

1 [Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet
2 Access Network Ordinance.]

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4 **Motion disapproving the determination by the Planning Department that the Citywide**
5 **Wireless Broadband Internet Access Network Ordinance is categorically exempt from**
6 **environmental review under the California Environmental Quality Act.**

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8 WHEREAS, On April 20, 2007, the Environmental Review Office of the San Francisco
9 Planning Department issued a certificate of determination of exemption/exclusion from
10 environmental review (the "determination") for Citywide Wireless Broadband Internet Access
11 Network Ordinance (the "Ordinance"), which would authorize one or more agreements
12 between EarthLink, Inc. and the City and County of San Francisco to manage, operate and
13 install a citywide wireless broadband internet access network. A copy of said document is on
14 file with the Clerk of the Board of Supervisors in File No. 070800, and is incorporated by
15 reference herein; and,

16 WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 29, 2007, Jeff
17 D. Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (the
18 "Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk
19 of the Board of Supervisors received on or around May 30, 2007; and,

20 WHEREAS, On July 10, 2007, this Board held a duly noticed public hearing to consider
21 the appeal of the determination; and,

22 WHEREAS, This Board has reviewed and considered the determination, the appeal
23 letter, the responses to concerns document that the Planning Department prepared, and
24 public testimony; and,

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1 WHEREAS, The determination files and all correspondence and other documents have
2 been made available for review by this Board and the public. These files are available for
3 public review by appointment at the Planning Department offices at 1660 Mission Street, and
4 are part of the record before this Board by reference herein; now, therefore, be it

5 MOVED, That this Board of Supervisors disapproves the determination by the Planning
6 Department that the Project is exempt/excluded from environmental review.

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