



## EXEMPTION APPEAL

### Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways Project

Date: **September 21, 2020**  
To: **Angela Calvillo, Clerk of the Board of Supervisors**  
From: **Lisa Gibson, Environmental Review Officer - (628) 652-7571**  
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RE: **Planning Record No. 2020-005472APL; Board of Supervisors File No. 200903**  
**Appeal of Statutory and Categorical Exemption for the Transportation Recovery**  
**Plan: COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency**  
**Temporary Bikeways Project**

Hearing Date: **September 22, 2020 (may be continued)**  
Attachments: **Attachment A: Table 1, Proposed Emergency Temporary Transit Lanes, High**  
**Occupancy Vehicle Lanes, and Bikeways Corridors**  
**Attachment B: SFMTA Memo, Muni Rail Service and Associated Stop, Street, and**  
**Parking Changes (West Portal and J Church Transfer Points), August 7, 2020**

Project Sponsor: **Michael Rhodes, SFMTA - Michael.Rhodes@sfmta.com - (415) 579-9702**  
Appellant(s): **David Pilpel**  
**Mary Miles, Coalition for Adequate Review**

### Planning Department's Recommendation

Uphold the California Environmental Quality Act (CEQA) statutory and categorical exemption determination and deny the appeals of the CEQA determination.

### Introduction

This memorandum is a response to the letters of appeal to the board of supervisors (the board) regarding the planning department's (the department) issuance of a statutory exemption and categorical exemption determination under CEQA for the proposed San Francisco Municipal Transportation Agency's (SFMTA) Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Emergency Temporary Bikeways project (the project).

The department, pursuant to Article 19 of the CEQA Guidelines, issued a statutory exemption and categorical exemption for the project on June 10, 2020 finding that the proposed project is exempt from the California

Environmental Quality Act (CEQA) under two independent bases: as a statutory exemption per CEQA Section 21080(b)(4) and Section 15269(c) of the CEQA Guidelines, and also as a Class 1 categorical exemption per CEQA Guidelines section 15301(c). In addition to the exemption, the department reviewed a SFMTA memorandum (dated June 10, 2020) to support the exemption.

The decision before the board is whether to uphold the department’s decision that the project is exempt from environmental review under the statutory exemption for emergency projects and/or as a Class 1 categorical exemption and deny the appeal, or to overturn the department’s decision that the project is exempt from environmental review, and to return the project to the department staff for additional environmental review.

## **Site Description and Existing Use**

The project site consists of 36 project corridors spread across several neighborhoods throughout San Francisco. Table 1, Proposed Emergency Temporary Transit Lanes, High Occupancy Vehicle Lanes, and Bikeways Corridors (Attachment A), provides a complete list of the project corridors. The existing roadways in the proposed project corridors typically have at least two travel lanes in each direction except for Eddy Street, Haight Street, 4th Street, Sacramento Street, and Clay Street. Some of the streets within the project corridors have left turn pockets such as Potrero Avenue, Bayshore Boulevard, Geary Boulevard, 4th Street, Post Street, 7th Street, and 8th Street. The portion of Mission Street in downtown San Francisco has left turn restrictions at most intersections.

Part-time transit only lanes exist on West Portal Avenue, Clay Street, Church Street, Sacramento Street, Post Street, Sansome Street, Pine Street, Bush Street, Sutter Street, and Mission Street. Full-time transit only lanes also exist on segments of 3rd Street, 16th Street, Bayshore Boulevard, Potrero Avenue, California Street, Beale Street, Embarcadero, Fremont Street, Geary Boulevard, Haight Street, Judah Street, Mission Street, O’Farrell Street, Stockton Street, Powell Street, and Taraval Street. Approved, but not yet constructed, transit lanes are located on segments of 4th Street, 16th Street, Folsom Street, Market Street, and Van Ness Avenue. Figure 1, Existing Transit Lanes and Proposed Emergency Temporary Transit Lanes and Bikeways Corridors shows the location of existing and approved transit lanes.

Bicycle facilities exist within the proposed project corridors. Five class III bicycle facilities exist on Ulloa Street, Woodside Avenue, Bosworth Street, Presidio Avenue, Sutter Street, Post Street, and Ocean Avenue; two class II bicycle facilities exist on Bayshore Boulevard and Potrero Avenue; a mix of class III and II bicycle facilities exist on Geneva Avenue; and three class IV bicycle facilities exist on Masonic Avenue, Laguna Honda Boulevard, 7th Street, and 8th Street. Bicycle facilities also exist throughout San Francisco on other streets.

The existing process for approving new permanent transit-only lanes requires the following steps:

1. Posting notices at the affected locations and on the SFMTA website describing the proposed changes
2. Assess level of CEQA review
3. Holding a noticed public hearing to accept public comment
4. Approval by the SFMTA Board of Directors

## **Project Description**

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 (coronavirus) pandemic (public health emergency) within the city. On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 (coronavirus) pandemic and subsequently enacted Health Orders to protect the public health. Health Order No. C19-07 (Stay Safer at Home) was originally issued on March 16, 2020 as Shelter in Place, and has been amended several times as conditions change and additional information and recommendations become available.<sup>1</sup> Health Orders are enforceable laws and are usually accompanied by one or more Directives which provide legally binding instructions for how to comply with the Health Order.

In response to the COVID-19 public health emergency, on April 7, 2020 the SFMTA instituted a COVID-19 Core Service Plan and temporarily phased out service on most Muni lines while maintain service on the most used transit lines. Since then SFMTA has added back a modified version of some Muni lines and increased frequency of buses on others in order to accommodate crowding and facilitate social distancing. The proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project would support SFMTA's COVID-19 Core Service Plan by creating temporary transit lanes (bus and taxi only lanes, bus/taxi/bike only lanes, Muni only lanes, or Muni/bicycle only lanes), and temporary bikeways in order to support essential trips in San Francisco, allow for better physical distancing, and maintain transit reliability for essential trips in light of increasing congestion. Table 1 (Attachment A) provides a complete list of the proposed changes within the project boundaries. Figure 1, Existing Transit Lanes and Proposed Emergency Temporary Transit Lanes and Bikeways Corridors graphically depicts these proposed changes.

### **Emergency Temporary Transit Lanes**

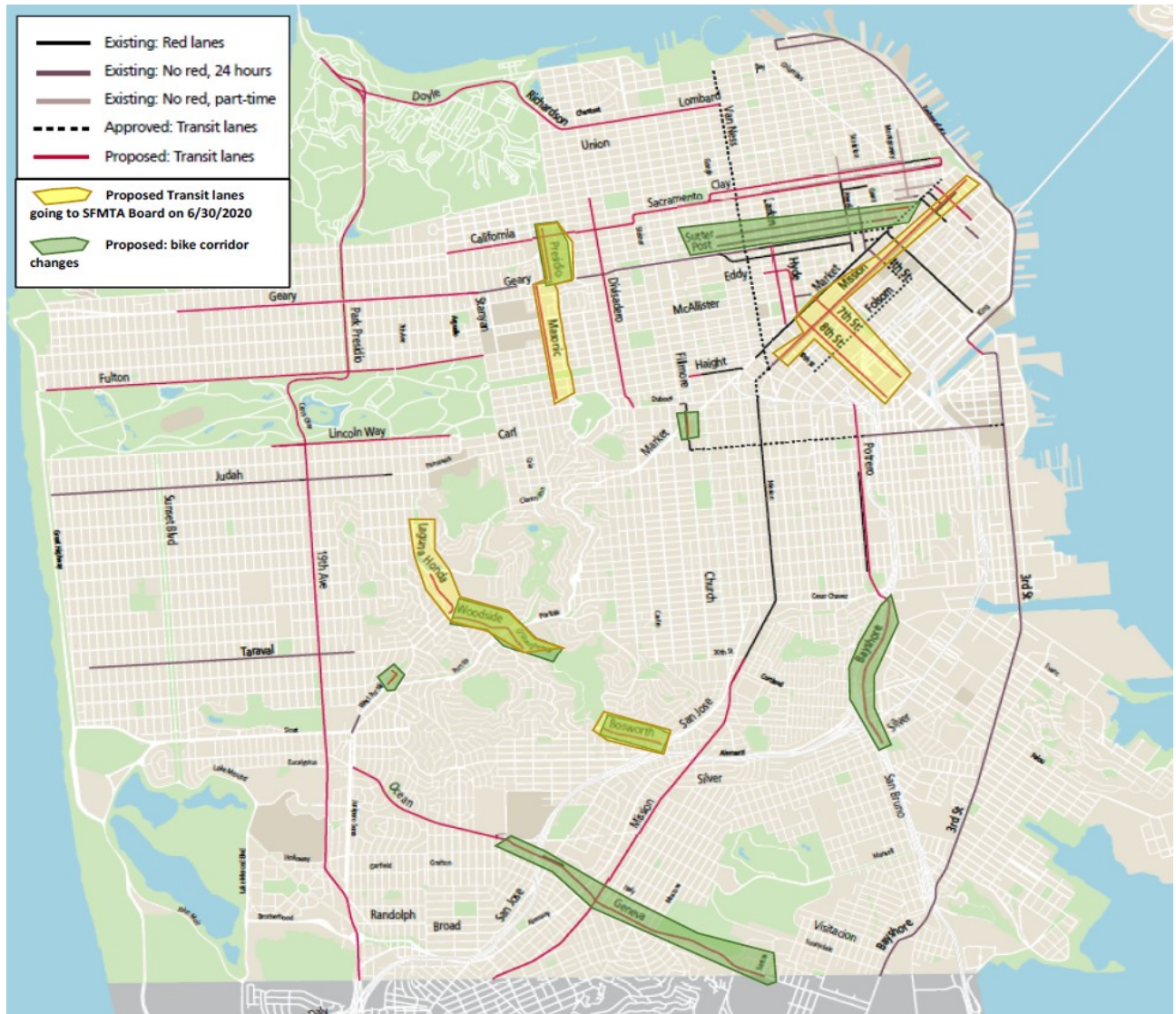
Table 1 (Attachment A) lists and Figure 1 depicts the 36 project corridors where emergency temporary transit lanes are being proposed. The SFMTA Board of Directors would approve emergency temporary transit lines on the following nine project corridors: Laguna Honda Boulevard from Clarendon Avenue to Dewey Boulevard; O'Shaughnessy Boulevard from Portola Drive to 800 feet southerly; Mission Street from 11th Street to 1st Street; 7th Street from Townsend Street to Market Street; 8th Street from Market Street to Townsend Street; Masonic Avenue from Haight Street to Geary Boulevard; Woodside Avenue from Laguna Honda Boulevard to Portola Drive; Bosworth Street from Elk Street to Arlington Street; and Presidio Avenue from Sacramento Street to Geary Boulevard. The SFMTA Board of Directors would delegate their authority to the City Traffic Engineer to approve the remainder of the corridors (see below and Table 1 in Attachment A). Some project corridors would include one temporary transit only lane going in one direction while other project corridors would include two temporary transit only lanes, one going in each direction. In some project corridors, instead of transit only lanes, the project would temporarily implement Muni only lanes, bus/bicycle only lanes, and bus/taxi/bicycle only lanes. The installation of the proposed temporary transit lanes would not require lane removal, but would require either the conversion of an existing mixed-flow lane, a parking lane, or conversion of an existing part time transit only lane into full time transit only and bus/taxi/bicycle only lanes. All emergency temporary transit lanes would allow for emergency vehicle access. Written consent from the San Francisco Fire Department would be required prior to implementation of the lanes. The proposed

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<sup>1</sup> San Francisco Department of Public Health. 2020. Orders Issued by the San Francisco Health Officer Relevant to Coronavirus (COVID-19). Available online at <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>. Accessed September 9, 2020.

temporary transit only lanes would accommodate future modifications to the COVID-19 Core Service Plan to increase coverage across the city and connect to additional essential services while minimizing the effects of congestion on transit delay.

**Figure 1: Existing Transit Lanes and Proposed Emergency Temporary Transit Lanes and Bikeways Corridors<sup>2</sup>**



<sup>2</sup> Figure 1 includes the corridors that were removed from the project description in the August 7, 2020 memo from SFMTA.

### **Emergency Temporary High Occupancy Vehicle (HOV) Lanes**

Temporary HOV lanes (buses, taxis or vehicles with 3 or more people) are proposed in both directions along California State Route 1 and US 101, Lombard Street, Richardson Avenue, Presidio Parkway, Veterans Boulevard, Park Presidio Boulevard, Park Presidio Bypass, Crossover Drive, 19th Avenue, and Junipero Serra Boulevard. The proposed temporary HOV Lanes are also listed in Table 1 (Attachment A). No parking removal would occur and installation of these HOV lanes are subject to Caltrans approval.

### **Emergency Temporary Bicycle Lanes**

The proposed project would temporarily install bicycle facilities as listed in Table 1 (Attachment A) and shown in Figure 1. This includes temporary bicycle facilities on portion of the following project corridors: Bayshore Boulevard, Post Street, Sutter Street, Geneva Avenue. In addition, as discussed above, some of the project corridors would include bus/bike or bus/taxi/bike lanes. To accommodate the temporary bicycle facilities, the project would temporarily remove metered and unmetered parking spaces and temporarily relocate yellow, white, and blue loading zones on some portions of the project corridors identified for bike lanes. The installation of the temporary bicycle lanes would not require lane removal.

### **Delegation to City Traffic Engineer**

The proposed project would also amend Article 200 of Division II and Article 600 of Division II of the San Francisco Transportation Code authorizing the City Traffic Engineer to designate temporary transit-only lanes and create associated tow-away zones, as authorized in Section 602 of the Transportation Code. The City Traffic Engineer would only be authorized to create these lanes and tow-away zones on the 27 corridors proposed under the COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Bikeways project that the SFMTA Board of Directors did not approve (see above and table 1 in Attachment A).

The identified streets in the project corridors would revert to pre-project (i.e., existing) conditions within 120 days after the retraction of the City's proclamation of the COVID-19 local emergency. Permanent implementation of the changes in the proposed project would require subsequent approval and the department would assess the level of CEQA review prior to any approvals of the permanent implementation, including the need for any analysis.

## **Background**

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 within the city.

On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 (coronavirus) pandemic.

On March 31, 2020, Public Health order C19-07 was issued, requiring individuals to maintain six feet of social (physical) distance from individuals not in their household.

On June 10, 2020, the department determined that the project was statutorily exempt under CEQA Section 21080(b)(4) and CEQA Guidelines Section 15269(c) and categorically exempt under CEQA Guidelines Class 1 –

Existing Facilities, and issued a determination that no further environmental review was required for the COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project.

On June 30, 2020, the SFMTA Board of Directors approved the project at a noticed public hearing. This approval marks the start of the appeal period for the statutory exemption and categorical exemption.

On July 30, 2020, an appeal of the statutory exemption and categorical exemption determination was filed by David Pilpel.

On that same day, an appeal of the statutory exemption and categorical exemption determination was filed by Mary Miles on behalf of Coalition for Adequate Review.

On August 7, 2020, the SFMTA submitted a memorandum to the department clarifying that proposed Muni rail service changes and associated stop, street, and parking changes on Ulloa Street, and Church Street are not part of the COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project and require separate environmental review.<sup>3</sup>

## **CEQA Guidelines**

### **Statutory Exemptions**

In accordance with Article 18 Statutory Exemptions, CEQA Guidelines sections 15260 through 15385 list exemptions from CEQA granted by the California State Legislature.

CEQA Guidelines section 15269(c) states that specific actions necessary to prevent or mitigate an emergency are exempt from the requirements of CEQA. This section reflects the mandate in CEQA Section 21080(b)(4), that CEQA “does not apply to (...) specific actions to prevent or mitigate an emergency.” An “emergency,” in turn, is “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.” (CEQA Section 21060.3; CEQA Guidelines Section 15359).

### **Categorical Exemptions**

In accordance with CEQA section 21084, CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review, absent specific exceptions (CEQA Guidelines section 15300.2).

CEQA Guidelines section 15301, or Class 1, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes,

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<sup>3</sup> The planning department issued a statutory exemption for the COVID-19 Muni Rail Service Adjustments and Associated Stop, Street and Parking Changes – August 22nd, 2020 and Fall 2020 project on August 12, 2020.

transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.

In determining the significance of environmental effects caused by a project, CEQA Guidelines section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines section 15064(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

## Planning Department Responses

Two appeals of the statutory exemption and categorical exemption determination for the project were timely filed. The concerns raised in each appeal letter are addressed below. Where both appellants raise a similar concern, the responses below refer to those concerns in the plural (e.g., “appellants”). The responses below refer to the appellant in the case when one appellant raises a concern that the other appellant(s) did not (e.g., “appellant”).

**Response 1:** The project meets the definition of CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c) Emergency Projects statutory exemption.

### *COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c)*

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 within the city. On March 4, 2020, Gavin Newsom, Governor of California, issued the Proclamation of a State of Emergency under section 8625 of the California Government Code and the California Emergency Services Act, establishing the existence of a state of emergency throughout California due to COVID-19. As stated above, on March 6, 2020 San Francisco Health Officer Tomas Aragon declared a health emergency for the City and County of San Francisco. Health Orders were enacted to protect the public health and provide guidance and provisions to reduce the spread of COVID 19. Health Order No. C19-07 is the main order that states what activities are allowed and prohibited during the COVID-19 Emergency. It has been amended several times since it was first issued on March 16, 2020.

The appellant claims the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project does not meet the definition of an emergency as defined in Public Resources Code section 21060.3 [“Emergency”]. This implies the COVID-19 public health emergency, which was the impetus for the SFMTA’s decision to implement this project, does not meet the definition of an emergency under the definition in the Public Resources Code. While a pandemic is not explicitly listed in the Public Resources Code section, a sudden and unexpected event such as the COVID-19 pandemic falls within the category of events that would be considered an emergency under the code and meets the intent of that code.

COVID-19 is a sudden and unexpected occurrence. Within the span of a few days the whole world, the United States, California, and the Bay Area went from a handful of confirmed cases to many reported cases.<sup>4</sup> As a result, it led international, state, and local officials to declare a state of emergency. COVID-19 involves a clear and imminent danger and can cause damage to life and health. According to the Centers for Disease Control and Prevention, in the United States alone, as of September 9, 2020 approximately 6.3 million people have had confirmed COVID-19 cases and approximately 189,000 of these cases have resulted in death.<sup>5</sup> Thus, COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269.

***The COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project is responding to the COVID-19 public health emergency***

Since April 8, 2020, the SFMTA has operated a COVID-19 Muni Core Service Plan to support essential trips that cannot be made any other way. SFMTA has since seen a small increase in and stabilization of the number of available key personnel and resources, allowing for expansion of transit service based on ridership trends and public feedback during the pandemic. Public Health Order No. C19-07 requires individuals traveling on public transit to, as reasonably as possible, maintain social distancing of at least six feet from any other person not in their household when they are outside their residence. The social distancing requirements reduce the carrying capacity on public transit vehicles. For example, the maximum capacity on Muni's 60-foot buses was 81 people prior to COVID-19 and is now 27 people. As vehicular traffic has picked up since April, Muni has slowed down which also makes it less reliable and increases the potential for rider crowding on its vehicles.

The SFMTA can respond to rider crowding on individual routes through many ways, including by increasing frequency of the transit vehicle, speeding up the transit vehicle, providing other safe ways to travel between origins and destinations for essential trips, increasing service reliability to reduce overcrowding, or all the above. The COVID-19 Emergency Temporary Transit Lanes would support the SFMTA to maintain six feet of social distancing within transit vehicles by supporting transit reliability and shortening transit travel times.

For example, on Geary Boulevard between Arguello Boulevard and 25<sup>th</sup> Avenue traffic congestion decreased substantially during the initial weeks following the shelter in place order. As a result the average PM peak hour westbound vehicle speeds increased by 38 percent (week of April 7, 2020) compared to pre-COVID-19 conditions. Given the decrease in congestion, roundtrip transit travel times on the 38 Geary were reduced by about 12 percent, this time savings allowed the SFMTA to provide more frequency with the same number of buses.

By the week of September 1, 2020, average PM peak hour westbound vehicle speeds on this stretch of Geary Boulevard were just 19 percent faster than pre-COVID-19 conditions. Thus, the increase in congestion has led to slower transit travel times resulting in riders being on buses for longer periods and an increase in crowding given the social distancing constraints. The percent of trips that exceed social distancing capacity on the 38 Geary outbound from 1 p.m. to 7 p.m. has increased from just 3 percent in late July 2020 to 15 percent during the week of September 7, 2020.

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<sup>4</sup> San Francisco Department of Public Health. 2020. COVID-19 Cases and Deaths. Available online at <https://data.sfgov.org/stories/s/dak2-gvuj>. Accessed September 9, 2020.

<sup>5</sup> Centers for Disease Control and Prevention. 2020. Coronavirus Disease 2019 – Cases in the U.S. Available online at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. Accessed September 9, 2020.



Over the same time period (between the week of April 7, 2020 and the week of September 1, 2020), average weekday ridership on the 38 Geary increased from 5,600 to 9,400, which has made it harder to maintain social distancing given the corresponding increase in congestion. The above shows that the project is needed to protect transit from growing traffic delay in order to support social distancing on the 38 Geary and other heavily used corridors, such as those proposed under the COVID-19 Emergency Temporary Transit Lanes project.

The proposed project would also facilitate members of the public to traveling by bicycle between origins and destinations for essential trips through the COVID-19 Emergency Temporary Bikeways project along corridors where temporary emergency transit lanes are also proposed. For example, the proposed corridors along Post Street/Sutter Street, Geneva Avenue, and Bayshore Boulevard already have either a class III or class II bike facility, so this project would enhance those bike facilities by converting them to class IV facilities which provide more protection between motor vehicles and people travelling by bicycle. In addition, all these proposed corridors provide direct routes to local hospitals, thus allowing essential workers to get to their places of work safely. Therefore, the project was properly analyzed in accordance with CEQA and qualifies for an emergency project statutory exemption.

The appellant questions whether Muni ridership had increased enough to require the additional transit buses that would necessitate the proposed temporary transit lanes. The appellant notes how much transit ridership has dropped (90 percent) compared to vehicles (70 percent, now up 30 percent since April 2020) and the SFMTA's direction in April 2020 for the public to use private vehicles for essential trips. The concerns raised imply that without more information about current and projected Muni ridership, the proposed project is not necessary to mitigate an emergency. The exemption determination and June 10, 2020 SFMTA memo describe how an increase in both transit ridership compared to initial shelter in place and vehicular traffic, coupled with the transit vehicle capacity restraints that come with compliance with the City's social distancing requirements, have prompted the SFMTA to identify ways to address rider crowding on individual routes. Even with reduced transit ridership compared to pre-COVID conditions, the project is necessary to ensure that there is adequate space for social distancing, since increased congestion would reduce the reliability of service which lead to overcrowding. The examples described above also provide evidence that SFMTA has observed changes in Muni ridership and private vehicle volume that informed their decision to install emergency temporary transit lanes and bicycle facilities to support social distancing for people traveling by transit and bicycle on the project corridors.

The appellant claims that "the proposed removal of traffic lanes and parking and creation of bus and bicycle lanes does not meet that definition or qualify for any statutory or emergency exemption." Another appellant states "that at least some of the specific actions proposed here are not, in fact, necessarily to prevent or mitigate a public health emergency, but would instead compound or exacerbate one." As stated above, the public health emergency was declared by the city's public health officer on March 6, 2020. Subsequent health orders include directives, such as the six feet of social distancing requirements, to mitigate the spread of COVID-19 and reduce health risks. The COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project would support members of the public maintaining the six feet of social distance required under the City's public health orders while making essential trips by bus or bicycle modes. Thus, the project includes actions to mitigate an emergency.

***None of the exclusions of CEQA Guidelines section 15269(c) apply***

CEQA Guidelines section 15269(c) states that the statutory exemption for projects necessary to prevent or mitigate an emergency does not apply to “long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.” This exclusion does not apply to the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project because the project directly addresses an ongoing public health emergency in which it is necessary to maintain 6 feet of social distancing in order to mitigate the emergency.

The emergency the project would respond to is ongoing. The February 25, 2020 proclamation of a local health emergency, March 4, 2020 Proclamation of a State of Emergency, and Health Order No. C19-07 (as amended) are still in effect. Furthermore, there is no anticipated date for the City to fully reopen and “remove all social distancing limits and other restrictions related to the COVID-19 response”<sup>6</sup> Therefore, the COVID-19 public health emergency has a high probability of occurring in the short-term.

Second, the project does not include construction of permanent infrastructure and the proposed changes can be adjusted or removed quickly. The proposed transit only lanes and bicycle facilities would be constructed using materials such as temporary striping, striping and signage to indicate the intended use (e.g., bicycles, transit only, bus/taxi only, etc.) and would not require excavation. This means the proposed changes would be implemented to facilitate quick removal of such changes. Furthermore, the changes would expire within 120 days of the repeal of the City’s February 25, 2020 proclamation of a local health emergency due to COVID-19. This is contrary to the appellant’s claim that the project is not temporary “since it is longer than 6 months with no ending date”.

As shown above, the project meets the requirements of an emergency project statutory exemption and none of the above-noted exclusions stated in CEQA Guidelines section 15269(c) apply. The City’s decision that the project fits within the definition of statutory exemption 15269(c) emergency projects is supported by substantial evidence in the record. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in Public Resources Code Section 21080 et seq and discussed in CEQA Guidelines Sections 15260-15285. A statutory exemption applies to any given project that falls under its definition, regardless of the project’s potential impacts to the environment. As described in response 2, the project also meets the definition of categorical exemption.

**Response 2:** The project was appropriately issued a categorical exemption under CEQA Guidelines section 15301.

***The project meets the definition of a CEQA Guidelines section 15301, or Class 1, categorical exemption***

The appellants claim the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project does not qualify for a categorical exemption under CEQA Guidelines section 15301, or Class 1 Existing Facilities. The discussion below addressed the appellants’ claims by demonstrating

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<sup>6</sup> City and County of San Francisco. Step by Step Reopening San Francisco. Available online at <https://sf.gov/step-by-step/reopening-san-francisco>. Accessed September 9, 2020.

how the proposed project meets the definition of and thus qualifies for a Class 1 categorical exemption under CEQA Guidelines section 15301.

The proposed project would make alterations to existing transportation network facilities by installing temporary transit only lanes, bus/taxi only lanes, bus/taxi/bicycle only lanes, HOV lanes, and bicycle facilities on existing streets. The project would not create new automobile lanes. These alterations meet the definition of CEQA Guidelines section 15301, or Class 1 Existing Facilities.

Class 1 allows for the categorical exemption of projects that consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.

Thus, the appellants claim that the project does not qualify for a Class 1 exemption are incorrect.

***None of the categorical exemption exceptions apply***

CEQA Guidelines section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the exceptions apply to the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project, as discussed below. Thus, the appellants claim that exceptions apply are incorrect.

15300.2(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Project Analysis: the categorical exemption for this project is not one of these classes; this exception does not apply.

15300.2 (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

Project Analysis: The project would not result in significant cumulative impacts.

As described above, the project site spans approximately 36 corridors throughout the City. Thus, the cumulative context for the project is the projects in the vicinity of the corridors. Cumulative projects would implement changes to the transportation network and land use changes, but the proposed project would not combine with them to result in significant cumulative impacts, as described below.

There are significant cumulative transit delay impacts from reasonably foreseeable projects in the vicinity of the project corridors (e.g., the Central SoMa Plan area). However, this project would not contribute considerably to that significant cumulative transit delay impact for the following reasons. The proposed temporary transit lanes and HOV lanes, and the color curb and street parking changes proposed to enable the temporary creation of these lanes, would decrease transit travel times by allowing transit vehicles to bypass traffic congestion and avoid conflicts with other vehicles in mixed-flow lanes. Any temporary turn restrictions implemented as part of the project is not expected to substantially affect transit travel time, as Muni COVID-19 Core service routes would be running in their own designated travel lanes and would not be delayed by vehicles diverted to other streets due to the proposed changes. Similarly, people using the temporary bicycle facilities would have a dedicated space to travel along the project corridors. Thus, the proposed project would not contribute to significant cumulative transit delay impacts.

There are significant cumulative loading impacts from reasonably foreseeable projects in the vicinity of the project corridors (e.g., the Central SoMa Plan area). However, this project would not contribute considerably to that significant cumulative loading impact because the project would relocate commercial and passenger loading zones, as needed, to address land use needs. Thus, the project would not contribute to significant cumulative loading impacts.

The project would install temporary lanes that would separate general vehicle traffic from Muni, taxis, and bicycles, and would not alter facilities for people walking. The temporary lanes would also allow emergency vehicle access. Thus, the project would not contribute to significant cumulative potentially hazardous conditions, accessibility, or emergency access impacts.

The project would not substantially increase vehicle miles traveled; moreover, automobile delay (e.g., congestion) is not considered a significant effect on the environment pursuant to CEQA. The project meets the definition of an “active transportation...and transit project” and “minor transportation project”, as defined in the department’s Transportation Impact Analysis Guidelines (2019). The department substantiates that these projects would not lead to substantial increases in vehicle miles traveled based on a literature review provided in the 2019 guidelines, Appendix L: Vehicle Miles Traveled/Induced Automobile Travel, Attachment C: Combined Vehicle Miles Traveled Annotated Bibliography. Further, the certified Environmental Impact Report for Better Market Street (case number 2014.0012E) demonstrated that that project, which would result in more substantial vehicular restrictions on a major corridor in the City would not substantially increase vehicle miles traveled. The proposed COVID-19 Emergency Temporary Transit Only Lanes and COVID-19 Emergency Temporary Bikeways project would impose left turn restrictions on California Street, Masonic Avenue, Divisadero Street, Fulton Street, Lincoln Way, 4th Street, Ocean Avenue, and Geneva Avenue. The turn restrictions on each of these proposed project corridors would be less substantial than those implemented under Better Market Street Because the project would not result in increased vehicle miles travelled, it would also not result in substantial increase in criteria air pollutant or greenhouse gas emissions, which by their nature, are cumulative impacts.

Lastly, given the temporary nature of the proposed COVID-19 Emergency Temporary Transit Only Lanes and COVID-19 Emergency Temporary Bikeways and their limited construction scope (e.g., no excavation), other significant cumulative construction or operational impacts would not occur.

15300.2 (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Project Analysis: Pursuant to CEQA, the department used a two-part analysis to determine that there was no reasonable possibility that the proposed project would have a significant effect on the environment due to unusual circumstances. The following describes the two-parts, or questions, and their applicability to the project.

Question 1: Unusual Circumstances. There are no unusual circumstances surrounding this project.

Project Analysis: The lead agency must determine if unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”

The circumstances surrounding the project (absent COVID-19) and the project site are not unusual. The project site is located throughout San Francisco, surrounded by neighboring land uses and streets that serve a mix of transit, bicycles, pedestrians and cars. There is nothing particularly sensitive or unique about the project site and the surrounding streets that would result in an unusual circumstance in accordance with CEQA.

Further, the project elements are not unusual. Circulation changes to these streets are routine in nature, within the context of San Francisco. As stated in the existing conditions discussion above, bicycle facilities and transit-only lanes also exist throughout San Francisco including on some of the project corridors.

Question 2: Significant Effects due to Unusual Circumstances: The project would not result in significant effects due to unusual circumstances.

Project Analysis: If the lead agency determines that a project presents unusual circumstances, then the lead agency must determine if a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects.

As stated above, there are no unusual circumstances surrounding this project, so the lead agency is not required to respond to this question.

The department notes, for informational purposes, that the proposed COVID- 19 Emergency Temporary Transit Only Lanes and COVID-19 Emergency Temporary Bikeways project would not result in significant effects as demonstrated in the exemption determination and June 10, 2020 SFMTA memo. CEQA Guidelines section 15064.3(b)(2) states that transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to have less than a significant transportation impact. As previously discussed above, the project meets the definition of an “active transportation...and transit project” and “minor transportation project” and would not substantially increase vehicle miles traveled. Thus, the project's transportation-related impacts would be less than significant.

Overall, the proposed project would not result in significant construction or operational impacts due to the temporary nature of the project and its limited construction scope. The project would not include excavation and would be implemented in a manner that would facilitate the changes being easily removed within 120 days of the repeal of the February 25, 2020 proclamation of a local health emergency.

15300.2 (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Project Analysis: With the exception of State highway 1, the project site is not within a highway officially designated as a state scenic highway; this exception is not applicable.<sup>7</sup> While State Highway 1 is eligible the project would not damage scenic resources along the highway as it would install temporary street surface treatments (e.g., striping) and signage that can be easily removed.

15300.2 (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Project Analysis: the project is not located on such a site; this exception does not apply.

15300.2 (f) Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Project Analysis: The project would not have a significant effect on a historic resource because the project would not alter or demolish a historical resource. Any required signage would be limited to modern or standard issue SFMTA street poles and streetlamps. Sign installation would not occur on street poles streetlamps containing sculpted features or historic lights unless the design is also standard issue by SFMTA. Additionally, any signs would be removed, as this is a temporary project.

**Response 3: The department appropriately analyzed the whole of the project pursuant to the CEQA Statute and Guidelines and Chapter 31 of the Administrative Code.**

While the SFMTA will implement the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project in phases, the department analyzed and issued an exemption determination for the whole of the project. The first phase of the project was SFMTA approval of temporary transit lanes on nine of the project corridors on Figure 1, labeled “Proposed Transit Lanes going to SFMTA Board on 6/30/2020”. The first phase also included the SFMTA Board of Directors delegating their authority to the City Traffic Engineer to approve transit lanes and tow-away zones on the other 27 project corridors in Figure 1, labeled “Proposed Transit Lanes.” The appellants raise concerns that this delegation of authority allows for future projects to be implemented without environmental review. This is not correct. The exemption determination for the project listed and analyzed all of the project corridors identified by the SFMTA for future transit only lanes and tow-away zones, including those that the City Traffic Engineer would have authority to approve, as listed in the proposed amendments to section 602 of the San Francisco Transportation Code. One

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<sup>7</sup> <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

appellant also asserts that a July 21, 2020 SFMTA map of the proposed project corridors and the phases for implementation is an update to the project that would include “more service changes to implement more TETL changes whenever it pleases with no further approval process.” This is inaccurate. The proposed project corridors identified on the map are consistent with the proposed project corridors in figure 1. If there are any additional changes to the COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project the department would assess the level of CEQA review required prior to any approvals of the changes, including the need for any analysis.

**Response 4:** The department and SFMTA met procedural requirements for exemptions provided in the CEQA Guidelines and Chapter 31 of the Administrative Code

*The exemption determination was appropriately posted*

One appellant inaccurately claims that the exemption determination was not available on the department’s or SFMTA’s website and was not included in the SFMTA agenda packet for the June 30, 2020 Board of Directors hearing to approve the project.

Chapter 31 of the Administrative Code requires the Environmental Review Officer to post on the department’s website the following: “(1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.” (section 31.08(e)(1)(A)).

The department posted the exemption determination for the project on the department’s website, <https://sanfrancisco.buildingeye.com/planningceqa/list/type/agencycatex>, on June 10, 2020. The website includes a heading titled “Public Agency Exemptions,” with a table of exemptions for projects sponsored by public agencies to which the exemption determination for the project is linked. Chapter 31 of the Administrative Code does not require other City agencies to post exemption determinations on their websites or for approving bodies to include exemption determinations in their meeting materials. The exemption determination document was appropriately posted.

*The hearing for the project approval action was appropriately noticed*

The SFMTA followed noticing requirements. Chapter 31 of the Administrative Code requires the SFMTA to provide notice of public hearing on the Approval Action for the project (section 31.08(f)(1)). For this project, that Approval Action occurred when the SFMTA Board of Directors approved the project on June 30, 2020. The SFMTA met this requirement by providing a notice of meeting and calendar prior to the public hearing on the Approval Action<sup>8</sup> for the project. Consistent with the requirements in section 31.08(f) of the Administrative Code, the notice (a) informed the public about the exemption determination and how to obtain a copy [here, in the staff report and/or resolution]; (b) informed the public of the right to appeal the exemption determination to the Board of Supervisors and the timeframe for submitting an appeal [here, in the agenda];

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<sup>8</sup> San Francisco Municipal Transportation Agency. June 30, 2020 Notice of Special Meeting and Calendar. Available online at: [https://www.sfmta.com/sites/default/files/reports-and-documents/2020/06/6-30-20\\_agenda\\_-\\_mtab\\_special\\_meeting.pdf](https://www.sfmta.com/sites/default/files/reports-and-documents/2020/06/6-30-20_agenda_-_mtab_special_meeting.pdf). Accessed September 10, 2020

and (c) informed the public that litigants in a later court challenge may be limited to raising only the issues that were previously raised at a hearing on the project or submitted in writing to the City prior to or at such hearing, or as part of the appeal hearing process on the CEQA decision [here, in the agenda]. The CEQA Statute and Guidelines do not include provisions for noticing exemptions. Thus, the June 30, 2020 hearing was appropriately noticed.

***The City complied with the exemption appeal procedures in Chapter 31 of the Administrative Code***

One appellant asserts that the SFMTA did not provide an “opportunity for public appeal to this Board in violation of CEQA and Chapter 31 of the San Francisco Administrative Code”. This is inaccurate, notice of the public’s right to appeal an exemption to the board of supervisors was included, consistent with Chapter 31 of the Administrative Code, in the exemption determination and the agenda for the June 30, 2020 hearing. Furthermore, the appellant received, and availed itself of, the opportunity to appeal the exemption determination to the board of supervisors, as demonstrated by the fact that the appellant filed the appeal.

For informational purposes: one appellant states, “I question how the MTA purported to hold two online public hearings, on July 18, 2020 (which failed for technical reasons and has since been rescheduled to July 31, 2020) and July 25, 2020, both prior to the effective date of the Transportation Code amendments. Also, the notices for those hearings did not contain language required by Administrative Code Section 31.08 (f) (1).” The July 18, 2020 and July 25, 2020 hearings the appellant refers to were for the SFMTA’s LK Transfer Project and J Church Transfer project, respectively. Those projects are not part of the proposed COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project. As described in the Background Section of this response, on August 7, 2020, the SFMTA submitted a memorandum to the department clarifying that proposed Muni rail service changes and associated stop, street, and parking changes on West Portal Avenue and the J Church transfer points are not part of the COVID-19 Emergency Temporary Transit Lanes and COVID-19 Emergency Temporary Bikeways project and require separate environmental review. Thus, the July 18, 2020 and July 25, 2020 hearings and associated noticing noted by the appellant is not germane to this appeal response.

**Conclusion**

The department has determined that the proposed project is statutorily exempt and categorically exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of an emergency project statutory exemption (2) none of the exceptions specified in CEQA Guidelines section 15269 prohibiting the use of a statutory exemption are applicable to the project, (3) the project meets the definition of one class of projects that the Secretary of Resources has found do not have a significant effect on the environment, and (4) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the project. The appellants have not demonstrated that the department’s determination is not supported by substantial evidence in the record.

For the reasons stated above and in the June 10, 2020 CEQA statutory and categorical exemption determination and accompanying memo from SFMTA, the CEQA determination for this project complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemptions. The department therefore respectfully requests that the board uphold the CEQA statutory and categorical exemption determination and deny the appeal of the CEQA determination.



### Attachment A

**Table 1: Proposed Emergency Temporary Transit Lanes, High Occupancy Vehicle Lanes, and Bikeway Corridors**

Street	From	To	Two-way or one-way E TTL <sup>1</sup> or HOV <sup>2</sup>	Parking Removed or Loading Relocated to Nearest Cross-Street	Notes
Notes: <sup>1</sup> Emergency Temporary Transit Lanes (E TTL) refer to all types of emergency transit lanes including transit only, bus/taxi, bus/taxi/bike lanes <sup>2</sup> GMP: General Metered Parking; TOL: Transit (Bus and Taxi) Only Lane; HOV: High Occupancy Vehicle Lane <sup>3</sup> Streets removed from the project per an August 7, 2020 memo from SFMTA					
Potrero Avenue	Cesar Chavez	Division Street	One-way & two-way	No change	One-way TOL <sup>2</sup> northbound only between 25th and 18th streets; two-way TOL for other portions of the corridor
Bayshore Boulevard	Silver Avenue	Cesar Chavez	Two-way	Removes 32 northbound and 26 southbound parking spaces due to proposed bicycle facility	TOL; class IV bike facility
Laguna Honda Boulevard	Clarendon Avenue	Dewey Boulevard	Two-way	No change	TOL
Woodside Avenue	Laguna Honda Boulevard	Portola Drive	Two-way	No change	Bus/Taxi/Bicycle only
O'Shaughnessy Boulevard	Portola Drive	800 feet southerly	Two-way	No change	TOL
Bosworth Street	Elk Street	Arlington Street	two-way	No change	Bus/Taxi/Bicycle only
	11th Street	1st Street	two-way	Removes 120 general metered spaces; relocates 20 yellow and 15 white loading spaces on various sides of the	Converts part-time TOL

Street	From	To	Two-way or one-way ETTL <sup>1</sup> or HOV <sup>2</sup>	Parking Removed or Loading Relocated to Nearest Cross-Street	Notes
Mission Street				street. On the opposite side of street, the current part-time tow away regulations would be rescinded.	to full-time TOL
Castro Street	Divisadero Street	Duboce Avenue	Two-way	No Change	TOL
Divisadero Street	Castro Street	Sacramento Street	two-way	No change	TOL
California Street	Arguello Boulevard	Steiner Street	Two-way	No change	TOL
Sacramento Street	Front Street	Larkin Street	One-way	Removes 116 non-metered parking spaces, 1 motorcycle space, and 9 GMPs <sup>2</sup> ; relocates 8 white spaces, 3 metered white spaces, and 11 yellow metered spaces	Converts part-time TOL to full-time TOL
	Gough Street	Larkin Street	One-way	No change	TOL
Clay Street	Gough Street	Van Ness Avenue	One-way	Removes 9 non-metered parking spaces	TOL; would require conversion of the existing two-way street to a one-way street
	Van Ness	Larkin	One-way	No change	TOL
	Larkin Street	Powell Street	One-way	Removes 67 non-metered parking spaces; relocates 2 yellow zones	TOL
	Powell Street	Sansome Street	One-way	Removes 29 GMPs; relocates 3 metered white spaces and 17 metered yellow spaces	Converts part-time TOL to full-time TOL
7th Street and 8th Street	Townsend Street	Market Street	one-way	No change	TOL on 7th Street would be northbound; TOL on 8th Street would be southbound
Masonic Avenue	Haight Street	Geary Boulevard	Two-way	No change	TOL
Presidio Avenue	Geary Boulevard	Sacramento Street	Two-way	No change	Bus/taxi/bike only lane
Fulton Street	Stanyan Street	48th Avenue	Two-way	No change	TOL

Street	From	To	Two-way or one-way ETTL <sup>1</sup> or HOV <sup>2</sup>	Parking Removed or Loading Relocated to Nearest Cross-Street	Notes
4th Street	Channel	Berry	Two-way	No change	No northbound traffic except Muni
Geary Boulevard	Stanyan	34th Ave	Two-way	No change	TOL
Haight Street	Webster	Buchanan	One-way	Removes 14 non-metered spaces	TOL
Lincoln Way	2nd Avenue	23rd Avenue	Two-way	Removes 120 non-metered spaces	Converts part-time TOL to full-time TOL
Ulloa Street <sup>3</sup>	Wawona Street	West Portal Avenue	Two-way	Removes 2 non-metered (existing part-time restrictions) spaces	No traffic except Muni & bicycles
West Portal Avenue <sup>3</sup>	Vicente Street	Ulloa Street	Two-way	Removes 50 GMPs	Converts part-time TOL to full-time TOL & new southbound TOL
Church Street <sup>3</sup>	15th Street	Market Street	Two-way	Removes 15 GMPs & 2 metered motorcycle spaces; relocates 6 yellow metered zones	No northbound or southbound traffic except Muni & bicycles
Park Presidio Boulevard/Crossover Drive	Lincoln Way	Lake Street	Two-way	No change	HOV lane (bus/taxi/vehicles with +3 people)
Post Street	Gough Street	Market Street	One-way	Removes 5 GMPs; relocates 4 blue zones, 22 white spaces, and 29 yellow metered spaces due to bicycle facility	TOL with Class IV bicycle facility & bus/taxi/bike only lane on some portions of the street segment
Sutter Street	Kearny Street	Gough Street	One-way	Removes 5 GMPs and 7 non-metered spaces; relocates 1 white space and 4 yellow metered spaces due to bicycle facility	TOL with Class IV bicycle facility & bus/taxi/bike only lane on some portions of the street segment
	Market Street	Kearny Street	One-way	Relocates 24 yellow metered spaces	Converts part-time TOL to full-time bus/taxi/bike only lane
Ocean Avenue	Geneva Avenue	Junipero Serra Boulevard	Two-way	No change	TOL

Street	From	To	Two-way or one-way ETTL <sup>1</sup> or HOV <sup>2</sup>	Parking Removed or Loading Relocated to Nearest Cross-Street	Notes
Mission Street	30th Street	Huron Street	Two-way	No change	TOL
Hyde Street	Eddy Street	Market Street	One-way	No change	TOL
Eddy Street	Polk Street	Hyde Street	One-way	11 GMP would be removed, 2 yellow meter spaces, and 3 white meter spaces would be relocated	TOL
Larkin Street	Market Street	Geary Street	One-way	No change	TOL
Geneva Ave	Ocean Avenue	Santos Street	Two-way	Removes 7 GMP and 193 non-metered spaces; relocates 4 non-metered yellow spaces, 4 metered yellow spaces due to proposed bicycle facility	TOL with IV bicycle facility & bus/taxi/bike only lane on some portions of the street segment
19th Avenue/ Junipero Serra Boulevard	Lincoln Way	Alemaný Boulevard	Two-way	No change	HOV lane (bus/taxi/vehicles with 3 or more people)
Veterans Boulevard/Presidio Parkway/ Richardson Avenue/Lombard Street	Van Ness Avenue	Lake Street	Two-Way	No change	HOV lane (bus/taxi/vehicles with 3 or more people)

BOS Exemption Appeal: Attachment B  
Hearing Date: September 22, 2020 (may be continued)

Record No. 2020-005472APL  
COVID-19 Emergency Temporary Transit Lanes and  
COVID-19 Emergency Temporary Bikeways Project

**Attachment B**

**SFMTA Memo, Muni Rail Service and Associated Stop, Street, and Parking Changes (West Portal and J Church Transfer Points), August 7, 2020**


# Memorandum


## Muni Rail Service and Associated Stop, Street, and Parking Changes (West Portal and J Church Transfer Points)



TO: Lisa Gibson, Environmental Review Officer  
San Francisco Planning Department

CC: Andrea Ruiz-Esquide, San Francisco City Attorney's Office

THRU: Sean Kennedy, SFMTA Muni Service Planning & Muni Forward Manager 

FROM: Jeff Tumlin, SFMTA Director of Transportation 

DATE: August 7, 2020

SUBJECT: Muni Rail Service and Associated Stop, Street, and Parking Changes  
(West Portal and J Church Transfer Points)

The SFMTA is proposing to expand its COVID-19 Muni Core Service Network by scheduling the return of Muni Metro rail service to provide more transit service for San Francisco while minimizing risk of COVID transmission. Pre-COVID, train congestion in the subways resulted in delays and reliability issues. Consequently, some Muni Metro lines would be taken out of the subway to improve subway functionality and reduce train delays in order to shorten the amount of time riders will spend on a train and in the subway.

Under this temporary, modified rail service plan, the L Taraval and K Ingleside would be combined into an LK line and would no longer enter the subway at West Portal Station; riders traveling to and from downtown may need to transfer at the West Portal station. Additionally, the J Church would not enter the subway, and would, instead, turn back at the Church and Market streets intersection and in a subsequent implementation phase at the Church Street and Duboce Avenue intersection, which may require riders traveling to and from downtown to transfer to a line operating in the subway. To support and facilitate these transfers, SFMTA would make stop changes (and construction of Americans with Disabilities Act [ADA] accessible platforms), street changes, and parking changes at these transfer locations.

The Temporary Emergency Transit Lanes (TETL) project, and the implementation of transit-only lanes were evaluated in the TETL Categorical Exemption and Statutory Exemption (Planning Case No. 2020-005472ENV). As SFMTA understands it, the transfer point improvements to support rail service for the L Taraval and J Church were partially identified in the Temporary Emergency Transit Lanes (TETL) project. However, these improvements for the L Taraval (Ulloa Street at West Portal) and J Church corridors were not approved. Given that SFMTA has now finalized its modified Muni Rail Service plan, including the changes needed to support this service plan, we believe that the Muni Rail Service plan and associated stop, street, and parking changes (West Portal and J Church

# Memorandum

## Muni Rail Service and Associated Stop, Street, and Parking Changes (West Portal and J Church Transfer Points)



SFMTA

Transfer Points) are outside the scope of the TETL environmental review, for the reasons listed below, and new environmental review is needed.

- The proposed street and parking changes are associated with Muni rail service changes.
- There would be bus stop changes associated with Muni rail service changes and SFMTA would need to construct temporary wooden ADA boarding islands at transfer points.
- Transit-only lanes are not being proposed on Ulloa Street or West Portal Avenue and additional transit-only lanes are not being proposed on Church Street (Church Street has existing transit-only lanes)
- The proposed West Portal LK Transfer and J Church Transfer stop/street/parking changes do not rely on TETL delegated authority for approval.
- A portion of the J Church project corridor is outside the project corridor boundary in the TETL exemptions.

The SFMTA will submit the Muni Rail Service Plan, associated stop, street, and parking changes (West Portal and J Church Transfer Points) to the Planning Department shortly for environmental review. As of this date, there has been outreach for these changes, but no approvals have been made. Specifically, there was a public hearing on July 25<sup>th</sup> for the J Church Transfer Point and on July 31<sup>st</sup>, 2020 for the West Portal Transfer Point.