



## Environmental Impact Report Appeal Timeliness Determination

**DATE:** July 24, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer –  
Lisa.Gibson@sfgov.org  
**RE:** Appeal Timeliness Determination – Balboa Reservoir Project  
EIR, Planning Department Case No. 2018-007883ENV

The Law Offices of Stuart M. Flashman, on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn (the “Appellants”), filed an appeal of the Planning Commission’s certification of the final subsequent environmental impact report (EIR) for the Balboa Reservoir Project with the Office of the Clerk of the Board of Supervisors on June 18, 2020.

As explained below, the Planning Department finds the appeal to be timely filed.

Date of Approval Action	30 Days after Approval Action	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
May 28, 2020 (EIR certification)	Saturday, June 27, 2020	Monday, June 29, 2020	June 18, 2020	Yes

**Timeline:** On August 7, 2019, the Planning Department published the draft subsequent EIR for the Balboa Reservoir Project with a public review and comment period from August 7, 2019 through September 23, 2019. On September 12, 2019, the Planning Commission held a duly advertised public hearing on the draft subsequent EIR. The Planning Department published a responses to comments document on April 29, 2020. The Planning Commission held a duly noticed hearing on May 28, 2020 to consider certification of the final EIR. The Planning Commission certified the final EIR on May 28, 2020.

**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 draft EIR, 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 final subsequent EIR up to 30 days after the certification of the final EIR. The 30<sup>th</sup> day after the certification of the final subsequent EIR was June 27, 2020. The next date when the Office of the Clerk of the Board was conducting business was June 29, 2020 (Appeal Deadline).

**Appellant Standing:** The Appellants issued written and oral comments on the draft subsequent EIR; therefore, the Appellants have standing to appeal the certification of the final subsequent EIR.

**Appeal Filing and Timeliness:** The Law Offices of Stuart M. Flashman on behalf of Madeline Mueller, Alvin Ja, and Wynd Kaufmyn filed an appeal on June 18, 2020. The appeal was filed prior to the Appeal Deadline and therefore, the appeal is considered timely.