

1 [Affirming the Statutory Exemption Determination - MTA’s Department Operations Center
2 (DOC) COVID-19 Emergency Temporary Street Changes Program]

3 **Motion affirming the determination by the Planning Department that the proposed**
4 **Municipal Transportation Agency's Department Operations Center (DOC) COVID-19**
5 **Emergency Temporary Street Changes Program is statutorily exempt from**
6 **environmental review.**

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8 WHEREAS, On July 15, 2020, the Planning Department issued a statutory exemption
9 determination for the Municipal Transportation Agency's (MTA’s) Department Operations
10 Center (DOC) COVID-19 Emergency Temporary Street Changes Program (Project) under the
11 California Environmental Quality Act (CEQA, Public Resources Code Sections 21,000 et
12 seq.), the CEQA Guidelines (California Code of Regulations Title 14, Sections 15,000 et seq.)
13 and Chapter 31 of the City’s Administrative Code; and

14 WHEREAS, The Planning Department found that the Project is exempt from CEQA per
15 CEQA Section 21080(b)(4) and the CEQA Guidelines Section 15269(c), which exempt
16 projects “specific actions necessary to prevent or mitigate an emergency;” and

17 WHEREAS, CEQA defines an “emergency” as “a sudden, unexpected occurrence,
18 involving a clear and imminent danger, demanding immediate attention to prevent or mitigate
19 loss of, or damage to, life, health, property, or essential public services;” and

20 WHEREAS, On February 25, Mayor London Breed issued a Proclamation Declaring
21 the Existence of a Local Emergency, finding that the COVID-19 pandemic posed a threat to
22 the lives, property or welfare of the City and County and its residents; and

23 WHEREAS, On March 6, 2020, the San Francisco Health Officer declared a public
24 health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders
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1 to protect the public health, including Health Order No. C19-07 (Stay Safer at Home), which
2 requires individuals to maintain six feet of social distance from others not in their household;
3 and

4 WHEREAS, As a result of the COVID-19 public health emergency the MTA proposed
5 to create a temporary program for the implementation of temporary parking, loading, and
6 traffic changes as requested by businesses, organizations, other City departments' DOCs,
7 and the City's COVID Command Center (CCC) (previously known as the Emergency
8 Operations Center), including recommendations from CCC Neighborhood Assessments; and

9 WHEREAS, These temporary changes are needed in order to designate adequate
10 physical space for the following the City's responses to the public health emergency, for
11 example, to congregate or queue for essential services such as free meals, COVID testing,
12 and social services; for emergency vehicle parking such as for paramedics or members of the
13 Sheriff's office; to provide security surrounding testing sites and/or critical COVID-19 response
14 buildings; to designate adequate space for grocery store queuing; or to designate adequate
15 curbside pickup and drop-off spaces for organizations such as the Marin-SF Food Bank,
16 Meals On Wheels, or restaurants; and

17 WHEREAS, Such temporary parking, loading, and traffic changes include turn
18 restrictions, the addition, removal, or relocation of parking or loading spaces, lane closures,
19 potential turn restrictions, and part-time or full-time street closures for up to 90 days; and

20 WHEREAS, Lane closures and part-time or full-time street closures would be subject to
21 review by the COVID Transportation Advisory Staff Committee (COVID-TASC) or TASC, both
22 of which include representatives from the San Francisco Fire Department; and

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1 WHEREAS, The Project requires no major construction activities, does not require any
2 excavation, and will be implemented by using removable materials such as temporary striping,
3 signage, and barricades and

4 WHEREAS, The Project is temporary in nature and will expire, at the latest, 120 days
5 after the retraction of the City's COVID-19 Local Emergency Declaration (dated February 25,
6 2020); and

7 WHEREAS, On July 17, 2020, the Director of Transportation approved the Project; and

8 WHEREAS, On July 21, the Statutory Exemption determination was posted in the
9 Planning Department's website, as required by Chapter 31 of the Administrative Code; and

10 WHEREAS, On August 20, 2020, an appeal of the Statutory Exemption determination
11 was filed by David Pilpel (Appellant); and

12 WHEREAS, By memorandum to the Clerk of the Board dated September 2, 2020, the
13 Planning Department's Environmental Review Officer determined that the appeal was timely
14 filed; and

15 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
16 consider the appeal of the exemption determination filed by Appellant; and

17 WHEREAS, In reviewing the appeal of the exemption determination, this Board
18 reviewed and considered the exemption determination, the appeal letters, the responses to
19 the appeal documents that the Planning Department prepared, the other written records
20 before the Board of Supervisors and all of the public testimony made in support of and
21 opposed to the exemption determination appeals; and

22 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
23 affirmed the exemption determination for the Project based on the written record before the
24 Board of Supervisors as well as all of the testimony at the public hearing in support of and
25 opposed to the appeals; and

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeals and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeals of
4 the exemption determination is in the Clerk of the Board of Supervisors File No. 201000, and
5 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

6 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
7 reference in this motion, as though fully set forth, the exemption determination; and, be it

8 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
9 record before it there are no substantial Project changes, no substantial changes in Project
10 circumstances, and no new information of substantial importance that would change the
11 conclusions set forth in the exemption determination by the Planning Department that the
12 Project is exempt from environmental review; and, be it

13 FURTHER MOVED, That after carefully considering the appeal of the exemption
14 determination, including the written information submitted to the Board of Supervisors and the
15 public testimony presented to the Board of Supervisors at the hearing on the exemption
16 determination, this Board concludes that the Project qualifies for an exemption determination
17 under CEQA.

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