



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 21, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal timeliness determination – SFMTA Resolution No. 14-061

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An appeal of the statutory exemption for the SFMTA Resolution No. 14-061 – SFMTA's FY2015-16 Two-Year Capital Budget was filed with the Office of the Clerk of the Board on May 15, 2014, by James M. Birkelund on behalf of Livable City, the San Francisco Transit Riders Union and Mario Tanev. The exemption for the FY2015-2016 Two-Year Capital Budget was issued under §21080(b)(8) of CEQA and §15273 of the CEQA Guidelines, providing a statutory exemption for the establishment, modification or restructuring of rates, tolls, fares, and/or charges.

Timeline: The statutory exemption was issued on March 25, 2014. The Approval Action for the project was a hearing before the SFMTA Board of Directors, which occurred on April 15, 2014 (Date of the Approval Action).

Timeliness Determination: Section 31.16(a) and (e) of the San Francisco Administrative Code states 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 appeal of the exemption determination was filed on May 15, 2014, which is 30 days after the Date of the Approval Action and is within the time frame specified above. Therefore the appeal is considered timely.