

1 [Affirming the Categorical Exemption Determination - 43 Everson Street]

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3 **Motion affirming the determination by the Planning Department that a proposed project**  
4 **at 43 Everson Street is categorically exempt from further environmental review.**

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

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

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

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

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

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

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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, 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. 170855, and  
17 is 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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