

File No. 201024

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

Board Item No. 72

## COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 29, 2020

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Prepared by: Lisa Lew

Date: September 18, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** [Mary Miles](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** 8-20-20 NOTICE OF APPEAL  
**Date:** Thursday, August 20, 2020 4:41:44 PM  
**Attachments:** [8-20-20 NOTICE OF APPEAL SLOW STREETS- PHASE 3.pdf](#)

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**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310  
E-mail: [page364@earthlink.net](mailto:page364@earthlink.net)

**TO:**  
Angela Calvillo, Clerk  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102  
[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**DATE:** August 20, 2020

**RE:** Notice of Appeal of Exemption No. 2020-006251ENV

Attached please find in pdf format Appellant's Notice of Appeal (Appeal letter) to the Board of Supervisors of Exemption No. 2020-006251ENV ("Slow Streets, Phase 3"), with Attachments A and B.

Appellant files this Appeal electronically, since the Board of Supervisors' office is closed.

Per information provided by the Clerk of the Board of Supervisors, Appellant was advised that payment is not due until the Board resumes scheduling and schedules hearing on this Appeal. Appellant therefore will await further advice from the Clerk.

Appellant has attached an Application for Fee Waiver along with this Notice of Appeal (see last two pages of attached).

If there is any problem with the attached filing, or if you need any other documents, please advise me by return e-mail. Please also advise that the Board of Supervisors has received this Appeal.

Thank you.

Mary Miles  
Attorney at Law  
364 Page St., #36  
San Francisco, CA 94102

FROM:

Mary Miles (SB #230395)  
Attorney at Law for  
Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102

TO:

Angela Calvillo, Clerk, and  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102

DATE: August 20, 2020

BY E-MAIL TO: bos.legislation@sfgov.org

**NOTICE OF APPEAL OF CEQA EXEMPTION OF  
"SLOW STREETS PHASE 3"**

PLEASE TAKE NOTICE that Coalition for Adequate Review hereby appeals to the San Francisco Board of Supervisors the environmental determination of the San Francisco Planning Department of the "Slow Streets Phase 3" Project ("the Project"), and the implementation of that Project by the San Francisco Municipal Transportation Authority ("MTA") with no opportunity for review by the Board of Supervisors or meaningful public participation.

The Planning Department's Exemption No. 2020-006251ENV dated July 16, 2020 is attached as **EXHIBIT A**. The MTA Board approved "Phase 3" on July 21, 2020, with its Resolution No. 200721-069, attached as **EXHIBIT B**. Appellant submitted public comment to MTA Board on Slow Streets Phase 3 on July 20, 2020.

Grounds for this Appeal lie in the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§21000 *et seq.*, and in rules, regulations, and case law. Appellant will submit briefing and other documents after a hearing is scheduled by the Board.

In addition to the many streets already closed by earlier "phases" of MTA's Slow Streets Project, "Slow Streets Phase 3" closes all or parts of several streets to motor vehicle travel, including: 20th Street, Arkansas Street, Arlington Street, Broderick Street, Cabrillo Street, Capitol Avenue, Cayuga Avenue, Clay Street, Duncan Street, Farallones Street, Hearst Avenue, Holly Park Circle, Lakeview/Shields Street, Mariposa Street, Minnesota Street, Noe Street, Pacific Avenue, Pierce Street, and Tompkins Avenue. (Exh. A p. 1-2.) "Phase 3" blocks motor vehicle traffic with physical obstructions, allowing only "foot and bicycle traffic." (Exh. A p. 1-2.)

The "Slow Streets Phase 3" exemption document claims that "Phase 3" is statutorily exempt under an "emergency" CEQA exemption under 14 Cal.Code Regs. ("CEQA Guidelines"), §15269(c).) Like other parts of Slow Streets, however, "Phase 3" does not qualify for an emergency exemption under CEQA, which only applies to "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services . . . [and] such occurrences as fire, flood, earthquake, or other soil or geologic movements, . . . riot, accident, or sabotage." (Pub.Res. Code §21060.3 ["Emergency"].)

Absent substantial evidence that each street change in the Project meets that strict definition, City fails to establish any emergency exemption justifying the Project. There is no such evidence in the record before MTA's Phase 3 approval. "Slow Streets Phase 3" therefore does not qualify for an emergency exemption under CEQA. Bicycling and walking in the middle of streets do not prevent or mitigate an emergency under CEQA.

Planning's exemption document claims with no supporting evidence that "many pedestrians are choosing to walk in the street" and that bicyclists and pedestrians need entire streets for walkways and bikeways to maintain social distancing of six feet for essential trips. (Exh. A, p. 1.) MTA and Planning provide *no* evidence supporting that bicyclists and pedestrians on those streets are making *essential* trips or that closing public streets to motor vehicles is necessary for their *essential* trips.

The Phase 3 Exemption document falsely claims that "[t]he project would not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, or loading/ parking." (Exh. A, p.2.) That statement is false, because the Project in fact obstructs affected streets with barricades and signs prohibiting through travel by motor vehicles, and it changes those public streets into pedestrian walkways and bicycle lanes.

Nor is the Slow Streets Project presumably temporary, since the MTA provides *no* end date for this Project and claims that it can and will make this Project and all its changes permanent. The MTA also makes no commitment to conduct environmental review and provide meaningful public participation in that review.

The Slow Streets Phase 3 Project is also not as claimed *categorically* exempt from CEQA under Guidelines §15301, since it is not a "minor alteration" but is in fact a major change of use of those public streets. Also, since the Project may have direct, indirect, and cumulative significant impacts on traffic, air quality, GHG, energy consumption, emergency services, and public safety, it is not categorically exempt from CEQA.

Further, Phase 3 cannot be categorically exempt under section 15301, because the claimed emergency must be a sudden occurrence and therefore cannot be a change to an "existing" facility.


The Exemption's claimed statutory emergency exemption also presents an exception to the claimed categorical exemption, since an emergency under CEQA's definition would be an "unusual circumstance." The cumulative impacts of many street closures to motor

vehicles is also an exception to the asserted categorical exemption. The claimed emergency exemption and claimed Class 1 categorical exemption are contradictory.

**CONCLUSION**

"Slow Streets Phase 3" does not qualify for a statutory emergency exemption under CEQA and it is not categorically exempt.

Since the Slow Streets "Phase 3" Project, does not meet the requirements for the claimed exemption, this Board should reverse the Planning Department's exemption and MTA's approval and implementation of the Project.

  
\_\_\_\_\_  
Mary Miles

DATE: August 20, 2020

**ATTACHMENTS/EXHIBITS:**

- A** Planning Department's Exemption No. 2020-006678ENV dated July 16, 2020
- B** MTA Board of Directors Resolution No. 200721-069, dated July 21, 2020

# **ATTACHMENT A**



### Slow Streets, Phase 3

As a result of the coronavirus (COVID-19) public health emergency, the San Francisco Municipal Transportation Agency (SFMTA) has created limited “Slow Streets” to manage traffic speeds and allow roadways to be safely used as a shared space for foot and bicycle traffic, while also providing adequate space for travelers to maintain 6 feet separation (the project) . This space is needed for essential walk and bike travel while transit service levels are temporarily reduced. Vehicle traffic is allowed on these streets but is limited to local (e.g. access for residents and businesses, to the extent present) and emergency vehicle access.

With Muni service reduced, many San Francisco residents need to walk and take other travel modes to make essential trips. However, they cannot practically maintain the six feet of social distance required by the city’s Public Health orders C19-07b on many sidewalks, park paths, and bikeways, especially when passing queues that may exist outside grocery stores and other essential services. Currently, many pedestrians are choosing to walk in the street and are at a higher risk of being in a collision with a vehicle in the roadway. There is also data showing drivers are operating at higher and unsafe speeds at this time, which increases the risk for severe injuries to individuals walking in a collision.

The Slow Street treatment would include placement of materials such as cones, A-frames, plastic traffic diverters and delineators to slow and discourage vehicular through traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. City and County of San Francisco staff would monitor each street where implemented to ensure the transportation benefits of Slow Streets are not undermined by crowding and congregation. The following segments have been reviewed by SFMTA staff for feasibility and would not adversely affect operations on Muni routes. The Slow Street corridors would be reviewed by the Transportation Advisory Staff Committee (TASC) or COVID-TASC, including representatives from the San Francisco Fire Department prior to project approval.

The street segments proposed for Slow Street Phase 3 include:

- 20th Street from San Bruno Avenue to Pennsylvania Avenue
- Arkansas Street from 23rd to 17th streets
- Arlington Street from Roanoke to Randall streets
- Broderick Street from O’Farrell to Page streets
- Cabrillo Street from 45th to 23rd avenues
- Capitol Avenue from Ocean Avenue to Alemany Boulevard
- Cayuga Avenue from Naglee Avenue to Rousseau Street
- Clay Street from Arguello Boulevard to Steiner Street
- Duncan Street from Diamond Heights Boulevard to Tiffany Avenue



- Farallones Street from Orizaba Avenue to San Jose Avenue
- Hearst Avenue from Ridgewood Avenue to Baden Street
- Holly Park Circle
- Lakeview/Shields Street from Beverly Street to Brighton Avenue
- Mariposa Street from Texas to Mississippi streets
- Minnesota Street from Mariposa to 22nd streets
- Noe Street from 23rd Street to Duboce Avenue
- Pacific Avenue from Steiner to Gough streets
- Pierce Street from Hayes Street to Duboce Park (Avenue)
- Tompkins Avenue from Andover Street to Peralta Avenue

The project would not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, or loading/parking. The proposed project would include installation of movable barriers to provide safe areas for physical distancing while walking and bicycling for essential trips or recreation. These elements fit within the “installation or reconfiguration of traffic calming devices” category of the Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis. The project is thereby presumed to not significantly impact VMT, and no further VMT analysis is required. Phase 3 of Slow Streets would not create potentially hazardous conditions for people driving because the placement of traffic calming devices and restrictions to through traffic would slow and limit the number of vehicles thereby reducing the potential for conflicts.

None of the Slow Streets segments are on Muni routes (existing routes, pre-COVID emergency or COVID Core Service). Commercial or passenger loading facilities would not be removed as part of the project, thus no loading impacts would result. There would be no construction or excavation as part of the project as the project requires only the placement of movable surface barriers.

There may be other planned projects in the vicinity of the Slow Streets Phase 3 segments; however, SFMTA would coordinate with those project sponsors so that construction and Slow Streets would not occur simultaneously on the same segment. Slow Streets barricades would be moved in the case of overlapping infrastructure project construction.

The designation by the SFMTA of certain San Francisco streets as Slow Streets is to help facilitate members of the public maintaining six feet social distance while making essential trips by all modes in order to prevent and mitigate a public health emergency. The changes implemented as part of the project are temporary in nature, and will expire 120 days after the retraction of the City’s proclamation of the COVID-19 local emergency (dated February 25, 2020).

### **Approval Action:**

Approval by the SFMTA Board

Statutorily Exempt pursuant to CEQA Guidelines Section 15269(c): Emergency Projects, specific actions necessary to prevent or mitigate an emergency.

Categorically exempt pursuant to CEQA Guidelines Section 15301(c): Minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, involving negligible or no expansion of existing or former use.

*Melinda Hue* 7/1/20

Melinda Hue Date  
San Francisco Municipal Transportation Agency

*Laura C. Lynch* 7/1/20

Laura Lynch Date  
San Francisco Planning Department

# **ATTACHMENT B**

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 200721-069

WHEREAS, On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern; on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States; and, on February 25, 2020, San Francisco Mayor London Breed, issued a Proclamation Declaring the Existence of a Local Emergency within the City in response to the pandemic (COVID-19 Emergency), and,

WHEREAS, The Centers for Disease Control and Prevention (CDC) issued guidance to local and state jurisdictions and determined that the virus presents a serious public health threat, requiring coordination among state and local departments to ensure readiness for potential health threats associated with the virus; and,

WHEREAS, The San Francisco Department of Public Health (DPH), the Department of Emergency Management, and other City partners have been working successfully to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, On March 16, 2020, San Francisco's Health Officer issued a Public Health Order requiring that residents remain in place, with the only exception being for essential needs which significantly impacted San Francisco's multimodal transportation system, and required the SFMTA to reduce transit service per the COVID-19 Muni Core Service Plan, and on May 28, 2020, the Mayor released a plan and timeline, informed by the Economic Recovery Task Force, to safely reopen San Francisco; and,

WHEREAS, The San Francisco Municipal Transportation Agency, in response to the COVID-19 Emergency and the City's reopening timeline, developed a Transportation Recovery Plan (TRP) that serves as a framework for temporary improvements to the multimodal transportation system; and,

WHEREAS, The Slow Streets Program, a component of the TRP, would install temporary barricades and signage at designated intersections on the additional corridors to provide more space for socially distant essential travel by bicycling or walking, and exercise; and,

WHEREAS, The San Francisco Municipal Transit Agency has proposed temporary road closures to through traffic as part of the Slow Streets Program and, under Vehicle Code Section 21101(e) finds that such temporary road closures to through traffic are necessary for the safety and protection of persons who are using the street under the Program during the COVID-19 Emergency; and,

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritizes non-private automobile transportation; and,

WHEREAS, The following corridors are proposed for closure to through traffic and for inclusion in the Slow Streets Program:

1. 20th Street from San Bruno to Pennsylvania,
2. Arkansas from 23rd to 17th streets,
3. Arlington from Roanoke to Randall,
4. Cabrillo Street from 23rd to 45th avenues,
5. Cayuga from Naglee to Rousseau,
6. Clay from Arguello to Steiner,
7. Duncan from Diamond Heights to Tiffany,
8. Farallones from Orizaba to San Jose,
9. Heart from Ridgewood to Baden,
10. Holly Park Circle,
11. Mariposa from Texas to Mississippi,
12. Minnesota from Mariposa to 22nd Street,
13. Noe from 23rd Street to Duboce,
14. Pacific from Steiner to Gough,
15. Pierce from Hayes to Duboce, and
16. Tompkins from Andover to Peralta; and,

WHEREAS, The temporary improvements of the Slow Streets program shall include a thorough and transparent evaluation process to determine the effectiveness of the changes, including soliciting stakeholder feedback, collecting and analyzing safety and performance data, and posting evaluation results on the SFMTA website; and,

WHEREAS, The proposed traffic modifications will be temporary in nature and will expire 120 days after the termination or expiration of the COVID-19 Emergency; and,

WHEREAS, The proposed additional Slow Streets is subject to the California Environmental Quality Act (CEQA); CEQA provides a statutory exemption from environmental review for emergency projects pursuant to Title 14 of the California Code of Regulations Section 15269; CEQA provides a categorical exemption for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities pursuant to Title 14 of the California Code of Regulations Section 15301; and,

WHEREAS, On July 1, 2020, the Planning Department determined (Case Number 2020-0006251ENV) that the proposed additional Slow Streets project is statutorily exempt from CEQA pursuant to Title 14 of the California Code of Regulations Section 15269 and categorically exempt from CEQA pursuant to Title 14 of the California Code of Regulations Section 15301; and,

WHEREAS, The proposed action is the Approval Action as defined by the S.F. Administrative Code Chapter 31; and,

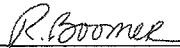
WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

RESOLVED, That the SFMTA Board approves the temporary traffic modifications listed above to restrict through-traffic, including designating additional corridors as Slow Streets to create more space for socially distanced walking and biking during the COVID-19 pandemic as referenced in the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 (COVID-19 Emergency); and be it further

RESOLVED, That all actions approved herein, are to be in effect temporarily during the COVID-19 emergency referenced in the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 and shall expire 120 days after the termination or expiration of such proclamation; and be it further

RESOLVED, That SFMTA staff shall report to the SFMTA Board of Directors prior to the 120 days after the conclusion of the COVID-19 Emergency, including evaluation findings and recommendations regarding the approved traffic modifications.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 21, 2020.

  
\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency



# San Francisco Planning

## BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

### APPLICATION

#### Appellant's Information

Name: Mary Miles, Attorney at Law, for Coalition for Adequate Review

Address: 364 PAGE ST., #36  
SAN FRANCISCO, CA 94102

Email Address: page364@earthlink.net

Telephone: (415) 863-2310

#### Neighborhood Group Organization Information

Name of Organization: Coalition for Adequate Review

Address: PLEASE SEE ABOVE

Email Address: PLEASE SEE ABOVE.

Telephone: " "

#### Property Information

Project Address: Citywide

Project Application (PRJ) Record No: 2020-006251 Building Permit No:

Date of Decision (if any): July 21, 2020

#### Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	<input checked="" type="checkbox"/>	

#### For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_ Date: \_\_\_\_\_

#### Submission Checklist:

- APPELLANT AUTHORIZATION     CURRENT ORGANIZATION REGISTRATION     MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

WAIVER APPROVED     WAIVER DENIED

FROM:

Rob Anderson, Director  
Coalition for Adequate Review

TO:

San Francisco Planning Department  
1650 Mission Street  
San Francisco, CA 94103

RE: Application for Board of Supervisors Appeal Fee Waiver  
Appeal of Planning Department Exemption

DATE: August 20, 2020

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the appeal of the Planning Department's Exemption on the "Slow Streets Phase 3" Project.

Coalition for Adequate Review requests a fee waiver for filing this Appeal to the Board of Supervisors, and attaches a copy of the Application for Board of Supervisors Appeal Fee Waiver form.

Coalition for Adequate Review has existed for more than 24 months and is on the Planning Department's list of neighborhood organizations. Coalition for Adequate Review uses San Francisco streets, including the streets affected by the "Slow Streets Phase 3" Project and is affected by the impacts of the proposed Project that is the subject of this appeal.

Therefore, Coalition for Adequate Review respectfully asks that the Planning Department grant the attached Application for Board of Supervisors Appeal Fee Waiver. Thank you.

---

Rob Anderson



MARY ANN MILES  
364 PAGE ST APT 36  
SAN FRANCISCO, CA 94102-5624

3079  
11-4288/1210 4958

9/11/20 Date

Pay to the Order of San Francisco Planning Department \$ 640.00

Six hundred forty and 00/100 Dollars

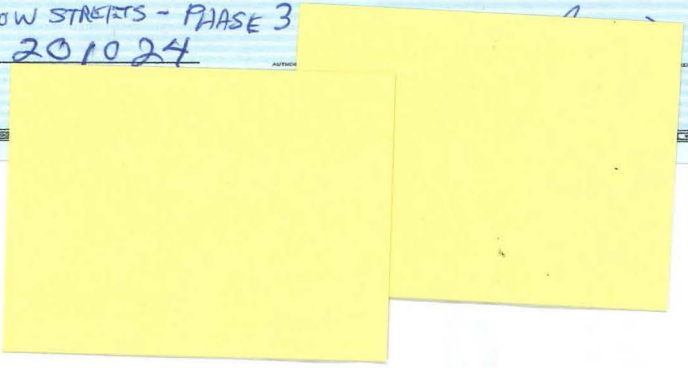


WELLS FARGO Wells Fargo Bank, N.A. California wells Fargo.com

BOS APPEAL SLOW STREETS - PHASE 3

For BOS FILE 201024

⑆ 121042882⑆



**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL CONTINUANCE REQUEST- Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 29, 2020  
**Date:** Thursday, September 24, 2020 7:40:45 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental request from Mary Miles, on behalf of the Coalition for Adequate Review, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[Appellant Supplemental Continuance Request - September 24, 2020](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 29, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or

*hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

**From:** [Mary Miles](#)  
**To:** [BOS Legislation. \(BOS\)](#)  
**Subject:** REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING BOS FILE NO. 201024  
**Date:** Thursday, September 24, 2020 4:27:15 PM

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**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law  
for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

**TO:**  
President Norman Yee and Members  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102  
**BY E-MAIL TO:** [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)  
**DATE:** September 24, 2020

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
BOS FILE 201024 "Slow Streets - Phase 3"**

Dear President Yee and Members of the Board:

This is my third request for a continuance of the above matter, in which I represent the Appellant. For unexplained reasons this Board has rejected my previous requests.

On September 1, 2020, the Board refused my request for a continuance on a different CEQA appeal after claiming it was unaware of my filed Request and refusing to allow public comment on it. No reason was given for that decision, which happened directly after the Board granted a second continuance (total of 90 days) to another CEQA appellant.

On September 22, 2020, when Appellant's Request here was before the Board, instead of considering that Request, the Board without reason rescheduled the hearing for September 29, 2020 instead of the date requested, which is December 8, 2020. The Board scheduled other CEQA appeal continuances to October 6 and October 27, 2020, without disclosing any reason for its disparate and unfair treatment of Appellant.

On September 22, 2020, without allowing Appellant or the public to address each appeal, five different appeals, all concerning citywide projects by MTA were continued for the same time, 3:00 p.m. on September 29, 2020. Again, other CEQA appeals were given continuances of up to a full month, again with no explanation of that disparity or why five appeals on major citywide projects were scheduled at the same time.

The initial 14-days' notice of hearing on this appeal does not comply with the San Francisco Administrative Code, since it does not allow the 20 days before hearing required for submitting an address list. Nor is the three days for submitting a brief (11 days before hearing), particularly since the Board has, again unexplained, scheduled *five* appeals on different MTA Board actions all on the same day, including two others filed by a different party.

A one-week continuance (six days actually since the action was taken at the end of the day on September 22, 2020) does not allow adequate time for Appellant to submit briefs and additional factual information on any of the three appeals. Nor does it comply with the Administrative Code, since it is impossible to submit briefs 11 days before the scheduled hearing.

Late on September 21, 2020, MTA and the Planning Department untimely filed voluminous documents opposing this appeal.

Appellant's aim is to provide the Board with adequate information to enable the Board to make an objective decision on the Appeal as required by CEQA. The goal is to enable members of the public, including those with modest resources, to receive fair treatment and a level playing field before this Board when appealing projects proposed by huge agencies like MTA with billion-dollar budgets and 7,000 paid staff. MTA and Planning will not be prejudiced by a continuance, since MTA has already implemented its Project.

The Project proposed here changes many streets in San Francisco affecting all travelers and residents by closing those streets to through traffic by vehicles. Giving adequate time for Appellant and the public to have a voice at the administrative level is important to assure both their rights under CEQA and democratic process.

Providing adequate time for Appellant to present documents in advance would help inform a fair hearing and assure the right of appeal itself. Therefore, Appellant respectfully requests a continuance of the hearing on this appeal until December 8, 2020.

Thank you for considering this Request for Continuance.

Mary Miles  
Attorney for Appellant Coalition for Adequate Review

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL CONT REQUEST- Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Monday, September 21, 2020 5:13:52 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental request from Mary Miles, on behalf of the Coalition for Adequate Review, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[Appellant Supplemental Continuance Request – September 21, 2020](#)

Since the agenda packet has already been compiled prior to receiving these documents, it will not be included in the packet, but instead will be included in the official file.

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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**From:** [Mary Miles](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: BOS FILE 201024 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
**Date:** Monday, September 21, 2020 3:48:58 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law  
for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

**TO:**  
President Norman Yee and Members  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102

BY E-MAIL TO: [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**BOARD FILE NO. 201024 REQUEST FOR CONTINUANCE  
ITEM 103, SEPTEMBER 22, 2020 AGENDA**

Dear President Yee and Members of the Board:

I forward Appellant's September 10, 2020 Request for Continuance (below) to the Board in an effort to insure the Request was received by the Board.

In a previous appeal on September 1, 2020, the Board apparently did not receive Appellant's continuance request, cut me off when I spoke in support of the continuance as Appellant's representative, refused to hear public comment in support of the continuance, and then refused to continue the matter.

In this case, the Board's Notice of Hearing explicitly stated that the Board would *only* hear public comment on a continuance. Therefore, I respectfully ask the Board to continue the Appeal in Board File No. 201024 as requested.

Thank you.

Mary Miles



Attorney for Appellant Coalition for Adequate Review

---

**From:** Mary Miles [mailto:page364@earthlink.net]  
**Sent:** Thursday, September 10, 2020 11:11 AM  
**To:** 'bos.legislation@sfgov.org' <bos.legislation@sfgov.org>  
**Subject:** BOS FILE 201024 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING

**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law  
for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

**TO:**  
President Norman Yee and Members  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102

**BY E-MAIL TO:** [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**DATE:** September 10, 2020

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING,  
BOS FILE 201024**

Dear President Yee and Members of the Board:

I represent Appellant in this matter. On September 8, 2020, I received an e-mail with a Notice of Public Hearing stating that the above-described appeal was scheduled for hearing on September 22, 2020. I also received similar e-mails stating that two other appeals hearings were scheduled on the same day.

The 14-day Notice is inadequate to prepare and submit interested persons mailing lists (lists are due 20 days before the hearing) and briefs (due 11 days before the hearing). The short time deprives Appellant of the right to submit information needed for the informed decisionmaking required by CEQA and denies the public's right to notice. Scheduling all three appeals on September 22, 2020 makes it impossible to submit briefs and exhibits on these citywide projects, and for the public to be informed of the hearings and exercise their right to comment. Appellant and the public are thus significantly prejudiced by the inadequate time for briefing, public comment, submitting interested persons lists, and preparing for hearing.

The September 8, 2020 Notice of Public Hearing states:

**"NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, date to be determined. Public Comment will be taken on the continuance only."**

Accordingly, consistent with the notice, public comment should be taken on the continuance only at the September 22, 2020 meeting, the Board should continue the hearing to a date certain, and public comment should be taken on the merits of the appeal at the continued hearing. To assure equity and fairness, Appellant assumes that the Board will grant all continuance requests.

Therefore, Appellant requests that the Board continue the hearing on this appeal to **December 15, 2020**. Appellant will submit separate Requests for Continuance on the other two appeals.

Thank you.

Mary Miles  
Attorney for Appellant Coalition for Adequate Review

**From:** [BOS Legislation..\(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** PLANNING DEPARTMENT RESPONSE: Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Monday, September 21, 2020 11:58:04 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following response from the Planning Department, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[Planning Department Response - September 21, 2020](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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*from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



# EXEMPTION APPEAL

## Slow Streets, Phase 3 Project

Date: **September 21, 2020**  
To: **Angela Calvillo, Clerk of the Board of Supervisors**  
From: **Lisa Gibson, Environmental Review Officer – (628) 652-7571**  
**Wade Wietgreffe, [wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org) – (628) 652-7565**  
**Jenny Delumo, [jenny.delumo@sfgov.org](mailto:jenny.delumo@sfgov.org) – (628) 652-7568**

RE: **Planning Record No. 2020-006251APL; Board of Supervisors File No. 201024**  
**Appeal of Statutory Exemption and Categorical Exemption for the Slow Streets, Phase 3 Project**

Hearing Date: **September 22, 2020 (may be continued)**

Project Sponsor: **Shannon Hake, SFMTA – [Shannon.Hake@sfmta.com](mailto:Shannon.Hake@sfmta.com) – (415) 646-2238**  
Appellant(s): **Mary Miles, Coalition for Adequate Review**

### Planning Department’s Recommendation

Uphold the California Environmental Quality Act (CEQA) statutory and categorical exemption determination and deny the appeal of the CEQA determination.

### Introduction

This memorandum is a response to the letter of appeal to the board of supervisors (the board) regarding the planning department’s (the department) issuance of a statutory exemption and categorical exemption determination under CEQA for the proposed San Francisco Municipal Transportation Agency’s (SFMTA) Slow Streets, Phase 3 project (the project).

The department, pursuant to Article 19 of the CEQA Guidelines, issued a statutory exemption and categorical exemption for the project on July 1, 2020 finding that the proposed project is exempt from CEQA under two independent bases: as a statutory exemption per CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c), and also as a Class 1 categorical exemption per CEQA Guidelines section 15301(c). In addition to the exemption, the department reviewed a SFMTA memorandum (dated July 1, 2020) to support the exemption.

The decision before the board is whether to uphold the department’s decision that the project is exempt from environmental review under the statutory exemption for emergency projects and/or as a Class 1 categorical exemption and deny the appeal, or to overturn the department’s decision that the project is exempt from environmental review, and return the project to the department staff for additional environmental review.

## Site Description and Existing Use

The project site consists of segments of 14 existing streets throughout San Francisco. Table 1, Slow Streets, Phase 3 Street Segments, provides a complete list of the street segments proposed<sup>1</sup>. No Muni service routes operate on the proposed street segments.

Table 1: Slow Streets, Phase 3 Street Segments

Street	From	To
20th Street	San Bruno Avenue	Pennsylvania Avenue
Arkansas Street	23rd Street	17th Street
Arlington Street	Roanoke Street	Randall Street
Cabrillo Street	45th Avenue	23rd avenue
Cayuga Avenue	Naglee Avenue	Rousseau Street
Clay Street	Arguello Boulevard	Steiner Street
Duncan Street	Diamond Height Boulevard	Tiffany Avenue
Holly Park Circle	N/A	N/A
Mariposa Street	Texas Street	Mississippi Street
Minnesota Street	Mariposa Street	22nd Street
Noe Street	23rd Street	Duboce Avenue
Pacific Avenue	Steiner Street	Gough Street
Pierce Street	Hayes Street	Duboce Park
Tompkins Avenue	Andover Street	Peralta Avenue

## Project Description

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 (coronavirus) pandemic (public health emergency) within the city. On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 public health emergency and subsequently enacted Health Orders to protect the public health. Health Order No. C19-07 (Stay Safer at Home) was originally issued March 16, 2020 as Shelter in Place, and has been amended several times as conditions change and additional information and recommendations become available.<sup>2</sup> Health Orders are enforceable laws and are usually accompanied by one or more Directives which provide legally binding instructions for how to comply with the Health Order.

In response to the COVID-19 public health emergency, SFMTA implemented the Transportation Recovery Plan. The Slow Streets Program is a component of the Transportation Recovery plan that is designed to allow designated roadways to be safely used as a shared space for foot and bicycle traffic, while also providing

<sup>1</sup> The July 1, 2020 statutory and categorical exemption analyzed a project description with 19 street segments. The SFMTA Board of Supervisors approved 16 of those street segments on July 21, 2020. The SFMTA is proposing to implement changes only to the 14 street segments listed in Table 1, Slow Streets, Phase 3 Street Segments. The following lists the five street segments that were analyzed in the exemption determination but are no longer proposed under this project: Broderick Street from O’Farrell Street to Page Street; Capitol Avenue from Ocean Avenue to Alemany Boulevard; Farallones Street from Orizaba Avenue to San Jose Avenue; Hearst Avenue from Ridgewood Avenue to Baden Street; and Lakeview/Shields Street from Beverly Street to Brighton Avenue.

<sup>2</sup> San Francisco Department of Public Health. 2020. Orders issued by the San Francisco Health Officer Relevant to Coronavirus (COVID-19). Available online at <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>. Accessed September 9, 2020.

adequate space for people walking, running, and bicycling to maintain the six feet of separation required by Health Order C19-07.

SFMTA would expand the program to the street segments listed in table 1 under the Slow Streets, Phase 3 project. The proposed street segments were identified through a public participation process that included suggestions from San Francisco residents, District Supervisor offices, and other city agencies. SFMTA staff screened the suggested street segments for access conflicts, unsafe conditions, land use conflicts, intersection and street geometry/visibility conflicts, multiple signalized intersections, and other criteria. The resulting street segments after the screening process became the streets proposed under Slow Streets, Phase 3.

The project would discourage through vehicular traffic on project street segments. There would be no change to how local traffic and emergency vehicles access these streets. The project would not legally change the designation of the proposed streets. People are authorized to walk, run or bicycle in the street as permitted under the California Vehicle Code, but do not have the right-of-way over motor vehicles. People in the street would be required to yield to vehicular traffic.

Implementation of the project would not require changes to the existing number of travel lanes, facilities for people walking or bicycling, commercial or passenger loading facilities, or on-street parking spaces. Construction of the project would entail placing temporary, moveable materials such as cones, A-frames, and plastic traffic diverters and delineators to slow and discourage vehicular through traffic on project street segments. No excavation is proposed.

## **Background**

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 within the city.

On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 (coronavirus) pandemic.

On March 31, 2020, Public Health order C19-07 was issued, requiring individuals to maintain six feet of social (physical) distance from individuals not in their household.

On July 1, 2020, the department determined that the project was statutorily exempt under CEQA section 21080(b)(4) and CEQA guidelines section 15269(c) and categorically exempt under CEQA Class 1 – Existing Facilities and issued a determination that no further environmental review was required for the Slow Streets, Phase 3 project.

On July 21, 2020, the SFMTA Board of Directors approved the project at a noticed public hearing. This approval marks the start of the appeal period for the statutory exemption and categorical exemption.

On August 20, 2020, an appeal of the statutory exemption and categorical exemption determination was filed by Mary Miles on behalf of Coalition for Adequate Review (the appellant).

## **CEQA Guidelines**

## Statutory Exemptions

In accordance with Article 18 Statutory Exemptions, CEQA Guidelines sections 15260 through 15385 list exemptions from CEQA granted by the California State Legislature.

CEQA Guidelines section 15269(c) states that specific actions necessary to prevent or mitigate an emergency are exempt from the requirements of CEQA. This section reflects the mandate in CEQA Section 21080(b)(4), that CEQA “does not apply to (...) specific actions to prevent or mitigate an emergency.” An “emergency,” in turn, is “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate attention to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” (CEQA Section 21060.3; CEQA Guidelines Section 15359).

## Categorical Exemptions

In accordance with CEQA section 21084, CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review, absent specific exceptions (CEQA Guidelines section 15300.2).

CEQA Guidelines section 15301, or Class 1, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Subsection c provides for projects that “include, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.”

In determining the significance of environmental effects caused by a project, CEQA Guidelines section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines section 15064(f)(5) offers the following guidance: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

## Planning Department Responses

An appeal of the statutory exemption and categorical exemption determination for the project was timely filed. The concerns raised in the appeal letter are addressed below.

**Response 1:** The project meets the definition of CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c) Emergency Projects statutory exemption.

*COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269(c)*

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of COVID-19 within the city. On March 4, 2020, Gavin



Newsom, Governor of California, issued the Proclamation of a State of Emergency under section 8625 of the California Government Code and the California Emergency Services Act, establishing the existence of a state of emergency throughout California due to COVID-19. As stated above, on March 6, 2020 San Francisco Health Officer Tomas Aragon declared a health emergency for the City and County of San Francisco. Health Orders were enacted to protect the public health and provide guidance and provisions to reduce the spread of COVID 19. Health Order No. C19-07 is the main order that states what activities are allowed and prohibited during the COVID-19 Emergency. It has been amended several times since it was first issued on March 16, 2020.

The appellant claims the proposed Slow Streets, Phase 3 project “does not qualify for an emergency exemption under CEQA” as it does not meet the definition of an emergency as defined in Public Resources Code section 21060.3 ["Emergency"]. This implies the COVID-19 public health emergency, which was the impetus for the SFMTA’s decision to implement the Slow Streets, Phase 3 project, does not meet the definition of an emergency under the definition in the Public Resources Code. While a pandemic is not explicitly listed in the Public Resources Code section, a sudden and unexpected event such as the COVID-19 pandemic falls within the category of events that would be considered an emergency under the code and meets the intent of that code.

COVID-19 is a sudden and unexpected occurrence. Within the span of a few days the whole world, the United States, California, and the Bay Area went from a handful of confirmed cases to many reported cases.<sup>3</sup> As a result, leading international, state, and local officials to declare a state of emergency. COVID-19 involves a clear and imminent danger and can cause damage to life and health. According to the Centers for Disease Control and Prevention, in the United States alone, as of September 9, 2020 approximately 6.3 million people have had confirmed COVID-19 cases and approximately 189,000 of these cases have resulted in death.<sup>4</sup> Thus, COVID-19 is an emergency pursuant to CEQA section 21080(b)(4) and CEQA Guidelines section 15269

***The Slow Streets, Phase 3 project is responding to the COVID-19 public health emergency***

Since April 8, 2020, the SFMTA has operated a COVID-19 Muni Core Service Plan. This has severely reduced Muni service, and San Francisco residents that might have otherwise take transit have to walk or take other modes, such as bicycles, to make essential trips. Public Health Order No. C19-07 requires individuals to maintain social distancing of at least six feet from any other person not in their household when they are outside their residence. However, individuals cannot always maintain the required six feet of social distance on City sidewalks, park paths, and bikeways, especially if they are passing queues that may exist outside grocery stores and other essential services, and elect to walk in the street.

The Slow Streets program was designed to enable people to maintain six feet of separation by closing select street segments to through vehicular traffic (i.e., non-local and non-emergency vehicles) so that people walking and bicycling for essential trips or engaging in recreational activities have more space to maneuver around others without an increased risk of a collision with vehicles as they walk in the street. Slow Streets, Phase 1, was approved on April 20, 2020 and Phase 2 was approved on May 15, 2020. Phase 3 corridors were identified through a public process and were evaluated for connections to essential services as part of the

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<sup>3</sup> San Francisco Department of Public Health. 2020. COVID-19 Cases and Deaths. Available online at <https://data.sfgov.org/stories/s/dak2-gvuj>. Accessed September 9, 2020.

<sup>4</sup> Centers for Disease Control and Prevention. 2020. Coronavirus Disease 2019 – Cases in the U.S. Available online at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. Accessed September 9, 2020.

screening process. Examples of Slow Street Phase 3 project corridors and their connections to essential services include:

- 20th Street: provides east-west access to COVID-19 testing and essential jobs and services at Zuckerberg General Hospital
- Arlington Street: provides access to transit via the Glen Park Bay Area Rapid Transit station and various pharmacies
- Cabrillo Street: provides access to a grocery store and pharmacy
- Clay Street: provides access to COVID-19 testing and essential jobs and services at the California Pacific Medical Center and pharmacies
- Minnesota Street: provides north-south access to COVID-19 testing and essential jobs and services at the University of California San Francisco medical complex
- Noe Street: provides north-south access to COVID-19 testing and essential jobs and services at two urgent care centers
- Pacific Avenue: provides access to several grocery stores and pharmacies

The appellant states there is no evidence that people are choosing to walk in the street to maintain the required social distancing or that the trips being made are essential trips. First, the exact number of essential trips is not relevant. The project is designed to facilitate the public making safe trips in light of COVID-19, whether those trips are to access essential jobs, go to the grocery store, or engage in outdoor activities, as allowed under Health Order C19-07. Second, the sidewalks in the proposed street segments for this project are approximately 8 feet to 12 feet wide, and some have street trees and other physical obstructions that further restrict the amount of space people have to safely pass others while walking. These physical limitations indicate that people may have to walk in the street to maintain six feet of distance from others while travelling between their origins and destinations. For example, on an 8-foot-wide sidewalk it is possible for two people to maintain six feet of separation, but inadequate should there be more than two people or a queue on the sidewalk. This could occur on almost any street in San Francisco, including those included in Phase 3 of the project, and leads people to walk in the street, putting them at a higher risk of being in a collision with a vehicle in the roadway on those streets.

As discussed above, Slow Streets Phase 1 and Phase 2 demonstrated that the program can facilitate adequate social distancing for people walking and bicycling and in a way that is safer than existing conditions along these streets. The proposed Slow Streets, Phase 3 project would extend the program to the proposed street segments. For these reasons, the project is responding to the COVID-19 public health emergency and qualifies as an emergency projects statutory exemption. Thus, the project was properly exempt from CEQA.

***None of the exclusions of CEQA Guidelines section 15269(c) apply***

CEQA Guidelines section 15269(c) states that the statutory exemption for projects necessary to prevent or mitigate an emergency does not apply to “long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.” This exclusion does not apply to the proposed Slow Streets, Phase 3 project because the project directly addresses an ongoing public health emergency in which it is necessary to maintain 6 feet of social distancing in order to mitigate the emergency.

The emergency the project would respond to is ongoing. The February 25, 2020 proclamation of a local health emergency, March 4, 2020 Proclamation of a State of Emergency, and Health Order No. C19-07 (as amended) are still in effect. The SFMTA is responding to the ongoing nature of the emergency by learning from earlier

phases of the Slow Streets program and acting quickly to mitigate the emergency on other streets. Furthermore, there is no anticipated date for the City to fully reopen and “remove all social distancing limits and other restrictions related to the COVID-19 response.”<sup>5</sup> Therefore, the COVID-19 public health emergency has a high probability of occurring in the short-term.

Second, the project does not include construction of permanent infrastructure and the proposed changes can be adjusted or removed quickly. Implementation of the project would include nonpermanent, moveable barriers such as cones, A-frames, and plastic traffic diverters and delineators; excavation is not proposed. Furthermore, the changes would expire within 120 days of the repeal of the City’s February 25, 2020 proclamation of a local health emergency due to COVID-19. Thus, contrary to the appellant’s claims, the proposed project would be temporary with an identified end point.

As shown above, the project meets the requirements of an emergency project statutory exemption and none of the above-noted exclusions stated in CEQA Guidelines section 15269(c) apply. The City’s decision that the project fits within the definition of statutory exemption 15269(c) emergency projects is supported by substantial evidence in the record. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in Public Resources Code Section 21080 et seq and discussed in CEQA Guidelines Sections 15260-15285. A statutory exemption applies to any given project that falls under its definition, regardless of the project’s potential impacts to the environment. As described in response 2 below, the project also meets the definition of categorical exemption.

**Response 2:** The project was appropriately issued a categorical exemption under CEQA Guidelines section 15301.

***The project meets the definition of a CEQA Guidelines Section 15301, or Class 1, categorical exemption***

Class 1 allows for the categorical exemption of projects that consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include, but are not limited to, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.

The proposed Slow Streets, Phase 3 project would make alterations to existing transportation network facilities by placing temporary moveable barriers such as cones, A-frames, and plastic traffic diverters and delineators on existing streets. The project would not change the existing number of travel lanes and represent a minor alteration to existing streets as the barriers would restrict through vehicular traffic but allow local vehicular access to residences and business in the same travel lanes as under existing conditions, contrary to the appellants claims. These alterations meet the definition of CEQA Guidelines section 15301, or Class 1 Existing Facilities. Thus, the appellant’s claim that the project does not qualify for a Class 1 exemption is incorrect.

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<sup>5</sup> City and County of San Francisco. Step by Step Reopening San Francisco. Available online at <https://sf.gov/step-by-step/reopening-san-francisco>. Accessed September 9, 2020.

***None of the categorical exemption exceptions apply***

CEQA Guidelines section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the exceptions apply to the proposed Slow Streets, Phase 3 project, as discussed below. Thus, the appellants claim that exceptions apply are incorrect.

15300.2(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Project Analysis: the categorical exemption for this project is not one of these classes; this exception does not apply.

15300.2 (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

Project Analysis: The project would not result in significant cumulative impacts.

The project site consists of the 14 street segments listed in Table 1. Thus, the cumulative context for the project is the projects in the vicinity of the street segments. Cumulative projects would implement changes to the transportation network and land use changes, but the proposed project would not combine with them to result in significant cumulative impacts, as described below.

No Muni routes, including pre-COVID-19 and COVID-19 Core Service routes, operate on the proposed street segments. While through vehicular traffic that typically uses the proposed street segments would be diverted to adjacent streets, the volume of redirected traffic would be low and is not expected to substantially delay transit on those streets. This is because, as part of the Slow Streets, Phase 3 street segment selection process, SFMTA screened out street segments with multiple signalized intersections, which indicates a higher volume of vehicular traffic. Thus, the proposed project would not contribute to significant cumulative transit delay impacts.

The project would not relocate commercial and passenger loading zones. Thus, the project would not contribute to significant cumulative loading impacts.

The project would place temporary, moveable barriers, would not alter facilities for people walking or bicycling, and would allow for emergency vehicle access. Thus, the project would not contribute to significant cumulative potentially hazardous conditions, accessibility, or emergency access impacts.

The project would not substantially increase vehicle miles traveled; moreover, automobile delay (e.g., congestion) is not considered a significant effect on the environment pursuant to CEQA. The project meets the definition of an “active transportation...and transit project” and “minor transportation project”, as defined in the department’s Transportation Impact Analysis Guidelines (2019). The department substantiates that these projects would not lead to substantial increases in vehicle miles traveled based on a literature review provided in the 2019 guidelines, Appendix L: Vehicle Miles Traveled/Induced Automobile Travel, Attachment C: Combined Vehicle Miles Traveled Annotated Bibliography. Furthermore, CEQA Guidelines section 15064.3(b)(2) states that transportation projects that reduce, or have no impact on, vehicle miles traveled

should be presumed to have less than a significant transportation impact. Thus, the project's transportation-related impacts would be less than significant.

Because the project would not result in increased vehicle miles travelled, it would also not result in substantial increase in criteria air pollutant or greenhouse gas emissions, which by their nature, are cumulative impacts.

Lastly, given the temporary nature of the proposed project and the limited construction scope (e.g., no excavation and movable barriers), other significant cumulative construction or operational impacts would not occur.

15300.2 (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Project Analysis: Pursuant to CEQA, the department used a two-part analysis to determine that there was no reasonable possibility that the proposed project would have a significant effect on the environment due to unusual circumstances. The following describes the two-parts, or questions, and their applicability to the project.

Question 1: Unusual Circumstances. There are no unusual circumstances surrounding this project.

Project Analysis: The lead agency must determine if unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”

The appellant claims an emergency under CEQA is an unusual circumstance. The department considers unusual circumstances in relation to the physical characteristics of the project site and surrounding areas and the project itself.

The circumstances surrounding the project (absent COVID-19) and the project site are not unusual. The project site is 14 existing street segments located throughout San Francisco, surrounded by neighboring land uses and streets that serve a mix of transit, bicycles, pedestrians and cars. There is nothing particularly sensitive or unique about the project site and the surrounding streets that would result in an unusual circumstance in accordance with CEQA. Further, the project elements are not unusual. Circulation changes to these streets are routine in nature and within San Francisco. The City already prohibits private vehicular traffic on a portion of Market Street.

Question 2: Significant Effects due to Unusual Circumstances: The project would not result in significant effects due to unusual circumstances.

Project Analysis: If the lead agency determines that a project presents unusual circumstances, then the lead agency must determine if a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects.

As stated above, there are no unusual circumstances surrounding this project, so the lead agency is not required to respond to this question.

The department notes, for informational purposes, that the proposed Slow Streets, Phase 3 project would not result in significant effects as demonstrated in the exemption determination and described below.

The project would place temporary, moveable barriers on the proposed street segments to limit vehicular traffic to those accessing local residences and business and emergency services vehicles. There are no Muni routes on the proposed street segments. The volume of redirected through vehicular traffic would be low and is not expected to substantially delay transit on adjacent streets. The project would not relocate existing commercial and passenger loading zones or alter facilities for people walking or bicycling. As previously discussed above, the project would not substantially increase vehicle miles traveled and meets the definition of an “active transportation...and transit project” and “minor transportation project”. Consequently, the project would also not result in substantial increase in criteria air pollutant or greenhouse gas emissions and impacts to those environmental topics would not be significant. For these reasons, the proposed project would not result in significant substantial transit delay, accessibility, potentially hazardous conditions, loading, or vehicle miles traveled impacts. Furthermore, as discussed above, the project meets the definition of a transportation project pursuant to CEQA Guidelines section 15064.3(b)(2) and thus is presumed to result in less than significant transportation-related impacts.

In summary, the project would not result in significant construction or operational impacts due to the temporary nature of the project and its limited construction scope, which would not include excavation and would be implemented in a manner that changes could be removed within 120 days of the repeal of the February 25, 2020 proclamation of a local health emergency.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Project Analysis: The project site is not within a highway officially designated as a state scenic highway; this exception is not applicable.<sup>6</sup>

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Project Analysis: the project is not located on such a site; this exception does not apply.

(f) Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

Project Analysis: The project would not have a significant effect on a historic resource because the project would not alter or demolish a historical resource. The proposed project would place temporary barriers such as cones, A-frames, and plastic traffic diverters and delineators on streets; no other changes are proposed.

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<sup>6</sup> California Department of Transportation, Scenic Highways. Available online at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed September 14, 2020.

**Response 3:** The department and SFMTA met procedural requirements for exemption appeals provided in Chapter 31 of the Administrative Code.

The appellant inaccurately claims that the proposed project was implemented without opportunity for review by the board of supervisors. The SFMTA Board of Directors approved the project on July 21, 2020 and the project was appealed to the board on August 20, 2020. The SFMTA has not implemented any portions of the project to date. See the SFMTA response for details regarding their public participation efforts on the Slow Streets program.

## **Conclusion**

The department has determined that the proposed project is statutorily exempt and categorically exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of an emergency project statutory exemption (2) none of the exceptions specified in CEQA Guidelines section 15269 prohibiting the use of a statutory exemption are applicable to the project, (3) the project meets the definition of one of the classes of projects that the Secretary of Resources has found do not have a significant effect on the environment, and (4) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the project. The appellants have not demonstrated that the department's determination is not supported by substantial evidence in the record.

For the reasons stated above and in the July 1, 2020 CEQA statutory and categorical exemption determination and accompanying memo from SFMTA, the CEQA determination for this project complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemptions. The department therefore respectfully requests that the board uphold the CEQA statutory and categorical exemption determination and deny the appeal of the CEQA determination.



**From:** [BOS Legislation..\(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** MTA RESPONSE: Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Monday, September 21, 2020 11:49:49 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following response from the Municipal Transportation Agency, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[MTA Response - September 21, 2020](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Regards,

**Lisa Lew**

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**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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# Memorandum



**To:** Angela Calvillo, Clerk of the San Francisco Board of Supervisors

**Through:** Tom Maguire, Director of Sustainable Streets Division  
Jamie Parks, Director of Livable Streets  
Shannon Hake, Slow Streets Program Manager

**From:** Jeffrey Tumlin, Director of Transportation *Jeffrey Tumlin* Acting DOT for

**Date:** September 21, 2020

**Subject:** Slow Streets Phase 3 – Project Sponsor CEQA Appeal Response

## INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Categorical and Statutory Exemption No. 2020-006251ENV for the Slow Streets Phase 3 project (project). It is a response to a letter of appeal to the Board of Supervisors regarding the Planning Department's issuance of a Categorical and Statutory Exemption under the California Environmental Quality Act for the project. The letter addresses topics other than those related to CEQA, which are separately discussed in the Planning Department's appeal response memorandum.

## BACKGROUND

On February 25, 2020, the Mayor issued a proclamation Declaring the Existence of a Local Emergency (COVID-19 Local Emergency). On March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency, requiring that residents shelter in place, with the only exception being for essential needs. This significantly affected San Francisco's transit system and required the San Francisco Municipal Transportation Agency (SFMTA) to reduce transit service.

With Muni service reduced, many San Francisco residents resorted to walking, riding a bike, or taking other travel modes to make essential trips. However, they often could not safely and practically maintain the six feet of social distance required by the city's Public Health Order C19-07b on many of the City's sidewalks, park paths, and bikeways, especially when passing queues outside grocery stores and other essential services. Due to these issues, many pedestrians were choosing to walk in the street, which put them at a higher risk of being in a collision with a vehicle in the roadway.

Since the adoption of the March 2020 health order, the SFMTA has developed the Transportation Recovery Plan (TRP). The Slow Streets Phase 3 project is a component of the TRP. The project is

temporary, set to expire 120 days after the City's proclamation of a local emergency is lifted. It intends to allow some roadways to be safely used for foot and bicycle traffic with adequate space for travelers to maintain six feet of separation. This space makes possible essential walk and bike travel while transit service levels are temporarily reduced. Vehicle traffic is allowed on these streets but the overall purpose of the project is to encourage trips for local travel (e.g. access for residents, businesses, and visitors of residents or businesses), mail, delivery services, and emergency vehicle access.

The Slow Street treatment includes placement of materials such as cones, A-frames, plastic traffic diverters and delineators to slow and discourage vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking.

Slow Streets does not legally change the designation of the public right-of-way; people walking or running in the street are authorized to be in the street as the California Vehicle Code currently permits, but do not have the right-of-way over motor vehicles. People walking or running would be required to yield to vehicular traffic.

## DISCUSSION

### **Slow Streets are intended to provide additional space for people traveling on streets while social distancing.**

San Francisco's response to the pandemic has stressed the importance of social distancing, or maintaining 6 feet of space between individuals, to control the spread of coronavirus. The city's Public Health Order C19-07b required that all San Franciscans maintain at least six feet of separation with others not from their household. Prior to the implementation of Slow Streets, SFMTA staff observed sidewalk crowding, particularly outside essential businesses. Sidewalk width along Slow Streets Phase 3 corridors varies between eight feet and twelve feet. While this distance theoretically allows for a 6-foot distance for two pedestrians, the space is often inadequate when queues are present on the sidewalk in front of businesses, or when more than two people traverse the sidewalk at once. Pedestrians along these congested corridors would often choose to maintain 6 feet of social distancing by walking in the roadway. The Slow Streets project was created to improve safety for these pedestrians by designating certain corridors where pedestrians and cyclists would be safely present in the street. The project would be implemented with temporary traffic control barricades and signs that required no operational traffic changes and no changes in on-street parking, while improving safety for pedestrians and cyclists.

**Initial public outreach was limited due to public health restrictions, but the Slow Streets project provided multiple opportunities for community feedback and made adjustments based on that feedback.**

The mandatory public health restrictions imposed during the Shelter in Place order eliminated the opportunity for in-person community meetings, but the Slow Streets project created multiple means to collect feedback from residents.

For Slow Streets Phase 1 and Phase 2, three avenues for public input were created:

- Project-specific website created at [www.sfmta.com/slowstreets](http://www.sfmta.com/slowstreets) with contact information for SFMTA staff. (April 21 – present)
- Project-specific email address created at [slowstreets@sfmta.com](mailto:slowstreets@sfmta.com) (April 22 – present). Over 1,000 emails have been received at this email address to date, most receiving a response within one business day.
- Slow Streets survey posted on website (April 23 – present). This survey has received over 6,000 responses and was the origin of most Slow Streets Phase 3 corridors.

For Slow Streets Phase 3, means of communication and corridor-specific outreach was improved:

- All methods of Slow Streets Phase 1 and Phase 2 outreach were maintained for Phase 3, including the project-specific website, the project-specific email address, and the project-specific questionnaire.
- Weekly email updates sent to stakeholders via project distribution list (15 weekly email updates sent to date).
- Board of Supervisors coordination improved, with regular email updates and virtual meetings, to address concerns and screen suggestions for future Slow Streets corridors.
- Neighborhood meeting attendance began, as Slow Streets staff attended over twenty community meetings to explain the project and gather resident feedback on Slow Streets since May.
- Mailed notices were sent to every address along Slow Streets corridor segments since May 20. Additionally, electronic notifications to community contacts (both residents and businesses) were sent as corridors were prepared for implementation.

**Slow Streets Phase 3 corridors were suggested by San Francisco residents, District Supervisor offices, and other city agencies. These corridors were not suggested by SFMTA as part of a broader plan.**

The SFMTA is proposing to implement 14 Slow Street Phase 3 corridors.<sup>1</sup> The 14 corridors were not generated by SFMTA staff; instead, the corridors were suggested by community stakeholders.

The table below shows the origin of each corridor proposal:

<b>Corridor</b>	<b>Suggestion Origin</b>	<b>Suggestions in Survey</b>	<b>Parties Consulted</b>
<b>20<sup>th</sup> Street</b>	May 22 community meeting with D10 stakeholders, Slow Streets Survey	35	D10 office, Potrero Hill Boosters, Dogpatch Neighborhood Association
<b>Arkansas</b>	May 22 community meeting	<5	D10 office, Potrero Hill Boosters, Dogpatch Neighborhood Association
<b>Arlington</b>	D8 office suggestion on May 20	9	D8 office, Glen Park Neighbors
<b>Cabrillo</b>	Slow Streets Survey	92	D10 office
<b>Cayuga</b>	D11 office suggestion on May 7, discussion July 2	12	D11 office, Ocean Avenue Association
<b>Clay</b>	Pacific Heights Residents Association letter dated May 12, Slow Streets Survey	53	D2 office, Pacific Heights Residents Association
<b>Duncan</b>	Slow Streets Survey	29	D8 office
<b>Holly Park Circle</b>	SF Planning suggestion May 19, Slow Streets Survey	14	D9 office
<b>Mariposa</b>	One-block extension of Phase 2 corridor, Slow Streets Survey	10	D10 office, Potrero Hill Boosters, Dogpatch Neighborhood Association
<b>Minnesota</b>	May 22 community meeting	10	D10 office, Potrero Hill Boosters, Dogpatch Neighborhood Association
<b>Noe</b>	Slow Streets Survey, D8 office	30	D8 office
<b>Pacific</b>	Pacific Heights Residents Association letter dated May 12, Slow Streets Survey	28	D2 office, Pacific Heights Residents Association

<sup>1</sup> The Slow Streets Phase 3 Categorical and Statutory Exemption evaluated 19 corridors, the SFMTA Board approved 16 corridors, and the SFMTA is proposing to implement 14 corridors.

<b>Pierce</b>	Replacement corridor for Scott (Approved Phase 1 corridor, but had conflicts with emergency response)	15	D5 office
<b>Tompkins</b>	Replacement corridor for Jarboe (Approved Phase 2 corridor, too narrow for implementation)	<5	D9 office

Once the corridors were proposed to SFMTA, they were screened for Slow Streets criteria by SFMTA staff. The main criterion for Slow Streets is that they connect residential neighborhoods with essential services, including COVID testing and healthcare, essential businesses, the regional transportation network, and parks/open spaces for exercise. Additional SFMTA Slow Streets screening criteria include:

- At least 6-8 blocks long
- Residential land use
- Preferably two lanes of traffic, one in each direction (one-way operations will disqualify a corridor)
- Generally flat (steep slopes or sight distance issues will disqualify a corridor)
- Connections with the bike network or Green Corridors network
- Stop-controlled intersections rather than signalized intersections (multiple signalized intersections will disqualify a corridor)
- No conflicts with Muni, commercial loading zones, or emergency response routes

Once the SFMTA completed screening of corridors based on the criteria described above, those corridors that meet the screening criteria were submitted through the COVID-19 Transportation Advisory Safety Committee (COVID-19 TASC) process for review by relevant city agencies for consent (with written consent required by the San Francisco Fire Department.) Following consent by COVID-19 TASC, corridors were brought to the MTA Board for approval. The MTA Board approved Slow Streets Phase 3 on July 21, 2020.

Prior to implementation of Slow Streets Phase 3, the SFMTA plans to do additional outreach areas along the affected corridors. Additional outreach would include sending electronic notices to residents and businesses near Slow Streets corridors via mailing lists and supervisor district lists. SFMTA staff would also send mailed notices regarding the Slow Streets program and anticipated implementation schedules to all addresses along the corridors.

**The project is not a street closure and does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, or loading/ parking.**

State law authorizes local governments to regulate traffic, including making modifications such as those found in the Slow Streets Phase 3. The Slow Streets project is not a street closure, but comprises temporary changes to reduce through vehicle traffic on certain street segments by placing temporary and movable traffic barriers in order to respond to the COVID emergency and protect public health and safety. The MTA Board approved the changes recommended in Slow Streets Phase 3 on July 21, 2020 on a temporary basis, set to expire 120 days City's proclamation of a local emergency is lifted.

As described above, the Slow Streets project slows and discourages vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking. While vehicle traffic on Slow Streets segments is expected to be reduced as a result of the temporary changes, all blocks within the project area remain accessible to the local traffic such as residents [or merchants], including those in vehicles, and to emergency vehicles.

Even if the project did close a public street to travelers, state law authorizes local governments to close public streets to vehicular traffic under certain conditions that exist here. (California Vehicle Code Section 21101).

**Quick, responsive action that can be iterated upon is increasingly in demand from the community during this public health crisis.**

During the Covid-19 Public Health Emergency, SFMTA has moved quickly to ensure continued transportation safety. The Slow Streets project is an opportunity to respond to emergency transportation challenges, address community needs, and ensure transportation safety and public health during this unprecedented time. This project uses temporary traffic restrictions on corridors to drastically improve opportunities for essential bike and pedestrian travel while minimizing impacts on the vehicle network and ensuring continued vehicular access. The project has proven to be one of SFMTA's most popular projects, and the demand from residents for continued Slow Streets planning and implementation throughout the public health crisis has continued to grow.

Accordingly, we ask that the San Francisco Board of Supervisors uphold the use of a California Environmental Quality Act Categorical and Statutory Exemption to allow for implementation of Slow Streets Phase 3.

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [VEIT, JULIE \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Winslow, David \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Olea, Ricardo \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Hue, Melinda \(MTA\)](#); [Trout, Ian \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Parks, Jamie \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL INFO - Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Friday, September 18, 2020 9:21:28 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant Mary Miles, on behalf of Coalition for Adequate Review, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[Appellant Supplemental Information - Mary Miles - September 18, 2020](#)

Since the agenda packet has already been compiled prior to receiving these documents, it will not be included in the packet, but instead will be included in the official file.

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Best regards,

**Jocelyn Wong**

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**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*





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**From:** [Mary Miles](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** PLEASE PLACE ATTACHED LETTER IN BOS FILES 200883, 200903, 200987, and 201024  
**Date:** Friday, September 18, 2020 4:40:36 PM  
**Attachments:** [9-3-20 GARY RUSS LETTER TO BOARD OF SUPERVISORS.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310  
E-mail: [page364@earthlink.net](mailto:page364@earthlink.net)

**TO:**  
Angela Calvillo, Clerk  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102  
[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

**DATE:** September 18, 2020

**RE: PLEASE PLACE ATTACHED LETTER IN BOS FILES**

Please place the attached letter (attached in pdf format) in all of the following files and assure it has been received by members of the Board of Supervisors:

BOS File No. 200883

BOS File No. 200903

BOS File No. 200987

BOS File No. 201024

If there is any problem with the attached filing, or if you need any other documents, please advise me by return e-mail. Please also advise that members of the Board of Supervisors have received the attached.

Thank you.

Mary Miles  
Attorney at Law  
364 Page St., #36  
San Francisco, CA 94102

## Mary Miles

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**From:** Gary Russ <gary.russ@sbcglobal.net>  
**Sent:** Thursday, September 3, 2020 7:52 PM  
**To:** 'District 7 Supervisor Norman Yee'; angela.calvillo@sfgov.org  
**Cc:** 'Mary Miles'  
**Subject:** Unable To Comment During Virtual Public Hearing (File No. 200883)... Webex System Failed...

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Hello District Supervisor Yee and Clerk Of The Board Angela Calvillo:**

Just want you both to know I was listening to the September 1, 2020, Public Hearing (File No. 200883) but unable to share my comments. No matter how many times I raised my hand via the Webex system , I was not allowed to speak. I wonder how many other people had that experience. Very frustrating.

That day, I had spent a few hours boiling down my messaging for the Board to 2 minutes and then never got to present any of my comments to the Board. So disappointing and frustrating.

I was going to advocate in favor of the continuance based on my own experience with what happens when the City fails to conduct an environmental review and fails to solicit neighborhood feedback before deciding to close a street whether temporarily or even permanently.

My Best,

Gary R. Russ  
5 Burnett Avenue North, Apt. 6  
San Francisco, CA 94131  
[gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL REQUEST: HEARING NOTICE - Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Thursday, September 10, 2020 1:44:21 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant Mary Miles, on behalf of Coalition for Adequate Review, regarding the appeal of the Statutory and Categorical Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets, Phase 3 project.

[Appellant Supplemental Information - September 10, 2020](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on September 22, 2020.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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*hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

**From:** [Mary Miles](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** BOS FILE 201024 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
**Date:** Thursday, September 10, 2020 11:14:45 AM

---

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**FROM:**  
Mary Miles (SB #230395)  
Attorney at Law  
for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

**TO:**  
President Norman Yee and Members  
San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102  
**BY E-MAIL TO:** [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)  
**DATE:** September 10, 2020

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING,  
BOS FILE 201024**

Dear President Yee and Members of the Board:

I represent Appellant in this matter. On September 8, 2020, I received an e-mail with a Notice of Public Hearing stating that the above-described appeal was scheduled for hearing on September 22, 2020. I also received similar e-mails stating that two other appeals hearings were scheduled on the same day.

The 14-day Notice is inadequate to prepare and submit interested persons mailing lists (lists are due 20 days before the hearing) and briefs (due 11 days before the hearing). The short time deprives Appellant of the right to submit information needed for the informed decisionmaking required by CEQA and denies the public's right to notice. Scheduling all three appeals on September 22, 2020 makes it impossible to submit briefs and exhibits on these citywide projects, and for the public to be informed of the hearings and exercise their right to comment. Appellant and the public are thus significantly prejudiced by the inadequate time for briefing, public comment, submitting interested persons lists, and preparing for hearing.

The September 8, 2020 Notice of Public Hearing states:

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**"NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, date to be determined. Public Comment will be taken on the continuance only."**

Accordingly, consistent with the notice, public comment should be taken on the continuance only at the September 22, 2020 meeting, the Board should continue the hearing to a date certain, and public comment should be taken on the merits of the appeal at the continued hearing. To assure equity and fairness, Appellant assumes that the Board will grant all continuance requests.

Therefore, Appellant requests that the Board continue the hearing on this appeal to **December 15, 2020**. Appellant will submit separate Requests for Continuance on the other two appeals.

Thank you.

Mary Miles  
Attorney for Appellant Coalition for Adequate Review



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Support Slow Streets (File No. 201024)  
**Date:** Tuesday, September 22, 2020 1:24:03 PM

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**From:** Patrick Traughber <patricktraughber@gmail.com>  
**Sent:** Saturday, September 19, 2020 12:44 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Support Slow Streets

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Hi Board,

I am writing in support of Slow Streets. There is currently an appeal filed by Mary Miles and Rob Anderson, two residents who have a history of filing appeals which waste the public's time and have been repeatedly and appropriately been rejected by the board and our courts. I ask that you once again reject their latest appeals against the Slow Streets program and the other appeals. I also ask that you please pass legislation which allows the city to proceed with projects even when an appeal is filed like in this case with Mary and Bob. Both Mary and Bob have filed appeals in the past which the city pause projects for, and we know with certainty that this caused harm to the public. In one case, the city didn't build a bike lane for 5 years because of Bob's appeal and in that time 7 people were killed on unprotected bike lanes on the city.

Bob and Mary are examples of the worst of our city, and we need to make our processes more resilient against the complaints of two people. I also ask that you reject political contributions from them, and return any contributions you've received from them in the past.

Thanks,  
Patrick

--

**Patrick Traughber**  
[patricktraughber@gmail.com](mailto:patricktraughber@gmail.com)  
310.940.3273  
San Francisco, CA

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Please keep our Slow Streets (File No. 201024)  
**Date:** Tuesday, September 22, 2020 1:23:36 PM

---

**From:** Christopher Ulrich <ulrichchristopher@gmail.com>  
**Sent:** Monday, September 21, 2020 1:37 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please keep our Slow Streets

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear board,

I'm in full support of the Slow Streets program and would be dismayed to see any of them removed. I live near Kirkham and love seeing my neighbors out and about and happy.

These streets are (literally) a breath of fresh air in what has been an otherwise very difficult year.

Thank you,

Christopher Ulrich  
District 7

**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: Request of a continuance on hearing the appeals on: BOS File No. 200903, 200987, 201000, 201024  
**Date:** Wednesday, September 16, 2020 5:04:55 PM

---

**From:** zrants <zrants@gmail.com>  
**Sent:** Wednesday, September 16, 2020 5:00 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Ronen, Hillary <hillary.ronen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani Catherine <margaux.kelly@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Dean Preston <deanpreston7@gmail.com>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>  
**Subject:** Request of a continuance on hearing the appeals on: BOS File No. 200903, 200987, 201000, 201024

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September 16, 2020

Supervisors:

Re: Request of a continuance on hiring the appeals of the following cases:  
BOS File No. 200903, MTA Emergency Temporary Transit Lanes and Bikeways  
BOS File No. 200987, MTA Panhandle Social Distancing and Safety Project  
BOS File No. 201000, MTA Emergency Temporary Street Changes Program  
BOS File No. 201024, MTA Slow Streets Phase 3

We request a continuance on the appeal for Planning Department Cases listed here based on the fact that no one can reasonably deal with such a case load in such a rushed fashion during a pandemic and a firestorm emergency. In fact, few people could handle this during a none emergency state of affairs when all systems are functioning properly.

These are separate appeals on different MTA programs and projects. MTA is clearly using the COVID-19 crisis as a pretext to implement large-scale traffic and transit changes, labeling them as temporary, but actually designed as permanent, with no meaningful public process.

The main issue before the BOS in the appeals is whether the ongoing COVID-19

public health crisis is an emergency under CEQA, which the law strictly defines as a "sudden, unexpected occurrence" and requires specific conditions to qualify for an exemption from environmental review. The appellants argue that the MTA projects are not exempt under CEQA and that the exemption determination by the Planning Department should be reversed. The appellants are also asking for a continuance on each appeal to allow more time for briefing and public comment before the BOS decides how to rule.

The public has not been properly notified of this hearing or had time to respond to the actions being taken that do not follow health guidelines or fall within the jurisdiction of the agencies attempting to enforce them.

Sincerely,

Mari Eliza

**From:** [Patricia Ferrero](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** CEQA Appeal on the MTA's extension of the 30-Stockton bus line into the Presidio  
**Date:** Wednesday, September 16, 2020 4:04:12 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'd like an opportunity to address the Board of Supervisors at their next meeting on the issue of the MTA's plan to extend the 30-Stockton bus line into the Presidio National Trust.

The route is both unsafe and unnecessary. There are posted signs on Marina Boulevard that vehicles over 3 tons are prohibited. The planned extension would violate that traffic law. In addition, the buses would travel two ways on Broderick Street - when they only travel one way on the current route. This will increase traffic, congestion and safety concerns on a block with a lot of retirees and small children.

There has been no need study provided that indicates the necessity of this extension. The ridership from Chestnut Street, down Broderick to Jefferson is almost zero.

Please let me know if you need any additional information.

Patricia Ferrero  
415-845-9568

San Francisco Board of Supervisors,

108 people have signed a petition on Action Network telling you to Support Emergency Measures to Open Streets to People.

Here is the petition they signed:

We urge you to reject the CEQA appeals of SFMTA's emergency measures. Slow Streets, Shared Spaces, Temporary Emergency Transit Lanes and Emergency Bike Lanes provide essential relief and amenities to San Franciscans during the COVID-19 emergency. The programs allow San Franciscans to enjoy safe and socially-distanced time outdoors. They help San Franciscans travel safely to work, groceries, and errands. They provide an economic lifeline for struggling small businesses. And they add to the city's COVID response capacity by making room for testing sites and food pantries.

Moreover, we call on you to reform the CEQA appeals process. All transportation projects which do not increase vehicle-miles traveled (VMT) should be ineligible to be appealed on CEQA grounds to the Board of Supervisors. All emergency SFMTA projects should not be subject to appeal on CEQA grounds.

Transportation projects such as these help San Francisco meet its joint commitments to making our streets safer and reducing our contributions to climate change. We will not succeed in either goal if we continue to allow a small number of individuals to abuse the CEQA process and waste city resources, delaying these necessary and urgent projects.

You can view each petition signer and the comments they left you below.

Thank you,

Streets for People

---

---

**1. byron hawley** (*ZIP code: 94118*)

This use of CEQA is the most un environmental step a single resident has done to attempt to stop an environmentally conscience set of measures to help people and businesses survive during a pandemic and looks absolutely foolish against the backdrop of California's single most deadly fire season brought on by decades of mismanagement and stupidity

**2. Alexander Walker** (*ZIP code: 94123*)

**3. Ali Vahabzadeh** (*ZIP code: 94123*)

**4. Alex Stahl** (*ZIP code: 94110*)

**5. Andrew Reeder** (*ZIP code: 94121*)

Open the streets to walking/biking and allow restaurants to create larger parklets. This is absolutely

an emergency, and will help people survive both mentally and financially.

**6. Arman Khatchatrian** (*ZIP code: 94131*)

**7. Aubrey Jones** (*ZIP code: 94043*)

**8. Cassius Jones** (*ZIP code: 94117*)  
Please open up streets to pedestrians!

**9. Austin Elliott** (*ZIP code: 94103*)

**10. Ben Donahue** (*ZIP code: 94110*)

**11. Sarah Boudreau** (*ZIP code: 94123*)

**12. Brandon Whitney** (*ZIP code: 94103*)

**13. Colby Sato** (*ZIP code: 94103*)

**14. Christopher Golis** (*ZIP code: 94116*)

**15. Gabriela Kaufman** (*ZIP code: 94121*)

**16. Cliff Bargar** (*ZIP code: 94107*)

**17. Carly Mc Caffrey** (*ZIP code: 94118*)

@ Santa Lee Fewer. Just because you are not running for re-election does not mean you can give up on the housing and sustainability crisis. Please help make an SF where young people can afford to stay.

**18. Daniel Lopes** (*ZIP code: 94102*)

**19. Deepak Jagannath** (*ZIP code: 94129*)

**20. Derek Boehringer** (*ZIP code: 94102*)

**21. Desiree Stanley** (*ZIP code: 94118*)

**22. Dan Federman** (*ZIP code: 94117*)

**23. Dennis Dominguez** (*ZIP code: 94117*)

**24. David Marwick** (*ZIP code: 94110*)

**25. Donovan Lacy** (*ZIP code: 94107*)

**26. Shirley Johnson** (*ZIP code: 94110*)

Please use common sense when it comes to CEQA and don't allow it to delay environmentally beneficial projects. We need to fast-track all programs that reduce vehicle miles traveled to make our streets safer for pedestrians and bike riders.

**27. Evan Aczon** (*ZIP code: 94114*)

**28. Elaine Lee** (*ZIP code: 94110*)

Slow Streets, Shared Spaces, JFK/Great Highway car-free FOREVER!! Cars have enough streets here in SF, let the people take back some!!!

**29. Elliot Schwartz** (*ZIP code: 94107*)

**30. Galit Gontar** (*ZIP code: 94131*)

**31. Josh Snyder** (*ZIP code: 94110*)

**32. Tamas Nagy** (*ZIP code: 94102*)

Safe Streets and protected bike lanes are great environmentally friendly projects. They shouldn't be held up by a couple people abusing an "environmental protection" law. Please fix this.

**33. Jack Harman** (*ZIP code: 94115*)

**34. Jacqueline Mauro** (*ZIP code: 94131*)

We need \*major\* changes to fight climate policy and help SF recover from the pandemic. Allowing obstructionism like this to continue will strangle our city.

**35. Rob Jaques** (*ZIP code: 94107*)

**36. Jason Cunningham** (*ZIP code: 94117*)

Make it happen!

**37. Jean Walsh** (*ZIP code: 94608-3429*)

**38. Joseph Lacap** (*ZIP code: 94118*)

CEQA has become a laughable excuse for an "environmental protection" law. All it achieves (at least in urban contexts) is to preserve the status quo of traffic, long commutes, and unfavorable housing while wasting everyone's time and money in the process.

**39. Juliette Page** (*ZIP code: 94117*)

**40. Joe Kaylor** (*ZIP code: 94133*)



41. **Joe FitzPatrick** (*ZIP code: 94109*)
42. **Joe Tutterow** (*ZIP code: 94115*)
43. **John DiMattia** (*ZIP code: 94115*)
44. **Jonathan Dirrenberger** (*ZIP code: 94114*)
45. **Jordon Wing** (*ZIP code: 94110*)
46. **Josh Estelle** (*ZIP code: 94112*)
47. **Joshua Barnabei** (*ZIP code: 94103*)
48. **Julie Lacap** (*ZIP code: 94118*)
49. **jonathan winston** (*ZIP code: 94137*)
50. **John Stefanski** (*ZIP code: 94107*)
51. **James Dyer** (*ZIP code: 94117*)
52. **Kieran Farr** (*ZIP code: 94110*)
53. **An anonymous signer** (*ZIP code: 94117*)
54. **Kenneth Russell** (*ZIP code: 94132*)  
We need to move San Francisco forward
55. **Kevin Utschig** (*ZIP code: 94110*)
56. **Laura Burkhauser** (*ZIP code: 94112*)
57. **Martin Strauss** (*ZIP code: 94117*)
58. **Martin Munoz** (*ZIP code: 94117*)
59. **Maxwell Davis** (*ZIP code: 94611*)
60. **Meredith Bradshaw** (*ZIP code: 94131*)  
This is insanity. Let's work to make these changes work.

**61. Michael Ducker** (*ZIP code: 94115*)

**62. Monica Mallon** (*ZIP code: 95124*)

**63. Michael Smith** (*ZIP code: 94117*)

**64. Michael Chen** (*ZIP code: 94109*)

**65. Nicasio Nakamine** (*ZIP code: 94122*)

**66. Nadia Rahman** (*ZIP code: 94118*)

**67. Nathanael Aff** (*ZIP code: 94122*)

**68. Jeremy Rose** (*ZIP code: 94110*)

**69. Parker Day** (*ZIP code: 94103*)

Stop a couple of bad actors from wasting City resources and time.

**70. John Pascoe** (*ZIP code: 94116*)

**71. Patrick Chang** (*ZIP code: 94103*)

Open streets to ppl close minna street to cars or add speed bumps. 600 block of minna cars fly by over 30mph

**72. Patrick Traughber** (*ZIP code: 94109*)

We need to make progress quickly and we shouldn't stop progress because one person doesn't like Slow Streets. Reform how San Francisco responds to CEQA appeals now.

**73. Peter Belden** (*ZIP code: 94107*)

**74. Peter Darche** (*ZIP code: 94110*)

**75. Phil Crone** (*ZIP code: 94112*)

**76. Patrick Linehan** (*ZIP code: 94112*)

**77. Rachel Ratliff** (*ZIP code: 94114*)

**78. Riley Avron** (*ZIP code: 89449*)

**79. Raynell Cooper** (*ZIP code: 94117*)

**80. CHRISTIAN RITTER** (ZIP code: 94110)

**81. Radoslav Kirov** (ZIP code: 94102)

**82. Robin Kutner** (ZIP code: 94117)

**83. Roan Kattouw** (ZIP code: 94109)

**84. Ryan Prior** (ZIP code: 94117)

Let us cycle safely in SF!

**85. Sachin Agarwal** (ZIP code: 94122)

**86. Samuel Maskell** (ZIP code: 94105)

**87. Scott Andreas** (ZIP code: 94115)

**88. Michael Howley** (ZIP code: 94117)

I would go even further and request no CEQA appeals for any SFMTA/transportation projects that do not add lane-miles or parking stalls for private vehicles. Clean and simple, whereas VMT projection math could be fought over.

Would love to see the Board of Supervisors also take similar action to establish CEQA-proof criteria for other types of projects, like housing. I won't hold my breath though.

**89. Anthony Fox** (ZIP code: 94109)

**90. Maureen Persico** (ZIP code: 94110)

I'm sick of this nonsense!

**91. Solomon Hykes** (ZIP code: 94115)

**92. Sharky Laguana** (ZIP code: 94127)

**93. Scott Holden** (ZIP code: 94110)

Slow Streets has been a huge help in allowing those of us who have been locked inside our tiny apartments to get outside and exercise while maintaining safe social distancing from others. Taking away this program based on the complaints of a handful of spiteful people that have apparently found enough free time during a pandemic to file them is beyond unfair to those who are unable to counter their claims. A system that allows this to happen is a broken system. For the good of the residents of this city who are trying their best to stay safe and sane through this nightmare of a year, please fix it.

**94. Harold Pile** (ZIP code: 94117)

**95. Srinivasan Vijayaraghavan** (ZIP code: 94110)

**96. Steven Guichard** (*ZIP code: 94110*)

**97. Stephanie Beechem** (*ZIP code: 94611*)

**98. Sean Hall** (*ZIP code: 94127*)

**99. Theo Gordon** (*ZIP code: 94115*)

**100. Taylor McNair** (*ZIP code: 94110*)

**101. Tristen Miller** (*ZIP code: 94117*)

**102. Jane Natoli** (*ZIP code: 94118*)

**103. Matthew Warshauer** (*ZIP code: 94117*)

We are in a time of crisis. It is a time for action. We can't let those actions be bogged down in slow processes like these.

**104. Charles Whitfield** (*ZIP code: 94107*)

**105. Artie Lee** (*ZIP code: 94110*)

You've got the city behind you, Supervisors. Please fix this unintended side effect that blocks progress in our city.

**106. Zack Subin** (*ZIP code: 94112*)

We have 10 yrs to slash emissions by 50%. We can't let 20% of that get gobbled up by CEQA appeals.

Not to mention, biking on these Slow Streets was one of the few things that brought me joy in our pandemic spring in SF.

**From:** [BOS Legislation..\(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** HEARING NOTICE - Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Tuesday, September 8, 2020 9:51:55 AM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board has scheduled a remote hearing for Special Order before the Board of Supervisors on **September 22, 2020, at 3:00 p.m.**, to hear an appeal of CEQA Exemption Determination, for the proposed San Francisco Municipal Transportation Agency's Slow Streets, Phase 3 project.

**Please find the following link to the hearing notice for the matter:**

[Public Hearing Notice - September 8, 2020](#)

The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date, to be determined. Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Best regards,

**Jocelyn Wong**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO Sent via Email and/or U.S. Postal Service

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a remote public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**NOTE:** The President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

**Date:** Tuesday, September 22, 2020

**Time:** 3:00 p.m.

**Location:** REMOTE MEETING VIA VIDEOCONFERENCE

Watch: [www.sfgovtv.org](http://www.sfgovtv.org)

**Watch:** SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

**Public Comment Call-In:** <https://sfbos.org/remote-meeting-call>

**Subject:** **File No. 201024.** Hearing of persons interested in or objecting to the determinations of statutory and categorical exemption from environmental review under the California Environmental Quality Act, by the Planning Department on July 1, 2020, for the proposed Municipal Transportation Agency's Slow Streets, Phase 3 project. (Appellants: Mary Miles, on behalf of the Coalition for Adequate Review) (Filed: August 20, 2020)

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings or watch them on demand.

**PUBLIC COMMENT CALL-IN**

**WATCH:** SF Cable Channel 26, 78 or 99 (*depending on your provider*) once the meeting starts, the telephone number and Meeting ID will be displayed on the screen; or

**VISIT:** <https://sfbos.org/remote-meeting-call>

Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

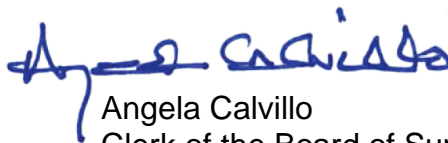
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email ([bos@sfgov.org](mailto:bos@sfgov.org)). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, September 18, 2020.

For any questions about this hearing, please contact one of the Legislative Clerks:

Lisa Lew ([lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) ~ (415) 554-7718)

Jocelyn Wong ([jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) ~ (415) 554-7702)

**Please Note:** *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco

jw:ll:ams



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

**PROOF OF MAILING**

Legislative File No. 201024

Description of Items: Hearing - Appeal of Statutory and Categorical Exemption From Environmental Review - MTA Slow Streets, Phase 3 - 1 Notice Mailed

I, Lisa Lew, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: September 8, 2020

Time: 3:30 p.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

A handwritten signature in blue ink that reads "Lisa Lew".

Signature: \_\_\_\_\_

Instructions: Upon completion, original must be filed in the above referenced file.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Ko, Yvonne \(CPC\)](#); [Yeung, Tony \(CPC\)](#)  
**Cc:** [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** CHECK PICKUP: Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Tuesday, September 15, 2020 4:47:54 PM  
**Attachments:** [image001.png](#)  
[Appeal Check Pickup.doc](#)

---

Hi Yvonne,

The check for the appeal filing fee for the CEQA Exemption Determination appeal of the proposed MTA Slow Streets, Phase 3 project, is ready to be picked up at the Clerk's Office. Please coordinate with our BOS-Operations team, copied here, to set up a date and time for pickup. A fee waiver was filed with this project.

Ops,

The check should be in your possession currently. Please have Planning sign the attached pick up form and scan it back to the leg clerks when completed.

Thank you.

**Lisa Lew**

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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---

**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Sent:** Thursday, September 3, 2020 8:53 PM

**To:** 'Mary Miles' <page364@earthlink.net>

**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; RUIZ-ESQUIDE,

ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lewis, Don (CPC) <don.lewis@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Delumo, Jenny (CPC) <jenny.delumo@sfgov.org>; Wietgreffe, Wade (CPC) <wade.wietgreffe@sfgov.org>; Bihl, Lauren (CPC) <lauren.bihl@sfgov.org>; Hue, Melinda (MTA) <Melinda.Hue@sfmta.com>; Dwyer, Debra (CPC) <debra.dwyer@sfgov.org>; Tumlin, Jeffrey (MTA) <Jeffrey.Tumlin@sfmta.com>; Breen, Kate (MTA) <Kate.Breen@sfmta.com>; Martinsen, Janet (MTA) <Janet.Martinsen@sfmta.com>; Ramos, Joel (MTA) <Joel.Ramos@sfmta.com>; Boomer, Roberta (MTA) <Roberta.Boomer@sfmta.com>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on September 22, 2020, at 3:00 p.m. Please find linked below a letter of appeal regarding the proposed Municipal Transportation Agency's Slow Streets, Phase 3 project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - August 20, 2020](#)

[Planning Department Memo - September 3, 2020](#)

[Clerk of the Board Letter - September 3, 2020](#)

Please note, the President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

I invite you to review the entire matters on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 201024](#)

Best regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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BOARD of SUPERVISORS



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Fax No. 554-5163  
TDD/TTY No. 554-5227

September 15, 2020

File Nos. 201024-201027

Planning Case No. 2020-006251ENV

Received from the Board of Supervisors Clerk's Office one check payment in the amount of Six Hundred Forty Dollars (\$640), representing the filing fee paid by Mary Miles, on behalf of Coalition for Adequate Review for the appeal of the Statutory and Categorical Exemption under CEQA for the proposed MTA's Slow Streets, Phase 3 Project:

Planning Department

By:

*Tony Yeung*

Print Name

*[Signature]* 9/17/20

Signature and Date

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [STACY, KATE \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Delumo, Jenny \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Dwyer, Debra \(CPC\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela \(BOS\); Somera, Alisa \(BOS\); Mchugh, Eileen \(BOS\); BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determination - MTA Slow Streets, Phase 3 - Hearing - September 22, 2020  
**Date:** Thursday, September 3, 2020 8:53:06 PM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on September 22, 2020, at 3:00 p.m. Please find linked below a letter of appeal regarding the proposed Municipal Transportation Agency's Slow Streets, Phase 3 project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - August 20, 2020](#)  
[Planning Department Memo - September 3, 2020](#)  
[Clerk of the Board Letter - September 3, 2020](#)

Please note, the President may entertain a motion to continue this Hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.

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[Board of Supervisors File No. 201024](#)

Best regards,

**Lisa Lew**  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T 415-554-7718 | F 415-554-5163  
[lisa.lew@sfgov.org](mailto:lisa.lew@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

September 3, 2020

Mary Miles  
364 Page Street #36  
San Francisco, CA 94102

**Subject: File No. 201024 - Appeal of California Environmental Quality Act (CEQA) Determination of Exemption from Environmental Review - MTA Slow Streets, Phase 3**

Dear Ms. Miles:

As you know, in response to the challenges posed during this health emergency, we have been working diligently the last several months to stabilize the remote meeting system and establish processes to execute efficient, complex hearings at the Board of Supervisors. Now that we have reached confidence in the remote meeting system, we are resuming scheduling of the appeal queue. In order to alleviate deadline concerns due to the sizable queue, Mayor London N. Breed issued the Twenty-Second Supplement to the Declaration of the Emergency that provides the Board until September 30, 2020, to schedule all of the initial hearings for pending appeals.

The Office of the Clerk of the Board is in receipt of a memorandum dated September 3, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the Statutory and Categorical Exemption Determination issued by the Planning Department under CEQA for the proposed Municipal Transportation Agency's Slow Streets, Phase 3 project.

The Planning Department has determined that the appeal was filed in a timely manner (copy attached).

In accordance with the Twenty-Second Supplement and Administrative Code, Section 31.16, a remote initial hearing date has been scheduled for **Tuesday, September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

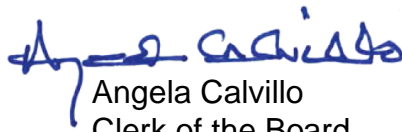
Please note, the President of the Board of Supervisors may entertain a motion to continue this hearing to a future Board of Supervisors meeting date to be determined. Public Comment will be taken on the continuance only.



Please provide to the Clerk's Office names, addresses, and emails of interested parties to be notified of the hearing as soon as possible. Please also provide supporting documentation you wish to include for the hearing, by emailing an electronic copy by Thursday, September 17, 2020, at noon to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org). Any materials received after this date, will still be distributed to all parties and be included as part of the official file. For the above, the Clerk's office requests electronic files be sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org).

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702, or Brent Jalipa at (415) 554 7712.

Very truly yours,



Angela Calvillo  
Clerk of the Board

jw:ll:ams

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Rich Hillis, Directory, Planning Department  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Planning Commission Secretary, Planning Department  
Laura Lynch, Staff Contact, Planning Department  
Melinda Hue, Staff Contact, Municipal Transportation Agency  
Jeffrey Tumlin, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
Roberta Boomer, Municipal Transportation Agency  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals



## Statutory and Categorical Exemption Appeal Timeliness Determination

**DATE:** September 03, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer  
**RE:** Appeal Timeliness Determination – SFMTA – Slow Streets  
Phase 3 Emergency Statutory Exemption 2020-006251ENV

On August 20, 2020, Mary Miles on behalf of the Coalition for Adequate Review (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory and Categorical Exemption for the San Francisco Municipal Transportation Agency’s Slow Streets Phase 3 project. As explained below, the appeal is timely.

Date of Project Approval	Date of CEQA Posting	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open for Remote Business)	Date of Appeal Filing	Timely?
July 21, 2020	July 2, 2020	August 20, 2020 at 5:00 pm	August 20, 2020	Yes

On July 2, 2020 the Planning Department posted a Statutory and Categorical Exemption on the Planning Department’s website.

**Approval Action:** On July 21, 2020 the SFMTA Board of Directors approved the project at a noticed public hearing.

**Appeal Deadline:** Per Administrative Code Section 31.16(f), the 30-day appeal period starts on the day following the approval of the project at a noticed public hearing. San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a statutory exemption) to the Board of Supervisors during this time period. The 30th day after the date of the Approval Action was Thursday, August 20, 2020 (Appeal Deadline) at 5:00 pm.

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Thursday, August 20, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Hillis, Rich \(CPC\)](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Jonin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Breen, Kate \(MTA\)](#); [Martinsen, Janet \(MTA\)](#); [Ramos, Joel \(MTA\)](#); [Boomer, Roberta \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determinations - MT's Slow Streets, Phase 3 - Determination Request  
**Date:** Friday, August 28, 2020 8:23:40 AM  
**Attachments:** [Appeal Ltr 082020.pdf](#)  
[COB Ltr - CEQA Det 082720.pdf](#)  
[image001.png](#)

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Good morning Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the Exemption Determinations for the proposed MTA's Slow Streets Phase 3 project. The appeal was filed Mary Miles, on behalf of the Coalition for Adequate Review.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination. Thank you.

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

August 27, 2020

To: Rich Hillis  
Planning Director

From: *ACC* Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Determinations of Exemption from Environmental Review - MTA - Slow Streets - Phase 3**

As you know, in response to the challenges posed during this health emergency, we have been working diligently the last several months to stabilize the remote meeting system and establish processes to execute efficient, complex hearings at the Board of Supervisors. Now that we have reached confidence in the remote meeting system, we are resuming scheduling of the appeal queue. In order to alleviate deadline concerns due to the sizable queue, Mayor London N. Breed issued the Twenty-Second Supplement to the Declaration of the Emergency that provides the Board until September 30, 2020, to schedule all of the initial hearings for pending appeals. Upon receipt of your determination, we will move forward accordingly and schedule a hearing within the timeframe if it is deemed to have been filed timely.

An appeal of the CEQA Determinations of Exemption from Environmental Review for the proposed Municipal Transportation Agency's Slow Streets - Phase 3 Program, was filed with the Office of the Clerk of the Board on August 20, 2020, by Mary Miles, on behalf of the Coalition for Adequate Review.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner.

If you have any questions, please feel free to contact Legislative Clerks Lisa Lew at (415) 554-7718, Jocelyn Wong at (415) 554-7702 or Brent Jalipa at (415) 554-7712.

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Planning Commission Secretary, Planning Department  
Laura Lynch, Staff Contact, Planning Department  
Melinda Hue, Staff Contact, Municipal Transportation Agency  
Jeffrey Tumlin, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
Roberta Boomer, Municipal Transportation Agency  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals

# Introduction Form

By a Member of the Board of Supervisors or 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 [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please 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 the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Statutory and Categorical Exemption From Environmental Review - MTA Slow Streets, Phase 3

The text is listed:

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued a Statutory and Categorical Exemption by the Planning Department on July 1, 2020, for the proposed Municipal Transportation Agency's Slow Streets, Phase 3 project. (Appellant: Mary Miles, on behalf of the Coalition for Adequate Review) (Filed: August 20, 2020)

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only