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CODE, SECTION 31.16(b)(5)
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65009(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)

TO:
Angela Calvillo, Clerk, and
San Francisco Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

DATE: June 23, 2017

RE: BOS File No. 170638

**APPELLANT'S REBUTTAL BRIEF IN SUPPORT OF APPEAL TO BOARD OF
SUPERVISORS OF CATEGORICAL EXEMPTION, APPROVAL, AND
IMPLEMENTATION OF "EASTBOUND 13TH STREET BICYCLE FACILITY
PROJECT"**

INTRODUCTION

Appellant hereby submits this Rebuttal to the June 19, 2017 San Francisco ("City") "Planning Department Response to the Appeal of Categorical Exemption for the SFMTA - 13th Street Eastbound Bicycle Facility Project" ("Planning's Response"). Please distribute a copy of this Rebuttal to every Supervisor and place a copy in all applicable Project files.

Planning's Response evades the impacts of the Project by misstating the facts, the law under CEQA, and Appellant's argument, and fails to carry its burden show that the Project is categorically exempt from the requirements of CEQA.

Planning's Response also evades the fact that MTA illegally implemented the Project, in plain violation of CEQA, before the public had an opportunity to appeal its determination and MTA's approval to this Board. (Pub. Res. Code [PRC"] §21151(c); San Francisco Administrative Code §§31.16(b)(3) [other departments "shall not carry out...the project" until the "CEQA decision is affirmed by the Board [of Supervisors];" 31.16(b)(5) [the public may submit materials to the Board of Supervisors prior to scheduled hearing on an appeal]; and 31.16(e) ["The date the project shall be considered finally approved shall occur no earlier than either the expiration date of the appeal period if no appeal is filed, or the date the Board affirms the CEQA decision, if the CEQA decision is appealed."].)

REBUTTAL ARGUMENT

**I. CITY'S FALSE STATEMENTS DO NOT SUPPORT ITS CLAIM THAT THE
PROJECT IS CATEGORICALLY EXEMPT UNDER CEQA**

Planning's Response relies on factual misstatements and misrepresentations of Appellant's positions, including the following examples.

A. Planning persists With Its Falsehood That The Project Removes Only One Eastbound Traffic Lane, When In Fact City's Own Documents Show That The Project Removes Two Of Three Eastbound Lanes On 13th Street

Contrary to the falsehoods in Planning's Response (*e.g.*, pp. 2, 6, 7), the Project clearly will remove *two* traffic lanes, not one, by eliminating two through lanes on 13th Street from Harrison to Bryant Street, and installing two forced left turn lanes at the 13th / Bryant Street intersection. (Appellant's Brief in Support of Appeal, June 16, 2017 ["Appellant's Brief"], Ex. A [Exemption], p. 3 and "Figure 3 at p.10".) Forced left turn lanes are not through traffic lanes.

It is well-established and common sense that where traffic lanes are eliminated, the resulting queuing of traffic will cause delays at other intersections. Thus, City's "road diet" that removes two traffic lanes on eastbound 13th Street will cause traffic backups, congestion, and queuing throughout and beyond the Project area, including intersections at 13th and South Van Ness Avenue and other major intersections where thousands of vehicles seek freeway access, major shopping areas, downtown, the ballpark, and elsewhere.

Planning's Response (p. 6) disingenuously admits that "between Harrison and Bryant streets, or for approximately one-third of the area covered by the project, the project *would* remove *two eastbound travel lanes*." (Planning's Response, p. 7, emphasis added.) But Planning then contradicts that plain fact, falsely claiming that a forced left-turn lane would equal a through traffic lane. Planning's Response completely ignores the impacts of removing nearly all of the parking on 13th Street, which will also cause traffic circling and diversion to find parking.

Elsewhere, City simply lies, claiming that the Project reduces traffic capacity on 13th Street by only "one travel lane." (Planning's Response, pp. 2, 6, 7.) City claims that Appellant "misunderstands the project" (Planning's Response, p. 6.) However, *City's own description and diagrams of the Project clearly show that it removes two traffic lanes, not "one."* (Appellant's Brief, Ex. A [Exemption], p. 3 and Figure 3 at p. 10.) Bottlenecking traffic on this heavily traveled corridor will obviously cause direct, indirect, and cumulative impacts throughout the Project area.

B. Planning's Existing Conditions Data, Including Traffic Volumes, Are Unsupported And Conflict With MTA's Traffic Data, Or Are Entirely Absent

Planning's Response notes that the traffic volumes allegedly measured in 2015 at just three intersections were instead counted in 2016, but were misstated in its exemption document due to a clerical error. (Planning's Response, p.6, fn.1.)

City now advances its unsupported claims on traffic volumes that vary significantly from MTA's previous traffic volume counts, and it again fails to provide the dates, times, sites, and who conducted the traffic counts, or to describe the methodology used.¹

¹ Two Immediate Disclosure Requests, on April 26 and June 20, 2017, were made for Planning's supporting data including its alleged traffic counts. Both were effectively denied, with Planning failing to provide the alleged counts. (Ex. F, attached hereto.)

In short, Planning's Response provides *no* substantial evidence to support its claim on traffic volumes at three intersections that it allegedly measured. Further, the Project area includes the major intersection of 13th Street and South Van Ness Avenue, which is omitted from Planning's alleged traffic volume counts.

C. Contrary To Planning's Response, Its Exemption Document Admits That The Project May Have Significant Impacts

Planning's Exemption document plainly states that the Project will have significant impacts, since that document admits that reducing roadway capacity "may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or ozone precursors in those locations." (Appellant's Brief, Ex. A, p. 7-8.) As already stated, where City's own documents admit a project's potential significant impacts, the Project cannot be categorically exempt. (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* ["Azusa"] (1997) 52 Cal.App.4th 1165, 1199.)

D. City Failed To Provide Notice Or Information On Its Environmental Determination

Contrary to Planning's Response (pp.4-5), City's March 17, 2017 alleged public hearing before MTA's Sustainable Streets Division included no information or discussion of its exemption determination. In fact, Planning's exemption determination was not made until April 10, 2017, and was not publicly available online at that time.

MTA then illegally issued a work order to implement the Project on April 11, 2017, before its scheduled approval hearing on April 18, 2017. (Appellant's Brief, Ex. D.) MTA posted an agenda for the April 18, 2017 hearing, but its staff report did not include the Planning Department's exemption or any documents supporting it. Neither the exemption document nor MTA's staff memo to Planning were available on Planning's website before the April 18, 2017 hearing and had to be obtained through an Immediate Disclosure Request under City's Sunshine Ordinance. Requested records supporting the exemption determination were not produced after two Immediate Disclosure Requests. (See fn. 1.) The public was therefore denied the opportunity for informed participation in MTA's approval process, violating CEQA's basic requirement.

The MTA Board ignored Appellant's comment letter submitted before the April 18, 2017 hearing, and it also failed to include environmental review of the Project as one of the subjects of its hearing as required by CEQA Guidelines section 15202(b).

II. CITY ADMITS THAT THE PROJECT WILL HAVE SIGNIFICANT DIRECT IMPACTS, AND IT WILL ALSO HAVE INDIRECT AND CUMULATIVE IMPACTS

A. City's Admission That The Project Will Have Significant Impacts Preclude And Negate Its Categorical Exemption

City admits that the congestion caused by the Project will have significant impacts on air quality. (Appellant's Brief, Ex. A, p. 7-8.) City may not determine the Project exempt with that admission. (*Azusa, supra*, 52 Cal.App.4th at p.1199.)

B. City May Not Lawfully Remove Traffic Impacts From Its Impacts Analyses Under CEQA; Planning Commission Resolution 19579 Is Preempted, Illegal, and Void on its Face

Planning's Response declares that "the department does not use automobile delay as a consideration in assessing impacts on the environment pursuant to CEQA," and that such

analysis is "outdated and incorrect." (Planning's Response, p.8.) Planning claims that City's Planning Commission adopted Resolution 19579 to "not use automobile delay as a consideration" in assessing such impacts. (*Id.* at p.7.)

City's claim and Planning Commission Resolution 19579 are invalid on their face, since they are contrary to CEQA's requirement to analyze and mitigate all impacts on the environment, including those on traffic, congestion, and parking. Resolution 19579 is preempted and conflicts with PRC §21099, which provides that the state Office of Planning and Research ("OPR") is "to prepare proposed revisions" to existing CEQA Guidelines and submit them to the state for certification and adoption. (PRC §21099.) **In fact, OPR has *not* certified or adopted revised CEQA Guidelines.** Moreover, even if certified and adopted, such Guidelines would only apply prospectively, meaning *after* such revisions were certified and adopted. (Guidelines §15007; PRC §21099(b)(2).)

Even if such Guidelines revisions are certified and adopted by OPR, that would not remove City's burden to comply with CEQA's requirement to analyze and mitigate transportation impacts. PRC section 21099(b) states that upon certification and adoption of Guidelines revisions, "automobile delay, as described *solely* by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment." (PRC §21099(b) [emphasis added].) Thus, PRC §21099 explicitly *does* require that automobile delay must be considered as an impact but not as *solely* measured by level of service. Rather, the state may create additional and other criteria for *measuring* automobile delay as a significant transportation impact. (PRC §21099(b)(2).)

Nothing in PRC section 21099, or elsewhere in CEQA, authorizes either the state or the City and County of San Francisco to claim that automobile delay is not a significant impact. In fact, PRC section 21099 makes clear that, "The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, *or any other impact* associated with transportation." (PRC §21099(b)(3) [emphasis added].) PRC section 21099 explicitly states that it "does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, *or any other impact* associated with transportation." (*Id.*)

City's mistaken claim that it need not analyze automobile delay as a transportation impact violates CEQA, and Resolution 19579, claimed as authority for doing so, is preempted, void, and in conflict with state law.

C. City's Defective Baseline Corrupts The Impacts Determination

Planning's Response provides no substantiation for its claimed measurement of traffic volumes at three intersections affected by the Project. Further, those intersections fail to include the major intersection of 13th Street and South Van Ness Avenue. As noted, Planning's Response has provided no substantiation for its alleged traffic counts. The baseline existing conditions for determining impacts must be supported by substantial evidence, including accurate data, not City's unsupported claims. (Planning Response, p. 6, fn. 1.) Impacts cannot be accurately assessed without knowing when traffic counts were made, particularly since eastbound corridors like 13th Street experience heavy AM peak hour commuter traffic headed to downtown and the freeway.

Planning's Response (p. 6) falsely claims that in conducting the alleged counts, it complied with City's Transportation Impact Analysis Guidelines ("TIAG"). The TIAG clearly requires substantiated traffic volume measurements and analysis of traffic delay and congestion, which Planning's Response omits and calls "outdated and incorrect." (Planning's Response, p.7.) Planning does not address the marked disparity between its alleged traffic counts in 2015 or 2016, since MTA's previous counts show much heavier traffic on 13th and Mission Streets.

Planning's Response repeats the falsehood that the Project removes only one of three eastbound traffic lanes on 13th Street. (Planning's Response, p. 6.)² That falsehood should negate any approval of Planning's claimed exemption. The Project would *clearly* remove *two* through traffic lanes on 13th Street, not one. (Appellant's Brief, Ex. A, p. 3, and Figure 3 at p. 10.)

Even if Planning's unsubstantiated and contradictory claims were supported, 1,012 "passenger vehicles" would have to merge into one lane during peak hours with this Project. City fails to include trucks, shuttle and other buses, and motorcycles, which would also have to merge into the one remaining lane on 13th Street.

Planning claims that the one remaining through lane (which is shared with a right turn lane) on 13th Street between Harrison and Bryant Streets has a capacity of 1,900 "passenger cars per hour." (Planning's Response, p.7.) However, Planning's dubious claim fails to analyze or acknowledge the backup and queuing that would occur at *other* intersections besides the three where it claims it counted "passenger vehicles" but got the year wrong. (Planning's Response, pp. 6-7; Appellant's Brief, Ex. A, pp. 2-3, 5, and Figures.)³ Planning's alleged traffic count omits the largest intersection in the Project area: 13th and South Van Ness Avenue. The lack of accurate and complete baseline data invalidates City's conclusion of no impacts. (*e.g., Poet, LLC. v. State Air Resources Bd.* (2017) 10 Cal.App.5th 764,797 [agency's failure to justify use of correct baseline is an abuse of discretion and invalidates the impacts analysis].)

D. City Violates CEQA By Continuing To Omit Cumulative Impacts Analysis

Planning's speculation that traffic will increase by only 150 cars in 2040 is unsupported and absurd on its face. Common sense and the City's population and vehicle growth, including "ride-sharing," lead to a contrary conclusion.

City's formulaic computer exercise to reach that 150-car growth in 2040 figure was based on applying an unsubstantiated "projected growth in vehicle traffic volumes" of 15% to Planning's alleged traffic counts to conclude that "the project would not result in a substantial reduction in available roadway capacity along eastbound 13th Street such that it would lead to a substantial

² Planning's Response admits that "between Harrison and Bryant streets, or for approximately one-third of the area covered by the project, the project would remove two eastbound travel lanes," but disingenuously claims that "two travel lanes would still exist, one of which would be a dedicated left turn lane," and that "Phase II of the project would add a second left turn lane, which would create a total of three eastbound travel lanes on 13th Street, the same as existing conditions." (Planning's Response, p. 6.) In fact, as plainly evident from City's own documents, the Project will remove two through traffic lanes on 13th Street between Harrison and Bryant Streets, leaving only *one through traffic lane*. (Appellant's Brief, Ex. A [Exemption], p. 3, and Figure 3 at p. 10.)

³ City claims that "SFMTA provided the department with traffic counts collected for three intersections within the project limits: 13th and Folsom streets, 13th and Harrison streets, and 11th, 13th, Bryant, and Division streets...during the p.m. peak hour." (Planning Response, p.6.) However, City's Project also includes the major intersection of 13th Street and South Van Ness Avenue. (Appellant's Brief, Ex. A.)

vehicular diversion to other nearby streets in the vicinity, which in turn could substantially affect cumulative *transit* travel time." (Planning's Response, p. 8 [emphasis added].) However, transit travel time is irrelevant to Planning's conclusion, since there is no transit service on 13th Street at the three intersections where City reached the dubious 150-more-cars-in-2040 figure. Nor is there any support for Planning's claim that the Project will *not* result in diverting traffic to nearby streets.

MTA's Sustainable Streets Division announced recently that it intends to remove *still more parking* on 13th Street in the eastbound frontage lane between South Van Ness Avenue and Folsom Street, which provides access and parking for several businesses, to install a "Bikeshare station." (Ex. G, attached hereto.) That action would add to the Project's significant reduction of parking in this commercial area, which would have cumulative impacts on traffic, air quality, and parking under CEQA's general definitions as well as the definition in Guidelines §15300.2(b).

The complete absence of substantial evidence or accurate data and analysis in Planning's exemption document, and City's omission of similar past, pending, and future projects in the area invalidates its conclusion of no cumulative impacts on traffic, air quality, GHG, or energy consumption.

City has failed to support a preliminary analysis of the cumulative impacts of the Project on traffic, air quality, GHG, energy consumption, parking, and public safety that had to precede its claim of exemption.

E. City's "Vision Zero" Fiction Is Unsupported And Irrelevant To The CEQA Determination Of Impacts

City claims that its "Vision Zero High Injury Network is based upon empirical data and robust scientific methodology." (Planning's Response, p. 9.) Such data has not been provided with City's Response, and City's position is therefore unsupported. Further, the data provided to this Commenter shows only seven, not 57 as claimed, bicycle collisions on 13th Street from May 31, 2012 to May 31, 2016, of which several were caused by the bicyclists themselves. That data is scientifically insignificant. The exaggeration is certainly "robust," but there is no substantial evidence for City's claims of the "urgency of safety improvements." (Planning's Response, p. 2.)

Further, for the reasons already stated, the "Vision Zero" claims are irrelevant to the required impacts analysis as a matter of law. (Appellant's Brief, pp. 5-6.)

F. City's Claims That the Project Would Not Result In Air Quality, GHG, Energy Consumption, Public Safety (Including Emergency Vehicle Access), And Other Impacts Are False.

City mistakenly implies that the preliminary review for significant impacts required by CEQA *before* an agency declares a project exempt must be supported by substantial evidence presented by the public. (Planning's Response, p. 9.) In fact, the burden is on City, not the public, to support its preliminary review. (*Save Our Big Trees v. City of Santa Cruz* ["*Save Our Big Trees*"] (2015) 241 Cal.App.4th 694, 705.) Indeed, as City admits, the public did not have the opportunity to participate in the preliminary review. (Planning's Response, p. 5.)

Planning admits that "[t]he exemption certificate did not assess greenhouse gas emissions, energy consumption, or noise impacts," in addition to *not* assessing traffic or parking impacts. (Planning's Response, p. 9.) Instead, Planning states, again with *no* supporting evidence, that it

need not evaluate those issues because its staff believed that "such an assessment was unnecessary because ... it was determined that the project would not result in substantial diversion of vehicular travel in the project area and the project's construction activities were minor." (Planning's Response, p. 10.) Contrary to that mistaken claim, City was required to conduct that assessment in a preliminary review to determine whether a categorical exemption applied to the Project. (Guidelines, §§15060, 15061.)

Indeed, City's own exemption document admits that reducing roadway capacity "may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or ozone precursors in those locations." (Appellant's Brief, Ex. A, p. 7-8.) Where City's own documents admit a Project's potential significant impacts, the Project cannot be categorically exempt. (*Azusa, supra*, 52 Cal.App.4th at p. 1199.)

III. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

For the reasons already stated in Appellant's Brief, this Project is not categorically exempt. (Appellant's Brief, pp. 7-10.)

City misstates the law on both of its invoked categorical exemptions. **As admitted by the exemption document, there are no "existing" bicycle lanes on 13th Street.** (Appellant's Brief, Ex. A, p. 4.) For that reason, neither the Guidelines section 15301(c) nor 15304(h) exemptions apply to this Project.

City also fails to support its claimed categorical exemption with substantial evidence in the record of the exemption determination. An agency's claim of categorical exemption will not be upheld without substantial evidence in the agency's record supporting that determination. , (e.g., *Save Our Big Trees, supra*, 241 Cal.App.4th at p. 705.) The burden is on the agency, not Appellant, to support its exemption. (*Id.*) Indeed, as City admits, the public does not participate in that determination. (Planning's Response, p. 4.)

Planning's Response (p.10) claims: "City streets have typically been used for a variety of purposes," and that this claim is supported by City's "Transit First" policy. However, City has failed to show that the Project fits within the Guidelines §15301 "existing facilities" exemption.

Further, as already noted, the Project clearly changes the *use* of 13th Street by removing traffic lanes for all modes of transportation, removing parking, and installing separated bicycle lanes that are *not usable for any mode of transportation except bicycling*. That change of use removes this Project from the scope of the "existing facilities" exemption, as previously shown. (Appellant's Brief, p. 8-9.)

Planning's Response also misstates the scope of the Guidelines section 15304 exemption, which applies only to minor alterations "in the *condition* of land, water, and/or vegetation..." (Guidelines §15304 [emphasis added].) The example at Section 15304(h) includes "[t]he creation of bicycle lanes on existing rights-of-way." However, that example does not apply here, because there are no *existing* bicycle lanes or any existing exclusive bicycle right-of-way on eastbound 13th Street, and the proposed Project does not create a bicycle lane in any "existing" right-of-way. Rather, the project creates a bicycle facility for exclusive use of bicyclists by removing existing street parking and traffic lanes. (e.g., *California Farm Bureau Fed'n. v. California Wildlife Conserv. Bd.* (2006) 143 Cal.App.4th 173, 192 [Project to "improve habitat" where there was no existing habitat was not within section 15304 exemption, and was not a "minor" alteration]; (*Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* (2006)

141 Cal.App.4th 677, 698 [rejecting Class 2 exemption where city failed to show that a proposed "replacement structure...will have substantially the same purpose and capacity as the replaced structure"].)

The Project is not a "*minor* alteration" but is a major alteration affecting at least 1,012 vehicles per hour at just one intersection, with significant impacts on traffic, air quality, GHG, energy consumption, parking, and public safety, including emergency vehicle access.

On top of the Project's removal of nearly all street parking on 13th Street, MTA's Sustainable Streets Division plans to remove *still more parking* on 13th Street in the eastbound frontage lane serving several businesses on 13th Street near Folsom Street to install a private "Bikeshare station." (Ex. G.) Those spaces and that frontage area are used to access businesses there. MTA's proposed expansion of use by bicycles invalidates the categorical exemption. The successive reduction of parking will also have significant cumulative impacts on parking, traffic, and air quality, triggering the section 15300.2 cumulative impacts exception to any categorical exemption.


IV. IMPLEMENTING THE PROJECT WITHOUT ADEQUATE PUBLIC REVIEW IS ITSELF AN ABUSE OF DISCRETION

CEQA's most fundamental mandate to allow the public meaningful voice and informed participation in environmental review has been violated by MTA's illegal implementation of the Project without allowing the public the opportunity to appeal its action to this Board. This Board should not condone or encourage such illegal action and instead should require MTA to remove its changes to 13th Street, both to comply with the law and to prevent its further violation by MTA.

CONCLUSION

The proposed 13th Street Project may have significant impacts on the environment, and it is not exempt from CEQA. This Board should grant this Appeal, set aside the Planning Department's April 10, 2017 Categorical Exemption and the MTA Board's April 18, 2017 Project approval, and order the MTA to immediately remove all physical changes and restore 13th Street and the surrounding area to the way they were before MTA's illegal implementation of the Project, pending environmental review in compliance with CEQA.

DATED: June 23, 2017



Mary Miles

EXHIBIT F

Mary Miles

From: CPC-RecordRequest <CPC-RecordRequest@sfgov.org>
Sent: Wednesday, June 21, 2017 1:47 PM
To: Mary Miles
Cc: Rahaim, John (CPC); Ionin, Jonas (CPC); Gibson, Lisa (CPC); CPC-RecordRequest
Subject: RE: IMMEDIATE DISCLOSURE REQUEST

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Ms. Miles,

We received your request. Although you submitted the request as an Immediate Disclosure Request, we will be adhering to the time deadlines governing standard requests (up to 10 days) as the request is extensive, requiring coordination of several staff members and various types of records, and is not simple, routine or otherwise readily answerable [Admin Code 67.25(a)].

We will contact you as soon as records are ready for review.

Record Requests

Main: 415-558-3678 | Fax: 415-558-6409

San Francisco Planning 1650 Mission Street, Suite 400
San Francisco, CA 94103

[Hours of Operation](#) | [Property Information Map](#) | [Record Requests](#)

From: Mary Miles [<mailto:page364@earthlink.net>]
Sent: Tuesday, June 20, 2017 8:34 AM
To: Rahaim, John (CPC); Ionin, Jonas (CPC); Gibson, Lisa (CPC)
Subject: IMMEDIATE DISCLOSURE REQUEST

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

TO:
John Rahaim, Director
Jonas Ionin, Custodian of Records
San Francisco Planning Department
1650 Mission St., 4th Floor
San Francisco, CA 94103

DATE: June 20, 2017

RE: 13th Street Eastbound Bicycle Facility Project

IMMEDIATE DISCLOSURE REQUEST PURSUANT TO THE SAN FRANCISCO SUNSHINE ORDINANCE AND THE CALIFORNIA PUBLIC RECORDS ACT

Pursuant to the San Francisco Sunshine Ordinance (SF Admin. Code secs. 67.21 *et seq.*) and the Public Records Act (Gov. Code secs. 6250 *et seq.*), this is an IMMEDIATE DISCLOSURE REQUEST for the following records:

1. All records supporting the April 10, 2017 “Certificate of Determination Exemption from Environmental Review” on the “SFMTA – 13th Street Eastbound Bicycle Facility Project (Case No. 2017-001180ENV) as previously requested on April 26, 2017 and not produced, including **all** records referred to in the June 19, 2017 “Planning Department Response to the Appeal of Categorical Exemption for the SFMTA – 13th Street Eastbound Bicycle Facility Project.”
2. All traffic counts on 13th Street since 1999, including the exact date, time, and the names and titles of all staff or other persons conducting the counts;
3. The methodology used for each of the traffic counts on 13th Street in Item 2 above. For example, were those counts done by cordon counts? Or were those counts done by direct observation at specific intersections? Or were those “counts” done by computer extrapolation? If by computer extrapolation, please provide records explaining *step by step*, how the counts were conducted;
4. All bicycle counts on 13th Street since 1999, including the dates, times, and the names and titles of all staff or other persons conducting the counts;
5. The methodology used for the bicycle counts.
6. All pedestrian counts on 13th Street since 1999, including the dates, times, and names and titles of all staff or other persons conducting the counts. If no such records exist, please so state in your response, referring to this Item number in this Request.

If the above records are available electronically, please immediately provide them on a disc. In your response, please refer to the above Item numbers in this Request. If your response does not refer to the above Item numbers in this Request, I will deem this Request denied. Please advise me in advance if the cost of copies of these records will exceed \$10. If any of the above records cannot be immediately provided, please state what records will and will not be immediately provided, referring to the above Item numbers, provide the **exact date** when you will provide any records not immediately provided, and do not delay providing the records that are immediately available, referring in all responses to the Item numbers above. If all of the requested materials cannot be immediately provided, I request that *you* arrange for a continuance of the Board of Supervisors hearing on the appeal of the above-described Project, presently scheduled for June 27, 2017, until *after* your agency has provided *all* records supporting the appealed determination of your agency, including those requested here. If I have not received a response to this Request by 5:00 p.m. on June 22, 2017, I shall deem this Request denied. Thank you for your attention to this IMMEDIATE DISCLOSURE REQUEST.

Sincerely,
Mary Miles

cc: Lisa Gibson, Environmental Review Officer

EXHIBIT G



PUBLIC HEARING

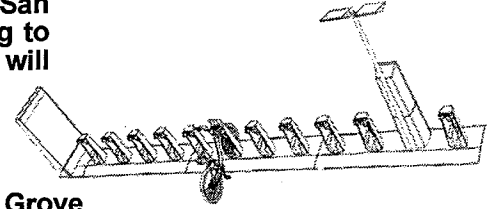


SFMTA
Municipal
Transportation
Agency

FOR PROPOSED BIKE SHARE STATION

Pursuant to SFMTA Order No. 5785 issued on June 16th, 2017, the San Francisco Municipal Transportation Agency will hold a public hearing to solicit public input on the following proposed changes. The hearing will be held as follows:

Date/Time: Friday, June 30, 2017 at 10:00 AM
Location: Room 416 (Hearing Room 4), City Hall, San Francisco
(located on Van Ness Avenue between McAllister and Grove Streets)



13th Street at Folsom Street – Bike Share Station

ESTABLISH – NO PARKING EXCEPT BICYCLES

ESTABLISH – BIKE SHARE STATION

13th Street Service Road, north and south sides, from 13 feet to 86.5 feet west of Folsom Street (70-foot by 25-foot bike share station in approximately eight parking spaces, and 3-foot additional red zone buffer)*

Iowa Street at 22nd Street – Bike Share Station

ESTABLISH – NO PARKING EXCEPT BICYCLES

ESTABLISH – BIKE SHARE STATION

Iowa Street, east side, from 22 feet to 104 feet south of 22nd Street (82-foot bike share station in approximately seven unmetred angled parking spaces)*

Items denoted with an asterisk () can be approved by the City Traffic Engineer after the public hearing. Otherwise, the SFMTA Board will make the final approval at a later date based on the outcome at the public hearing.*

A copy of this hearing notice can be obtained at <http://www.sfmta.com/about-sfmta/organization/committees/engineering-public-hearings>. Opinions on these proposed changes may be filed in writing prior to the hearing with **SFMTA Transportation Engineering, 1 South Van Ness Avenue, 7th Floor, San Francisco, CA 94103-5417**. Written opinions may also be transmitted by fax to (415) 701-4737 or by email to sustainable.streets@sfmta.com with subject line "Public Hearing." Submitted opinions will become part of the official public record and will be brought to the attention of the person(s) conducting the hearing. Information on the proposed changes may be obtained from SFMTA Transportation Engineering at the above-referenced addresses or by telephone at (415) 646-2352.

For additional information about San Francisco's bicycle sharing program, please visit <http://www.bayareabikeshare.com>

311: Free language assistance provided with 48 hours' notice./ Hay disponibilidad de ayuda gratuita con el idioma con un aviso con 48 horas de anticipación./ 可提供免費語言協助，但需提前48小時通知。