



## Environmental Impact Report Appeal Timeliness Determination

**DATE:** October 9, 2019  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer – (415) 575-9032  
**RE:** Appeal Timeliness Determination –  
3333 California Street Mixed-Use Project  
Planning Department Case No. 2015-014028ENV

On October 7, 2019, Laurel Heights Improvement Association of San Francisco, Inc., or LHIA, (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the certification of the Final Environmental Impact Report (FEIR) for the proposed project at 3333 California Street. As explained below, the Planning Department finds the appeal to be timely filed.

Date of Approval Action (i.e., EIR Certification Date)	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open)	Date of Appeal Filing	Timely?
Thursday, September 5, 2019	Saturday, October 5, 2019	Monday, October 7, 2019	Monday, October 7, 2019	Yes

**Approval Action:** On November 7, 2018, the Planning Department published the Draft Environmental Impact Report (DEIR) for the proposed project at 3333 California Street with a public review and comment period from November 8, 2018 through January 8, 2019. On December 13, 2018, the Planning Commission held a duly advertised public hearing on the DEIR. The EIR Responses to Comments document was issued on August 22, 2019. On September 5, 2019, the Planning Commission held a duly noticed hearing to consider certification of the proposed 3333 California Street Mixed-Use Project FEIR. The Approval Action for the project is the certification of the FEIR. The Planning Commission certified the 3333 California Street Mixed-Use Project FEIR on September 5, 2019 (Date of the Approval Action).

**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 (i.e., up to 30 days after the Date of the Approval Action). The 30<sup>th</sup> day after the certification of the FEIR was Saturday, October 5, 2019. However, when an appeal deadline falls on a weekend day, it has been the longstanding practice of the Clerk of the Board to accept appeals until the close of business on the following workday. That day was Monday, October 7, 2019 (Appeal Deadline).

**Appellant Standing:** Appellant submitted written comments on the DEIR and therefore, the Appellant has standing to appeal the certification of the FEIR.

**Appeal Filing and Timeliness:** Appellant LHIA filed an appeal on October 7, 2019, prior to the end of the Appeal Deadline. Therefore, the appeal is considered timely.