

BOARD of SUPERVISORS



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August 25, 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 22, 2015, (copy attached), from the Planning Department revising the timely filing determination 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.


At the Board meeting of July 28, 2015, the Board of Supervisors continued the hearing for this matter to September 29, 2015.

The revised appeal filing period closed on Friday, August 21, 2015. Pursuant to the revised appeal filing period, the Planning Department has determined that the original appeal was filed in a timely manner.

On August 19, 2015, we received an additional appeal filing from Dongell Lawrence Finney, LLP, for the same project. Pursuant to advice from the City Attorney's Office, our office will retain this new appeal letter as a supplement to the previously filed appeal opened and subsequently continued by the Board of Supervisors to September 29, 2015. There is no need to process the matter as a new appeal, subject to an additional appeal filing fee. For this reason, please find enclosed your check in the amount of \$547.

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

Very truly yours,


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 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.