

File No. 201002

Committee Item No. \_\_\_\_\_

Board Item No. 70

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 29, 2020

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

### OTHER

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Prepared by: Jocelyn Wong

Date: September 25, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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

3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **proposed Municipal Transportation Agency's Department Operations Center (DOC)**  
5 **COVID-19 Emergency Temporary Street Changes Program is statutorily exempt from**  
6 **environmental review, subject to the adoption of written findings of the Board in**  
7 **support of this determination.**

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

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

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

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

24 WHEREAS, On March 6, 2020, the San Francisco Health Officer declared a public  
25 health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders

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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24  
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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 Appellants; and

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

22          WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
23 conditionally reversed the exemption determination subject to the adoption of written findings  
24 of the Board in support of such determination based on the written record before the Board of  
25

1 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
2 the appeal; and

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

8 MOVED, That this Board of Supervisors conditionally reverses the determination by the  
9 Planning Department that the Project is exempt from environmental review, subject to the  
10 adoption of written findings of the Board in support of this determination.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only