

1 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

2

3 **Motion reversing the determination by the Planning Commission that the 10 Bernal**
4 **Heights Boulevard project is exempt from environmental review.**

5

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

16 WHEREAS, On September 7, 2010, this Board held a duly noticed public hearing to
17 consider the appeal of the exemption determination filed by Appellant, and following the public
18 hearing reversed the exemption determination; and

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

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

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25