

1 [Conditionally Reversing the Categorical Exemption Determination - 43 Everson Street]

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3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **proposed project at 43 Everson Street is categorically exempt from further**  
5 **environmental review, subject to the adoption of written findings of the Board in**  
6 **support of this determination.**

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

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

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

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

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

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

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

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

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

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

23           MOVED, That this Board of Supervisors conditionally reverses the determination by the  
24 Planning Department that the project is exempt from environmental review, subject to the  
25 adoption of written findings of the Board in support of this determination.

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