



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

# SFMTA EMERGENCY PROJECTS CATEGORICAL & STATUTORY EXEMPTION APPEAL HEARING



**San Francisco  
Planning**

<b>COVID-19 Emergency Temporary Street Changes Program</b>	Lauren Bihl
<b>Panhandle Social Distancing and Safety Project</b>	Lauren Bihl
<b>COVID-19 Emergency Temporary Transit Lanes &amp; COVID-19 Emergency Temporary Bikeways Program</b>	Jenny Delumo
<b>Slow Streets Program (Phase 3)</b>	Jenny Delumo

# Statutory Exemption Determination

## Emergency Projects [CEQA section 15269(c) and section 21060.3]

- CEQA does not apply to actions necessary to prevent or mitigate an emergency
- Emergency defined 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

# COVID-19 Pandemic **Public Health Emergency**

## Does COVID-19 meet the definition of an emergency?

While a pandemic is not explicitly listed in the Public Resources Code (section 21060.3), a sudden and unexpected event such as the COVID-19 pandemic falls within the category of events that would be considered an emergency



# Statutory Exemption Determination

## Exclusions [CEQA section 15269(c)]

Emergency project exemption does not apply to long-term projects addressing a situation that has a low probability of occurring in the short-term



# Statutory Exemption Determination

## Do the projects meet the definition of an Emergency Project?

Both projects directly address a public health emergency in which it is necessary to maintain 6 feet of social distancing in order to mitigate the spread of disease

## Do any CEQA Guidelines exclusions apply?

No exclusions apply to either project because they are mitigating an ongoing public health emergency and have been implemented with temporary infrastructure

# COVID-19 Emergency Temporary Transit Lanes & COVID-19 Emergency Temporary Bikeways Project

## Department Analysis

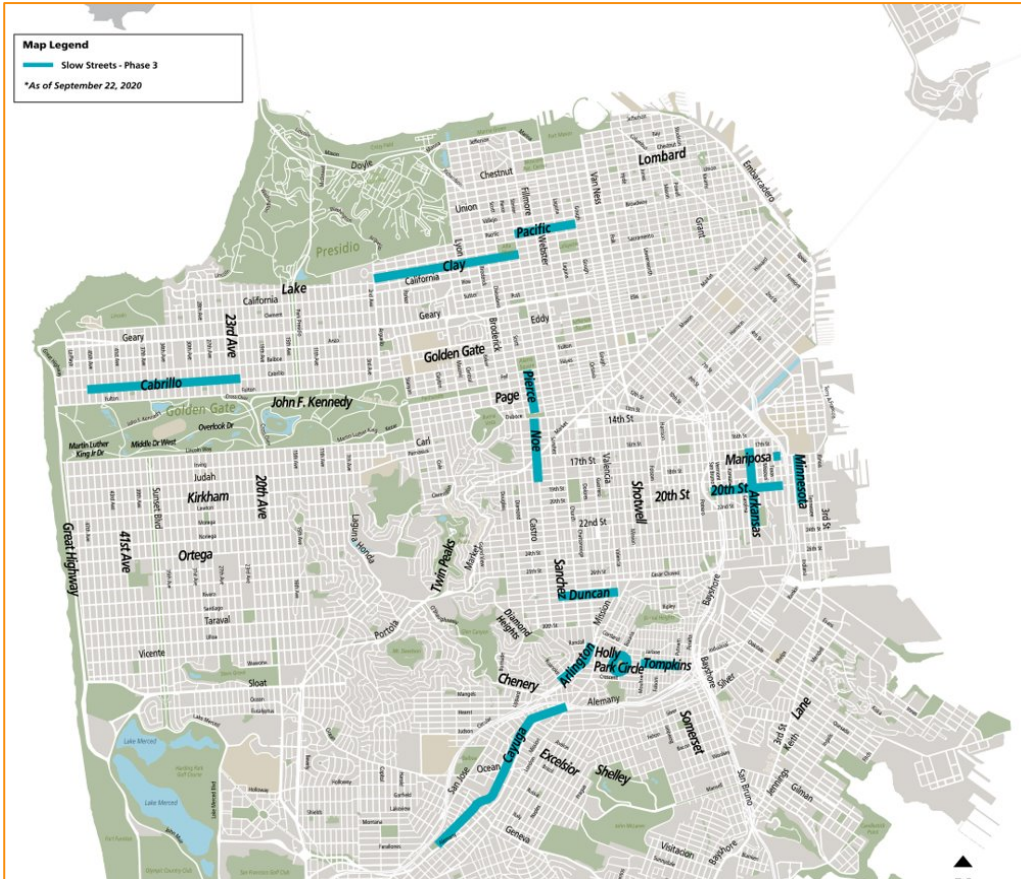


The project would mitigate a public health emergency.

The exclusions of CEQA Guidelines section 15269(c) do not apply.

# Slow Streets, Phase 3 Project

## Department Analysis



The project would mitigate a public health emergency.

The exclusions of CEQA Guidelines section 15269(c) do not apply.

# Categorical Exemption Determination

## Class 1 – Existing Facilities [CEQA section 15301]

Allows a categorical exemption for projects making alterations to existing public facilities, including existing streets, sidewalks, bus lanes, and bicycle facilities.

## Categorical Exemption Exceptions [CEQA section 15300.2]

- Location
- Cumulative Impact
- Significant Effect
- Scenic Highways
- Hazardous Waste Sites
- Historical Resources



# Categorical Exemption Determination **Department Analysis**

**Do the projects meet the definition of a Class 1 categorical exemption?**

---

**Yes, both projects would make alterations to existing public facilities, including existing streets.**

**Do any CEQA Guidelines exemption exceptions apply?**

---

**No, none of the exceptions apply to either project.**

# Planning Department Conclusion and Recommendation

Exemption Category	Projects	Do the projects fit the definition?	Do any exclusions or exceptions apply?	Conclusion
Emergency Project	All Projects	Yes	No	The projects are statutorily exempt
Class 1, Existing Facilities	COVID-19 Emergency Temporary Transit Lanes & COVID-19 Emergency Temporary Bikeways; Slow Streets, Phase 3	Yes	No	The projects are categorically exempt

## Planning Department Recommendation

**Uphold the CEQA statutory determination and categorical determination and deny the appeals of the CEQA determination**