

1 [Adopting findings related to the conditional use appeal on property located at 2001 – 37th
2 Avenue (aka Rivera Street).]

3 **Motion adopting findings related to the appeal of the Planning Commission’s approval**
4 **of Conditional Use Application No. 2001.1203C (which approved the installation of six**
5 **antennas mounted within fiberglass screens, and three equipment cabinets installed**
6 **inside the existing rooftop penthouse on a St. Ignatius College Preparatory building as**
7 **part of a wireless telecommunications network operated by Cingular Wireless) for**
8 **property in an RH-1 (Residential, House, One-Family) District and a 40-X Height and**
9 **Bulk District which is located at 2001 – 37th Avenue (aka 2750 Rivera Street), west side**
10 **between Ortega and Quintara Streets (Lot 6 in Assessor’s Block 2094).**

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12 The appellant, Yuri Lapis, filed a timely appeal on June 25, 2002, protesting the
13 approval by the Planning Commission of an application for a conditional use authorization
14 (Conditional Use Application No. 2002.1203C, approved by Planning Commission Motion No.
15 16428, dated June 6, 2002) pursuant to Section 209.6(b) of the Planning Code to allow the
16 installation of six antennas mounted within fiberglass screens, and three equipment cabinets
17 installed inside the existing rooftop penthouse on a St. Ignatius College Preparatory School
18 building as part of a wireless telecommunications network operated by Cingular Wireless in an
19 RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District on
20 property located at 2001 – 37th Avenue (aka 2750 Rivera Street), west side between Ortega
21 and Quintara Streets (Lot 6 in Assessor’s Block 2094).

22 The public hearing before the Board of Supervisors on said appeal was scheduled for
23 June 22, 2002. On June 22, 2002, the Board conducted a duly noticed hearing on the appeal
24 from the Planning Commission’s approval referred to in the first paragraph of this motion.
25 Following the conclusion of the public hearing on June 22, the Board approved the decision of

1 the Planning Commission (Planning Commission Motion No. 16428), and approved the
2 issuance of the requested Conditional Use Application No. 2001.1203C, subject to the
3 conditions imposed by the Planning Commission.

4 In reviewing the appeal of the approval of the requested conditional use authorization,
5 this Board reviewed and considered the written record before the Board and all of the public
6 comments made in support of and opposed to the appeal.

7 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
8 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
9 though fully set forth, the findings made by the Planning Commission in its Motion No. 16428,
10 dated June 6, 2002.

11 FURTHER MOVED, That the Board of Supervisors took notice that the Department of
12 Planning determined that the proposed Conditional Use Application was categorically exempt
13 from the environmental review process as a Class 1 exemption to Title 14 of the California
14 Administrative Code. The Planning Commission reviewed and concurred with the
15 Department's determination of exemption from environmental review. The Board finds that
16 there have been no substantial project changes, no substantial changes in project
17 circumstances, and no new information of substantial importance that would change the
18 conclusions set forth in the Certificate of Determination of Exemption/Exclusion from
19 environmental review.

20 FURTHER MOVED, That at its July 22 meeting the Board of Supervisors approved the
21 decision of the Planning Commission, approved the issuance of Conditional Use Application
22 No. 2001.1203C, and approved and imposed the conditions of the Planning Commission in its
23 Motion No. 16428.

24 FURTHER MOVED, That, on balance, the project, as approved by the Planning
25 Commission and the Board of Supervisors, is consistent with the Objectives and Policies of

1 the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

2 FURTHER MOVED, That the Board of Supervisors, after carefully balancing the
3 competing public and private interests, approved the decision of the Planning Commission by
4 its Motion No. 16428, dated June 6, 2002, and approved the issuance of Conditional Use
5 Application No. 2001.1203C on property located at 2001 – 37th Avenue (aka 2750 Rivera
6 Street), subject to the conditions imposed by Planning Commission Motion No. 16428.

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