

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

3 **Motion affirming the determination by the Planning Department that the San Francisco**
4 **Municipal Transportation Agency’s proposed 13th Street Eastbound Bicycle Facility**
5 **Project is categorically exempt from further environmental review.**

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

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

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

20 WHEREAS, Appellant provided a copy of the Planning Department’s Categorical
21 Exemption Determination, signed April 10, 2017, which found that the proposed Project was
22 exempt under Classes 1 and 4 of the CEQA Guidelines (14 Cal. Code Reg. Sections 15301
23 and 15304), which provide exemptions for minor alterations to existing facilities (specifically,
24 to “[e]xisting highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and
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1 similar facilities,” Section 15301(c)) and minor alterations to land (specifically for “creation of
2 bicycle lanes on existing rights-of-way,” Section 15304(h)) ; and

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

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

8 WHEREAS, On June 27, 2017, this Board held a duly noticed public hearing to
9 consider the appeal of the exemption determination filed by Appellant and, following the public
10 hearing, affirmed the exemption determination; and

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

16 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
17 affirmed the exemption determination for the project based on the written record before the
18 Board of Supervisors as well as all of the testimony at the public hearing in support of and
19 opposed to 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. 170638, 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 the Board of Supervisors hereby adopts as its own and incorporates by
2 reference in this motion, as though fully set forth, the exemption determination; and, be it

3 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
4 record before it there are no substantial project changes, no substantial changes in project
5 circumstances, and no new information of substantial importance that would change the
6 conclusions set forth in the exemption determination by the Planning Department that the
7 proposed project is exempt from environmental review; and, be it

8 FURTHER MOVED, That after carefully considering the appeal of the exemption
9 determination, including the written information submitted to the Board of Supervisors and the
10 public testimony presented to the Board of Supervisors at the hearing on the exemption
11 determination, this Board concludes that the project qualifies for an exemption determination
12 under CEQA.

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