

File No. 200886

Committee Item No. \_\_\_\_\_

Board Item No. 11

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 1, 2020

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Prepared by: Jocelyn Wong

Date: August 28, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Statutory Exemption From Environmental Review -  
2 MTA - Slow Streets, Phase 1]

2

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**  
4 **by the Planning Department that the proposed Municipal Transportation Agency's Slow**  
5 **Streets, Phase 1 project is statutorily exempt from environmental review.**

6

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

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

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

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

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

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

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

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

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

1           WHEREAS, On April 22, 2020, the Planning Department posted the statutory  
2 exemption on the Planning Department’s website; this posting marked the start of the appeal  
3 period for the exemption; and

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

6           WHEREAS, By memorandum to the Clerk of the Board dated August 3, 2020, the  
7 Planning Department’s Environmental Review Officer determined that the appeal was timely  
8 filed; and

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

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

16           WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
17 conditionally reversed the exemption determination subject to the adoption of written findings  
18 of the Board in support of such determination based on the written record before the Board of  
19 Supervisors, as well as all of the testimony at the public hearing in support of and opposed to  
20 the appeal; and

21           WHEREAS, The written record and oral testimony in support of and opposed to the  
22 appeal and deliberation of the oral and written testimony at the public hearing before the  
23 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
24 the exemption determination is in the Clerk of the Board of Supervisors File No. 200883 and is  
25 incorporated in this motion as though set forth in its entirety; now, therefore, be it

1            MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the  
2 findings specifying the basis for its decision on the appeal of the exemption determination  
3 issued by the Planning Department for the Project.

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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. Question(s) 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