San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

CATEGORICAL EXEMPTION APPEAL TIMELINESS DETERMINATION

Date: September 29, 2022
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571

RE: Appeal Timeliness Determination – 45 Bernard Street Categorical Exemption; Planning Department Case No. 2020-005176PRJ

On September 26, 2022, Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association (Appellant), filed an appeal with the Office of the Clerk of the Board of Supervisors of the Categorical Exemption for the proposed project at 45 Bernard Street. As explained below, the appeal is timely.

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?
Thursday, August 25, 2022	Saturday, September 24, 2022	Monday, September 26, 2022	Monday, September 26, 2022	Yes

Approval Action: On April 13, 2021, the Planning Department issued a Categorical Exemption for the proposed project. The Approval Action for the project was the Planning Commission approval of the Project, which occurred on August 25, 2022 (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 Saturday, September 24, 2022. The next day when the Office of the Clerk of the Board of Supervisors was open was Monday, September 26, 2022 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on Monday, September 26, 2022, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.