



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 11, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal Timeliness Determination – 340 Bryant Street

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An appeal of the California Environmental Quality Act (CEQA) exemption determination (Community Plan Exemption, or CPE) for the proposed project at 340 Bryant Street was filed with the Office of the Clerk of the Board on February 9, 2015, by Sue Hestor of San Franciscans for Reasonable Growth.

Timeline: The CPE was issued on December 22, 2014. Adoption of a CPE occurs at the time of the first project approval. The Approval Action for the project is a Planning Code Section 321 (Office Allocation) approval issued by the Planning Commission. This Approval Action occurred on January 8, 2015. Therefore, the Date of the Approval Action, as defined in Section 31.04(h) of the San Francisco Administrative Code, is January 8, 2015.

Timeliness Determination: Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal the exemption determination by the Planning Department to the Board of Supervisors during the time period within 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 CPE to the Board of Supervisors on February 9, 2015, 32 days after the Date of Approval Action. Because the 30th day following the Approval Action was Saturday, February 7, 2015, an appeal could be filed until 5:00pm on Monday, February 9, 2015. Therefore, the appeal was timely filed during the specified window of time, after the first project approval 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.