



Statutory Exemption Appeal Timeliness Determination

DATE: August 27, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Appeal Timeliness Determination – SFMTA Panhandle Social Distancing and Safety Project Emergency Statutory Exemption 2020-006678ENV

On August 14, 2020, Mary Miles on behalf of the Coalition for Adequate Review (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory Exemption for the San Francisco Municipal Transportation Agency’s (SFMTA) Panhandle Social Distancing and Safety Project. As explained below, the appeal is timely.

Date of Project Approval	Date of CEQA Posting	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open for Remote Business)	Date of Appeal Filing	Timely?
July 15, 2020	July 17, 2020	August 17, 2020	August 14, 2020	Yes

Approval Action: On July 15, 2020, the SFMTA Department Operations Center, under the authority delegated by the City Traffic Engineer, approved the project. On July 17, 2020, the Planning Department posted a Statutory Exemption on the Planning Department’s website.

Appeal Deadline: Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date this exemption 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 CEQA posting falls on a Sunday and therefore the appeal period expired on Monday, August 17, 2020 at 5:00 p.m. (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Friday, August 14, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.