



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** October 23, 2018

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Lisa Gibson, Environmental Review Officer

**RE:** Appeal Timeliness Determination – 450-474 O’Farrell Street/532 Jones Street, Planning Department Case No. 2013.1535ENV

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Two appeals of the certification of the Final Environmental Impact Report (FEIR) for the 450-474 O’Farrell Street/532 Jones Street Project were filed with the Office of the Clerk of the Board of Supervisors by the following parties:

- Sarah M. K. Hoffman of Zacks, Freedman & Patterson, PC, on behalf of 540 Jones Street Hotel, LLC (appeal filed on October 15, 2018) and
- Mike Buhler, on behalf of San Francisco Heritage (appeal filed on October 15, 2018).

The above parties are hereby collectively referred to as the “appellants.” As explained below, the Planning Department finds these two appeals to be timely filed.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open)	Date of Appeal Filing	Timely?
September 13, 2018 (EIR certification)	Saturday, October 13, 2018	Monday, October 15, 2018	540 Jones Street Hotel, LLC filed appeal on October 15, 2018	Yes
			San Francisco Heritage filed appeal on October 15, 2018	Yes

**Timeline:** On October 25, 2017, the Planning Department published the Draft Environmental Impact Report (DEIR) for the 450-474 O’Farrell Street/532 Jones Street Project with a public review and comment period from October 25, 2017 through December 11, 2017. On November 30, 2017, the Planning Commission held a duly advertised public hearing on the DEIR. The Responses to Comments document was issued on June 13, 2018. On June 28, 2018, the Planning Commission held a duly noticed hearing to consider certification of the 450-474 O’Farrell Street/532 Jones Street Project FEIR. The Planning Commission continued the EIR certification until the September 13, 2018 commission hearing. The Planning Commission then certified the 450-474 O’Farrell Street/532 Jones Street Project FEIR on September 13, 2018.

**Appeal Deadline:** Sections 31.16(a) and (c) of the San Francisco Administrative Code state that any person or entity that has submitted comments to the Planning Commission or the

Environmental Review Officer on a DEIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the FEIR up to 30 days after the certification of the FEIR. The 30<sup>th</sup> day after the certification of the FEIR was October 13, 2018. The next date when the Office of the Clerk of the Board was open was Monday, October 15, 2018 (appeal deadline).

**Appellant Standing:** Both appellants provided written and oral comments on the DEIR and therefore, the Appellants have standing to appeal the certification of the FEIR.

**Appeal Filing and Timeliness:** San Francisco Heritage and 540 Jones Street Hotel, LLC both filed an appeal on October 15, 2018. Both appeals were filed prior to the appeal deadline and, therefore, the appeals are considered timely.