



SAN FRANCISCO PLANNING DEPARTMENT

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Planning Commission Motion No. 18045

HEARING DATE: MARCH 11, 2010

Date: March 19, 2010
Case No.: 2009.0552C
Project Address: 1501 Lincoln Way
Zoning: RM-1 (Residential, Mixed, Low Density) District
40-X Height and Bulk District
Block/Lot: 1734/001
Project Sponsors: Rick Hirsch
Joe Camicia
Permit Me, Inc.
860 - 14th Street
San Francisco, CA 94114
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org

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 EIGHT (8) PANEL ANTENNAS ON THE ROOFTOP ELEVATOR AND EQUIPMENT PENTHOUSES AND RELATED EQUIPMENT ON AN EXISTING 7-STORY RESIDENTIAL BUILDING AS PART OF T-MOBILE'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN AN RM-1 (RESIDENTIAL, MIXED, LOW DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 23, 2009, Rick Hirsch and Joe Carmicia, acting agents on behalf of T-Mobile (hereinafter "Project Sponsors") made an application for Conditional Use authorization on the property at **1501 Lincoln Way, Lot 001 in Assessor's Block 1734** (hereinafter "Property"), to install a wireless transmission facility consisting of eight (8) panel antennas on the rooftop elevator and equipment penthouses of an existing 7-story residential building and related equipment, as part of T-Mobile's wireless telecommunications network in general conformity with plans dated June 23, 2009 and labeled "Exhibit B" (hereinafter "Project") within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

The San Francisco Planning Department (hereinafter "Department") determined the application to be categorically exempt from the environmental review process (CEQA) pursuant to exemption Class 1, 3, and 11 of Title 14 of the California Administrative Code.

On March 11, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0552C.

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. 2009.0552C, 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 subject property at 1501 Lincoln Way is located on the southwest corner of Lincoln Way and 16th Avenue, Assessor's Block 1734, Lot 001. The property is within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The subject lot is 5,749 square-feet (approximately 57.5 feet wide by 100 feet) in size and is occupied by a 7-story residential building built in 1928; there are 35 residential units in the building. The building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. There is an existing legal wireless telecommunications facility (consisting of three panel antennas installed by Sprint Nextel) located on the rooftop penthouse, approved under Case No. 1997.307C in 1997.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Sunset Neighborhood. The subject block consists of eight residential buildings ranging from two to seven stories in height. The opposite block is Golden Gate Park. On the Avenues running north and south, are single and multi-family residential buildings within an RM-1 Zoning District.
4. **Project Description.** The proposal is to install a wireless transmission facility consisting of eight (8) panel antennas on the rooftop elevator and equipment penthouses and related equipment on the ground floor. Each panel antenna is approximately 4.7 feet (55.9 inches) high, 1.1 feet (13.3 inches) wide and 3.15 inches in depth. The antennas would be flush-mounted on the rooftop elevator and equipment penthouses and will be painted and textured to match the existing building. The antennas will be mounted at a height of approximately 86 feet above ground level. According to the project sponsor, the installation of four new Ericsson RSB Model No. 2206/3206 indoor equipment cabinets with dimensions of approximately 6 feet (72.8 inches) high, 2 feet

(23.6 inches) wide, and 1.3 feet (15.75 inches) deep, and one battery back-up with similar dimensions, will be located in an 80 square foot lease area within the building's existing garage; it will not affect the number of off-street parking spaces.

5. **Past History and Actions.** The Planning Commission held a duly advertised public hearing on August 15, 1996 to consider adoption of guidelines for the siting of WTS facilities in the City which would include standard conditions of approval for wireless communications facilities which are regulated by the FCC and required to meet the health and safety standards.

The Planning Commission, by Resolution No. 14182, adopted the proposed WTS Facilities Siting Guidelines on August 15, 1996. The sample conditions of approval presented in the Guidelines form the basis for the development of conditions of approval for this Application and Motion.

On March 11, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use pursuant to Planning Code Sections 209.6(b) and 303 to allow the installation of a wireless telecommunications facility consisting of eight (8) panel antennas on the rooftop elevator and equipment penthouses of an existing 7-story residential building and related equipment on the ground 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, with Location Preference 1 being the most desirable location and Location Preference 7 being the least desirable location. Under the Guidelines, the Project is a Location Preference Number 2, as it is a preferred location since it is a site on which a legal wireless telecommunications facility (three panel antennas installed by Sprint Nextel) is currently located.
7. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network will transmit calls by radio waves operating in the 1710 - 2120 Megahertz (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. 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 existing RF levels at ground level for the existing three (3) panel antennas installed by Sprint Nextel were less than 1% of the public exposure limit. T-Mobile is proposing to install eight (8) RFS Model APXV16DWV-16DWV-S-E-A20 directional panel antennas on faces of the elevator and equipment penthouses at effective heights of about 86.5 and 85 feet above ground level. The antennas would be mounted in pairs with up to 4 degree downtilt and would be oriented towards 30, 100, 180, and 255 degrees. The existing Sprint Nextel antennas are mounted in similar locations. The estimated ambient RF

from the proposed transmitters at ground level is calculated to be 0.0014 mW/square centimeter which is 0.14% of the FCC public exposure limit. The ambient RF levels for the proposed site are estimated to remain below 1% of the public limit. The three dimensional perimeter of RF levels equal to the public exposure limit is expected to extend 32 feet and is not expected to be exceeded at any publicly accessible areas. Warning signs must be posted in front of the antennas in English, Spanish, and Chinese. Workers should not have access within 4 feet of the front of the antennas while they are in operation.

10. **Maintenance Schedule.** Maintenance visits would occur once each month, conducted by T-Mobile maintenance employees, generally of two workers. Additional visits may sometimes be necessary if a service-affecting situation should occur, such as loss of power for more than four hours or unexpected T-Mobile system shut down.
11. **Community Outreach.** A Community Outreach Meeting was conducted for the proposed project. The meeting was held at 6:30 P.M on Monday, November 18, 2009, at Woodside International School located at 1555 Irving Street, San Francisco, CA 94122. Seven neighbors attended the meeting.
12. **Five-year plan:** T-Mobile submitted its latest five-year plan, as required, in October 2009.
13. **Public Comment.** As of March 4, 2010, the Planning Department has not received any letters or phone calls in opposition to the project. Prior to the March 11 Planning Commission, the Planning Department received several phone calls and four emails in opposition to the proposed project. Some of the phone calls and emails requested that the proposal be continued for a full hearing (removed from the consent item on the Planning Commission calendar) and continued until April 22, 2010 or a future hearing date acceptable to the Planning Commission to allow more time for the building's tenants to work together and with other neighbors in opposition to the proposal and inform tenants who recently moved into the building. [The Planning Commission decided not to continue the item to a future public hearing.] The Planning Department also received a petition with 7 signatures from residents within the immediate neighborhood in opposition to the proposal. At the March 11 Planning Commission hearing, a tenant (Xiaorong Li) who represented some of other tenants in the building, submitted a petition with signatures from 26 tenants and 39 residents within a 300-foot radius of the project site and a letter to the Commissioners; the letter was in regards to T-Mobile's existing service coverage, compatibility of the proposal in the residential neighborhood, the removal of existing bicycle parking (for about 10 - 15 bikes) in the garage with the installation of equipment cabinets for the proposed antennae installation, the passage of State Legislature Senate Bill 1627 regarding co-location of wireless facilities, and insurance for possible injury caused by the placement/deployment and existence of antenna facilities.
14. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the amendments to Planning Code in the following manner:
 - A. **Use.** Per Planning Code Sections 209.6(b) and 303, conditional use authorization is required by the Planning Commission for all public uses such as wireless transmission facilities,

subject to the 1996 Wireless Telecommunications Services (WTS) Facilities Siting Guidelines and the 2002 supplement to those guidelines.

- B. **Height and Bulk.** In the 40-X Height and Bulk District, the Planning Code restricts new building heights up to 40 feet and certain exemptions to structures such as penthouses and mechanical appurtenances that may extend above that height limit by ten feet.

The existing building is approximately 80 feet in height (to the top of the existing parapet) and is a noncomplying structure, in that it exceeds the current height limit. The existing elevator penthouse structure is ±88 feet 8 inches in height and the existing stair penthouse is ±87 feet 2 inches in height above grade. The proposed installation and existing rooftop elements would be within 20 percent of the horizontal area limit for permitted obstructions.

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.

The proposed project is 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 residential nature of the vicinity. The approval of this authorization is found to insure public safety, and insures that the placement of antennas and related support and protection features are 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 proposed project will also 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.

An evaluation of potential health effects from RF radiation, conducted by the Department of Public Health, 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.

The project sponsor has indicated that T-Mobile's coverage with a new site in this geographic area will generally be bounded by Golden Gate Park and Stow Lake Drive to the north, Kirkham Avenue to the south, 9th Avenue to the east and 24th Avenue to the west. Two other T-Mobile macro facilities located approximately one-quarter mile to the southeast and south, as well as one micro facility located with Golden Gate Park between Middle Drive East and Concourse Drive, approximately one-quarter mile to the north. Several other sites are within 1-2 miles of the site. The proposed new facility will improve T-Mobile's coverage to "good" and "fair" according to their existing and proposed coverage maps.

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

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

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

While some noise and dust may result from the installation of the antennas and 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 installation of antennas on the rooftop elevator and equipment penthouses will not affect the existing landscaping, open spaces, parking and loading areas, service areas or signs.

- 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.

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

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.

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 conditional use 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.

No landmarks or historic buildings would be affected by the project.

- 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 Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.0552C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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. 18045. 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 Planning Commission ADOPTED the foregoing Motion on March 11, 2010.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Moore, Olague, & Sugaya

NAYS: None

ABSENT: Commissioner Miguel

ADOPTED: March 11, 2010

Exhibit A

Conditions of Approval

Approved Use Conditions

1. Pursuant to Planning Code Sections 209.6(b) and 303, this Conditional use approval is to install a wireless telecommunications facility consisting of eight (8) panel antennas and related equipment on the rooftop elevator and equipment penthouse of an existing 7-story residential building and related equipment at 1501 Lincoln Way as part of T-Mobile's wireless telecommunications network within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, in general conformity with Plans on file with the Department dated June 23, 2009 in the docket for **Case No. 2009.0552C** (labeled EXHIBIT B), reviewed and approved by the Commission on March 11, 2010.
2. The installation of equipment cabinets in the garage shall not result in the removal of existing bicycle parking. Existing interior bicycle parking for 10-15 bicycles shall be preserved on the project site.

Design

3. Plan Drawings. Prior to the issuance of any building or electrical permits for the installation of the facilities, the Project Sponsor shall submit final scaled drawings for review and approval by the Planning Department ("Plan Drawings"). The Plan Drawings shall describe:
 - a. Structure and Siting. Identify all facility related support and protection measures to be installed. This includes, but is not limited to, the location(s) and method(s) of placement, support, protection, screening, paint and/or other treatments of the antennas and other appurtenances to insure public safety, insure compatibility with urban design, architectural and historic preservation principles, and harmony with neighborhood character.
 - b. For the Project Site, regardless of the ownership of the existing facilities: Identify the location of all existing antennas and facilities; and identify the location of all approved (but not installed) antennas and facilities.
 - c. Emissions. Provide a report, subject to approval of the Zoning Administrator, that operation of the facilities in addition to ambient RF emission levels will not exceed adopted FCC standards with regard to human exposure in uncontrolled areas.

Performance

4. 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. The Project Implementation Report shall compare test results for each test point with applicable FCC standards. Testing shall be conducted in compliance with FCC regulations governing the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day with the subject equipment measured while operating at maximum power.
- d. Testing, Monitoring, and Preparation. The Project Implementation Report shall be prepared by a certified professional engineer or other technical expert approved by the Department. At the sole option of the Department, the Department (or its agents) may monitor the performance of testing required for preparation of the Project Implementation Report. The cost of such monitoring shall be borne by the Project Sponsor pursuant to the condition related to the payment of the City's reasonable costs.
 - i. Notification and Testing. The Project Implementation Report shall set forth the testing and measurements undertaken pursuant to Conditions 3 and 12.
 - ii. Approval. The Zoning Administrator shall request that the Certification of Final Completion for operation of the facility not be issued by the Department of Building Inspection until such time that the Project Implementation Report is approved by the Department for compliance with these conditions.
5. 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.
6. 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.
7. 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.

8. 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 identified in ANSI C95.2-1982, 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 RF 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.
9. Out of Service. The Project Sponsor or Property Owner shall remove antennae and equipment that has been out of service for a continuous period of six months or otherwise abandoned.
10. 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.
11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.
17. 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.
18. 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.
19. Notice of Recordation. Prior to the issuance of any building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
20. Violation of the conditions contained in this Motion or of other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
21. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees established in Planning Code Section 351(e)(1).
22. The Conditional Use 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 the Project Sponsor. This Conditional Use authorization may be extended at the discretion of the Zoning Administrator only if 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.