File No. <u>170857</u>

Committee Item No. Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:

 Committee:
 Date:

 Board of Supervisors Meeting
 Date:
 September 12, 2017

Date:

Cmte Board

| | Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Letter and/or Report MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application |
|-------|--|
| | Application Public Correspondence |
| OTHER | |

| Prepared by: | Brent Jalipa | Date: | September 7, 2017 |
|--------------|--------------|-------|-------------------|
| Prepared by: | | Date: | |

MOTION NO.

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

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

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

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

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

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

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

Clerk of the Board BOARD OF SUPERVISORS

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

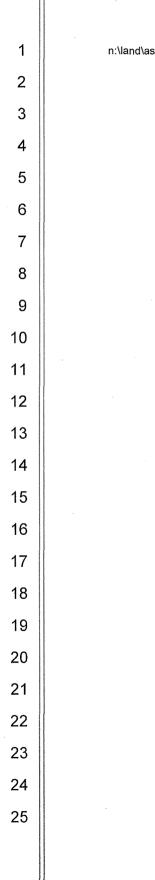
WHEREAS, On September 12, 2017, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellant and, following the public hearing, conditionally reversed the exemption determination subject to the adoption of written findings in support of such determination; and

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

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

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

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



n:\land\as2017\0400241\01219287.docx

Page 3

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

| 11 | (relact only one) | Time stamp or meeting date | |
|---|--|-------------------------------|--|
| I hereby submit the following item for introduction | (select only one): | 1 | |
| 1. For reference to Committee. (An Ordinance | e, Resolution, Motion or Charter Amendmen | t). | |
| 2. Request for next printed agenda Without Re | ference to Committee. | | |
| 3. Request for hearing on a subject matter at C | ommittee. | | |
| 4. Request for letter beginning :"Supervisor | | inquiries" | |
| 5. City Attorney Request. | | | |
| 6. Call File No. | from Committee. | | |
| 7. Budget Analyst request (attached written me | otion). | | |
| 8. Substitute Legislation File No. | | | |
| 9. Reactivate File No. | | | |
| 10. Question(s) submitted for Mayoral Appear | ance before the BOS on | | |
| | · · | 1 | |
| Please check the appropriate boxes. The propose | ed legislation should be forwarded to the foll | owing: | |
| Small Business Commission |] Youth Commission Ethics Co | ommission | |
| Planning Commission | Building Inspection Commiss | ion | |
| Note: For the Imperative Agenda (a resolution a | not on the printed agenda), use the Impera | ative Form. | |
| Sponsor(s): | | | |
| Clerk of the Board | | | |
| Subject: | | | |
| Conditionally Reversing the Exemption Determin | ation - 43 Everson Street | | |
| The text is listed: | | | |
| Motion conditionally reversing the determination is exempt from further environmental review, sub this determination. | | | |
| Signature of Spo | onsoring Supervisor: Olisa Boner | a) | |
| For Clerk's Use Only | fr | | |