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Planning Commission Motion No. 18118

HEARING DATE: JUNE 24, 2010

(CONTINUED FROM MAY 20, 2010 HEARING)

Date: June17, 2010
Case No.: **2009.0934C**
Project Address: **1844 Irving Street**
Current Zoning: NC-2 (Neighborhood Commercial, Small-scale) District
 105-A Height and Bulk District
Block/Lot: 1731/025
Project Sponsor: Joe Camicia on the behalf of T-Mobile
 3850 23rd Street
 San Francisco, CA 94122
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 711.83 AND 303 TO INSTALL A NEW WIRELESS TELECOMMUNICATIONS SERVICES (WTS) FACILITY CONSISTING OF EIGHT PANEL ANTENNAS MOUNTED TO THE MECHANICAL/STAIR PENTHOUSE OF A SEVEN-STORY MIXED-USE BUILDING, AS PART OF THE T-MOBILE TELECOMMUNICATIONS NETWORK IN A NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) ZONING DISTRICT AND A 105-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 1, 2009, Joe Camicia on the behalf of T-Mobile (hereinafter "project sponsor"), made an application (hereinafter "application"), for Conditional Use authorization on the property at 1844 Irving Street, Lot 025 in Assessor's Block 1731, (hereinafter "project site") to install a new wireless telecommunications services (WTS) facility consisting of eight panel antennas mounted to an existing mechanical/stair penthouse of a seven-story, mixed-use building, as part of the T-Mobile wireless telecommunications network in a NC-2 (Neighborhood Commercial, Small-scale) Zoning District and a 105-A Height and Bulk District.

The proposed project was determined by the San Francisco Public Utilities Commission's Bureau of Environmental and Regulatory Management to be categorically exempt from the environmental review process pursuant to Class 3 exemptions of Title 14 of the California Administrative Code. The

Commission has reviewed and concurs with said determination. The categorical exemption and all pertinent documents may be found in the files of the planning department, as the custodian of records, at 1650 Mission Street, San Francisco.

The proposed project as approved herein is consistent with the project description contained in the categorical exemption and would not result in significant impacts not identified in the categorical exemption or cause significant effects already identified in the categorically exemption to be substantially more severe.

On June 24, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a Conditional Use.

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. 2009.0463C, 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 project site is located at the northeast corner of Irving Street and 20th Avenue. The project site is developed with a seven-story mixed-use building that contains a ground floor financial service (dba "U.S. Bank") and 38 residential units above. The building has one active WTS facility operated by MetroPCS consisting of three panel antennas that are mounted to the mechanical/stair penthouse on the roof of the building. Additionally, the building has one non-active WTS facility located on the rooftop that was formerly operated by Metricom.
3. **Surrounding Properties and Neighborhood.** The Project Site is located in the NC-2 District that runs along Irving Street, and that is bordered between 27th Avenue to the west and 19th Avenue to the east. A majority of the buildings located along this NC-2 zoned portion of Irving Street are one to two story commercial buildings, along with a few three- to seven-story mixed-use buildings with residential over ground floor commercial uses. Uses include but are not limited to bakeries, video stores, dry cleaners, medical offices, business and professional services, personal services, restaurants, retail stores, and grocery stores. The food service establishments are primarily full service restaurants and small self-service restaurants. The neighboring properties located off of Irving Street are primarily zoned for one- and two-family dwellings.

4. **Proposal.** The proposal is to install a new wireless telecommunications services (WTS) facility consisting of eight panel antennas mounted to an existing mechanical/stair penthouse located on the roof of a seven-story mixed-use building, and operated as part of the T-Mobile telecommunications network. The eight proposed panel antennas will be mounted to the exterior of the penthouse and painted to match. Each antenna measures approximately 4'-9" long by 1'-1" wide by 3" thick. The proposed antennas would be at a maximum height of approximately 84' above grade, and will not exceed the height of the penthouse. The eight panel antennas will be powered by four equipment cabinets located along the east wall of an enclosed ground floor garage. The proposal also includes the removal of a non-active WTS facility that was formerly operated by Metricom consisting of 10 panel antennas mounted to the mechanical/stair penthouse and two equipment cabinets located inside the ground floor garage.

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 September 14, 2000, 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 711.83 and 790.80 to allow the installation of a WTS facility consisting of sixteen panel antennas mounted to an existing mechanical/stair penthouse of a seven-story mixed use building, located at 1844 Irving Street, as part of the Metricom telecommunications network.

On September 6, 2001, 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 711.83 and 790.80 to allow the installation of a WTS facility consisting of three panel antennas mounted to an existing mechanical/stair penthouse of a seven-story mixed use building, located at 1844 Irving Street, as part of the Metro PCS 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, since the subject building contains a legally existing WTS facility operated by MetroPCS.

7. **Radio Waves Range.** According to the Project Sponsor, the proposed wireless network will transmit and receive calls by radio waves operating in the 1960 – 2155 and 1745 – 1895 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. Once the installation is constructed and operational, a second report documenting the actual RF emissions will be prepared and evaluated for compliance.
9. **Department of Public Health Review and Approval.** The existing RF levels at the ground level of the site were less than 1% of the most restrictive FCC public exposure limit. T-Mobile proposes to install six new RFS Model APX16DWV-16DWV-S-E-A20 antennas, and one Andrew Model TMZXXX-6516-R2M antenna. The estimated ambient RF field from the proposed T-Mobile transmitters at ground level is calculated to be 0.00044 mW/square centimeter, which is 0.044% of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit is calculated to extend 20 feet and does not reach any publicly accessible areas. Exclusion zones marked with yellow striping must be placed on the roof extending to the roof edge in front of the antennas. Warning signs must be posted at the roof access door, barricades and antennas in English, Spanish and Chinese. Workers should not have access within three feet of the front of the antennas while they are in operation.
10. **Maintenance Schedule.** According to the Project Sponsor, the proposed WTS facility will be unmanned and will require only a monthly service visit by a T-Mobile maintenance team, or when necessary, such as in response to an unexpected power outage for more than four hours.
11. **Community Outreach.** A Community Outreach Meeting was conducted for the proposed project. The meeting was held at 6:00 PM on Thursday, December 3, 2009, at the Woodside International School at 1555 Irving Street, San Francisco, CA 94122. The Community Outreach Meeting was hosted by the Project Sponsor, and Bill Hammett, representing Hammett and Edison, Inc. According to the Project Sponsor, the meeting was attended by one member of the public who asked questions regarding the proposal's details and design.
12. **Five-year plan:** T-Mobile submitted its latest five-year plan, as required, on October, 2009.
13. **Public Comment.** To date the Department has received one letter and two phone calls from public in opposition to the project.
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.** A WTS facility is considered a public utility under Planning Code Section 711.83, which requires Conditional Use authorization in the NC-2 District.
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 project 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, nature, location on the project site to be compatible with the commercial nature of the immediate area. The approval of this authorization has been found, first and foremost, to insure public safety, and ensure 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 proposed project will also provide improved facilities for emergency transmission and improved communication for the neighborhood, community and the region. The Project has been designed to be compatible with existing development in the neighborhood, and minimally visible from street view due to the height above grade that the proposed WTS facility is located.

- 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.

- 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 proposal to establish a new WTS facility consisting of eight panel antennas. According to the Project Sponsor the WTS facility would operate as an unmanned facility, which will only require once a month access for service by a two person maintenance team.

- 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, once the facility is built, impacts with regards to the above will likely be insignificant.

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

The Project has been designed to minimize its visual impacts by having the proposed panel antennas mounted and painted to match an existing mechanical/stair penthouse that has a maximum height of approximately 84 feet above grade, and is setback at least 16 feet from the building's roof parapet. Additionally the project will also not affect any existing landscaping, lighting, or service areas. All signage will be reviewed by the Planning Department prior to approval.

- 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.

In the event that traditional land line telephones are rendered inoperable during a natural disaster 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 improving wireless 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.

The Project will not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. According to the Project Sponsor, the proposed WTS facility will be unmanned that will require monthly service visits from a T-Mobile maintenance crew, or when necessary.

- 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, since the WTS facility's panel antennas will not increase the maximum height of the existing building.

- 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 Section 711.83 and 303 to install a new wireless telecommunications services (WTS) facility consisting of eight panel antennas mounted to an existing mechanical/stair penthouse of a seven-story mixed-use building, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-scale) Zoning District and a 105-A 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. 18118. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on **June 24, 2010**.

Linda Avery
Commission Secretary

AYES: Commissioners Olague, Antonini, Borden, Lee, Moore, Miguel and Sugaya

NAYS: None

ABSENT: None

ADOPTED: June 24, 2010

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 711.83 and 303 to install a new wireless telecommunication services (WTS) facility consisting of eight panel antennas mounted to the existing mechanical/stair penthouse of a mixed-use building located at 1844 Irving Street, as part of the T-Mobile wireless telecommunications network in a NC-2 (Neighborhood Commercial, Small-scale) Zoning District and a 105-A Height and Bulk District.
2. The Project approved by this Motion is in general conformity with the plans dated November 23, 2009, on file with the Department in the docket for Case No. 2009.0934C (labeled EXHIBIT B), reviewed and approved by the Commission on June 24, 2010.

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 June 24, 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 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.
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.

Motion No. 18118
Hearing Date: June 24, 2010

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1844 Irving Street

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