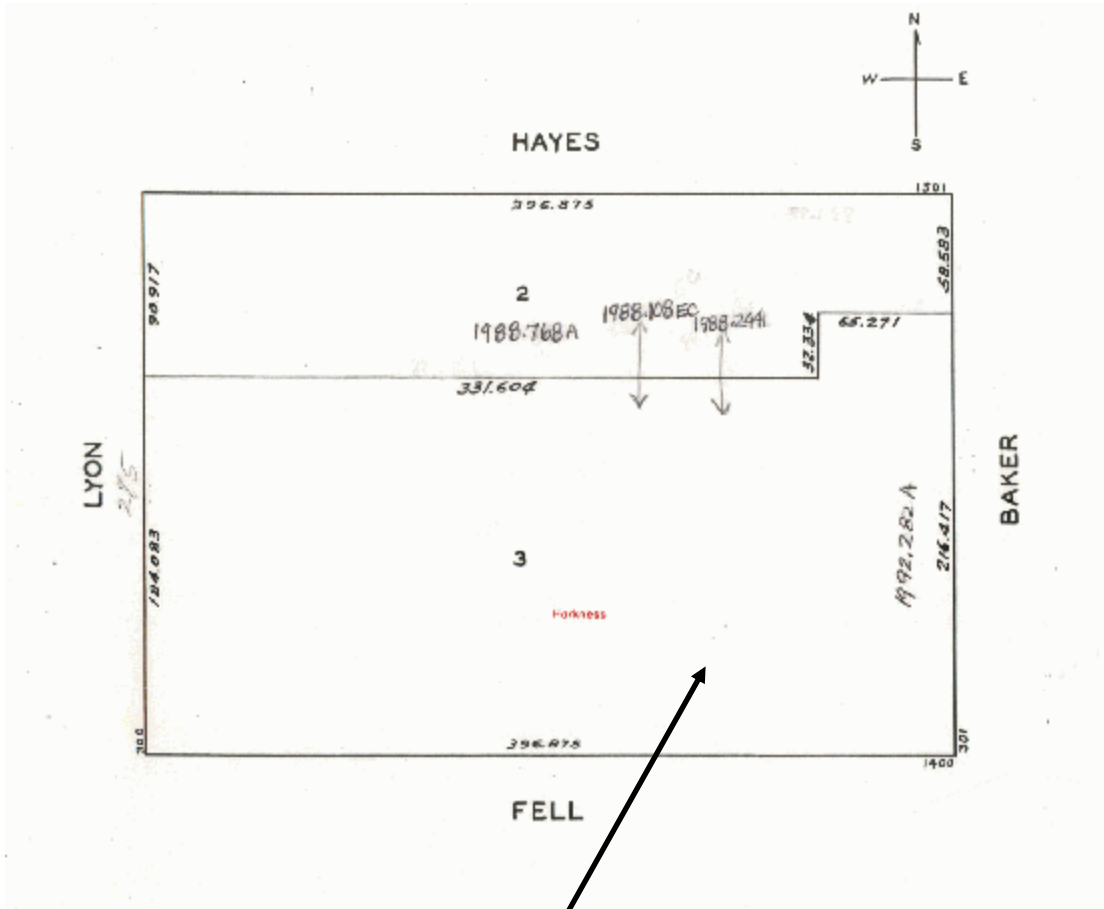
PUBLIC DISTRICT

P



Conditional Use Hearing
Case Number 2009.1101C
T-Mobile West Corporation
333 Baker Street

Parcel Map

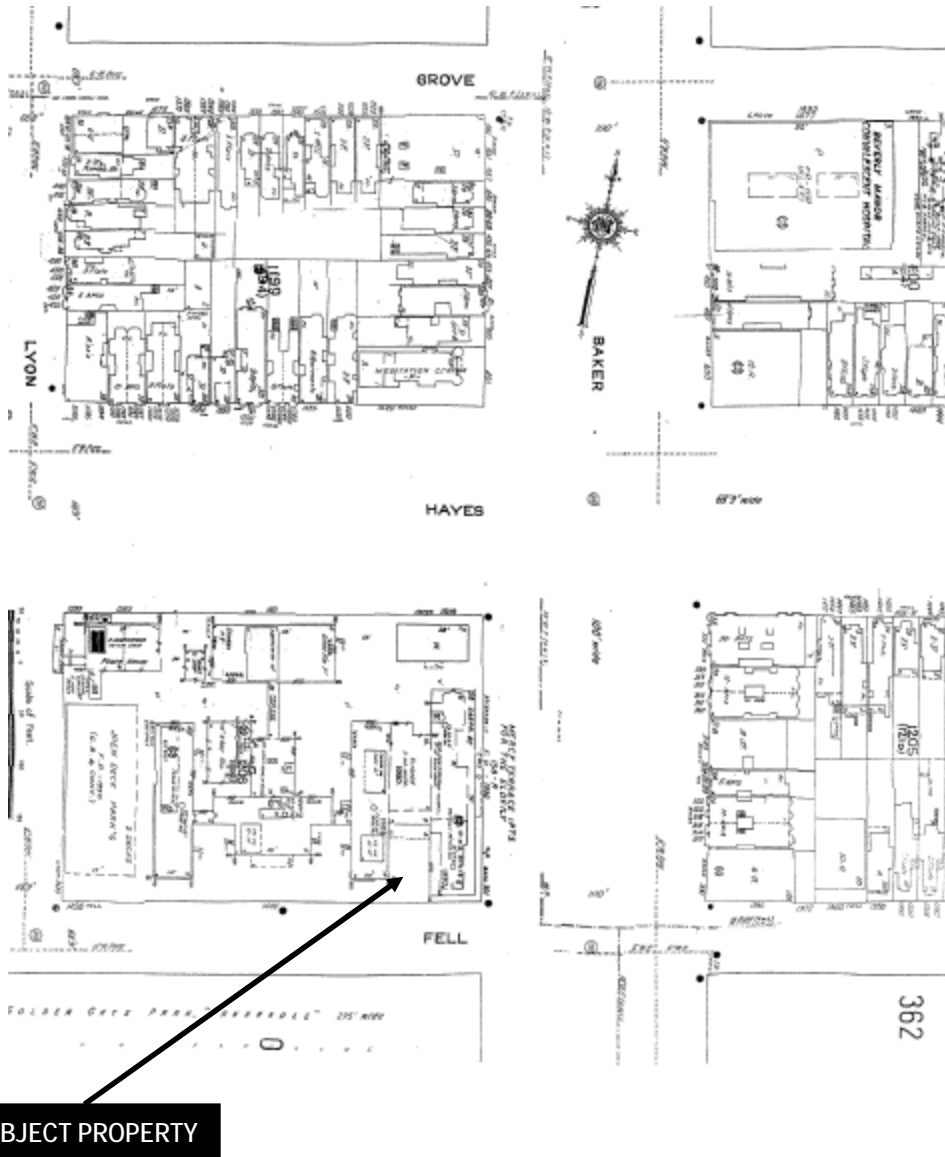


SUBJECT PROPERTY



Conditional Use Hearing
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Sanborn Map*



SUBJECT PROPERTY

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



Conditional Use Hearing
Case Number 2009.1101C
T-Mobile West Corporation
333 Baker Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
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333 Baker Street

Context Photos



View south from intersection of Baker and Hayes Street



View west from intersection of Baker and Hayes Streets



View north from intersection of Fell and Lyon Streets

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