



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** March 28, 2018

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Lisa Gibson, Environmental Review Officer *LG*

**RE:** Appeal Timeliness Determination – Alcatraz Ferry Embarkation Project Final Mitigated Negative Declaration

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An appeal of the Final Mitigated Negative Declaration (FMND) for the proposed Alcatraz Ferry Embarkation Project was filed with the Office of the Clerk of the Board on March 21, 2018, by Arthur J. Friedman of Sheppard, Mullin, Richter & Hampton LLP, on behalf of the City of Sausalito. As explained below, the appeal is not ripe.

| Date of Approval Action | 30 Days after Project Approval | First Business Day after Appeal Deadline | Date of Appeal Filing | Timely?  |
|-------------------------|--------------------------------|--|-----------------------|----------|
| Not yet occurred        | To be determined               | To be determined                         | March 21, 2018        | Not ripe |

**Approval Action:** On December 6, 2017, the Planning Department issued a preliminary mitigated negative declaration (PMND) for the proposed Alcatraz Ferry Embarkation Project. An appeal was filed by Arthur J. Friedman of Sheppard, Mullin, Richter & Hampton LLP, on behalf of the City of Sausalito on December 27, 2017. On February 22, 2018 the Planning Commission affirmed the PMND on appeal. On February 23, 2018, the Planning Department issued the Final MND (FMND). Neither the Planning Department nor the Port Commission has taken any subsequent action that is subject to appeal under San Francisco Administrative Code Section 31.16(d).

**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 preliminary negative declaration with the Planning Commission during the public comment period provided in Chapter 31 may appeal the Planning Commission’s approval of the final negative declaration. 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 negative declaration. The Approval Action has not yet occurred; therefore the deadline for an appeal is to be determined.

**Appeal Filing and Timeliness:** There has yet to be an Approval Action that would provide a basis for an appeal of the FMND to the Board of Supervisors. Therefore, the appeal is not ripe.

**Appellant Standing:** The appellant appealed the PMND to the Planning Commission, which held an appeal hearing on February 22, 2018. Therefore, the appellant has standing to appeal the FMND.