

File No. 170638

Committee Item No. _____

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 27, 2017

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u> |
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Prepared by: Brent Jalipa

Date: June 22, 2017

Prepared by: _____

Date: _____

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 MAY 18 PM 2:19

BY BJ

TO:
Angela Calvillo
Clerk, San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

DATE: May 18, 2017

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Coalition for Adequate Review hereby appeals the environmental determination of the San Francisco Planning Department and the "approval action" of the San Francisco Municipal Transportation Agency ("MTA") to the San Francisco Board of Supervisors.

Grounds for this appeal lie in the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.* and other applicable statutes and regulations, as generally stated in the attached public comment to the MTA Board for its hearing on April 18, 2017. Appellant will submit further briefing and comment on or before the scheduled hearing date on this appeal.



Mary Miles
Attorney for Coalition for Adequate Review

cc: Lisa Gibson, Environmental Review Officer, San Francisco Planning Department

ATTACHMENTS:

- A: Public Comment submitted to MTA Board, April 18, 2017
- B: MTA Board Resolution No. 170418-050, April 18, 2017
- C: Certificate of Determination Exemption from Environmental Review, San Francisco Planning Department, April 10, 2017

ATTACHMENT A

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

TO:
Edward Reiskin, Director
Roberta Boomer, Secretary, and
Members of the Board
San Francisco Municipal Transportation Agency ("MTA")
1 S. Van Ness Ave., 7th Floor
San Francisco, CA 94103

DATE: April 18, 2017

PUBLIC COMMENT, AGENDA ITEM 11, APRIL 18, 2017 MTA BOARD MEETING
[**"Approving a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street..."**], aka **"Eastbound 13th Street Safety Project,"** aka **"SFMTA – 13th Street Eastbound Bicycle Facility Project"** (referred to in this Comment as the "Project")

This is public comment on Agenda Item 11 of the April 18, 2017 MTA Board meeting. Please provide a copy of this Comment to all MTA Board Members and place a copy in all applicable MTA files. As noted on the MTA Board Agenda, a determination under the California Environmental Quality Act ("CEQA") is subject to appeal to the Board of Supervisors within 30 days.

The Project will clearly have significant impacts under CEQA, including transportation, air quality, safety, and parking impacts, and the claimed "categorical exemptions" do not apply. The Project must also be rejected for the following reasons.

1. FAILURE TO PROVIDE PUBLIC NOTICE AND INFORMATION ON THE PROJECT VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS, AS WELL AS OPEN MEETING AND INFORMATION REQUIREMENTS

There has been no outreach to the general public on this Project, only "stakeholder meetings" between the Project sponsor, the MTA's "Sustainable Streets" division, promoters of the Project, and a few local businesses. The claimed "public hearing" on March 17, 2017 was conducted by the Project sponsor, the MTA's "Sustainable Streets," the same entity that created the Project in private with no opportunity for input from the general public and then held the alleged "hearing" before its own "Engineering" subdivision. Even members of the public who requested public notice, including this Commenter, received no notice of this Project after submitting many requests to MTA for notices of proceedings on all bicycle projects in San Francisco.

Further, neither the MTA nor the lead agency conducting the alleged “environmental review,” the Planning Department, gave public notice of its Exemption dated April 10, 2017. That Exemption did not exist and was not publicly available at the time of the claimed “public hearing” on March 17, 2017, and it is not readily available today but instead requires complicated linking to documents not readily available to the general public or easily found by using the internet. Documents related to CEQA review should have been publicly noticed at least 72 hours in advance and placed on the March 17, 2017 “public hearing” agenda in a readily-accessible link so that the public could know what the Project Sponsor, the lead agency, and the San Francisco Bicycle Coalition were actually proposing. They were not.

The Project sponsor, the MTA's "Sustainable Streets" Division, claims that its "staff performed door-to-door outreach" to four businesses along eastbound 13th Street from January to March 2017. (MTA “Sustainable Streets” memorandum dated April 10, 2017 [“Project Sponsor’s Staff Report”], page 6.) That alleged "outreach" ignores that this Project is of citywide and regional importance, affecting traffic to and through the area by thousands of daily travelers, access to freeways, and travel to downtown, the train station, and the ballpark, as well as major shopping destinations.

2. FAILURE TO ACCURATELY STATE EXISTING CONDITIONS AND TO IDENTIFY AND MITIGATE THE PROJECT’S SIGNIFICANT IMPACTS VIOLATES CEQA

The proposed Project, part of the “Vision Zero” Project, removes two heavily used travel lanes and at least 35 parking spaces on eastbound 13th Street, reducing traffic capacity on this major traffic corridor **from three existing lanes to one lane in the eastbound direction.** (San Francisco Planning Department: Certificate of Determination Exemption from Environmental Review, Case No. 2017-001180ENV, April 10, 2017 [“Exemption”], pages 2-3, 5, 9-13.) That proposed capacity reduction will bottleneck and back up the already heavy traffic on eastbound 13th Street to outside the immediate Project area, affecting major intersections at South Van Ness Avenue, Folsom Street, Bryant Street, Harrison Street, and 11th/13th/Bryant/ Division Streets. (Exemption, page 5.)

Traffic volumes allegedly measured in 2015 are out of date, and in any event contain no supporting evidence, including the dates they were taken, the time of day, or who took them. Even so, the Exemption admits that traffic capacity on eastbound 13th Street will be reduced from the existing roadway capacity of 5,700 vehicles per hour to 3,800 vehicles per hour. Both the vehicle volume and the reduction attest to the regional importance of this corridor, and the failure to identify and mitigate the impacts of **delaying 1,900 vehicles per hour.** (Exemption, page 5.)

The Exemption document fails to establish the cumulative area affected by the Project, and fails to state that the City and the Project Sponsor, City and its MTA "Sustainable Streets" Department, have already provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street in City's 2009 Bicycle Plan Project, and a dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors. The failure to accurately state existing conditions results in an inaccurate baseline for analyzing impacts in violation of CEQA. The figures in the Exemption document

and the obvious direct impacts from delaying 1,900 vehicles per hour show that the claim of no direct and cumulative significant impacts is false.

In addition to the proposed drastic capacity reduction, which it terms a "road diet," the Project also proposes forced turns from existing through lanes and installing "painted bicycle boxes at the intersections of Folsom Street/13th Street, and Bryant Street/13th Street to construct a "new bicycle facility on eastbound 13th Street." (Exemption, page 1.) The Project also proposes prohibiting right turns at red traffic signals at northbound Harrison Street approaching 13th Street and a special "two-stage" left turn box to enable bicyclists to turn left from the right lane to "make an intersection more inviting for...bicycles." (Project Sponsor's Staff Report, page 5.) The Project will also introduce time limits for whatever parking remains on 13th Street. (*Id.*)

No evidence supports the Project sponsor's spurious claim that this is a "high injury corridor for bicycling" or establishes justification for the significant adverse impacts this Project will cause on traffic, air quality, noise, and safety, and the "high injury corridor for bicycling" fiction is irrelevant to establishing baseline existing conditions for analyzing the impacts caused by the proposed Project. Claims that there have been "a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street" are unsubstantiated, with no documentation showing the circumstances of such alleged "collisions" or that this is a "high injury corridor for bicycling." (Project Sponsor's Staff Report, page 1.) Indeed, the fictitious "high injury corridors" created by City's "Vision Zero" Project include the Project Sponsor's extensive wish list to create adverse traffic conditions for vehicles throughout San Francisco and extend the already-expansive Bicycle Plan agenda that benefits less than 4 percent of travelers and adversely affects the other 96%.

The Project Sponsor's Staff Report also contradicts the lead agency's Exemption document and misstates existing conditions and the Project description, including falsely stating that the Project would only remove one eastbound traffic lane, when in fact it proposes removing two traffic lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3.) That document also misstates the number of eastbound vehicles on 13th Street, which is 5,700 counted vehicles per hour per the Exemption document. Conveying false and misleading information to the public violates CEQA. Both the Exemption and the Project Sponsor's Staff Report ignore that City's 2009 Bicycle Plan Project also provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors, along with the dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street.

The Project Sponsor's Staff Report claims that, "146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street." (Project Sponsor's Staff Report, page 3.) That means that bicyclists are *less than three percent* of travelers in the immediate Project area. Further, the Exemption states that "The proposed project would not generate new bicycle trips..." (Exemption, page 6.) The insular special interests evident from these figures do not justify the extensive significant impacts on transportation, air quality, parking, public safety, and human impacts caused by the proposed Project on the other 97 percent of the traveling public.

The Project will clearly have significant direct and cumulative impacts on transportation throughout the area, and significant impacts on air quality, public safety, including emergency vehicle movement, noise, and human impacts that must be identified, analyzed, and mitigated under CEQA.

3. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

The Project will clearly have significant impacts on the environment, and therefore is not categorically exempt. (See, *e.g.*, 14 Cal. Code Regs. ["Guidelines"] §§15064, 15065(a)(3), 15300, 15300.2, 15301, 15304.)

The exemptions invoked, *i.e.*, Guidelines §§15301 and 15304, do not apply. (Exemption, page 3.) Guidelines §15301(c) does not apply because the Project does not propose "minor alterations" of "[e]xisting highways and streets, sidewalks gutters, bicycle and pedestrian trails." Both the Project Sponsor's Staff Report and the Exemption admit that there are *no* existing bicycle lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3; Exemption, page 4.) Further, the Project does not propose "minor alterations," but proposes major changes affecting and significantly impacting transportation, air quality, parking, noise, and public safety, both in the immediate and cumulative areas. Guidelines §15301 explicitly states that in determining the types of "existing facilities" subject to such an exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." Far from being negligible or no expansion, the Project proposes usurping two-thirds of the existing roadway capacity and parking for a currently non-existent use of that corridor.

The Guidelines section 15304(h) exemption also invoked (Exemption, page 3) also does not apply to the proposed Project, because bicycle lanes do not currently exist on 13th Street, and because the Project does not propose minor "alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." (Guidelines §15304.) The Project instead proposes major alterations to a heavily travelled urban corridor causing significant impacts.

The Exemption's unsupported conclusory statement, "None of the established exceptions applies to the proposed project" under Guidelines §15300.2 is also false, as are the claims that the Project will have no cumulative impacts, and that no "unusual circumstances" are presented by the Project.

There is no adequate analysis of cumulative impacts in the Exemption, with that document claiming with no supporting evidence that the Project sponsor's staff found "projected growth in vehicle traffic volumes" between now and 2040 to be "approximately 15 percent." Cumulative impacts must also measure "successive project of the same type in the same place, over time." (Guidelines §15300.2). This Project, moreover, has "possible environmental effects" that are "cumulatively considerable," meaning "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines §15065(a)(3).)

The City's past, present, and planned future incursions onto City's roadways to impede vehicle transportation, remove parking, force turns, and otherwise adversely impact traffic include past

extensive transportation impacts due to the Bicycle Plan, "Sustainable Streets," "Vision Zero," and other Projects that, combined with the present Project, clearly have cumulative impacts on transportation, air quality, parking, and public safety, that cannot be considered in a vacuum and are plainly significant cumulative impacts.

Further, in this instance, the very large traffic volumes and the proposed drastic reduction in street capacity constitute unusual circumstances. (Guidelines, §15300.2(c).)

For the above reasons, the proposed 13th Street Project is not exempt, and it has significant impacts that must be analyzed and mitigated under CEQA. The MTA Board must therefore reject the proposed approval of the Project at Item 11.

Mary Miles

ATTACHMENT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170418-050

WHEREAS, The San Francisco Municipal Transportation Agency is committed to achieving Vision Zero goals and implementing safety improvements on eastbound 13th Street as outlined in Mayor Lee's Executive Directive on Bicycle and Pedestrian Safety; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritized non-private automobile transportation.

WHEREAS, Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if the following conditions are met: the alternative criteria are reviewed and approved by a qualified engineer, the alternative criteria is adopted by resolution at a public meeting after public comment and proper notice, and the alternative criteria adheres to the guidelines established by a national association of public agency transportation officials; and

WHEREAS, The parking protected cycletrack proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected cycletrack has been reviewed and approved by a qualified engineer prior to installation; and,

WHEREAS, The alternative criteria for the project are to discourage motor vehicles from encroaching or double parking in the bicycle facility, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater perception of safety for bicyclists; and,

WHEREAS, The project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials; and,

WHEREAS, The San Francisco Municipal Transportation Agency has proposed the installation of a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street as follows:

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, south side, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
- D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street,

PAGE 2.

- southbound, at 13th Street; Trainor Street, northbound at 13th Street
- E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
 - F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

WHEREAS, The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA); CEQA provides an exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively; and,

WHEREAS, On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA, pursuant to Title 14 of the California Code of Regulations Section 15301 and 15304; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a protected bikeway and parking and traffic modifications set forth in items A through F above along eastbound 13th Street between Folsom Street and Bryant Street.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ATTACHMENT C



**SAN FRANCISCO
PLANNING DEPARTMENT**

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SAN FRANCISCO

2017 MAY 10 PM 2:19

**Certificate of Determination
Exemption from Environmental Review**

BY BJ

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2017-001180ENV
Project Title: SFMTA – 13th Street Eastbound Bicycle Facility Project
Location: 13th Street between South Van Ness Avenue and Bryant Street
Project Sponsor: Jennifer Wong, SFMTA – (415) 701-4551
Staff Contact: Christopher Espiritu – (415) 575-9022
Christopher.Espiritu@sfgov.org

PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes the 13th Street Eastbound Bicycle Facility Project (proposed project). The proposed project would include the installation of a new bicycle facility on eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Currently, there are no existing bicycle facilities along eastbound 13th Street; the westbound direction of 13th Street between Folsom Street and Bryant Street has an existing Class IV bikeway (parking-protected bike lane).

The proposed project would generally remove one travel lane along eastbound 13th Street to accommodate the proposed bicycle lane. The proposed project would also relocate and remove existing on-street parking, restripe portions of the street (i.e., lane marking changes), change the color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom Street/13th Street, Harrison Street/13th Street, and Bryant Street/13th Street.

No excavation is required. Project construction, which includes painting and sign installation, is anticipated to last approximately 60 days. A subsequent phase which includes similar construction activities is anticipated to last approximately 30 days. The proposed project is intended to help meet the City's adopted Vision Zero policy which seeks to eliminate all traffic-related fatalities by 2024. The proposed project is also intended to fulfill Mayor Ed Lee's Executive Directive on Pedestrian and Bicycle Safety issued on August 4, 2016, as it relates to safety improvements on 13th Street. (Continued on page 2)

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act [CEQA] Guidelines Section 15301) and Categorical Exemption, Class 4 (CEQA Guidelines Section 15304)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

for [Signature]
Lisa M. Gibson
Acting Environmental Review Officer

April 10, 2017
Date

cc: Jennifer Wong, SFMTA
Andrea Contreras, SFMTA

Virna Byrd, M.D.F.
Supervisor Kim, District 5 (via Clerk of the Board)
Supervisor Ronen, District 9 (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The objective of the proposed project is to improve safety conditions along 13th Street for bicyclists, pedestrians, and vehicles. The 13th Street corridor is on San Francisco's High Injury Network for vehicles and bicycles, a network of streets that experience a disproportionate number of bicycle collisions compared to other streets.¹

Within the project limits of South Van Ness Avenue and Bryant Street, 13th Street is a two-way street with a width of 120 feet, including 16-foot-wide sidewalks on both sides of the street. As shown in Figure 1 (Existing Conditions), the existing configuration of westbound 13th Street consists of: a 6-foot-wide bicycle lane, a 6-foot-wide painted buffer, an 8-foot-wide parking lane, two 10-foot-wide travel lanes, and an 8-foot-wide concrete median. The existing roadway configuration of eastbound 13th Street includes: two 10-foot-wide and one 12-foot-wide mixed-flow travel lanes, as well as an 8-foot-wide curbside parking lane.

The proposed project would not involve any changes to the existing westbound lanes along 13th Street. The proposed project would include changes to the eastbound lanes along 13th Street. Between Harrison Street and Bryant Street, the proposed project would include two phases.

The proposed project would maintain the width of the existing 120-foot-wide roadway, including the locations of the existing curbs (i.e., sidewalk widths). However, the proposed project would restripe the 13th Street roadway between South Van Ness Avenue and Bryant Street and remove an existing travel lane. As shown on Figure 2 (Proposed Conditions), on the segment between South Van Ness Avenue and Folsom Street, the project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10 ½-foot-wide mixed-flow travel lanes (a ½-foot increase in width each), a 9-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new).

On the segment between Folsom Street and Harrison Street, the proposed project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10-foot-wide mixed-flow travel lanes (no change in width), a 2-foot-wide painted buffer (new), a 6-foot-wide bicycle lane (new), a 2-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new). Figure 2 shows the proposed configuration on this segment of 13th Street.

In Phase I, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to existing conditions): a 10-foot-wide left turn lane (new), a 10-foot-wide mixed-flow travel lane (no change in width), an 8-foot-wide parking lane (relocated), a 5-foot-wide painted buffer (new), and a 7-foot-wide bicycle lane (new).

¹ Memorandum - *Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project* (February 17, 2017) from Jennifer Wong (SFMTA) to Christopher Espiritu (Environmental Planning - San Francisco Planning Department). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File No. 2017-001180ENV.

In Phase II, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to Phase I conditions): two 10-foot-wide left turn lanes (no change in width), a 10-foot-wide mixed-flow travel lane (no change in width), and a 20-foot-wide through/right travel lane (new). The proposed Phase I and II conditions, between Harrison and Bryant streets, are shown in Figure 3.

As shown in Figures 4A and 4B (Striping Plans), the proposed project would include the removal of on-street parking (approximately 35 spaces) on 13th Street. The proposed project would not relocate or remove any existing commercial vehicle loading zones (yellow zones) or accessible parking spaces (blue zones) throughout the project limits.

Project Approvals

The proposed project is subject to internal review by SFMTA staff, a recommendation for approval by Transportation Advisory Staff Committee, Public Hearing with an SFMTA Hearing Officer, and finally approval by SFMTA Board. The proposed project is subject to notification through a Public Notice of Intent. If no objections are received to the Notice or the Public Hearing, the proposed project would be routed to the SFMTA Board of Directors for approval.

Approval Action: The Approval Action for the proposed project would be approval by the SFMTA Board of Directors, which approves the proposed roadway improvements to be implemented or constructed on the public right-of-way. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15301(c) or Class 1(c), provides an exemption from environmental review for minor alterations to "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety)." This includes traffic channelization measures, minor restriping of streets (i.e., turn lane movements, painted buffers, and parking changes), and other improvements on existing streets. As described above, the proposed project includes these measures; therefore, the proposed project would be exempt from CEQA under Class 1(c).

In addition, CEQA State Guidelines Section 15304, or Class 4, provides an exemption from environmental review for minor public or private alterations in the condition of land. Class 4(h) specifically provides an exemption from environmental review for the creation of bicycle lanes on existing rights-of-way. The proposed project would include the installation of a new Class II and Class IV bicycle lane along eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Therefore, the proposed project would also be exempt from CEQA under Class 4(h).

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Transportation" and "Air Quality" there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed below, there is no possibility of a significant effect on the environment due to unusual circumstances.

TRANSPORTATION

The proposed project was analyzed in a memorandum prepared by the SFMTA and reviewed by the Planning Department for transportation impacts in the study area.² The following relies on the analysis conducted in that memorandum, as well as additional supplemental analysis.

Transit Impacts

The proposed project is a transportation project and the project is not anticipated to induce growth that would generate new trips, including transit trips, unlike a land use development project. In addition, the proposed project would not change transit service (e.g., decrease service, such that capacity may increase). Thus, a transit capacity utilization analysis is not necessary in considering CEQA impacts. However, transit travel time may change due to project-related traffic congestion delay. As traffic congestion increases in the area, traffic delays could result in delays to transit while traveling along the transit route corridor if the transit vehicles share right-of-way with other vehicles (i.e., mixed-flow lanes).

The proposed project would include roadway modifications along eastbound 13th Street, between South Van Ness Avenue and Bryant Street, where no existing Muni bus routes operate. However, there are nearby bus routes (12-Folsom, 27-Bryant, 9-San Bruno) which operate along the intersecting streets of Folsom Street, Bryant Street, and Division Street. The proposed modifications along the 13th Street eastbound roadway would not affect existing bus stops for the abovementioned bus routes. While there are existing bus stops for Muni bus routes 12 (Folsom), 27 (Bryant), and 9 (San Bruno) within the project vicinity, the proposed project would not remove (or relocate) any existing bus stops for these bus routes.

The impact on transit travel times was assessed by comparing projected project effects on vehicle capacity along roadway segments where private vehicles and transit operate in mixed-flow travel lanes. The

² SFMTA Memorandum to Planning Department – 13th Street Eastbound Bicycle Facility Project, February 17, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2017-001180ENV.

analysis was based on quantitative estimates of average vehicle capacity at intersections within the study area where the highest estimated number of vehicles were observed during the PM Peak hour. This approach was used to assess whether the proposed project could substantially reduce capacity and thereby affect transit vehicles traveling through the study area.

Using Highway Capacity Manual assumptions, eastbound 13th Street has an estimated capacity of 1,900 vehicles per hour per lane. The existing eastbound 13th Street roadway, between South Van Ness Avenue and Bryant Street, consists of three travel lanes which was estimated to have vehicle capacity in one direction with 5,700 vehicles per hour. SFMTA analyzed the most recent traffic counts available for intersections within the project limits, as shown in Table 1 below.

Table 1 – Traffic Volumes (PM Peak)

Intersection	Traffic Control	Traffic Volumes (EB Direction)		
		Existing	Traffic Volume Growth	Cumulative 2040
13th and Folsom (2015)	Signal	705 vehicles	+ 106 vehicles	811 vehicles
13th and Harrison (2015)	Signal	670 vehicles	+ 101 vehicles	771 vehicles
11th/13th/Bryant/Division (2015)	Signal	1,012 vehicles	+ 152 vehicles	1,164 vehicles

Notes: - Existing Roadway Capacity = 5,700 vehicles per hour; Proposed Roadway Capacity – 3,800 vph

- Traffic volume growth was derived using a 15% average growth rate over a 20-year period of traffic in the area

Source: SFMTA - 13th Street Traffic Count Data, Andrea Contreras (SFMTA) to Christopher Espiritu (SF Planning), February 2017

With implementation of the proposed project, roadway capacity in the eastbound direction would be reduced to approximately 3,800 vehicles per hour. As observed by SFMTA on April 2016, the existing traffic volumes on each project intersection of 13th/Folsom (705 vehicles), 13th/Harrison (670 vehicles), and 13th/Bryant Streets (1,012 vehicles) traveling within the project limits would be accommodated by the roadway capacity (3,800 vehicles per hour) under the proposed roadway configuration.

In order to assess cumulative effects of the proposed project, SFMTA staff used the average growth in the study area’s traffic volumes to ascertain the projected growth in vehicle traffic volumes. This growth was found to be approximately 15 percent. Staff then applied a 15 percent increase to all intersection-level directional vehicle volumes in the Existing Conditions to generate the 2040 Baseline Conditions traffic volumes.

As shown in Table 1 above, cumulative traffic volumes on each project intersection of 13th/Folsom (811 vehicles), 13th/Harrison (771 vehicles), and 13th/Bryant Streets (1,164 vehicles) traveling eastbound within the project limits would continue to be accommodated within the eastbound 13th Street roadway. The proposed roadway capacity of 1,900 vehicles per hour per eastbound lane (3,800 vehicles for two travel lanes) after implementation of the project would continue to provide adequate vehicle capacity on 13th Street in the future.

Given the capacity of the proposed eastbound roadway reconfiguration, it is not anticipated that vehicle trips would substantially divert to nearby streets that could substantially affect transit travel times on intersecting streets such as Folsom, Harrison, and Bryant streets. Thus, the proposed project would not substantially impede transit operations on intersecting streets where transit service operates. Therefore, given that the proposed project would not substantially affect transit operations, the transit impacts associated with the implementation of the project would be less than significant.

Pedestrian Impacts

The proposed project is not anticipated to induce growth that would generate new pedestrian trips. Therefore, the proposed project would not result in substantial overcrowding on nearby public sidewalks. In addition, the proposed project would not include sidewalk narrowing, roadway widening, or other conditions that could create potentially hazardous conditions or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

13th Street is identified as a High Injury Corridor for vehicles and bicycles only. In addition, intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street were also identified as a High Injury Corridor for vehicles and cyclists. The proposed project would not include any narrowing of existing sidewalks or other components that could negatively affect pedestrian circulation within the project area. Therefore, the proposed project would result in a less-than-significant impact to pedestrians.

Bicycle Impacts

The proposed project includes the installation of a new Class II and Class IV bicycle lane on 13th Street, between South Van Ness Avenue and Bryant Street. The proposed project would not generate new bicycle trips, but would continue to accommodate bicyclists traveling along nearby bicycle facilities (South Van Ness Avenue, Folsom Street, and Harrison Street). The proposed bicycle facility would create a new bicycle connection to other nearby bicycle facilities, including north-south bicycle facilities located on Folsom Street and Harrison Street and other east-west bicycle facilities on 11th Street and Division Street.

The proposed project would generally enhance cycling conditions along the eastbound 13th Street corridor. Provision of a new Class II and Class IV bicycle lane within the project limits would increase bicyclists' visibility. The dedicated 6-foot-wide bicycle lane, painted buffers and a physical separation from adjacent travel lanes, would reduce the potential for injury to bicyclists due to "dooring" (i.e., when a vehicle driver or passenger opens a door in the path of an oncoming bicyclist, causing a collision). Further, implementation of the proposed project would enhance bicycle circulation and safety within the project area, and improve connectivity with other east-west and north-south bicycle facilities. Thus, for these reasons, the impact of the proposed project on bicycle facilities and circulation would be less than significant.

Emergency Vehicle Access Impacts

In general, implementation of the proposed project would not hinder or preclude emergency vehicle access. Between South Van Ness Avenue and Bryant Street, two 10-foot-wide, mixed-flow travel lanes would be retained on eastbound 13th Street. Although this would not be considered a significant impact, the new Class II and Class IV bicycle lane on 13th Street would not include any raised separation that would restrict vehicles from accessing these lanes in the event of an emergency. The design of proposed project improvements, including the new bicycle lane would be reviewed by SFMTA's Transportation Advisory Staff Committee (TASC)³ prior to SFMTA approval and implementation. The Transportation Advisory Staff Committee will provide a recommendation for approval regarding the proposed project, which will include a review of applicable standards, including emergency vehicle access.

SFMTA staff conducted a field survey to collect the location of emergency assets (i.e., fire alarm box, low-pressure fire hydrant, high-pressure fire hydrant, stand pipe, valves). The proposed project would not include closures or modifications to any existing streets or entrances to nearby buildings. Therefore, the proposed project would not create conditions resulting in inadequate emergency vehicle access.

Overall, with implementation of the proposed project, adequate street widths, clearance, and capacity for emergency vehicle access would be maintained, and therefore, the proposed project's impact on emergency vehicle access would be less than significant.

Loading

As observed by SFMTA, there are no existing loading zones located along 13th Street. Further, the proposed project would not eliminate any existing loading zones located on intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street.

Further, the proposed project would not create additional demand for loading. Given that the number of existing loading zones would not be reduced, the proposed project would not result in significant loading impacts.

AIR QUALITY

Criteria Air Pollutants

The proposed project would not generate any new vehicle trips in the project area. However, the proposed project would result in physical roadway changes along the extent of 13th Street, between South Van Ness Avenue and Bryant Street, where the reduction in roadway capacity and the reconfiguration of lane geometries would potentially alter travel patterns in and around the project area. As stated above, the proposed project would not generate additional vehicles trips, but reducing roadway capacity may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or

³ SFMTA's Transportation Advisory Staff Committee is an interdepartmental committee that includes representatives from Public Works, SFMTA, the Police Department, the Fire Department, and the Planning Department.

Exemption from Environmental Review

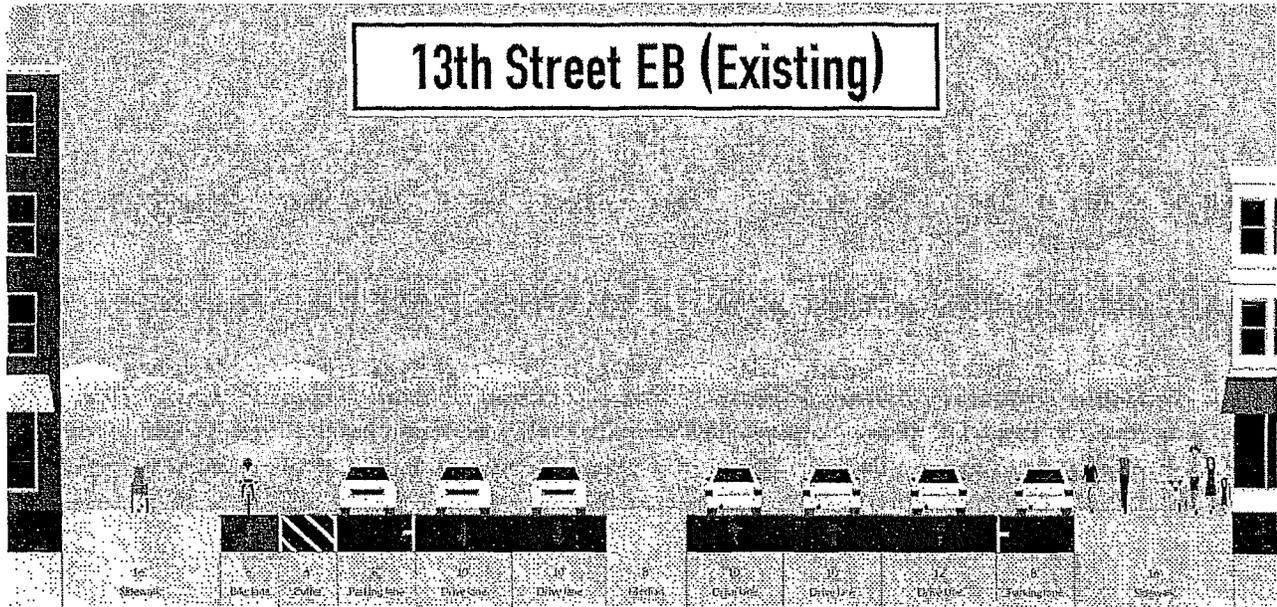
**Case No. 2017-001180ENV
SFMTA – 13th Street Eastbound Bicycle Facility**

ozone precursors would occur in those locations. These increases are likely to be minor because drivers would be expected to modify their travel routes, or in some cases change their travel modes. Any changes in travel mode to buses, bicycles, and/or walking would reduce vehicle-generated emissions that would otherwise occur. Furthermore, changes in criteria air pollutant and ozone precursor emissions are evaluated on an average daily and maximum annual basis. The proposed project would not generate new vehicle trips, would not divert a substantial number of trips to alternate corridors, and would increase delay at some intersections, thus the air quality impact related to vehicle delay at intersections would be relatively minor. Therefore, impacts would be less than significant.

Overall, the proposed project would not result in significant impacts related to any environmental topics.

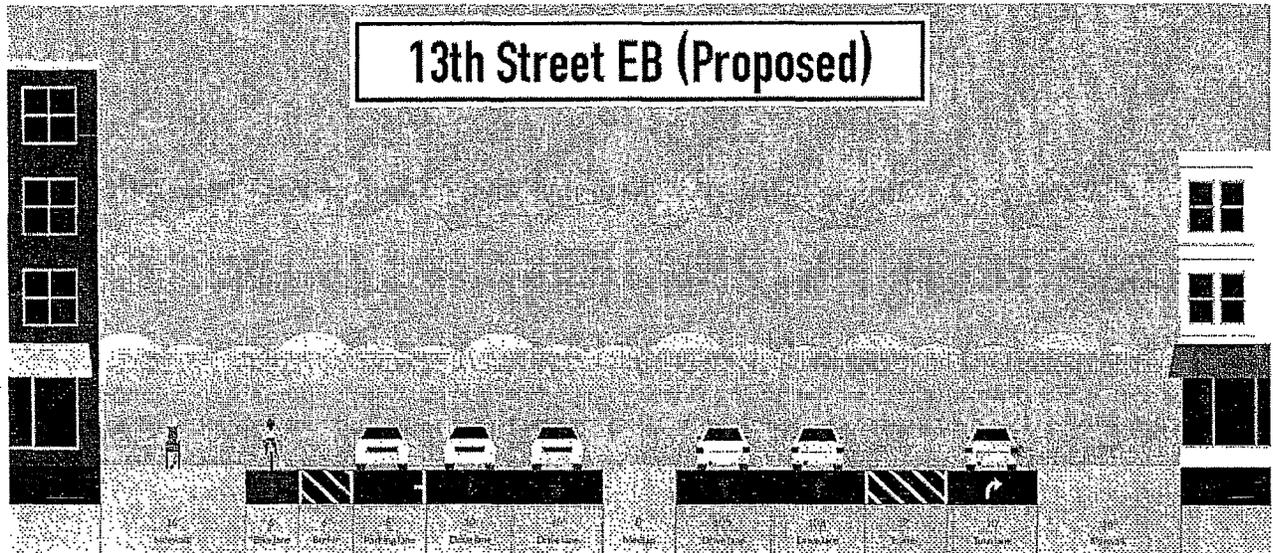
Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

Figure 1 – Existing Cross-Sections
13th Street EB Bicycle Facility Project



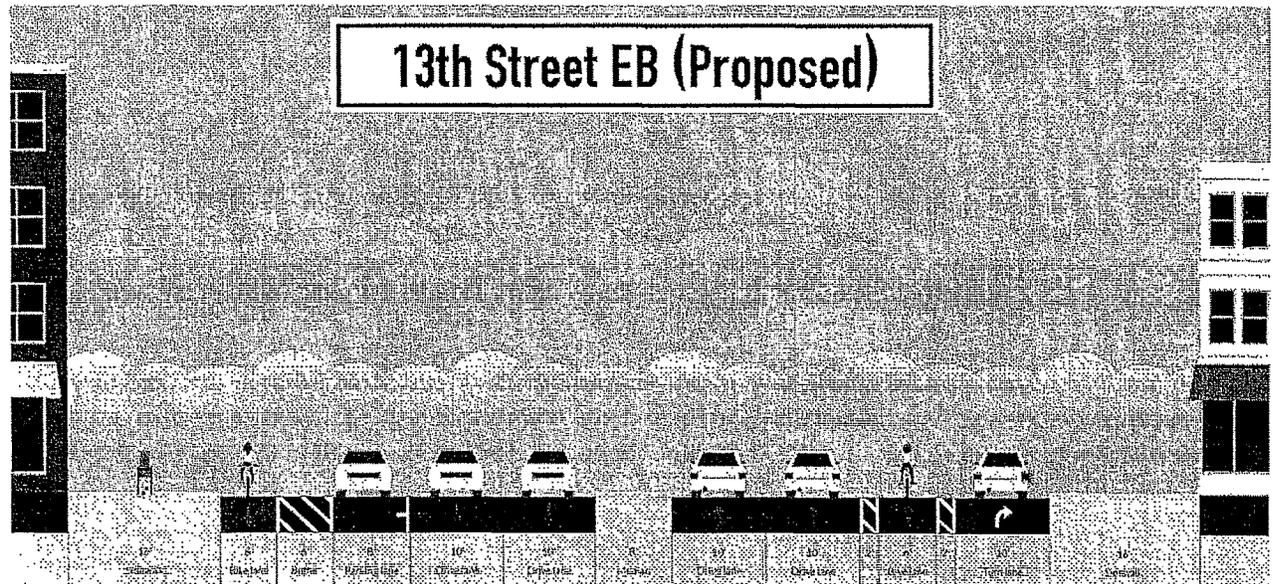
13th Street – Existing Conditions (Mid-block)
(Between South Van Ness Avenue and Bryant Street)

Figure 2 – Proposed Cross-Sections
13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Mid-block)
 (Between South Van Ness Avenue and Folsom Street)

Not to Scale

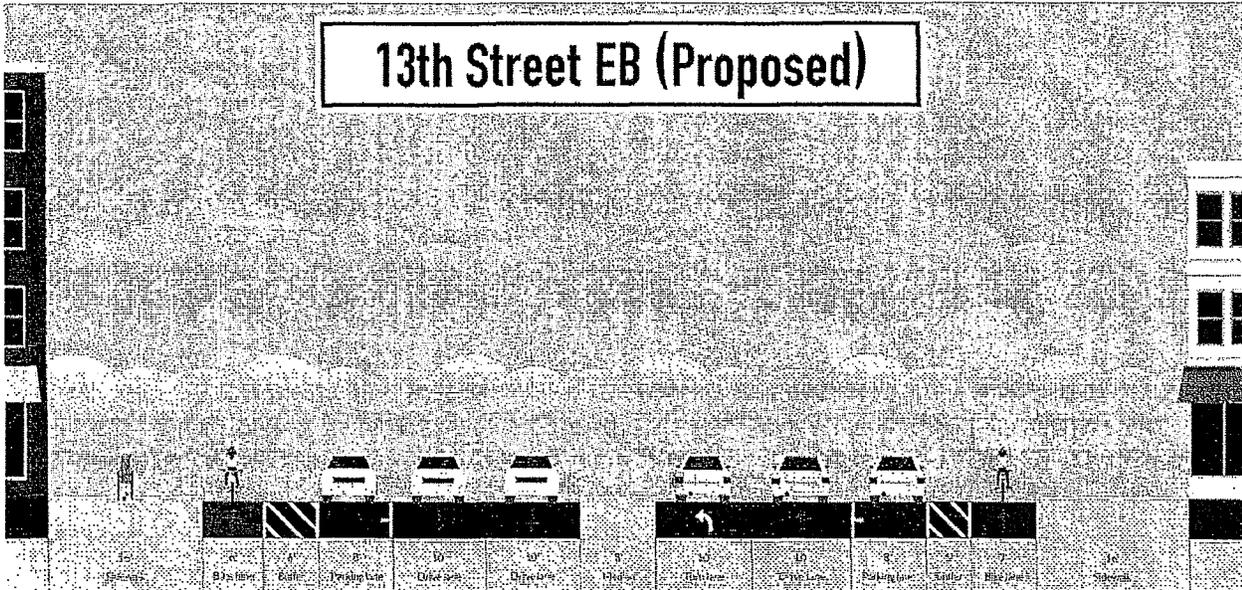


13th Street – Proposed Conditions (Mid-block)
 (Between Folsom Street and Harrison Street)

Source: SFMTA – StreetMix, 2017

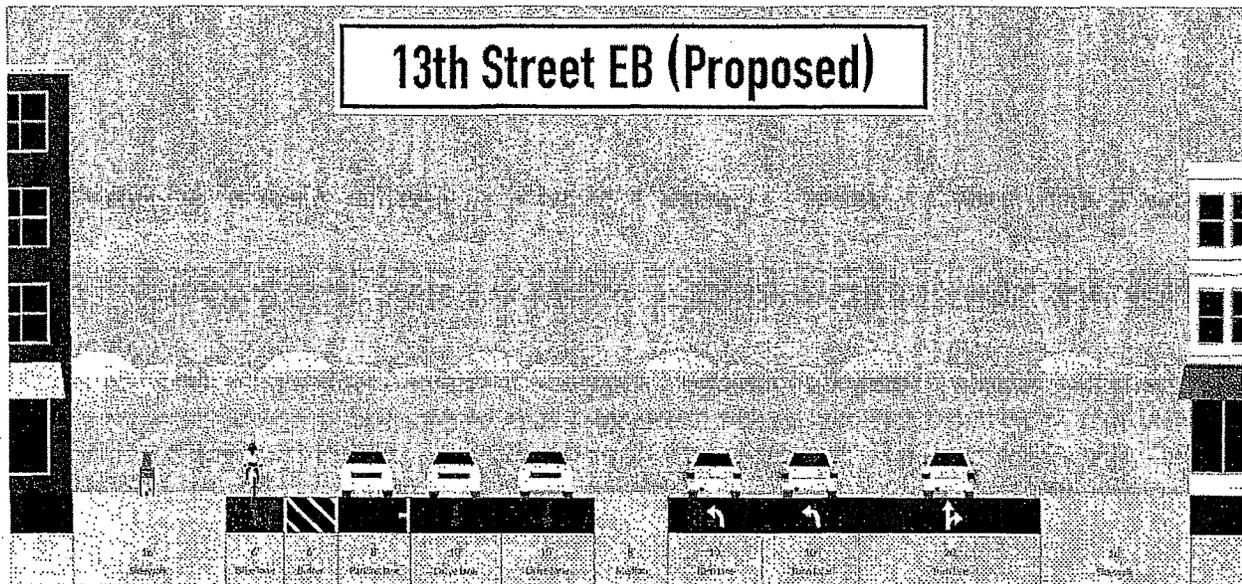
Not to Scale

Figure 3 – Proposed Cross-Sections
 13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Phase I)
 (Between Harrison Street to Bryant Street)

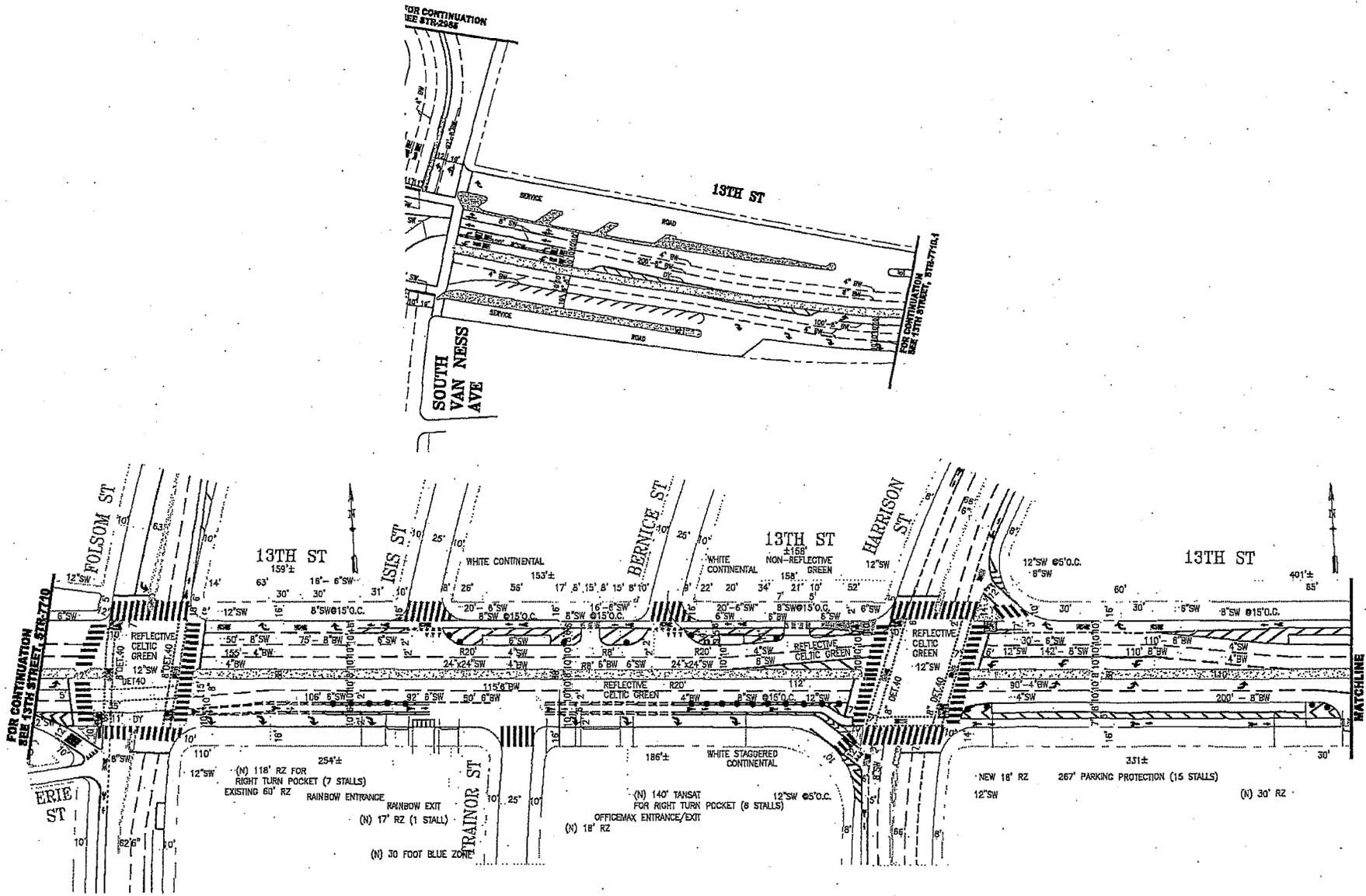
Not to Scale



13th Street – Proposed Conditions (Phase II)
 (Between Harrison Street and Bryant Street)

Not to Scale

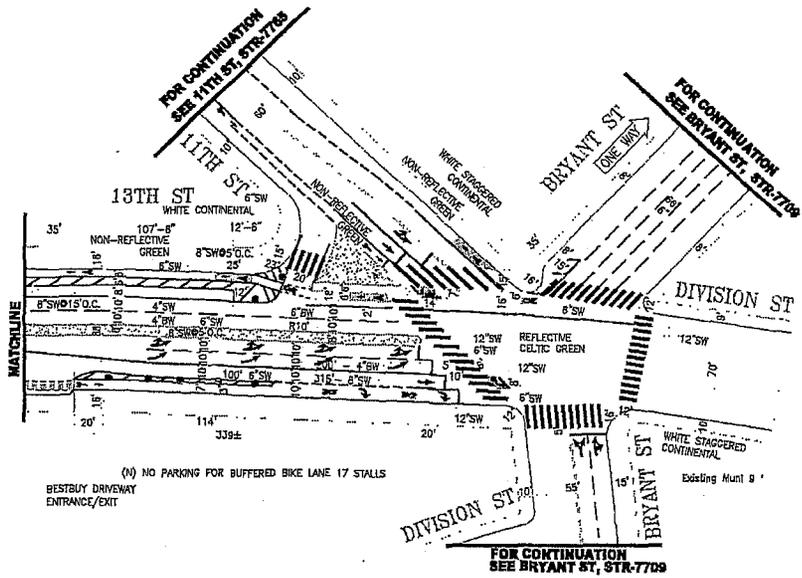
Source: SFMTA – StreetMix, 2017



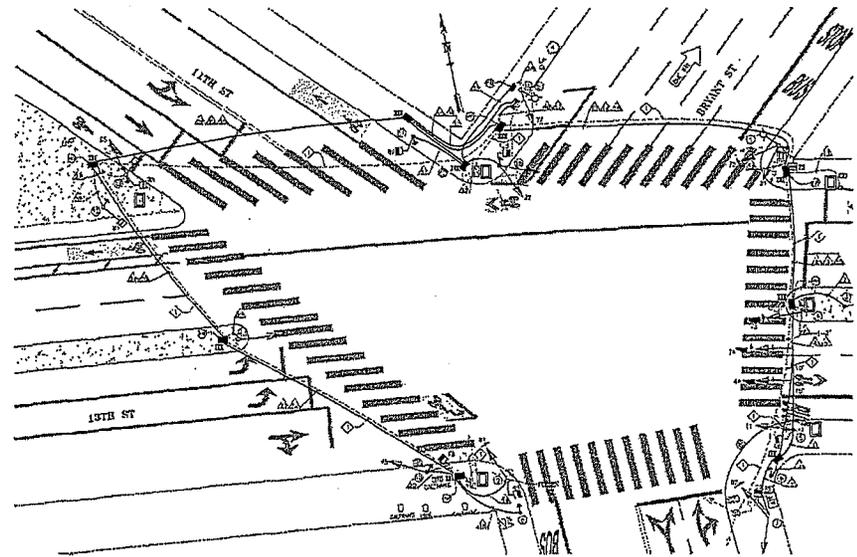
Source: SFMTA, 2017

Figure 4A – 13th Street EB Bicycle Facility - Striping Plan
(Between South Van Ness Avenue and Harrison Street)

Not to Scale



Phase I - 13th Street Configuration
 (Between Harrison Street and Bryant Street Only)



Phase II - 13th Street Configuration
 (Between Harrison Street and Bryant Street Only)

Figure 4B – 13th Street EB Bicycle Facility - Striping Plan

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 MAY 18 PM 2:19

BY BJ

MARY ANN MILES 364 PAGE ST APT 36 SAN FRANCISCO, CA 94102-5624		2723 11-4288/1210 4958 6112301475
		5/18/17 DATE
PAY TO THE ORDER OF	<u>San Francisco Planning Department</u>	\$ 578.00
	<u>Five hundred seventy-eight and 00/100</u>	DOLLARS
 Wells Fargo Bank, N.A. California wellsfargo.com		 Photo Safe Deposit Details on back
FOR	<u>APPEAL TO BOS 13TH STREET PROJECT</u>	<u>M.A.M.</u> MP
		02723

Application to Request a Board of Supervisors Appeal Fee Waiver	
CASE NUMBER: For Staff Use only	

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Mary Miles, Attorney at Law, for Coalition for Adequate Review		TELEPHONE: (415) 863-2310
APPLICANT ADDRESS: 364 Page St, #36 San Francisco, CA 94102		EMAIL: page364@earthlink.net
NEIGHBORHOOD ORGANIZATION NAME: Coalition for Adequate Review		TELEPHONE: () PLEASE SEE ABOVE
NEIGHBORHOOD ORGANIZATION ADDRESS: PLEASE SEE ABOVE		EMAIL:
PROJECT ADDRESS: 13th STREET, SAN FRANCISCO, CA		
PLANNING CASE NO.: 2017-001180ENV	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 4/18/17

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



**SAN FRANCISCO
PLANNING
DEPARTMENT**

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: 415.558.6378
FAX: 415.558.6409
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: 415.558.6377
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

FROM:
Rob Anderson, Director
Coalition for Adequate Review

TO:
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: Application for Board of Supervisors Appeal Fee Waiver
Appeal of 13th Street Project, Planning Department No. 2017-001180ENV

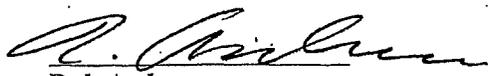
DATE: May 18, 2017

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the Appeal of the 13th Street Project noted above to the Board of Supervisors.

Coalition for Adequate Review requests a fee waiver for filing this Appeal to the Board of Supervisors, and attaches a copy of the Application for Board of Supervisors Appeal Fee Waiver form.

Coalition for Adequate Review has existed for more than 24 months and is on the Planning Department's list of neighborhood organizations. Coalition for Adequate Review uses San Francisco streets, including 13th Street, and is affected by the impacts of the proposed Project that is the subject of this appeal.

Therefore, Coalition for Adequate Review respectfully asks that the Planning Department grant the attached Application for Board of Supervisors Appeal Fee Waiver. Thank you.


Rob Anderson

From: [BOS Legislation, \(BOS\)](#)
To: page364@earthlink.net
Cc: [Wong, Jennifer \(MTA\)](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlana \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Espiritu, Christopher \(CPC\)](#); [Relskin, Ed \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Auyoung, Dillon \(MTA\)](#); [Wise, Viktoriya \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPEAL RESPONSE - Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Monday, June 19, 2017 2:12:32 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below a supplemental brief received by the Office of the Clerk of the Board from the Planning Department, concerning the Exemption Determination Appeal for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project.

[Planning Department Letter - June 16, 2017](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on June 27, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Notice of Electronic Transmittal

Planning Department Response to the Appeal of Categorical Exemption for the SFMTA – 13th Street Eastbound Bicycle Facility Project

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 19, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
Christopher Espiritu, Environmental Planner (415) 575-9022
RE: BOS File No. 170638 [Planning Case No. 2017-001180ENV]
Appeal of Categorical Exemption for the SFMTA – 13th Street Eastbound
Bicycle Facility Project

HEARING DATE: June 27, 2017

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted a multi-page response to the Appeal of Categorical Exemption for the SFMTA – 13th Street Eastbound Bicycle Facility Project [BF 170638] in digital format. Hard copies of this response have been provided to the Clerk of the Board for distribution to the appellants and project sponsor by the Clerk of the Board. A hard copy of this response is available from the Clerk of the Board. Additional hard copies may be requested by contacting the Christopher Espiritu of the Planning Department at 415-575-9022 or Christopher.Espiritu@sfgov.org.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Categorical Exemption Appeal

SFMTA – 13th Street Eastbound Bicycle Facility Project

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: June 19, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
 Devyani Jain, Acting Deputy Environmental Review Officer – (415) 575-9051
 Wade Wietgreffe – (415) 575-9050
 Christopher Espiritu – (415) 575-9022

RE: Planning Case No. 2017-001180ENV
 Appeal of Categorical Exemption for SFMTA – 13th Street Eastbound Bicycle Facility Project

HEARING DATE: June 27, 2017

ATTACHMENTS: A – CEQA CATEGORICAL EXEMPTION DETERMINATION
 B – SFMTA BOARD RESOLUTION NO. 170418-050
 C – APPEAL LETTER

PROJECT SPONSOR: Jennifer Wong, Transportation Planner, San Francisco Municipal Transportation Agency (SFMTA), (415) 701-4551

APPELLANT: Mary Miles, Attorney for Coalition for Adequate Review

INTRODUCTION

This memorandum and the attached documents are a response to a letter of appeal to the Board of Supervisors (the “board”) regarding the Planning Department’s (the “department”) issuance of a Categorical Exemption under the California Environmental Quality Act (“CEQA Determination”) for the proposed San Francisco Municipal Transportation Agency (the “SFMTA”) – 13th Street Eastbound Bicycle Facility Project (the “project”).

The department, issued a categorical exemption for the project on April 10, 2017 finding that the project is exempt from further environmental review under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, as a Class 1 and Class 4 categorical exemption (14 Cal.Code Reg. §§ 15301 and 15304).

The decision before the board is whether to uphold the department’s decision to issue a categorical exemption and deny the appeal, or to overturn the department’s decision to issue a categorical exemption and return the project to the department for additional environmental review.

Memo

PROJECT DESCRIPTION

The SFMTA proposed the 13th Street Eastbound Bicycle Facility Project (the project). The project includes the reduction in one travel lane (from three to two lanes) on eastbound 13th Street, between South Van Ness Avenue and Folsom Street, and the creation of a new protected bicycle lane through changes to striping, signage, parking relocation and soft hit post installation along eastbound 13th Street, between Folsom Street and Bryant Street. Prior to project implementation, there were no existing bicycle facilities along eastbound 13th Street; the westbound direction of 13th Street between Folsom Street and Bryant Street has an existing Class IV bikeway (parking-protected bike lane).

Given the urgency of safety improvements, and following issuance of the CEQA Determination, approval of the project on April 18, 2017 and prior to the filing of this appeal, the SFMTA implemented Phase 1 of the project on eastbound 13th Street between South Van Ness Avenue and Bryant Street. Project implementation did not involve heavy construction; but rather involved restriping the existing roadway with paint, installing soft-hit posts along the bike lane and installing signage. Given the reversible nature of the signage, paint changes, and installation of soft-hit posts, if the Board of Supervisors upholds this appeal, 13th Street would be returned to its pre-project condition.

Overall, the project removed one travel lane on eastbound 13th Street to accommodate the eastbound bicycle lane. The project also relocated 15 and removed 35 existing on-street parking spaces, restriped portions of the street (i.e., lane marking changes), changed the color of curbs, installed signs within the project limits, installed soft-hit posts along the bike lane, and installed painted bicycle boxes at the intersections of Folsom Street/13th Street and Harrison Street/13th Street.

No excavation was required. Project construction, which included painting and soft-hit posts and sign installation lasted approximately 30 days, which was within the 60-day estimate described in the CEQA Determination. A subsequent phase which includes similar construction activities is anticipated to last approximately 30 days. The project is intended to help meet the City's adopted Vision Zero policy, which seeks to eliminate all traffic-related fatalities by 2024. The project is also intended to fulfill Mayor Edwin Lee's Executive Directive on Pedestrian and Bicycle Safety issued on August 4, 2016.

BACKGROUND

On January 26, 2017, Jennifer Wong, Transportation Planner with the SFMTA (hereinafter "project sponsor") filed an application with the department for a determination under CEQA of the proposed 13th Street Eastbound Bicycle Facility Project which would establish a new eastbound bikeway on 13th Street.

On April 10, 2017, the department determined that the project was categorically exempt under CEQA Class 1 – Existing Facilities and Class 4 – Minor Alterations to Land, and that no further environmental review was required.

On April 18, 2017, the SFMTA Board of Directors (the "SFMTA board") conducted a duly noticed public hearing at a regularly scheduled meeting. At that hearing, the SFMTA board approved the project by SFMTA Board Resolution No. 170418-050.

On May 18, 2017, an appeal of the categorical exemption determination was filed by Mary Miles, Attorney for the Coalition for Adequate Review. The one-page appeal letter from Ms. Miles incorporates by reference a public comment submitted to the SFMTA board on April 18, 2017 from Ms. Miles.

On May 24, 2017, in a letter to the Clerk of the Board of Supervisors, the Environmental Review Officer determined that Ms. Miles' appeal of the categorical exemption determination was timely, because an approval action (SFMTA Board Resolution No. 170418-050 had been taken for the project.

On June 16, 2017, Ms. Miles filed a supplemental brief related to the 13th Street appeal to the Clerk of the Board of Supervisors.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15301, or Class 1, provides an exemption from environmental review for minor alterations to "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety)." This includes traffic channelization measures, minor restriping of streets (e.g., turn lane movements, painted buffers, and parking changes), and other improvements on existing streets.

Also, CEQA State Guidelines Section 15304, or Class 4, provides an exemption from environmental review for minor public or private alterations in the condition of land. Class 4(h) specifically provides an exemption from environmental review for the creation of bicycle lanes on existing rights-of-way. The project includes the installation of a new parking protected bicycle lane on existing eastbound 13th Street, between Folsom Street and Bryant Street.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial

evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

APPELLANT CONCERNS AND PLANNING DEPARTMENT RESPONSES

The concerns raised in Ms. Miles’ May 18, 2017 appeal letter, and associated attached April 18, 2017 public comment letter, and June 16, 2017 supplemental brief, are cited below and are followed by the department’s responses.

Concern 1: The city’s failure to provide public notice and information on the project violates CEQA’s requirement of informed public participation in the decision making process, as well as open meeting and information requirements.

Response 1: The process by which the project was evaluated complies with applicable sections of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code.

The Appellant states that the department did not provide adequate public notice of a certificate of exemption from environmental review (“exemption certificate”) for the project (dated April 10, 2017). The appellant is incorrect. For all exemption determinations, such as the one prepared for the project, Administrative Code Section 31.08(e)(2) requires that when the Environmental Review Officer issues a “Certificates of Exemption from Environmental Review” a copy shall be posted in the “offices of the Planning Department and on the Planning Department website,” and copies mailed “to the applicant, board(s), commission(s), or department(s) that will carry out or approve the project.” Accordingly, the department duly posted a paper copy of the exemption at the Planning Information Counter as well as on the department’s website. Additionally, copies of the exemption were filed with Roberta Boomer, Secretary to the SFMTA Board of Directors.

Chapter 31 of the Administrative Code also requires the Environmental Review Officer to post on the department’s website the following: “(1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.” (Administrative Code Section 31.08(e)(1)(A)).

Neither the CEQA statute nor the CEQA Guidelines require any notice of exemption determinations. The department met all of these above-noted requirements in issuing the exemption certificate for the project. The exemption certificate for the project was posted on the department’s website, <http://sf-planning.org/ceqa-exemptions-map>, on April 10, 2017. The department’s website includes a heading titled “Public Agency Exemptions,” with a table of exemptions for projects sponsored by public agencies and the exemption certificate for the project is included. The exemption certificate contains all of the information required by Administrative Code Section 31.08(e)(1)(A); that is, the five specific items mentioned above.

The appellant also contends that the exemption certificate should have been publicly noticed at least 72 hours in advance of SFMTA's March 17, 2017 Public Hearing for Proposed Parking and Traffic Changes agenda in a readily accessible link. The appellant is incorrect. This public hearing is conducted by the SFMTA to solicit public input on color curb changes and traffic modification projects proposed by SFMTA. No discretionary action occurred at that hearing, and thus CEQA was not required to be completed before this hearing. Given no such discretionary action occurred at the March 17 Public Hearing for Proposed Parking and Traffic Changes, no CEQA determination was required for that hearing. Moreover, even if a discretionary approval had occurred, neither CEQA nor Chapter 31 of the Administrative Code requires posting notice 72 hours in advance of discretionary actions.

Administrative Code section 31(f)(1) did require the SFMTA to provide notice of public hearing on the Approval Action for the project. For this project, that Approval Action occurred when the SFMTA Board approved the project on April 18, 2017. The SFMTA met this requirement by providing a notice of meeting and calendar prior to the public hearing on the Approval Action for the project. In accordance with SFMTA's Board Accessible Meeting Policy, written reports or background materials for calendar items are available for public inspection and copying at 1 South Van Ness Avenue, 7th Floor, during regular business hours and are available online at www.sfmta.com/board. Chapter 31 of the Administrative Code allows opportunities for appeal up to 30 days after an "Approval Action" occurs, which clearly indicates the appellant was informed of the project and its associated public hearing and exemption certificate, as evidenced by the appellant's public comment letter on the project at the April 18th SFMTA board hearing, and the appellant's timely filing of its appeal.

The appellant also contends the SFMTA did not undertake any outreach to the general public on this project. This is not a challenge to the environmental review of the project, and thus not properly a subject of this appeal. However, the following is provided for information purposes. Per SFMTA's Public Outreach Notification Standards, every SFMTA project requires the following: (1) provide briefings to stakeholders as appropriate to the project, (2) distribute regular notifications and updates using the most effective tactics (i.e. blogs, fliers, phone calls), and (3) hold public meetings when applicable for the scope and complexity of the project. SFMTA staff conducted briefings in March 2017 with various stakeholders, ranging from local businesses to elected officials, communicating the following information: summary of the project goals and objectives, benefits and tradeoffs of the project, activities and impacts occurring as part of the project, and project planning and implementation timeline. SFMTA staff also provided updates using an assortment of communication channels including: email updates, partner lists, website updates, and blog posts.

Concern 2: The department failed to accurately state existing and project conditions.

Response 2: The department did accurately describe existing and project conditions and the appellant misunderstands the exemption certificate.

The appellant contends that the traffic volumes used to assess existing conditions are out of date. Specifically, the appellant claims that these traffic volumes are from the year 2015, and that the exemption certificate does not include the dates these traffic volumes were taken, the time of day, or who took them.

The appellant is incorrect and the exemption certificate does include information related to when and where the traffic counts were collected for the project's transportation analysis. For the project's transportation analysis, 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. As stated on page 5 in the exemption certificate, the traffic counts were taken by the SFMTA in April 2016 during the p.m. peak hour (between 4:00 p.m. to 6:00 p.m.). More specifically, the traffic counts were taken on Tuesday April 19, 2016.¹ Pursuant the Planning Department's *Transportation Impact Analysis Guidelines*,² to assess normal weekday traffic, counts should be taken on a Tuesday, Wednesday, or Thursday and should be less than two years old. The traffic counts collected for the project's transportation analysis complied with this guidance.

The appellant also contends that the project is removing two, not one, travel lanes. The appellant misrepresents and misunderstands the project, which is accurately described and presented in the exemption certificate. The project would extend approximately 2,100 lineal feet (or less than 0.4 mile) along 13th Street. The existing roadway configuration for eastbound 13th Street, between South Van Ness Avenue and Bryant Street, includes three through travel lanes with a curbside parking lane. Between South Van Ness Avenue and Harrison Street, or for approximately two-thirds of the area covered by the project, the project would remove one eastbound travel lane. On the block 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 two travel lanes would still exist, one of which would be a dedicated left turn lane. Between Harrison and Bryant streets, 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.

The appellant also claims that 5,700 vehicles per hour travel on the existing roadway and that the project would result in the removal of 1,900 vehicles per hour, and thus that the city is required to identify and mitigate impacts related to such delay. The appellant misunderstands the transportation analysis and uses an outdated metric for assessing environmental impacts. As shown in table 1 of the exemption certificate, the existing eastbound pm peak hour volumes for each of the three study intersections are: 13th and Folsom streets, 705 vehicles; 13th and Harrison streets, 670 vehicles; and 11th, 13th, Bryant, and Division streets, 790 vehicles.³

As described in the exemption certificate, the department assessed the effects of the project's roadway capacity reduction for the purposes of understanding whether transit travel times would be substantially affected by project-related congestion delay. "The impact on transit travel times was assessed by comparing anticipated project effects on vehicle capacity along roadway segments where private vehicles and transit operate in mixed-flow travel lanes. The analysis was based on quantitative estimates of average vehicle capacity at intersections within the study area where the highest estimated number of

¹ The date referring to the year 2015 shown in table 1 of the exemption certificate is a clerical error. The correct date of April 2016 is described for the traffic counts in the text of the paragraph that follows Table 1 in the exemption certificate.

² Planning Department, *Transportation Impact Analysis Guidelines*, October 2002, http://sf-planning.org/sites/default/files/FileCenter/Documents/6753-Transportation_Impact_Analysis_Guidelines.pdf, accessed June 8, 2017.

³ This was a clerical error in the exemption certificate. The existing eastbound pm peak hour volume is 790 vehicles and the existing eastbound am peak hour volume is 1,012 vehicles. The existing eastbound pm peak hour traffic volume (790 vehicles) is therefore lower than the one indicated in the exemption certificate (1,012 vehicles).

vehicles were observed during the PM peak hour. This approach was used to assess whether the proposed project could substantially reduce capacity and thereby affect transit vehicles traveling through the study area.”

As described in the Highway Capacity Manual and the Institute of Traffic Engineer’s Traffic Engineering Handbook, the analysis used a traffic saturation flow rate of 1,900 passenger cars per hour per lane, which is a commonly used method for estimating the carrying passenger car capacity of a single travel lane on a given roadway. In other words, this number is an *estimate* of the passenger car capacity of each lane, not the *actual existing* passenger car volumes nor is it the *person throughput* capacity of each lane along eastbound 13th Street. As described above, the actual traffic counts are between 35 and 53 percent of the estimated capacity of *one lane*, not three lanes. In the case of the proposed project, the roadway passenger car capacity of eastbound 13th Street, between South Van Ness Avenue and Bryant Street, was estimated to be 5,700 passenger cars per hour (1,900 times three = 5,700). However, as noted above, the existing volumes for each of the three study intersections are: 13th and Folsom streets, 705 vehicles; 13th and Harrison streets, 670 vehicles; and 11th, 13th, Bryant, and Division streets, 1,012 vehicles. These existing traffic volumes are the baseline conditions against which the project’s impacts are analyzed.

Implementation of the proposed project would reduce the overall passenger car capacity for the 13th Street roadway to two travel lanes or 3,800 passenger cars per hour. This is below the existing traffic volumes documented at the three study intersections. Thus, with project implementation, the analysis determined that the 13th Street would continue to safely have adequate capacity, contrary to the appellant’s claims that the department’s exemption certification would adversely cause congestion and unsafe conditions at major intersections in the project area. Therefore, the project would not cause vehicles traveling on eastbound 13th Street to substantially divert to other nearby streets in the vicinity, which in turn could substantially affect transit travel times. Thus, the project was determined to have no significant impacts related to transit travel times.

Furthermore, pursuant to Planning Commission Resolution No. 19579, adopted March 3, 2016, the department does not use automobile delay as a consideration in assessing impacts on the environment pursuant to CEQA. The appellant is incorrect in stating that the department cannot remove automobile delay prior to adoption of new CEQA Guidelines by the state. CEQA encourages public agencies to develop standards and procedures necessary to evaluate their actions and therefore protect environmental quality, including adopting updated thresholds of significance. Through the Planning Commission resolution, the department, as a lead agency, did just that by removing automobile delay in assessing impacts on the environment pursuant to CEQA.⁴ No substantial evidence has been presented by the appellant to support the appellant’s claim that the project would result in automobile impacts. Regardless, the appellant’s claim of needing to identify and mitigate automobile delay is outdated and incorrect.

⁴ A more detailed discussion regarding this resolution is contained within the March 3, 2016 Executive Summary and associated attachments. Available online here: http://commissions.sfplanning.org/cpcpackets/Align-CPC%20exec%20summary_20160303_Final.pdf.

Concern 3: The department failed to adequately analyze cumulative conditions and the project would result in cumulative considerable impacts.

Response 3: The department's analysis of cumulative conditions is based upon substantial evidence, the project would not result in cumulative considerable impacts, and the appellant has not provided substantial evidence to indicate otherwise.

The approach used in the cumulative analysis for the project was established by applying a future growth of 15 percent in traffic volumes on the eastbound 13th Street roadway. The 2040 Baseline Conditions models were informed by pm peak hour traffic volumes collected for the project by SFMTA. Based on overlapping traffic volume data from nearby projects and other studies, SFMTA staff used the average growth in the study area's cumulative traffic volumes to ascertain the projected growth in vehicle traffic volumes, which was found to be 15 percent. Staff then applied a 15 percent increase to all intersection-level directional vehicle volumes in the Existing Conditions to generate the 2040 Baseline Conditions traffic volumes. This approach was similarly used in the environmental review for other projects such as Safer Market Street, 7th Street, 8th Street, and Turk Street.

The resulting 2040 cumulative traffic volumes for each project intersection were determined to be between 20 and 30 percent of the estimated 3,800-vehicle capacity of the eastbound 13th Street roadway, with implementation of the project. Based on the April 2016 observations of traffic volumes on eastbound 13th Street, the analysis determined 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 vehicular diversion to other nearby streets in the vicinity, which in turn could substantially affect cumulative transit travel times. Thus, the project was determined, combined with cumulative projects, to result in less-than-significant impacts related to transit travel times under 2040 cumulative conditions.

Furthermore, as described previously, the department does not use automobile delay as a consideration in assessing impacts on the environment pursuant to CEQA. Therefore, even if the project were to result in substantial automobile delay under 2040 cumulative conditions, the appellant's claim of needing to identify and mitigate automobile delay is outdated and incorrect.

Finally, the appellant's claims that the exemption ignores the City's 2009 Bicycle Plan Project is incorrect. The proposed project exhibits independent utility from the bicycle lane projects previously analyzed, including for cumulative conditions, under the 2009 Bicycle Plan EIR and subsequently constructed on portions of 14th, 16th, and 17th streets. The project has independent utility because it neither triggers the bicycle lane projects analyzed under the 2009 Bicycle Plan EIR nor relies on them. Additionally, cumulative impacts related to the proposed project have been adequately addressed in its environmental analysis. The project would not result in cumulative impacts, contrary to the appellant's claims.

Concern 4: No evidence exists to support that 13th Street is a high injury corridor for bicycling.

Response 4: Establishment of San Francisco's Vision Zero High Injury Network is based upon empirical data and robust scientific methodology.

The appellant contends that there is no evidence to support SFMTA's finding that 13th Street is a high injury corridor for bicyclists. This contention goes to the project merits and the rationale for adopting the project by the SFMTA Board, and does not raise any issues as to the adequacy or accuracy of the project's environmental review. Thus, it is not a proper subject for this appeal. Nevertheless, the following is provided for informational purposes.

In February 2014, the San Francisco Municipal Transportation Agency and the San Francisco Board of Supervisors adopted Vision Zero as City policy, with a goal of zero traffic deaths for all modes, including cyclists, pedestrians, and motorists by 2024. The San Francisco Department of Public Health staff performed a comprehensive analysis in collaboration with SFMTA to identify streets where transportation-related injuries are most concentrated to inform targeted, data-driven safety improvements in support of San Francisco's Vision Zero policy.

The analysis used collision records from the Statewide Integrated Traffic Records System over five-year periods. By geo-referencing and analyzing aggregated injury data, corridor patterns of injury emerged. The analysis found that transportation-related injuries (including those particularly related to bicycle injury collisions) are most concentrated on 12 percent of San Francisco's local streets. The concentration of cyclist injury collisions along specific corridors of the city (including 13th Street) were resulted from several environmental-level risk factors including traffic volumes, traffic speeds, and other corridor-specific conditions contributing to bicycle traffic injury.

Concern 5: The project would result in air quality, greenhouse gases, energy consumption, public safety, including emergency vehicle movement, noise, and human impacts.

Response 5: The project would not result in air quality, greenhouse gases, energy consumption, public safety, emergency access, noise, and other (human) impacts.

As described in the exemption certificate, the project is categorically exempt from CEQA under Class 1 and 4 and would not involve any unusual circumstances. There is no substantial evidence to suggest that there exists a reasonable possibility of any significant direct or cumulative environmental effects as a result of the project, either from usual or unusual circumstances. The project would accordingly not result in air quality, greenhouse gases, energy consumption, public safety, emergency access, noise, and other (human) impacts.

As documented in the exemption certificate, the project would not exceed local and regional significance thresholds for emissions and other air pollutants or result in significant transportation impacts, including emergency vehicle access and public safety. The exemption certificate did not assess greenhouse gas emissions, energy consumption, or noise impacts. Given the nature of this project, substantial diversion

of vehicular travel or substantial construction would need to occur in order to result in substantial project-related impacts on these topics. Staff determined such an assessment was unnecessary because, as described above, 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. The appellant has not provided substantial evidence to suggest that there exists a reasonable possibility of any significant impacts on these topics.

Concern 6: The Appellant contends that the project is not categorically exempt from CEQA.

Response 6: The project is categorically exempt from CEQA under Class 1 and 4 and would not involve any unusual circumstances and therefore a categorical exemption is the appropriate level of evaluation for the project.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: (1) determining whether the project meets the requirements of the categorical exemption, and (2) determining whether there are unusual circumstances at the site or with the proposal that would result in a reasonable possibility of a significant effect. The appellant claims that the project does not meet the requirements of the categorical exemption and that the project goes beyond the limited scope of applicable exemptions. However as explained below, the project was determined to be eligible for a categorical exemption under either of two different exemption classes, consistent with determinations for other projects in San Francisco with similar characteristics, and do not involve any unusual circumstances that could result in a reasonable possibility of a significant effect.

As described in the exemption certificate for the project, CEQA Guidelines Section 15301(c) or Class 1(c), and Section 15304(h), or Class 4(h), applies to the project. The project meets the criteria under Class 1 for minor alterations to existing facilities, including highways and streets, sidewalks, gutters, bicycle and pedestrian trails, traffic channelization measures, minor restriping of streets (e.g., turn lane movements, painted buffers, and parking changes). The appellant claims that because the project is changing the "use" of 13th Street by adding a bicycle facility, the project is not a minor alteration, and thus Class 1 does not apply. City streets have typically been used for a variety of purposes since their inception. These purposes often vary and may include standing, resting, walking, bicycling, and driving motor vehicles. This is acknowledged in San Francisco's Transit-First Policy, San Francisco Charter, Section 8A.115(a)(3), which states: "Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicycles, and public transit, and shall strive to reduce traffic and improve public health and safety." Here, the project has resulted in minor restriping and other changes that maintain the street as serving some of the aforementioned purposes. Therefore, the appellant is incorrect and the Class 1 exemption was properly applied.

The project also meets the criteria under Class 4, which involves the creation of bicycle lanes on existing rights-of-way. The appellant once again claims that the project is changing the use of the right-of-way and that the project is not a minor alteration, and thus the Class 4 does not apply. Specifically, the appellant states the 13th Street consists of three eastbound traffic lanes and a parking lane. Therefore, the project results in a change of this street's use. The appellant ignores the Class 4(h) language regarding

permitting or allowing the “creation of bicycle lanes on existing rights-of-way.” If one were to interpret the Class 4(h) language as the appellant suggests, it is unclear how any project that creates a bicycle lane on existing right-of-way, including this project, could meet this exemption. Therefore, the appellant is incorrect and the Class 4 exemption was properly applied.

Finally, the appellant has not described any unusual circumstances that are related to the project. CEQA Guidelines Section 15300.2(a) states that a categorical exemption is qualified by consideration of where the project is to be located; that is, a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The appellant has not submitted any evidence to demonstrate that the project would result in individual or cumulative impacts under CEQA due to usual circumstances or that there are unusual circumstances involved with the project, as required by CEQA.

CEQA Guidelines Section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Overall as described throughout this appeal response, there is no substantial evidence to suggest that there exists a reasonable possibility of any significant direct or cumulative environmental effects as a result of the project, either from usual or unusual circumstances.

CONCLUSION

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The department has found that the project is consistent with the cited exemption. The appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the department.

For the reasons stated above and in the April 10, 2017 CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The department therefore recommends that the board uphold the CEQA Categorical Exemption Determination and deny the appeal of this CEQA Determination.

Attachment A

CEQA Categorical Exemption Determination



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2017-001180ENV
 Project Title: SFMTA – 13th Street Eastbound Bicycle Facility Project
 Location: 13th Street between South Van Ness Avenue and Bryant Street
 Project Sponsor: Jennifer Wong, SFMTA – (415) 701-4551
 Staff Contact: Christopher Espiritu – (415) 575-9022
 Christopher.Espiritu@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

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 Information:
 415.558.6377

PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes the 13th Street Eastbound Bicycle Facility Project (proposed project). The proposed project would include the installation of a new bicycle facility on eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Currently, there are no existing bicycle facilities along eastbound 13th Street; the westbound direction of 13th Street between Folsom Street and Bryant Street has an existing Class IV bikeway (parking-protected bike lane).

The proposed project would generally remove one travel lane along eastbound 13th Street to accommodate the proposed bicycle lane. The proposed project would also relocate and remove existing on-street parking, restripe portions of the street (i.e., lane marking changes), change the color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom Street/13th Street, Harrison Street/13th Street, and Bryant Street/13th Street.

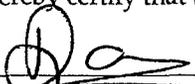
No excavation is required. Project construction, which includes painting and sign installation, is anticipated to last approximately 60 days. A subsequent phase which includes similar construction activities is anticipated to last approximately 30 days. The proposed project is intended to help meet the City's adopted Vision Zero policy which seeks to eliminate all traffic-related fatalities by 2024. The proposed project is also intended to fulfill Mayor Ed Lee's Executive Directive on Pedestrian and Bicycle Safety issued on August 4, 2016, as it relates to safety improvements on 13th Street. (Continued on page 2)

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act [CEQA] Guidelines Section 15301) and Categorical Exemption, Class 4 (CEQA Guidelines Section 15304)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

for 
 Lisa M. Gibson
 Acting Environmental Review Officer

April 10, 2017
 Date

cc: Jennifer Wong, SFMTA
 Andrea Contreras, SFMTA

Virna Byrd, M.D.F.
 Supervisor Kim, District 5 (via Clerk of the Board)
 Supervisor Ronen, District 9 (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The objective of the proposed project is to improve safety conditions along 13th Street for bicyclists, pedestrians, and vehicles. The 13th Street corridor is on San Francisco's High Injury Network for vehicles and bicycles, a network of streets that experience a disproportionate number of bicycle collisions compared to other streets.¹

Within the project limits of South Van Ness Avenue and Bryant Street, 13th Street is a two-way street with a width of 120 feet, including 16-foot-wide sidewalks on both sides of the street. As shown in Figure 1 (Existing Conditions), the existing configuration of westbound 13th Street consists of: a 6-foot-wide bicycle lane, a 6-foot-wide painted buffer, an 8-foot-wide parking lane, two 10-foot-wide travel lanes, and an 8-foot-wide concrete median. The existing roadway configuration of eastbound 13th Street includes: two 10-foot-wide and one 12-foot-wide mixed-flow travel lanes, as well as an 8-foot-wide curbside parking lane.

The proposed project would not involve any changes to the existing westbound lanes along 13th Street. The proposed project would include changes to the eastbound lanes along 13th Street. Between Harrison Street and Bryant Street, the proposed project would include two phases.

The proposed project would maintain the width of the existing 120-foot-wide roadway, including the locations of the existing curbs (i.e., sidewalk widths). However, the proposed project would restripe the 13th Street roadway between South Van Ness Avenue and Bryant Street and remove an existing travel lane. As shown on Figure 2 (Proposed Conditions), on the segment between South Van Ness Avenue and Folsom Street, the project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10 ½-foot-wide mixed-flow travel lanes (a ½-foot increase in width each), a 9-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new).

On the segment between Folsom Street and Harrison Street, the proposed project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10-foot-wide mixed-flow travel lanes (no change in width), a 2-foot-wide painted buffer (new), a 6-foot-wide bicycle lane (new), a 2-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new). Figure 2 shows the proposed configuration on this segment of 13th Street.

In Phase I, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to existing conditions): a 10-foot-wide left turn lane (new), a 10-foot-wide mixed-flow travel lane (no change in width), an 8-foot-wide parking lane (relocated), a 5-foot-wide painted buffer (new), and a 7-foot-wide bicycle lane (new).

¹ Memorandum - *Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project* (February 17, 2017) from Jennifer Wong (SFMTA) to Christopher Espiritu (Environmental Planning - San Francisco Planning Department). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File No. 2017-001180ENV.

In Phase II, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to Phase I conditions): two 10-foot-wide left turn lanes (no change in width), a 10-foot-wide mixed-flow travel lane (no change in width), and a 20-foot-wide through/right travel lane (new). The proposed Phase I and II conditions, between Harrison and Bryant streets, are shown in Figure 3.

As shown in Figures 4A and 4B (Striping Plans), the proposed project would include the removal of on-street parking (approximately 35 spaces) on 13th Street. The proposed project would not relocate or remove any existing commercial vehicle loading zones (yellow zones) or accessible parking spaces (blue zones) throughout the project limits.

Project Approvals

The proposed project is subject to internal review by SFMTA staff, a recommendation for approval by Transportation Advisory Staff Committee, Public Hearing with an SFMTA Hearing Officer, and finally approval by SFMTA Board. The proposed project is subject to notification through a Public Notice of Intent. If no objections are received to the Notice or the Public Hearing, the proposed project would be routed to the SFMTA Board of Directors for approval.

Approval Action: The Approval Action for the proposed project would be approval by the SFMTA Board of Directors, which approves the proposed roadway improvements to be implemented or constructed on the public right-of-way. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15301(c) or Class 1(c), provides an exemption from environmental review for minor alterations to "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety)." This includes traffic channelization measures, minor restriping of streets (i.e., turn lane movements, painted buffers, and parking changes), and other improvements on existing streets. As described above, the proposed project includes these measures; therefore, the proposed project would be exempt from CEQA under Class 1(c).

In addition, CEQA State Guidelines Section 15304, or Class 4, provides an exemption from environmental review for minor public or private alterations in the condition of land. Class 4(h) specifically provides an exemption from environmental review for the creation of bicycle lanes on existing rights-of-way. The proposed project would include the installation of a new Class II and Class IV bicycle lane along eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Therefore, the proposed project would also be exempt from CEQA under Class 4(h).

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Transportation" and "Air Quality" there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed below, there is no possibility of a significant effect on the environment due to unusual circumstances.

TRANSPORTATION

The proposed project was analyzed in a memorandum prepared by the SFMTA and reviewed by the Planning Department for transportation impacts in the study area.² The following relies on the analysis conducted in that memorandum, as well as additional supplemental analysis.

Transit Impacts

The proposed project is a transportation project and the project is not anticipated to induce growth that would generate new trips, including transit trips, unlike a land use development project. In addition, the proposed project would not change transit service (e.g., decrease service, such that capacity may increase). Thus, a transit capacity utilization analysis is not necessary in considering CEQA impacts. However, transit travel time may change due to project-related traffic congestion delay. As traffic congestion increases in the area, traffic delays could result in delays to transit while traveling along the transit route corridor if the transit vehicles share right-of-way with other vehicles (i.e., mixed-flow lanes).

The proposed project would include roadway modifications along eastbound 13th Street, between South Van Ness Avenue and Bryant Street, where no existing Muni bus routes operate. However, there are nearby bus routes (12-Folsom, 27-Bryant, 9-San Bruno) which operate along the intersecting streets of Folsom Street, Bryant Street, and Division Street. The proposed modifications along the 13th Street eastbound roadway would not affect existing bus stops for the abovementioned bus routes. While there are existing bus stops for Muni bus routes 12 (Folsom), 27 (Bryant), and 9 (San Bruno) within the project vicinity, the proposed project would not remove (or relocate) any existing bus stops for these bus routes.

The impact on transit travel times was assessed by comparing projected project effects on vehicle capacity along roadway segments where private vehicles and transit operate in mixed-flow travel lanes. The

² SFMTA Memorandum to Planning Department – 13th Street Eastbound Bicycle Facility Project, February 17, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2017-001180ENV.

analysis was based on quantitative estimates of average vehicle capacity at intersections within the study area where the highest estimated number of vehicles were observed during the PM Peak hour. This approach was used to assess whether the proposed project could substantially reduce capacity and thereby affect transit vehicles traveling through the study area.

Using Highway Capacity Manual assumptions, eastbound 13th Street has an estimated capacity of 1,900 vehicles per hour per lane. The existing eastbound 13th Street roadway, between South Van Ness Avenue and Bryant Street, consists of three travel lanes which was estimated to have vehicle capacity in one direction with 5,700 vehicles per hour. SFMTA analyzed the most recent traffic counts available for intersections within the project limits, as shown in Table 1 below.

Table 1 – Traffic Volumes (PM Peak)

Intersection	Traffic Control	Traffic Volumes (EB Direction)		
		Existing	Traffic Volume Growth	Cumulative 2040
13th and Folsom (2015)	Signal	705 vehicles	+ 106 vehicles	811 vehicles
13th and Harrison (2015)	Signal	670 vehicles	+ 101 vehicles	771 vehicles
11th/13th/Bryant/Division (2015)	Signal	1,012 vehicles	+ 152 vehicles	1,164 vehicles

Notes: - Existing Roadway Capacity = 5,700 vehicles per hour; Proposed Roadway Capacity = 3,800 vph

- Traffic volume growth was derived using a 15% average growth rate over a 20-year period of traffic in the area

Source: SFMTA - 13th Street Traffic Count Data, Andrea Contreras (SFMTA) to Christopher Espiritu (SF Planning), February 2017

With implementation of the proposed project, roadway capacity in the eastbound direction would be reduced to approximately 3,800 vehicles per hour. As observed by SFMTA on April 2016, the existing traffic volumes on each project intersection of 13th/Folsom (705 vehicles), 13th/Harrison (670 vehicles), and 13th/Bryant Streets (1,012 vehicles) traveling within the project limits would be accommodated by the roadway capacity (3,800 vehicles per hour) under the proposed roadway configuration.

In order to assess cumulative effects of the proposed project, SFMTA staff used the average growth in the study area's traffic volumes to ascertain the projected growth in vehicle traffic volumes. This growth was found to be approximately 15 percent. Staff then applied a 15 percent increase to all intersection-level directional vehicle volumes in the Existing Conditions to generate the 2040 Baseline Conditions traffic volumes.

As shown in Table 1 above, cumulative traffic volumes on each project intersection of 13th/Folsom (811 vehicles), 13th/Harrison (771 vehicles), and 13th/Bryant Streets (1,164 vehicles) traveling eastbound within the project limits would continue to be accommodated within the eastbound 13th Street roadway. The proposed roadway capacity of 1,900 vehicles per hour per eastbound lane (3,800 vehicles for two travel lanes) after implementation of the project would continue to provide adequate vehicle capacity on 13th Street in the future.

Given the capacity of the proposed eastbound roadway reconfiguration, it is not anticipated that vehicle trips would substantially divert to nearby streets that could substantially affect transit travel times on intersecting streets such as Folsom, Harrison, and Bryant streets. Thus, the proposed project would not substantially impede transit operations on intersecting streets where transit service operates. Therefore, given that the proposed project would not substantially affect transit operations, the transit impacts associated with the implementation of the project would be less than significant.

Pedestrian Impacts

The proposed project is not anticipated to induce growth that would generate new pedestrian trips. Therefore, the proposed project would not result in substantial overcrowding on nearby public sidewalks. In addition, the proposed project would not include sidewalk narrowing, roadway widening, or other conditions that could create potentially hazardous conditions or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

13th Street is identified as a High Injury Corridor for vehicles and bicycles only. In addition, intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street were also identified as a High Injury Corridor for vehicles and cyclists. The proposed project would not include any narrowing of existing sidewalks or other components that could negatively affect pedestrian circulation within the project area. Therefore, the proposed project would result in a less-than-significant impact to pedestrians.

Bicycle Impacts

The proposed project includes the installation of a new Class II and Class IV bicycle lane on 13th Street, between South Van Ness Avenue and Bryant Street. The proposed project would not generate new bicycle trips, but would continue to accommodate bicyclists traveling along nearby bicycle facilities (South Van Ness Avenue, Folsom Street, and Harrison Street). The proposed bicycle facility would create a new bicycle connection to other nearby bicycle facilities, including north-south bicycle facilities located on Folsom Street and Harrison Street and other east-west bicycle facilities on 11th Street and Division Street.

The proposed project would generally enhance cycling conditions along the eastbound 13th Street corridor. Provision of a new Class II and Class IV bicycle lane within the project limits would increase bicyclists' visibility. The dedicated 6-foot-wide bicycle lane, painted buffers and a physical separation from adjacent travel lanes, would reduce the potential for injury to bicyclists due to "dooring" (i.e., when a vehicle driver or passenger opens a door in the path of an oncoming bicyclist, causing a collision). Further, implementation of the proposed project would enhance bicycle circulation and safety within the project area, and improve connectivity with other east-west and north-south bicycle facilities. Thus, for these reasons, the impact of the proposed project on bicycle facilities and circulation would be less than significant.

Emergency Vehicle Access Impacts

In general, implementation of the proposed project would not hinder or preclude emergency vehicle access. Between South Van Ness Avenue and Bryant Street, two 10-foot-wide, mixed-flow travel lanes would be retained on eastbound 13th Street. Although this would not be considered a significant impact, the new Class II and Class IV bicycle lane on 13th Street would not include any raised separation that would restrict vehicles from accessing these lanes in the event of an emergency. The design of proposed project improvements, including the new bicycle lane would be reviewed by SFMTA's Transportation Advisory Staff Committee (TASC)³ prior to SFMTA approval and implementation. The Transportation Advisory Staff Committee will provide a recommendation for approval regarding the proposed project, which will include a review of applicable standards, including emergency vehicle access.

SFMTA staff conducted a field survey to collect the location of emergency assets (i.e., fire alarm box, low-pressure fire hydrant, high-pressure fire hydrant, stand pipe, valves). The proposed project would not include closures or modifications to any existing streets or entrances to nearby buildings. Therefore, the proposed project would not create conditions resulting in inadequate emergency vehicle access.

Overall, with implementation of the proposed project, adequate street widths, clearance, and capacity for emergency vehicle access would be maintained, and therefore, the proposed project's impact on emergency vehicle access would be less than significant.

Loading

As observed by SFMTA, there are no existing loading zones located along 13th Street. Further, the proposed project would not eliminate any existing loading zones located on intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street.

Further, the proposed project would not create additional demand for loading. Given that the number of existing loading zones would not be reduced, the proposed project would not result in significant loading impacts.

AIR QUALITY

Criteria Air Pollutants

The proposed project would not generate any new vehicle trips in the project area. However, the proposed project would result in physical roadway changes along the extent of 13th Street, between South Van Ness Avenue and Bryant Street, where the reduction in roadway capacity and the reconfiguration of lane geometries would potentially alter travel patterns in and around the project area. As stated above, the proposed project would not generate additional vehicles trips, but reducing roadway capacity may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or

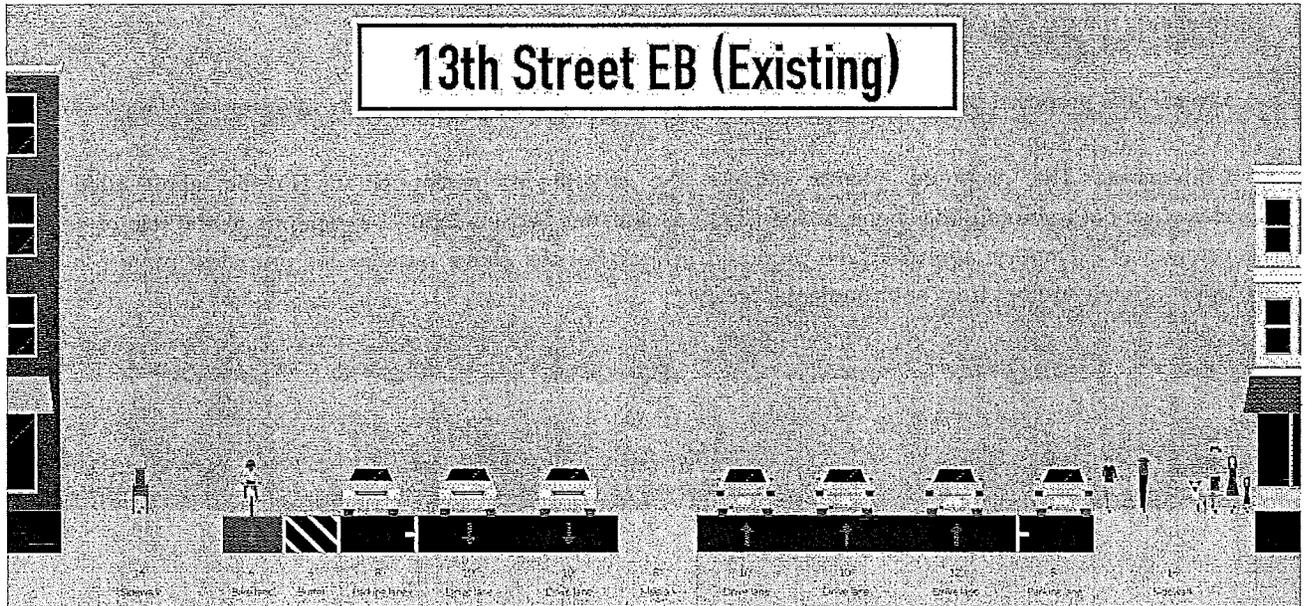
³ SFMTA's Transportation Advisory Staff Committee is an interdepartmental committee that includes representatives from Public Works, SFMTA, the Police Department, the Fire Department, and the Planning Department.

ozone precursors would occur in those locations. These increases are likely to be minor because drivers would be expected to modify their travel routes, or in some cases change their travel modes. Any changes in travel mode to buses, bicycles, and/or walking would reduce vehicle-generated emissions that would otherwise occur. Furthermore, changes in criteria air pollutant and ozone precursor emissions are evaluated on an average daily and maximum annual basis. The proposed project would not generate new vehicle trips, would not divert a substantial number of trips to alternate corridors, and would increase delay at some intersections, thus the air quality impact related to vehicle delay at intersections would be relatively minor. Therefore, impacts would be less than significant.

Overall, the proposed project would not result in significant impacts related to any environmental topics.

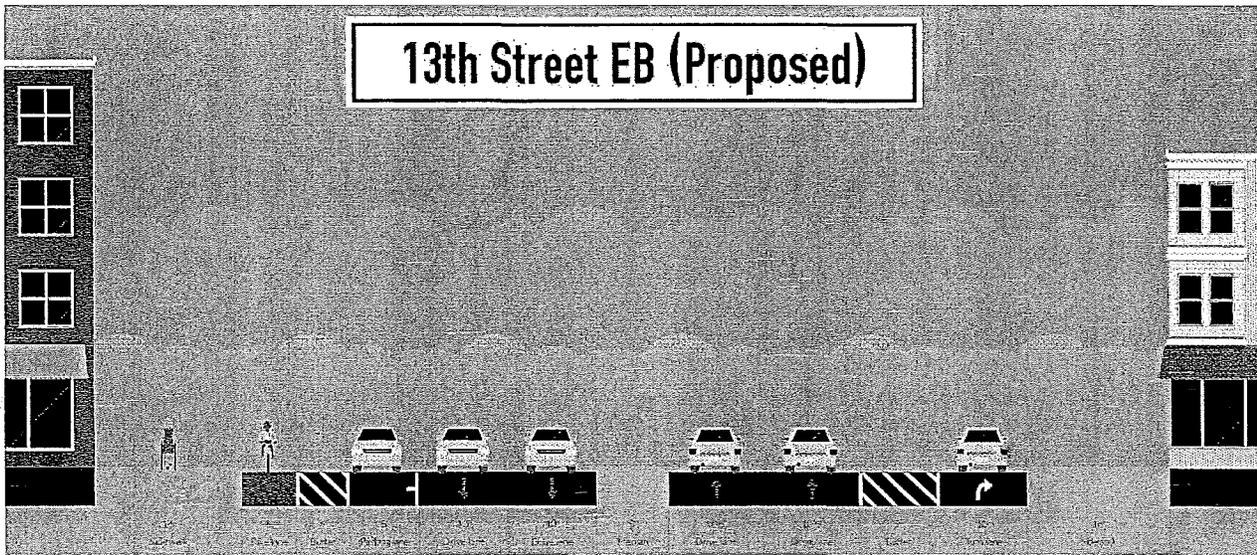
Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

Figure 1 – Existing Cross-Sections
13th Street EB Bicycle Facility Project



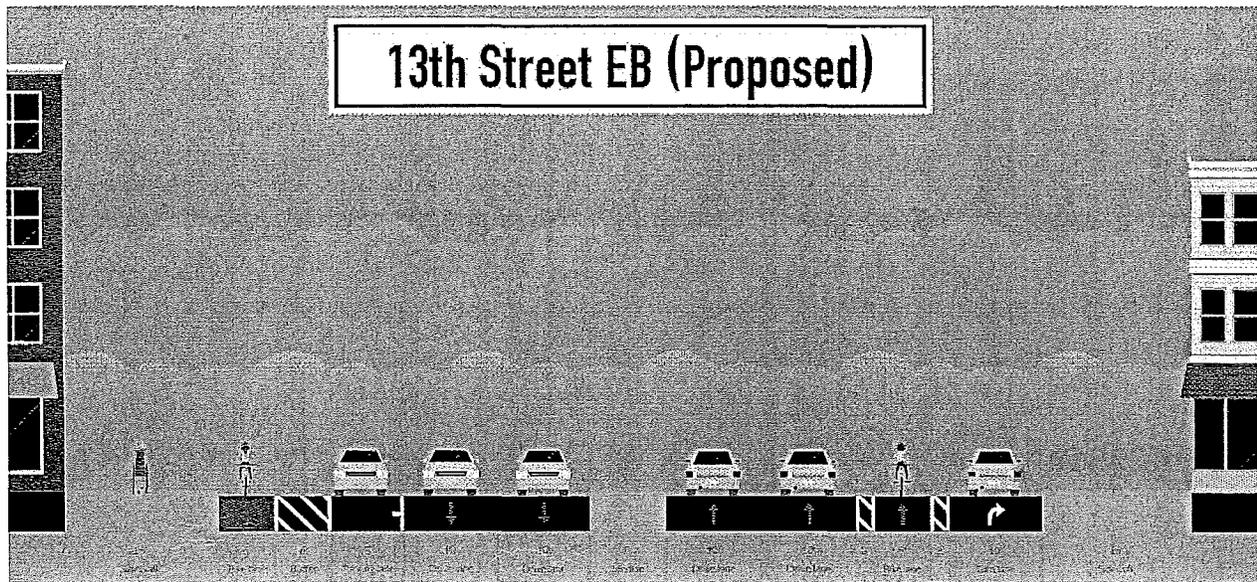
13th Street – Existing Conditions (Mid-block)
(Between South Van Ness Avenue and Bryant Street)

Figure 2 – Proposed Cross-Sections
13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Mid-block)
(Between South Van Ness Avenue and Folsom Street)

Not to Scale

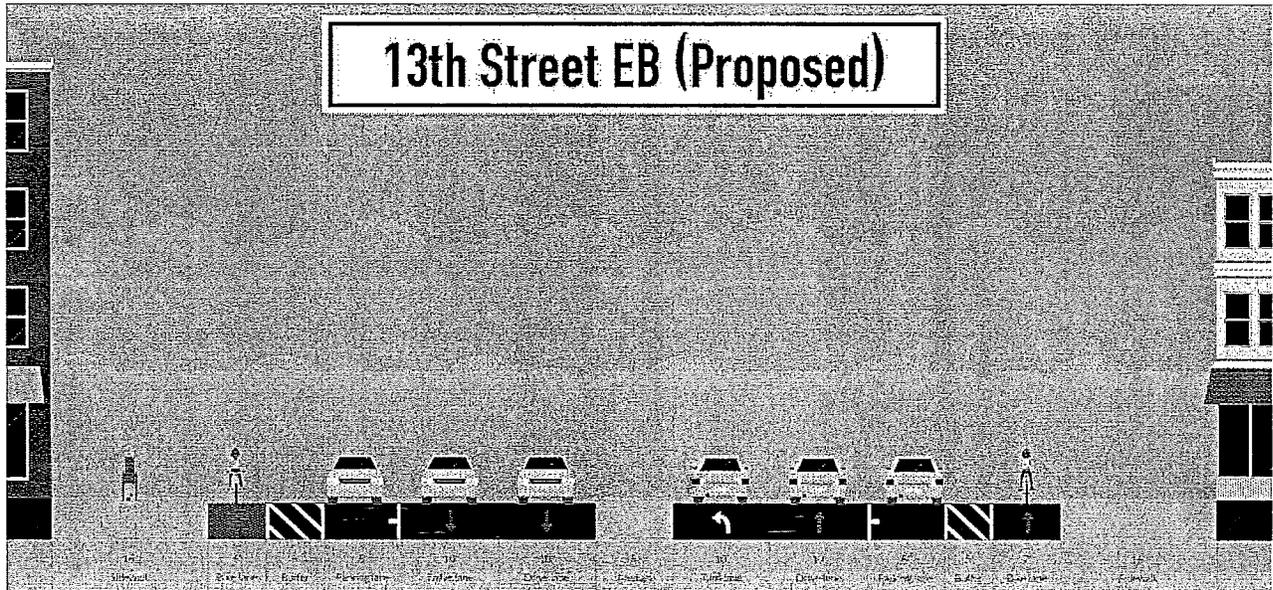


13th Street – Proposed Conditions (Mid-block)
(Between Folsom Street and Harrison Street)

Not to Scale

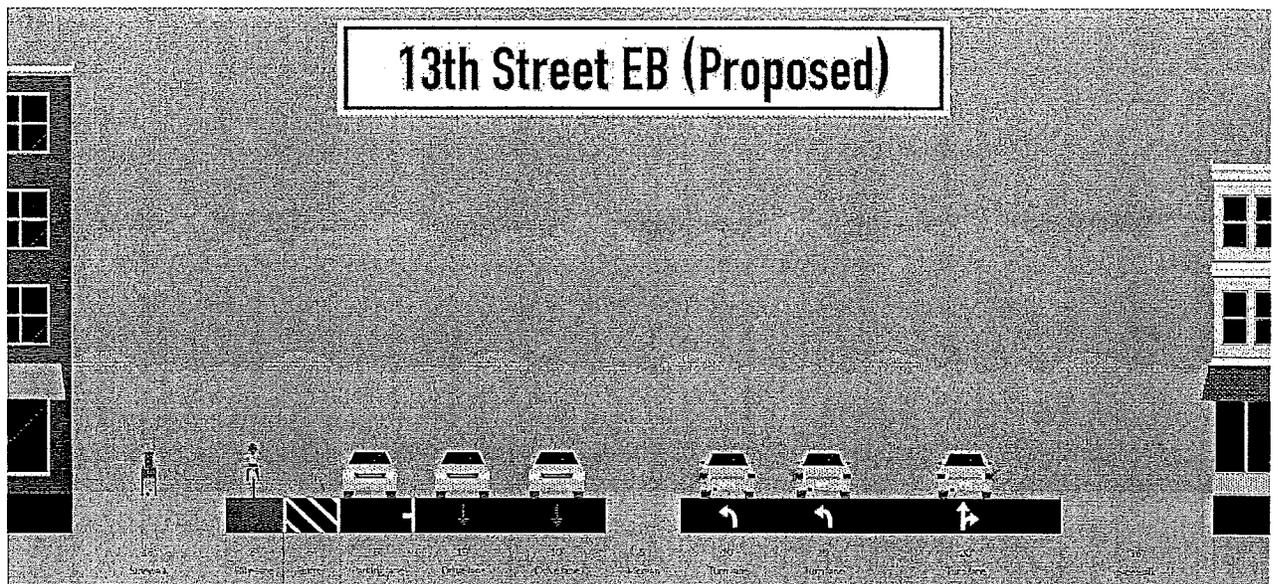
Source: SFMTA – StreetMix, 2017

Figure 3 – Proposed Cross-Sections
13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Phase I)
(Between Harrison Street to Bryant Street)

Not to Scale

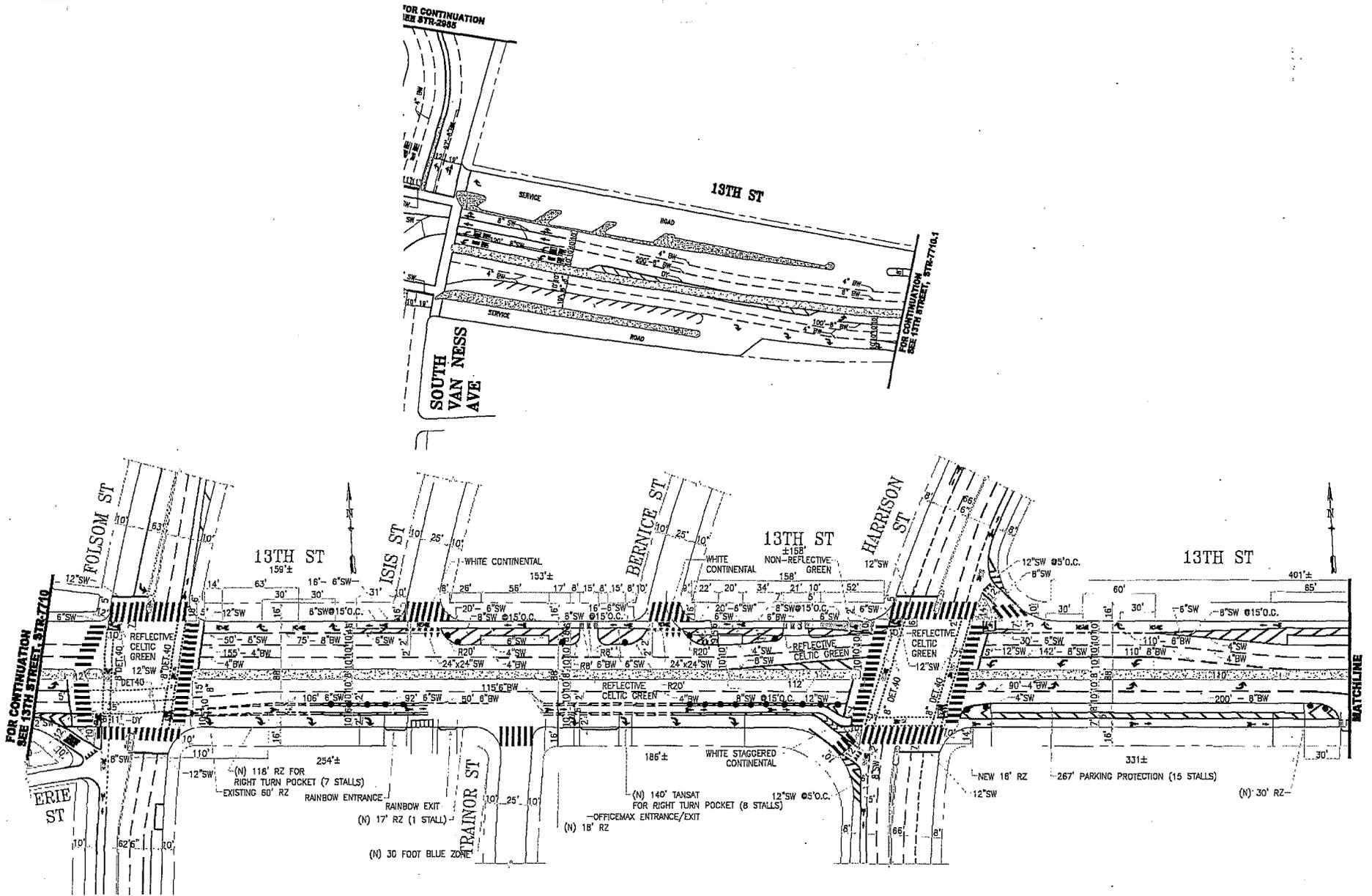


13th Street – Proposed Conditions (Phase II)
(Between Harrison Street and Bryant Street)

Source: SFMTA – StreetMix, 2017

Not to Scale

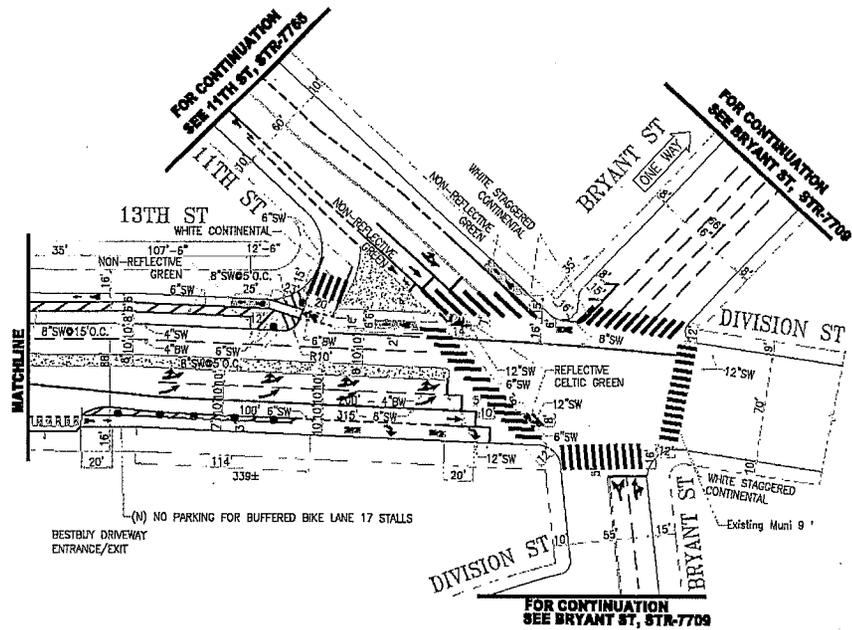
1609



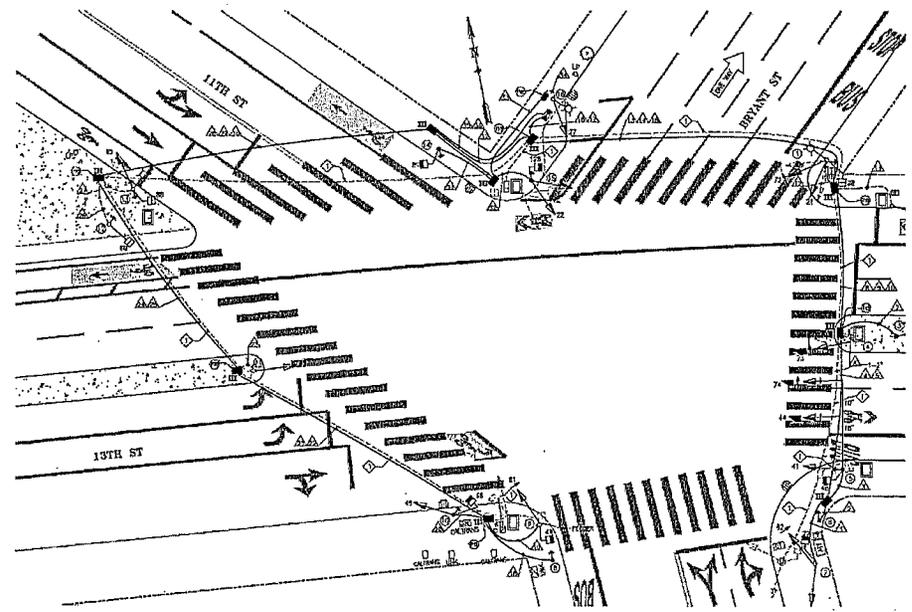
Source: SFMTA, 2017

Not to Scale

1610



Phase I - 13th Street Configuration
 (Between Harrison Street and Bryant Street Only)



Phase II - 13th Street Configuration
 (Between Harrison Street and Bryant Street Only)

Figure 4B – 13th Street EB Bicycle Facility - Striping Plan

Attachment B

SFMTA Resolution No. 170418-050

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170418-050

WHEREAS, The San Francisco Municipal Transportation Agency is committed to achieving Vision Zero goals and implementing safety improvements on eastbound 13th Street as outlined in Mayor Lee's Executive Directive on Bicycle and Pedestrian Safety; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritized non-private automobile transportation.

WHEREAS, Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if the following conditions are met: the alternative criteria are reviewed and approved by a qualified engineer, the alternative criteria is adopted by resolution at a public meeting after public comment and proper notice, and the alternative criteria adheres to the guidelines established by a national association of public agency transportation officials; and

WHEREAS, The parking protected cycletrack proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected cycletrack has been reviewed and approved by a qualified engineer prior to installation; and,

WHEREAS, The alternative criteria for the project are to discourage motor vehicles from encroaching or double parking in the bicycle facility, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater perception of safety for bicyclists; and,

WHEREAS, The project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials; and,

WHEREAS, The San Francisco Municipal Transportation Agency has proposed the installation of a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street as follows:

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, south side, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
- D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street,

PAGE 2.

southbound, at 13th Street; Trainor Street, northbound at 13th Street

- E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
- F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

WHEREAS, The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA); CEQA provides an exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively; and,

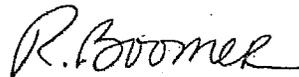
WHEREAS, On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA, pursuant to Title 14 of the California Code of Regulations Section 15301 and 15304; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a protected bikeway and parking and traffic modifications set forth in items A through F above along eastbound 13th Street between Folsom Street and Bryant Street.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Attachment C1

**Appeal Letter dated May 18, 2017 from
Mary Miles, Coalition for Adequate Review**

ATTACHMENT A

FROM:

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

TO:

Edward Reiskin, Director
Roberta Boomer, Secretary, and
Members of the Board
San Francisco Municipal Transportation Agency ("MTA")
1 S. Van Ness Ave., 7th Floor
San Francisco, CA 94103

DATE: April 18, 2017

PUBLIC COMMENT, AGENDA ITEM 11, APRIL 18, 2017 MTA BOARD MEETING
[**"Approving a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street..."**], aka **"Eastbound 13th Street Safety Project,"** aka **"SFMTA – 13th Street Eastbound Bicycle Facility Project"** (referred to in this Comment as the "Project")

This is public comment on Agenda Item 11 of the April 18, 2017 MTA Board meeting. Please provide a copy of this Comment to all MTA Board Members and place a copy in all applicable MTA files. As noted on the MTA Board Agenda, a determination under the California Environmental Quality Act ("CEQA") is subject to appeal to the Board of Supervisors within 30 days.

The Project will clearly have significant impacts under CEQA, including transportation, air quality, safety, and parking impacts, and the claimed "categorical exemptions" do not apply. The Project must also be rejected for the following reasons.

1. FAILURE TO PROVIDE PUBLIC NOTICE AND INFORMATION ON THE PROJECT VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS, AS WELL AS OPEN MEETING AND INFORMATION REQUIREMENTS

There has been no outreach to the general public on this Project, only "stakeholder meetings" between the Project sponsor, the MTA's "Sustainable Streets" division, promoters of the Project, and a few local businesses. The claimed "public hearing" on March 17, 2017 was conducted by the Project sponsor, the MTA's "Sustainable Streets," the same entity that created the Project in private with no opportunity for input from the general public and then held the alleged "hearing" before its own "Engineering" subdivision. Even members of the public who requested public notice, including this Commenter, received no notice of this Project after submitting many requests to MTA for notices of proceedings on all bicycle projects in San Francisco.

Further, neither the MTA nor the lead agency conducting the alleged “environmental review,” the Planning Department, gave public notice of its Exemption dated April 10, 2017. That Exemption did not exist and was not publicly available at the time of the claimed “public hearing” on March 17, 2017, and it is not readily available today but instead requires complicated linking to documents not readily available to the general public or easily found by using the internet. Documents related to CEQA review should have been publicly noticed at least 72 hours in advance and placed on the March 17, 2017 “public hearing” agenda in a readily-accessible link so that the public could know what the Project Sponsor, the lead agency, and the San Francisco Bicycle Coalition were actually proposing. They were not.

The Project sponsor, the MTA's "Sustainable Streets" Division, claims that its "staff performed door-to-door outreach" to four businesses along eastbound 13th Street from January to March 2017. (MTA “Sustainable Streets” memorandum dated April 10, 2017 [“Project Sponsor’s Staff Report”], page 6.) That alleged "outreach" ignores that this Project is of citywide and regional importance, affecting traffic to and through the area by thousands of daily travelers, access to freeways, and travel to downtown, the train station, and the ballpark, as well as major shopping destinations.

2. FAILURE TO ACCURATELY STATE EXISTING CONDITIONS AND TO IDENTIFY AND MITIGATE THE PROJECT’S SIGNIFICANT IMPACTS VIOLATES CEQA

The proposed Project, part of the “Vision Zero” Project, removes two heavily used travel lanes and at least 35 parking spaces on eastbound 13th Street, reducing traffic capacity on this major traffic corridor **from three existing lanes to one lane in the eastbound direction.** (San Francisco Planning Department: Certificate of Determination Exemption from Environmental Review, Case No. 2017-001180ENV, April 10, 2017 [“Exemption”], pages 2-3, 5, 9-13.) That proposed capacity reduction will bottleneck and back up the already heavy traffic on eastbound 13th Street to outside the immediate Project area, affecting major intersections at South Van Ness Avenue, Folsom Street, Bryant Street, Harrison Street, and 11th/13th/Bryant/ Division Streets. (Exemption, page 5.)

Traffic volumes allegedly measured in 2015 are out of date, and in any event contain no supporting evidence, including the dates they were taken, the time of day, or who took them. Even so, the Exemption admits that traffic capacity on eastbound 13th Street will be reduced from the existing roadway capacity of 5,700 vehicles per hour to 3,800 vehicles per hour. Both the vehicle volume and the reduction attest to the regional importance of this corridor, and the failure to identify and mitigate the impacts of **delaying 1,900 vehicles per hour.** (Exemption, page 5.)

The Exemption document fails to establish the cumulative area affected by the Project, and fails to state that the City and the Project Sponsor, City and its MTA "Sustainable Streets" Department, have already provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street in City's 2009 Bicycle Plan Project, and a dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors. The failure to accurately state existing conditions results in an inaccurate baseline for analyzing impacts in violation of CEQA. The figures in the Exemption document

and the obvious direct impacts from delaying 1,900 vehicles per hour show that the claim of no direct and cumulative significant impacts is false.

In addition to the proposed drastic capacity reduction, which it terms a "road diet," the Project also proposes forced turns from existing through lanes and installing "painted bicycle boxes at the intersections of Folsom Street/13th Street, and Bryant Street/13th Street to construct a "new bicycle facility on eastbound 13th Street." (Exemption, page 1.) The Project also proposes prohibiting right turns at red traffic signals at northbound Harrison Street approaching 13th Street and a special "two-stage" left turn box to enable bicyclists to turn left from the right lane to "make an intersection more inviting for...bicycles." (Project Sponsor's Staff Report, page 5.) The Project will also introduce time limits for whatever parking remains on 13th Street. (*Id.*)

No evidence supports the Project sponsor's spurious claim that this is a "high injury corridor for bicycling" or establishes justification for the significant adverse impacts this Project will cause on traffic, air quality, noise, and safety, and the "high injury corridor for bicycling" fiction is irrelevant to establishing baseline existing conditions for analyzing the impacts caused by the proposed Project. Claims that there have been "a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street" are unsubstantiated, with no documentation showing the circumstances of such alleged "collisions" or that this is a "high injury corridor for bicycling." (Project Sponsor's Staff Report, page 1.) Indeed, the fictitious "high injury corridors" created by City's "Vision Zero" Project include the Project Sponsor's extensive wish list to create adverse traffic conditions for vehicles throughout San Francisco and extend the already-expansive Bicycle Plan agenda that benefits less than 4 percent of travelers and adversely affects the other 96%.

The Project Sponsor's Staff Report also contradicts the lead agency's Exemption document and misstates existing conditions and the Project description, including falsely stating that the Project would only remove one eastbound traffic lane, when in fact it proposes removing two traffic lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3.) That document also misstates the number of eastbound vehicles on 13th Street, which is 5,700 counted vehicles per hour per the Exemption document. Conveying false and misleading information to the public violates CEQA. Both the Exemption and the Project Sponsor's Staff Report ignore that City's 2009 Bicycle Plan Project also provided bicycle lanes on 14th Street, 15th Street, 16th Street, and 17th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors, along with the dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street.

The Project Sponsor's Staff Report claims that, "146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street." (Project Sponsor's Staff Report, page 3.) That means that bicyclists are *less than three percent* of travelers in the immediate Project area. Further, the Exemption states that "The proposed project would not generate new bicycle trips..." (Exemption, page 6.) The insular special interests evident from these figures do not justify the extensive significant impacts on transportation, air quality, parking, public safety, and human impacts caused by the proposed Project on the other 97 percent of the traveling public.

The Project will clearly have significant direct and cumulative impacts on transportation throughout the area, and significant impacts on air quality, public safety, including emergency vehicle movement, noise, and human impacts that must be identified, analyzed, and mitigated under CEQA.

3. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

The Project will clearly have significant impacts on the environment, and therefore is not categorically exempt. (See, *e.g.*, 14 Cal. Code Regs. ["Guidelines"] §§15064, 15065(a)(3), 15300, 15300.2, 15301, 15304.)

The exemptions invoked, *i.e.*, Guidelines §§15301 and 15304, do not apply. (Exemption, page 3.) Guidelines §15301(c) does not apply because the Project does not propose "minor alterations" of "[e]xisting highways and streets, sidewalks gutters, bicycle and pedestrian trails." Both the Project Sponsor's Staff Report and the Exemption admit that there are *no* existing bicycle lanes on eastbound 13th Street. (Project Sponsor's Staff Report, page 3; Exemption, page 4.) Further, the Project does not propose "minor alterations," but proposes major changes affecting and significantly impacting transportation, air quality, parking, noise, and public safety, both in the immediate and cumulative areas. Guidelines §15301 explicitly states that in determining the types of "existing facilities" subject to such an exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." Far from being negligible or no expansion, the Project proposes usurping two-thirds of the existing roadway capacity and parking for a currently non-existent use of that corridor.

The Guidelines section 15304(h) exemption also invoked (Exemption, page 3) also does not apply to the proposed Project, because bicycle lanes do not currently exist on 13th Street, and because the Project does not propose minor "alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." (Guidelines §15304.) The Project instead proposes major alterations to a heavily travelled urban corridor causing significant impacts.

The Exemption's unsupported conclusory statement, "None of the established exceptions applies to the proposed project" under Guidelines §15300.2 is also false, as are the claims that the Project will have no cumulative impacts, and that no "unusual circumstances" are presented by the Project.

There is no adequate analysis of cumulative impacts in the Exemption, with that document claiming with no supporting evidence that the Project sponsor's staff found "projected growth in vehicle traffic volumes" between now and 2040 to be "approximately 15 percent." Cumulative impacts must also measure "successive project of the same type in the same place, over time." (Guidelines §15300.2). This Project, moreover, has "possible environmental effects" that are "cumulatively considerable," meaning "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines §15065(a)(3).)

The City's past, present, and planned future incursions onto City's roadways to impede vehicle transportation, remove parking, force turns, and otherwise adversely impact traffic include past

extensive transportation impacts due to the Bicycle Plan, "Sustainable Streets," "Vision Zero," and other Projects that, combined with the present Project, clearly have cumulative impacts on transportation, air quality, parking, and public safety, that cannot be considered in a vacuum and are plainly significant cumulative impacts.

Further, in this instance, the very large traffic volumes and the proposed drastic reduction in street capacity constitute unusual circumstances. (Guidelines, §15300.2(c).)

For the above reasons, the proposed 13th Street Project is not exempt, and it has significant impacts that must be analyzed and mitigated under CEQA. The MTA Board must therefore reject the proposed approval of the Project at Item 11.

Mary Miles

Attachment C2

**Supplemental Appeal Letter dated June 16, 2017 from
Mary Miles, Coalition for Adequate Review**

FROM:

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

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 16, 2017

RE: BOS File No. 170638

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

INTRODUCTION

This Appeal is of the San Francisco Planning Department's environmental determination on the new bicycle "facility" on eastbound 13th Street between Folsom Street and Bryant Street ("the Project"). Please distribute a copy of this Statement to every Supervisor and place a copy in all applicable Project files.

Initially, Appellant objects to the Board of Supervisors ("Board" or "BOS") procedures requiring comment eleven days in advance of the Board's hearing, which is contrary to the California Environmental Quality Act ("CEQA") (Pub. Res. Code ["PRC"] §§21000 *et seq.*). CEQA allows public comment up to and including the date of the hearing or final disposition of the Board. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1202; 14 Cal.Code Regs. ["Guidelines"] §15202(b); PRC §21177(a).) The right to public comment is curtailed by the Board's improper time constraints, which deprive Appellant and the public of the right to more fully set forth their position and be heard. Further, Appellant is not subject to "exhaustion" requirements in future proceedings where the lead agency does not conduct public proceedings before its environmental determination. (*Ibid.*; see also, *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* ["Azusa"] (1997) 52 Cal.App.4th 1165, 1209-1210.)

Since the Project clearly has significant direct, indirect, and cumulative impacts adversely affecting transportation, air quality, GHG, public safety (including emergency vehicle access), parking, energy consumption, and human impacts, it is not exempt under CEQA. (e.g., PRC §§21001; 21083.05, 21084(e); Guidelines §§15064, 15065(a).)

Moreover, the categorical exemptions for "minor alterations" and "existing conditions" invoked by the City do not apply to this Project, because there are no existing bicycle "facilities" on 13th Street. This Project is not a "minor alteration" but instead makes major changes on a heavily traveled street in San Francisco with significant impacts on the environment. Even if in theory a categorical exemption could apply to this Project, the exceptions described in Guidelines section 15300.2(a) would negate such a theory. Both cumulative impacts and the extraordinary traffic conditions specific to this location, and the fact that other bicycle "facilities" are present and/or proposed on 14th, 15th, 16th, and 17th Streets, show that the Project is subject to the "cumulative impacts" and "unusual circumstances" exceptions described in Guidelines section 15300.2(a).

By implementing the Project without providing the public the right of appeal, City violated CEQA's fundamental mandate of allowing the public to participate meaningfully in environmental determinations *before* Project approval and to receive information necessary to do so. (*Laurel Heights Improvement Assn. v. Regents of the University of California* ["*Laurel Heights I*"] (1988) 47 Cal. 3d 376, 394.)

The Project will have significant impacts on transportation, it is not categorically exempt, and its approval and illegal implementation by the Municipal Transportation Agency ("MTA") before the Board's hearing violates CEQA and the City's own Code providing for public review. To remedy the City's illegal implementation actions, the Board of Supervisors should therefore grant this Appeal, direct MTA to remove the Project's physical changes, including pavement markings, bollards, hit posts, obstructions, cement curbs and dividers, traffic lane alterations, and parking lane alterations, and set aside both the Planning Department's April 10, 2017 categorical exemption and the MTA Board's April 18, 2017 resolution approving the Project.

FACTS

City's Planning Department claimed on April 10, 2017 that the Project was categorically exempt from CEQA. (A copy of that determination ("Exemption") is attached hereto as **Exhibit** ["**Ex.**"] **A.**) Before that, on February 17, 2017, MTA staff wrote a "Memorandum -- Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project" ("Staff Memo"), attached hereto as **Ex. B.**

On April 10, 2017, MTA's "Sustainable Streets" Division, the Project sponsor, issued a "Summary" ("Staff Report") with a proposed Resolution to the MTA Board of Directors. (**Ex. C.**, attached hereto.)

The Project reduces road capacity for vehicles on 13th Street from three eastbound lanes to two lanes from South Van Ness Avenue to Harrison Street and from three eastbound lanes to one lane on 13th Street from Harrison to Bryant Streets, and removes most or all of the parking on 13th Street in the immediate area. (**Ex. A.**, pp. 2-3, 9-13.) The Project's "Phase II" removes two traffic lanes on 13th Street from Harrison to Bryant Streets. (**Ex. A.**, pp. 9-13.)

The April 10, 2017 Exemption document admits that at least 1,900 vehicles per hour will be delayed for *each* lane removed by the Project. Thousands of vehicles per hour now use this important corridor to get to freeway ramps, and to travel downtown, to the ballpark, and to major shopping destinations both in the area and elsewhere. According to MTA's traffic count data, the volume on eastbound 13th Street at Mission Street on October 25, 2006 was 23,085 vehicles daily, with 1,799 in the AM peak and 1,390 in the PM peak. ("SFMTA Traffic Count Data

1993-2013," p. 81, [https:// www.sfmta.com/sites/default/files/adtcounets.accessible5.pdf](https://www.sfmta.com/sites/default/files/adtcounets.accessible5.pdf) [viewed 6/15/17].)

On April 11, 2017, *before the MTA Board hearing on the Project*, MTA's Sustainable Streets Division improperly issued a Work Order to implement it the Project. (Ex. D, attached hereto.)

Relying on the Planning Department's erroneous exemption, the MTA Board of Directors adopted a Resolution No. 170418-050 on April 18, 2017. (Ex. E, attached hereto.) The MTA Board did not discuss the environmental impacts of the Project and ignored public comment opposing the Project. (Guidelines, §15202 (b); see also, Public Comment, Mary Miles to the MTA Board, April 18, 2017, attached to May 18, 2017 Notice of Appeal.)

A number of Immediate Disclosure Requests under the San Francisco Sunshine Ordinance and Public Records Act were submitted to both the Planning Department and the MTA. Those Requests were not promptly answered and/or the agencies failed to respond with the requested records.¹

Without allowing the public the opportunity to appeal its actions to the Board of Supervisors, the MTA immediately implemented the Project on 13th Street in violation of its own Codes and CEQA, which provide for appeal of exemption determinations to this elected body. (See Ex. D attached hereto [E-mail correspondence between MTA staff, work orders, and other records received May 18, 2017 pursuant to Immediate Disclosure Request; see also, PRC §21151(c); SF Admin. 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."].)

ARGUMENT

I. FAILURE TO ACCURATELY IDENTIFY AND MITIGATE THE PROJECT'S SIGNIFICANT IMPACTS VIOLATES CEQA

The proposed Project, part of City's "Vision Zero" Project, removes one or two heavily used travel lanes (depending on segments) and at least 35 parking spaces on eastbound 13th Street, reducing traffic capacity on this major traffic corridor **from three existing lanes to one lane in the eastbound direction**. (Ex. A, pp. 2-3, 5, 9-13.) Although City's MTA staff falsely claimed that the Project would remove only one traffic lane, City's diagrams show that it actually removes two eastbound lanes between Harrison Street and Bryant Street in "Phase II" of its implementation, reducing street capacity to one through lane where there formerly were three. (*Id.*)

¹ On May 1, 2017 an Immediate Disclosure Request was submitted to MTA for the checklist referred to in MTA's February 17, 2017 Staff Memorandum on 13th Street. (IDR No. 17-267.) The alleged PRC §21099 "checklist" claimed by MTA staff to support the exemption was never produced by MTA. On May 4, 2017, an Immediate Disclosure Request was submitted to MTA for all records on implementation of the Project, with no timely response. (IDR No. 17-273.) Two weeks later, a disc arrived in the mail from MTA that included records attached in Exhibit D, herein.

The Planning Department's Exemption document admits that proposed capacity reduction will bottleneck and back up the already heavy traffic on eastbound 13th Street, adversely causing congestion and unsafe conditions at major intersections in the immediate Project area, including 13th Street at South Van Ness Avenue, Folsom Street, Bryant Street, Harrison Street, and 11th/13th/Bryant/ Division Streets. (Ex. A, p. 5.) The Exemption document also 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." (Exh. 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.)

The Project will also clearly cause cumulative impacts on transportation, parking, air quality, GHG, energy consumption, public safety (including emergency vehicle access), and human impacts in the surrounding area.

A. The City Failed To Accurately State Existing Conditions And Describe The Project

1. The Conclusion of No Impacts Is False And Unsupported Since Vehicles Are Omitted From The Impacts Analysis

The Exemption document does not analyze impacts on vehicles. Rather it only discusses "Transit Impacts" (p. 5), "Pedestrian Impacts" (p. 6), "Bicycle Impacts" (p.6), "Emergency Vehicle Access Impacts" (p. 7), and "Loading" (p. 7.) While completely omitting any coherent analysis of traffic impacts on vehicles, the Exemption document admits that traffic capacity on eastbound 13th Street will be reduced from the existing roadway capacity of 5,700 vehicles per hour to 1,900 vehicles per hour. (Ex. A, p. 5.)²

The Exemption document fails to establish the cumulative area affected by the Project, and fails to state that MTA's Sustainable Streets Division has already planned and/or provided bicycle lanes on 14th, 15th, 16th, and 17th Streets under City's 2009 Bicycle Plan Project, and a dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors.

The failure to accurately state existing conditions results in an inaccurate baseline for analyzing impacts, in violation of CEQA. (*e.g., Poet, LLC. v. State Air Resources Bd. ["Poet II"]* (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].) The required baseline for analyzing impacts must establish, with substantial evidence, the existing conditions applying to the impact to be analyzed. The baseline of existing conditions is then compared with an accurate Project

² The Exemption document refers to alleged "Traffic Volumes (PM Peak)" for three intersections at the "PM Peak" in "2015," but it contains no supporting evidence, including the dates the counts were taken, the time of day, or who took them. (Ex. A, p.5.) Those alleged counts are substantially different from MTA's 2006 counts for eastbound 13th Street at Mission, which on October 25, 2006 were 23,085 vehicles, with 1,799 in the AM peak and 1,390 in the PM peak. ("SFMTA Traffic Count Data 1993-2013," p. 81, www.sfmta.com/sites/default/files/adtcoun5.accessible5.pdf [viewed 6/15/17].) The Staff Report instead states that there are 1,012 eastbound vehicles in the AM peak and only 790 "in the evening." (Ex. C, p.3.) The Exemption document implausibly predicts that traffic volume will grow by only 152 vehicles by 2040. (Ex. A, p.5.)

description to determine whether the Project will have significant impacts. That analysis did not take place here, because the baseline description and the Project description are inaccurate, incomplete, and unsupported by substantial evidence. (*Id.*)

In addition to the drastic capacity reduction, which it terms a "road diet," the Project also forces turns from existing through lanes and installs "painted bicycle boxes" at the intersections of Folsom Street/13th Street, and Bryant Street/13th Street to construct a "new bicycle facility on eastbound 13th Street." (Ex. A, p. 1.) The Project also proposes prohibiting right turns at red traffic signals at northbound Harrison Street approaching 13th Street and a special "two-stage" left turn box to enable bicyclists to turn left from the right lane to "make an intersection more inviting for...bicycles." (Ex. C, p. 5.) The Project also introduces time limits for whatever parking remains on 13th Street. (*Id.*) All of those plans will further obstruct and delay traffic with significant adverse impacts on transportation, air quality, GHG, energy consumption, and public safety, including emergency vehicle access.

The obvious direct impacts from delaying thousands of vehicles, which City admits in its Exemption document show that any claim of no direct and cumulative significant impacts is false. (Exh. A, p. 6-7.)

2. City's "Vision Zero" Claims Are Irrelevant, Inaccurate, And Unsupported

The exaggerated "vision zero" collision data is irrelevant to the impacts analysis required by CEQA, and cannot justify the Project's claimed exemption. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* ["*CBIA*"] (2016) 2 Cal.App.5th 1067, 1073; *Parker Shattuck Neighbors v. Berkeley City Council* ["*Parker Shattuck*"] (2013) 222 Cal.App.4th 768, 783 [identifying impacts of the existing environment on users of the project is inconsistent with CEQA, since the issue is not about safety risks to the project from existing conditions but about impacts of the project on the environment].)

City's "vision zero" data are irrelevant to the description of existing conditions required by CEQA. The required analysis is not about the impacts of the environment on the Project, but of the Project on the environment. (*CBIA, supra*, 2 Cal.App.5th at p. 1073 ["[T]he Supreme Court held CEQA 'does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents,'" citing *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392]; *Parker Shattuck, supra*, 222 Cal.App.4th at p. 783.)

No evidence supports MTA's spurious claim that this is a "high injury corridor for bicycling" or justifies the significant adverse impacts that the Project will cause on traffic, air quality, noise, and safety. The "high injury corridor for bicycling" fiction is irrelevant to establishing existing baseline conditions for analyzing the impacts caused by the Project. MTA's claims that there have been "a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street" from May 31, 2012 through May 31, 2016 are unsubstantiated, with no documentation showing the circumstances of such alleged "collisions," or that this is a "high injury corridor for bicycling." (Ex. C, page 1]; Ex. B, p. 2.) Indeed, the fictitious "high injury corridors" created by City's "Vision Zero" Project include MTA's extensive wish list to create adverse traffic conditions for vehicles throughout San Francisco and extend the already-expansive Bicycle Plan agenda that benefits less than 4 percent of travelers and adversely affects the other 96%-plus.

According to the little information provided by MTA in response to a records request, the alleged "traffic collisions" on 13th Street include collisions involving all travel modes in a general area, not just those involving bicycles, with only seven collisions on 13th Street involving bicycles. That data is not statistically significant, does not support drastic changes to 13th Street, and in any event is irrelevant to analyzing the Project's impacts. (*CBLA, supra*, 2 Cal.App.5th at p. 1073; *Parker Shattuck, supra*, 222 Cal.App.4th at p.783.) The Project nevertheless proposes changes that result in significant adverse impacts on *all* other users of the 13th Street roadway by eliminating traffic lanes, parking, and turning lanes to create a lane for exclusive use of bicyclists.

The MTA's Staff Report also contradicts the Exemption document and misstates existing conditions and the Project description, including falsely stating that the Project would only remove one eastbound traffic lane, when in fact it proposes removing two traffic lanes on eastbound 13th Street. (Ex. C, p. 3.)

The MTA's Staff Report claims that "146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street." (Ex. C, p. 3.) That means that bicyclists are *less than three percent* of travelers in the immediate Project area. Further, the Exemption states that "The proposed project would not generate new bicycle trips ..." (Exh. A, page 6.) The insular special interests evident from these figures do not justify the extensive significant impacts on transportation, air quality, parking, energy consumption, public safety, and human impacts caused by the proposed Project on the other 97 percent of the traveling public. (See, *e.g.*, *Parker Shattuck, supra*, 222 Cal.App.4th at p. 783.)

Both the Exemption and the MTA's Staff Report ignore that City's 2009 Bicycle Plan Project also planned and/or implemented, bicycle lanes on 14th, 15th, 16th, and 17th Streets, removing hundreds of parking spaces and traffic lane capacity in nearby corridors, along with the dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street.

The failure to set forth accurate existing conditions and an accurate Project description violate CEQA, since the public and decisionmakers are deprived of the information necessary to determine the Project's significant impacts. (*Poet II, supra*, 10 Cal. App. 5th at p. 797; *County of Amador, supra*, 76 Cal.App.4th at p. 955.) Conveying false, contradictory, incomplete, and misleading information to the public and decisionmakers is a prejudicial abuse of discretion under CEQA.

B. The Project May Have Significant Impacts On The Environment

The Project will clearly have significant impacts on the environment, and therefore is not categorically exempt. (See, *e.g.*, Guidelines §§15064, 15065(a)(3).) Before declaring the Project exempt, City was required to do a preliminary analysis exploring the possibility of the Project's significant impacts on the environment. (Guidelines §15060(c), 15061.) A significant impact is "a substantial, or potentially substantial adverse change in the environment." (PRC §21068; §21060.5 [defining "the environment" as "the physical conditions which exist within the area which will be affected by a proposed project..."].) There is no evidence that a preliminary analysis ever took place or any evidence provided that supports the exemption determination.

In fact, City's own documents show that the Project *will* have significant impacts on transportation, and will obstruct and slow traffic and create unsafe conditions for pedestrians and have impacts on air quality. (Ex. A, p. 6-7.) The Project will also have direct and cumulative

impacts on GHG, energy consumption, and public safety (including emergency vehicle access). Major businesses in the immediate and cumulative area will also be affected by removing street parking and creating barriers to parking provided by those businesses, including large stores like Rainbow Grocery (one of the largest natural foods stores in San Francisco), Office Max, and Best Buy. The Exemption shows that the Project will also block and inhibit access to the parking provided by those businesses, and remove street parking that is often fully occupied.

The Project's significant direct, indirect, and cumulative impacts on transportation throughout the area, as well as impacts on air quality, GHG, energy consumption, public safety (including emergency vehicle access), noise, and human impacts must be identified, analyzed, and mitigated under CEQA. This Project is not exempt from these requirements.

C. There Is No Analysis Of Cumulative Impacts

The cumulative impacts analysis also must precede City's exemption determination as part of the preliminary review. (PRC §21065; Guidelines §§15065(a)(3).) There is no adequate analysis of cumulative impacts in the Exemption document. That document claims, with no supporting evidence, that MTA staff found "projected growth in vehicle traffic volumes" between now and 2040 to be "approximately 15 percent" or "152" vehicles. (Ex. A, p. 5.) The failure to support those implausible "growth" numbers with substantial evidence based on actual known growth data in San Francisco renders them invalid on their face.

A cumulative impacts analysis must set forth existing conditions and compare those conditions with anticipated future conditions. The cumulative impacts analysis must also show *other* current and anticipated future projects in the cumulative area that will *also* affect traffic, public safety, air quality, etc., and then must compare present conditions with conditions assuming those other projects. No such analysis is evident here. (Guidelines §15065(a)(3).) This Project has "possible environmental effects" that are "cumulatively considerable," meaning "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines §15065(a)(3).)

City's failure to analyze cumulative impacts does not excuse its improper conclusion of *no* impacts. (*Azusa, supra*, 52 Cal.App.4th at p. 1198; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) City's failure to analyze the Project's impacts, including its cumulative impacts, violates CEQA's informational requirements and results in improper piecemealed implementation of such projects, also prohibited by CEQA.

The City's past, present, and planned future projects on City's roadways to impede and obstruct vehicle transportation, remove parking, including the Bicycle Plan, "Sustainable Streets," "Vision Zero," and other projects, when combined with this Project, clearly have significant cumulative impacts on transportation, air quality, parking, and public safety that cannot be considered in a vacuum.

II. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

A. City Fails To Show With Substantial Evidence That The Project Fits Within A Categorical Exemption

The agency bears the burden of showing with substantial evidence that a proposed project fits within a categorical exemption. (*Azusa, supra*, 52 Cal.App.4th at p.1192; *Save Our Big Trees v.*

City of Santa Clara (2015) 241 Cal.App.4th 694, 705.) Exemptions are construed narrowly and may not be expanded beyond their terms or CEQA's statutory purpose. (*County of Amador v. El Dorado County Water Agency* ["*County of Amador*"] (1999) 76 Cal.App.4th 931, 966; *Azusa, supra*, 52 Cal.App.4th at p. 1192.) That strict construction allows CEQA to be interpreted in a manner affording the fullest possible environmental protection within the reasonable scope of statutory language. (*Ibid.*) Strict construction "also comports with the statutory directive that exemptions may be provided only for projects which have been determined not to have a significant environmental effect." (*County of Amador, supra*, 76 Cal.App.4th at p. 966.)

City has failed to meet its burden to provide substantial evidence that the exemptions invoked, *i.e.*, Guidelines §§15301 and 15304, apply to this Project.

1. The Section 15301(c) Categorical Exemption Does Not Apply To The Project

Guidelines §15301(c) does not apply because the Project does not propose "minor alterations" of "[e]xisting highways and streets, sidewalks gutters, bicycle and pedestrian trails."

Both the MTA's Staff Report and the Exemption document admit that there are *no* existing bicycle lanes on eastbound 13th Street. (Ex. C, p. 3]; Ex. A, p. 4.) The Guidelines § 15301(c) exemption therefore is inapplicable on its face. (*Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* ["*Save Our Carmel River*"] (2006) 141 Cal.App.4th 677, 697.)

Guidelines §15301 explicitly states that in determining the types of "existing facilities" subject to such an exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." Far from being negligible or no expansion, the Project proposes *usurping two-thirds of the existing roadway capacity and parking to implement a currently non-existent use of that corridor.*

The Project's proposed change of *use* of 13th Street from a heavily traveled major thoroughfare for 5,700 vehicles per hour to a "bikeway" for 146 bicyclists makes it ineligible for an "existing facilities" exemption. (*County of Amador, supra*, 76 Cal.App.4th at p.967 [existing facilities exemption did not apply to project that changed use of an existing hydroelectric facility from non-consumptive to consumptive use]; *Save Our Carmel River, supra*, 141 Cal.App.4th at p. 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"].)

In addition to reducing the street capacity on 13th by two-thirds and removing nearly all parking, the Project excludes the vast majority of users of 13th Street by creating new facilities that are inaccessible to anyone not using a bicycle. The Project thus changes the street's use from a *public* roadway for *all* users to one that exclusively serves a special interest consisting of less than 3 percent of street users. Such a change of use does not fall within the "existing facilities" categorical exemption. (*County of Amador, supra*, 76 Cal.App.4th at p. 967.)

Further, the Project does not propose "minor alterations," but proposes major changes affecting and significantly impacting transportation, air quality, parking, noise, and public safety, both in the immediate and cumulative areas by reducing street capacity. (*e.g.*, *Azusa, supra*, 52 Cal.App.4th at p. 1194 [project proposing to dump tons of additional waste into an existing landfill was not a "minor alteration" to an "existing facility"].)

The rationale for the "'existing facilities' exemption is that the environmental effects of the operation of such facilities must already have been considered." (*Azusa, supra*, 52 Cal.App.4th at

p. 1195-1196.) Here, as in *Azusa*, the lack of prior consideration of the Project's impacts should defeat any determination that the "existing facilities" categorical exemption applies.

The Project therefore does not fit within the Guidelines section 15301(c) exemption.

2. The Section 15304(h) Exemption Does Not Apply To The Project

The Guidelines section 15304(h) exemption also invoked (Ex. A, p. 3) also does not apply to the proposed Project, because bicycle lanes do not currently exist on 13th Street, and because the Project does not propose minor "alterations in the *conditions* of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." (Guidelines §15304.) The Project instead proposes major alterations to a heavily traveled urban corridor causing significant impacts and a complete change of use of 13th Street.

City claims that "Class 4(h)" exempts the "creation of bicycle lanes on existing rights-of-way." However, the existing right of way on 13th Street consists of three eastbound traffic lanes and street parking. The Project's proposed *change of use* of 13th Street does not fit this exemption. As with the Class 1 exemption, the Class 4 Exemption under Guidelines §15304 does not allow a change of *use*, but only *minor* alterations in the *conditions* of land, water and/or vegetation.

"The exemption in 14 Cal. Code Regs. §15304 relates to minor changes in the condition of land, water, or vegetation...[A]uthorizing a change in the permanent use of land rather than a minor alteration in the condition of the land, does not fit within this exemption." (Kostka and Zischke, Practice Under the California Environmental Quality Act (2d ed., 2017 CEB On-Law, §5.82; e.g., *Myers v. Board of Supervisors* (1976) 58 Cal.App.3d 413.) The changes here are not minor but instead eliminate traffic lanes and drastically reduce street capacity, eliminate parking, and create a change in the permanent use of the street rather than a minor alteration in the "condition" of the street. (*Id.*; *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.]) City fails to meet its burden to establish that the Project proposes only *minor* alterations in the *conditions* of land, water, and/or vegetation. (Guidelines §15304.)

Further, 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." (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.)

Under City's own standards and documents this Project is not categorically exempt.

B. City's PRC Section 21099 "Checklist" Does Not Support Its Claimed Exemption

City's claim that a "checklist" that it improperly developed to implement PRC §21099 justifies the Project is invalid on its face, since the State has not yet certified amended guidelines under that provision. (Ex. B, p.3.) City may not adopt its own speculative "checklist" or requirements in anticipation of a Guidelines change that has not yet been certified by the State.

"Amendments to the guidelines apply prospectively only." (Guidelines §15007(b).) Public agencies may only implement guidelines amendments *after* the effective date of the amended guidelines. (Guidelines §15007; see also, *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 299-300, fn. 6 [LOS standards remain in effect].)

Moreover, such "checklists" do not support or provide a foundation for City's environmental determination. (*Parker Shattuck, supra*, 222 Cal.App.4th at p.784.) In fact, there is no evidence that City used any checklist in a preliminary review of this Project.

III. EXCEPTIONS UNDER GUIDELINES §15300.2 ALSO APPLY TO THIS PROJECT

The Exemption's unsupported conclusory statement, "None of the established exceptions applies to the proposed project" under Guidelines §15300.2 is also false, as are the claims that the Project will have no cumulative impacts, and that no "unusual circumstances" are presented by the Project. (Ex. A, p.4.) City fails to meet its burden to show that the exceptions do not apply.

A. The Project Will Have Cumulative Impacts As Defined By Guidelines §15300.2(a)(3)

City fails to address whether "successive projects of the same type in the same place, over time" is an exception under Guidelines §15300.2(a)(3). Here, the Project is one of many City bicycle projects in the same area, over time. City's 2009 EIR on its Bicycle Plan Project proposed and City has developed or plans to develop bicycle "improvements" on 14th, 15th, 16th, and 17th Streets, as well as on Market, Folsom, Bryant, Howard, Harrison, and Division Streets. City has also proposed and developed similar successive projects of the same type on nearby 7th, 8th, Folsom, Bryant, Howard, Harrison, Market, Brannan, and Division Streets. City's implementation of those other "successive projects...over time" creates an exception to any claimed exemption from CEQA. Those successive projects over time also eliminate traffic lanes, parking and turning, with cumulative impacts on transportation, air quality, GHG, energy consumption, noise, and public safety (including emergency vehicle access). Those cumulative impacts trigger the Guidelines section 15300.2(a)(3) exception and invalidate City's unsupported claim that the Project is exempt.

Furthermore, the Project signals City's improper return to a strategy of piecemealed environmental review that has already been disapproved by the courts and led directly to a permanent Injunction against City's Bicycle Plan Project.

B. Large Traffic Volumes And Proposed Drastic Reduction of Street Capacity Also Are Unusual Circumstances

Further, in this instance, the very large traffic volumes and proposed drastic reduction in street capacity constitute unusual circumstances under Guidelines §15300.2(c). (*Azusa, supra*, 52 Cal. App. 4th at p.1198.) As in *Azusa*, City's admission that this Project *will* have a significant impact by degrading Level of Service creates an exception to a categorical exemption.

C. The Project's Location Also Presents Unusual Circumstances

The Project area is a major urban traffic corridor beneath a freeway that, without the Project, moves 5,700 vehicles per hour and has *no existing bicycle lanes*. That is not the usual setting for categorical exemptions under Guidelines §15301, which typically involve *minor* alterations to *existing* facilities, or Guidelines §15304(h), which typically involve *minor* alterations to either maintenance or improvement of *existing* bicycle lanes. The location is also unusual due to the proximity of a major shopping area with large stores, such as Best Buy, Costco, Office Max, and Rainbow Grocery, which generate significant traffic and the need for customer parking.

IV. FAILURE TO PROVIDE PUBLIC NOTICE AND INFORMATION ON THE PROJECT VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS

The April 10, 2017 Exemption did not exist at the time of the claimed public hearing conducted by MTA's Sustainable Streets Division. Nor was the Exemption document readily available before the MTA Board's April 18, 2017 hearing, and even today finding it is difficult, requiring complicated linking to documents not readily available to the general public or easily found on the internet. Other documents, such as MTA's Staff Memo, were never publicly available and required Public Records Act requests to get. Even members of the public who requested public notice, including this Commenter, received no notice of this Project after submitting many requests to MTA for notices of proceedings on all bicycle projects in San Francisco.

Documents on the CEQA review of the Project should have been publicly noticed at least 72 hours in advance and placed on the March 17 and April 18, 2017 public hearing agendas in a readily-accessible link so that the public could know what was being proposed. They were not. (Guidelines §15202(b).)

The Project sponsor, MTA's Sustainable Streets Division claims that its "staff performed door-to-door outreach" to four businesses along eastbound 13th Street from January to March 2017. (Ex. C, p. 6.) That alleged "outreach" ignores that this Project is of citywide and regional importance, affecting traffic to and through the area by thousands of daily travelers, access to freeways, and travel to downtown, the train station, and the ballpark, as well as nearby major shopping destinations.

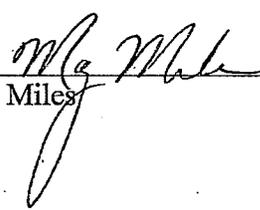
V. IMPLEMENTING THE PROJECT VIOLATES THE PUBLIC'S RIGHT TO INFORMATION AND THE OPPORTUNITY TO PARTICIPATE IN INFORMED DECISIONMAKING AND MUST BE REVERSED

Implementing the Project by City's MTA without allowing the public's right to appeal to an elected decisionmaking body violates CEQA's most basic mandate to give the public a meaningful voice in the decisionmaking process. (PRC §§21000, 21003.1, 21151(c); Guidelines §§15061(e), 15201, 15202(b); e.g., *Laurel Heights I, supra*, 47 Cal. 3d at p.394.) This Board should send a firm message that MTA's illegal implementation of such projects in violation of CEQA and against the public interest will not be tolerated.

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 further environmental review in compliance with CEQA.

DATED: June 16, 2017



Mary Miles

LIST OF EXHIBITS

- A** 4/10/17 Planning Department: Certificate of Exemption from Environmental Review, Case No. 2017-001180ENV, April 10, 2017
- B** 2/17/17 MTA: Memorandum from Jennifer Wong to Jeanie Poling in "Application for Environmental Review"
- C** 4/10/17 MTA: Staff Summary
- D** 4/11/17 MTA: Sustainable Streets Work Order and other documents on implementation of the Project
- E** 4/18/17 MTA Board of Directors: Resolutions No. 170418-050

From: [BOS Legislation, \(BOS\)](#)
To: page364@earthlink.net
Cc: [Wong, Jennifer \(MTA\)](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlena \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Tonin, Jonas \(CPC\)](#); [Espiritu, Christopher \(CPC\)](#); [Reiskin, Ed \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Auyoung, Dillon \(MTA\)](#); [Wise, Viktoriya \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: APPELLANT SUPPLEMENTAL LETTER - Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Friday, June 16, 2017 3:00:01 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below a supplemental brief received by the Office of the Clerk of the Board from Mary Miles, on behalf of the Coalition for Adequate Review, concerning the Exemption Determination Appeal for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project.

[Appellant's Supplemental Letter - June 16, 2017](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on June 27, 2017.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

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DATE: June 16, 2017

RE: BOS File No. 170638

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

INTRODUCTION

This Appeal is of the San Francisco Planning Department's environmental determination on the new bicycle "facility" on eastbound 13th Street between Folsom Street and Bryant Street ("the Project"). Please distribute a copy of this Statement to every Supervisor and place a copy in all applicable Project files.

Initially, Appellant objects to the Board of Supervisors ("Board" or "BOS") procedures requiring comment eleven days in advance of the Board's hearing, which is contrary to the California Environmental Quality Act ("CEQA") (Pub. Res. Code ["PRC"] §§21000 *et seq.*). CEQA allows public comment up to and including the date of the hearing or final disposition of the Board. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1202; 14 Cal.Code Regs. ["Guidelines"] §15202(b); PRC §21177(a).) The right to public comment is curtailed by the Board's improper time constraints, which deprive Appellant and the public of the right to more fully set forth their position and be heard. Further, Appellant is not subject to "exhaustion" requirements in future proceedings where the lead agency does not conduct public proceedings before its environmental determination. (*Ibid.*; see also, *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* ["Azusa"] (1997) 52 Cal.App.4th 1165, 1209-1210.)

Since the Project clearly has significant direct, indirect, and cumulative impacts adversely affecting transportation, air quality, GHG, public safety (including emergency vehicle access), parking, energy consumption, and human impacts, it is not exempt under CEQA. (*e.g.*, PRC §§21001; 21083.05, 21084(e); Guidelines §§15064, 15065(a).)

Moreover, the categorical exemptions for "minor alterations" and "existing conditions" invoked by the City do not apply to this Project, because there are no existing bicycle "facilities" on 13th Street. This Project is not a "minor alteration" but instead makes major changes on a heavily traveled street in San Francisco with significant impacts on the environment. Even if in theory a categorical exemption could apply to this Project, the exceptions described in Guidelines section 15300.2(a) would negate such a theory. Both cumulative impacts and the extraordinary traffic conditions specific to this location, and the fact that other bicycle "facilities" are present and/or proposed on 14th, 15th, 16th, and 17th Streets, show that the Project is subject to the "cumulative impacts" and "unusual circumstances" exceptions described in Guidelines section 15300.2(a).

By implementing the Project without providing the public the right of appeal, City violated CEQA's fundamental mandate of allowing the public to participate meaningfully in environmental determinations *before* Project approval and to receive information necessary to do so. (*Laurel Heights Improvement Assn. v. Regents of the University of California* ["*Laurel Heights I*"] (1988) 47 Cal. 3d 376, 394.)

The Project will have significant impacts on transportation, it is not categorically exempt, and its approval and illegal implementation by the Municipal Transportation Agency ("MTA") before the Board's hearing violates CEQA and the City's own Code providing for public review. To remedy the City's illegal implementation actions, the Board of Supervisors should therefore grant this Appeal, direct MTA to remove the Project's physical changes, including pavement markings, bollards, hit posts, obstructions, cement curbs and dividers, traffic lane alterations, and parking lane alterations, and set aside both the Planning Department's April 10, 2017 categorical exemption and the MTA Board's April 18, 2017 resolution approving the Project.

FACTS

City's Planning Department claimed on April 10, 2017 that the Project was categorically exempt from CEQA. (A copy of that determination ("Exemption") is attached hereto as **Exhibit** ["**Ex.**"] **A.**) Before that, on February 17, 2017, MTA staff wrote a "Memorandum -- Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project" ("Staff Memo"), attached hereto as **Ex. B.**

On April 10, 2017, MTA's "Sustainable Streets" Division, the Project sponsor, issued a "Summary" ("Staff Report") with a proposed Resolution to the MTA Board of Directors. (**Ex. C.**, attached hereto.)

The Project reduces road capacity for vehicles on 13th Street from three eastbound lanes to two lanes from South Van Ness Avenue to Harrison Street and from three eastbound lanes to one lane on 13th Street from Harrison to Bryant Streets, and removes most or all of the parking on 13th Street in the immediate area. (**Ex. A.**, pp. 2-3, 9-13.) The Project's "Phase II" removes two traffic lanes on 13th Street from Harrison to Bryant Streets. (**Ex. A.**, pp. 9-13.)

The April 10, 2017 Exemption document admits that at least 1,900 vehicles per hour will be delayed for *each* lane removed by the Project. Thousands of vehicles per hour now use this important corridor to get to freeway ramps, and to travel downtown, to the ballpark, and to major shopping destinations both in the area and elsewhere. According to MTA's traffic count data, the volume on eastbound 13th Street at Mission Street on October 25, 2006 was 23,085 vehicles daily, with 1,799 in the AM peak and 1,390 in the PM peak. ("SFMTA Traffic Count Data

1993-2013," p. 81, [https:// www.sfmta.com/sites/default/files/adtcounets.accessible5.pdf](https://www.sfmta.com/sites/default/files/adtcounets.accessible5.pdf) [viewed 6/15/17].)

On April 11, 2017, *before the MTA Board hearing on the Project*, MTA's Sustainable Streets Division improperly issued a Work Order to implement it the Project. (Ex. D, attached hereto.)

Relying on the Planning Department's erroneous exemption, the MTA Board of Directors adopted a Resolution No. 170418-050 on April 18, 2017. (Ex. E, attached hereto.) The MTA Board did not discuss the environmental impacts of the Project and ignored public comment opposing the Project. (Guidelines, §15202 (b); see also, Public Comment, Mary Miles to the MTA Board, April 18, 2017, attached to May 18, 2017 Notice of Appeal.)

A number of Immediate Disclosure Requests under the San Francisco Sunshine Ordinance and Public Records Act were submitted to both the Planning Department and the MTA. Those Requests were not promptly answered and/or the agencies failed to respond with the requested records.¹

Without allowing the public the opportunity to appeal its actions to the Board of Supervisors, the MTA immediately implemented the Project on 13th Street in violation of its own Codes and CEQA, which provide for appeal of exemption determinations to this elected body. (See Ex. D attached hereto [E-mail correspondence between MTA staff, work orders, and other records received May 18, 2017 pursuant to Immediate Disclosure Request; see also, PRC §21151(c); SF Admin. 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."].)

ARGUMENT

I. FAILURE TO ACCURATELY IDENTIFY AND MITIGATE THE PROJECT'S SIGNIFICANT IMPACTS VIOLATES CEQA

The proposed Project, part of City's "Vision Zero" Project, removes one or two heavily used travel lanes (depending on segments) and at least 35 parking spaces on eastbound 13th Street, reducing traffic capacity on this major traffic corridor **from three existing lanes to one lane in the eastbound direction**. (Ex. A, pp. 2-3, 5, 9-13.) Although City's MTA staff falsely claimed that the Project would remove only one traffic lane, City's diagrams show that it actually removes two eastbound lanes between Harrison Street and Bryant Street in "Phase II" of its implementation, reducing street capacity to one through lane where there formerly were three. (*Id.*)

¹ On May 1, 2017 an Immediate Disclosure Request was submitted to MTA for the checklist referred to in MTA's February 17, 2017 Staff Memorandum on 13th Street. (IDR No. 17-267.) The alleged PRC §21099 "checklist" claimed by MTA staff to support the exemption was never produced by MTA. On May 4, 2017, an Immediate Disclosure Request was submitted to MTA for all records on implementation of the Project, with no timely response. (IDR No. 17-273.) Two weeks later, a disc arrived in the mail from MTA that included records attached in Exhibit D, herein.

The Planning Department's Exemption document admits that proposed capacity reduction will bottleneck and back up the already heavy traffic on eastbound 13th Street, adversely causing congestion and unsafe conditions at major intersections in the immediate Project area, including 13th Street at South Van Ness Avenue, Folsom Street, Bryant Street, Harrison Street, and 11th/13th/Bryant/ Division Streets. (Ex. A, p. 5.) The Exemption document also 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." (Exh. 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.)

The Project will also clearly cause cumulative impacts on transportation, parking, air quality, GHG, energy consumption, public safety (including emergency vehicle access), and human impacts in the surrounding area.

A. The City Failed To Accurately State Existing Conditions And Describe The Project

1. The Conclusion of No Impacts Is False And Unsupported Since Vehicles Are Omitted From The Impacts Analysis

The Exemption document does not analyze impacts on vehicles. Rather it only discusses "Transit Impacts" (p. 5), "Pedestrian Impacts" (p. 6), "Bicycle Impacts" (p.6), "Emergency Vehicle Access Impacts" (p. 7), and "Loading" (p. 7.) While completely omitting any coherent analysis of traffic impacts on vehicles, the Exemption document admits that traffic capacity on eastbound 13th Street will be reduced from the existing roadway capacity of 5,700 vehicles per hour to 1,900 vehicles per hour. (Ex. A, p. 5.)²

The Exemption document fails to establish the cumulative area affected by the Project, and fails to state that MTA's Sustainable Streets Division has already planned and/or provided bicycle lanes on 14th, 15th, 16th, and 17th Streets under City's 2009 Bicycle Plan Project, and a dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street, removing hundreds of parking spaces and traffic lane capacity in nearby corridors.

The failure to accurately state existing conditions results in an inaccurate baseline for analyzing impacts, in violation of CEQA. (*e.g., Poet, LLC. v. State Air Resources Bd. ["Poet II"]* (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].) The required baseline for analyzing impacts must establish, with substantial evidence, the existing conditions applying to the impact to be analyzed. The baseline of existing conditions is then compared with an accurate Project

² The Exemption document refers to alleged "Traffic Volumes (PM Peak)" for three intersections at the "PM Peak" in "2015," but it contains no supporting evidence, including the dates the counts were taken, the time of day, or who took them. (Ex. A, p.5.) Those alleged counts are substantially different from MTA's 2006 counts for eastbound 13th Street at Mission, which on October 25, 2006 were 23,085 vehicles, with 1,799 in the AM peak and 1,390 in the PM peak. ("SFMTA Traffic Count Data 1993-2013," p. 81, www.sfmta.com/sites/default/files/adtcoun5.accessible5.pdf [viewed 6/15/17].) The Staff Report instead states that there are 1,012 eastbound vehicles in the AM peak and only 790 "in the evening." (Ex. C, p.3.) The Exemption document implausibly predicts that traffic volume will grow by only 152 vehicles by 2040. (Ex. A, p.5.)

description to determine whether the Project will have significant impacts. That analysis did not take place here, because the baseline description and the Project description are inaccurate, incomplete, and unsupported by substantial evidence. (*Id.*)

In addition to the drastic capacity reduction, which it terms a "road diet," the Project also forces turns from existing through lanes and installs "painted bicycle boxes" at the intersections of Folsom Street/13th Street, and Bryant Street/13th Street to construct a "new bicycle facility on eastbound 13th Street." (Ex. A, p. 1.) The Project also proposes prohibiting right turns at red traffic signals at northbound Harrison Street approaching 13th Street and a special "two-stage" left turn box to enable bicyclists to turn left from the right lane to "make an intersection more inviting for...bicycles." (Ex. C, p. 5.) The Project also introduces time limits for whatever parking remains on 13th Street. (*Id.*) All of those plans will further obstruct and delay traffic with significant adverse impacts on transportation, air quality, GHG, energy consumption, and public safety, including emergency vehicle access.

The obvious direct impacts from delaying thousands of vehicles, which City admits in its Exemption document show that any claim of no direct and cumulative significant impacts is false. (Exh. A, p. 6-7.)

2. City's "Vision Zero" Claims Are Irrelevant, Inaccurate, And Unsupported

The exaggerated "vision zero" collision data is irrelevant to the impacts analysis required by CEQA, and cannot justify the Project's claimed exemption. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist. ["CBIA"]* (2016) 2 Cal.App.5th 1067, 1073; *Parker Shattuck Neighbors v. Berkeley City Council ["Parker Shattuck"]* (2013) 222 Cal.App.4th 768, 783 [identifying impacts of the existing environment on users of the project is inconsistent with CEQA, since the issue is not about safety risks to the project from existing conditions but about impacts of the project on the environment].)

City's "vision zero" data are irrelevant to the description of existing conditions required by CEQA. The required analysis is not about the impacts of the environment on the Project, but of the Project on the environment. (*CBIA, supra*, 2 Cal.App.5th at p. 1073 ["[T]he Supreme Court held CEQA 'does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents,'" citing *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392]; *Parker Shattuck, supra*, 222 Cal.App.4th at p. 783.)

No evidence supports MTA's spurious claim that this is a "high injury corridor for bicycling" or justifies the significant adverse impacts that the Project will cause on traffic, air quality, noise, and safety. The "high injury corridor for bicycling" fiction is irrelevant to establishing existing baseline conditions for analyzing the impacts caused by the Project. MTA's claims that there have been "a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street" from May 31, 2012 through May 31, 2016 are unsubstantiated, with no documentation showing the circumstances of such alleged "collisions," or that this is a "high injury corridor for bicycling." (Ex. C, page 1]; Ex. B, p. 2.) Indeed, the fictitious "high injury corridors" created by City's "Vision Zero" Project include MTA's extensive wish list to create adverse traffic conditions for vehicles throughout San Francisco and extend the already-expansive Bicycle Plan agenda that benefits less than 4 percent of travelers and adversely affects the other 96%-plus.

According to the little information provided by MTA in response to a records request, the alleged "traffic collisions" on 13th Street include collisions involving all travel modes in a general area, not just those involving bicycles, with only seven collisions on 13th Street involving bicycles. That data is not statistically significant, does not support drastic changes to 13th Street, and in any event is irrelevant to analyzing the Project's impacts. (*CBLA, supra*, 2 Cal.App.5th at p. 1073; *Parker Shattuck, supra*, 222 Cal.App.4th at p.783.) The Project nevertheless proposes changes that result in significant adverse impacts on *all* other users of the 13th Street roadway by eliminating traffic lanes, parking, and turning lanes to create a lane for exclusive use of bicyclists.

The MTA's Staff Report also contradicts the Exemption document and misstates existing conditions and the Project description, including falsely stating that the Project would only remove one eastbound traffic lane, when in fact it proposes removing two traffic lanes on eastbound 13th Street. (Ex. C, p. 3.)

The MTA's Staff Report claims that "146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street." (Ex. C, p. 3.) That means that bicyclists are *less than three percent* of travelers in the immediate Project area. Further, the Exemption states that "The proposed project would not generate new bicycle trips ..." (Exh. A, page 6.) The insular special interests evident from these figures do not justify the extensive significant impacts on transportation, air quality, parking, energy consumption, public safety, and human impacts caused by the proposed Project on the other 97 percent of the traveling public. (See, e.g., *Parker Shattuck, supra*, 222 Cal.App.4th at p. 783.)

Both the Exemption and the MTA's Staff Report ignore that City's 2009 Bicycle Plan Project also planned and/or implemented, bicycle lanes on 14th, 15th, 16th, and 17th Streets, removing hundreds of parking spaces and traffic lane capacity in nearby corridors, along with the dedicated 12-foot-wide bicycle lane with buffer on westbound 13th Street.

The failure to set forth accurate existing conditions and an accurate Project description violate CEQA, since the public and decisionmakers are deprived of the information necessary to determine the Project's significant impacts. (*Poet II, supra*, 10 Cal. App. 5th at p. 797; *County of Amador, supra*, 76 Cal.App.4th at p. 955.) Conveying false, contradictory, incomplete, and misleading information to the public and decisionmakers is a prejudicial abuse of discretion under CEQA.

B. The Project May Have Significant Impacts On The Environment

The Project will clearly have significant impacts on the environment, and therefore is not categorically exempt. (See, e.g., Guidelines §§15064, 15065(a)(3).) Before declaring the Project exempt, City was required to do a preliminary analysis exploring the possibility of the Project's significant impacts on the environment. (Guidelines §15060(c), 15061.) A significant impact is "a substantial, or potentially substantial adverse change in the environment." (PRC §21068; §21060.5 [defining "the environment" as "the physical conditions which exist within the area which will be affected by a proposed project..."].) There is no evidence that a preliminary analysis ever took place or any evidence provided that supports the exemption determination.

In fact, City's own documents show that the Project *will* have significant impacts on transportation, and will obstruct and slow traffic and create unsafe conditions for pedestrians and have impacts on air quality. (Ex. A, p. 6-7.) The Project will also have direct and cumulative

impacts on GHG, energy consumption, and public safety (including emergency vehicle access). Major businesses in the immediate and cumulative area will also be affected by removing street parking and creating barriers to parking provided by those businesses, including large stores like Rainbow Grocery (one of the largest natural foods stores in San Francisco), Office Max, and Best Buy. The Exemption shows that the Project will also block and inhibit access to the parking provided by those businesses, and remove street parking that is often fully occupied.

The Project's significant direct, indirect, and cumulative impacts on transportation throughout the area, as well as impacts on air quality, GHG, energy consumption, public safety (including emergency vehicle access), noise, and human impacts must be identified, analyzed, and mitigated under CEQA. This Project is not exempt from these requirements.

C. There Is No Analysis Of Cumulative Impacts

The cumulative impacts analysis also must precede City's exemption determination as part of the preliminary review. (PRC §21065; Guidelines §§15065(a)(3).) There is no adequate analysis of cumulative impacts in the Exemption document. That document claims, with no supporting evidence, that MTA staff found "projected growth in vehicle traffic volumes" between now and 2040 to be "approximately 15 percent" or "152" vehicles. (Ex. A, p. 5.) The failure to support those implausible "growth" numbers with substantial evidence based on actual known growth data in San Francisco renders them invalid on their face.

A cumulative impacts analysis must set forth existing conditions and compare those conditions with anticipated future conditions. The cumulative impacts analysis must also show *other* current and anticipated future projects in the cumulative area that will *also* affect traffic, public safety, air quality, etc., and then must compare present conditions with conditions assuming those other projects. No such analysis is evident here. (Guidelines §15065(a)(3).) This Project has "possible environmental effects" that are "cumulatively considerable," meaning "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Guidelines §15065(a)(3).)

City's failure to analyze cumulative impacts does not excuse its improper conclusion of *no* impacts. (*Azusa, supra*, 52 Cal.App.4th at p. 1198; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) City's failure to analyze the Project's impacts, including its cumulative impacts, violates CEQA's informational requirements and results in improper piecemealed implementation of such projects, also prohibited by CEQA.

The City's past, present, and planned future projects on City's roadways to impede and obstruct vehicle transportation, remove parking, including the Bicycle Plan, "Sustainable Streets," "Vision Zero," and other projects, when combined with this Project, clearly have significant cumulative impacts on transportation, air quality, parking, and public safety that cannot be considered in a vacuum.

II. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

A. City Fails To Show With Substantial Evidence That The Project Fits Within A Categorical Exemption

The agency bears the burden of showing with substantial evidence that a proposed project fits within a categorical exemption. (*Azusa, supra*, 52 Cal.App.4th at p.1192; *Save Our Big Trees v.*

City of Santa Clara (2015) 241 Cal.App.4th 694, 705.) Exemptions are construed narrowly and may not be expanded beyond their terms or CEQA's statutory purpose. (*County of Amador v. El Dorado County Water Agency* ["*County of Amador*"] (1999) 76 Cal.App.4th 931, 966; *Azusa, supra*, 52 Cal.App.4th at p. 1192.) That strict construction allows CEQA to be interpreted in a manner affording the fullest possible environmental protection within the reasonable scope of statutory language. (*Ibid.*) Strict construction "also comports with the statutory directive that exemptions may be provided only for projects which have been determined not to have a significant environmental effect." (*County of Amador, supra*, 76 Cal.App.4th at p. 966.)

City has failed to meet its burden to provide substantial evidence that the exemptions invoked, *i.e.*, Guidelines §§15301 and 15304, apply to this Project.

1. The Section 15301(c) Categorical Exemption Does Not Apply To The Project

Guidelines §15301(c) does not apply because the Project does not propose "minor alterations" of "[e]xisting highways and streets, sidewalks gutters, bicycle and pedestrian trails."

Both the MTA's Staff Report and the Exemption document admit that there are *no* existing bicycle lanes on eastbound 13th Street. (Ex. C, p. 3]; Ex. A, p. 4.) The Guidelines § 15301(c) exemption therefore is inapplicable on its face. (*Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* ["*Save Our Carmel River*"] (2006) 141 Cal.App.4th 677, 697.)

Guidelines §15301 explicitly states that in determining the types of "existing facilities" subject to such an exemption, "The key consideration is whether the project involves negligible or no expansion of an existing use." Far from being negligible or no expansion, the Project proposes *usurping two-thirds of the existing roadway capacity and parking to implement a currently non-existent use of that corridor.*

The Project's proposed change of *use* of 13th Street from a heavily traveled major thoroughfare for 5,700 vehicles per hour to a "bikeway" for 146 bicyclists makes it ineligible for an "existing facilities" exemption. (*County of Amador, supra*, 76 Cal.App.4th at p.967 [existing facilities exemption did not apply to project that changed use of an existing hydroelectric facility from non-consumptive to consumptive use]; *Save Our Carmel River, supra*, 141 Cal.App.4th at p. 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"].)

In addition to reducing the street capacity on 13th by two-thirds and removing nearly all parking, the Project excludes the vast majority of users of 13th Street by creating new facilities that are inaccessible to anyone not using a bicycle. The Project thus changes the street's use from a *public* roadway for *all* users to one that exclusively serves a special interest consisting of less than 3 percent of street users. Such a change of use does not fall within the "existing facilities" categorical exemption. (*County of Amador, supra*, 76 Cal.App.4th at p. 967.)

Further, the Project does not propose "minor alterations," but proposes major changes affecting and significantly impacting transportation, air quality, parking, noise, and public safety, both in the immediate and cumulative areas by reducing street capacity. (*e.g., Azusa, supra*, 52 Cal.App.4th at p. 1194 [project proposing to dump tons of additional waste into an existing landfill was not a "minor alteration" to an "existing facility"].)

The rationale for the "'existing facilities' exemption is that the environmental effects of the operation of such facilities must already have been considered." (*Azusa, supra*, 52 Cal.App.4th at

p. 1195-1196.) Here, as in *Azusa*, the lack of prior consideration of the Project's impacts should defeat any determination that the "existing facilities" categorical exemption applies.

The Project therefore does not fit within the Guidelines section 15301(c) exemption.

2. The Section 15304(h) Exemption Does Not Apply To The Project

The Guidelines section 15304(h) exemption also invoked (Ex. A, p. 3) also does not apply to the proposed Project, because bicycle lanes do not currently exist on 13th Street, and because the Project does not propose minor "alterations in the *conditions* of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes." (Guidelines §15304.) The Project instead proposes major alterations to a heavily traveled urban corridor causing significant impacts and a complete change of use of 13th Street.

City claims that "Class 4(h)" exempts the "creation of bicycle lanes on existing rights-of-way." However, the existing right of way on 13th Street consists of three eastbound traffic lanes and street parking. The Project's proposed *change of use* of 13th Street does not fit this exemption. As with the Class 1 exemption, the Class 4 Exemption under Guidelines §15304 does not allow a change of *use*, but only *minor* alterations in the *conditions* of land, water and/or vegetation.

"The exemption in 14 Cal. Code Regs. §15304 relates to minor changes in the condition of land, water, or vegetation...[A]uthorizing a change in the permanent use of land rather than a minor alteration in the condition of the land, does not fit within this exemption." (Kostka and Zischke, Practice Under the California Environmental Quality Act (2d ed., 2017 CEB On-Law, §5.82; e.g., *Myers v. Board of Supervisors* (1976) 58 Cal.App.3d 413.) The changes here are not minor but instead eliminate traffic lanes and drastically reduce street capacity, eliminate parking, and create a change in the permanent use of the street rather than a minor alteration in the "condition" of the street. (*Id.*; *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.]) City fails to meet its burden to establish that the Project proposes only *minor* alterations in the *conditions* of land, water, and/or vegetation. (Guidelines §15304.)

Further, 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." (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.)

Under City's own standards and documents this Project is not categorically exempt.

B. City's PRC Section 21099 "Checklist" Does Not Support Its Claimed Exemption

City's claim that a "checklist" that it improperly developed to implement PRC §21099 justifies the Project is invalid on its face, since the State has not yet certified amended guidelines under that provision. (Ex. B, p.3.) City may not adopt its own speculative "checklist" or requirements in anticipation of a Guidelines change that has not yet been certified by the State.

"Amendments to the guidelines apply prospectively only." (Guidelines §15007(b).) Public agencies may only implement guidelines amendments *after* the effective date of the amended guidelines. (Guidelines §15007; see also, *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 299-300, fn. 6 [LOS standards remain in effect].)

Moreover, such "checklists" do not support or provide a foundation for City's environmental determination. (*Parker Shattuck, supra*, 222 Cal.App.4th at p.784.) In fact, there is no evidence that City used any checklist in a preliminary review of this Project.

III. EXCEPTIONS UNDER GUIDELINES §15300.2 ALSO APPLY TO THIS PROJECT

The Exemption's unsupported conclusory statement, "None of the established exceptions applies to the proposed project" under Guidelines §15300.2 is also false, as are the claims that the Project will have no cumulative impacts, and that no "unusual circumstances" are presented by the Project. (Ex. A, p.4.) City fails to meet its burden to show that the exceptions do not apply.

A. The Project Will Have Cumulative Impacts As Defined By Guidelines §15300.2(a)(3)

City fails to address whether "successive projects of the same type in the same place, over time" is an exception under Guidelines §15300.2(a)(3). Here, the Project is one of many City bicycle projects in the same area, over time. City's 2009 EIR on its Bicycle Plan Project proposed and City has developed or plans to develop bicycle "improvements" on 14th, 15th, 16th, and 17th Streets, as well as on Market, Folsom, Bryant, Howard, Harrison, and Division Streets. City has also proposed and developed similar successive projects of the same type on nearby 7th, 8th, Folsom, Bryant, Howard, Harrison, Market, Brannan, and Division Streets. City's implementation of those other "successive projects...over time" creates an exception to any claimed exemption from CEQA. Those successive projects over time also eliminate traffic lanes, parking and turning, with cumulative impacts on transportation, air quality, GHG, energy consumption, noise, and public safety (including emergency vehicle access). Those cumulative impacts trigger the Guidelines section 15300.2(a)(3) exception and invalidate City's unsupported claim that the Project is exempt.

Furthermore, the Project signals City's improper return to a strategy of piecemealed environmental review that has already been disapproved by the courts and led directly to a permanent Injunction against City's Bicycle Plan Project.

B. Large Traffic Volumes And Proposed Drastic Reduction of Street Capacity Also Are Unusual Circumstances

Further, in this instance, the very large traffic volumes and proposed drastic reduction in street capacity constitute unusual circumstances under Guidelines §15300.2(c). (*Azusa, supra*, 52 Cal. App. 4th at p.1198.) As in *Azusa*, City's admission that this Project *will* have a significant impact by degrading Level of Service creates an exception to a categorical exemption.

C. The Project's Location Also Presents Unusual Circumstances

The Project area is a major urban traffic corridor beneath a freeway that, without the Project, moves 5,700 vehicles per hour and has *no existing bicycle lanes*. That is not the usual setting for categorical exemptions under Guidelines §15301, which typically involve *minor* alterations to *existing* facilities, or Guidelines §15304(h), which typically involve *minor* alterations to either maintenance or improvement of *existing* bicycle lanes. The location is also unusual due to the proximity of a major shopping area with large stores, such as Best Buy, Costco, Office Max, and Rainbow Grocery, which generate significant traffic and the need for customer parking.

IV. FAILURE TO PROVIDE PUBLIC NOTICE AND INFORMATION ON THE PROJECT VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS

The April 10, 2017 Exemption did not exist at the time of the claimed public hearing conducted by MTA's Sustainable Streets Division. Nor was the Exemption document readily available before the MTA Board's April 18, 2017 hearing, and even today finding it is difficult, requiring complicated linking to documents not readily available to the general public or easily found on the internet. Other documents, such as MTA's Staff Memo, were never publicly available and required Public Records Act requests to get. Even members of the public who requested public notice, including this Commenter, received no notice of this Project after submitting many requests to MTA for notices of proceedings on all bicycle projects in San Francisco.

Documents on the CEQA review of the Project should have been publicly noticed at least 72 hours in advance and placed on the March 17 and April 18, 2017 public hearing agendas in a readily-accessible link so that the public could know what was being proposed. They were not. (Guidelines §15202(b).)

The Project sponsor, MTA's Sustainable Streets Division claims that its "staff performed door-to-door outreach" to four businesses along eastbound 13th Street from January to March 2017. (Ex. C, p. 6.) That alleged "outreach" ignores that this Project is of citywide and regional importance, affecting traffic to and through the area by thousands of daily travelers, access to freeways, and travel to downtown, the train station, and the ballpark, as well as nearby major shopping destinations.

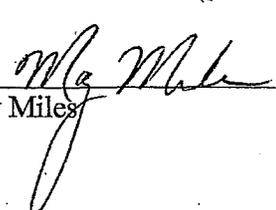
V. IMPLEMENTING THE PROJECT VIOLATES THE PUBLIC'S RIGHT TO INFORMATION AND THE OPPORTUNITY TO PARTICIPATE IN INFORMED DECISIONMAKING AND MUST BE REVERSED

Implementing the Project by City's MTA without allowing the public's right to appeal to an elected decisionmaking body violates CEQA's most basic mandate to give the public a meaningful voice in the decisionmaking process. (PRC §§21000, 21003.1, 21151(c); Guidelines §§15061(e), 15201, 15202(b); e.g., *Laurel Heights I, supra*, 47 Cal. 3d at p.394.) This Board should send a firm message that MTA's illegal implementation of such projects in violation of CEQA and against the public interest will not be tolerated.

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 further environmental review in compliance with CEQA.

DATED: June 16, 2017



Mary Miles

LIST OF EXHIBITS

- A** 4/10/17 Planning Department: Certificate of Exemption from Environmental Review, Case No. 2017-001180ENV, April 10, 2017
- B** 2/17/17 MTA: Memorandum from Jennifer Wong to Jeanie Poling in "Application for Environmental Review"
- C** 4/10/17 MTA: Staff Summary
- D** 4/11/17 MTA: Sustainable Streets Work Order and other documents on implementation of the Project
- E** 4/18/17 MTA Board of Directors: Resolutions No. 170418-050

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2017-001180ENV
 Project Title: SFMTA – 13th Street Eastbound Bicycle Facility Project
 Location: 13th Street between South Van Ness Avenue and Bryant Street
 Project Sponsor: Jennifer Wong, SFMTA – (415) 701-4551
 Staff Contact: Christopher Espiritu – (415) 575-9022
 Christopher.Espiritu@sfgov.org

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
 415.558.6378

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 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes the 13th Street Eastbound Bicycle Facility Project (proposed project). The proposed project would include the installation of a new bicycle facility on eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Currently, there are no existing bicycle facilities along eastbound 13th Street; the westbound direction of 13th Street between Folsom Street and Bryant Street has an existing Class IV bikeway (parking-protected bike lane).

The proposed project would generally remove one travel lane along eastbound 13th Street to accommodate the proposed bicycle lane. The proposed project would also relocate and remove existing on-street parking, restripe portions of the street (i.e., lane marking changes), change the color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom Street/13th Street, Harrison Street/13th Street, and Bryant Street/13th Street.

No excavation is required. Project construction, which includes painting and sign installation, is anticipated to last approximately 60 days. A subsequent phase which includes similar construction activities is anticipated to last approximately 30 days. The proposed project is intended to help meet the City's adopted Vision Zero policy which seeks to eliminate all traffic-related fatalities by 2024. The proposed project is also intended to fulfill Mayor Ed Lee's Executive Directive on Pedestrian and Bicycle Safety issued on August 4, 2016, as it relates to safety improvements on 13th Street. (Continued on page 2)

EXEMPT STATUS:

Categorical Exemption, Class 1 (California Environmental Quality Act [CEQA] Guidelines Section 15301) and Categorical Exemption, Class 4 (CEQA Guidelines Section 15304)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

for: 
 Lisa M. Gibson
 Acting Environmental Review Officer

April 10, 2017
 Date

cc: Jennifer Wong, SFMTA
 Andrea Contreras, SFMTA

Virna Byrd, M.D.F.
 Supervisor Kim, District 5 (via Clerk of the Board)
 Supervisor Ronen, District 9 (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The objective of the proposed project is to improve safety conditions along 13th Street for bicyclists, pedestrians, and vehicles. The 13th Street corridor is on San Francisco's High Injury Network for vehicles and bicycles, a network of streets that experience a disproportionate number of bicycle collisions compared to other streets.¹

Within the project limits of South Van Ness Avenue and Bryant Street, 13th Street is a two-way street with a width of 120 feet, including 16-foot-wide sidewalks on both sides of the street. As shown in Figure 1 (Existing Conditions), the existing configuration of westbound 13th Street consists of: a 6-foot-wide bicycle lane, a 6-foot-wide painted buffer, an 8-foot-wide parking lane, two 10-foot-wide travel lanes, and an 8-foot-wide concrete median. The existing roadway configuration of eastbound 13th Street includes: two 10-foot-wide and one 12-foot-wide mixed-flow travel lanes, as well as an 8-foot-wide curbside parking lane.

The proposed project would not involve any changes to the existing westbound lanes along 13th Street. The proposed project would include changes to the eastbound lanes along 13th Street. Between Harrison Street and Bryant Street, the proposed project would include two phases.

The proposed project would maintain the width of the existing 120-foot-wide roadway, including the locations of the existing curbs (i.e., sidewalk widths). However, the proposed project would restripe the 13th Street roadway between South Van Ness Avenue and Bryant Street and remove an existing travel lane. As shown on Figure 2 (Proposed Conditions), on the segment between South Van Ness Avenue and Folsom Street, the project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10 ½-foot-wide mixed-flow travel lanes (a ½-foot increase in width each), a 9-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new).

On the segment between Folsom Street and Harrison Street, the proposed project would result in a typical mid-block eastbound cross-section of (parentheses indicate change to existing conditions): two 10-foot-wide mixed-flow travel lanes (no change in width), a 2-foot-wide painted buffer (new), a 6-foot-wide bicycle lane (new), a 2-foot-wide painted buffer (new), and a 10-foot-wide right turn pocket (new). Figure 2 shows the proposed configuration on this segment of 13th Street.

In Phase I, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to existing conditions): a 10-foot-wide left turn lane (new), a 10-foot-wide mixed-flow travel lane (no change in width), an 8-foot-wide parking lane (relocated), a 5-foot-wide painted buffer (new), and a 7-foot-wide bicycle lane (new).

¹ Memorandum - *Environmental Clearance for the 13th Street Eastbound Bicycle Facility Project* (February 17, 2017) from Jennifer Wong (SFMTA) to Christopher Espiritu (Environmental Planning - San Francisco Planning Department). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case File No. 2017-001180ENV.

In Phase II, on the segment between Harrison Street and Bryant Street, the proposed project would result in a mid-block eastbound cross-section of (parentheses indicate change to Phase I conditions): two 10-foot-wide left turn lanes (no change in width), a 10-foot-wide mixed-flow travel lane (no change in width), and a 20-foot-wide through/right travel lane (new). The proposed Phase I and II conditions, between Harrison and Bryant streets, are shown in Figure 3.

As shown in Figures 4A and 4B (Striping Plans), the proposed project would include the removal of on-street parking (approximately 35 spaces) on 13th Street. The proposed project would not relocate or remove any existing commercial vehicle loading zones (yellow zones) or accessible parking spaces (blue zones) throughout the project limits.

Project Approvals

The proposed project is subject to internal review by SFMTA staff, a recommendation for approval by Transportation Advisory Staff Committee, Public Hearing with an SFMTA Hearing Officer, and finally approval by SFMTA Board. The proposed project is subject to notification through a Public Notice of Intent. If no objections are received to the Notice or the Public Hearing, the proposed project would be routed to the SFMTA Board of Directors for approval.

Approval Action: The Approval Action for the proposed project would be approval by the SFMTA Board of Directors, which approves the proposed roadway improvements to be implemented or constructed on the public right-of-way. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15301(c) or Class 1(c), provides an exemption from environmental review for minor alterations to "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purposes of public safety)." This includes traffic channelization measures, minor restriping of streets (i.e., turn lane movements, painted buffers, and parking changes), and other improvements on existing streets. As described above, the proposed project includes these measures; therefore, the proposed project would be exempt from CEQA under Class 1(c).

In addition, CEQA State Guidelines Section 15304, or Class 4, provides an exemption from environmental review for minor public or private alterations in the condition of land. Class 4(h) specifically provides an exemption from environmental review for the creation of bicycle lanes on existing rights-of-way. The proposed project would include the installation of a new Class II and Class IV bicycle lane along eastbound 13th Street, between South Van Ness Avenue and Bryant Street. Therefore, the proposed project would also be exempt from CEQA under Class 4(h).

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Transportation" and "Air Quality" there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed below, there is no possibility of a significant effect on the environment due to unusual circumstances.

TRANSPORTATION

The proposed project was analyzed in a memorandum prepared by the SFMTA and reviewed by the Planning Department for transportation impacts in the study area.² The following relies on the analysis conducted in that memorandum, as well as additional supplemental analysis.

Transit Impacts

The proposed project is a transportation project and the project is not anticipated to induce growth that would generate new trips, including transit trips, unlike a land use development project. In addition, the proposed project would not change transit service (e.g., decrease service, such that capacity may increase). Thus, a transit capacity utilization analysis is not necessary in considering CEQA impacts. However, transit travel time may change due to project-related traffic congestion delay. As traffic congestion increases in the area, traffic delays could result in delays to transit while traveling along the transit route corridor if the transit vehicles share right-of-way with other vehicles (i.e., mixed-flow lanes).

The proposed project would include roadway modifications along eastbound 13th Street, between South Van Ness Avenue and Bryant Street, where no existing Muni bus routes operate. However, there are nearby bus routes (12-Folsom, 27-Bryant, 9-San Bruno) which operate along the intersecting streets of Folsom Street, Bryant Street, and Division Street. The proposed modifications along the 13th Street eastbound roadway would not affect existing bus stops for the abovementioned bus routes. While there are existing bus stops for Muni bus routes 12 (Folsom), 27 (Bryant), and 9 (San Bruno) within the project vicinity, the proposed project would not remove (or relocate) any existing bus stops for these bus routes.

The impact on transit travel times was assessed by comparing projected project effects on vehicle capacity along roadway segments where private vehicles and transit operate in mixed-flow travel lanes. The

² SFMTA Memorandum to Planning Department – 13th Street Eastbound Bicycle Facility Project, February 17, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2017-001180ENV.

analysis was based on quantitative estimates of average vehicle capacity at intersections within the study area where the highest estimated number of vehicles were observed during the PM Peak hour. This approach was used to assess whether the proposed project could substantially reduce capacity and thereby affect transit vehicles traveling through the study area.

Using Highway Capacity Manual assumptions, eastbound 13th Street has an estimated capacity of 1,900 vehicles per hour per lane. The existing eastbound 13th Street roadway, between South Van Ness Avenue and Bryant Street, consists of three travel lanes which was estimated to have vehicle capacity in one direction with 5,700 vehicles per hour. SFMTA analyzed the most recent traffic counts available for intersections within the project limits, as shown in Table 1 below.

Table 1 – Traffic Volumes (PM Peak)

Intersection	Traffic Control	Traffic Volumes (EB Direction)		
		Existing	Traffic Volume Growth	Cumulative 2040
13th and Folsom (2015)	Signal	705 vehicles	+ 106 vehicles	811 vehicles
13th and Harrison (2015)	Signal	670 vehicles	+ 101 vehicles	771 vehicles
11th/13th/Bryant/Division (2015)	Signal	1,012 vehicles	+ 152 vehicles	1,164 vehicles

Notes: - Existing Roadway Capacity = 5,700 vehicles per hour, Proposed Roadway Capacity = 3,800 vph

- Traffic volume growth was derived using a 15% average growth rate over a 20-year period of traffic in the area

Source: SFMTA - 13th Street Traffic Count Data, Andrea Contreras (SFMTA) to Christopher Espiritu (SF Planning), February 2017

With implementation of the proposed project, roadway capacity in the eastbound direction would be reduced to approximately 3,800 vehicles per hour. As observed by SFMTA on April 2016, the existing traffic volumes on each project intersection of 13th/Folsom (705 vehicles), 13th/Harrison (670 vehicles), and 13th/Bryant Streets (1,012 vehicles) traveling within the project limits would be accommodated by the roadway capacity (3,800 vehicles per hour) under the proposed roadway configuration.

In order to assess cumulative effects of the proposed project, SFMTA staff used the average growth in the study area’s traffic volumes to ascertain the projected growth in vehicle traffic volumes. This growth was found to be approximately 15 percent. Staff then applied a 15 percent increase to all intersection-level directional vehicle volumes in the Existing Conditions to generate the 2040 Baseline Conditions traffic volumes.

As shown in Table 1 above, cumulative traffic volumes on each project intersection of 13th/Folsom (811 vehicles), 13th/Harrison (771 vehicles), and 13th/Bryant Streets (1,164 vehicles) traveling eastbound within the project limits would continue to be accommodated within the eastbound 13th Street roadway. The proposed roadway capacity of 1,900 vehicles per hour per eastbound lane (3,800 vehicles for two travel lanes) after implementation of the project would continue to provide adequate vehicle capacity on 13th Street in the future.

Given the capacity of the proposed eastbound roadway reconfiguration, it is not anticipated that vehicle trips would substantially divert to nearby streets that could substantially affect transit travel times on intersecting streets such as Folsom, Harrison, and Bryant streets. Thus, the proposed project would not substantially impede transit operations on intersecting streets where transit service operates. Therefore, given that the proposed project would not substantially affect transit operations, the transit impacts associated with the implementation of the project would be less than significant.

Pedestrian Impacts

The proposed project is not anticipated to induce growth that would generate new pedestrian trips. Therefore, the proposed project would not result in substantial overcrowding on nearby public sidewalks. In addition, the proposed project would not include sidewalk narrowing, roadway widening, or other conditions that could create potentially hazardous conditions or otherwise interfere with pedestrian accessibility to the site and adjoining areas.

13th Street is identified as a High Injury Corridor for vehicles and bicycles only. In addition, intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street were also identified as a High Injury Corridor for vehicles and cyclists. The proposed project would not include any narrowing of existing sidewalks or other components that could negatively affect pedestrian circulation within the project area. Therefore, the proposed project would result in a less-than-significant impact to pedestrians.

Bicycle Impacts

The proposed project includes the installation of a new Class II and Class IV bicycle lane on 13th Street, between South Van Ness Avenue and Bryant Street. The proposed project would not generate new bicycle trips, but would continue to accommodate bicyclists traveling along nearby bicycle facilities (South Van Ness Avenue, Folsom Street, and Harrison Street). The proposed bicycle facility would create a new bicycle connection to other nearby bicycle facilities, including north-south bicycle facilities located on Folsom Street and Harrison Street and other east-west bicycle facilities on 11th Street and Division Street.

The proposed project would generally enhance cycling conditions along the eastbound 13th Street corridor. Provision of a new Class II and Class IV bicycle lane within the project limits would increase bicyclists' visibility. The dedicated 6-foot-wide bicycle lane, painted buffers and a physical separation from adjacent travel lanes, would reduce the potential for injury to bicyclists due to "dooring" (i.e., when a vehicle driver or passenger opens a door in the path of an oncoming bicyclist, causing a collision). Further, implementation of the proposed project would enhance bicycle circulation and safety within the project area, and improve connectivity with other east-west and north-south bicycle facilities. Thus, for these reasons, the impact of the proposed project on bicycle facilities and circulation would be less than significant.

Emergency Vehicle Access Impacts

In general, implementation of the proposed project would not hinder or preclude emergency vehicle access. Between South Van Ness Avenue and Bryant Street, two 10-foot-wide, mixed-flow travel lanes would be retained on eastbound 13th Street. Although this would not be considered a significant impact, the new Class II and Class IV bicycle lane on 13th Street would not include any raised separation that would restrict vehicles from accessing these lanes in the event of an emergency. The design of proposed project improvements, including the new bicycle lane would be reviewed by SFMTA's Transportation Advisory Staff Committee (TASC)³ prior to SFMTA approval and implementation. The Transportation Advisory Staff Committee will provide a recommendation for approval regarding the proposed project, which will include a review of applicable standards, including emergency vehicle access.

SFMTA staff conducted a field survey to collect the location of emergency assets (i.e., fire alarm box, low-pressure fire hydrant, high-pressure fire hydrant, stand pipe, valves). The proposed project would not include closures or modifications to any existing streets or entrances to nearby buildings. Therefore, the proposed project would not create conditions resulting in inadequate emergency vehicle access.

Overall, with implementation of the proposed project, adequate street widths, clearance, and capacity for emergency vehicle access would be maintained, and therefore, the proposed project's impact on emergency vehicle access would be less than significant.

Loading

As observed by SFMTA, there are no existing loading zones located along 13th Street. Further, the proposed project would not eliminate any existing loading zones located on intersecting streets such as South Van Ness Avenue, Folsom Street, Harrison Street, and Bryant Street.

Further, the proposed project would not create additional demand for loading. Given that the number of existing loading zones would not be reduced, the proposed project would not result in significant loading impacts.

AIR QUALITY

Criteria Air Pollutants

The proposed project would not generate any new vehicle trips in the project area. However, the proposed project would result in physical roadway changes along the extent of 13th Street, between South Van Ness Avenue and Bryant Street, where the reduction in roadway capacity and the reconfiguration of lane geometries would potentially alter travel patterns in and around the project area. As stated above, the proposed project would not generate additional vehicles trips, but reducing roadway capacity may result in increased delay at some locations, and therefore increased emissions of criteria pollutants or

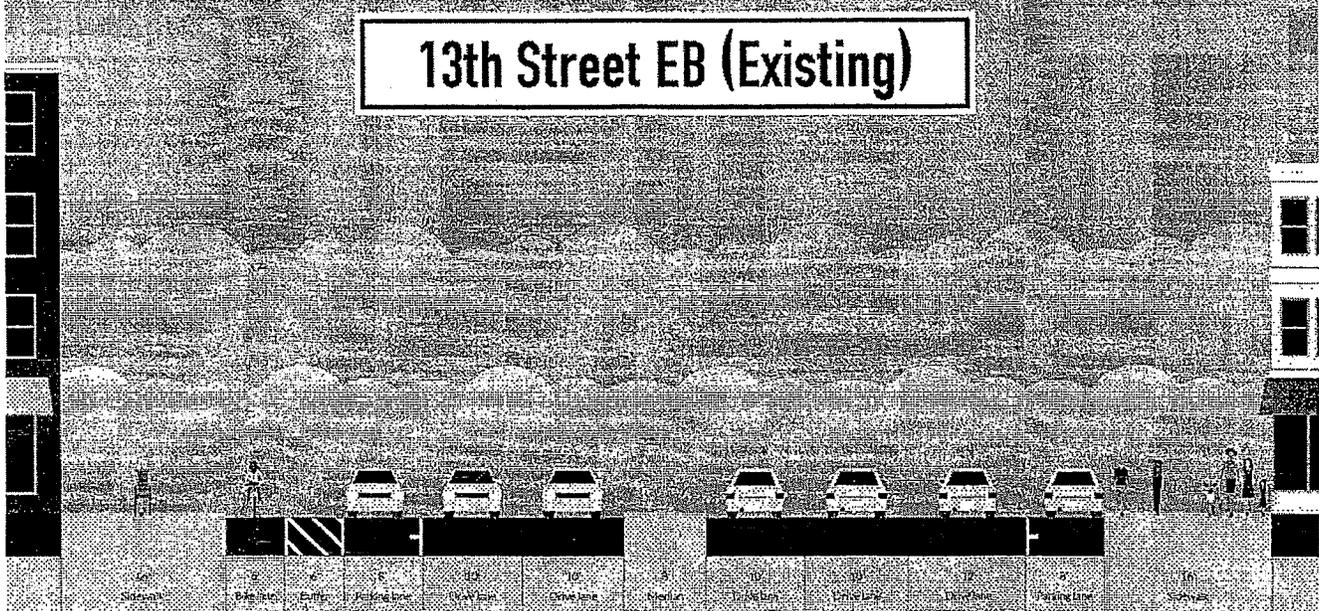
³ SFMTA's Transportation Advisory Staff Committee is an interdepartmental committee that includes representatives from Public Works, SFMTA, the Police Department, the Fire Department, and the Planning Department.

ozone precursors would occur in those locations. These increases are likely to be minor because drivers would be expected to modify their travel routes, or in some cases change their travel modes. Any changes in travel mode to buses, bicycles, and/or walking would reduce vehicle-generated emissions that would otherwise occur. Furthermore, changes in criteria air pollutant and ozone precursor emissions are evaluated on an average daily and maximum annual basis. The proposed project would not generate new vehicle trips, would not divert a substantial number of trips to alternate corridors, and would increase delay at some intersections, thus the air quality impact related to vehicle delay at intersections would be relatively minor. Therefore, impacts would be less than significant.

Overall, the proposed project would not result in significant impacts related to any environmental topics.

Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

Figure 1 – Existing Cross-Sections
13th Street EB Bicycle Facility Project

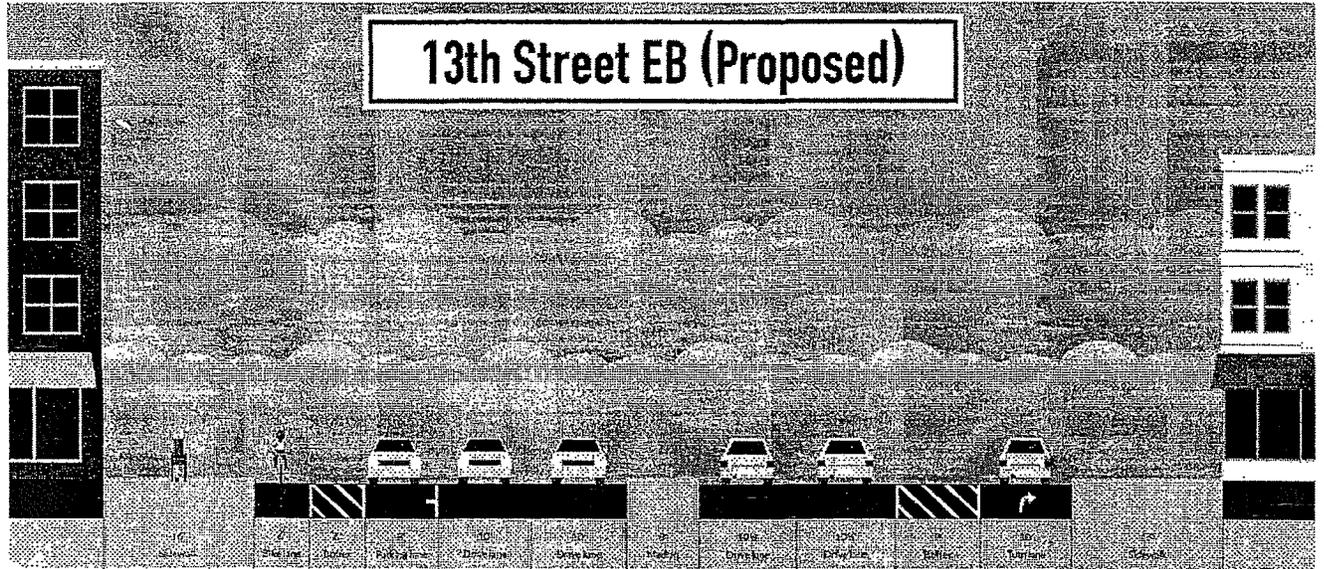


13th Street – Existing Conditions (Mid-block)
(Between South Van Ness Avenue and Bryant Street)

Source: SFMTA – StreetMix, 2017

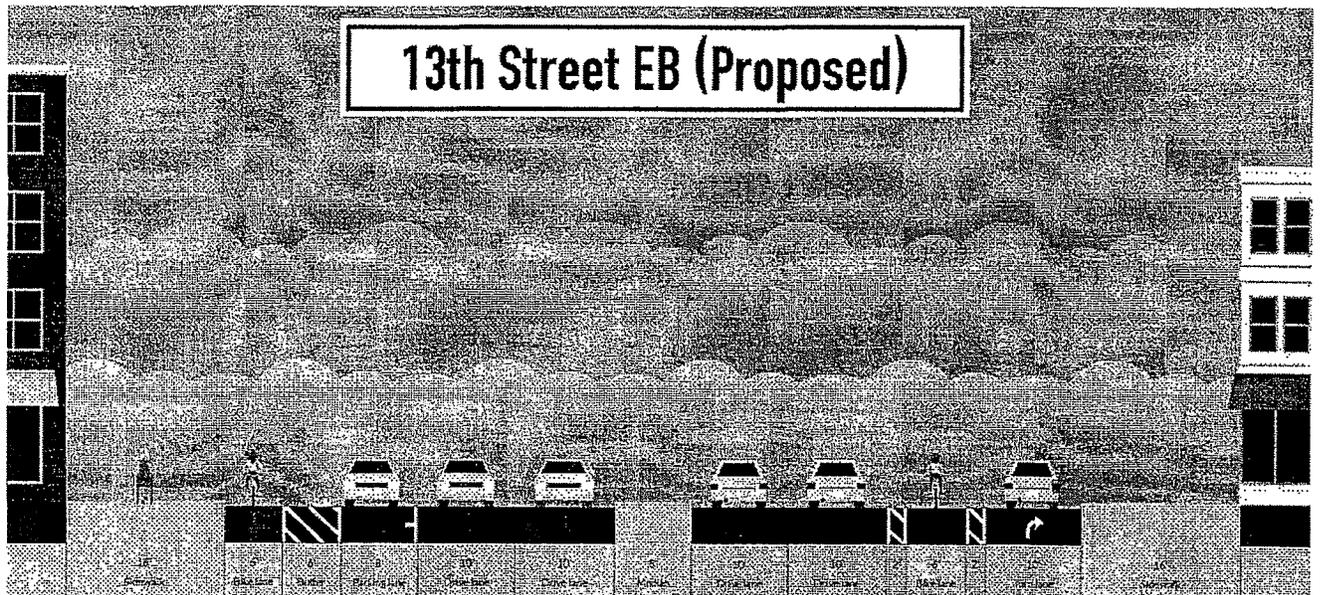
Not to Scale

Figure 2 – Proposed Cross-Sections
 13th Street EB Bicycle Facility Project



13th Street – Proposed Conditions (Mid-block)
 (Between South Van Ness Avenue and Folsom Street)

Not to Scale

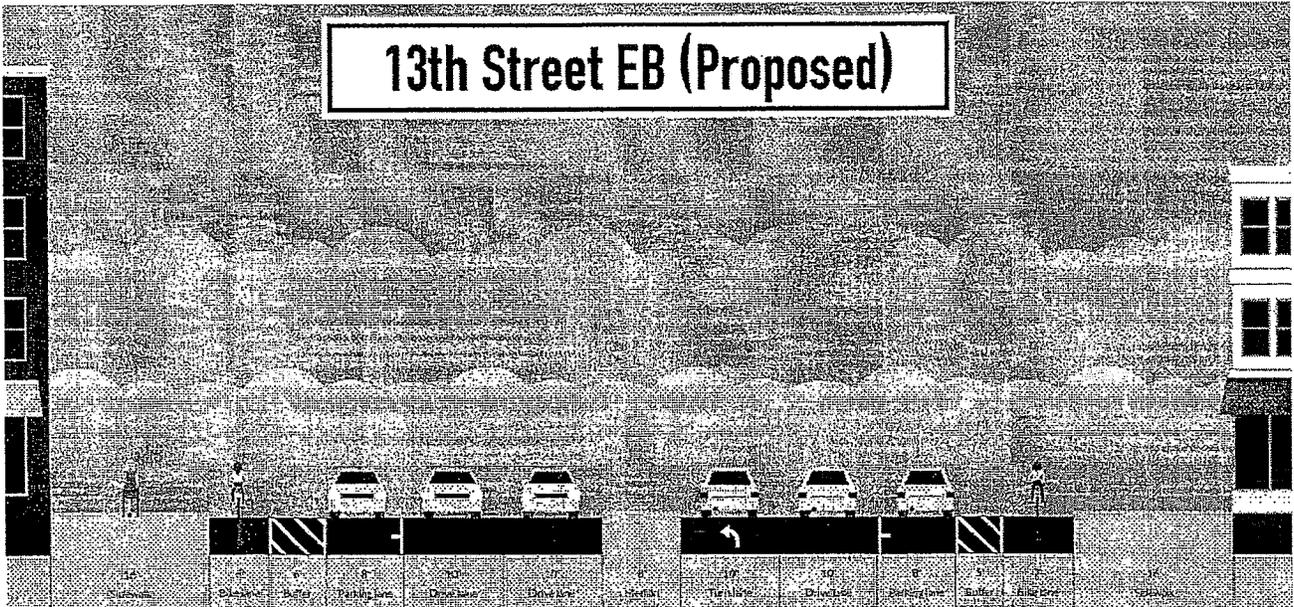


13th Street – Proposed Conditions (Mid-block)
 (Between Folsom Street and Harrison Street)

Source: SFMTA – StreetMix, 2017

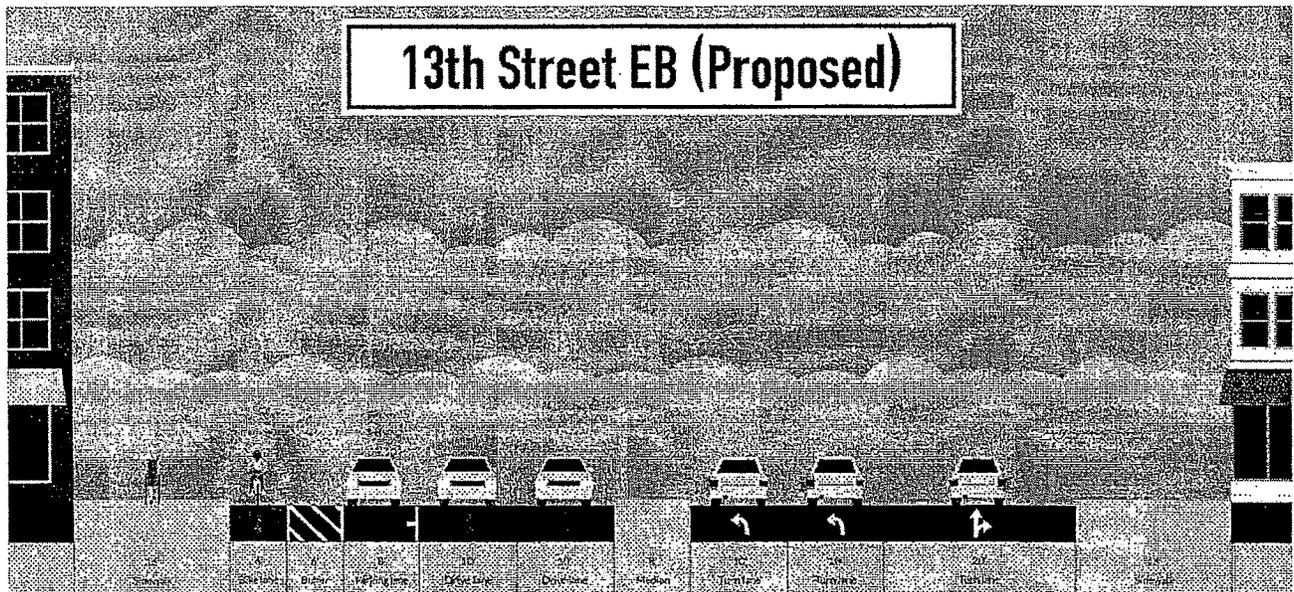
Not to Scale

Figure 3 – Proposed Cross-Sections
 13th Street EB Bicycle Facility Project



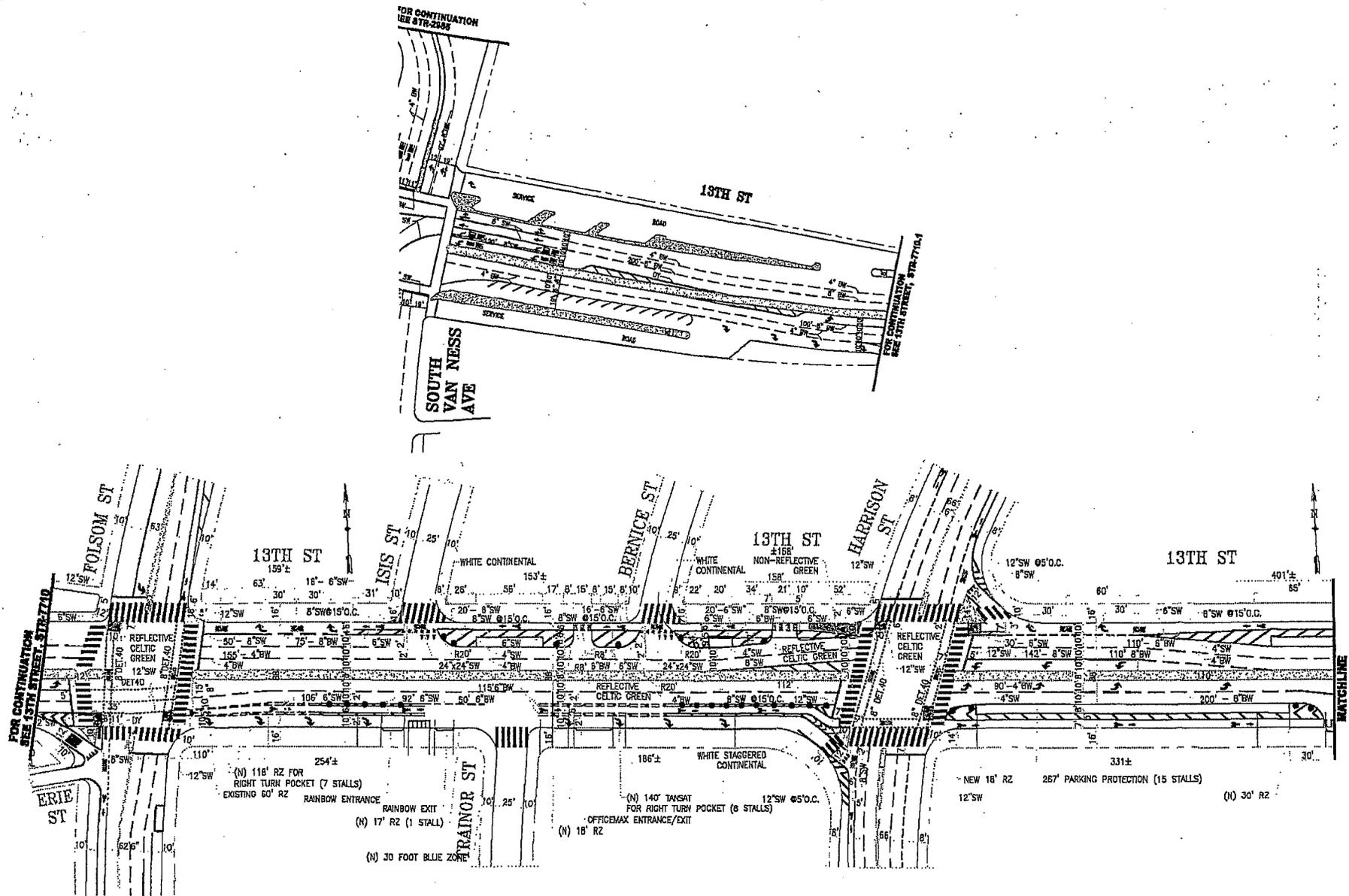
13th Street – Proposed Conditions (Phase I)
 (Between Harrison Street to Bryant Street)

Not to Scale



13th Street – Proposed Conditions (Phase II)
 (Between Harrison Street and Bryant Street)

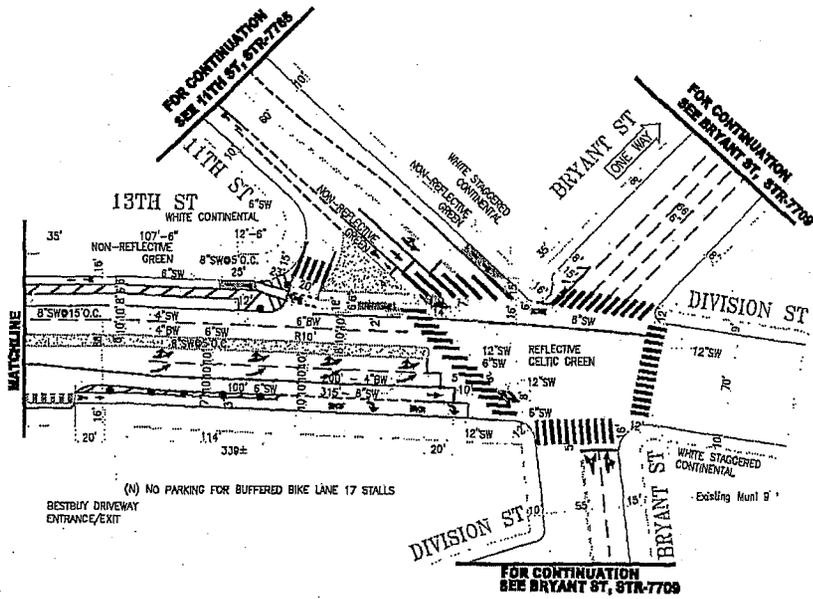
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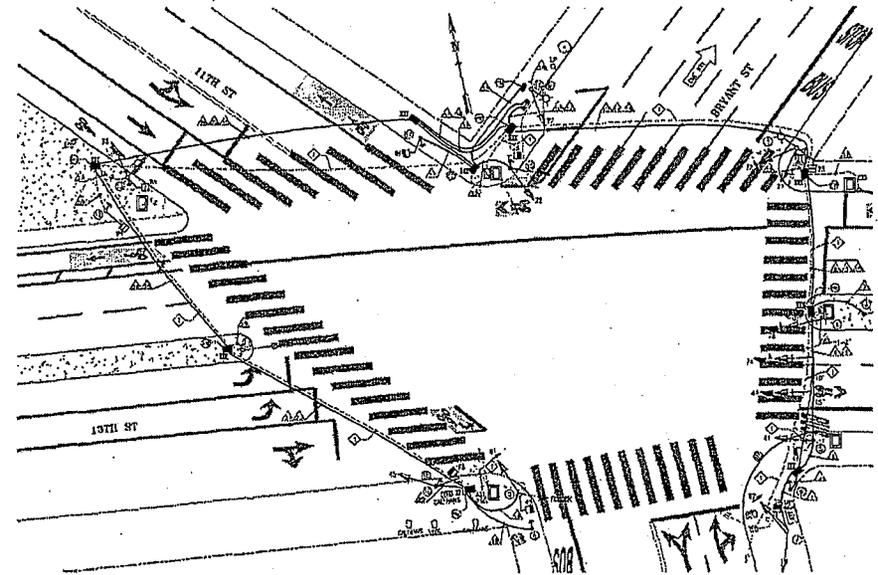
Source: SFMTA, 2017

Figure 4A – 13th Street EB Bicycle Facility - Striping Plan
(Between South Van Ness Avenue and Harrison Street)

Not to Scale



Phase I - 13th Street Configuration
(Between Harrison Street and Bryant Street Only)



Phase II - 13th Street Configuration
(Between Harrison Street and Bryant Street Only)

EXHIBIT B



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, *Mayor*

Tom Nolan, *Chairman*

Malcolm Heinicke, *Director*

Joel Ramos, *Director*

Edward D. Reiskin, *Director of Transportation*

Cheryl Brinkman, *Vice-Chairman*

Jerry Lee, *Director*

Cristina Rubke, *Director*

Date: 2/17/2017

To: Jeanie Poling, San Francisco Planning Department

From: Jennifer Wong, San Francisco Municipal Transportation Agency

Through: Erik Jaszewski, San Francisco Municipal Transportation Agency

Re: **13th Street Eastbound Bikeway between Folsom and Bryant Streets EE Application**

This project will remove a travel lane from eastbound 13th Street from South Van Ness Avenue to Bryant Street, as well as provide an eastbound bicycle facility on 13th Street, between Folsom Street and Bryant streets. This bikeway will close a gap in the bicycle network and supports the City in achieving its Vision Zero commitments by implementing protected bikeways on this bicycling high injury network.

From Folsom to Harrison streets, the project will install a Class II buffered bike lane with the option to upgrade to a Class IV protected bikeway. From Harrison to Bryant streets, project will install a Class IV parking protected bikeway: a curbside bike lane, protected by a buffer and floating parking lane. This bikeway design is similar to the existing bike facility on the westbound side of this block.

Existing Conditions

Eastbound 13th Street between Mission Street and South Van Ness Avenue has two through vehicle lanes and two right turn lanes. As vehicles travel through the South Van Ness Avenue intersection, eastbound 13th Street between South Van Ness Avenue and Folsom Street has three through vehicle lanes.

Westbound 13th Street between Bryant Street and Folsom Street currently has a Class IV bikeway, a floating parking lane, and two vehicle lanes. At the western end of the block, the parking lane ends and becomes an additional travel lane, while the bikeway turns into a shared right turn lane with green-backed sharrows.

Eastbound 13th Street between Folsom Street and Bryant Street currently has no bike facility. There are three vehicle lanes and a curbside on-street parking lane.

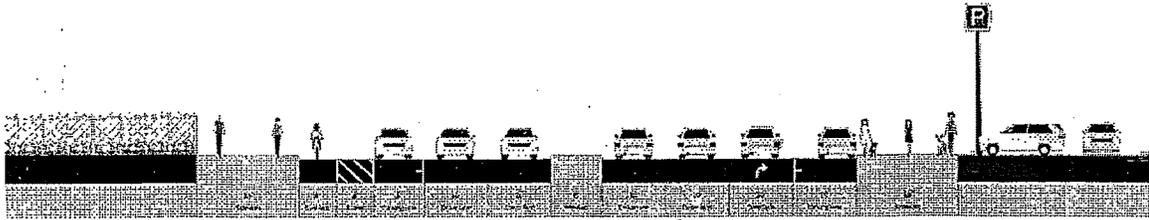


Figure 1: Existing typical cross-section, looking east. 13th St. between Folsom and Bryant streets

All of Division Street and 13th Street is on the bicycle high injury network. There have been a total of 57 injury or fatal collisions in the past five years (May 31, 2011 through May 31, 2016).

Existing pedestrian conditions in the project area are poor. The intersection of 11th/13th/Bryant/Division has long crossing distances, up to 117 feet in length. Caltrans columns for the freeway above pinch clear areas on sidewalks.

Proposed Project

The proposed project will make no changes to westbound 13th Street or to eastbound 13th Street between Mission Street and South Van Ness Avenue

In general, the project will remove one eastbound travel lane from South Van Ness Avenue to Bryant Street to establish a bikeway on eastbound 13th Street from Folsom Street to Bryant Street, where there is currently no bicycling facility. Green pavement markings will be installed along the bikeway in certain areas as a treatment to increase awareness and conspicuity of bicyclist to motorists.

Between South Van Ness Avenue and Folsom Street, the number one and number two vehicle lanes will remain. The third travel lane that is located closest to the curb will become a right turn pocket midblock and excess roadway space prior to the pocket will be demarcated with hatch markings to discourage vehicles from traveling in it.

Between Folsom and Harrison streets, there will be a curbside right turn lane for vehicles entering the Rainbow Grocery (1745 Folsom Street) off-street parking garage and for vehicles turning right at Harrison Street. The purpose of the right turn lane is to facilitate potentially high volumes of vehicles entering Rainbow Grocery and its placement at curbside is intended to facilitate bicycle travel to the left of right-turning vehicles as well as to keep queuing vehicles waiting to enter the parking lot outside the bikeway. The bikeway facility along the right turn pocket will be a buffered bike lane, with the option to add safe-hit posts in the buffer area thereby upgrading the proposed Class II buffered bike lane to a Class IV protected bikeway.

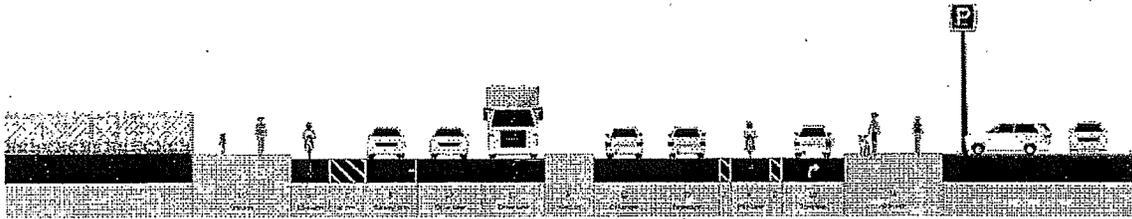


Figure 2: Proposed typical cross-section, looking east. 13th St. between Folsom and Harrison streets

Between Harrison and Bryant streets, there will be a curbside bike lane, protected by a buffer and floating parking lane, with two vehicle lanes. In order to accommodate the parking-protected bike lane, one vehicle lane will be removed on the corridor, thus creating two continuous through lanes on the corridor from South Van Ness Avenue to Bryant Street. However, where the eastbound parking-protected bike lane approaches the Bryant Street intersection, the two lane roadway will expand to four lanes—consisting of two (2) left-turn only lanes, one (1) through lane, and one (1) right turn pocket with bicycle sharrows. In order to accommodate the four lanes at the intersection approach, the proposed project would remove curbside parking.

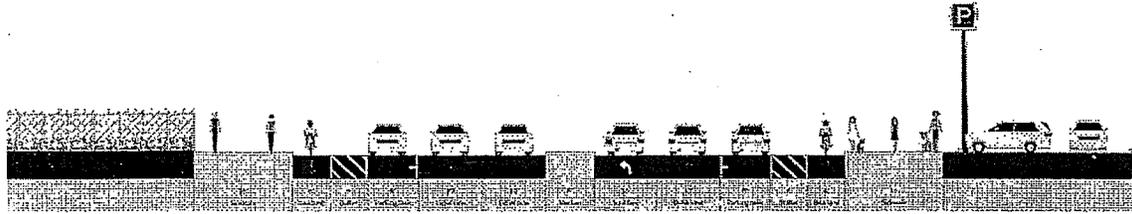


Figure 3: Proposed typical cross-section, looking east. 13th St. between Harrison and Bryant streets

DISCUSSION

Vehicle Miles Traveled

The proposed reduction in number of through lanes and bicycle safety improvement is considered an Active Transportation and Rightsizing Project in accordance with the Planning Department's *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, and is therefore presumed to not significantly impact VMT and no further VMT analysis is required.

Pedestrians

This project will implement a vehicle travel lane removal and install a protected bikeway, which not only provides safety benefits for bicyclists, but for pedestrians as well. The vehicle travel lane removal will have a traffic calming effect and reduce pedestrian exposure to motor vehicle traffic. The buffered and protected bikeway will add additional space between pedestrians on the sidewalk and moving traffic.

Bicyclists

Currently there are no bicycle facilities on eastbound 13th Street from Folsom Street to Bryant streets. This project will fill a gap in the bicycle network and install a Class II and/or Class IV bikeway. The bicycling condition will be vastly improved by the protected bikeway because it provides a dedicated space on the roadway for bicyclists to travel upon and offers protection from moving vehicles in adjacent lanes.

Transit

There is no Muni transit service on 13th Street between South Van Ness Avenue and Bryant Street. This project will not affect transit.

Parking

Most of the on-street parking on eastbound 13th Street (approximately 35 out of 50 spaces) from Folsom to Bryant will be removed to accommodate the bikeway design and visibility of oncoming vehicles for drivers entering eastbound 13th Street travel lanes from driveways and side streets. Approximately 15 parking spaces will remain in the floating parking lane between Harrison and Bryant streets. Motorcycle parking will be unaffected.

Loading

There are no on-street loading zones on 13th Street between South Van Ness Avenue and Bryant Street. This project will not effect on-street loading.

Construction

Construction would consist of grinding and restriping eastbound 13th Street from South Van Ness Avenue to Bryant Street. Construction is expected to begin in early 2017 and would last no longer than June 2017.

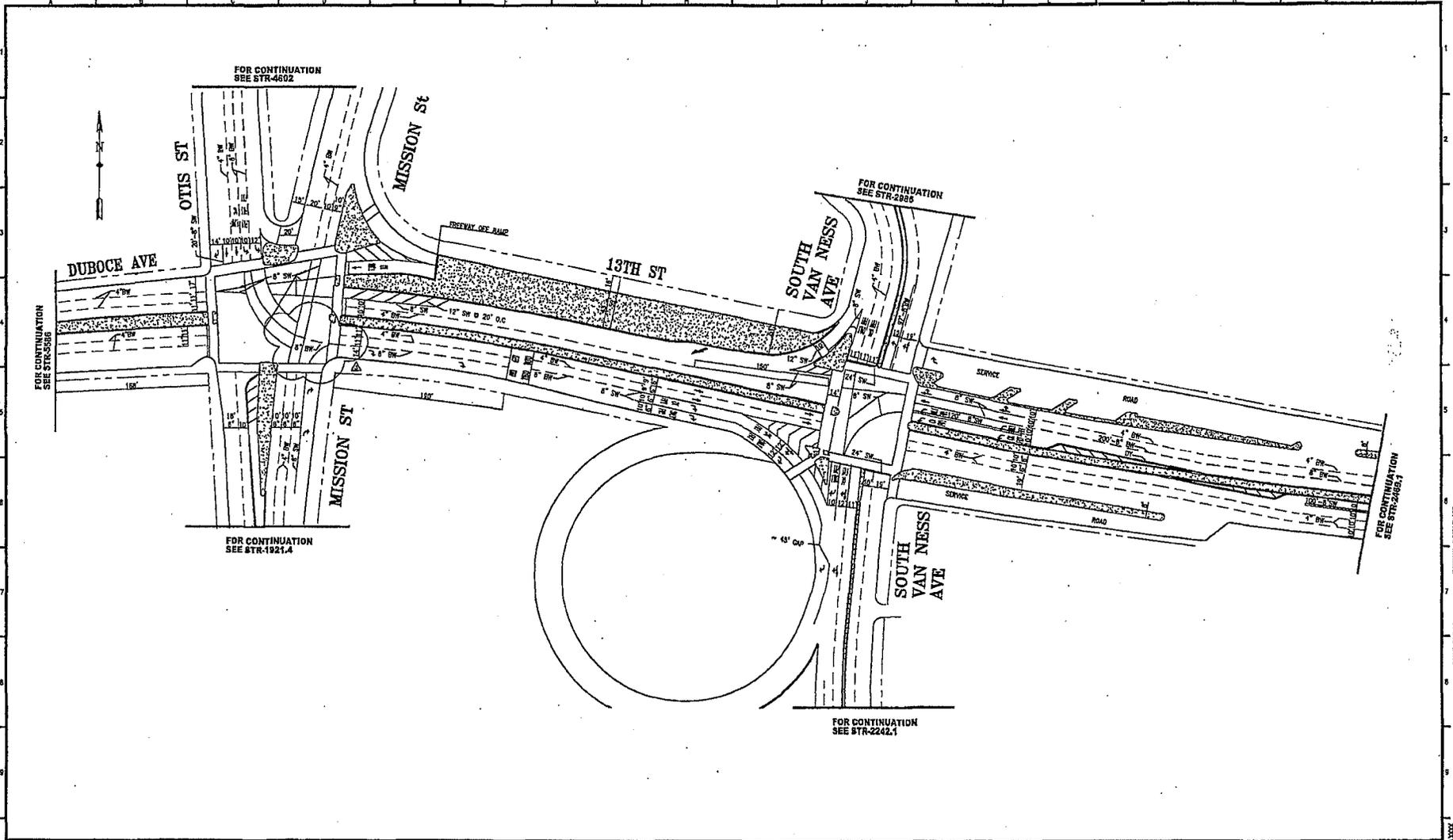
Excavation

This project will not involve any excavation on the roadway.

ATTACHMENT A
Existing Striping Drawing



1668



NO.	DATE	DESCRIPTION	BY	APP.
1	03/20/06	REMOVED BUTT DOTS AND INSTALLED 4" SW AT DUBOCE	T.A.	SW
2	03/20/06	UPDATED ISLAND AND CROSSWALK PER FIELD	MOL	SW
3	03/21/06	ADDED 8" SW CURBLINE ON 13TH ST @ MISSION	C.L.	SW
4	03/21/06	FIELD CHECK - EXTENDED GUIDELINES @ MISSION/OTIS	C.L.	SW
5	03/20/06	CHANGED EB 13TH ST. TO TWO LANES FOR FWD	CH	SW

TABLE OF REVISIONS
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION



SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
CITY AND COUNTY OF SAN FRANCISCO

DESIGNED: DATE	APPROVED
DRAWN: DATE	SECTION ENGINEER DATE
CHECKED: DATE	CITY TRAFFIC ENGINEER DATE
C.H. 03/20/06	JACK L. FLECK 2006

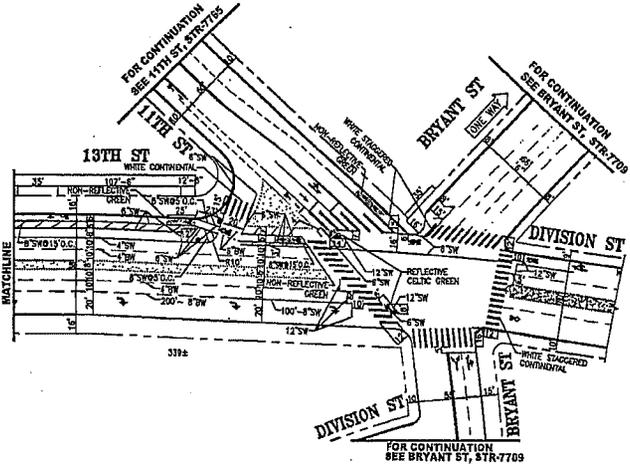
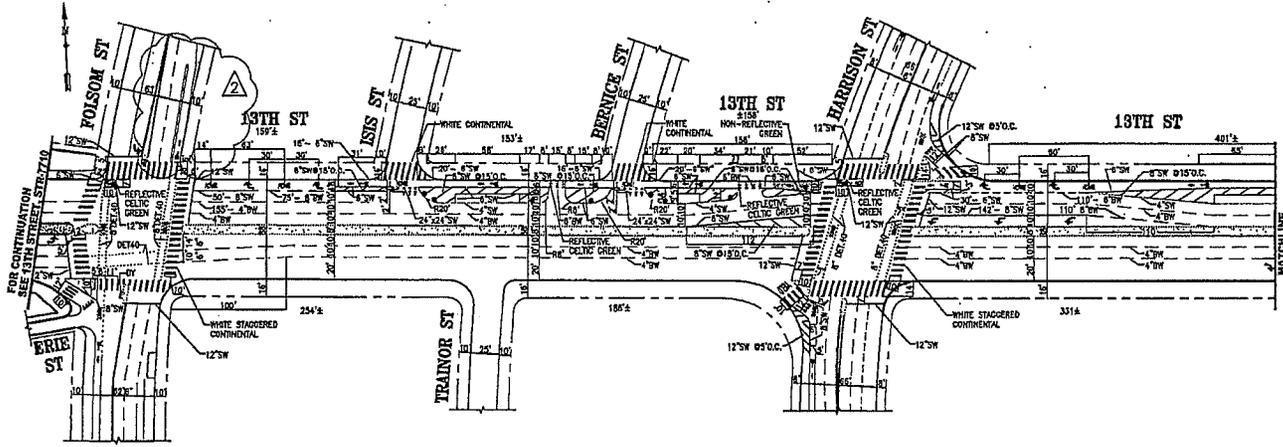
SCALE:
1"=50'

TRAFFIC STRIPING
THIRTEENTH STREET
MISSION STREET TO HOWARD STREET

CONTRACT NO.	STR-7710
DRAWING NO.	FILE NO.
REV. NO.	5

EXTERNAL REFERENCES:
NONE USED
SCALE: AS SHOWN
DATE: 03/20/06

1669



NO.	DATE	DESCRIPTION	BY	APP.
TABLE OF REVISIONS				
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION				



SUPPLEMENTED
STR-2499.1, REV17

APPROVED	SCALE
W. SALLABERRY 03/28/18 SENIOR ENGINEER	1" = 50'
DRAWN	DATE
W. TABAJONDA	01/11/18
CHECKED	DATE
G. O'LEA	03/28/18
G. O'LEON	01/11/18
CITY TRAFFIC ENGINEER	DATE

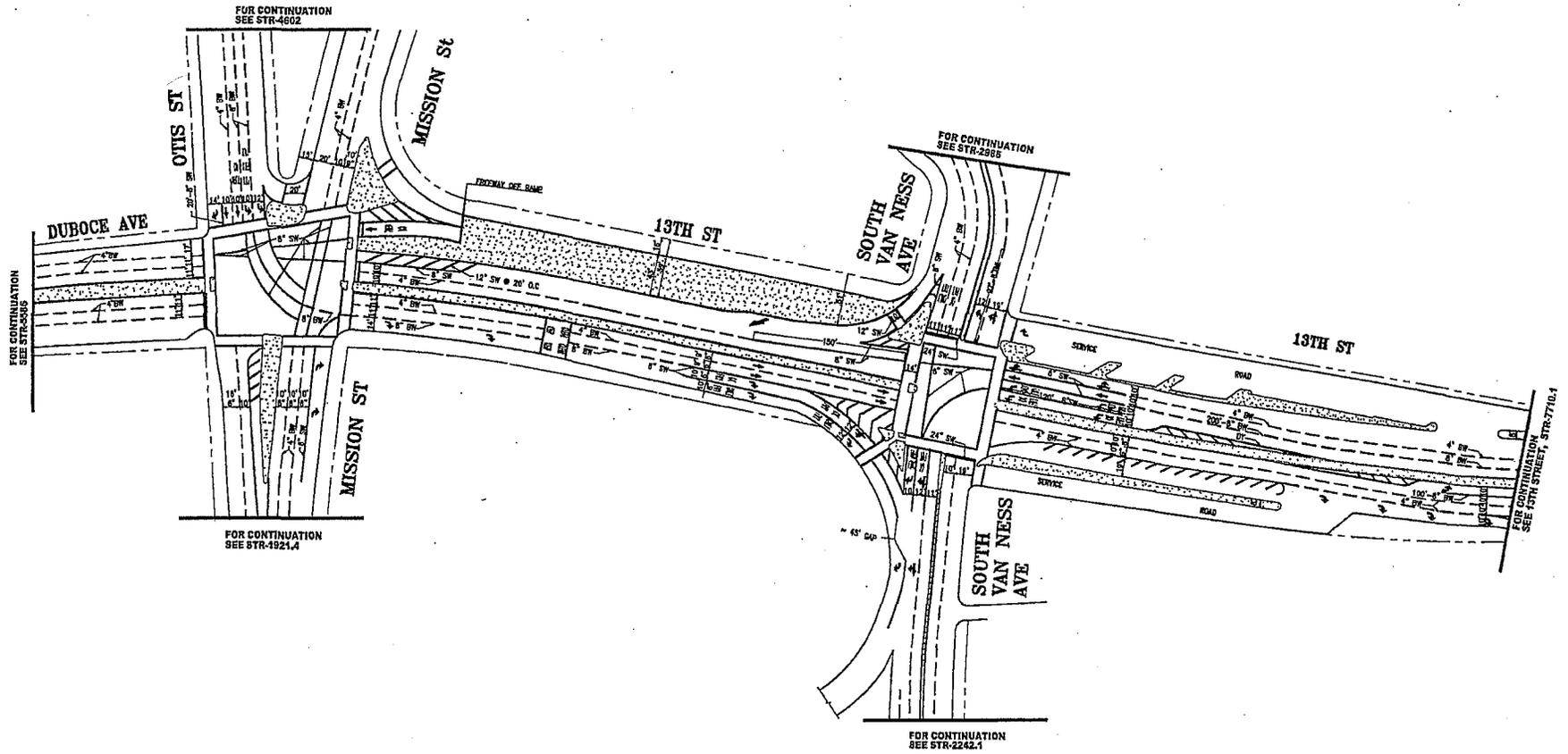
TRAFFIC STRIPING		CONTRACT NO.
13TH STREET FOLSOM STREET TO BRYANT STREET		STR-7710.1
FILE NO.	REV. NO.	
	2	

SEE MAP
DATE

ATTACHMENT B
Proposed Striping Drawing



1671



NO.	DATE	DESCRIPTION	BY	APP
TABLE OF REVISIONS				

CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION



SFMTA
Municipal Transportation Agency



DESIGNED BY	DATE	ENGINEER	DATE
CHECKED BY	DATE	TRAFFIC ENGINEER	DATE

APPROVED: _____
SCALE: 1" = 50'
SHEET/SHEETS: XX OF XX

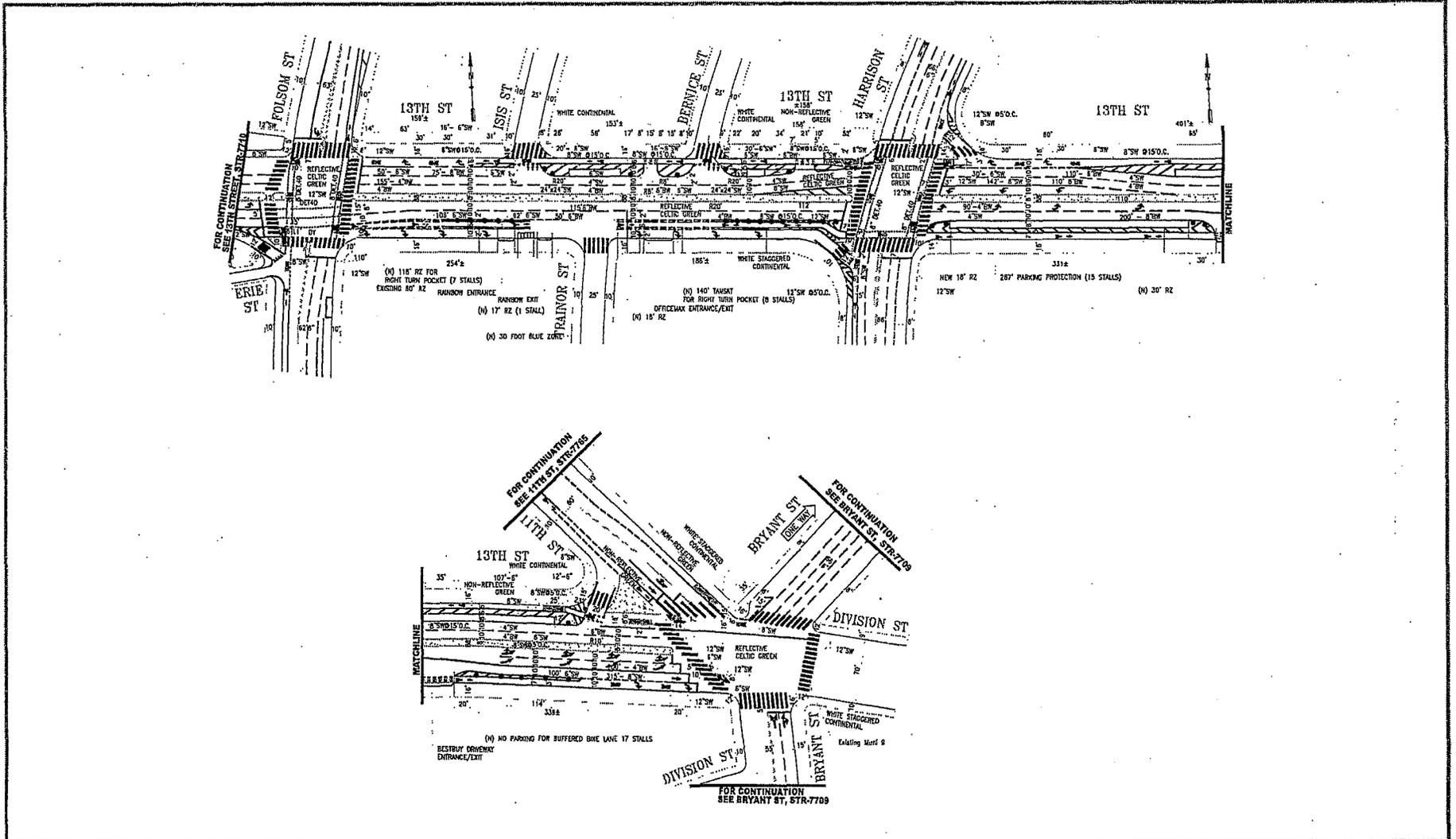
PROJECT TITLE
DESCRIPTION_1
DESCRIPTION_2

DRAWING TITLE
DESCRIPTION_1
DESCRIPTION_2

CONTRACT NO. XXXXX
DRAWING NO. DWGNO
FILE NO. XXXXX
REV. NO. XX

DATE

1672



NO. DATE DESCRIPTION TABLE OF REVISIONS CHECK WITH TRACKING TO SEE IF YOU HAVE LATEST REVISION		 SFMTA Municipal Transportation Agency				APPROVED: _____ DATE: _____ SENIOR ENGINEER		SCALE: 1" = 50' SHEET/SHEETS: XX OF XX		PROJECT TITLE DESCRIPTION_1 DESCRIPTION_2 DRAWING TITLE DESCRIPTION_1 DESCRIPTION_2		CONTRACT NO. XXXXX DRAWING NO. DWGNO FILE NO. XXXXX REV. NO. XX	
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DATE: _____



SAN FRANCISCO PLANNING DEPARTMENT

ENVIRONMENTAL EVALUATION APPLICATION COVER MEMO - PUBLIC PROJECTS ONLY

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

Please attach this memo along with all necessary materials to the Environmental Evaluation Application.

Project Address and/or Title:	13th Street Eastbound Bikeway Project
Project Approval Action:	SFMTA Board of Directors
Will the approval action be taken at a noticed public hearing? <input checked="" type="checkbox"/> YES* <input type="checkbox"/> NO	
* If YES is checked, please see below.	

IF APPROVAL ACTION IS TAKEN AT A NOTICED PUBLIC HEARING, INCLUDE THE FOLLOWING CALENDAR LANGUAGE:

End of Calendar: CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Individual calendar items: This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

THE FOLLOWING MATERIALS ARE INCLUDED:

- 2 sets of plans (11x17)
- Project description
- Photos of proposed work areas/project site
- Necessary background reports (specified in EEA)
-

EXHIBIT C

THIS PRINT COVERS CALENDAR ITEM NO. : 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Approving a Class IV protected bikeway and parking and traffic modifications on eastbound 13th Street between Folsom Street and Bryant Street to improve safety for all modes of transportation and enhance safety and comfort for people biking along the corridor.

SUMMARY:

- In the past five years, there have been a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street, with 30 percent of these involving bicyclists, making 13th Street a high injury corridor for bicycling.
- This project directly supports Mayor Lee's Executive Directive on Pedestrian and Bicycle Safety by establishing a protected bikeway along a bicycle high injury street.
- The project establishes an eastbound bicycle route on 13th Street between 11th Street/Bryant Street and Folsom Street helping connect bicycle routes on Division and Townsend Streets to routes on Harrison and Folsom Streets.
- The project converts 35 general parking spaces into right turn lanes and visibility areas at driveways and intersections.
- Beginning in November 2016, the SFMTA conducted public outreach to solicit input that helped shape the protected bikeway design and parking management along eastbound 13th Street, including door-to-door outreach and stakeholder meetings.
- The proposed action is the Approval Action as defined by the S.F. Administrative Code.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

	DATE
DIRECTOR 	<u>4/10/17</u>
SECRETARY 	<u>4/10/17</u>

ASSIGNED SFMTAB CALENDAR DATE: April 18, 2017

PAGE 2.

PURPOSE

Approving a Class IV protected separated bikeway and parking and traffic modifications on eastbound 13th Street between Folsom Street and Bryant Street to improve safety for all modes of transportation and enhance safety and comfort for people biking along the corridor.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goal and Objectives:

- Goal 1: Create a safer transportation experience for everyone
 - Objective 1.3: Improve the safety of the transportation system.
- Goal 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel
 - Objective 2.3: Increase use of all non-private auto modes.

Transit First Principles

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

DESCRIPTION

Mayor Lee's Executive Directive on Pedestrian and Bicycle Safety, issued on August 4, 2016, calls on all City departments to make our streets safer and accelerate the city's work toward Vision Zero, which is the city's commitment to eliminate traffic fatalities in San Francisco by 2024. In particular, the Executive Directive requires the SFMTA to improve the citywide bicycle network and streets through implementing three protected bikeways. The Eastbound 13th Street Safety Project contributes to this commitment by establishing a protected bikeway on a high injury corridor where a substantial number of people are biking with no bicycle facilities.

PAGE 3.

In the past five years, there have been a total of 57 traffic collisions along 13th Street between Folsom Street and Bryant Street, with 30 percent of these involving bicyclists, making 13th Street a high injury corridor for bicycling. A protected bikeway in the westbound direction with various intersection improvements was implemented in October 2015.

The proposed bikeway bridges a gap in the city's bicycle network helping connect the Mission District to the 4th and King Caltrain Station and San Francisco's waterfront. The addition of this route to the bike network helps connect the east-west bicycle routes along Division Street and Townsend Street to the north-south bicycle routes on Harrison Street and Folsom Street south of 13th Street.

The bike facility is designed as a protected bikeway, also referred to as a separated bikeway. This bikeway design provides an increased level of separation between bicycle traffic and vehicle traffic compared to standard bike lanes by using vertical elements to make the separation prominent and conspicuous. The design incorporates right turn lanes to promote good vehicle and bike positioning approaching intersections and driveways. Eastbound 13th Street will be converted from a three lane roadway to a two lane roadway with right turn pockets to accommodate the protected bikeway.

Project Location

Thirteenth Street is a two to three-lane street eastbound and westbound between the South of Market and Mission neighborhoods. Though no bicycle facilities exist along the project location, 146 people were counted bicycling in the morning and 50 people in the evening peak hour periods along eastbound 13th Street.

During peak hours, 1,012 eastbound vehicles travel along the corridor in the morning and 790 vehicles in the evening.

Project Elements

The primary improvement to eastbound 13th Street between Folsom Street and Bryant Street is a continuous protected bikeway created through parking and traffic modifications. The project will remove one travel lane between South Van Ness Avenue and Bryant Street and reconfigure on-street parking between Folsom Street and Bryant Street.

Bicycle Safety Improvements

There are currently no bicycling facilities on eastbound 13th Street. This project will implement a separated bikeway (Class IV) between Folsom Street and Bryant Street. A Class IV bikeway (separated bikeway) is a bikeway for the exclusive use of bicycles and includes vertical separation between the bikeway and through vehicle traffic.

PAGE 4.

From Folsom Street to Harrison Street, the separated bikeway will be achieved using a painted buffer with cross-hatching and flexible vertical delineators. The delineators add the vertical element of a separated bikeway that discourages drivers from encroaching and traveling in the bike lane.

From Harrison Street to Bryant Street, the design for the bikeway will use a parking protected bikeway configuration, a type of separated bikeway facility. A parking-protected bikeway uses a parking lane and painted buffer with cross-hatching to physically separate the vehicle travel lane from the bikeway by having vehicles park between them.

Separated bikeways are authorized under California State Law (Assembly Bill No. 1193 effective January 1, 2015). Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if all of the following conditions are met:

1. The alternative criteria are reviewed and approved by a qualified engineer with consideration for the unique characteristics and features of the proposed bikeway and surrounding environs;
2. The alternative criteria, or the description of the project with reference to the alternative criteria, are adopted by resolution at a public meeting, after having provided proper notice of the public meeting and opportunity for public comment.; and
3. The alternative criteria adhere to guidelines established by a national association of public agency transportation officials.

The parking protected bikeway proposed as part of this project meets these three conditions. The alternative criteria for the protected bikeway design have been reviewed and approved by a qualified engineer prior to installation. The alternative criteria considerations for the project are to discourage motor vehicles from encroaching or double parking in the bicycle lane, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater sense of safety for bicyclists. These alternative criteria will be adopted by SFMTA Board as part of this calendar item. Lastly, the project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide, Federal Highway Administration Separated Bike Lane Planning and Design Guide, and California Department of Transportation Design Bulletin Number 89 Class IV Bikeway Guidance. The NACTO guidelines state that protected bikeways require the following features:

- A separated bikeway, like a bike lane, is a type of preferential lane as defined by the Manual on Uniform Traffic Control Devices (MUTCD).
- Bicycle lane word, symbol, and/or arrow markings shall be placed at the beginning of a cycle track and at periodic intervals along the facility based on engineering judgment.
- If pavement markings are used to separate motor vehicle parking lanes from the preferential bicycle lane, solid white lane line markings shall be used. Diagonal crosshatch markings may be placed in the neutral area for special emphasis. Raised medians or other barriers can also provide physical separation to the cycle track.

PAGE 5.

The separated bikeway for eastbound 13th Street will conform to these NACTO design guidelines.

The separated bikeway will also conform to best practices and design standards, including design guidelines developed jointly by the SFMTA, Mayor's Office of Disability, and Department of Public Works to ensure accessibility for all street users. Between Harrison Street and Bryant Street, the painted buffer between the bikeway and parked vehicles will be clearly marked with cross-hatching and five feet in width, which is the recommended buffer width. Between Folsom Street and Harrison Street, the painted buffer and use of plastic delineators separating vehicle travel lanes from the bikeway is a standard bikeway design treatment that has been applied in numerous locations throughout the city. This project was also reviewed by the San Francisco Fire Department (see discussion in Stakeholder Engagement Section).

The project will install No Right Turn on Red restrictions on northbound Harrison Street approaching 13th Street to install a two-stage turn box. The two-stage turn box will enable eastbound 13th Street bicycle traffic to make a two-stage left turn onto northbound Harrison Street. Two-stage left turn bicycle boxes are waiting areas painted in the intersection to help cyclists perform a left turn in two movements from the right side lane. They are intended to make an intersection more inviting for people riding bicycles, make bicycle turning movement more predictable, reduce bicycle encroachment into the crosswalk, and signal to drivers that the turn box is a permitted location for bicyclists to wait.

Parking Changes

The project will remove 35 on-street parking spaces and six on-street motorcycle parking spaces. From Folsom Street to Harrison Street, on-street parking will be removed to create the protected bikeway, facilitate right turns at intersections and into driveways, and improve visibility. From Harrison Street to Bryant Street, on-street parking will be relocated away from the curb to create a parking-protected bikeway design. Some parking will be removed near intersections and driveways to facilitate right turns and improve visibility. This configuration approaching Harrison Street allows better positioning between bicycle traffic and vehicle traffic, with bicycle traffic to the left of vehicles turning right and entering driveways. Approaching the intersection of Bryant Street, the design will be a combined bicycle lane/right turn lane.

The project will also introduce new two-hour time limit restrictions for on-street parking between Harrison Street and Bryant Street to better manage limited on-street parking supply and increase short-term parking availability for nearby business establishments. Two-hour time limit restrictions are already in place in the westbound direction also between Harrison Street and Bryant Street.

PAGE 6.

Proposed Project Parking and Traffic Modifications

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
- D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street, southbound, at 13th Street; Trainor Street, northbound at 13th Street
- E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
- F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

STAKEHOLDER ENGAGEMENT

Door-to-Door Outreach

From January to March 2017, staff performed door-to-door outreach to businesses along eastbound 13th Street. Staff was able to make face-to-face contact with representatives of Rainbow Grocery, Chicks and Love Pizza Patio, Office Max, and Best Buy to inform them of the proposed changes to the street. Best Buy and Office Max were neither against nor for the project changes. Chicks and Love Pizza Patio was in favor of the bicycling improvements, but was not in favor of the on-street parking loss on 13th Street between Folsom Street and Trainor Street because drivers of food delivery companies such as GrubHub and Eat 24 currently use it to pick up orders.

Stakeholder Meetings

Staff conducted targeted stakeholder meetings with community and advocacy groups, including Supervisor Kim's Office and the San Francisco Bicycle Coalition.

SFMTA staff met with the Rainbow Grocery Board of Directors to discuss their driveway operations and the potential effects that would result from the proposed project. The proposed bikeway design and an alternative bikeway design were presented along with the design considerations for each. SFMTA staff resolved concerns with Rainbow Grocery regarding access to their business and reaffirmed that the project will continue to allow unobstructed access to their garage.

PAGE 7.

SFMTA staff met with the founder of SOMA StrEat Food Park to discuss the proposed project elements and its potential effects. The SOMA StrEat Food Park representative was supportive of the SFMTA's proposals to install bicycling infrastructure and reconfigure parking.

Public Hearing

A public hearing was held on March 17, 2017 to solicit additional feedback from the community. Three members of the community attended to share their opinion about the project. One person spoke on behalf of the San Francisco Bicycle Coalition and favored the project. One nearby resident spoke in favor of the bicycling improvements and submitted a concern regarding the placement of one existing street sign within the project area. One person opined that removing parking on 13th Street would create a more uncomfortable environment to walk at night. She was also concerned about high traffic speeds of right-turning cars from northbound Folsom Street onto eastbound 13th Street.

Following the public hearing, SFMTA staff examined the street sign in question and determined that additional signage will be installed to provide better visibility. Additional striping will also be installed to help guide turning vehicles around the turn from northbound Folsom Street to eastbound 13th Street.

San Francisco Fire Department

The San Francisco Fire Department (SFFD) has no objections to the proposed project. The SFMTA worked with the SFFD to understand their operational needs and designed the street with flexibility and building and hydrant access in mind so as not to preclude SFFD's emergency response activities.

ALTERNATIVES CONSIDERED

Parking Protected Bikeway on Eastbound 13th Street between Folsom Street and Harrison Street

A parking protected bikeway design alternative to the proposed buffered bikeway was considered for the block between Folsom Street and Harrison Street. This design alternative would involve a curbside bikeway separated from vehicles traffic by a lane of on-street parallel parking and a buffer area. However, the parking protected bikeway design alternative is not recommended for this block due to the following reasons:

1. Queuing at Rainbow Grocery - Observations on November 21, 2016 were taken and the queue lengths were consistently eight or more vehicles long (two to three vehicles in the driveway and five or more queued on the street). The queues for the Rainbow Grocery parking garage facing eastbound 13th Street would spill over into one of the only two remaining vehicle travel lanes. The queue would also consistently block the bike path of travel.

PAGE 8.

2. Ponding/flooding along 13th Street, south side, between Trainor Street and Harrison Street - After storms in January and February 2017, extensive ponding was observed along the existing parking strip. This ponding would cover the bikeway in the parking protected bikeway configuration, effectively rendering the facility unusable or uncomfortable, at best.

Protected Intersection at 13th Street/11th Street/Bryant Street/Division Street

This alternative involves adding islands at the corners of the intersections to slow turning vehicles and separate them from bicyclists, similar to what was done nearby at the intersection of 9th Street and Division Street. This design is not being pursued at this time due to the constraints of the roadway geometry. Intersection approaches in the project area exhibit acute angles with vehicles turning from curb side lanes. This condition does not accommodate intermediate semitrailer (WB-40) and single unit truck (SU-30) turning movements.

Alternate signal timing schemes were also evaluated, but due to the traffic demand on the intersection, adding or splitting traffic signal phases would result in significant delay to pedestrian, bicycle and transit traffic through the intersection.

FUNDING IMPACT

The project is in the San Francisco Municipal Transportation Agency's 2017-2021 Capital Improvement Program – CIP #ST012 Bike Safety & Connectivity Spot Improvements, Eastbound 13th Street Bike Network Improvement Project. Funding for the project comes from Prop B General Fund Set-aside funds.

The total cost of this project is \$217,000. The cost breakdown of the project phases is as follows:

- Planning and Design – Expected completion in 4/2017 (\$67,320)
- Construction – Expected completion in 4/2017 (\$149,680)

ENVIRONMENTAL REVIEW

The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA). CEQA provides a categorical exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively.

On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15301 and 15304. The proposed action is the Approval Action as defined by the S.F. Administrative Code.

PAGE 9.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this item. No other approvals are required.

RECOMMENDATION

Approving a protected bikeway and parking and traffic modifications on eastbound 13th Street between Folsom Street and Bryant Street to improve safety for all modes of transportation and enhance safety and comfort for people biking along the corridor.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency is committed to achieving Vision Zero goals and implementing safety improvements on eastbound 13th Street as outlined in Mayor Lee's Executive Directive on Bicycle and Pedestrian Safety; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritized non-private automobile transportation.

WHEREAS, Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if the following conditions are met: the alternative criteria are reviewed and approved by a qualified engineer, the alternative criteria is adopted by resolution at a public meeting after public comment and proper notice, and the alternative criteria adheres to the guidelines established by a national association of public agency transportation officials; and

WHEREAS, The parking protected cycletrack proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected cycletrack has been reviewed and approved by a qualified engineer prior to installation; and,

WHEREAS, The alternative criteria for the project are to discourage motor vehicles from encroaching or double parking in the bicycle facility, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater perception of safety for bicyclists; and,

WHEREAS, The project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials; and,

WHEREAS, The San Francisco Municipal Transportation Agency has proposed the installation of a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street as follows:

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, south side, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south

PAGE 11.

- side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
 - D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street, southbound, at 13th Street; Trainor Street, northbound at 13th Street
 - E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
 - F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

WHEREAS, The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA); CEQA provides an exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively; and,

WHEREAS, On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA, pursuant to Title 14 of the California Code of Regulations Section 15301 and 15304; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

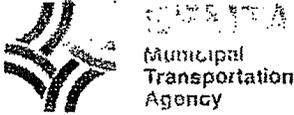
WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a protected bikeway and parking and traffic modifications set forth in items A through F above along eastbound 13th Street between Folsom Street and Bryant Street.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

EXHIBIT D



Sustainable Streets Work Order Form (4/16)

Log No. 17-3138

To: Curb Painting Date: 4.11.2017 Vision Zero
 Meter Shop From: Will Tabajonda ^{WT} Phone: 415.701.4452
 Paint Shop Section: Liv Sts Section Head: Mike Sallaberry ^{MS}
 Sign Shop Priority: Routine Other: Print and install signs after 4/18 MTAB

Project ID/ Index Code See Below for \$ _____ Exp. Date 06.30.2017 Res/Dir # _____

Coordination required? Yes If coordinated with the Signal Shop: SRC No. _____

Lead coordinator: Curbs Meters Paint Signs Engineering

Location: 13th Street/Division Street between South Van Ness and Bryant
Subject: Install protected bikeway

Index code being opened and will be ready for use before beginning billing. Will email and update on work order database.

Paint Shop -

Please remove striping as shown on STRIPING REMOVE
Please install striping as shown on STRIPING INSTALL

Sign Shop -

Please remove and install signs per SIGN SHOP diagram. List of new signs:

- TANSAT (x6)
- Left turn and U-Turn on green arrow only (x1)
- 2HR Parking 8AM-6PM (x2)
- Except Bike placard (x1)
- Left lane must turn left (x1)
- No right turn on red except bikes (x1)
- Vertical delineators (x35)

Curb Paint Shop -

Please install curb painting per CURB SHOP diagram (Total 60' RZ)

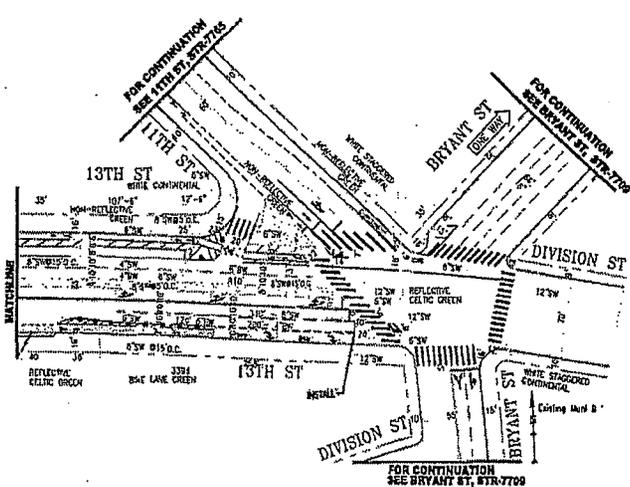
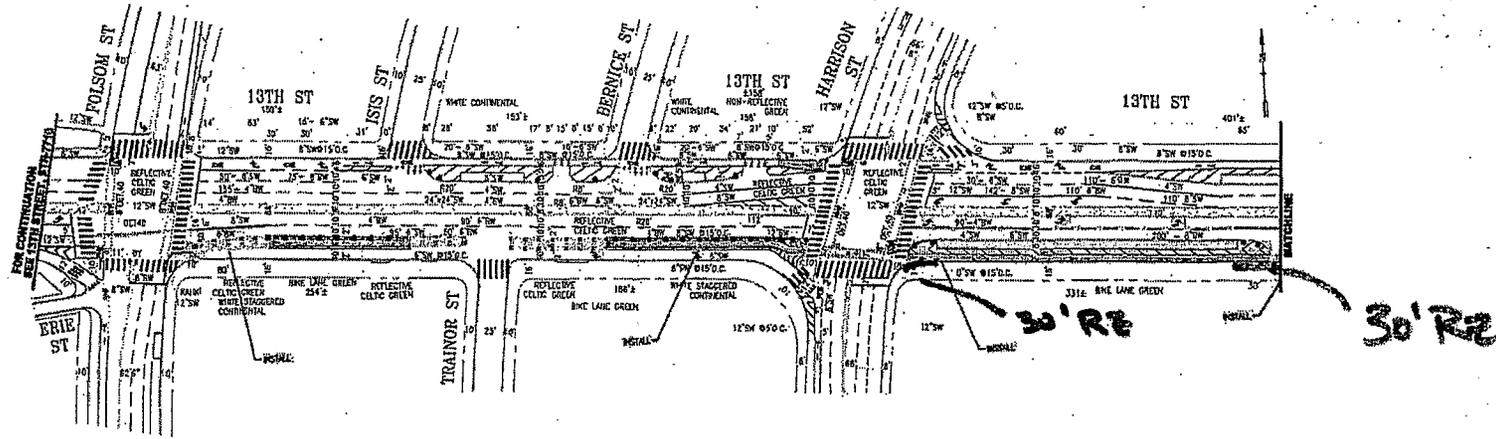
Attachments: Striping Remove, Striping Install, Signs Install, Signs Remove, Color Curbs

When completed notify: Will Tabajonda 415.701.4452; Tamam Abdallah

For Shop Use:

Completed by: _____ Date completed: _____

Field checked by: _____ Date field checked: _____



NO.	DATE	DESCRIPTION	BY	APP.
TABLE OF REVISIONS				
CHECK WITH DRAWING TO SEE IF YOU HAVE LATEST REVISION				



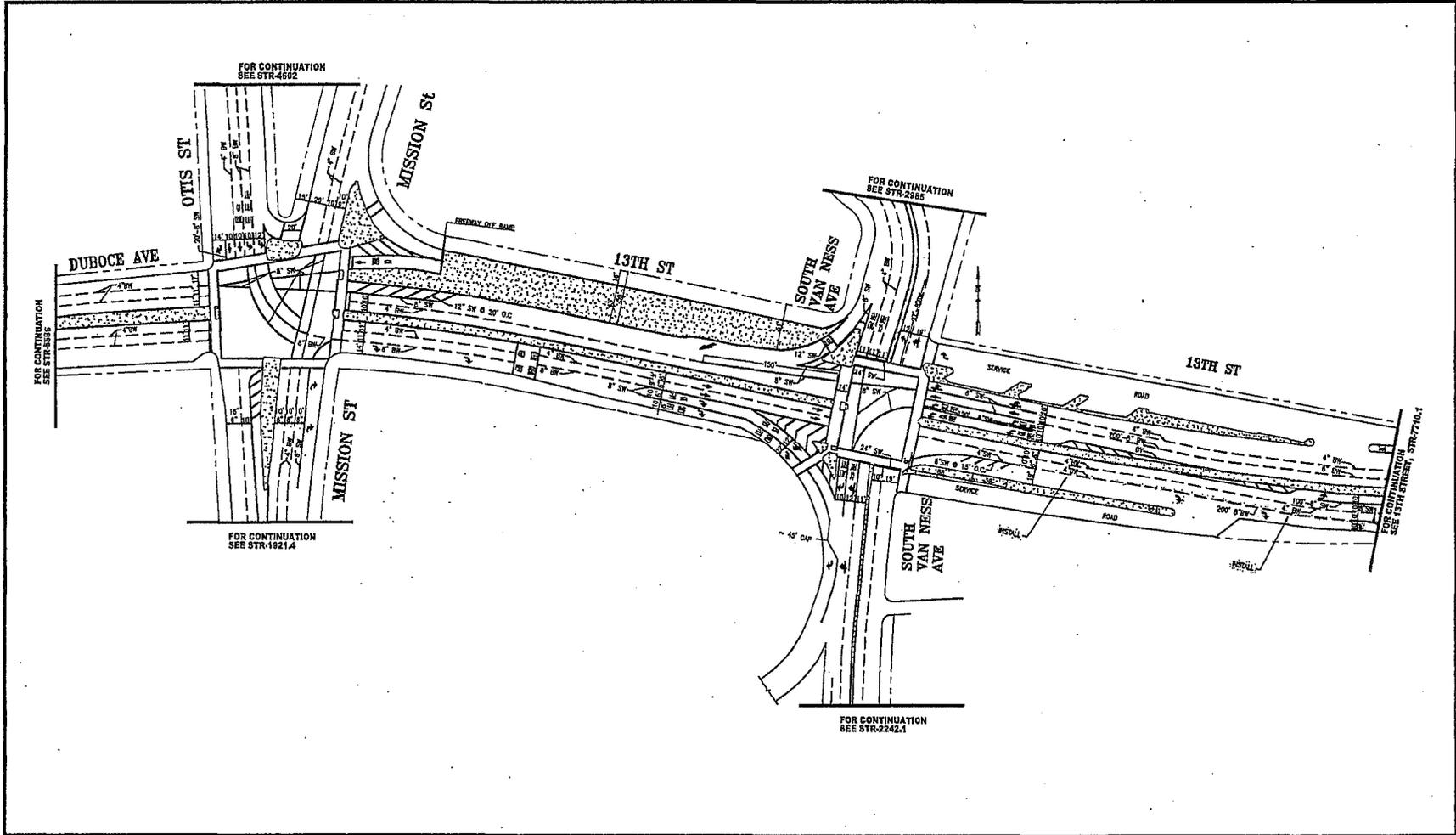
DRAWN		DATE		APPROVED		SCALE	
WTABA/JONDA	4.11.2017	SEANON CASPNER				1" = 50'	
M.SALLABERRY	4.11.2017	CITY TRAFFIC ENGINEER				SHEET/SHEETS	02 OF 02

CURB PAINTING
EASTBOUND 13TH STREET
BIKE NETWORK IMPROVEMENT PROJECT
 WO 17-3138
 13TH STREET
 FOLSOM STREET TO BRYANT STREET

CONTRACT NO.	XXXXX
DRAWING NO.	DWGNO
FILE NO.	XXXXX
REV. NO.	XX

FILE NAME: 17-3138-1

1689



NO.	DATE	DESCRIPTION	BY	APP
TABLE OF REVISIONS				
CHECK WITH DRAWING TO SEE IF YOU HAVE LATEST REVISION				



SFMTA
Municipal Transportation Agency



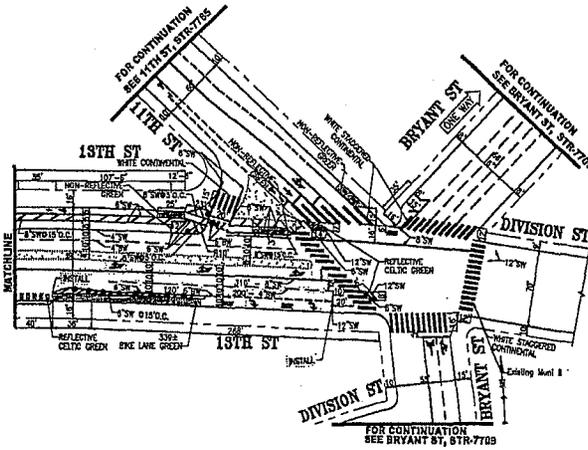
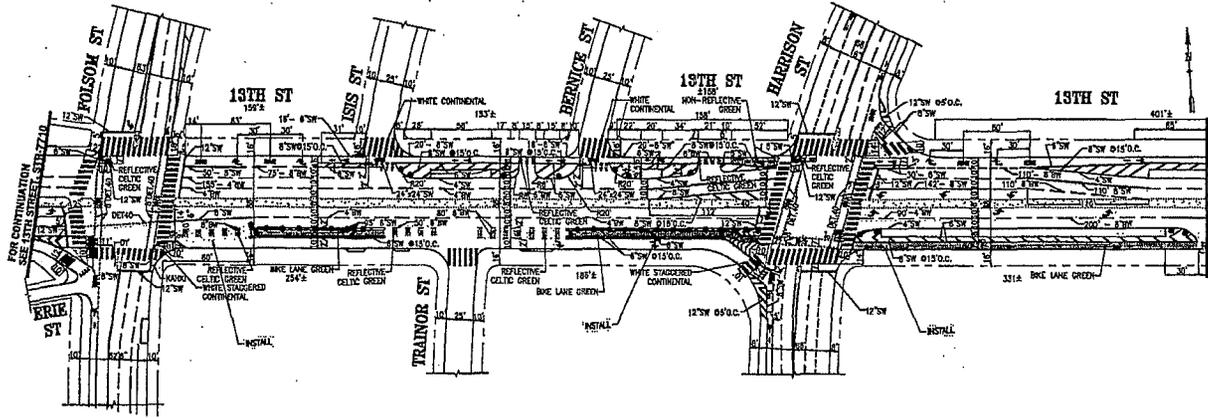
DESIGNED BY	DATE	SENIOR ENGINEER	DATE
W. TABAJONDA	4.11.2011		
CHECKED BY	DATE	CITY TRAFFIC ENGINEER	DATE
M. SALLABERRY	4.11.2011		

APPROVED: _____ SCALE: 1" = 50'
 EASTBOUND 13TH STREET
 BIKE NETWORK IMPROVEMENT PROJECT
 WO 17-3136
 13TH STREET
 MISSION STREET TO FOLSOM STREET

CONTRACT NO.	XXXXX
DRAWING NO.	DWGNO
FILE NO.	XXXXX
REV. NO.	XX

DATE PLOTTED: _____

1690



NO.	DATE	DESCRIPTION	BY	APP

TAKE UP REVISIONS
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION



SFMTA
Municipal Transportation Agency



DRAWN BY: WTABAJONDA
DATE: 4.11.2010
CHECKED BY: M.SALLABERRY
DATE: 4.11.2010

APPROVED	SCALE
	1" = 50'

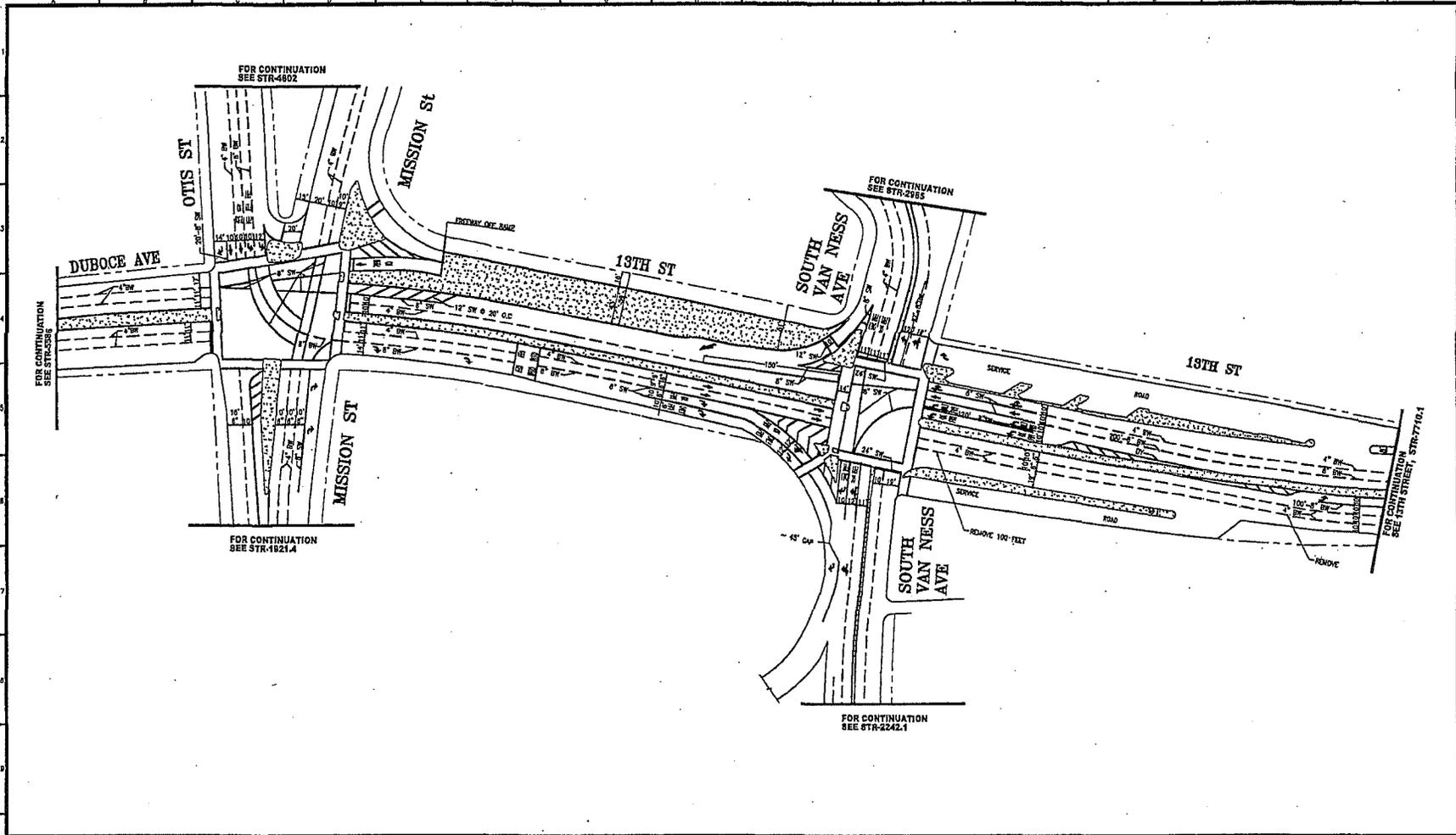
SHEET/SHEETS
02 OF 02

**EASTBOUND 13TH STREET
BIKE NETWORK IMPROVEMENT PROJECT**
WO 17-3198
13TH STREET
FOLSOM STREET TO BRYANT STREET

CONTRACT NO. XXXXX
DRAWING NO. DWGNO
FILE NO. XXXXX
REV. NO. XX

FILE NAME
DATE

1691



NO.	DATE	DESCRIPTION	BY
A	02/20/13	REMOVED CHIT'S DOTS AND INSTALLED 4" BW AT PARADE	T.A. JNY
A	02/20/13	UPDATED SIGN AND CROSSWALK FOR FIELD	MSK. JNY
A	02/21/13	MOVED 1" SW CUTOFFLINE ON 13TH ST @ MISSION	D.L. JNY
A	02/27/13	FIELD CHECK - CORRECTIONS/UNLAWFULS @ MISSION/OTIS	D.L. JNY
A	03/08/08	CHANGED EB 13TH ST. TO TWO LANES FOR FLY	CH. JNY

TABLE OF REVISIONS
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION



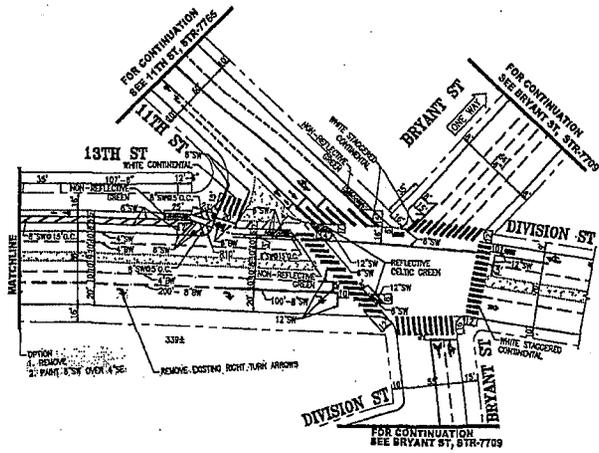
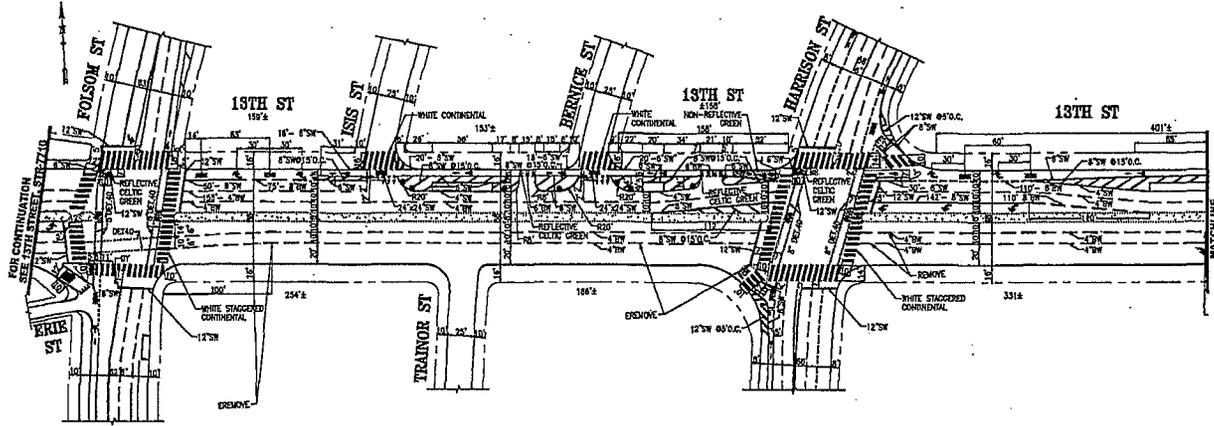
SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
CITY AND COUNTY OF SAN FRANCISCO

APPROVED	SCALE:
DANIEL ARRIELANO 2008 SENIOR ENGINEER DATE	1"=50'
DRAWN: DATE	SHEET OF SHEETS
T.A. 03/2008	1 OF 1
DESIGNED: DATE	
C.H. 03/2008	

TRAFFIC STRIPING
13TH STREET
MISSION STREET TO FOLSOM STREET

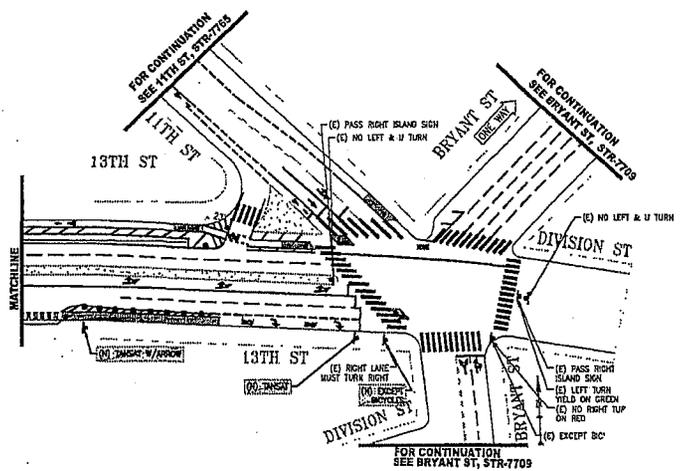
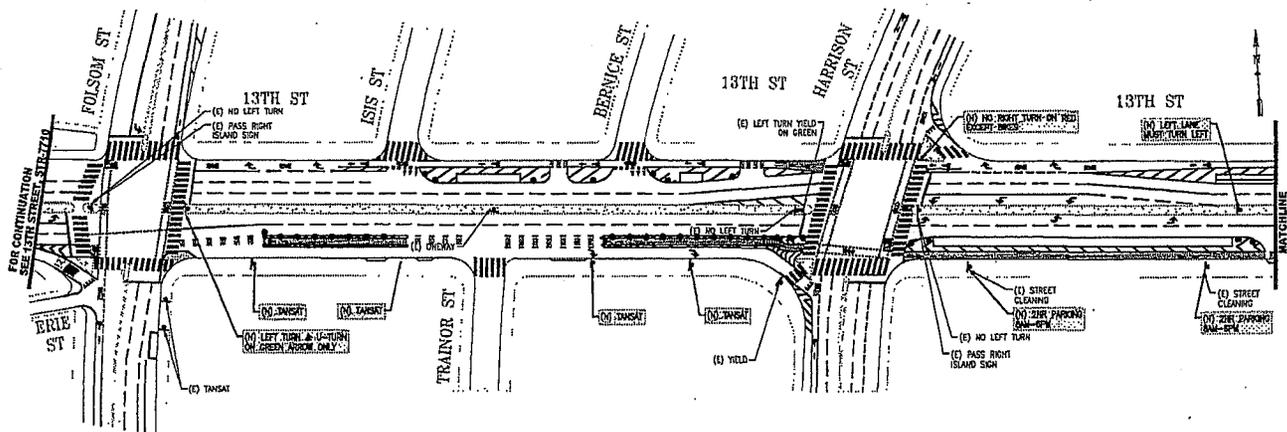
CONTRACT NO.
DRAWING NO. STR-7710
REV. NO. 5

FOR CONTINUATION SEE STR-4802
FOR CONTINUATION SEE STR-2982
FOR CONTINUATION SEE STR-4824
FOR CONTINUATION SEE STR-2242.1
FOR CONTINUATION SEE STR-5888
FOR CONTINUATION SEE STR-5888
FOR CONTINUATION SEE STR-7701
GENERAL REFERENCES:
RIMS 5402
SELF-ADHESIVE PAINT SCALE
OTHER SPECIFICATIONS



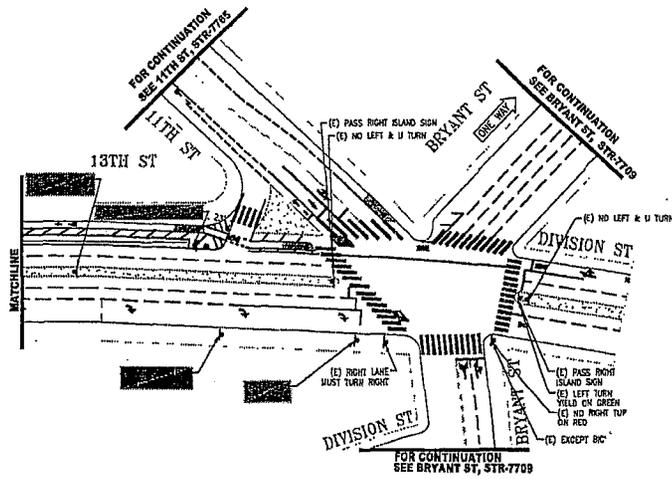
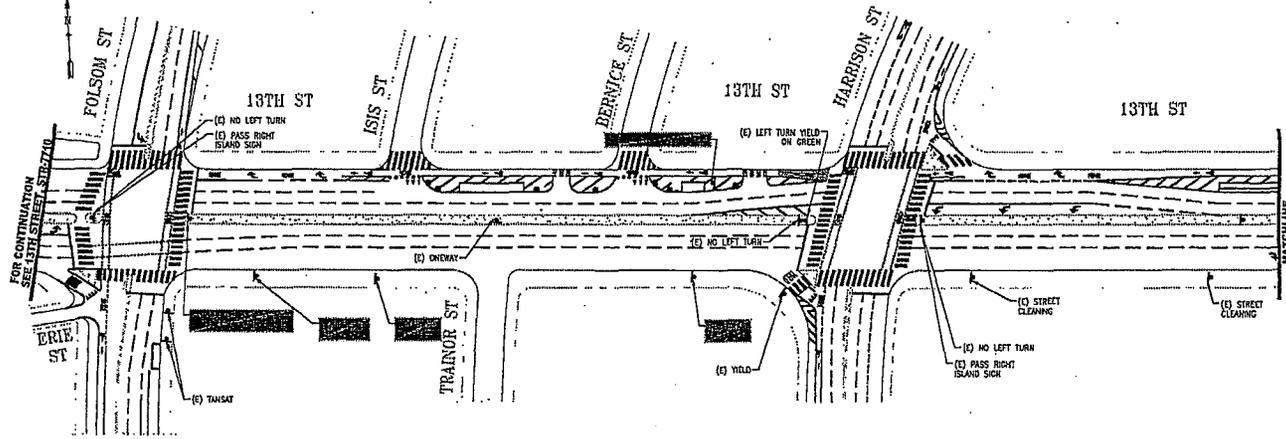
<table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> <td>BY</td> <td>APP</td> </tr> <tr> <td colspan="5">CHECK WITH TRACKING TO SEE IF YOU HAVE LATEST REVISION</td> </tr> </table>		NO.	DATE	DESCRIPTION	BY	APP	CHECK WITH TRACKING TO SEE IF YOU HAVE LATEST REVISION					 <p>SFMTA Municipal Transportation Agency</p> 	<p>APPROVED</p> <p>DATE: 03/22/16 BY: M. SALLABERRY SENIOR ENGINEER</p> <p>DATE: 01/11/16 BY: W. TABAJONDA SENIOR ENGINEER</p> <p>DATE: 01/11/16 BY: G. DALEON DRY TRAFFIC ENGINEER</p>	<p>SCALE: 1" = 50'</p> <p>SHEET/SHEETS</p>	<p>CONTRACT NO.</p> <p>DRAWING NO. STR-7710.1</p> <p>FILE NO.</p> <p>REV. NO. 1</p>
NO.	DATE	DESCRIPTION	BY	APP											
CHECK WITH TRACKING TO SEE IF YOU HAVE LATEST REVISION															
<p>TRAFFIC STRIPING</p> <p>13TH STREET</p> <p>FOLSOM STREET TO BRYANT STREET</p>															

1693



 SFMTA Municipal Transportation Agency			APPROVED: _____ DATE: _____ SENIOR ENGINEER	SCALE: 1" = 50'	13TH STREET SAFETY PROJECT	CONTRACT NO. _____
NO. _____ DATE _____ DESCRIPTION _____ BY _____ APP _____ CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION			CHECKED: _____ DATE: _____ CITY TRAFFIC ENGINEER	SHEET/SHEETS: _____	TRAFFIC STRIPING WITH SIGNS TO INSTALL 13TH STREET FOLSOM STREET TO BRYANT STREET	DRAWING NO. _____ FILE NO. _____ REV. NO. _____

1694



NO.	DATE	DESCRIPTION	BY	APP.
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION				



APPROVED:	SCALE:
DATE:	1" = 50'
SENIOR ENGINEER:	DATE:
CITY TRAFFIC ENGINEER:	DATE:
CHECKED:	DATE:
SHEET/SHEETS:	

CONTRACT NO.
13TH STREET SAFETY PROJECT
TRAFFIC STRIPING WITH SIGNS TO REMOVE
13TH STREET
FOLSOM STREET TO BRYANT STREET
FILE NO.
REV. NO.



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From: Tabajonda, Will
Sent: Tuesday, April 11, 2017 12:13 PM
To: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: RE: Eastbound 13th Street Work Orders

Yeah. Roberta was really gracious and encouraging about making the 4.18 MTAB. I was just about ready to send a sad email telling everyone we missed our deadline but decided to talk with her in person first. She said let's go for it and gave us an extension till Monday (4/10). We got the Environmental in the nick of time.

Ball is back in our court to finish strong.

From: Sallaberry, Mike
Sent: Tuesday, April 11, 2017 10:04 AM
To: Tabajonda, Will <Will.Tabajonda@sfmta.com>
Subject: RE: Eastbound 13th Street Work Orders

April 18th? Wow, impressive – congrats!

From: Tabajonda, Will
Sent: Tuesday, April 11, 2017 9:58 AM
To: Reynolds, George <George.Reynolds@sfmta.com>; Laffey, Noel <Noel.Laffey@sfmta.com>; Macario, Michael <Michael.Macario@sfmta.com>
Cc: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: Eastbound 13th Street Work Orders

Hi George, Noel, Mike,

Sorry to impose on you all one more time in an already busy past two months but we just cleared a major milestone for bike lanes on eastbound 13th Street and I'd like to begin preparing for the likely installation later this month. We just got our environmental clearance so we will have the item heard at the April 18 MTA Board meeting. If possible, could we start any advance preparation to install the bike lanes and schedule print work after MTAB for completion by end of April?

I am meeting with Mike S. toady to finalize work orders and can come by the shop coordination meeting to review the details if needed.

LIMITS:

The limits of the work are the south side of 13th Street between South Van Ness Avenue and Bryant Street.

- Between South Van Ness and Folsom – Install edge line and hatching for right turn pocket
- Between Folsom and Harrison – Install no parking signs and buffered bike lanes with vertical delineators
- Between Harrison and Bryant – Install parking separated bikeway configuration

Thanks,

Will Tabajonda, PE

Sustainable Streets Division - Livable Streets Design Review
San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

Email: will.tabajonda@sfmta.com

Phone: (415) 701-4452

www.sfmta.com



SFMTA
Municipal
Transportation
Agency

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From: Reiskin, Ed
To: Montoya, Luis; Green, Lauren; Macario, Michael; Robinson, Daryl; Laffey, Noel; Rude, Gretchen; Tabajonda, Will; Wong, Jennifer; Uy, Alan; Mendoza, Dahlia; Smith, Nick
Cc: Maguire, Tom; Olea, Ricardo; Reynolds, George; Sallaberry, Mike; Jose, Ben
Subject: RE: THANK YOU! (and ALMOST THERE!)
Date: Tuesday, April 18, 2017 5:03:21 PM

Let me add my voice to that thanks – amazing work you all are doing to make our city streets safer!

From: Montoya, Luis
Sent: Tuesday, April 18, 2017 3:56 PM
To: Green, Lauren <Lauren.Green@SFMTA.COM>; Macario, Michael <Michael.Macario@sfmta.com>; Robinson, Daryl <Daryl.Robinson@sfmta.com>; Laffey, Noel <Noel.Laffey@sfmta.com>; Rude, Gretchen <Gretchen.Rude@sfmta.com>; Tabajonda, Will <Will.Tabajonda@sfmta.com>; Wong, Jennifer <Jennifer.Wong@sfmta.com>; Uy, Alan <Alan.Uy@sfmta.com>; Mendoza, Dahlia <Dahlia.Mendoza@sfmta.com>; Smith, Nick <Nick.Smith@sfmta.com>
Cc: Reiskin, Ed <Ed.Reiskin@sfmta.com>; Maguire, Tom <Tom.Maguire@sfmta.com>; Olea, Ricardo <Ricardo.Olea@sfmta.com>; Reynolds, George <George.Reynolds@sfmta.com>; Sallaberry, Mike <Mike.Sallaberry@sfmta.com>; Jose, Ben <Ben.Jose@sfmta.com>
Subject: THANK YOU! (and ALMOST THERE!)

In August of last year, Mayor Ed Lee signed an Executive Directive on Visions Zero, which among other things, directed the SFMTA to implement three protected bikeway projects within 9 months (attached). Eight and half months later, I'm writing to give a huge THANK YOU to the SSD team that is very close to achieving that objective, and to thank you in advance for the final sprint that will take place over the next couple of weeks. These projects not only demonstrate our commitment to improving the safety of our streets, but they also demonstrate the excellence and commitment to public service of our staff.

7th Street and 8th Streets: Implementing these two protected bikeways over the past couple of months has been a monumental collaborative effort between SSD and Public Works (with help from Transit, Finance, and others as well). I'm so impressed with how quickly we were able to conduct outreach, design and install such transformational safety improvements. Even before we had a design for the parking protected bikeways on 7th and 8th, the signal shop quickly worked to replace all the signal heads to make them more visible and hopefully prevent the type of red light running collisions that resulted in a young woman's death last June at 7th and Howard. The planning and design team was very thoughtful in their approach to working with stakeholders to resolve design challenges, and I know that they put worked long hours and weekends to oversee Public Works construction of boarding islands and curb ramps. The paint, sign, meter and temp sign shops coordinated masterfully to prioritize this work and get it done quickly (and beautifully! See attached pics).

13th Street: Today our Board of Directors approved parking and traffic modifications to create a protected bikeway on eastbound 13th Street between Folsom and Bryant. I know that the design

team is already coordinating with the shops to start implementation right away, and I am very appreciative of the level of attention that everyone is paying to see this final project implemented by May 4th (despite the rain and number of other high priority items that are on the shops' plate).

I believe we are arranging a public event with the Mayor in the coming weeks to celebrate your hard work, but in the meantime, thank you for making the SFMTA look great, and keep up the good work!

-Luis

Luis Montoya
Livable Streets Director
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Email: Luis.Montoya@SFMTA.com
Phone: 415.646.2487
www.sfmta.com



From: Sallaberry, Mike
To: All@LivableStreets
Subject: how to be successful with SFMTA Board items
Date: Thursday, April 20, 2017 12:08:08 PM

Something to keep in mind when writing an SFMTA Board item (see Roberta's email below). Additionally, I have found that having a strong, well-edited first draft that goes to her helps tremendously as she gets a good first impression of the project and doesn't have to waste her time on Track Changes.

And on a related note, I want to acknowledge Jen Wong for giving an excellent presentation to the SFMTA Board on Tuesday, on what was her first ever presentation there! She had practiced the presentation ahead of time and was well versed via her ongoing outreach on the project, and it showed. Great job, Jen!

From: Boomer, Roberta
Sent: Tuesday, April 11, 2017 12:21 PM
To: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: RE: thanks (was: Eastbound 13th Street Work Orders)

Thanks and you're welcome. I'm glad we could make it happen. The thing staff needs to know is that with communication, anything can get worked out, especially when we talk with each other early.

Roberta

From: Sallaberry, Mike
Sent: Tuesday, April 11, 2017 12:15 PM
To: Boomer, Roberta <Roberta.Boomer@sfmta.com>
Subject: thanks (was: Eastbound 13th Street Work Orders)

Hi Roberta,

Thank you very much for working with our staff, especially on these time sensitive, higher profile projects. If ever you have feedback about how we can improve our work, please let me know.

Thanks,
Mike

Michael Sallaberry, PE
Senior Engineer – Livable Streets Design Review
San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Email: mike.sallaberry@sfmta.com
Phone: (415) 701-4563
www.sfmta.com

From: [Tabajonda, Will](#)
To: [Uy, Alan](#)
Cc: [Wong, Jennifer](#); [Smith, Nick](#)
Subject: Protected bikeway construction updates
Date: Tuesday, April 25, 2017 2:41:17 PM

Hi Alan – Please try sending out the construction report to our management team. Below is a rough outline. Please elaborate more as you see fit and feel free to reword. I'll send you the photos I have. I think you should include photos of the new color curb markings since that's a new feature we don't have yet.

Thanks,
Will

Hi Mike, Luis, Jamie,

I wanted to provide you an update on construction activities for EB 13th, 7th and 8th.

EB 13th

The paint shop finished Cat Tracking EB 13th Street this afternoon and plans to grind and print starting tomorrow. They anticipate completing the work early next week.

Sign shop will install safehit posts and parking signs XXYYZZ.

8th Street

Paint shop stencil crew is installing green, khaki and stencils. They will likely wrap up work on Thursday and head over to 13th Street to start green there concurrently with striping work. Safehit posts on islands and in PSZs will be installed XXYYZZ.

On 8th Street we tried an alternate treatment for the color curb zones. The attached photos show how we painted the color curb color in the buffer area. We plan to evaluate if this helps with comprehension.

Meter work orders went out this afternoon.

7th Street

Meter poles have been relocated to final positions. We will send final work order to install meter heads. We plan to coordinate with enforcement people begin using the floating parking configuration with active meters. We already have signs up that ask people to pay at the meters but want to get enforcement's help to issue warnings before ticketed enforcement begins.

From: [Sallaberry, Mike](#)
To: [All@LivableStreets](#)
Subject: Design Review assistance on quick delivery projects
Date: Wednesday, April 26, 2017 1:04:09 PM

Hi everyone,

Since last July, the Design Review team has its head down delivering the projects needed for the Mayor's Directive. I cannot state how impressed and proud I am of the work and effort Will, Jen, Alan, and our CAD team of My, Dahlia, and Ai put in to deliver these projects while still taking care of ongoing DR tasks. In the past 10 months, 3 protected bikeways were delivered, along with the first protected intersection design. Additional shout out to Nick Smith and any others who helped with some of these efforts.

While I feel like a proud papa talking about their great work, the point of this email is to encourage you all to use any one of us as a resource for how to deliver a project in a short timeframe – and with little to no negative response from the community and other stakeholders (THAT, in itself, is impressive!) There have been many lessons learned about processes and designs along the way – which we plan to pass on via presentations, emails, etc – and we want those to percolate through the Livable Streets team so that we can all deliver more, better, and faster.

Below is a summary of the schedule associated with 4 recent protected bikeway projects to give a sense of how things played out. They were all delivered from start to finish in 7 to 10 months. Always feel free to set up a meeting with any one of us to discuss any projects or challenges you may have.

Thanks,
Mike

Turnaround Time for Protected Bikeway Projects

Westbound 13th Street, 11th to Folsom

Planning/Design/Outreach	Jan 2015			
Legislation	Jan 2015		Aug 2015	
Env Review	Jan 2015	June 2015		
Construction			Sept 2015	Oct 2015
Overall: 9 months	Jan 7, 2015 - Oct 2, 2015			

7th/8th, Market-Folsom

Planning/Design/Outreach	Jul 2016			Mar 2017
Legislation		Aug 2016		Dec 2016

Env Review	Sept 2016	Oct 2016		
Construction			Mar 2017	Apr 2017
Overall: 10 months	Jul 2016 - Apr 2017			

Eastbound 13th Street, Folsom to Bryant

Planning/Design/Outreach	Nov 2016		Apr 2017	
Legislation		Feb 2017	Apr 2017	
Env Review	Jan 2016		Apr 2017	
Construction			Apr 2017	May 2017
Overall: 7 months	Nov 2016 - May 2017			

From: Uy, Alan
To: Long, Jean; White, Dustin
Subject: RE: Implementation Updates for 7th, 8th, 13th Streets
Date: Thursday, April 27, 2017 10:54:07 AM
Attachments: image001.jpg

Thanks Jean. I believe there's a glass panel now at 8th/Howard.

Alan Uy
Traffic Engineer

San Francisco Municipal Transportation Agency
Sustainable Streets Division, 7th Floor
1 South Van Ness Avenue
San Francisco, CA 94103
415-749-2499
alan.uy@sfmta.com

From: Long, Jean
Sent: Thursday, April 27, 2017 9:19 AM
To: Uy, Alan <Alan.Uy@sfmta.com>; White, Dustin <Dustin.White@sfmta.com>
Subject: RE: Implementation Updates for 7th, 8th, 13th Streets

Hi Alan,

- I will send a request to Gail to ask about relocating the 8th/Howard bus shelter closer to the southern end of the island as specified in our drawing. I spoke to Matt about this yesterday and we confirmed that we'll need the extra few feet to minimize the coach encroaching into the sidewalk. Also, there is no wall on the back of this shelter.
- The 8'x3'3" shelter at 8th/Mission was installed. The shelter with the digital ad is now gone and I don't know where it has relocated to. Will check with Gail.
- I observed a large tour bus blocking the entire bike lane outside the Holiday Inn to let passengers unload last night. Is there a designated loading zone for the inn?
- I'm forwarding some comments from Matt Lee (Planner for Kirkland Division) regarding operator feedback. Will T. was CCed on the e-mail.

Thanks,

Jean

From: Uy, Alan
Sent: Wednesday, April 26, 2017 7:01 PM
To: Long, Jean <Jean.Long@sfmta.com>; White, Dustin <Dustin.White@sfmta.com>
Subject: FW: Implementation Updates for 7th, 8th, 13th Streets

Hi Jean and Dustin,

Just wanted to see if Muni planning, engineering, or operations had any comments, plus/deltas for the recent changes on 7th and 8th Street. How is it working out so far?

Thanks,

Alan Uy
Traffic Engineer

San Francisco Municipal Transportation Agency
Sustainable Streets Division, 7th Floor
1 South Van Ness Avenue
San Francisco, CA 94103
415-749-2499
alan.uy@sfmta.com

From: Montoya, Luis
Sent: Wednesday, April 26, 2017 4:58 PM
To: Tabajonda, Will <Will.Tabajonda@sfmta.com>; Uy, Alan <Alan.Uy@sfmta.com>
Cc: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: Re: Implementation Updates for 7th, 8th, 13th Streets

Are 7th and 8th working well for transit?

Also-- a special thanks for recognizing Field Ops staff by name and giving specific praise for their contribution!

-Luis

On Apr 26, 2017, at 3:32 PM, Tabajonda, Will <Will.Tabajonda@sfmta.com> wrote:

Tony Baloney Café and Deli. They're a corner spot at 7th and Howard NE corner. They will be impacted by both 7th Street Streetscape project (proposed far side transit boarding island) and Howard Street Near-Term project if the right turn lane is changed into a mixing zone. Our project increased the daylighting on Howard and increased the fire hydrant red zone length on 7th Street.

<https://goo.gl/maps/a6zAEYJCfoT2>

From: Sallaberry, Mike
Sent: Wednesday, April 26, 2017 3:28 PM
To: Uy, Alan <Alan.Uy@sfmta.com>; Montoya, Luis <Luis.Montoya@sfmta.com>; Parks, Jamie <Jamie.Parks@sfmta.com>
Cc: Reynolds, George <George.Reynolds@sfmta.com>; Tabajonda, Will <Will.Tabajonda@sfmta.com>; Smith, Nick <Nick.Smith@sfmta.com>; Wong, Jennifer <Jennifer.Wong@sfmta.com>

Subject: RE: Implementation Updates for 7th, 8th, 13th Streets

Tony Baloney?

Michael Sallaberry, PE

Senior Engineer – Livable Streets Design Review
San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

Email: mike.sallaberry@sfmta.com

Phone: (415) 701-4563

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From: Uy, Alan

Sent: Wednesday, April 26, 2017 3:03 PM

To: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>; Montoya, Luis <Luis.Montoya@sfmta.com>; Parks, Jamie <Jamie.Parks@sfmta.com>

Cc: Reynolds, George <George.Reynolds@sfmta.com>; Tabajonda, Will <Will.Tabajonda@sfmta.com>; Smith, Nick <Nick.Smith@sfmta.com>; Wong, Jennifer <Jennifer.Wong@sfmta.com>

Subject: Implementation Updates for 7th, 8th, 13th Streets

Hi everybody,

Here are updates to our parking-protected bike lane (PPBL) projects on 7th Street, 8th Street, and 13th Street.

7th Street

- Aside from punchlist items, the parking protected bike lane is open and functioning as we intended. Cyclists are traveling northbound in the bike lanes, parked vehicles are parked in the boxes we've striped, and passengers and bus operators understand how to use the boarding islands properly. As meters are realigned and put in service, we will continue outreaching to maintain compliance. We will also ramp up enforcement once the meters are put back in service.
- Outstanding items to be completed, possibly after May 4th:
 - o Installing blue pavement markers to indicate fire hydrants (work order being created).
 - o Realign meters to match the new parking configuration (work order being created).
 - o Install a curb ramp in front of 229 7th Street (DPW completing detailed design).

- Install navigation bars at transit boarding islands (MTA completing detailed design).
- Stakeholder feedback has generally been positive:
 - Best Western (121 7th Street): the design is intuitive for them to use, also flexible for tour buses to load and unload.
 - South of Market Health Center (229 7th Street): they enjoy the lengthened white zone, still waiting for curb ramps to be installed (currently being designed by DPW).
 - Tony Baloney (7th/Howard): upset about parking loss near the intersection but complying with new design and loading zones, will definitely need additional outreach when Howard/Folsom project comes by.
 - Bike Connection (7th/Folsom): cyclists have more comfort, drivers are slowing down when turning to access their driveway, transit boarding island design is intuitive, though vehicles have been observed to backup to Harrison Street.

8th Street

- PPBL striping is completed and the green bike lanes are scheduled to be completed this week. The rest of the striping, such as stenciling and khaki painted safety zones, should also be completed this weekend. Compliance has generally been achieved, but at establishments with frequent loading (such as NAPA Auto Parts on 260 8th Street), cars occasionally park in the hatched daylighting zones or along the curb. We will put up "how to use/pay" posters as meters are realigned, then ramp up enforcement once meters are put back in service.
- We implemented a new design of marking color curbs (see photos attached); the color curbs are painted alongside the buffer zone instead of the curb. This is new to Curb Painting and implementation involved the same tools as regular color curbs. We plan to develop a metric to analyze the effectiveness of the two color curb types in the future. If this design is effective, we'll also want to standardize how to paint these in the field (curb paint versus striping paint).
- Outstanding items to be completed, possibly after May 4th:
 - Installing PPBL facility between Ringold and Harrison Streets (coordinating with developer when their street use permit expires and paving is accepted)
 - Installing blue pavement markers to indicate fire hydrants (work order being created)
 - Realign meters to match the new parking configuration (Meter Shop is working on this)
 - Install a curb ramp in front of 50 8th Street (DPW completing detailed design)
 - Install navigation bars at transit boarding islands (MTA completing detailed design)
- Stakeholder feedback has been cautiously optimistic:
 - Holiday Inn (50 8th Street): we're working with Holiday Inn to make sure their customers/staff know how to use the loading zones,

they've been responsive and willing to work with us.

- Health Services Agency (8th/Mission): staff has experienced some confusion/discomfort on how to access their driveway, but we've been working with their Director to clarify how to access the driveway properly and safely.
 - NAPA Auto Parts (260 8th Street): staff are welcoming of the new design, but some customers are still loading alongside the curb or in the hatched daylighting zones. We will address this through enforcement and additional outreach.
 - Leather Factory (8th/Folsom): the property owner is willing to work with the changes.
 - Enterprise Car Rental (8th/Folsom): staff understand how to use the PPBL facilities, but there is occasional staging of vehicles in the bike lane. When we finish the PPBL striping all the way to Harrison Street, I think compliance will be better.
- 311 feedback has been critical at first, but these were mostly pertaining to interim phases, when our shops were not in the field. When I called these people and explained the final configuration and the purpose of PPBL, they were satisfied.

13th Street

- Work on this project started Monday (4/24), after MTAB approval on Tuesday (4/18). In three days, Paint Shop grinded out all lane lines, painted bike lane stripes, and established turning pockets. By the end of this week, the parking-protected bike lane striping is expected to be completed. Bike lane green and stenciling will commence thereafter and hopefully be completed before May 4th as well. Sign Shop will be out there tomorrow to install white delineators and the TANSAT and parking signs; hopefully this can be completed within the week.
- So far, with minimal striping, there has been general understanding how vehicles should merge early if they want to turn into the driveways or alleyways. I think this should be even clearer once bike lane green and delineators are installed.

With less than a week left to the Mayor's May 4th deadline, shops have placed this on top priority. A lot of the crew have been working a row of overtime/late night shifts to get this done, while maintaining their existing workload for other projects. We'd like to personally thank Charlie and his team for expertly laying down the unique striping configuration, Lawrence and his team for painting entire blocks with green, Ronnie and Ray for all of this unique color curb layout, Carlos, Dara, and Jimmy for taking the initiative and realigning the meters, and Bobby, Dave, Wayne, and his team for putting up safe-hits and all the signage.

Please let me know if you have any questions. Thank you.

Alan Uy
Traffic Engineer

San Francisco Municipal Transportation Agency

Sustainable Streets Division, 7th Floor
1 South Van Ness Avenue
San Francisco, CA 94103
415-749-2499
alan.uy@sfmta.com

From: [Tabajonda, Will](#)
To: [Menzies, Jeremy](#)
Cc: [Smith, Nick](#); [Wong, Jennifer](#); [Uy, Alan](#)
Subject: RE: After Photos of recent bike projects
Date: Friday, April 28, 2017 10:58:34 AM
Attachments: [image001.jpg](#)
[image002.png](#)

Just the shoot so that they're dated.

From: Menzies, Jeremy
Sent: Friday, April 28, 2017 10:38 AM
To: Tabajonda, Will <Will.Tabajonda@sfmta.com>
Cc: Smith, Nick <Nick.Smith@sfmta.com>; Wong, Jennifer <Jennifer.Wong@sfmta.com>; Uy, Alan <Alan.Uy@sfmta.com>
Subject: Re: After Photos of recent bike projects

Thanks for the specifics, Will. I'll note them.

Do you need them for a presentation on the 4th or just want them to be dated prior to then? I can probably shoot prior by then but having some time to process them would be good.

-Jeremy

From: "Tabajonda, Will" <Will.Tabajonda@sfmta.com>
Date: Thu, 27 Apr 2017 17:01:39 -0700
To: SFMTA Photo <jeremy.menzies@sfmta.com>
Cc: "Smith, Nick" <Nick.Smith@sfmta.com>, "Wong, Jennifer" <Jennifer.Wong@sfmta.com>, "Uy, Alan" <Alan.Uy@sfmta.com>
Subject: RE: After Photos of recent bike projects

Hi Jeremy,

By May 4 would be good since that's the deadline for the Mayor's executive directive.

Along 8th –

- Holiday Inn Loading zone
- All transit boarding islands
- All mixing zones
- General midblock configuration
- Color curb painted in the buffer

Along 7th –

- All transit boarding islands
- General midblock configuration
- All mixing zones
- Passenger loading zones at Best Western and South of Market Health Clinic (in use if possible)

Along EB 13th -

- Rainbow Grocery driveway operations
- General midblock configuration

Thanks,

Will Tabajonda, PE

Sustainable Streets Division - Livable Streets Design Review
San Francisco Municipal Transportation Agency

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San Francisco, CA 94103

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**Please note that I will be out of the office from May 2- May15

From: Menzies, Jeremy

Sent: Thursday, April 27, 2017 4:43 PM

To: Tabajonda, Will <Will.Tabajonda@sfmta.com>

Cc: Smith, Nick <Nick.Smith@sfmta.com>; Wong, Jennifer <Jennifer.Wong@sfmta.com>; Uy, Alan <Alan.Uy@sfmta.com>

Subject: Re: After Photos of recent bike projects

Hi Will,

Thanks for the heads-up on these projects, it's good to know that they're completed.

I may be able to get out next week or the following to get additional shots on these corridors. Do you have any specific deadline for photos? Or any special features you'd like highlighted? I have the drawings for 7th-8th and imagine that 13th will be similar to the WB side, so I can go on that if you don't have any particulars.

I did take a few shots on [8th](#) and [7th](#) in the past few weeks, if those are of use to you. Log in or use "photos" to access downloads.

Thanks,

Jeremy Menzies
Photographer
Communications/Marketing Division

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, Basement
San Francisco, CA 94103
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Cell: 415-385-2575
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Find us on: [Instagram](#) [Twitter](#)

From: "Tabajonda, Will" <Will.Tabajonda@sfmta.com>
Date: Thu, 27 Apr 2017 16:19:33 -0700
To: SFMTA Photo <jeremy.menzies@sfmta.com>
Cc: "Smith, Nick" <Nick.Smith@sfmta.com>, "Wong, Jennifer" <Jennifer.Wong@sfmta.com>, "Uy, Alan" <Alan.Uy@sfmta.com>
Subject: After Photos of recent bike projects

Hi Jeremy,

We are wrapping up completion of three key projects and wanted to schedule some of your time to get out take some post construction photos.

7th Street between Market and Cleveland – Parking separated bikeway
8th Street between Market and Ringold – Parking separated bikeway
EB 13th Street between 11th/Bryant and Folsom Street – Parking separated bikeway (green will be painted in the coming days)

Thanks,

Will Tabajonda, PE
Sustainable Streets Division - Livable Streets Design Review
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**Please note that I will be out of the office from May 2- May15

From: [Tabajonda, Will](#)
To: [Jose, Ben](#)
Cc: [Sallaberry, Mike](#); [Uy, Alan](#)
Subject: FW: Updates to 7th, 8th, 13th
Date: Friday, April 28, 2017 4:51:12 PM
Attachments: [IMG_6713.JPG](#)
[IMG_6715.JPG](#)
[IMG_6717.JPG](#)
[IMG_6719.JPG](#)
[IMG_6722.JPG](#)
[IMG_6723.JPG](#)
[IMG_6727.JPG](#)
[IMG_6728.JPG](#)
[IMG_6729.JPG](#)

Hi Ben,

We're approaching substantial completion on EB 13th Street. Need to paint green and get the stencils in which should happen early next week. Lanes are open for use.

From: Uy, Alan
Sent: Friday, April 28, 2017 4:21 PM
To: Tabajonda, Will <Will.Tabajonda@sfmta.com>; Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: RE: Updates to 7th, 8th, 13th

Hi Will and Mike,

Some photos from this afternoon:

- Large khaki area at 8th/Mission (paint shop misread the drawing, so I told them to stop after one coat. They look good though!)
- Large khaki area at 8th/Folsom (same as above)
- Loading area at Holiday Inn with Bike
- Parking compliance on 8th Street between Howard and Folsom
- Green paint completed for 13th Street with PPBL
- Right turn and bike lanes established in front of Rainbow Grocery

Thanks,

Alan Uy
Traffic Engineer

San Francisco Municipal Transportation Agency
Sustainable Streets Division, 7th Floor
1 South Van Ness Avenue
San Francisco, CA 94103
415-749-2499
alan.uy@sfmta.com

From: Uy, Alan
Sent: Friday, April 28, 2017 1:25 PM
To: Tabajonda, Will (Will.Tabajonda@sfmta.com) <Will.Tabajonda@sfmta.com>; Sallaberry, Mike

<Mike.Sallaberry@sfmta.com>

Subject: Updates to 7th, 8th, 13th

Hi Will and Mike,

Some updates and remaining items for 7th, 8th, 13th:

7th Street

- Khaki painted safety zones will be painted on Monday/Tuesday, led by Jane.
- Third coat of green installed on Monday/Tuesday as well, led by Lawrence.
- Striping and signs completed. Meter work order will be sent out next week.

8th Street

- 1st and 2nd coat of khaki painted today. 3rd coat installed Monday, led by Jane.
- All coats of green installed Monday.
- Stencils, arrows, sharrows, yield teeth installed Monday, led by Lawrence.
- Meters being realigned and/or removed, scheduled completion before Wednesday, led by Dara.
- All else completed.

13th Street

- All coats of green installed between Harrison and Bryant. Green on Folsom to Harrison installed Monday, led by Ron.
- Stencils completed Monday/Tuesday, led by Lawrence.
- Striping and signs completed.

Photos to come in another e-mail.

Thanks,

Alan Uy
Traffic Engineer

San Francisco Municipal Transportation Agency
Sustainable Streets Division, 7th Floor
1 South Van Ness Avenue
San Francisco, CA 94103
415-749-2499
alan.uy@sfmta.com

From: [Maguire, Tom](#)
To: All@sustainablestreets
Subject: Meeting the challenge
Date: Saturday, May 06, 2017 7:37:19 AM
Attachments: [image001.png](#)
[Families for safe streets.jpg](#)

Sustainable Streets colleagues,

When Mayor Lee issued his Executive Directive on Achieving Vision Zero on August 4th, he challenged us to deliver several specific, crucial projects within nine months. Yesterday was the nine-month anniversary of the directive, and I'm so proud to say that, with our partner agencies, we have delivered on our promises:

- Nine speed humps in Golden Gate Park
- New, high-visibility signals on 7th and 8th Streets
- Telematics devices in all city vehicles
- SFPD is meeting its "Focus on the Five" target of issuing 50% of its citations for the most dangerous traffic violations
- And, as of yesterday, THREE parking-protected bike lanes are complete on 7th, 8th, and 13th Streets

The push to get these three lanes done by May 4th required focus and coordination by our planners, engineers, Paint, Sign, Meter, and Signal Shops, and Public Works. Thank you for the great work in meeting the Mayor's challenge to us!

And our work doesn't end with this Directive. This week the MTA Board approved a comprehensive redesign of Upper Market Street, including over a mile of pedestrian safety improvements and a parking protected bike lane. Over two years of intense planning and community outreach by our Livable Streets team, and close work with the Fire Department, yielded a project that MTAB approved unanimously despite a few lingering objections.

Finally, a few SSD staff were at the annual Vision Zero Network meeting in New York earlier this week, where we heard Mayor deBlasio talk about the importance of our work, and how we need to keep overcoming obstacles – political, technical, financial – to build safer streets. He was quite direct (he is a New Yorker after all): "Go right at the opposition. The vast majority of people actually get it, that these changes to our streets save lives... Every life you save is a family made whole. Let that energize your work!"

This was especially meaningful because we were joined by seven members of the Bay Area Families for Safer Streets – people who had lost their own children and parents to traffic crashes. The Bay Area families (many of whom are pictured in the attached photo) spent two days with families from other cities and challenged us all to design, enforce, educate, and legislate our way to Vision Zero, so that others don't have to experience their losses.

This is who we work for, and this is why the things we did this week are so important.

Thank you!

- Tom

Tom Maguire

Director, Sustainable Streets Division

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue

San Francisco, CA 94103

tom.maguire@sfmta.com



From: Wong, Jennifer
To: Smith, Nick
Subject: Eastbound 13th Street Work Orders
Date: Tuesday, May 09, 2017 3:12:22 PM

From: Tabajonda, Will
Sent: Tuesday, April 11, 2017 9:58 AM
To: Reynolds, George <George.Reynolds@sfmta.com>; Laffey, Noel <Noel.Laffey@sfmta.com>;
Macario, Michael <Michael.Macario@sfmta.com>
Cc: Sallaberry, Mike <Mike.Sallaberry@sfmta.com>
Subject: Eastbound 13th Street Work Orders

Hi George, Noel, Mike,

Sorry to impose on you all one more time in an already busy past two months but we just cleared a major milestone for bike lanes on eastbound 13th Street and I'd like to begin preparing for the likely installation later this month. We just got our environmental clearance so we will have the item heard at the April 18 MTA Board meeting. If possible, could we start any advance preparation to install the bike lanes and schedule print work after MTAB for completion by end of April?

I am meeting with Mike S. today to finalize work orders and can come by the shop coordination meeting to review the details if needed.

LIMITS:

The limits of the work are the south side of 13th Street between South Van Ness Avenue and Bryant Street.

- Between South Van Ness and Folsom – Install edge line and hatching for right turn pocket
- Between Folsom and Harrison – Install no parking signs and buffered bike lanes with vertical delineators
- Between Harrison and Bryant – Install parking separated bikeway configuration

Thanks,

Will Tabajonda, PE
Sustainable Streets Division - Livable Streets Design Review
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EXHIBIT E

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170418-050

WHEREAS, The San Francisco Municipal Transportation Agency is committed to achieving Vision Zero goals and implementing safety improvements on eastbound 13th Street as outlined in Mayor Lee's Executive Directive on Bicycle and Pedestrian Safety; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritized non-private automobile transportation.

WHEREAS, Section 891 of the Streets and Highways Code provides that agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted may utilize minimum safety design criteria other than those established by Section 890.6 if the following conditions are met: the alternative criteria are reviewed and approved by a qualified engineer, the alternative criteria is adopted by resolution at a public meeting after public comment and proper notice, and the alternative criteria adheres to the guidelines established by a national association of public agency transportation officials; and

WHEREAS, The parking protected cycletrack proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected cycletrack has been reviewed and approved by a qualified engineer prior to installation; and,

WHEREAS, The alternative criteria for the project are to discourage motor vehicles from encroaching or double parking in the bicycle facility, provide a more inviting and greater sense of comfort for bicyclists, and to provide a greater perception of safety for bicyclists; and,

WHEREAS, The project's alternative criteria adhere to guidelines set by the National Association of City Transportation Officials; and,

WHEREAS, The San Francisco Municipal Transportation Agency has proposed the installation of a protected bikeway and parking and traffic modifications along eastbound 13th Street between Folsom Street and Bryant Street as follows:

- A. ESTABLISH – CLASS IV BIKEWAY – 13th Street, eastbound, south side, between Folsom Street to Bryant Street
- B. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – 13th Street, south side, between Folsom Street and Trainor Street; 13th Street, south side, between Trainor Street and Harrison Street; 13th Street, south side, from Harrison Street to 36 feet easterly; 13th Street, south side, from 290 feet to 320 feet east of Harrison Street; 13th Street, south side, from Bryant Street to 304 feet westerly
- C. ESTABLISH – NO RIGHT TURN ON RED (EXCEPT BICYCLES) – Harrison Street, northbound, at 13th Street
- D. ESTABLISH – STOP – Bernice Street, southbound, at 13th Street; Isis Street,

PAGE 2.

- southbound, at 13th Street; Trainor Street, northbound at 13th Street
- E. ESTABLISH – LEFT LANE MUST TURN LEFT – 13th Street, eastbound, at Bryant Street
 - F. ESTABLISH – 2 HOUR PARKING 8 AM TO 6 PM MONDAY THROUGH SATURDAY – 13th Street, south side, between Harrison Street and Bryant Street

WHEREAS, The proposed Eastbound 13th Street Safety Project is subject to the California Environmental Quality Act (CEQA); CEQA provides an exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as well as for minor public alterations in the condition of land including the creation of bicycle lanes on existing rights-of-way as defined in Title 14 of the California Code of Regulations Sections 15301 and 15304 respectively; and,

WHEREAS, On April 10, 2017, the Planning Department determined (Case Number 2017-001180ENV) that the proposed Eastbound 13th Street Safety Project is categorically exempt from CEQA, pursuant to Title 14 of the California Code of Regulations Section 15301 and 15304; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a protected bikeway and parking and traffic modifications set forth in items A through F above along eastbound 13th Street between Folsom Street and Bryant Street.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

From: BOS Legislation, (BOS)
To: page364@earthlink.net
Cc: [Wong, Jennifer \(MTA\)](#); [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlana \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Poling, Jeanie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Espiritu, Christopher \(CPC\)](#); [Reiskin, Ed \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Auyoung, Dillon \(MTA\)](#); [Wise, Viktoriya \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: HEARING NOTICE: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Tuesday, June 13, 2017 10:57:17 AM

Good morning,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **June 27, 2017, at 3:00 p.m.**, to hear an appeal regarding the Exemption Determination for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project.

Please find the following link to the hearing notice for the matter:

[Hearing Notice - June 27, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

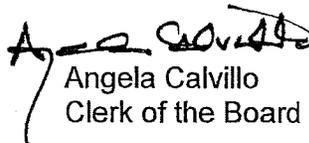
NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Tuesday, June 27, 2017
- Time:** 3:00 p.m.
- Location:** Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** **File No. 170638.** Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on April 10, 2017, for the San Francisco Municipal Transportation Agency's proposed 13th Street Eastbound Bicycle Facility Project, to remove one travel lane along eastbound 13th Street, relocate and remove existing on-street parking, restripe portions of the street, change color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom and 13th Streets, Harrison and 13th Streets, and Bryant and 13th Streets. (Districts 6 and 9) (Appellant: Mary Miles) (Filed May 18, 2017)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, June 23, 2017.


Angela Calvillo
Clerk of the Board

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 170638

Description of Items: Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed SFMTA-13th Street Eastbound Bicycle Facility Project

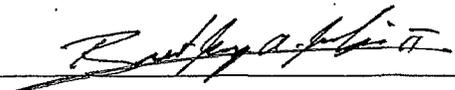
I, Brent Jalipa, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: June 13, 2017

Time: 11:02 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

From: Docs, SF (LIB)
To: BOS Legislation, (BOS)
Subject: RE: HEARING NOTICE: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Tuesday, June 13, 2017 11:02:53 AM

Hi Brent,

I have posted the hearing notice.

Thank you,

Michael

From: BOS Legislation, (BOS)
Sent: Tuesday, June 13, 2017 10:59 AM
To: Docs, SF (LIB) <sfdocs@sfpl.org>
Subject: FW: HEARING NOTICE: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017

Good morning,

Please kindly post the linked Hearing Notice below for public viewing.

Thanks in advance,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

From: BOS Legislation, (BOS)
Sent: Tuesday, June 13, 2017 10:57 AM
To: page364@earthlink.net
Cc: Wong, Jennifer (MTA) <jennifer.wong@sfmta.com>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlina (CAT) <marlena.byrne@sfgov.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Espiritu, Christopher (CPC) <christopher.espiritu@sfgov.org>; Reiskin, Ed (MTA) <ed.reiskin@sfmta.com>; Martinsen, Janet (MTA) <janet.martinsen@sfmta.com>; Breen, Kate

(MTA) <kate.breen@sfmta.com>; Auyoung, Dillon (MTA) <dillon.auyoung@sfmta.com>; Wise, Viktoriya (MTA) <viktoriya.a.wise@sfmta.com>; Boomer, Roberta (MTA) <roberta.boomer@sfmta.com>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: HEARING NOTICE: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017

Good morning,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **June 27, 2017, at 3:00 p.m.**, to hear an appeal regarding the Exemption Determination for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project.

Please find the following link to the hearing notice for the matter:

[Hearing Notice - June 27, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

From: [BOS Legislation, \(BOS\)](#)
To: [Ko, Yvonne \(CPC\)](#)
Cc: [BOS Legislation, \(BOS\)](#); [BOS-Operations](#)
Subject: APPEAL CHECK PICKUP: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Friday, May 26, 2017 4:54:21 PM
Attachments: [image001.png](#)

Good afternoon Yvonne,

The appeal check for the SFMTA - 13th Street Eastbound Bicycle Facility Project Appeal is ready to be picked up here in the Clerk's Office weekdays from 8 a.m. through 5 p.m.

The appellant did submit an Appeal Waiver Form, on behalf of the Coalition for Adequate Review, and I will include the waiver with the check.

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org

From: BOS Legislation, (BOS)
Sent: Friday, May 26, 2017 3:04 PM
To: page364@earthlink.net
Cc: Wong, Jennifer (MTA) <jennifer.wong@sfmta.com>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlina (CAT) <marlena.byrne@sfgov.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Espiritu, Christopher (CPC) <christopher.espiritu@sfgov.org>; Reiskin, Ed (MTA) <ed.reiskin@sfmta.com>; Martinsen, Janet (MTA) <janet.martinsen@sfmta.com>; Breen, Kate (MTA) <kate.breen@sfmta.com>; Auyoung, Dillon (MTA) <dillon.auyoung@sfmta.com>; Wise, Viktoriya (MTA) <viktoriya.a.wise@sfmta.com>; Boomer, Roberta (MTA) <roberta.boomer@sfmta.com>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **June 27, 2017, at 3:00 p.m.** Please find linked below a letter of appeal filed for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Exemption Determination Appeal Letter - May 18, 2017](#)

[Planning Department Memo - May 24, 2017](#)

[Clerk of the Board Letter - May 25, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

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Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 26, 2017

File Nos. 170638-170641
Planning Case No. 2017-001180ENV

Received from the Board of Supervisors Clerk's Office one check, in the amount of Five Hundred Seventy Eight Dollars (\$578) representing the filing fee paid by Mary Miles, on behalf of the Coalition for Adequate Review, for the appeal of the CEQA Exemption Determination for the proposed project SFMTA - 13th Street Eastbound Bicycle Facility Project.

Planning Department
By:

Tony
Print Name

[Signature] 5/30/17
Signature and Date

From: BOS Legislation, (BOS)
To: page364@earthlink.net
Cc: Wong, Jennifer (MTA); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Navarrete, Joy (CPC); Poling, Jeanie (CPC); Ionin, Jonas (CPC); Espiritu, Christopher (CPC); Reiskin, Ed (MTA); Martinsen, Janet (MTA); Breen, Kate (MTA); Auyoung, Dillon (MTA); Wise, Viktoriya (MTA); Boomer, Roberta (MTA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Exemption Determination Appeal - Proposed SFMTA - 13th Street Eastbound Bicycle Facility Project - Appeal Hearing on June 27, 2017
Date: Friday, May 26, 2017 3:04:15 PM
Attachments: [image001.png](#)

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **June 27, 2017, at 3:00 p.m.** Please find linked below a letter of appeal filed for the proposed SFMTA - 13th Street Eastbound Bicycle Facility Project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Exemption Determination Appeal Letter - May 18, 2017](#)

[Planning Department Memo - May 24, 2017](#)

[Clerk of the Board Letter - May 25, 2017](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 170638](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the*



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 24, 2017

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Lisa Gibson, Environmental Review Officer *LG*

RE: Appeal Timeliness Determination – SFMTA - 13th Street
Eastbound Bicycle Facility
Planning Department Case No. 2017-001180ENV

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

An appeal of the categorical exemption for the proposed SFMTA bicycle facility project on eastbound 13th Street, between South Van Ness Avenue and Bryant Street (Planning Department Case No. 2017-001180ENV), was filed with the Office of the Clerk of the Board of Supervisors on May 18, 2017, by Mary Miles (Appellant). As explained below, the Planning Department finds the appeal to be timely filed.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filing	Timely?
April 18, 2017	Thursday, May 18, 2017	Thursday, May 18, 2017	May 18, 2017	Yes

Approval Action: On April 10, 2017, the Planning Department issued a categorical exemption for the proposed project. The Approval Action for the project was the duly noticed hearing by the SFMTA Board of Directors, which occurred on April 18, 2017 (Date of the Approval Action).

Appeal Deadline: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action. The 30th day after the Date of the Approval Action was Thursday, May 18, 2017 (Appeal Deadline).

Appeal Filing and Timeliness: The Appellant filed the appeal of the exemption determination on May 18, 2017, prior to the end of the Appeal Deadline. Therefore, the appeal is considered timely.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 415-554-5184
Fax No. 415-554-5163
TDD/TTY No. 415-554-5227

May 25, 2017

Mary Miles
364 Page Street, #36
San Francisco, California 94102

Subject: Appeal of CEQA Exemption Determination - San Francisco Municipal Transportation Agency - 13th Street Eastbound Bicycle Facility Project

Dear Ms. Miles:

The Office of the Clerk of the Board is in receipt of a memorandum dated May 24, 2017, from the Planning Department regarding their determination on the timely filing of appeal of the CEQA Exemption Determination for the proposed San Francisco Municipal Transportation Agency - 13th Street Eastbound Bicycle Facility Project.

The Planning Department has determined that the appeal was filed in a timely manner.

Pursuant to Administrative Code, Section 31.16, a hearing date has been scheduled for **Tuesday, June 27, 2017, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Continues on next page

Please provide to the Clerk's Office by noon:

20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, or Lisa Lew at (415) 554-7718.

Very truly yours,


Angela Calvillo
Clerk of the Board

c: Jennifer Wong, Municipal Transportation Agency, Project Sponsor
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
AnMarie Rodgers, Senior Policy Advisor, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Jonas Ionin, Planning Commission Secretary, Planning Department
Christopher Espiritu, Staff Contact, Planning Department
Ed Reiskin, Executive Director, Municipal Transportation Agency
Janet Martinsen, Local Government Affairs Liaison, Municipal Transportation Agency
Kate Breen, Government Affairs Director, Municipal Transportation Agency
Dillon Auyong, Local Government Affairs Manager, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency
Roberta Boomer, Commission Secretary, Municipal Transportation Agency Commission

From: [BOS Legislation, \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); [Rahaim, John \(CPC\)](#)
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlena \(CAT\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Espiritu, Christopher \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#)
Subject: Appeal of CEQA Exemption Determination - Proposed 13th Street Eastbound Bicycle Facility Project - Timeliness Determination Request
Date: Friday, May 19, 2017 4:02:51 PM
Attachments: [Appeal Ltr 051817.pdf](#)
[COB Ltr 051917.pdf](#)

Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed 13th Street Eastbound Bicycle Facility Project. The appeal was filed by Mary Miles, on behalf of the Coalition for Adequate Review, on May 18, 2017.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board.

Kindly review for timely filing determination.

Regards,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

May 19, 2017

To: John Rahaim
Planning Director

From: *AC* Angela Calvillo
Clerk of the Board of Supervisors

Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - 13th Street Eastbound Bicycle Facility Project

An appeal of the CEQA Determination of Exemption from Environmental Review for the proposed 13th Street Eastbound Bicycle Facility Project, was filed with the Office of the Clerk of the Board by Mary Miles, on behalf of the Coalition for Adequate Review, on May 18, 2017.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712 or Lisa Lew at (415) 554-7718.

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
AnMarie Rodgers, Senior Policy Advisor, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
Christopher Espiritu, Staff Contact, Planning Department
Jonas Ionin, Planning Commission Secretary, Planning Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed SFMTA-13th Street Eastbound Bicycle Facility Project

The text is listed below or attached:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on April 10, 2017, for the San Francisco Municipal Transportation Agency's proposed 13th Street Eastbound Bicycle Facility Project, to remove one travel lane along eastbound 13th Street, relocate and remove existing on-street parking, restripe portions of the street, change color of curbs, install signs within the project limits, and install painted bicycle boxes at the intersections of Folsom and 13th Streets, Harrison and 13th Streets, and Bryant and 13th Streets. (Districts 6 and 9) (Appellant: Mary Miles, on behalf of the Coalition for Adequate Review) (Filed May 18, 2017)

170638

Signature of Sponsoring Supervisor:

Alisa Gomez

For Clerk's Use Only:

