



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 28, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal timeliness determination – 850 Bryant Street, Planning Department Case No. 2014.0198E

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An appeal of the Mitigated Negative Declaration (MND) for the proposed project at 850 Bryant Street (Planning Department Case No. 2014.0198E) was filed with the Office of the Clerk of the Board on July 20, 2015 by the group Californians United for a Responsible Budget (CURB).

Timeline: The Preliminary Mitigated Negative Declaration (PMND) was issued on May 13, 2015. An appeal of the PMND was filed by the appellant group CURB on July 3, 2015 prior to 5:00 pm. On June 25, 2015, the Planning 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 July 10, 2015.

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.

Adoption of the MND occurs at the time of the first project approval. The Approval Action for the project is the Board of Supervisor's approval of a funding application to the Board of State and Community Corrections and to authorize the execution of certain agreements, including construction and financing agreements. The Board of Supervisors is the first decision-making body on the proposed project, and therefore needed to adopt the MND and make findings in order to act on the project. Since the City's elected decision-making body adopted the MND, it is not subject to appeal under CEQA.

A duly noticed public hearing to consider the MND was held before the full Board of Supervisors on July 21, 2015. The Board affirmed the issuance of the MND, adopted the MND, and made CEQA findings.