[Affirming the Statutory Exemption Determination - MTA - Slow Streets Phase 1]

Motion affirming the determination by the Planning Department that the proposed Municipal Transportation Agency’s Slow Streets, Phase 1 project is statutorily exempt from environmental review.

WHEREAS, On April 21, 2019, the Planning Department issued a statutory exemption for the Municipal Transportation Agency’s Slow Streets, Phase 1 project (Project), under the California Environmental Quality Act (CEQA, Public Resources Code Sections 21,000 et seq.), the CEQA Guidelines (California Code of Regulations Title 14, Sections 15,000 et seq.) and Chapter 31 of the City’s Administrative Code; and

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

WHEREAS, On March 6, 2020, San Francisco Health Officer declared a public health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders to protect the public health, including Health Order No. C19-07 (Stay Safer at Home), which requires individuals to maintain six feet of social distance from others not in their household; and
WHEREAS, As a result of the public health emergency, Muni service has been reduced, which has required that many San Francisco residents find alternative travel modes to make essential trips; and

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

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

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

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

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

WHEREAS, On April 17, 2020, the SFMTA Director of Transportation, in coordination with the city’s Emergency Operations Center, approved the Project; and
WHEREAS, The Planning Department issued a statutory exemption for the Project on April 21, 2020, finding that the Project is exempt from CEQA as an emergency action necessary to prevent or mitigate an emergency, and that no further environmental review was required; and

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

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

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

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

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

WHEREAS, The written record and oral testimony in support of and opposed to the appeal 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 appeal of
the exemption determination is in the Clerk of the Board of Supervisors File No. 200883, 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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September 01, 2020 Board of Supervisors - APPROVED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200884

I hereby certify that the foregoing Motion was APPROVED on 9/1/2020 by the Board of Supervisors of the City and County of San Francisco.

\[signature\]
Angela Calvillo
Clerk of the Board