Motion affirming the determination by the Planning Department that the proposed Municipal Transportation Agency’s Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program is statutorily exempt from environmental review.

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

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

WHEREAS, CEQA defines an “emergency” as “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;” and

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

WHEREAS, On March 6, 2020, the San Francisco Health Officer declared a public health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders
to protect the public health, including Health Order No. C19-07 (Stay Safer at Home), which requires individuals to maintain six feet of social distance from others not in their household; and

WHEREAS, As a result of the COVID-19 public health emergency the MTA proposed to create a temporary program for the implementation of 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; and

WHEREAS, These temporary changes are needed in order to designate adequate physical space for the following the City's responses to the public health emergency, for example, 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 queueing; or to designate adequate curbside pickup and drop-off spaces for organizations such as the Marin-SF Food Bank, Meals On Wheels, or restaurants; and

WHEREAS, Such temporary parking, loading, and traffic changes include turn restrictions, the addition, removal, or relocation of parking or loading spaces, lane closures, potential turn restrictions, and part-time or full-time street closures for up to 90 days; and

WHEREAS, 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; and
WHEREAS, The Project requires no major construction activities, does not require any
excavation, and will be implemented by using removable materials such as temporary striping,
signage, and barricades and
WHEREAS, The Project is 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); and
WHEREAS, On July 17, 2020, the Director of Transportation approved the Project; and
WHEREAS, On July 21, the Statutory Exemption determination was posted in the
Planning Department’s website, as required by Chapter 31 of the Administrative Code; and
WHEREAS, On August 20, 2020, an appeal of the Statutory Exemption determination
was filed by David Pilpel (Appellant); and
WHEREAS, By memorandum to the Clerk of the Board dated September 2, 2020, the
Planning Department’s Environmental Review Officer determined that the appeal was timely
filed; and
WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
consider the appeal of the exemption determination filed by Appellant; and
WHEREAS, In reviewing the appeal of the exemption determination, this Board
reviewed and considered the exemption determination, the appeal letters, the responses to
the appeal documents that the Planning Department prepared, the other written records
before the Board of Supervisors and all of the public testimony made in support of and
opposed to the exemption determination appeals; and
WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
affirmed the exemption determination for the Project based on the written record before the
Board of Supervisors as well as all of the testimony at the public hearing in support of and
opposed to the appeals; and
WHEREAS, The written record and oral testimony in support of and opposed to the appeals and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeals of the exemption determination is in the Clerk of the Board of Supervisors File No. 201000, and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by reference in this motion, as though fully set forth, the exemption determination; and, be it

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the exemption determination by the Planning Department that the Project is exempt from environmental review; and, be it

FURTHER MOVED, That after carefully considering the appeal of the exemption determination, including the written information submitted to the Board of Supervisors and the public testimony presented to the Board of Supervisors at the hearing on the exemption determination, this Board concludes that the Project qualifies for an exemption determination under CEQA.
Motion affirming the determination by the Planning Department that the proposed Municipal Transportation Agency’s Department Operations Center (DOC) COVID-19 Emergency Temporary Street Changes Program is statutorily exempt from environmental review.

September 22, 2020 Board of Supervisors - CONTINUED
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 29, 2020 Board of Supervisors - APPROVED
   Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Motion was APPROVED on 9/29/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board