

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

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.**

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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 ("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

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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