

File No. 201024

Committee Item No. _____

Board Item No. 103

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 22, 2020

Cmte Board

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- Resolution
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- Department/Agency Cover Letter and/or Report
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OTHER

- Appeal Letter - 8/20/20
- Appellant Supplemental Info - 9/10/20
- Public Hearing Notice - 9/8/20
- Clerical Documents
- _____
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- _____

Prepared by: Lisa Lew

Date: September 18, 2020

Prepared by: _____

Date: _____

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

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

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

TO:
Angela Calvillo, Clerk
San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102
bos.legislation@sfgov.org

DATE: August 20, 2020

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

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

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

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

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

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

Thank you.

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

FROM:

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

TO:

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

DATE: August 20, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

CONCLUSION

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

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



Mary Miles

DATE: August 20, 2020

ATTACHMENTS/EXHIBITS:

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

ATTACHMENT A



Slow Streets, Phase 3

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

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

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

The street segments proposed for Slow Street Phase 3 include:

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

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

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

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

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

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

Approval Action:

Approval by the SFMTA Board

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

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

Melinda Hue 7/1/20

Melinda Hue Date
San Francisco Municipal Transportation Agency

Laura C. Lynch 7/1/20

Laura Lynch Date
San Francisco Planning Department

ATTACHMENT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 200721-069

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency



San Francisco Planning

BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

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

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

Email Address: page364@earthlink.net

Telephone: (415) 863-2310

Neighborhood Group Organization Information

Name of Organization: Coalition for Adequate Review

Address: PLEASE SEE ABOVE

Email Address: PLEASE SEE ABOVE.

Telephone: " "

Property Information

Project Address: Citywide

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

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

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

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

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

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

WAIVER APPROVED WAIVER DENIED

FROM:

Rob Anderson, Director
Coalition for Adequate Review

TO:

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

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

DATE: August 20, 2020

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

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

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

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

Rob Anderson

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

3079
11-4288/1210 4958

9/11/20 Date

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

Six hundred forty and 00/100 Dollars

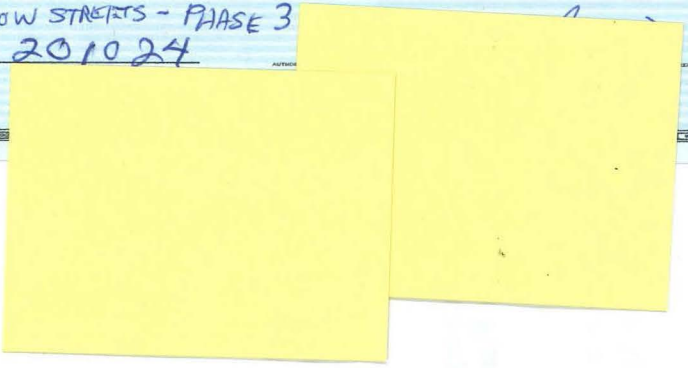


WELLS FARGO Wells Fargo Bank, N.A. California wells Fargo.com

BOS APPEAL SLOW STREETS - PHASE 3

For BOS FILE 201024

⑆ 121042882⑆



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

Greetings,

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

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

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

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

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

Regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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

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



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

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

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

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

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

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

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

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

Dear President Yee and Members of the Board:

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

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

The September 8, 2020 Notice of Public Hearing states:

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

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

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

Thank you.

Mary Miles
Attorney for Appellant Coalition for Adequate Review

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

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

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September 16, 2020

Supervisors:

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

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

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

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

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

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

Sincerely,

Mari Eliza

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

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

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

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

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

Please let me know if you need any additional information.

Patricia Ferrero
415-845-9568

San Francisco Board of Supervisors,

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

Here is the petition they signed:

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

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

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

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

Thank you,

Streets for People

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Make it happen!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80. CHRISTIAN RITTER (ZIP code: 94110)

81. Radoslav Kirov (ZIP code: 94102)

82. Robin Kutner (ZIP code: 94117)

83. Roan Kattouw (ZIP code: 94109)

84. Ryan Prior (ZIP code: 94117)

Let us cycle safely in SF!

85. Sachin Agarwal (ZIP code: 94122)

86. Samuel Maskell (ZIP code: 94105)

87. Scott Andreas (ZIP code: 94115)

88. Michael Howley (ZIP code: 94117)

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

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

89. Anthony Fox (ZIP code: 94109)

90. Maureen Persico (ZIP code: 94110)

I'm sick of this nonsense!

91. Solomon Hykes (ZIP code: 94115)

92. Sharky Laguana (ZIP code: 94127)

93. Scott Holden (ZIP code: 94110)

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

94. Harold Pile (ZIP code: 94117)

95. Srinivasan Vijayaraghavan (ZIP code: 94110)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Greetings,

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

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

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

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

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

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

Best regards,

Jocelyn Wong

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

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

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



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

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

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

BOARD of SUPERVISORS



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

NOTICE OF PUBLIC HEARING

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

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

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

Date: Tuesday, September 22, 2020

Time: 3:00 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

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

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

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

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

PUBLIC COMMENT CALL-IN

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

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

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

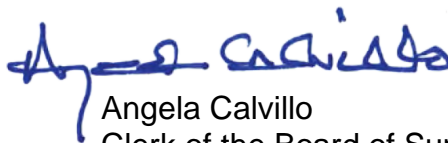
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention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

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

Lisa Lew (lisa.lew@sfgov.org ~ (415) 554-7718)

Jocelyn Wong (jocelyn.wong@sfgov.org ~ (415) 554-7702)

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



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

jw:ll:ams

BOARD of SUPERVISORS



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

PROOF OF MAILING

Legislative File No. 201024

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

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

Date: September 8, 2020

Time: 3:30 p.m.

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

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

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

Signature: _____

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

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

Hi Yvonne,

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

Ops,

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

Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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

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From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Thursday, September 3, 2020 8:53 PM
To: 'Mary Miles' <page364@earthlink.net>
Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; RUIZ-ESQUIDE,

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

Greetings,

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

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

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

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

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

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

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

Best regards,

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

T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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BOARD of SUPERVISORS



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

September 15, 2020

File Nos. 201024-201027

Planning Case No. 2020-006251ENV

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

Planning Department

By:

Tony Yeung

Print Name

[Signature] 9/17/20

Signature and Date

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

Greetings,

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

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

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

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

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

Best regards,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

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

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



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

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Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the

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

BOARD of SUPERVISORS



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

September 3, 2020

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

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

Dear Ms. Miles:

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

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

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

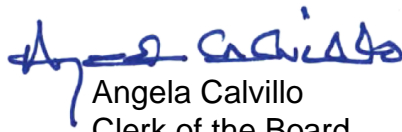
In accordance with the Twenty-Second Supplement and Administrative Code, Section 31.16, a remote initial hearing date has been scheduled for **Tuesday, September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

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

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

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

Very truly yours,



Angela Calvillo
Clerk of the Board

jw:ll:ams

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



Statutory and Categorical Exemption Appeal Timeliness Determination

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

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

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

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

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

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

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

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

Good morning Director Hillis,

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

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

Best regards,

Jocelyn Wong

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

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BOARD of SUPERVISORS



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

August 27, 2020

To: Rich Hillis
Planning Director

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

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

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

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

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

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

c: Anne Pearson, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Corey Teague, Zoning Administrator, Planning Department
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department
Lisa Gibson, Environmental Review Officer, Planning Department
Devyani Jain, Deputy Environmental Review Officer, Planning Department
Joy Navarette, Environmental Planning, Planning Department
Don Lewis, Environmental Planning, Planning Department
Adam Varat, Acting Director of Citywide Planning, Planning Department
Dan Sider, Director of Executive Programs, Planning Department
Aaron Starr, Manager of Legislative Affairs, Planning Department
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Roberta Boomer, Municipal Transportation Agency
Julie Rosenberg, Executive Director, Board of Appeals
Katy Sullivan, Legal Assistant, Board of Appeals
Alec Longaway, Legal Process Clerk, Board of Appeals

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only