



CATEGORICAL EXEMPTION APPEAL TIMELINESS DETERMINATION

Date: September 2, 2021
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571

RE: **Appeal Timeliness Determination –35 Ventura Avenue Categorical Exemption;
Planning Department Case No. 2016-013505APL**

On August 30, 2021, Ryan J. Patterson of Zacks, Freedman & Patterson, PC, on behalf of Tom and Kari Rocca (Appellant), filed an appeal with the Office of the Clerk of the Board of Supervisors of the Categorical Exemption for the proposed project at 35 Ventura Avenue. As explained below, the appeal is timely.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open)	Date of Appeal Filing	Timely?
Thursday, July 29, 2021	Saturday, August 28, 2021	Monday, August 30, 2021	Monday, August 30, 2021	Yes

Approval Action: On November 11, 2018, the Planning Department issued a Categorical Exemption for the proposed project. The Approval Action was the Discretionary Review hearing for the project at Planning Commission, which occurred on Thursday, July 29, 2021 (Date of the Approval Action).

Appeal Deadline: Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a CPE) to the Board of Supervisors during the time period beginning with the date of the exemption determination (including a CPE) and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, August 28, 2021. The next day when the Office of the Clerk of the Board of Supervisors was open was Monday, August 30, 2021 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination Monday, August 30, 2021, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.