



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 19376

HEARING DATE: May 21, 2015

*Case No.:* 2014.0653E  
*Project Title:* Agreement for Disposal of San Francisco Municipal Solid Waste at Recology Hay Road Landfill in Solano County  
*Zoning:* N/A – Agreement citywide in scope  
*Block/Lot:* N/A – Agreement citywide in scope  
*Project Sponsor:* Jack Macy – (415) 355-3751  
Department of Environment  
*Staff Contact:* Paul Maltzer – (415) 575-9038  
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### **ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY NEGATIVE DECLARATION, CASE NUMBER 2014.0653E, FOR THE PROPOSED AGREEMENT FOR DISPOSAL OF SAN FRANCISCO MUNICIPAL WASTE AT RECOLOGY HAY ROAD LANDFILL IN SOLANO COUNTY.**

MOVED, that the San Francisco Planning Commission (hereinafter “Commission”) hereby AFFIRMS the decision to issue a Negative Declaration, based on the following findings:

1. On April 21, 2014, pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department (“Department”) received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On March 4, 2015, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On March 4, and March 5, 2015, two notices of determination that a Negative Declaration would be issued for the Project were duly published in newspapers of general circulation in the City and in Solano County, respectively, and the Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On April 3, 2015, an appeal of the decision to issue a Negative Declaration was timely filed by Solano County Orderly Growth Committee.
5. A staff memorandum, dated May 14, 2015, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff’s findings as to those points are incorporated by reference herein as the Commission’s own findings. Copies of that memorandum

have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

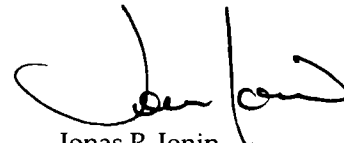
6. The Planning Department is proposing that amendments be made to the Preliminary Negative Declaration, as per the attached amended Preliminary Negative Declaration, with amendments shown in strikethrough and double underline. The amendments update the calculation of air quality impacts for the project. Those updated calculations indicate a slight increase in emissions from the project, relative to those reflected in the Preliminary Negative Declaration published on March 3, 2015, but all such emissions remain below all thresholds of significant impact. Such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Negative Declaration. The changes do not require "substantial revision" of the Preliminary Negative Declaration, and therefore recirculation of the Preliminary Negative Declaration is not required.
7. On May 18, 2015, the Planning Department received a comment letter from David Pilpel, commenting on the Preliminary Negative Declaration. On May 20, 2015, the Planning Department completed a response memorandum, responding to the issues raised in the May 18, 2015 comment letter. That response memorandum was distributed to the Planning Commission and to the commenter on May 21, 2015.
8. On May 19, 2015, the Planning Department received a comment letter from Joshua N. Levine, of Dongell Lawrence Finney LLP, on behalf of the appellant, Solano County Orderly Growth Committee. That letter commented on the Planning Department's Response Packet to the appeal of the Preliminary Negative Declaration, which was distributed on May 14, 2015. Responses to that May 19, 2015 letter were provided orally by Planning Department staff and the Department of Environment at the May 21, 2015 Planning Commission hearing.
9. On May 21, 2015, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
10. All points raised in the appeal of the Preliminary Negative Declaration at the May 21, 2015, City Planning Commission hearing have been responded to either in the Memorandum, in the Planning Department response memorandum dated May 20, 2015, or orally at the public hearing.
11. After consideration of the points raised by appellant, both in writing and at the May 21, 2015 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
12. In reviewing the Preliminary Negative Declaration and amended Preliminary Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
13. The Planning Commission finds that Planning Department's determination on the Negative Declaration, as amended, reflects the Department's independent judgment and analysis.

Motion No. 19376  
Appeal of PND  
Hearing Date: May 21, 2015

Final Motion  
Case No. 2014.0653E  
Agreement for Disposal of SF MSW at RHR Landfill

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Negative Declaration, as amended, and HEREBY DOES AFFIRM the decision to issue a Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on May 21, 2015.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Wu, Antonini, Hillis, Johnson, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 21, 2015

