

File No. 200905

Committee Item No. _____

Board Item No. 62

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
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: September 25, 2020

Prepared by: _____

Date: _____

1 [Conditionally Reversing the Statutory and Categorical Exemption Determination - MTA's
2 Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Bikeways
3 Project]

3

4 **Motion conditionally reversing the determination by the Planning Department that the**
5 **proposed Municipal Transportation Agency's Transportation Recovery Plan: COVID-19**
6 **Emergency Temporary Transit Lanes and Bikeways Project is statutorily and**
7 **categorically exempt from environmental review, subject to the adoption of written**
8 **findings of the Board in support of this determination.**

9

10 WHEREAS, On June 10, 2020, the Planning Department issued a statutory and
11 categorical exemption determination for the Municipal Transportation Agency's (MTA's)
12 Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and
13 Bikeways project (Project) under the California Environmental Quality Act (CEQA, Public
14 Resources Code Sections 21,000 et seq.), the CEQA Guidelines (California Code of
15 Regulations Title 14, Sections 15,000 et seq.) and Chapter 31 of the City's Administrative
16 Code; and

17 WHEREAS, The Planning Department found that the Project is exempt from CEQA per
18 CEQA Section, 21080(b)(4), and the CEQA Guidelines, Section 15269(c), which exempt
19 projects "specific actions necessary to prevent or mitigate an emergency," as well as per the
20 categorical exemption for Existing Facilities (CEQA Guidelines, Section 15301), which
21 includes "existing highways and streets... and other alterations such as the addition of bicycle
22 facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes,
23 transit improvements such as bus lanes ... and other similar alterations that do not create
24 additional automobile lanes;" and

25

1 WHEREAS, CEQA defines an “emergency” as “a sudden, unexpected occurrence,
2 involving a clear and imminent danger, demanding immediate attention to prevent or mitigate
3 loss of, or damage to, life, health, property, or essential public services;” and

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

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

12 WHEREAS, As a result of the COVID-19 public health emergency, the MTA proposed
13 the Project to create temporary transit lanes (bus and taxi only, bus/taxi/bike only lanes, Muni
14 only lanes, or Muni/bicycle only lanes), and temporary bikeways in order to support essential
15 trips in San Francisco, allow for better physical distancing, and maintain transit reliability for
16 essential trips in light of increasing congestion, as described in more detail below; and

17 WHEREAS, The Project area spans several neighborhoods throughout San Francisco,
18 as shown in Table 1 and Figure 1 of the MTA’s June 10, 2020 Memorandum to the Planning
19 Department, which is on file with the Board of Supervisors in File No. 200903; and

20 WHEREAS, The Project requires no major construction activities, does not require any
21 excavation, and will be implemented by using removable materials such as temporary striping;
22 and

23 WHEREAS, The Project includes approval by the MTA Board of a group of temporary
24 transit only lanes and various associated parking and traffic changes (for example, left turn
25 restrictions, adjustments to parking regulations, and changes to the configuration of traffic

1 lanes) at the following locations: Laguna Honda Boulevard (both directions, from Clarendon
2 Avenue to Dewey Boulevard); O'Shaughnessy Boulevard (both directions, from Portola Drive
3 to 800 feet southerly); Mission Street (both directions, from 11th to 1st Street); 7th Street
4 (northbound, from Townsend to Market Street); 8th Street (southbound, from Market to
5 Townsend Street); Masonic Avenue (both directions, from Haight to Geary Boulevard);
6 Woodside Avenue (both directions, from Laguna Honda Boulevard to Portola Drive); Bosworth
7 Street (both directions, from Elk to Arlington Street); and Presidio Avenue (both directions,
8 from Sacramento to Geary Boulevard); and

9 WHEREAS, The Project also includes a delegation of authority by the MTA Board to
10 the Office of the City Traffic Engineer to approve emergency temporary transit lanes and tow-
11 away lanes for the rest of the project corridors listed in Table 1 of the MTA Memorandum to
12 the Planning Department, dated June 10, 2020; and

13 WHEREAS, The Project also includes approval of temporary Class IV bikeways, on
14 Bayshore Boulevard (in both directions, between Silver and Oakdale avenues, and extending
15 to Jerrold Avenue on the northbound direction), and for uphill portions of Geneva Avenue,
16 Post Street, and Sutter Street; these bike lanes are needed to support access to essential
17 services, such as the Zuckerberg San Francisco General Hospital, connections to BART
18 stations, grocery stores, California Pacific Medical Center (CPMC) Van Ness Campus, and St
19 Francis Memorial Hospital through bicycle travel while transit service levels are temporarily
20 reduced and to reduce congestion; and

21 WHEREAS, On June 30, 2020, the MTA Board of Directors approved the Project; and

22 WHEREAS, On July 30, 2020, an appeal of the Statutory and Categorical Exemption
23 determination was filed by Mary Miles on behalf of Coalition for Adequate Review, and
24 separately, on that same day, another appeal of the Statutory and Categorical Exemption
25 determination was filed by David Pilpel (collectively, Appellants); and

1 WHEREAS, By memorandum to the Clerk of the Board dated August 10, 2020, the
2 Planning Department's Environmental Review Officer determined that both appeals were
3 timely filed; and

4 WHEREAS, On September 29, this Board held a duly noticed public hearing to
5 consider the appeal of the exemption determination filed by Appellants; and

6 WHEREAS, In reviewing the appeal of the exemption determination, this Board
7 reviewed and considered the exemption determination, the appeal letter, the responses to the
8 appeal documents that the Planning Department prepared, the other written records before
9 the Board of Supervisors and all of the public testimony made in support of and opposed to
10 the exemption determination appeal; and

11 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
12 conditionally reversed the exemption determination subject to the adoption of written findings
13 of the Board in support of such determination based on the written record before the Board of
14 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
15 the appeal; and

16 WHEREAS, The written record and oral testimony in support of and opposed to the
17 appeal and deliberation of the oral and written testimony at the public hearing before the
18 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
19 the exemption determination is in the Clerk of the Board of Supervisors File No. 200903, and
20 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

21 MOVED, That this Board of Supervisors conditionally reverses the determination by the
22 Planning Department that the Project is exempt from environmental review, subject to the
23 adoption of written findings of the Board in support of this determination.

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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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only