



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Notice of Electronic Transmittal

Planning Department Response to the Appeal of Categorical Exemption for the SFMTA – Hairball Improvement Project (Segments M, N, O)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: November 20, 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) 575-9031
Christopher Espiritu, Environmental Planner (415) 575-9022

RE: BOS File No. 171147 [Planning Case No. 2017-01775ENV]
Appeal of Categorical Exemption for the SFMTA – Hairball Intersection
Improvement Project (Segment M, N, O)

HEARING DATE: November 28, 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 – Hairball Improvement Project (Segment M, N, O) [BF 171147] 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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Categorical Exemption Appeal

SFMTA – Hairball Intersection Improvement Project

DATE: November 20, 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
 Debra Dwyer – (415) 575-9031
 Christopher Espiritu – (415) 575-9022

RE: Planning Case No. 2017-001775ENV
 Appeal of Categorical Exemption for SFMTA - Hairball Intersection Improvement - Segments M, N, and O

HEARING DATE: November 28, 2017

ATTACHMENTS: A – CEQA CATEGORICAL EXEMPTION DETERMINATION
 B – SFMTA BOARD RESOLUTION NO 1170919-119
 C – APPELLANT LETTER
 D – HAIRBALL INTERSECTION IMPROVEMENT MAP
 E – ELIGIBILITY CHECKLIST: CEQA SECTION 21099 – MODERNIZATION OF TRANSPORTATION ANALYSIS

PROJECT SPONSOR: Thalia Leng, Transportation Planner, San Francisco Municipal Transportation Agency (SFMTA), (415) 701-4762

APPELLANT: Mary Miles, Attorney for Coalition for Adequate Review

INTRODUCTION

This memorandum and the attached documents are a response to the 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 SFMTA - Hairball Intersection Improvement Project –Segments M, N, and O (the “Project”).

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for the Project on May 26, 2017 finding that the proposed Project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption - a minor alteration of existing facilities.

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 staff for additional environmental review.

PROJECT DESCRIPTION

SFMTA proposes to implement paint-only modifications to the existing roadway on Bayshore Boulevard (between Jerrold Avenue and Marin Street) and Jerrold Avenue (between Bayshore Boulevard and Barneveld Avenue). The project would include modifications to existing travel lanes to create a new bicycle lane on Jerrold Avenue. In addition, the project would include installation of new high visibility crosswalks at the intersection of Marin Street/Bayshore Boulevard and Jerrold Avenue/Bayshore Boulevard, the removal of 10 parking spaces and two loading zones along westbound Jerrold Avenue and establishment of parking restrictions.¹

BACKGROUND

On April 28, 2017, Thalia Leng, Transportation Planner with the SFMTA (hereinafter “project sponsor”) filed an application with the Department for a determination under CEQA of the proposed Hairball Intersection Improvement Project – Segments M, N, and O, which would establish bicycle lanes on Jerrold Avenue and Bayshore Boulevard and make other improvements for pedestrian safety.

The proposed improvements are in an area known as “The Hairball,” where Cesar Chavez Street, Bayshore Boulevard, and Potrero Avenue change from city streets to a complex arrangement of bridges and ramps linking with Highway 101. The intersection is built in three levels, with pedestrian and bicycle circulation generally restricted to the middle and ground levels and motor vehicles operating on all three levels. Please see the map in Attachment D to this response.

On May 26, 2017, the Department determined that the project was categorically exempt under CEQA Class 1 – Existing Facilities, and that no further environmental review was required.

On September 19, 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. 1170919-119.

On October 19, 2017, a timely 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 September 19, 2017 from Ms. Miles.

Continues on the next page.

¹ Additional project details are described in the SFMTA memorandum submitted to the Planning Department for environmental review on April 28, 2017. This memorandum is available for review in Attachment A of this document and the Administrative Record for the project (Planning Case number 2017-001775ENV).

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 (Existing Facilities), 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).” Class 1 includes traffic channelization measures, minor restriping of streets (e.g., turn lane movements, painted buffers, and parking changes), and other modifications on existing streets.

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 15064(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 ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in Ms. Miles’ October 19 appeal letter, associated attached September 19, 2017 public comment letter for the SFMTA Board of Director’s action on September 19, 2017 are cited below and are followed by the Department’s responses.

Concern 1: The Appellant contends that the project is not categorically exempt from CEQA.

Response 1: The project is categorically exempt from CEQA under Class 1 and its scope would not extend beyond the requirements for projects evaluated under categorical exemptions.

The appellant claims that the project does not meet the requirements of the categorical exemption because the project would modify an existing street configuration to create a new bicycle lane. Also, the appellant contends that the project will have significant direct and cumulative impacts that go beyond the limited scope of applicable exemptions under CEQA. However as explained below, the appellant is incorrect because the project is eligible for a categorical exemption under one of the specified classes of projects that are determined to not have a significant effect on the environment. Further, the evaluation of the

project was consistent with determinations for other projects in San Francisco with similar characteristics. Finally, the project was determined to not involve any unusual circumstances that could result in a reasonable possibility of a significant effect.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: (1) determining whether the project is within the definition 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 environmental effect.

As indicated in the exemption for the project, CEQA Guidelines Section 15301, or Class 1, applies to the project. The Department determined that the scope of 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 street configurations to create a new bicycle lane, the project is not a minor alteration, and thus Class 1 would not apply. This claim is a mischaracterization by the appellant regarding the types of projects eligible under a Class 1 exemption.

City public rights of way, including streets and sidewalks, 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 of the existing street and other minor changes that maintain the street as serving some of the aforementioned purposes. The project would not involve the removal of any existing travel lanes to accommodate the proposed bicycle lanes and the extent of the proposed construction activities would be minimal, involving paint-only treatments and the installation of soft-hit posts. Therefore, the appellant is incorrect and the Class 1 exemption was properly applied.² The second step of an exemption determination and analysis of whether there are unusual circumstances are discussed in Response 2 below.

Additionally, the appellant contends that the project would have significant traffic, transit, parking, air quality, greenhouse gases (GHG), and public safety impacts, which would necessitate the preparation of an environmental impact report. Given the nature of the project and that no new trips are generated, a substantial diversion of vehicular travel or substantial construction would need to occur in order to result in substantial project-related impacts on these abovementioned topics. Staff determined such an assessment was unnecessary because, as described above, it was determined that the project would not remove existing travel lanes resulting in a substantial diversion of vehicular travel in the project area and

² CEQA contains a similar exemption in Section 15304 – Minor Alterations to Land. Section 15304(h) exempts "the creation of bicycle lanes on existing rights-of-way." The Hairball Improvement Project - Segment M, N and O would also fit with the definition for an exemption from CEQA under Section 15304, and there are no unusual circumstances that would result in a reasonable possibility of a significant effect.

the project's construction activities were minor. The appellant has not provided substantial evidence to support the claim that there exists a reasonable possibility of any significant impacts related to these topics.

Concern 2: The Appellant contends that the project cannot be exempt under CEQA since the project would have cumulatively considerable effects on the environment and unusual circumstances exist.

Response 2: The project would not result in significant cumulative impacts nor involve any unusual circumstances and a categorical exemption is the appropriate level of evaluation for the project.

As stated above in Response 1, the determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: (1) determining whether the project fits within the definition 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 environmental effect.

As discussed above, the project is categorically exempt from CEQA under Class 1, existing facilities. The appellant also contends that the project would have cumulative impacts under CEQA Guidelines Section 15300.2, since the project clearly proposes many "successive project(s) of the same type, in the same place, over time." Further, the appellant claims that in this instance, the large traffic volumes and proposed reduction in parking and loading capacity constitute unusual circumstances. The appellant is incorrect.

Cumulative Impacts. CEQA Guidelines section 15300.2(b) states that all exemptions are inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." The appellant claims that the Hairball Intersection Improvement Project – Segments M, N, and O, combined with other nearby projects, would result in significant cumulative impacts and thus this exception applies. Other streetscape projects in the area include the San Francisco Public Works Hairball Segment F-G Streetscape Project (Case No. 2007.1238E).³ The streetscape project proposed at Segments F-G of the Hairball is located on the south side of Cesar Chavez Street, west of Bayshore Boulevard and the US-101 on-ramp (less than a ¼-mile from the project). As proposed, the Segment F-G project would include: 1) widening of an existing six-foot-wide shared eastbound pedestrian/bicycle path to 10 feet, 2) re-surfacing and widening of an entry ramp to the bicycle/pedestrian path from Potrero Avenue, 3) installing landscaping to provide a buffer between the widened shared path and the roadway, 4) constructing new three-foot-tall retaining walls along the eastern edge of the pathway, 5) re-grading of the pathway to increase vertical clearances under the freeway overpass, and 6) installing a new streetlight along the pathway. All of the proposed elements of the Segment F-G project would occur on Public Works property and there would be no changes to the roadway.

Although nearby, the Segments M, N, and O project, as described in the SFMTA Board Resolution No. 1170919-119, has been separately evaluated from the Segment F-G project. The Segment M, N and O project can be implemented independently from the Segment F-G project (Note-to-File on Case No.

³ Note-to-File (Abbreviated CEQA Checklist) pursuant to the Better Streets Plan Mitigated Negative Declaration Case File Number 2007.1238E, issued on June 8, 2017. This document is available for review at the Planning Department in Case File No. 2007.1238E.

2007.1238E). The Segments F-G project would improve safety and bicycle access to the existing shared bicycle and pedestrian path adjacent to Cesar Chavez Street, but would not benefit, depend on, or result from the changes proposed under the Segments M, N, and O project. The proposed Segment F-G project would be located northwest of the Hairball Intersection and its construction is not dependent on the implementation of the Segment M, N, and O project. These two projects have different project sponsors, different funding sources, different timelines, are not interdependent and can be implemented independent of one another. Therefore, the Department determined that Segment M, N, and O project has independent utility and it is not necessary to review the two projects as one project.

The Segment F-G project would not combine with the proposed Hairball Improvement Project – Segments M, N, and O to result in significant cumulative impacts because these projects do not have elements that have the potential to result in combined effects. In particular, neither of these projects would result in the removal of travel lanes. These projects are not anticipated to create potentially hazardous conditions for people walking or bicycling. On the contrary, the projects are anticipated to improve safety conditions compared to existing conditions by facilitating safer bicycle travel into the shared bicycle/pedestrian pathways under the freeway and allowing for safer navigation within the Hairball area.

Further, there are no nearby development projects in the vicinity of these projects that are undergoing environmental review, or have completed environmental review and would be constructed in the future. Construction activities for both above-noted projects in the Hairball area are linear in nature and are limited duration (weeks to 2 months). Therefore, these cumulative projects would not result in combined significant cumulative construction impacts. The appellant has not submitted any evidence to demonstrate that the project would result in or contribute considerably to significant cumulative impacts. Therefore, the project, in combination with past, present and reasonably foreseeable projects, would result in less-than-significant cumulative impacts and this exception does not apply.

As for the other segments of the Hairball, the SFMTA has identified these segments as needing future safety improvements, but has not yet developed any specific proposals for those projects. Therefore, there is no potential for combined effects.

Unusual Circumstances. 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**” (**emphasis added**). The appellant claims that due to the large traffic volumes currently operating in the project vicinity, in combination with the parking loss and loading zone removal, the project would have unusual circumstances that would preclude the use of an exemption under CEQA. The appellant is incorrect. The project, as stated previously, would not include the removal of travel lanes and no reduction of roadway capacity would occur. Vehicles currently traveling on northbound Bayshore Boulevard, as well as the intersecting streets of westbound Marin Street and westbound Jerrold Avenue, would continue to be accommodated within the same streets following project implementation. Further, the removal of 10 vehicle parking spaces on Jerrold Avenue would not be considered a substantial parking loss leading to an unusual circumstance. Also, the removal of two existing commercial loading zones on the west side of Jerrold Avenue would not be considered an

unusual circumstance. Outreach by SFMTA staff in 2017 to the nearby businesses determined the two existing commercial loading zones are underutilized, and loading by the existing business can be conducted elsewhere on site or through other, nearby, loading zones.

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, the Department has no substantial evidence – and the appellant has provided none - 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.

Concern 3: The appellant contends that the exemption failed to accurately describe the whole project, state existing conditions, identify and mitigate the project’s significant impacts in violation of CEQA.

Response 3: The proposed project is not a revision to any Bicycle Plan project, is accurately described in the exemption, and is exempt from further review under CEQA.

The appellant contends that the exemption failed to accurately describe the whole project, state existing conditions, or identify and mitigate the project’s significant impacts in violation of CEQA. In particular, the appellant contends that a categorical exemption under CEQA is not applicable because the proposal includes revisions to projects previously analyzed under the San Francisco Bicycle Plan Update EIR and several subsequent addenda to the Bicycle Plan EIR.⁴ The appellant is incorrect that the current proposal would revise projects that were proposed and analyzed as part of the 2009 Bicycle Plan Update (Bicycle Plan projects). Three Bicycle Plan projects are located within the project vicinity and were included in the analysis in the Bicycle Plan Update EIR and several addenda to that EIR. These projects are Project 5-4 (Bayshore Boulevard Bicycle Lanes, Cesar Chavez Street to Silver Avenue), Project 5-5 (Cesar Chavez Street Bicycle Lanes, I-280 to U.S. 101), and Project 5-6 (Cesar Chavez Street Bicycle Lanes, Sanchez Street to U.S. 101). Projects 5-5 and 5-4 were implemented in 2012, and Project 5-6 was implemented in 2013. The bicycle facilities implemented as part of those prior Bicycle Plan projects form the existing conditions in the project vicinity and were considered in the exemption determination for the Hairball Intersection Improvement Project – Segments M, N, and O. The current proposal was not identified at the time of the Bicycle Plan update process and proposes improvements on Jerrold Avenue, Bayshore Boulevard, and Marin Street. While the current proposal overlaps with improvements made on Bayshore Boulevard in 2012, this is a new project. The City may, under its discretion, propose projects on the public right of way

⁴ The Bicycle Plan Final Environmental Impact Report, Case File Number 2007.0347E, certified on June 25, 2009. This document is available for review at the Planning Department in Case File No. 2007.0347E.

to address safety and improve accessibility for all modes of travel, as is the case here. The City is not segmenting the environmental review of Bicycle Plan projects as the appellant has claimed. The current proposal was developed by the SFMTA after implementation of the Bicycle Plan projects in order to address safety conditions in this project area as they exist currently.

Further, the appellant cites ongoing litigation regarding the Bicycle Plan EIR, and claims that no projects may be analyzed or approved during this time. The Bicycle Plan EIR was upheld by the Court of Appeal, and additional findings related to approval of the Bicycle Plan project were upheld by the trial court. The appellant is incorrect that no projects in the same vicinity as projects included in the Bicycle Plan can be approved by the City.

Finally, the appellant claims that the Department may not exempt the project or any project from environmental review by segmenting the review and that the Department must review the whole project. In making this claim, the appellant refers to other segments within the Hairball area, namely segments A to L. The independent utility of the project for Segments M, N, and O with respect to the proposal for Segments F-G is discussed above. The other segments have been identified as needing safety improvements. The SFMTA is studying these segments. However, there are no specific improvement proposals identified for these segments at this time. Therefore, the proposed project has independent utility from these segments and was not improperly piecemealed.

Concern 4: The City's failure to accurately analyze the project's impacts is not excused by Public Resources Code section 21099.

Response 4: The project and all its components are considered eligible under the Planning Department's Eligibility Checklist: CEQA Section 21099 - Modernization of Transportation.

The appellant claims that Public Resources Code section 21099 does not excuse the City from analyzing transportation and other impacts of the Project. Also, the appellant claims that since the state Office of Planning and Research has not yet adopted the revisions to the CEQA Guidelines establishing a vehicle miles traveled (VMT) criteria for determining the significance of transportation impacts of projects, that the City may not do so. The appellant is incorrect.

Public Resources Code Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Public Resources Code Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

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. In circumstances where public agencies decide to develop their own thresholds of

significance for general use, the CEQA Guidelines provide that thresholds of significance must be formally adopted through a public review process and supported by substantial evidence (CEQA Guidelines Section 15064.7). Through the Planning Commission Resolution 19579, the Department, as a lead agency, removed automobile delay as a metric for assessing transportation impacts on the environment pursuant to CEQA and adopted the use of vehicle miles traveled (VMT) metric.

As described in the Department's Eligibility Checklist: CEQA Section 21099 - Modernization of Transportation (Attachment E), the Department identified screening criteria to identify types, characteristics, or locations of projects and a list of transportation project types that would not result in significant transportation impacts under the VMT metric. These screening criteria are consistent with CEQA Section 21099 and the screening criteria recommended by OPR. If a project would generate VMT, but meets the screening criteria or falls within a specific type of transportation project, then a detailed VMT analysis would not be required for that project.

The project is a transportation project and is not anticipated to induce growth that would generate new trips, including transit trips, in contrast with a land use development project. The proposed project would not change transit service (e.g., decrease service, such that capacity may increase). As proposed, project components would be categorized under the "Active transportation, rightsizing, and transit project", which include infrastructure projects that improve safety and accessibility for people walking or bicycling. The project also involves the installation of pedestrian safety treatments at intersections including continental crosswalks. Other components of the project would be categorized as "other minor transportation project," which includes the removal of on-street parking spaces and the addition of transportation wayfinding signage.

Overall, the project and its components conform to the abovementioned project types and the project was appropriately evaluated under the Department's screening criteria. While a project-specific checklist was not prepared, the project and all its components, by conformance with the screening criteria, were determined to not result in significant transportation impacts under the VMT metric and no further analysis of VMT was necessary. The City has analyzed the transportation impacts of this project as applicable to determine it fits within the exemption class that was issued.

Concern 5: 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 5: 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 there has been no information made available to the general public regarding the project. The appellant claims that SFMTA staff only solicited information from project proponents and contends that SFMTA had no supporting evidence that nearby merchants were contacted regarding the project. 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)).

Further, Administrative Code section 31(f)(1) required 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 September 19, 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. 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 September 19th SFMTA board hearing, and the appellant’s timely filing of her appeal.

The appellant also contends the SFMTA did not undertake any outreach to the 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. Pursuant to 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 the fall of 2015 with various stakeholders, ranging from local businesses to elected officials. Key stakeholders with whom outreach was conducted included staff from District 10, District 9, the Bicycle and Pedestrian group of Caltrans District 4, the San Francisco Bike Coalition, and the Calle 24 community group. Specifically, feedback was gathered from these stakeholders through meetings and phone calls with District 9 and 10 staff, two stakeholder walkthroughs of the site, one bike ride through the site, and attendance at a Calle 24 board meeting where board members and members of the Mission neighborhood community were present. In addition, prior to public hearing, SFMTA staff met two times with the individual merchants along Jerrold Avenue to understand parking loss impacts and to develop a balanced solution. Project staff also coordinated with SFMTA Parking division staff to ensure minimal impacts to the community members

concerned with parking restrictions that may affect oversize vehicles. The SFMTA communicated the following information when conducting outreach: 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: phone calls and website updates.

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 proposed 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.

The Department is in receipt of the appellant's opening brief in support of the appeal submitted to the Clerk of the Board on November 17, 2017. This response addresses the substantive CEQA issues related to this project.

For the reasons stated above and in the May 26, 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 the CEQA Determination.

Appeal Response Attachment A

CEQA Categorical Exemption Determination



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**


Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Christopher Espiritu Project Approval Action: Other (SFMTA Board) <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	Signature or Stamp:  <small>Digitally signed by Christopher Espiritu DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Christopher Espiritu, email=Christopher.Espiritu@sfgov.org</small>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. 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.		

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Permit No.	Plans Dated
Exempt Project Approval Action	Exempt Project Approval Date	New Approval Required
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

Attachment A:

SFMTA - Background Materials and Plans



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:	
Project Approval Action:	
Will the approval action be taken at a noticed public hearing? <input 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)



Date: April 28, 2017

To: Christopher Espiritu, San Francisco Planning Department

From: Thalia Leng, San Francisco Municipal Transportation Agency

Through: Andrea Contreras, San Francisco Municipal Transportation Agency

Re: Bayshore Boulevard/Cesar Chavez Street/ Potrero Avenue Intersection (Segments M, N and O of The Hairball): Key Segment Improvements

OVERVIEW

The purpose of this project is to make three key portions of the Hairball paths safer and easier to use for pedestrians and bicyclists. The project also aims to support citywide efforts such as WalkFirst, Vision Zero, and the SFMTA 2012 Bicycle Strategy to improve non-motorized safety and mobility in San Francisco.

BACKGROUND

The area where Cesar Chavez Street, Potrero Avenue, and Bayshore Boulevard intersect underneath the Highway 101 interchange is known as the Hairball (Figure 1). Because the Hairball area is complex, the area has been divided into lettered segments in order to be studied (Figure 2). In fall 2015, the SFMTA began a process to develop conceptual designs for safety improvements at three prioritized segments as well as a portion of Jerrold Avenue (between Barneveld Street and Bayshore Boulevard) that leads directly to one of the three segments. The three segments targeted for improvements by the SFMTA are known as Segments M, N and O and are shown in Figures 2 and 3.



Figure 1: Cesar Chavez Street, Bayshore Boulevard and Potrero Avenue (The Hairball) Project Area

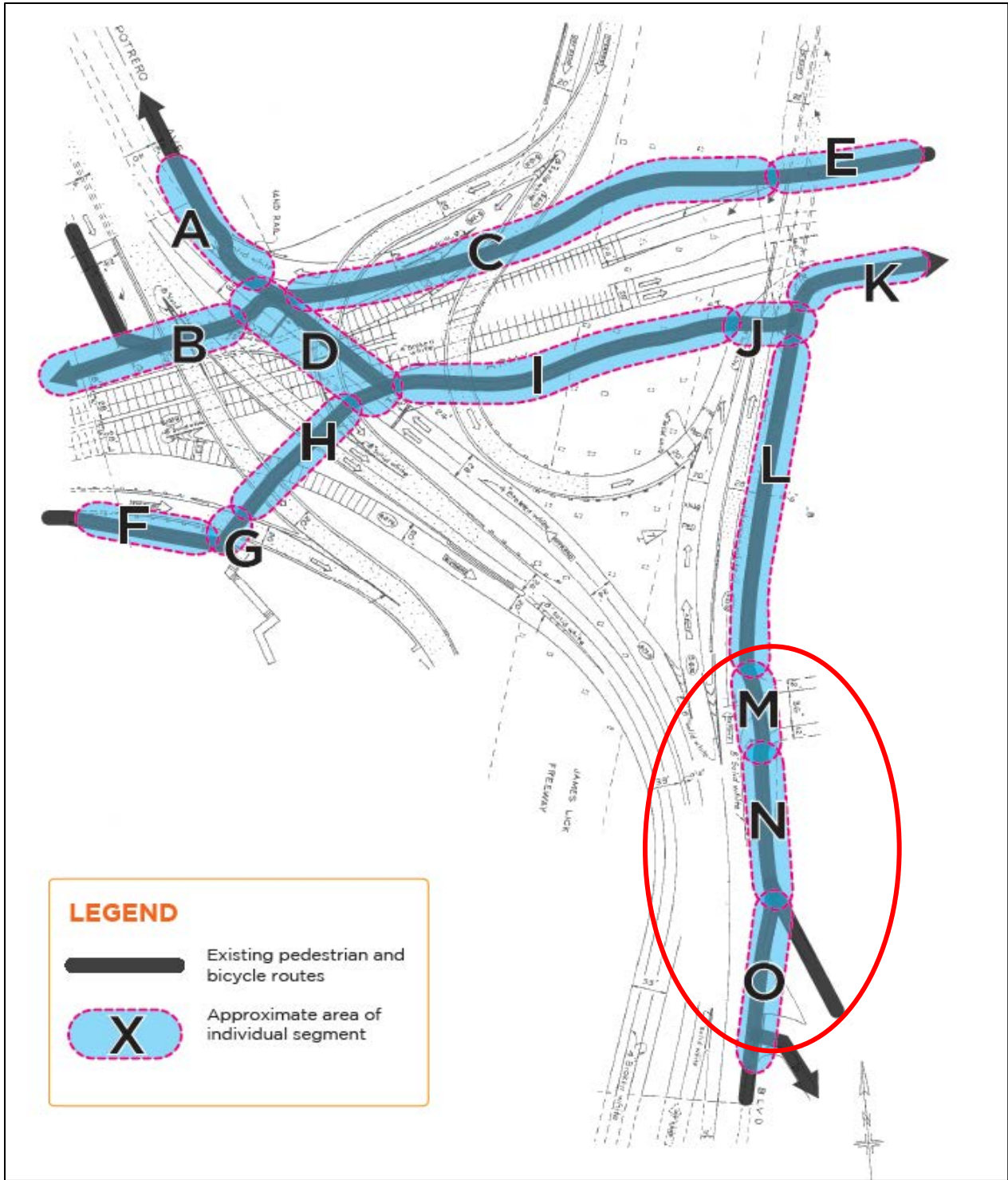


Figure 2: Segment Map

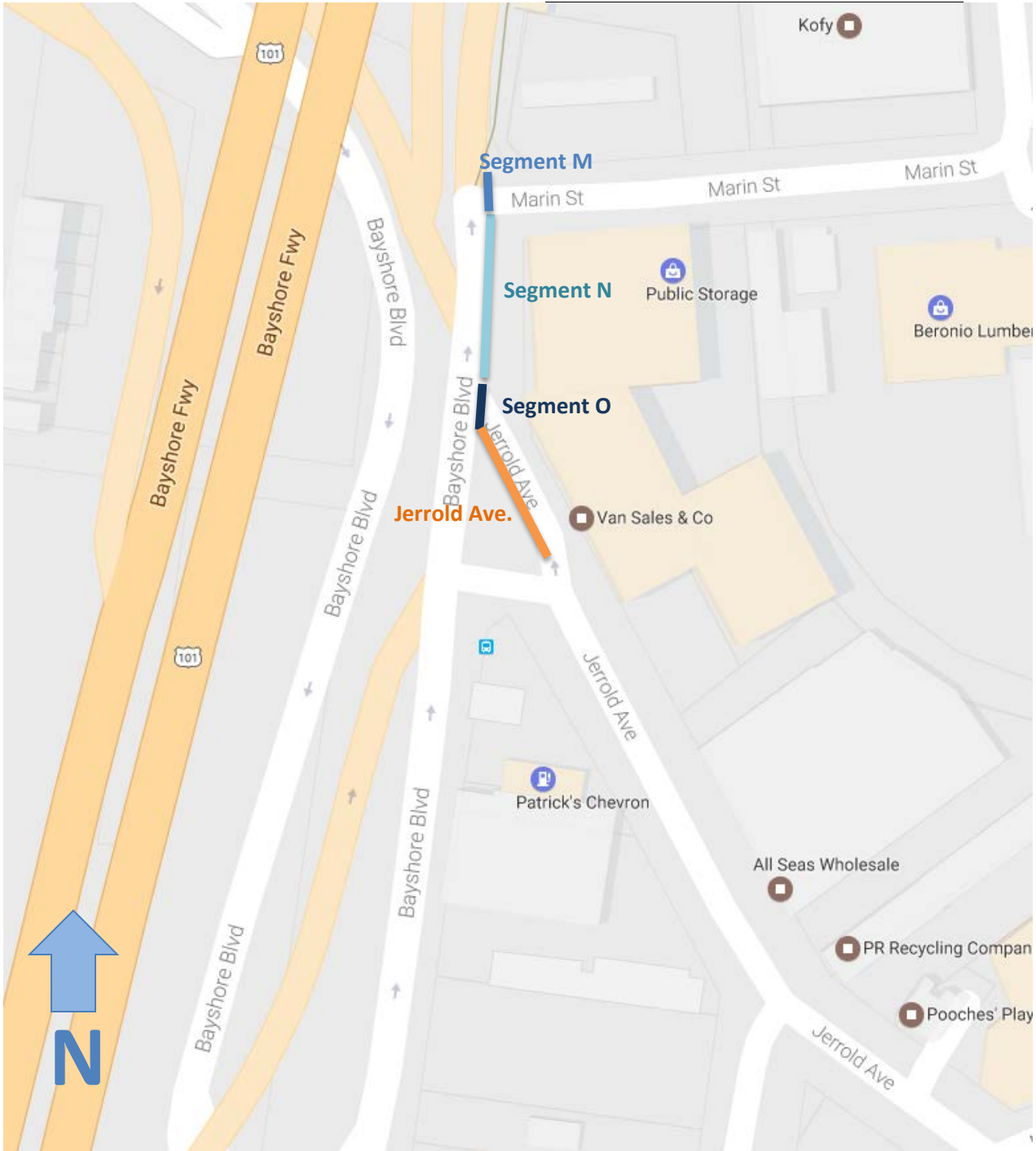


Figure 3: Roadway Map



EXISTING CONDITIONS

Segments M, N, and O are located at the southeastern entrance of the Hairball and include portions of north Bayshore Boulevard and the intersections of Bayshore Boulevard with both Marin Street and Jerrold Avenue. Bayshore Boulevard, Jerrold Avenue, and Marin Street are all city-owned streets and connect to the Caltrans 101 north on-ramp.

Segment M includes the area where Marin Street crosses Bayshore Boulevard. Pedestrians and two-way bicycle traffic cross Marin Street at an unsignalized crosswalk (Figure 3). This is a potential issue since motorists turning right from Marin Street onto the Highway 101 northbound on-ramp often travel at high speeds and do not expect two-way bicycle traffic in the crosswalk. Additionally, there is little clear space for pedestrians and bicyclists waiting to cross, and visibility is an issue. The crossing distance where Marin crosses Bayshore Boulevard is 36 feet.



Figure 3: Segment M (Looking North at Marin St. and Bayshore Blvd.)

Segment N is a shared pedestrian and two-way bicycle path between Marin Street and Jerrold Avenue (Figure 4). Southbound bicyclists currently share the sidewalk with pedestrians while northbound cyclists use the adjacent bike lane. The existing sidewalk on the east side of the street is six feet wide, with approximately three foot wide pinch points at the two utility poles in place in this segment. The sidewalk is obstructed by street light poles, utility poles and a fire hydrant. There is also a six foot wide northbound curbside bicycle lane on northbound Bayshore Boulevard.

Segment O includes a crossing where pedestrians and southbound cyclists cross Jerrold Avenue (Figure 5). The existing crossing includes two crosswalks joined by a pork chop island. The 15-foot northern crossing is not signalized. Since the rightmost lane of westbound Jerrold Avenue meets northbound Bayshore Boulevard at a very shallow angle, vehicles can ignore the yield sign and turn right at high speeds.

Segments M, N, and O are all in close proximity to the 101 highway and other major arterials, placing pedestrians and cyclists adjacent to vehicles moving at high speeds. Segment M, or where Marin Street crosses Bayshore Boulevard, pedestrian/cyclist visibility is poor, the crossing is unsignalized and curb ramps are positioned poorly. Segment N, or the shared sidewalk for pedestrians and southbound cyclists that runs adjacent to northbound Bayshore Boulevard, is very narrow and obstructed by existing infrastructure. In addition, there are many pedestrians with shopping carts using this sidewalk because of nearby recycling centers. These pedestrians and shopping carts often block the sidewalk or travel in the roadway. Segment O, or the area where Jerrold Avenue and Bayshore Boulevard intersect, is a long crossing with high vehicle volumes on both Jerrold Avenue and Bayshore Boulevard and an unsignalized right turn lane from Jerrold Avenue onto northbound Bayshore Boulevard. All of these issues create unsafe existing conditions for both pedestrians and cyclists traveling to and from the Hairball.



Figure 4: Segment N
(Looking South at Marin St. and Bayshore Blvd.)



Figure 5: Segment O
(Looking South at Jerrold Ave. and Bayshore Blvd.)

Connecting to Segment O, **Jerrold Avenue** between Barneveld Street and Bayshore is targeted for improvements as part of this project. Jerrold Avenue is 60-foot wide with one vehicle travel lane and one parking lane in the eastbound direction and two vehicle travel lanes and one parking lane in the westbound direction. The two westbound vehicle travel lanes become two right turn lanes from westbound Jerrold Avenue onto northbound Bayshore Boulevard.

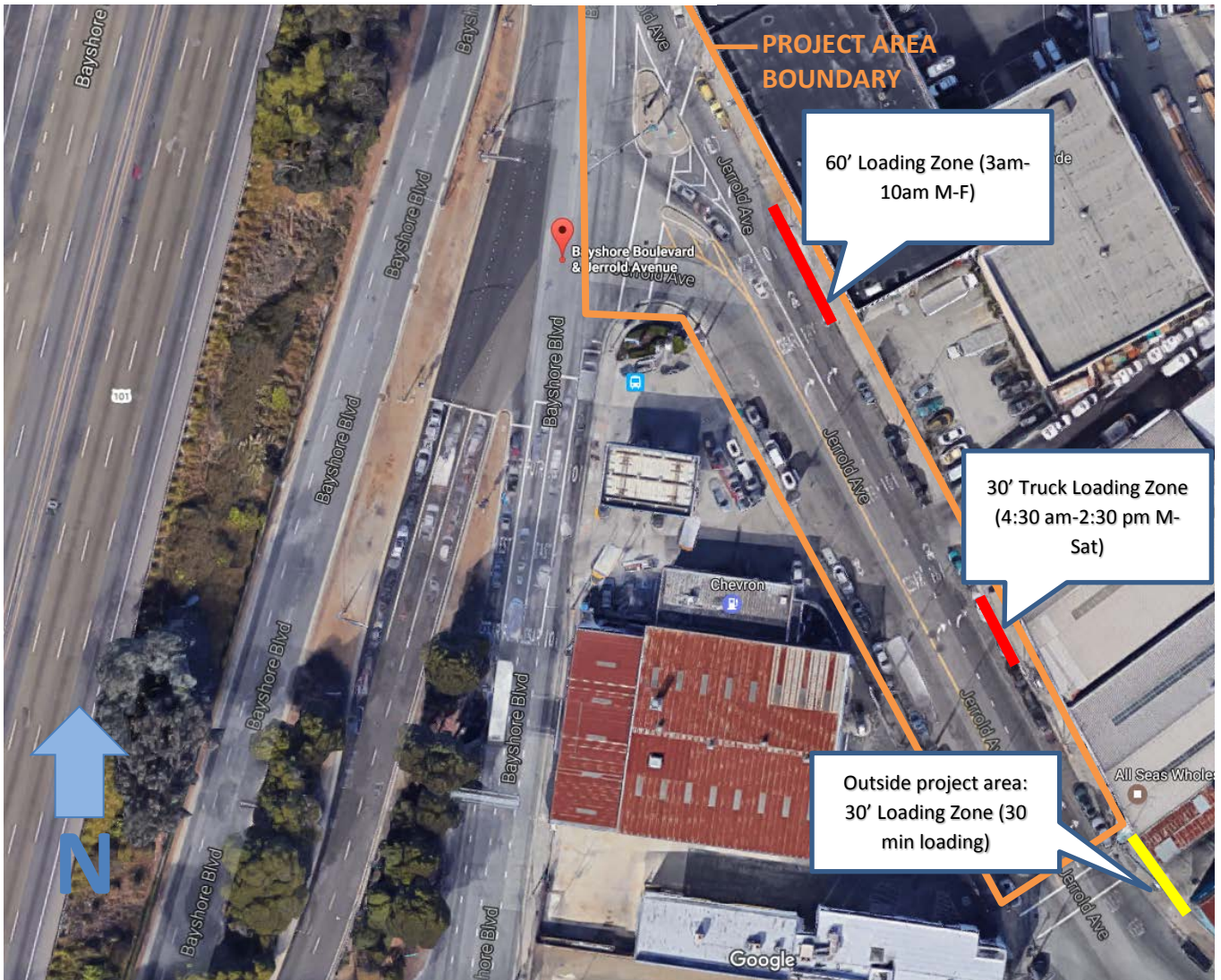


Figure 6: Existing Loading on Jerrold Avenue

There are currently two loading zones on the western side of Jerrold Avenue within the project area, and one loading zone immediately south of the project area (Figure 6). The two loading zones within the project area include one 60-foot 3am-10am loading zone, and one 30-foot 4:30am-2:30pm 6W Truck Loading Zone. Field observations during the peak loading period showed no loading occurring in the existing loading zones. Rather loading typically takes place within adjacent off-street driveways and/or semi-trucks often use the right most lane to unload instead of pulling to the curb. It is difficult for the larger trucks to maneuver and pull up to the curb.

An existing conditions site plan for all of the areas targeted for improvements (Segments M, N, O and Jerrold Avenue between Barneveld Street and Bayshore Boulevard) is shown below in Figure 5 (Existing Conditions Site Plan) and included as an attachment to this memorandum.

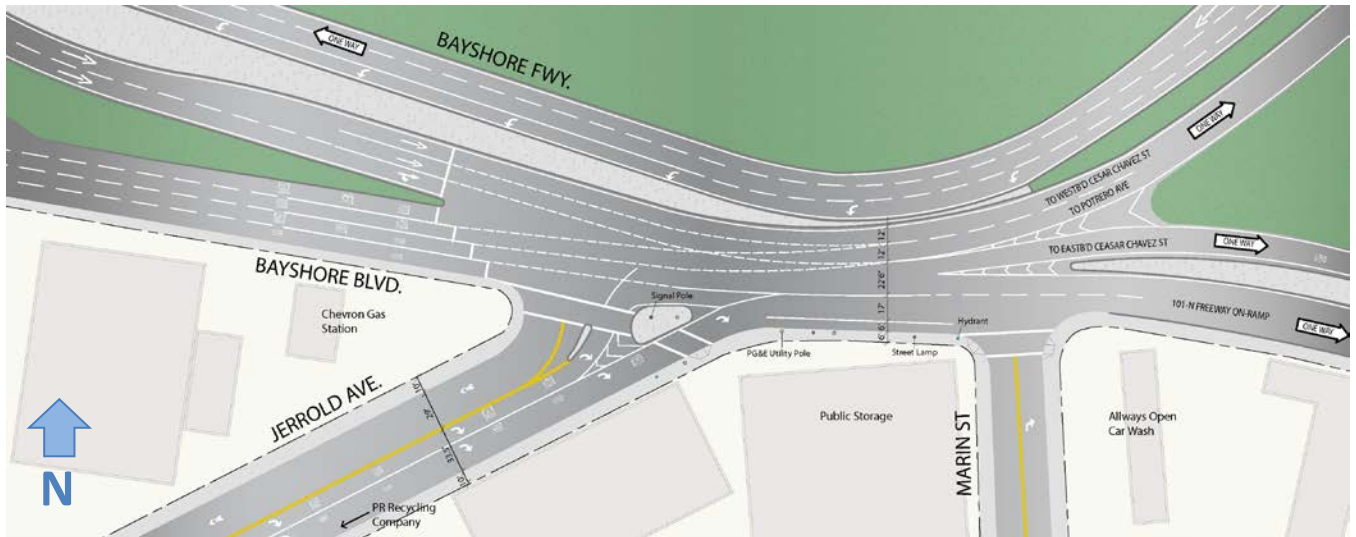


Figure 6: Existing Conditions Site Plan

PROPOSED PROJECT

The goal of this project is to make key portions of the Hairball paths safer and easier to use for pedestrians and bicyclists by making safety improvements such as intersection and shared lane markings, widening existing bike lanes, and installing new bike lanes on Jerrold Avenue.

To address these issue, this project proposes paint-only improvements including the following:

1. Bike Lanes:

- Southbound Bayshore Boulevard bicyclists continue to share sidewalk, but northbound bike path widened from 6 feet to 12 feet (including a 6 foot lane with wide buffers) for shared/flexible uses.
- Install a curbside bike lane on westbound Jerrold Avenue from Bayshore Boulevard to Barneveld Avenue.
- Install a bike lane adjacent to existing parking on eastbound Jerrold Avenue from Bayshore Boulevard to Barneveld Avenue.

2. Intersection Treatments:

- Install continental crosswalks and elephant tracks¹ on Marin Street at the intersection of Bayshore Boulevard.
- Install continental crosswalks and greenback sharrows on Jerrold Avenue at the intersection of Bayshore Boulevard.

¹ An “elephant track” is a roadway marking consisting of an 8-inch wide by 3-foot dashed line that is typically combined with green shared lane markings and placed adjacent to a pedestrian crosswalk to indicate that cyclists should cross adjacent to the pedestrian crosswalk.

- Install continental crosswalks on Jerrold Avenue and Barneveld Avenue at the intersection of the two streets.
3. Parking and Loading:
- To provide sufficient space for a curbside bike lane on westbound Jerrold Avenue, approximately 10 unmeted parking spaces and the two loading zones will be removed on westbound Jerrold Avenue between Bayshore Boulevard and Barneveld Avenue. Field observations during peak loading times showed no instances of loading taking place within the existing zones. Rather loading typically takes place within adjacent off-street driveways and/or semi-trucks often use the right most vehicle travel lane to unload instead of pulling to the curb. One-on-one outreach with property owners was conducted confirming that loading takes place in the right vehicle travel lane or within property driveways.
 - To alleviate the proposed parking loss on the west side of Jerrold and create parking availability for area businesses, the establishment of a tow-away no stopping zone is proposed as part of this project. This zone would be located on the west side of Barneveld Avenue between McKinnon Avenue and Jerrold Avenue and prohibit parking between the hours of 10pm to 2am. This would assist with prohibiting vehicles from parking overnight or for extended amounts of time and allow employees of the businesses on Jerrold to park during business hours.

A proposed illustrative site plan of the project area is shown below in Figure 7 (Proposed Site Plan) and is also included as an attachment to this memorandum.

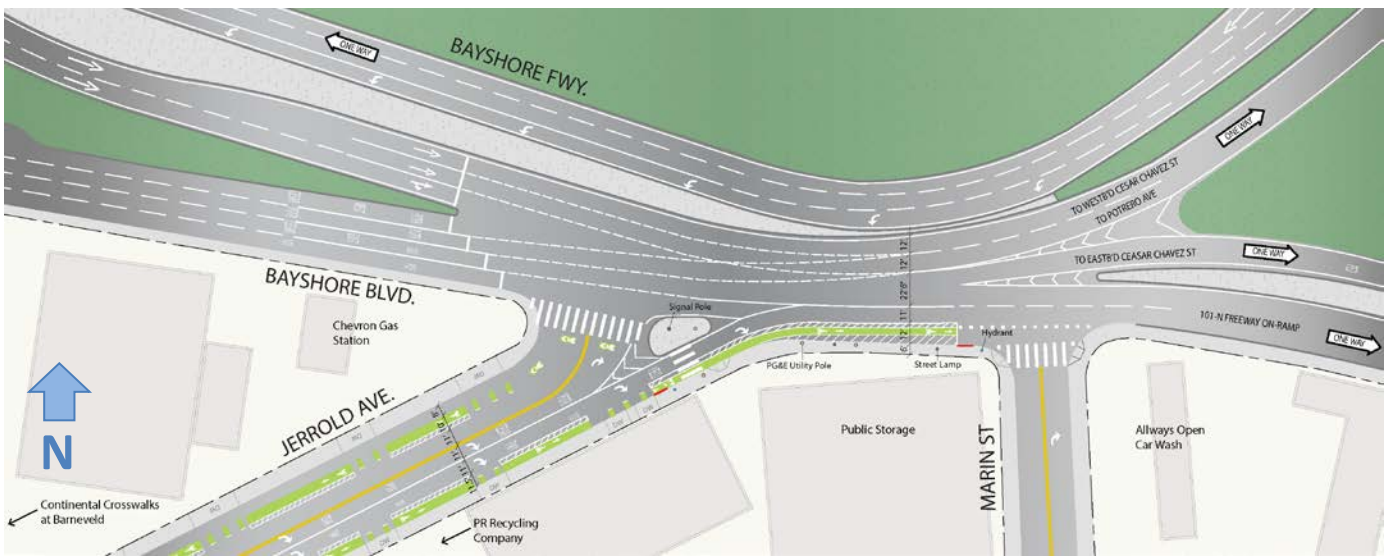


Figure 7: Proposed Site Plan

TRANSPORTATION TOPICS

Vehicle Miles Traveled

The proposed bicycling safety improvements, narrowing of traffic lanes, and parking removal constitute an Active Transportation Project and Other Minor Transportation Project in accordance with the Planning

Department's *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, and are therefore presumed to not significantly impact VMT and no further VMT analysis is required.

Bicycles

The proposed project would improve the bike route on Jerrold Avenue, Bayshore Boulevard and the Hairball southeastern entry/shared path by installing a bike lane and adding paint improvements to the intersections of Marin Street and Jerrold Avenue with Bayshore Boulevard, as well as the intersection of Jerrold and Barneveld Avenues. The project would create improved and more visible separation between motorists and bicyclists, thereby reducing the potential for conflicts and increasing safety.

Pedestrian

The proposed project would improve the pedestrian environment at intersections of Marin Street and Jerrold Avenue with Bayshore Boulevard as well as the intersection of Jerrold and Barneveld Avenues through the use of improved crosswalk and intersection markings. The project would not result in any new potential conflicts between pedestrians and other modes.

Transit

The 9 and 9R Muni bus runs on northbound Bayshore Boulevard within the project area and there is a bus stop on Bayshore Boulevard at Jerrold Avenue. This project would keep the vehicle lanes at current widths except for a portion of the right-most lane of northbound Bayshore Boulevard between Jerrold Avenue and Marin Street, which would be narrowed from 17 feet to 11 feet. Muni buses do not travel in this lane as they merge to the left on Bayshore Boulevard to follow their route onto Potrero Avenue after the bus stop at Bayshore Boulevard and Jerrold Avenue. There would be no reduction in transit or mixed-flow travel lanes. Therefore, there would be no transit delay or impacts resulting from the project.

Loading

This project proposes removing one 60-foot loading zone and one 30-foot loading zone on westbound Jerrold Avenue near Bayshore Boulevard. Field observations (conducted on Thursday, February 23, 2017 from 8-9:30am) showed no loading occurring in the existing loading zones and two instances of loading occurring in the right most vehicle travel lane directly adjacent the All Seas distribution warehouse (2390 Jerrold Avenue).

This observation as well as one-on-one outreach with property owners revealed that loading in this area typically takes place within adjacent off-street driveways and/or semi-trucks often use the right most lane to unload instead of pulling to the curb.

Emergency Access

None of the proposed improvements or changes to the roadway would affect emergency vehicle access.

Parking

This project proposes removing 10 unregulated/unmetered parking spaces on westbound Jerrold Avenue from Bayshore Boulevard to Barneveld Avenue.

Excavation

The proposed project is a paint-only project and does not involve any excavation.

Construction

The construction scope of this project would be for SFMTA paint crews to remove the existing thermoplastic striping, where necessary, and to paint new thermoplastic and epoxy striping on the roadway. Estimated construction duration is a maximum of 15 days for the full corridor.

Approval Action

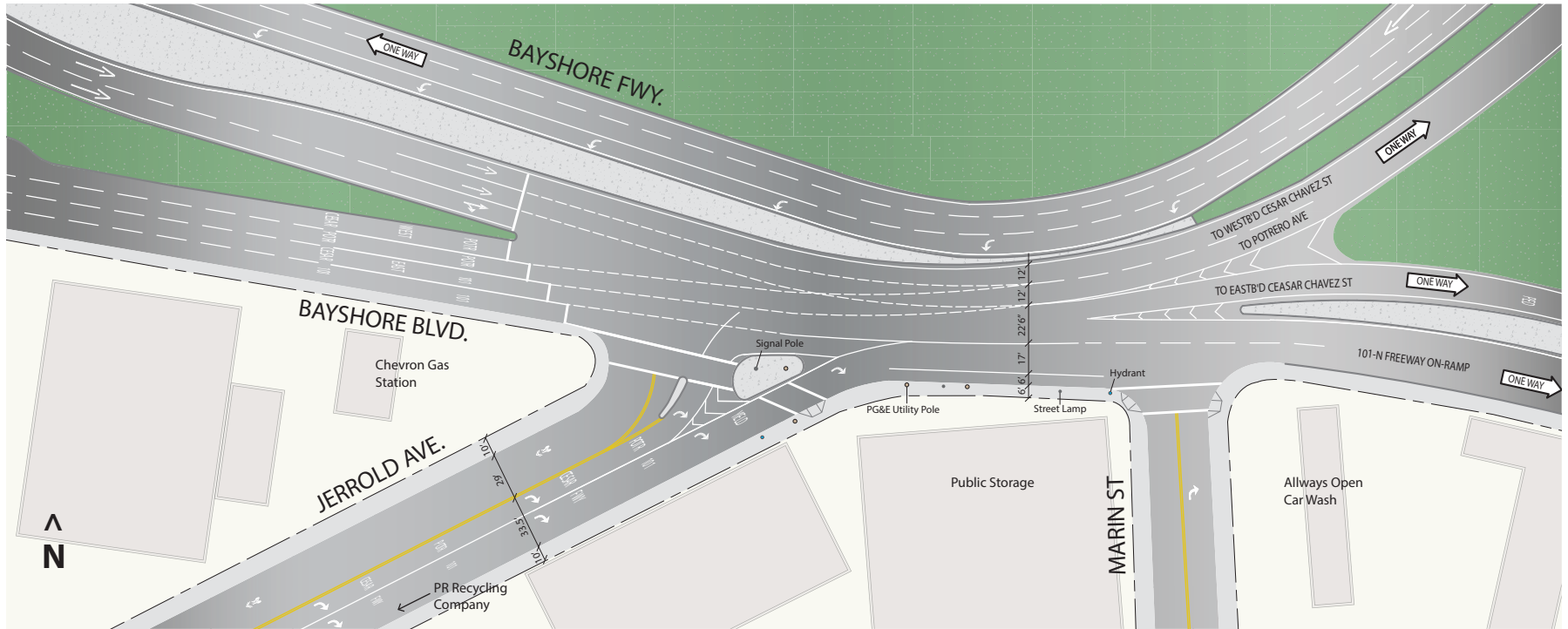
The first approval of the project committing the City to carrying out the proposed project would be the approval of the SFMTA Board of Directors.

ATTACHMENT

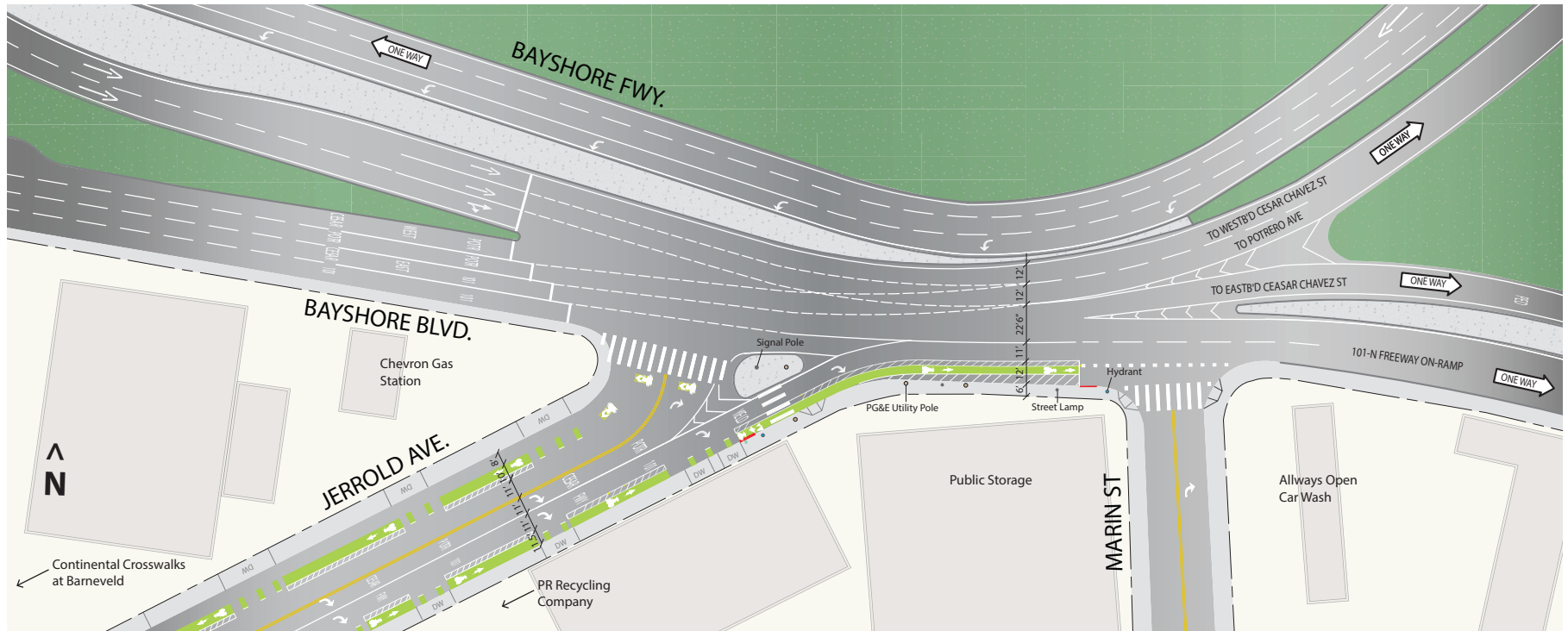
Proposed Plans/Drawings/Diagrams



ATTACHMENT 1: EXISTING SITE PLAN



ATTACHMENT 2: PROPOSED SITE PLAN



Appeal Response Attachment B

SFMTA Board of Directors Resolution No. 1170919-119

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 1170919-119

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

WHEREAS, the Caltrans project supports the City's Vision Zero Goal of eliminating all traffic fatalities in San Francisco by 2024; and,

WHEREAS, The segment of Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard is a designated bicycle route on the San Francisco Bicycle Route Network that provides connections from the Bayview and Hunters Point to the Mission neighborhood and central San Francisco; and,

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 bikeway proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected bikeway 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, Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard can incorporate a protected bicycle lane northbound and a bicycle lane southbound without any impacts to traffic and without significant impacts to parking; and,

WHEREAS, The SFMTA project team contacted key stakeholders and met with businesses along the project corridor and held a public hearing to solicit feedback on areas of concern and answer questions about the project proposals; and,

WHEREAS, SFMTA staff propose the following parking and traffic modifications associated with the Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project:

- A. ESTABLISH- TOW-AWAY NO STOPPING ANY TIME - Jerrold Avenue, east side, from Barneveld Avenue to Bayshore Boulevard
- B. ESTABLISH- CLASS IV BIKEWAY - Jerrold Avenue, northbound, from Barneveld Avenue to Bayshore Boulevard
- C. ESTABLISH- CLASS II BIKEWAY - Jerrold Avenue, southbound, from Barneveld Avenue to Bayshore Boulevard
- D. ESTABLISH- TOW-AWAY NO STOPPING, 10 PM TO 2 AM EVERY DAY - Barneveld Avenue, west side, between McKinnon Avenue and Jerrold Avenue

WHEREAS, The proposed Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project is subject to the California Environmental Quality Act (CEQA); Title 14 of the California Code of Regulations Section 15301 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; Section 15304 provides an exemption for minor public alterations to land including the creation of bicycle lanes on existing rights-of-way; and,


WHEREAS, On May 26, 2017, the Planning Department determined that the proposed Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project is categorically exempt from CEQA (Planning Case No. 2017-002118ENV) pursuant to Title 14 of the California Code of Regulations Section 15301 and Section 15304; and,

WHEREAS, 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, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves the bicycle, parking and traffic modifications listed in items A-D above on Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard and on the west side of Barneveld Avenue between Jerrold Avenue and McKinnon Avenue to improve safety for bicyclists, pedestrians and motorists by installing bicycle lanes and minimal parking restrictions.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 19, 2017.

_____

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Appeal Response Attachment C

Appeal Letter dated October 19, 2017 from Mary Miles

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT 19 PM 2: 25

BY BA

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 of the Board
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

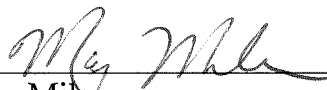
DATE: October 19, 2017

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Coalition for Adequate Review hereby appeals the attached environmental determination of the San Francisco Planning Department, based on the "approval action" of the San Francisco Municipal Transportation Agency ("MTA") Board, 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 September 19, 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: San Francisco Planning Department Case No. 2017-001775-ENV: "CEQA Categorical Exemption Determination -SFMTA - Hairball Segments M, N, and O"
- B: Public Comment submitted to MTA Board, September 19, 2017
- C: MTA Board Resolution No. 170919-119, September 19, 2017

EXHIBIT A



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT 19 PM 2: 25

CEQA Categorical Exemption Determination *BA*

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
SFMTA - Hairball Segments M, N, and O		n/a	
Case No.	Permit No.	Plans Dated	
2017-001775ENV		4/28/2017	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. SFMTA proposes to implement paint-only modifications to the existing roadway on Bayshore Boulevard (between Jerrold Ave and Marin St) and Jerrold Ave (between Bayshore Blvd and Barneveld Ave). The project would include modifications to existing travel lanes to create a new bicycle lane on Jerrold Avenue. In addition the project would include installation of new high visibility crosswalks on Marin/Bayshore and Jerrold/Bayshore, as well as the removal of 10 parking spaces and 2 loading zones along westbound Jerrold Avenue.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an *Environmental Evaluation Application* is required.

<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input checked="" type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required.</u>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): The project would not include the removal of any existing travel lanes on Jerrold Avenue or nearby streets. The proposed project would not include any features that would result in new traffic hazards.	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**


Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Christopher Espiritu Project Approval Action: Other (SFMTA Board) *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature or Stamp:  <small>Digitally signed by Christopher Espiritu DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Christopher Espiritu, email=Christopher.Espiritu@sfgov.org</small>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. 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.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Permit No.	Plans Dated
Exempt Project Approval Action	Exempt Project Approval Date	New Approval Required
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required. CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

EXHIBIT B

Mary Miles

From: Mary Miles <page364@earthlink.net>
Sent: Tuesday, September 19, 2017 10:15 AM
To: Edward Reiskin (ed.reiskin@sfmta.com); Boomer, Roberta; 'MTABoard@sfmta.com'
Subject: PUBLIC COMMENT, MTAB AGENDA ITEM 12

Categories: Red Category

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 of Directors
San Francisco Municipal Transportation Agency ("MTA")
1 S. Van Ness Ave., 7th Floor
San Francisco, CA 94103

DATE: September 19, 2017

PUBLIC COMMENT, AGENDA ITEM 12 ["PARKING AND TRAFFIC MODIFICATIONS ON JERROLD AVENUE BETWEEN BARNEVELD AVENUE AND BAYSHORE BOULEVARD AND ON THE WEST SIDE OF BARNEVELD AVENUE BETWEEN JERROLD AVENUE AND MCKINNON AVENUE"]

This is public comment on Agenda Item 12 of the September 19, 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 Hairball Project will have significant impacts under CEQA, including impacts on transportation, transit, air quality, greenhouse gas (GHG), safety, and parking. Therefore, the claimed "categorical exemption" does not apply. Further, the Hairball Project proposes revisions to City's 2009 EIR on the San Francisco Bicycle Plan and several subsequent addenda to that plan, affecting the Project description, mitigation, and alternatives analyses. The agency may not exempt this or any project from environmental review by segmenting it or by *post hoc* revisions. Rather, the agency must follow the procedures set forth in CEQA for review of the whole Project.

MTA did not timely provide the public environmental documents, including its claimed Categorical Exemption or any supporting documents on this "new" Project. The public was therefore denied the right and opportunity for meaningful comment and input on it.

Along with the San Francisco Bicycle Coalition, a private lobbying organization, MTA created the "Hairball Project" that it now demands should be fixed, after previously insisting on creating bicycle lanes across the heavily used Cesar Chavez Street/Bayshore Boulevard traffic corridors and freeway on- and off-ramps to I-101 and I-289. Those corridors serve major freight and other transportation uses and access to major

freeways. MTA's convoluted design eliminated traffic lanes, turning, and hundreds of parking spaces on those corridors and across freeway ramps in the heavy, industrial traffic stream of the "Hairball Project" area, causing traffic congestion, dangerous lane changes at and near freeway on and off ramps, and parking and loading zone removal in industrial, business, and residential areas, endangering the public safety of thousands of travelers and freight operations to install private bicycle lanes for fewer than 100 bicyclists.

When adopted on June 26, 2009, the Project segment (here called "Segments M, N, and O") was called "Project 5-5: Cesar Chavez Street Bicycle Lanes, I-280 to US 101 Freeways." (See San Francisco Bicycle Plan Draft Environmental Impact Report, November 2008, Post-Judgment Administrative Record [PJR], SF Super. Court Case No. CPF-05-505509, 17:8547, 8693-8696, 8923, 8945-8947; 18:9267-9273, 9333-9335, 9447. See also, DEIR Projects 5-4 and 5-6, PJR 17: 8693-8696, 8923, 8942-8949, 18:9252-9295, 9329-9354, 9443-9450.) Although the EIR identified significant impacts, the City refused to mitigate them in findings adopted August 4, 2009. City's findings and failure to mitigate those impacts, including in the Hairball Project area, were challenged in litigation and were invalidated along with the Project approval by the First District Court of Appeal, and remain in dispute in further proceedings. (See *Anderson v. City and County of San Francisco*, Case No. A129910, Unpub.Op., Jan. 14, 2013, p.83.) In spite of the pending litigation, City's Planning Department issued an "Addendum to Environmental Impact Report" on the 5-5 segment on February 29, 2012. City also issued several Addenda on the Cesar Chavez and Bayshore Projects that it now claims are part of its Hairball Project.

MTA now coins a new name for the mess it created: "The Hairball," a term defined in Webster as "a compact mass of hair formed in the stomach esp. of a shedding animal (as a cat) that cleanses its coat by licking." In fact, the dangerous mess on Cesar Chavez was created by and for the MTA and the San Francisco Bicycle Coalition beginning with the 2009 Bicycle Plan. MTA now regurgitates that mess as the "Hairball Intersection Improvement Project," illegally segmenting that Project and its environmental review into at least 15 pieces to avoid describing the whole "Hairball Project."

City's illegal strategy avoids its duty to identify and mitigate the significant direct, indirect and cumulative impacts of the Hairball Project, which requires an environmental impact report under CEQA, since it will now have more impacts of greater severity on traffic, transit, parking, air quality, GHG, and public safety. The Hairball Improvement Project is not categorically exempt and may not lawfully be segmented. City has already admitted that this Project, as originally implemented and as revised, has significant environmental impacts. Moreover, City failed to make legally adequate findings to mitigate the significant impacts of the Bicycle Plan Project, including the "Hairball Project," as held by the First District Court of Appeal. City may not under these circumstances declare the Project or any part of it categorically exempt.

1. FAILURE TO ACCURATELY DESCRIBE THE WHOLE PROJECT, STATE EXISTING CONDITIONS AND IDENTIFY AND MITIGATE THE PROJECT'S SIGNIFICANT IMPACTS VIOLATES CEQA

MTA's "Hairball Project" is not accurately described, and MTA has not provided any CEQA documents before this MTA Board hearing. There is no way to tell from the few documents in the MTA Board's packet what the full Project proposes, its impacts, or what mitigation measures are proposed. The public has received *no* accurate information on this Project. There is no evidence that any City agency has as required conducted a preliminary review or initial study of the Hairball Project.

The only map of the Hairball Project in MTA's materials show that this Project includes a large area of major corridors, including Cesar Chavez Street, Potrero Street, Bayshore Boulevard, Jerrold Street, Highway 101, and ramps to and from Highways 101 and 280. The staff report only describes "near-term improvements" on Segments "L, M, and O," which propose removing parking and industrial loading zones on Jerrold and Barneveld Avenue, and all overnight parking on Jerrold Avenue, which has nothing to do with creating "comfortable" condition for bicyclists.

The Staff Report claims that Jerrold Avenue "is a challenging location to bicycle due to the high volume of vehicles and specifically large trucks that use this roadway, especially during the morning hours (approximately

700 vehicles on northbound Jerrold during the two hour morning peak period). These vehicle movements conflict with the large number of cyclists who also use this section of Jerrold Avenue during both the morning and evening peak commute hours (approximately 78 cyclists in the two hour morning peak and 70 cyclists in the evening peak period." (Staff Report, p. 3.) There is no supporting evidence for those alleged numbers, since no traffic studies or vehicle counts are provided for the entire Hairball Project area, including the dates, times, and who took the counts, or why 70 cyclists over a two-hour period is considered a "large number." Without that basic information, the existing conditions in the Project area cannot be accurately described.

There is no accurate description of the Hairball Project or any analysis of the cumulative impacts of the entire Project. City may not as proposed piecemeal the Hairball Project into small segments to avoid accurate identification of the cumulative and direct impacts of the whole Project, since that segmentation violates CEQA. The Hairball Project clearly requires an environmental impact report.

2. THE PROJECT IS NOT CATEGORICALLY EXEMPT FROM CEQA

The City did not make publicly available, timely provide, or post a copy of the alleged "categorical exemption" of the proposed Project or any segment of it, precluding meaningful public comment on it. As a legal matter, City cannot lawfully piecemeal exemptions to avoid environmental review under CEQA.

The Hairball Project is not exempt as claimed (Staff Report, p. 7) under 14 Cal. Code Regs. ("Guidelines") §15301, because it will have significant direct and cumulative impacts on the environment, as already admitted in the Bicycle Plan DEIR and Addenda and in City's findings. That admission precludes any categorical exemption.

The Hairball Project does not fit within the section 15301 exemption "minor alteration" of existing facilities, since it changes the existing street configurations. Making overnight parking illegal in the area is another reason this Project does not fit within that exemption. Other plans that are undisclosed for the other segments of the Hairball Project also preclude claiming such an exemption. City's segmented "categorical exemption," including the Exemption here, is illegal piecemealing under CEQA, since they deliberately evade analyzing and mitigating the cumulative impacts of the Hairball Project.

There is no analysis in available documents of the exceptions that may apply under Guidelines §15300.2, including the cumulative impacts exception and the unusual circumstances exception. The Hairball Project will have cumulative impacts under Guidelines §15300.2, since it clearly proposes many "successive project(s) of the same type, in the same place, over time." Further, in this instance, the large traffic volumes and proposed reduction in parking and loading capacity constitute unusual circumstances. (Guidelines, §15300.2(c).)

This Project also 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," which as noted preclude any exemption from CEQA. (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, have potentially significant cumulative impacts on transportation, air quality, GHG, energy consumption, parking, and public safety that cannot be considered in isolation.

3. CITY'S FAILURE TO ACCURATELY ANALYZE THE PROJECT'S IMPACTS IS NOT EXCUSED BY SECTION 21099 OF CEQA

If City excuses itself from analyzing the Hairball Project's impacts by invoking a document issued by the Planning Department, claiming "The proposed bicycling safety improvement project and reduction in through lanes is considered an Active Transportation Project, in accordance with *CEQA Section 21099 - Modernization of Transportation Analysis*, and is therefore presumed to not significantly impact VMT and no further VMT analysis is required." Public Resources Code section 21099 does not allow City to excuse itself from analyzing

transportation and other impacts. Further, the statute only states that the state Office of Planning and Research may certify and adopt such Guidelines, which *has not yet happened*. City has no authority to create its own version of CEQA Guidelines based on MTA's anti-car wish list.

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

There has been no information or outreach to the general public on the Hairball Project by the City. It is clear from the Staff Report that MTA only sought "feedback" from Project proponents, including Supervisor Hillary Ronen, the "San Francisco Bike Coalition," and MTA's own staff. ("Stakeholder Engagement," p. 6.) The public has been completely left out of that alleged "stakeholder engagement."

The Hairball Project will have significant impacts on all users of the affected corridors, not just bicyclists, Ms. Ronen, and MTA staff. Because the Project has significant impacts on freeway access, it is of regional and statewide importance. MTA claims with no supporting evidence that it contacted "merchants along Jerrold Avenue to understand parking loss impacts and to develop a balanced solution." In fact, the Project ignores all of the Project's significant impacts on the vast majority of travelers, residents and businesses in the area. (Staff Memo, p. 6.)

More seriously, the public has been deprived of the opportunity for meaningful input on the Hairball Project, which violates CEQA's basic purpose and mandate.

CONCLUSION

The Hairball Project is not exempt from CEQA. The Hairball Project has potentially significant direct and cumulative impacts on transportation, transit, parking, air quality, GHG, public safety, including emergency vehicle movement, noise, and human impacts that must be identified, analyzed, and mitigated under CEQA. The segmentation of the Hairball Project into more than 15 separate parts is illegal piecemealing. The whole Hairball Project must be accurately described, with its environmental impacts identified in an EIR, and those impacts must be mitigated in legally adequate findings under CEQA before this Project can be approved. Further the failure to make environmental documents and other information on the Hairball Project publicly available violates CEQA's requirements.

For these reasons, the proposed Project is not exempt, and it has potentially significant impacts that must be analyzed and mitigated under CEQA. The MTA Board must therefore reject the proposed approval of the Project at Item 12.

Mary Miles

EXHIBIT C

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT 19 PM 2:25

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 1170919-119

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

WHEREAS, the Caltrans project supports the City's Vision Zero Goal of eliminating all traffic fatalities in San Francisco by 2024; and,

WHEREAS, The segment of Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard is a designated bicycle route on the San Francisco Bicycle Route Network that provides connections from the Bayview and Hunters Point to the Mission neighborhood and central San Francisco; and,

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 bikeway proposed as part of the project meets these three requirements; and

WHEREAS, The parking protected bikeway 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, Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard can incorporate a protected bicycle lane northbound and a bicycle lane southbound without any impacts to traffic and without significant impacts to parking; and,

WHEREAS, The SFMTA project team contacted key stakeholders and met with businesses along the project corridor and held a public hearing to solicit feedback on areas of concern and answer questions about the project proposals; and,

WHEREAS, SFMTA staff propose the following parking and traffic modifications associated with the Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project:

- A. ESTABLISH- TOW-AWAY NO STOPPING ANY TIME - Jerrold Avenue, east side, from Barneveld Avenue to Bayshore Boulevard
- B. ESTABLISH- CLASS IV BIKEWAY - Jerrold Avenue, northbound, from Barneveld Avenue to Bayshore Boulevard
- C. ESTABLISH- CLASS II BIKEWAY - Jerrold Avenue, southbound, from Barneveld Avenue to Bayshore Boulevard
- D. ESTABLISH- TOW-AWAY NO STOPPING, 10 PM TO 2 AM EVERY DAY - Barneveld Avenue, west side, between McKinnon Avenue and Jerrold Avenue

WHEREAS, The proposed Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project is subject to the California Environmental Quality Act (CEQA); Title 14 of the California Code of Regulations Section 15301 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; Section 15304 provides an exemption for minor public alterations to land including the creation of bicycle lanes on existing rights-of-way; and,

WHEREAS, On May 26, 2017, the Planning Department determined that the proposed Cesar Chavez Street/Bayshore Boulevard/Potrero Avenue Intersection Improvement project is categorically exempt from CEQA (Planning Case No. 2017-002118ENV) pursuant to Title 14 of the California Code of Regulations Section 15301 and Section 15304; and,

WHEREAS, 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, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves the bicycle, parking and traffic modifications listed in items A-D above on Jerrold Avenue between Barneveld Avenue and Bayshore Boulevard and on the west side of Barneveld Avenue between Jerrold Avenue and McKinnon Avenue to improve safety for bicyclists, pedestrians and motorists by installing bicycle lanes and minimal parking restrictions.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 19, 2017.


R. Gomez

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 OCT 19 PM 2:26

BY BJ

MARY ANN MILES 364 PAGE ST APT 36 SAN FRANCISCO, CA 94102-5624		2770 11-4288/1210 4958 6112301475
		10/19/17 DATE
PAY TO THE ORDER OF	<u>San Francisco Planning Department</u>	\$ 597.00
	<u>Five hundred ninety-seven and 00/100</u>	DOLLARS
 Wells Fargo Bank, N.A. California wellsfargo.com		Photo Safe Deposit Details on back
FOR	<u>"HARBALL" PROJECT</u> <u>APPEAL CAT. EX</u>	<u>M.A. Miles</u> MP

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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

2017 OCT 19 PM 2:26

APPLICATION FOR BY BA Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Mary Miles, Attorney at Law, for Coalition for Adequate Review		
APPLICANT ADDRESS: 364 Page St., #36 San Francisco, CA 94102	TELEPHONE: (415) 863-2310 EMAIL: page364@earthlink.net	
NEIGHBORHOOD ORGANIZATION NAME: Coalition for Adequate Review		
NEIGHBORHOOD ORGANIZATION ADDRESS: PLEASE SEE ABOVE	TELEPHONE: () PLEASE SEE ABOVE EMAIL:	
PROJECT ADDRESS: Bayshore Boulevard, Jerrold Ave., Barneveld Ave., Hwys. 101 and 280, and vicinity		
PLANNING CASE NO.: 2017-001775ENV	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 9/19/17 (MTA)

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 "Hairball" Project, Planning Department No. 2017-001775ENV


DATE: October 18, 2017

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the Appeal of the "Hairball" 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. Additionally, Coalition applied for and received a fee waiver on another appeal to the Board of Supervisors in May, 2017, and believe that waiver remains effective.

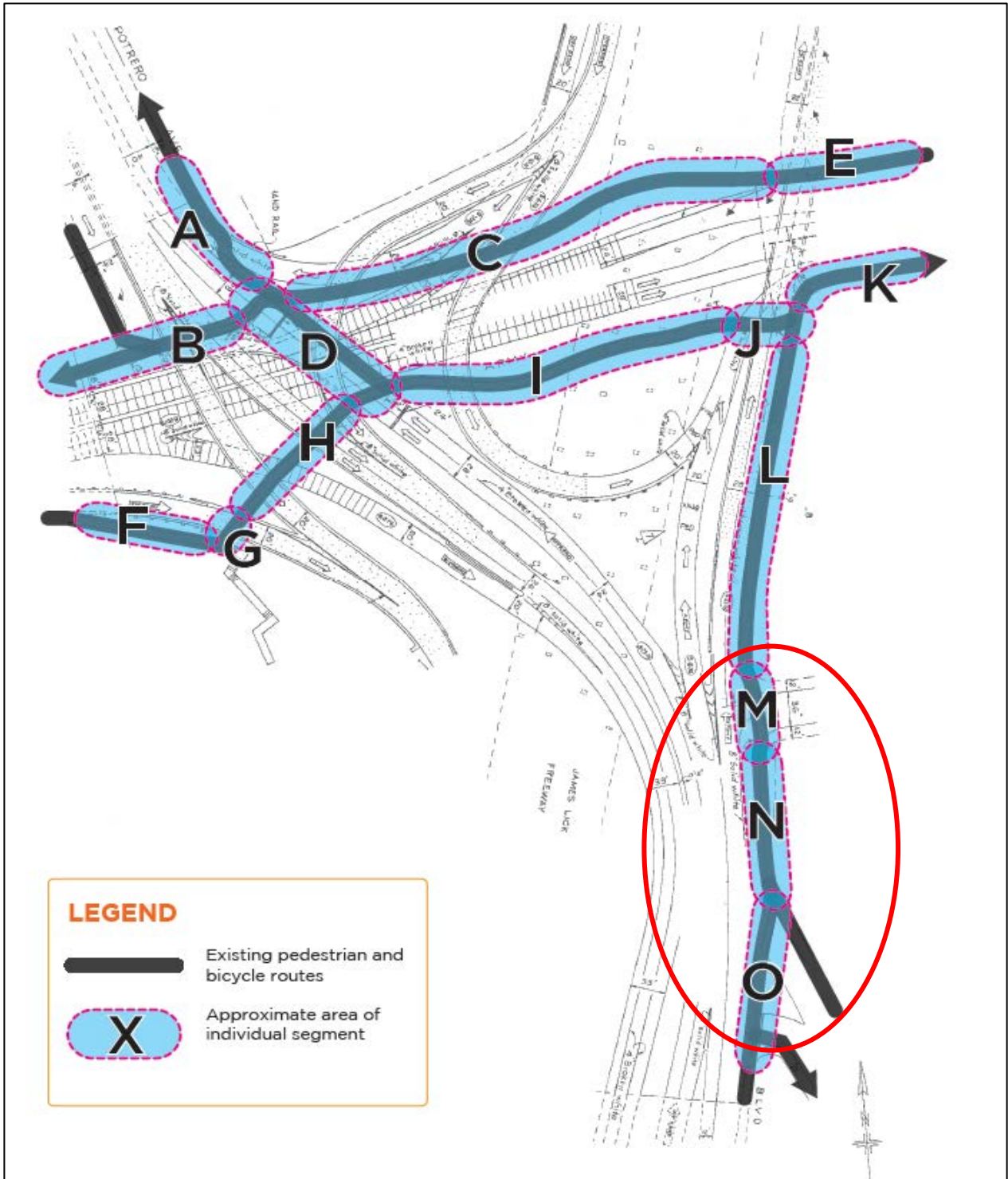
Therefore, Coalition for Adequate Review respectfully asks that the Planning Department grant the attached Application for Board of Supervisors Appeal Fee Waiver. Thank you.



Rob Anderson

Appeal Response Attachment D

Hairball Intersection Improvement Map



Appeal Response Attachment E

Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis



SAN FRANCISCO PLANNING DEPARTMENT

Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date of Preparation:

Case No.:

Project Title:

Zoning: xxx District Name
xxx Special Use District
xxx Height and Bulk District

Block/Lot:

Lot Size: xx square feet [xx acres]

Project Sponsor: [Name of company, agency, or organization]

Staff Contact: [EP staff name, phone]
[xxx.xxx@sfgov.org]

This checklist is in response to California Environmental Quality Act (CEQA) Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects and Planning Commission Resolution 19579. CEQA Section 21099 allows for a determination that aesthetic and parking effects of a project need not be considered significant environmental effects. Planning Commission Resolution 19579 replaces automobile delay with vehicle miles traveled analysis. This checklist provides screening criteria for determining when detailed VMT analysis is required for a project.

Aesthetics and Parking

In accordance with California Environmental Quality Act (CEQA) Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria (Attachment A sets forth the definitions of the terms below):

- a) The project is residential, mixed-use residential, or an employment center; and
- b) The project is on an infill site; and
- c) The project is in a transit priority area.

As demonstrated by Table 1 on page 3, the proposed project described below satisfies each of the above criteria and therefore qualifies as a transit-oriented infill project subject to CEQA Section 21099.

Automobile Delay and Vehicle Miles Traveled

In addition, CEQA Section 21099(b)(1) requires that the State Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service or similar

measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a [Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA](#) recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. On March 3, 2016, in anticipation of the future certification of the revised CEQA Guidelines, the San Francisco Planning Commission adopted OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects. (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.)

The Planning Department has identified screening criteria to identify types, characteristics, or locations of projects and a list of transportation project types that would not result in significant transportation impacts under the VMT metric. These screening criteria are consistent with CEQA Section 21099 and the screening criteria recommended by OPR. If a project would generate VMT, but meets the screening criteria in Table 2a or 2b or falls within the types of transportation projects listed in Table 3, then a detailed VMT analysis is not required for a project.

Project Description:

Table 1: Transit-Oriented Infill Project Eligibility Checklist The project must meet all three criteria below for <u>aesthetics and parking</u> to be excluded from CEQA review. See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	Criterion 1. Does the project meet the definition of a residential, mixed-use residential, or “employment center”¹ and
<input checked="" type="checkbox"/>	Criterion 2. Is the proposed project located on an “infill site” and
<input checked="" type="checkbox"/>	Criterion 3. Is the proposed project site located within a “transit priority area?” Map: See Attachment B.

¹ See **Attachment A** for definitions.

Table 2a: Vehicle Miles Traveled Analysis – Screening Criterion	
If a project meets the screening criterion listed below, then a detailed <u>VMT</u> analysis is not required. ² See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	Criterion 1. Is the proposed project site located within the “map-based screening” area?

Table 2b: Vehicle Miles Traveled Analysis – Additional Screening Criteria	
Identify whether a projects meets any of the additional screening criteria. See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	Criterion 1. Does the proposed project qualify as a “small project”? or
<input checked="" type="checkbox"/>	Criterion 2. Proximity to Transit Stations (must meet all four sub-criteria)
	Is the proposed project site located within a half mile of an existing major transit stop; and
	Would the proposed project have a floor area ratio of greater than or equal to 0.75, and
	Would the project result in an amount of parking that is less than or equal to that required or allowed by the Planning Code without a conditional use authorization, and
	Is the proposed project consistent with the Sustainable Communities Strategy? ³

² For projects that propose multiple land use types (e.g, residential, office, retail, etc.), each land use type must qualify under the three screening criterion in Table 2a.

³ A project is considered to be inconsistent with the Sustainable Communities Strategy if development is located outside of areas contemplated for development in the Sustainable Communities Strategy.

Table 3: Induce Automobile Travel Analysis	
If a project contains transportation elements and fits within the general types of projects described below, then a detailed VMT analysis is not required. See Attachment A for definitions and other terms.	
<input checked="" type="checkbox"/>	Project Type 1. Does the proposed project qualify as an “active transportation, rightsizing (aka Road Diet) and Transit Project”? or
<input checked="" type="checkbox"/>	Project Type 2. Does the proposed project qualify as an “other minor transportation project”?

ATTACHMENT A
DEFINITIONS

Active transportation, rightsizing (aka road diet) and transit project means any of the following:

- Reduction in number of through lanes
- Infrastructure projects, including safety and accessibility improvements, for people walking or bicycling
- Installation or reconfiguration of traffic calming devices
- Creation of new or expansion of existing transit service
- Creation of new or conversion of existing general purpose lanes (including vehicle ramps) to transit lanes
- Creation of new or addition of roadway capacity on local or collector streets, provided the project also substantially improves conditions for people walking, bicycling, and, if applicable, riding transit (e.g., by improving neighborhood connectivity or improving safety)

Employment center project means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area. If the underlying zoning for the project site allows for commercial uses and the project meets the rest of the criteria in this definition, then the project may be considered an employment center.

Floor area ratio means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.

Gross building area means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

Infill opportunity zone means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, that is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Infill site means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

Lot means all parcels utilized by the project.

Major transit stop is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Map-based screening means the proposed project site is located within a transportation analysis zone that exhibits low levels of VMT.

Net lot area means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

Other land use projects mean a land use other than residential, retail, and office. OPR has not provided proposed screening criteria or thresholds of significance for other types of land uses, other than those that meet the definition of a small project.

- Tourist hotels, student housing, single room occupancy hotels, and group housing land uses should be treated as residential for screening and analysis.
- Childcare, K-12 schools, post-secondary institutional (non-student housing), Medical, and production, distribution, and repair (PDR) land uses should be treated as office for screening and analysis.
- Grocery stores, local-serving entertainment venues, religious institutions, parks, and athletic clubs land uses should be treated as retail for screening and analysis.
- Public services (e.g., police, fire stations, public utilities) and do not generally generate VMT. Instead, these land uses are often built in response to development from other land uses (e.g., office and residential). Therefore, these land uses can be presumed to have less-than-significant impacts on VMT. However, this presumption would not apply if the project is sited in a location that would require employees or visitors to travel substantial distances and the project is not located within ½ mile of a major transit stop or does not meet the small project screening criterion.
- Event centers and regional-serving entertainment venues would most likely require a detailed VMT analysis. Therefore, no screening criterion is applicable.

Other minor transportation project means any of the following:

- Rehabilitation, maintenance, replacement and repair projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, or emergency breakdown lanes that are not used as through lanes
- Conversion of existing general purpose lanes (including vehicle ramps) to managed lanes (e.g., HOV, HOT, or trucks) or transit lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g. HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Traffic metering systems
- Timing of signals to optimize vehicle, bicycle or pedestrian flow on local or collector streets
- Installation of roundabouts
- Adoption of or increase in tolls
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Addition of transportation wayfinding signage
- Removal of off- or on-street parking spaces

- Adoption, removal, or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)

Small project means the project would not result in over 100 vehicle trips per day.

Transit priority area means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

Vehicle miles traveled measures the amount and distance that a project might cause people to drive and accounts for the number of passengers per vehicle.

ATTACHMENT B
MAJOR TRANSIT STOPS