[Affirming the Statutory and Categorical Exemption Determination - MTA’s Slow Streets Phase 3]

Motion affirming the determination by the Planning Department that the Municipal Transportation Agency’s Slow Streets Phase 3 Project is statutorily and categorically exempt from environmental review.

WHEREAS, July 1, 2020, the Planning Department issued a statutory and categorical exemption determination for the Municipal Transportation Agency’s (MTA’s) Slow Streets Phase 3 (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(c)), which includes “minor alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities… 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, With Muni service reduced, many San Francisco residents need to walk and take other travel modes to make essential trips; however, it is difficult to maintain the six feet of social distance required by the city’s Public Health order C19-07 on many sidewalks, park paths, and bikeways, especially when passing queues that may exist outside grocery stores and other essential services; and

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

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

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

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

WHEREAS, The Slow Street treatment would require no construction or excavation and would be implemented with the placement of movable surface barriers such as cones, A-
frames, plastic traffic diverters and delineators to slow and discourage vehicular through traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets; and

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

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

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

WHEREAS, On July 21, 2020, the MTA Board of Directors approved the Project; and
WHEREAS, On July 2, 2020, the Statutory and Categorical Exemption determination was posted in the Planning Department’s website, as required by Chapter 31 of the Administrative Code; and

WHEREAS, On August 20, 2020, an appeal of the Statutory and Categorical 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 September 3, 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. 201024, 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 Municipal Transportation Agency's Slow Streets Phase 3 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