

1 [Affirming the Exemption Determination - San Francisco Municipal Transportation Agency's
2 Fell and Oak Streets Bikeways Project]

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4 **Motion affirming the determination by the Planning Department that the San Francisco**
5 **Municipal Transportation Agency's (SFMTA) Fell and Oak Streets Bikeways Project is**
6 **exempt from environmental review.**

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8 WHEREAS, The Planning Department has determined that the SFMTA Fell and Oak
9 Streets Bikeways Project is exempt from environmental review under the California
10 Environmental Quality Act (CEQA), the CEQA Guidelines, and San Francisco Administrative
11 Code Chapter 31. The proposed project involves removing parking lanes and adding bike
12 lanes, as well as other related changes to Fell and Oak Streets between Baker and Scott
13 Streets. By letter to the Clerk of the Board, Mark Brennan, Howard Chabner, and Ted
14 Loewenberg (Appellants), received by the Clerk's Office on November 2, 2012, appealed the
15 exemption determination. The Appellants provided a copy a Certificate of Determination,
16 Exemption From Environmental Review, issued on October 4, 2012, which stated that the
17 Planning Department determined that the project was exempt under Classes 1 and 4 of the
18 CEQA Guidelines (14 Cal. Code Reg. §15000 et seq.). Appellants also provided a copy of the
19 SFMTA Board of Directors' Resolution No.12-129 approving the proposed work on October
20 16, 2012; and

21 WHEREAS, On December 11, 2012, this Board held a duly noticed public hearing to
22 consider the appeal of the exemption determination filed by Appellants, and following the
23 public hearing affirmed the exemption determination; and

24 WHEREAS, In reviewing the appeal of the exemption determination, this Board
25 reviewed and considered the exemption determination, the appeal letters, the responses to

1 concerns document that the Planning Department prepared, the other written records before
2 the Board of Supervisors and all of the public testimony made in support of and opposed to
3 the exemption determination appeal. Following the conclusion of the public hearing, the
4 Board of Supervisors affirmed the exemption determination for the project based on the
5 written record before the Board of Supervisors as well as all of the testimony at the public
6 hearing in support of and opposed to the appeal. The written record and oral testimony in
7 support of and opposed to the appeal and deliberation of the oral and written testimony at the
8 public hearing before the Board of Supervisors by all parties and the public in support of and
9 opposed to the appeal of the exemption determination is in the Clerk of the Board of
10 Supervisors File No. 121118 and is incorporated in this motion as though set forth in its
11 entirety; now therefore be it

12 MOVED, That the Board of Supervisors of the City and County of San Francisco
13 hereby adopts as its own and incorporates by reference in this motion, as though fully set
14 forth, the exemption determination; and be it

15 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
16 record before it there are no substantial project changes, no substantial changes in project
17 circumstances, and no new information of substantial importance that would change the
18 conclusions set forth in the exemption determination by the Planning Department that the
19 proposed project is exempt from environmental review; and be it

20 FURTHER MOVED, That after carefully considering the appeal of the exemption
21 determination, including the written information submitted to the Board of Supervisors and the
22 public testimony presented to the Board of Supervisors at the hearing on the exemption
23 determination, this Board concludes that the project qualifies for a exemption determination
24 under CEQA.

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