[Affirming the Statutory and Categorical Exemption Determination - MTA’s Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Bikeways Project]

Motion affirming the determination by the Planning Department that the proposed Municipal Transportation Agency’s Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Bikeways Project is statutorily and categorically exempt from environmental review.

WHEREAS, On June 10, 2020, the Planning Department issued a statutory and categorical exemption determination for the Municipal Transportation Agency's (MTA's) Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Bikeways 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,” as well as per the categorical exemption for Existing Facilities (CEQA Guidelines Section 15301), which includes “existing highways and streets… 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 … and other similar alterations that do not create additional automobile lanes;” and
WHEREAS, 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 February 25, Mayor London Breed issued a Proclamation Declaring the Existence of a Local Emergency, finding that the COVID-19 pandemic posed a threat to the lives, property or welfare of the City and County and its residents; and

WHEREAS, On March 6, 2020, the 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 COVID-19 public health emergency, the MTA proposed the Project to create temporary transit lanes (bus and taxi only, 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, as described in more detail below; and

WHEREAS, The Project area spans several neighborhoods throughout San Francisco, as shown in Table 1 and Figure 1 of the MTA’s June 10, 2020 Memorandum to the Planning Department, which is on file with the Board of Supervisors in File No. 200903; and

WHEREAS, The Project requires no major construction activities, does not require any excavation, and will be implemented by using removable materials such as temporary striping; and

WHEREAS, The Project includes approval by the MTA Board of a group of temporary transit only lanes and various associated parking and traffic changes (for example, left turn restrictions, adjustments to parking regulations, and changes to the configuration of traffic
lanes) at the following locations: Laguna Honda Boulevard (both directions, from Clarendon Avenue to Dewey Boulevard); O’Shaughnessy Boulevard (both directions, from Portola Drive to 800 feet southerly); Mission Street (both directions, from 11th to 1st Street); 7th Street (northbound, from Townsend to Market Street); 8th Street (southbound, from Market to Townsend Street); Masonic Avenue (both directions, from Haight to Geary Boulevard); Woodside Avenue (both directions, from Laguna Honda Boulevard to Portola Drive); Bosworth Street (both directions, from Elk to Arlington Street); and Presidio Avenue (both directions, from Sacramento to Geary Boulevard); and

WHEREAS, The Project also includes a delegation of authority by the MTA Board to the Office of the City Traffic Engineer to approve emergency temporary transit lanes and tow-away lanes for the rest of the project corridors listed in Table 1 of the MTA Memorandum to the Planning Department, dated June 10, 2020; and

WHEREAS, The Project also includes approval of temporary Class IV bikeways, on Bayshore Boulevard (in both directions, between Silver and Oakdale avenues, and extending to Jerrold Avenue on the northbound direction), and for uphill portions of Geneva Avenue, Post Street, and Sutter Street; these bike lanes are needed to support access to essential services, such as the Zuckerberg San Francisco General Hospital, connections to BART stations, grocery stores, California Pacific Medical Center (CPMC) Van Ness Campus, and St Francis Memorial Hospital through bicycle travel while transit service levels are temporarily reduced and to reduce congestion; and

WHEREAS, On June 30, 2020, the MTA Board of Directors approved the Project; and

WHEREAS, On July 30, 2020, an appeal of the Statutory and Categorical Exemption determination was filed by Mary Miles on behalf of Coalition for Adequate Review, and separately, on that same day, another appeal of the Statutory and Categorical Exemption determination was filed by David Pilpel (collectively, Appellants); and
WHEREAS, By memorandum to the Clerk of the Board dated August 10, 2020, the Planning Department’s Environmental Review Officer determined that both appeals were timely filed; and

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

WHEREAS, In reviewing the appeal of the exemption determination, this Board reviewed and considered the exemption determination, the appeal letters, 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 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. 200903, 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.
Motion affirming the determination by the Planning Department that the proposed Municipal Transportation Agency's Transportation Recovery Plan: COVID-19 Emergency Temporary Transit Lanes and Bikeways Project is statutorily and categorically 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

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