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.

WHEREAS, July 16, 2020, the Planning Department issued a statutory exemption determination for the Municipal Transportation Agency’s (MTA’s) Panhandle Social Distancing and Safety 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;” 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, a parking-protected bikeway on Fell Street between Baker Street and Shrader
Street, to provide relief to crowding on the multi-use paths within the Panhandle, a portion of
Golden Gate Park located on the east side between Oak, Fell, Baker, and Stanyan Streets; and

WHEREAS, Before the COVID-19 public health emergency, the multi-use paths in the
Panhandle already carried high volumes of bicyclists and pedestrians; and

WHEREAS, These paths are up to 12-feet wide; and

WHEREAS, Use of the Panhandle multi-use paths has increased as a result of the
COVID-19 public health emergency, which has made it difficult for pedestrians and bicyclists
to maintain the six feet of social distance required by the city’s Public Health Order C19-07; and

WHEREAS, Providing a parking protected bikeway on Fell Street adjacent to the
Panhandle gives bicycles an alternative route to the Panhandle paths, thereby providing relief
to the overcrowding and supporting social distancing between users within the Panhandle; and

WHEREAS, As part of the Project, a westbound parking-protected bike lane would be
installed on the south side of Fell Street between Baker Street and Shrader Street, and would
run curbside with a painted buffer between cyclists and parking; and

WHEREAS, The installation of the parking-protected bike lane would include the
removal of one travel lane and the removal of approximately 12 parking spaces along Fell
Street between Baker and Shrader streets. No loading spaces would be removed; and
WHEREAS, Implementation of the project would require paint and the installation of safe-hit posts. No excavation would be required; and

WHEREAS, Following installation, the MTA would monitor and evaluate conditions along Fell Street and make adjustments, if necessary, to address travel circulation for all modes as well as emergency response times; and

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

WHEREAS, On July 15, 2020, the MTA Department Operation Center approved the Project, under the authority delegated by the City Traffic Engineer; and

WHEREAS, On July 17, 2020, the Statutory Exemption determination was posted in the Planning Department’s website, as required by Chapter 31 of the Administrative Code; and

WHEREAS, On August 14, 2020, an appeal of the Statutory Exemption determination was filed by Mary Miles, on behalf of the Coalition for Adequate Review (Appellant); and

WHEREAS, By memorandum to the Clerk of the Board dated August 27, 2020, the Planning Department’s Environmental Review Officer determined that the appeal was 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 Appellant; 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. 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.
Motion: M20-139

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

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