



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: August 30, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Decision to Rescind Categorical Exemption Determination under CEQA for 43 Everson Street (Planning Department Case No. 2016-000017ENV)

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The California Environmental Quality Act (CEQA) Class 1(e)(1) Categorical Exemption determination for the proposed project at 43 Everson Street, issued on July 29, 2016, is hereby rescinded.

San Francisco Administrative Code section 31.08(e)(1)(B) requires that the environmental review for all projects involving the issuance of multiple discretionary approvals, describe and evaluate the whole of the project that will result from these discretionary approvals, as well as identify any additional discretionary approvals required. In addition, CEQA statute section 21159.27 prohibits the division of a project into smaller projects (i.e. "piecemealing"), in order to qualify for a CEQA exemption.

Since issuance of the exemption determination for the 43 Everson Street project, the Planning Department has found that this exemption determination did not describe or analyze the possible existence of an unauthorized second dwelling unit at the project site. In addition, the exemption determination did not describe or analyze the demolition work involved in the removal of this space. This is because the Environmental Evaluation Application (EEA)¹ submitted for the project in December 2015 did not disclose the possible existence and proposed removal of the unauthorized second dwelling unit located at the rear of the project site on the first floor.

Furthermore, the Planning Department has found that the exemption determination did not accurately describe and evaluate the amount of excavation proposed for the entire project. On April 1, 2016, a supplemental permit² was issued for the project site, which expanded the scope of excavation from that presented for the proposed project in the December 2015 EEA and its associated site plans. The supplemental permit was not routed to the Planning Department for review; therefore, the additional excavation was not evaluated as part of the exemption determination. However, despite not having environmental clearance, the expanded scope of the proposed on-site excavation was

¹ San Francisco Planning Department, *Environmental Evaluation Application: Case No. 2016-000017: 43 Everson Street, San Francisco, California, 94131*, December 18, 2015

² Department of Building Inspection permit number 201603303476, issued April 1, 2016. This permit has not yet been completed

incorporated into the primary permit³ for the proposed project, which was approved by the Planning Commission on June 15, 2017.

For all of the reasons described above, the CEQA Class 1(e)(1) exemption determination for the proposed project at 43 Everson Street, issued on July 29, 2016, is hereby rescinded. The environmental review should be reopened to include evaluation of all elements of the proposed project, including removal of the possible unauthorized dwelling unit and the additional excavation.

If you have further questions on this matter, please contact Planning Department staff Jennifer McKellar at (415) 575-8754 and Jennifer.McKellar@sfgov.org, or Devyani Jain at (415) 575-9051 and Devyani.Jain@sfgov.org.

³ Department of Building Inspection permit number 201601278097