

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 401 Main
2 Street]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 401 Main Street is**
5 **categorically exempt from further environmental review.**

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

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

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

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

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

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 conditionally reversed the exemption determination for the Project subject to the adoption of
11 written findings of the Board in support of such determination based on the written record
12 before the Board of Supervisors as well as all of the testimony at the public hearing in support
13 of and opposed to the appeal; and

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

19 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
20 findings specifying the basis for its decision on the appeal of the exemption determination
21 issued by the Planning Department for the Project.

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