File No. 121119

Committee Item No. _____
Board Item No. 41

# COMMITTEE/BOARD OF SUPERVISORS

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Committee _____ Date _____

Board of Supervisors Meeting Date December 11, 2012

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OTHER (Use back side if additional space is needed)

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Completed by: Joy Lamug Date December 6, 2012
Completed by: _____ Date _____

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

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

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

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

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

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

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

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference in this motion, as though fully set forth, the exemption determination; and be it

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

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