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Angela Calvillo
Clerk of the San Francisco Board of Supervisors
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BOARD OF SUPERVISORS
SAN FRANCISCO

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RE: Appeal of the Certification of the Final Environmental Impact Report.
TRANSIT EFFECTIVENESS PROJECT (TEP, SFMTA); CASE NO. 2011.0558E

Ms. Calvillo:

I am representing, on a pro bono basis, a large group of businesses, families and individuals who will bear the brunt of the acknowledged significant environmental impacts of this transportation project. We are supported in our appeal by numerous long-standing neighborhood associations, business organizations and citizens of San Francisco. This letter brief is submitted in support of our appeal of the Certification by the Planning Commission of the Final Environmental Impact Report (FEIR) of the Transit Effectiveness Project. A copy of the Planning Commission's Motion certifying the EIR is attached hereto (a Draft is attached as the final Motion is not yet available).

1. The CEQA Process Was a Sham--Approval of the Project was a Foregone Conclusion---No Other Alternatives Were Seriously Considered.
2. The Project lacks any serious study of increases in greenhouse gases and other pollutants from the acknowledged significant impacts to traffic, much of which will mean longer auto trips and more idling vehicles.
3. The FEIR Still Has The Environmental Setting and "Baseline" Wrong and incomplete; it is Reasonable to Assume that the Conclusions of the FEIR are Incorrect .
4. The EIR Should Not Be Certified, It Should Be Recirculated. Under CEQA, a Draft EIR is normally circulated for one public review period, and recirculation for a second public review period is the exception to this normal rule. Under the case law and the CEQA Guidelines, recirculation is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. (14 Cal. Code Regs. § 15088(a))

The Comment period was closed on the FEIR more than 12 months ago. The scoping of the project occurred 4 years ago. Significant new information was added to the FEIR and many Sections of the FEIR were essentially completely rewritten. The public is entitled to an


opportunity to comment on those new and revised alternatives, which have the potential to mitigate to a less than insignificant the acknowledged, unmitigated and overwhelmingly significant impacts of the proposed project.

The revised FEIR describes a feasible project alternative or mitigation measure considerably different from others previously analyzed which would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and the FEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded because the public was not given an opportunity to comment on reasonable and feasible alternatives.

5. The Conclusions of "Less Than a Significant Impact" Are Still Not Credible.
6. The Alternatives to the Project Are Preferable and should be Recommended.
7. The Department's Response and the FEIR are Riddled with Objective Factual Errors.
8. The FEIR Fails to Note or Discuss Changed Factual Circumstances and that the Many Neighborhoods have already LOST Transit During the Pendency of the Project—Major Revisions are Needed for complete or Honest Environmental Review.
9. The Project Violates Numerous Provisions of the General Plan and Violates CEQA Because it was Approved Without Adequate Review of Potential Significant Impacts.
10. The Project Violates Numerous Provisions of the Transportation Element of the General Plan and the Transportation elements or provisions of numerous neighborhood plans.

The Project, as currently conceived, is wrong for San Francisco because it is completely at odds with existing neighborhoods; it should have been rejected or modified. The FEIR fails to correctly review or reconcile the proposed project with the neighborhoods in which it is to be located and the devastating impacts it will bring.

Sincerely,



Joe O'Donoghue