

(BOS)

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**From:** Jones, Sarah (CPC)  
**Sent:** Friday, December 19, 2014 8:49 AM  
**To:** BOS Legislation (BOS); Rahaim, John (CPC)  
**Cc:** Calvillo, Angela (BOS); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); LaValley, Pilar (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Caldeira, Rick (BOS); Carroll, John (BOS); Uchida, Kansai (CPC); Cooper, Rick (CPC)  
**Subject:** RE: Appeal of the Mitigated Negative Declaration - 110 The Embarcadero - Timeliness Determination  
**Attachments:** 110 Embarcadero - BOS Appeal Timeliness Determination 12-18-14.pdf  
**Categories:** 141320

Dear Joy:

Please see attached determination concluding that the appeal is timely. Please contact me if you have any questions.

-Sarah

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**Sarah Bernstein Jones**  
**Environmental Review Officer**  
**Director of Environmental Planning**

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**From:** BOS Legislation (BOS)  
**Sent:** Wednesday, December 17, 2014 3:43 PM  
**To:** Rahaim, John (CPC)  
**Cc:** Calvillo, Angela (BOS); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); LaValley, Pilar (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS)  
**Subject:** Appeal of the Mitigated Negative Declaration - 110 The Embarcadero - Timeliness Determination

Dear Director Rahaim,

The Office of the Clerk of the Board is in receipt of an Appeal of the Mitigated Negative Declaration (copy attached) for 110 The Embarcadero filed by David Osgood on December 15, 2014.

Please review for timely filing determination.

Thank you in advance.

**Joy Lamug**  
**Legislative Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Direct: (415) 554-7712 | Fax: (415) 554-5163



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

**DATE:** December 18, 2014  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer  
**RE:** Appeal Timeliness Determination – 110 The Embarcadero / 115  
Steuart Street

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An appeal of the Mitigated Negative Declaration (MND) for the proposed project at 110 The Embarcadero/115 Steuart Street was filed with the Office of the Clerk of the Board on December 15, 2014, by David Osgood of Rincon Point Neighbors Association.

**Timeline:** The Preliminary Mitigated Negative Declaration (PMND) was issued on June 25, 2014. An appeal of the PMND was filed by David Osgood of Rincon Point Neighbors Association on July 15, 2014 prior to 5:00pm. On September 18, 2014 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 September 30, 2014.

Adoption of a MND occurs at the time of the first project approval. The Approval Action for the project is a Planning Code Section 309 approval issued by the Zoning Administrator or the Planning Commission. This Approval Action (approval by the Planning Commission) occurred on November 13, 2014. Therefore, the Date of the Approval Action, as defined in Section 31.04(h) of the San Francisco Administrative Code, is November 13, 2014.

**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.

The appellant filed an appeal of the PMND to the Planning Commission and therefore may file an appeal of the MND adoption to the Board of Supervisors. The appeal to the Board of Supervisors was filed on December 15, 2014, 32 days after the Date of Approval Action. Because the 30th day following the Approval Action was Saturday, December 13, 2014, an appeal could be filed until 5:00pm on Monday, December 15, 2014. Therefore, the appeal was timely filed during the specified window of time, after the approval of the MND 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.