

## CITY AND COUNTY OF SAN FRANCISCO



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## OFFICE OF THE CITY ATTORNEY

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File 150723  
COB,  
Leg. Dir.  
BOS  
Dep. City Atty,  
CPag.

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July 17, 2015

Angela Calvillo  
Clerk of the Board  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
*By hand delivery*

Re: Tentative Map Appeal regarding 645 Texas Street (Board File No. 150723)

Dear Ms. Calvillo:

You have asked for advice from my office regarding whether Marilyn Muratore timely filed her appeal of the Department of Public Works' tentative map approval for the above-referenced address. The Department approved the tentative map on June 25, 2015. Ms. Muratore filed an appeal with your office on Monday, July 6, 2015. Yesterday, you received a letter from the Pelosi Law Group, on behalf of the developer of the project, requesting that you reject the appeal as untimely.

San Francisco Subdivision Code section 1314 provides that certain parties may appeal tentative map approvals to the Board of Supervisors, and that "[a]ny such appeal must be filed in writing with the Clerk of the Board within 10 days of release of the decision appealed." Here, the tenth day following the Department's approval was Sunday, July 5. The Clerk's Office was closed that day, and Ms. Muratore filed her appeal in your office the next business day, Monday, July 6. In the letter you received yesterday, the Pelosi Law Group asserts that the appeal was untimely because Ms. Muratore filed it on the 11th day after the Department's approval.

The Subdivision Code does not explicitly state what deadline applies when the tenth day falls on a weekend or a holiday. In the absence of specific direction in the Code, we rely on general standards in State law regarding deadlines and computation of days. A number of State statutes instruct that if an act must be performed or a document filed within a particular number of days, and the last day is a Sunday or a holiday, then the deadline is the next business day. *See, e.g.,* Cal. Civil Code § 10 ("The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded."); Cal. Gov't Code § 6800 (same); Cal. Gov't Code § 6706 (same rule for acts "appointed by contract or law"); Cal. Gov't Code § 6707 (same rule for filing an instrument or document with a state agency); Cal. Code of Civ. Proc. § 12. Consistent with these principles, the Office of the Clerk of the Board has a longstanding policy of accepting administrative appeals on the next business day whenever a filing deadline falls on a weekend or holiday. You followed that policy in accepting Ms. Muratore's appeal on Monday, July 6.

The Clerk's Office's policy of accepting appeals on the next business day, and your

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acceptance of this appeal as timely, are consistent with the law. I recommend that you respond to the Pelosi law group accordingly. Feel free to contact me if you have any questions.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

A handwritten signature in black ink, appearing to read "Jon Givner", written over a horizontal line.

Jon Givner  
Deputy City Attorney