

From: [Mary Miles](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: BOS FileNo. 200987 Request for Recusal of Supervisor Dean Preston
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Attachments: [9-28-20 REQUEST FOR RECUSAL OF SUPERVISOR DEAN PRESTON-1.pdf](#)

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FROM:

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TO:

Angela Calvillo, Clerk, and Members of

San Francisco Board of Supervisors

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

BOS FILE NO. 200987

Attached is Appellant's Request for Recusal of Supervisor Dean Preston from Participation in Appeal of CEQA Determination and Disposition on "Panhandle Social Distancing and Safety Project" BOS File 200987.

Mary Miles

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TO:

Angela Calvillo, Clerk, and
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Room 244 City Hall
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DATE: September 28, 2020

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**REQUEST FOR RECUSAL OF SUPERVISOR DEAN PRESTON FROM
PARTICIPATION IN APPEAL OF CEQA DETERMINATION AND DISPOSITION ON
"PANHANDLE SOCIAL DISTANCING AND SAFETY" PROJECT**

BOS FILE 200987

Appellant objects to any participation by Supervisor Dean Preston in the CEQA appeal to the Board of Supervisors of the "Panhandle Social Distancing and Safety Project" ("Project") due to his predisposition to deny this appeal and her personal interest in, and aggressive promotion of the Project.

Mr. Preston has held special events through his office staff to promote the Project, has publicly identified himself as a supporter of the Project, and has aggressively advocated and pushed for its approval before, during, and after its implementation, which occurred with no public approval proceeding before it was implemented.

On May 13, 2020, Supervisor Preston held a "Zoom meeting" that was not noticed to the public where he and MTA staff introduced and promoted the Project as an "innovative, safe streets effort[]" to members of the San Francisco Bicycle Coalition and other Project proponents, claiming "The reduction in traffic coupled with the need for social distancing for those outside has provided us with some opportunities to pilot projects..." (Public Records Act Request, MTA, 5/14/20.)

After several Public Records requests, *no* minutes were provided of the May 13, 2020 event or the identity of those who attended.

Supervisor Preston's and MTA staff aggressively advocated for the Project before, during and after the May 13, 2020 event to implement the Project with no public process or CEQA review.

On July 15, 2020 Mr. Preston announced on Twitter that, in spite of the disapproval of the San Francisco Fire Department, the Project was approved: "Dean Preston @ DeanPreston It's official: the Fell bike lane will move forward as planned! ...thanks @sfbike & all advocates for your support...Should open 1st week of August! 7:35 PM July 15, 2020 Twitter for iPhone." By

"approved," Mr. Preston did not refer to any public proceeding before the Project was implemented, since none occurred.

CEQA requires that this Board determine any CEQA appeal objectively. Mr. Preston has already publicly stated that he is committed to approving the Project, which means he cannot objectively participate in this Appeal. (See, e.g., *Petrovich Development Co. LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 974-976 [City council's denial of conditional use permit voided due to councilmember's bias].)

Such predisposition violates CEQA's requirement of objective decisionmaking by public agencies. (See, e.g., *Citizens for Ceres v. Superior Court* (2013) 217 Cal.App.4th 889, 917-919 [agency must be objectively conduct environmental review before approving a project]; *Save Tara v. City of West Hollywood* (2008) 45 Cal. 4th 116, 132-134 [CEQA prohibits an agency's commitment to a project before environmental review has been completed]; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.)

Supervisor Preston should therefore be recused and abstain from participating in this Appeal and any other proceeding on the "Panhandle Social Distancing and Safety" Project.

/s/

Mary Miles