File No. __100290__　　　　　　　Committee Item No._____
　　　　　　　　　　　　　　　　　Board Item No.__27__

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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.

1   [Reversing the Statutory Exemption Determination for the San Francisco Municipal
     Transportation Agency Service Reductions]

2

3   **Motion reversing 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.**

6

7   WHEREAS, The Planning Department issued a Statutory Exemption Certificate on

8   January 4, 2010, finding that the San Francisco Municipal Transportation Agency ("SFMTA")

9   response to a fiscal emergency by approving actions that would reduce service by up to

10   325,000 annual service hours through modifications to most of the Muni bus routes and rail

11   lines (the "Project") fits within the definition of the statutory exemption set forth in the

12   California Environmental Quality Act ("CEQA"), California Public Resources Code Section

13   21080.32 and CEQA Guidelines Section 15285, and therefore qualifies for an exemption from

14   environmental 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 reversed 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

Clerk of the Board
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1   opposed to the exemption determination appeal. Following the conclusion of the public

2   hearing, the Board of Supervisors reversed 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 after carefully considering the appeal of the exemption determination,

11   including the written information submitted to the Board of Supervisors and the public

12   testimony presented to the Board of Supervisors at the hearing on the exemption

13   determination, this Board concludes that the Project does not meet the criteria for a statutory

14   exemption under Public Resources Code Section 21080.32 and CEQA Guidelines Section

15   15285 and reverses the Planning Department's determination that the Project is exempt from

16   environmental review.

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