



## Statutory Exemption Appeals Timeliness Determination

**DATE:** September 23, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer  
**RE:** Appeal Timeliness Determinations –  
2020-007183ENV, SFMTA COVID-19 Muni Rail Service  
Adjustments and Associated Street and Parking Changes – August  
22nd, 2020 and Fall 2020  
2020-007286ENV, SFMTA COVID-19 Muni Bus Service  
Adjustments and Associated Stop, Street and Parking Changes –  
August 22, 2020

On September 14, 2020, Justin Zucker of Reuben, Junius & Rose, LLP on behalf of Safeway Inc. filed appeals with the Office of the Clerk of the Board of Supervisors of two Statutory Exemption determinations, one for the San Francisco Municipal Transportation Agency’s COVID-19 Muni Rail Service Adjustments and Associated Street and Parking Changes – August 22nd, 2020 and Fall 2020 (COVID-19 Rail Service Project) and the other for the COVID-19 Muni Bus Service Adjustments and Associated Stop, Street and Parking Changes – August 22, 2020 (COVID-19 Bus Service Project). Given that one appeal letter was filed and one timeliness determination request was made by the Clerk of the Board for both appeals, the Planning Department is providing a combined timeliness determination. As explained below, the appeals are timely.

| Date of Project Approval                           | Date of Approval Action Posting | 30 Days after Approval Action | Appeal Deadline<br>(Must be a day that the Clerk of Board’s Office is open for remote business) | Date of Appeal Filing | Timely? |
|--|---------------------------------|-------------------------------|---|-----------------------|---------|
| <b>2020-007183ENV (COVID-19 Rail Service)</b>      |                                 |                               |   |                       |         |
| August 19, 2020                                    | August 20, 2020                 | September 19, 2020            | September 21, 2020  | September 14, 2020    | Yes     |
| <b>2020-007286ENV, (COVID-19 Muni Bus Service)</b> |                                 |                               |   |                       |         |
| August 19, 2020                                    | August 20, 2020                 | September 19, 2020            | September 21, 2020  | September 14, 2020    | Yes     |

**Approval Actions:**

**2020-007183ENV (COVID-19 Rail Service Project)** - On August 12, 2020, the Planning Department issued a Statutory Exemption determination for the proposed project. The proposed COVID-19 Muni Rail Service adjustments required approval by the SFMTA Director of Transit. On August 19, 2020, the project was approved by the SFMTA Director of Transit. On August 20, 2020, the Planning Department posted that the project was approved.

**2020-007286ENV (COVID-19 Bus Service Project)** - On August 14, 2020, the Planning Department issued a Statutory Exemption determination for the proposed project. The proposed COVID-19 Muni Bus Service adjustments required approval by the SFMTA Director of Transit. On August 19, 2020, the project was approved by the SFMTA Director of Transit. On August 20, 2020, the Planning Department posted that the project was approved.

**Appeal Deadline:** Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date the approval action 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 time period. The 30th day after the date of project approval posting falls on a Saturday, and therefore the appeal period expires on Monday, September 21, 2020 at 5:00 p.m. (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeals of the exemption determinations on Monday, September 14, 2020, prior to the end of the Appeal Deadlines. Therefore, the appeals are timely.