

1 [Reversing the Exemption Determination - 435-437 Potrero Avenue]

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3 **Motion reversing the determination by the Planning Commission that a project located**  
4 **at 435-437 Potrero Avenue is exempt from environmental review.**

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6 WHEREAS, The Planning Commission has determined that a project located at 435-  
7 437 Potrero Avenue is exempt from environmental review under the California Environmental  
8 Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code Chapter  
9 31. The proposed project involves establishment of an internet services exchange to occupy  
10 the entirety of an existing 10,000 square foot building. By letter to the Clerk of the Board,  
11 received by the Clerk's Office on August 12, 2013, Mica I. Ringel (Appellant) appealed the  
12 exemption determination. The Appellant provided a copy of the Planning Commission's  
13 Motion No. 18921, dated July 11, 2013, approving a conditional use application for the  
14 proposed project, which motion found that the proposed project was exempt under Class 1 of  
15 the CEQA Guidelines as a minor alteration to an existing facility (14 Cal. Code Reg. §15301 et  
16 seq.); and

17 WHEREAS, On September 24, 2013, this Board held a duly noticed public hearing to  
18 consider the appeal of the exemption determination filed by Appellant and, following the public  
19 hearing, reversed the exemption determination; and

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

1 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
2 support of and opposed to the appeal. The written record and oral testimony in support of and  
3 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
4 before the Board of Supervisors by all parties and the public in support of and opposed to the  
5 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
6 130805 and is incorporated in this motion as though set forth in its entirety; now therefore be it

7           MOVED, That this Board of Supervisors reverses the determination by the Planning  
8 Commission that the project is exempt from environmental review.

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