



## Appeal Timeliness Determination

**DATE:** August 12, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
Jocelyn Wong, Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer  
**RE:** Appeal of Final Mitigated Negative Declaration, 2417 Green Street Project, Planning Case No. 2017-002545ENV

Richard Drury of Lozeau Drury LLP on behalf of Philip Kaufman filed an appeal of the final mitigated negative declaration (FMND) for the proposed project at 2417 Green Street with the Office of the Clerk of the Board of Supervisors on February 5, 2020. As noted below, this appeal is considered timely for review.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must be Day Clerk of the Board’s Office is Open)	Date of Appeal Filing	Timely?
July 16, 2020	Saturday, August 15, 2020	Monday, August 17, 2020	February 5, 2020	Yes

**Approval Action:** On June 26, 2019, Environmental Planning staff issued a preliminary mitigated negative declaration (PMND), which was subsequently appealed by Richard Drury of Lozeau Drury, LLP, on behalf of Philip Kaufman, the owner of 2421 Green Street. At the January 9, 2020 public hearing, the Planning Commission adopted a motion upholding the PMND, and the Planning Department issued the FMND. The Approval Action for the project was the July 16, 2020 Discretionary Review by the Planning Commission.

**Appeal Deadline:** San Francisco Administrative Code Chapter 31, Section 31.16(d) states that any person or entity that has filed an appeal of the preliminary negative declaration with the Planning Commission during the public comment period provided in Chapter 31 may appeal the Planning Commission’s approval of the final negative declaration. The code further provides that the appellant shall submit a letter of appeal to the Clerk of the Board within 30 days after the Date of Approval Action for the project taken in reliance of

the negative declaration. The Approval Action occurred on July 16, 2020, and the 30th day after the Date of the Approval Action is August 17, 2020 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the FMND on February 5, 2020, prior to the end of the Appeal Deadline on August 17, 2020. Although the appeal was not timely when filed, because the Approval Action has now occurred, the appeal is considered timely.

**Appellant Standing:** The appellant appealed the PMND to the Planning Commission, which held an appeal hearing on January 9, 2020. Therefore, the appellant has standing to appeal the FMND.