

1 [Conditionally Reversing the Categorical Exemption Determination - Proposed San Francisco  
2 Municipal Transportation Agency - Upper Market Street Safety Project]

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3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **San Francisco Municipal Transportation Agency’s proposed Upper Market Street**  
5 **Safety Project is categorically exempt from further environmental review, subject to the**  
6 **adoption of written findings of the Board in support of this determination.**

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8 On February 3, 2017, the Planning Department determined that the proposed San  
9 Francisco Municipal Transportation Agency Project located on Market Street between Castro  
10 Street and Octavia Boulevard (“Project”) is exempt from environmental review under the  
11 California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco  
12 Administrative Code, Chapter 31; and

13 WHEREAS, The proposed Project involves new curb extensions at several locations  
14 and related transit island and pedestrian refuge improvements, as well as parking-protected  
15 (Class IV) bike lanes on Market Street, and changes to traffic circulation, construction of ADA-  
16 compliant curb ramps, possible relocation of catch basins and manholes, and possible  
17 replacement of pull boxes, all within the existing public right-of way; and

18 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on June  
19 1, 2017, David Pilpel (Appellant), appealed the exemption determination; and

20 WHEREAS, Appellant provided a copy of the Planning Department’s Categorical  
21 Exemption Determination, signed February 3, 2017, which found that the proposed Project  
22 was exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301), which  
23 provides an exemption for minor alterations to existing facilities (specifically, to “[e]xisting  
24 highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities,”  
25 Section 15301(c)); and

1           WHEREAS, The San Francisco Municipal Transportation Agency, by Resolution No.  
2 170502-059, approved the proposed Project on May 2, 2017; and

3           WHEREAS, The Planning Department's Environmental Review Officer, by  
4 memorandum to the Clerk of the Board dated June 7, 2017, determined that the appeal was  
5 timely; and

6           WHEREAS, On July 11, 2017, this Board held a duly noticed public hearing to consider  
7 the appeal of the exemption determination filed by Appellant and, following the public hearing,  
8 conditionally reversed the exemption determination subject to the adoption of written findings  
9 in support of such determination; and

10          WHEREAS, In reviewing the appeal of the exemption determination, this Board  
11 reviewed and considered the exemption determination, the appeal letter, the responses to the  
12 appeal documents that the Planning Department prepared, the other written records before  
13 the Board of Supervisors and all of the public testimony made in support of and opposed to  
14 the exemption determination appeal; and

15          WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
16 conditionally reversed the exemption determination subject to the adoption of written findings  
17 of the Board in support of such determination based on the written record before the Board of  
18 Supervisors as well as all of the testimony at the public hearing in support of and opposed to  
19 the appeal; and

20          WHEREAS, The written record and oral testimony in support of and opposed to the  
21 appeal and deliberation of the oral and written testimony at the public hearing before the  
22 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
23 the exemption determination is in the Clerk of the Board of Supervisors File No. 170718, and  
24 is incorporated in this motion as though set forth in its entirety; now, therefore, be it  
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1            MOVED, That this Board of Supervisors conditionally reverses the determination by the  
2 Planning Department that the project is exempt from environmental review, subject to the  
3 adoption of written findings of the Board in support of this determination.

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