

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - 43 Everson
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 43 Everson Street is**
5 **categorically exempt from further environmental review.**

6
7 WHEREAS, On July 29, 2017, the Planning Department determined that the proposed
8 project located at 43 Everson Street ("Project") is exempt from environmental review under
9 the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco
10 Administrative Code, Chapter 31; and

11 WHEREAS, The proposed Project involves horizontal and vertical additions to an
12 existing three-story single-family dwelling unit; and

13 WHEREAS, By letter to the Clerk of the Board, dated July 17, 2017, Ryan Patterson of
14 Zacks, Freedman & Patterson, PC, on behalf of David Cowfer (Appellant), appealed the
15 exemption determination; and

16 WHEREAS, Appellant provided a copy of the Planning Department's Categorical
17 Exemption Determination, signed July 29, 2017, which found that the proposed Project to be
18 exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301), which
19 provides an exemption for minor alterations to existing facilities; and

20 WHEREAS, The San Francisco Planning Commission, by Discretionary Review Action
21 No. 0534, took discretionary review and approved the proposed Project with modifications on
22 June 15, 2017; and

23 WHEREAS, The Planning Department's Environmental Review Officer, by
24 memorandum to the Clerk of the Board dated July 24, 2017, determined that the appeal was
25 timely filed; and

1 WHEREAS, On September 12, 2017, 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, reversed the exemption determination subject to the adoption of written findings in
4 support of such determination; and

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

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

15 WHEREAS, The written record and oral testimony in support of and opposed to the
16 appeal and deliberation of the oral and written testimony at the public hearing before the
17 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
18 the exemption determination is in the Clerk of the Board of Supervisors File No. 170855, and
19 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

23
24 n:\land\as2017\0400241\01219285.docx