

1 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

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3 **Motion affirming the determination by the Planning Department that the AT&T Network**
4 **"Lightspeed" Upgrade project is exempt from environmental review.**

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6 WHEREAS, the Planning Department has determined that the AT&T Network
7 "Lightspeed" Upgrade project, Department of Public Works excavation permit, File No.
8 11EXC-1050, located on La Playa Street between Cabrillo and Fulton Streets, is exempt from
9 environmental review under the California Environmental Quality Act ("CEQA"), the CEQA
10 Guidelines, and San Francisco Administrative Code Chapter 31. The proposed work at this
11 and other locations involves placing additional fiber through AT&T's existing copper conduit
12 currently used for telephone lines, and, as described in the Certificate of Determination
13 Exemption from Environmental Review, the installation of metal, either tan or light green,
14 51.7-inches-wide by 26-inches-deep by 48-inches-high communications cabinets in the public
15 right-of-way to house the Lightspeed electronics. The Appellants provided a copy a Certificate
16 of Determination Exemption from Environmental Review, issued by the Planning Department
17 on February 22, 2010, finding the project at its various locations exempt under Class 3 of the
18 CEQA Guidelines (14 Cal. Code Reg. §15000 et seq.). By letter to the Clerk of the Board, Milo
19 F. Hanke, on behalf of the San Francisco Beautiful and the Planning Association for the
20 Richmond, received by the Clerk's Office on March 14, 2011, appealed the exemption
21 determination; and

22 WHEREAS, On April 26, 2011, this Board held a duly noticed public hearing to
23 consider the appeal of the exemption determination filed by Appellant, and following the public
24 hearing affirmed the exemption determination; and

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1 WHEREAS, In reviewing the appeal of the exemption determination, this Board
2 reviewed and considered the exemption determination, the appeal letters, the responses to
3 concerns document that the Planning Department prepared, the other written records before
4 the Board of Supervisors and all of the public testimony made in support of and opposed to
5 the exemption determination appeal. Following the conclusion of the public hearing, the Board
6 of Supervisors affirmed the exemption determination for the project based on the written
7 record before the Board of Supervisors as well as all of the testimony at the public hearing in
8 support of and opposed to the appeal. The written record and oral testimony in support of and
9 opposed to the appeal and deliberation of the oral and written testimony at the public hearing
10 before the Board of Supervisors by all parties and the public in support of and opposed to the
11 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.
12 110344 and is incorporated in this motion as though set forth in its entirety; now therefore be it

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

16 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
17 record before it there are no substantial project changes, no substantial changes in project
18 circumstances, and no new information of substantial importance that would change the
19 conclusions set forth in the exemption determination by the Planning Department that the
20 proposed project at its various locations is exempt from environmental review; and be it

21 FURTHER MOVED, That after carefully considering the appeal of the exemption
22 determination, including the written information submitted to the Board of Supervisors and the
23 public testimony presented to the Board of Supervisors at the hearing on the exemption
24 determination, this Board concludes that the project at its various locations qualifies for a
25 exemption determination under CEQA.