

From: [Lihong Hu](#)
To: [BOS Legislation, \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#)
Subject: J-Church Appeal support
Date: Tuesday, November 10, 2020 11:47:53 AM

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Dear Members of the Board of Supervisors and Supervisor Mendelman,

I am writing to you in support of the appeal to the changes implemented to the J-Church line and Church Street closure that took effect in the month of August. The closure has caused a dramatic reduction in the restaurant's revenue, difficulty for delivery drivers and customers to reach the restaurant and increased vandalism and vagrancy on our block.

My name is Michael Chen and I am the owner of Red Jade located at 245 Church Street. I am a first-generation Chinese American who came to this country with the hopes of providing a better life for my family. Similar to other immigrant families, I built my business through sweat, tears and hard work. Today, my business provides a livelihood for both my family and 18 additional employees and their families.

The Church Street closure has brought further devastation to my business during Covid-19, with sales down over 25% for the weeks following the street closure as compared to the weeks prior. This slowdown was coupled with vendors, food delivery drivers, and individuals picking up food afraid to enter our block, due to the large DO NOT ENTER signs placed on both ends of our block. In addition, for weeks buses parked in front of the restaurant during peak times, obstructing my restaurant's visibility and making the block uninviting.

Over the past few years, I have watched our city change and grow, and along with it the behavior of my customers. More and more orders are placed over the phone as to-go orders. With the increase of third-party delivery services in San Francisco, delivery orders have also increased from Uber, Doordash and Postmates. As I look towards the future, I feel that business from to-go orders and delivery services will continue to increase.

With Church Street being closed to car traffic, I am already seeing an increase in vandalism and vagrancy. The glass door across the street at Thorough Bread Bakery was smashed. A few weeks later, a drug user moved into one of the parklets, remained for three days, and was finally relocated by the police leaving a trail of needles and bio-hazard waste.

At a time when transit ridership is at an all-time low, the light rail is not operational and downtown office buildings collect dust, SFMTA closed our street to through traffic. This street closure is the additional kick in the gut we did not anticipate during Covid. No fancy worded presentations will change the reality that our block is declining, bad elements are moving in and customers are going elsewhere.

Please consider re-opening Church Street to through traffic.

Thank you for your time.

Michael Chen

From: [Mary Miles](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: PUBLIC COMMENT ATTACHED BOS FILE NOS.201112, 201116
Date: Tuesday, November 10, 2020 10:18:36 AM
Attachments: [10-11-20 BOS COMMENT 201112, 201116-4.pdf](#)

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

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

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

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

DATE: November 10, 2020

**PUBLIC COMMENT
BOS FILE NOS. 201112 AND 201116**

Attached in pdf format is Public Comment by Coalition for Adequate Review in support of the Appeals in BOS File Nos. 201112 and 201116 (BOS Agenda Items 22 and 26, November 10, 2020 Agenda).

Please assure that the attached Public Comment is distributed to every Supervisor and placed in all applicable files.

Mary Miles

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
Members of the San Francisco Board of Supervisors
Room 244 City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

DATE: November 9, 2020

**PUBLIC COMMENT IN SUPPORT OF APPEALS
BOS AGENDA ITEMS 22 AND 26 NOVEMBER 10, 2020
BOS FILE NOS. 201112 AND 201116**

INTRODUCTION

This Public Comment **supports** the appeals of Safeway and David Pilpel of the Statutory Exemptions from Environmental Review of Projects proposed by the San Francisco Municipal Transportation Agency (“MTA”) and the statutory exemptions issued by the Planning Department (“Planning”).

Please assure that this Comment is distributed to every Supervisor and placed in all applicable files. A copy of this Comment is also attached in pdf format.

The Projects are not exempt from CEQA. The approval and implementation of these Projects by MTA violate CEQA's fundamental requirement that the public should be informed and meaningfully participate in the decisionmaking process on projects that may affect the environment. Under CEQA, the environment belongs to everyone, not special interests.

These Projects originated with MTA’s "Temporary Emergency Transit Lanes" ("TETL") Project and in *post hoc* actions by MTA were severed from the TETL Project to become two separate Projects now before the Board under BOS Files 201112 and 201116. The scope of these Projects is unclear on whether they are citywide or only include specific corridors. That alone requires the Board’s rejection of the exemptions of these Projects. If the public and this Board do not have an accurate, finite Project description for each of these Projects, informed decisionmaking and public participation are impossible.

At minimum, the two Projects close vehicle travel on the busy commercial blocks of Church Street from Market Street south to 16th Street adversely affecting restaurants and other businesses. The Projects also plan to obstruct vehicles on Church Street from Market north to Duboce, Hermann and Waller Streets, making it more difficult and dangerous to enter the only major supermarket in the area. Expanding these Projects beyond those encompassed by the

TETL Project, also means even more street closures and barriers on a major commercial street on West Portal and on other streets.

The Project does not qualify for an emergency exemption under CEQA. COVID-19 is not an emergency under CEQA, because removing traffic lanes and parking on commercial streets and closing those streets to vehicles are not necessary to prevent or mitigate an emergency as defined in CEQA. There is no evidence that removing traffic lanes and parking bus-only lanes does anything to "prevent or mitigate" COVID-19.

Directives declaring a health emergency due to COVID-19 are not an "emergency" under CEQA, and the California Health and Safety Code does not suspend CEQA's requirements. While a health hazard from COVID-19 does exist, it has been ongoing for at least eight months and may go on for years. That ongoing condition does not justify MTA's assertion of unaccountable authority to change City streets without environmental review and public proceedings. There is no "sudden, unexpected occurrence" as required for an emergency exemption under CEQA. (Pub.Res.Code ["PRC"], §21060.3.) There is no evidence that MTA's actions are *necessary* to prevent or mitigate COVID-19. (PRC §21080(b)(4); 14 Cal. Code Regs. (CEQA "Guidelines"), §15269(c).)

By implementing these Projects without environmental review MTA violated CEQA's fundamental mandate of allowing the public to participate meaningfully in environmental determinations *before* Project approval. (*Laurel Heights Improvement Assn. v. Regents of the University of California* ["*Laurel Heights I*"] (1988) 47 Cal. 3d 376, 394.)

MTA's failure to accurately describe the Projects, their duration and scope violates CEQA, misleads the public, and does not support the claimed exemptions.

The Board should therefore grant these appeals and require MTA and Planning to comply with CEQA's requirement of environmental review.

FACTS

Facts stated by the Appellants already document the convoluted actions by MTA and Planning and are not repeated here. Additionally, the facts are documented by Coalition for Adequate Review in the Board's file on MTA's TETL project. Those facts are not repeated here but are incorporated by reference.

MTA claims without evidence that its proposed and implemented changes are to facilitate "social distancing." No evidence is provided of *any* increase in *essential* trips by bus. As MTA has admitted, transit ridership has declined by 90%, and travel by other motor vehicles is only 60% of pre-COVID-19 levels. (MTA Fiscal Year 2021-2022 Update, June 30, 2020, p 12.) While marginal increases in MTA's data may have occurred, they do not provide evidence of any increase in *essential* trips.

On February 25, 2020, San Francisco Mayor London Breed issued a proclamation "Declaring the Existence of a Local Emergency" under California Government Code Section 8550 due to "the ongoing spread of a novel coronavirus" discovered in Wuhan, China in December 2019 known as "COVID-19."

(<https://sfmayor.org/sites/default/files/Proclamation%20of%20Local%20Emergency%20re.%20COVID-19%202.25.2020.pdf>)

On March 6, 2020, San Francisco's Health Officer declared a local health emergency under California Health and Safety Code ("H&S Code") Section 101080 after announcing that "two individuals in San Francisco had contracted COVID-19 without any known avenue of transmission, suggesting the contagion was community-acquired...and that the virus is circulating in the Bay Area." (<https://www.sfdph.org/dph/alerts/files/HealthOfficerLocalEmergencyDeclaration-03062020.pdf>)

On March 10, 2020, the Board of Supervisors ratified the local health emergency declared by the Department of Public Health by passing its Motion No. M20-38, which stated that "the Local Health Emergency shall continue beyond March 13, 2020, until, in consultation with the Health Officer, the Board of Supervisors proclaims the Local Health Emergency is terminated." (Motion M20-38, March 10, 2020, BOS File No. 200265.)

Since then, the Mayor has issued 31 supplements to the February 25, 2020 proclamation, and the Health Officer has issued numerous amendments to the March 6, 2020 declaration. (<https://sfmayor.org/mayoral-declarations-regarding-covid-19>; <https://www.sfdph.org/dph/alerts/coronavirus-health-directives.asp>) As of September 22, 2020, the Department of Public Health reported that one percent of San Francisco's population has been afflicted with COVID-19, with a fatality rate of one percent of that one percent.

Since March, 2020, MTA has claimed that "emergency" exemptions from CEQA confer unlimited power on that agency to implement projects closing and altering San Francisco streets with no public process or environmental review. MTA has approved and implemented closing at least 50 streets to through travel by cars under its "Slow Streets" project, eliminating traffic lanes and parking spaces throughout the City, and removing access to public parks, viewpoints, and scenic public streets by travelers in cars, with all projects claiming emergency exemptions from CEQA that were issued *post facto* by the Planning Department. MTA claims that those projects are temporary, but then states that it can make them permanent at will. (See, *e.g.*, 6/10/20 MTA Memo, on TETL project, pp. 14-15.)

The Board of Supervisors now claims it may "consolidate" the two appeals for hearing on these Projects with nothing in the record to document that was under Administrative Code Section 31.16(b)(4) or any other authority. Such an action also violates the Brown Act.

On August 22, 2020 with no public notice, MTA implemented the Project, closing a block of Church Street between 15th and Market Street. (<https://hoodline.com/2020/09/half-block-church-street-closure-leads-to-merchant-complaints-muni-seeks-alternatives>; <https://sanfrancisco.cbslocal.com/2020/09/17/muni-closure-of-church-street-near-market-causing-hardship-for-businesses/>; <https://www.sfmata.com/projects/j-church-transfer-improvements>.)

On September 15, 2020, the MTA Board considered but took no action on another *post hoc* approval of its already-implemented Project changes at Church and Market, West Portal Station, and other locations using different piecemealed exemptions and approvals, even though this appeal was pending on these Projects, including those changes.

MTA's actions to implement the Projects violate CEQA and City's own codes, which provide for appeal of exemption determinations to this elected body before a project may be implemented. (see, *e.g.*, Pub. Res. Code §21151(c); SF Admin Code § 31.16(b)(3) [other departments "shall not carry out...the project "until the "CEQA decision is affirmed by the Board [of Supervisors];"

§31.16(b)(5) [the public may submit materials to the Board of Supervisors prior to scheduled hearing on an appeal]; and §31.16(e) ["The date the project shall be considered finally approved shall occur no earlier than either the expiration date of the appeal period if no appeal is filed, or the date the Board affirms the CEQA decision, if the CEQA decision is appealed."].)

PROCEDURAL OBJECTIONS

This Comment objects to Board of Supervisors requiring public to comment eleven days in advance of the Board's hearing, since CEQA allows public comment up to and including the date of the hearing or final disposition by the Board. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1202; Guidelines, §15202(b); PRC §21177(a).) The right to public comment is undermined by the Board's improper time constraints, which deprive the public of the right to more fully set forth their position and be heard. Further, any "exhaustion" requirement does not apply where the lead agency does not conduct public proceedings before its environmental determination. (*Ibid.*)

This Comment also objects to the "consolidation" of different appeals into one as proposed, which violates the Brown Act, CEQA, and the San Francisco Administrative Code. The public has had no say in the "anticipated" consolidation of these appeals, which conflates the issues, makes an accurate project description impossible, and reduces the public's time for comment to half that allowed for two appeals while muddying the scope and issues of the appeals.

ARGUMENT

I. THE PROJECTS DO NOT QUALIFY FOR A STATUTORY EMERGENCY EXEMPTION UNDER CEQA

A. There Is No Emergency Under CEQA's Strict Definition

An emergency under CEQA is strictly defined as: "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. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (PRC §21060.3.)

CEQA's definition of emergency is "explicit and detailed." (*Western Mun. Water Dist. v. Superior Court* ["*Western Municipal*"] (1986) 187 Cal.App.3d 1104, 1111.) "We particularly note that the definition limits an emergency to an 'occurrence,' not a condition, and that the occurrence must involve a '*clear and imminent danger, demanding immediate action.*'" (*Id.* [emphasis in original].)

In *Western Municipal*, the Water District claimed an emergency exemption under CEQA to pump water from an aquifer to "prevent or mitigate earthquakes." (*Western Municipal, supra*, 187 Cal.App.3d at p. 1111.) The court denied that claim, noting that no earthquake was suddenly occurring, and that such a generalized claim of a possible emergency was not sufficient for an exemption from CEQA. "Such a construction completely ignores the limiting ideas of 'sudden,' 'unexpected,' 'clear,' 'imminent' and 'demanding immediate action' expressly included by the Legislature" and that the agency's failure to "give meaning to *each word of the statute*" was erroneous. (*Id.* [emphasis added].)

As in *Western Municipal*, COVID-19 is not a "*sudden, unexpected occurrence.*" Since it has been with us for at least eight months, there is no "*imminent danger.*"

City's claim that COVID-19 is an "emergency" is factually and legally mistaken. Although the Mayor proclaimed a "local emergency" under the Government Code and the Health Officer declared a "local health emergency" under the Health and Safety Code and called for measures such as "social distancing" to deal with the pandemic, that declaration does not allow a city agency to declare a project exempt under CEQA's emergency exemption. (*Los Osos Valley Associates v. City of San Luis Obispo* ["Los Osos"] (1994) 30 Cal.App.4th 1670, 1682 [city council's declaration was neither conclusive nor sufficient].) "Emergency is not synonymous with expediency, convenience, or best interests ... and it imports 'more ... than merely a general public need.'" (*Id.* at p. 1681.) That CEQA exemption does not apply to an ongoing citywide condition such as the COVID-19 pandemic.

MTA claims that it must close streets and remove traffic lanes and parking so that people on buses can maintain six feet of social distancing. MTA's presumptive leap is completely unsupported, since there is no evidence that more people will use buses during the COVID-19 pandemic. Instead, MTA admits that its bus ridership has declined by 90% since COVID-19. (MTA Board, June 30, 2020 Agenda Packet, p. 3.) MTA also ignores that it has already drastically reduced transit service below pre-COVID levels, and it provides no evidence that transit is actually being used during the COVID-19 pandemic for essential trips.

In fact, the Appellants' evidence shows that MTA's Projects were created in 2019 *before* the COVID-19 pandemic.

In fact, MTA Director of Transportation, Jeffrey Tumlin, has stated that private automobiles are the safest form of transportation during the COVID pandemic. (*San Francisco Chronicle*, April 14, 2020, <https://www.sfchronicle.com/bayarea/article/Could-cars-emerge-with-a-better-image-when-SF-15198197.php>) Obstructing the safest transportation mode is not a "specific action necessary to prevent or mitigate an emergency," and it is contrary to preventing and mitigating an emergency. (PRC §21080(b)(4); Guidelines, §15269(c).)

The only question considered by courts here is whether the agency has provided substantial evidence to support a finding of an emergency under CEQA. To do so, "the record must disclose substantial evidence of *every element* of the contended exemption as defined in section 21060.3." (*Western Municipal, supra*, 187 Cal.App.3d at p. 1113 [emphasis added].) No evidence is provided either by the Exemption document or the MTA's 6/10/20 Memo supporting an emergency exemption under CEQA.

The burden of proof is entirely on city agencies when claiming an emergency exemption under CEQA. (*Western Municipal, supra*, 187 Cal.App.3d at p. 1113.)

There is no evidence that COVID-19 is a "sudden occurrence." Instead, after eight months, it is an ongoing condition. Indeed, it is now often called the "new normal." There is no "imminent danger," since the danger of COVID-19 has been known for at least eight months.

In *Western Municipal*, the court noted that approving an agency's generalized claim of "emergency" would "create a hole in CEQA of fathomless depth and spectacular breadth," since any large public works project could claim to mitigate any condition that might result from a natural disaster. (*Western Municipal, supra*, 187 Cal.App.3d at p. 1112.)

Here, as in *Western Municipal*, apparently MTA has used the "emergency exemption" claim without evidence that the Projects at issue would prevent or mitigate an actual emergency as a

pretext to avoid complying with CEQA and to implement far-reaching changes with no public process.

B. The Projects Are Not *Necessary* To Prevent Or Mitigate An Emergency

Projects exempt under CEQA's emergency exemption are limited to "*specific* actions '*necessary* to prevent or mitigate an emergency.'" (PRC §21080(b)(4) [emphasis added]; Guidelines, §15269(c); *Castaic Lake Water Agency v. City of Santa Clarita* ["*Castaic*"] (1995) 41 Cal.App.4th 1257, 1267.) City's underlying premise that the conditions of San Francisco streets present an emergency under CEQA is false.

The agency must support the *necessity* of the *specific* action with substantial evidence. (*Castaic, supra*, 41 Cal.App.4th at p. 1267.) Instead, the agencies' actions are generalized, *not specific*, since they allow MTA to permanently change city streets with no CEQA review and no public process.

Moreover, the closures of streets to vehicles and changing traffic and parking lanes to bus-only lanes is not *necessary* to prevent or mitigate an emergency. (PRC §21080(b)(4); Guidelines, §15269(c); *Castaic, supra*, 41 Cal.App.4th at p. 1267.)

In *Castaic*, the court rejected the agency's claim of an emergency exemption for a recovery plan from the 1994 Northridge Earthquake, because its plan did not meet CEQA's narrow requirement, since it included not just repairing the damage, but creating new "infrastructure improvements" that did not exist before the earthquake. (*Castaic, supra*, 41 Cal.4th at p. 1267.) Here, MTA's actions were proposed *before* and without relevance to any claimed COVID-19 "emergency."

MTA provides no evidence that removing traffic lanes and parking on any specific street to create bus facilities will "support essential trips in San Francisco."

The Mayor's proclamation and 31 supplements and the Health Officer's numerous directives and amendments since February, 2020 do not establish an emergency. Such documents are allowed under the Government Code or the Health and Safety Code, but they are not substantial evidence of an emergency under CEQA. (*e.g., Los Osos, supra*, 30 Cal.App.4th at p. 1682.)

CEQA requires MTA and Planning to provide substantial evidence to satisfy every element of Public Resources Code, section 21060.3. (*Western Municipal, supra*, 187 Cal.App.3d at p. 1111; *Castaic, supra*, 41 Cal.App.4th at p. 1267.)

No evidence supports that removing traffic lanes and parking is necessary to maintain transit reliability for essential trips, that anyone boarding a particular bus is making an essential trip, or that removing traffic lanes and parking on streets will result in better physical distancing on any specific bus where passengers are supposedly making essential trips.

MTA provides no evidence that the Projects' closing of streets and removing traffic and parking lanes is *necessary* in any way.

Instead, MTA uses COVID-19 as a pretext for declaring these Projects exempt from environmental review under CEQA. As in *Castaic*, the proposed Projects here are not a "*specific* action *necessary* to prevent or mitigate an emergency." (PRC §21080(b)(4) [emphasis added]; Guidelines, §15269(c).) "Rather, it appears that this is an attempt to use limited exemptions contained in CEQA as a means to subvert rules regulating the protection of the environment." (*Castaic, supra*, 41 Cal.App.4th at p. 1268.)

II. MTA'S AND THIS BOARD'S FAILURE TO PROPERLY CONDUCT PUBLIC PROCEEDINGS ON THE PROJECTS VIOLATES CEQA'S REQUIREMENT OF INFORMED PUBLIC PARTICIPATION IN THE DECISIONMAKING PROCESS

The Exemptions at issue were not publicly available before MTA's hearing on the Project. Finding those documents required complicated linking to documents not readily available to the general public or easily found on the internet. (Guidelines, §15202(b).)

MTA's implementing the Projects without allowing the public's right to appeal to an elected decisionmaking body violates CEQA's most basic mandate to give the public a meaningful voice in the decisionmaking process. (*Laurel Heights I, supra*, 47 Cal. 3d at p. 394.)

These improper procedures and the "anticipated" "consolidation" of two separate appeals violate the fundamental right to public process guaranteed by CEQA, the Brown Act, and the California and United States Constitutions.

Closing public streets to the public is also preempted and violates the California Constitution.

CONCLUSION

The proposed Projects are not exempt under CEQA's emergency statutory exemption or any other exemption. This Board should grant these Appeals, reverse the Planning Department's Exemptions, and order further environmental review in compliance with CEQA.

DATED: November 9, 2020

Mary Miles for Coalition for Adequate Review

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: FW: Public Comment for 11/10: Items 22 and 26 (File Nos. 201112 & 201116)
Date: Tuesday, November 10, 2020 9:16:38 AM

From: Avishai Halev <avishaihalev@gmail.com>
Sent: Monday, November 9, 2020 4:59 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Public Comment for 11/10: Items 22 and 26

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Dear Board of Supervisors,

I write today to urge you in the strongest terms to reject the CEQA appeals regarding the J Church Transfer Improvements Project in items 22 and 26.

We are both in a pandemic, and, as per your resolution, a climate emergency; the city and the SFMTA are in budget crises, and traffic is returning with a vengeance. It could not be clearer that this is the exact scenario that CEQA exemptions are envisioned for.

Projects like the J Church Transfer Improvements Project allow riders – disproportionately low income and people of color – to benefit sooner, and piloting projects in this manner allow for vastly better community outreach as people experience the changes first hand, rather than via a poster.

Please reject the CEQA appeals in items 22 and 26.

Thank you,
Avishai

Avishai Halev
District 3 Resident

From: [Somera, Alisa \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Subject: FW: Claims of temporary, non-permanent alterations - MTA CEQA Appeals on 201112 and 201116
Date: Monday, November 9, 2020 4:14:33 PM

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
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415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.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.

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**From:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>  
**Sent:** Monday, November 9, 2020 11:28 AM  
**To:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>  
**Subject:** FW: Claims of temporary, non-permanent alterations - MTA CEQA Appeals on 201112 and 201116

For the file please.  
Thank you.  
Angela

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**From:** zrants <[zrants@gmail.com](mailto:zrants@gmail.com)>

**Sent:** Monday, November 9, 2020 11:17 AM

**To:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>

**Cc:** Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Beinart, Amy (BOS) <[amy.beinart@sfgov.org](mailto:amy.beinart@sfgov.org)>

**Subject:** Claims of temporary, non-permanent alterations - MTA CEQA Appeals on 201112 and 201116

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November 9, 2020.

re: we support the appeals on # 201112, and 201116

Supervisors,

re: Support for CEQA Appeals on 201112 and 201116

We dispute the claims that the alterations at Market and Church Street meet the standards of being temporary, non-permanent alterations and therefore are not exempt from public notice and CEQA review.

The definition of emergency is: sudden, unanticipated, and unplanned.

The project as presented does not appear to be sudden,

unanticipated, and unplanned and therefore should not be except from CEQA review.

The project at Market and Church does to meet the standards of a temporary project. the project as presented was first introduced in 2021 by Jeffery Tumlin as his solution to fixing a problem with the Muni tunnel. At that time the purpose for the alteration was stated as a means of moving the trains more efficiently. The trains was stopped entirely during the Covid-19 emergency so his reasons for the alterations of the streets to make them more efficient are moot.

Others may argue that the project does to meet the standards of being temporary, given the permanence of the materials and the rhetoric surrounding the project, claiming the “goal of the Project is to make Metro more reliable.”

Others may argue that the project has brought local commerce to a standstill.

Others may argue that adding extra transitions to the Muni riders’ trips makes their ride longer, regardless of how fast the trains are moving.

I will not dispute that reasoning. My point is that under this CEQA appeal, The standards of the emergency temporary project do not apply to the present project at Market and Church.

Please do the right thing, and support the Appeals.

Sincerely,

Mari Eliza, concerned citizen

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Public Comment on 11/10/20 Agenda Items 22 and 26 - Please Reject these CEQA Appeals (File Nos. 201112 & 201116)  
**Date:** Monday, November 9, 2020 3:17:04 PM

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**From:** Parker Day <parkerday@gmail.com>  
**Sent:** Monday, November 9, 2020 2:26 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Public Comment on 11/10/20 Agenda Items 22 and 26 - Please Reject these CEQA Appeals

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

Hello,

I am writing today to provide my comment on Agenda Item 22 and Agenda Item 26 for the Tuesday, November 10 Board of Supervisors meeting. These are the two CEQA appeals relating to the Muni adjustments on Church Street. I ask that you reject their appeal. It is difficult to argue that these changes would cause any significant burden on drivers, whereas it would make things much more difficult for both Muni riders and staff alike.

I am a resident in District 6 at Valencia and Market and the Safeway is my closest grocery store. I shop there often and am familiar with the changes SFMTA has been making on Church Street to improve Muni service. I applaud these changes. Muni is a lifeline in normal times, and even more so during the COVID pandemic. We need these improvements to keep the riders and staff on Muni safe from hazardous car traffic.

Another consideration is that the pandemic has hurt the City's resources. Any time a Muni vehicle is sitting in traffic, it is wasting City funds. Unlike private automobiles, a Muni vehicle stuck in traffic means transit riders are forced to spend unnecessary time in close proximity to other riders.

This pilot project and other projects like these show Muni riders and neighbors what is possible. It allows the City and SFMTA to gather important feedback that looking at drawings or schematics cannot. Oftentimes, concerns over driver access have proven to be largely unwarranted.

Finally, by rejecting the CEQA appeal, Muni riders will get immediate benefits during this pandemic. More permanent changes can be evaluated at a later date when urgency isn't as critical, but at this moment, time is of the essence.

Thank you,

Parker Day  
415-488-6812

**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: SUPPORT Items 22 & 26, 10 Nov. agenda (File Nos. 20112 & 20116)  
**Date:** Monday, November 9, 2020 1:27:56 PM

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-----Original Message-----

From: Bob Planthold <political\_bob@att.net>

Sent: Sunday, November 8, 2020 4:56 PM

To: Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>

Cc: Bob Planthold <political\_bob@att.net>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Vejby, Caitlin (BOS) <caitlin.vejby@sfgov.org>; Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Mysliwiec, Traci (BOS) <traci.mysliwiec@sfgov.org>; Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Fregosi, Ian (BOS) <ian.fregosi@sfgov.org>; Boilard, Chelsea (BOS) <chelsea.boilard@sfgov.org>; Thornhill, Jackie (BOS) <jackie.thornhill@sfgov.org>; Herzstein, Daniel (BOS) <daniel.herzstein@sfgov.org>; Mullan, Andrew (BOS) <andrew.mullan@sfgov.org>; Bennett, Samuel (BOS) <samuel.bennett@sfgov.org>; Falzon, Frankie (BOS) <frankie.falzon@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>; Yan, Calvin (BOS) <calvin.yan@sfgov.org>; sarah.souza@sfgov.org; Quan, Daisy (BOS) <daisy.quan@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Wong, Alan (BOS) <alan.wong1@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Snyder, Jen (BOS) <jen.snyder@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>; Yu, Avery (BOS) <avery.yu@sfgov.org>; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; Mcdonald, Courtney (BOS) <courtney.mcdonald@sfgov.org>; Mahogany, Honey (BOS) <honey.mahogany@sfgov.org>; Zou, Han (BOS) <han.zou@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Temprano, Tom (BOS) <tom.temprano@sfgov.org>; Mundy, Erin (BOS) <erin.mundy@sfgov.org>; Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>; Adkins, Joe (BOS) <joe.adkins@sfgov.org>; Monge, Paul (BOS) <paul.monge@sfgov.org>; Beinart, Amy (BOS) <amy.beinart@sfgov.org>; Lerma, Santiago (BOS) <santiago.lerma@sfgov.org>; Li-D9, Jennifer (BOS) <jennifer.li-d9@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Gallardo, Tracy (BOS) <tracy.gallardo@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>; Evans, Abe (BOS) <abe.evans@sfgov.org>; Sandoval, Suhagey (BOS) <suhagey.sandoval@sfgov.org>; Chinchilla, Monica (BOS) <monica.chinchilla@sfgov.org>; Ho, Tim (BOS) <tim.ho@sfgov.org>; Berenson, Samuel (BOS) <sam.berenson@sfgov.org>

Subject: SUPPORT Items 22 & 26, 10 Nov. agenda

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

I urge support of Items 22 and 26, the appeal by Safeway of changes to Church St. and to the J LRV line.

Diversion of traffic off the 200 block of Church is slowing traffic onto and through the detoured streets, thereby making entry into the Safeway parking lot more circuitous.

During my necessary trips to buy food at Safeway, the parking lot is less full

than before the changes to the 200 block of Church St.



In addition, the actual changes to the 200 block of Church St. result in traffic at Church & 15th suddenly slowing and making unexpected, quick turns.

Beyond that, within this 200 block of Church St., there are confusing and improper changes.

A barricade and soft hit posts have been placed across the curb lane, at the beginning of the accessible high boarding platform. This prevents bicycles from using that lane and thereby forcing bicycles into the red-transit-only lane.

In addition, on the EAST side of the curb lane, there is an improperly constructed mini-parklet that DPW has not yet abated.

All this is due to the haste and the lack of careful thought and co-ordination for this J Church St program; none of these changes were necessary to deal with COVID-19.

MTA overstepped their authority to make these changes.

Please uphold the appeal for Item22 and 26.

Bob Planthold

**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: November 10 item 22-29 MTA CEQA appeals on 201112 and 201116  
**Date:** Friday, November 6, 2020 1:35:42 PM

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**From:** Jamey Frank <jameyfrank@me.com>  
**Sent:** Friday, November 6, 2020 1:13 PM  
**To:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** Fwd: November 10 item 22-29 MTA CEQA appeals on 201112 and 201116

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

Dear board of supervisors,

As a resident of Church Street, and a member of the Church Street neighborhood association, we are protesting the closure of the 200 block of Church Street between Market Street and 15th St.

This unannounced closure, done unilaterally by SFMTA without any input from residents or merchants, has severely negatively impacted businesses in the corridor. Already struggling, now without access, at least one business has closed and a second is in the process of potentially closing. The 300 Church market has experienced a 90% drop in business with the lack of traffic. The two remaining restaurants on the block have also experienced a 90% drop in business due to lack of parking, and lack of access from delivery and pick up services.

Please reverse this very problematic decision, and re-open our street now!

--Jamey Frank

I voted 2020

Begin forwarded message:

**From:** zrants <[zrants@gmail.com](mailto:zrants@gmail.com)>  
**Date:** November 6, 2020 at 10:59:58 AM PST  
**To:** Frank Jamey <[jameyfrank@me.com](mailto:jameyfrank@me.com)>  
**Cc:** Planthold Bob <[political\\_bob@att.net](mailto:political_bob@att.net)>  
**Subject:** Fwd: November 10 item 22-29 MTA CEQA appeals on 201112 and 201116

I sent this letter today. I used to get almost immediate response to the letters I sent to the supervisors.

In order to have your letter become a part of the public record you need to send a copy to the Clerk of the Board: Calvillo Angela <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>

You also need to include the item number if there is one, and Ordinance number in the subject line. I feel as if there is a problem with the email at City Hall when I get no response from the supervisors.

I generally send a mass email to all of them at once, but, in this instance I sent separate emails to each today.

Please send your letters today and let your groups know to do the same. I may try out a new mailchimp today to get the word out.

Can't believe we made it to Friday!

Mari

Begin forwarded message:

**From:** zrants <[zrants@gmail.com](mailto:zrants@gmail.com)>  
**Subject:** re: November 10 item 22-29 MTA CEQA appeals on 201112 and 201116  
**Date:** November 6, 2020 at 9:59:12 AM PST  
**To:** Ronen Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>  
**Cc:** Calvillo Angela <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>, Beinart Amy <[Amy.Beinart@sfgov.org](mailto:Amy.Beinart@sfgov.org)>

October 8, 2020

Board of Supervisors,

re: **Re: Support for MTA COVID-19 8-22-20 Muni Bus Service Adjustments and Associated Stop, Street, and Parking Changes (BOS File 201112) MTA COVID-19 8-22-20 and Fall 2020 Muni Rail Service Adjustments and Associated Stop, Street, and Parking Changes (BOS File 201116) California Environmental Quality Act (CEQA) Appeals**

**Please consider supporting these appeals regardless of how you feel about the changes on the streets of San Francisco for the reasons described below. No due process, notice, review or record of approvals at public meetings are evident. Confusion and lack of knowledge is acknowledged by the MTA Director, Steve Heminger.**

**I just checked the recorded documents and there is only one letter recorded on the files, even though I sent one last week and have seen evidence of other letters received. Is there a problem with the web site?**

David Pilpel Motion attached describes some of the issues we have experienced in our investigations as private citizens regarding this case:

<https://sfgov.legistar.com/View.ashx?M=F&ID=8874112&GUID=E6238CEB-ACC8-4A76-848F-73DE5EABFD92>

Please read this 6 page appeal if you want to better understand some of the underlying issues the residents are dealing with as we are trying to navigate our way through the changes SFMTA is making without any public notice or review. If we are to believe this allegations, the MTA Director, Steve Heminger does not know what the SFMTA is doing.

*(see page 2 paragraph 4 of the above referenced document)*

**“...In fact, at the September 15, 2020 MTA Board meeting, MTA Director Steve Heminger requested a list of the programs and projects to better understand them. An accurate and comprehensive description of the current status of each Project from MTA, including the locations that have been approved or are planned under each Project, when each element was approved, and by whom, would help clarify the scope and potential impacts of these two projects...”**

If the MTA boss is confused about the programs under his authority how can the public know what is going on. This is pretty alarming, but confirms what we found in attempts to uncover how decisions are being made when they are not documented in public meeting agendas. Who is suggesting the changes and who is approving them if they are not approved by the SFMTA Board? Are they being generated out of someone's basement with no authority? Are they coming from the same source as the fake news that seeks to undermine our civil government?

Please also consider the lost or unrecorded letters in the system.

Mari Eliza, concerned citizen

cc: Sent separately to each supervisor today. Please acknowledge receipt of this email.

PS: Please note that Portions of this letter were originally sent on October 26, 2020.