



SAN FRANCISCO PLANNING DEPARTMENT

New Public Works Code

Personal Wireless Service Facility Site Permits and Associated Fees

Case Number: Board File No. 10-0041/ Ord. no 12-11

Initiated by: Supervisor Avalos

Effective Date: October 8, 2009

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The Way It Was:

San Francisco Administrative Code § 11.9(b) required a permit from Department of Public Works (DPW) to install a personal wireless service facility in the public rights-of-way. No public notice was required. Only permits in specified areas were referred to the Planning and/or Parks Department. No standards for design of facilities were previously in place. DPW was to (and still must) refer all permits to the Department of Public Health to determine whether human exposure to radio frequency emissions from the proposed wireless facility complies with Federal Communications Commission guidelines.

The Way It Is Now:

Ordinance amended the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive.

Now certain permits in the public ROW must be referred to either Planning and/or Parks Department. The legislation establishes that residential and neighborhood commercial districts are "protected" locations and that facilities of a certain size (larger than Tier I) require review by Planning as follows:

- Tier I size facilities require no additional review by Planning.
- Tier II size facilities in "protected" locations require that DPW refer the application for discretionary review by the Planning and/or Recreation and Park Departments to ensure that the additional visual impact of the larger facility would be compatible with the protected resource.

- Tier III size facilities are those that are too large to meet the Tier I or Tier II size criteria. The Ordinance requires a discretionary review of these facilities by: (i) the DPW to ensure that the applicant has a bona fide need for a larger facility; and by (ii) the Planning and/or Recreation and Park Departments to ensure that the additional visual impact of the larger facility (as compared to a Tier II facility) would be compatible with the protected resource.

The Ordinance further authorizes the Planning and Recreation and Park Departments to require an applicant for a Wireless Permit to plant a street tree next to the facility in order to provide a screen, or to pay an “in lieu” fee where it is impracticable to require planting a tree at the permitted location. The permittee would also be required to maintain the street tree.

The Ordinance establishes additional public notice requirements that will be implemented by DPW as follows:

- Requires public notice and an opportunity to protest before final approval of an application for a Tier III Wireless Permit. Any protest would trigger a hearing before a Department hearing officer and a final decision by the Director of Public Works.
- Requires public notice of a final determination approving any Wireless Permit application.

The Link to signed legislation:

Board File No. 100041	Ord. No. 0012-11	Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0012-11.pdf
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