

1 [Affirming the Statutory Exemption Determination for the San Francisco Municipal
2 Transportation Agency Fiscal Emergency]

3 **Motion affirming the determination by the Planning Department that the San Francisco**
4 **Municipal Transportation Agency decision to implement service reductions is**
5 **statutorily exempt from environmental review.**

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7 WHEREAS, The Planning Department issued a Statutory Exemption Certificate on
8 January 4, 2010, finding that the San Francisco Municipal Transportation Agency response to
9 a fiscal emergency by approving actions that would reduce service by up to 325,000 annual
10 service hours through modifications to most of the Muni bus routes and rail lines (the
11 "Project") fits within the definition of the statutory exemption set forth in the California
12 Environmental Quality Act ("CEQA"), California Public Resources Code Section 21080.32 and
13 CEQA Guidelines Section 15285, and therefore qualifies for an exemption from environmental
14 review; and

15 WHEREAS, on March 2, 2010, David Pilpel appealed the Planning Department's
16 determination that the Project met the terms of the statutory exemption to this Board of
17 Supervisors; and

18 WHEREAS, On April 13, 2010, this Board held a duly noticed public hearing to
19 consider the appeal of the exemption determination filed by Appellant, and following the public
20 hearing affirmed the exemption determination by the Planning Department that the Project is
21 exempt from environmental review; and

22 WHEREAS, In reviewing the appeal of the statutory exemption determination, this
23 Board reviewed and considered the exemption determination, the appeal letter, the responses
24 to concerns document that the Planning Department prepared, the other written records
25 before the Board of Supervisors and all of the public testimony made in support of and

1 opposed to the exemption determination appeal. Following the conclusion of the public
2 hearing, the Board of Supervisors affirmed the exemption determination for the Project based
3 on the written record before the Board of Supervisors as well as all of the testimony at the
4 public hearing in support of and opposed to the appeal. The written record and oral testimony
5 in support of and opposed to the appeal and deliberation of the oral and written testimony at
6 the public hearing before the Board of Supervisors by all parties and the public in support of
7 and opposed to the appeal of the exemption determination is in the Clerk of the Board of
8 Supervisors File No. 100288 and is incorporated in this motion as though set forth in its
9 entirety; now therefore be it

10 MOVED, That the Board of Supervisors of the City and County of San Francisco
11 hereby adopts as its own and incorporates by reference in this motion, as though fully set
12 forth, the determination made by the Planning Department that the Project is exempt from
13 environmental review; and be it

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

19 FURTHER MOVED, That after carefully considering the appeal of the exemption
20 determination, including the written information submitted to the Board of Supervisors and the
21 public testimony presented to the Board of Supervisors at the hearing on the exemption
22 determination, this Board concludes that the Project meets the criteria for a statutory
23 exemption determination under Public Resources Code Section 21080.32 and CEQA
24 Guidelines Section 15285 and affirms the Planning Department's determination.
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