

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Nagasundaram, Sekhar \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: FW: May 17th - SF BOS LUTC Hearing - OPPOSE CEQA Legislation - BOS File 201284
Date: Thursday, May 13, 2021 2:14:03 PM
Attachments: [Analysis of CEQA legislation - 3-9-21. Sierra Club.pdf](#)

From: Kathy Howard <kathyhoward@earthlink.net>
Sent: Wednesday, May 12, 2021 5:00 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: May 17th - SF BOS LUTC Hearing - OPPOSE CEQA Legislation - BOS File 201284

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Dear Supervisors,

The Sierra Club opposes the Administrative Code Text Amendment - BOS File 201284. Attached is the full memo regarding the Sierra Club's concerns with this legislation. The Executive Summary of the memo is below.

Thank you for your consideration.

Katherine Howard

Member, Executive Committee,

SF Group



San Francisco Group

March 9, 2021

Analysis and Concerns with Proposed CEQA Legislation

Administrative Code Text Amendment 2021-000541PCA. ,¹ BOS File 201284

EXECUTIVE SUMMARY

This Ordinance will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. CEQA serves to identify the potential environmental risks

associated with a project, to inform the public and their elected officials, and to provide decision-makers with that information prior to approving the decision, so that such risks can be avoided or mitigated.

Unfortunately, the proposed legislation would undermine CEQA in two ways:

- First, by allowing work to proceed on a project during an appeal. It is illegal to allow project construction to commence during the pendency of a CEQA appeal. Allowing a City department to proceed without a rigorous environmental review may lead to long-lasting environmental damage. This legislation will affect thousands of City-owned properties - our parks, streets, the Port properties, the airport and SFPUC lands - all will be put at risk. Furthermore, once this precedent has been set, it may be used to argue for extending the same practice to private projects.
- Second, this legislation raises barriers to the public's participation in environmental review. Depriving the public of their rights to a CEQA review by requiring 50 signatures is illegal. Over and above the question of legality, the signature requirement is burdensome to all San Franciscans. Underserved communities, which already face many day-to-day challenges, may be hampered by the additional difficulty of dealing with the 50-signature requirement.

One reason given for modifying the CEQA appeals process in San Francisco is that the number of appeals has been a burden to City government, both in terms of time and finances. However, over the last five years, CEQA appeals in San Francisco comprised only .5% (or 1/2 of 1 %) of all the categorical exemptions; this is not an onerous burden for City government. In addition, despite inquiries to the City, no actual facts have been provided that show this is a financial burden for a City budget of over \$13.7 Billion. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

The legislation proponents cite a few examples of benevolent current projects that might have experienced fewer delays under the new legislation. No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. In addition, some of the 'benevolent' projects have not proven to be universally positive for the residents. The best way to protect the City and its residents from environmentally-damaging projects is to maintain a consistent and rigorous CEQA process.

Over and above the specific problems with this ordinance, the legislation also adds credence to the pro- development mantra that CEQA is somehow a problem for City governance. If there are problems with the CEQA process in San Francisco, then those problems should be addressed in an open and inclusive conversation with the public and a wide variety of stakeholders.

Analysis and Concerns with Proposed CEQA Legislation
Administrative Code Text Amendment 2021-000541PCA. ,¹ BOS File 201284

EXECUTIVE SUMMARY

This Ordinance will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. CEQA serves to identify the potential environmental risks associated with a project, to inform the public and their elected officials, and to provide decision-makers with that information prior to approving the decision, so that such risks can be avoided or mitigated.

Unfortunately, the proposed legislation would undermine CEQA in two ways:

- First, by allowing work to proceed on a project during an appeal. It is illegal to allow project construction to commence during the pendency of a CEQA appeal. Allowing a City department to proceed without a rigorous environmental review may lead to long-lasting environmental damage. This legislation will affect thousands of City-owned properties - our parks, streets, the Port properties, the airport and SFPUC lands - all will be put at risk. Furthermore, once this precedent has been set, it may be used to argue for extending the same practice to private projects.
- Second, this legislation raises barriers to the public's participation in environmental review. Depriving the public of their rights to a CEQA review by requiring 50 signatures is illegal. Over and above the question of legality, the signature requirement is burdensome to all San Franciscans. Underserved communities, which already face many day-to-day challenges, may be hampered by the additional difficulty of dealing with the 50-signature requirement.

One reason given for modifying the CEQA appeals process in San Francisco is that the number of appeals has been a burden to City government, both in terms of time and finances. However, over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1 %) of all the categorical exemptions; this is not an onerous burden for City government. In addition, despite inquiries to the City, no actual facts have been provided that show this is a financial burden for a City budget of over \$13.7 Billion. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

The legislation proponents cite a few examples of benevolent current projects that might have experienced fewer delays under the new legislation. No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. In addition, some of the 'benevolent' projects have not proven to be universally positive for the residents. The best way to protect the City and its residents from environmentally-damaging projects is to maintain a consistent and rigorous CEQA process.

Over and above the specific problems with this ordinance, the legislation also adds credence to the pro-development mantra that CEQA is somehow a problem for City governance. If there are problems with the CEQA process in San Francisco, then those problems should be addressed in an open and inclusive conversation with the public and a wide variety of stakeholders.

¹ SF Planning Department, "Executive Summary - Administrative Code Text Amendment, for Planning Commission hearing, February 25, 2021."

DETAILED BACKGROUND FOR THE ABOVE STATEMENTS

The proposed legislation allows for continued actions on public projects during an appeal.

"The Way it Would Be:

Other City commissions/boards outside of the Board of Supervisors would now be able to proceed with certain projects while a CEQA appeal is pending at the Board of Supervisors. This proposed amendment only applies to public projects for which the respective commission or department head (or designee) demonstrates in writing that such projects meet one of the following criterion: [From the Planning Department's Executive Summary].²

(ii) actions that are undertaken by the San Francisco Municipal Transportation Agency, the Airport, Port, Public Utilities Commission, San Francisco Public Works, or the Recreation and Parks Department, and the appropriate commission or department head or their designee has determined in writing that the action is one of the following:

a. a safety, health, or remedial measure necessary to protect the public, public employees, or public property or to allow the existing use of public property to continue; or

b. a temporary activity that will be removed or will cease within 180 days following the commencement of said activity; or

c. a reversible action wholly implemented and operated by a City department or agency, or a City department's or agency's contractor, that either does not involve physical construction activities or is limited to additions that can be removed or reconditioned without damage to the site. [FILE 201284, Legislation]³

Concerns:

- It is flatly illegal to allow project construction to commence during the pendency of a CEQA appeal. One of the fundamental requirements of CEQA is that CEQA review must occur prior to project approval and construction. CEQA review is required prior to the first agency approval of a project, when the agency commits itself to a definite course of action. (Save Tara v. City of West Hollywood (2008) 45 Cal. 4th 116, 137-138). The Supreme Court stated, "the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 449-450).
- Allowing City departments to be "able to proceed with certain projects while a CEQA appeal is pending" is a dangerous precedent to set for City projects. Any of the categories listed in the legislation has the potential to create serious and even long-lasting environmental damage. Letting a project go forward while under appeal and before a decision is made defeats the purpose of CEQA, which is to allow public input and to inform public officials of the consequences of their decisions.
- Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

² op. cit., SF Planning Department, page 1

³ FILE 201284, Administrative Code, CEQA Appeals. page 4, 5 We have listed quotes from two sources, as the Planning Department document does not quote the exact language of the legislation.

- The language " *a safety, health, or remedial measure necessary to protect the public...etc.*" is too vague. Who decides what is 'necessary?' Based on what information? The purpose of CEQA is to give the public and the decision-makers information so that an informed decision can be made and decision-makers can be held accountable for that decision. CEQA does not leave it up to the unelected bureaucracy to decide unilaterally what is the right thing to do without a full public process.
- This legislation assumes that a City department will always do 'the right thing' by implying that if a department head (or designee) writes a report justifying a project, that that report is disinterested, factual, and complete. Unfortunately, that is not always the case. How can the public trust the City, when the city has already allowed construction activities on Cortese sites, such as 1776 Green Street?
- It is much more difficult to fight a project in the courts if the project has proceeded and funding has been spent on it. Many courts will look at a completed or even a partially completed project and feel that there is no point to ruling in favor of that appeal.
- A great deal of damage can be done in 180 days. That is one-half of a year!
- Because this statement of 180 days is followed by "OR", the project can last more than 180 days. There is no outside time limit for projects called out in the legislation.
- "*A temporary activity lasting no more than 180 days,*" or "*A reversible action . . . that does not involve physical construction activities or is limited to additions that can be easily removed or reconditioned without damage to the site.*" Because of the "or" in this statement, does that mean that an activity that lasts no more than 180 days can involve physical construction activities or additions that cannot be easily removed without damaging the site?
- How does this requirement interact with requests for extensions of the timeline for a project? If the city approves projects on a "temporary" basis, is the City able to "modify" the project further to extend for 4 years, as was done with the Ferris Wheel in Golden Gate Park? If so, the modification would fall under Administrative Code Section 31.19 (not 31.16), which does not allow appeal to the Board of Supervisors. The public would then be deprived of the right to appeal to the elected body, the Board of Supervisors, as is required under CEQA. And the Board of Supervisors would also lose the right to make a final decision on the project.
- Since the appeals under Administrative Code Section 31.19 are made to the Environmental Review Officer, the decisions on a project would circle back to the very department that made the environmental determination in the first place. It is unlikely that the ERO would nullify its own department's decisions. In other words, under this scenario, the Planning Department would be making those decisions unilaterally, and both the public and the Board of Supervisors would be left out of these decisions completely.

* * * * *

Most City Departments with jurisdiction over our City lands are covered by this legislation and would be able to proceed with projects that fulfilled the criteria listed before the appeal was decided.

"This change would only impact those public projects (undertaken by the SFMTA, the Airport, Port, Public Utilities Commission, San Francisco Public Works, or the Recreation and Park Department) for which the respective commission or department head (or designee) demonstrates they meet the criterion to promote the general health and safety of the public or are temporary in nature." ⁴

[Planning Dept. Exec. Summary]

⁴ op. cit., SF Planning Department, page 3

Concerns:

- "Only impact those public projects?" This covers thousands of acres of our public spaces. Let us consider for a moment the public resources that this legislation would impact. Rec and Park alone manages over 4,100 acres with 220 parks, marinas, recreation centers, clubhouses, and Camp Mather in the Sierras.⁵ San Francisco has over 1,100 miles of streets under DPW, which has no public commission.⁶ The Airport is approximately 4,900 acres.⁷ The area under the Port Commission's control comprises nearly eight miles of waterfront lands, commercial real estate and maritime piers from Hyde Street on the north to India Basin in the southeast.⁸ The SFPUC has tens of thousands of acres under its control.⁹
- Some commissions and departments may take advantage of this to pursue their own agendas in the name of such measures. The burden of proof that a project does not comply with the criteria listed in the legislation will then fall on the public.
- The Recreation and Park Department has shown recently that it is not sensitive to habitat and wildlife concerns. Any actions in our parks can have long-term, irreversible environmental impacts; parks deserve full protection under CEQA.
- DPW is under investigation for irregularities by the Department Head, and there are no guarantees that this would not happen again in the future.
- In short, City Agencies have their own agendas and regrettably cannot always be trusted to make beneficial decisions about environmental impacts; if this were not the case, the public and the environment would not have needed CEQA in the first place.
- When an appeal finally reaches the BOS, work on the project will have taken place and the BOS will have the unenviable task of either shutting it down and possibly even removing work that has been done, with the attendant costs.

* * * * *

The legislation modifies the signature threshold for a limited class of public projects - SFMTA and Port of San Francisco

"Public projects sponsored or approved by the San Francisco Municipal Transportation Agency (SFMTA) or properties under leases from the Port Commission would now require 50 San Francisco residents or five Supervisors to subscribe to the notice of appeal. . . ." [Planning Department's Executive Summary].¹⁰

Concerns:

- It would violate state law to require 50 signatures for an appeal. CEQA section 221151(c) states: *"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a*

⁵ Department of Recreation and Park website

⁶ <https://www.sfchronicle.com/bayarea/heatherknight/article/SF-property-owners-maintain-streets-that-city-13991425.php>

⁷ <https://sfgov.org/realestate/real-property-owned-city-and-county-san-francisco-parcels-outside-city-and-county-boundaries>

⁸ Port of San Francisco, wikipedia. https://en.wikipedia.org/wiki/Port_of_San_Francisco

⁹ <https://sfgov.org/realestate/real-property-owned-city-and-county-san-francisco-parcels-outside-city-and-county-boundaries>

¹⁰ op. cit., SF Planning Department. page 2

project is not subject to this division, that certification, approval, or determination may be appealed to the agency’s elected decision-making body, if any.” The proposed ordinance would deny this right unless the appellant is able to obtain 50 signatures.

- Filing a CEQA appeal is not a simple process. Unless a member of the public is already familiar with the notification system, it is difficult to learn about the existence of a project, as well as the CEQA determinations. Learning about a project, learning how to file an appeal, finding an attorney to help with the appeal, writing the appeal, and getting all the documents to the City within the 30-day deadline, are daunting tasks for most members of the public. Requiring 50 signatures adds to the difficulty.
- Organizations such as labor unions or neighborhood groups will be able to meet this requirement easily. It will not prevent them from filing a CEQA appeal. In fact, it is possible to envision a group set up just for the purpose of providing multiple signatures for CEQA appeals to individuals that need them.
- However, for other communities, it will be difficult to meet this 50-person requirement. People who have not previously taken part in the CEQA process and underserved and sensitive communities may not have the resources to organize and oppose an appeal before the 30-day deadline has passed. In this same short time period, they would also have to find 50 people to sign onto it, which means convincing friends and neighbors to put their names on a legal document.
- It is certainly also possible for an SFMTA project to pose environmental risks to one or just a few individuals. A 50-signature requirement could effectively disenfranchise those residents.
- The signature requirement appears to have been introduced solely for the purpose of preventing a few individuals from filing unpopular appeals. That is a minor reason for changing the CEQA appeal process in San Francisco in such a way that it makes it more difficult for other members of the public who have serious concerns about a project to file an appeal.

* * * * *

The Appeals Metrics given in the Planning Department report are lacking information and make unsubstantiated assumptions.

"The Department pulled data on all CEQA appeals filed on between 2015 and 2020 and summarized the findings in Table 1.

Table 1: Summary of CEQA Appeals Filed from 2015-2020

	<i>Appeal Denied</i>	<i>Appeal Upheld</i>	<i>Pending</i>	<i>Withdrawn</i>
<i>Subtotal</i>	53	8	2	34
<i>Grand total</i>				97

*"Out of the 97 CEQA appeals filed from 2015-2020, only eight were upheld. This means that the Board of Supervisors denied the vast majority of appeals they heard. If the same pattern continued, there would be no major harm if other City commissions or boards act on public projects before the Board of Supervisors makes their final determination on the appeal. "*¹¹ [The Planning Department's Executive Summary

¹¹ Op. Cit., SF Planning Dept. page 3

Concerns:

- The prior table shows that eight appeals were upheld and 34 were withdrawn. Most of the appeals were withdrawn due to settlements that resolved community concerns. Thus, of the 97 appeals, 42 (almost half) were resolved in favor of the appellant in some fashion. This is an extremely high rate showing that many meritorious appeals are being filed and that the city staff is frequently abusing its discretion and issuing improper or illegal CEQA exemptions. The purpose of CEQA is to identify these risks and to inform both the public and the decision-makers before they make their decision.
- The Planning Department's table omits important data -- it neglects to include the number of categorical exemptions that the Planning Department approved in approximately the same time period. The Appeals Table below shows these figures from 2015 to 2020.¹²

Appeals Table
(Planning Department Data: October 2020)

	2015	2016	2017	2018	2019	2020*	TOTAL
Total Appeals	4	12	23	20	14	24	97
Appeals Denied	3	3	8	13	9	16	52
<i>% of Total Appeals</i>	75%	25%	35%	65%	64%	67%	54%
Appeals Upheld	0	1	4	0	2	0	7
<i>% of Total Appeals</i>	0%	8%	17%	0%	14%	0%	7%
Pending	0	0	0	1	0	6	7
<i>% of Total Appeals</i>	0%	0%	0%	5%	0%	25%	7%
Withdrawn	1	8	11	6	3	2	31
<i>% of Total Appeals</i>	25%	67%	48%	30%	21%	8%	32%
Total Exemptions		4200	4600	5000	5500	2005	21,305
<i>% change</i>			10%	9%	10%	-64%	
Appeals as % of Exemptions		0.3%	0.5%	0.4%	0.3%	1.2%	0.5%
<i>% change</i>			75%	-20%	-36%	370%	

* 2020 data updated through October only

- During this time period, the data available showed that the Planning Department granted 21,305 categorical exemptions.
- Only 97 appeals were filed. This was ½ of 1% (or only .5 percent) of the total number of exemptions given. This is hardly an overwhelming number of appeals for the BOS to handle in its weekly meetings.
- In fact, it is apparent that the large number of categorical exemptions needs to be looked at more closely if a further study is done of the CEQA process in San Francisco.

* * * * *

¹² Data source, SF Planning Department, through BOS request.

Delays in process seen in the early stages of COVID, have been addressed.

"The proposed Ordinance supports the Community Safety Element's goal to comply with current life safety standards by allowing the City to respond to future emergencies more quickly. . . "
[The Planning Department's Executive Summary]. ¹³

Concerns:

- The timeframe for appeals was delayed by the COVID virus; it took time to put a new remote system in place. But BOS hearings are now done online; this system can be reactivated quickly in the future, should we be so unfortunate as to have to go through another pandemic.
- CEQA allows for waiving certain requirements during emergencies. The CEQA determination was appealed and the appeal was rejected by the BOS on those grounds. This is how CEQA should work.

* * * * *

The Racial and Social Equity Analysis in the Planning Report does not support the requirement for 50 signatures.

"The Ordinance, however, does increase the barriers to filing a CEQA appeal, and this could disproportionately impact communities that are less organized and knowledgeable about City process. Raising the CEQA appeal filing requirement from one resident to 50 residents potentially poses a greater task in neighborhoods that do not have active neighborhood associations. Further, the other appeal path, requiring five Supervisors to subscribe to the notice of appeal, may also hinder those less versed in navigating San Francisco's political landscape. This is particularly true when reaching out to Supervisors outside their district; however, such issues could be mitigated if the District Supervisor advocates on the concerned resident's behalf. "
[The Planning Department's Executive Summary] ¹⁴

"Overall though, the projects that would be subject to additional appeal barriers are limited to a small subset of projects. " [Planning Department's Executive summary] ¹⁵

Concerns:

- We agree completely with the Planning Department that this legislation puts up barriers to underserved communities. This in itself is a reason this legislation should not be approved.
- ". . . are limited to a small subset of projects" Short of acquiring a crystal ball, the City has no idea of the number or type of projects that could be approved under this legislation in the future. Adding 'additional appeal barriers' is not acceptable for underserved communities in San Francisco

* * * * *

The General Plan Compliance section in the Planning report leaves out Policy 1.4 - environmental standards.

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan: ¹⁶ [Planning Dept General Plan Compliance Section]

¹³ op. cit., SF Planning Department, General Plan Compliance, page 4

¹⁴ Ibid. page, Executive Summary, page 4

¹⁵ Ibid.

¹⁶ Ibid., SF Planning Dept, General Plan. Compliance, page 8 (under Planning Commission Draft Resolution)

Concerns:

- The following section of the General Plan policy is completely left out of the Planning Department's analysis. [Planning Department's Draft Resolution]

POLICY 1.4

Assure that all new development meets strict environmental quality standards and recognizes human needs.

In reviewing all proposed development for probable environmental impact, careful attention should be paid to upholding high environmental quality standards. Granted that growth provides new economic and social opportunities, uncontrolled growth can also seriously aggravate environmental deterioration. Development projects, therefore, should not disrupt natural or ecological balance, degrade the visual character of natural areas, or otherwise conflict with the objectives and policies of the General Plan. ¹⁷

- Certainly, Policy 1.4 should be over-riding when the City makes decisions about how to approach environmental reviews.

* * * * *

Planning Code Section 101 Findings ¹⁸ assume future projects will not entail environmental damage.

The Planning Department Findings lists current benefits from this ordinance that would happen, giving examples of current 'beneficial' projects and stating that therefore all will be well in the future.

Concerns:

- Without knowing the specifics of the projects that will be proposed in the future, there is no way of saying that they will all have positive results.
- Not all of the projects that have been installed during COVID without environmental review have been either 100% beneficial or positive experiences for the neighborhoods. On the contrary, in many cases there have been negative results from the short-cuts that various City departments have taken under COVID
 - The Slow Streets program has had a partially negative effect on the neighborhood character of the Twin Peaks area, with increased crowding, vandalism, and a news cameraman being robbed at gunpoint.
 - The neighborhood surrounding the Great Highway has been severely impacted by the closure of the Great Highway. There has been a tremendous increase in traffic in the surrounding neighborhoods, speeding, more accidents, and loss of neighborhood parking to an influx of visitors. The problems have been so severe, that the District Supervisor has had to demand that the City look further into extensive traffic calming and crowd control measures. Many of these problems could have been avoided and solutions worked out before there were problems, if there had been a healthy environmental review process.

* * * * *

¹⁷ https://generalplan.sfplanning.org/I6_Environmental_Protection.htm#ENV_GEN_1_4

¹⁸ op. cit., SF Planning Dept. Planning Code sections findings, page 9

The financial Impact of appeals has not been justified with hard figures

Statements from Supervisor Haney's office, the sponsor of the legislation, discuss the cost to the City of CEQA appeals.¹⁹ Cost concerns were discussed in interviews with MUNI Director Jeff Tumlin in the SF Chronicle.²⁰ Various statements were quoted in that interview, including: "

" . . . each Safe Streets appeal will cost about 100 hours of work by his staff, "

" . . . each hearing at the Board of Supervisors . . . costs a combined \$10,000 in city officials' and attorneys' time. " and

" . . . each appeal is taking more time and money than it took to create the emergency programs in the first place."

Concerns:

- In an effort to get more details on these figures, a member of the public submitted Disclosure Requests to MUNI for the spreadsheets and other reports that led to the figures quoted in the interviews. The only response to three exhaustive requests for back-up data was:

" There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time. " ²¹

- In other words, the claims made in the SF Chronicle were guesses as to the costs involved. If the City does its research properly to arrive at a categorical exemption, then it should have already done most of the work necessary to defend a categorical exemption. The incremental cost to defend the City's decision should not be that large.

Environmental review is too important to be held hostage to minor, undocumented claims, especially in a city with a budget of over \$13.7 billion dollars. Furthermore, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

¹⁹ "Common Sense CEQA Appeal Procedures for Public Projects," Office of Supervisor Haney, December 2020. "Prevent Costly....Delays." page 2.

²⁰ SF Chronicle, 9-13-20, Heather Knight.

²¹ Emails from SFMTA in response to Disclosure Request. Please request copies.

From: [Peskin, Aaron \(BOS\)](#)
To: [Molly Erickson](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: RE: Land Use and Transportation Committee -- Item 3 -- comments from CEQA and land use attorney
Date: Monday, May 17, 2021 3:16:31 PM

From: Molly Erickson <erickson@stamplaw.us>
Sent: Monday, May 17, 2021 3:01 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>
Cc: Major, Erica (BOS) <erica.major@sfgov.org>
Subject: Land Use and Transportation Committee -- Item 3 -- comments from CEQA and land use attorney

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Dear Supervisor Peskin:

I write on Item 3 on your LUT Committee agenda today. I am a public interest attorney with longtime experience in CEQA, land use, and the California Public Records Act. I urge you to stop the unwise proposal to amend the Administrative Code. The amendments are deeply anti-democratic. It would make a sham of the administrative appellate process. The known issue of conversions of "temporary" projects to undefined "reversible" projects means the amendments could open the door to an end run by staff around the elected Board of Supervisors.

I understand that the amendments would have limited application to certain City-sponsored projects. If the concern is about frivolous appeals for these projects, there are much better ways to approach the problem.

The filing of an appeal suspends the approved appealed from, and thus a permit cannot be issued for work. The proposed amendments would make a mockery of CEQA review which is required to be completed before a project gains momentum and an agency's commitment. As a former public agency decision maker I can testify that the amendments would make consideration of appeals much more difficult — if an applicant was arguing that the work had already been done, the harm already had occurred, and expenses already had been incurred while the appeal was pending.

The requirement for 50 signatures is overly burdensome. A single dedicated person can understand the issues and a single appellant is

sufficient. Applicants are not required to get 50 signatures supporting their project. Requiring a different standard for appellants would be unfair. The issue is the orderly administration and application of city zoning codes and the laws of the state, rather than a popularity contest that would place at risk the personal health and safety of appellants.

Thank you for considering my comments. I will be unable to call into the LUT meeting because I am preparing for trial on a California Public Records Act case.

Regards,

Molly Erickson

STAMP ERICKSON

Tel: 831-373-1214

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Nagasundaram, Sekhar \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: FW: Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Thursday, May 13, 2021 4:47:41 PM

From: Marlayne Morgan <marlayne16@gmail.com>

Sent: Thursday, May 13, 2021 3:19 PM

To: ChanStaff (BOS) <chanstaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Subject: Subject: OPPOSE CEQA Legislation - BOS File 201284

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May 13, 2021

Dear President Melgar and Supervisors:

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

This legislation also raises barriers to the public's participation in environmental review by requiring 50 signatures for certain types of public projects. Forcing residents to find 50 neighbors to sign a CEQA appeal is burdensome to all San Franciscans. Underserved communities already face many day-to-day challenges; this will add to their difficulty in protecting their neighborhoods through an accessible CEQA process.

Over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1%) of all the categorical exemptions. This is not an onerous burden for City government. In addition, no figures have been provided that show this is a financial burden for a City budget of billions of dollars. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Best regards,

/s/

Marlayne Morgan, President
Cathedral Hill Neighborhood Association

From: [Zach Lipton](#)
To: [Major, Erica \(BOS\)](#); [MelgarStaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Subject: Land Use - Comment in support of #3—CEQA Appeals
Date: Thursday, May 13, 2021 5:43:36 PM

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

Dear Supervisors Melgar, Preston, and Peskin,

I am writing in support of item #3, which takes limited steps to allow certain transportation safety projects to proceed while appeals are pending and modestly raises the bar to bring a CEQA appeal.

This measure is really the bare minimum to ensure that important transportation safety efforts are not held up, and that hundreds of hours of city staff time aren't spent preparing for an appeal, on the basis of a single person's complaint. It is hard to imagine any legitimate situation where a matter needs to be elevated to the Board of Supervisors but where it is difficult to find 50 people concerned enough about the issue to simply sign their names or five Supervisors interested in hearing the appeal.

All too often, I have seen projects that impact my safety as a pedestrian, transit rider, and cyclist delayed because of a law that's supposed to protect the environment. Allowing these delays not only wastes staff time, it is contrary to the city's Transit-First Policy, Vision Zero mandate, and Climate Emergency declaration. It's particularly unconscionable that street closures for COVID testing and pop-up food pantries were subject to these frivolous appeals, and that should be evidence enough of how broken this process is.

This measure does not go nearly far enough, but is a productive first step toward ensuring the CEQA is used to truly protect the environment and not for solo individuals to waste time and city funds by second guessing every proposed improvement after it has already gone through numerous opportunities for public input.

Thank you,

Zach Lipton

From: [Charles Whitfield](#)
To: [Major, Erica \(BOS\)](#)
Subject: Support SFMTA Project CEQA Reform
Date: Friday, May 14, 2021 5:33:09 PM

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

Dear Supervisors,

My name is Charles Whitfield. I'm a D8 resident and SF Bike Coalition member who relies almost exclusively on biking to get around the city. I'm writing today to ask you to support the proposed legislation to improve the CEQA appeals process for transportation projects. This change is a very thoughtful and pragmatic reform to a flawed process.

Currently, a single, privileged individual is able to delay critical bicycle and pedestrian safety projects and street changes that have helped food pantries and COVID test sites to operate safely. This shouldn't be the case. Projects like Slow Streets, protected bike lanes, and transit lanes are too important to be delayed on spurious CEQA grounds when they are in fact very good environmental policy.

The proposed legislation replaces the status quo with a more democratic process that's modeled after a new appeals process that Supervisor Peskin himself introduced a few years ago, which allows the Board of Supervisors to appeal SFMTA board decisions.

Again, I strongly support today's proposed CEQA reform, and I hope you'll support it too.

Sincerely,

Charles Whitfield

From: [Bruce Halperin](#)
To: [Major, Erica \(BOS\)](#)
Subject: CEQA Reform - Public Comment
Date: Sunday, May 16, 2021 4:56:13 PM

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

To Whom It May Concern:

I am writing in support of reforming the CEQA appeals process with regard to SFMTA transportation projects. I am a Marina District resident, and in the nearly 12 years I have lived here, I have watched one good project after another delayed or watered down in response to frivolous CEQA appeals. These include transit lanes on Chestnut Street, numerous proposed bikeshare stations in District Two, protected bike lanes on Upper Market Street, and many others. If nothing is done to reform the process that allows a single resident to hold up a project for weeks or months, worthy projects like car-free JFK Drive and Great Highway will be used to reinforce car supremacy, which is antithetical to the intent of CEQA. Please adopt this commonsense reform to allow San Francisco to move forward.

Regards,
Bruce Halperin

From: [mark iverson](#)
To: [Major, Erica \(BOS\)](#)
Subject: My support for CEQA appeals reform legislation
Date: Monday, May 17, 2021 10:46:46 AM

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

Dear Erica,

I have lived in San Francisco for over 30 years and my family and I live in the Sunset neighborhood. I wanted to add my voice in support of CEQA reform before the Board of Supervisors. This is a practical solution and would stop the one person crusades against sensible solutions like slow streets. I know there will still be an appeals process but one that is more fair and sensible. I am bike commuter and long time member of the bicycle coalition. The "slow streets" program has been a great improvement to our city and neighborhood. It has allowed children to play in the streets safely and ride their bikes in safe environment. But, a lot more needs to be done. This CEQA reform would allow for quicker and much needed transportation changes to our streets.

Thank You,

Mark Iverson
Wendy Lowinger
1281 28th Ave.
San Francisco, CA 94122

From: [Craig Persiko](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Janice Li](#)
Subject: Public comment supporting CEQA Reform
Date: Monday, May 17, 2021 11:52:45 AM

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

To the members of the Land Use and Transportation Committee,

I'm a 25-year resident of San Francisco, and I have raised my two kids here in the Castro, in a home that I have owned for 16 years. For most of these past 25 years, I have not owned a car, and we get around primarily by bicycle plus walking and transit.

I am in strong support of this legislation to improve the CEQA appeals process for transportation projects. This change is a very thoughtful and pragmatic reform to a process that has allowed a single, privileged individual to delay bicycle and pedestrian safety projects and street changes that have helped food pantries and COVID test sites to operate safely. I'm glad that the legislation still allows for appeals, using a more democratic process that's modeled after a new appeals process that Supervisor Peskin himself introduced a few years ago, which allows the Board of Supervisors to appeal SFMTA board decisions.

For me in particular, I have benefitted from many improvements that had to first undergo lengthy and wasteful CEQA reviews, including bike lanes years ago and Slow Streets in the past year. These bike and pedestrian improvements have been a huge benefit for us, in added safety and enjoyment as we get around town, both for exercise and for getting to various destinations. I'm thinking of the Great Highway, JFK Drive in Golden Gate Park, Twin Peaks Blvd, and the "Slow Streets" of Sanchez, Page, Noe, and Shotwell especially.

Thank you,
Craig Persiko
621 Castro St.
San Francisco, CA 94114

From: [Cliff Bargar](#)
To: [Preston, Dean \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [PeskinStaff \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: In Support of CEQA Appeals Reform, File No. 201284
Date: Monday, May 17, 2021 12:43:17 PM

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

Dear Land Use and Transportation Committee Members,

As a 6+ year San Francisco renter who primarily gets around the City by bicycle, public transit, and on foot, I'd like to express my support for this proposal. This is a simple straightforward fix to a very broken process, which currently allows a handful of busybodies to file spurious complaints obstructing San Francisco's progress towards our climate and vision zero goals and threatening our self-described status as a "Transit First City".

This proposal would allow for someone with an actual substantive complaint to engage with other affected parties in filing a legitimate complaint, rather than allowing a single individual to slow down our agencies and force them to spend thousands of staff hours responding to nonsense. San Francisco has reaffirmed our status as a Transit First City multiple times; this legislation is one more step towards allowing us to live up to that vision.

I'd also like to thank Chair Melgar for bringing this item up for a hearing.

Thank you,
Cliff Bargar
Connecticut St

From: [Lance Carnes](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: Oppose legislation to weaken CEQA by allowing work during an appeal
Date: Monday, May 17, 2021 8:25:29 AM

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

Dear Supervisors,

Today, the Board's Land Use and Transportation Committee is to vote on legislation that will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. CEQA is truly a bedrock environmental law that Californians fought hard for and must protect from weakening.

In two ways this proposed legislation would undermine CEQA in San Francisco:

- It lets work continue on a project during an appeal. This will affect thousands of acres of San Francisco City-owned properties - parks, streets, the Port properties, and more will be put at risk. Allowing a City department to proceed without a rigorous environmental review can lead to long-lasting environmental damage and certainly impedes concerned citizens' ability to participate in governmental actions. Furthermore, once one such weakening of CEQA happens--it leads to more And more bites off CEQA until there may be nothing effective left!
- Also, this legislation would make citizens' environmental review harder by requiring 50 signatures for some public projects. Forcing residents to find 50 neighbors to sign a CEQA appeal--often with short notice-- is burdensome to all San Franciscans, and especially to underserved already challenged communities; this gives them an extra hurdle for protecting their neighborhoods.

CEQA appeals in San Francisco have made up less than one percent of all the categorical exemptions--so there can hardly be any claim of a burden on city agencies.

Please oppose this effort to weaken CEQA.

Lance Carnes
North Beach

From: [Vicky Hoover](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: Oppose legislation to weaken CEQA by allowing work during an appeal
Date: Monday, May 17, 2021 8:07:03 AM

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

Greetings,

Today, the Board's Land Use and Transportation Committee is to vote on legislation that will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. CEQA is truly a bedrock environmental law that Californians fought hard for and must protect from weakening.

In two ways this proposed legislation would undermine CEQA in San Francisco:

- It lets work continue on a project during an appeal. This will affect thousands of acres of San Francisco City-owned properties - parks, streets, the Port properties, and more will be put at risk. Allowing a City department to proceed without a rigorous environmental review can lead to long-lasting environmental damage and certainly impedes concerned citizens' ability to participate in governmental actions. Furthermore, once one such weakening of CEQA happens--it leads to more And more bites off CEQA until there may be nothing effective left!
- Also, this legislation would make citizens' environmental review harder by requiring 50 signatures for some public projects. Forcing residents to find 50 neighbors to sign a CEQA appeal--often with short notice-- is burdensome to all San Franciscans, and especially to underserved already challenged communities; this gives them an extra hurdle for protecting their neighborhoods.

CEQA appeals in San Francisco have made up less than one percent of all the categorical exemptions--so there can hardly be any claim of a hard burden on city agencies.

Please oppose this effort to weaken CEQA.

Vicky Hoover

735 Geary St. Apt 501

San Francisco

35-year plus San Francisco resident.

From: [Barbara Delaney](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Please Oppose CEQA Legislation BOS File 201284
Date: Monday, May 17, 2021 6:53:39 AM

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

Please do not amend any of the processes for CEQA. I am very concerned that San Francisco is on a downhill environmental slide already and this new legislation has the potential to greatly expedite this. Unfortunately, as has recently been seen in the DPW, public officials cannot be trusted to make good, non-self serving decisions for our city or our environment. **Please vote against this legislation to short circuit and dilute the CEQA regulations.** The health of our city and its environment depends on it. In addition, the people who will profit by this are private developers and city contractors whose business model has always been to make as much money from any project as possible - not to preserve the environment for future generations of San Franciscans. Time is money for them and if they can save time, they do not care what the environmental impact of this will be.

I am a member of the Sierra Club and I am including in this letter some of their concerns which are also my concerns. I'm sure you have seen this but I am hoping to refresh their points in your memory. I hope to be able to call in today.

Here are just a few examples of how things could go wrong if the CEQA legislation is amended:

For example, thePort Commission's control comprises nearly eight miles of waterfront lands, commercial real

estate and maritime piers from Hyde Street on the north to India Basin in the southeast. 8
The SFPUC has tens of thousands of acres under its control. 9

- Some commissions and departments may take advantage of this to pursue their own agendas in the name of such measures. The burden of proof that a project does not comply with the criteria listed in the legislation will then fall on the public.
- The Recreation and Park Department has shown recently that it is not sensitive to habitat and wildlife concerns (see the dreadful "observation tower" which adds nothing to the city - the same view is available from the deYoung tower - but takes much away from the ambiance of that part of the park). Any actions in our parks can have long-term, irreversible environmental impacts; parks deserve full protection under CEQA.
- DPW is under investigation for irregularities by the Department Head, and there are no guarantees that this would not happen again in the future.
- In short, City Agencies have their own agendas and regrettably cannot always be trusted to make beneficial decisions about environmental impacts; if this were not the case, the public and the environment would not have needed CEQA in the first place.
- When an appeal finally reaches the BOS, work on the project will have taken place and the BOS

will have the unenviable task of either shutting it down and possibly even removing work that has been done, with the attendant costs.

--

Barbara Delaney
1279 44th Avenue
San Francisco, CA 94122

From: tesw@aol.com
To: [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Re: Corrected Letter -Please OPPOSE CEQA Legislation - BOS File 201284
Date: Sunday, May 16, 2021 7:32:23 PM
Attachments: [Analysis of CEQA legislation - 3-9-21. Sierra Club\[2\].pdf](#)
[Analysis of CEQA legislation - 3-9-21. Sierra Club\[2\].pdf](#)

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

Dear Supervisor,

I support the Sierra Club analysis of the proposed CEQA legislation, March 9, 2021, attached.

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

This legislation also raises barriers to the public's participation in environmental review by requiring 50 signatures for certain types of public projects. Forcing residents to **find 50 neighbors to sign a CEQA appeal** is burdensome to all San Franciscans. Underserved communities already face many day-to-day challenges; this will add to their difficulty in protecting their neighborhoods through an accessible CEQA process.

Over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1%) of all the categorical exemptions. This is not an onerous burden for City government. In addition, no figures have been provided that show this is a financial burden for a City budget of billions of dollars. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Sincerely,
Tes Welborn
D5

Analysis and Concerns with Proposed CEQA Legislation
Administrative Code Text Amendment 2021-000541PCA. ,¹ BOS File 201284

EXECUTIVE SUMMARY

This Ordinance will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. CEQA serves to identify the potential environmental risks associated with a project, to inform the public and their elected officials, and to provide decision-makers with that information prior to approving the decision, so that such risks can be avoided or mitigated.

Unfortunately, the proposed legislation would undermine CEQA in two ways:

- First, by allowing work to proceed on a project during an appeal. It is illegal to allow project construction to commence during the pendency of a CEQA appeal. Allowing a City department to proceed without a rigorous environmental review may lead to long-lasting environmental damage. This legislation will affect thousands of City-owned properties - our parks, streets, the Port properties, the airport and SFPUC lands - all will be put at risk. Furthermore, once this precedent has been set, it may be used to argue for extending the same practice to private projects.
- Second, this legislation raises barriers to the public's participation in environmental review. Depriving the public of their rights to a CEQA review by requiring 50 signatures is illegal. Over and above the question of legality, the signature requirement is burdensome to all San Franciscans. Underserved communities, which already face many day-to-day challenges, may be hampered by the additional difficulty of dealing with the 50-signature requirement.

One reason given for modifying the CEQA appeals process in San Francisco is that the number of appeals has been a burden to City government, both in terms of time and finances. However, over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1 %) of all the categorical exemptions; this is not an onerous burden for City government. In addition, despite inquiries to the City, no actual facts have been provided that show this is a financial burden for a City budget of over \$13.7 Billion. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

The legislation proponents cite a few examples of benevolent current projects that might have experienced fewer delays under the new legislation. No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. In addition, some of the 'benevolent' projects have not proven to be universally positive for the residents. The best way to protect the City and its residents from environmentally-damaging projects is to maintain a consistent and rigorous CEQA process.

Over and above the specific problems with this ordinance, the legislation also adds credence to the pro-development mantra that CEQA is somehow a problem for City governance. If there are problems with the CEQA process in San Francisco, then those problems should be addressed in an open and inclusive conversation with the public and a wide variety of stakeholders.

¹ SF Planning Department, "Executive Summary - Administrative Code Text Amendment, for Planning Commission hearing, February 25, 2021."

DETAILED BACKGROUND FOR THE ABOVE STATEMENTS

The proposed legislation allows for continued actions on public projects during an appeal.

"The Way it Would Be:

Other City commissions/boards outside of the Board of Supervisors would now be able to proceed with certain projects while a CEQA appeal is pending at the Board of Supervisors. This proposed amendment only applies to public projects for which the respective commission or department head (or designee) demonstrates in writing that such projects meet one of the following criterion: [From the Planning Department's Executive Summary].²

(ii) actions that are undertaken by the San Francisco Municipal Transportation Agency, the Airport, Port, Public Utilities Commission, San Francisco Public Works, or the Recreation and Parks Department, and the appropriate commission or department head or their designee has determined in writing that the action is one of the following:

a. a safety, health, or remedial measure necessary to protect the public, public employees, or public property or to allow the existing use of public property to continue; or

b. a temporary activity that will be removed or will cease within 180 days following the commencement of said activity; or

c. a reversible action wholly implemented and operated by a City department or agency, or a City department's or agency's contractor, that either does not involve physical construction activities or is limited to additions that can be removed or reconditioned without damage to the site. [FILE 201284, Legislation]³

Concerns:

- It is flatly illegal to allow project construction to commence during the pendency of a CEQA appeal. One of the fundamental requirements of CEQA is that CEQA review must occur prior to project approval and construction. CEQA review is required prior to the first agency approval of a project, when the agency commits itself to a definite course of action. (Save Tara v. City of West Hollywood (2008) 45 Cal. 4th 116, 137-138). The Supreme Court stated, "the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 449-450).
- Allowing City departments to be "able to proceed with certain projects while a CEQA appeal is pending" is a dangerous precedent to set for City projects. Any of the categories listed in the legislation has the potential to create serious and even long-lasting environmental damage. Letting a project go forward while under appeal and before a decision is made defeats the purpose of CEQA, which is to allow public input and to inform public officials of the consequences of their decisions.
- Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

² op. cit., SF Planning Department, page 1

³ FILE 201284, Administrative Code, CEQA Appeals. page 4, 5 We have listed quotes from two sources, as the Planning Department document does not quote the exact language of the legislation.

- The language " *a safety, health, or remedial measure necessary to protect the public...etc.*" is too vague. Who decides what is 'necessary?' Based on what information? The purpose of CEQA is to give the public and the decision-makers information so that an informed decision can be made and decision-makers can be held accountable for that decision. CEQA does not leave it up to the unelected bureaucracy to decide unilaterally what is the right thing to do without a full public process.
- This legislation assumes that a City department will always do 'the right thing' by implying that if a department head (or designee) writes a report justifying a project, that that report is disinterested, factual, and complete. Unfortunately, that is not always the case. How can the public trust the City, when the city has already allowed construction activities on Cortese sites, such as 1776 Green Street?
- It is much more difficult to fight a project in the courts if the project has proceeded and funding has been spent on it. Many courts will look at a completed or even a partially completed project and feel that there is no point to ruling in favor of that appeal.
- A great deal of damage can be done in 180 days. That is one-half of a year!
- Because this statement of 180 days is followed by "OR", the project can last more than 180 days. There is no outside time limit for projects called out in the legislation.
- "*A temporary activity lasting no more than 180 days,*" or "*A reversible action . . . that does not involve physical construction activities or is limited to additions that can be easily removed or reconditioned without damage to the site.*" Because of the "or" in this statement, does that mean that an activity that lasts no more than 180 days can involve physical construction activities or additions that cannot be easily removed without damaging the site?
- How does this requirement interact with requests for extensions of the timeline for a project? If the city approves projects on a "temporary" basis, is the City able to "modify" the project further to extend for 4 years, as was done with the Ferris Wheel in Golden Gate Park? If so, the modification would fall under Administrative Code Section 31.19 (not 31.16), which does not allow appeal to the Board of Supervisors. The public would then be deprived of the right to appeal to the elected body, the Board of Supervisors, as is required under CEQA. And the Board of Supervisors would also lose the right to make a final decision on the project.
- Since the appeals under Administrative Code Section 31.19 are made to the Environmental Review Officer, the decisions on a project would circle back to the very department that made the environmental determination in the first place. It is unlikely that the ERO would nullify its own department's decisions. In other words, under this scenario, the Planning Department would be making those decisions unilaterally, and both the public and the Board of Supervisors would be left out of these decisions completely.

* * * * *

Most City Departments with jurisdiction over our City lands are covered by this legislation and would be able to proceed with projects that fulfilled the criteria listed before the appeal was decided.

"This change would only impact those public projects (undertaken by the SFMTA, the Airport, Port, Public Utilities Commission, San Francisco Public Works, or the Recreation and Park Department) for which the respective commission or department head (or designee) demonstrates they meet the criterion to promote the general health and safety of the public or are temporary in nature." ⁴

[Planning Dept. Exec. Summary]

⁴ op. cit., SF Planning Department, page 3

Concerns:

- "Only impact those public projects?" This covers thousands of acres of our public spaces. Let us consider for a moment the public resources that this legislation would impact. Rec and Park alone manages over 4,100 acres with 220 parks, marinas, recreation centers, clubhouses, and Camp Mather in the Sierras.⁵ San Francisco has over 1,100 miles of streets under DPW, which has no public commission.⁶ The Airport is approximately 4,900 acres.⁷ The area under the Port Commission's control comprises nearly eight miles of waterfront lands, commercial real estate and maritime piers from Hyde Street on the north to India Basin in the southeast.⁸ The SFPUC has tens of thousands of acres under its control.⁹
- Some commissions and departments may take advantage of this to pursue their own agendas in the name of such measures. The burden of proof that a project does not comply with the criteria listed in the legislation will then fall on the public.
- The Recreation and Park Department has shown recently that it is not sensitive to habitat and wildlife concerns. Any actions in our parks can have long-term, irreversible environmental impacts; parks deserve full protection under CEQA.
- DPW is under investigation for irregularities by the Department Head, and there are no guarantees that this would not happen again in the future.
- In short, City Agencies have their own agendas and regrettably cannot always be trusted to make beneficial decisions about environmental impacts; if this were not the case, the public and the environment would not have needed CEQA in the first place.
- When an appeal finally reaches the BOS, work on the project will have taken place and the BOS will have the unenviable task of either shutting it down and possibly even removing work that has been done, with the attendant costs.

* * * * *

The legislation modifies the signature threshold for a limited class of public projects - SFMTA and Port of San Francisco

"Public projects sponsored or approved by the San Francisco Municipal Transportation Agency (SFMTA) or properties under leases from the Port Commission would now require 50 San Francisco residents or five Supervisors to subscribe to the notice of appeal. . . ." [Planning Department's Executive Summary].¹⁰

Concerns:

- It would violate state law to require 50 signatures for an appeal. CEQA section 221151(c) states: *"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a*

⁵ Department of Recreation and Park website

⁶ <https://www.sfchronicle.com/bayarea/heatherknight/article/SF-property-owners-maintain-streets-that-city-13991425.php>

⁷ <https://sfgov.org/realestate/real-property-owned-city-and-county-san-francisco-parcels-outside-city-and-county-boundaries>

⁸ Port of San Francisco, wikipedia. https://en.wikipedia.org/wiki/Port_of_San_Francisco

⁹ <https://sfgov.org/realestate/real-property-owned-city-and-county-san-francisco-parcels-outside-city-and-county-boundaries>

¹⁰ op. cit., SF Planning Department. page 2

project is not subject to this division, that certification, approval, or determination may be appealed to the agency’s elected decision-making body, if any.” The proposed ordinance would deny this right unless the appellant is able to obtain 50 signatures.

- Filing a CEQA appeal is not a simple process. Unless a member of the public is already familiar with the notification system, it is difficult to learn about the existence of a project, as well as the CEQA determinations. Learning about a project, learning how to file an appeal, finding an attorney to help with the appeal, writing the appeal, and getting all the documents to the City within the 30-day deadline, are daunting tasks for most members of the public. Requiring 50 signatures adds to the difficulty.
- Organizations such as labor unions or neighborhood groups will be able to meet this requirement easily. It will not prevent them from filing a CEQA appeal. In fact, it is possible to envision a group set up just for the purpose of providing multiple signatures for CEQA appeals to individuals that need them.
- However, for other communities, it will be difficult to meet this 50-person requirement. People who have not previously taken part in the CEQA process and underserved and sensitive communities may not have the resources to organize and oppose an appeal before the 30-day deadline has passed. In this same short time period, they would also have to find 50 people to sign onto it, which means convincing friends and neighbors to put their names on a legal document.
- It is certainly also possible for an SFMTA project to pose environmental risks to one or just a few individuals. A 50-signature requirement could effectively disenfranchise those residents.
- The signature requirement appears to have been introduced solely for the purpose of preventing a few individuals from filing unpopular appeals. That is a minor reason for changing the CEQA appeal process in San Francisco in such a way that it makes it more difficult for other members of the public who have serious concerns about a project to file an appeal.

* * * * *

The Appeals Metrics given in the Planning Department report are lacking information and make unsubstantiated assumptions.

"The Department pulled data on all CEQA appeals filed on between 2015 and 2020 and summarized the findings in Table 1.

Table 1: Summary of CEQA Appeals Filed from 2015-2020

	<i>Appeal Denied</i>	<i>Appeal Upheld</i>	<i>Pending</i>	<i>Withdrawn</i>
<i>Subtotal</i>	53	8	2	34
<i>Grand total</i>				97

*"Out of the 97 CEQA appeals filed from 2015-2020, only eight were upheld. This means that the Board of Supervisors denied the vast majority of appeals they heard. If the same pattern continued, there would be no major harm if other City commissions or boards act on public projects before the Board of Supervisors makes their final determination on the appeal. "*¹¹ [The Planning Department's Executive Summary

¹¹ Op. Cit., SF Planning Dept. page 3

Concerns:

- The prior table shows that eight appeals were upheld and 34 were withdrawn. Most of the appeals were withdrawn due to settlements that resolved community concerns. Thus, of the 97 appeals, 42 (almost half) were resolved in favor of the appellant in some fashion. This is an extremely high rate showing that many meritorious appeals are being filed and that the city staff is frequently abusing its discretion and issuing improper or illegal CEQA exemptions. The purpose of CEQA is to identify these risks and to inform both the public and the decision-makers before they make their decision.
- The Planning Department's table omits important data -- it neglects to include the number of categorical exemptions that the Planning Department approved in approximately the same time period. The Appeals Table below shows these figures from 2015 to 2020. ¹²

Appeals Table
(Planning Department Data: October 2020)

	2015	2016	2017	2018	2019	2020*	TOTAL
Total Appeals	4	12	23	20	14	24	97
Appeals Denied	3	3	8	13	9	16	52
<i>% of Total Appeals</i>	75%	25%	35%	65%	64%	67%	54%
Appeals Upheld	0	1	4	0	2	0	7
<i>% of Total Appeals</i>	0%	8%	17%	0%	14%	0%	7%
Pending	0	0	0	1	0	6	7
<i>% of Total Appeals</i>	0%	0%	0%	5%	0%	25%	7%
Withdrawn	1	8	11	6	3	2	31
<i>% of Total Appeals</i>	25%	67%	48%	30%	21%	8%	32%
Total Exemptions		4200	4600	5000	5500	2005	21,305
<i>% change</i>			10%	9%	10%	-64%	
Appeals as % of Exemptions		0.3%	0.5%	0.4%	0.3%	1.2%	0.5%
<i>% change</i>			75%	-20%	-36%	370%	

* 2020 data updated through October only

- During this time period, the data available showed that the Planning Department granted 21,305 categorical exemptions.
- Only 97 appeals were filed. This was ½ of 1% (or only .5 percent) of the total number of exemptions given. This is hardly an overwhelming number of appeals for the BOS to handle in its weekly meetings.
- In fact, it is apparent that the large number of categorical exemptions needs to be looked at more closely if a further study is done of the CEQA process in San Francisco.

* * * * *

¹² Data source, SF Planning Department, through BOS request.

Delays in process seen in the early stages of COVID, have been addressed.

"The proposed Ordinance supports the Community Safety Element's goal to comply with current life safety standards by allowing the City to respond to future emergencies more quickly. . . "
[The Planning Department's Executive Summary]. ¹³

Concerns:

- The timeframe for appeals was delayed by the COVID virus; it took time to put a new remote system in place. But BOS hearings are now done online; this system can be reactivated quickly in the future, should we be so unfortunate as to have to go through another pandemic.
- CEQA allows for waiving certain requirements during emergencies. The CEQA determination was appealed and the appeal was rejected by the BOS on those grounds. This is how CEQA should work.

* * * * *

The Racial and Social Equity Analysis in the Planning Report does not support the requirement for 50 signatures.

"The Ordinance, however, does increase the barriers to filing a CEQA appeal, and this could disproportionately impact communities that are less organized and knowledgeable about City process. Raising the CEQA appeal filing requirement from one resident to 50 residents potentially poses a greater task in neighborhoods that do not have active neighborhood associations. Further, the other appeal path, requiring five Supervisors to subscribe to the notice of appeal, may also hinder those less versed in navigating San Francisco's political landscape. This is particularly true when reaching out to Supervisors outside their district; however, such issues could be mitigated if the District Supervisor advocates on the concerned resident's behalf. "
[The Planning Department's Executive Summary] ¹⁴

"Overall though, the projects that would be subject to additional appeal barriers are limited to a small subset of projects. " [Planning Department's Executive summary] ¹⁵

Concerns:

- We agree completely with the Planning Department that this legislation puts up barriers to underserved communities. This in itself is a reason this legislation should not be approved.
- ". . . are limited to a small subset of projects" Short of acquiring a crystal ball, the City has no idea of the number or type of projects that could be approved under this legislation in the future. Adding 'additional appeal barriers' is not acceptable for underserved communities in San Francisco

* * * * *

The General Plan Compliance section in the Planning report leaves out Policy 1.4 - environmental standards.

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan: ¹⁶ [Planning Dept General Plan Compliance Section]

¹³ op. cit., SF Planning Department, General Plan Compliance, page 4

¹⁴ Ibid. page, Executive Summary, page 4

¹⁵ Ibid.

¹⁶ Ibid., SF Planning Dept, General Plan. Compliance, page 8 (under Planning Commission Draft Resolution)

Concerns:

- The following section of the General Plan policy is completely left out of the Planning Department's analysis. [Planning Department's Draft Resolution]

POLICY 1.4

Assure that all new development meets strict environmental quality standards and recognizes human needs.

In reviewing all proposed development for probable environmental impact, careful attention should be paid to upholding high environmental quality standards. Granted that growth provides new economic and social opportunities, uncontrolled growth can also seriously aggravate environmental deterioration. Development projects, therefore, should not disrupt natural or ecological balance, degrade the visual character of natural areas, or otherwise conflict with the objectives and policies of the General Plan. ¹⁷

- Certainly, Policy 1.4 should be over-riding when the City makes decisions about how to approach environmental reviews.

* * * * *

Planning Code Section 101 Findings ¹⁸ assume future projects will not entail environmental damage.

The Planning Department Findings lists current benefits from this ordinance that would happen, giving examples of current 'beneficial' projects and stating that therefore all will be well in the future.

Concerns:

- Without knowing the specifics of the projects that will be proposed in the future, there is no way of saying that they will all have positive results.
- Not all of the projects that have been installed during COVID without environmental review have been either 100% beneficial or positive experiences for the neighborhoods. On the contrary, in many cases there have been negative results from the short-cuts that various City departments have taken under COVID
 - The Slow Streets program has had a partially negative effect on the neighborhood character of the Twin Peaks area, with increased crowding, vandalism, and a news cameraman being robbed at gunpoint.
 - The neighborhood surrounding the Great Highway has been severely impacted by the closure of the Great Highway. There has been a tremendous increase in traffic in the surrounding neighborhoods, speeding, more accidents, and loss of neighborhood parking to an influx of visitors. The problems have been so severe, that the District Supervisor has had to demand that the City look further into extensive traffic calming and crowd control measures. Many of these problems could have been avoided and solutions worked out before there were problems, if there had been a healthy environmental review process.

* * * * *

¹⁷ https://generalplan.sfplanning.org/I6_Environmental_Protection.htm#ENV_GEN_1_4

¹⁸ op. cit., SF Planning Dept. Planning Code sections findings, page 9

The financial Impact of appeals has not been justified with hard figures

Statements from Supervisor Haney's office, the sponsor of the legislation, discuss the cost to the City of CEQA appeals.¹⁹ Cost concerns were discussed in interviews with MUNI Director Jeff Tumlin in the SF Chronicle.²⁰ Various statements were quoted in that interview, including: "

" . . . each Safe Streets appeal will cost about 100 hours of work by his staff, "

" . . . each hearing at the Board of Supervisors . . . costs a combined \$10,000 in city officials' and attorneys' time. " and

" . . . each appeal is taking more time and money than it took to create the emergency programs in the first place."

Concerns:

- In an effort to get more details on these figures, a member of the public submitted Disclosure Requests to MUNI for the spreadsheets and other reports that led to the figures quoted in the interviews. The only response to three exhaustive requests for back-up data was:

" There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time. " ²¹

- In other words, the claims made in the SF Chronicle were guesses as to the costs involved. If the City does its research properly to arrive at a categorical exemption, then it should have already done most of the work necessary to defend a categorical exemption. The incremental cost to defend the City's decision should not be that large.

Environmental review is too important to be held hostage to minor, undocumented claims, especially in a city with a budget of over \$13.7 billion dollars. Furthermore, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

¹⁹ "Common Sense CEQA Appeal Procedures for Public Projects," Office of Supervisor Haney, December 2020. "Prevent Costly....Delays." page 2.

²⁰ SF Chronicle, 9-13-20, Heather Knight.

²¹ Emails from SFMTA in response to Disclosure Request. Please request copies.

From: [Kathy Howard](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: Oppose CEQA Amendments -- No data to substantiate costs. File 201284
Date: Sunday, May 16, 2021 7:24:44 PM
Attachments: [Questions on costs of CEQA Immediate Disclosure Requests-final.pdf](#)

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

Subject: OPPOSE Pending CEQA legislation BOS File 201284.
Immediate Disclosure Requests fail to reveal any data substantiating the statements made by MUNI Director regarding costs to the City of 2020 CEQA appeals.

A September 12, 2020 [SF Chronicle article](#), listed the cost to the City of dealing with CEQA as follows

"According to Jeffrey Tumlin, Muni's new director, each of the five appeals will cost about 100 hours of work by his staff. He said each hearing at the Board of Supervisors, which serves as the judge and jury in these cases, costs a combined \$10,000 in city officials' and attorneys' time. In fact, Tumlin said each appeal is taking more time and money than it took to create the emergency programs in the first place."

Concerned about the quoted costs, I submitted three separate and detailed Immediate Disclosure (Sunshine) Requests to the SFMTA regarding the following statements:

- A. "each of the five appeals will cost about 100 hours of work by his staff."
- B. "each hearing at the Board of Supervisors, which serves as the judge and jury in these cases, costs a combined \$10,000 in city officials' and attorneys' time."
- C. "each appeal is taking more time and money than it took to create the emergency programs in the first place."

To each of my disclosure requests, repeated with clarifying detail, the SFMTA sent the same response:

"There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time."

This lack of any written record raises these questions:

- How did the reporter verify the data quoted if there is no written data or at least a 'back of the envelope' projection? How is the public supposed to verify these statements?
- Requests for timesheets were rejected (Requests A, B, C.). Is it possible that neither SFMTA nor the City attorney's office keeps accurate and timely timesheets for employee work? Law

firms keep records by the hour for their clients and for billing. Does the City not follow this basic accountability practice?

- Requests for the cost of the 'emergency programs' were also denied (Request C). Does the SFMTA have no written record of what each program costs? How can accountability for employee time and results for each project be measured without a written record of how much work/cost each project entails?

In a city with a budget of billions of dollars, these figures are not much to spend to protect the residents' rights to express their concerns over potential environmental damages. But over and above that, if the City cannot even produce the data to support these so-called costs of appeals, then this argument is weak and should not be considered as a reason for depriving residents of their ability to appeal the city's decisions.

The following pages show the detailed email threads of my initial inquiries, my clarifications of my inquiries, and the responses from the SFMTA.

[Please see attached document for copies of all of the disclosure requests.]

To: San Francisco Board of Supervisors
From: Katherine Howard
Date: May 16, 2021
Subject: OPPOSE Pending CEQA legislation BOS File 201284.
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In a city with a budget of billions of dollars, these figures are not much to spend to protect the residents' rights to express their concerns over potential environmental damages. But over and above that, if the City cannot even produce the data to support these so-called costs of appeals, then this argument is weak and should not be considered as a reason for depriving residents of their ability to appeal the city's decisions.

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APPENDIX: IMMEDIATE DISCLOSURE REQUESTS, CLARIFICATIONS TO REQUESTS, AND CITY RESPONSES

REQUEST A: P000560-091620

A-1: My request and the first response from SFMTA

Subject: Request :: P000560-091620

Date: Thursday, October 8, 2020 at 12:06:01 PM Pacific Daylight Time

From: SFMTA PRR

To: kathyhoward@earthlink.net

--- Please respond above this line ---



kathyhoward@earthlink.net

Katherine Howard
1243 42nd Avenue
San Francisco CA 94122
October 08, 2020

RE: Public Records Request, dated September 16, 2020, Reference # P000560-091620

Dear Katherine Howard,

The San Francisco Municipal Transportation Agency (SFMTA) received your Public Records Request, dated September 16, 2020. You requested:

- *Immediate Disclosure Request: In the 9-13-20 SF Chronicle article by Heather Knight, Director Tomlin is quoted as saying that each Safe Streets appeal will cost about 100 hours of work by his staff. Since the work on at least one of these appeals has now been done, please provide the time sheets and other documentation for this statement, including but not limited to the hours spent, the amount charged per hour, and the work performed.*

The SFMTA has determined there are no documents responsive to your request. There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time. If you have any questions, or wish to discuss this further, you may contact me by responding to this email.

Sincerely,
Caroline Celaya
Manager, Public Records Requests
https://sfmta.mycusthelp.com/WEBAPP/_rs/supporthome.aspx



Office 415.701.4670

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103



A-2: My follow-up clarification request to SFMTA

Subject: RE: Request :: P000560-091620
Date: Thursday, October 8, 2020 at 2:35:25 PM Pacific Daylight Time
From: Kathy Howard
To: 'SFMTA PRR'
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.gif

1. If I am to understand your response, you are saying that at the time the article was written, an unwritten, undocumented 'estimate' was made by Director Tomlin as to staff time and cost, and therefore:

- there were no calculations with information from staff about how much time this would take;
- there was no information about how much each staff member's time would be billed to obtain this information
- there was no information about which staff member would prepare this information.;

Please confirm that the above interpretation is correct.

2. However, the CEQA appeal has now been completed and work on the appeal has now been done and the staff time has been charged.

Therefore, please send the timesheets or any other documentation showing:

- Which staff member (or category of employee if names are kept confidential) worked on the project?
- What their hourly charge rate was working on the project?
- How many hours they charged for working on the project?

3. Furthermore, if there are no timesheets available:

- is that because staff does not keep timesheets for any of its work?
- or is it because no timesheets were kept for this project?

Thank you for this information.

Kathy H.

A-3: Final response from SFMTA to all of the above questions.

Subject: Request :: P000560-091620

Date: Thursday, October 8, 2020 at 2:42:32 PM Pacific Daylight Time

From: SFMTA PRR

To: kathyhoward@earthlink.net

--- Please respond above this line ---



There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time.

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GovQA

To monitor the progress or update this request please log into the [SFMTA Public Records Request Center](#).

REQUEST B: P000561-091620

B-1: My Request and the first response from SFMTA

Subject: Request :: P000561-091620
Date: Thursday, October 8, 2020 at 12:01:57 PM Pacific Daylight Time
From: SFMTA PRR
To: kathyhoward@earthlink.net

B-1

--- Please respond above this line ---



kathyhoward@earthlink.net

Katherine Howard
1243 42nd Avenue
San Francisco CA 94122
October 08, 2020

RE: Public Records Request, dated September 16, 2020, Reference # P000561-091620

Dear Katherine Howard,

The San Francisco Municipal Transportation Agency (SFMTA) received your Public Records Request, dated September 16, 2020. You requested:

- *Immediate Disclosure Request: In the 9-13-20 SF Chronicle article by Heather Knight, Director Tomlin is quoted as saying that "each hearing at the Board of Supervisors . . . costs a combined \$10,000 in city officials' and attorneys' time." Please provide the documentation for one Safe Streets Appeal hearing, on which this statement is based.*

The SFMTA has determined there are no documents responsive to your request. There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time. If you have any questions, or wish to discuss this further, you may contact me by responding to this email.

Sincerely,
Caroline Celaya
Manager, Public Records Requests
https://sfmta.mycusthelp.com/WEBAPP/_rs/supporthome.aspx



Office 415.701.4670
San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103



B-2: My follow-up clarification request to SFMTA

B-2

Subject: RE: Request :: P000561-091620

Date: Thursday, October 8, 2020 at 2:39:47 PM Pacific Daylight Time

From: Kathy Howard

To: 'SFMTA PRR'

1. If I am to understand your response, you are saying that at the time the article was written, an unwritten, undocumented 'estimate' was made by Director Tomlin as to "City Officials and Attorneys" time and cost, and therefore:

- there were no calculations with information from the "City Officials' and Attorneys" about how much time this would take;
- there was no information from the "City Officials and Attorneys" about how much each staff member's time would be billed to obtain this information
- there was no information from the "City Officials and Attorneys" about which staff member would prepare this information.

Please confirm that the above interpretation is correct.

2. However, the CEQA appeal has now been completed and work on the appeal has now been done and the staff time has been charged.

Therefore, please send the timesheets or any other documentation showing:

- Which "City Officials and Attorneys" (or category of employee if names are kept confidential) worked on the project?
- What was the "City Officials and Attorneys" hourly charge rate was working on the project?
- How many hours did the "City Officials and Attorneys" charge for working on the project?

3. However, if there are no timesheets available:

- is that because "City Officials and Attorneys" do not keep timesheets for any of their work?
- or is it because no timesheets were kept for this specific project by "City Officials and Attorneys"?

Thank you for this information.

Kathy H.

B-3: Final response from SFMTA to all of the above questions.

Subject: Request :: P000561-091620
Date: Thursday, October 8, 2020 at 2:46:48 PM Pacific Daylight Time
From: SFMTA PRR
To: kathyhoward@earthlink.net

B-3

--- Please respond above this line ---



There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time.



REQUEST C: P000562-091620

C-1: My request and the first response from SFMTA

Subject: Request :: P000562-091620

Date: Thursday, October 8, 2020 at 11:58:27 AM Pacific Daylight Time

From: SFMTA PRR

To: kathyhoward@earthlink.net

--- Please respond above this line ---



kathyhoward@earthlink.net

Katherine Howard
1243 42nd Avenue
San Francisco CA 94122
October 08, 2020

RE: Public Records Request, dated September 16, 2020, Reference # P000562-091620

Dear Katherine Howard,

The San Francisco Municipal Transportation Agency (SFMTA) received your Public Records Request, dated September 16, 2020. You requested:

- *Immediate Disclosure Request: In the 9-13-20 SF Chronicle article by Heather Knight, Director Tomlin is quoted as saying that "each appeal is taking more time and money than it took to create the emergency programs in the first place." Please send the documentation on the time and money that it took to create the emergency programs that is used for the basis for this statement.*

The SFMTA has determined there are no documents responsive to your request. There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time. If you have any questions, or wish to discuss this further, you may contact me by responding to this email.

Sincerely,

Caroline Celaya

Manager, Public Records Requests

https://sfmta.mycusthelp.com/WEBAPP/_rs/supporthome.aspx



Office 415.701.4670

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103



C-2: My follow-up clarification request to SFMTA

Subject: RE: Request :: P000562-091620
Date: Thursday, October 8, 2020 at 2:47:44 PM Pacific Daylight Time
From: Kathy Howard
To: 'SFMTA PRR'

C-2

Your response:

"The SFMTA has determined there are no documents responsive to your request. There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time."

2. I am trying to find out the number of staff hours completed to date. Please send me documentation on:
 - Which staff member (or category of employee if names are kept confidential) worked on the project?
 - What their hourly charge rate was working on the project?
 - How many hours they charged for working on the project?

3. Furthermore, if there are no timesheets available:
 - is that because staff does not keep timesheets for any of its work?
 - or is it because no timesheets were kept for this project?

C-3: The final follow-up response from SFMTA to all of the above questions.

Subject: Request :: P000562-091620
Date: Thursday, October 8, 2020 at 3:18:17 PM Pacific Daylight Time
From: SFMTA PRR
To: kathyhoward@earthlink.net

C-3

--- Please respond above this line ---



There's no detailed SFMTA spreadsheet or financial analysis. It's simply an estimate of staff hours x fully burdened hourly rate for staff time.



From: [D4ward SF](#)
To: [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [ChanStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [MandelmanStaff, \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Sunday, May 16, 2021 6:33:12 PM

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



Sunset Rises to Action
www.facebook.com/D4wardSF
D4wardSF@gmail.com

May 16, 2021

Dear Supervisor,

D4ward is a strong supporter of CEQA. As such, we oppose the proposed CEQA Amendments. In particular:

- We do not support a project continuing once an appeal has been filed. Allowing a City department to proceed without a rigorous environmental review may lead to long lasting environmental damage.
- We do not support requiring fifty (50) signatures to file a CEQA appeal. Forcing residents to find 50 neighbors to sign a CEQA appeal is burdensome to all San Franciscans.

A strong and transparent CEQA process benefits not only the environment but also the health and welfare of the people of San Francisco.

Please oppose this legislation.

Respectfully,

D4ward

From: SSunsetNeighbors@hotmail.com
To: [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#)
Subject: Please Oppose: CEQA Legislation - BOS File 201284
Date: Sunday, May 16, 2021 4:46:51 PM
Attachments: [Outlook-4rbkbtzp.png](#)

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

Dear Honorable Board of Supervisors

Please do not consider amending San Francisco CEQA appeals. Easing or amending environmental impact studies under CEQA has the potential to inflict permanent environmental damage to our beautiful city-owned properties and public lands.

The impact of potential environmentally-damaging projects moving ahead, without proper studies, can be much more costly in the long run, both in terms of remediation and, even more importantly, to our SF residents and the environmental health of our city. Even one harmful project can do long-term and severe environmental damage.

CEQA appeals have the bad reputation of being costly and burdensome, however during 2015-2020 time period, the data available showed that the SF Planning Department granted 21,305 categorical exemptions (!)

Out of this total, only 97 appeals were filed. This is a mere 0.5 percent of the total number of exemptions given.

Hardly an overwhelming number of appeals for the BOS to consider during its weekly meetings. In addition, no figures have been provided that show this is a financial burden for a city with a budget of billions of dollars.

Further, this large number of categorical exemptions by SF Planning raises many questions, and must be looked at more closely if a further study is done of the CEQA process in San Francisco.

Pro-developers claim that CEQA is somehow a problem for City governance. If there are problems with the CEQA process in San Francisco, then those problems should be addressed in an open and inclusive conversation with the public and a wide variety of stakeholders. A compromise can certainly be achieved which can address facilitating planned city projects while still addressing potential environmental concerns under CEQA.

To this end, the Board of Supervisors should reject this legislation and propose further discussion to achieve a process for ensuring environmentally sound projects for our city

properties and public lands.

Thank you for your time,

Deborah Brown, Secretary

Representing the Saint Ignatius Neighborhood Association: comprised of 150+ residents surrounding SICP



SI Neighborhood Association

From: [Richard Drury](#)
To: [Board of Supervisors \(BOS\)](#); [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#)
Cc: adiaz@Podersf.org; [Bradley Angel](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Friday, May 14, 2021 3:13:56 PM
Attachments: [2021.05.14.Opposition to CEQA Appeal Ordinance2.pdf](#)

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

Honorable Members of the Board of Supervisors:

Attached please find a comment letter filed on behalf of PODER and Greenaction for Health and Environmental Justice **OPPOSING** a proposed ordinance (BOS File No. 201284) that would severely curtail the public's right to appeal CEQA decisions to the Board of Supervisors. We understand that the proposed ordinance will be considered by the Board Land Use and Transportation Commission on Monday, May 17. Thank you for considering our comments.

Sincerely,

Richard Drury

On behalf of PODER and Greenaction

--

Richard Drury
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
(510) 836-4200
richard@lozeaudrury.com



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richard@lozeaudrury.com

BY E-MAIL AND US MAIL

May 14, 2021

President Shamann Walton and
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

E-mail: Board.of.Supervisors@sfgov.org; ChanStaff@sfgov.org;
MandelmanStaff@sfgov.org; MelgarStaff@sfgov.org; Dean.Preston@sfgov.org;
Ahsha.Safai@sfgov.org; Shamann.Walton@sfgov.org; Matt.Haney@sfgov.org;
Gordon.Mar@sfgov.org; Aaron.Peskin@sfgov.org; Hillary.Ronen@sfgov.org;
Catherine.Stefani@sfgov.org

Chair Myrna Melgar, Sup. Aaron Peskin, Sup. Dean Preston
Land Use and Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

E-mail: Board.of.Supervisors@sfgov.org; MelgarStaff@sfgov.org;
Dean.Preston@sfgov.org; Aaron.Peskin@sfgov.org

RE: OPPOSE CEQA Legislation - BOS File 201284

Dear President Walton, Chair Melgar and Honorable Members of the Board of Supervisors:

We are writing on behalf of Greenaction for Health and Environmental Justice (Greenaction), and People Organizing to Demand Environmental and Economic Justice (PODER), to strongly OPPOSE a proposed Ordinance ("Ordinance") that would severely undermine enforcement of the California Environmental Quality Act ("CEQA") in San Francisco. (BOS File 201284). The ordinance would allow many projects to proceed during the pendency of an appeal of a CEQA exemption, and would require 50 signatures for CEQA appeals. These requirements are bad public policy and also violate CEQA.

END RUN AROUND THE BOARD OF SUPERVISORS: The Ordinance would allow City staff to make an end run around the Board of Supervisors, and deprive the Board of jurisdiction over many CEQA decisions. Projects may be initially proposed as "temporary" projects of 180-days or less. The Ordinance would allow such projects to begin construction even during the pendency of the CEQA appeal. CEQA appeals often take longer than 180 days to obtain a hearing, and at best, a challenged project may be almost

complete by the time of the hearing. If judicial review is required, the 180-day project would almost certainly be complete by the time the matter is considered by the Superior Court. Thus, allowing project construction to commence during the appeal would render the appeal meaningless, and judicial review would become moot. As a result, few appellants would even bother to file a CEQA appeal of a 180-day project. However, if the staff later decides to make the 180-day “pilot” project permanent, or long term, staff has taken the position this this would be a modification to a previously approved project. Modifications fall under San Francisco Administrative Code 31.19, not section 31.16. Under Section 31.19, decisions of the Environmental Review Officer are not appealable to the Board of Supervisors. Thus, the staff will have effectively bypassed any effective chance of CEQA oversight by the Board of Supervisors. This both undermines the authority of the Board, and also violates CEQA, which requires CEQA decisions to be appealable to the City’s ultimate decision-making body. (CEQA section 21151). This is not a hypothetical problem. This is precisely what was done for the Ferris wheel in Golden Gate Park, and the program to allow “Google Buses” to use MUNI stops. This tactic can and will be applied to a large array of projects, which will escape any review by the Board of Supervisors.

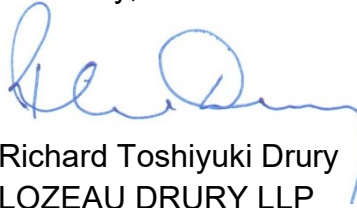
THE ORDINANCE VIOLATES STATE LAW BY ALLOWING PROJECT

CONSTRUCTION PRIOR TO CEQA REVIEW: By allowing project construction to commence while a CEQA appeal is pending, the Ordinance violates state law. CEQA review must occur before the project commences. (CEQA 21091(f)). The Supreme Court stated, “**the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.**” (*Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, 449-450). Allowing projects to proceed during appeal violates this fundamental requirement.

THE 50-SIGNATURE REQUIREMENT VIOLATES CEQA: CEQA provides that environmental decisions must be appealable to the “elected decision-making body.” (CEQA section 21151). Limiting this right to only appellants with the ability to collect 50-signature deprives smaller community groups or individuals of due process rights granted by state law.

For these reasons, we respectfully ask the Board to reject the proposed Ordinance.

Sincerely,



Richard Toshuyuki Drury
LOZEAU DRURY LLP

From: [Cira Curri](#)
To: [Board of Supervisors, \(BOS\)](#); [ChanStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary; Stefani, Catherine \(BOS\)](#); [MelgarStaff \(BOS\)](#)
Subject: Opposition to CEQA Legislation - BOS File 20128
Date: Friday, May 14, 2021 3:05:53 PM

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Dear Board of Supervisors,

Given the escalating strain on California's environment due to climate disruption including this year's drought, I cannot think of a worse time to amend the California Environmental Quality Act (CEQA) in San Francisco.

It is irresponsible to propose allowing construction to continue during an appeal considering that doing so might pose long-term environmental damage. It would allow multiple agencies like the PUC, SFMTA, the Port Authority and others that control a large amount of public land to go forward with possibly damaging work before a judgement is reached. Unfortunately depending on appointed department heads or agencies to act in the public interest is extremely problematic. Consider the track record of the San Francisco Recreation and Parks Department that manages over 4000 acres. It has consistently pushed policies that undermine park wildlife and habitat--most recently the "temporary" Ferris wheel that will mar the concourse for the next four years.

Equally troubling is that this proposed legislation would require 50 residents to sign a CEQA appeal, putting an undue burden on the public. Concerned and responsible citizens that take the time and effort to be stewards of their neighborhoods and the greater city should be applauded and not be saddled by unreasonable quotas that silence their voices.

I urge you to vote no on these irresponsible amendments. Please keep the California Environmental Quality Act strong. It is in the interest of San Francisco's future and all who live here.

Sincerely,

Cira Marie Curri
Sent from my iPad

From: [David Romano](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Ronen, Hillary](#); [Board of Supervisors, \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Friday, May 14, 2021 1:23:56 PM

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

Dear Supervisor,

Please oppose the amendments to the CEQA appeals process in San Francisco. Where our parks are concerned, neither the Recreation and Park Commission, nor the Recreation and Parks Department, can be relied upon to make sound decisions about the environmental impact of projects. Both the Rec and Park Commission and the SFRPD have a history of approving projects that have been opposed by the Sierra Club, The Audubon Society, The California Native Plant Society, San Francisco Tomorrow and many others, including eminent scientists and environmentalists like Dr. Travis Longcore, Associate Adjunct Professor at the UCLA Institute of the Environment and Sustainability. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

The impact of environmentally-damaging projects can be costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health. No one can predict the kinds of projects that will be proposed in the future. Over the last five years, CEQA appeals in San Francisco comprised only 0.5% (or ½ of 1%) of all the categorical exemptions. No figures have been provided that show this is a financial burden for the City.

The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Thank you for your consideration of the above.

David Romano

San Francisco CA

From: [Steve Ward](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: Vote NO on legislation that will weaken CEQA protections in San Francisco!
Date: Friday, May 14, 2021 10:39:58 AM

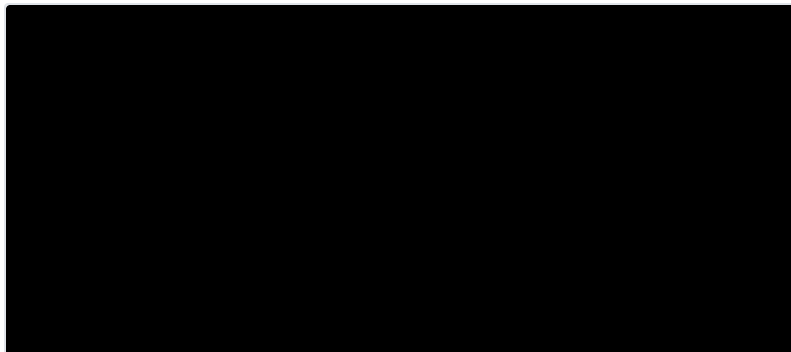
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On Monday, May 17th, the San Francisco Board of Supervisors Land Use and Transportation Committee will vote on legislation that will undermine the effectiveness of the California Environmental Quality Act (CEQA) in San Francisco. First, by allowing work to proceed on a project during an appeal. Second, this legislation raises barriers to the public's participation in environmental review .

Even one bad project can do severe environmental damage.

The best way to protect the city and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process. To do this the Board of Supervisors should reject this legislation.

Steve Ward
La Playa Park / Outer Sunset
[La Playa Park](#)



La Playa Park

Donate to support La Playa Park today!

From: [Diane Rivera](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Friday, May 14, 2021 7:17:58 AM

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

May 14, 2021

San Francisco Board of Supervisors

Subject: OPPOSE CEQA Legislation - BOS File 201284

Dear Supervisor,

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

This legislation also raises barriers to the public's participation in environmental review by requiring 50 signatures for certain types of public projects. Forcing residents to find 50 neighbors to sign a CEQA appeal is burdensome to all San Franciscans. Underserved communities already face many day-to-day challenges; this will add to their difficulty in protecting their neighborhoods through an accessible CEQA process.

Over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1%) of all the categorical exemptions. This is not an onerous burden for City government. In addition, no figures have been provided that show this is a financial burden for a City budget of billions of dollars. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Thank you for your consideration in this important matter,

Diane Rivera
92008

A THOUGHT FOR TODAY:

If you don't turn your life into a story, you just become a part of someone else's story. -Terry Pratchett, novelist (28 Apr 1948-2015)

From: [zrants](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [ChanStaff \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Friday, May 14, 2021 12:44:08 AM

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May 14, 2021

Supervisors:

Re: OPPOSE CEQA Legislation - BOS File 201284

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

This bill flies in the face of SB 37, the Cortese bill. How many projects are being built on contaminated sites because of the lack of proper testing and analysis? How many projects went through the corruption mill to by-pass the process that have yet to be discovered?

Why is there such a rush to entitle properties? What percentage of the entitled projects have been built? It does no good to force entitlements by bypassing environmental review and analysis when the entitled projects are not being built. The citizens of San Francisco have lost so much during the last year, please don't remove any more of our rights to determine our future if you want to revive the city.

I am driving around the state this month and there are a lot nicer places to live now. If you want to grow the economy and invite people to return to the city, removing citizen rights is not the way to do it.

Please do not support this bill or any more anti-human rights and privileges bills.

Sincerely,

Mari Eliza, Misison Street Neighbors

From: [Ellen Koivisto & Gene Thompson](#)
To: [Mar, Gordon \(BOS\)](#)
Cc: [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Thursday, May 13, 2021 8:59:57 PM

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Dear Supervisor,

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

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Over the last five years, CEQA appeals in San Francisco comprised only .5% (or ½ of 1%) of all the categorical exemptions. This is not an onerous burden for City government. In addition, no figures have been provided that show this is a financial burden for a City budget of billions of dollars. In fact, the impact of environmentally-damaging projects can be much more costly in the long run, both in terms of remediation and, even more importantly, impacts on human and environmental health.

No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Sincerely,

Gene Thompson
1556 Great Hwy, apt 101
415-564-0706

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Nagasundaram, Sekhar \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: FW: Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Thursday, May 13, 2021 4:47:00 PM

From: Marlayne Morgan <marlayne16@gmail.com>

Sent: Thursday, May 13, 2021 3:19 PM

To: ChanStaff (BOS) <chanstaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Subject: Subject: OPPOSE CEQA Legislation - BOS File 201284

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May 13, 2021

Dear President Melgar and Supervisors:

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

This legislation also raises barriers to the public's participation in environmental review by requiring 50 signatures for certain types of public projects. Forcing residents to find 50 neighbors to sign a CEQA appeal is burdensome to all San Franciscans. Underserved communities already face many day-to-day challenges; this will add to their difficulty in protecting their neighborhoods through an accessible CEQA process.

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No one can predict the kinds of projects that will be proposed in the future. Even one bad project can do severe environmental damage. The best way to protect the City and its residents from environmentally damaging projects is to maintain a consistent and rigorous CEQA process accessible to all San Franciscans. To do this, the Board of Supervisors should reject this legislation.

Best regards,

/s/

Marlayne Morgan, President
Cathedral Hill Neighborhood Association

From: [Marlayne Morgan](#)
To: [ChanStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: OPPOSE CEQA Legislation - BOS File 201284
Date: Thursday, May 13, 2021 3:28:08 PM

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May 13, 2021

Dear President Melgar and Supervisors:

Please oppose the amendments to the CEQA appeals process in San Francisco. Allowing a city department to proceed without a rigorous environmental review may lead to long lasting environmental damage. This legislation will affect thousands of acres of San Francisco City owned properties - our parks, streets, the Port properties, the airport, and SFPUC lands - all will be put at risk. Once this precedent has been set, it may be used to argue for extending the same practice to private projects.

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Best regards,

/s/

Marlayne Morgan, President

Cathedral Hill Neighborhood Association