



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Authorization

HEARING DATE: OCTOBER 2, 2014  
(CONTINUED FROM THE SEPTEMBER 11<sup>TH</sup> HEARING)

*Date:* September 25, 2014  
*Case No.:* **2014.0633C**  
*Project Address:* **1098 Jackson Street**  
*Current Zoning:* RM-3 (Residential, Mixed Medium-Density)  
65-A Height and Bulk District  
*Block/Lot:* 0181/022  
*Project Sponsor:* AT&T Mobility represented by  
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San Francisco, CA  
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### BACKGROUND

On September 11, 2014, the Planning Commission heard a request by AT&T Mobility for a Conditional Use Authorization to establish a macro Wireless Telecommunication Services (WTS) Facility at the subject property. In order for the Project to proceed, the Commission had to grant the Conditional Use Authorization to allow the establishment of a WTS facility within an RM-3 (Residential, Mixed Medium-Density) Zoning District, pursuant to Planning Code Sections 209.6(b) and 303.

At the Planning Commission hearing on September 11, 2014, and after hearing public comment, the Planning Commission continued the matter to October 2<sup>nd</sup> and adopted a motion of intent to disapprove.

### CURRENT PROPOSAL

The attached draft motion is to disapprove the request by AT&T Mobility for a Conditional Use Authorization to establish a macro WTS facility consisting of six (6) roof-mounted panel antennas with equipment removal in the basement at 1098 Jackson Street.

### REQUIRED COMMISSION ACTION

In order for the Project to be disapproved, the Commission must adopt the attached disapproval motion.

### BASIS FOR RECOMMENDATION

- The Project is not consistent with the Wireless Facility Siting Guidelines (“Guidelines”) and is not necessary and desirable, as it would:

- Conflict with the design of the Project Site and existing neighborhood character.
- Adversely affect the aesthetic of the potential historic resource by failing to stealth, reduce massing, and/or incorporate the antennas into an existing feature.
- Result in additions to the building that would appear incongruous with the building's design.
- Result in the use of rooftop elements that appear out-of-scale with the building and are prominently visible from surrounding streets.
- Have the potential to adversely affect two on-site neighborhood-serving retail businesses, by reducing available storage and work space.
- Develop a macro WTS facility in a location (based on zoning and land use) that is considered Disfavored by the *Guidelines*; where there may exist the potential to pursue an alternate design or alternate location, such as higher preference sites, or other Disfavored locations that may be more suitable.

<b>RECOMMENDATION:</b> <b>Disapproval</b>
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**Attachments:**  
Disapproval Motion



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. XXXXX

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(CONTINUED FROM THE SEPTEMBER 11<sup>TH</sup> HEARING)

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**ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303(c) AND 209.6(b) TO INSTALL A MACRO WIRELESS TELECOMMUNICATIONS SERVICES FACILITY CONSISTING OF SIX SCREENED PANEL ANTENNAS AND ASSOCIATED EQUIPMENT LOCATED ON THE ROOFTOP AND BASEMENT OF AN EXISTING MIXED-USE BUILDING AS PART OF AT&T MOBILITY'S WIRELESS TELECOMMUNICATIONS NETWORK WITHIN AN RM-3 (RESIDENTIAL, MIXED, MEDIUM-DENSITY) ZONING DISTRICT, AND A 65-A HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 25, 2014, AT&T Mobility (hereinafter "Project Sponsor"), submitted an application (hereinafter "Application"), for a Conditional Use Authorization on the property at 1098 Jackson Street, Lot 022, in Assessor's Block 0181, (hereinafter "Project Site") to install a wireless telecommunications service facility (hereinafter "WTS") consisting of six (6) screened panel antennas and equipment located on the roof and side yard of the Subject Building, as part of AT&T Mobility's telecommunications network, within an RM-3 (Residential, Mixed, Medium-Density) Zoning District, and a 65-A Height and Bulk District.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption (Section 15303 of the California Environmental Quality Act).

On September 11, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Application for a Conditional Use Authorization. The Planning Commission adopted a motion of intent to disapprove the Application.

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 disapproves the Conditional Use in Application No. 2014.0633C, 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 on Assessor's Block 0181, Lot 022 at the northeast corner of Jackson and Taylor Streets. The Subject Building was developed in 1911, and is an approximately 38-foot tall, three-story building featuring two floors of residential dwellings over three ground floor commercial spaces.
3. **Surrounding Properties and Neighborhood.** The Project Site lies within the Nob Hill neighborhood, along the Hyde Street cable car line, and is surrounded by three-to-five story residential buildings.
4. **Project Description.** The proposal is to allow the development of an AT&T Mobility macro wireless telecommunication services ("WTS") facility. The macro WTS facility would consist of six (6) screened rooftop-mounted panel antennas, and electronic equipment necessary to run the facility on the roof and within the basement.

The proposed antennas would measure approximately 50" high, by 12" wide, by 7" thick, and would be screened within six (6) individual faux vent pipes, each rising approximately nine (9) feet above the roof. The screening material used for the faux vent pipes would be composed of a fiberglass like material known as fibre-reinforced plastic (FRP), which would be painted and textured to mimic vent pipes typically found on building rooftops in the surrounding neighborhood. The FRP material allows for the screening of panel antennas, while still allowing radio waves to pass through.

Electronic equipment necessary to run the facility would be located in two locations: a portion of the equipment would be located on the roof, but at locations (height and setback from roof edges) that would not be visible from adjacent public rights-of-way; the relatively larger equipment cabinets would be located within an 72 square-foot area

of the basement, and would include battery back-up cabinets, to provide backup power in the event of a power outage or disaster.

5. **Past History and Actions.** The Planning Commission adopted the *Wireless Telecommunications Services (WTS) Facilities Siting Guidelines* ("Guidelines") for the installation of wireless telecommunications facilities in 1996. These Guidelines set forth the land use policies and practices that guide the installation and approval of wireless facilities throughout San Francisco. A large portion of the Guidelines was dedicated to establishing location preferences for these installations. The Board of Supervisors, in Resolution No. 635-96, provided input as to where wireless facilities should be located within San Francisco. The Guidelines were updated by the Commission in 2003 and again in 2012, requiring community outreach, notification, and detailed information about the facilities to be installed.

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

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

Section 8.1 of the WTS Siting Guidelines further stipulates that the Planning Commission will not approve WTS applications for Preference 5 or below Location Sites unless the application describes (a) what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area; (b) what good faith efforts and measures were taken to secure these more Preferred Locations, (c) explains why such efforts were unsuccessful; and (d) demonstrates that the location for the site is essential to meet demands in the geographic service area and the Applicant's citywide networks.

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

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

6. **Location Preference.** The *WTS Facilities Siting Guidelines* identify different types of zoning districts and building uses for the siting of wireless telecommunications facilities. Under the *Guidelines*, and based on the zoning and land use, the WTS facility is proposed on a Location Preference 7 Site (Disfavored Location, Residential Zoned Site) according to the *WTS Facilities Siting Guidelines*.

The carrier, AT&T Mobility, submitted an Alternative Site Analysis, which demonstrated the lack of available Preference 1 through 6 locations. This disapproval does not preclude the carrier from re-evaluating those sites previously studied or considering other similarly Disfavored Location sites that may offer more appropriate siting scale and aesthetic advantages.

7. **Radio Waves Range.** The Project Sponsor has stated that the proposed wireless network is designed to address coverage and capacity needs in the area. The network will operate in the 700 – 2,170 Megahertz (MHZ) bands, which are regulated by the Federal Communications Commission (FCC) and must comply with the FCC-adopted health and safety standards for electromagnetic radiation and radio frequency radiation.
8. **Radiofrequency (RF) Emissions:** The Project Sponsor retained Hammett & Edison, Inc., a radio engineering consulting firm, to prepare a report describing the expected RF emissions from the proposed facility. Pursuant to the *Guidelines*, the Department of Public Health reviewed the report and determined that the proposed facility complies with the standards set forth in the *Guidelines*.
9. **Department of Public Health Review and Approval.** The proposed Project was referred to the Department of Public Health (DPH) for emissions exposure analysis. Existing radio-frequency (RF) levels at ground level were around 1% of the FCC public exposure limit.

AT&T Mobility proposes to install six (6) panel antennas. The antennas will be mounted at a height of approximately 45 feet above the ground. The estimated ambient RF field from the proposed AT&T Mobility transmitters at ground level is calculated to be 0.11 mW/sq. cm., which is 13% of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 68 feet and does not reach any publicly accessible areas. Warning signs must be posted at the antennas and roof access points in English, Spanish, and Chinese. Workers should not have access to the area (25 feet) directly in front of the antenna while it is in operation.

10. **Coverage and Capacity Verification.** The maps, data, and conclusion provided by AT&T Mobility to demonstrate need for outdoor and indoor coverage and capacity have been determined by Hammett & Edison, an engineering consultant and independent third party to accurately represent the carrier's present and post-installation conclusions.
11. **Maintenance Schedule.** The proposed facility would operate without on-site staff but with a two-person maintenance crew visiting the property approximately once a month

and on an as-needed basis to service and monitor the facility.

12. **Community Outreach.** Per the *Guidelines*, the Project Sponsor held a community meeting at the Helen Wills Playground, at 1965 Larkin Street, to discuss the Project at 6:00 p.m. on June 11, 2014. Nine (9) community members attended the meeting. Similar concerns were raised as those received by the Department, as well as inquiries on how the FCC's public exposure standards compare to those in European countries.
13. **Five-year plan:** Per the *Guidelines*, the Project Sponsor submitted an updated five-year plan, as required, in April 2014.
14. **Public Comment.** As of September 4, 2014, the Department has received correspondence, a petition, and calls from 272 community members in opposition to the proposed Project based on concerns including the potential for health effects due to radio-frequency (RF) emissions, the potential for alternate sites within the neighborhood, the reduction in basement storage space for commercial tenants, and whether the structural integrity of the subject soft-storied wood building would safely allow for the placement of additional equipment and antennas.

At the September 11, 2014 Planning Commission hearing, residents spoke in opposition to the Project.

15. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use.** Per Planning Code Section 209.6(b), a Conditional Use Authorization is required for the installation of utility installation, including a wireless telecommunication services facility.
16. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the Project does not comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.
    - i. *Desirable: San Francisco is a leader of the technological economy; it is important and desirable to the vitality of the City to have and maintain adequate telecommunications coverage and data capacity. This includes the installation and upgrading of systems to keep up with changing technology and increases in usage. It is desirable for the City to allow wireless facilities to be installed.*

*The proposed Project at 1098 Jackson Street is not desirable and compatible with the surrounding neighborhood because the Project would conflict with the existing uses of*

*the property and would not be compatible with the surrounding neighborhood. The placement of antennas and related support and protection features are not located, designed, and treated architecturally to minimize their visibility from public places, to avoid intrusion into public vistas, to avoid disruption of the architectural design integrity of buildings, and to insure harmony with the existing neighborhood character and promote public safety. Furthermore, the proposed equipment area would reduce available storage and work space for existing neighborhood-serving on-site businesses (Kay's Cleaners and Isabella Café), and have the potential to adversely affect those small businesses.*

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

*Coverage: San Francisco does have sufficient overall wireless coverage (note that this is separate from carrier capacity). San Francisco's unique coverage issues are due to topography and building heights. The hills and buildings disrupt lines of site between WTS base stations. Thus, telecommunication carriers continue to install additional installations to make sure coverage is sufficient.*

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

*Disapproval of a macro WTS facility at this site does not prevent or inhibit AT&T Mobility from providing or improving their mobile telecommunication services to the residents, businesses, or visitors of Nob Hill. The proposed project at 1098 Jackson Street would achieve sufficient street and in-building mobile phone coverage and data capacity; however alternate sites, including other disfavored sites, and/or designs could satisfy capacity and coverage objectives.*

- 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;

*Disapproval of the proposed Project would not have an impact on the nature of the site, except to preserve its current shape and arrangement of structures.*



- 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;

*Disapproval of the proposed Project would not have an impact on traffic or parking.*

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

*Disapproval of the proposed Project would not have an effect on emissions such as noise, glare, dust or odor.*

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

*Disapproval of the proposed Project would not have an effect on landscaping, screening, open spaces, parking and loading areas, service areas, lighting and 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.

*Disapproval of the proposed Project would not have an effect on the Planning Code and/or General Plan.*

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

*The Project Site is not located within a Neighborhood Commercial District.*

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

**HOUSING ELEMENT**  
Objectives and Policies

**BALANCE HOUSING CONSTRUCTION AND COMMUNITY INFRASTRUCTURE**

**OBJECTIVE 12:**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.3:**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

*Disapproval of the Project would not impair AT&T Mobility's coverage and capacity along Taylor and Jackson Streets, which are residential corridors in the Nob Hill neighborhood, and also serve as a cable car route. While service coverage exists, alternate Project sites or technologies would allow AT&T Mobility to provide additional capacity for privately-operated, publicly-used telecommunications infrastructure in an alternate manner.*

**URBAN DESIGN ELEMENT**  
**Objectives and Policies**

**HUMAN NEEDS**

**OBJECTIVE 4:**

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

**Policy 4.14:**

Remove and obscure distracting and cluttering elements.

*The antennas would not be adequately concealed or reduced in massing so as to reduce their visual effect, thereby introducing new elements considered distracting or cluttering. The height, concentration, and bulk of the proposed faux vent pipes and enclosures and related equipment, would distract from, and clutter the visual aesthetic for the subject building and surrounding neighborhood.*

**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.

*Disapproval of the Project would not inhibit adjacent commercial uses from meeting reasonable performance standards; in fact, disapproval of this Project preserves the usability of the existing commercial tenants' storage space.*

**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.

*While the Project would ensure that residents and visitors have adequate service in the form of AT&T Mobility telecommunications, there are additional opportunities to consider alternate sites or technologies to enhance available communication services. Therefore, disapproval of the Project would not significantly impact the availability of adequate public services for both residents and visitors, nor would it prevent AT&T Mobility from providing or improving their telecommunications network.*

**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.

*Disapproval of the Project would ensure the character of the building and surrounding neighborhood is preserved, thereby promoting the architectural integrity of the Nob Hill neighborhood. The placement of such a facility using alternate sites or technologies would benefit the City by enhancing the business climate through improved communication services for residents and workers.*

**VISITOR TRADE ELEMENT**

**OBJECTIVE 8:**

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

**Policy 8.3:**

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

*While the Project would ensure that residents and visitors have improved public service in the form of AT&T Mobility telecommunications, there are additional opportunities to consider alternate sites or technologies to enhance available communication services. Disapproval of establishing a base station at this site does not prevent AT&T Mobility from providing and/or improving the mobile telecommunication services in this area.*

**COMMUNITY SAFETY ELEMENT**  
**Objectives and Policies**

**OBJECTIVE 3:**

ESTABLISH STRATEGIES TO ADDRESS THE IMMEDIATE EFFECTS OF A DISASTER.

**Policy 1.20**

Increase communication capabilities in preparation for all phases of a disaster and ensure communication abilities extend to hard-to-reach areas and special populations.

**Policy 2.4**

Bolster the Department of Emergency Management's role as the City's provider of emergency planning and communication, and prioritize its actions to meet the needs of San Francisco.

**Policy 2.15**

Utilize advancing technology to enhance communication capabilities in preparation for all phases of a disaster, particularly in the high-contact period immediately following a disaster.

**Policy 3.7:**

Develop a system to convey personalized information during and immediately after a disaster.

*A disapproval of the Project would not significantly impact the City's disaster preparedness. While 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, there are alternate sites and/or technologies that could be used to enhance communication services.*

18. **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.

*The equipment area would utilize approximately 72 square feet of basement area currently used for storage and work areas by neighborhood-serving retail uses within the subject building. Based on the limited space available for each business (Kay's Cleaners and Isabella Café), the reduction in storage and work areas would appear to adversely affect business operations. The disapproval of the Project would have no adverse effect on existing neighborhood-serving retail uses.*

- 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 disapproval of this authorization.*

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

*The disapproval of the Project would have no adverse effect on housing in the vicinity.*

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

*The disapproval of the Project would not impede transit service or adversely affect neighborhood parking*

- 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 have the potential to cause displacement of a service sector activity, as the proposed Project would include a basement level equipment area which would result in reduced storage and work areas for a dry cleaner (Kay's Cleaners) and café (Isabella Café), which is currently used to serve their first floor level storefronts.*

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

*The disapproval of the Project will not negatively affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project Site is considered a Potential Historic Resource, developed in 1911. The majority of the facility, which is visible from the public right-of-way, consists of six (6) panel antennas, which would be screened from view by elements intended to mimic faux vent pipes typically found on buildings within the neighborhood. However, the overall number, concentration,*

*massing, height, and setback from roof edge, of the faux vent pipes would appear out of scale with the Subject Building.*

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

*The disapproval of the Project will have no adverse effect on parks or open space, or their access to sunlight.*

19. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would adversely affect the character and stability of the neighborhood and would not constitute a beneficial development.
20. The Commission hereby finds that approval of the Conditional Use Authorization would not 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 **DISAPPROVES** the Conditional Use Authorization under Planning Code Sections 209.6(b) and 303 to install six (6) screened panel antennas and associated equipment cabinets on the roof and basement of the Project Site and as part of a wireless transmission network operated by AT&T Mobility on a Location Preference 7 (Disfavored Location, Residential Zoning) according to the Wireless Telecommunications Services (WTS) Facilities Siting Guidelines, within an RM-3 (Residential, Mixed, Medium-Density) District, and a 65-A Height and Bulk District, as indicated on the plans, dated September 3, 2014, and stamped "Exhibit B."

**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. XXXXX. 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.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not commence the 90-day approval period.

**Motion No. XXXXX**  
**Hearing Date: October 2, 2014**

**CASE NO. 2014.0633C**  
**1098 Jackson Street**

I hereby certify that the foregoing Motion was adopted by the Planning Commission on **October 2, 2014**.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:     October 2, 2014