



Statutory/Categorical Exemption Appeal Timeliness Determination

DATE: August 10, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer
RE: Appeal Timeliness Determination – COVID-19 Emergency
Temporary Transit Lanes and Emergency Temporary Bikeways
Statutory/Categorical Exemption 2020-005472ENV

On July 30, 2020, David Pilpel filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory and Categorical Exemption determination for the San Francisco Municipal Transportation Agency’s COVID-19 Emergency Temporary Transit Lanes and Emergency Temporary Bikeways project (ETTL project). Separately, on July 30, 2020, Mary Miles, on behalf of the Coalition for Adequate Review, also filed an appeal with Office of the Clerk of the Board of Supervisors of the Statutory and Categorical Exemption determination for the San Francisco Municipal Transportation Agency’s COVID-19 Emergency Temporary Transit Lanes and Emergency Temporary Bikeways project.

As explained below, both appeals are timely.

Date of Project Approval	30 Days after Approval Action	Appeal Deadline (Must be a day that the Clerk of Board’s Office is open for remote business)	Date of Appeal Filing	Timely?
June 30, 2020	July 30, 2020	July 30, 2020	July 30, 2020	Yes

Approval Action: On June 10, 2020, the Planning Department issued a Statutory and Categorical Exemption determination for the proposed project. The first Approval Action of the project would be the approval by the SFMTA Board of Directors, of the initial phase of the ETTL project and the delegation of authority to approve emergency temporary transit lanes and tow-away lanes to the Office of the City Traffic Engineer for the rest of the project corridors. On June 30, 2020, the SFMTA Board approved the project and delegated authority, marking the Approval Action for the project.

Appeal Deadline Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination to the Board of

Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Thursday, July 30, 2020 (Appeal Deadline).

Appeal Filing and Timeliness: Each of the two Appellants filed the appeals of the exemption determination on Thursday, July 30, 2020, prior to the end of the Appeal Deadline. Therefore, both appeals are timely.