

File No. 151271

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

Board Item No. 28

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: FEBRUARY 23, 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"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: John Carroll  
Completed by: \_\_\_\_\_

Date: FEBRUARY 18, 2016  
Date: \_\_\_\_\_

1 [Reversing the Categorical Exemption Determination - Proposed Commuter Shuttle Permit  
2 Program]

3 **Motion reversing the determination by the Planning Department that the proposed San**  
4 **Francisco Municipal Transportation Agency Commuter Shuttle Permit Program is**  
5 **categorically exempt from environmental review.**

6  
7 WHEREAS, On October 22, 2015, the Planning Department determined that the  
8 proposed San Francisco Municipal Transportation Agency ("SFMTA") Commuter Shuttle  
9 Permit Program ("Project") is exempt from environmental review under the California  
10 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
11 Code, Chapter 31; and

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

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

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

23 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on  
24 December 17, 2015, Rebecca L. Davis, of Lozeau Drury LLP, on behalf of the Coalition for  
25 Fair, Legal and Environmental Transit; Service Employees International Union Local Union

1 1021 ("SEIU 1021"); Sue Vaughan, and Robert Planthold (collectively, "Appellants") appealed  
2 the exemption determination; and

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

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

11 WHEREAS, On February 23, 2016, this Board held a duly noticed public hearing to  
12 consider the appeal of the exemption determination filed by Appellants and, following the  
public hearing, affirmed the exemption determination; and

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

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

23 WHEREAS, The written record and oral testimony in support of and opposed to the  
24 appeal and deliberation of the oral and written testimony at the public hearing before the  
25 Board of Supervisors by all parties and the public in support of and opposed to the appeal of

1 the exemption determination is in the Clerk of the Board of Supervisors File No. 151269 and is  
2 incorporated in this motion as though set forth in its entirety; now, therefore, be it

3           MOVED, That this Board of Supervisors reverses the determination by the Planning  
4 Department that the project is exempt from environmental review.

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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 [ ]

ase 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:**

Reversing the Categorical Exemption Determination - Proposed Commuter Shuttle Permit Program

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

Motion 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: *[Handwritten Signature]*

For Clerk's Use Only:

151271

