



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** July 22, 2015  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer  
**RE:** REVISED Appeal Timeliness Determination – Agreement for Disposal of Municipal Solid Waste at Hay Road Landfill

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An appeal of the Final Negative Declaration (FND) for the proposed project was filed with the Office of the Clerk of the Board on June 30, 2015, by Joshua N. Levine of Dongell Lawrence Finney, LLP, on behalf of Solano County Orderly Growth Committee (SCOGC).

As specified in the revisions to the Initial Study attached to the revised FMND, dated July 21, 2015, the Approval Action for the revised agreement would be approval of the contract by the Director of DOE. I was informed by Guillermo Rodriguez of DOE that on July 22, 2015, DOE posted a Public Notice on its website, which stated that the Director of DOE had approved the Landfill Disposal Agreement between the City of San Francisco and Recology, and adopted the Negative Declaration. Pertinent documents can be found online at <http://www.sfenvironment.org/commission/notices/san-francisco-department-of-environment-approves-landfill-disposal-agreement>

**Revised Timeliness Determination:** Section 31.16(a) and (d) of the San Francisco Administrative Code states that any person or entity that has filed an appeal of the Preliminary Negative Declaration (PND) with the Planning Commission may appeal the adoption of the FND to the Board of Supervisors during the time period beginning with the Planning Commission approval of the ND and ending 30 days after the Date of the Approval Action. If the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday, an appeal may be filed before 5:00pm on the next business day.

The appellant filed an appeal of the PND to the Planning Commission and therefore may file an appeal of the FND adoption to the Board of Supervisors. The appeal to the Board of Supervisors was filed on June 30, 2015. Therefore, the appeal was timely filed during the specified window of time, after the approval of the ND and before 30 days beyond the Date of the Approval Action (or before 5:00pm on the next business day, if the 30th day after the Date of the Approval Action falls on a Saturday, Sunday, or holiday).

The Approval Action occurred on July 22, 2015, so the appeal period will close on Friday, August 21, 2015. Section 31.16(b)(4) of the San Francisco Administrative Code states that the Clerk of the Board shall schedule the appeal hearing no less than 21 days and no more than 45 days following expiration of the specified time period for filing of the appeal.