Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1244C (which authorized, subject to certain conditions, the mounting of a total of three panel antennas on the roof and the installation of a non-occupied telephone equipment room in the basement as part of a wireless telecommunications network) for a two-story over basement commercial building within the Upper Fillmore Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District, pursuant to Section 718.83 of the Planning Code, on property located at 2489 – 2491 Washington Street, southeast corner at Fillmore Street (Lot 022 in Assessor’s Block 0612).

The appellant, Kate Jones, on behalf of the Neighborhood Committee for Antenna Free Zone, filed a timely appeal on June 11, 2001, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2001.1244C, approved by Commission Motion No. 16161 on May 10, 2001) to mount, subject to certain conditions imposed by the Planning Commission, a total of three panel antennas on the roof, and to install a non-occupied telephone equipment room on the basement level, as part of the applicant’s (Sprint) wireless telecommunications network, on a two-story over basement commercial building, within the Upper Fillmore Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District, pursuant to Section 718.83 of the Planning Code, on property located at 2489 – 2491 Washington Street, southeast corner at Fillmore Street (Lot 022 in Assessor’s Block 0612).

The San Francisco Planning Department adopted Wireless Telecommunications Services (“WTS”) Facilities Siting Guidelines (“Guidelines”) to help manage the Department’s

BOARD OF SUPERVISORS
consideration of applications for conditional use authorization to install WTS facilities. The
Guidelines establish location preferences for installation of WTS facilities throughout the City.
The Location Preferences set forth seven location categories, with category 1 being the most
preferred sites and category 7 being the most disfavored sites. The property located at 2489-
2491 Washington Street falls within category 6. The Guidelines establish a presumption
against approval of WTS facilities in category 6 locations. The installation of WTS facilities in
a category 6 location is only proper where the applicant describes: 1) the more preferred sites
located within the geographic service area of the facilities; 2) the good faith efforts that were
taken to secure a more preferred location; 3) why such efforts were unsuccessful; and 4) how
and why the proposed site is essential to meet the applicant’s service demands.

The public hearing before the Board of Supervisors on said appeal was scheduled for
the Board conducted a duly noticed hearing on the appeal from the Planning Commission’s
approval referred to in the first paragraph of this motion. Following the conclusion of the
public hearing on July 16, the Board disapproved the decision of the Planning Commission
(Planning Commission Motion No. 16161), and denied the issuance of requested Conditional
Use Application No. 2000.1244C.

In reviewing the appeal of the approval of the requested conditional use authorization,
this Board reviewed and considered the written record before the Board and all of the public
comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
County of San Francisco hereby adopts as its own and incorporates by reference herein, as
though fully set forth, the findings made by the Planning Commission in its Motion No. 16161,
dated May 10, 2001, except as indicated below; and, be it

FURTHER MOVED, That the Board of Supervisors further took notice that the project
was categorically exempt from environmental review as a Class 1 exemption under Title 14 of
the California Administrative Code. The Board finds that there have been no substantial
project changes, no substantial changes in project circumstances, and no new information of
substantial importance that would change the determination of categorical exemption issued
by the Planning Department; and, be it

FURTHER MOVED, That the Board of Supervisors finds that:

1. As required by the Guidelines, the applicant identified four more preferred
sites within the "coverage objective area" identified by the applicant for service by the
proposed facilities. The applicant submitted materials indicating that two of these sites
were not technically feasible, and that lease negotiations were not successful at the
other two more preferred locations. At the public hearing, following an answer that was
provided to a question to the applicant's representatives by a member of the Board of
Supervisors, the Board determined that the written and oral information submitted by
the applicant was not sufficient to establish that more preferred locations were not
available within Sprint's desired coverage objective area, or that the proposed facilities
would be the least intrusive means for filling any gaps in service.

2. At the public hearing, and in documents submitted by the applicant, the
applicant stated that the installation of these proposed antennas is essential to meet
the applicant's service demands within the geographic service area defined by Sprint.
At the public hearing, however, the applicant was unable to demonstrate that the
proposed facilities are essential. In particular, the applicant submitted a map entitled
"Sprint PCS existing Coverage," which purported to identify locations within the service
area in which no Sprint service was available. Sprint customers who live or work within
the proposed service area, however, testified that they are able to use Sprint's services
in the identified locations. Following questions to the applicant's representatives by
members of the Board of Supervisors, a Sprint representative advised the Board that the map identifying areas in which no Sprint service was available was not accurate. Following further questions of the applicant's representatives by members of the Board of Supervisors, the Board determined that the written and oral information provided by the applicant (a) was not persuasive or objectively verified, (b) did not establish, as required, that the proposed site is essential to meet the applicant's service demands, and (c) at most indicated that any deficiencies or gaps in the applicant's service coverage are insignificant. Consistent with this finding, based on the evidence presented and information contained in Sprint's application indicating that, as of December, 2000, the applicant has at least 49 sites at which WTS facilities operate within San Francisco, the Board further determined that disapproving the decision of the Planning Commission by its Motion 16161, dated May 10, 2001, would not prohibit, or have the effect of prohibiting, the provision of personal wireless services.

3. Nothing in the record suggests that the Guidelines or the Board's application of the Guidelines in this case unreasonably discriminate against Sprint, and the Board therefore determined that disapproving the decision of the Planning Commission would not unreasonably discriminate in favor of providers of functionally equivalent services.

4. At the public hearing, several members of the public urged the Board to disapprove the decision of the Planning Commission because of their concerns about the environmental effects of radio frequency radiation. After a member of the Board of Supervisors sought legal advice about the role such considerations could play in the Board's decision, the Supervisor urged the public to address any such environmental concerns to other governmental bodies that have authority to address the environmental issues related to radio frequency radiation. The Supervisor further stated that any decision of the Board of Supervisors would be based on local land use...
regulations, and not on the environmental effects of radio frequency radiation.

FURTHER MOVED, That based upon the findings made in the preceding paragraph, the Board of Supervisors finds that Finding 7 made by the Planning Commission was incorrect and without substantiation, and finds that the installation of the proposed antennas is not necessary in order to meet the applicant’s service demands in the applicant’s desired coverage area to be served by the proposed facilities, and is not necessary to meet emergency communication service.

FURTHER MOVED, That the Board of Supervisors finds that Finding 8 made by the Planning Commission was incorrect and without substantiation, and finds that the installation of the proposed antennas is not necessary or desirable for and compatible with the surrounding neighborhood.

FURTHER MOVED, That prior to acting on this appeal, the Board reviewed the final negative declaration issued for the proposed project; and, be it

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion 16161, dated May 10, 2001, and denied the issuance of Conditional Use Application No. 2000.1244C.
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1244C (which authorized, subject to certain conditions, the mounting of a total of three panel antennas on the roof and the installation of a non-occupied telephone equipment room in the basement as part of a wireless telecommunications network) for a two-story over basement commercial building within the Upper Fillmore Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District, pursuant to Section 718.83 of the Planning Code, on property located at 2489-2491 Washington Street, southeast corner at Fillmore Street (Lot 022 in Assessor's Block 0612).

July 18, 2001 Board of Supervisors — REFERRED: Board of Supervisors
July 23, 2001 Board of Supervisors — APPROVED
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell
I hereby certify that the foregoing Motion was APPROVED on July 23, 2001 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board