

1 [Affirming the Statutory Exemption Determination - MTA - Slow Streets Phase 1]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **Municipal Transportation Agency's Slow Streets, Phase 1 project is statutorily exempt**
5 **from environmental review.**

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7 WHEREAS, On April 21, 2019, the Planning Department issued a statutory exemption
8 for the Municipal Transportation Agency's Slow Streets, Phase 1 project (Project), under the
9 California Environmental Quality Act (CEQA, Public Resources Code Sections 21,000 et
10 seq.), the CEQA Guidelines (California Code of Regulations Title 14, Sections 15,000 et seq.)
11 and Chapter 31 of the City's Administrative Code; and

12 WHEREAS, The Planning Department found that the Project is exempt from CEQA per
13 CEQA Section 21080(b)(4) and the CEQA Guidelines Section 15269(c), which exempt
14 projects "specific actions necessary to prevent or mitigate an emergency." CEQA defines an
15 "emergency" as "a sudden, unexpected occurrence, involving a clear and imminent danger,
16 demanding immediate attention to prevent or mitigate loss of, or damage to, life, health,
17 property, or essential public services;" and

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

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1 WHEREAS, As a result of the public health emergency, Muni service has been
2 reduced, which has required that many San Francisco residents find alternative travel modes
3 to make essential trips; and

4 WHEREAS, This situation has increased the number of pedestrians, bicyclists, and
5 drivers traveling on city streets, and which in turn has led many pedestrians to walk in the
6 street, putting them at a higher risk of accidents; and

7 WHEREAS, The Project is located at various low-traffic residential streets that connect
8 neighborhoods to essential services during the pandemic, in the absence of Muni service,
9 such as 17th Street, 20th Avenue, 22nd Street, 41st Avenue, Ellis Street, Holloway Avenue,
10 Kirkham Street, Phelps Street, Ortega Street, Page Street, Quesada Avenue and Scott Street;
11 and

12 WHEREAS, The Project seeks to temporarily allow roadways to be used as a shared
13 space for foot and bicycle traffic and to manage traffic speeds; on designated Slow Street
14 roads, vehicle traffic is allowed on but is limited to local vehicular traffic (e.g. access for
15 residents and businesses) and emergency vehicle access; and

16 WHEREAS, The Project is temporary; once the public health emergency order is lifted,
17 the designated streets would revert back to their pre-project condition; and

18 WHEREAS, The Project requires no major construction activities, and will be
19 implemented by placing removable materials such as cones, A-frames, plastic traffic diverters
20 and delineators in the designated roadways, to slow and discourage vehicular through-traffic
21 in order to enable people to safely walk, run, or bike while maintaining six feet social
22 distancing; and

23 WHEREAS, On April 17, 2020, the SFMTA Director of Transportation, in coordination
24 with the city's Emergency Operations Center, approved the Project; and

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1 WHEREAS, The Planning Department issued a statutory exemption for the Project on
2 April 21, 2020, finding that the Project is exempt from CEQA as an emergency action
3 necessary to prevent or mitigate an emergency, and that no further environmental review was
4 required; and

5 WHEREAS, On April 22, 2020, the Planning Department posted the statutory
6 exemption on the Planning Department's website; this posting marked the start of the appeal
7 period for the exemption; and

8 WHEREAS, On May 21, 2020, an appeal of the Statutory Exemption determination
9 was filed by Mary Miles on behalf of Coalition for Adequate Review (Appellant); and

10 WHEREAS, By memorandum to the Clerk of the Board dated August 3, 2020, the
11 Planning Department's Environmental Review Officer determined that the appeal was timely
12 filed; and

13 WHEREAS, On September 1, 2020, this Board held a duly noticed public hearing to
14 consider the appeal of the exemption determination filed by Appellant; and

15 WHEREAS, In reviewing the appeal of the exemption determination, this Board
16 reviewed and considered the exemption determination, the appeal letter, the responses to the
17 appeal documents that the Planning Department prepared, the other written records before
18 the Board of Supervisors and all of the public testimony made in support of and opposed to
19 the exemption determination appeal; and

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
21 affirmed the exemption determination for the Project based on the written record before the
22 Board of Supervisors as well as all of the testimony at the public hearing in support of and
23 opposed to the appeal; and

24 WHEREAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 200883, and
3 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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

11 FURTHER MOVED, That after carefully considering the appeal of the exemption
12 determination, including the written information submitted to the Board of Supervisors and the
13 public testimony presented to the Board of Supervisors at the hearing on the exemption
14 determination, this Board concludes that the Project qualifies for an exemption determination
15 under CEQA.

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