

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

December 22, 2014

David Osgood
On behalf of Rincon Point Neighbors Association
88 Howard Street
Post Office Box 193015
San Francisco, CA 94119

Subject: Appeal of California Environmental Quality Act (CEQA) Mitigated Negative Declaration - 110 The Embarcadero

Dear Mr. Osgood:

The Office of the Clerk of the Board is in receipt of a memo dated December 18, 2014, (copy attached), from the Planning Department regarding the timely filing of your appeal of the mitigated negative declaration for 110 The Embarcadero.

The Planning Department has determined that the appeal was filed in a timely manner.

The appeal filing period closed on Monday, December 15, 2014. Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, January 27, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

8 day prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to Legislative Clerks, Joy Lamug at (415) 554-7712 or John Carroll at (415) 554-4445.

Very truly yours,

A handwritten signature in black ink, appearing to read 'A. Calvillo', with a stylized flourish at the end.

Angela Calvillo
Clerk of the Board

c: Piper Kujak, The Commonwealth Club of California, Project Sponsor
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Aaron Starr, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Pilar LaValley, Planning Department
Jonas Ionin, Planning Commission Secretary



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 18, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal Timeliness Determination – 110 The Embarcadero / 115
Steuart Street

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the Mitigated Negative Declaration (MND) for the proposed project at 110 The Embarcadero/115 Steuart Street was filed with the Office of the Clerk of the Board on December 15, 2014, by David Osgood of Rincon Point Neighbors Association.

Timeline: The Preliminary Mitigated Negative Declaration (PMND) was issued on June 25, 2014. An appeal of the PMND was filed by David Osgood of Rincon Point Neighbors Association on July 15, 2014 prior to 5:00pm. On September 18, 2014 the Planning Commission held a duly noticed public hearing on the appeal of the PMND, and found that the project could not have a significant effect on the environment and affirmed the decision to issue the MND. The Final MND (FMND) for the project was issued on September 30, 2014.

Adoption of a MND occurs at the time of the first project approval. The Approval Action for the project is a Planning Code Section 309 approval issued by the Zoning Administrator or the Planning Commission. This Approval Action (approval by the Planning Commission) occurred on November 13, 2014. Therefore, the Date of the Approval Action, as defined in Section 31.04(h) of the San Francisco Administrative Code, is November 13, 2014.

Timeliness Determination: Section 31.16(a) and (d) of the San Francisco Administrative Code states that any person or entity that has filed an appeal of the PMND with the Planning Commission may appeal the adoption of the MND to the Board of Supervisors during the time period beginning with the Planning Commission approval of the MND and ending 30 days after the Date of the Approval Action. If the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday, an appeal may be filed before 5:00pm on the next business day.

The appellant filed an appeal of the PMND to the Planning Commission and therefore may file an appeal of the MND adoption to the Board of Supervisors. The appeal to the Board of Supervisors was filed on December 15, 2014, 32 days after the Date of Approval Action. Because the 30th day following the Approval Action was Saturday, December 13, 2014, an appeal could be filed until 5:00pm on Monday, December 15, 2014. Therefore, the appeal was timely filed during the specified window of time, after the approval of the MND and before 30 days beyond the Date of the Approval Action (or before 5:00pm on the next business day, if the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday).

Section 31.16(b)(4) of the San Francisco Administrative Code states that the Clerk of the Board shall schedule the appeal hearing no less than 21 days and no more than 45 days following expiration of the specified time period for filing of the appeal.