

**Request for Special Temporary Authority and  
Extension of Deadline to Submit Invoices and Cost Estimates for Reimbursement  
from the TV Broadcaster Relocation Fund**

Pursuant to Sections 1.3 and 73.1635 of the rules of the Federal Communications Commission (“FCC” or “Commission”) and the procedures set forth in the *June 2022 Invoice Submission Reminder PN*,<sup>1</sup> KGO Television, Inc.,<sup>2</sup> Fox Television Stations, LLC,<sup>3</sup> and San Francisco Television Station KBCW Inc.<sup>4</sup> (collectively, the “Sutro Broadcasters”) respectfully submit the instant request for Special Temporary Authority (“STA”) and limited extension of the deadline to submit all invoices and cost estimates for reimbursement from the TV Broadcaster Relocation Fund (“Reimbursement Fund”). As explained herein, due to circumstances beyond their control, including the need to comply with local zoning, land use and permitting laws and regulations, the Sutro Broadcasters will not have incurred all repack-related expenses by the current deadline on April 30, 2023.<sup>5</sup>

Accordingly, the Sutro Broadcasters request that they be given until **May 31, 2023** to submit cost estimates and invoices for reimbursement from the Reimbursement Fund. The Sutro Broadcasters anticipate that this will be their final extension request for the submission of cost estimates, given the July 3, 2023 statutory deadline by which any unobligated amounts in the Reimbursement Fund will be rescinded and deposited into the U.S. Treasury.

---

<sup>1</sup> See 47 C.F.R. § 1.3; 47 C.F.R. § 73.1635; Incentive Auction Task Force and Media Bureau Remind Reimbursement Program Participants that the Third and Final Filing Deadline Approaches in 90 Days, Public Notice, DA 22-619 at note 5 (rel. June 8, 2022) (“*June 2022 Invoice Submission PN*”).

<sup>2</sup> KGO Television, Inc. is the licensee of commercial television station KGO-TV, Facility ID No. 34470, San Francisco, California (“KGO”).

<sup>3</sup> Fox Television Stations, LLC is the licensee of commercial television station KTVU, Facility ID No. 35703, Oakland, California (“KTVU”).

<sup>4</sup> San Francisco Television Station KBCW Inc. is the licensee of commercial television station KBCW, Facility ID No. 69619, San Francisco, California (“KBCW” and, together with KGO and KTVU, the “Sutro Stations”).

<sup>5</sup> The Incentive Auction Task Force and Media Bureau established March 22, 2022 as the deadline by which repacked television stations assigned completion dates in Phases 6-10 must submit all remaining invoices and initiate close-out procedures. See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273 (rel. Oct. 7, 2020) (“*Invoice Filing PN*”). On March 21, 2022, the Media Bureau granted a request to extend the invoice filing assignment deadlines for the Sutro Broadcasters from March 22, 2022 to September 6, 2022. See Letter to KGO Television, Inc. et al from Barbara A. Kreisman, Chief, Video Division, Media Bureau, Federal Communications Commission (March 21, 2022). On August 31, 2022, the Media Bureau granted a request to extend the invoice filing assignment deadlines for the Sutro Broadcasters from September 6, 2022 to January 17, 2023. See Letter to KGO Television, Inc. et al from Barbara A. Kreisman, Chief, Video Division, Media Bureau, Federal Communications Commission (Aug. 31, 2022). On December 20, 2022, the Media Bureau granted a request to extend the invoice filing assignment deadlines for the Sutro Broadcasters from January 17, 2023 to April 30, 2023. See Letter to KGO Television, Inc. et al from Barbara A. Kreisman, Chief, Video Division, Media Bureau, Federal Communications Commission (Dec. 20, 2022).

## **I. BACKGROUND**

The Sutro Stations broadcast from Sutro Tower, a 977-foot tall tower constructed in the mid-1970s. Sutro Tower is used by 18 television and FM broadcast stations, satellite and cable providers, and nearly two dozen public and commercial wireless communication services. Sutro Tower is located in a residential area of San Francisco, and is subject to local building ordinances, zoning and other restrictions, such as the requirement to obtain a building permit from the San Francisco Planning Commission (“Planning Commission”) and the Department of Building Inspection (“Building Department” and, together with the Planning Commission, the “City”) before any changes are made to the broadcast facilities located on Sutro Tower.

The Sutro Stations, along with 4 other full-power broadcast stations located on Sutro Tower, were assigned new channels as part of the broadcast incentive auction repacking process. All of the repacked television stations at Sutro Tower were assigned to Phases 8 and 9 of the Transition Scheduling Plan. Sutro Tower, Inc. (“STI”), the owner of Sutro Tower, is coordinating, managing, and implementing the major components of the repack project, including obtaining the required approvals for the project from the City.

As explained above, the Sutro Stations cannot complete the repack process without the required permits and consents from the City. Working with the Sutro Stations, STI submitted its initial application to the City for the repack-induced modifications shortly after the Sutro Stations received their channel assignments in 2017. This application sought authority from the City to (1) remove and replace the broadcast antennas used by the repacked stations (including the Sutro Stations) and associated structural strengthening of the tower and (2) remove the architectural cladding existing on the vertical legs of Sutro Tower to reduce weight and lessen wind loading in compliance with local wind and seismic standards. Both of these tasks are essential components of the repack of the Sutro Stations.

After many discussions with the City, local politicians, and neighborhood stakeholders, it became clear that, so long as cladding elimination was included in the repack application, it would not be possible to obtain the requisite approvals from the City in time for the Sutro Broadcasters to complete the repack within the FCC-established timeframe for the Sutro Stations.<sup>6</sup> In light of these deadlines, the City permitted STI to modify the repack application to bifurcate the required work into two parts: (1) the removal of pre-transition antennas and replacement with post-transition antennas (“Repack Application”) and (2) eliminating the cladding as initially proposed in order to ensure the structural soundness of Sutro Tower (“Cladding Elimination Application”). Thereafter, on July 18, 2019 (nearly two years after STI and the Sutro Stations began the process of obtaining the required local permits and consents for the repack project at Sutro Tower), the City approved the Repack Application.

Having obtained the City’s approval for the Repack Application in July 2019, the Sutro Stations were able to remove their pre-auction antennas and install their post-auction antennas and thus successfully transition to their respective post-auction facilities by their assigned

---

<sup>6</sup> The controversy over the cladding elimination structural improvement was the result of efforts by the City to designate Sutro Tower a historical resource.

transition deadlines in Phases 8 and 9. However, the City’s approval of the Repack Application is subject to several conditions, including as follows:

- *Completion of certain tasks related to repacked stations’ broadcast frequencies.* This condition has been satisfied, and substantially all expenses incurred in connection therewith have been submitted to the Commission for reimbursement.
- *Completion of a structural analysis of the adequacy of Sutro Tower in accordance with the San Francisco Code for Existing Buildings (“SFEBC”).* This work has been completed, and invoices for such work have been submitted.
- *Completion of structural improvements to Sutro Tower to ensure that Sutro Tower complies with specified wind and seismic standards pursuant to Section 403.9 of the SFEBC (“Structural Upgrade Condition”).* As explained in further detail below, on October 13, 2022, the Planning Commission voted to approve the replacement of interior-facing horizontal cladding, which protects internal equipment on lower levels 2-4 of the Sutro Tower. However, the Planning Commission has not yet approved any decision concerning the exterior-facing vertical cladding on the Sutro Tower legs, which serve no structural purpose and exist for historical aesthetic reasons. The Planning Department completed environmental review of the Cladding Elimination Application via an Addendum to STI’s 2008 Environmental Impact Report, which was issued on April 6, 2023 (the “Elimination Addendum”), along with a Planning Department Memorandum dated April 10, 2023, recommending permanent removal of Sutro Tower’s architectural cladding from the legs of the tower (“Vertical Cladding Elimination”), subject to certain conditions of approval mitigating the impact of Vertical Cladding Elimination (the “Memorandum”).<sup>7</sup> A hearing concerning this matter is scheduled for May 25, 2023. Until the Sutro Broadcasters receive this approval, they cannot satisfy the Structural Upgrade Condition for reasons outside of the Sutro Broadcasters’ control.<sup>8</sup>

As a result of delays with the local permitting process, the Sutro Broadcasters, to date, have incurred only a portion of the costs for the repack of the Sutro Stations. Accordingly, the instant request for an extension of the invoice submission deadline is being filed to enable the Sutro Broadcasters to submit invoices received on or before May 31, 2023.<sup>9</sup>

---

<sup>7</sup> A copy of such conditions of approval is attached hereto as Attachment A (see in particular Section C), together with related materials.

<sup>8</sup> Since receiving their post-auction channel assignments, the Sutro Broadcasters have been working diligently with STI to complete the repack. See March 22 Extension Request at 4 (listing examples of the numerous steps the Sutro Broadcasters have taken, through STI, to complete the repack).

<sup>9</sup> The Sutro Broadcasters have submitted substantially all invoices for costs incurred to date in connection with the repacking of the Sutro Stations.

## **II. THERE IS GOOD CAUSE TO EXTEND THE APRIL 30, 2023 INVOICE SUBMISSION DEADLINE**

Pursuant to Section 1.3 of its rules, the FCC may waive its rules “for good cause shown.”<sup>10</sup> Specifically, a waiver is warranted where “particular facts would make strict compliance with the rule inconsistent with the public interest” and “special circumstances warrant a deviation from the general rule.”<sup>11</sup> In evaluating a request for waiver, the Commission takes “into account considerations of hardship, equity, or more effective implementation of overall policy”,<sup>12</sup> as well as whether waiver would result in a “more effective implementation of overall policy” than enforcing the rule as written.<sup>13</sup>

When establishing the deadlines to submit invoices for reimbursement from the Reimbursement Fund, the Incentive Auction Task Force and Media Bureau (together, the “Bureau”) contemplated that, in some circumstances, strict enforcement of these deadlines would be contrary to the public interest. An entity seeking an extension of the final invoice deadline is required to demonstrate that “circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.”<sup>14</sup> As explained herein, due to the need to comply with local zoning, land use and permitting laws and regulations, the Sutro Broadcasters have not yet incurred all costs associated with the repack of their respective facilities. Thus, a limited extension of the invoice submission deadline, from April 30, 2023 to May 31, 2023, is warranted.

### **A. Since Grant of the December 20, 2022 Extension Request, the Sutro Broadcasters Have Worked Diligently with STI to Obtain the Necessary City Approvals**

The Sutro Broadcasters, through STI, have been working tirelessly to obtain the requisite City approvals to implement the Structural Upgrade Condition.

#### **1. The Horizontal Cladding Application**

On October 13, 2022, City officials held a hearing concerning STI’s application to replace horizontal cladding on the second, third and fourth levels of Sutro Tower with stronger material attached with sturdier fasteners (the “Horizontal Cladding Application”).<sup>15</sup> This work is required as part of the Structural Upgrade Condition. Following the October 13, 2022 hearing, on November 4, 2022 the City issued a permit authorizing the work to be performed under the Horizontal Cladding Application. Work in accordance with the permit has commenced and is

---

<sup>10</sup> 47 C.F.R. § 1.3.

<sup>11</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990), citing *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>12</sup> *WAIT Radio*, 418 F.2d at 1159.

<sup>13</sup> *Id.*; *Northeast Cellular*, 897 F.2d at 1166.

<sup>14</sup> See *June 2022 Invoice Submission PN* at note 5.

<sup>15</sup> The hearing was initially scheduled for May 12, 2022 but was postponed by the City first to June 2, 2022, then to July 14, 2022, then to August 25, 2022, and ultimately to October 13, 2022.

approximately two-thirds complete. The Sutro Stations have submitted invoices for this work as they have become available.

## **2. The Vertical Cladding Application**

With respect to the Cladding Elimination Application, which is also required as part of the Structural Upgrade Condition, the City deferred action on this proposal pending an environmental review. The Planning Department completed environmental review of the Cladding Elimination Application via the Elimination Addendum published on April 6, 2023, along with a Planning Department Memorandum dated April 10, 2023, recommending approval of Vertical Cladding Elimination, subject to certain conditions of approval mitigating the impact of Vertical Cladding Elimination. A hearing concerning this matter is scheduled for May 25, 2023.<sup>16</sup>

Work that would be authorized under any permit associated with the Vertical Cladding Application is substantially complete. However, there are still costs to be incurred in connection with the permitting process, as well as the anticipated mitigation measures to reduce the visual impact including, but not limited to, repainting of the tower to its original aviation orange and white color scheme. These costs are expected to be incurred, and invoices will be issued, on a rolling basis as the process proceeds. Assuming the City approves these logistics, the approval process should be completed by May 25, 2023. Thus, it is currently anticipated that some invoices relating to the Cladding Elimination Application will not be available for submission until well after the current April 30, 2023 deadline.<sup>17</sup>

### **B. Due to Circumstances Outside of the Sutro Broadcasters' Control, the Structural Improvements Necessitated by the Repack Are Not Yet Complete and Will Result in Additional Invoices After the April 30, 2023 Deadline**

While the Sutro Broadcasters have been working diligently with STI since 2017 to implement the repack, due to delays and obstacles outside of their control, the structural improvements necessitated by the repack and required by the City have not yet been completed. As detailed above, the Sutro Broadcasters through STI have been actively working with the City to obtain the approvals required to make all of the structural improvements required by the repack. Despite these efforts and the progress described above, there have been ongoing delays that have impeded completion of the repack process. The inability to secure all of the final

---

<sup>16</sup> While approval of the Vertical Cladding Elimination and its accompanying Historic Conditions was originally set for hearing on April 20, 2023, after multiple communications with the City and the neighborhood community, STI has been given a new hearing date of May 25, 2023. All parties agree that this will be the final date with no more postponements.

<sup>17</sup> The Sutro Stations will work with STI to obtain invoices for work performed in connection with the environmental assessment on a rolling basis, though it is possible that these invoices will not all be available until the Fall of 2023, despite all efforts to expedite. Additionally, the repainting work to be undertaken in connection with the Cladding Elimination Application cannot commence until after the Cladding Elimination Application is granted and the associated permit is issued. Because weather conditions significantly impact when repainting can occur, this work will take several years (likely 3 to 4 years) to complete, such that invoices for repainting will not be available for submission until well after July 3, 2023.

approvals required under local zoning, land use and permitting laws and regulations falls squarely within the types of circumstances that the Bureau deems outside of a station's control and thereby warrants an extension of the April 30, 2023 invoice submission deadline.<sup>18</sup>

**C. Grant of the Requested Relief Is Consistent with Congress's Intent that Broadcasters Be Reimbursed for Costs Reasonably Incurred to Relocate to Their Post-Auction Facilities**

Grant of the requested extension is consistent with the statutory mandate that the repacked broadcasters be reimbursed for costs reasonably incurred in connection with their relocation to new television channels as a result of the broadcast incentive auction.<sup>19</sup> Indeed, as set forth above, improvements to Sutro Tower to satisfy the Structural Upgrade Condition are a necessary component of the repack and expressly required by the City as a condition of its consent to the repack-related modifications to Sutro Tower. Any further required mitigation measures to address the visual impact of the Vertical Cladding Application are also a necessary components. STI, as the owner of Sutro Tower, has taken all steps necessary to obtain the required permits and approvals to implement these structural improvements but has not yet been able to secure all City approvals. While the Sutro Broadcasters and STI were able to execute a plan to timely transition the Sutro Stations to their post-auction channels (thereby ensuring that the Sutro Stations could provide their viewers with uninterrupted over-the-air service), the Sutro Broadcasters are still required to implement the structural improvements and associated mitigation measures necessitated by the repack, and to incur the expenses associated therewith. If the Sutro Stations are not permitted to seek reimbursement for these costs after April 30, 2023, they will be forced to pay for them out-of-pocket, which is contrary to Congress's goal that broadcasters be fully compensated for repack-related expenses.

**III. CONCLUSION**

For the reasons stated herein, the Sutro Broadcasters respectfully request that the Bureau grant the instant request for a legal STA and extension as needed to shift the deadline to submit all invoices for reimbursement from the Reimbursement Fund from April 30, 2023 to May 31, 2023.

---

<sup>18</sup> See *June 2022 Invoice Submission PN* at note 5 (stating that a request for limited extension of the invoice deadline should include "evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.").

<sup>19</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012) (requiring the FCC to reimburse broadcasters for costs reasonably incurred to transition to a new channel assignment); In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Report and Order, FCC 14-50, at para. 596 (rel. June 2, 2014) ("The Spectrum Act requires the Commission to reimburse broadcast television licensees for costs "reasonably incurred" in relocating to new channels assigned in the repacking process").

**Attachment A**  
**Historic Conditions of Approval**  
**& Related Materials**

*See attached*



# MANDATORY DISCRETIONARY REVIEW ANALYSIS

**HEARING DATE:** April 20, 2023

**Record No.:** 2019-00449DRM  
**Project Address:** 1 La Avanzada Street – Sutro Tower  
**Permit Applications:** 2019.0108.9873  
**Zoning:** RH-1(D) (Residential-House, One Family-Detached) Zoning District  
40-X Height and Bulk District  
**Cultural District:** None  
**Block/Lot:** 2724/003  
**Project Sponsor:** Kristen Thall Peters  
50 California Street, STE 2750  
San Francisco, CA 94111  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)  
**Environmental Review:** Addendum to FEIR - On October 23, 2008, the Planning Commission certified Final Environmental Impact Report (Case No. 2007.0206E)

**Recommendation:** Take DR and Approve as Proposed, Subject to the standard Sutro Tower Conditions of Approval and the Department Recommended Conditions of Approval

## Project Description

The Project proposes to legalize and authorize the permanent removal of the exterior, metal-panel cladding of Sutro Tower's vertical elements (legs) and the repainting of the tower. The project also includes conditions of approval to memorialize the tower's vertical cladding (which was one of the character-defining features of the tower) that was lost due to the unauthorized removal.

## Background

This Mandatory Discretionary Review was initiated by the Planning Department pursuant to Resolution No. 11399, adopted by the Planning Commission on July 14, 1988, which established the Commission's policy (Planning Code Section 306.9) requiring Mandatory Discretionary Review over building permit applications regarding Sutro Tower, its transmission equipment building, or any other part of its site (Lot 003 in Assessor's Block 2724).



The attached *Sutro Tower Permit History and Legalization and Authorization of Permanent removal of Vertical Cladding* memo provides a summary of the history of the site and tower, existing violations, and the proposed conditions of approval.

## Site Description and Present Use

The Project Site is located at 1 La Avanzado (also known as 250 Palo Alto Avenue). The 5.6-acre site is owned by Sutro Tower, Incorporated. The site contains a 977-foot tall steel communications tower (Sutro Tower), a three-story 31,000-square-foot facilities building, a one-story 1,200 square-foot garage and storage building, and a one-story guard station, emergency generators, underground storage tanks, ancillary antennas and equipment associated with radio communications, landscaping and a surface parking lot.

The facility, although not the entire parcel, is completely enclosed within a security fence. Most of the area immediately surrounding the facility, including most of the northern half of the Project Site, consists of open space. The Tower has been in operation since 1973.

The Tower is located on one of the highest points in San Francisco (834 feet above sea level) and is generally visible from most places throughout the City.

## Surrounding Properties and Neighborhood

The Project Site is situated in the Twin Peaks neighborhood. The surrounding neighborhoods are characterized by single-family neighborhoods such as Midtown Terrace.

Summit Reservoir, owned and operated by the San Francisco Public Utilities Commission (SFPUC), is located adjacent to and northeast of the Sutro Tower facility. Open space exists on undeveloped land located immediately south of the Project Site. The closest residences to the Project Site are located along Dellbrook Avenue, Fairview Court, and Palo Alto Avenue. Residential properties abut portions of the west side of the Project Site boundary; the nearest dwelling is located on Dellbrook Avenue, approximately 200 feet from the Tower.

## Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	March 31, 2023	March 31, 2023	20 days
Mailed Notice	20 days	March 31, 2023	March 31, 2023	20 days
Online Notice	20 days	March 31, 2023	March 31, 2023	20 days

## Public Comment

	Support	Opposed	No Position
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

The project sponsor has maintained continued correspondence with neighborhood representatives and associations throughout the review and processing of permits related to the cladding of Sutro Tower, as required by the Standard Conditions of Approval.

## Environmental Review

On April 6, 2023, the Department issued an Addendum (Addendum 4) to the Final Environmental Impact Report (EIR) for the Sutro Tower Digital Television Project pursuant to the requirements of the California Environmental Quality Act and Chapter 31 of the San Francisco Administrative Code. The San Francisco Planning Commission certified the Final EIR, Planning Department Case No. 2007.0206E, on October 23, 2008 through approval of Motion No. 17731. The project analyzed in the Final EIR comprised the conversion of television antennas on Sutro Tower from an analog and digital system to an all-digital system (approved project).

## Conditions of Approval

The attached conditions were imposed by the Planning Commission on the antenna-related permits at its hearing on February 16, 2006. The intent of the Commission, as so moved and adopted as Commission policy at said hearing, to impose these standard conditions (as a Notice of Special Restrictions) regarding inspections, RF levels (monitoring), operation and neighborhood communication (including notification) on all future antenna-related permits for Sutro Tower.

The project includes additional conditions of approval related to memorializing the tower's vertical cladding, which was one of the character-defining features of the tower and was lost due to the unauthorized removal. The specific conditions, as provided in the *Sutro Tower Permit History and Legalization and Authorization of Permanent removal of Vertical Cladding* memo include:

- **Condition 1a:** Art Installation/Interpretation;
- **Condition 1b:** Access to Salvaged Panels;
- **Condition 1c:** Documentation; and
- **Condition 1d:** Sutro Tower Virtual Tour/Open House.

## Required Commission Action

Pursuant to Section 306.9 of the Planning Code, Mandatory Discretionary Review is required for building permits submitted that include work to be performed on the site of Sutro Tower.

## Department Review

The Planning Department's review confirms support of this proposal for the following reasons:

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the Objectives and Policies of the General Plan.
- The Project would improve the overall safety, resilience and maintenance of the Sutro Tower site.

Therefore, staff recommends not taking Discretionary Review and approving as proposed with conditions of approval for the project to memorialize the tower's vertical cladding (which was one of the character-defining features of the tower) that was lost due to the unauthorized removal and legalize and authorize the current conditions of the tower, reflecting the permanent removal of vertical cladding that already occurred.

**Recommendation:** Take DR and Approve as Proposed, Subject to the standard Sutro Tower Conditions of Approval and Department Recommended Conditions of Approval

## Attachments:

Sutro Tower Permit History and Legalization and Authorization of Permanent removal of Vertical Cladding  
Standard Sutro Tower Conditions of Approval and Department Recommended Conditions of Approval  
Exhibit B – Plans and Photos  
Exhibit C – Environmental Determination  
Exhibit D – Maps and Context Photos  
Exhibit F – Letter from Federal Communications Commission (FCC)



## **SUTRO TOWER PERMIT HISTORY AND LEGALIZATION AND AUTHORIZATION OF PERMANENT REMOVAL OF VERTICAL CLADDING**

Memorandum Date: April 10, 2023  
Case No.: 2019-000499PRJ  
Project Title: Sutro Tower (1 La Avanzada Street) Legalization and Authorization of Permanent Removal of Vertical Cladding  
Project Sponsor: Sutro Tower, Inc. (STI)  
Kristen Thall Peters – (415) 765-6239 or [kristen.thall.peters@wbd-us.com](mailto:kristen.thall.peters@wbd-us.com)  
Staff Contact: Jeff Horn – (628) 652-7366 or [jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)

### **A. OVERVIEW**

The purpose of this memorandum is to document the work completed on Sutro Tower (tower) without a permit (specifically, the permanent removal of vertical cladding) and to present conditions of approval for the project to memorialize the tower's vertical cladding (which was one of the character-defining features of the tower) that was lost due to the unauthorized removal and legalize and authorize the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred through Building Application No. 2019.01.08.9873.

Sutro Tower is a communication tower owned and operated by Sutro Tower, Inc., (STI) located on an approximately 5.2-acre site (Assessors Block 2724, Lot 3) just southeast of Mount Sutro at 1 La Avanzada Street in the Midtown Terrace neighborhood of San Francisco. The project site is in a Residential-House, One Family-Detached (RH-1[D]) zoning district and within a 40-X height and bulk district (40-foot height limit; no bulk limit). Communication facilities such as the tower are conditionally permitted in the RH-1(D) district as "public facilities and utilities" under planning code section 209.6.

The existing project site components include the tower, which is a 977-foot-tall steel communications tower that was constructed in 1973; a three-story concrete transmission control building containing offices, maintenance shops, and broadcast communication systems; a separate one-story 1,200-square-foot garage and storage building; a guard station; emergency generators; underground storage tanks; ancillary antennas and equipment associated with radio communications; landscaping; and a surface parking lot. The operational portion of the site is completely enclosed with a security fence.

On October 23, 2008, the San Francisco Planning Commission (planning commission) certified the Sutro Tower Digital Television Project Final Environmental Impact Report (FEIR), Planning Department Case No. 2007.0206E. The FEIR analyzed the conversion of television antennas on the tower from an analog and digital system to an all-digital system.<sup>1</sup> Since the certification of the 2008 FEIR, the

---

<sup>1</sup> San Francisco Planning Department. *Sutro Tower Digital Television Project Draft Environmental Impact Report*, Case No. 2007.0206E, May 17, 2008.

planning commission took discretionary review and approved several building permit applications (BPAs) for three separate modified projects for which addenda to the FEIR were prepared by the planning department: (1) the 2014 modified project, *Sutro Tower Antenna Additions and Site and Erosion Control Improvement Project* (Case No. 2007.0206E),<sup>2</sup> (2) the 2019 modified project, *Sutro Tower Spectrum Repacking Project* (Case No. 2007.0206ENV-4),<sup>3</sup> and (3) the 2022 modified project, *Sutro Tower Horizontal Panel Replacement Project* (Case No. 2021-012569ENV).<sup>4</sup>

A fourth addendum was prepared to address repainting of the tower and legalizing and authorizing the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred (2023 modified project). For a description of all the addenda, refer to the fourth addendum, *Addendum to Environmental Impact Report for the Sutro Tower Repainting and Legalization and Authorization of Permanent Removal of Vertical Cladding Project* (Case No. 2019.000499ENV).<sup>5</sup>

The 2019 modified project resulted in the NOV for the unpermitted removal of some of the tower's cladding. This memorandum describes the background on the historic significance of the tower, the discretionary review history on the project, particularly for the 2019 modified project, and the unpermitted work completed resulting in the NOV. This memorandum also presents the conditions of approval recommended by the department staff for the project to memorialize the tower's vertical cladding (which was one of the character-defining features of the tower) that was lost due to the unauthorized removal and legalize and authorize the current conditions of the tower, reflecting the permanent removal of vertical cladding that already occurred. This memorandum is provided for informational purposes to provide historical context for the sponsor's proposal to legalize and authorize permanent cladding removal and is separate from the CEQA analysis provided in the fourth addendum.

## B. BACKGROUND

### *Historic Significance of Sutro Tower*

Sutro Tower is a historical resource under CEQA. The planning department's July 2019 findings that the tower is a historical resource are based on a *historic resources evaluation* (HRE) report prepared by ESA to assess the historic significance of the tower.<sup>6</sup> The planning department reviewed the findings of the HRE and issued a formal determination that concurred with the findings in a Preservation Team Review form dated July 2, 2019.<sup>7</sup> The evaluation of historical significance follows the California Register of Historical Resources (California Register) Criteria 1 through 3 and is based on an intensive-level pedestrian survey performed on January 18, 2019, and archival research including review of building permits on file at the Department of Building Inspection, historical aerial photographs, maps,

---

<sup>2</sup> San Francisco Planning Department. *Sutro Tower Antenna Additions and Site and Erosion Control Improvements*, Case No. 2007.02060E, December 19, 2014.

<sup>3</sup> San Francisco Planning Department, *Sutro Tower Spectrum Repacking Project*, Case No. 2007.0206ENV-4, July 5, 2019.

<sup>4</sup> San Francisco Planning Department, *Sutro Tower Horizontal Panel Replacement Project*, Case No. 2021.012569ENV, May 18, 2022.

<sup>5</sup> San Francisco Planning Department, *Sutro Tower Repainting and Legalization and Authorization of Permanent Removal of Vertical Cladding Project*, Case No. 2019-000499ENV, April 10, 2023

<sup>9</sup> ESA. Historic Evaluation Report, 1 La Avanzada Street, San Francisco, California, July 2019.

<sup>7</sup> Jorgen G. Cleemann, San Francisco Planning Department, Preservation Team Review form: 1 La Avanzada Street, July 2, 2019.

newspapers, and periodicals.<sup>8</sup> Sutro Tower is individually eligible for listing in the California Register. The project site is also eligible for listing in the California Register as a historic district.<sup>9</sup>

The Sutro Tower site is eligible for listing in the California Register as a historic district under Criterion 1, with a period of significance of 1973 to 1998.<sup>10</sup> This determination is made based on the subject property's central role in transmitting over-the-air and, later, cable, satellite, and digital television and radio signals to millions of Bay Area residents since its first transmission in 1973. The tower and the transmission building are determined to be contributors to the historic district together based on the structure's functional interdependence and jointly significant association with the history of broadcast across the region since construction. The period of significance was determined to be from 1973 to 1998, which corresponds to the period of analog transmission for which the subject structures were purpose built. In 1998, the tower underwent a conversion to digital signals, which effectively marked the end of the tower's association with the technology of analog broadcast.

Sutro Tower is also individually eligible for listing in the California Register under Criterion 3, with a period of significance of 1971 to 1973.<sup>11</sup> This determination was based on a few factors: (1) the tower clearly embodies distinctive characteristics of a high-technological broadcast tower designed during the 1960s and constructed in the early 1970s; (2) the tower was a product of collaboration between two masters, A.C. Martin and Associates and the Kline Iron and Steel Co., which were both prolific designers during the twentieth century; and (3) the tower possesses high artistic values due to its functional, elegant, and high-technological design (which includes the horizontal and vertical cladding). The period of significance corresponds to the construction of the tower.

In conclusion, the tower and transmission building form a historic district eligible for listing in the California Register under Criterion 1 and the tower is individually eligible for listing in the California Register under Criterion 3.

### ***Discretionary Review Permit History***

The planning commission has discretion over all building permit applications pursuant to Planning Code section 306.9. This discretion is normally delegated to the planning department, which approves applications that meet the minimum standards of the planning code; however, the planning commission adopted Resolution No 11399 on July 14, 1988, which gave the planning commission the discretion to review building permit applications for Sutro Tower.<sup>12</sup> Any proposed project change at the Sutro Tower project site is subject to discretionary review with the planning commission.

---

<sup>8</sup> The evaluation of the subject property for potential significance under Criterion 4 (Information Potential) was determined by to be outside the scope.

<sup>9</sup> Since the issuance of the planning departments determination regarding the historic significance of Sutro Tower, the project sponsor submitted to the planning department an additional HRE prepared by Stephen D. Mikesell of Mikesell Historical Consulting. The planning department reviewed this supplemental HRE and determined that it does not provide any additional information or evidence to the record that would require the department to overturn or modify the findings regarding the historic significance of Sutro Tower.

<sup>10</sup> Criterion 1 is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.

<sup>11</sup> Criterion 3 is associated with structures which embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.

<sup>12</sup> San Francisco Planning Commission Resolution No. 11399, adopted July 14, 1988.

Described below is the relevant discretionary review, decision, and building permit history of Sutro Tower leading up to unpermitted work.<sup>13</sup>

- In 1997, the city determined that Sutro Tower was an “essential facility” pursuant to state law as part of the city’s emergency communications resources. Essential facilities are subject to more restrictive seismic design criteria than ordinary structures.<sup>14</sup>
- The 2008 FEIR addressed the mandated conversion of television antennas on Sutro Tower from an analog/digital system to an all-digital system and included other improvement such as structural upgrades to the Tower to meet the San Francisco Building Codes wind resistance requirements. The San Francisco Planning Commission certified the 2008 FIER on October 23, 2008.
- The 2014 modified project involved the addition of 50 broadcast and reception antennas, microwave dish antennas, and camera mounts at various levels on the tower, relocation of an auxiliary radio antenna to a higher level on the tower, as well as at-grade site improvements (see Figure 1 below for the various levels of the tower). The San Francisco Planning Commission took discretionary action and approved the building permits associated with the 2014 modified project in March 2015.
- The 2019 modified project involved several additional improvements on Sutro Tower, consisting of changes to certain antennas and supports on the tower to accommodate the Federal Communications Commission (FCC) spectrum repacking requirements. The project was split into four components (as described below), the first three of which were addressed in the 2019 modified project. The 2019 modified project was approved on July 18, 2019, at a mandatory discretionary review hearing, with conditions. The fourth component, which was the permanent removal of the existing cladding (Building Application No. 2019.01.08.9873) was removed from the project application and therefore not addressed the 2019 addendum, and remains pending (the 2019 Permanent Cladding Removal Application).<sup>15</sup> The three remaining components of the 2019 modified project, which have been completed, included the following:
  - Addition, removal, and/or replacement of broadcast antennas on Sutro Tower in support of the FCC spectrum repacking requirements, referred to as “repacking project” (Environmental Planning Case No. 2007.0206ENV-4, Department of Building Inspection [building department] Application No. 2017.09.22.9393);

---

<sup>13</sup> Additional discretionary reviews and building permits have been completed prior to the 2008 FEIR but were not included due to the irrelevance to the unpermitted work.

<sup>14</sup> An essential services building is “any building or a portion of which is used or designed to be used as a fire station, police station, emergency operation center, California Highway Patrol Office, sheriff’s office or emergency communications dispatch center (California Building Standards Administrative Code, Chapter 4, Article 1 4.207).

<sup>15</sup> The 2019 Permanent Cladding Removal Application was separated from the remainder of the 2019 modified project in January 2019 to allow the remainder of the 2019 modified project to meet the FCC deadlines associated with the repacking project.

- Voluntary structural upgrades to Sutro Tower (Environmental Planning Case No. 2007.0206ENV-4, Building Department Application No. 2019.05.30.2084); and
  - Temporary removal of some of the existing cladding from Sutro Tower and reinstallation of the removed cladding, referred to as “temporary cladding removal” (Environmental Planning Case No. 2007.0206ENV-4, Building Department Application No. 2019.07.02.4914).<sup>16</sup>
- The 2022 modified project involved the replacement of existing interior-facing corrugated panels located on the Tower’s horizontal trusses at levels 2 through 4 with similar panels in compliance with the San Francisco Building Code. The San Francisco Planning Commission took discretionary action and approved the building permit associated with the 2022 modified project in October 2022.
  - The current modified project includes repainting the tower without the cladding (as described in the 2019 Permanent Cladding Removal Application) and legalizing and authorizing the current conditions of the tower, reflecting the permanent removal of vertical cladding that already occurred, as outlined below.

### ***Unpermitted Work Completed***

The Planning Commission’s July 18, 2019 approval of the 2019 modified project included a condition of approval that STI complete an ongoing reevaluation of the structural integrity of the tower (the reevaluation condition) and, at a minimum, perform certain structural upgrades before July 19, 2023 to enable the Tower to meet more stringent wind and seismic standards under newer versions of the building code based on STI’s agreement with certain neighbors living near the tower. This condition of approval was based on agreements with the neighbors, and not a code mandate, and thus was characterized as “voluntary upgrades” in BPA No. 2019.05.2084.<sup>17</sup>

Prior to STI’s submittal of the 2019 modified project application and the 2019 Permanent Cladding Removal Application, STI performed wind-tunnel testing to assess the need for structural changes to bring the tower up to the 2016 San Francisco Existing Building Code (SFEBC). STI hired Rowan, Williams, Davies, and Irwin (RWDI), who performed a site-specific wind hazard analysis of the project site and also conducted wind-tunnel testing using a model of Sutro Tower.<sup>18</sup> Wind loads provided by RWDI were applied to the structural analysis conducted by SGH to determine the required strength of each of the columns, chords, braces, struts, and their interconnections. The wind forces associated with the 2016 SFEBC criteria for essential structures increased the required strength of some of the existing columns by as much as 50 percent. A few options were investigated but, to be feasible, required adding substantial weight to the tower.

---

<sup>16</sup> “Cladding” in this context refers to the painted metal panels that are attached to the truss work that comprises the tower’s structure.

<sup>17</sup> The tower is officially subject to the 2011 SFEBC, and only requires upgrades to the latest code if major changes are made to the tower. None of the modified projects constitute “major changes” that would officially require bringing the Tower up to current code.

<sup>18</sup> Rowan, Williams, Davies, and Irwin, Inc., Structural Wind Load Study, RWDI # 1700047, December 22, 2017.



CPP, Inc. performed a peer review of the RWDI wind-loading study and suggested an alternative would be to substantially reduce wind loads by removing the cladding on the legs of the tower altogether.<sup>19</sup> With the cladding removal, 84,000 pounds of reinforcement would be necessary (as opposed to 676,000 pounds needed with the cladding on). In a letter from Ronald O. Hamburger, S.E., Sutro Tower's engineer of record, he concluded that only permanent removal of the cladding would allow the Tower to meet all current wind code requirements, including Risk Category IV for "essential structures" such as Sutro Tower. In his opinion, cladding replacement could not achieve structural improvements to meet Risk Category IV.<sup>20</sup> The letter also noted that removal of the cladding also provided practical advantages, including greater ease and safety associated with maintenance as ongoing removal and replacement of the cladding presents risks to workers and neighbors each time it is performed. Cladding removal also reduces the impacts of construction on neighbors every time maintenance is required.

The cladding removal on levels 4 through 6, which was necessary for the approved repacking project, began in September of 2019, and was permitted. The cladding at levels 1 through 4 that STI determined necessary for the approved structural improvements portion of the 2019 modified project was removed starting in April 2020, but was unpermitted.<sup>21</sup> All vertical cladding had been removed by January 2021. The hours of work for the panel removal were Monday to Friday, 7 a.m. to 4 p.m., and Saturday from 7 a.m. to 12:00 p.m. Up to 15 workers worked on the tower at any given time. With the cladding removed, STI performed the voluntary structural upgrades intended to bring the tower up to 2016 SFEBC for essential structures.<sup>22</sup> As noted above, the permanent removal of the cladding, however, had not yet been permitted, nor had temporary removal between levels 1 and 4. In accordance with the plans for the temporary cladding removal and as described in the 2019 addendum, all removed cladding is currently being stored on site at the base of the tower.

In April 2021 (after completion of the peer review which followed the completion of the Reevaluation Condition), STI requested to meet with the planning department to begin discussions to proceed with the pending 2019 Permanent Cladding Removal Application. Such meeting occurred in June 2021, around which time the planning department became aware that the complete removal of the cladding had already occurred to accomplish the approved structural work. Specifically, the leg cladding below level 4 had been removed, which was not covered under the 2019 Addendum or temporary cladding removal building permit.

On June 30, 2021, a NOV, Complaint No. 2021-005816ENF, was sent to STI regarding the unauthorized removal of cladding on the exterior of the tower's legs without planning commission approval, building permit approval, or completion of environmental review under the California Environmental

---

<sup>19</sup> CPP, Inc. Peer Review Report, CPP Project 12490, Sutro Tower, August 31, 2018.

<sup>20</sup> Hamburger, Ronald O. S.E. 2022. Letter to Raul Velez for Project 067199.24 – Sutro Tower, Inc. Cladding Options Assessment. Dated June 28, 2022.

<sup>21</sup> STI did not communicate to the planning department its intent to remove cladding on levels 1 through 4 of the tower as part of the structural upgrades before the planning department issued the 2019 Addendum addressing the structural upgrades or the planning commission approved the 2019 modified project.

<sup>22</sup> As identified on the approved Project Plans for the Voluntary Structural Retrofit, "[w]ind and seismic upgrade are designed under the San Francisco Code for Existing Buildings Section 403.9, assuming cladding on legs will be removed."

Quality Act (CEQA).<sup>23</sup> In 2022, as requested by the planning department, a letter was prepared by Ronald O. Hamburger, S.E., to clarify the impracticality of replacing the cladding on Sutro Tower's legs in the original configuration while also meeting the structural requirements for new essential structures under the 2022 SFEBC.<sup>24,25</sup> The letter stated that much of the reinforcement installed as part of the recently completed voluntary structural improvements would need to be removed to allow for the installation of additional reinforcement (the 676,000 pounds) necessary to bring the structure into compliance. The letter also noted this would require transporting to, or removing from the Tower, more than 760,000 pounds of structural steel, in some cases as high as 1,000 feet above the roofs of neighboring homes.

The planning department requested STI to explore various alternatives to permanent cladding removal in response to the NOV. On October 13, 2022, an informational presentation on the design alternatives and procedures related to the Sutro Tower's unpermitted work was provided to the planning commission by planning department staff and STI. Concerns were raised by speakers regarding seismic safety, worker safety, and noise if the panels were to be replaced. The speakers included District 7 Supervisor Melgar and residents of the neighborhoods surrounding the project site. Commissioner Diamond also expressed concern for worker safety and the residents nearby when panels must be removed and replaced during repairs. Supervisor Melgar and Commissioner Diamond also questioned if the Sutro Tower's corrugated metal panels are contributing to Sutro Tower's important historic characteristic, or if it's just the Tower's shape and size and, possibly, the color scheme that contributes to the iconic structure. Planning department staff confirmed that Sutro Tower's cladding is a character-defining feature. The planning commission requested the planning department review the project timeline and expedite the discretionary review of the permanent cladding removal due to the expressed safety concerns. Since the meeting was informational, no actions were taken.<sup>26</sup> Figure 1 shows the tower with cladding as well as without the cladding.

STI has since been working with the planning department to resolve the NOV, including by pressing forward with the 2019 Permanent Cladding Removal Application (Building Permit Application No. 2019.01.08.9873), as well as a proposed modification to the temporary cladding removal permit (Building Permit Application No. 2021.06.17.2711).

## C. CONDITIONS OF APPROVAL

The following are the DRAFT Conditions of Approval for the permanent removal of the vertical cladding on Sutro Tower:

Within sixty days of the project approval the project sponsor will submit to preservation staff of the San Francisco planning department ("planning department") an outline for compliance of the

---

<sup>23</sup> San Francisco Planning Department. *Notice of Violation to 1 La Avanzada Street*. Complaint No. 2021-005816ENF, June 30, 2021.

<sup>24</sup> Hamburger, Ronald O. S.E. 2022. Letter to Raul Velez for Project 067199.24 – Sutro Tower, Inc. Cladding Options Assessment. Dated July 21, 2022.

<sup>25</sup> Hamburger, Ronald O. S.E. 2022. Letter to Raul Velez for Project 067199.24 – Sutro Tower, Inc. Cladding Options Assessment. Dated June 28, 2022.

<sup>26</sup> San Francisco Planning Commission. Meeting Minutes for the Thursday, October 13, 2022 1:00 pm Regular Meeting.

Conditions of Approval along with a timeline for execution of the condition milestones required after the project approval.

**Condition 1a: Art Installation/Interpretation.**

The project sponsor will develop an art and interpretive program that will have permanent and temporary components. The permanent component (the “Permanent Component”) will include an art installation and interpretive panels describing the history and significance of Sutro Tower. Good faith efforts shall be made by the project sponsor to secure a location for such Permanent Component that is acceptable to the three local “Neighborhood Associations” (collectively, Midtown Terrace Home Owners Association, Twin Peaks Improvement Association and Forest Knolls Neighborhood Organization) through their designated liaisons to the project sponsor (each, an “Association Liaison”) and the planning department. The preferred location of the Permanent Component shall be either (i) at the Sutro Tower facility outside of its fenced area or (ii) adjacent to the Sutro Tower facility (either, an “Onsite Location”). In the event such an acceptable Onsite Location cannot be approved by the Association Liaisons or the planning department, and otherwise secured within six months of project approval, the project sponsor may investigate the feasibility of a potential offsite location, preferably with a view of Sutro Tower, for the installation of such Permanent Component. The project sponsor may need to coordinate with other public agencies such as the City and County of San Francisco, the Recreation and Parks Department or the San Francisco Public Utilities Commission to secure location approval.

For the purpose of this Condition 1a: Art Installation/Interpretation, “permanent” shall mean the lesser of (x) the length of time that project sponsor shall perform broadcast operations at the Sutro Tower facility, (y) the useful life of the contemplated art installation and interpretive panels or (z) the term of any license or lease necessary for the project sponsor to secure a location for the Permanent Component.

In consultation with the planning department, the project sponsor shall identify at least one artist to create the art installation for the Permanent Component. The content and size of the art installation can be up to the commercially reasonable discretion of the artist but panels removed from the vertical legs of Sutro Tower (the “salvaged panels”) should be used as part of the installation that shall include at least one of the following themes: the history of Sutro Tower, the history of over-the-air broadcasting within the San Francisco Bay Area, or Sutro Tower as a cultural and aesthetic icon. The size of any such art installation shall be commensurate with the location at which it will be installed, with an anticipated limitation for an Onsite Location to be approximately 10’ x 6’ x 2’ or 120 cubic feet.

The project sponsor shall facilitate the development of a public interpretive program focused on the history of the project site, its identified historic resources, and its significant historic context, including, but not limited to, specifically identifying neighborhood concerns about the safety and impacts of Sutro Tower’s operations and the neighborhood’s related contributions to making the tower safer and less intrusive operationally (the “Historic Neighborhood Element”). The interpretive program should be developed and implemented in the form of interpretative panels by a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, as well as a professionally qualified historian or architectural historian, or community group approved by the department, with input from the Association Liaisons. Solicitation

for such input from the Association Liaisons shall be solicited on commercially reasonable timeframes to allow for sufficient review and revisions. For purposes of this input and timeframes, the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation. For purposes of this condition, any firm identified on the department's Historic Resource Consultant Pool list shall be deemed approved as a professional qualified historian. Interpretive panels shall be installed in a publicly-accessible location and made of high-quality, durable, all-weather materials and should consider using the salvaged panels as part of public interpretation design. Additionally, materials created as part of Condition 1c: Documentation and Condition 1d: Sutro Tower Virtual Tour/Open House could be referenced and/or accessed via the interpretation (such as through a QR code). The project sponsor will submit documentation to the planning department that the Permanent Component is installed within two years of project approval and make good faith efforts to complete earlier.

The temporary offsite component ("Temporary Component") will include an art installation along with public interpretation of the history of Sutro Tower and could include plans, models, drawings, and other artifacts or works of art related to the tower's construction and operation over time, and shall include input from the Association Liaisons. Solicitation for such input from the Association Liaisons shall be solicited on commercially reasonable timeframes to allow for sufficient review and revisions. For purposes of this input and timeframes, the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation. The Temporary Component could be installed in publicly accessible locations around San Francisco and will be opened to the public for at least six months.

The project sponsor shall identify an artist to create a temporary art installation for the Temporary Component that incorporates the salvaged panels. The content of the art installation can be up to the artist but the salvaged panels shall be used as part of the installation that shall include at least one of the following themes: the history of Sutro Tower, the history of over-the-air broadcasting within the San Francisco Bay Area, or Sutro Tower as a cultural and aesthetic icon. The project sponsor is encouraged to invite other artists to show their work related to Sutro Tower and/or to invite local schools to participate. The project sponsor will submit documentation to the planning department that the Temporary Component is opened within 1.5 years of project approval and make good faith efforts to complete earlier.

The Permanent Component and the Temporary Component proposal and schedule shall be detailed in the Art and Public Interpretation Installation Plan submitted by the project sponsor and approved in the commercially reasonable discretion of 1) the Association Liaisons relative to the Historic Neighborhood Element (for purposes of which the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation) and 2) the planning department to ensure the plan contains the following parameters to implement a publicly-accessible, historically accurate, and educational interpretation program. The plan shall include the general parameters of the Permanent Component including the proposed location(s), an outline of the proposed content of the public interpretation program, the proposed artist and/or artist selection process, and estimated schedule of finalizing the content, design, installation, and maintenance plan of the art installation and public interpretation installation. The plan shall identify possible public locations for the Temporary Component, the proposed artist and/or

artist selection process, and estimated schedule for finalizing the location(s), artist submission, additional contents, and dates of the temporary installation.

**Condition 1b: Access to Salvaged Panels.**

The project sponsor will also make available at least 150 of the salvaged panels to artists, local residents or other community groups, free of charge for one year following project approval. At the end of one year, the project sponsor will report to the planning department on the approximate number of panels that were donated or reused.

**Condition 1c: Documentation.**

In coordination with the department's preservation staff, the project sponsor will prepare two types of digital documentation of Sutro Tower to be made available to the public. The first type of documentation shall be video documentation of Sutro Tower. This video documentation may be provided in multiple parts, but which in total shall include a narrative of the site history and significance of Sutro Tower, including the Historic Neighborhood Element, and a virtual tour of the Sutro Tower site (the "Virtual Tour;" see also Condition 1d: Sutro Tower Virtual Tour/Open House); provided, however, all footage used in any such video documentation shall be in the project sponsor's discretion to protect the security of Sutro Tower and its operations. As possible, the video should incorporate documentation of the artists and artist installations that will be created as part of Condition 1a: Art Installation/Interpretation. Video documentation shall be conducted by a professional videographer or production studio with experience recording architectural resources and/or otherwise documenting historic content and stories, potentially including one or more of the broadcasters which lease space on Sutro Tower (any, a "professional videographer"). Within six months of project approval, the professional videographer shall provide a storyboard of the proposed video recordation for review and approval by the Association Liaisons relative to the Historic Neighborhood Element and the department's preservation staff, such approval not to be unreasonably withheld, along with proposed plan of public distribution. Preservation staff and the Association Liaisons, as applicable, shall notify the project sponsor of its approval or disapproval of the storyboard and any disapproval shall state in reasonable detail the reasons for objection, after which the project sponsor shall submit a revised storyboard incorporating such comments or rationale for non-inclusion. The above approval, comment and revision process shall be repeated until approved (a "Review Process"). The project sponsor will provide the planning department with a copy of the video documentation project and documentation that the public distribution plan has been implemented within 1.5 years of project approval.

The format of the second type of digital recordation is the creation of a repository for photographs of Sutro Tower which will be available to the public to download for free for creative or artistic purposes. Subject to the project sponsor's discretion to protect the security of Sutro Tower and its operations, the project sponsor shall digitize its collection of historic photos and historic drawings and plans of the tower, as well as solicit those of third parties for inclusion. Within six months of project approval, the project sponsor will submit a plan for the repository creation for review and approval by the planning department, such approval not to be unreasonably withheld, which plan shall include the proposed process for photography review and collection and the proposed plan for public distribution which, at a minimum, shall include availability through the project sponsor's website. The project sponsor and

the planning department shall undergo a Review Process until the plan for the repository creation has been approved. The project sponsor will provide a copy of the contents of the digital repository to the planning department and documentation that the public distribution plan is in place within two years of project approval.

**Condition 1d: Sutro Tower Virtual Tour/Open House.**

The project sponsor shall create a program utilizing the Virtual Tour to allow the public to learn about the history and importance of the facility. The project sponsor shall engage with SF City Guides, another local tour guide group or association, or with a group, association, or consultant with experience with creation of Virtual Tours for historical resources, as approved by the department's preservation staff in its commercially reasonable discretion (any, a "Guide"), to develop content for the Virtual Tour which may be included on the SF City Guides website at such organization's option and/or other local community, historical or educational group websites and on the project sponsor's website. Once a tour guide group has been identified, the project sponsor shall engage a qualified architectural historian meeting the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards to work with the sponsor and selected tour guide group to develop content for the Virtual Tour. For purposes of this condition, any firm identified on the department's Historic Resource Consultant Pool list shall be deemed approved as a qualified architectural historian meeting such standards. Virtual Tour content shall use information found in the Historic Resource Evaluation and the planning department response (preservation team review form) prepared for the project, along with other available background information on the resource. Other existing information, including photographs, news articles, oral histories, memorabilia and video, may be used to develop information for the Virtual Tour as meaningful.

The qualified architectural historian and scope of work for the Virtual Tour must be reviewed by preservation staff. Within six months of project approval the project sponsor will submit the final Virtual Tour scope (to correspond with certain deliverables required for Condition 1c: Documentation). Preservation staff will review and approve final content of the Virtual Tour, which shall not be unreasonably withheld. The project sponsor and the planning department shall undergo a Review Process until the Virtual Tour has been approved.

The project sponsor will annually report to the planning department on various content performance metrics such as impressions, as reported to the project sponsor by any Guides, as well as measured on the project sponsor's website.

The project sponsor shall use good faith efforts to host an annual open house at the Sutro Tower facility for the neighborhood community. Any such open house shall be publicized to the facility's neighbors no less than 30 days in advance by (i) posting notices in at least seven neighborhood locations as stipulated by the planning department Zoning Administrator's posting list revised as of February 1, 2005, as further modified by agreement of the Association Liaisons, (ii) announcement in the project sponsor's newsletter, and (iii) announcement on the project sponsor's website; with notice provided to the planning department. Any such open house access shall be subject to the project sponsor's security requirements and limits due to facility operations, including, but not limited to, advance registration and mandatory sign-ins and other participation logistics, as well as limitations on

capacity, scope, boundaries and timing. The project sponsor shall report to the department on an annual basis as to participation levels or other neighborhood feedback, as applicable.

The project sponsor and the department acknowledge that the project sponsor's ability to comply with any timeframes and deadlines set forth in these Conditions of Approval (any, a Deadline") may, in certain circumstances, be dependent upon approval and cooperation of third parties which are outside the control of the project sponsor and/or the planning department. Notwithstanding any such Deadlines, provided the project sponsor uses good faith efforts in its attempts to meet such Deadlines, any Deadline shall be extended to the extent third party approval is not timely obtained. Any such request for or extension of a Deadline shall not be considered a violation of these Conditions of Approval provided that the project sponsor communicates these requests for extensions to the planning department, nor shall such request for extension have any impact on any other pending or future permit application of the project sponsor.

#### **D. STAFF RECOMMENDATION**

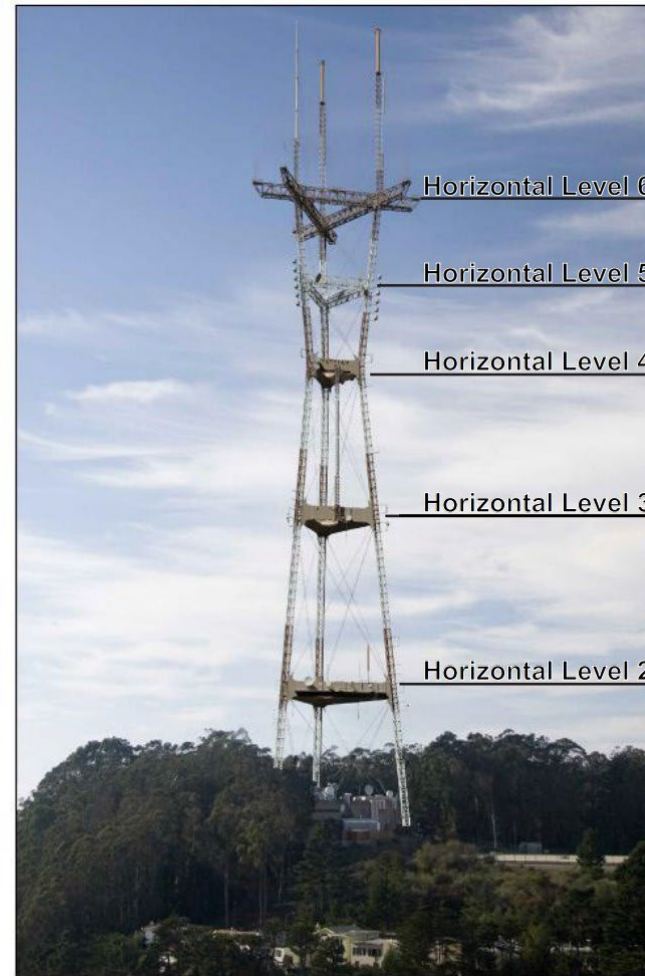
The staff recommends that the planning commission adopt the above conditions of approval for the project to memorialize the tower's vertical cladding (which was one of the character-defining features of the tower) that was lost due to the unauthorized removal and legalize and authorize the current conditions of the tower, reflecting the permanent removal of vertical cladding that already occurred.



Figure 1 Pre- and Post-Tower Cladding Removal

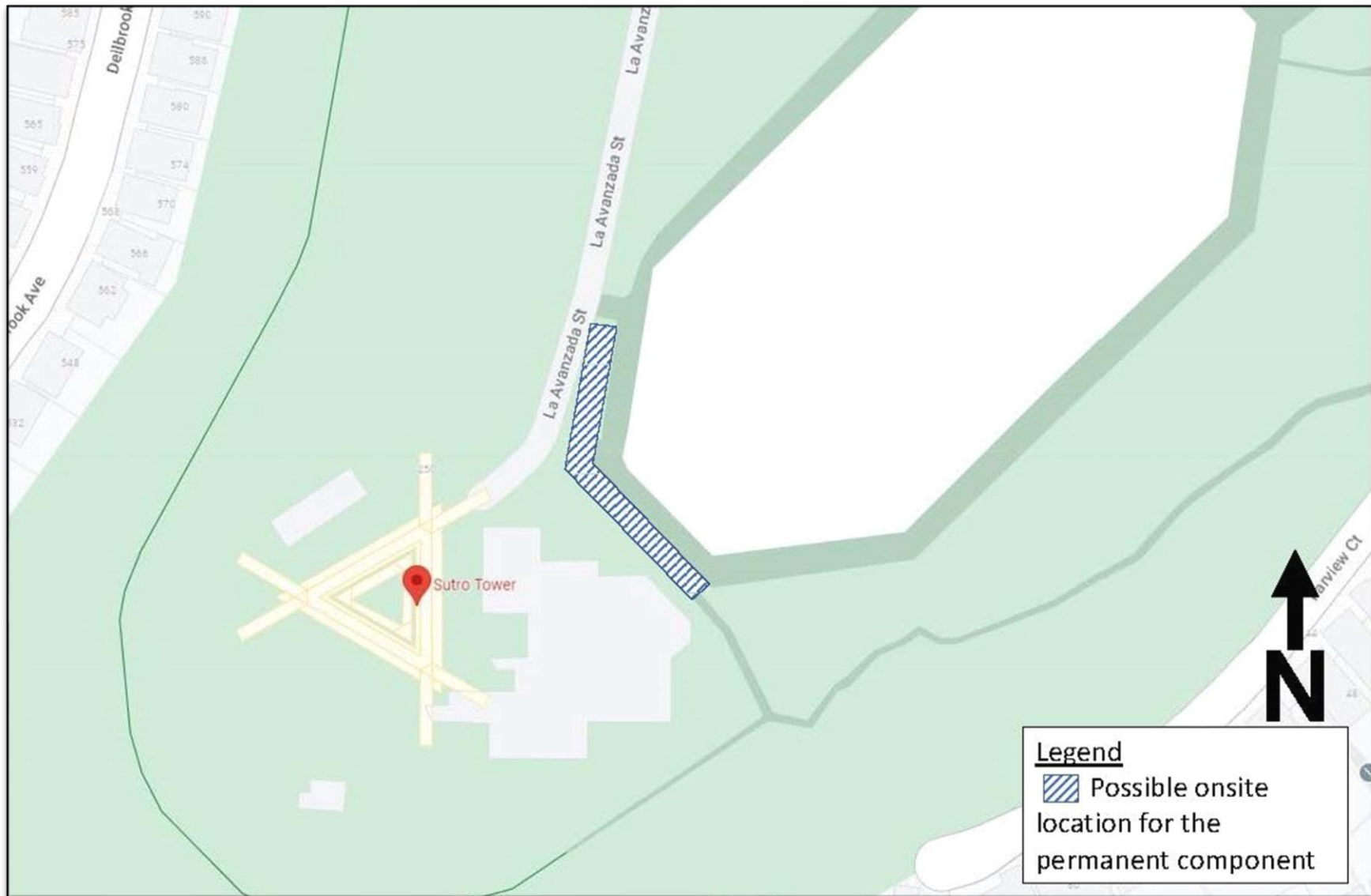


Pre-Tower Cladding Removal



Post-Tower Cladding Removal





Map of possible onsite locations





Photo of location site



# CONDITIONS OF APPROVAL

## STANDARD CONDITIONS OF APPROVAL

The Conditions contained in this document were imposed by the Planning Commission on the antenna-related permits for Sutro Tower located at 1 La Avanzada Street in San Francisco, California, at its hearing on February 16, 2006, and subsequently amended pursuant to those certain Planning Commission hearings of January 27, 2011, and July 18, 2019. Pursuant to agreement between Sutro Tower, Inc. and the Neighborhood Representatives (as defined in Section C(2) below), the Conditions have been further amended as more fully set forth below. It is the intent of the Commission, as so moved and adopted as Commission policy at such hearing, to impose these standard conditions (as a Notice of Special Restrictions) regarding inspections, RF levels (monitoring), operation and neighborhood communication (including notification) on all future antenna-related permits for Sutro Tower.

**A. STRUCTURAL INSPECTIONS:** In June of 1999, the Department of Building Inspection accepted an Inspection Protocol governing Sutro Tower (the "Tower"). For clarification, all references to the Tower herein shall be deemed to include the structure of the antenna tower itself, as well as its structural members, supports, fixtures, connections and attachments. Sutro Tower, Inc. (hereinafter STI) shall adhere to said Inspection Protocol as summarized below:

### 1. Annual Inspection ("Routine Inspection"):

- a. STI shall have an independent professional engineer and/or testing laboratory approved by the Department of Building Inspection ("independent laboratory") conduct Annual Inspections. The Annual Inspection shall consist of visual observations and/or measurements needed to determine the physical and functional condition of the Tower and to identify any changes from the Baseline Inspection that was conducted in 1999 pursuant to the Inspection Protocols or from previously recorded conditions. Each Annual Inspection shall cover approximately one-third of the Tower such that the entire structure will be evaluated over a three-year interval.
- b. A California-licensed professional engineer retained by STI ("licensed engineer") shall review the results of the Annual Inspection, along with prior inspection results, to determine the extent of remedial action that may be necessary. The licensed engineer shall also ensure that the detailed inspection plan for subsequent years is modified to reflect any additional inspection requirements or areas where more in-depth inspection is required.
- c. STI shall undertake all additional inspections recommended by the licensed engineer as a result of the Annual Inspection.

- d. STI shall undertake all remedial action recommended by the licensed engineer as a result of the Annual Inspection. A Special Inspection, as described in Section A(4) below, shall thereafter be conducted to assess the performance of any repairs resulting from the Annual Inspection.
- e. A report of each Annual Inspection shall be prepared by the licensed engineer and submitted to the Planning Department and to the Department of Building Inspection within 45 days of STI's receipt of the independent laboratory's inspection report, and those reports shall be made available to members of the public.
- f. STI shall also send a copy of the Event Inspection reports to each of the Neighborhood Representatives.

## **2. In-Depth Inspection:**

- a. In 2004 and every five years thereafter or as otherwise required by the licensed engineer during an Annual Inspection or Event Inspection, as described in Section A(3) below, STI shall have an independent laboratory conduct a close-up, hands-on inspection of one or more structural members or connections to identify problems not readily detectable with a visual review in the Annual Inspection.
- b. If recommended by the licensed engineer to fully ascertain the presence or extent of damage, STI shall have non-destructive field-testing, load tests, and/or materials tests performed by an independent testing laboratory.
- c. STI shall undertake all additional inspections recommended by the licensed engineer as a result of the In-Depth Inspection.
- d. STI shall undertake all remedial action recommended by the licensed engineer as a result of the In-Depth Inspection. A special Inspection shall thereafter be conducted to assess the performance of any repairs resulting from the In-Depth Inspection.
- e. A report of each In-Depth Inspection shall be prepared by the licensed engineer and submitted to the Planning Department and to the Department of Building Inspection within 45 days of STI's receipt of the independent laboratory's inspection report, and those reports shall be made available to members of the public.
- f. STI shall also send s copy of the In-Depth Inspection reports to each of the Neighborhood Representatives.

## **3. Event Inspection ("Unscheduled Inspection"):**

- a. As required by a licensed engineer, STI shall have an independent laboratory conduct an Event Inspection as soon as practical after the occurrence of a severe storm, earthquake, mudslide, or other triggering environmental event that exceeds the design load of the Tower (winds in excess of 70 miles per hour at 10 meters in elevation, or a 1000-year seismic event as defined in the dynamic analysis report of June 1999).
- b. Following a severe storm or earthquake, particular inspection attention shall be given to detecting damage and indirect signs of damage such as areas of missing cladding, paint cracking due to yielding of steel members, spalling of concrete, misalignment in connections, loosening or lengthening of bolts, or obvious structural displacements. Depending on the severity of the triggering storm or earthquake, an In-Depth Inspection may be appropriate in areas of local damage to the Tower.
- c. STI shall undertake all additional inspections recommended by the licensed engineer as a result of the Event Inspection.
- d. STI shall undertake all remedial action recommended by the licensed engineer as a result of the Event Inspection. A Special Inspection shall thereafter be conducted to assess the performance of any repairs resulting from the Event Inspection.
- e. A report of each Event Inspection shall be prepared by the licensed engineer and submitted to the Planning Department and to the Department of Building Inspection within 45 days of STI's receipt of the independent laboratory's inspection, and those reports shall be made available to members of the public.
- f. STI also shall send a copy of the In-Depth Inspection reports to each of the Neighborhood Representatives.

#### **4. Special Inspections:**

- a. STI shall have an independent laboratory conduct a Special Inspection to monitor repairs resulting from previous inspections or to otherwise assess the performance of repairs implemented to ensure the structural integrity of the Tower. The Special Inspection shall be undertaken as part of an Annual Inspection conducted within one year after completion of the repair, if practical, or during the next inspection cycle.
- b. STI shall have an independent laboratory conduct a Special Inspection as recommended by a licensed engineer for any reason, including monitoring defects, damage, local corrosion, or other conditions potentially affecting the structural integrity of the Tower.
- c. STI shall undertake all additional inspections recommended by the licensed engineer as a result of the Special Inspection.

- d. STI shall undertake all remedial actions recommended by the licensed engineer as a result of the Special Inspection.
- e. A report of each Special Inspection shall be prepared by the licensed engineer and submitted to the Planning Department and the Department of Building Inspection within 45 days of STI's receipt of the independent laboratory's inspection report, and those reports shall be made available to members of the public.
- f. STI shall also send a copy of the In-Depth Inspection reports to each of the Neighborhood Representatives.

**5. Enforcement:**

- a. Technical compliance with conditions regarding structural inspection shall be monitored and enforced by the Department of Building Inspection. The Planning Department shall enforce these conditions only at the recommendation of the Director of the Department of Building Inspection.
- b. STI shall provide to the Planning Department a complete set of all building permit application materials required by the Department of Building Inspection, including but not limited to: scaled drawings, elevations, site plans, engineering or structural analyses, and photographs.

**B. RADIO-FREQUENCY (RF) LEVEL**

- 1. **FCC Emission Compliance:** It shall be a continuing condition of this permit that the subject antennas be operated in such a manner so as not to contribute to ambient RF emissions in excess of the then-current FCC emission standards for public exposure. Violation of this condition shall be grounds for revocation.
- 2. **Publicly-Accessible Property:**
  - a. Consistent with the agreement between STI and the Planning Commission at its February 26, 1998, hearing on DTV antenna installation, STI shall measure RF public exposure levels at 200 publicly-accessible sites within 1000 feet of the Tower. Measurement shall be made each three years, or within six months of the activation of any DTV broadcasting antenna, or within six months of any increase in power from any main DTV antenna's initial power level, whichever is earliest.
  - b. At least two weeks before performing the aforementioned RF exposure measurements at publicly accessible sites, STI shall notify the Department of Public Health and the Neighborhood Representatives of its intent to perform such RF exposure measurements and seek to arrive at a mutually agreeable weekday date, during normal business hours,

to take the RF exposure measurements; provided, however if the participating parties cannot agree on a mutually agreeable date despite good faith efforts, or no response to the offered dates are received, STI may set a date on two weeks' notice. A representative of the Department of Public Health and up to two community observers identified by the Department of Neighborhood Representatives may observe the measurement session and recommend sites for measurement.

- c. Upon approval from any affected public or private property owner, STI shall promptly remedy any ambient or localized field found by these measurements to exceed the FCC standard for RF exposure ("Guidelines for the Evaluation of the Environmental Effects of Radio Frequency Radiation") and then take new measurements to demonstrate compliance with the standard.
- d. A report of any RF exposure measurements required herein shall be submitted to the Planning Department, and the Department of Public Health and to the Neighborhood Representatives within two weeks after STI's receipt of the consultant's report, and such reports shall be made available to members of the public and posted on the STI web site.
- e. STI shall also send a copy of each RF exposure report exposure to each of the Neighborhood Representatives.

### **3. Private Property:**

- a. Upon a written request to STI from an individual property owner within 1000 feet of the Tower, STI shall measure RF exposure levels at the accessible front yard and rear yard of the property. If RF levels in the yards comply with the 1996-FCC standard for RF exposure, then no additional measurements shall be thereafter required for any reason until three years have elapsed, at which time the property owner may submit a new written request for exposure level measurements. Measurement requests can be made verbally or in written form as described on the STI web site. An appropriate approval document will be required prior to measurements being taken.
- b. With the cooperation and approval of the property owner, STI shall promptly remedy any ambient or localized field found by these measurements to exceed the FCC standard and then take new measurements to confirm compliance with the standard.
- c. With the written approval of the owner of the private property requesting the RF exposure level measurements, STI shall submit a report to the Planning Department and the Department of Public Health within 45 days after STI's receipt of the consultant's report, and such reports shall be made available to members of the public.

4. **Enforcement:** Technical compliance with conditions pertaining to RF exposure shall be monitored and enforced by the Department of Public Health. The Planning Department shall enforce these conditions only at the recommendation of the Director of the Department of Public Health.

### C. NEIGHBORHOOD COMMUNICATION

1. **Notice:** Within ten days of submitting any report required herein to any public agency, STI shall send notice a copy report to the neighborhood representatives.
2. **Community Liaison:** STI shall appoint a community liaison to respond to neighborhood inquiries and concerns. STI shall invite the Twin Peaks Improvement Association, Forest Knolls Neighborhood Association and the Midtown Terrace Homeowners Association to appoint one community liaison each (the "Neighborhood Representatives") with whom STI is to communicate regarding Sutro Tower operations.

## PRESERVATION CONDITIONS OF APPROVAL

The following are the DRAFT Conditions of Approval for the permanent removal of the vertical cladding on Sutro Tower:

Within sixty days of the project approval the project sponsor will submit to preservation staff of the San Francisco planning department ("planning department") an outline for compliance of the Conditions of Approval along with a timeline for execution of the condition milestones required after the project approval.

### Condition 1a: Art Installation/Interpretation.

The project sponsor will develop an art and interpretive program that will have permanent and temporary components. The permanent component (the "Permanent Component") will include an art installation and interpretive panels describing the history and significance of Sutro Tower. Good faith efforts shall be made by the project sponsor to secure a location for such Permanent Component that is acceptable to the three local "Neighborhood Associations" (collectively, Midtown Terrace Home Owners Association, Twin Peaks Improvement Association and Forest Knolls Neighborhood Organization) through their designated liaisons to the project sponsor (each, an "Association Liaison") and the planning department. The preferred location of the Permanent Component shall be either (i) at the Sutro Tower facility outside of its fenced area or (ii) adjacent to the Sutro Tower facility (either, an "Onsite Location"). In the event such an acceptable Onsite Location cannot be approved by the Association Liaisons or the planning department, and otherwise secured within six months of project approval, the project sponsor may investigate the feasibility of a potential offsite location, preferably with a view of Sutro Tower, for the installation of such Permanent Component. The project sponsor may need to coordinate with other public agencies such as the City and County of San Francisco, the Recreation and Parks Department or the San Francisco Public Utilities Commission to secure location approval.



For the purpose of this Condition 1a: Art Installation/Interpretation, “permanent” shall mean the lesser of (x) the length of time that project sponsor shall perform broadcast operations at the Sutro Tower facility, (y) the useful life of the contemplated art installation and interpretive panels or (z) the term of any license or lease necessary for the project sponsor to secure a location for the Permanent Component.

In consultation with the planning department, the project sponsor shall identify at least one artist to create the art installation for the Permanent Component. The content and size of the art installation can be up to the commercially reasonable discretion of the artist but panels removed from the vertical legs of Sutro Tower (the “salvaged panels”) should be used as part of the installation that shall include at least one of the following themes: the history of Sutro Tower, the history of over-the-air broadcasting within the San Francisco Bay Area, or Sutro Tower as a cultural and aesthetic icon. The size of any such art installation shall be commensurate with the location at which it will be installed, with an anticipated limitation for an Onsite Location to be approximately 10’ x 6’ x 2’ or 120 cubic feet.

The project sponsor shall facilitate the development of a public interpretive program focused on the history of the project site, its identified historic resources, and its significant historic context, including, but not limited to, specifically identifying neighborhood concerns about the safety and impacts of Sutro Tower’s operations and the neighborhood’s related contributions to making the tower safer and less intrusive operationally (the “Historic Neighborhood Element”). The interpretive program should be developed and implemented in the form of interpretative panels by a qualified design professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, as well as a professionally qualified historian or architectural historian, or community group approved by the department, with input from the Association Liaisons. Solicitation for such input from the Association Liaisons shall be solicited on commercially reasonable timeframes to allow for sufficient review and revisions. For purposes of this input and timeframes, the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation. For purposes of this condition, any firm identified on the department’s Historic Resource Consultant Pool list shall be deemed approved as a professional qualified historian. Interpretive panels shall be installed in a publicly-accessible location and made of high-quality, durable, all-weather materials and should consider using the salvaged panels as part of public interpretation design. Additionally, materials created as part of Condition 1c: Documentation and Condition 1d: Sutro Tower Virtual Tour/Open House could be referenced and/or accessed via the interpretation (such as through a QR code). The project sponsor will submit documentation to the planning department that the Permanent Component is installed within two years of project approval and make good faith efforts to complete earlier.

The temporary offsite component (“Temporary Component”) will include an art installation along with public interpretation of the history of Sutro Tower and could include plans, models, drawings, and other artifacts or works of art related to the tower’s construction and operation over time, and shall include input from the Association Liaisons. Solicitation for such input from the Association Liaisons shall be solicited on commercially reasonable timeframes to allow for sufficient review and revisions. For purposes of this input and timeframes, the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation. The Temporary Component could be installed in publicly accessible locations around San Francisco and will be opened to the public for at least six months.

The project sponsor shall identify an artist to create a temporary art installation for the Temporary Component that incorporates the salvaged panels. The content of the art installation can be up to the artist but the salvaged panels shall be used as part of the installation that shall include at least one of the following themes: the history of Sutro Tower, the history of over-the-air broadcasting within the San Francisco Bay Area, or Sutro Tower as a cultural and aesthetic icon. The project sponsor is encouraged to invite other artists to show their work related to Sutro Tower and/or to invite local schools to participate. The project sponsor will submit documentation to the planning department that the Temporary Component is opened within 1.5 years of project approval and make good faith efforts to complete earlier.

The Permanent Component and the Temporary Component proposal and schedule shall be detailed in the Art and Public Interpretation Installation Plan submitted by the project sponsor and approved in the commercially reasonable discretion of 1) the Association Liaisons relative to the Historic Neighborhood Element (for purposes of which the Association Liaisons have acknowledged the importance of providing their historic documents to the project sponsor for incorporation and preservation) and 2) the planning department to ensure the plan contains the following parameters to implement a publicly-accessible, historically accurate, and educational interpretation program. The plan shall include the general parameters of the Permanent Component including the proposed location(s), an outline of the proposed content of the public interpretation program, the proposed artist and/or artist selection process, and estimated schedule of finalizing the content, design, installation, and maintenance plan of the art installation and public interpretation installation. The plan shall identify possible public locations for the Temporary Component, the proposed artist and/or artist selection process, and estimated schedule for finalizing the location(s), artist submission, additional contents, and dates of the temporary installation.

**Condition 1b: Access to Salvaged Panels.**

The project sponsor will also make available at least 150 of the salvaged panels to artists, local residents or other community groups, free of charge for one year following project approval. At the end of one year, the project sponsor will report to the planning department on the approximate number of panels that were donated or reused.

**Condition 1c: Documentation.**

In coordination with the department's preservation staff, the project sponsor will prepare two types of digital documentation of Sutro Tower to be made available to the public. The first type of documentation shall be video documentation of Sutro Tower. This video documentation may be provided in multiple parts, but which in total shall include a narrative of the site history and significance of Sutro Tower, including the Historic Neighborhood Element, and a virtual tour of the Sutro Tower site (the "Virtual Tour;" see also Condition 1d: Sutro Tower Virtual Tour/Open House); provided, however, all footage used in any such video documentation shall be in the project sponsor's discretion to protect the security of Sutro Tower and its operations. As possible, the video should incorporate documentation of the artists and artist installations that will be created as part of Condition 1a: Art Installation/Interpretation. Video documentation shall be conducted by a professional videographer or production studio with experience recording architectural resources and/or otherwise documenting historic content and stories, potentially including one or more of the broadcasters which lease space on Sutro Tower (any, a "professional videographer"). Within six months of project approval, the professional videographer shall provide a

storyboard of the proposed video recordation for review and approval by the Association Liaisons relative to the Historic Neighborhood Element and the department's preservation staff, such approval not to be unreasonably withheld, along with proposed plan of public distribution. Preservation staff and the Association Liaisons, as applicable, shall notify the project sponsor of its approval or disapproval of the storyboard and any disapproval shall state in reasonable detail the reasons for objection, after which the project sponsor shall submit a revised storyboard incorporating such comments or rationale for non-inclusion. The above approval, comment and revision process shall be repeated until approved (a "Review Process"). The project sponsor will provide the planning department with a copy of the video documentation project and documentation that the public distribution plan has been implemented within 1.5 years of project approval.

The format of the second type of digital recordation is the creation of a repository for photographs of Sutro Tower which will be available to the public to download for free for creative or artistic purposes. Subject to the project sponsor's discretion to protect the security of Sutro Tower and its operations, the project sponsor shall digitize its collection of historic photos and historic drawings and plans of the tower, as well as solicit those of third parties for inclusion. Within six months of project approval, the project sponsor will submit a plan for the repository creation for review and approval by the planning department, such approval not to be unreasonably withheld, which plan shall include the proposed process for photography review and collection and the proposed plan for public distribution which, at a minimum, shall include availability through the project sponsor's website. The project sponsor and the planning department shall undergo a Review Process until the plan for the repository creation has been approved. The project sponsor will provide a copy of the contents of the digital repository to the planning department and documentation that the public distribution plan is in place within two years of project approval.

#### **Condition 1d: Sutro Tower Virtual Tour/Open House.**

The project sponsor shall create a program utilizing the Virtual Tour to allow the public to learn about the history and importance of the facility. The project sponsor shall engage with SF City Guides, another local tour guide group or association, or with a group, association, or consultant with experience with creation of Virtual Tours for historical resources, as approved by the department's preservation staff in its commercially reasonable discretion (any, a "Guide"), to develop content for the Virtual Tour which may be included on the SF City Guides website at such organization's option and/or other local community, historical or educational group websites and on the project sponsor's website. Once a tour guide group has been identified, the project sponsor shall engage a qualified architectural historian meeting the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards to work with the sponsor and selected tour guide group to develop content for the Virtual Tour. For purposes of this condition, any firm identified on the department's Historic Resource Consultant Pool list shall be deemed approved as a qualified architectural historian meeting such standards. Virtual Tour content shall use information found in the Historic Resource Evaluation and the planning department response (preservation team review form) prepared for the project, along with other available background information on the resource. Other existing information, including photographs, news articles, oral histories, memorabilia and video, may be used to develop information for the Virtual Tour as meaningful.

The qualified architectural historian and scope of work for the Virtual Tour must be reviewed by preservation staff. Within six months of project approval the project sponsor will submit the final Virtual Tour scope (to correspond with certain deliverables required for Condition 1c: Documentation). Preservation staff will review and approve final content of the Virtual Tour, which shall not be unreasonably withheld. The project sponsor and the planning department shall undergo a Review Process until the Virtual Tour has been approved.

The project sponsor will annually report to the planning department on various content performance metrics such as impressions, as reported to the project sponsor by any Guides, as well as measured on the project sponsor's website.

The project sponsor shall use good faith efforts to host an annual open house at the Sutro Tower facility for the neighborhood community. Any such open house shall be publicized to the facility's neighbors no less than 30 days in advance by (i) posting notices in at least seven neighborhood locations as stipulated by the planning department Zoning Administrator's posting list revised as of February 1, 2005, as further modified by agreement of the Association Liaisons, (ii) announcement in the project sponsor's newsletter, and (iii) announcement on the project sponsor's website; with notice provided to the planning department. Any such open house access shall be subject to the project sponsor's security requirements and limits due to facility operations, including, but not limited to, advance registration and mandatory sign-ins and other participation logistics, as well as limitations on capacity, scope, boundaries and timing. The project sponsor shall report to the department on an annual basis as to participation levels or other neighborhood feedback, as applicable.

The project sponsor and the department acknowledge that the project sponsor's ability to comply with any timeframes and deadlines set forth in these Conditions of Approval (any, a Deadline") may, in certain circumstances, be dependent upon approval and cooperation of third parties which are outside the control of the project sponsor and/or the planning department. Notwithstanding any such Deadlines, provided the project sponsor uses good faith efforts in its attempts to meet such Deadlines, any Deadline shall be extended to the extent third party approval is not timely obtained. Any such request for or extension of a Deadline shall not be considered a violation of these Conditions of Approval provided that the project sponsor communicates these requests for extensions to the planning department, nor shall such request for extension have any impact on any other pending or future permit application of the project sponsor.

<b>SIMPSON GUMPERTZ &amp; HEGER</b>  Engineering of Structures and Building Enclosures		
<p>Simpson Gumpertz &amp; Heger Inc.  100 Pine Street, Suite 1600  San Francisco, California 94111  main: 415.495.3700 fax: 415.495.3550  www.sgh.com</p>	<p>Boston Chicago Los Angeles New York San Francisco Washington, DC</p>	
Consultant		
<h2 style="margin: 0;">TITLE SHEET</h2> <h3 style="margin: 0;">VICINITY MAP</h3> <h3 style="margin: 0;">&amp;</h3> <h3 style="margin: 0;">LIST OF DRAWINGS</h3>		
Drawing Title		
Commission No. 067199.22 Drawn by GPV	Checked Approved Scale AS NOTED	Date 4/11/2023 Drawing No.
 Seal		\$0.0
4/11/2023 PERMIT SUBMITTAL ROH No. Date Description By		
Project  <b>SUTRO TOWER CLADDING REMOVAL</b> <b>1 LA AVANZADA ST.</b> <b>SAN FRANCISCO CALIFORNIA</b>		

## SCOPE OF WORK

No.	Date	Description	PERMIT SUBMITTAL	ROH By

Project

## Drawing Title

Commission 067199.22	Checked	Date 4/11/2023
Drawn GPN	Approved	Scale AS NOTED



**\$0.0**

So

4/11/2023

COATING APPLICATION

1. Prepare the substrate for coating application with a combination of hand tools and power washing to remove chalk, dirt, surface corrosion, biological contaminants, and poorly bonded coatings, and to provide a roughened surface for new coating adhesion.
2. Spot prime coat: All cleaned to bare-metal surfaces shall receive one spot prime coat of Tnemec Series 118 Uni-Bond Mastic, a rust-inhibitive elastomeric coating, with a minimum solids by volume of 55% and VOC of 31 grams/litre or less, color 30GR (gray) @ 6-7 mils DFT. Overlap a minimum 3" onto surrounding intact existing coatings.
3. Stripe-Coat: All leading edges of cleaned nut & bolt assemblies, weld seams, rivets or similar connection points shall receive a "stripe-coat" of Tnemec Series 118 Uni-Bond Mastic, contrasting color to prime and intermediate coat, applied by brush at 3.0-4.0 mils dft.
4. Full Intermediate Coat: One full coat of Tnemec Series 118 Uni-Bond Mastic in color 1281 (off white) @ 6-7 mils DFT on all exterior surfaces scheduled for coating.
5. Full Finish Coat: One full finish coat of Tnemec Series V1071 Fluoronar, a thermoset fluoropolymer resin finish coat, with a minimum solids by volume of 56% and VOC of 97 grams/litre or less thinned 10%, (color selected by Owner) @ 2.5-3.0 mils DFT per-coat, on all exterior surfaces scheduled for coating.
6. Color shall be aviation orange and white to match existing vertical striping pattern.
7. Submit color samples to Owner prior to painting.
8. Approved Carboline product may be substituted for Tnemec products specified.

GENERAL

1. General notes and typical details apply to all structural features, unless otherwise indicated.
2. If certain features are not fully shown or called out on the drawings or in the specifications, their construction shall be of the same character as for similar conditions.
3. Dimensions shall not be scaled off of the drawings.
4. All work shall conform to minimum standards of the 2016 California Building Code, of any codes listed in the drawings or specifications and of any regulating agencies which have authority over any portion of the work, including the State of California Division of Industrial Safety.
5. Openings, pockets, etc. shall not be placed in structural members unless specifically detailed on the structural drawings. Notify the structural engineer when work requires openings, pockets, etc. in structural members not shown on the structural drawings.
6. The contractor shall be responsible for coordinating the work of all trades and shall check all dimensions and holes and openings required in structural members. All discrepancies shall be called to the attention of the structural engineer and shall be resolved before proceeding with the work.
7. The contract documents represent the finished structure. They do not indicate the method of construction. The contractor shall provide all measures necessary to protect life and property during construction. Such measures shall include, but are not limited to, bracing and shoring for loads due to construction equipment and materials. Observation visits to the site by the structural engineer shall not include inspection of the above items.
8. Construction materials shall be spread out if placed on framed floors or roofs. Load shall not exceed the design live load per square foot. Provide adequate shoring where overload is anticipated.
9. The contractor shall use extreme caution to protect all conduits, pipes, ducts, architectural finishes and utilities not indicated as being removed from damage during construction and shall restore all damaged or otherwise affected elements to their preconstruction condition, unless otherwise noted.
10. The Sutro Tower transmission facilities must remain in operation at all times during the construction period. Contractor shall submit a written work plan indicating the proposed sequence and schedule of work and specific operations to be conducted, to Sutro Tower for review, prior to performing any work on site. The work plan shall be revised and resubmitted on a weekly basis to alert Sutro Tower as to the progress of work accomplished to date and current schedule for performing additional work.
11. Sutro Tower is a radio transmission facility and emits high energy radio waves. The contractor shall be responsible for determining and implementing appropriate protective measures for personnel working on site.
12. The contractor shall maintain a fire watch and employ necessary protective measures when welding or thermally cutting near flammable materials.
13. The removal, cutting, drilling, etc. of existing work shall be performed with care in order not to jeopardize the structural integrity of the structure. If structural members or mechanical, electrical or architectural features not indicated for removal interferes with the new work, the Engineer shall be notified immediately and prior approval shall be obtained before removal of members.
14. The contractor shall promptly repair any damage caused during operations, using materials and workmanship similar to that which was damaged.
15. All removed items, materials and debris, unless otherwise noted, shall be removed promptly from the site and disposed of in a legal manner.

DEMOLITION

1. Prior to performing demolition, submit a demolition plan, sealed by a California-licensed civil or structural engineer indicating sequence of work to be performed, anticipated schedule, necessary rigging equipment and means of attachment to the tower, methods of removal and lowering existing materials to be demolished, and removing them from the site.
2. Provide temporary support for all utilities and appurtenances that must be loosened, to permit removal of existing siding. Reattach utilities and appurtenances in same manner as installed prior to siding removal. If conditions do not permit this, notify structural engineer.

SPECIAL INSPECTIONS AND STRUCTURAL OBSERVATION

1. Special inspection is not required.

ABBREVIATIONS

&	And	JST.	Joist
@	At		
A.B.	Anchor bolt	K	Kips
ADD'L	Additional	KSI	Kips per Square Inch
AISC	American Institute of Steel Construction	LBS.	Pounds
ALT.	Alternate	LI.	Live Load
ARCH.	Architect	L.L.H.	Long Leg Horizontal
ASD	Allowable Strength Design	L.L.V.	Long Leg Vertical
ASTM	American Society for Testing and Materials	LWT	Lightweight
A.W.P.A.	American Wood Preservers Assoc.	L.V.L.	Laminated Veneer Lumber
AWS	American Welding Society	MAX.	Maximum
		M.B.	Machine Bolt
BLKG.	Blocking	MECH.	Mechanical
BM.	Beam	MFR.	Manufacturer
B.N.	Boundary Nail	M.I.	Malleable Iron
BOCA	Building Officials and Code Administrators International, Inc.	MIL.	Millimeter
		MIN.	Minimum
		MISC.	Miscellaneous
BOTT.	Bottom		
BRG.	Bearing	(N)	New
B.S.	Both Sides	NO. #	Number
BTWN.	Between	N.S.	Near Side
		N.T.S.	Not to Scale
		NWT	Normalweight
CBC	California Building Code		
C.C.	Center to Center	O.C.	On Center
CCR	California Code of Regulations	O.D.	Outside Diameter
C.J.	Control Joint	O.H.	Opposite Hand
C.I.P.	Cast-in-place	OPNG.	Opening
C.L.	Center Line	OPP.	Opposite
CLG.	Ceiling	OSHPD	Office of Statewide Health Planning and Development
CLR.	Clear		
CMU	Concrete Masonry Unit		
COL.	Column		
CONC.	Concrete	P.A.F.	Powder-Actuated Fasteners
CONN.	Connection		
CONT.	Continuous	PART.	Partial
C.P.	Complete Penetration	PCF	Pounds per Cubic Foot
CSK	Countersink	PL.	Plate
CTBR.	Counterbore	PLY.	Plywood
CTR.	Center	P.P.	Partial Penetration
		PSF	Pounds per Square Foot
DBA	Deformed Bar Anchor	PSI	Pounds per Square Inch
DBL.	Double	PWJ	Plywood Web Joists
DC	Demand Critical (Weld)		
DET., DETL.	Detail	RAD.	Radius
DF	Douglas Fir	R.D.	Roof Drain
DIA., Ø	Diameter	REINF.	Reinforcing
DIAG.	Diagonal	REQ.	Required
DL	Dead Load	RF.	Roof
DN	Down	R.O.	Rough Opening
DO	Ditto	RND.	Round
DSA	Division of the State Architect	R.R.	Remove & Replace
DWG(S).	Drawing(s)	S.A.D.	See Architectural Drawings
(E)	Existing	SCHED.	Schedule
EA.	Each	SFRS	Seismic Force-Resisting System
E.F.	Each Face		
E.J.	Expansion Joint	SHT.	Sheet
ELEV., EL.	Elevation	SHTG.	Sheathing
EMB., EMBED.	Embedment	SIM.	Similar
E.N.	Edge Nail	S.M.D.	See Mechanical Drawings
EQ.	Equal	S.O.G.	Slab on Grade
EQUIP.	Equipment	S.P.	Southern Pine
E.W.	Each Way	SSTL	Stainless Steel
		STAGG'D.	Staggered
FDN.	Foundation	STD.	Standard
F.F.	Finish Floor	STIFF.	Stiffener
F.G.	Finish Grade	STL.	Steel
FIN.	Finish	STRUCT.	Structural
F.O.C.	Face of Concrete	SYMM., SYM	Symmetrical
F.O.M.	Face of Masonry		
F.O.S.	Face of Stud	T&B	Top and Bottom
FRMG.	Framing	T&G	Tongue & Groove
F.S.	Far Side	T.N.	Toe Nail
FTG.	Footing	T.O.C.	Top of Concrete
		T.O.S.	Top of Steel
GA.	Gage	T.O.W.	Top of Wall
GALV.	Galvanized	TS	Tube Steel
G.L.	Grid Line	TYP.	Typical
GLB	Glue-Laminated Beam		
GR.	Grade	UBC	Uniform Building Code
		U.O.N.	Unless Otherwise Noted
HDG.	Hot-dip Galvanized		
HGR.	Hanger	VERT.	Vertical
HK.	Hook	V.I.F., ±	Verify in Field
HORIZ.	Horizontal		
H.S.B.	High Strength Bolt	W/	With
HSS	Hollow Structural Sections	W/O	Without
HT.	Height	WCLB	West Coast Lumber Inspection Bureau
		W.P.	Working Point
ICBO	International Council of Building Officials	W.H.S.	Welded Headed Stud
		W.T.S.	Welded Threaded Stud
ICC	International Code Council	W.W.F.	Welded Wire Fabric
INT.	Interior	WWPA	Western Wood Products Association
INV.	Inverted		

GENERAL SYMBOLS AND LEGEND

	REVISION
	GRIDLINE INDICATING CENTERLINE OF CONCRETE OR PLYWOOD SHEAR WALL.
	TYPICAL GRIDLINE INDICATING FACE OF CONCRETE WALL.
	BUILDING SECTION OR ELEVATION
	WORK POINT, DATUM OR CONTROL POINT, FIN. FLR. ELEVATION, S.A.D.
	DETAIL REFERENCE
	PROJECT NORTH, S.A.D. FOR TRUE NORTH

SIMPSON GUMPERTZ & HEGER

Engineering of Structures and Building Enclosures

Simpson Gumpertz & Heger Inc.  
100 Pine Street, Suite 1600  
San Francisco, California 94111  
Main: 415.495.3700 Fax: 415.495.3550  
www.sgh.com

Boston  
Chicago  
Los Angeles  
New York  
San Francisco  
Washington, DC

Consultant

No.	Date	Description	By
	4/11/2023	PERMIT SUBMITTAL	ROH

SUTRO TOWER  
CLADDING REMOVAL  
1 LA AVANZADA ST.  
SAN FRANCISCO  
CALIFORNIA

Project

GENERAL NOTES  
&  
ABBREVIATIONS

Drawing Title

Commission 067199.22	Checked	Date 4/11/2023
Drawn GPN	Approved	Scale AS NOTED
Drawing No.		



Seal

4/11/2023

S0.1







## ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

*Addendum Date:* April 6, 2023  
*Case No.:* 2019-000499ENV  
*Project Title:* Sutro Tower Repainting and Legalization and Authorization of Permanent Removal of Vertical Cladding (Addendum 4)  
*EIR:* Sutro Tower Digital Television Project Final EIR  
*Zoning:* RH-1(D); 40X Height and Bulk District  
*Block/Lot:* 2724/003  
*Lot Size:* 224,996 square feet (5.2 acres)  
*Project Sponsor:* Sutro Tower, Inc. (STI)  
Kristen Thall Peters – (415) 765-6239 or [kristen.thall.peters@wbd-us.com](mailto:kristen.thall.peters@wbd-us.com)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Kei Zushi – (628) 652-7495 or [kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org)

### A. BACKGROUND

As discussed below, prior to the issuance of this addendum, the department had issued three addenda to the Sutro Tower Digital Television Project Final Environmental Impact Report (FEIR), Planning Department Case No. 2007.0206E, certified by the San Francisco Planning Commission (planning commission) on October 23, 2008.<sup>1</sup>

This section provides recent history of environmental review and approvals at the project site (starting in 2008) as a way of providing context for this addendum. As explained below, this addendum addresses a project which includes repainting the Sutro Tower (tower) and legalizing and authorizing the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred (2023 modified project).<sup>2</sup>

#### 2008 FEIR

The project evaluated in the FEIR included the conversion of television antennas on the tower from an analog and digital system to an all-digital system (approved project). Specifically, the approved project included the replacement of a number of the tower's large antennas; structural upgrades to the tower to meet San Francisco Building Code wind resistance requirements and to accommodate the placement of new digital television equipment on the tower; alteration, replacement, and addition of a number of small ancillary antennas and equipment on the tower, transmitter building rooftop, and secured grounds; and implementation of electrical, elevator, and public safety improvements.

---

<sup>1</sup> San Francisco Planning Department, Sutro Tower Digital Television Project Final Environmental Impact Report, Case No. 2007.0206E., May 17, 2008.

<sup>2</sup> San Francisco Planning Department, Notice of Violation, 1 La Avanzada Street, Complaint No. 2021-005816ENF, June 30, 2021.



**Sutro Tower Repainting & Legalization and Authorization of Permanent Removal of Vertical Cladding**  
**Case No. 2019-000499ENV**

**Addendum 4 to Environmental Impact Report**

The FEIR concluded that the approved project would result in less-than-significant impacts related to construction air quality with the implementation of Mitigation Measure 1 – Construction Air Quality. This mitigation measure was intended to minimize dust generation during project construction. In 2008, the San Francisco Board of Supervisors adopted a city ordinance, commonly referred to as the Construction Dust Control Ordinance, to reduce fugitive dust generated during construction activities. The adoption of this ordinance eliminated the need for Mitigation Measure 1 to be included in the FEIR. The FEIR concluded that the approved project would result in less-than-significant impacts in all other topics without mitigation.

**2014 Addendum (First Addendum)**

In 2014, the planning department prepared an addendum for the Sutro Tower Antenna Additions and Site and Erosion Control Improvements Project, Planning Department Case No. 2007.0206E (2014 modified project).<sup>3</sup> The 2014 modified project involved the addition of 50 broadcast and reception antennas, microwave dish antennas, and camera mounts at various levels on the tower and relocation of an auxiliary radio antenna to a higher level on the tower (see Figure 1 below for the various levels on the tower). The addendum also analyzed proposed at-grade improvements on the project site, including the installation of a retaining wall. The addendum concluded that the conclusions of the 2008 FEIR remained valid, that no new or substantially more severe significant impacts would result from the project, and that no new mitigation measures were required.

The planning commission approved the 2014 modified project at a mandatory discretionary review hearing in March 2015. In April 2018, the Department of Building Inspection (building department) conducted its final inspection on the tower improvements addressed in the 2014 addendum. In June 2017, the building department conducted its final inspection on the landscaping and other site improvements addressed in the same addendum. Some Sutro Tower, Inc., (STI) customers for whom limited numbers of antennas were to be constructed on the tower have postponed installation of some of the approved antennas.

**2019 Addendum (Second Addendum)**

In 2019, the planning department prepared a second addendum to the 2008 FEIR to analyze the Sutro Tower Spectrum Repacking Project, Planning Department Case No. 2007.0206ENV-4 (2019 modified project).<sup>4</sup> The 2019 modified project involved several components: the addition, removal, and replacement of broadcast antennas on the tower in support of the Federal Communications Commission (FCC) spectrum repacking requirements, referred to as the “repacking project”;<sup>5</sup> voluntary structural upgrades to the tower; and temporary removal of existing cladding from the tower during the antenna replacement and related voluntary structural upgrades to the tower and reinstallation of the removed

---

<sup>3</sup> San Francisco Planning Department, Sutro Tower Antenna Additions and Site and Erosion Control Improvements Addendum, Case No. 2007.0206E, December 19, 2014.

<sup>4</sup> San Francisco Planning Department, Sutro Tower Spectrum Repacking Project Addendum, Case No. 2007.0206ENV-4, July 5, 2019.

<sup>5</sup> When the nationwide reconfiguration of the frequency spectrum is complete, hereafter referred to as “spectrum repacking,” or simply, “repacking,” wireless companies will have the bandwidth to deliver 5th Generation (5G) mobile broadband services throughout the country. This repacking requires certain television broadcast antennas to be installed or moved to different locations on communications towers as television broadcast spectrum was narrowed to allow mobile broadband services to make use of newly assigned spectrum.

## Sutro Tower Repainting & Legalization and Authorization of Permanent Removal of Vertical Cladding

Case No. 2019-000499ENV

### Addendum 4 to Environmental Impact Report

cladding, referred to as “temporary cladding removal.”<sup>6</sup> The temporary cladding removal included removal of the cladding panels on the three tower legs at locations between levels 4 and 6, with replacement anticipated within six months of completion of the other project components (antenna replacement and voluntary structural upgrades).<sup>7</sup>

In the time since the FEIR was certified in 2008 and the 2019 addendum was prepared, the tower became “age-eligible,” meaning that it would need to be evaluated to determine if it was eligible for listing in the California Register of Historical Resources (California Register) and would therefore be considered a historical resource under CEQA. As part of the preparation of the 2019 addendum (specifically, to analyze the temporary cladding removal component), a historic resource evaluation (HRE), part I, was prepared to evaluate whether the tower should be considered a historical resource under CEQA.<sup>8</sup>

The planning department reviewed the findings of the HRE, part I, and confirmed that the tower is a historical resource for purposes of CEQA.<sup>9</sup> Specifically, the planning department determined that the tower is eligible for listing in the California Register under Criterion 3 as an “unmistakable landmark that embodies the distinctive characteristics of a high-tech broadcast tower designed during the 1960s and constructed in the earlier 1970s.” In addition, the planning department determined that the tower and three-story transmission building located immediately next to the tower are also eligible for listing in the California Register as a historic district under Criterion 1 as they form a crucial piece of technological infrastructure that collectively possesses a notable association with the history of regional broadcasting.<sup>10</sup> The planning department also concurred with the list of character-defining features identified in the HRE for the tower. One of the character-defining features was the corrugated panels.

Ultimately, the 2019 addendum concluded that the 2019 modified project would neither result in a new significant impact on the tower that was not identified in the FEIR, nor increase the severity of any previously identified impact. This was because while the tower was determined to be a historical resource, the removal of the panels from levels 4 to 6 was understood to be temporary and the project included reinstallation of the panels after completion of the antenna replacement and structural upgrades. The 2019 addendum determined that the conclusions of the 2008 FEIR remained valid, that no new or substantially more severe significant impacts would result from the 2019 modified project, and that no new mitigation measures were required.

The planning commission approved the 2019 modified project at a mandatory discretionary review hearing on July 18, 2019. STI began the work on the tower associated with the 2019 modified project concurrently with the issuance of related building permits in September 2019 and completed the work in August 2022. Although only the temporary removal of cladding on levels 4 through 6 was approved as part

---

<sup>6</sup> “Cladding” in this context refers to the painted metal panels that are attached to the truss work that comprises the tower’s structure.

<sup>7</sup> According to STI, the antenna replacement and voluntary structural upgrades were completed in August 2022.

<sup>8</sup> ESA, Historic Resource Evaluation Report, 1 La Avanzada Street, San Francisco, California, July 2019.

<sup>9</sup> Jorgen G. Cleemann, San Francisco Planning Department, Preservation Team Review Form, 1 La Avanzada Street, San Francisco, California, Case No. 2007.0206ENV-04, July 2, 2019.

<sup>10</sup> Since the issuance of the planning departments determination regarding the historic significance of Sutro Tower, the project sponsor submitted to the planning department an additional HRE prepared by Stephen D. Mikesell of Mikesell Historical Consulting. The planning department reviewed this supplemental HRE and determined that it does not provide any additional information or evidence to the record that would require the department to overturn or modify the findings regarding the historic significance of Sutro Tower.

## **Sutro Tower Repainting & Legalization and Authorization of Permanent Removal of Vertical Cladding**

Case No. 2019-000499ENV

### **Addendum 4 to Environmental Impact Report**

of the 2019 modified project, STI removed the cladding on levels 1 through 4 starting in April 2020. STI began the cladding removal on levels 4 through 6 in September 2019. STI removed all vertical cladding on the tower by January 2021. None of the removed cladding has been replaced.

On June 30, 2021, the planning department issued a notice of violation (NOV), Complaint No. 2021-005816ENF, to STI regarding the unauthorized removal of cladding on the exterior of the tower's legs without planning commission approval, a building permit, or environmental review under CEQA.<sup>11</sup> As discussed below, the current project modifications are related to legalization and authorization of the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred.

### **2022 Addendum (Third Addendum)**

In May 2022, the planning department prepared a third addendum to the 2008 FEIR to analyze another project, the Sutro Tower Horizontal Panel Replacement Project, Planning Department Case No. 2021-012569ENV (2022 modified project).<sup>12</sup> The 2022 modified project involved the replacement of existing interior-facing corrugated panels located on the tower's horizontal trusses at the levels 2 through 4 with similar panels in compliance with the San Francisco Building Code. The replacement panels were substantially similar in size, shape, and color to the existing panels. The addendum determined that the conclusions of the 2008 FEIR remained valid, that no new or substantially more severe significant impacts would result from the 2022 modified project, and that no new mitigation measures were required.

## **B. PROPOSED MODIFICATIONS TO THE APPROVED PROJECT**

### **Overview**

Subsequent to the certification of the FEIR, the project design for the approved project has been modified. The 2023 modified project for the purposes of this addendum would include 1) repainting the tower in its original colors of white and aviation orange and 2) legalizing and authorizing the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred.<sup>13,14</sup>

### **Repainting of the Tower**

The project sponsor proposes to repaint the tower in alternating white and aviation orange bands to preserve the tower's historic color configuration previously (but no longer) required to comply with Federal Aviation Administration requirements for alternating solid-colored markers, as depicted in Figure 1 below. Without the cladding, the painted surfaces are inconsistent, and all surfaces are faded. The project sponsor proposes to repaint the tower to minimize any aesthetics changes of the cladding removal as well as to protect the steel from corrosion.

The repainting of the tower would take at least three years to complete due to weather limitations and would be phased. Each phase would focus on repainting only a portion of the tower, which would require

---

<sup>11</sup> San Francisco Planning Department, Notice of Violation, 1 La Avanzada Street, Complaint No. 2021-005816ENF, June 30, 2021.

<sup>12</sup> San Francisco Planning Department, Sutro Tower Horizontal Panel Replacement Project Addendum, Case No. 2021.012569ENV, May 18, 2022.

<sup>13</sup> Aviation orange and white are color tones as specified under Federal Aviation Administration Regulations section 29.1397. However, STI has indicated that due to the installation of Federal Aviation Administration approved lighting on the tower, such colors are no longer required.

<sup>14</sup> San Francisco Planning Department, Sutro Tower Permit History and Legalization and Authorization of Permanent Removal of Vertical Cladding Memorandum, Case No. 2019-000499PRJ, April 10, 2023. 1 La Avanzada Street.

**Addendum 4 to Environmental Impact Report**

approximately eight to twelve workers on site daily to perform the work. The work would be completed in compliance with the San Francisco Noise Ordinance (article 29 of San Francisco Police Code) which prohibits construction activities between 8 p.m. and 7 a.m. Product specifications of various paint coatings that would be used generally require mixing, application, and curing all within specified limited time frames with low humidity, low wind, and moderate temperature conditions. Wind speed and direction affect the feasibility of painting on any given day. Based on an analysis of an entire year's actual available workdays, it is anticipated that painting would actually be feasible on fewer than 50 percent of potential workdays. A combination of hand tools, including grinders and needle guns, as well as power washing tools would be used to remove chalk, dirt, corrosion, or other buildup and to roughen the surface for proper paint-coating adhesion.

The project sponsor would undertake the proposed repainting in compliance with any applicable requirements under section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint, and the state and federal occupational safety and health administration (OSHA) requirements related to handling and disposal of other hazardous materials.<sup>15</sup> Solvents that could be considered hazardous might be used but would be used in small quantities. No other hazardous materials other than paints and solvents would be used. Paint would be applied primarily using brushes and rollers, and minimal spraying is anticipated to be needed. Rigging equipment would be needed to move the workers, paint, and debris containment infrastructure into place. Any staging of materials and equipment needed for the repainting work would remain on site.

To avoid splatter to the homes and land below the tower during painting, containment areas would be created around each active area being painted. The containment area to be constructed by the painting contractor would, roughly, be a partial encapsulation of the actively painted area with framed mesh fabric.

## **C. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS**

This addendum analyzes the potential physical environmental effects of implementing the 2023 modified project. The California Environmental Quality Act (CEQA) Guidelines section 15164(a) requires that the lead agency prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in the CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred. The lead agency's decision to use an addendum must be supported by substantial evidence that none of the conditions described in the CEQA Guidelines section 15162 have occurred. In addition, section 31.19(c)(1) of the San Francisco Administrative Code states that a modified project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefor shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter."

### **Aesthetics**

The 2008 FEIR discussed existing views of the project site from surrounding public vantage points and described the visibility of the tower from these off-site locations. The 2008 FEIR concluded that the

---

<sup>15</sup> Lead abatement occurred at Sutro Tower many years ago but it remains possible that small amounts of lead-based paint may remain in areas that were inaccessible at the time.

**Addendum 4 to Environmental Impact Report**

approved project would not substantially degrade the existing visual character of the site and its surroundings and therefore result in less-than-significant impacts with respect to visual quality or aesthetics.

The 2023 modified project would restore its historic appearance and contrast and would not visually degrade the tower or the surroundings. The 2023 modified project would have some visual impacts while workers conduct the work, with temporary containment areas visible on the tower, as well as some areas that may temporarily be stripped of paint or with an intermediate coat visible. Areas of active work would be limited to a small segment (generally 25 to 50 feet in length) of a leg of the tower at a time and would be temporary.

Thus, the 2023 modified project would result in less-than-significant significant aesthetics impacts and would not result in a new or substantially more severe significant impact than identified in the FEIR with respect to aesthetics.

**Historical Resources**

The 2008 FEIR reported that no cultural resources had been previously identified within or directly adjacent to the project site, or within a one-quarter mile of the project area. The 2008 FEIR concluded that the 2008 project would result in less-than-significant impacts on historical resources.

As discussed above, the planning department determined in July 2019 that the tower is a historical resource eligible for individual listing in the California Register, and that the tower and its associated transmission building (constructed in the early 1970s) are contributors to a historic district that is eligible for listing in the California Register.<sup>16</sup>

The 2023 modified project would not substantially alter the tower's historic character-defining features, such as the repeating pattern of the number 3 (e.g., three legs, triangular plan and cross-section of the tower and the individual structural members, three antennas on top) and non-uniform triangular cross-section that tapers inward at the fourth level. Furthermore, the 2023 modified project would restore the structure's distinctive alternating red-and-white-striped paint scheme, one of the tower's character-defining features that has faded over the years.<sup>17</sup>

Thus, the 2023 modified project would not result in any historic resources impacts and would not result in a new or substantially more severe significant impact than identified in the FEIR with respect to historic resources.<sup>18</sup>

---

<sup>16</sup> Jorgen G. Cleemann, San Francisco Planning Department, Preservation Team Review Form, 1 La Avanzada Street, San Francisco, California, Case No. 2007.0206ENV-04, July 2, 2019.

<sup>17</sup> The non-uniform triangular cross-section that tapers inward at level 4 that is discussed in this addendum is the same as the non-uniform triangular cross section that tapers inward at level 3, which is discussed in ESA, Historic Resource Evaluation Report, p.56, dated July 2019.

<sup>18</sup> The planning department's recommended conditions of approval for the 2023 modified project include historic-preservation-related conditions to address the unauthorized removal of vertical cladding from the tower. See San Francisco Planning Department, Sutro Tower Permit History and Legalization and Authorization of Permanent Removal of Vertical Cladding Memorandum, Case No. 2019-000499PRJ, April 10, 2023. 1 La Avanzada Street. The conditions of approval are not mitigation measures under CEQA because the 2023 modified project would not result in a significant impact and no mitigation is required.

## **Sutro Tower Repainting & Legalization and Authorization of Permanent Removal of Vertical Cladding**

**Case No. 2019-000499ENV**

### **Addendum 4 to Environmental Impact Report**

#### **Noise**

The 2008 FEIR concluded that the 2008 project would result in less-than-significant construction noise impacts. The 2023 modified project would be generally performed using hand methods and would not generate a substantial amount of noise. All work would be performed in compliance with the San Francisco Noise Ordinance (article 29 of the San Francisco Police Code).

With the compliance with the city's noise ordinance, the 2023 modified project would result in less-than-significant construction noise impacts and would not result in a new or substantially more severe significant impact than identified in the FEIR with respect to noise.

#### **Hazards and Hazardous Materials**

The 2008 EIR concluded that the 2008 project would result in less-than-significant impacts with respect to hazardous materials. The 2023 modified project would require scraping of the surface to remove old paint, which could contain lead. The project sponsor would undertake the repainting in compliance with any applicable requirements under section 3407 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint, and the state and federal OSHA requirements related to handling and disposal of other hazardous materials.

With the compliance of the above local, state, and federal laws, the 2023 modified project would result in less-than-significant impacts with respect to hazardous materials and would not result in a new or substantially more severe significant impact than identified in the FEIR with respect to hazards and hazardous materials.

The 2023 modified project would have a temporary or intermittent construction period that would consist mainly of manual work. The proposed construction work would be limited to the project site. Any permanent physical changes from existing conditions that would result from the 2023 modified project would be incremental and minimal. Therefore, the 2023 modified project would not result in new significant impacts not identified in the FEIR and would not substantially increase the severity of the previously identified environmental impacts with respect to all other environmental topics. No mitigation measures are required.

## **D. CONCLUSION**

Based on the foregoing, it is determined that the analyses conducted and the conclusions reached in the FEIR certified by the planning commission on October 23, 2008, remain valid. The 2023 modified project would not cause new significant impacts not identified in the FEIR, would not substantially increase the severity of the previously identified environmental impacts, and would not require new mitigation measures. No changes have occurred with respect to circumstances surrounding the 2023 modified project that would cause significant environmental impacts to which the 2023 modified project would contribute considerably, and no new information has become available that shows that the 2023 modified project would cause significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. Therefore, no further environmental review is required beyond this addendum.

I do hereby certify that the above determination has been made pursuant to state and local requirements.

Sutro Tower Repainting & Legalization and Authorization of Permanent Removal of Vertical Cladding  
Case No. 2019-000499ENV  
Addendum 4 to Environmental Impact Report

  
Lisa Gibson for Lisa Gibson  
Environmental Review Officer

April 6, 2023

---

Date of Determination

cc: STI, Project Sponsor  
Jeff Horn, Current Planner  
Neville Pereira, SF Department of Building Inspection  
Project Distribution

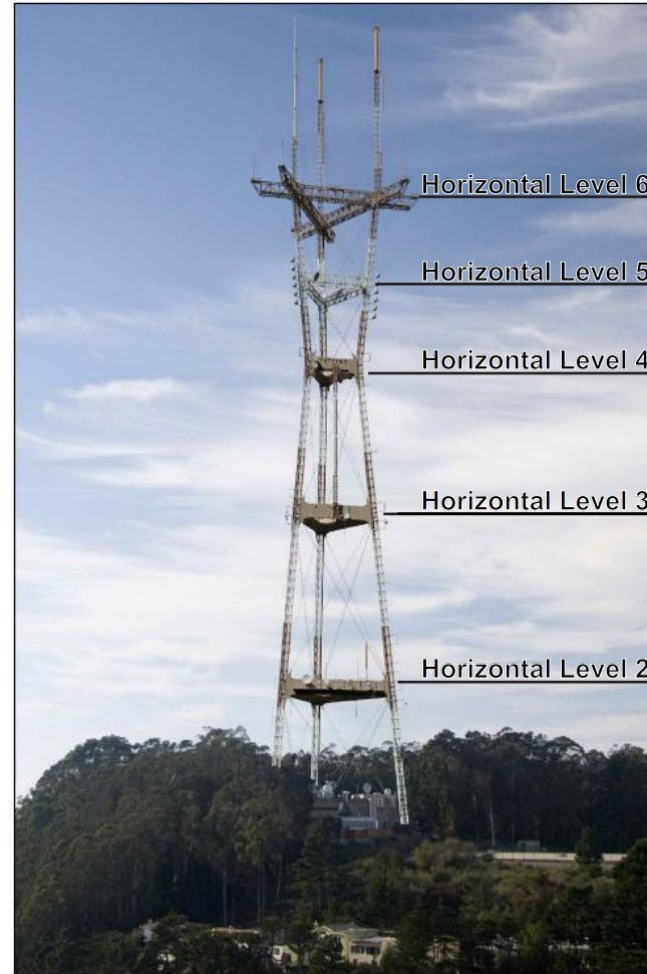




Figure 1. Pre- and Post-Tower Cladding Removal



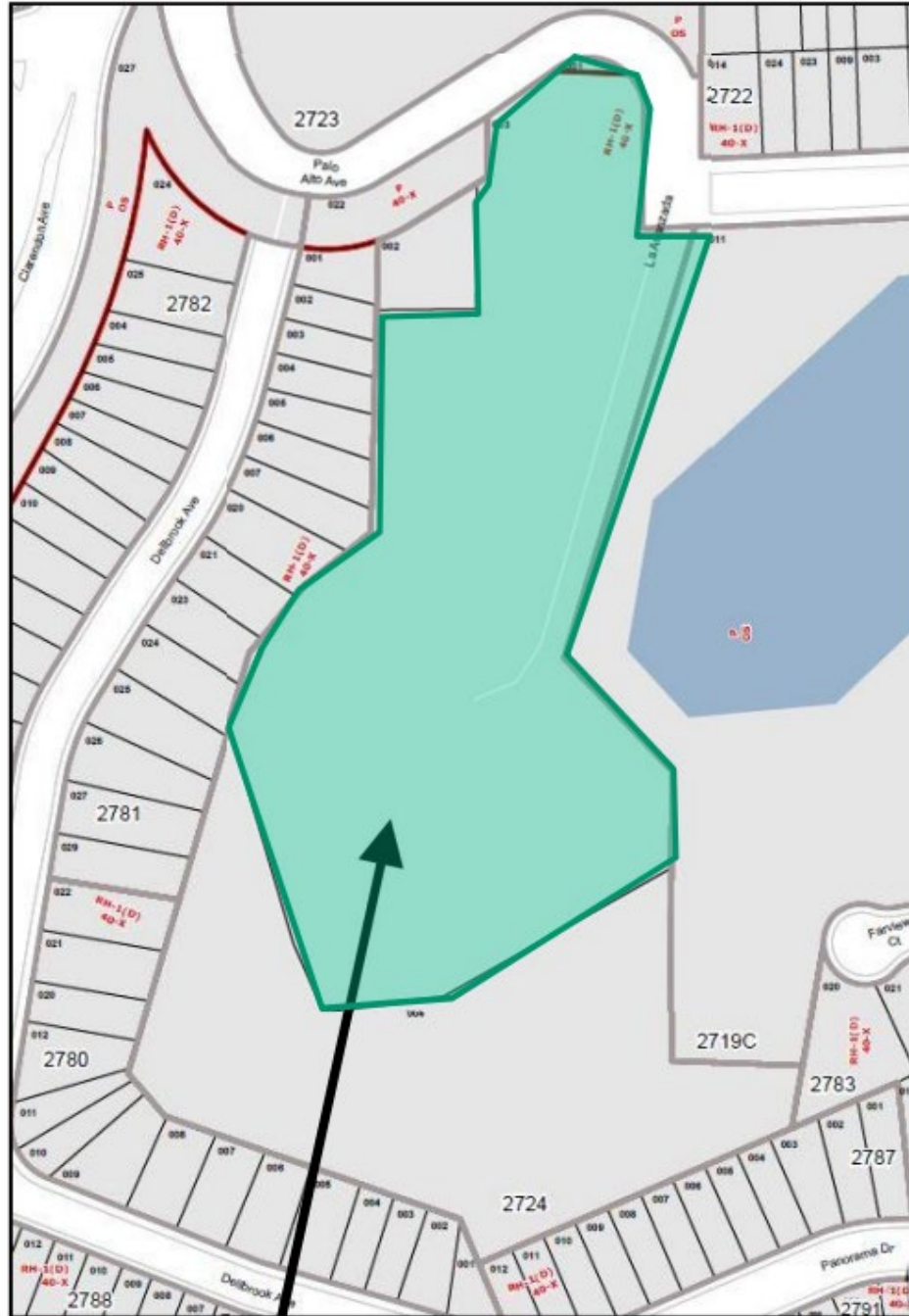
Pre-Tower Cladding Removal



Post-Tower Cladding Removal



# Parcel Map

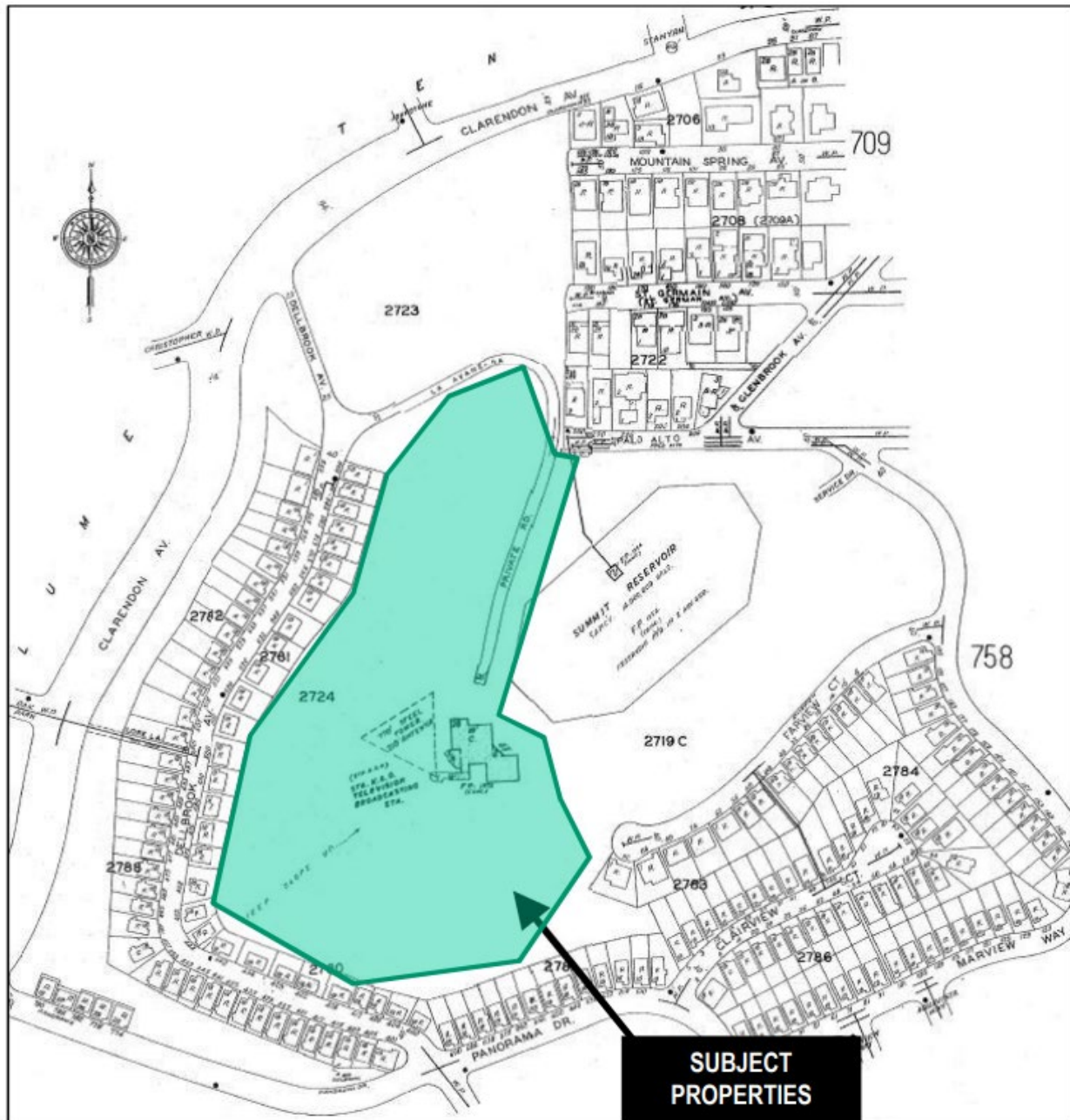


**SUBJECT  
PROPERTIES**



Discretionary Review Hearing  
Case Number 2019-000499DRM  
Sutro Tower  
1 La Avanzada Street

# Sanborn Map\*

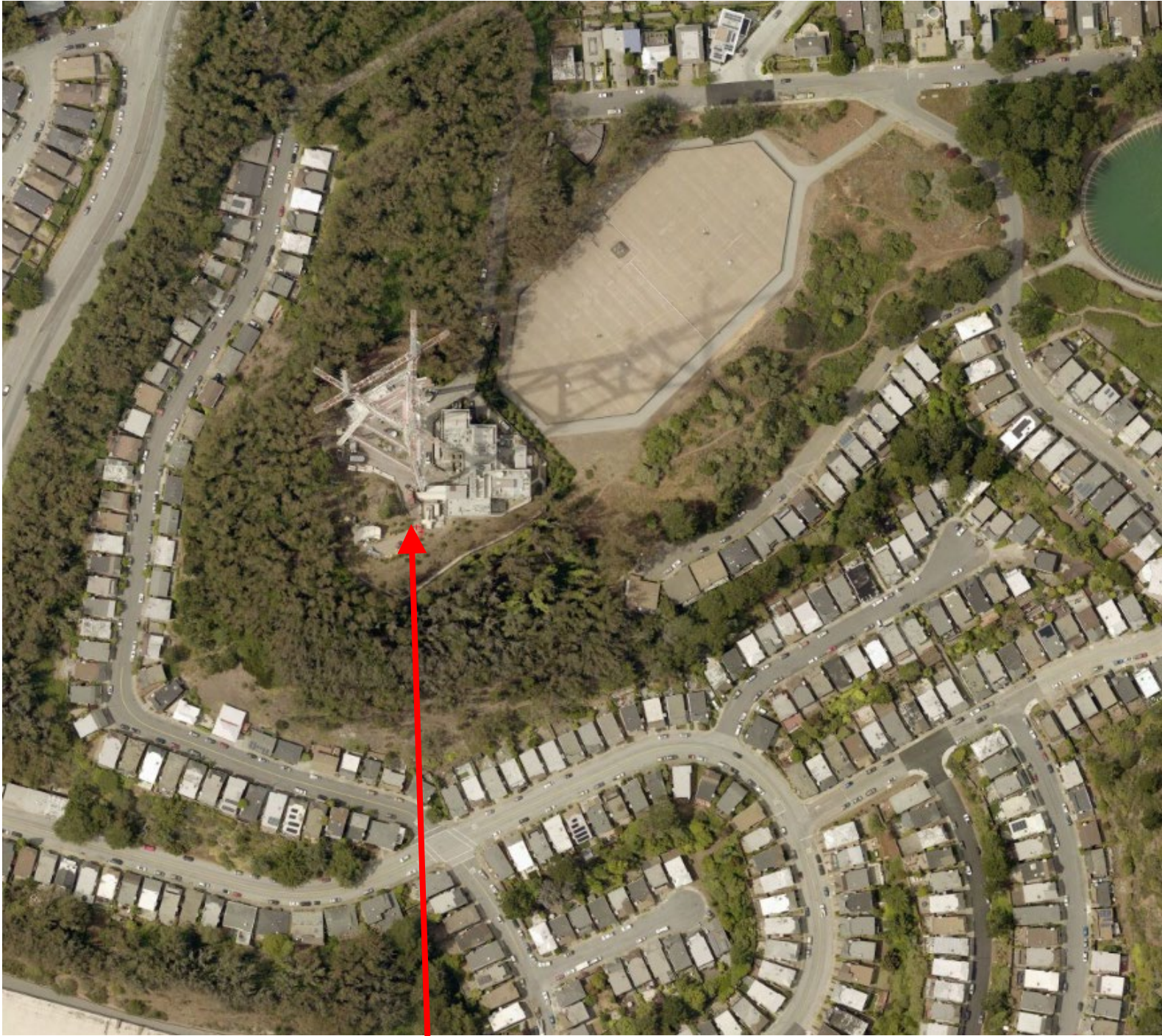


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.





# Aerial Photo – View 1



**SUBJECT PROPERTY**





## Aerial Photo – View 2



**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2019-000499DRM  
Sutro Tower  
1 La Avanzada Street

# Zoning Map



Discretionary Review Hearing  
Case Number 2019-000499DRM  
Sutro Tower  
1 La Avanzada Street



# Site Photo



Discretionary Review Hearing  
Case Number 2019-000499DRM  
Sutro Tower  
1 La Avanzada Street



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

March 2, 2023

**VIA ELECTRONIC MAIL**

Richard Hillis, Director  
San Francisco Planning Department  
49 South Van Ness Avenue, 14<sup>th</sup> Floor  
San Francisco, CA 94103-2414  
[Rich.Hillis@sfgov.org](mailto:Rich.Hillis@sfgov.org)

Re: 1 La Avanzada Street – Sutro Tower  
San Francisco Planning Department Environmental Review Application No. 2019-000499ENV  
San Francisco Department of Building Inspection Application No. 2019.01.08.9873

Dear Director Hillis:

This letter concerns the above referenced proceedings regarding the proposed elimination of vertical cladding on Sutro Tower (the “Vertical Cladding Item”).<sup>[1]</sup> The Federal Communications Commission (“FCC”) has been advised by certain television stations that broadcast from Sutro Tower (collectively, the “Sutro Broadcasters”) that the Vertical Cladding Item is tentatively scheduled for hearing by the San Francisco Planning Commission (“Planning Commission”) on April 13, 2023. We write to make the Planning Department aware that the FCC has granted the Sutro Broadcasters a brief extension, to **April 30, 2023**, of the Commission’s invoice filing deadline for the TV Broadcaster Relocation Fund (the “Fund”). The Fund was established by Congress to reimburse broadcasters for reasonable costs incurred as a result of the involuntary repack of the stations to new channel assignments as part of the broadcast incentive auction process.

The FCC has strongly encouraged the Sutro Broadcasters to pursue diligently the submission of all remaining invoices and any estimates as early as possible without waiting for the April 30, 2023, invoice filing deadline. Because the work to be performed pursuant to the Vertical Cladding Item, including its associated conditions of approval, will be undertaken in connection with the repack, that work also is subject to the April 30, 2023, deadline.

Despite the fact that we have provided this and prior extensions, we have cautioned the Sutro Broadcasters that **we do not anticipate allowing further extensions of this final April 30, 2023, filing deadline. A station’s failure to timely submit all estimates or any pending invoices by the filing deadline could preclude that station from receiving full**



Richard Hillis, Director

March 2, 2023

Page 2

**reimbursement. Unobligated amounts in the Fund must be rescinded to U.S. Treasury on July 3, 2023, and FCC staff (with the support of the FCC's Fund Administrator) must have sufficient time to fully process all invoices and any estimates that, if approved, could obligate and allocate funds to the Sutro Broadcasters.**

Accordingly, while we do not take a position on the substance of the Vertical Cladding Item or related conditions of approval, we note that Planning Commission review and decision on the remaining Vertical Cladding Item prior to April 30, 2023, deadline will give the Sutro Broadcasters the clarity and certainty required to provide the FCC with accurate estimates of outstanding costs to be incurred to complete the work undertaken in connection with the repack. This will also enable the FCC staff (with the support of the FCC's Fund Administrator) sufficient time to assess the reasonableness of incurred costs. This information is critical to our ability to plan for and comply with the statutory deadline by which the FCC must return unobligated funds to U.S. Treasury. Once funds are returned to the U.S. Treasury they will no longer be available for reimbursement of any additional expenses.

Sincerely,



Jean L. Kiddoo

Chair, Incentive Auction Task Force

cc: Kristen Thall Peters, Esq.  
[ktpeters@cwclaw.com](mailto:ktpeters@cwclaw.com)

<sup>11</sup> For additional background information, please refer to the FCC's previous letter to the San Francisco Planning Commission dated July 11, 2022.





## PUBLIC NOTICE

# ISSUANCE OF ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

*Date:* April 6, 2023  
*Date of EIR Certification:* October 23, 2008  
*EIR Title:* Sutro Tower Digital Television Project Final EIR  
*EIR Case No.:* 2007.0206E  
*Project Title:* **Sutro Tower Repainting and Legalization and Authorization of Permanent Removal of Vertical Cladding (Addendum 4)**  
*Project Case No.:* 2019-000499ENV  
*Block/Lot:* 2724/003  
*Project Sponsor:* Sutro Tower, Inc. (STI)  
Kristen Thall Peters – (415) 765-6239 or kristen.thall.peters@wdb-us.com  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Kei Zushi – (628) 652-7495 or kei.zushi@sfgov.org

## Purpose of Notice

The San Francisco Planning Department (planning department) has issued an addendum to the Sutro Tower Digital Television Project Final Environmental Impact Report (FEIR), planning department case no. 2007.0206E, pursuant to the requirements of the California Environmental Quality Act and chapter 31 of the San Francisco Administrative Code. Prior to this addendum, the planning department had issued three addenda to the FEIR.

## SUTRO TOWER FEIR

The FEIR was prepared for the Sutro Tower Digital Television Project and was certified by the San Francisco Planning Commission on October 23, 2008. The project comprised of the conversion of television antennas on Sutro Tower (tower) from an analog and digital system to an all-digital system (approved project). Specifically, the approved project included the replacement of a number of the tower's large antennas; structural upgrades to the tower to meet San Francisco Building Code wind resistance requirements and to accommodate the placement of new digital television equipment on the tower; alteration, replacement, and addition of a number of small ancillary antennas and equipment on the tower, transmitter building rooftop, and secured grounds; and implementation of electrical, elevator, and public safety improvements.

## MODIFIED PROJECT DESCRIPTION

Since adoption of the FEIR, the project design for the tower as envisioned in the approved project was modified (2023 modified project). On June 30, 2021, the planning department issued a notice of violation (NOV), Complaint No. 2021-005816ENF, to STI regarding the unauthorized removal of cladding on the exterior

of the tower's legs without planning commission approval, a building permit, or environmental review under CEQA.<sup>1</sup> The 2023 modified project addressed by Addendum 4 to the FEIR would include repainting the tower in its original colors of white and aviation orange and legalizing and authorizing the current condition of the tower, reflecting the permanent removal of vertical cladding that already occurred.

## Conclusion

Based on the information and analysis contained in the addendum, the planning department concludes that the analyses conducted and the conclusions reached in the FEIR certified on October 23, 2008 remain valid and that no subsequent or supplemental EIR is required for the 2023 modified project. The 2023 modified project would not cause new significant impacts not identified in the FEIR; would not result in significant impacts that would be substantially more severe than those described in the FEIR; and would not require new mitigation measures to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the 2023 modified project that would cause significant environmental impacts to which the project would contribute considerably, and no new information has been put forward to demonstrate that the 2023 modified project would cause new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. Therefore, no further environmental review is required beyond the addendum.

The addendum is available for public review on the planning department's Environmental Review Documents web page at <https://sfplanning.org/environmental-review-documents>. Materials referenced in the addendum (unless otherwise noted) are available for review on the San Francisco Property Information Map, which can be accessed at <https://sfplanninggis.org/PIM/>. The file can be viewed by clicking the "Related Documents" link under the project's environmental record number 2019-000499ENV.

---

<sup>1</sup> San Francisco Planning Department, Notice of Violation, 1 La Avanzada Street, Complaint No. 2021-005816ENF, June 30, 2021.