



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: August 29, 2018
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Devyani Jain, Deputy Environmental Review Officer
RE: Appeal Timeliness Determination – India Basin Mixed-Use Project, Planning Department Case No. 2014-00254ENV

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Two appeals of the certification of the Final Environmental Impact Report (FEIR) for the India Basin Mixed Use Project were filed with the Office of the Clerk of the Board of Supervisors by the following parties:

- Mr. Mikhail Brodsky, President of Archimedes Banya SF and 748 Innes Ave. HOA (Banya) (appeal filed on August 23, 2018) and
- Mr. Bradley Angel, Executive Director of Greenaction for Health and Environmental Justice (Greenaction) (appeal filed on August 27, 2018).

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.

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?
July 26, 2018 (EIR certification)	Saturday, August 25, 2018	Monday, August 27, 2018	Banya filed appeal on August 23, 2018	Yes
			Greenaction filed appeal on August 27, 2018	Yes

Timeline: On September 13, 2017, the Planning Department published the Draft Environmental Impact Report (DEIR) for the India Basin Mixed-Use Project with a public review and comment period from September 14, 2017 through October 30, 2017. On October 19, 2017, the Planning Commission held a duly advertised public hearing on the DEIR. The Responses to Comments document was issued on July 11, 2018. On July 26, 2018, the Planning Commission held a duly noticed hearing to consider certification of the India Basin Mixed-Use Project FEIR. The Planning Commission certified the India Basin Mixed-Use Project FEIR on July 26, 2018.

Appeal Deadline: Sections 31.16(a) and (c) of the San Francisco Administrative Code state that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a DEIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the

Planning Commission's certification of the FEIR up to 30 days after the certification of the FEIR. The 30th day after the certification of the FEIR was August 25, 2018. The next date when the Office of the Clerk of the Board was open was Monday, August 27, 2018 (Appeal Deadline).

Appellant Standing: Both Appellants issued written and oral comments on the DEIR and therefore, the Appellants have standing to appeal the certification of the FEIR.

Appeal Filing and Timeliness: Banya filed an appeal on August 23, 2018 and Greenaction filed an appeal on August 27, 2018. Both appeals were filed prior to the Appeal Deadline and therefore, the appeals are considered timely.