San Francisco Planning

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FINAL MITIGATED NEGATIVE DECLARATION APPEAL TIMELINESS DETERMINATION

Date: October 15, 2025
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571

RE: **Appeal Timeliness Determination – 570 Market Street Final Mitigated Negative Declaration; Planning Department Case No. 2019-017622ENV**

On Friday, October 10, 2025, two parties filed an appeal of the Final Mitigated Negative Declaration (FMND) for the proposed project at 570 Market Street were filed with the Office of the Clerk of the Board of Supervisors. The parties are:

- Anna Shimko of Burke, Williams & Sorensen, LLP on behalf of CPH 564, LP – Owner of 564 Market Street (the Chancery Building); and
- Brian Flynn of Lozeau Drury LLP on behalf of BCal 44 Montgomery Property LLC – Owner of 44 Montgomery Street

The above parties are hereby collectively referred to as the "appellants." As explained below, the Planning Department finds these two appeals to be timely filed.

Table 1. Timeline of Timeliness Determination

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filings	Timely?
Thursday, September 11, 2025	Saturday, October 11, 2025	Tuesday, October 14, 2025	Both appeals were filed on Friday, October 10, 2025	Yes

Approval Action: On October 30, 2024, the Planning Department issued a preliminary mitigated negative declaration (PMND) for the proposed project at 570 Market Street. Two appeals of the PMND were filed for this project. On November 20, 2024, Brian Flynn on behalf of BCal 44 Montgomery Property LLC and Edward Shaffer on behalf of Burke, Williams & Sorensen, LLP (appellants) filed separate appeals of the PMND. On December 11, 2024, Mr. Shaffer filed a supplemental appeal letter.

On May 1, 2025, the Planning Commission affirmed the PMND on appeal. On May 19, 2025, the Planning Department issued the Final MND (FMND).

The approval actions for the project were continued to a later hearing on September 11, 2025. The Approval Actions for the project were a Conditional Use Authorization from the planning commission under Planning Code section 303 to permit hotel uses, and a Downtown Large Project Authorization under Planning Code section 309 for projects within a C-3 zoning district greater than 50,000 square feet in area or 75 feet in height and for granting exceptions to the requirements of certain sections of the Planning Code. On September 11, 2025, the planning commission heard the proposed project and approved with conditions the Conditional Use Authorization and Downtown Large Project Authorization.

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 PMND with the Planning Commission during the public comment period provided in Chapter 31 may appeal the Planning Commission's approval of the FMND. 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 FMND. The Approval Action occurred on Thursday, September 11, 2025, and the 30th day after the Date of the Approval Action is Saturday, October 11, 2025. The next day when the Office of the Clerk of the Board of Supervisors was open was Tuesday, October 14, 2025 (appeal deadline).

Appellant Standing: The appellants timely appealed the PMND to the Planning Commission, which held an appeal hearing on May 1, 2025. Therefore, the appellants have standing to appeal the FMND.

Appeal Filing and Timeliness: The appellants filed the appeal of the FMND on Friday, October 10, 2025, prior to the end of the appeal deadline on Tuesday, October 14, 2025. Therefore, the appeals are timely.