



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 2, 2015
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: Appeal Timeliness Determination – Agreement for Disposal of
Municipal Solid Waste at Hay Road Landfill

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An appeal of the Mitigated Negative Declaration (MND) 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).

Timeline: The Preliminary Mitigated Negative Declaration (PMND) was issued on March 4, 2015. An appeal of the PMND was filed by SCOGC on April 2, 2015. On May 21, 2015 the Planning Commission held a duly noticed public hearing on the appeal of the PMND, and found that the project could not have a significant effect on the environment and affirmed the decision to issue the MND. The Final MND (FMND) for the project was issued on May 21, 2015.

Adoption of a MND occurs at the time of the first project approval. On June 1, 2015, the Department of the Environment (DOE) issued a recommendation that the contract for municipal solid waste disposal at Hay Road Landfill be executed. This recommendation constituted the Approval Action as defined in Section 31.04(h) of the San Francisco Administrative Code.

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 PMND with the Planning Commission may appeal the adoption of the MND to the Board of Supervisors during the time period beginning with the Planning Commission approval of the MND 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 PMND to the Planning Commission and therefore may file an appeal of the MND adoption to the Board of Supervisors. The appeal to the Board of Supervisors was filed on June 30, 2015, 29 days after the Date of Approval Action. Therefore, the appeal was timely filed during the specified window of time, after the approval of the MND 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).

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.