

SF Streets – Ped / Bike / Transit CEQA standards project

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1. Problem
2. Solution
3. Background
4. CEQA overview
5. Proposed new CEQA guideline

1. Problem. The Planning Department requires an Environmental Impact Report (EIR) for street safety improvements which may cause LOS E, F regardless of the change's safety benefits. This approach stops or delays many pedestrian, bicycle and transit improvements because EIR's are time-consuming and expensive studies.

2. Solution. Create a new, local, California Environmental Quality Act (CEQA) guideline/ standard. The standard will direct the Planning Department (Planning) not to require an EIR, if a given design change will be caused by ped /bike transit improvements.

3. Background. Planning bases its LOS E, F = EIR determination on two theories, *past practice*, and *air quality hot-spots*.

1) *Past Practice*

Planning considers LOS E, F to be a *significant impact* because that's the way the Department has administered CEQA in the past.

However, requiring an EIR in this situation is apparently without basis in local law and policy. Proposition E, M and the Transportation Element of the City's Master Plan call for the City to maintain streets that are safe and efficient for all users, ped /bike/ transit – and drivers. None of these public initiatives, plans or policies calls for automobile speed and delay time (LOS E, F) to be more important than overall street safety.

The county CEQA guidelines are determined locally and the environmental review process is supposed to reflect local values. Is the LOS E, F = EIR approach contrary to the City's established street design values? Should the LOS E, F = impact equation apply to all street design changes? Even if the change improves ped /bike/ transit safety?

2) *Air Quality*

Planning claims LOS E, F should = EIR because of air quality concerns. Under this theory, certain changes in signal timing or automobile capacity will cause "hot-spots", in which ground level carbon monoxide (CO) concentrations reach potentially dangerous levels.

Automobile congestion can cause hot-spots, and CO is a potentially deadly gas. In certain geographic situations, car emissions can accumulate to dangerous levels.

However, the conditions that create hot-spots generally don't exist in San Francisco. The City is almost completely surrounded by open water and is generally windy. In fact, according to Bay Area Air Quality Management District staff, there hasn't been a hot-spot in the Bay Area in at least ten years.

Also, Planning may be misinterpreting the BAAQMD's CEQA guidelines. The guidelines consider a finding of LOS E, F to be a "screening threshold", which requires on-site testing for hot-spots. Planning has apparently confused this *screening threshold* with a CEQA "threshold of significance" that automatically requires an EIR.

And the BAAQMD's CEQA guidelines strongly encourage ped/bike/transit improvement projects. Aside from heavy industry, automobiles are the biggest threat to local air quality. Creating safe and efficient ped/bike/transit facilities will improve Bay Area air quality. This goal is repeatedly conveyed in the BAAQMD CEQA guidelines.

4. CEQA overview

The California Environmental Quality Act (CEQA) is intended to publicly consider the physical environmental impacts of discretionary governmental decisions. When the Planning Department makes a discretionary decision, like granting a conditional use permit, review of the decision's potential physical impact upon the environment is required.

The idea is to make these decisions more public. Local CEQA review is supposed to identify the decision's potential impacts, upon the community, present possible ways to mitigate, or lessen, such impacts and to present possible alternative approaches.

The Planning Commission determines the CEQA guidelines, which outline how the planning department should conduct environmental review. Planning then administers these guidelines.

CEQA's central question is could the decision have a negative impact upon the physical environment. The guidelines provide a blueprint for Planning to follow when considering this question.

A standardized guideline will require Planning to review some projects in a certain manner. For example, a standard will direct planning to not find LOS E, F to require EIR, if the change is caused by a ped/bike transit improvement.

To change the CEQA guidelines, the Planning Commission needs to have public meetings that consider substantial evidence.

5. Proposed new CEQA guideline

*As a standard, a finding of LOS E, F will not be considered to be a significant impact if the change is caused by creation of, or improvement to, pedestrian, bicycle and transit facilities. The term **facilities** includes all projects that create dedicated right-of-way or re-allot traffic signal timing to improve pedestrian, bicycle and transit safety and efficiency.*