

File No. 101043

Committee Item No. \_\_\_\_\_  
Board Item No. 31

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 09/14/10

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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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.

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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

Clerk of the Board  
BOARD OF SUPERVISORS

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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.

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