



# STATUTORY EXEMPTION APPEAL TIMELINESS DETERMINATION

*Date:* December 4, 2025

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

*From:* Lisa Gibson, Environmental Review Officer – (628) 652-7571

*RE:* Appeal Timeliness Determination – Embarcadero Fountain by Armand Vaillancourt Statutory Exemption; Planning Department Case No. 2025-010275ENV

On December 1, 2025, Susan Brandt-Hawley of Brandt-Hawley Law Group, on behalf of Docomomo US/Northern California (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory Exemption for the proposed project at Embarcadero Fountain by Armand Vaillancourt (Vaillancourt Fountain). As explained below, the appeal is timely.

**Table 1. Summary of Approval and Appeal Dates**

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?
Monday, November 3, 2025	Wednesday, December 3, 2025	Wednesday, December 3, 2025	Monday, December 1, 2025	Yes

**Approval Action:** On October 31, 2025, the Planning Department issued a Statutory Exemption for the proposed project. The Approval Action for the project was approval by the San Francisco Arts Commission to remove the Vaillancourt Fountain (SFAC Accession No. 1971.46), which occurred on November 3, 2025 (Date of the Approval Action).

**Appeal Deadline:** Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Wednesday, December 3, 2025 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Monday, December 1, 2025, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.