

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

3 **Motion affirming 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's 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

1 Fair, Legal and Environmental Transit; Service Employees International Union Local Union  
2 1021 (“SEIU 1021”); Sue Vaughan, and Robert Planthold (collectively, “Appellants”) appealed  
3 the exemption determination; and

4 WHEREAS, The Appellants provided a copy of the Planning Department’s Categorical  
5 Exemption Determination, signed October 22, 2015, which found that the proposed project  
6 was exempt under Class 1 and Class 8 of the CEQA Guidelines (14 Cal. Code Reg. Sections  
7 15301 and 15308); Appellants also provided a copy of SFMTA Resolution No. 15-161; 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  
13 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 the Board of Supervisors of the City and County of San Francisco  
4 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
5 forth, the exemption determination; and, be it

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

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

16  
17 n:\land\as2016\0400241\01075227.doc