



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

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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.