

File No. 101044

Committee Item No. \_\_\_\_\_

Board Item No. 32

### COMMITTEE/BOARD OF SUPERVISORS

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Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 09/14/10

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- Legislative Analyst Report
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- Grant Budget
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#### OTHER (Use back side if additional space is needed)

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\_\_\_\_\_

Completed by: Joy Lamug

Date 09/09/10

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

23

1 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights  
2 Boulevard Project]

3 **Motion directing the Clerk of the Board to prepare findings reversing the exemption**  
4 **determination by the Planning Commission that the project located at 10 Bernal**  
5 **Heights Boulevard is exempt from environmental review.**

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

17 WHEREAS, On September 7, 2010, 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 letters, 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  
25 Board of Supervisors reversed the exemption determination for the Project based on the

Clerk of the Board  
BOARD OF SUPERVISORS

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1 written record before the Board of Supervisors as well as all of the testimony at the public  
2 hearing in support of and opposed to the appeal. The written record and oral testimony in  
3 support of and opposed to the appeal and deliberation of the oral and written testimony at the  
4 public hearing before the Board of Supervisors by all parties and the public in support of and  
5 opposed to the appeal of the exemption determination is in the Clerk of the Board of  
6 Supervisors File No. 101041 and in the Planning Department files, which are available for  
7 public review by appointment at the Planning Department offices at 1650 Mission Street, and  
8 are incorporated in this motion as though set forth in its entirety; now, therefore, be it

9       MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
10 findings specifying the basis for its decision on the appeal of the exemption determination  
11 issued by the Planning Commission for the Project.