



FINAL MITIGATED NEGATIVE DECLARATION APPEAL TIMELINESS DETERMINATION

Date: August 25, 2021
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Devyani Jain, Deputy Environmental Review Officer – (628) 652-7574

**RE: Appeal Timeliness Determination – 1525 Pine Street Final Mitigated Negative Declaration;
Planning Department Case No. 2015-009955ENV, 2015-009955APL-02**

On August 20, 2021, David Cincotta (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Final Mitigated Negative Declaration (FMND) for the proposed project at 1525 Pine Street. As explained below, the appeal is timely.

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?
Thursday, July 22, 2021	Saturday, August 21, 2021	Monday, August 23, 2021	Friday, August 20, 2021	Yes

Approval Action: On January 27, 2021, the Planning Department issued a preliminary mitigated negative declaration (PMND) for the proposed project at 1525 Pine Street. An appeal was filed by David Cincotta on behalf of Patricia Rose, Claire Rose, and other neighbors on February 16, 2021. On May 6, 2021, the Planning Commission affirmed the PMND on appeal. On May 6, 2021, the Planning Department issued the Final MND (FMND). The Approval Action for the project was Conditional Use Authorization by the Planning Commission, which occurred on July 22, 2021 (Date of the Approval Action).

Appeal Deadline: San Francisco Administrative Code Chapter 31, Section 31.16(d) states that any person or entity that has filed an appeal of the PMND with the Planning Commission during the public comment period provided in Chapter 31 may appeal the Planning Commission’s approval of the FMND. The code further provides that the appellant shall submit a letter of appeal to the Clerk of the Board within 30 days after the Date of Approval Action for the project taken in reliance of the FMND. The Approval Action occurred on Thursday, July 22, 2021, and the 30th day after the Date of the Approval Action is Saturday, August 21, 2021.

The next day when the Office of the Clerk of the Board of Supervisors was open was Monday, August 23, 2021 (Appeal Deadline).

Appellant Standing: The appellant appealed the PMND to the Planning Commission, which held an appeal hearing on May 6, 2021. Therefore, the appellant has standing to appeal the FMND.

Appeal Filing and Timeliness: The Appellant filed the appeal of the FMND on Friday, August 20, 2021, prior to the end of the Appeal Deadline on Monday, August 23, 2021. Therefore, the appeal is timely.