

BOARD of SUPERVISORS



City Hall
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July 14, 2014

Ryan J. Patterson
Zacks & Freedman
On behalf of the AIDS Healthcare Foundation
235 Montgomery Street, Suite 400
San Francisco, CA 94104

Subject: Appeal of the California Environmental Quality Act (CEQA) - Proposed Resolution to the Full Board of Supervisors for Interim Zoning Controls for Formula Retail Uses in the Castro Street Neighborhood Commercial District

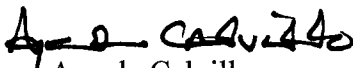
Dear Mr. Patterson:

The Office of the Clerk of the Board is in receipt of a memorandum dated July 11, 2014, from the Planning Department regarding the timely filing of appeal of the California Environmental Quality Act (CEQA) determination for the proposed Resolution to the Full Board of Supervisors for Interim Zoning Controls for Formula Retail Uses in the Castro Street Neighborhood Commercial District.

The Planning Department's determination for the proposed legislation stated: "Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2)." Therefore, the Planning Department cannot make a timeliness determination. We are hereby attaching a copy of the Planning Department's memorandum for further explanation. Please find your check in the amount of \$534 which is being returned to you due to the fact that this matter is not appealable to the Board of Supervisors.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerks, Joy Lamug at (415) 554-7712/John Carroll at (415) 554-4445.

Very truly yours,


Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Tina Tam, Planning Department
Joy Navarrete, Planning Department
Jonas Ionin, Planning Department



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 11, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal timeliness determination – BOS File 140736 – Interim
Zoning Controls for Formula Retail Uses

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Your office has forwarded to Planning an appeal of the California Environmental Quality Act (CEQA) Planning Department determination dated July 3, 2014 for the proposed Resolution to the full Board of Supervisors for Interim Zoning Controls for Formula Retail Uses that was filed with the Office of the Clerk of the Board on July 8, 2014, by Ryan J. Patterson on behalf of the AIDS Healthcare Foundation.

The Planning Department's determination for the proposed legislation stated: "Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment." In determining that the legislation was not defined as a project under CEQA, the Planning Department did not take any action that is subject to appeal under San Francisco Administrative Code Section 31.16(a). Section 31.16(a) states that the CEQA decisions that may be appealed to the Board of Supervisors are the certification of a final EIR by the Planning Commission, the adoption of a negative declaration by the first decision-making body, and a determination by the Planning Department or any other authorized City department that a project is exempt from CEQA. Instead, the Planning Department determined that the legislation was not a project that was subject to CEQA. Since neither the Planning Department nor the Planning Commission has taken any action that is subject to appeal under Section 31.16(a), we cannot make a timeliness determination.