



Categorical Exemption Appeal

Page Street Bike Lane Pilot

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BY NOON, PURSUANT TO ADMIN. CODE,
SECTION 31.16(b)(5)
(Note: Pursuant to California Government Code, Section
86008(b)(2), information received at, or prior to, the public
hearing will be included as part of the official file.)

DATE: January 31, 2020
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer, (415) 575-9032
Laura Lynch, laura.lynch@sfgov.org, (415) 575-9045
RE: Planning Record No. 2019-015182APL
Appeal of Categorical Exemption for Page Street Bike Lane Pilot
HEARING DATE: February 04, 2020 (continued from January 28, 2020)
ATTACHMENT(S): Attachment C¹ - Screenshot of Planning Department Exemption Posting Date

PROJECT SPONSOR: SFMTA, Mark Dreger, (415) 646-2719
APPELLANT: Mary Miles, Coalition for Adequate Review

DEPARTMENT’S RECOMMENDATION: Uphold the categorical exemption and deny the appeal.

INTRODUCTION

This memorandum and the attached documents are a response to the appellant’s supplemental letter submitted the board of supervisors (the board) on January 28, 2020 regarding the planning department’s (the department) issuance of a categorical exemption under the California Environmental Quality Act (CEQA determination) for the proposed Page Street Bike Lane Pilot project. Please refer to the department’s appeal response dated January 21, 2020, for a more detailed response to the appellant’s initial appeal letter dated December 19, 2019 and appellant’s first supplemental letter dated January 17, 2020.

Please note that most information included in the appellant’s letter dated January 28, 2020 was previously responded to in the department’s letter dated January 21, 2020. This January 28, 2020 letter focuses on the posting of the final CEQA exemption document and a rescinded document provided from the San Francisco Municipal Transportation Agency (SFMTA) to the appellant through Sunshine Request and California Public Records Act request.

BACKGROUND

Please refer to the Background section of the department’s appeal response dated January 21, 2020, for a summary of key milestones pertaining to this appeal.

Subsequently, on January 28, 2020, the appellant filed a supplemental letter to their appeal.

¹ Attachment label continues from the department’s letter dated January 21, 2020 which included attachments A and B.

PLANNING DEPARTMENT RESPONSE

Response 1 (continued)²: The categorical exemption was publicly available before the SFMTA Board of Director's November 19, 2019 approval of the project.

In the supplemental letter dated January 28, 2020, the appellant continues to inaccurately claim that the CEQA determination document was not appropriately available to the public, prior to the November 19, 2019 SFMTA Board of Directors hearing. The exemption was properly posted pursuant to Chapter 31 of the Administrative Code.

The department posted the exemption determination for the project on the department's website, <https://sanfrancisco.buildingeye.com/planningceqa/list/type/agencycatex>, on October 31, 2019. The department's website includes a heading titled "Public Agency Exemptions," with a table of exemptions for projects sponsored by public agencies to which the exemption determination for the project is linked. The project link provides the public access to more information about the project, including documents associated with the project. The "latest uploaded" date on the project's page coincides with the date that the documents were uploaded. Attachment A provides a screenshot of the department's website for the project, showing the CEQA determination, and the project description memo with uploaded dates of October 30, 2019, for the memo, and October 31, 2019, for CEQA determination. Additionally, the website includes contact information on how to request the entire administrative record.

As stated in the department's letter dated January 21, 2020, the SFMTA provided the appellant an outdated/rescinded version of a categorical exemption determination, dated September 6, 2019. The appellant received this rescinded exemption by requesting all records "of CEQA determination(s)" and "supporting the CEQA determination(s)" related to the project through a Sunshine Ordinance and California Public Records Act Request.³ Since the rescinded exemption was at one point published, it was accurately provided to the appellant. As stated above, the department finalized the exemption determination and made it available on the department's website on October 31, 2019. The appellant inaccurately states that the SFMTA relied upon the September 6, 2019 rescinded exemption for the project approvals. SFMTA Board of Directors project resolution and staff report reference a categorical exemption determination dated October 31, 2019.

Regardless, the differences between the rescinded exemption and the final exemption were minor: the final exemption clarified the general locations of new traffic signs, whereas the rescinded exemption did not. This revision is immaterial to the department's determination that the project qualifies for a Class 6 categorical exemption.

The department met pertinent city requirements in posting the exemption determination for the project.

² This response repeats and expands on some of the information provided in response 1 of the department's letter dated January 21, 2020.

³ The SFMTA sent emails to the appellant in response to the appellant's Sunshine Ordinance and California Public Records Act Request prior to the SFMTA Board of Directors hearing on November 19, 2019. Additionally, the SFMTA mailed the appellant a flash drive.

CONCLUSION

The department has determined that the project is categorically exempt from environmental review under CEQA. Pursuant to Chapter 31 of the San Francisco Administrative Code, the CEQA exemption document was appropriately posted to the department's website on October 31, 2019 and the SFMTA Board of Directors met Chapter 31 noticing requirements.

For the reasons stated above, and in the October 31, 2019 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 and appropriately published pursuant to Chapter 31 of the San Francisco Administrative Code. The department therefore respectfully recommends that the board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.

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Record 2019-015182ENV:

Environmental (ENV)

Record Status: Closed - CEQA Clearance Issued

Record Info

For Documents:

1. Select the record of interest *
2. Click Record Info
3. Select Attachments

* To list project records, click on Record Info and select Related Records.

Documents available online do not represent the full administrative record. To review the complete file for active records, please contact the assigned planner. To review closed records, please request the record via email at CPC-RecordRequest@sfgov.org.

Attachments

Please add attachments below per application instructions.

The maximum file size allowed is 150 MB.
html;htm;mht;mhtml;js; are disallowed file types to upload.

View People Attachments

Name	Record ID	Record Type	Entity Type	Type	Size	Latest Update	Action	Entity
Full Project Description- Page Street Bikeway Improvement Pilot Project - 10-30-19_final.pdf	2019-015182ENV	Environmental (ENV)	Record	Environmental Analysis	318.50 KB	10/30/2019	Actions	Environmental (ENV) - 2019-015182ENV
2019-015182ENV-CEQA Checklist4.pdf	2019-015182ENV	Environmental (ENV)	Record	Environmental Analysis	170.09 KB	10/31/2019	Actions	Environmental (ENV) - 2019-015182ENV