

1 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

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3 **Motion affirming the determination by the Planning Commission that the project**  
4 **located at 10 Bernal Heights Boulevard is exempt from environmental review.**

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6 WHEREAS, On July 1, 2010, following a noticed public hearing, the Planning  
7 Commission approved a conditional use permit, by Motion No. 18131, for the installation of a  
8 wireless telecommunications facility consisting of five internet exchange switch antennas on  
9 an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park(the  
10 "Project") and, in so doing, determined that the Project was exempt from environmental review  
11 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San  
12 Francisco Administrative Code Chapter 31 under categorical exemption Classes 1, 3, and 11,  
13 (the "exemption determination"). By letter to the Clerk of the Board, Erick Arguello, on behalf  
14 of the Lower 24th Street Merchant Association, ("Appellant"), received by the Clerk's Office on  
15 or around August 2, 2010, appealed the exemption determination; and

16 WHEREAS, On September 7, 2010, this Board held a duly noticed public hearing to  
17 consider the appeal of the exemption determination filed by Appellant, and following the public  
18 hearing affirmed the exemption determination; and

19 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
20 reviewed and considered the exemption determination, the appeal letters, the responses to  
21 concerns document that the Planning Department prepared, the other written records before  
22 the Board of Supervisors and all of the public testimony made in support of and opposed to  
23 the exemption determination appeal. Following the conclusion of the public hearing, the  
24 Board of Supervisors affirmed the exemption determination for the Project based on the  
25 written record before the Board of Supervisors as well as all of the testimony at the public

1 hearing in support of and opposed to the appeal. The written record and oral testimony in  
2 support of and opposed to the appeal and deliberation of the oral and written testimony at the  
3 public hearing before the Board of Supervisors by all parties and the public in support of and  
4 opposed to the appeal of the exemption determination is in the Clerk of the Board of  
5 Supervisors File No. 101041 and is incorporated in this motion as though set forth in its  
6 entirety; now therefore be it

7           MOVED, That the Board of Supervisors of the City and County of San Francisco  
8 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
9 forth, the exemption determination; and be it

10           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
11 record before it there are no substantial Project changes, no substantial changes in Project  
12 circumstances, and no new information of substantial importance that would change the  
13 conclusions set forth in the exemption determination by the Planning Department that the  
14 proposed Project is exempt from environmental review; and be it

15           FURTHER MOVED, That after carefully considering the appeal of the exemption  
16 determination, including the written information submitted to the Board of Supervisors and the  
17 public testimony presented to the Board of Supervisors at the hearing on the exemption  
18 determination, this Board concludes that the Project qualifies for a exemption determination  
19 under CEQA Guidelines Sections 15301 (Class 1), 15303 (Class 3), and 15311(Class 11).

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