

1 [Conditionally Reversing the Statutory Exemption Determination - MTA's Panhandle Social
2 Distancing and Safety Project]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **proposed Municipal Transportation Agency's Panhandle Social Distancing and Safety**
5 **Project is statutorily exempt from environmental review, subject to the adoption of**
6 **written findings of the Board in support of this determination.**

7
8 WHEREAS, July 16, 2020, the Planning Department issued a statutory exemption
9 determination for the Municipal Transportation Agency's (MTA's) Panhandle Social Distancing
10 and Safety Project (Project) under the California Environmental Quality Act (CEQA, Public
11 Resources Code Sections 21,000 et seq.), the CEQA Guidelines (California Code of
12 Regulations Title 14, Sections 15,000 et seq.) and Chapter 31 of the City's Administrative
13 Code; and

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

17 WHEREAS, CEQA defines an "emergency" as "a sudden, unexpected occurrence,
18 involving a clear and imminent danger, demanding immediate attention to prevent or mitigate
19 loss of, or damage to, life, health, property, or essential public services;" and

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

23 WHEREAS, On March 6, 2020, the San Francisco Health Officer declared a public
24 health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders
25 to protect the public health, including Health Order No. C19-07 (Stay Safer at Home), which

1 requires individuals to maintain six feet of social distance from others not in their household;
2 and

3 WHEREAS, As a result of the COVID-19 public health emergency, the MTA proposed
4 the Project, a parking-protected bikeway on Fell Street between Baker Street and Shrader
5 Street, to provide relief to crowding on the multi-use paths within the Panhandle, a portion of
6 Golden Gate Park located on the east side between Oak, Fell, Baker, and Stanyan Streets;
7 and

8 WHEREAS, Before the COVID-19 public health emergency, the multi-use paths in the
9 Panhandle already carried high volumes of bicyclists and pedestrians; and

10 WHEREAS, These paths are up to 12-feet wide; and

11 WHEREAS, Use of the Panhandle multi-use paths has increased as a result of the
12 COVID-19 public health emergency, which has made it difficult for pedestrians and bicyclists
13 to maintain the six feet of social distance required by the city's Public Health Order C19-07;
14 and

15 WHEREAS, Providing a parking protected bikeway on Fell Street adjacent to the
16 Panhandle gives bicycles an alternative route to the Panhandle paths, thereby providing relief
17 to the overcrowding and supporting social distancing between users within the Panhandle;
18 and

19 WHEREAS, As part of the Project, a westbound parking-protected bike lane would be
20 installed on the south side of Fell Street between Baker Street and Shrader Street, and would
21 run curbside with a painted buffer between cyclists and parking; and

22 WHEREAS, The installation of the parking-protected bike lane would include the
23 removal of one travel lane and the removal of approximately 12 parking spaces along Fell
24 Street between Baker and Shrader streets. No loading spaces would be removed; and

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1 WHEREAS, Implementation of the project would require paint and the installation of
2 safe-hit posts. No excavation would be required; and

3 WHEREAS, Following installation, the MTA would monitor and evaluate conditions
4 along Fell Street and make adjustments, if necessary, to address travel circulation for all
5 modes as well as emergency response times; and

6 WHEREAS, The changes implemented as part of the Project are temporary and will
7 expire 120 days after the City's proclamation of the COVID-19 local emergency (dated
8 February 25, 2020) is lifted; and

9 WHEREAS, On July 15, 2020, the MTA Department Operation Center approved the
10 Project, under the authority delegated by the City Traffic Engineer; and

11 WHEREAS, On July 17, 2020, the Statutory Exemption determination was posted in
12 the Planning Department's website, as required by Chapter 31 of the Administrative Code;
13 and

14 WHEREAS, On August 14, 2020, an appeal of the Statutory Exemption determination
15 was filed by Mary Miles, on behalf of the Coalition for Adequate Review (Appellant); and

16 WHEREAS, By memorandum to the Clerk of the Board dated August 27, 2020, the
17 Planning Department's Environmental Review Officer determined that the appeal was timely
18 filed; and

19 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
20 consider the appeal of the exemption determination filed by Appellants; and

21 WHEREAS, In reviewing the appeal of the exemption determination, this Board
22 reviewed and considered the exemption determination, the appeal letter, the responses to the
23 appeal documents that the Planning Department prepared, the other written records before
24 the Board of Supervisors and all of the public testimony made in support of and opposed to
25 the exemption determination appeal; and

1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the exemption determination subject to the adoption of written findings
3 of the Board in support of such determination based on the written record before the Board of
4 Supervisors as well as all of the testimony at the public hearing in support of and opposed to
5 the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the exemption determination is in the Clerk of the Board of Supervisors File No. 200987, and
10 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

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

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