[Affirming the Categorical Exemption Determination - Proposed San Francisco Municipal Transportation Agency - Upper Market Street Safety Project]

Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency's proposed Upper Market Street Safety Project is categorically exempt from further environmental review.

WHEREAS, On February 3, 2017, the Planning Department determined that the proposed San Francisco Municipal Transportation Agency Project located on Market Street between Castro Street and Octavia Boulevard ("Project") is exempt from environmental review under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative Code, Chapter 31; and

WHEREAS, The proposed Project involves new curb extensions at several locations and related transit island and pedestrian refuge improvements, as well as parking-protected (Class IV) bike lanes on Market Street, and changes to traffic circulation, construction of ADA-compliant curb ramps, possible relocation of catch basins and manholes, and possible replacement of pull boxes, all within the existing public right-of-way; and

WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on June 1, 2017, David Pilpel (Appellant), appealed the exemption determination; and

WHEREAS, Appellant provided a copy of the Planning Department’s Categorical Exemption Determination, signed February 3, 2017, which found that the proposed Project was exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg. Section 15301), which provides an exemption for minor alterations to existing facilities (specifically, to "[e]xisting highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities," Section 15301(c)); and
WHEREAS, The San Francisco Municipal Transportation Agency, by Resolution No. 170502-059, approved the proposed Project on May 2, 2017; and

WHEREAS, The Planning Department’s Environmental Review Officer, by memorandum to the Clerk of the Board dated June 7, 2017, determined that the appeal was timely; and

WHEREAS, On July 11, 2017, this Board held a duly noticed public hearing to consider the appeal of the exemption determination filed by Appellant 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 letter, the responses to the appeal documents 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; and

WHEREAS, 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; and

WHEREAS, 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. 170718, and is incorporated in this motion as though set forth in its entirety; now, therefore, be it

MOVED, That the Board of Supervisors 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 an exemption determination under CEQA.
Motion: M17-108

File Number: 170719 Date Passed: July 11, 2017

Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency’s proposed Upper Market Street Safety Project is categorically exempt from further environmental review.

July 11, 2017 Board of Supervisors - APPROVED
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170719

I hereby certify that the foregoing Motion was APPROVED on 7/11/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board