



Appeal Filing to the Board of Supervisors In Its Capacity as Governing Body of the Successor Agency

Environmental Leadership Projects California Environmental Quality Act (CEQA) Final Environmental Impact Report Appeal (Commission on Community Investment and Infrastructure Resolution No. 33-2015)

The certification of a Final Environmental Impact Report (FEIR) for an Environmental Leadership Project by the Successor Agency to the former San Francisco Redevelopment Agency (Successor Agency, also known as the Office of Community Investment and Infrastructure along with its policy body the Commission on Community Investment and Infrastructure [CCII]) may be appealed to the Board of Supervisors (Board) pursuant to the terms of CCII Resolution No. 33-2015, approved on June 2, 2015

Any appeal filed pursuant to Resolution No. 33-2015 shall be filed in accordance with the procedures listed below. This document summarizes the process. Further details of this process and about Environmental Leadership Projects California Public Resources Code Sections 21178 et seq., are set forth in the text of CCII Resolution No. 33-2015, copies of which are available in the offices of the Clerk of the Board of Supervisors or at the following electronic link:

www.sfocii.org/modules/showdocument.aspx?documentid=9140. In case of any conflict between any part of this document and CCII Resolution No. 33-2015, the provisions of CCII Resolution No. 33-2015 control. All references below to the Board are to the Board of Supervisors and all references to the Clerk of the Board are to the Clerk of the Board of Supervisors.

Who May File An Appeal:

Only a person or entity that submitted comments to the Office of Community Investment and Infrastructure (OCII) or the Commission on Community Investment and Infrastructure (CCII), either in writing during the public review period of an Environmental Leadership Project EIR, or orally or in writing at or before the close of a CCII public hearing on the EIR, may appeal a CCII certification of an FEIR on an Environmental Leadership Project.

CCII Resolution No. 33-2015, Exhibit A, Para. (1).

Filing Deadline:

The appellant or his or her agent must submit a letter of appeal to the Office of Community Investment and Infrastructure (OCII) Executive Director or his or her designee (collectively referred to as OCII Executive Director) within 10 calendar days of OCII's Environmental Leadership EIR certification and no later than 5:00 pm on that 10th day. No extension of this deadline may be granted.

CCII Resolution No. 33-2015, Exhibit A, Paras. (2), (3), and (5).

(NOTE: If the 10th day falls on a Saturday, Sunday or holiday the appeal may be filed before 5:00 p.m. on the next business day. Also note that the appeal is filed with the OCII Executive Director, not the Clerk's Office.)

What and Where to File:

The following must be filed with the OCII Executive Director at the address below:

Executive Director
Office of Community Investment and Infrastructure
1 South Van Ness, 5th Floor
San Francisco, CA. 94103

*(NOTE: Filing is **not** to be made with the Clerk of the Board of Supervisors.)*

(1) A signed letter of appeal stating the specific grounds for appeal of OCII's Environmental Leadership EIR certification, including references to the written or oral comments that were timely submitted to OCII raising the issues identified in the appeal, and any other written materials in support of the appeal. The appeal may be based only on specific CEQA grounds alleged by any persons or entities before OCII makes its decision on the project. For purposes of these procedures, "project" has the meaning for such term set forth in CEQA Guidelines, Title 14 CCR, Division 6, Chapter 3, Section 15378, and "approval" has the meaning set forth for such term in Section 15352.

CCII Resolution No. 33-2015, Exhibit A, Paras. (4) and (5).

Lodging of the appeal with the Clerk of the Board of Supervisors for purposes of scheduling an appeal hearing:

After following the procedures established in CCII Resolution No. 33-2015, Exhibit A, Paragraph (6), the OCII Executive Director will advise the Clerk of the Board of the notice that he or she has accepted an appeal and provide a copy of the letter of appeal and a list of individuals and organizations that have requested notices relating to the project. The Clerk of the Board of Supervisors will then set the appeal for a public hearing before the Board in accordance with the "Hearing Date" provisions set forth below.

CCII Resolution No. 33-2015, Exhibit A, Para. (6).

(NOTE: A decision by the OCII Executive Director rejecting an appeal is final and may not be appealed. CCII Resolution No. 33-2015, Exhibit A, Para. (6).)

Hearing Date:

After the 10 days for filing an appeal with OCII has expired, the Clerk, if he or she has been notified that an appeal was accepted by the OCII Executive Director, will schedule an appeal hearing at a regular meeting of the full Board of Supervisors no less than 21 and no more than 45 days following the date(s) of the OCII Executive Director's notification of acceptance of an appeal to the Clerk of the Board. The Clerk will inform the appellant(s) of the hearing date and time after receipt of the OCII Executive Director's notification of acceptance of the appeal and the Clerk has scheduled the matter for hearing. If more than one appeal is filed on the same FEIR, the President of the Board may request the Clerk schedule a consolidated appeal hearing.

CCII Resolution No. 33-2015, Exhibit A, Paras. (6) and (8) and Administrative Code, Section 31.16 (b) (4).

Hearing Notice:

The Clerk will send notices to the appellant(s) and all organizations and individuals who previously have requested such notice in writing no less than 14 days prior to the date the appeal is scheduled to be heard by the Board. The appellant must provide the names and addresses in label format of interested parties that it wishes the Clerk to notify.

CCII Resolution No. 33-2015, Exhibit A, Paras. (6), (7), and (8) and Administrative Code, Section 31.16 (b) (4).

(NOTE: If the OCII Executive Director has not done so already, he or she shall provide to the Clerk of the Board a list of individuals and organizations that have commented, in writing or orally during the public review period, on the decision or determination in a timely manner, and individuals who requested notice of an appeal, no less than 20 days prior to the scheduled hearing.)

Procedural Steps:

The public, appellant, project sponsor and OCII may submit written materials to the Clerk of the Board no later than noon, 11 days prior to the hearing. Promptly, but no later than 11 calendar days before the scheduled hearing, the OCII Executive Director, if he or she has not done so already, will transmit copies of the environmental review document to the Clerk of the Board and make the administrative record available to the Board. Additional documentation the appellant would like the Board members to consider after the 11-day deadline must be delivered (18 hard copies and one electronic copy sent to bos.legislation@sfgov.org) to the Clerk no later than noon, eight days prior to the hearing. Materials submitted after the eight-day deadline will be marked as "received after the eight-day deadline" and placed in the Board file but not distributed.

CCII Resolution No. 33-2015, Exhibit A, Paras. (7) and (8) and Administrative Code, Section 31.16 (b) (5).

(NOTE: The administrative record for any pending EIR for an Environmental Leadership Project can be found at the following electronic link www.gsweventcenter.com.)

Decision:

The Board by a majority vote of all of its members may affirm or reverse the certification of the FEIR by CCII. The Board will act on the appeal within 30 days of the date scheduled or within 40 days if the Board does not hold at least three regular Board meetings within 30 days of the scheduled hearing. If the full Board is not present, the Board may postpone a decision until the full Board is present. The Board may not postpone the decision on the appeal for more than 90 days following expiration of the time for appeal.

Administrative Code, Section 31.16 (b) (7) and (8).

Continuances:

Only the Board of Supervisors, acting as a body (and not the Clerk of the Board), may continue the appeal hearing or grant a written request for continuance. A written request must be submitted by an appellant and the project sponsor, in advance, for the Board's consideration. Administrative Code, Section 31.16 (b) (7).

Contact:

Office of the Clerk of the Board/Legislative Clerk
(415) 554-5184 or (415) 554-4445