

T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
richard@lozeaudrury.com

Via Hand Delivery and Electronic Mail

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
Email: Board.of.Supervisors@sfgov.org

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 FEB 19 PM 3:47

Re: Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014)

Dear President Chiu and Honorable Members of the Board of Supervisors:

I am writing on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants"), concerning the San Francisco Municipal Transportation Authority ("SFMTA") Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations (collectively, "Project" or "Commuter Shuttle Project").

Ms. Shortt is a San Francisco resident who previously submitted comments to SFMTA on the Project on January 21, 2014. A true and correct copy of Ms. Shortt's January 21 comment letter is attached hereto as Exhibit A. The Milk Club is San Francisco's largest Democratic Club. The Club works within the Democratic Party and elsewhere to bring the issue of Lesbian / Gay / Bisexual / Transgender rights to the forefront of political campaigns; to lobby for

legislation which upholds the rights of Lesbians, Gays, Bisexuals, Transgendered and other peoples; and encourages and supports the election and appointment of Lesbians, Gays, Bisexuals, and Transgendered people to public office. SEIU Local 1021 is a non-profit public and private service employees' union with over 6000 members living in the City and County of San Francisco. The San Francisco League of Pissed Off Voters is a volunteer-based organization with members that live, work, and commute in and around San Francisco. Ms. Shortt, along with members of the Milk Club, SEIU Local 1021, and San Francisco League of Pissed Off Voters live within the areas of displacement, traffic, and air quality impacts of the Commuter Shuttle Project, and regularly use public thoroughfares and public transportation in areas that will be impacted by the Project.

A. Decision Being Appealed (Admin. Code §§ 31.16(a); (b)(1), (e)).

Pursuant to San Francisco Administrative Code ("Admin. Code") Section 31.16, Appellants hereby appeal the January 21, 2014 decision of SFMTA approving Resolution No. 14-023, including but not limited to (1) SFMTA's approval of the Project; (2) approval of the January 8, 2014 SFMTA determination that the Project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15306 as a Class 6 (Information Collection) categorical exemption ("SFMTA CEQA Determination"); (3) approval of the January 9, 2014 City Planning Department concurrence with SFMTA's CEQA Determination ("CEQA Concurrence"); and (4) the approval of a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing the Project (collectively, "Approval Action"). Pursuant to Admin. Code Section 31.16(b)(1), true and correct copies of Resolution No. 14-023 and the related SFMTA CEQA Determination and CEQA Concurrence are attached hereto as Exhibit B. Pursuant to Admin Code Section 31.16(b)(1), a copy of this Appeal Letter is simultaneously being submitted to the Environmental Review Officer.

B. Grounds For Appeal (Admin. Code § 31.16(b)(1), (e)).

Appellants urge the Board of Supervisors to reverse the Approval Actions by SFMTA for the Project on the grounds that the Project is not exempt from the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000 et seq. ("CEQA"), and in particular is not subject to a categorical exemption under CEQA Guidelines Section 15306 because there is a fair argument that the Project will have significant environmental impacts that the City has failed to analyze and mitigate. These include impacts on the residents of San Francisco and surrounding municipalities and counties, including Appellant

members. Appellants, and indeed all San Franciscans and Californians, deserve the best, most sustainable Commuter Shuttle Project possible under CEQA and local law.

CEQA applies to agency projects that may have an adverse environmental impact. *CBE v. SCAQMD* 48 Cal.4th 310, 319 (2010); *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972). CEQA's procedural and substantive requirements are "interpreted . . . to afford the fullest possible protection to the environment within its reasonable scope of the statutory language." *Friends of Mammoth*, 8 Cal.3d at 259. CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures. CEQA Guidelines § 15002(a); and 2) providing information to decision-makers and the public concerning the environmental effects of the proposed project. CEQA Guidelines § 15002(a)(1). If a project will have a significant effect on the environment, an EIR is required. CEQA Guidelines §§ 15002(k), 15063(b)(2), 15070.

CEQA and its regulations provide that certain projects may be exempt. However, ***"[a]n activity that may have a significant effect on the environment cannot be categorically exempt."*** *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107; *Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202. And "[s]ince a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection. *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal. App. 4th 677, 697.

CEQA's unique "fair argument" standard applies when reviewing a CEQA exemption. Under the "fair argument" standard, an agency is precluded under the Guidelines from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Berkeley Hillside Pres. v. City of Berkeley* (2012) 203 Cal. App. 4th 656, 670-671; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego ("Bankers Hill")* (2006) 139 Cal. App. 4th 249, 266. In other words, "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." *Id.*; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 654-655.

Under these principles, there is no CEQA exemption that can reasonably apply to the Commuter Shuttle Project, because there is a fair argument that the Project will result in significant environmental impacts, including air pollution, the displacement of people and housing, and the displacement of low income

communities and communities of color that live, work, and commute in the areas proposed for Commuter Shuttle activities.

CEQA requires the lead agency to determine whether the “environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,” (PRC § 21083(b)(3), (d)), and to “take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” See PRC §21000 et seq. Specifically, CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

Here, the Commuter Shuttle Project is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the areas proposed for the Commuter Shuttle stops, and replace them with workers from the private technical companies sponsoring the shuttles, who are wealthier and less likely to come from communities of color. For the same reasons, the Project also violates Gov. Code 11135, which prohibits any government support for programs that have a discriminatory impact. See Kalama D. Harris, Attorney General, “Environmental Justice at the Local and Regional Level,” May 8, 2012, available at http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf.

Furthermore, the Section 15306 categorical exemption (“Information Collection”) does not apply on its face because the Project is not limited to “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource,” which is a facial prerequisite for the claimed exemption. CEQA Guidelines § 15306.

Finally, the Project is not subject to any categorical exemption because the Project is subject to exceptions to categorical exemptions, including but not limited to Project location (Section 15306 exemptions are qualified by consideration of where the project is to be located--a project that is ordinarily

insignificant in its impact on the environment may in a particularly sensitive environment be significant), and unusual circumstances due to the likelihood of displacement of people and housing. CEQA Guidelines § 15300.2(a), (c).

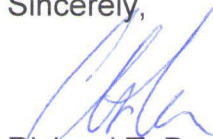
C. Additional Appeal Procedures.

Appeal of SFMTA's Approval Action to the Board of Supervisors is authorized under CEQA and the Admin. Code. Pub. Res. Code § 21151(c); Admin. Code § 31.16(b), (e). This Appeal is timely because it is being filed within 30 days of January 21, 2014, the date of SFMTA's Approval Action of the Project. See Admin. Code § 31.16(e)(1), (2)(A), (B); see Resolution No. 14-023, p. 2 ("this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31").

Appellants expressly reserve the right to submit additional written and oral comments, and additional evidence in support of this Appeal, to the City and County of San Francisco and its departments ("City") and to the Board of Supervisors up to and including the final hearing on this Appeal and any and all subsequent permitting proceedings or approvals undertaken by the City or any other permitting agency for the Project. PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("Bakersfield") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121; Admin Code § 31.16(b)(4), (5), (6).

Thank you for consideration of this Appeal. We ask that this Appeal Letter be placed in the Administrative Record for the Commuter Shuttle Project, and that Appellants be provided with timely notice of the hearing date set for this Appeal. Admin. Code § 31.16(b)(4).

Sincerely,



Richard T. Drury
Christina M. Caro
Lozeau | Drury LLP

Enclosures

cc. Environmental Review Officer
(pursuant to SF Administrative Code § 31.16(b)(1))

EXHIBIT A

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

January 21, 2014

Tom Nolan, Chairman
and Members of the Board
San Francisco MTA
via email

Edward D. Reiskin
Director of Transportation
via email

Subject: *SFMTA Board Agenda Item 14*
Adopting Commuter Shuttle Policy and Pilot Program and
Amending the Transportation Code

Dear Chairman Nolan, Members of the Board, and Director Reiskin,

I am writing on behalf of San Francisco resident Sara Short to request that this Board conduct environmental review as required by the California Environmental Quality Act before approving any commuter bus pilot program.

The pilot program being proposed to you relies on a "Class 6" categorical exemption from CEQA. That section allows "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

It is easy to understand the reason that CEQA provides a Class 6 exemption. Research and data collection, including "resource evaluation activities," are normally performed by professional staff and do not have environmental impacts. Studies simply provide data from which environmental decisions can be made.

This is different. There are environmental impacts associated with the current problematic commuter buses as well as with the pilot program itself. The complexity of the situation is reflected in the detailed proposed ordinance before you today that recites that it was developed by City staff in collaboration with the businesses that use the commuter buses.

The concerned public has been left out.

Approval of a pilot program that will impact the public and the San Francisco environment is being thrust upon City residents without opportunity for input. The materials before you mention that two alternate pilot programs were considered and rejected by staff. A public CEQA process should explore other possible scenarios that may have fewer environmental impacts -- before you approve a pilot program. The program itself requires analysis and mitigation and consideration of alternatives. This 18-month program appears designed to legitimize the current environmentally-destructive status quo.

What are the potentially significant environmental impacts of the pilot program? You have not been told, and the public has not been told. And because there is a "reasonable possibility" that the program may have significant impacts, categorical exemption is not allowed under CEQA Guideline section 15300.2 (c).

Please defer consideration of this pilot program pending CEQA review.

Thank you.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'S. Brandt-Hawley', with a stylized flourish at the end.

Susan Brandt-Hawley

EXHIBIT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 14-023

WHEREAS, The use of shuttle buses for the purpose of providing commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area; and,

WHEREAS, Shuttle bus service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018; and,

WHEREAS, Shuttle bus service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions for trips originating or ending in the City by 11,000 metric tons annually; and,

WHEREAS, The unregulated use of Muni stops by shuttle bus service providers has resulted in unintended adverse impacts, including delaying public transit service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing public transit vehicles from being able to access the curb in order to load and unload passengers; and

WHEREAS, The SFMTA's lack of complete information about shuttle bus operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with shuttle service providers' operations, including adverse impacts on Muni service and increased traffic congestion; and

WHEREAS, Inconsistent or inaccurate identification of, and lack of contact information for, shuttle bus service providers has made it difficult for the SFMTA to effectively and timely communicate with shuttle bus service providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult; and

WHEREAS, Regulation by the SFMTA of stop use by shuttle bus services to provide safe loading and unloading zones for those services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy; and

WHEREAS, SFMTA has evaluated the impacts of shuttle service operations on Muni operations and other users of the transportation system and worked with shuttle sponsors and shuttle service providers to develop SFMTA's Commuter Shuttle Policy and Pilot Program to guide SFMTA's implementation and evaluation of a pilot program to authorize commuter shuttle buses to stop in designated Muni stops; and

WHEREAS, Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper for a five-day period beginning on January 10, 2014, that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; and,

WHEREAS, On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption, and on January 9, 2014, the City Planning Department issued a concurrence with SFMTA's determination; and,

WHEREAS. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services; and,

WHEREAS, A copy of the SFMTA's determination and the Planning Department's concurrence are on file in the office of the Secretary for the SFMTA Board of Directors, and this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31; and,

WHEREAS, On January 21, 2014, the SFMTA Board of Directors approved a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Policy and Pilot Program; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

R. Pozornek

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Pilot Permit Program For Shuttle Buses Using Designated Muni Stops]

Resolution amending Division II of the Transportation Code to establish a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing fees for such permits.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 914, to read as follows:

Sec. 914. SHUTTLE STOP PERMITS

(a) Definitions

As used in this Section 914, the following words and phrases shall have the following meanings:

Designated Stop. An SFMTA bus stop designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

Director. The Director of Transportation or his or her designee.

Shuttle Bus. A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service.

Shuttle Permit. A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

Shuttle Placard. A placard issued by SFMTA that is visible from outside the Shuttle Bus at front and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

Shuttle Service. Transportation by Private Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

Shuttle Service Provider. Any Person using Shuttle Buses to provide Shuttle Service within the City.

Stop Event. An instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

(b) Findings.

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.

(4) Unregulated use of Muni stops by Shuttle Service Providers has resulted in unintended adverse impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) The SFMTA's lack of complete information about Shuttle Service operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers has made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) Regulation by the SFMTA of stop use by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy.

(8) The pilot program established under this Section 914 is intended to enable SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system.

(c) General Permit Program Requirements.

(1) The Director is authorized to implement a pilot program for the issuance of Shuttle Permits beginning on a date designated by the Director. The duration of the pilot program shall not exceed 18 months from the date of commencement designated by the Director.

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle Placards issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this pilot program. The Director may establish additional Designated Stops following a public hearing.

(d) Application Requirements. Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops, and the make, passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;

(4) The total number of Shuttle Placards requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) Documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(e) Permit Issuance. After evaluating an applicant's permit application, the Director shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

(f) Permit Terms and Conditions. The Director shall establish terms and conditions for Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms:

(1) Any Shuttle Bus being operated in Shuttle Service shall be listed on the permit application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. Shuttle Placards may be transferred between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle Placard shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (f) may be cited for violation of California Vehicle Code Section 22500(i).

(4) The Permittee shall comply with all applicable federal, state and local laws, including this Code, the California Vehicle Code and CPUC requirements, including those for registration, insurance, vehicle inspection and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus. The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's

monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, subject to the Permittee's right under applicable law to contest such citations.

(7) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(g) **Duration of Shuttle Permit.** Shuttle Permits initially issued under this Section shall expire six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(h) **Fees.**

(1) Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth below. The fee is intended to cover the cost to SFMTA of permit program implementation, administration enforcement and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application by the per stop fee set forth below. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees where a Shuttle Service Provider applies for a permit or permit modification following date of commencement of the pilot program.

(2) The Designated Stop use and permit fees shall be \$1 per Stop Event.

(3) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10 percent penalty plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(4) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis, but reserves the right to conduct such reconciliation on a more frequent basis if necessary. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10 percent or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10 percent penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(i) Grounds for suspension or revocation:

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the Shuttle Service Provider shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public

Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(j) **Administrative Penalties.**

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(f).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions; and

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(f). The administrative penalties authorized

under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4 which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(f) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(j).

(4) Administrative penalties may not exceed \$250 for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

(A) The duration of the violation;

(B) The frequency, recurrence and number of violations by the same violator;

(C) The seriousness of the violation;

(D) The good faith efforts of the violator to correct the violation;

(E) The economic impact of the fine on the violator;

(F) The injury or damage, if any, suffered by any member of the public;

(G) The impact of the violation on the community;

(H) The amount of City staff time expended investigating or addressing the violation;

(I) The amount of fines imposed by the charging official in similar situations;

(J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations

of the permit conditions set forth in Subsection 914(f), hereafter referred to as the “Charging Official.”

(6) Administrative Citation. A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(f), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider’s permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally, or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(j).

(8) Request for Hearing; Hearing.

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less

than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(j)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation, the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(j)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

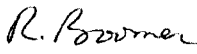
Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency



SAN FRANCISCO PLANNING DEPARTMENT

ENVIRONMENTAL EVALUATION APPLICATION COVER MEMO - PUBLIC PROJECTS ONLY

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

Please attach this memo along with all necessary materials to the Environmental Evaluation Application.

Project Address and/or Title:	Employer Shuttle Pilot Project
Funding Source (MTA only):	
Project Approval Action:	SFMTA Board
Will the approval action be taken at a noticed public hearing?	<input checked="" type="checkbox"/> YES* <input type="checkbox"/> NO
* If YES is checked, please see below.	

IF APPROVAL ACTION IS TAKEN AT A NOTICED PUBLIC HEARING, INCLUDE THE FOLLOWING CALENDAR LANGUAGE:

End of Calendar: CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Individual calendar items: This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

THE FOLLOWING MATERIALS ARE INCLUDED:

- 2 sets of plans (11x17)
- Project description
- Photos of proposed work areas/project site
- Necessary background reports (specified in EEA)
- MTA only: Synchro data for lane reductions and traffic calming projects



SFMTA
Municipal
Transportation
Agency

San Francisco Municipal Transportation Agency
150 Golden Gate Avenue, Suite 100
San Francisco, CA 94102
415.701.4500
www.sfmta.com

January 7, 2014

Jeanie Poling
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: The San Francisco Commuter Shuttle Pilot Program Establishment, CEQA Determination

Dear Ms. Poling:

The SFMTA is proposing to establish an 18-month Commuter Shuttle Pilot Program that would allow private commuter shuttles to use selected existing Muni bus stops for passenger pick-up and drop-off. The proposal would apply to shuttle services that serve commuters to, from, and within San Francisco. This proposal would not include recreational buses, airport shuttles, long-distance interurban buses, or vanpool vehicles. Participation would require a permit from the SFMTA.

The Commuter Shuttle Pilot Program is intended to increase safety for the users of all modes of transportation, including pedestrians, bicyclists, public transit riders, and private vehicle drivers as shuttles would operate according to agreed-upon guidelines. This program would reduce conflict with Muni operations as the shuttles would only use designated Muni stops deemed appropriate and designated by SFMTA staff. The program would reduce conflicts between shuttles and bicycles and vehicular traffic, and would support commuter use of sustainable non-single occupancy vehicles. The program would benefit the shuttle service sponsors by formalizing and facilitating the current practice of the use of Muni stops by shuttles.

There are approximately 200 locations throughout the City that the shuttle providers use, many of which are Muni bus stops. The SFMTA would solicit applications from shuttle sponsors for the purpose of determining which stops should become shared Muni-shuttle stops. The SFMTA would evaluate these proposed stops based on operational and engineering considerations to select approximately 200 shared Muni stops, distributed throughout the City, and would designate them for shared Muni and shuttle use.

As of August 2013, there were 48 known shuttle providers (19 regional and 29 intra-city) including the employers/institutions that offer the services as well as vendors who operate the services. There are about 350 shuttle vehicles operating in San Francisco on an average weekday. Together, the shuttle sector provides approximately 35,000 boardings on an average weekday, most of these during the peak morning and peak evening hours. Together, the commuter shuttles reduce at least 45 million vehicle miles travelled and 671,000 metric tons of carbon annually.

The vehicle size of the shuttles varies given the service needs and the number of riders utilizing the service. Most of the intra-city shuttles range in size from approximately 26 feet in length to approximately 32 feet in length and carry between 10 and 28 passengers. Most of the regional shuttle providers use motor coaches that are 40 to 45 feet in length and can carry 40 to 80 passengers.

The maximum shuttle boarding time is not expected to exceed one minute at the shared bus stops. The operating guidelines to be followed by the shuttle providers would minimize conflicts with Muni operations. Shuttle providers would be required to give priority to all Muni buses, would stop only at designated Muni stops, would prohibit loading and unloading in a traffic or bicycle lane, and would require the shuttles to pull all the way to the front of the bus stop to leave room for Muni or other shuttles in the bus zone. The SFMTA would use a sticker or other signage at the Muni bus stops to designate approved use by participating shuttle partners.

The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits.

The SFMTA will collect information from shuttle providers such as vehicle and fuel type, ridership, and shuttle miles traveled from shuttle providers for the environmental benefits assessment.

The SFMTA will conduct before and after field data observations on sample stops to compare shuttle operations and impacts on other users. The SFMTA will track the following data through auditing GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications to the SFMTA:

- Complaints about shuttle activities, including from Muni operators
- Incidents of shuttle-Muni, shuttle-shuttle, and shuttle-other user conflicts
- Violations of operating guidelines by shuttle operators
- Citations issued

The SFMTA will also evaluate the program's structure, administration, enforcement, and actual costs.

Because the Pilot Project will not result in a serious or major disturbance to an environmental resource and is reversible, we feel this pilot project is categorically exempt from CEQA under Class 6, Information Collection. Please let us know if you concur with this determination.

Sincerely,

Jerry Robbins
Transportation Planning Manager



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
SFMTA Commuter Shuttle Pilot Program			
Case No.	Permit No.	Plans Dated	
2013.1591E			
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Eighteen-month pilot project to allow private commute shuttles to use selected Muni bus stops for passenger pick-up and drop-off.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input checked="" type="checkbox"/>	Class – 6 - Information Collection

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	Hazardous Materials: Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Project Approval Action: SFMTA Bd. public hearing <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	Signature or Stamp: <div style="font-size: 2em; font-weight: bold;">Jean Poling</div> <small>Digitally signed by Jean Poling DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=ENVIRON, ou=Major Environmental Analysis, cn=Jean Poling, email=jeanie.poling@sfgov.org Date: 2014.01.10 11:41:32 -08'00'</small>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		