



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: October 21, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal timeliness determination
Final Environmental Impact Report for 5M Project

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An appeal of the Certification of the Final Environmental Impact Report (FEIR) for the 5M Project (925 Mission Street and various parcels) was filed with the Office of the Clerk of the Board on October 19, 2015, by Rachel Mansfield-Howlett, on behalf of the South of Market Action Committee (SMAC), South of Market Community Action Network (SOMCAN), Save our SoMa (SOS), and Friends of Boeddeker Park.

Timeline: On October 15, 2014, the Department published the Draft Environmental Impact Report (DEIR) for the 5M Project. On November 20, 2014, the Planning Commission held a duly advertised public hearing on the DEIR. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 83-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, including a description and analysis of "the Revised Project", and corrected errors in the DEIR. This material was presented in a Draft Responses to Comments document, published August 13, 2015. On September 17, 2015, the San Francisco Planning Commission certified the Final Environmental Impact Report (FEIR) for the 5M Project.

Timeliness Determination: Section 31.16(a) and (c) of the San Francisco Administrative Code states that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a draft EIR, 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 final EIR up to 30 days after the certification of the EIR. The appellant filed an appeal of the certification of the 5M Project FEIR on behalf of the South of Market Action Committee (SMAC), South of Market Community Action Network (SOMCAN), Save our SoMa (SOS), and Friends of Boeddeker Park groups. Members of SOMCAN submitted written comments on the DEIR and oral comments at the 5M DEIR hearing on November 20, 2014. Therefore, Rachel Mansfield-Howlett has standing to appeal the certification of the 5M Project FEIR to the Board of Supervisors.

The appeal was filed on October 19, 2015. The appeal was timely filed during the specified window of time, after the certification of the FEIR and before the last business day at least 30 days beyond the date of the FEIR certification.

Section 31.16(b)(4) of the San Francisco Administrative Code states that the Clerk of the Board shall schedule the appeal hearing to occur no less than 21 days and no more than 45 days following expiration of the specified time period for filing of the appeal.