1   [Conditionally Reversing the Categorical Exemption Determination - 401 Main Street]

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3   **Motion conditionally reversing the determination by the Planning Department that the**

4   **proposed project at 401 Main Street is categorically exempt from further environmental**

5   **review, subject to the adoption of written findings of the Board in support of this**

6   **determination.**

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8   WHEREAS, On September 28, 2017, the Planning Department issued a CEQA

9   Categorical Exemption Determination for 61 cell sites on utility poles in the public right-of-way

10 in the Downtown and South of Market neighborhoods, including the proposed cell site near

11 401 Main Street ("Project") under the California Environmental Quality Act ("CEQA"), the

12 CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

13   WHEREAS, The proposed Project involves installation of wireless service facilities on

14 an existing Joint Pole Association-owned wooden pole at the approximate address of 401

15 Main Street; and

16   WHEREAS, On September 28, 2017, pursuant to Title 14 of the CEQA Guidelines

17 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300-15387), the

18 Planning Department determined that the Project is exempt from environmental review under

19 Class 3 of the CEQA Guidelines (14 Cal. Code Reg. Section 15303), which includes an

20 exemption for Construction and location of limited numbers of new, small facilities or

21 structures and installation of small new equipment and facilities in small structures; and

22   WHEREAS, On November 30, 2017, an appeal of the categorical exemption was filed

23 by Stephen Williams on behalf of the Portside Homeowners Association ("Appellant"); and

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1   WHEREAS, By memorandum to the Clerk of the Board dated December 11, 2017, the

2   Planning Department's Environmental Review Officer determined that the appeal was timely

3   filed; and

4   WHEREAS, On February 27, 2018, this Board held a duly noticed public hearing to

5   consider the appeal of the exemption determination filed by Appellant and, following the public

6   hearing, affirmed the exemption determination; and

7   WHEREAS, In reviewing the appeal of the exemption determination, this Board

8   reviewed and considered the exemption determination, the appeal letter, the responses to the

9   appeal documents that the Planning Department prepared, the other written records before

10   the Board of Supervisors and all of the public testimony made in support of and opposed to

11   the exemption determination appeal; and

12   WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors

13   conditionally reversed the exemption determination for the Project subject to the adoption of

14   written findings of the Board in support of such determination based on the written record

15   before the Board of Supervisors as well as all of the testimony at the public hearing in support

16   of and opposed to the appeal; and

17   WHEREAS, The written record and oral testimony in support of and opposed to the

18   appeal and deliberation of the oral and written testimony at the public hearing before the

19   Board of Supervisors by all parties and the public in support of and opposed to the appeal of

20   the exemption determination is in the Clerk of the Board of Supervisors File No. 171299, and

21   is incorporated in this motion as though set forth in its entirety; now, therefore, be it

22   MOVED, That this Board of Supervisors conditionally reverses the determination by the

23   Planning Department that the Project is exempt from environmental review, subject to the

24   adoption of written findings of the Board in support of this determination.

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