1	[Affirming the Statutory Exemption Determination - MTA's Pannancie Social Distancing and Safety Project]
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3	Motion affirming the determination by the Planning Department that the Municipal
4	Transportation Agency's Panhandle Social Distancing and Safety Project is statutorily
5	exempt from environmental review.
6	
7	WHEREAS, July 16, 2020, the Planning Department issued a statutory exemption
8	determination for the Municipal Transportation Agency's (MTA's) Panhandle Social Distancing
9	and Safety Project (Project) under the California Environmental Quality Act (CEQA, Public
10	Resources Code Sections 21,000 et seq.), the CEQA Guidelines (California Code of
11	Regulations Title 14, Sections 15,000 et seq.) and Chapter 31 of the City's Administrative
12	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;" and
16	WHEREAS, CEQA defines an "emergency" as "a sudden, unexpected occurrence,
17	involving a clear and imminent danger, demanding immediate attention to prevent or mitigate
18	loss of, or damage to, life, health, property, or essential public services;" and
19	WHEREAS, On February 25, Mayor London Breed issued a Proclamation Declaring
20	the Existence of a Local Emergency, finding that the COVID-19 pandemic posed a threat to
21	the lives, property or welfare of the City and County and its residents; and
22	WHEREAS, On March 6, 2020, the San Francisco Health Officer declared a public
23	health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders
24	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

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

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

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

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

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

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

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## City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

**Motion: M20-139** 

File Number: 200988 Date Passed: September 29, 2020

Motion affirming the determination by the Planning Department that the Municipal Transportation Agency's Panhandle Social Distancing and Safety Project is statutorily exempt from environmental review.

September 22, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 29, 2020 Board of Supervisors - APPROVED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200988

I hereby certify that the foregoing Motion was APPROVED on 9/29/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board