

File No. 151272

Committee Item No. \_\_\_\_\_

Board Item No. 36

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: January 26, 2016

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: John Carroll

Date: January 21, 2016

Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed  
2 Commuter Shuttle Permit Program]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**  
4 **by the Planning Department that the proposed San Francisco Municipal Transportation**  
5 **Agency Commuter Shuttle Permit Program is categorically exempt from environmental**  
6 **review.**

7  
8 WHEREAS, On October 22, 2015, the Planning Department determined that the  
9 proposed San Francisco Municipal Transportation Agency ("SFMTA") Commuter Shuttle  
10 Permit Program ("Project") is exempt from environmental review under the California  
11 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
12 Code, Chapter 31; and

13 WHEREAS, The SFMTA affirmed the Planning Department determination that the  
14 SFMTA Commuter Shuttle Permit Program is exempt from environmental review under CEQA  
15 on November 17, 2015, by SFMTA Resolution No. 15-161; and

16 WHEREAS, The proposed project would regulate commuter shuttle activity on San  
17 Francisco streets by continuing and expanding the guidelines and requirements established  
18 for the 18-month, SFMTA Commuter Shuttle Pilot Program implemented between August  
19 2014 and January 2016; and

20 WHEREAS, Under the proposed project SFMTA would issue permits to eligible  
21 commuter shuttle operations for use of public curb space, including designated passenger  
22 loading zones and bus stops and construct capital improvements, such as transit boarding  
23 islands and curb extensions ("bulb-outs"); and

24 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
25 December 17, 2015, Rebecca L. Davis, of Lozeau Drury LLP, on behalf of the Coalition for

1 Fair, Legal and Environmental Transit; Service Employees International Union Local Union  
2 1021 ("SEIU 1021"); Sue Vaughan, and Robert Planthold (collectively, "Appellants") appealed  
3 the exemption determination; and

4 WHEREAS, The Appellants provided a copy of the Planning Department's Categorical  
5 Exemption Determination, signed October 22, 2015, which found that the proposed project  
6 was exempt under Class 1 and Class 8 of the CEQA Guidelines (14 Cal. Code Reg. Sections  
7 15301 and 15308); Appellants also provided a copy of the SFMTA Resolution No. 15-161;  
8 and

9 WHEREAS, The Planning Department's Environmental Review Officer, by  
10 memorandum to the Clerk of the Board dated December 21, 2015, determined that the appeal  
11 was timely filed; and

12 WHEREAS, On January 26, 2016, this Board held a duly noticed public hearing to  
13 consider the appeal of the exemption determination filed by Appellants and, following the  
14 public hearing, affirmed the exemption determination; and

15 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
16 reviewed and considered the exemption determination, the appeal letter, the responses to the  
17 appeal documents that the Planning Department prepared, the other written records before  
18 the Board of Supervisors and all of the public testimony made in support of and opposed to  
19 the exemption determination appeal; and

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors  
21 affirmed the exemption determination for the project based on the written record before the  
22 Board of Supervisors as well as all of the testimony at the public hearing in support of and  
23 opposed to the appeal; and

24 WHEREAS, The written record and oral testimony in support of and opposed to the  
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of  
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 151272 and is  
3 incorporated in this motion as though set forth in its entirety; now, therefore, be it

4           MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the  
5 findings specifying the basis for its decision on the appeal of the exemption determination  
6 issued by the Planning Department for the project.

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# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

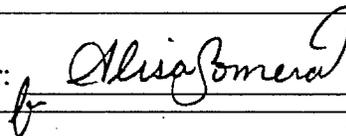
**Subject:**

Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed Commuter Shuttle Permit Program

**The text is listed below or attached:**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Commuter Shuttle Permit Program is categorically exempt from environmental review.

Signature of Sponsoring Supervisor:



F - Clerk's Use Only:

151272

