



CEQA STATUTORY EXEMPTION DETERMINATION **Public Resources Code Section 21080.25**

Date Issued: September 5, 2024
Record No.: 2024-007667ENV
Project: Overnight Recreational Large Vehicle Parking Citation and Removal
Project Sponsor: Mari Hunter, San Francisco Municipal Transportation Agency
Andy Thornley, San Francisco Municipal Transportation Agency
Through: Jenny Delumo, San Francisco Municipal Transportation Agency
Staff Contact: Jennifer McKellar, San Francisco Planning Department;
jennifer.mckellar@sfgov.org; 628.652.7563

PROJECT DESCRIPTION

The San Francisco Municipal Transportation Agency (SFMTA) is proposing the Overnight Recreational Large Vehicle Parking Citation and Removal project (proposed project). The proposed project would restrict certain large vehicles¹ from parking overnight (12:00 a.m. to 6:00 a.m.) on every SFMTA-managed street in San Francisco.² The proposed project would require Division II changes to the San Francisco Transportation Code. These changes include authorizing the Director of Transportation to issue rules and regulations to determine where to install signage to effectuate Recreational Large Vehicles parking restrictions and make written findings that such vehicles parked in the area have resulted in, or are likely to result in, impacts to traffic and circulation, public health and safety, or both. The project would include the installation of permanent or temporary signs on existing poles or new poles.³

Please see the attached Overnight Recreational Large Vehicle Parking Citation and Removal Project memo for a more detailed project description.

Constructed by:	Contracted through:
<input type="checkbox"/> Public Works	<input type="checkbox"/> Public Works
<input checked="" type="checkbox"/> SFMTA	<input type="checkbox"/> SFMTA
<input type="checkbox"/> Public Agency:	<input type="checkbox"/> Public Agency:

¹ Per San Francisco Transportation Code Section 7.2.54, the subset of large vehicles are “camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobile homes, and recreational vehicles. . . as defined by the California Vehicle Code and Health and Safety Code.” (hereafter “Recreational Large Vehicles”) Available at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_transportation/0-0-0-51781. Accessed August 14, 2024.

² Streets under the jurisdiction of the San Francisco Port, San Francisco Recreation and Parks Department, and Caltrans would not be subject to this restriction. Examples include Terry A Francois Boulevard, MLK Drive in Golden Gate Park, and Van Ness Avenue.

³ Construction and implementation of the proposed project would not exceed \$50,000,000.

SB922 ELIGIBILITY CHECKLIST


This project, as proposed, has been determined to be exempt under the California Environmental Quality Act (CEQA), specifically under a statutory exemption pursuant to Public Resources Code section 21080.25 as demonstrated below.

Table 1: Project Type Checklist – Public Resources Code Section 21080.25(b)	
The project must meet at least one project type to qualify for this Statutory Exemption. See Attachment 1 below for definitions of terms.	
<input type="checkbox"/>	(1) Pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way.
<input type="checkbox"/>	(2) Projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians within the public right-of-way.
<input type="checkbox"/>	(3) Transit prioritization projects.
<input type="checkbox"/>	(4) A project for the designation and conversion of general purpose lanes to high-occupancy vehicle lanes or bus-only lanes, or highway shoulders to part-time transit lanes, for use either during peak congestion hours or all day on highways with existing public transit service or where a public transit agency will be implementing public transit service as identified in a short range transit plan.
<input type="checkbox"/>	(5) A public project for the institution or increase of bus rapid transit, bus, or light rail service, including the construction or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission, near-zero-emission, low oxide of nitrogen engine, compressed natural gas fuel, fuel cell, or hybrid powertrain buses or light rail vehicles, on existing public rights-of-way or existing highway rights-of-way, whether or not the right-of-way is in use for public mass transit. The project shall be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
<input type="checkbox"/>	(6) A public project to construct or maintain infrastructure or facilities to charge, refuel, or maintain zero-emission public transit buses, trains, or ferries, provided the project is carried out by a public transit agency in compliance with the State Air Resources Board’s Innovative Clean Transit regulations (Article 4.3 (commencing with Section 2023) of Chapter 1 of Division 3 of Title 13 of the California Code of Regulations) or any regulations identified by the State Air Resources Board’s 2020 Mobile Source Strategy, adopted on October 28, 2021, and the project is located on property owned by the local agency or within an existing public right-of-way or on property owned by a public or private utility. *For projects including hydrogen refueling infrastructure or facilities necessary to refuel or maintain zero-emission public transit buses, trains, or ferries, see Table 3 for additional requirements.
<input type="checkbox"/>	(7) The maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with a project identified in paragraphs (1) to (6), inclusive.
<input type="checkbox"/>	(8) A project that consists exclusively of a combination of any of the components of a project identified in paragraphs (1) to (7), inclusive.
<input checked="" type="checkbox"/>	(9) A planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs.

Table 2: Other Project Eligibility Criteria – Public Resources Code Section 21080.25(c)	
<p>The project must meet all the criteria listed below to qualify for this Statutory Exemption. See Attachment 1 below for definitions of terms. Note: Table 2 does not apply to a planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs.</p>	
<input type="checkbox"/>	(1) A local agency is carrying out the project and is the lead agency for the project.
<input type="checkbox"/>	(2) The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way. The project shall not include the addition of any auxiliary lanes.
<input type="checkbox"/>	(3) The construction of the project shall not require the demolition of affordable housing units.
<input checked="" type="checkbox"/>	<p>(4) The project would:</p> <p><input checked="" type="checkbox"/> not exceed fifty million dollars (\$50,000,000) OR</p> <p><input type="checkbox"/> exceed \$50,000,000 (but not exceed \$100,000,000)* and meet the noticed public meeting requirements in Table 3</p>
<p>* If the project exceeds \$100,000,000, then Section 21080.25(d) imposes additional requirements. Please consult with the Planning Department staff.</p>	
Table 3: Noticed Public Meetings Requirements – Public Resources Code Section 21080.25(d)(1)(D)(i), (iii), (iv) and Section 21080.25(d)(1)(E)	
<p>Projects including hydrogen refueling infrastructure or facilities necessary to refuel or maintain zero-emission public transit buses, trains, or ferries or projects exceeding \$50,000,000 must meet all the applicable criteria listed below to qualify for this statutory exemption.</p>	
<input type="checkbox"/>	<p>The lead agency shall hold noticed public meetings as follows:</p> <p><input type="checkbox"/> Before determining that a project is exempt pursuant to this section, the lead agency shall hold at least three noticed public meetings in the project area to hear and respond to public comments. Public meetings occurred:</p> <p><input type="checkbox"/> The lead agency shall conduct at least two noticed public meetings annually during project construction for the public to provide comments.</p> <p><input type="checkbox"/> The public meetings held pursuant to Section 21080.25(d)(1)(D)(i) to (iii), inclusive, shall be in the form of either a public community planning meeting held in the project area or in the form of a regularly scheduled meeting of the governing body of the lead agency.</p>
<input type="checkbox"/>	<p>The lead agency shall give public notice of the meetings (listed in the row above) to the last known name and address of all the organizations and individuals that have previously requested notice and shall also give the general public notice using at least one of the following procedures:</p> <p><input type="checkbox"/> Publication of the notice in a newspaper of general circulation in the area affected by the project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.</p> <p><input type="checkbox"/> Posting of the notice onsite and offsite in the area where the project is located.</p> <p><input type="checkbox"/> Posting of the notice on the lead agency's internet website and social media accounts.</p>
<input checked="" type="checkbox"/>	Not Applicable – Project type not applicable and cost of project is below \$50,000,000.

Table 4: Project Labor Requirements – Public Resources Code Section 21080.25(f)	
<p>In addition to meeting the criteria in Table 2, the project must meet labor requirements to qualify for this statutory exemption. See Attachment 1 below for definitions of terms. Note: Table 4 does not apply to a planning decision carried out by a local agency to reduce or eliminate minimum parking requirements or institute parking maximums, remove or restrict parking, or implement transportation demand management requirements or programs.</p>	
<input type="checkbox"/>	<p>(1) Following the granting of an exemption under this section, the lead agency shall take an action at a public meeting of its governing board to certify that the project will be completed by a skilled and trained workforce. (Does not apply if the lead agency has an existing policy or certification approved by its governing board that requires the use of a skilled and trained workforce to complete the project if the lead agency is a signatory to a project labor agreement that will require the use of a skilled and trained workforce on the project.)</p>
<input type="checkbox"/>	<p>(2) (A) Except as provided in subparagraph (2) (B), for a project that is exempted under this section, the lead agency shall not enter into a construction contract with any entity unless the entity provides to the lead agency an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.</p>
<input type="checkbox"/>	<p>(2) (B) Subparagraph (2) (A) does not apply if any of the following requirements are met:</p> <ul style="list-style-type: none"> <input type="checkbox"/> (i) The lead agency has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project to use a skilled and trained workforce and the entity has agreed to be bound by that project labor agreement. <input type="checkbox"/> (ii) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the lead agency before January 1, 2021. <input type="checkbox"/> (iii) The entity contracted to perform the project entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project to use a skilled and trained workforce.
<input type="checkbox"/>	<p>A portion of the project would be constructed by SFMTA and/or Public Works Shops and this portion would not require the use of contractors for labor.</p>
<input checked="" type="checkbox"/>	<p>Not Applicable. The project would be entirely constructed by SFMTA and would not require the use of contractors for labor.</p>

(continued on the following page)

EXEMPTION DETERMINATION (TO BE COMPLETED BY ENVIRONMENTAL PLANNER)	
Project Approval Action: Approval by the SFMTA Board of Directors	Signature/Date:  . 9/5/2024 Jennifer McKellar San Francisco Planning Department
<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/pim/ and inputting the record number. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link.</p> <p>Once signed and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the SF Administrative Code. Per Chapter 31, an appeal of an exemption determination to the Board of Supervisors shall be filed within 30 days after the Approval Action occurs at a noticed public hearing, or, if the approval is not made at a noticed public hearing, within 30 days after posting on the Planning Department's website a written decision or notice of the Approval Action.</p>	

(continued on the following page)

ATTACHMENT 1: DEFINITIONS

Definitions for terms 1 through 12 are the same as provided in the text of Public Resources Code section 21080.25(a).

- (1) “**Affordable housing**” means any of the following:
 - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents or sales prices to levels affordable, as defined in Section 50052.5 or 50053 of the Health and Safety Code, to persons and families of moderate, lower, or very low income, as defined in Section 50079.5, 50093, or 50105 of the Health and Safety Code, respectively.
 - (B) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
 - (C) Housing that had been occupied by tenants within five years from the date of approval of the development agreement by a primary tenant who was low income and did not leave voluntarily.

- (2) “**Bicycle facilities**” includes, but is not limited to, bicycle parking, bicycle sharing facilities, and bikeways as defined in Section 890.4 of the Streets and Highways Code.

- (3) “**High-occupancy vehicle**” means a vehicle with three or more occupants.

- (4) “**Highway**” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes a street.

- (5) “**Local agency**” means a public transit operator, city, county, city and county, special district, joint powers authority, local or regional transportation agency, or congestion management agency.

- (6) “**Part-time transit lanes**” means designated highway shoulders that support the operation of transit vehicles during specified times and are not open to nonpublic transit vehicles at any time.

- (7) “**Project labor agreement**” has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

- (8) “**Public transit operator**” has the same meaning as in Section 99210 of the Public Utilities Code.

- (9) “**Skilled and trained workforce**” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

- (10) “**Transit lanes**” means street design elements that delineate space within the roadbed as exclusive to transit use, either full or part time.

- (11) “**Transit prioritization projects**” means any of the following transit project types on highways or in the public right-of-way:
 - (A) Signal and sign changes, such as signal coordination, signal timing modifications,

signal modifications, or the installation of traffic signs or new signals.

(B) The installation of wayside technology and onboard technology.

(C) The installation of ramp meters.

(D) The conversion to dedicated transit lanes, including transit queue jump or bypass lanes, shared turning lanes and turn restrictions, the narrowing of lanes to allow for dedicated transit lanes or transit reliability improvements, or the widening of existing transit travel lanes by removing or restricting street parking.

(E) Transit stop access and safety improvements, including, but not limited to, the installation of transit bulbs and the installation of transit boarding islands.

(12) **“Transportation demand management program”** means a specific program of strategies, incentives, and tools to be implemented, including, with specified annual status reporting obligations, to reduce vehicle trips by providing opportunities for the public to choose sustainable travel options, such as transit, bicycle riding, or walking. A specific program of strategies, incentives, and tools includes, but is not limited to, any of the following:

(A) Provision of onsite electric vehicle charging stations in excess of applicable requirements.

(B) Provision of dedicated parking for car share or zero-emission vehicles, or both types of vehicles, in excess of applicable requirements.

(C) Provision of bicycle parking in excess of applicable requirements.

(13) Pedestrian Facilities as a term is not defined in Public Resources Code Section 21080.25. The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) is a national standard approved by the Federal Highway Administrator in accordance with Title 23 of the U.S. Code. In the MUTCD, **Pedestrian Facilities** is “a general term denoting improvements and provisions made to accommodate or encourage walking.”⁴ This definition will be used by San Francisco Planning Department to determine if a project or project component includes a pedestrian facility and meets the eligibility criteria of Public Resources Code Section 21080.25.

⁴ U.S. Department of Transportation, Federal Highway Administration. 2009. *Manual on Uniform Traffic Control Devices for Streets and Highways*. See page 17. Online at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. Accessed December 21, 2020



Date: September 5, 2024
To: Jennifer McKellar, San Francisco Planning Department
From: Mari Hunter, San Francisco Municipal Transportation Agency
Andy Thornley, San Francisco Municipal Transportation Agency
Through: Jenny Delumo, San Francisco Municipal Transportation Agency
Re: Overnight Recreational Large Vehicle Parking Citation and Removal
Case Number: 2024-007667ENV

Summary

The San Francisco Municipal Transportation Agency (SFMTA) is proposing the Overnight Recreational Large Vehicle Parking Citation and Removal project (proposed project). The proposed project would restrict certain large vehicles¹ from parking overnight (12:00 a.m. to 6:00 a.m.) on every SFMTA-managed street in San Francisco.² The proposed project would require Division II changes to the San Francisco Transportation Code. These changes include authorizing the Director of Transportation to issue rules and regulations to determine where to install signage to effectuate Recreational Large Vehicles parking restrictions and make written findings that such vehicles parked in the area have resulted in, or are likely to result in, impacts to traffic and circulation, public health and safety, or both. The project would include the installation of permanent or temporary signs on existing poles or new poles.³

Existing Conditions

The San Francisco Transportation Code currently restricts large vehicles from parking overnight where signage is posted, as described in Section 7.2.54. Under existing regulations, the SFMTA Board must designate each location where the overnight parking of large vehicles is prohibited, and vehicles parked in violation of the restriction may not be towed. The existing large vehicle overnight parking restriction is in effect, where posted, on

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² Streets under the jurisdiction of the San Francisco Port, San Francisco Recreation and Parks Department, and Caltrans would not be subject to this restriction. Examples include Terry A Francois Boulevard, MLK Drive in Golden Gate Park, and Van Ness Avenue.

³ Construction and implementation of the proposed project would not exceed \$50,000,000.

approximately 47 miles of street frontage in San Francisco. These locations are shown in Figure 1.



Fig 1: Locations where the oversized vehicle overnight parking restriction (TC 7.2.54) is currently posted

Proposed Project

The proposed project would make changes to the Transportation Code to make the large vehicle overnight parking restriction a towable violation where there is a posted sign and establish a process for the posting of signage for Recreational Large Vehicles

The purpose of the proposed project is to address the effects that the long-term parking of Recreational Large Vehicles can have on city streets. Depending on the location, Recreational Large Vehicles can interfere with transit service or the safe movement of cyclists and pedestrians, which can pose hazards related to traffic, circulation, public health, and safety.

The proposed project would require the following changes to the San Francisco Transportation Code:

- Amend Transportation Code 101 to create a definition for “Recreational Large Vehicle”.
- Amend the title of Transportation Code Section 200 to “Authority Over Parking and Traffic Controls”.
- Amend Section 201(c)(15) to authorize the Director of Transportation to install signage effectuating the Recreational Large Vehicle parking restriction, notwithstanding the MTA Board’s authority to also designate areas for the restriction under Division I, section 7.2.54.

- Amend Transportation Code Section 204 to revise the title to clarify its scope, authorize the Director of Transportation to install signage effectuating the Recreational Large Vehicle restriction citywide and make the violation of the Recreational Large Vehicle restriction a towable offense.
- Establish Transportation Code Section 1010 to:
 - Authorize the Director of Transportation to issue rules and regulations to determine where to install signage to effectuate the Recreational Large Vehicles parking restrictions contained in Transportation Code Section 7.2.54.
 - Authorize the citation and removal of Recreational Large Vehicles in violation of the parking restrictions described in Transportation Code Section 7.2.54 where signage is posted as approved by the Director of Transportation, and to permit removal of a vehicle pursuant to Section 8.1(a)(7) of the Transportation Code and Section 22561(n) of the California Vehicle Code. Prior to posting signs to enforce the restriction in an area, the Director shall make a written finding that such vehicles parked in the area have resulted in, or are likely to result in, impacts to traffic and circulation, public health and safety, or both (see below for further details).
 - Require that if a street where signs are posted pursuant to Transportation Code Section 1010 include Recreational Large Vehicles that are used as lodging, enforcement will not commence until an offer of shelter by City acting through the Healthy Streets Operations Center or any successor entity has been made to occupants of the Recreational Large Vehicles.

Under the proposed project and as described above, the Director of Transportation would be required to make written findings before posting a sign. Those findings would be directed by the following guidelines:

Recreational Large Vehicles are parked:

1. In violation of the restrictions contained in Article 500 of this Code
2. In such a way that impacts, or may impact, the execution of any construction project.
3. Along transit routes, including Municipal Railway, regional transit service, and local shuttle service stops.
4. On a street that contains Class II, III, or IV bicycle lanes.
5. On a street adjacent to a travel lane less than 11 feet wide.
6. On a Slow Street established pursuant to section 207 of this Code.

7. On a street within a Residential or Neighborhood Commercial zoning district.
8. Within 500 feet of a health care or education facility.
9. Within 100 feet of an entry point to a park.
10. In a Residential Parking Permit zone.
11. In a metered zone.
12. Within 100 feet of an intersection pursuant to California Vehicle Code 22507.
13. Where there are impacts, or potential impacts, to public health and safety.

Construction

Implementation of the proposed project requires temporary or permanent signs. Installation of the signs could be placed on existing poles (requiring no excavation) or new poles (which would require excavation to a maximum depth of 18 inches). Sign installation would be carried out by the SFMTA Sign Shop.

APPROVAL ACTION

The Approval Action as defined by San Francisco Administrative Code Chapter 31, Section 31.04(h)(2) is approval of the project by the SFMTA Board of Directors. The approval action starts the 30-day appeal period for the environmental review determination under Administrative Code Section 31.16.