



## Categorical Exemption Appeal Timeliness Determination

**DATE:** July 13, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Devyani Jain, Acting Environmental Review Officer  
**RE:** Appeal Timeliness Determination – 66 Mountain Spring Avenue Categorical Exemption; Planning Department Case No. 2018-007763ENV

On March 23, 2020, Gloria Smith, on behalf of Ms. Margaret Niver, Mr. Ronald Niver and Rosemarie MacGuinness (Appellants) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Categorical Exemption for the proposed project at 66 Mountain Spring 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 for Remote Business)	Date of Appeal Filing	Timely?
Thursday, February 20, 2020	Saturday, March 21, 2020	Monday, March 23, 2020	Monday, March 23, 2020	Yes

**Approval Action:** On February 12, 2019, the Planning Department issued a Categorical Exemption for the proposed project. The Approval Action for the project was approval of the building permit by the Planning Commission through the discretionary review process. On February 20, 2020, the Planning Commission approved the building permit.

**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 to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday, March 21, 2020. The next day when the Office of the Clerk of the Board of Supervisors was open was Monday, March 23, 2020 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Monday, March 23, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.