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BY BJ

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310


TO:
Angela Calvillo
Clerk, San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

DATE: May 18, 2017

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Coalition for Adequate Review hereby appeals the environmental determination of the San Francisco Planning Department and the "approval action" of the San Francisco Municipal Transportation Agency ("MTA") to the San Francisco Board of Supervisors.

Grounds for this appeal lie in the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§21000 *et seq.* and other applicable statutes and regulations, as generally stated in the attached public comment to the MTA Board for its hearing on April 18, 2017. Appellant will submit further briefing and comment on or before the scheduled hearing date on this appeal.



Mary Miles
Attorney for Coalition for Adequate Review

cc: Lisa Gibson, Environmental Review Officer, San Francisco Planning Department

ATTACHMENTS:

- A: Public Comment submitted to MTA Board, April 18, 2017
- B: MTA Board Resolution No. 170418-050, April 18, 2017
- C: Certificate of Determination Exemption from Environmental Review, San Francisco Planning Department, April 10, 2017

ATTACHMENT A

FROM:

Mary Miles (SB #230395)
Attorney at Law
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:

Edward Reiskin, Director
Roberta Boomer, Secretary, and
Members of the Board
San Francisco Municipal Transportation Agency ("MTA")
1 S. Van Ness Ave., 7th Floor
San Francisco, CA 94103

DATE: April 18, 2017

PUBLIC COMMENT, AGENDA ITEM 11, APRIL 18, 2017 MTA BOARD MEETING
[**“Approving a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street...”**], aka **“Eastbound 13th Street Safety Project,”** aka **“SFMTA – 13th Street Eastbound Bicycle Facility Project”** (referred to in this Comment as the “Project”)

This is public comment on Agenda Item 11 of the April 18, 2017 MTA Board meeting. Please provide a copy of this Comment to all MTA Board Members and place a copy in all applicable MTA files. As noted on the MTA Board Agenda, a determination under the California Environmental Quality Act (“CEQA”) is subject to appeal to the Board of Supervisors within 30 days.

The Project will clearly have significant impacts under CEQA, including transportation, air quality, safety, and parking impacts, and the claimed "categorical exemptions" do not apply. The Project must also be rejected for the following reasons.

1. FAILURE TO PROVIDE PUBLIC NOTICE AND INFORMATION ON THE PROJECT VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS, AS WELL AS OPEN MEETING AND INFORMATION REQUIREMENTS

There has been no outreach to the general public on this Project, only “stakeholder meetings” between the Project sponsor, the MTA's "Sustainable Streets" division, promoters of the Project, and a few local businesses. The claimed “public hearing” on March 17, 2017 was conducted by the Project sponsor, the MTA’s “Sustainable Streets,” the same entity that created the Project in private with no opportunity for input from the general public and then held the alleged "hearing" before its own "Engineering" subdivision. Even members of the public who requested public notice, including this Commenter, received no notice of this Project after submitting many requests to MTA for notices of proceedings on all bicycle projects in San Francisco.

Further, neither the MTA nor the lead agency conducting the alleged “environmental review,” the Planning Department, gave public notice of its Exemption dated April 10, 2017. That Exemption did not exist and was not publicly available at the time of the claimed “public hearing” on March 17, 2017, and it is not readily available today but instead requires complicated linking to documents not readily available to the general public or easily found by using the internet. Documents related to CEQA review should have been publicly noticed at least 72 hours in advance and placed on the March 17, 2017 “public hearing” agenda in a readily-accessible link so that the public could know what the Project Sponsor, the lead agency, and the San Francisco Bicycle Coalition were actually proposing. They were not.

The Project sponsor, the MTA's "Sustainable Streets" Division, claims that its "staff performed door-to-door outreach" to four businesses along eastbound 13th Street from January to March 2017. (MTA “Sustainable Streets” memorandum dated April 10, 2017 [“Project Sponsor’s Staff Report”], page 6.) That alleged "outreach" ignores that this Project is of citywide and regional importance, affecting traffic to and through the area by thousands of daily travelers, access to freeways, and travel to downtown, the train station, and the ballpark, as well as major shopping destinations.

2. FAILURE TO ACCURATELY STATE EXISTING CONDITIONS AND TO IDENTIFY AND MITIGATE THE PROJECT’S SIGNIFICANT IMPACTS VIOLATES CEQA

The proposed Project, part of the “Vision Zero” Project, removes two heavily used travel lanes and at least 35 parking spaces on eastbound 13th Street, reducing traffic capacity on this major traffic corridor **from three existing lanes to one lane in the eastbound direction.** (San Francisco Planning Department: Certificate of Determination Exemption from Environmental Review, Case No. 2017-001180ENV, April 10, 2017 [“Exemption”], pages 2-3, 5, 9-13.) That proposed capacity reduction will bottleneck and back up the already heavy traffic on eastbound 13th Street to outside the immediate Project area, affecting major intersections at South Van Ness Avenue, Folsom Street, Bryant Street, Harrison Street, and 11th/13th/Bryant/ Division Streets. (Exemption, page 5.)

Traffic volumes allegedly measured in 2015 are out of date, and in any event contain no supporting evidence, including the dates they were taken, the time of day, or who took them. Even so, the Exemption admits that traffic capacity on eastbound 13th Street will be reduced from the existing roadway capacity of 5,700 vehicles per hour to 3,800 vehicles per hour. Both the vehicle volume and the reduction attest to the regional importance of this corridor, and the failure to identify and mitigate the impacts of **delaying 1,900 vehicles per hour.** (Exemption, page 5.)

The Exemption document fails to establish the cumulative area affected by the Project, and fails to state that the City and the Project Sponsor, City and its MTA "Sustainable Streets" Department, have already provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street in City's 2009 Bicycle Plan Project, and a dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors. The failure to accurately state existing conditions results in an inaccurate baseline for analyzing impacts in violation of CEQA. The figures in the Exemption document

and the obvious direct impacts from delaying 1,900 vehicles per hour show that the claim of no direct and cumulative significant impacts is false.

In addition to the proposed drastic capacity reduction, which it terms a "road diet," the Project also proposes forced turns from existing through lanes and installing "painted bicycle boxes at the intersections of Folsom Street/13th Street, and Bryant Street/13th Street to construct a "new bicycle facility on eastbound 13th Street." (Exemption, page 1.) The Project also proposes prohibiting right turns at red traffic signals at northbound Harrison Street approaching 13th Street and a special "two-stage" left turn box to enable bicyclists to turn left from the right lane to "make an intersection more inviting for...bicycles." (Project Sponsor's Staff Report, page 5.) The Project will also introduce time limits for whatever parking remains on 13th Street. (*Id.*)

No evidence supports the Project sponsor's spurious claim that this is a "high injury corridor for bicycling" or establishes justification for the significant adverse impacts this Project will cause on traffic, air quality, noise, and safety, and the "high injury corridor for bicycling" fiction is irrelevant to establishing baseline existing conditions for analyzing the impacts caused by the proposed Project. Claims that there have been "a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street" are unsubstantiated, with no documentation showing the circumstances of such alleged "collisions" or that this is a "high injury corridor for bicycling." (Project Sponsor's Staff Report, page 1.) Indeed, the fictitious "high injury corridors" created by City's "Vision Zero" Project include the Project Sponsor's extensive wish list to create adverse traffic conditions for vehicles throughout San Francisco and extend the already-expansive Bicycle Plan agenda that benefits less than 4 percent of travelers and adversely affects the other 96%.

The Project Sponsor's Staff Report also contradicts the lead agency's Exemption document and misstates existing conditions and the Project description, including falsely stating that the Project would only remove one eastbound traffic lane, when in fact it proposes removing two traffic lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3.) That document also misstates the number of eastbound vehicles on 13th Street, which is 5,700 counted vehicles per hour per the Exemption document. Conveying false and misleading information to the public violates CEQA. Both the Exemption and the Project Sponsor's Staff Report ignore that City's 2009 Bicycle Plan Project also provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors, along with the dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street.

The Project Sponsor's Staff Report claims that, "146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street." (Project Sponsor's Staff Report, page 3.) That means that bicyclists are *less than three percent* of travelers in the immediate Project area. Further, the Exemption states that "The proposed project would not generate new bicycle trips..." (Exemption, page 6.) The insular special interests evident from these figures do not justify the extensive significant impacts on transportation, air quality, parking, public safety, and human impacts caused by the proposed Project on the other 97 percent of the traveling public.

The Project will clearly have significant direct and cumulative impacts on transportation throughout the area, and significant impacts on air quality, public safety, including emergency vehicle movement, noise, and human impacts that must be identified, analyzed, and mitigated under CEQA.

3. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

The Project will clearly have significant impacts on the environment, and therefore is not categorically exempt. (See, *e.g.*, 14 Cal. Code Regs. ["Guidelines"] §§15064, 15065(a)(3), 15300, 15300.2, 15301, 15304.)

The exemptions invoked, *i.e.*, Guidelines §§15301 and 15304, do not apply. (Exemption, page 3.) Guidelines §15301(c) does not apply because the Project does not propose "minor alterations" of "[e]xisting highways and streets, sidewalks gutters, bicycle and pedestrian trails." Both the Project Sponsor's Staff Report and the Exemption admit that there are *no* existing bicycle lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3; Exemption, page 4.) Further, the Project does not propose "minor alterations," but proposes major changes affecting and significantly impacting transportation, air quality, parking, noise, and public safety, both in the immediate and cumulative areas. Guidelines §15301 explicitly states that in determining the types of "existing facilities" subject to such an exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." Far from being negligible or no expansion, the Project proposes usurping two-thirds of the existing roadway capacity and parking for a currently non-existent use of that corridor.

The Guidelines section 15304(h) exemption also invoked (Exemption, page 3) also does not apply to the proposed Project, because bicycle lanes do not currently exist on 13th Street, and because the Project does not propose minor "alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." (Guidelines §15304.) The Project instead proposes major alterations to a heavily travelled urban corridor causing significant impacts.

The Exemption's unsupported conclusory statement, "None of the established exceptions applies to the proposed project" under Guidelines §15300.2 is also false, as are the claims that the Project will have no cumulative impacts, and that no "unusual circumstances" are presented by the Project.

There is no adequate analysis of cumulative impacts in the Exemption, with that document claiming with no supporting evidence that the Project sponsor's staff found "projected growth in vehicle traffic volumes" between now and 2040 to be "approximately 15 percent." Cumulative impacts must also measure "successive project of the same type in the same place, over time." (Guidelines §15300.2). This Project, moreover, has "possible environmental effects" that are "cumulatively considerable," meaning "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines §15065(a)(3).)

The City's past, present, and planned future incursions onto City's roadways to impede vehicle transportation, remove parking, force turns, and otherwise adversely impact traffic include past

extensive transportation impacts due to the Bicycle Plan, "Sustainable Streets," "Vision Zero," and other Projects that, combined with the present Project, clearly have cumulative impacts on transportation, air quality, parking, and public safety, that cannot be considered in a vacuum and are plainly significant cumulative impacts.

Further, in this instance, the very large traffic volumes and the proposed drastic reduction in street capacity constitute unusual circumstances. (Guidelines, §15300.2(c).)

For the above reasons, the proposed 13th Street Project is not exempt, and it has significant impacts that must be analyzed and mitigated under CEQA. The MTA Board must therefore reject the proposed approval of the Project at Item 11.

Mary Miles

ATTACHMENT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170418-050

WHEREAS, The San Francisco Municipal Transportation Agency is committed to achieving Vision Zero goals and implementing safety improvements on eastbound 13th Street as outlined in Mayor Lee's Executive Directive on Bicycle and Pedestrian Safety; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritized non-private automobile transportation.

WHEREAS, Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if the following conditions are met: the alternative criteria are reviewed and approved by a qualified engineer, the alternative criteria is adopted by resolution at a public meeting after public comment and proper notice, and the alternative criteria adheres to the guidelines established by a national association of public agency transportation officials; and

WHEREAS, The parking protected cycletrack proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected cycletrack has been reviewed and approved by a qualified engineer prior to installation; and,

WHEREAS, The alternative criteria for the project are to discourage motor vehicles from encroaching or double parking in the bicycle facility, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater perception of safety for bicyclists; and,

WHEREAS, The project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials; and,

WHEREAS, The San Francisco Municipal Transportation Agency has proposed the installation of a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street as follows:

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, south side, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
- D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street,

PAGE 2.

- southbound, at 13th Street; Trainor Street, northbound at 13th Street
- E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
 - F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

WHEREAS, The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA); CEQA provides an exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively; and,

WHEREAS, On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA, pursuant to Title 14 of the California Code of Regulations Section 15301 and 15304; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a protected bikeway and parking and traffic modifications set forth in items A through F above along eastbound 13th Street between Folsom Street and Bryant Street.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ATTACHMENT C



SAN FRANCISCO PLANNING DEPARTMENT

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2017 MAY 18 PM 2:19

Certificate of Determination Exemption from Environmental Review

BJ

Case No.: 2017-001180ENV
Project Title: SFMTA – 13th Street Eastbound Bicycle Facility Project
Location: 13th Street between South Van Ness Avenue and Bryant Street
Project Sponsor: Jennifer Wong, SFMTA – (415) 701-4551
Staff Contact: Christopher Espiritu – (415) 575-9022
Christopher.Espiritu@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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Information:
415.558.6377

PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes the 13th Street Eastbound Bicycle Facility Project (proposed project). The proposed project would include the installation of a new bicycle facility on eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Currently, there are no existing bicycle facilities along eastbound 13th Street; the westbound direction of 13th Street between Folsom Street and Bryant Street has an existing Class IV bikeway (parking-protected bike lane).

The proposed project would generally remove one travel lane along eastbound 13th Street to accommodate the proposed bicycle lane. The proposed project would also relocate and remove existing on-street parking, restripe portions of the street (i.e., lane marking changes), change the color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom Street/13th Street, Harrison Street/13th Street, and Bryant Street/13th Street.


No excavation is required. Project construction, which includes painting and sign installation, is anticipated to last approximately 60 days. A subsequent phase which includes similar construction activities is anticipated to last approximately 30 days. The proposed project is intended to help meet the City's adopted Vision Zero policy which seeks to eliminate all traffic-related fatalities by 2024. The proposed project is also intended to fulfill Mayor Ed Lee's Executive Directive on Pedestrian and Bicycle Safety issued on August 4, 2016, as it relates to safety improvements on 13th Street. (Continued on page 2)

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act [CEQA] Guidelines Section 15301) and Categorical Exemption, Class 4 (CEQA Guidelines Section 15304)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

for 
Lisa M. Gibson
Acting Environmental Review Officer

April 10, 2017
Date

cc: Jennifer Wong, SFMTA
Andrea Contreras, SFMTA

Virna Byrd, M.D.F.
Supervisor Kim, District 5 (via Clerk of the Board)
Supervisor Ronen, District 9 (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The objective of the proposed project is to improve safety conditions along 13th Street for bicyclists, pedestrians, and vehicles. The 13th Street corridor is on San Francisco's High Injury Network for vehicles and bicycles, a network of streets that experience a disproportionate number of bicycle collisions compared to other streets.¹

Within the project limits of South Van Ness Avenue and Bryant Street, 13th Street is a two-way street with a width of 120 feet, including 16-foot-wide sidewalks on both sides of the street. As shown in Figure 1 (Existing Conditions), the existing configuration of westbound 13th Street consists of: a 6-foot-wide bicycle lane, a 6-foot-wide painted buffer, an 8-foot-wide parking lane, two 10-foot-wide travel lanes, and an 8-foot-wide concrete median. The existing roadway configuration of eastbound 13th Street includes: two 10-foot-wide and one 12-foot-wide mixed-flow travel lanes, as well as an 8-foot-wide curbside parking lane.

The proposed project would not involve any changes to the existing westbound lanes along 13th Street. The proposed project would include changes to the eastbound lanes along 13th Street. Between Harrison Street and Bryant Street, the proposed project would include two phases.

The proposed project would maintain the width of the existing 120-foot-wide roadway, including the locations of the existing curbs (i.e., sidewalk widths). However, the proposed project would restripe the 13th Street roadway between South Van Ness Avenue and Bryant Street and remove an existing travel lane. As shown on Figure 2 (Proposed Conditions), on the segment between South Van Ness Avenue and Folsom Street, the project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10 ½-foot-wide mixed-flow travel lanes (a ½-foot increase in width each), a 9-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new).

On the segment between Folsom Street and Harrison Street, the proposed project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10-foot-wide mixed-flow travel lanes (no change in width), a 2-foot-wide painted buffer (new), a 6-foot-wide bicycle lane (new), a 2-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new). Figure 2 shows the proposed configuration on this segment of 13th Street.

In Phase I, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to existing conditions): a 10-foot-wide left turn lane (new), a 10-foot-wide mixed-flow travel lane (no change in width), an 8-foot-wide parking lane (relocated), a 5-foot-wide painted buffer (new), and a 7-foot-wide bicycle lane (new).

¹ Memorandum - *Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project* (February 17, 2017) from Jennifer Wong (SFMTA) to Christopher Espiritu (Environmental Planning - San Francisco Planning Department). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File No. 2017-001180ENV.

In Phase II, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to Phase I conditions): two 10-foot-wide left turn lanes (no change in width), a 10-foot-wide mixed-flow travel lane (no change in width), and a 20-foot-wide through/right travel lane (new). The proposed Phase I and II conditions, between Harrison and Bryant streets, are shown in Figure 3.

As shown in Figures 4A and 4B (Striping Plans), the proposed project would include the removal of on-street parking (approximately 35 spaces) on 13th Street. The proposed project would not relocate or remove any existing commercial vehicle loading zones (yellow zones) or accessible parking spaces (blue zones) throughout the project limits.

Project Approvals

The proposed project is subject to internal review by SFMTA staff, a recommendation for approval by Transportation Advisory Staff Committee, Public Hearing with an SFMTA Hearing Officer, and finally approval by SFMTA Board. The proposed project is subject to notification through a Public Notice of Intent. If no objections are received to the Notice or the Public Hearing, the proposed project would be routed to the SFMTA Board of Directors for approval.

Approval Action: The Approval Action for the proposed project would be approval by the SFMTA Board of Directors, which approves the proposed roadway improvements to be implemented or constructed on the public right-of-way. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15301(c) or Class 1(c), provides an exemption from environmental review for minor alterations to “existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety).” This includes traffic channelization measures, minor restriping of streets (i.e., turn lane movements, painted buffers, and parking changes), and other improvements on existing streets. As described above, the proposed project includes these measures; therefore, the proposed project would be exempt from CEQA under Class 1(c).

In addition, CEQA State Guidelines Section 15304, or Class 4, provides an exemption from environmental review for minor public or private alterations in the condition of land. Class 4(h) specifically provides an exemption from environmental review for the creation of bicycle lanes on existing rights-of-way. The proposed project would include the installation of a new Class II and Class IV bicycle lane along eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Therefore, the proposed project would also be exempt from CEQA under Class 4(h).

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Transportation" and "Air Quality" there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed below, there is no possibility of a significant effect on the environment due to unusual circumstances.

TRANSPORTATION

The proposed project was analyzed in a memorandum prepared by the SFMTA and reviewed by the Planning Department for transportation impacts in the study area.² The following relies on the analysis conducted in that memorandum, as well as additional supplemental analysis.

Transit Impacts

The proposed project is a transportation project and the project is not anticipated to induce growth that would generate new trips, including transit trips, unlike a land use development project. In addition, the proposed project would not change transit service (e.g., decrease service, such that capacity may increase). Thus, a transit capacity utilization analysis is not necessary in considering CEQA impacts. However, transit travel time may change due to project-related traffic congestion delay. As traffic congestion increases in the area, traffic delays could result in delays to transit while traveling along the transit route corridor if the transit vehicles share right-of-way with other vehicles (i.e., mixed-flow lanes).

The proposed project would include roadway modifications along eastbound 13th Street, between South Van Ness Avenue and Bryant Street, where no existing Muni bus routes operate. However, there are nearby bus routes (12-Folsom, 27-Bryant, 9-San Bruno) which operate along the intersecting streets of Folsom Street, Bryant Street, and Division Street. The proposed modifications along the 13th Street eastbound roadway would not affect existing bus stops for the abovementioned bus routes. While there are existing bus stops for Muni bus routes 12 (Folsom), 27 (Bryant), and 9 (San Bruno) within the project vicinity, the proposed project would not remove (or relocate) any existing bus stops for these bus routes.

The impact on transit travel times was assessed by comparing projected project effects on vehicle capacity along roadway segments where private vehicles and transit operate in mixed-flow travel lanes. The

² SFMTA Memorandum to Planning Department – 13th Street Eastbound Bicycle Facility Project, February 17, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2017-001180ENV.

analysis was based on quantitative estimates of average vehicle capacity at intersections within the study area where the highest estimated number of vehicles were observed during the PM Peak hour. This approach was used to assess whether the proposed project could substantially reduce capacity and thereby affect transit vehicles traveling through the study area.

Using Highway Capacity Manual assumptions, eastbound 13th Street has an estimated capacity of 1,900 vehicles per hour per lane. The existing eastbound 13th Street roadway, between South Van Ness Avenue and Bryant Street, consists of three travel lanes which was estimated to have vehicle capacity in one direction with 5,700 vehicles per hour. SFMTA analyzed the most recent traffic counts available for intersections within the project limits, as shown in Table 1 below.

Table 1 – Traffic Volumes (PM Peak)

Intersection	Traffic Control	Traffic Volumes (EB Direction)		
		Existing	Traffic Volume Growth	Cumulative 2040
13th and Folsom (2015)	Signal	705 vehicles	+ 106 vehicles	811 vehicles
13th and Harrison (2015)	Signal	670 vehicles	+ 101 vehicles	771 vehicles
11th/13th/Bryant/Division (2015)	Signal	1,012 vehicles	+ 152 vehicles	1,164 vehicles

Notes: - Existing Roadway Capacity = 5,700 vehicles per hour; Proposed Roadway Capacity = 3,800 vph

- Traffic volume growth was derived using a 15% average growth rate over a 20-year period of traffic in the area

Source: SFMTA - 13th Street Traffic Count Data, Andrea Contreras (SFMTA) to Christopher Espiritu (SF Planning), February 2017

With implementation of the proposed project, roadway capacity in the eastbound direction would be reduced to approximately 3,800 vehicles per hour. As observed by SFMTA on April 2016, the existing traffic volumes on each project intersection of 13th/Folsom (705 vehicles), 13th/Harrison (670 vehicles), and 13th/Bryant Streets (1,012 vehicles) traveling within the project limits would be accommodated by the roadway capacity (3,800 vehicles per hour) under the proposed roadway configuration.

In order to assess cumulative effects of the proposed project, SFMTA staff used the average growth in the study area’s traffic volumes to ascertain the projected growth in vehicle traffic volumes. This growth was found to be approximately 15 percent. Staff then applied a 15 percent increase to all intersection-level directional vehicle volumes in the Existing Conditions to generate the 2040 Baseline Conditions traffic volumes.

As shown in Table 1 above, cumulative traffic volumes on each project intersection of 13th/Folsom (811 vehicles), 13th/Harrison (771 vehicles), and 13th/Bryant Streets (1,164 vehicles) traveling eastbound within the project limits would continue to be accommodated within the eastbound 13th Street roadway. The proposed roadway capacity of 1,900 vehicles per hour per eastbound lane (3,800 vehicles for two travel lanes) after implementation of the project would continue to provide adequate vehicle capacity on 13th Street in the future.

Given the capacity of the proposed eastbound roadway reconfiguration, it is not anticipated that vehicle trips would substantially divert to nearby streets that could substantially affect transit travel times on intersecting streets such as Folsom, Harrison, and Bryant streets. Thus, the proposed project would not substantially impede transit operations on intersecting streets where transit service operates. Therefore, given that the proposed project would not substantially affect transit operations, the transit impacts associated with the implementation of the project would be less than significant.

Pedestrian Impacts

The proposed project is not anticipated to induce growth that would generate new pedestrian trips. Therefore, the proposed project would not result in substantial overcrowding on nearby public sidewalks. In addition, the proposed project would not include sidewalk narrowing, roadway widening, or other conditions that could create potentially hazardous conditions or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

13th Street is identified as a High Injury Corridor for vehicles and bicycles only. In addition, intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street were also identified as a High Injury Corridor for vehicles and cyclists. The proposed project would not include any narrowing of existing sidewalks or other components that could negatively affect pedestrian circulation within the project area. Therefore, the proposed project would result in a less-than-significant impact to pedestrians.

Bicycle Impacts

The proposed project includes the installation of a new Class II and Class IV bicycle lane on 13th Street, between South Van Ness Avenue and Bryant Street. The proposed project would not generate new bicycle trips, but would continue to accommodate bicyclists traveling along nearby bicycle facilities (South Van Ness Avenue, Folsom Street, and Harrison Street). The proposed bicycle facility would create a new bicycle connection to other nearby bicycle facilities, including north-south bicycle facilities located on Folsom Street and Harrison Street and other east-west bicycle facilities on 11th Street and Division Street.

The proposed project would generally enhance cycling conditions along the eastbound 13th Street corridor. Provision of a new Class II and Class IV bicycle lane within the project limits would increase bicyclists' visibility. The dedicated 6-foot-wide bicycle lane, painted buffers and a physical separation from adjacent travel lanes, would reduce the potential for injury to bicyclists due to "dooring" (i.e., when a vehicle driver or passenger opens a door in the path of an oncoming bicyclist, causing a collision). Further, implementation of the proposed project would enhance bicycle circulation and safety within the project area, and improve connectivity with other east-west and north-south bicycle facilities. Thus, for these reasons, the impact of the proposed project on bicycle facilities and circulation would be less than significant.

Emergency Vehicle Access Impacts

In general, implementation of the proposed project would not hinder or preclude emergency vehicle access. Between South Van Ness Avenue and Bryant Street, two 10-foot-wide, mixed-flow travel lanes would be retained on eastbound 13th Street. Although this would not be considered a significant impact, the new Class II and Class IV bicycle lane on 13th Street would not include any raised separation that would restrict vehicles from accessing these lanes in the event of an emergency. The design of proposed project improvements, including the new bicycle lane would be reviewed by SFMTA's Transportation Advisory Staff Committee (TASC)³ prior to SFMTA approval and implementation. The Transportation Advisory Staff Committee will provide a recommendation for approval regarding the proposed project, which will include a review of applicable standards, including emergency vehicle access.

SFMTA staff conducted a field survey to collect the location of emergency assets (i.e., fire alarm box, low-pressure fire hydrant, high-pressure fire hydrant, stand pipe, valves). The proposed project would not include closures or modifications to any existing streets or entrances to nearby buildings. Therefore, the proposed project would not create conditions resulting in inadequate emergency vehicle access.

Overall, with implementation of the proposed project, adequate street widths, clearance, and capacity for emergency vehicle access would be maintained, and therefore, the proposed project's impact on emergency vehicle access would be less than significant.

Loading

As observed by SFMTA, there are no existing loading zones located along 13th Street. Further, the proposed project would not eliminate any existing loading zones located on intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street.

Further, the proposed project would not create additional demand for loading. Given that the number of existing loading zones would not be reduced, the proposed project would not result in significant loading impacts.

AIR QUALITY**Criteria Air Pollutants**

The proposed project would not generate any new vehicle trips in the project area. However, the proposed project would result in physical roadway changes along the extent of 13th Street, between South Van Ness Avenue and Bryant Street, where the reduction in roadway capacity and the reconfiguration of lane geometries would potentially alter travel patterns in and around the project area. As stated above, the proposed project would not generate additional vehicles trips, but reducing roadway capacity may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or

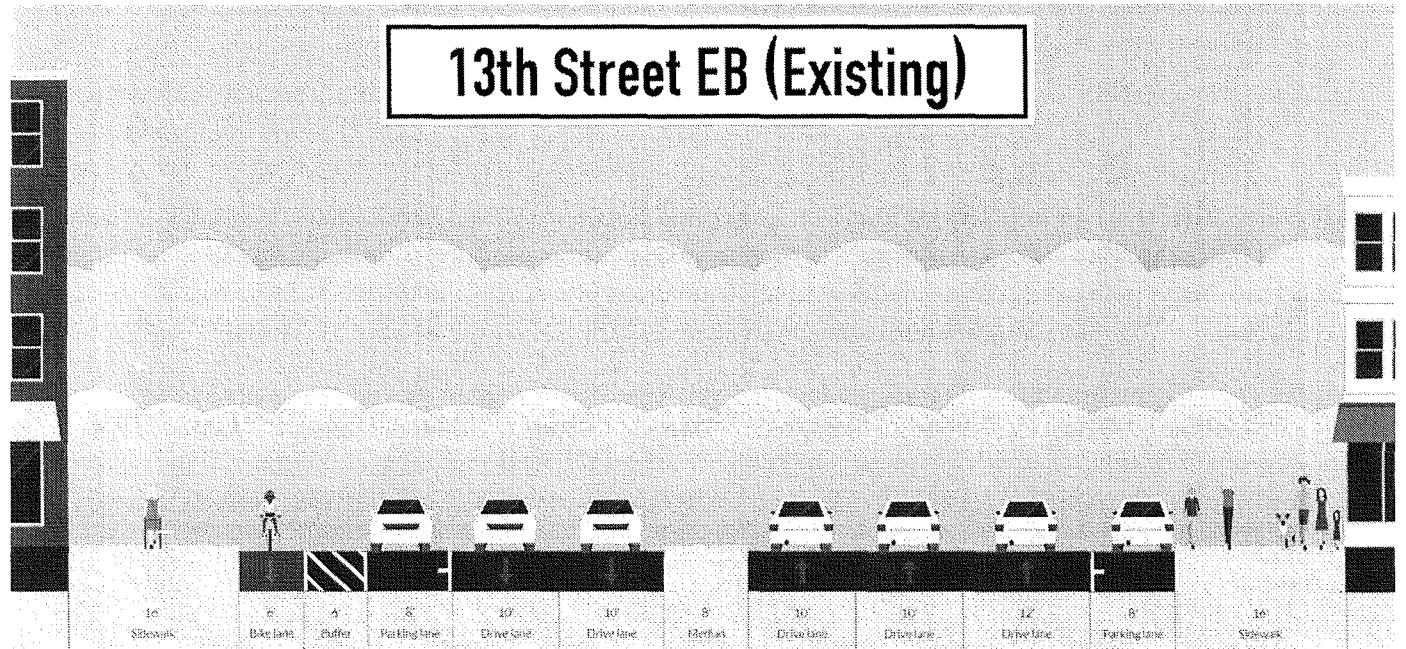
³ SFMTA's Transportation Advisory Staff Committee is an interdepartmental committee that includes representatives from Public Works, SFMTA, the Police Department, the Fire Department, and the Planning Department.

ozone precursors would occur in those locations. These increases are likely to be minor because drivers would be expected to modify their travel routes, or in some cases change their travel modes. Any changes in travel mode to buses, bicycles, and/or walking would reduce vehicle-generated emissions that would otherwise occur. Furthermore, changes in criteria air pollutant and ozone precursor emissions are evaluated on an average daily and maximum annual basis. The proposed project would not generate new vehicle trips, would not divert a substantial number of trips to alternate corridors, and would increase delay at some intersections, thus the air quality impact related to vehicle delay at intersections would be relatively minor. Therefore, impacts would be less than significant.

Overall, the proposed project would not result in significant impacts related to any environmental topics.

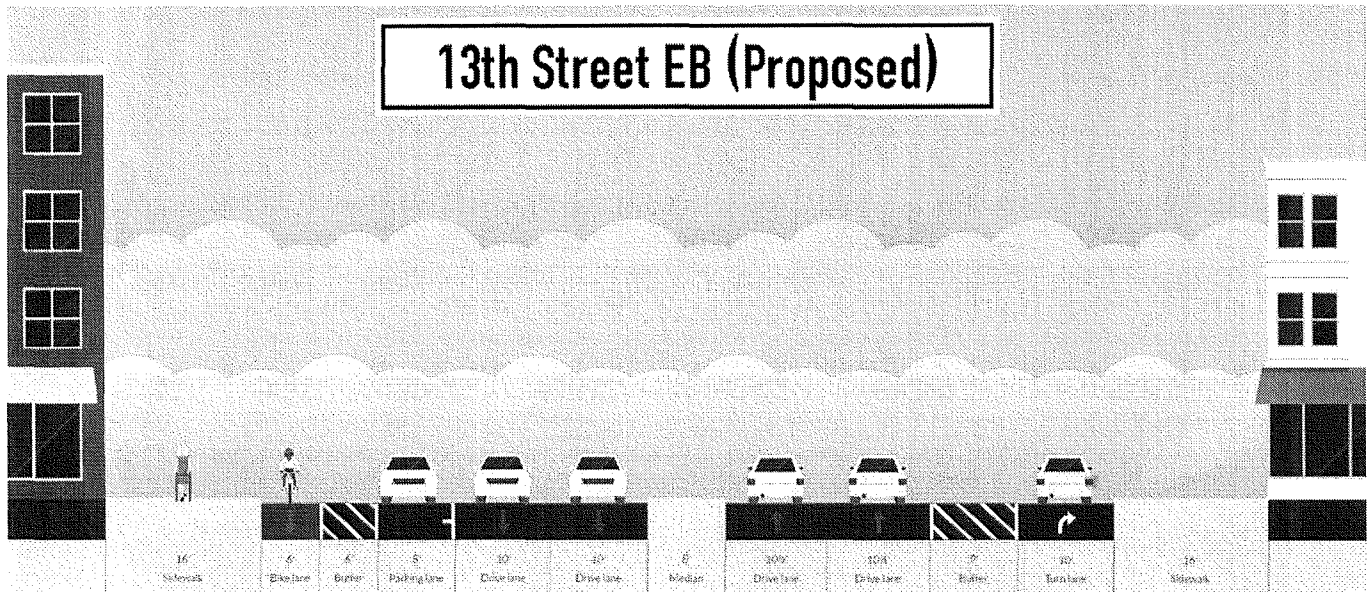
Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

Figure 1 – Existing Cross-Sections
13th Street EB Bicycle Facility Project



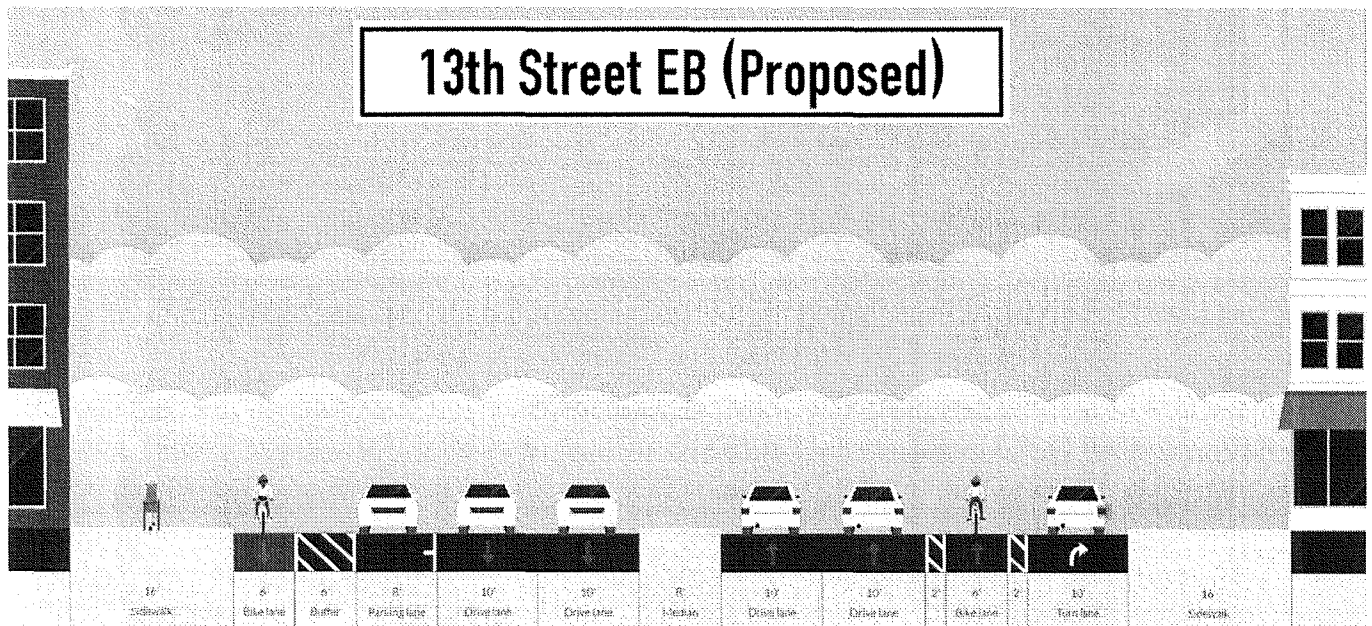
13th Street – Existing Conditions (Mid-block)
(Between South Van Ness Avenue and Bryant Street)

Figure 2 – Proposed Cross-Sections
 13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Mid-block)
 (Between South Van Ness Avenue and Folsom Street)

Not to Scale

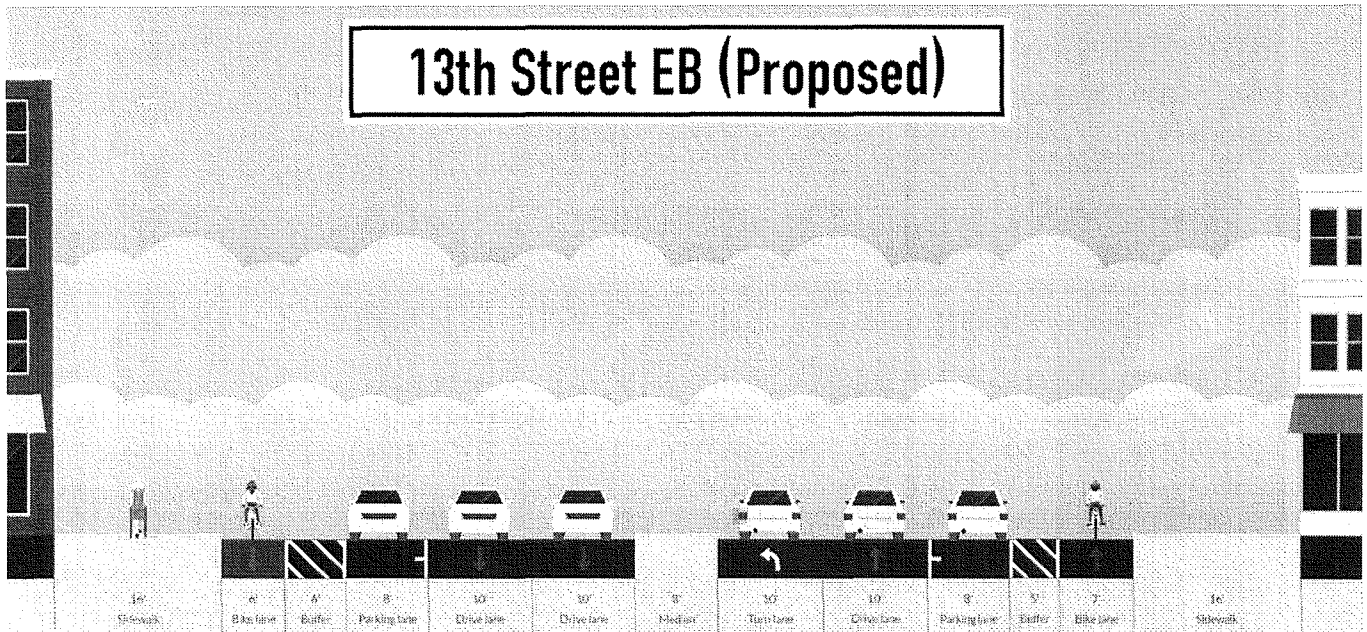


13th Street – Proposed Conditions (Mid-block)
 (Between Folsom Street and Harrison Street)

Source: SFMTA – StreetMix, 2017

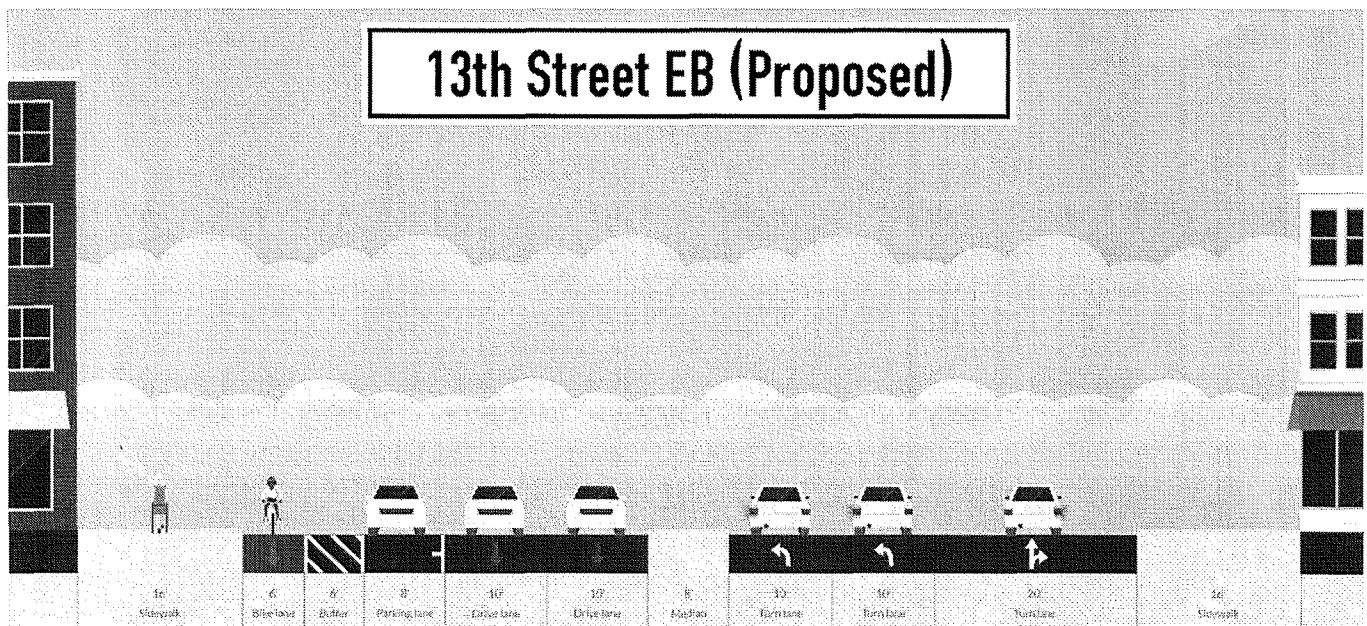
Not to Scale

Figure 3 – Proposed Cross-Sections
 13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Phase I)
 (Between Harrison Street to Bryant Street)

Not to Scale



13th Street – Proposed Conditions (Phase II)
 (Between Harrison Street and Bryant Street)

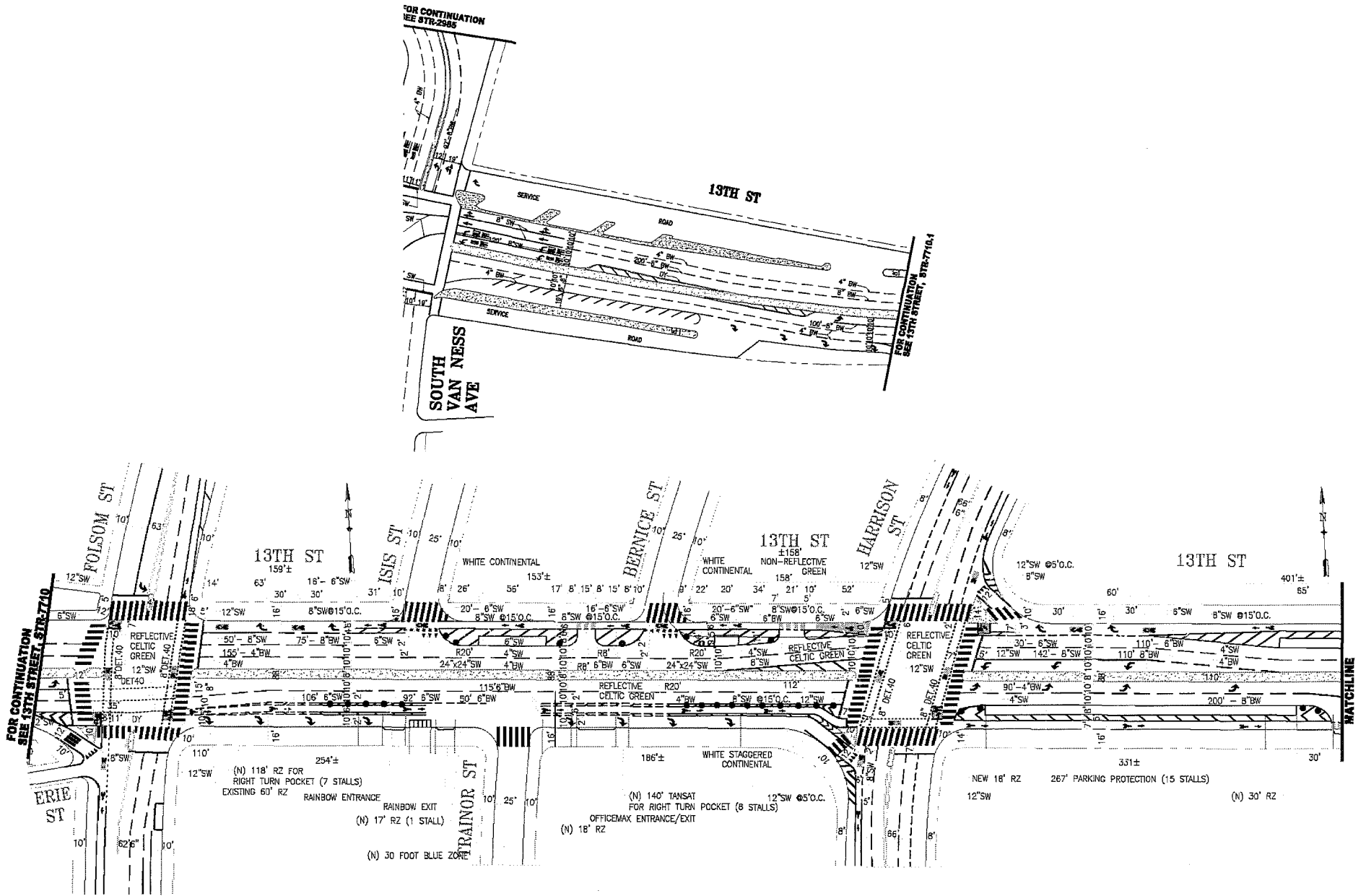
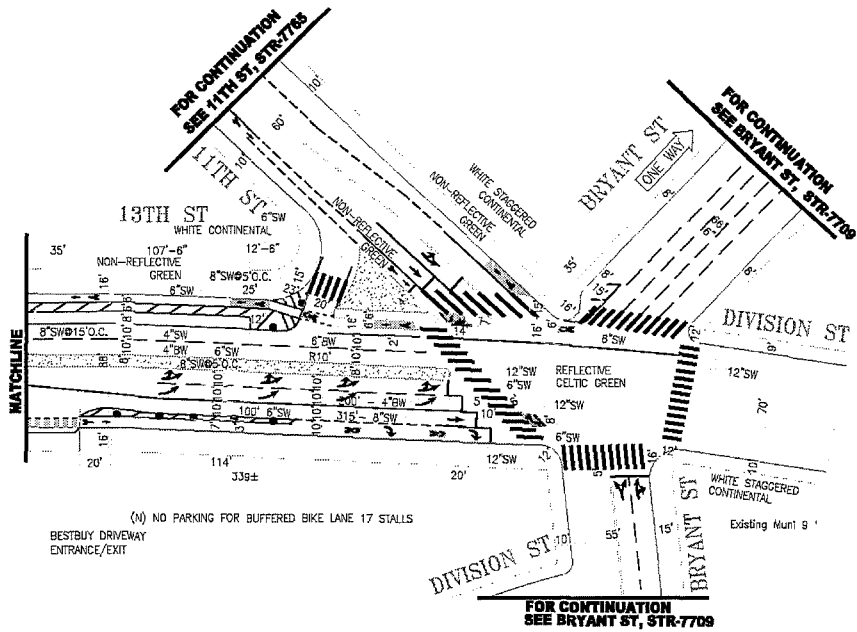


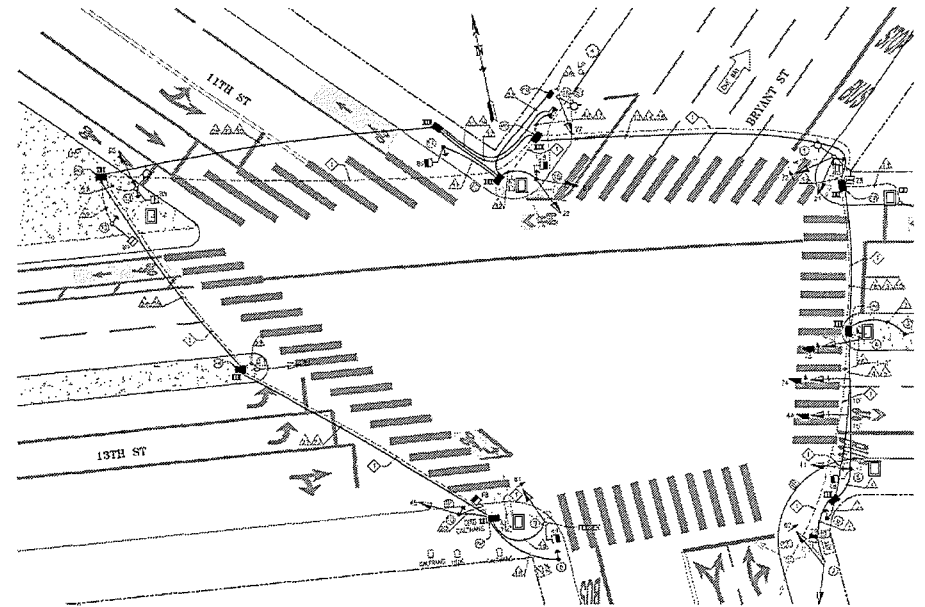
Figure 4A – 13th Street EB Bicycle Facility - Striping Plan
 (Between South Van Ness Avenue and Harrison Street)

Source: SFMTA, 2017

Not to Scale



Phase I - 13th Street Configuration
(Between Harrison Street and Bryant Street Only)





Phase II - 13th Street Configuration
(Between Harrison Street and Bryant Street Only)

Figure 4B – 13th Street EB Bicycle Facility - Striping Plan

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 MAY 18 PM 2:19

BY BJ

MARY ANN MILES 364 PAGE ST APT 36 SAN FRANCISCO, CA 94102-5624		2723 11-4288/1210 4958 6112301475
		5/18/17 DATE
PAY TO THE ORDER OF	<u>San Francisco Planning Department</u>	\$ 578.00
	<u>Five hundred seventy-eight and 00/100</u>	DOLLARS
 Wells Fargo Bank, N.A. California wellsfargo.com		 Photo Safe Deposit Details on back
FOR	<u>APPEAL TO BOS 13TH STREET PROJECT</u>	<u>MCM</u> MP
		02723

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Mary Miles, Attorney at Law, for Coalition for Adequate Review		TELEPHONE: (415) 863-2310
APPLICANT ADDRESS: 364 Page St., #36 San Francisco, CA 94102		EMAIL: page364@earthlink.net
NEIGHBORHOOD ORGANIZATION NAME: Coalition for Adequate Review		TELEPHONE: () PLEASE SEE ABOVE
NEIGHBORHOOD ORGANIZATION ADDRESS: PLEASE SEE ABOVE		EMAIL:
PROJECT ADDRESS: 13th STREET, SAN FRANCISCO, CA		
PLANNING CASE NO.: 2017-001180ENV	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 4/18/17

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



**SAN FRANCISCO
PLANNING
DEPARTMENT**

**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

FROM:
Rob Anderson, Director
Coalition for Adequate Review

TO:
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: Application for Board of Supervisors Appeal Fee Waiver
Appeal of 13th Street Project, Planning Department No. 2017-001180ENV

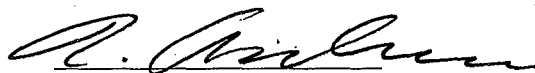
DATE: May 18, 2017

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the Appeal of the 13th Street Project noted above to the Board of Supervisors.

Coalition for Adequate Review requests a fee waiver for filing this Appeal to the Board of Supervisors, and attaches a copy of the Application for Board of Supervisors Appeal Fee Waiver form.

Coalition for Adequate Review has existed for more than 24 months and is on the Planning Department's list of neighborhood organizations. Coalition for Adequate Review uses San Francisco streets, including 13th Street, and is affected by the impacts of the proposed Project that is the subject of this appeal.

Therefore, Coalition for Adequate Review respectfully asks that the Planning Department grant the attached Application for Board of Supervisors Appeal Fee Waiver. Thank you.


Rob Anderson