

1 [Conditionally Reversing the Categorical Exemption Determination - Proposed San Francisco
2 Municipal Transportation Agency - 13th Street Eastbound Bicycle Facility Project]

3 **Motion conditionally reversing the determination by the Planning Department that the**
4 **San Francisco Municipal Transportation Agency’s proposed 13th Street Eastbound**
5 **Bicycle Facility Project is categorically exempt from further environmental review,**
6 **subject to the adoption of written findings of the Board in support of this**
7 **determination.**

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9 On April 10, 2017, the Planning Department determined that the proposed San
10 Francisco Municipal Transportation Agency Project located on eastbound 13th Street between
11 South Van Ness Avenue and Bryant Street (“Project”) is exempt from environmental review
12 under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San
13 Francisco Administrative Code, Chapter 31; and

14 WHEREAS, The proposed Project involves the removal of one travel lane along
15 eastbound 13th Street to accommodate a new bicycle lane, relocation and removal of existing
16 on-street parking, restriping portions of the street, changing curb colors, installing signage,
17 and installing painted bicycle boxes at the intersections of Folsom Street/13th Street, Harrison
18 Street/13th Street and Bryant Street/13th Street; and

19 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on May
20 18, 2017, Mary Miles, on behalf of the Coalition for Adequate Review, (Appellant), appealed
21 the exemption determination; and

22 WHEREAS, Appellant provided a copy of the Planning Department’s Categorical
23 Exemption Determination, signed April 10, 2017, which found that the proposed Project was
24 exempt under Classes 1 and 4 of the CEQA Guidelines (14 Cal. Code Reg. Sections 15301
25 and 15304), which provide exemptions for minor alterations to existing facilities (specifically,

1 to “[e]xisting highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and
2 similar facilities,” Section 15301(c)) and minor alterations to land (specifically for “creation of
3 bicycle lanes on existing rights-of-way,” Section 15304(h)) ; and

4 WHEREAS, The San Francisco Municipal Transportation Agency, by Resolution No.
5 170418-050, approved the proposed Project on April 18, 2017; and

6 WHEREAS, The Planning Department’s Environmental Review Officer, by
7 memorandum to the Clerk of the Board dated May 24, 2017, determined that the appeal was
8 timely; and

9 WHEREAS, On June 27, 2017, this Board held a duly noticed public hearing to
10 consider the appeal of the exemption determination filed by Appellant and, following the public
11 hearing, conditionally reversed the exemption determination subject to the adoption of written
12 findings in support of such determination; and

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

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

23 WHEREAS, The written record and oral testimony in support of and opposed to the
24 appeal and deliberation of the oral and written testimony at the public hearing before the
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the exemption determination is in the Clerk of the Board of Supervisors File No. 170638, and
2 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

3 MOVED, That this Board of Supervisors conditionally reverses the determination by the
4 Planning Department that the project is exempt from environmental review, subject to the
5 adoption of written findings of the Board in support of this determination.

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