



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: June 26, 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 timely.

Date of Approval Action	30 Days after Project Approval	First Business Day after Appeal Deadline	Date of Appeal Filing	Timely?
June 25, 2018	Wednesday, July 25, 2018	N/A	March 21, 2018	Yes

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). The Approval Action for the project was the approval of three transaction documents including: (1) a General Agreement between the Port and the National Park Service; (2) a form lease with a ferry concessioner; and (3) a lease with the Golden Gate National Parks Conservancy by the San Francisco Port Commission on June 25, 2018 (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 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 occurred on June 25, 2018 and the 30th day after the Date of the Approval Action is July 25, 2018 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the FMND on March 21, 2018, prior to the end of the Appeal Deadline on July 25, 2018. Although the appeal was not timely when filed, because the Approval Action has now occurred, the appeal is considered timely.

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.