



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 17, 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).

The Initial Study identified the Approval Action as defined in Section 31.04(h) of the San Francisco Administrative Code as a recommendation by the Department of the Environment (DOE) that the Board of Supervisors execute a contract for municipal solid waste disposal at Hay Road Landfill. Yesterday, I was informed via email communication (attached) from Jack Macy, Zero Waste Coordinator at DOE, that the agreement had been revised and no longer needs approval from the Board of Supervisors. The Approval Action for the revised agreement would be approval of the contract by the Director of DOE. Per Mr. Macy's email, it is expected that this approval will occur on July 22, 2015.

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 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).

If the Approval Action occurs as expected on July 22, 2015, the appeal period for the revised agreement 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. The appeal hearing now calendared for July 28, 2015 would not be within this time period for the Approval Action associated with the revised agreement. After the Approval Action has occurred, I will alert you as to the new date for closure of the appeal period to allow for appropriate scheduling of the hearing.

attachments

Memo

From: [Macy, Jack \(ENV\)](#)
To: [Jones, Sarah \(CPC\)](#)
Cc: [Rodriguez, Guillermo \(ENV\)](#); [Maltzer, Paul \(CPC\)](#)
Subject: Landfill Disposal Agreement change
Date: Wednesday, July 15, 2015 5:25:01 PM
Attachments: [Landfill Agreement \(complete\) 7-14-2015.pdf](#)
[image001.png](#)

Sarah,

This email confirms that the terms of the landfill disposal agreement submitted to the Board of Supervisors on June 1, 2015 have changed; the agreement as revised no longer needs approval from the Board. In addition, Director Raphael's memo to the Board recommending the previous agreement is no longer relevant.

The Director intends to sign the revised agreement (see attached) between the City of San Francisco and Recology at the conclusion of an informational hearing about the revised agreement scheduled before the Budget committee on July 22, 2015.

Let me know if you have any questions.

Thank you,

Jack Macy
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