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Planning Commission Motion No. 18125

HEARING DATE: JULY 1, 2010

Date: June 24, 2010
Case No.: **2009.1002CP**
Project Address: **100 Armory Drive**
Current Zoning: P (Public Use) District
 OS (Open Space) Height and Bulk District
Block/Lot: 7281/004
Project Sponsor: Tom Swarner on the behalf of T-Mobile
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ADOPTING FINDINGS RELATING TO APPROVAL OF A COASTAL ZONE PERMIT PURSUANT TO PLANNING CODE SECTION 330.1 TO ESTABLISH A NEW WIRELESS TELECOMMUNICATIONS SERVICES (WTS) FACILITY CONSISTING SIX PANEL ANTENNAS MOUNTED ON A 53-FEET TALL MONOPOLE WITH RELATED EQUIPMENT CABINETS LOCATED AT GRADE, AS PART OF THE T-MOBILE TELECOMMUNICATIONS NETWORK. THE PROJECT SITE IS LOCATED WITHIN THE LOCAL COASTAL ZONE AND IN A P (PUBLIC USE) ZONING DISTRICT AND A OS (OPEN SPACE) HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 22, 2009, Tom Swarner on the behalf of T-Mobile (hereinafter "project sponsor"), made an application (hereinafter "application"), for Conditional Use authorization on the property at **100 Armory Drive, Lot 004 in Assessor's Block 7281**, (hereinafter "project site") to establish a new wireless telecommunications services (WTS) facility consisting of six panel antennas mounted on a 53-foot tall monopole and related equipment cabinets located at grade, as part of the T-Mobile wireless telecommunications network in a P (Public Use) Zoning District, Local Coastal Zone Permit Area, and a OS (Open Space) Height and Bulk District, in general conformity with plans filed with the Application and labeled "EXHIBIT B" (hereinafter "Project").

On April 27, 2010, Tom Swarner on the behalf of T-Mobile (hereinafter "project sponsor"), made an application (hereinafter "Application") for a Local Coastal Zone Permit on the property at **100 Armory Drive, Lot 004 in Assessor's Block 7281**, (hereinafter "project site") to establish a new wireless

telecommunications services (WTS) facility consisting of six panel antennas mounted on a 53-foot tall monopole and related equipment cabinets located at grade, as part of the T-Mobile wireless telecommunications network in a P (Public Use) Zoning District, Local Coastal Zone Permit Area, and a OS (Open Space) Height and Bulk District, in general conformity with plans filed with the Application and labeled "EXHIBIT B" (hereinafter "Project").

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

On July 1, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1002CP.

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 approves the Coastal Zone Permit, **2009.1002CP**, 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. Pursuant to Section 330 of the Planning Code, the proposal requires a Coastal Zone Permit, as the site is located within the Coastal Zone. Therefore, findings of consistency with the Western Shoreline Element of the General Plan are also required.
3. **Site Description and Present Use.** The project site is located at the end of Armory Drive which is a private street located west of Skyline Boulevard between Sloat Boulevard and Great Highway, and south of the San Francisco Zoo. The project site is occupied by the National Guard and contains three buildings, and three WTS facilities (Verizon Wireless, AT&T, and Sprint-Nextel) that each have their antennas mounted onto their own individual monopole. The site is located on a heavily wooded hill above Skyline Boulevard.
4. **Surrounding Properties and Neighborhood.** There are no residential uses within a 500-foot radius of the site. Lake Merced and Harding Park Golf Course are located east of the site, the San Francisco Zoo is located north of the site, and City and State owned property is located west and south of the site. Heavily wooded open space and wide arterial streets characterize the area.
5. **Proposal.** The proposal is to establish a new Wireless Telecommunications Services (WTS) facility operated by T-Mobile and consisting of six panel antennas mounted on a 53' tall

monopole with related equipment cabinets located at grade, and within an approximately 19'-6" by 31' enclosed lease area. The new antennas would have a maximum height of approximately 45'-0" above grade. Each antenna measures approximately 3'-9" long by 1'-0" wide by 8" inches thick. The six proposed panel antennas to be installed by T-Mobile will be mounted to an existing monopole that contains Sprint-Nextel antennas and is located at the south property line and behind the main armory building situate at the center of the site. The Project includes a local coastal zone permit.

6. **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 June 13, 1996, 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 234.2(a) to install a wireless transmission facility consisting of 12 antennas attached to a 40 foot tall monopole and a base transceiver station on the grounds of the California National Guard Armory at 100 Armory Drive, as part of the Cellular One (now "AT&T") telecommunications network.

On March 20, 1997, 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 234.2(a) to install a wireless transmission facility consisting of three (3) antennas attached on the top of a proposed 50 foot tall monopole and a base transceiver station in a fenced area at the base of the monopole on the grounds of the California National Guard Armory at 100 Armory Drive, as part of the Sprint-Nextel telecommunications network.

On September 15, 2005, 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 234.2(a) and 303 to install a wireless telecommunications facility consisting of three (3) panel antennas on a monopole and related equipment cabinets within a shelter at grade level, as part of Verizon Wireless' telecommunications network on the property at 100 Armory Drive within a P (Public Use) District and an OS (Open Space) Height and Bulk District.

7. **P (Public Use) Districts – Conditional Use Required.** In addition to the use districts otherwise established by this Code, there shall also be in the City a Public Use District herein referred to as a "P District," to apply to land that is owned by a governmental agency and in some form of public use, including open space. The purpose of designating such land as a P District on the Zoning Map is to relate the Zoning Map to actual land use and to the Master Plan with respect to such land. Any lot in a P District may be occupied by a principal use listed in Section 234.1, or by a conditional use listed in Section 234.2, subject to applicable regulations of this Code including

the limitations of Section 290 for OS (Open Space) Districts; provided, however, that on any lot in a P District, which lot is within ¼ mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within ¼ mile of the lot, excluding the provisions of zoning category .83, as defined in Section 790.80 of Article 7. Per section 234.2(a) of the Planning Code, a wireless telecommunications facility is permitted as a conditional use.

8. **Coastal Zone Permit.** The project requires a Coastal Zone Permit pursuant to Planning Code Section 330 because the site is within San Francisco's Coastal Zone. Therefore, findings of consistency with the Western Shoreline Element of the General Plan are required.
9. **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 1, as it is a preferred location for a publicly used structure (USA National Guard facility).
10. **Radio Waves Range.** According to the Project Sponsor, the proposed wireless network will transmit and receive calls by radio waves operating in the 1879– 1895 and 1959 – 1975 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.
11. **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.
12. **Department of Public Health Review and Approval.** There are currently three existing wireless telecommunications facilities located at this site. The existing RF levels for a person anywhere at the ground level of the site were less than 2% of the most restrictive public exposure limit. T-Mobile proposes to install six RFS APX16DWV-16DWV-16DWV-S-E-A20 antennas. The estimated ambient RF field from the proposed Verizon transmitters at ground level is calculated to be 0.0027 mW/square centimeter, which is .27% of the FCC public exposure limit. The ambient RF levels are therefore expected to remain below 1% of the FCC exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit is expected to extend 11 feet and does not reach any publicly accessible areas. Warning signs must be placed at the antenna in English, Spanish, and Chinese. Workers should not have access within three feet of the front of the antennas while they are in operation.

13. **Maintenance Schedule.** According to the Project Sponsor, routine maintenance of the WTS facility will occur once or twice a month to insure quality optimization. The facility's associated equipment cabinets contain 48-hr built-in battery back up for temporary emergency power in the case of extreme emergency.
14. **Community Outreach.** A Community Outreach Meeting was conducted for the proposed project. The meeting was held at 7:00 PM on Wednesday, February 17, 2010, at the Armory Facility Lower Classroom, 100 Armory Road, San Francisco, CA 94117. According to the Project Sponsor no neighbors attended the meeting.
15. **Five-year plan:** T-Mobile submitted its latest five-year plan, as required, on April, 2010.
16. **Public Comment.** The Department has not received public comment since the filing of the application as of the date of this motion.
17. **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 209.6(b), which requires Conditional Use authorization in the P District under Planning Code Section 234.2(a).
 - 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.
18. **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 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 public use nature the vicinity and immediate area. 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 proposed project will also improve upon 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.

- 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 significant increase in traffic volume is anticipated with the establishment of the proposed WTS facility. According to the Project Sponsor the WTS facility would operate 24 hours per day, seven days per week as an unmanned facility, which will only require access by company representatives no more than twice a month for maintenance.

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

While some noise and dust may result from the installation of the antennas and transceiver equipment, 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 subject site has ample landscaping and open space. The installation of antennas on an existing monopole will not affect the existing landscaping.

- 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.

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

WESTERN SHORELINE AREA PLAN

The Zoo

Objectives and Policies

OBJECTIVE 4:

IMPROVE THE QUALITY OF THE ZOO AND ITS RELATIONSHIP TO THE COASTAL ZONE RECREATIONAL SYSTEM.

Policy 1:

Maintain the landscaped park-like atmosphere of the Zoo.

The project site which is located south of the San Francisco Zoo does not involve any significant physical modifications that adversely impact the landscaped park-like atmosphere of the Zoo.

20. **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 proposal to add three antenna to an existing WTS facility will only require access by company representatives once a month.

- 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.

21. 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.
22. The Commission hereby finds that approval of the Determination of Compliance 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 Coastal Zone Permit No. 2009.1002CP.**

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Coastal Zone Permit to the Board of Permit Appeals per Planning Code Section 330.9 within ten (10) days of the date of this Motion No. 18125. The effective date of this Motion shall be the date of this Motion if not appealed. For further information, please contact the Board of Permit Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call (415) 575 – 6880.

I hereby certify that the foregoing Motion was adopted by the Planning Commission on **July 1, 2010.**

Linda Avery
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: July 1, 2010