

File No. 200987

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

Board Item No. 64

# COMMITTEE/BOARD OF SUPERVISORS

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

Board of Supervisors Meeting

Date: September 29, 2020

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Prepared by: Lisa Lew

Date: September 18, 2020

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

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

FROM:

Mary Miles (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 14, 2020

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

**NOTICE OF APPEAL OF CEQA EXEMPTION OF "PANHANDLE SOCIAL DISTANCING AND SAFETY PROJECT"**

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 "Panhandle Social Distancing and Safety Project," aka "D5 Safe and Slow Streets Project," referred to here as "the Project," and the implementation of the Project by the San Francisco Municipal Transportation Agency ("MTA") with no CEQA review or public approval proceedings.

The Planning Department's Statutory Exemption No. 2020-006678ENV dated July 16, 2020 is attached as **EXHIBIT A**.

Although MTA implemented the Project on July 15, 2020, no public approval proceedings have been conducted and no approval document has been provided after numerous Public Records Act/Sunshine Ordinance requests. The Exemption document claims the Project was approved "under the authority delegated by the City Traffic Engineer." (Exh. A, p. 1.) After four Public Records Act/Sunshine Ordinance requests, the Planning Department and MTA have refused to provide any records of that "approval."

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.

MTA implemented its "Panhandle Social Distancing and Safety Project," claiming it was "approved" under "authority delegated by the City Traffic Engineer" on July 15, 2020. On July 16, 2020, the Planning Department issued a statutory exemption under Guidelines §15269(c) ["Emergency Project"] and posted it on July 17, 2020. (Exh. A, p. 2 [starting the "appeal period"].) Nothing in any City or State Code grants such authority to the City Traffic Engineer, and the Project is not exempt under CEQA. Further, CEQA requires that an environmental determination must be made before a project is approved. MTA's July 15, 2020 implementation of the Project violates the fundamental requirements of CEQA to first provide public notice and the opportunity for meaningful participation in public proceedings.

The Project received NO public approval process and gave no notice or opportunity for input from the public.

The Project removes the left traffic lane and 12 parking spaces on a major one-way westbound street in San Francisco to install a "parking protected" bicycle lane. Fell Street is not only a "neighborhood" street but is also a heavily-trafficked arterial carrying commuters and other travelers to Golden Gate Park and the west side of the City.


The San Francisco Fire Department stated in a letter to MTA and other City agencies on May 20, 2020: "The SFFD has reviewed the plans for the Emergency parking Protected bikeway on Fell St between Baker and Shrader and does *not* approve of them." (**EXHIBIT B** [emphasis in Fire Dept. letter].)

The exemption document claims the "Panhandle Social Distancing and Safety Project is to facilitate members of the public maintaining six feet social distance while bicycling or walking in the Panhandle in order to prevent and mitigate a public health emergency." (Exh. A, p. 1.) That is not an emergency under CEQA, and recreational bicycling is not essential.

The "Panhandle Social Distancing and Safety Project" does not meet CEQA's definition of an emergency, which must be "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"].)

MTA claims these changes "are temporary and will expire 120 days after the retraction of the City's proclamation of the COVID-19 local emergency (dated February 25, 2020)." (Exh. A, p. 1.) During the six months since the February proclamation, the mayor has issued 25 (twenty-five) "supplements" to that fiat. Like other Slow Streets projects, no end date is provided for the Project. MTA now indicates it intends to make this Project permanent after the alleged "emergency need" expires.

Since it does not meet the requirements for the claimed exemption, this Board must reverse the Planning Department's exemption and MTA's implementation of the Project, eliminate the "parking protected" bicycle lane on Fell Street, and restore Fell Street to its previous condition before this illegally implemented Project, including restoring the traffic lane and all parking spaces.

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

DATE: August 14, 2020

**ATTACHMENTS/EXHIBITS:**

**A** Planning Department's Statutory Exemption No. 2020-006678ENV dated July 16, 2020

**B** Letter from Fire Department to MTA, dated May 20, 2020.

# **ATTACHMENT A**



## Panhandle Social Distancing and Safety Project

As a result of the coronavirus (COVID-19) public health emergency, the San Francisco Municipal Transportation Agency (SFMTA) is proposing a parking-protected bikeway on Fell Street between Baker Street and Shrader Street “Panhandle Social Distancing and Safety Project” to provide relief to crowding on the multi-use paths within The Panhandle, a portion of Golden Gate Park located on the east side between Oak, Fell, Baker, and Stanyan Streets.

Before COVID-19, the multi-use paths in the Panhandle already carried high volumes of bicyclists and pedestrians. Use of these multi-use paths have only increased as a result of COVID-19. Given the increase in users and the existing width of the multi-use paths (up to 12 feet wide), people cannot practically maintain the six feet of social distance required by the city’s Public Health orders C19-07b. Providing a parking protected bikeway on Fell Street adjacent to the Panhandle would give bicycles an alternative route to the Panhandle paths, thereby providing relief to the overcrowding and supporting social distancing between users within the Panhandle.

As part of the proposed project, a westbound parking-protected bike lane would be installed on the south side of Fell Street between Baker Street and Shrader Street. The project would reduce the number of travel lanes on Fell Street from 4 to 3 to accommodate the new bike lane. The parking-protected bike lane design would run curbside with a painted buffer between cyclists and parking. The installation of the parking-protected bike lane would include the removal of one travel lane and the removal of approximately 12 parking spaces along Fell Street between Baker and Shrader streets. No loading spaces would be removed. Implementation of the proposed project would require paint and the installation of safe-hit posts. No excavation would be required.

Following installation, the SFMTA would monitor and evaluate conditions along Fell Street and make adjustments, if necessary, to address travel circulation for all modes as well as emergency response times.

The proposed Panhandle Social Distancing and Safety Project is to facilitate members of the public maintaining six feet social distance while bicycling or walking in the Panhandle in order to prevent and mitigate a public health emergency. The changes implemented as part of the project are temporary 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:

SFMTA DOC Approval under the authority delegated by the City Traffic Engineer

**Date of Approval Action:**

July 15, 2020

**Date of Posting:\***

July 17, 2020

\*Per Section 31.16(e)(2)(B)(ii), the appeal period starts on the date this exemption is posted to the Planning Department's website: <https://sfplanning.org/resource/ceqa-exemptions>

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

*Melinda Hue* 7/16/20

Melinda Hue Date  
San Francisco Municipal Transportation Agency

*Laura C. Lynch* 7/16/20

Laura Lynch Date  
San Francisco Planning Department

# **ATTACHMENT B**



**From:** Law, Chad (FIR) <chad.law@sfgov.org>  
**Sent:** Wednesday, May 20, 2020 4:51 PM  
**To:** Chen, Elizabeth; Olea, Ricardo; Uchida, Kansai; Knox White, John; Dusseault, Brian; Shahamiri, James; Sallaberry, Mike; Robinson, Daryl; Rude, Gretchen; Laffey, Noel; Macario, Michael; Lam, Scarlett L; McCormick, Shawn; Smith, Curtis; Fritzler, Anne; MTADOC Logistics; MTADOC Operation; MTADOC Manager; MTADOC Planning; Scanlon, Olivia (FIR); FireFDOC, FIR (FIR); Heidohrn, Scott (POL); Perea, Daniel (POL); Cherniss, Jason (POL); Thompson, Dack (POL); DPW-PublicWorks-DOC; Mcknight, John (DEM); Streeter, Jonathan; Gering, Rick (FIR)  
**Subject:** RE: COVID-19 TASC: emergency parking protected bikeway on Fell between Baker and Shrader

Greetings,

The SFFD has reviewed the plans for the Emergency Parking Protected bikeway on Fell St between Baker and Shrader and does **not** approve of them. Please contact me if you have any questions.

Thank you,

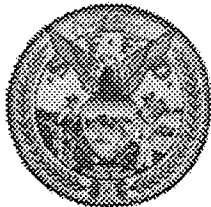
*Chad*

Captain Chad Law

San Francisco Fire Department  
Bureau of Fire Prevention & Investigation  
698 Second Street, Room 109  
San Francisco, CA 94107  
415-558-3300 (Main)  
415-558-3306 (Direct)  
415-558-3323 (Fax)

415-238-5319 (Cell)

[chad.law@sfgov.org](mailto:chad.law@sfgov.org)



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# 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: Fell Street, San Francisco, CA

Project Application (PRJ) Record No: 2020-006678ENV Building Permit No:

Date of Decision (if any):

#### 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 Statutory Exemption


DATE: August 13, 2020

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the Appeal of the CEQA Exemption on the "Panhandle Social Distancing and Safety Project" dated July 16, 2020.

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 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

3078

11-4288/1210 4958

9/11/20

Date

Pay to the Order of San Francisco Planning Department

\$ 640.00

Six hundred forty and <sup>00</sup>/<sub>100</sub>

Dollars



Photo Safe Deposit  
Details on back

WELLS FARGO

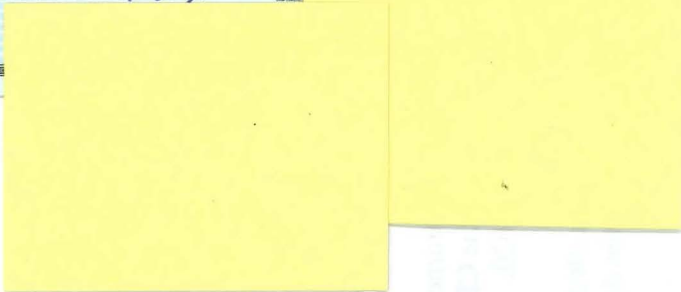
Wells Fargo Bank, N.A.  
California  
wellsfargo.com

BOS APPEAL "PANHANDLE" PROJECT

For BOS FILE # 200987

MP

⑆ 121042882⑆



**From:** [BOS Legislation..\(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [BOS Legislation..\(BOS\)](#); [Jones, Sarah \(MTA\)](#); [Chen, Elizabeth \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [Parks, Jamie \(MTA\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL CONTINUANCE REQUEST - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 29, 2020  
**Date:** Thursday, September 24, 2020 7:36:16 PM  
**Attachments:** [image001.png](#)

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Greetings,

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

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

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

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

[Board of Supervisors File No. 200987](#)

[Regards,](#)

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

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

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



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

-

**From:** [Mary Miles](#)  
**To:** [BOS Legislation. \(BOS\)](#)  
**Subject:** REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING BOS FILE NO. 200987  
**Date:** Thursday, September 24, 2020 4:24:36 PM

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

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

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
BOS FILE 200987 "Panhandle Social Distancing and Safety Project"**

Dear President Yee and Members of the Board:

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

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

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

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

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

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

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

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

The Project proposed here changes a major street in San Francisco affecting all travelers and residents by eliminating a traffic lane and parking, not just those who choose to use bicycles. Giving adequate time for Appellant and the public to have a voice at the administrative level is important to assure both their rights under CEQA and democratic process.

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

Thank you for considering this Request for Continuance.

Mary Miles  
Attorney for Appellant Coalition for Adequate Review



**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Chen, Elizabeth \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [Parks, Jamie \(MTA\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL CONT REQUEST - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Monday, September 21, 2020 5:10:37 PM  
**Attachments:** [image001.png](#)

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Greetings,

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

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

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

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

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

[Board of Supervisors File No. 200987](#)

Best regards,

***Jocelyn Wong***

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

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

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**From:** [Mary Miles](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: BOS FILE 200987 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
**Date:** Monday, September 21, 2020 3:48:48 PM

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

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

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

**BOARD FILE NO. 200987 REQUEST FOR CONTINUANCE  
ITEM 95, SEPTEMBER 22, 2020 AGENDA**

Dear President Yee and Members of the Board:

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

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

In this case, the Board's Notice of Hearing explicitly stated that the Board would *only* hear public comment on a continuance. Therefore, I respectfully ask the Board to continue the Appeal in Board File No. 200987 as requested.

Thank you.

Mary Miles

Attorney for Appellant Coalition for Adequate Review

---

**From:** Mary Miles [mailto:page364@earthlink.net]  
**Sent:** Thursday, September 10, 2020 11:08 AM  
**To:** 'bos.legislation@sfgov.org' <bos.legislation@sfgov.org>  
**Subject:** BOS FILE 200987 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING

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

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

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

**DATE:** September 10, 2020

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING,  
BOS FILE 200987**

Dear President Yee and Members of the Board:

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

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

The September 8, 2020 Notice of Public Hearing states:

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

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

Therefore, Appellant requests that the Board continue the hearing on this appeal to **December 8, 2020**. Appellant will submit separate Requests for Continuance on the other two appeals.

Thank you.

Mary Miles  
Attorney for Appellant Coalition for Adequate Review

**From:** [BOS Legislation..\(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Chen, Elizabeth \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [Parks, Jamie \(MTA\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** PLANNING DEPARTMENT AND MUNICIPAL TRANSPORTATION AGENCY RESPONSES - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Monday, September 21, 2020 12:07:35 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following responses from the Planning Department and the Municipal Transportation Agency regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Panhandle Social Distancing and Safety project.

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

[Municipal Transportation Agency Response - September 21, 2020](#)

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

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

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

[Board of Supervisors File No. 200987](#)

Regards,

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

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

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



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

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

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

# STATUTORY EXEMPTION APPEAL

## Panhandle Social Distance and Safety Project

Date: **September 21, 2020**  
To: **Angela Calvillo, Clerk of the Board of Supervisors**  
From: **Lisa Gibson, Environmental Review Officer – (628) 652-7571**  
**Wade Wietgreffe, [wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org) – (628) 652-7565**  
**Lauren Bihl, [lauren.bihl@sfgov.org](mailto:lauren.bihl@sfgov.org) – (628) 652-7498**

RE: **Planning Record No. 2020-006678ENV; Board of Supervisors File No. 200987**  
**Appeal of Statutory Exemption for the Panhandle Social Distance and Safety Project**

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

Project Sponsor: **Elizabeth Chen – (415) 646-2328**  
Appellant(s): **Mary Miles, Coalition for Adequate Review**

### Planning Department’s Recommendation

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

### Introduction

This memorandum is a response to the letters of appeal to the board of supervisors (the board) regarding the planning department’s (the department) issuance of a statutory exemption determination under CEQA for the proposed San Francisco Municipal Transportation Agency’s (SFMTA) Panhandle and Social Distance Safety project (the project).

The department, pursuant to Article 19 of the CEQA Guidelines, issued a statutory exemption for the project on July 16, 2020 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) per CEQA Section 21080(b)(4) and CEQA Guidelines Section 15269(c), the Emergency Projects statutory exemption provision. The SFMTA Department Operations Center, under the authority delegated by the City Traffic Engineer, approved the project on July 15, 2020. The decision before the board is whether to uphold the department’s decision to issue a statutory exemption and deny the appeal, or to overturn the department’s decision to issue a statutory exemption and return the project to the department staff for additional environmental review.



## Site Description and Existing Use

The project site consists of a proposed project corridor, 7 blocks in length, on the south side of Fell Street between Baker Street and Shrader Street. There are currently 4 westbound mixed-flow travel lanes on Fell Street with one lane of vehicle parking on both sides of the street. To the south of the project site is a portion of Golden Gate Park, The Panhandle. The Panhandle includes multi-use pathways.

## Project Description

On February 25, 2020, Mayor London Breed of San Francisco, issued a local health emergency under California Government Code sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code to address the spread of coronavirus (COVID-19) pandemic (public health emergency) within the city. On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 pandemic and subsequently enacted Health Orders to protect the public health. Health Order No. C19-07 (Stay Safer at Home) was originally issued March 16, 2020 as Shelter in Place, and has been amended several times as conditions change and additional information and recommendations become available.<sup>1</sup> Health Orders are enforceable laws and are usually accompanied by one or more Directives which provide legally binding instructions for how to comply with the Health Order.

In response to the COVID-19 public health emergency, the SFMTA added<sup>2</sup> a parking-protected bikeway on Fell Street between Baker Street and Shrader Street “Panhandle Social Distancing and Safety Project” within The Panhandle.

The project installed a westbound parking-protected bike lane on the south side of Fell Street between Baker Street and Shrader Street. The project reduced the number of westbound mixed-flow travel lanes on Fell Street from 4 to 3 to accommodate the new bike lane. The parking-protected bike lane design is along the curb with a painted buffer between cyclists and parking. The SFMTA removed one travel lane and approximately 12 parking spaces along Fell Street between Baker and Shrader streets. The SFMTA removed no loading spaces. The SFMTA required paint and the installation of safe-hit posts and no excavation.

## Background

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

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

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<sup>1</sup> San Francisco Department of Public Health. 2020. Orders Issued by the San Francisco Health Officer Relevant to Coronavirus (COVID-19). Available online at <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>. Accessed September 9, 2020.

<sup>2</sup> As described further in the Background section, the SFMTA implemented the project, and thus the appeal response uses past tense language in describing reversible physical aspects implemented by the project.

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

On July 15, 2020, the SFMTA Department Operations Center, under the authority delegated by the City Traffic Engineer, approved the project.

On July 16, 2020, the department determined that the project was statutorily exempt under CEQA section 15269(c) and issued a determination that no further environmental review was required for the Panhandle Social Distance and Safety project. The department posted the CEQA determination on its website on July 17, 2020. The posting of the CEQA determination on the department website started the appeal period under Chapter 31.

On August 14, 2020, an appeal of the statutory exemption determination was filed by Mary Miles on behalf of the Coalition for Adequate Review (the appellant).

On September 10, 2020, a supplemental appeal letter requesting a continuance of the hearing was submitted by the appellant.

## CEQA Guidelines

### Statutory Exemptions

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

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

## Planning Department Responses

The concerns raised in the appeal letter are addressed in the responses below:

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

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

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

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

The appellant claims the proposed SFMTA Panhandle Social Distance and Safety project does not meet the definition of an emergency as defined in Public Resources Code section 21060.3 ["Emergency"]. This implies the COVID-19 public health emergency, which was the impetus for the SFMTA's decision to implement this project, does not meet the definition of an emergency under the definition in the Public Resources Code. While a pandemic is not explicitly listed in the Public Resources Code section, a sudden and unexpected event such as the COVID-19 pandemic falls within the category of events that would be considered an emergency under the code and meets the intent of that code.

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

***The Panhandle Social Distance and Safety project is responding to the COVID-19 public health emergency***

Before COVID-19, observations indicated the multi-use paths in the Panhandle were well used. Given the existing width of the multi-use paths (up to 12 feet wide), people cannot practically maintain the six feet of social distance required by the city's Public Health orders C19-07b. Providing a parking protected bikeway on Fell Street adjacent to the Panhandle provides people bicycling an alternative route to the Panhandle paths, thereby supporting social distancing between users within the Panhandle and mitigating a public health emergency.

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

CEQA Guidelines section 15269(c) states that the statutory exemption for projects necessary to prevent or mitigate an emergency does not apply to "long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term." This exclusion does not

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

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

apply to the SFMTA Panhandle Social Distance and Safety project, because the project directly addresses an ongoing public health emergency in which it is necessary to maintain 6 feet of social distancing in order to mitigate the emergency.

The emergency the project would respond to is ongoing. The February 25, 2020 proclamation of a local health emergency, March 4, 2020 Proclamation of a State of Emergency, and Health Order No. C19-07 (as amended) are still in effect. Furthermore, there is no anticipated date for the City to fully reopen and “remove all social distancing limits and other restrictions related to the COVID-19 response”.<sup>5</sup> Therefore, the COVID-19 public health emergency has a high probability of occurring in the short-term.

Second, the project did not construct permanent infrastructure and the changes can be adjusted or removed quickly. The bikeway was implemented using paint and the installation of safe-hit posts. The project did not require excavation. This means the changes can facilitate quick removal. Furthermore, the changes would expire within 120 days of the repeal of the City’s February 25, 2020 proclamation of a local health emergency due to COVID-19. This is contrary to the appellant’s claim that the project is not temporary because there is “no end date”.

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

For informational purposes, the San Francisco Fire Department provided written consent for the emergency project through on email sent on July 10, 2020, after the SFMTA made an evaluation and monitoring plan part of the project. The SFMTA describes this plan in their SFMTA’s appeal response memo.

## **Response 2: The department and SFMTA met procedural requirements for exemptions provided in the CEQA Guidelines and Chapter 31 of the Administrative Code**

Chapter 31 of the Administrative Code requires the Environmental Review Officer to post on the department’s website the following: “(1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the project, as defined in Section 31.04(h); and (5) the date of the exemption determination.” (section 31.08(e)(1)(A)).

The department posted the exemption determination for the project on the department’s website, <https://sanfrancisco.buildingeye.com/planningceqa/list/type/agencycatex>, on July 17, 2020. The website

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

includes a heading titled “Public Agency Exemptions,” with a table of exemptions for projects sponsored by public agencies to which the exemption determination for the project is linked. Chapter 31 of the Administrative Code does not require other City agencies to post exemption determinations on their websites or for approving bodies to include exemption determinations in their meeting materials. The exemption determination document was appropriately posted.

Due to the public health emergency and the rapid response made by the city to mitigate the emergency, the SFMTA Department Operations Center approved the Panhandle Social Distance and Safety project on July 15, 2020 prior to planning department’s issuance of the CEQA determination on July 16, 2020 and posting of the CEQA determination on July 17, 2020.

This is not an error, as CEQA does not require public agencies to follow any specific procedures in approving activities that are exempt. Because agencies are not required to make a written determination, a project approval cannot be challenged on the ground that the agency’s exemption determination was documented after the project was approved. (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App. 4th 950, 961). What state law does require is that when a non-elected decision-making body determines that a project is exempt from CEQA, the decision is appealable to the agency’s elected decision-making body. (CEQA Section 21151(c)). Further, Chapter 31 imposes specific noticing and posting requirements, as described above. Here, the department complied with all those procedures, and appellant received, and availed themselves of, the opportunity to appeal the exemption determination to the City’s elected decision-making body, the board of supervisors.

## **Conclusion**

The department has determined that the proposed project is statutorily exempt from environmental review under CEQA on the basis that: (1) the project meets the definition of an emergency project statutory exemption and (2) none of the exceptions specified in CEQA Guidelines section 15269 prohibiting the use of a statutory exemption are applicable to the project. The appellant has not demonstrated that the department’s determination is not supported by substantial evidence in the record.

For the reasons stated above and in the July 17, 2020 CEQA statutory exemption determination and accompanying memo from SFMTA, the CEQA determination for this project complies with the requirements of CEQA and the project is appropriately exempt from environmental review pursuant to the cited exemption. The department therefore respectfully requests that the board uphold the CEQA statutory exemption determination and deny the appeal of the CEQA determination.

# Memorandum



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

**Through:** Tom Maguire, Director of Sustainable Streets Division *TM*  
Jamie Parks, Director of Livable Streets *JP*  
Elizabeth Chen, Associate Engineer *EL*

**From:** Jeffrey Tumlin, Director of Transportation

**Date:** September 21, 2020

**Subject:** Panhandle Social Distancing and Safety Project – Project Sponsor CEQA Appeal Response

## INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Statutory Exemption No. 2020-006678ENV for the Panhandle Social Distancing and Safety Project. It is a response to a letter of appeal to the Board of Supervisors regarding the Planning Department's issuance of a Statutory Exemption under the California Environmental Quality Act for the project. The letter addresses topics other than those related to CEQA, which are separately discussed in the Planning Department's appeal response memorandum.

## BACKGROUND

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

With Muni service reduced, many San Francisco residents resorted to walking, riding a bike, or taking other travel modes to make essential trips. However, given space constraints, it was observed that members of the public could not safely and practically maintain the six feet of social distance required by the City's Public Health Order C19-07b in certain areas of the City such as the Panhandle. The Panhandle Social Distancing and Safety Project intends to provide relief to overcrowding on the Panhandle Path by providing a parking protected bikeway on the south side of Fell Street thereby creating more space on the roadway for bicyclists to use and thus lessening the volume of users on the Panhandle Path. This space makes possible essential walk and bike travel while transit service levels are temporarily reduced. As such, the SFMTA proposed the project in May 2020, and it was implemented in late July 2020, following San Francisco Fire Department's consent to the implementation of the project in early July 2020.

The Panhandle Social Distancing and Safety Project was proposed as an emergency response to the overcrowding at the Panhandle. The project is temporary, set to expire 120 days after the City's

proclamation of the COVID-19 Local Emergency is lifted. For a parking protected bike lane on Fell Street to be made permanent, the SFMTA Board would need to approve the permanent project following additional public engagement and environmental review, as needed.

## DISCUSSION

### **The Panhandle Social Distancing and Safety Project is intended to reduce overcrowding on the Panhandle Path and allow users more space to social distance.**

San Francisco's response to the pandemic has stressed the importance of social distancing, or maintaining 6 feet of space between individuals, to control the spread of coronavirus. The city's Public Health Order C19-07b required that all San Franciscans maintain at least six feet of separation with others not from their household. At the initial onset of shelter in place, SFMTA staff observed crowding on the Panhandle Path due to the high volume of users. Pedestrians and bicyclists on the Panhandle Path were not always able to maintain six feet of separation from other users. The Panhandle Social Distancing and Safety Project was created to improve safety for these users by creating additional space on the roadway for bicyclists to use. A temporary parking-protected bikeway on Fell Street between Baker Street and Shrader Street was implemented as an alternate route for bicyclists, thus lessening the volume of users on the Panhandle Path and improving safety for cyclists and pedestrians.

### **The Panhandle Social Distancing and Safety Project provided opportunities for community and stakeholder engagement prior to project approval by the SFMTA Department Operations Center (DOC) and subsequent confirmation by the MTA Board.**

- **May 13, 2020: Project was presented to residents during an online community meeting organized by the District 5 Supervisor's Office.** SFMTA staff presented the project, collected feedback, and answered questions by residents.
- **May 18, 2020: Project was announced via SFMTA Website and local media.** A project-specific website was created at <https://www.sfmta.com/projects/panhandle-social-distancing-and-safety-project> with contact information for staff. The public was able to receive timely and responsive replies to questions or concerns about the project since the project manager and team could be directly contacted.
- **May 18, 2020: Relevant city agencies were notified of the project through the COVID-19 TASC Process.** The project was reviewed by city agencies and San Francisco Fire Department (SFFD) provided feedback.
- **July 10, 2020: Project consent by COVID-19 TASC.** SFFD provided written consent to the implementation of the project.
- **July 15, 2020: Project is approved by the SFMTA DOC under Delegation of Authority by City Traffic Engineer.** The City Traffic Engineer has independent authority to approve certain



traffic modifications under Section 201 of the San Francisco Transportation Code. Section 201(a)(5) of the Transportation Code allows the City Traffic Engineer to “Install or remove any temporary Traffic Control Devices on any Street for the purpose of controlling Parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection of public health and safety. Such temporary Traffic Control Devices shall be removed when they are no longer required following the emergency, condition, or event.” The City and the SFMTA established incident command structures in response to the COVID-19 Local Emergency (i.e. a City Emergency Operations Center/COVID Command Center and an SFMTA Department Operations Centers).

Given the number of emergency requests to SFMTA from the City’s Emergency Operations Center, the urgency of the requests requiring short turnaround times, and the limited availability of staff during this crisis, the City Traffic Engineer temporarily delegated authority under this provision to the SFMTA Department Operations Center (DOC) for actions that are responsive to the COVID-19 Local Emergency (See Attachment A). The Traffic Engineer delegated this authority in order to streamline decision-making under the SFMTA Incident Command. As such, this project was approved by DOC staff through the issuance of work orders on July 15, 2020 under the delegation of the authority by the City Traffic Engineer under Transportation Code Section 201(a)(5).

Documentation of this approval was provided to the appellant on August 17, 2020 following a public records request.

- **August 18, 2020: Project confirmed by the SFMTA Board.** While the Traffic Engineer has emergency authority, delegated to SFMTA DOC, to establish these changes, given the length of the emergency and nature of the changes, staff believed it was prudent to confirm the DOC’s decision through the non-emergency process of an MTA Board hearing. The SFMTA Board did confirm the DOC’s approval and explicitly limited that approval such that it expires 120 days following the expiration or termination of the COVID-19 Local Emergency.

If SFMTA intends to make permanent changes to Fell Street between Baker Street and Shrader Street, including any installation of an on-street bikeway, staff would need to conduct additional outreach and environmental review, as needed, and return to the SFMTA Board and present findings from project evaluation and outreach in order for the SFMTA Board to make an informed decision.

### **The San Francisco Fire Department provided written consent to the Panhandle Social Distancing and Safety Project.**

The appellant is correct that SFFD stated in a May 20, 2020 letter that they did consent to the project as originally proposed. However, the SFFD subsequently has since provided written consent for the emergency project through an email sent on July 10, 2020 (see Attachment B), after additions to the proposal were made as described below.





SFFD expressed concern that the removal of one vehicle traffic lane would potentially increase congestion on Fell Street and thus increase emergency response times. In response, SFMTA created an evaluation plan (see Attachment C) where SFMTA committed to collecting data and monitoring vehicle volumes and speeds, travel times, and queue lengths following the installation of the project. As part of this plan, SFMTA will work with SFFD to analyze possible adjustments to the project to maintain effective emergency response times. Following agreement to the evaluation plan from both SFMTA and SFFD, SFFD provided written consent to the implementation of the Panhandle Social Distancing and Safety Project prior to approval or implementation of the project by the SFMTA

**Quick, responsive action that can be acted upon is imperative during this public health crisis.**


During the Covid-19 Public Health Emergency, SFMTA has moved quickly to ensure continued transportation safety. The Panhandle Social Distancing and Safety Project is an opportunity to support physical distancing and ensure transportation safety and public health during this unprecedented time. This project uses removable paint, signs, and posts to ensure adequate social distancing for essential bike and pedestrian travel on a heavily used east-west corridor in San Francisco.

Accordingly, we ask that the San Francisco Board of Supervisors uphold the use of a California Environmental Quality Act Statutory Exemption to allow for continued operation of the Panhandle Social Distancing and Safety Project.



## MEMORANDUM

TO: Tom Maguire  
Director of Sustainable Streets

FROM: Ricardo Olea   
City Traffic Engineer

DATE: July 10, 2020

SUBJECT: Delegation of temporary authority to the SFMTA Department Operations Center (DOC) under COVID-19 Local Emergency Declaration to Approve Traffic Control Devices to Address the COVID-19 Local Emergency.

This memo is to memorialize delegation of authority over the implementation of temporary parking and traffic changes under the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 (COVID-19 Local Emergency Declaration). The COVID-19 Local Emergency necessitated parking and traffic changes beginning March 23 and I orally authorized this delegation beginning on that date. This delegation is authorized until such time as I rescind it or the COVID-19 Local Emergency Declaration expires or is terminated.

Transportation Code Section 201(a)(5) allows the City Traffic Engineer to install or remove traffic control devices “for the purpose of controlling Parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection for public health and safety.” The COVID-19 Local Emergency qualifies as such an emergency that necessitates parking or traffic changes to accommodate various types of needs related to the emergency. Specifically, turn restrictions, parking/loading removal, curbside pickup, and part time or full-time street closures are part of these aforementioned traffic control devices.

In order to streamline decision making under the SFMTA Incident Command System active since March 13 I have delegated the authority to implement such traffic control devices and issue work orders that are responsive to the COVID-19 Local Emergency to the SFMTA Department Operations Center DOC. Sustainable Streets engineers like Ian Trout, Alan Uy , and others have been and will continue coordinating internally and externally for all COVID-19 emergency temporary work orders. The DOC has been and will continue tracking the temporary work that has been done under disaster response and will over the course of the disaster determine which need to be modified, continued, or terminated. Any DOC parking and traffic changes implemented that need to remain following the COVID-19 Local Emergency Declaration will require permanent legislation or authorization by the City Traffic Engineer as required under Transportation Code Section 200.

Section 201(a)(5) changes that are not related to COVID-19 will be reviewed and approved by me as usual.

**Chen, Elizabeth**

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**From:** Scanlon, Olivia (FIR) <olivia.scanlon@sfgov.org>  
**Sent:** Friday, July 10, 2020 6:04 PM  
**To:** Kilgore, Preston (BOS); Parks, Jamie  
**Cc:** Preston, Dean (BOS); Chen, Elizabeth; Maguire, Tom; Tumlin, Jeffrey; Sallaberry, Mike; DeCossio, Dan (FIR); Nicholson, Jeanine (FIR); Law, Chad (FIR)  
**Subject:** RE: Fell St Parking-Protected Bike Lane - Evaluation Plan

Good Evening,

The SFFD has agreed to move forward with the temporary plan for Fell Street with the understanding that MTA and SFFD will meet one month after installation to discuss the effect of the changes and any concerns that may have arisen . Jamie, can you please let me now the timing of installation so I can setup the follow-up. Thanks to everyone for the dialogue, we all find ourselves working in an ever changing environment.

Have a good weekend.

Best,  
Olivia

**Fell St Parking-Protected Bike Lane -  
Evaluation and Monitoring Plan  
July 1, 2020**

**Background**

In response to congestion on the Panhandle Path and the Public Health Order to socially distance during the COVID-19 pandemic, the SFMTA proposes to install a parking-protected bikeway on Fell Street adjacent to the Panhandle between Baker Street and Shrader Street. The proposed project would reduce the number of travel lanes on Fell St from 4 to 3 to accommodate the new bike lanes.

More information on the project purpose and proposed design is available here:  
<https://www.sfmta.com/projects/panhandle-social-distancing-and-safety-project>

**Summary of Available Traffic Data**

Prior to the COVID-19 crisis, Fell St typically carried approximately 2,210 vehicles during the p.m. peak hour (based on counts taken at Fell/Masonic in May 2019). During the first week of June 2020, traffic counts showed a reduction of 43% in peak hour traffic volume to approximately 1,260 vehicles. SFMTA conducted traffic modeling at Fell/Masonic to show how the proposed change could affect capacity and delay on Fell St.<sup>1</sup>

	<b>Peak-Hour Westbound Traffic</b>	<b># of Through Lanes</b>	<b>V/C Ratio (ie, Percent Capacity)</b>	<b>Average Delay</b>
Pre-COVID (No Project)	2,210	4	0.93	22.2s
June 2020 (with Proposed Emergency Bike Lane)	1,260	3	0.66	9.5s

This shows that Fell St is projected to operate as well or better than pre-COVID conditions, even with the proposed lane reduction.

Similarly, the SFCTA's congestion tracker shows a 31% increase in average speed on Fell St in June 2020 compared to pre-COVID conditions (<https://covid-congestion.sfcta.org/>). This reflects the general reduction in travel due to COVID-response restrictions, as well suppressed demand for travel on Fell St specifically due to the temporary closure of JFK Dr.

**Proposed Evaluation and Monitoring**

Given the above, SFMTA traffic modeling shows that 3 traffic lanes on Fell St, as proposed for the emergency bike lane, would easily accommodate existing traffic volumes as of June 2020. However, the SFMTA also acknowledges the impossibility of accurately predicting future conditions given current uncertainty.

As such, we propose a comprehensive evaluation, monitoring and adjustment program to follow installation.

---

<sup>1</sup> Other intersections are anticipated to have similar or lower delay, as Fell/Masonic is among the most congested intersections on the Panhandle.

- The SFMTA will collect 48-hour counts of vehicle volumes and speed to measure changes both on Fell St and the adjacent Hayes St corridor. Data will be collected during 4 time periods: pre-installation; 1-month after; 3-months after; 6 months after; and 12 months after. If JFK Dr is re-opened at any point during the evaluation period, additional data will be collected within 4 weeks of the re-opening. Data collection will occur at the following 4 locations:
  1. Fell Street, between Lyon Street and Central Avenue
  2. Fell Street, between Clayton Street and Cole Street
  3. Hayes Street, between Lyon Street and Central Avenue
  4. Hayes Street, between Clayton Street and Cole Street
- The SFMTA will monitor and measure the queue lengths at the intersection of Fell St/Masonic Ave. Queue lengths will be recorded for 30 minutes during the p.m. peak hour (as measured by the 48-hour vehicle counts). Queue length data will be collected during 4 time periods: pre-installation; 1-month after; 3-months after; 6 months after; and 12 months after.
- The SFMTA will monitor and record data from the SFCTA's COVID Congestion Tracker on a monthly basis to assess trends in vehicles speeds on the Fell St corridor.
- The SFMTA will hire a contractor to conduct travel time runs to record the average travel time along the Fell St corridor (Baker to Shrader) during the p.m. peak period. Travel time runs will be recorded using the "floating car method".

### **Mitigation**

The SFMTA commits to assessing potential changes to the Fell St project if/when either of the following 2 conditions are met:

1. Peak-hour traffic volumes on Fell Street increase to >90% of pre-COVID conditions;
2. Peak-hour traffic speeds on Fell Street decrease to below 20 mph (as measured by the SFCTA)

If these thresholds are met, the SFMTA will work with SFFD to conduct more detailed analyses of congestion "hot spots" to evaluate possible mitigations to improving emergency response times. Mitigations may include removing parking adjacent to intersections to create space for vehicles to pull over during emergency response calls; adjusting the length of the bike lane; removing some or all parking adjacent to the Panhandle to create an emergency-response lane; or removing the temporary bike lane. Through this assessment, the SFMTA commits to working with SFFD to make adjustments to project necessary to maintain effective emergency response times.

An SFMTA staff contact will also be designated to regularly receive feedback from SFFD at any point during the temporary installation, in addition to the data collection timepoints established above.

### **Process for Considering Permanent Changes**

The proposed project is specifically for a temporary, emergency bike lane to allow for social distancing during the on-going COVID crisis. Note that any permanent changes to Fell St, including designation of a bike lane, would require approvals through the standard legislative process including TASC and the SFMTA Board for final approval.



**From:** [BOS Legislation..\(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Bihl, Lauren \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Tumlin, Jeffrey \(MTA\)](#); [Maguire, Tom \(MTA\)](#); [Jones, Sarah \(MTA\)](#); [Chen, Elizabeth \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [BOS Legislation..\(BOS\)](#); [Parks, Jamie \(MTA\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL INFO - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Friday, September 18, 2020 9:21:21 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant Mary Miles, on behalf of the Coalition of Adequate Review regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Panhandle Social Distancing and Safety project.

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

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

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

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

[Board of Supervisors File No. 200987](#)

Best regards,

***Jocelyn Wong***

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

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

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



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

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

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

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

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

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

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

**DATE:** September 18, 2020

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

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

BOS File No. 200883

BOS File No. 200903

BOS File No. 200987

BOS File No. 201024

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

Thank you.



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

## Mary Miles

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

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

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

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

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

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

My Best,

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

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL REQUEST - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Thursday, September 10, 2020 1:39:40 PM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant Mary Miles, on behalf of Coalition for Adequate Review, regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Panhandle Social Distancing and Safety 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. 200987](#)

Regards,

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

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

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



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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 200987 REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING  
**Date:** Thursday, September 10, 2020 11:14:36 AM

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

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

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING,  
BOS FILE 200987**

Dear President Yee and Members of the Board:

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

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

The September 8, 2020 Notice of Public Hearing states:

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

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

Therefore, Appellant requests that the Board continue the hearing on this appeal to **December 8, 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: Letter in Support of Denying Appeals of CEQA Determinations for BOS Files 200903, 200987, and 201000  
**Date:** Thursday, September 24, 2020 2:02:28 PM

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**From:** Kyle Perata <kperata@gmail.com>  
**Sent:** Tuesday, September 22, 2020 12:41 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Letter in Support of Denying Appeals of CEQA Determinations for BOS Files 200903, 200987, and 201000

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

Angela Calvillo  
Clerk of the Board  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA, 94102

Dear members of the San Francisco Board of Supervisors:

Please deny the appeals of Board of Supervisors' File Numbers 200903, 200987, 201000. First, we want to commend the City's Planning Department and the MTA on undertaking swift action to create slow streets to allow for increased social distancing and the implementation of new temporary bike facilities and transit facilities.

We understand that not everyone will appreciate the pedestrian, bicycle, and transit infrastructure improvements that the City has installed to help reduce the risk of Covid-19 while allowing its residents to recreate and travel safely throughout the City, but these improvements have been instrumental in allowing residents to safely be outside during this time. We have used many of these temporary improvements while enjoying being out in the City on our bike rides, walks, and runs.

We firmly believe that the City correctly applied the California Environmental Quality Act to these emergency projects during this unprecedented public health crisis. Please deny these appeals and please continue to implement temporary emergency projects to improve pedestrian and bicycle safety (from Covid-19 and from unsafe roadway conditions) and slow streets to allow for safer social distancing. We encourage the City to evaluate these temporary projects and consider making these permanent after this health crisis passes.

Thank you,

Kyle Perata  
Casey Palmer  
Residents of District 3  
San Francisco



**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

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**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

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

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

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

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**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 \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(MTA\)](#); [Contreras, Andrea \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS- Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** HEARING NOTICE - Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Tuesday, September 8, 2020 9:35:13 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 Panhandle Social Distancing and Safety 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. 200987](#)

Regards,

**Brent Jalipa**

Board of Supervisors - Clerk's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-7712 | Fax: (415) 554-5163  
[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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

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



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

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

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

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

**Subject:** **File No. 200987.** Hearing of persons interested in or objecting to the determination of statutory exemption from environmental review under the California Environmental Quality Act issued as a Statutory Exemption by the Planning Department on July 16, 2020, for the proposed Municipal Transportation Agency's Panhandle Social Distancing and Safety project, to provide relief to crowding on the multi-use paths within The Panhandle, a portion of Golden Gate Park located on the east side between Oak, Fell, Baker, and Stanyan Streets. (District 5) (Appellant: Mary Miles, on behalf of Coalition for Adequate Review) (Filed August 14, 2020)

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

**PUBLIC COMMENT CALL-IN**

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

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

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

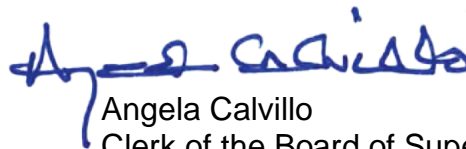
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention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

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

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

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

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



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

ll:jw: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. 200987

Description of Items: Hearing - Appeal of Determination of Statutory Exemption From Environmental Review - Proposed MTA's Panhandle Social Distancing and Safety Project - 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 - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Tuesday, September 15, 2020 4:47:48 PM  
**Attachments:** [image001.png](#)  
[Appeal Check Pickup.doc](#)

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Hi Yvonne,

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

Ops,

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

Thank you.

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

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

*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.*

---

**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Wednesday, September 2, 2020 6:36 PM  
**To:** 'Mary Miles' <page364@earthlink.net>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; RUIZ-

ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@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>; Hue, Melinda (MTA) <Melinda.Hue@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>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Subject:** Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - 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 Panhandle Social Distancing and Safety 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 14, 2020](#)

[Planning Department Memo - August 27, 2020](#)

[Clerk of the Board Letter - September 2, 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. 200987](#)

Best regards,

**Lisa Lew**

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

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BOARD of SUPERVISORS



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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. 200987-200990**

**Planning Case No. 2020-006678ENV**

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 Exemption under CEQA for the proposed MTA's Panhandle Social Distancing and Safety Project:

**Planning Department**

**By:**

Tony Young  
Print Name

[Signature] 9/17/20  
Signature and Date

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** "Mary Miles"  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [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 \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Hillis, Rich \(CPC\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** Appeal of CEQA Exemption Determination - Proposed MTA - Panhandle Social Distancing and Safety Project - Hearing - September 22, 2020  
**Date:** Wednesday, September 2, 2020 6:36:30 PM  
**Attachments:** [image001.png](#)

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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 Panhandle Social Distancing and Safety 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 14, 2020](#)
- [Planning Department Memo - August 27, 2020](#)
- [Clerk of the Board Letter - September 2, 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. 200987](#)

Best regards,

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

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BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

September 2, 2020

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

**Subject: File No. 200987 - Appeal of California Environmental Quality Act (CEQA)  
Determination of Exemption from Environmental Review - MTA - Panhandle  
Social Distancing and Safety Project**

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 August 27, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the Statutory Exemption Determination issued by the Planning Department under CEQA for the proposed Municipal Transportation Agency's Panhandle Social Distancing and Safety project.

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

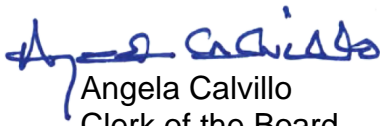
In accordance with Mayor Breed's Twenty-Second Supplemental and Administrative Code, Section 31.16, a remote initial hearing date has been scheduled for **Tuesday, September 22, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

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 by Friday, September 4, 2020. Please also provide supporting documentation you wish to include for the hearing, by emailing an electronic copy by Thursday, September 17, 2020, at noon to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org). Any materials received after this date, will still be distributed to all parties and be included as part of the official file. For the above, the Clerk's office requests electronic files be sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org).

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

Very truly yours,



Angela Calvillo  
Clerk of the Board

ll:jw:ams

- c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Rich Hillis, Director, 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  
Jonas Ionin, Planning Commission Secretary, Planning Department  
Laura Lynch, Staff Contact, Planning Department  
Jeffrey Tumlin, Municipal Transportation Agency  
Sarah Jones, Municipal Transportation Agency  
Melinda Hue, 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 Exemption Appeal Timeliness Determination

**DATE:** August 27, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer  
**RE:** Appeal Timeliness Determination – SFMTA Panhandle Social Distancing and Safety Project Emergency Statutory Exemption 2020-006678ENV

On August 14, 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 Exemption for the San Francisco Municipal Transportation Agency’s (SFMTA) Panhandle Social Distancing and Safety 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 15, 2020	July 17, 2020	August 17, 2020	August 14, 2020	Yes

**Approval Action:** On July 15, 2020, the SFMTA Department Operations Center, under the authority delegated by the City Traffic Engineer, approved the project. On July 17, 2020, the Planning Department posted a Statutory Exemption on the Planning Department’s website.

**Appeal Deadline:** Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date this exemption is posted to the Planning Department’s website. Sections 31.16(a) and (e) of the 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 the time period. The 30th day after the date of CEQA posting falls on a Sunday and therefore the appeal period expired on Monday, August 17, 2020 at 5:00 p.m. (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Friday, August 14, 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 \(CAT\)](#); [STACY, KATE \(CAT\)](#); [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 \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Hue, Melinda \(MTA\)](#); [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 - SFMTA - Panhandle Social Distancing and Safety Project - Timeliness Determination  
**Date:** Thursday, August 20, 2020 4:23:04 PM  
**Attachments:** [Appeal Ltr 081420.pdf](#)  
[image001.png](#)  
[COB Ltr 082020.pdf](#)

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Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Exemption Determination for the proposed SFMTA Panhandle Social Distancing and Safety project. The appeal was filed by Mary Miles on behalf of 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.

Regards,

**Lisa Lew**

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

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

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



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

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



BOARD of SUPERVISORS



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San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 20, 2020

To: Rich Hillis  
Planning Director

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

**Subject: Appeal of California Environmental Quality Act (CEQA) Determination of Categorical Exemption from Environmental Review - SFMTA - Panhandle Social Distancing and Safety Project**

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 Determination of Statutory Exemption from Environmental Review for the proposed San Francisco Municipal Transportation Panhandle Social Distancing and Safety Project aka D5 Safe and Slow Streets Project, was filed with the Office of the Clerk of the Board on August 14, 2020, by Mary Miles on behalf of Coalition for Adequate Review.

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

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

c: Anne Pearson, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
Adam Varat, Acting Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Jonas Ionin, Planning Commission Secretary, Planning Department  
Laura Lynch, Staff Contact, Planning Department  
Melinda Hue, Staff Contact, Municipal Transportation Agency  
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:

Hearing - Appeal of Determination of Statutory Exemption From Environmental Review - Proposed MTA's Panhandle Social Distancing and Safety Project

The text is listed:

Hearing of persons interested in or objecting to the determination of statutory exemption from environmental review under the California Environmental Quality Act issued as a Statutory Exemption by the Planning Department on July 16, 2020, for the proposed Municipal Transportation Agency's Panhandle Social Distancing and Safety project, to provide relief to crowding on the multi-use paths within The Panhandle, a portion of Golden Gate Park located on the east side between Oak, Fell, Baker, and Stanyan Streets. (District 5) (Appellant: Mary Miles, on behalf of Coalition for Adequate Review) (Filed August 14, 2020)

Signature of Sponsoring Supervisor: