

File No. 201000

Committee Item No. _____

Board Item No. 68

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
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Appeal Letter - 8/20/20 _____
- MTA Response - 9/21/20 _____
- Planning Department Response - 9/21/20 _____
- Appellant Supplemental Info - 9/18/20 _____
- Appellant Supplemental Info - 9/11/20 _____
- Public Hearing Notice - 9/8/20 _____
- Clerical Documents _____
- _____
- _____
- _____
- _____

Prepared by: Jocelyn Wong

Date: September 25, 2020

Prepared by: _____

Date: _____

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 AUG 20 PM 1:56

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

BY _____

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

[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.

From: [BOS Legislation, \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [VEIT, JULIE \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Winslow, David \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Hue, Melinda \(MTA\)](#); [Trout, Ian \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Parks, Jamie \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [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: PLANNING DEPT RESPONSE AND MTA RESPONSE: Appeal of CEQA Exemption Determination - Proposed MTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program - Hearing - September 22, 2020
Date: Monday, September 21, 2020 12:17:26 PM
Attachments: [image001.png](#)

Greetings,

The Office of the Clerk of the Board received the following responses from the Planning Department and the Municipal Transportation Agency, respectively, 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.

[Planning Department Response – September 21, 2020](#)

[Municipal Transportation Agency Response – September 21, 2020](#)

Since the agenda packet has already been compiled prior to receiving these documents, it will not be included in the packet, but instead will be included in the official file.

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](#)

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 | 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.*

STATUTORY EXEMPTION APPEAL

COVID-19 Emergency Temporary Street Changes Program

Date: **September 21, 2020**
To: **Angela Calvillo, Clerk of the Board of Supervisors**
From: **Lisa Gibson, Environmental Review Officer - (628) 652-7571**
Wade Wietgreffe, wade.wietgreffe@sfgov.org - (628) 652-7565
Lauren Bihl, lauren.bihl@sfgov.org - (628) 652-7498

RE: **Planning Record No. 2020-006458ENV; Board of Supervisors File No. 201000**
Appeal of Statutory Exemption for the COVID-19 Emergency Temporary Street Changes Program

Hearing Date: **September 22, 2020 (may be continued)**

Project Sponsor: **Ian Trout, SFMTA, (415) 701-4556**
Appellant(s): **David Pilpel**

Planning Department's Recommendation

Uphold the California Environmental Quality Act (CEQA) statutory exemption determination and deny the appeal of the CEQA determination.

Introduction

This memorandum is a response to the letters of appeal to the board of supervisors (the board) regarding the planning department's (the department) issuance of a statutory exemption determination under CEQA for the proposed San Francisco Municipal Transportation Agency's (SFMTA) COVID-19 Emergency Temporary Street Changes Program (the project).

The department, pursuant to Article 19 of the CEQA Guidelines, issued a statutory exemption for the project on July 15, 2020 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 21080(b)(4) and Guidelines Section 15269(c), the Emergency Projects statutory exemption provision. The Director of Transportation approved the project on July 17, 2020. The decision before the board is whether to uphold the department's decision to issue a statutory exemption and deny the appeal, or to overturn the department's decision to issue a statutory exemption and return the project to the department staff for additional environmental review.

Site Description and Existing Use

The project site consists of various portions of right-of-way throughout the city. Generally, the project site includes curb lanes or travel lanes, sometimes adjacent to businesses and organizations providing essential services.

Project Description

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 (coronavirus) pandemic (public health emergency) within the city. On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders to protect the public health. Health Order No. C19-07 (Stay Safer at Home) was originally issued March 16, 2020 as Shelter in Place, and has been amended several times as conditions change and additional information and recommendations become available.¹ Health Orders are enforceable laws and are usually accompanied by one or more Directives which provide legally binding instructions for how to comply with the Health Order.

As a result of the COVID-19 public health emergency, the 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).

SFMTA proposes to create this temporary program to make temporary parking/loading and traffic changes as requested by businesses, organizations, other City departments' operations centers, and the City's COVID Command Center. 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 would be used 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

The proposed changes are temporary and would expire, at the latest, 120 days after the retraction of the City's COVID-19 Local Emergency Declaration (dated February 25, 2020).

Background

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 within the city.

On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 (coronavirus) pandemic.

¹ San Francisco Department of Public Health. 2020. Orders Issued by the San Francisco Health Officer Relevant to Coronavirus (COVID-19). Available online at <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>. Accessed September 9, 2020.

On March 31, 2020, Public Health order C19-07 was issued, requiring individuals to maintain six feet of social (physical) distance from individuals not in their household.

On July 15, 2020, the department determined that the project was statutorily exempt under CEQA section 15269(c) and issued a determination that no further environmental review was required for the COVID-19 Emergency Temporary Street Changes Program.

On July 17, 2020, the SFMTA Director of Transportation approved the project.

On July 21, 2020, the department posted the statutory emergency determination on the department's website. The appeal period started on this date.

On August 20, 2020, an appeal of the statutory exemption determination was filed by David Pilpel (the appellant).

On September 11, 2020, a supplemental appeal letter requesting a continuance of the hearing was submitted by the appellant.

CEQA Guidelines

Statutory Exemptions

In accordance with Article 18 Statutory Exemptions, CEQA Guidelines sections 15260 through 15385 list exemptions from CEQA granted by the California State Legislature.

CEQA Guidelines section 15269(c) states that specific actions necessary to prevent or mitigate an emergency are exempt from the requirements of CEQA. This section reflects the mandate in CEQA Section 21080(b)(4), that CEQA "does not apply to (...) specific actions to prevent or mitigate an emergency." An "emergency," in turn, is "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate attention to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." (CEQA Section 21060.3; CEQA Guidelines Section 15359).

Planning Department Responses

The concerns raised in the appeal letter are addressed in the responses below:

Response 1: The project meets the definition of CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c) Emergency Projects statutory exemption.

COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c)

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of

the San Francisco Administrative Code to address the spread of COVID-19 within the city. On March 4, 2020, Gavin Newsom, Governor of California, issued the Proclamation of a State of Emergency under section 8625 of the California Government Code and the California Emergency Services Act, establishing the existence of a state of emergency throughout California due to COVID-19. As stated above, on March 6, 2020 San Francisco Health Officer Tomas Aragon declared a health emergency for the City and County of San Francisco. Health Orders were enacted to protect the public health and provide guidance and provisions to reduce the spread of COVID 19. Health Order No. C19-07 is the main order that states what activities are allowed and prohibited during the COVID-19 Emergency. It has been amended several times since it was first issued on March 16, 2020.

The appellant claims the proposed COVID-19 Emergency Temporary Street Changes Program does not meet the definition of an emergency as defined in Public Resources Code section 21060.3 ["Emergency"]. This implies the COVID-19 public health emergency, which was the impetus for the SFMTA's decision to implement this project, does not meet the definition of an emergency under the definition in the Public Resources Code. While a pandemic is not explicitly listed in the Public Resources Code section, a sudden and unexpected event such as the COVID-19 pandemic falls within the category of events that would be considered an emergency under the code and meets the intent of that code.

COVID-19 is a sudden and unexpected occurrence. Within the span of a few days the whole world, the United States, California, and the Bay Area went from a handful of confirmed cases to many reported cases.² As a result, leading international, state, and local officials to declare a state of emergency. COVID-19 involves a clear and imminent danger and can cause damage to life and health. According to the Centers for Disease Control and Prevention, in the United States alone, as of September 9, 2020 approximately 6.3 million people have had confirmed COVID-19 cases and approximately 189,000 of these cases have resulted in death.³ Thus, COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269

The COVID-19 Emergency Temporary Street Changes Program is responding to the COVID-19 public health emergency

In order for people to be able to practically maintain the six feet of social distance required by the city's Public Health orders C19-07b, it is necessary to implement the changes proposed in the COVID-19 Emergency Temporary Street Changes Program. Various essential services require queue lines to form, such as grocery stores, food banks, and COVID testing centers. Without the temporary changes implemented within this program, these and other social services would not be accessible due to lack of adequate physical space. Designated space for curbside pickup and drop-off spaces for restaurants and food-based organizations is also necessary changes to facilitate members of the public maintaining six feet social distance to mitigate a public health emergency.

None of the exclusions of CEQA Guidelines section 15269(c) apply

² San Francisco Department of Public Health. 2020. COVID-19 Cases and Deaths. Available online at <https://data.sfgov.org/stories/s/dak2-gvuj>. Accessed September 9, 2020.

³ Centers for Disease Control and Prevention. 2020. Coronavirus Disease 2019 – Cases in the U.S. Available online at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. Accessed September 9, 2020.

CEQA Guidelines section 15269(c) states that the statutory exemption for projects necessary to prevent or mitigate an emergency does not apply to “long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.” This exclusion does not apply to the proposed COVID-19 Emergency Temporary Street Changes Program, because the project directly addresses an ongoing public health emergency in which it is necessary to maintain 6 feet of social distancing in order to mitigate the emergency.

The emergency the project would respond to is ongoing. The February 25, 2020 proclamation of a local health emergency, March 4, 2020 Proclamation of a State of Emergency, and Health Order No. C19-07 (as amended) are still in effect. Furthermore, there is no anticipated date for the City to fully reopen and “remove all social distancing limits and other restrictions related to the COVID-19 response”.⁴ Therefore, the COVID-19 public health emergency has a high probability of occurring in the short-term.

Second, the project does not include construction of permanent infrastructure and the proposed changes can be adjusted or removed quickly. To implement the temporary parking, loading, and traffic changes proposed in this program, temporary striping, signage, and barricades would be placed to indicate that an area has been modified. No excavation would be required. Furthermore, the changes would expire within 120 days of the repeal of the City’s February 25, 2020 proclamation of a local health emergency due to COVID-19.

As shown above, the project meets the requirements of an emergency project statutory exemption and none of the above-noted exclusions stated in CEQA Guidelines section 15269(c) apply. The City’s decision that the project fits within the definition of statutory exemption 15269(c) emergency projects is supported by substantial evidence in the record. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in Public Resources Code Section 21080 et seq and discussed in CEQA Guidelines Sections 15260-15285. A statutory exemption applies to any given project that falls under its definition, regardless of the project’s potential impacts to the environment including cumulative impacts or the presence of unusual circumstances.

Response 2: The department and SFMTA met procedural requirements for exemptions provided in the CEQA Guidelines and Chapter 31 of the Administrative Code

Chapter 31 of the Administrative Code requires the Environmental Review Officer to post on the department’s website the following: “(1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.” (section 31.08(e)(1)(A)).

The department posted the exemption determination for the project on the department’s website, <https://sanfrancisco.buildingeye.com/planningceqa/list/type/agencycatex>, on July 21, 2020. The website includes a heading titled “Public Agency Exemptions,” with a table of exemptions for projects sponsored by public agencies to which the exemption determination for the project is linked. Chapter 31 of the

⁴ City and County of San Francisco. Step by Step Reopening San Francisco. Available online at <https://sf.gov/step-by-step/reopening-san-francisco>. Accessed September 9, 2020.

Administrative Code does not require other City agencies to post exemption determinations on their websites or for approving bodies to include exemption determinations in their meeting materials. The exemption determination document was appropriately posted.

Due to the public health emergency and the rapid response made by the city to mitigate the emergency, the SFMTA Director of Transportation approved the COVID-19 Emergency Temporary Street Changes Program on July 17, 2020, prior to planning department's posting of a CEQA determination on July 21, 2020.

CEQA does not require public agencies to follow any specific procedures in approving activities that are exempt. Because agencies are not required to make a written determination, a project approval cannot be challenged on the ground that the agency's exemption determination was documented after the project was approved. (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App. 4th 950, 961). What state law does require is that when a non-elected decision-making body determines that a project is exempt from CEQA, the decision is appealable to the agency's elected decision-making body. (CEQA Section 21151(c)). Further, Chapter 31 imposes specific noticing and posting requirements, as described above. Here, the department complied with those procedures, and appellant received, and availed themselves of, the opportunity to appeal the exemption determination to the City's elected decision-making body, the board of supervisors.

Conclusion

The department has determined that the proposed project is statutorily exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of an emergency project statutory exemption and (2) none of the exceptions specified in CEQA Guidelines section 15269 prohibiting the use of a statutory exemption are applicable to the project. The appellant has not demonstrated that the department's determination is not supported by substantial evidence in the record.

For the reasons stated above and in the July 15, 2020 CEQA statutory exemption determination and accompanying memo from SFMTA, the CEQA determination for this project complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemptions. The department therefore respectfully requests that the board uphold the CEQA statutory exemption determination and deny the appeal of the CEQA determination.

Memorandum



To: Angela Calvillo, Clerk of the San Francisco Board of Supervisors

Through: Ricardo Olea, City Traffic Engineer ^{RO}
Carli Paine, Acting Chief of Staff ^{CP}
Jamie Parks, COVID-19 Emergency Temporary Street Changes Program Manager ^{JP}
Ian Trout, COVID-19 Emergency Temporary Street Changes Engineer ^{IT}

From: Jeffrey Tumlin, Director of Transportation ^{JT} Acting DOT for

Date: September 21, 2020

Subject: SFMTA Department Operations Center COVID-19 Emergency Temporary Street Changes Program – Project Sponsor CEQA Appeal Response

INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Statutory Exemption No. 2020-006458ENV for the SFMTA Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program (project). It is a response to a letter of appeal to the Board of Supervisors regarding the Planning Department’s issuance of a Statutory Exemption under the California Environmental Quality Act (CEQA) for the project. The letter addresses topics other than those related to CEQA, which are separately discussed in the Planning Department’s appeal response memorandum.

BACKGROUND

San Francisco has been working diligently to prevent COVID-19 contagion, and to implement containment efforts for any San Franciscans who test positive for the new virus. San Francisco declared a Local Emergency on February 25, 2020 to accelerate citywide efforts to plan for, prevent, and mitigate community spread of COVID-19. In parallel with the emergency declaration, the City and various city departments activated response centers using the Incident Command Structure (ICS), a nationwide standardized approach to the command, control, and coordination needed to manage an incident, providing a common hierarchy within which personnel from multiple response and implementation agencies can be effective. The Department of Public Health activated its Departmental Operations Center (DOC) on January 21, 2020 marshalling internal resources and leadership to focus on the clinical, epidemiological and community response. On January 27, 2020, the City opened its Emergency Operations Center (EOC), restructured and renamed as the COVID-19 Command Center (CCC) in early July 2020, to centralize the citywide response.¹ On March 13, 2020, the SFMTA activated its DOC.

Throughout San Francisco’s response to COVID-19, the citywide and departmental operations centers have continued to revise their goals and objectives to collaboratively and effectively respond to the evolving needs during the public health emergency. In early March, the CCC had five goals for responding to COVID-19. Two of these goals are directly relevant to SFMTA’s work and have continued to be the SFMTA’s primary goals during the emergency activation:

¹ <https://sfmayor.org/article/city-san-francisco-takes-action-following-emergency-declaration-prepare-novel-coronavirus>

- Prepare for and protect the health and safety of the public and vulnerable populations from COVID-19
- Limit severe illness and death from COVID-19

Since its activation, the SFMTA DOC has received requests from the CCC for various parking and traffic changes necessary to support these goals (e.g., temporary street closures for COVID-19 testing sites, loading zones for food banks, etc.). The SFMTA has generally implemented these changes within a very short turnaround time (typically 2 to 7 days) given their emergency nature. On July 17, 2020 the Director of Transportation signed the order to formalize the COVID-19 Temporary Parking and Traffic Changes Program to continue to nimbly respond to a dynamic situation and help prevent the spread of COVID-19. (See Attachment A).

The program itself is temporary, set to expire 120 days after the City's proclamation of a local emergency is lifted. Many of the street and traffic modifications under this program have already been reverted back to pre-COVID-19 status since they were needed for only several days or a month.

All other routine and permanent parking and traffic changes not part of this program and not related to the COVID-19 response are still required to go through the standard SFMTA review and legislative process, including TASC, a public hearing, and SFMTA Board, as applicable.

DISCUSSION

The Temporary Parking and Traffic Changes Program quickly implements street changes that directly prevent and/or mitigate the COVID-19 emergency

On March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency requiring that resident's shelter in place, with the only exception being for essential needs. San Francisco's response to the pandemic has stressed the importance of physical distancing, or maintaining six feet of space between individuals, to control the spread of coronavirus.

SFMTA created this program to enable the agency to quickly provide temporary parking, loading, and traffic changes that businesses, organizations, other city departments' DOCs, and the CCC require in their efforts to effectively control COVID-19 viral spread and address other direct effects of the pandemic on San Franciscans. Changes implemented under this program (1) further the primary objective of additional physical distancing and (2) are for the essential purposes listed below:

- to congregate or queue for essential services such as free meals, COVID-19 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

These efforts directly reduce the transmission of the COVID-19 virus or increase the city's capability to properly fight the COVID-19 virus through supporting testing, hotel sites, and emergency field-hospitals. As such, this program is different from the SFMTA's Slow Streets², Temporary Emergency Transit Lane (TETL)³, the Shared Spaces programs⁴, and the Panhandle Social Distancing and Safety Project⁵, all of which received their own environmental determinations.

Recent examples of emergency street changes SFMTA has implemented include:

- Temporary street closure of Jessie Street between 4th and Mission Streets to support a daily COVID-19 testing site from 7AM to 7PM
- Temporary one-day parking removal for food bank distribution at the following locations:
 - o Bay Street, between Stockton Street and Powell Street
 - o Mason Street, between Pacific Avenue and Broadway Avenue
 - o Pacific Avenue between Powell Street and Mason Street
- Temporary removal of a parking lane and a travel lane on Jones Street, from O'Farrell Street to Golden Gate Avenue to create a "physical distance lane" to provide more pedestrian space in the Tenderloin while maintaining physical distance, given frequent queuing and congregation on the sidewalk.

Street closures for COVID-19 testing help expand the city's testing capacity, which in turn helps reduce the rate of transmission of the COVID-19 virus by providing critical information about COVID-19 status to people. Street changes to support essential services like food banks help provide food for those with financial burdens during the COVID-19 pandemic while maintaining physical distance. The physical distance lanes in the Tenderloin respond directly to the Tenderloin Neighborhood Plan for COVID-19,⁶ a neighborhood assessment conducted by the CCC, which sought strategies to mitigate and reduce the risk of COVID-19 transmission from the lens of transportation, housing, and other factors.

The changes implemented under this program are authorized by the San Francisco Transportation Code

The City Traffic Engineer has independent authority to approve certain traffic modifications under Section 201 of the San Francisco Transportation Code. Section 201(a)(5) of the Transportation Code allows the City Traffic Engineer to "Install or remove any temporary Traffic Control Devices on any Street for the purpose of controlling Parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection of public health and safety. Such temporary Traffic Control Devices shall be removed when they are no longer required following the emergency, condition, or event."

² <https://www.sfmta.com/projects/slow-streets-program>

³ <https://www.sfmta.com/projects/temporary-emergency-transit-lanes>

⁴ <https://www.sfmta.com/projects/shared-spaces>

⁵ <https://www.sfmta.com/projects/panhandle-social-distancing-and-safety-project>

⁶ https://sf.gov/sites/default/files/2020-05/Tenderloin_Neighborhood_Plan_May_6_2020.pdf

Given the number of emergency requests to SFMTA from the City's Emergency Operations Center, the urgency of the requests requiring short turnaround times, and the limited availability of staff during this crisis, the City Traffic Engineer temporarily delegated authority under this provision to the SFMTA Department Operations Center (DOC) for actions that are responsive to the COVID-19 Local Emergency. (See Attachment A). The Traffic Engineer delegated this authority in order to streamline decision-making under the SFMTA Incident Command.

Given the emergency nature and the immediate response needed by SFMTA, these changes are handled through the SFMTA DOC. Other routine permanent parking and traffic changes not related to the COVID-19 response are handled outside this process through the procedures in the Transportation Code or under separate programs.

Under pre-COVID-19 conditions, most parking and traffic modifications go through staff-level review by the Transportation Advisory Staff Committee (TASC). This is an interagency staff committee that meets twice a month and is composed of SFMTA, Planning, Public Works, SFFD, and SFPD staff. Parking and traffic modifications consented to by TASC would then proceed to a public hearing by the City Traffic Engineer and/or to the SFMTA Board, both of which are public meetings, as required by the Transportation Code. The Transportation Code, however, specifically allows for a quicker process without public hearing in the event of an emergency, among other circumstances. (Transp. Code Section 201(a)(5).) Given the COVID-19 Emergency and the time that it would require to bring the emergency temporary parking and traffic modifications that make up this program to a public hearing and/or SFMTA Board for approval, the SFMTA determined that establishing this expedited process would best allow the SFMTA to respond to the changing response needs of the COVID-19 pandemic in a timely and ethical manner.

Recognizing the importance of an immediate response during COVID-19, the SFMTA DOC created the COVID-TASC process to expedite interagency review of emergency street changes. Rather than a regularly recurring meeting, COVID-TASC works through an email distribution list to notify TASC members (which include the CCC/DOC/Department of Emergency Management [DEM]) about each of these individual street or parking change request. The notice is sent by email by the SFMTA DOC Sustainable Streets Division engineer working on that particular request and provides a 48-hour review and comment period for consent before the SFMTA may proceed with the implementation of the traffic or parking modification. This process allows the SFMTA to immediately respond to requests from the CCC, as most of these emergency changes are expected to be implemented within two to seven days of the initial request to serve its intended purpose. Sometimes these changes are so temporary that they last only one day.

After implementation of a parking and traffic modification, any member of the public may submit comments or questions to 311 and it will get routed to the SFMTA DOC Sustainable Street engineers that worked on that particular case.

Other routine and permanent parking and traffic changes not part of this program and not related to the COVID-19 response are still required to go through the standard SFMTA review and legislative process, including TASC, a public hearing, and SFMTA Board, as applicable.



Emergency vehicle access is maintained or accommodated with all of these parking and traffic modifications

The appellant expressed concern that emergency vehicle access was not being maintained with these parking and traffic modifications. As discussed earlier, all of these parking and traffic modifications are reviewed by COVID-TASC. The process of COVID-TASC ensures that SFFD and SFPD have reviewed the proposed traffic modifications before the changes are made in the field to ensure adequate emergency access. The projects that are part of this program require explicit consent by SFFD before the SFMTA will implement them.

Quick and responsive action is critical during this public health crisis.

During the COVID-19 Public Health Emergency, the SFMTA has moved quickly to ensure continued support of the City's goals of protecting the health and safety of the public and vulnerable populations from COVID-19, and limiting severe illness and death from COVID-19. Accordingly, we ask that the San Francisco Board of Supervisors uphold the use of a California Environmental Quality Act Categorical and Statutory Exemption to allow for the continued implementation of the SFMTA Department Operations Center COVID-19 Emergency Temporary Street Changes Program.

Memorandum

COVID Temporary Parking & Traffic Changes Program



SFMTA

TO: Note to File

CC: Susan Cleveland-Knowles, CAO
JT:TM:CP:GL:JK:RO:ARE:IRT:mh

THRU: George Louie^{GL}, Department Operations Center Commander

FROM: Jeff Tumlin^{Jeff Tumlin}, Director of Transportation

DATE: July 17, 2020

SUBJECT: Creation of a Temporary Program under the SFMTA Department Operations Center for the approval of Temporary Parking and Traffic Changes to Address the COVID-19 Local Emergency

This Order creates a temporary program for the implementation of temporary parking and traffic changes 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.

As a result of the coronavirus (COVID-19) public health emergency, the San Francisco Municipal Transportation Agency (SFMTA) creates a program within the Department Operations Center (DOC) to make temporary parking and traffic changes as requested by businesses, organizations, other city departments' DOC's, and the city's COVID Command Center (CCC), including recommendations from CCC Neighborhood Assessments. Such temporary parking and traffic changes include turn restrictions, parking/loading changes, lane closures, and part-time or full-time street closures for up to 90 days, for the reasons listed in this memorandum. Lane closures and part-time or full-time street closures will 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

Memorandum

COVID Temporary Parking & Traffic Changes Program



- to designate adequate space for grocery store queuing
- to designate curbside pickup/drop-off spaces for organizations such as the Marin-SF Food Bank, Meals on Wheels

To implement these temporary parking and traffic changes, temporary materials such as temporary striping, signage, and barricades will often need to be placed to indicate that the area has been modified. All these materials will be consistent with SFMTA's existing traffic engineering standards and practices and installed following proper procedures.

The proposed changes are temporary in nature and will expire, at the latest, 120 days after the retraction of the city's proclamation of the COVID-19 local emergency (dated 2.25.2020).

Attachment: Delegation of temporary authority to the SFMTA DOC under COVID-19 Local Emergency Declaration



MEMORANDUM

TO: Tom Maguire
Director of Sustainable Streets

FROM: Ricardo Olea 
City Traffic Engineer

DATE: July 10, 2020

SUBJECT: Delegation of temporary authority to the SFMTA Department Operations Center (DOC) under COVID-19 Local Emergency Declaration to Approve Traffic Control Devices to Address the COVID-19 Local Emergency.

This memo is to memorialize delegation of authority over the implementation of temporary parking and traffic changes under the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 (COVID-19 Local Emergency Declaration). The COVID-19 Local Emergency necessitated parking and traffic changes beginning March 23 and I orally authorized this delegation beginning on that date. This delegation is authorized until such time as I rescind it or the COVID-19 Local Emergency Declaration expires or is terminated.

Transportation Code Section 201(a)(5) allows the City Traffic Engineer to install or remove traffic control devices “for the purpose of controlling Parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection for public health and safety.” The COVID-19 Local Emergency qualifies as such an emergency that necessitates parking or traffic changes to accommodate various types of needs related to the emergency. Specifically, turn restrictions, parking/loading removal, curbside pickup, and part time or full-time street closures are part of these aforementioned traffic control devices.

In order to streamline decision making under the SFMTA Incident Command System active since March 13 I have delegated the authority to implement such traffic control devices and issue work orders that are responsive to the COVID-19 Local Emergency to the SFMTA Department Operations Center DOC. Sustainable Streets engineers like Ian Trout, Alan Uy , and others have been and will continue coordinating internally and externally for all COVID-19 emergency temporary work orders. The DOC has been and will continue tracking the temporary work that has been done under disaster response and will over the course of the disaster determine which need to be modified, continued, or terminated. Any DOC parking and traffic changes implemented that need to remain following the COVID-19 Local Emergency Declaration will require permanent legislation or authorization by the City Traffic Engineer as required under Transportation Code Section 200.

Section 201(a)(5) changes that are not related to COVID-19 will be reviewed and approved by me as usual.

From: [BOS Legislation, \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [VEIT, JULIE \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Winslow, David \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Hue, Melinda \(MTA\)](#); [Trout, Ian \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Parks, Jamie \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [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: APPELLANT SUPPLEMENTAL INFO - 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 18, 2020 9:21:25 PM
Attachments: [image001.png](#)

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 18, 2020](#)

Since the agenda packet has already been compiled prior to receiving these documents, it will not be included in the packet, but instead will be included in the official file.

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](#)

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 | 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 18, 2020

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

Dear President Yee and Members,

I write to clarify the continuance request I submitted on September 11, 2020, which sought a continuance on this appeal to no earlier than **December 1, 2020**. I now understand, both from the Municipal Transportation Agency (MTA) staff and the Board 9-22-20 Meeting Agenda, that the Board is considering a one-week continuance to September 29, 2020. While that is somewhat helpful, it is also somewhat problematic. As I stated in my September 11, 2020 continuance request, the Jewish holidays are upon us. Rosh Hashanah starts in two hours, so I will be unavailable until Sunday night (September 20, 2020) one hour after sundown. Similarly, Yom Kippur starts a week from Sunday (September 27, 2020) at sunset and lasts until Monday night (September 28, 2020) one hour after sundown, with fasting and praying on Yom Kippur.

Thus, it is unfair and an extreme hardship for me to prepare for appeal hearings on Tuesday, September 29, 2020. Since a continuance into November or December seems unlikely, I now ask for at least two weeks to allow an orderly process for me to brief, MTA and Planning to respond, and the public to review those filings and make informed and timely public comment for the Board to consider before a continued hearing.

For these reasons, I now ask you for a continuance on this appeal to no earlier than **October 6, 2020**. Planning and MTA can respond before and at the September 22, 2020 hearing.

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 consideration.

Sincerely,

/s/

David Pilpel

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](#)

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 | 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: Letter in Support of Denying Appeals of CEQA Determinations for BOS Files 200903, 200987, and 201000
Date: Thursday, September 24, 2020 2:02:28 PM

From: Kyle Perata <kperata@gmail.com>
Sent: Tuesday, September 22, 2020 12:41 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Letter in Support of Denying Appeals of CEQA Determinations for BOS Files 200903, 200987, and 201000

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

Angela Calvillo
Clerk of the Board
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA, 94102

Dear members of the San Francisco Board of Supervisors:

Please deny the appeals of Board of Supervisors' File Numbers 200903, 200987, 201000. First, we want to commend the City's Planning Department and the MTA on undertaking swift action to create slow streets to allow for increased social distancing and the implementation of new temporary bike facilities and transit facilities.

We understand that not everyone will appreciate the pedestrian, bicycle, and transit infrastructure improvements that the City has installed to help reduce the risk of Covid-19 while allowing its residents to recreate and travel safely throughout the City, but these improvements have been instrumental in allowing residents to safely be outside during this time. We have used many of these temporary improvements while enjoying being out in the City on our bike rides, walks, and runs.

We firmly believe that the City correctly applied the California Environmental Quality Act to these emergency projects during this unprecedented public health crisis. Please deny these appeals and please continue to implement temporary emergency projects to improve pedestrian and bicycle safety (from Covid-19 and from unsafe roadway conditions) and slow streets to allow for safer social distancing. We encourage the City to evaluate these temporary projects and consider making these permanent after this health crisis passes.

Thank you,

Kyle Perata
Casey Palmer
Residents of District 3
San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: FW: Items 99 to 102, BOS File No. 201000, MTA Emergency Temporary Street Changes Program
Date: Tuesday, September 22, 2020 1:08:15 PM

From: Mari Mari <unaarana@hotmail.com>
Sent: Saturday, September 19, 2020 9:33 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Items 99 to 102, BOS File No. 201000, MTA Emergency Temporary Street Changes Program

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

To the Board of Supervisors:

Please DO NOT give a free giveaway to SFMTA to do whatever they please. With no public outreach, they have been doing this quietly during the pandemic. But Enough is enough.

There is NO NEED for MTA Emergency Temporary Street Changes Program.

What we DO NEED is more buses for SFMTA to run and provide service to us. Not overcrowded buses. As that's what has been happenig for many months. That is what SFMTA should be focusing on. The safety of the drivers and the riders.

Thank you for holding SFMTA accountable.

Mari

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

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

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

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

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

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

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](#)

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

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 4th, 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

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

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

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

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](#)

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 | 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

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) 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). 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 ~ (415) 554-7718)

Jocelyn Wong (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](#)

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 | 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 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).

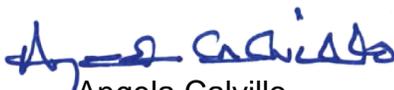
In accordance with Mayor Breed's Twenty-Second Supplemental and Administrative Code, Section 31.16, a remote initial hearing date has been scheduled for **Tuesday, September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

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. 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.

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](#)

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 | 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: *AC* 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
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

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