

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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July 3, 2015

Joshua N. Levine
Dongell Lawrence Finney, LLP
On behalf of Solano County Orderly Growth Committee
707 Wilshire Boulevard, Suite 4500
Los Angeles, CA 90017

Subject: Final Mitigated Negative Declaration Appeal - Agreement for Disposal of Municipal Solid Waste at Hay Road Landfill in Solano County

Dear Mr. Levine:

The Office of the Clerk of the Board is in receipt of a memo dated July 2, 2015, (copy attached), from the Planning Department regarding the timely filing of your appeal of the final mitigated negative declaration for the agreement for disposal of solid waste by Recology at Hay Road Landfill in Solano County.

The Planning Department has determined that the appeal was filed in a timely manner.

The appeal filing period closed on Wednesday, July 1, 2015. Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, July 28, 2015, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

- 11 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 8 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Angela Calvillo', with a stylized flourish at the end.

Angela Calvillo
Clerk of the Board

c: Deborah O. Raphael, Director of Department of the Environment
Jack Macy, Department of the Environment
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Planning Department
Aaron Starr, Planning Department
AnMarie Rodgers, Planning Department
Paul Maltzer, Planning Department
Jonas Ionin, Planning Commission Secretary



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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

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Information:
415.558.6377

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.