



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Abbreviated

HEARING DATE JUNE 10, 2010

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Date: June 2, 2010
Case No.: **2010.0134D**
Project Address: **2016 CHESTNUT STREET**
Zoning: NC-2 (Neighborhood Commercial, Small Scale)
40-X Height and Bulk District
Block/Lot: 0467A/023
Project Sponsor: Joseph Camicia
Permit Me for T-Mobile
3850 – 23rd Street
San Francisco, CA 94114
Staff Contact: Sara Vellve – (415) 558 - 6263
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Recommendation: **Do not take DR and approve project as proposed.**

PROJECT DESCRIPTION

The proposal is to locate two omni-directional “whip” wireless transmission antennas on existing architectural columns above the roofline of the subject property. The antennas would rise to $\pm 63'$ above grade. The roof height is $\pm 61' - 6''$. One antenna would be attached to a column on the north side of the building and set back from Fillmore Street by $\pm 60'$. A four-story residential building is located $\pm 10'$ north of the subject property. The second antenna would be attached to a column on the west side of the building and set back from Chestnut Street by $\pm 30'$. A two-story building is located immediately adjacent to the west of the subject property. Each antenna is $\pm 24''$ in height and 1.5” in diameter.

SITE DESCRIPTION AND PRESENT USE

The property, constructed in approximately 1902, is a five-story mixed-use building with various retail uses on the ground floor and 40 residential units on floors two to five. The building parapet rises to a height of $\pm 61'$ above the sidewalk, the architectural columns rise to a height of $\pm 63'$ and an elevator shaft rises to a height of $\pm 70'$.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located on the northwest corner of Fillmore and Chestnut Streets. Generally, buildings to the north along Fillmore Street are three- to four-story residential buildings. Buildings to the west along Chestnut Street are generally one-story commercial buildings with a few mixed-use buildings scattered along block face. Buildings east along Chestnut Street are primarily four-story residential buildings. Marina Middle School is located directly east of the subject property across Fillmore Street.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 31, 2010	May 28, 2010	13 days
Mailed Notice	10 days	May 31, 2010	May 27, 2010	14 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	X	2	X
Other neighbors on the block or directly across the street	X	1 (DR Requestor)	X
Neighborhood groups	X	X	X

The above information regarding public comment is based on letters of opposition received by the Department as of Wednesday, June 2, 2010. The Marina Community Association inquired about the project, but did not express any opinion.

ISSUES AND RESPONSES

Issue 1: T-Mobile has failed to show a significant gap or need for service in the area. T-Mobile has not proven that if such a significant gap does exist, the proposed antennas are the least intrusive alternative for filling this significant gap in service in the neighborhood.

Response: *T-Mobile has provided coverage maps indicating existing and proposed service coverage in the project area. The maps indicate that the addition of the antennas at the site would address gaps in coverage generally to the northwest of the site towards Marina Boulevard and north on Fillmore Street. "Whip" antennas are a standard means for wireless companies to provide coverage without impacting a building's visual quality. Placement of panel antennas on the building's parapet or roof could impact the building's visual quality.*

Issue 2: Permit applications are only approved if they meet the minimum requirements of the Planning Code. Legislation passed by the Board of Supervisor in 2007 amended Sections 311 and 312 of the Planning Code to require public notification for WTS accessory use installations.

Response: *The proposal was subject to Section 312 notification, which triggered filing of the subject DR.*

Issue 3: The project does not meet the requirements of Planning Code Sections 204, 204.1 and 703.2(C) as this industrial/commercial addition is an unrelated change in use of this residential apartment building that is inappropriate, unnecessary and adverse to the building's current operation as a multi-unit building.

Response: *Planning Code Section 204.1 applies to accessory uses in individual dwelling units as they relate to preventing the inappropriate commercial use of dwelling units. The proposal is not related to*

any specific dwelling, or commercial, unit. A May 15, 2006 Zoning Administrator's Letter of Determination specifically states that the proposed use is considered an accessory use under Planning Code Section 703.2(b)(1)(C). The Letter of Determination was not appealed or overturned. A copy is attached for the Commission's information.

Issue 4: The antennas do not constitute an accessory use as the project drawings describe the facility as an unoccupied wireless telecommunications facility. The building is occupied by retail and residential uses, and the antennas are not essential to the current building uses. The sponsor has indicated that the T-Mobile shop proposed for a retail space on the buildings ground floor is not related to the subject antennas.

Response: *A Zoning Administrator's Letter of Determination was issued on May 15, 2006 indicating that the Planning Department considers up to two omni antennas as an accessory use under Planning Code Section 703.2(b)(1)(C), which defines an accessory use as "a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot." Based on the plans submitted for review, the proposed accessory use does not reduce or otherwise limit the area of other permitted uses on the property. The Department is aware that T-Mobile proposes to open a retail store on the building's ground floor. Establishment of such a use would be required to comply with all relevant Planning Code requirements. The two uses can operate independently of each other.*

Issue 5: The "accessory use" complicates and compromises the current residential use of the space insofar as it endangers and encumbers the current residents of the building by presenting a fire hazard through the use of fairly sophisticated electronic equipment.

Response: *The building permit application and proposal will be reviewed by other city departments, such as the Department of Building Inspection and Fire Department, which have jurisdiction and purview over regulations pertaining to fire hazards related to the proposed equipment.*

Issue 6: The application of the term "accessory use" is an abuse of the accessory use process and runs counter to the letter and intent of the City and County of San Francisco's WTS Facilities Citing Guidelines.

Response: *Zoning Administrator's Letters of Determination have been issued since approximately 1998. The subject site is defined as an accessory use through a Letter of Determination for T-Mobile dated May 15, 2006.*

Issue 7: The project does not conform with the City's General Plan, Commerce and Industry Element, Objective 1, Policy 1 which states: "Encourage development which provides substantial net benefits and minimizes undesirable consequences."

Response: *Increasing the availability of cell phone coverage is a benefit and locating "whip" antennas on the building minimizes undesirable visual quality as opposed to proposing a larger installation with multiple panel antennas. The consistency of wireless facilities with the General Plan is extensively established through the WTS guidelines.*

Issue 8: Placement of the industrial use at this location is inconsistent with the neighborhood character as required by Planning Code Section 101.2, b2. The proposed antennas are

located in an NC district, a preference 6 location pursuant to the WTS Facilities Citing Guidelines. Under a less strict preference location (5), carriers must address additional criteria regarding publically-used structures, co-location sites and alternative site analysis.

Response: *The site is located in a neighborhood commercial district, for which the zoning controls of Article 7 apply. Per Planning Code Sections 711.83 and 790.80 (for NC-2 districts) the proposed use is considered a "Public Use" rather than an industrial use. Other uses included in this zoning category include civic structures, police stations, transportation facilities, and utility installations including Internet Services Exchanges. The proposed antennas are considered an accessory use per the 2006 Letter of Determination. The proposed antennas are located on a mixed-use building in an NC-2 district, a preference location 5 pursuant to Section 8 of the WTS Guidelines, which would be applicable if the project were subject to Planning Code Section 303. The Department does not require alternative site analysis for accessory use proposals due to the limited number, and size, of antennas for such installations. Section 8 of the WTS Guidelines conveys that the location preferences are applicable to conditional use authorizations as they refer to Conditions of Approval per Section 303 and considerations related to General Plan findings. Building permit applications, such as the subject application, do not require specific conditions, or findings, pursuant to Section 303. As the subject antennas are ± 1.5 inches wide and 24 inches long, they do not create adverse visual impacts to the subject building. Typically, "whip" antennas are located on building facades and are visible from public right-of-ways. The antenna proposed on the west architectural column would be set back from Chestnut Street by ±30 feet, and the antenna proposed on the north architectural column would be set back from Fillmore Street by ±60 feet.*

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

The request for Discretionary Review was not reviewed by the Department's Residential Design Team (RDT) as the project represents a change of use.

Under the Planning Department's proposed DR Reform Policy, this project would be referred to the Planning Commission as the nature of this project is not related to the Residential Design Guidelines.

BASIS FOR RECOMMENDATION

The Department believes the project is not exceptional or extraordinary for the following reasons:

- The project sponsor has provided coverage maps indicating gaps in coverage in portions of the Marina district, and that the proposed accessory use antennas would address these gaps.
- The proposed use will not eliminate space that is currently occupied by commercial or residential building uses.

- The proposed antennas constitute an accessory use.
- Review by a number of city departments will ensure that life/safety requirements are met.
- The antennas will not visually compromise the building due to their overall size and location on the building relative to the public rights-of-way.

RECOMMENDATION: Do not take DR and approve project as proposed.

Attachments:

Zoning Map
Height and Bulk Map
Parcel Map
Sanborn Map
Aerial Photograph
Site Photos
Letters of Opposition (2)
May 15, 2006 Letter of Determination
Section 311 Notice
DR Application
DR Requestor's Submittal
Applicant's Submittal
 Response to DR Application dated April 14, 2010
 Coverage Map
 Photosimulations
 Radio Frequency Report
 Department of Public Health Review
 Reduced Plans

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