

File No. 121120

Committee Item No. _____
Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date December 11, 2012

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Joy Lamug
Completed by: _____

Date December 6, 2012
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Reversing the Exemption Determination - San Francisco Municipal Transportation Agency's
2 Fell and Oak Streets Bikeways Project]

3
4 **Motion reversing the determination by the Planning Department that the San Francisco**
5 **Municipal Transportation Agency's (SFMTA) Fell and Oak Streets Bikeways Project is**
6 **exempt from environmental review.**

7
8 WHEREAS, The Planning Department has determined that the SFMTA Fell and Oak
9 Streets Bikeways Project is exempt from environmental review under the California
10 Environmental Quality Act (CEQA), the CEQA Guidelines, and San Francisco Administrative
11 Code Chapter 31. The proposed project involves removing parking lanes and adding bike
12 lanes, as well as other related changes to Fell and Oak Streets between Baker and Scott
13 Streets. By letter to the Clerk of the Board, Mark Brennan, Howard Chabner, and Ted
14 Loewenberg (Appellants), received by the Clerk's Office on November 2, 2012, appealed the
15 exemption determination. The Appellants provided a copy a Certificate of Determination,
16 Exemption From Environmental Review, issued on October 4, 2012, which stated that the
17 Planning Department determined that the project was exempt under Classes 1 and 4 of the
18 CEQA Guidelines (14 Cal. Code Reg. §15000 et seq.). Appellants also provided a copy of the
19 SFMTA Board of Directors' Resolution No.12-129 approving the proposed work on October
20 16, 2012; and

21 WHEREAS, On December 11, 2012, this Board held a duly noticed public hearing to
22 consider the appeal of the exemption determination filed by Appellants, and following the
23 public hearing reversed the exemption determination; and

24 WHEREAS, In reviewing the appeal of the exemption determination, this Board
25 reviewed and considered the exemption determination, the appeal letters, the responses to

1 concerns document that the Planning Department prepared, the other written records before
2 the Board of Supervisors and all of the public testimony made in support of and opposed to
3 the exemption determination appeal. Following the conclusion of the public hearing, the
4 Board of Supervisors reversed the exemption determination for the project based on the
5 written record before the Board of Supervisors as well as all of the testimony at the public
6 hearing in support of and opposed to the appeal. The written record and oral testimony in
7 support of and opposed to the appeal and deliberation of the oral and written testimony at the
8 public hearing before the Board of Supervisors by all parties and the public in support of and
9 opposed to the appeal of the exemption determination is in the Clerk of the Board of
10 Supervisors File No. 121118 and is incorporated in this motion as though set forth in its
11 entirety; now therefore be it

12 MOVED, That this Board of Supervisors reverses the determination by the Planning
13 Department that the project is exempt from environmental review.

