File No. 100291

Committee Item No. _____
Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

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Committee _____ Date _____

Board of Supervisors Meeting Date 04/13/10

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Completed by: Joy Lamug Date 04/08/10
Completed by: _____ Date _____

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

[Preparation of Findings Related to the Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is exempt from environmental review.

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

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

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

WHEREAS, In reviewing the appeal of the statutory exemption determination, this Board reviewed and considered the exemption determination, the appeal letter, 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 reversed 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. 100288 and is incorporated in this motion as though set forth in its entirety; now therefore be it

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