

From: [Mary Miles](#)
To: [BOS Legislation. \(BOS\)](#)
Subject: REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING BOS FILE NO. 200987
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President Norman Yee and Members
San Francisco Board of Supervisors
City Hall, Room 244
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BY E-MAIL TO: 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