




SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: December 20, 2016
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Acting Environmental Review Officer 
RE: Appeal Timeliness Determination – 950-974 Market Street,
Planning Department Case No. 2013.1049E

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the Mitigated Negative Declaration (MND) for the proposed project at 950-974 Market Street (Planning Department Case No. 2013.1049E) was filed with the Office of the Clerk of the Board on December 16, 2016 by Victor Marquez, on behalf of the Transgender Intersex Justice Project, Saint James Infirmary, and the Q Foundation.

Timeline: The Preliminary Mitigated Negative Declaration (PMND) was issued on July 6, 2016. An appeal of the PMND was filed by Brian Basinger and Rick Galbreath from the Q Foundation. On November 17, 2016 the Planning Commission held a duly noticed public hearing on the appeal of the PMND, and found that the project could not have a significant effect on the environment and affirmed the decision to issue the MND. The Final MND (FMND) for the project was issued on November 17, 2016. Adoption of a MND occurs at the time of the first project approval. The MND identified the Approval Action for the project as the Downtown Project Authorization by the Planning Commission, pursuant to Section 31.04(h)(3), which occurred on November 17, 2016 (Date of the Approval Action).

Timeliness Determination: Section 31.16(a) and (d) of the San Francisco Administrative Code states that any person or entity that has filed an appeal of the PMND with the Planning Commission may appeal the adoption of the MND to the Board of Supervisors during the time period beginning with the Planning Commission approval of the MND and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Saturday December 17, 2016. The next date when the Office of the Clerk of the Board was open was Monday, December 19, 2016.

The appellant filed an appeal of the PMND to the Planning Commission and therefore may file an appeal of the MND adoption to the Board of Supervisors. The appeal was timely filed during the specified window of time, after the approval of the MND and before 30 days beyond the Date of the Approval Action.