



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** December 6, 2017  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer *LG*  
**RE:** Appeal timeliness determination – ExteNet for T-Mobile Cell Site on Existing JPA Wood Pole – Approximate Address 401 Main Street, Planning Department Case No. 2016-011592ENV

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An appeal of the categorical exemption determination for the proposed project in the public right-of-way near 401 Main Street (Planning Department Case No. 2016-011592ENV) was filed with the Office of the Clerk of the Board of Supervisors on November 30, 2017, by Stephen M. Williams on behalf of the Portside Homeowners Association. As explained below, the Planning Department does not find the appeal to be timely filed.

Date of Approval Action	30 Days after Approval Action/ Appeal Deadline	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
Tuesday, October 24, 2017	Thursday, November 23, 2017	Monday, November 27, 2017	Thursday, November 30, 2017	No

**Approval Action:** On September 28, 2017, the Planning Department issued a CEQA Categorical Exemption Determination for 61 cell sites on utility poles in the public right-of-way in the Downtown and South of Market neighborhoods, including the cell site near 401 Main Street. Each cell site has its own Approval Action, which is the San Francisco Public Works Final Approval for the individual cell site permit. The Final Approval of the permit for the cell site near 401 Main Street was issued by Public Works on October 24, 2017 (Date of the Approval Action).

**Appeal Deadline:** 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 30<sup>th</sup> day after the Date of the Approval Action was Thursday, November 23, 2017 (a holiday) and the first business day after the 30 days was Monday, November 27, 2017 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Thursday, November 30, 2017, after the Appeal Deadline. Therefore, the appeal is not considered timely.