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

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

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

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

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

concerns document 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 appeal. Following the conclusion of the public hearing, the Board of Supervisors reversed 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 appeal. The written record and oral testimony in support of and opposed to the appeal 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 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No. 121118 and is incorporated in this motion as though set forth in its entirety; now therefore be it

MOVED, That this Board of Supervisors reverses the determination by the Planning Department that the project is exempt from environmental review.