

File No. 201000

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

Board Item No. 99

# COMMITTEE/BOARD OF SUPERVISORS

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

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

Board of Supervisors Meeting

Date: September 22, 2020

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Prepared by: Lisa Lew

Date: September 18, 2020

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

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 AUG 20 PM 1:55

BY 

David Pilpel  
2151 27th Ave  
San Francisco CA 94116-1730

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
1 Carlton B Goodlett Pl Ste 244  
San Francisco CA 94102-4689

August 20, 2020

Re: MTA DOC COVID-19 Emergency Temporary Street Changes Program  
California Environmental Quality Act (CEQA) Appeal

Dear Ms. Calvillo,

I write to appeal a CEQA Statutory Exemption determination, which is attached, made by the Planning Department on July 15, 2020 (Planning Department Case No. 2020-006458ENV) regarding the MTA DOC COVID-19 Emergency Temporary Street Changes Program (the Project), which was supposedly approved by the Municipal Transportation Agency (MTA) Director of Transportation on July 17, 2020 and posted on the Planning Department website on July 21, 2020. I have not found any document on the website of the Planning Department, MTA, or elsewhere to evidence the supposed approval, nor any explanation of the Project beyond what is described in the attached exemption document.

For example, the exemption document claims that "This program is independent of, and separate from, the Temporary Emergency Transit Lanes program, Slow Streets program, the Shared Spaces program, and emergency bike lanes," but it does not explain further the differences between the various programs, two of which I believe I have already appealed the CEQA exemptions for (Temporary Emergency Transit Lanes and emergency bike lanes).

The exemption document refers to the MTA Department Operations Center (DOC), the City's COVID Command Center (CCC) (previously known as the Emergency Operations Center), CCC Neighborhood Assessments, and the COVID Transportation Advisory Staff Committee (COVID-TASC) or TASC, without explaining at all what these entities or terms mean, who comprises, conducts, or serves on them, what they do, or most importantly, how the public can access them. For example, I was not aware of a COVID-TASC and I do not believe that meetings of such a committee are open and public. Neither it nor the other entities or terms mentioned are explained on the website of the Planning Department, MTA, or elsewhere.

My concerns about this exemption determination include the scope of the authority that would be granted to some invisible group of presumed bureaucrats, with no public scrutiny whatsoever; whether the exemption determination is a blanket CEQA exemption for subsequent actions under that authority without additional location-specific environmental review of those actions; the health impacts and risks, and impacts to emergency vehicle access, that could result from these actions; whether the Project fits the specific exemption claimed (Guidelines Section

15269(c)); and whether either (or both) of the exceptions to an exemption (cumulative impacts or unusual circumstances) apply to the Project. I intend to more fully brief these issues and perhaps others on or before September 18, 2020, understanding that the last day for me to withdraw this appeal and avoid a hearing would be September 14, 2020, all based on a possible hearing date of September 29, 2020.

The arrogance and secrecy that the Planning Department and MTA continue to show are indeed awesome. They make a Cloak of Invisibility in Dungeons and Dragons seem easily penetrable by comparison. Rather than providing more information right now, and the opportunity for meaningful public comment and involvement in decisionmaking, both agencies seem to be doing just the opposite, leading me to contest CEQA exemption determinations buried deep in complicated databases and websites with very little guidance or help.

I recognize that these are most unusual times we are living in, but I am unwilling to allow unelected and unnamed bureaucrats to assume more power without any public scrutiny or sufficient control. There is no provision here for even posting proposed changes with engineering drawings and narrative explanation, allowing public comment thereon, posting specific approval actions, or evaluating changes based on actual experience. Nothing. Not even the basic public comment at MTA Friday morning Traffic Engineering hearings. The proposed program is rude and contemptuous of public involvement in decisionmaking, so I must reject it.

Very briefly on the law, I understand that statutory exemptions are construed narrowly, so a project must fit within the statutory language in order to qualify. Here, CEQA itself (Public Resources Code Section 21080 (b)) states: "This division does not apply to any of the following activities: ... (4) Specific actions necessary to prevent or mitigate an emergency." CEQA Guidelines Section 15269 states: "The following emergency projects are exempt from the requirements of CEQA. ... (c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility."

Nearly six months since the Mayor's February 25, 2020 Proclamation Declaring the Existence of a Local Emergency, I believe it is arguable whether the local health emergency is also an emergency under CEQA. Both CEQA itself (Public Resources Code Section 21060.3) and CEQA Guidelines Section 15359 state, identically: "'Emergency' means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." I believe the current circumstances are not a "sudden, unexpected occurrence" but instead a "new normal" of ongoing, albeit extremely difficult, existing conditions. Further, the proposed actions, nearly six months in, are not an "immediate" response in any real sense. The language cited above includes the word "necessary." In my view, the proposed actions are not "necessary" but merely convenient.

Finally, even if all the other tests are met, MTA has still made no showing as to how, exactly, the proposed actions would "prevent or mitigate an emergency," nor is it clear whether the burden is on MTA, Planning, the County Health Officer, the Department of Public Health, the Department of Emergency Management, some other actor, or some combination thereof, to verify that the proposed actions are indeed "necessary to prevent or mitigate an emergency."

In any event, both MTA and Planning have the burden of showing, with substantial evidence in the record before an exemption is issued (not after), that the project fits the statutory exemption claimed, and I believe that they have failed to meet their burden. The only document available to the public on this project is the two-page exemption document itself. Nothing else. The public has no access at this time to the Planning Department case file on the Project, which constitutes the administrative record here, and I suspect it contains very little if anything else.

I am always open to resolving my underlying concerns and withdrawing this appeal if an acceptable solution can be reached with Planning and MTA. I also reserve the right to amend this appeal if new information becomes available. Please contact me if you need anything else.

Sincerely,

/s/  
David Pilpel

Attachment:  
DCP 2020-006458ENV MTA DOC COVID-19 Emergency Temporary Street Changes Program  
StatEx 7-15-20 (2 pages)

cc: Lisa Gibson, Environmental Review Officer, Planning Department



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020-006458ENV

2020 AUG 20 PM 1:55

BY \_\_\_\_\_

## SFMTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program

As a result of the coronavirus (COVID-19) public health emergency, the San Francisco Municipal Transportation Agency (SFMTA) proposes to create a temporary program for the implementation of temporary parking, loading, and traffic changes as described below under the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 (COVID-19 Local Emergency Declaration). This program is independent of, and separate from, the Temporary Emergency Transit Lanes program, Slow Streets program, the Shared Spaces program, and emergency bike lanes.

SFMTA proposes to create this temporary program within the SFMTA DOC to make temporary parking/loading and traffic changes as requested by businesses, organizations, other City departments' DOCs, and the City's COVID Command Center (CCC) (previously known as the Emergency Operations Center), including recommendations from CCC Neighborhood Assessments. Such temporary parking, loading, and traffic changes include turn restrictions, the addition, removal, or relocation of parking or loading spaces, lane closures, and part-time or full-time street closures for up to 90 days, for the reasons listed below. Potential turn restrictions would be made to facilitate lane closures and part-time or full-time street closures. Lane closures and part-time or full-time street closures would be subject to review by the COVID Transportation Advisory Staff Committee (COVID-TASC) or TASC, both of which include representatives from the San Francisco Fire Department.

These changes are needed in order to designate adequate physical space for the following purposes:

- to congregate or queue for essential services such as free meals, COVID testing, and social services
- for emergency vehicle parking such as for paramedics or members of the Sheriff's office
- to provide security surrounding testing sites and/or critical COVID-19 response buildings
- to designate adequate space for grocery store queuing
- to designate adequate curbside pickup and drop-off spaces for organizations such as the Marin-SF Food Bank, Meals On Wheels, or restaurants.

To implement these temporary parking, loading, and traffic changes, temporary striping, signage, and barricades would be placed to indicate that an area has been modified. No excavation would be required. Typically, the installation would take a day to complete.



This temporary program is necessary to prevent and mitigate a public health emergency. The proposed program and changes are temporary in nature and will expire, at the latest, 120 days after the retraction of the City's COVID-19 Local Emergency Declaration (dated February 25, 2020).

**Approval Action:**

Director of Transportation Approval

**Statutorily Exempt pursuant to CEQA Guidelines Section 15269(c) Emergency Projects**

*Melinda Hue* 7/15/20

Melinda Hue Date  
San Francisco Municipal Transportation Agency

*Laura C. Lynch* 7/15/20

Laura Lynch Date  
San Francisco Planning Department

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BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 AUG 20 PM 1:56

BY \_\_\_\_\_

**From:** [DiSanto, Thomas \(CPC\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Ko, Yvonne \(CPC\)](#)  
**Subject:** CEQA Appeal Fee Waiver  
**Date:** Thursday, August 20, 2020 1:10:08 PM

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The Planning Department has reviewed and approved a fee waiver under Admin Code Section 31.22 for the CEQA Appeal being filed by David Pilpel with the BOS Clerk's Office regarding the MTA DOC COVID-19 Emergency Temporary Street Changes Program.

Please let me know if you have any questions or need additional information.

Thank you.

**Thomas DiSanto**

**Director, Administration**

San Francisco Planning Department

**PLEASE NOTE MY NEW ADDRESS AND PHONE NUMBER AS OF AUGUST 17:**

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7575

[www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are available by e-mail, and the Planning and Historic Preservation Commissions are convening remotely. The public is encouraged to participate. Find more information on our services here.

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**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lew, Lisa \(BOS\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Dwyer, Debra \(CPC\)](#); [Hillis, Rich \(CPC\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL REQUEST - Appeal of CEQA Exemption Determination - Proposed MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program - Hearing - September 22, 2020  
**Date:** Friday, September 11, 2020 1:27:40 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant David Pilpel, regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program.

[Appellant Supplemental Information - David Pilpel - September 11, 2020](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201000](#)

Regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its



*committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

David Pilpel  
2151 27th Ave  
San Francisco CA 94116-1730

President Norman Yee and Members  
Board of Supervisors  
1 Carlton B Goodlett Pl Ste 244  
San Francisco CA 94102-4689

September 11, 2020

Re: California Environmental Quality Act (CEQA) Appeal, **BOS File 201000**

Dear President Yee and Members,

I write to seek a continuance of the subject appeal. Despite my best efforts, I have not completed a more substantive brief on the merits, which is due today. As a non-lawyer, I have struggled considerably to conduct legal research with the few tools available to me. I continue to monitor developments at the Municipal Transportation Agency (MTA), which have outpaced the appeal process and should be documented in the record. The Jewish holidays are upon us, and I can assure anyone reading this that I have much to seek atonement for on Yom Kippur. Finally, I awoke this morning after very little sleep (again) with a sore throat, likely caused by the poor air quality.

For these reasons, I ask you for a continuance on this appeal to no earlier than **December 1, 2020**. Planning and MTA can respond to this request prior to and at the September 22, 2020 hearing. I can also provide a more complete scheduling proposal for all the pending appeals if that is helpful.

I am always open to resolving my underlying concerns and withdrawing this appeal if an acceptable solution can be reached with Planning and MTA. Thank you for your kind consideration.

Sincerely,

/s/  
David Pilpel

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: FILE No. 200903 and FILE No. 201000  
**Date:** Monday, September 14, 2020 2:37:00 PM

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**From:** Robert Chan <doc.robert.chan@gmail.com>  
**Sent:** Monday, September 14, 2020 2:33 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** FILE No. 200903 and FILE No. 201000

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Board,

My name is Robert Chan, and I have sent at least one message to each of you regarding the negative consequences that have ensued because of the closure. closure of Twin Peaks Boulevard at Burnett Avenue and Panorama Drive. I'm hopeful all of you have read my previous email and understand the frustration my neighbors and I are experiencing with all of the negative issues the closure has brought to our neighbourhood and our attempts to reopen the very popular tourist attraction: the summit of Twin Peaks.

I am now writing to ask all of you to agree to the separate appeals from Mary Miles and David Pilpel which demand the Board overturn SFMTA's Planning Department's exempting itself and the City of San Francisco from Environmental Review that is required by the State of California.

While I would greatly like to participate in the virtual Public Hearing on September 22, 2020 @ 3 pm, my occupation will prevent me from doing so.

Thank you for considering my request.

Sincerely,

Robert Chan

**From:** [Gale Bradley](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** FILE No. 200903 and FILE No. 201000  
**Date:** Monday, September 14, 2020 5:29:43 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello. My name is Gale Bradley and I live at 425 Burnett Ave. SF. Thank you for allowing me to comment on this Appeal. I encourage the City to agree to the Appellants' appeal. And here is my reason why. When the City fails to conduct State-mandated CEQA reviews, it can and has made huge mistakes like when it closed Twin Peaks Blvd 6 months ago. When closing Twin Peaks Blvd, the City justified its exemption from CEQA due to the emergency created by Covid. That City decision has created a huge mess in our neighborhood with all the trash, crime and noisy partying driven from the Twin Peaks Lookout into our neighborhood. The City failed to invite our neighborhood's feedback before the closure. And, the City ignored the American's With Disabilities Act. Police are still failing to stop the record-setting car break-ins. This is what happens when the City exempts itself from CEQA. And for that reason, I support the Appellants' appeal. I hope you do as well. Thank you.



**From:** [Gary Russ](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** FILE 200903... In Support of Appellant...  
**Date:** Tuesday, September 15, 2020 4:44:27 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To San Francisco's Board of Supervisors:

Hello. My name is Gary Russ and I live at 5 Burnett Avenue North. Thank you for allowing me to comment on this Appeal (File 200903) associated with SFMTA's proposed recovery plan for Emergency Transit lanes and bike pathways. I am a very strong supporter of CEQA and it's goals. I encourage the Board to agree to the Appellants' appeal. And here is my reason why.

When the City fails to conduct State-mandated CEQA reviews, it can and has made huge mistakes like when it closed Twin Peaks Blvd 6 months ago. When closing Twin Peaks Blvd, the City justified its exemption from CEQA due to the emergency created by Covid.

That City decision has created a huge mess in our neighborhood with all the record-setting car break-ins, late night noisy alcohol/drug-fueled partying, and huge amounts of trash driven from the Twin Peaks Lookout into our neighborhood. The City failed to invite our neighborhood's feedback before the closing Twin Peaks Blvd.

And, the City ignored the American's With Disabilities Act. Police are still failing to stop the record-setting car break-ins. It turns out smoke is the only thing that has slowed the break-ins, the partying and trash from the closure. This is what happens when the City exempts itself from CEQA. And for that reason, I support the Appellants' appeal. I hope you do as well. Thank you.

My Best,

Gary R. Russ  
5 Burnett Avenue North, Apt. 6  
San Francisco, CA 94131  
[gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)

**From:** [Gary Russ](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** FILE 201000... In Support of Appellant...  
**Date:** Tuesday, September 15, 2020 5:06:12 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To San Francisco's Board of Supervisors:

Hello. My name is Gary Russ and I live at 5 Burnett Avenue North. Thank you for allowing me to comment on this Appeal (File 201000) to the City's exemption associated with "SFMTA's proposed Department Operations Center COVID-19 Emergency Temporary Street Changes Program". I am a very strong supporter of CEQA and its goals. I encourage the Board to agree to the Appellants' appeal. And here is my reason why.

When the City fails to conduct State-mandated CEQA reviews, it can and has made huge mistakes like when it closed Twin Peaks Blvd 6 months ago. When closing Twin Peaks Blvd, the City justified its exemption from CEQA due to the emergency created by Covid.

That City decision has created a huge mess in our neighborhood with all the record-setting car break-ins, late night noisy alcohol/drug-fueled partying, and huge amounts of trash driven from the Twin Peaks Lookout into our neighborhood. The City failed to invite our neighborhood's feedback before the closing Twin Peaks Blvd.

And, the City ignored the American's With Disabilities Act. Police are still failing to stop the record-setting car break-ins. It turns out smoke is the only thing that has temporarily slowed the break-ins, the partying and trash from the closure. This is what happens when the City exempts itself from CEQA.

And for that reason, I support the Appellants' appeal. I hope you do as well. Thank you.

My Best,

Gary R. Russ  
5 Burnett Avenue North, Apt. 6  
San Francisco, CA 94131  
[gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)

**From:** [Diana Scott](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** File No. 200903 - Letter supporting Appeal of Exemption No. 2020-oo547ENV  
**Date:** Wednesday, September 16, 2020 9:30:43 AM  
**Attachments:** [Appealing MTA exemption re proposed changes - To the Board of Supervisors 9-16-20.docx](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please find attached my letter supporting the appeal of above CEQA exemption(s) for the SFMTA regarding proposed "temporary" transit changes during the COVID 19 pandemic, and beyond.

I'd like this included in the packet for the BOS September 22 hearing.  
Thank you.

Diana Scott  
3657 Wawona St.  
San Francisco, CA 94116  
(415) 566-7235 (land line)

Angela Cavillo, Clerk  
San Francisco Board of Supervisors  
City Hall, Rm. 244  
San Francisco, CA 94102  
[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

RE: File No. 200903

Supporting - Notice of Appeal of Exemption No. 2020-005472ENV

To the Board of Supervisors:

I am writing to urge you to postpone the appellant hearing on MTA-proposed changes scheduled for September 22 to after November 4<sup>th</sup>, to give the appellants time to prepare adequate documents which such massive proposed transit changes deserve, and the public the opportunity to absorb and weigh in on this information.

We're all aware of the multiple challenges that San Francisco residents face at present, from pandemic shelter-in-place orders to toxic air.

What a time – while most of us who usually ride MUNI are literally avoiding public transit “like the plague” to reach limited, necessary destinations – for the MTA to be pushing forward changes that may make it harder to get around the city once we can more freely leave our homes, and may have other unintended impacts!

Today, I plan to attend the funeral of an elderly, fellow non-profit Board member friend, who lived a long life and died last week of pneumonia. Will doing so endanger my health, as member of a vulnerable demographic group? Public transit isn't an option to get me to the funeral.

Yet I feel motivated to submit this letter supporting the appeal for additional time to review and respond to proposed transit changes, since recent MTA street modifications in my neighborhood, the Outer Sunset, seem to make local navigation more difficult and, in West Portal, very likely to increase congestion.

In my twenties, I cried when it became necessary to purchase my first car, having much preferred youth hostel bike trips as a healthy mode of transportation. Now in

my seventies with several health constraints – including vulnerable lungs – the car I am lucky enough to drive to get groceries is a gently used, all-electric 2016 Chevy Spark. Breath and mobility issues definitely restrict my biking options.

**I strongly object to suspension of previously required CEQA studies of environmental and health impacts before street or route changes are made, whether temporary or permanent (no one can predict duration).**

**This is not just about the economics of running MUNI, or increasing bike and scooter ridership, but about the health and safety of our entire urban population.** More time is needed for adequate review and response.

Note that an earlier, downward-revised interpretation of CEQA requirements by the SFMTA along Van Ness Avenue, as part of its “bust rapid transit” plan, enabled the destruction of approximately 200 mature trees which are no longer there to absorb CO2 or buffer toxic air along that long corridor.

What relentless administrative process and generous MTA budget has enabled these changes to be considered hurriedly, at a time when public attention is necessarily focused on daily health and survival needs – not to mention distracted by unprecedented electoral threats – even as transit ridership is at an all-time low?

**More time is needed for the public to respond, and for the MTA to revise, fairly, its transit change proposals. Please use the September 22 hearing to continue consideration of proposed changes until after the November election.**

Respectfully submitted on September 16, 2020 by

Diana Scott,  
3657 Wawona St.,  
San Francisco, CA 94116



**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: Request of a continuance on hearing the appeals on: BOS File No. 200903, 200987, 201000, 201024  
**Date:** Wednesday, September 16, 2020 5:04:55 PM

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**From:** zrants <zrants@gmail.com>  
**Sent:** Wednesday, September 16, 2020 5:00 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Ronen, Hillary <hillary.ronen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani Catherine <margaux.kelly@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Dean Preston <deanpreston7@gmail.com>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>  
**Subject:** Request of a continuance on hearing the appeals on: BOS File No. 200903, 200987, 201000, 201024

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

September 16, 2020

Supervisors:

Re: Request of a continuance on hiring the appeals of the following cases:  
BOS File No. 200903, MTA Emergency Temporary Transit Lanes and Bikeways  
BOS File No. 200987, MTA Panhandle Social Distancing and Safety Project  
BOS File No. 201000, MTA Emergency Temporary Street Changes Program  
BOS File No. 201024, MTA Slow Streets Phase 3

We request a continuance on the appeal for Planning Department Cases listed here based on the fact that no one can reasonably deal with such a case load in such a rushed fashion during a pandemic and a firestorm emergency. In fact, few people could handle this during a none emergency state of affairs when all systems are functioning properly.

These are separate appeals on different MTA programs and projects. MTA is clearly using the COVID-19 crisis as a pretext to implement large-scale traffic and transit changes, labeling them as temporary, but actually designed as permanent, with no meaningful public process.

The main issue before the BOS in the appeals is whether the ongoing COVID-19

public health crisis is an emergency under CEQA, which the law strictly defines as a "sudden, unexpected occurrence" and requires specific conditions to qualify for an exemption from environmental review. The appellants argue that the MTA projects are not exempt under CEQA and that the exemption determination by the Planning Department should be reversed. The appellants are also asking for a continuance on each appeal to allow more time for briefing and public comment before the BOS decides how to rule.

The public has not been properly notified of this hearing or had time to respond to the actions being taken that do not follow health guidelines or fall within the jurisdiction of the agencies attempting to enforce them.

Sincerely,

Mari Eliza

**From:** [Patricia Ferrero](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** CEQA Appeal on the MTA's extension of the 30-Stockton bus line into the Presidio  
**Date:** Wednesday, September 16, 2020 4:04:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'd like an opportunity to address the Board of Supervisors at their next meeting on the issue of the MTA's plan to extend the 30-Stockton bus line into the Presidio National Trust.

The route is both unsafe and unnecessary. There are posted signs on Marina Boulevard that vehicles over 3 tons are prohibited. The planned extension would violate that traffic law. In addition, the buses would travel two ways on Broderick Street - when they only travel one way on the current route. This will increase traffic, congestion and safety concerns on a block with a lot of retirees and small children.

There has been no need study provided that indicates the necessity of this extension. The ridership from Chestnut Street, down Broderick to Jefferson is almost zero.

Please let me know if you need any additional information.

Patricia Ferrero  
415-845-9568

San Francisco Board of Supervisors,

108 people have signed a petition on Action Network telling you to Support Emergency Measures to Open Streets to People.

Here is the petition they signed:

We urge you to reject the CEQA appeals of SFMTA's emergency measures. Slow Streets, Shared Spaces, Temporary Emergency Transit Lanes and Emergency Bike Lanes provide essential relief and amenities to San Franciscans during the COVID-19 emergency. The programs allow San Franciscans to enjoy safe and socially-distanced time outdoors. They help San Franciscans travel safely to work, groceries, and errands. They provide an economic lifeline for struggling small businesses. And they add to the city's COVID response capacity by making room for testing sites and food pantries.

Moreover, we call on you to reform the CEQA appeals process. All transportation projects which do not increase vehicle-miles traveled (VMT) should be ineligible to be appealed on CEQA grounds to the Board of Supervisors. All emergency SFMTA projects should not be subject to appeal on CEQA grounds.

Transportation projects such as these help San Francisco meet its joint commitments to making our streets safer and reducing our contributions to climate change. We will not succeed in either goal if we continue to allow a small number of individuals to abuse the CEQA process and waste city resources, delaying these necessary and urgent projects.

You can view each petition signer and the comments they left you below.

Thank you,

Streets for People

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**1. byron hawley** (*ZIP code: 94118*)

This use of CEQA is the most un environmental step a single resident has done to attempt to stop an environmentally conscience set of measures to help people and businesses survive during a pandemic and looks absolutely foolish against the backdrop of California's single most deadly fire season brought on by decades of mismanagement and stupidity

**2. Alexander Walker** (*ZIP code: 94123*)

**3. Ali Vahabzadeh** (*ZIP code: 94123*)

**4. Alex Stahl** (*ZIP code: 94110*)

**5. Andrew Reeder** (*ZIP code: 94121*)

Open the streets to walking/biking and allow restaurants to create larger parklets. This is absolutely

an emergency, and will help people survive both mentally and financially.

**6. Arman Khatchatrian** (*ZIP code: 94131*)

**7. Aubrey Jones** (*ZIP code: 94043*)

**8. Cassius Jones** (*ZIP code: 94117*)  
Please open up streets to pedestrians!

**9. Austin Elliott** (*ZIP code: 94103*)

**10. Ben Donahue** (*ZIP code: 94110*)

**11. Sarah Boudreau** (*ZIP code: 94123*)

**12. Brandon Whitney** (*ZIP code: 94103*)

**13. Colby Sato** (*ZIP code: 94103*)

**14. Christopher Golis** (*ZIP code: 94116*)

**15. Gabriela Kaufman** (*ZIP code: 94121*)

**16. Cliff Bargar** (*ZIP code: 94107*)

**17. Carly Mc Caffrey** (*ZIP code: 94118*)

@ Santa Lee Fewer. Just because you are not running for re-election does not mean you can give up on the housing and sustainability crisis. Please help make an SF where young people can afford to stay.

**18. Daniel Lopes** (*ZIP code: 94102*)

**19. Deepak Jagannath** (*ZIP code: 94129*)

**20. Derek Boehringer** (*ZIP code: 94102*)

**21. Desiree Stanley** (*ZIP code: 94118*)

**22. Dan Federman** (*ZIP code: 94117*)

**23. Dennis Dominguez** (*ZIP code: 94117*)

**24. David Marwick** (*ZIP code: 94110*)



**25. Donovan Lacy** (*ZIP code: 94107*)

**26. Shirley Johnson** (*ZIP code: 94110*)

Please use common sense when it comes to CEQA and don't allow it to delay environmentally beneficial projects. We need to fast-track all programs that reduce vehicle miles traveled to make our streets safer for pedestrians and bike riders.

**27. Evan Aczon** (*ZIP code: 94114*)

**28. Elaine Lee** (*ZIP code: 94110*)

Slow Streets, Shared Spaces, JFK/Great Highway car-free FOREVER!! Cars have enough streets here in SF, let the people take back some!!!

**29. Elliot Schwartz** (*ZIP code: 94107*)

**30. Galit Gontar** (*ZIP code: 94131*)

**31. Josh Snyder** (*ZIP code: 94110*)

**32. Tamas Nagy** (*ZIP code: 94102*)

Safe Streets and protected bike lanes are great environmentally friendly projects. They shouldn't be held up by a couple people abusing an "environmental protection" law. Please fix this.

**33. Jack Harman** (*ZIP code: 94115*)

**34. Jacqueline Mauro** (*ZIP code: 94131*)

We need \*major\* changes to fight climate policy and help SF recover from the pandemic. Allowing obstructionism like this to continue will strangle our city.

**35. Rob Jaques** (*ZIP code: 94107*)

**36. Jason Cunningham** (*ZIP code: 94117*)

Make it happen!

**37. Jean Walsh** (*ZIP code: 94608-3429*)

**38. Joseph Lacap** (*ZIP code: 94118*)

CEQA has become a laughable excuse for an "environmental protection" law. All it achieves (at least in urban contexts) is to preserve the status quo of traffic, long commutes, and unfavorable housing while wasting everyone's time and money in the process.

**39. Juliette Page** (*ZIP code: 94117*)

**40. Joe Kaylor** (*ZIP code: 94133*)

41. **Joe FitzPatrick** (*ZIP code: 94109*)
42. **Joe Tutterow** (*ZIP code: 94115*)
43. **John DiMattia** (*ZIP code: 94115*)
44. **Jonathan Dirrenberger** (*ZIP code: 94114*)
45. **Jordon Wing** (*ZIP code: 94110*)
46. **Josh Estelle** (*ZIP code: 94112*)
47. **Joshua Barnabei** (*ZIP code: 94103*)
48. **Julie Lacap** (*ZIP code: 94118*)
49. **jonathan winston** (*ZIP code: 94137*)
50. **John Stefanski** (*ZIP code: 94107*)
51. **James Dyer** (*ZIP code: 94117*)
52. **Kieran Farr** (*ZIP code: 94110*)
53. **An anonymous signer** (*ZIP code: 94117*)
54. **Kenneth Russell** (*ZIP code: 94132*)  
We need to move San Francisco forward
55. **Kevin Utschig** (*ZIP code: 94110*)
56. **Laura Burkhauser** (*ZIP code: 94112*)
57. **Martin Strauss** (*ZIP code: 94117*)
58. **Martin Munoz** (*ZIP code: 94117*)
59. **Maxwell Davis** (*ZIP code: 94611*)
60. **Meredith Bradshaw** (*ZIP code: 94131*)  
This is insanity. Let's work to make these changes work.

**61. Michael Ducker** (*ZIP code: 94115*)

**62. Monica Mallon** (*ZIP code: 95124*)

**63. Michael Smith** (*ZIP code: 94117*)

**64. Michael Chen** (*ZIP code: 94109*)

**65. Nicasio Nakamine** (*ZIP code: 94122*)

**66. Nadia Rahman** (*ZIP code: 94118*)

**67. Nathanael Aff** (*ZIP code: 94122*)

**68. Jeremy Rose** (*ZIP code: 94110*)

**69. Parker Day** (*ZIP code: 94103*)

Stop a couple of bad actors from wasting City resources and time.

**70. John Pascoe** (*ZIP code: 94116*)

**71. Patrick Chang** (*ZIP code: 94103*)

Open streets to ppl close minna street to cars or add speed bumps. 600 block of minna cars fly by over 30mph

**72. Patrick Traughber** (*ZIP code: 94109*)

We need to make progress quickly and we shouldn't stop progress because one person doesn't like Slow Streets. Reform how San Francisco responds to CEQA appeals now.

**73. Peter Belden** (*ZIP code: 94107*)

**74. Peter Darche** (*ZIP code: 94110*)

**75. Phil Crone** (*ZIP code: 94112*)

**76. Patrick Linehan** (*ZIP code: 94112*)

**77. Rachel Ratliff** (*ZIP code: 94114*)

**78. Riley Avron** (*ZIP code: 89449*)

**79. Raynell Cooper** (*ZIP code: 94117*)

**80. CHRISTIAN RITTER** (ZIP code: 94110)

**81. Radoslav Kirov** (ZIP code: 94102)

**82. Robin Kutner** (ZIP code: 94117)

**83. Roan Kattouw** (ZIP code: 94109)

**84. Ryan Prior** (ZIP code: 94117)

Let us cycle safely in SF!

**85. Sachin Agarwal** (ZIP code: 94122)

**86. Samuel Maskell** (ZIP code: 94105)

**87. Scott Andreas** (ZIP code: 94115)

**88. Michael Howley** (ZIP code: 94117)

I would go even further and request no CEQA appeals for any SFMTA/transportation projects that do not add lane-miles or parking stalls for private vehicles. Clean and simple, whereas VMT projection math could be fought over.

Would love to see the Board of Supervisors also take similar action to establish CEQA-proof criteria for other types of projects, like housing. I won't hold my breath though.

**89. Anthony Fox** (ZIP code: 94109)

**90. Maureen Persico** (ZIP code: 94110)

I'm sick of this nonsense!

**91. Solomon Hykes** (ZIP code: 94115)

**92. Sharky Laguana** (ZIP code: 94127)

**93. Scott Holden** (ZIP code: 94110)

Slow Streets has been a huge help in allowing those of us who have been locked inside our tiny apartments to get outside and exercise while maintaining safe social distancing from others. Taking away this program based on the complaints of a handful of spiteful people that have apparently found enough free time during a pandemic to file them is beyond unfair to those who are unable to counter their claims. A system that allows this to happen is a broken system. For the good of the residents of this city who are trying their best to stay safe and sane through this nightmare of a year, please fix it.

**94. Harold Pile** (ZIP code: 94117)

**95. Srinivasan Vijayaraghavan** (ZIP code: 94110)

**96. Steven Guichard** (*ZIP code: 94110*)

**97. Stephanie Beechem** (*ZIP code: 94611*)

**98. Sean Hall** (*ZIP code: 94127*)

**99. Theo Gordon** (*ZIP code: 94115*)

**100. Taylor McNair** (*ZIP code: 94110*)

**101. Tristen Miller** (*ZIP code: 94117*)

**102. Jane Natoli** (*ZIP code: 94118*)

**103. Matthew Warshauer** (*ZIP code: 94117*)

We are in a time of crisis. It is a time for action. We can't let those actions be bogged down in slow processes like these.

**104. Charles Whitfield** (*ZIP code: 94107*)

**105. Artie Lee** (*ZIP code: 94110*)

You've got the city behind you, Supervisors. Please fix this unintended side effect that blocks progress in our city.

**106. Zack Subin** (*ZIP code: 94112*)

We have 10 yrs to slash emissions by 50%. We can't let 20% of that get gobbled up by CEQA appeals.

Not to mention, biking on these Slow Streets was one of the few things that brought me joy in our pandemic spring in SF.



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: FILE No. 200903 and FILE No. 201000  
**Date:** Monday, September 14, 2020 2:37:01 PM

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**From:** Robert Chan <doc.robert.chan@gmail.com>  
**Sent:** Monday, September 14, 2020 2:33 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** FILE No. 200903 and FILE No. 201000

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the Board,

My name is Robert Chan, and I have sent at least one message to each of you regarding the negative consequences that have ensued because of the closure. closure of Twin Peaks Boulevard at Burnett Avenue and Panorama Drive. I'm hopeful all of you have read my previous email and understand the frustration my neighbors and I are experiencing with all of the negative issues the closure has brought to our neighbourhood and our attempts to reopen the very popular tourist attraction: the summit of Twin Peaks.

I am now writing to ask all of you to agree to the separate appeals from Mary Miles and David Pilpel which demand the Board overturn SFMTA's Planning Department's exempting itself and the City of San Francisco from Environmental Review that is required by the State of California.

While I would greatly like to participate in the virtual Public Hearing on September 22, 2020 @ 3 pm, my occupation will prevent me from doing so.

Thank you for considering my request.

Sincerely,

Robert Chan

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lew, Lisa \(BOS\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Dwyer, Debra \(CPC\)](#); [Hillis, Rich \(CPC\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** HEARING NOTICE - Appeal of CEQA Exemption Determination - Proposed MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program - Hearing - September 22, 2020  
**Date:** Tuesday, September 8, 2020 9:49:23 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board has scheduled a remote hearing for Special Order before the Board of Supervisors on **September 22, 2020, at 3:00 p.m.**, to hear an appeal of CEQA Exemption Determination, for the proposed San Francisco Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program.

**Please find the following link to the hearing notice for the matter:**

[Public Hearing Notice - September 8, 2020](#)

The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, to be determined. Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201000](#)

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**NOTE:** The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

**Date:** Tuesday, September 22, 2020

**Time:** 3:00 p.m.

**Location:** REMOTE MEETING VIA VIDEOCONFERENCE  
**Watch:** [www.sfgovtv.org](http://www.sfgovtv.org)

**Watch:** SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

**Public Comment Call-In:** <https://sfbos.org/remote-meeting-call>

**Subject:** **File No. 201000.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Statutory Exemption, by the Planning Department on July 15, 2020, for the proposed Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program. (Appellant: David Pilpel) (Filed: August 20, 2020)

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings or watch them on demand.

**PUBLIC COMMENT CALL-IN**

**WATCH:** SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen; or

**VISIT:** <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

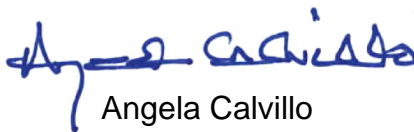
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email ([bos@sfgov.org](mailto:bos@sfgov.org)). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, September 18, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew ([lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) ~ (415) 554-7718)

Jocelyn Wong ([jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) ~ (415) 554-7702)

***Please Note:*** *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco

jw:ll:ams

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

**PROOF OF MAILING**

Legislative File No. 201000

Description of Items: Hearing - Appeal of Statutory Exemption From Environmental Review - MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program - 404 Notices Mailed

I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: September 8, 2020

Time: 3:30 p.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

A handwritten signature in blue ink that reads "Lisa Lew".

Signature: \_\_\_\_\_

Instructions: Upon completion, original must be filed in the above referenced file.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lew, Lisa \(BOS\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Dwyer, Debra \(CPC\)](#); [Hillis, Rich \(CPC\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determination - Proposed MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program - Hearing - September 22, 2020  
**Date:** Wednesday, September 2, 2020 9:34:32 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on September 22, 2020, at 3:00 p.m. Please find linked below a letter of appeal regarding the proposed Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - August 20, 2020](#)  
[Planning Department Memo - September 2, 2020](#)  
[Clerk of the Board Letter - September 2, 2020](#)

Please note, the President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201000](#)

Best regards,

**Jocelyn Wong**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

September 2, 2020

David Pilpel  
2151 27th Avenue  
San Francisco, CA 94116

**Subject: File No. 201000 - Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program**

Dear Mr. Pilpel:

As you know, in response to the challenges posed during this health emergency, we have been working diligently the last several months to stabilize the remote meeting system and establish processes to execute efficient, complex hearings at the Board of Supervisors. Now that we have reached confidence in the remote meeting system, we are resuming scheduling of the appeal queue. In order to alleviate deadline concerns due to the sizable queue, Mayor London N. Breed issued the Twenty-Second Supplement to the Declaration of the Emergency that provides the Board until September 30, 2020, to schedule all of the initial hearings for pending appeals.

The Office of the Clerk of the Board is in receipt of a memorandum dated September 2, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the Statutory Exemption Determination issued by the Planning Department under CEQA for the proposed Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).


In accordance with Mayor Breed's Twenty-Second Supplemental and Administrative Code, Section 31.16, a remote initial hearing date has been scheduled for **Tuesday, September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please note, the President of the Board of Supervisors may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public comment will be taken on the continuance only.

Please provide to the Clerk's Office names, addresses, and emails of interested parties to be notified of the hearing as soon as possible. Please also provide supporting documentation you wish to include for the hearing, by emailing an electronic copy by Thursday, September 17, 2020, at 12:00 noon to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org). Any materials received after this date, will still be distributed to all parties and be included as part of the official file. For the above, the Clerk's office requests electronic files be sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org).

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554 7712.

Very truly yours,

  
Angela Calvillo  
Clerk of the Board

jw:ll:ams

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Susan Cleveland-Knowles, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Planning Commission Secretary, Planning Department  
Laura Lynch, Staff Contact, Planning Department  
Melinda Hue, Staff Contact, Municipal Transportation Agency  
Jeffrey Tumlin, Municipal Transportation Agency  
Tom Maguire, Municipal Transportation Agency  
Ricardo Olea, Municipal Transportation Agency  
Sarah Jones, Municipal Transportation Agency  
Andrea Contreras, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
Roberta Boomer, Municipal Transportation Agency  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals



## Statutory Exemption Appeal Timeliness Determination

**DATE:** September 2, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer  
**RE:** Appeal Timeliness Determination – SFMTA Department  
Operations Center COVID-19 Emergency Temporary Street  
Changes Program Emergency Statutory Exemption  
2020-006458ENV

On August 20, 2020, David Pilpel (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory Exemption for the San Francisco Municipal Transportation Agency’s Department Operations Center COVID-19 Emergency Temporary Street Changes Program. As explained below, the appeal is timely.

Date of Project Approval	Date of CEQA Posting	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open for Remote Business)	Date of Appeal Filing	Timely?
July 17, 2020	July 21, 2020	August 20, 2020	August 20, 2020	Yes

**Approval Action:** On July 17, 2020, the Director of Transportation approved the project. On July 21, 2020, the Planning Department posted the Statutory Exemption on the Planning Department’s website.

**Appeal Deadline:** Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date this exemption is posted to the Planning Department's website. Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a statutory exemption) to the Board of Supervisors during the 30-day appeal period. The 30th day after the date of CEQA posting is August 20, 2020, and the appeal period expired at 5:00 p.m. on Thursday, August 20, 2020 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Thursday, August 20, 2020 before 5:00 p.m., prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Hillis, Rich \(CPC\)](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lew, Lisa \(BOS\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Statutory Exemption Determination - Proposed SFMTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program Project - Timeliness Determination  
**Date:** Thursday, August 27, 2020 4:33:20 PM  
**Attachments:** [Appeal Ltr 082020.pdf](#)  
[image001.png](#)  
[COB Ltr - CEQA Det - 082720.pdf](#)

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Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the Statutory Exemption Determination for the proposed SFMTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program project. The appeal was filed David Pilpel.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination. Thank you.

Regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



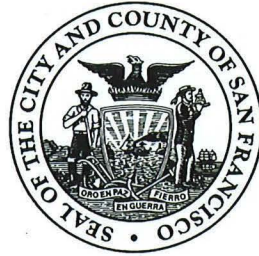
Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 27, 2020

To: Rich Hillis  
Planning Director

From: *ACE* Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - MTA - Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program**

As you know, in response to the challenges posed during this health emergency, we have been working diligently the last several months to stabilize the remote meeting system and establish processes to execute efficient, complex hearings at the Board of Supervisors. Now that we have reached confidence in the remote meeting system, we are resuming scheduling of the appeal queue. In order to alleviate deadline concerns due to the sizable queue, Mayor London N. Breed issued the Twenty-Second Supplement to the Declaration of the Emergency that provides the Board until September 30, 2020, to schedule all of the initial hearings for pending appeals. Upon receipt of your determination, we will move forward accordingly and schedule a hearing within the timeframe if it is deemed to have been filed timely.

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed San Francisco Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program, was filed with the Office of the Clerk of the Board on August 20, 2020, by David Pilpel.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702 or Brent Jalipa at (415) 554-7712.



c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Susan Cleveland-Knowles, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
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Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
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Roberta Boomer, Municipal Transportation Agency  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals

# 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):

Clerk of the Board

Subject:

Hearing - Appeal of Statutory Exemption From Environmental Review - MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program

The text is listed:

Hearing of persons interested in or objecting to the determination of statutory exemption from environmental review under the California Environmental Quality Act, by the Planning Department on July 15, 2020, for the proposed Municipal Transportation Agency's Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program. (Appellant: David Pilpel) (Filed: August 20, 2020)

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only