

1 [Affirming the Statutory Exemption Determination - San Francisco Municipal Transportation
2 Agency's FY2015-2016 Two-Year Capital Budget]

3 **Motion affirming the determination by the San Francisco Municipal Transportation**
4 **Agency (SFMTA) that the SFMTA's FY2015-2016 Two-Year Capital Budget is exempt**
5 **from environmental review.**

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7 WHEREAS, On April 15, 2014, the San Francisco Municipal Transportation Agency
8 (SFMTA) Board conducted a noticed public hearing, and, by Resolution No. 14-0161, adopted
9 the Agency's Fiscal Year 2015 and 2016, two-year Operating and Capital Budget, which,
10 among other items: approved changes to various SFMTA fines, fees, fares, rates, and
11 charges; continuation of the free Muni for low and moderate income youth program; funding
12 for a three percent Muni service increase in FY 2015; funding for an additional seven percent
13 increase in Muni service in FY 2016, additional transit vehicle fleet cleaning and appearance;
14 Free Muni for low and moderate income 18 year olds, seniors, and/or disabled customers
15 depending on a determination of the agency's fiscal health in January, 2015; elimination of the
16 in-person customer service center fee; possible elimination of the telephone and on-line
17 computer customer transaction fee effective April 1, 2015; and elimination of parking meter
18 enforcement on Sundays; and

19 WHEREAS, In taking this approval action, the SFMTA determined that the SFMTA's
20 Fiscal Year 2015 and 2016 two-year Operating and Capital Budget was statutorily exempt
21 from the California Environmental Quality Act (CEQA) under Public Resources Code Section
22 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges); and

23 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on May
24 13, 2014, James Birkelund on behalf of Livable City, San Francisco Transit Riders Union, and
25 Mario Tanev (Appellants), appealed the exemption determination; and

1 WHEREAS, On June 17, 2014, this Board held a duly noticed public hearing to
2 consider the appeal of the exemption determination filed by Appellants and, following the
3 public hearing, affirmed the exemption determination; and

4 WHEREAS, In reviewing the appeal of the exemption determination, this Board
5 reviewed and considered the exemption determination, the appeal letter, the responses to the
6 appeal documents that the Planning Department and SFMTA prepared, the other written
7 records before the Board of Supervisors and all of the public testimony made in support of
8 and opposed to the exemption determination appeal. Following the conclusion of the public
9 hearing, the Board of Supervisors affirmed the exemption determination for the project based
10 on the written record before the Board of Supervisors as well as all of the testimony at the
11 public hearing in support of and opposed to the appeal. The written record and oral testimony
12 in support of and opposed to the appeal and deliberation of the oral and written testimony at
13 the public hearing before the Board of Supervisors by all parties and the public in support of
14 and opposed to the appeal of the exemption determination is in the Clerk of the Board of
15 Supervisors File No. 140522 and is incorporated in this motion as though set forth in its
16 entirety; now therefore be it

17 MOVED, That the Board of Supervisors of the City and County of San Francisco
18 hereby adopts as its own and incorporates by reference in this motion, as though fully set
19 forth, the exemption determination; and, be it

20 FURTHER MOVED, That the Board of Supervisors finds that the SFMTA Board's
21 approval of the Fiscal Year 2015 and 2016 two-year Operating and Capital Budget, including
22 without limitation the SFMTA Board's decision to eliminate parking meter enforcement on
23 Sundays, was for the purpose of modifying and restructuring its rates, tolls, fares, and other
24 charges for the purpose of meeting operating expenses, including employee wage rates and
25 fringe benefits, and purchasing or leasing supplies, equipment or materials and was therefore

1 statutorily exempt from environmental review under California Public Resources Code section
2 21080(b)(8); and, be it

3 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
4 record before it there are no substantial project changes, no substantial changes in project
5 circumstances, and no new information of substantial importance that would change the
6 conclusions set forth in the exemption determination by the SFMTA that the proposed project
7 is exempt from environmental review; and, be it

8 FURTHER MOVED, That after carefully considering the appeal of the exemption
9 determination, including the written information submitted to the Board of Supervisors and the
10 public testimony presented to the Board of Supervisors at the hearing on the exemption
11 determination, this Board concludes that the project qualifies for a exemption determination
12 under CEQA.

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