

File No. 201027

Committee Item No. _____

Board Item No. 75

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 [Preparation of Findings to Reverse the Statutory and Categorical Exemption Determination -
2 MTA's Slow Streets Phase 3]

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 3 Project is statutorily and categorically exempt from environmental**
6 **review.**

7

8 WHEREAS, July 1, 2020, the Planning Department issued a statutory and categorical
9 exemption determination for the Municipal Transportation Agency's (MTA's) Slow Streets
10 Phase 3 (Project) under the California Environmental Quality Act (CEQA, Public Resources
11 Code, Sections 21,000 et seq.), the CEQA Guidelines (California Code of Regulations Title
12 14, Sections 15,000 et seq.) and Chapter 31 of the City's Administrative Code; and

13 WHEREAS, The Planning Department found that the Project is exempt from CEQA per
14 CEQA, Section 21080(b)(4), and the CEQA Guidelines, Section 15269(c), which exempt
15 projects "specific actions necessary to prevent or mitigate an emergency," as well as per the
16 categorical exemption for Existing Facilities (CEQA Guidelines, Section 15301(c)), which
17 includes "minor alterations to existing highways and streets, sidewalks, gutters, bicycle and
18 pedestrian trails, and similar facilities... that do not create additional automobile lanes;" and

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

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

25

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

6 WHEREAS, With Muni service reduced, many San Francisco residents need to walk
7 and take other travel modes to make essential trips; however, it is difficult to maintain the six
8 feet of social distance required by the city’s Public Health order C19-07 on many sidewalks,
9 park paths, and bikeways, especially when passing queues that may exist outside grocery
10 stores and other essential services; and

11 WHEREAS, Currently, many pedestrians are choosing to walk in the street and are at a
12 higher risk of being in a collision with a vehicle in the roadway; there is also data showing
13 drivers are operating at higher and unsafe speeds at this time, which increases the risk for
14 severe injuries to individuals walking in a collision; and

15 WHEREAS, As a result of the COVID-19 public health emergency, the MTA proposed
16 the Project to manage traffic speeds and allow roadways to be safely used as a shared space
17 for foot and bicycle traffic, while also providing adequate space for travelers to maintain 6 feet
18 separation; and

19 WHEREAS, Vehicle traffic is allowed on these streets but is limited to local (e.g. access
20 for residents and businesses, to the extent present) and emergency vehicle access; and

21 WHEREAS, Designation of a street as a Slow Street would not adversely affect
22 operations on Muni routes, as none of the Slow Streets segments are on Muni routes (existing
23 routes, pre-COVID emergency or COVID Core Service); and

24 WHEREAS, The Slow Street treatment would require no construction or excavation
25 and would be implemented with the placement of movable surface barriers such as cones, A-

1 frames, plastic traffic diverters and delineators to slow and discourage vehicular through traffic
2 in order to enable people to safely walk, run, or bike and maintain six feet social distancing in
3 the streets; and

4 WHEREAS, City and County of San Francisco staff would monitor each street where
5 implemented to ensure the transportation benefits of Slow Streets are not undermined by
6 crowding and congregation; and

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

10 WHEREAS, The following segments have been reviewed by MTA staff for feasibility,
11 but would be reviewed by the Transportation Advisory Staff Committee (TASC) or COVID-
12 TASC, before implementation, including representatives from the San Francisco Fire
13 Department prior to project approval: 20th Street from San Bruno Avenue to Pennsylvania
14 Avenue; Arkansas Street from 23rd to 17th streets; Arlington Street from Roanoke to Randall
15 streets; Broderick Street from O'Farrell to Page streets; Cabrillo Street from 45th to 23rd
16 avenues; Capitol Avenue from Ocean Avenue to Alemany Boulevard; Cayuga Avenue from
17 Naglee Avenue to Rousseau Street; Clay Street from Arguello Boulevard to Steiner Street;
18 Duncan Street from Diamond Heights Boulevard to Tiffany Avenue; Farallones Street from
19 Orizaba Avenue to San Jose Avenue; Hearst Avenue from Ridgewood Avenue to Baden
20 Street; Holly Park Circle; Lakeview/Shields Street from Beverly Street to Brighton Avenue;
21 Mariposa Street from Texas to Mississippi streets; Minnesota Street from Mariposa to 22nd
22 streets; Noe Street from 23rd Street to Duboce Avenue; Pacific Avenue from Steiner to Gough
23 streets; Pierce Street from Hayes Street to Duboce Park (Avenue), and Tompkins Avenue
24 from Andover Street to Peralta Avenue; and

25 WHEREAS, On July 21, 2020, the MTA Board of Directors approved the Project; and

1 WHEREAS, On July 2, 2020, the Statutory and Categorical Exemption determination
2 was posted in the Planning Department's website, as required by Chapter 31 of the
3 Administrative Code; and

4 WHEREAS, On August 20, 2020, an appeal of the Statutory and Categorical
5 Exemption determination was filed by Mary Miles, on behalf of the Coalition for Adequate
6 Review (Appellant); and

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

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

13 WHEREAS, On September 29, 2020, this Board held a duly noticed public hearing to
14 consider the appeal of the exemption determination filed by Appellants; 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 conditionally reversed the exemption determination subject to the adoption of written findings
22 of the Board in support of such determination based on the written record before the Board of
23 Supervisors, as well as all of the testimony at the public hearing in support of and opposed to
24 the appeal; and

1 WHEREAS, The written record and oral testimony in support of and opposed to the
2 appeal and deliberation of the oral and written testimony at the public hearing before the
3 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
4 the exemption determination is in the Clerk of the Board of Supervisors File No. 201024, and
5 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

6 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
7 findings specifying the basis for its decision on the appeal of the exemption determination
8 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. 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