



Statutory Exemption Appeal Timeliness Determination

DATE: September 29, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Appeal Timeliness Determination
2020-007183ENV, SFMTA COVID-19 Muni Rail Service
Adjustments and Associated Street and Parking Changes – August
22nd, 2020 and Fall 2020

On September 21, 2020, David Pilpel (appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of a Statutory Exemption determination for the San Francisco Municipal Transportation Agency’s COVID-19 Muni Rail Service Adjustments and Associated Street and Parking Changes – August 22nd, 2020 and Fall 2020 (COVID-19 Rail Service Project). As explained below, the appeal is timely.

Date of Project Approval	Date of Approval Action Posting	30 Days after Approval Action Posting	Appeal Deadline (Must be a day that the Clerk of Board’s Office is open for remote business)	Date of Appeal Filing	Timely?
August 19, 2020	August 20, 2020	September 19, 2020	September 21, 2020	September 21, 2020	Yes

Approval Action: On August 12, 2020, the Planning Department issued a Statutory Exemption determination for the proposed project. On August 19, 2020, the project was approved by the SFMTA Director of Transit. On August 20, 2020, the Planning Department posted that the project was approved.

Appeal Deadline: Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date the approval action is posted to the Planning Department's website. Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a statutory exemption) to the Board of Supervisors during the time period. The 30th day after the date of project approval posting falls on a Saturday, and therefore the appeal period expires on Monday, September 21, 2020 at 5:00 p.m. (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Monday, September 21, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.