

1 [Affirming the Categorical Exemption Determination - 401 Main Street]

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3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 401 Main Street is categorically exempt from further environmental review.**

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6 WHEREAS, On September 28, 2017, the Planning Department issued a CEQA  
7 Categorical Exemption Determination for 61 cell sites on utility poles in the public right-of-way  
8 in the Downtown and South of Market neighborhoods, including the proposed cell site near  
9 401 Main Street (“Project”) under the California Environmental Quality Act ("CEQA"), the  
10 CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

11 WHEREAS, The proposed Project involves installation of wireless service facilities on  
12 an existing Joint Pole Association-owned wooden pole at the approximate address of 401  
13 Main Street; and

14 WHEREAS, On September 28, 2017, pursuant to Title 14 of the CEQA Guidelines  
15 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15387), the  
16 Planning Department determined that the Project is exempt from environmental review under  
17 Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303), which includes an  
18 exemption for Construction and location of limited numbers of new, small facilities or  
19 structures and installation of small new equipment and facilities in small structures; and

20 WHEREAS, On November 30, 2017, an appeal of the categorical exemption was filed  
21 by Stephen Williams on behalf of the Portside Homeowners Association (“Appellant”); and

22 WHEREAS, By memorandum to the Clerk of the Board dated December 11, 2017, the  
23 Planning Department’s Environmental Review Officer determined that the appeal was timely  
24 filed; and

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1           WHEREAS, On February 27, 2018, this Board held a duly noticed public hearing to  
2 consider the appeal of the exemption determination filed by Appellant and, following the public  
3 hearing, affirmed the exemption determination; and

4           WHEREAS, In reviewing the appeal of the exemption determination, this Board  
5 reviewed and considered the exemption determination, the appeal letter, the responses to the  
6 appeal documents that the Planning Department prepared, the other written records before  
7 the Board of Supervisors and all of the public testimony made in support of and opposed to  
8 the exemption determination appeal; and

9           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
10 affirmed the exemption determination for the Project based on the written record before the  
11 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
12 opposed to the appeal; and

13           WHEREAS, The written record and oral testimony in support of and opposed to the  
14 appeal and deliberation of the oral and written testimony at the public hearing before the  
15 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
16 the exemption determination is in the Clerk of the Board of Supervisors File No.171299, and is  
17 incorporated in this motion as though set forth in its entirety; now, therefore, be it

18           MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by  
19 reference in this motion, as though fully set forth, the exemption determination; and, be it

20           FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
21 record before it there are no substantial project changes, no substantial changes in project  
22 circumstances, and no new information of substantial importance that would change the  
23 conclusions set forth in the exemption determination by the Planning Department that the  
24 proposed Project is exempt from environmental review; and, be it

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1           FURTHER MOVED, That after carefully considering the appeal of the exemption  
2 determination, including the written information submitted to the Board of Supervisors and the  
3 public testimony presented to the Board of Supervisors at the hearing on the exemption  
4 determination, this Board concludes that the Project qualifies for an exemption determination  
5 under CEQA.

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