



San Francisco
County Transportation
Authority

Angela Tsao <angela.tsao@sfcta.org>

Please open GG Park

1 message

'Ann Harter' via Clerk <clerk@sfcta.org>
Reply-To: Ann Harter <annharter@icloud.com>
To: clerk@sfcta.org

Sat, Apr 23, 2022 at 11:03 AM

It is essential to open Golden Gate Park,
so ALL can enjoy and access.
Thanks so much,
Ann Harter

Sent from my iPhone

Comment for the BOS meeting April 26, 2022

1 message

Christina S <christinashih1@gmail.com>
To: clerk@sfcta.org

Fri, Apr 22, 2022 at 11:26 PM

I want to register my strong objection to the permanent closure of JFK as a 40 year resident of SF who lives in the outer Richmond. I raised a young daughter who learned to ride her bike perfectly well without requiring the closure of roads to cars. We used school playgrounds, playgrounds, sidewalks, empty parking lots to learn. I never felt the need to have public streets closed to cars.

As a 72 yo woman with increasing arthritis I am not going to ride a bicycle as a primary form of transportation nor even for recreation at this point. I gave away my bike 10 years ago. These street closures appear to be catering to a very small subset of SF residents - namely bicycle advocates. Bicycles remain a very small percentage of the various modes of travel (cars, public transit, walking, ride shares) and I don't understand why the city continues to invest money and time into meeting the needs of a very small percentage of the city's population and not focus on the needs of the larger group. If they demand a car free Bay to Ocean route - why not just build them one through the park that will then separate cars from bicyclists from pedestrians. Mingling all these users (even without cars) still results in injuries which continue to occur despite the false claims by SF Park and Rec that there have been no injuries with the closure of JFK. I am using data from the Transbase data base as support.

I am a member of the Fine Arts Museum and I have not been to the museum in over two years now. I continue to go to the Legion of Honor because I can get there easily by walking or driving and being able to find parking within a reasonable distance. Not so the deYoung. I also use to go to the Botanical gardens frequently, but no longer because MLK has to now accommodate the parking needs for twice the number of cars. It now fills up early in the morning unlike pre-pandemic.

I attempted to use Muni twice during the pandemic and it was very unpleasant with fare jumpers, belligerent, improperly masked passengers and the lack of social distancing. Given the racially motivated assaults against Asian Americans in addition to the run of mill crime now rampant in SF I am very unlikely to use buses to get to the eastern end of GG Park.

Closure of JFK has been rejected twice by the popular vote in the past and yet you continue to want to ram it down our throats using COVID as the pretext.

I attended several hearings that included the physically disabled and families with elderly members and their stories are very moving regarding the inability to use the park like they use to. The park shuttles have no shelters, the shuttles themselves run erratically and too infrequently to compensate for the lack of street parking near the attractions at the eastern end of the park.

I use to be a supporter of the Friends of Park and Rec, I will no longer support them. I use to support bond measures to support Muni and public transit. I will no longer support them since I believe the SFMTA has been captured by an unregistered lobbying group (the Bicycle Coalition) who have become embedded in the agency and who through collusion with the SFMTA rally their members to skew surveys and hearings.

Christina Shih, MD

Email #2 - SFBOS and SFCTA Meeting, April 26, 2022: Board File Nos. 220370, 220261, 220339 - Vote Against the Golden Gate Park Access and Safety Program

1 message

Howard Chabner <hlchabner@comcast.net>

Mon, Apr 25, 2022 at 4:19 PM

To: MayorLondonBreed@sfgov.org, Ahsha.Safai@sfgov.org, Honey.Mahogany@sfgov.org, Geoffrea.Morris@sfgov.org, Daniel.Herzstein@sfgov.org, Edward.W.Wright@sfgov.org, Dean Preston <Dean.Preston@sfgov.org>, Lauren.L.Chung@sfgov.org, Li.Lovett@sfgov.org, Frances.Hsieh@sfgov.org, Tom.Temprano@sfgov.org, Jen.Snyder@sfgov.org, MTABoard@sfmta.com, Matt.Haney@sfgov.org, Kyle.Smeallie@sfgov.org, Aaron Peskin <aaron.peskin@sfgov.org>, chanstaff@sfgov.org, clerk@sfcta.org, Daisy.Quan@sfgov.org, Ian.Fregosi@sfgov.org, Natalie.Gee@sfgov.org, Tim.H.Ho@sfgov.org, Fiona <fiona@ilrcsf.org>, lucas.tobin@sfgov.org, hillary.ronen@sfgov.org, catherine.stefani@sfgov.org, Phil Ginsburg <phil.ginsburg@sfgov.org>, Gordon.Mar@sfgov.org, Connie.Chan@sfgov.org, rafael.mandelman@sfgov.org, shamann.walton@sfgov.org, Myrna Melgar <myrna.melgar@sfgov.org>, melgarstaff@sfgov.org, MandelmannStaff@sfgov.org, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, recpark.commission@sfgov.org, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>, "BOS Legislation, (BOS)" <bos.legislation@sfgov.org>, BOS-Legislative Aides <bos-legislative_aides@sfgov.org>, BOS-Supervisors <bos-supervisors@sfgov.org>

Cc: Howard Chabner <hlchabner@comcast.net>, Richard Skaff <richardskaff1@gmail.com>, Vicki Bruckner <victoriabruckner988@gmail.com>, Patricia Arack <parack@ccsf.edu>, Alyse _ <honorlabor@hotmail.com>, "Bihl, Lauren (CPC)" <lauren.bihl@sfgov.org>, "Griffin, Laurence (REC)" <laurence.griffin@sfgov.org>

Dear Mayor Breed, Board President Walton and Supervisors:

I urge each Supervisor to vote against the proposed legislation approving and implementing the Golden Gate Park Access and Safety Program. I urge Mayor Breed to withdraw the proposed legislation. The entire length of JFK Drive should be immediately reopened to cars.

Please see the attached emails from me dated May 11, 2021; September 20/September 21, 2021; January 6, 2022; February 16, 2022; and March 9, 2022. They are hereby incorporated into this email, and I request that they be made part of the record for the Board file numbers stated above and for the proposed legislation.

Over 4,500 people have signed a petition on [change.org](https://www.change.org/p/mayor-london-breed-keep-golden-gate-park-open-to-everyone-re-open-jfk-drive-459de70d-08fd-4bac-945b-8d79eb4fa5ee) asking for the immediate opening of JFK Drive to cars. In particular, please read the comments. Here's a link:

<https://www.change.org/p/mayor-london-breed-keep-golden-gate-park-open-to-everyone-re-open-jfk-drive-459de70d-08fd-4bac-945b-8d79eb4fa5ee>

On February 18, 2022, the SF Mayor's Disability Council devoted an entire meeting to JFK Drive and extended it by almost 2 hours so more members of the public could be heard. There were ASL (as there always are), and Chinese and Vietnamese interpreters. Literally dozens of public commenters at the meeting described the hardship the car ban has caused them and asked that cars be allowed on JFK Drive again now, and there were many comments in the chat to the same effect. The mitigation measures described by MTA and Rec Park previously and again at the meeting didn't change anyone's mind. Only two public commenters supported the ban. The comments at the February 18 meeting are consistent with the many public comments and emails MDC has received during the past couple of years about JFK Drive, the overwhelming majority of which opposed banning cars.

Below are links to a recording and transcript of the meeting. Please listen to them and read them.

Recording https://sanfrancisco.granicus.com/player/clip/40618?view_id=17&redirect=true

Transcript -https://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=17&clip_id=40618

Here's just one example of the barriers, discrimination and hardship caused by the car ban.

Recently my 92.5-year-old mother was visiting from out of town. She's frail and she can't walk far. Ordinarily we would drive along JFK Drive so she could enjoy Golden Gate Park. But this was impossible. If the Dahlia Garden were in bloom, we would drive into Pompeii Circle, park near the Dahlia Garden, and she'd get out of the car and enjoy the garden; this also would have been impossible.

Current conditions on the part of JFK Drive that is closed to cars are dangerous to pedestrians, especially seniors and people with disabilities, because of speeding cyclists (especially those riding electric bicycles) and scooter riders. Vicki Bruckner and others have made detailed recommendations about safety measures, including speed bumps/humps, raised crosswalks, lighting at crosswalks, stop signs, and enforcement of traffic laws. Please implement those recommendations ASAP.

If you truly care about access for all, including disabled people and seniors, please defeat the proposed legislation and end the car ban. This issue is a test of whether San Francisco government officials' statements about equal access are sincere or just rhetoric.

Sincerely

Howard Chabner

----- Forwarded message -----

From: Howard Chabner <hlchabner@comcast.net>

To: <MayorLondonBreed@sfgov.org>, <waltonstaff@sfgov.org>, <shamann.walton@sfgov.org>, <aaron.peskin@sfgov.org>, <catherine.stefani@sfgov.org>, <connie.chan@sfgov.org>, <dean.preston@sfgov.org>, <gordon.mar@sfgov.org>, <hillary.ronen@sfgov.org>, <Matt.Haney@sfgov.org>, <rafael.mandelman@sfgov.org>, <melgarstaff@sfgov.org>, <myrna.melgar@sfgov.org>, <Ahsha.Safai@sfgov.org>, <Tim.H.Ho@sfgov.org>, <Jen.Snyder@sfgov.org>, <Daniel.Herzstein@sfgov.org>, <Honey.Mahogany@sfgov.org>, <Daisy.Quan@sfgov.org>, <Natalie.Gee@sfgov.org>, <Tom.Temprano@sfgov.org>, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Ginsburg, Phil (REC)" <phil.ginsburg@sfgov.org>, <MTABoard@sfmta.com>, <rpinfo@sfgov.org>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, <recpark.commission@sfgov.org>, <chanstaff@sfgov.org>, <Edward.W.Wright@sfgov.org>, <Kyle.Smeallie@sfgov.org>, <lucas.tobin@sfgov.org>, "Jensen, Kevin (DPW)" <Kevin.W.Jensen@sfdpw.org>, Nicole Bohn <nicole.bohn@sfgov.org>, "Kaplan, Deborah (ADM)" <deborah.kaplan@sfgov.org>, "Romaidis, John (ADM)" <john.romaidis@sfgov.org>, "Khambatta, Arfaraz (DPW)" <arfaraz.khambatta@sfdpw.org>, <info@sfcta.org>, "Fiona" <fiona@ilrcsf.org>, <clerk@sfcta.org>

Cc:

Bcc:

Date: Mon, 10 May 2021 13:10:32 -0700

Subject: Public comment on May 11, 2021, SFCTA meeting - Reopen JFK Drive to cars ASAP

Dear SFCTA Board members, Mayor Breed and others:

Please reopen JFK Drive to cars ASAP, except, as before the pandemic, for the eastern part on Sundays and some Saturdays.

Before the pandemic, a large percentage of visitors to Golden Gate Park came in cars, including San Franciscans, people who live elsewhere in the Bay Area, and tourists from around the world. Those who relied on cars include seniors, people with mobility and other disabilities, families with children, and residents from places within and outside San Francisco where driving is the only feasible option. Before the pandemic, JFK Drive was open to all transportation modes, including cars, except the eastern part was closed to cars on Sundays and some Saturdays. That was a fair compromise. In addition, there has been a parking-protected bike lane in both directions on JFK Drive for years (the creation of which resulted in the elimination of many parking spaces).

The closure was imposed by executive order of Mayor Breed at the beginning of shelter-in-place on a temporary, emergency basis in order to provide more space for social distancing. In essence, this has closed much of Golden Gate Park to anyone who can't walk or bike in, which is inequitable, but it was imposed quickly and justified as one of many temporary measures to deal with an unprecedented public health emergency.

Permanently closing JFK Drive to cars would create a permanent access barrier to Golden Gate Park for countless numbers of people, including many seniors, people with mobility and other disabilities, families, and people from places where driving is the only feasible option.

The closure of JFK Drive to cars during the pandemic has been touted as a success by some, and used to argue for permanent closure. But it hasn't been a success for those who have been unable to access Golden Gate Park because of the closure. It may be possible to measure the number of pedestrians and cyclists in the park, but it is utterly impossible to measure the number of people who couldn't go there because of the closure.

Permanently closing the eastern part of JFK to cars would permanently eliminate hundreds of parking spaces. Increasing the number of blue zones elsewhere in the park and in the surrounding areas would be insufficient to compensate for the loss. Disabled people parked not only in the blue zones on JFK, but in regular spaces also, as we do throughout the city. When JFK was open to cars, people who couldn't walk, or couldn't walk far, could park close to destinations such as the Conservatory of Flowers, AIDS Memorial Grove, Dahlia Garden and others. With permanent closure, they will never be able to. Moreover, increasing the number of blue zones elsewhere would do nothing for the countless number of people who may not be disabled but rely on cars to get to the park.

I live close enough to roll to the park, which I do often when the weather is good, and it is truly delightful. But even though I live close, I'm not able to roll there in cold or rainy weather, or at night. For example, I was unable to see the light show in February. When my mother, age 91, visits from Chicago, we drive to the park to go to the museums and gardens. She can walk short distances, but it isn't possible for her to walk there no matter how good the weather.

Weather matters. Many visitors, whether disabled or not, are unable to stand in the rain or cold waiting for a shuttle, and are unable to walk long distances in the rain or cold.

Terminology matters. Rec Park, MTA and others refer to the days that JFK Drive is closed to cars as "Car-Free" days, which implies freedom, and implies that cars are bad. "Restricted Access" or "Car-Forbidden" would be just as accurate.

The City can't make the temporary, emergency closure of JFK Drive permanent without doing an environmental impact report. (The original bike plan was tied up in court for years because the City refused to do an EIR.) And you can't do an EIR about closing JFK without first doing a traffic study of the surrounding areas. One example of the environmental impact on the surrounding areas is the increased congestion on Fell Street from Masonic to Stanyan since JFK Drive has been closed. Any study also must include the impact of losing hundreds of spaces in GGP on parking in the surrounding areas. And it's impossible to do a meaningful traffic study until after the pandemic emergency is over, because current conditions aren't representative.

Closing JFK to cars permanently would violate Title II of the Americans with Disabilities Act. And the City has a mixed record in defending against ADA lawsuits.

Sincerely

Howard Chabner

----- Forwarded message -----

From: Howard Chabner <hlchabner@comcast.net>

To: <MayorLondonBreed@sfgov.org>, <Natalie.Gee@sfgov.org>, <waltonstaff@sfgov.org>, <shamann.walton@sfgov.org>, <aaron.peskin@sfgov.org>, <catherine.stefani@sfgov.org>, <connie.chan@sfgov.org>, <dean.preston@sfgov.org>, <gordon.mar@sfgov.org>, <hillary.ronen@sfgov.org>, <Matt.Haney@sfgov.org>, <rafael.mandelman@sfgov.org>, <melgarstaff@sfgov.org>, <myrna.melgar@sfgov.org>, <Ahsha.Safai@sfgov.org>, <Tim.H.Ho@sfgov.org>, <Jen.Snyder@sfgov.org>, <Daniel.Herzstein@sfgov.org>, <Honey.Mahogany@sfgov.org>, <Daisy.Quan@sfgov.org>, <Tom.Temprano@sfgov.org>, <MTABoard@sfmta.com>, <recpark.commission@sfgov.org>, <chanstaff@sfgov.org>, <Edward.W.Wright@sfgov.org>, <Kyle.Smeallie@sfgov.org>, <lucas.tobin@sfgov.org>, <info@sfcta.org>, <clerk@sfcta.org>, <Ian.Fregosi@sfgov.org>, <Frances.Hsieh@sfgov.org>, <Li.Lovett@sfgov.org>, <Geoffrea.Morris@sfgov.org>, <Lauren.L.Chung@sfgov.org>, <sseaborn@dralegal.org>, "Jeffrey Tumlin" <Jeffrey.Tumlin@sfmta.com>, "Phil Ginsburg" <phil.ginsburg@sfgov.org>, "Bob Planthold" <political_bob@att.net>, "Howard Chabner" <hlchabner@comcast.net>, "Sassouni, Orkid" <orkidsfoto@me.com>, "Richard Skaff" <richardskaff1@gmail.com>, "Richard Rothman" <rrothma@pacbell.net>, "Erica Major" <ericamajor@sfgov.org>, "SF Mayor's Office on Disability" <mod@sfgov.org>, "Paria Dea" <pdea@famsf.org>, "Belinda Sifford" <bsifford@comcast.net>, "Charlie Dorris" <tyreedorris@comcast.net>, "Sheila Pressley" <spressley@famsf.org>

Cc:
Bcc:
Date: Mon, 20 Sep 2021 13:06:33 -0700
Subject: FW: Public Comment for the Land Use and Board of Supervisors Meetings, 9-20-21 and 9-21-21

To all the recipients of Victoria Bruckner's email:

I agree with Ms. Bruckner's comments, which are spot on and eloquently stated.

Regarding the shuttle, I would add that even if the shuttle were well-funded and well-functioning, it isn't equitable, feasible, safe or healthy to require disabled people, seniors, families with small children and others to wait outside in cold, rainy or windy weather for a shuttle (or to ride in a vehicle that's open to the elements). Moreover, it's quite likely that even if the shuttle were well-funded and well-functioning, few would use it in such weather (or perhaps at all, considering the difficulties), which the proponents of banning cars from JFK Drive would then use to justify the ban on the basis that there is little demand.

Also, there are nighttime events such as the Entwined Light Show, the lighting of the Conservatory of Flowers, evening events at both museums, and the fact that the Ferris Wheel is open until 10 PM. The shuttle would be unlikely to run late enough to provide access to these events, and even if it did, the health and safety problems would be even greater than during the day. The Music Concourse garage – touted as a solution by some – closes at 7 PM, is expensive, has poor security, very few van accessible spaces, and other limitations.

Attached is a memo I wrote dated September 9, 2021, which analyzes RPD/MTA's visitor data.

Sincerely

Howard Chabner

From: Vicki Bruckner <victoriabruckner988@gmail.com>
Sent: Monday, September 20, 2021 12:27 PM
To: MayorLondonBreed@sfgov.org' <MayorLondonBreed@sfgov.org>; Natalie.Gee@sfgov.org; waltonstaff@sfgov.org; shamann.walton@sfgov.org; aaron.peskin@sfgov.org; catherine.stefani@sfgov.org; connie.chan@sfgov.org; dean.preston@sfgov.org; gordon.mar@sfgov.org; hillary.ronen@sfgov.org; Matt.Haney@sfgov.org; rafael.mandelman@sfgov.org; melgarstaff@sfgov.org; myrna.melgar@sfgov.org; Ahsha.Safai@sfgov.org; Tim.H.Ho@sfgov.org; Jen.Snyder@sfgov.org; Daniel.Herzstein@sfgov.org; Honey.Mahogany@sfgov.org; Daisy.Quan@sfgov.org; Tom.Temprano@sfgov.org; MTABoard@sfmta.com; recpark.commission@sfgov.org; chanstaff@sfgov.org; Edward.W.Wright@sfgov.org; Kyle.Smeallie@sfgov.org; lucas.tobin@sfgov.org; info@sfcta.org; clerk@sfcta.org; lan.fregosi@sfgov.org; Frances.Hsieh@sfgov.org; Li.Lovett@sfgov.org; Geoffrea.Morris@sfgov.org; Lauren.L.Chung@sfgov.org; sseaborn@dralegal.org; Jeffrey Tumlin <Jeffrey.Tumlin@sfmta.com>; Phil Ginsburg <phil.ginsburg@sfgov.org>; Bob Planthold <political_bob@att.net>; Howard Chabner <h1chabner@comcast.net>; Sassouni, Orkid <orkidfoto@me.com>; Richard Skaff <richardskaff1@gmail.com>; Richard Rothman <rrothma@pacbell.net>; Erica Major <ericamajor@sfgov.org>; SF Mayor's Office on Disability <mod@sfgov.org>; Paria Dea <pdea@famsf.org>; Belinda Sifford <bsifford@comcast.net>; Charlie Dorris <tyreedorris@comcast.net>; Sheila Pressley <spressley@famsf.org>
Subject: Public Comment for the Land Use and Board of Supervisors Meetings, 9-20-21 and 9-21-21

Dear Members of the Board of Supervisors and SF Government Staff,

Supervisor Chan's well-meaning resolution, attempting a "compromise" related to access barriers caused by the closure of JFK Drive in Golden Gate Park, unfortunately only attempts to solve one of the *myriad* problems caused by the closure.

Supervisor Chan, including much of the general public, has been misled by numerous articles and commentaries in the public media, which have erroneously framed the closure of JFK Drive as a struggle between the DeYoung museum and the Bicycle Coalition. Would that it were as simple as that!

The closure of JFK Drive cuts off easy access for the majority of San Franciscans, Bay Area residents, and tourists to *nearly all* of the most popular attractions in Golden Gate Park. These include, among others, the Rhododendron Dell, the Dahlia Garden, Stow Lake, Pioneer Falls, the Model Boat Lagoon, the Fly-Fishing Pond, and the Buffalo Paddock.

Access to all of these attractions is effectively eliminated for most people with vision and mobility disabilities, seniors, countless families with small children, and almost anyone who must travel to Golden Gate Park from outside the City, or from residents of neighborhoods in the South or Southeast of town, who are mostly working families of color. It is wildly impractical, exclusionary, and horribly inequitable.

In addition, the City currently lacks, and will lack for the foreseeable future, the public transit infrastructure that could support the proposed closure! Last month, Jeffrey Tumlin clearly stated on public radio that Muni only has adequate funding for full service until 2022. After that, Muni service will have to be significantly cut back.

Furthermore, during the pandemic, many who used to regularly ride public transit returned to driving because of fears of the transmissibility of Covid-19. Now, amid widespread concern about the even more transmissible Delta variant, people have continued to avoid buses and trains, preferring to remain in their cars for safety.

The Golden Gate Park Shuttle, the planned alternative to provide access for those who cannot walk, run, cycle or skate to the areas of the Park they want to visit, is barely functional. It has only one driver, and makes unpredictable and infrequent runs. Many of its stops, which are too far apart, lack benches, timetables, and other access features that visitors need to effectively use it. Fully staffing the Shuttle, and providing enough vehicles and appropriately furnished stops, will cost hundreds of thousands of dollars which neither RPD, MTA or the City itself currently have in their budgets.

All of these problems point to the main difficulty with this terrible, insane process. The planning for it was entirely reactive, and was done completely backwards.

Though I have no doubt that many at SFCTA, MTA, RPD, MOD, and Walk San Francisco worked very hard on the plan, it began with a pre-chosen goal, closing JFK Drive, and worked backwards from that point, overlooking many of the serious problems the closure would cause. The current neighborhood meetings, hosted by MTA, to get feedback from the public about how best to ameliorate these problems now that the plan is in place, resemble the actions of a software company that trumpets the release of a miraculous new product, only to be forced to develop patch after patch, year after year, to remedy its many serious faults, one by one.

An appropriate plan for the future of Golden Gate Park would have begun with questions, rather than preconceived answers. The question, "How can we provide the easiest and safest access to the most attractions for the most visitors, of all backgrounds, abilities and ages?" was clearly never asked at the outset.

As a positive contrast, consider what was accomplished by GGNRA when it provided full, world-class access during its renovations at Crissy Field and Lands End. These wonderful places now have universal access, by many different means, for young, old, disabled and non-disabled, athletic and non-athletic people from all over the Bay Area. The concepts and precepts of Universal Design were used throughout the entire endeavor. That is the reason, for example, that many of the drinking fountains at Crissy Field are at not two, but three heights: the tallest for adults, the middle height for wheelchair users and kids, and the lowest, for everyone's dogs!

Truly inclusive, open, tolerant and creative thinking was never used when developing the current plan for the closure of JFK Drive. It was shot through with implicit and partisan bias against people who weren't even considered at the outset! It was designed for the enjoyment of the most physically able and athletic San Franciscans, who live closest to Golden Gate Park, at the expense of *everyone* else!

I hope this isn't an indication that the inclusive, open and creative City that I moved to forty-three years ago hasn't morphed into a mere collection of self-interested, greedy, competitive and cruel individuals. I hope we can move back into the open, big-hearted, egalitarian and creative space we used to occupy, a space epitomized by Golden Gate Park itself.

Victoria Bruckner

580 Capp Street, Apt. #706

San Francisco, CA 94110

(415) 757-0559

victoriabruckner988@gmail.com

----- Forwarded message -----

From: Howard Chabner <hlchabner@comcast.net>

To: <MayorLondonBreed@sfgov.org>, <waltonstaff@sfgov.org>, <shamann.walton@sfgov.org>, <aaron.peskin@sfgov.org>, <catherine.stefani@sfgov.org>, <connie.chan@sfgov.org>, <dean.preston@sfgov.org>, <gordon.mar@sfgov.org>, <hillary.ronen@sfgov.org>, <Matt.Haney@sfgov.org>, <rafael.mandelman@sfgov.org>, <melgarstaff@sfgov.org>, <myrna.melgar@sfgov.org>, <Ahsha.Safai@sfgov.org>, <Tim.H.Ho@sfgov.org>, <Jen.Snyder@sfgov.org>, <Daniel.Herzstein@sfgov.org>, <Honey.Mahogany@sfgov.org>, <Daisy.Quan@sfgov.org>, <Natalie.Gee@sfgov.org>, <Tom.Temprano@sfgov.org>, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Ginsburg, Phil (REC)" <phil.ginsburg@sfgov.org>, <MTABoard@sfmta.com>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, <recpark.commission@sfgov.org>, <chanstaff@sfgov.org>, <Edward.W.Wright@sfgov.org>, <Kyle.Smeallie@sfgov.org>, <lucas.tobin@sfgov.org>, "Jensen, Kevin (DPW)" <Kevin.W.Jensen@sfdpw.org>, Nicole Bohn <nicole.bohn@sfgov.org>, "Kaplan, Deborah (ADM)" <deborah.kaplan@sfgov.org>, "Romaidis, John (ADM)" <john.romaidis@sfgov.org>, "Khambatta, Arfaraz (DPW)" <arfaraz.khambatta@sfdpw.org>, <info@sfcta.org>, <clerk@sfcta.org>, "Elsbernd, Sean (MYR)" <sean.elsbernd@sfgov.org>, "Groth, Kelly (BOS)" <kelly.groth@sfgov.org>, <Ian.Fregosi@sfgov.org>, <Frances.Hsieh@sfgov.org>, <Li.Lovett@sfgov.org>, <Geoffrea.Morris@sfgov.org>, <Lauren.L.Chung@sfgov.org>, <christopher.kidd@sfmta.com>

Cc: "Ward, Alexis (REC)" <alexis.ward@sfgov.org>, Vicki Bruckner <victoriabruckner988@gmail.com>, Richard Skaff <richardskaff1@gmail.com>, "Bob Planthold" <political_bob@att.net>, "Rebecca Williford" <rwilliford@dralegal.org>, <sseaborn@dralegal.org>, "Melissa Riess" <mriess@dralegal.org>, Orkid Sassouni <orkidsfoto@me.com>, "denise"

<denisesadvocate@sbcglobal.net>, "Alex M. Madrid" <amadrid20@gmail.com>, "Helen Pelzman" <hlpelzman@gmail.com>, "Helen Smolinski" <helensmolinski@gmail.com>, "Fiona" <fiona@ilrcsf.org>, "Pi Ra" <srira@sdaction.org>, Richard Rothman <rrothma@pacbell.net>, <fiona.hinze@sfmta.com>

Bcc:

Date: Thu, 6 Jan 2022 22:10:25 -0700

Subject: Exclusionary Winter Lights shows in Golden Gate Park; Disability discrimination complaint with US DOJ

Dear Mayor Breed, Board President Walton, Supervisors, Director Ginsburg, Director Tumlin, Director Bohn, staff members and others:

For the second year in a row, banning cars from (the eastern part of) JFK Drive made it impossible for many people with mobility disabilities, seniors, those who live far from Golden Gate Park and others to see the Winter Lights shows. In 2020 there was Entwined, which "transformed [Peacock Meadow] into an enchanted forest of otherworldly shapes and ever-changing light." This past December the Winter Lights event was larger, featuring, in addition to Entwined, "Photosynthesis by Illuminate on the Conservatory of Flowers, special ambient lighting among trees and ferns by the SF Park Alliance and the activation of the Music Concourse."

For many people with mobility disabilities, including me (I use a power wheelchair full-time), the only way to see these light shows is by car. I live a couple of blocks from Golden Gate Park and my wheelchair can go long distances, but because of my muscular dystrophy I don't do well in cold weather and it just isn't feasible or healthy for me to roll there at night. For others with mobility disabilities who don't live nearby, for those who walk with difficulty and precariously, for those who cannot walk far and for others similarly situated, it's literally impossible to get there, and to view the light shows, without a car. Winter evenings and nights are cold and often windy, and this past December – fortunately – there was a lot of rain. Many of us need the shelter of being in a car. And many, including women alone, don't feel safe walking in the park after dark; being in a car is safer.

Yet the only solution Rec and Park proffers is the shuttle. But it isn't a solution. Does RPD really expect people with mobility disabilities, seniors, families with small children, and women alone to wait in the cold, darkness, wind and rain for a shuttle? To stand because there are no benches at the stops? To wait multiple times in order to go from one display to another? To risk the shuttle being full of able-bodied people (for whom it may be workable), and being passed up? To risk missing the last shuttle? To risk the wheelchair lift (assuming every shuttle has one) malfunctioning?

Moreover, the shuttle operates only on weekends and holidays, and only until 8 PM.

It may well be that the shuttle runs with many empty seats, especially at night. RPD might misinterpret this as a lack of interest by people with mobility disabilities in viewing the Winter Lights shows, or, during the day, a lack of interest in visiting the park entirely, when actually it's due to the fact that the shuttle is not a real solution.

On November 17, 2021, I filed a complaint with the US Department of Justice about discrimination against disabled people by the City and County of San Francisco due to the closure of JFK Drive to cars. It was assigned report number 116626-RTG. Attached is the text of the complaint. Others have filed similar complaints.

Please act according to the principles you profess. It's time to end the ban.

Sincerely

Howard Chabner

----- Forwarded message -----

From: Howard Chabner <hlchabner@comcast.net>

To: <MayorLondonBreed@sfgov.org>, "San Francisco Mayor's Office on Disability" <mod@sfca.gov>, <Ahsha.Safai@sfgov.org>, <Honey.Mahogany@sfgov.org>, <Geoffrea.Morris@sfgov.org>, <Daniel.Herzstein@sfgov.org>, <Edward.W.Wright@sfgov.org>, "Dean Preston" <Dean.Preston@sfgov.org>, <Lauren.L.Chung@sfgov.org>, <Li.Lovett@sfgov.org>, <Frances.Hsieh@sfgov.org>, <Tom.Temprano@sfgov.org>, <Jen.Snyder@sfgov.org>, <MTABoard@sfmta.com>, <Matt.Haney@sfgov.org>, <Kyle.Smeallie@sfgov.org>, "Aaron Peskin" <aaron.peskin@sfgov.org>, <chanstaff@sfgov.org>, <clerk@sfcta.org>, <Daisy.Quan@sfgov.org>, <Ian.Fregosi@sfgov.org>, <Natalie.Gee@sfgov.org>, <Tim.H.Ho@sfgov.org>, "Fiona" <fiona@ilrcsf.org>, <lucas.tobin@sfgov.org>, <hillary.ronen@sfgov.org>, <catherine.stefani@sfgov.org>, "Phil Ginsburg" <phil.ginsburg@sfgov.org>, <Gordon.Mar@sfgov.org>, <Connie.Chan@sfgov.org>, <rafael.mandelman@sfgov.org>, <shamann.walton@sfgov.org>, "Myrna Melgar" <myrna.melgar@sfgov.org>, <melgarstaff@sfgov.org>, <MandelmannStaff@sfgov.org>, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, <recpark.commission@sfgov.org>, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>

Cc:

Bcc:

Date: Wed, 16 Feb 2022 11:02:29 -0700

Subject: MTA survey results about JFK Drive are very flawed.

Dear Mayor Breed, Board President Walton, Members of the SF Board of Supervisors, Director Ginsburg, Director Tumlin, and Board, Commission and City staff members,

MTA conducted a survey about JFK Drive in September through November 2021. Based on the results, City agencies and others claim that the overwhelming majority of San Franciscans support a car-free JFK Drive. Attached is an analysis by Michael Cawthon based on the survey database he received from MTA in response to a Sunshine request. Mr. Cawthon's expertise and experience are shown at the end of his analysis. Two spreadsheets detailing the data are also attached to this email.

Mr. Cawthon's analysis shows major flaws in the survey methodology and tabulation of the results, including duplicates, tabulation errors, filling in missing data, elimination of some responses that are probably valid, and the submission and acceptance of over 500 online surveys after the deadline. The late responses overwhelmingly supported car-free JFK.

Per the analysis: "Alleged support for a car-free JFK steadily declined in older age groups. Only 38% of responses from residents age 65 and above favored the existing car-free JFK option (among nearly 1,300 responses from these age groups). Survey responses that reported one or more disabilities also did not favor a car-free JFK Drive. Nearly 1,000 responses came from residents who reported one or more disabilities (the most common were mobility issues). Among those that answered the car-free JFK Drive question, only 38% allegedly favored the existing car-free JFK option." Paper surveys didn't ask about disabilities, so the number of people with disabilities who oppose banning cars is probably undercounted.

According to the analysis, Latinos, Blacks, Asians and Pacific Islanders were underrepresented in the survey responses relative to their proportions of San Francisco residents, as were certain geographic areas.

Sincerely

Howard Chabner

----- Forwarded message -----

From: Howard Chabner <hlchabner@comcast.net>

To: <MTABoard@sfmta.com>, <recpark.commission@sfgov.org>

Cc: <MayorLondonBreed@sfgov.org>, "San Francisco Mayor's Office on Disability" <mod@sfca.gov>, <Ahsha.Safai@sfgov.org>, <Honey.Mahogany@sfgov.org>, <Geoffrea.Morris@sfgov.org>, <Daniel.Herzstein@sfgov.org>, <Edward.W.Wright@sfgov.org>, "Dean Preston" <Dean.Preston@sfgov.org>, <Lauren.L.Chung@sfgov.org>, <Li.Lovett@sfgov.org>, <Frances.Hsieh@sfgov.org>, <Tom.Temprano@sfgov.org>, <Jen.Snyder@sfgov.org>, <Matt.Haney@sfgov.org>, <Kyle.Smeallie@sfgov.org>, "Aaron Peskin" <aaron.peskin@sfgov.org>, <chanstaff@sfgov.org>, <clerk@sfcta.org>, <Daisy.Quan@sfgov.org>, <Ian.Fregosi@sfgov.org>, <Natalie.Gee@sfgov.org>, <Tim.H.Ho@sfgov.org>, "Fiona" <fiona@ilrcsf.org>, <hillary.ronen@sfgov.org>, <catherine.stefani@sfgov.org>, "Phil Ginsburg" <phil.ginsburg@sfgov.org>, <Gordon.Mar@sfgov.org>, <Connie.Chan@sfgov.org>, <rafael.mandelman@sfgov.org>, <shamann.walton@sfgov.org>, "Myrna Melgar" <myrna.melgar@sfgov.org>, <melgarstaff@sfgov.org>, <MandelmannStaff@sfgov.org>, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, <recpark.commission@sfgov.org>, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>, <dan.mauer@sfgov.org>, "Homsey, Daniel (ADM)" <daniel.homsey@sfgov.org>, "Tobin, Lucas (REC)" <lucas.tobin@sfgov.org>, "Ruvolo, Madeline (MTA)" <Maddy.Ruvolo@sfmta.com>, Nicole Bohn <nicole.bohn@sfgov.org>, "Kaplan, Deborah (ADM)" <deborah.kaplan@sfgov.org>, Howard Chabner <hlchabner@comcast.net>

Bcc:

Date: Wed, 9 Mar 2022 15:07:48 -0700

Subject: March 10, 2022, joint meeting of MTA Board and RecPark Commission - JFK Drive - end the exclusionary car ban now!

Dear Board Members and Commissioners:

Please end the exclusionary ban on cars on eastern JFK Drive ASAP! Consider:

1 - On February 18, 2022, the SF Mayor's Disability Council devoted an entire meeting to JFK Drive and extended it by almost 2 hours so more members of the public could be heard. There were ASL (as there always are), and Chinese and Vietnamese interpreters. Literally dozens of public commenters at the meeting described the hardship the car ban has caused them and asked that cars be allowed on JFK Drive again now, and there were many comments in the chat to the same effect. The mitigation measures described by MTA and Rec Park previously and again at the meeting didn't change anyone's mind. Only two public commenters supported the ban. The comments at the February 18 meeting are consistent with the many public comments and emails MDC has received during the past couple of years about JFK Drive, the overwhelming majority of which opposed banning cars.

Below are links to a recording and transcript of the meeting. I strongly urge you to listen to them and read them.

Recording https://sanfrancisco.granicus.com/player/clip/40618?view_id=17&redirect=true

Transcript https://sanfrancisco.granicus.com/TranscriptViewer.php?view_id=17&clip_id=40618

2 - For an example of the discriminatory impact of the car ban, consider my 92.5 year old mother, who lives in Chicago and will be visiting later this month. She is frail, can walk only limited distances, and uses a walker sometimes and a cane other times. Although most of her life she has not been disabled, she now fits both the common sense and legal definition of a person with a disability. She enjoys going to the Dahlia Garden. For the past 10 years or more before the car ban, she went with me and my wife in our wheelchair accessible minivan; one could drive along JFK Drive, then Pompeii Circle all the way to the Dahlia Garden. The garden will not yet be in bloom in late March, but the scenario I'm describing will apply to her and countless similarly situated people when it's in bloom. I live around two blocks from the beginning of the park. It is not feasible, physically possible, healthy, kind or legal to expect her to walk two blocks to the beginning of the park, cross a busy street (Stanyan), walk further into the park to the first shuttle stop, wait up to 25 minutes for the shuttle, ride the shuttle to the Dahlia Garden, wait up to another

25 minutes for the shuttle, then walk more than two blocks back to my home. (The shuttle currently doesn't even operate on weekdays.)

For the second year in a row, the car ban excluded many disabled people from the recent Winter Lights shows and other nighttime events. For those with mobility disabilities who don't live nearby, for those who walk with difficulty and precariously, for those who cannot walk far, and for those who don't do well in cold and windy weather, it's impossible to view the light shows without a car. For example, because of my muscular dystrophy I don't do well in cold weather, and it just isn't feasible or healthy for me to roll there at night. So I couldn't go to the light shows. Winter evenings and nights are cold and often windy, and this past December – fortunately – rainy. Many require the shelter and safety of being in a car.

The shuttle isn't a solution. Does RecPark really expect people with disabilities, seniors, families with small children, and women alone to wait in the cold, darkness, wind, and rain for a shuttle? To risk being passed up because the shuttle is full? To risk missing the last shuttle?

Even during the day it's not feasible or fair or healthy to ask disabled people to wait for a shuttle when it's cold, rainy or windy. Even in good weather, it's burdensome for people who come from far away and already have had a long, complicated journey, to wait for a shuttle. Even during the day and in good weather, a shuttle is just too physically demanding and tiring for many people.

Providing a shuttle does not fulfill San Francisco's obligations to ensure full and equal access to people with disabilities.

3 – RecPark and MTA highlight some people with mobility disabilities who support the car ban. These are typically people who use a motorized mobility device such as a power wheelchair or scooter, or those who are physically capable of riding a recumbent bicycle. But the fact that they are able to navigate car free JFK Drive (in good weather) does not mean that the car ban complies with San Francisco's obligations under the ADA and California access laws.

Here are some analogies. Many people with mobility disabilities are able to climb stairs. That doesn't mean that a newly constructed building without an elevator complies with disability access laws. Many people who are legally deaf don't use sign language and aren't part of the deaf culture. That doesn't mean that governments and public accommodations aren't required to provide sign language interpretation and other accommodations.

4 - MIG, a respected architecture, planning and access firm, was hired by the de Young Museum to investigate the impact of closing (the eastern part of) JFK Drive to cars, and the resulting removal of accessible parking spaces, on disability access to the museum. MIG's November 2021 final report (attached) concludes: "By removing free accessible parking in the immediate vicinity of the museum and by not providing equivalent **free parking** within a reasonable travel distance to the museum, the City is reducing program access **and is not meeting its obligations under title II of the ADA**. Alternative methods of accessing the museum, including passenger drop-off areas, the park shuttle service, and walkways within the park, all have identified barriers to accessibility and do not negate the need for accessible parking spaces." (Page 22. Emphasis added.)

MIG's assignment, and accordingly its report, was limited to the impact on disability access to the de Young Museum. But essentially the same facts, analysis and conclusions also apply to the City's title II obligations with respect to other places and programs on and near the eastern part of JFK Drive, including the Conservatory of Flowers, Dahlia Garden, Rose Garden, Stow Lake/Boathouse and nighttime events.












5 - There are major safety and accessibility problems with crosswalks, street paving and curb ramps along JFK Drive, which RecPark has acknowledged but says it doesn't have funding to repair. I've notified the Board of Supervisors, Mayor Breed, the MTA Board and the RecPark Commission about this, but nobody has responded or done anything. Apparently the Golden Gate Park Safety and Access Program doesn't have enough money to provide safe and accessible curbs, crosswalks and streets.

Thank you for considering this email.

Sincerely

Howard Chabner

12 attachments

-  **Public comment on May 11, 2021, SFCTA meeting - Reopen JFK Drive to cars ASAP.eml**
20K
-  **JFK Drive-AnalysisOfRPDMTAVisitData9-9-2021.pdf**
135K
-  **FW: Public Comment for the Land Use and Board of Supervisors Meetings, 9-20-21 and 9-21-21.eml**
216K
-  **JFKDriveUSDOJComplaintText11-17-2021.pdf**
96K
-  **Exclusionary Winter Lights shows in Golden Gate Park; Disability discrimination complaint with US DOJ.eml**
144K
-  **JFKDriveSurveyCommentsCleanV2MichaelCawthon2-4-2022.pdf**
145K
-  **JFKDriveSurveyDetailsCleanMichaelCawthon2-2022.xlsx**
15K
-  **JFKDriveSurveyAgeIncomeStratificationCleanMichaelCawthon2-2022.xlsx**
13K
-  **MTA survey results about JFK Drive are very flawed..eml**
247K
-  **JFKDriveMIGAccessReportFinal11-2021.pdf**
2878K
-  **JFKDriveSurveyCommentsCleanV2MichaelCawthon2-4-2022.pdf**
145K

 **March 10, 2022, joint meeting of MTA Board and RecPark Commission - JFK Drive - end the exclusionary car ban now!.eml**
4164K

SFBOS and SFCTA Meeting, April 26, 2022: Board File Nos. 220370, 220261, 220339 - Vote Against the Golden Gate Park Access and Safety Program

1 message

Howard Chabner <hlchabner@comcast.net>

Mon, Apr 25, 2022 at 3:19 PM

To: MayorLondonBreed@sfgov.org, Ahsha.Safai@sfgov.org, Honey.Mahogany@sfgov.org, Geoffrea.Morris@sfgov.org, Daniel.Herzstein@sfgov.org, Edward.W.Wright@sfgov.org, Dean Preston <Dean.Preston@sfgov.org>, Lauren.L.Chung@sfgov.org, Li.Lovett@sfgov.org, Frances.Hsieh@sfgov.org, Tom.Temprano@sfgov.org, Jen.Snyder@sfgov.org, MTABoard@sfmta.com, Matt.Haney@sfgov.org, Kyle.Smeallie@sfgov.org, Aaron Peskin <aaron.peskin@sfgov.org>, chanstaff@sfgov.org, clerk@sfcta.org, Daisy.Quan@sfgov.org, Ian.Fregosi@sfgov.org, Natalie.Gee@sfgov.org, Tim.H.Ho@sfgov.org, Fiona <fiona@ilrcsf.org>, lucas.tobin@sfgov.org, hillary.ronen@sfgov.org, catherine.stefani@sfgov.org, Phil Ginsburg <phil.ginsburg@sfgov.org>, Gordon.Mar@sfgov.org, Connie.Chan@sfgov.org, rafael.mandelman@sfgov.org, shamann.walton@sfgov.org, Myrna Melgar <myrna.melgar@sfgov.org>, melgarstaff@sfgov.org, MandelmannStaff@sfgov.org, "Jones, Sarah (MTA)" <Sarah.Jones@sfmta.com>, "Madland, Sarah (REC)" <sarah.madland@sfgov.org>, recpark.commission@sfgov.org, "Tumlin, Jeffrey (MTA)" <Jeffrey.Tumlin@sfmta.com>, "BOS Legislation, (BOS)" <bos.legislation@sfgov.org>, BOS-Legislative Aides <bos-legislative_aides@sfgov.org>, BOS-Supervisors <bos-supervisors@sfgov.org>

Cc: Howard Chabner <hlchabner@comcast.net>, Vicki Bruckner <victoriabruckner988@gmail.com>, Richard Skaff <richardskaff1@gmail.com>, Patricia Arack <parack@ccsf.edu>, clerk@sfcta.org, alisa.somera@sfgov.org, "Bihl, Lauren (CPC)" <lauren.bihl@sfgov.org>

Dear Mayor Breed, Board President Walton, and Supervisors:

The San Francisco Planning Department issued a CEQA Exemption Determination dated March 10, 2022, finding that the Golden Gate Park Access and Safety Program (the "Project") that is the subject of the legislation proposed by Mayor Breed and several Supervisors (and that will be voted on by the BOS/SFCTA on April 26, 2022), is exempt from review under CEQA.

Attached is the Notice of Appeal of the Exemption Determination filed by Richard Skaff, Vicki Bruckner, Patricia Arack and myself on April 6, 2022. The four of us are seniors and have mobility disabilities. On page 3, I mention that I've lived on Fell Street for a long time and have observed increased traffic, congestion, pollution and noise on Fell since the closure of Eastern JFK Drive to cars. There has also been increased traffic, congestion, pollution and noise on streets near Eastern JFK Drive, including Lincoln, Kezar, Stanyan and Fulton, as a result of banning cars from Eastern JFK Drive.

I filed the notice of appeal electronically and brought a check to the Board of Supervisors clerk's office. Subsequently we received several emails and letters from the clerk's office attaching different opinions of the Planning Department regarding whether we could appeal to the Board of Supervisors. Initially we were told that we could appeal but it was premature because the action at issue hadn't yet occurred. Finally, we were told that we could not appeal at all because the governmental body that would approve the action – the Board of Supervisors – couldn't hear an appeal of a CEQA exemption determination regarding its own action. Attached is the Planning Department opinion.

The Planning Department's opinion that the CEQA Exemption Determination is not appealable to the Board of Supervisors is incorrect. See San Francisco Administrative Code Section 31.16. Therefore, we request that our appeal be considered and heard by the Board of Supervisors.

I urge each Supervisor to vote against the proposed legislation approving and implementing the Project. I urge Mayor Breed to withdraw the proposed legislation. By a separate email, I will describe the myriad reasons why legislation should not be passed, and why JFK Drive should be immediately reopened to cars. Defeating the legislation would make the exemption determination and our appeal moot.

There will be significant direct, indirect and cumulative impacts from the Project, including impacts on transportation; traffic congestion on surrounding streets; access to a public park that is of regional, national and global importance; historic resources; parking; VMT, GHG, energy consumption; emergency access; evacuation in case of earthquakes or other disasters; human impacts on those who need or want to drive into and through the Park; and impacts on the resources of major museums and cultural attractions.

This appeal concerns the implications of the road closures that have been proposed as part of the Project (the “Road Closures”). While the Road Closures might appear small to certain audiences, there are vast ripple effects on the community. The City must proceed in a manner that protects the interests of all people who use and enjoy Golden Gate Park and the recreational facilities, scenic resources and cultural institutions located inside the park.

The City’s decision to conduct no environmental review to assess and mitigate the substantial adverse environmental impacts that will result from the Road Closures is simply wrong. This environmental review is required by the California Environmental Quality Act (“CEQA;” Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (“Guidelines;” Cal. Code Regs., tit. 14, § 15000 et seq.). Also, the Road Closures will violate other federal, state, and local laws that strictly regulate road closures and park closures. (See, e.g., Cal. Vehicle Code, § 21100 et seq.; S.F. Park Code, § 3.03.) Collectively, these laws require the City to maintain fair and equitable access to its parks through established public rights of way.

Background Information Regarding the Road Closures’ Adverse Impacts

Road closures in Golden Gate Park, including the closure of JFK Drive and the removal of public parking spaces near the Dahlia Garden, Rhododendron Dell, de Young Museum, Conservatory of Flowers, California Academy of Sciences, and other park attractions have caused and will continue to cause substantial adverse effects on the public. These closures disproportionately burden seniors and people with disabilities, and the adverse effects will only become worse if the proposed permanent Road Closures are approved by the City. The long-term, permanent effects of this action require analysis.

The closure of Eastern JFK Drive places a disproportionate burden on people with disabilities who wish to visit the Dahlia Garden, Rhododendron Dell, de Young Museum, Conservatory of Flowers, California Academy of Sciences, and other park attractions. The closures significantly diminish public accessibility. The closures increase the distance these individuals must travel between their cars and the entrance to the museum, and there is a lack of sufficient accessible free parking within a reasonable travel distance to the museum. Unfortunately, there a lack of meaningful alternative forms of transportation for seniors and people with disabilities.

Pedestrians traveling through Golden Gate Park will find that many paths and walkways contain uneven features, steep slopes, or other hazards. These hazardous features pose disproportionate challenges for seniors and persons with disabilities. Furthermore, seniors and people with disabilities are disproportionately targeted by criminal activity when traveling without their cars in Golden Gate Park.

Combined with other recent road closures in the City, the proposed road closures will cause cascading, indirect impacts on other public rights of way surrounding Golden Gate Park. Inevitably, these impacts interfere with the public’s ability to use and enjoy the unique and irreplaceable cultural and recreational institutions in Golden Gate Park.

Background Information Regarding the Status of the Environmental Review of the Road Closures

CEQA requires public agencies to disclose and analyze adverse environmental effects of projects before approving those projects. “[I]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.) CEQA is “intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Ibid.*)

When reviewing whether a project will have adverse environmental impacts, public agencies must disclose, analyze and mitigate any environmental effects on “human beings, either directly or indirectly.” (Pub. Resources Code, § 21083, subd. (b)(3); Guidelines, § 15065, subd. (a)(4).) California’s environmental justice statutes require CEQA to be applied in a manner that fairly and equitably considers potential disparate impacts on the basis of age, disability, or other protected characteristics. (Gov. Code, § 11135, subd. (a); *id.* at § 65040.12, subd. (e).)

CEQA Exemptions Cannot be Used if Any Aspect of a Project, Either Individually or Cumulatively, May Cause a Significant Effect on the Environment

The purpose of CEQA is to enable decision makers and members of the public to make meaningful and fully-informed decisions about new development and land use planning in their community. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 448-450.) As the Court of Appeal explained in *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 704-705, CEQA review procedures generally involve a “three-tiered process:”

“The first tier requires an agency to conduct a preliminary review to determine whether CEQA applies to a proposed project. If CEQA applies, the agency must proceed to the second tier of the process by conducting an initial study of the project. [Citation.] Among the purposes of the initial study is to help ‘to inform the choice between a negative declaration and an Environmental Impact Report [“EIR”].’ [Citation.] If there is ‘no substantial evidence that the project or any of its aspects may cause a significant effect on the environment,’ the agency prepares a negative declaration. (Guidelines, § 15063, subd. (b)(2).) Alternatively, if ‘ “the initial study identifies potentially significant effects on the environment but revisions in the project plans ‘would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur’ and there is no substantial evidence that the project as revised may have a significant effect on the environment, a mitigated negative declaration may be used.” ‘ Finally, if the initial study uncovers ‘substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment’ (CEQA Guidelines, § 15063, subd. (b)(1)), the agency must proceed to the third tier of the review process and prepare a full EIR... “

CEQA mandates a finding of significant impact, and thus preparation of an EIR, when substantial evidence, in light of the whole record, shows that a project may have a significant cumulative effect, or has “effects [that] will cause substantial adverse effects on human beings, either directly or indirectly.” (Pub. Resources Code, § 21083, subd. (b)(2), (3); Guidelines, § 15065, subd. (a)(3), (4).)

CEQA and the Guidelines require a CEQA analyses to disclose and evaluate a project’s cumulative impacts and lead agencies may not, *ipso jure*, equate individually minor effects with cumulatively minor effects. Rather, CEQA mandates “a finding that a project *may* have ‘a significant effect on the environment’ ” where the “possible effects of a project are individually limited but cumulatively considerable.” (Pub. Resources Code, § 21083, subd. (b), emphasis added; Guidelines, § 15065, subd. (a)(3).) “[C]umulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (Pub. Resources Code, § 21083, subd. (b)(2).)

Cumulative impacts may compound or increase other environmental impacts, and a CEQA analysis must inquire into and discuss the incremental impacts of a project when added to closely related past, present, and reasonably foreseeable probable future development projects taking place over a period of time. (Guidelines, §§ 15130, 15355, 15358; see *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 682; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 721.) Even when a combined cumulative impact associated with a project's incremental effect and the effects of other related projects is not significant, the analysis still must "briefly indicate why the cumulative impact is not significant and is not discussed in further detail." (Guidelines, § 15130, subd. (a)(2).) "A Lead Agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant." (*Ibid.*)

Potentially significant environmental impacts of the Road Closures include (but are not limited to) the following:

a. Air Quality

Agencies must disclose, analyze, and mitigate whether a project will cause conflicts with or obstruct implementation of the applicable air quality plan, whether the project will result in a cumulatively considerable net increase of certain criteria pollutants, and whether the project will expose sensitive receptors to substantial pollutant concentrations. (Guidelines, Appendix G, subd. III.)

One of the objectives of the Proposed Road Closures is to block cut-through traffic in Golden Gate Park. Redirecting traffic to nearby streets, including Stanyan Street, Fulton Street and Lincoln Way, will cause increased vehicular traffic on those streets. In turn, the altered traffic patterns will cause greater concentrations of vehicular emissions in proximity to residences and other sensitive receptors adjacent to those streets, as well as the displacement of traffic to museums and other amenities in the City that offer better access to seniors, the disabled, and other sensitive populations. (See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1051.)

Changes in the circulation pattern, which potentially lengthens commutes and the duration during which vehicles are idling, also could increase vehicle miles traveled and otherwise increase greenhouse gas emissions. These impacts are further exacerbated by the cumulative effect of other street closures in the vicinity of Golden Gate Park, including the ongoing closure of the Great Highway. These potential impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

b. Biological Resources

Agencies must disclose, analyze, and mitigate whether a project will cause substantial adverse effects on biological resources, including *inter alia* certain protected and migratory bird species. (Guidelines, Appendix G, subd. IV.) Here, the Road Closures might cause pedestrians to take shortcuts through forested or other undeveloped portions of Golden Gate Park. This could, in turn, cause adverse environmental impacts to protected species, including potential migratory birds that may be nesting in forested areas of the park. Again, these potential impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

c. Cultural Resources

Agencies must disclose, analyze, and mitigate whether a project will cause substantial adverse effects on “[a]ny object, building, structure, site, area, place” that is “significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” (Guidelines, Appendix G, subd. V; *id.* at § 15064.5.)

The historic character and significance of Golden Gate Park and its various facilities and amenities is well documented in the Golden Gate Park Master Plan. In fact, Golden Gate Park is listed in the National Register of Historic Places, and several key contributing historic structures within the Park are accessed through JFK Drive. Examples are the Japanese Tea Garden and the Conservatory of Flowers. By cutting off seniors, people with disabilities, and other members of the public from these cultural and historic resources, the facilities will inevitably collect fewer admissions fees, and they may lose long-term institutional support from the community. Because these financial impacts will likely negatively impact the long-term upkeep of cultural resources in Golden Gate Park, the Road Closures could potentially cause significant impacts to the character and quality of key historic, artistic, and cultural institutions. Accordingly, an appropriate CEQA document must disclose, analyze, and mitigate the Road Closure’s potential adverse impacts on the quality, accessibility, and character of these cultural and historic resources.

d. Hazards and Hazardous Materials

Agencies must disclose, analyze, and mitigate whether a project will cause substantial adverse effects to human health and safety. (Guidelines, Appendix G, subd. IX.) Some of the pedestrian trails and walkways in Golden Gate Park have steep grades, uneven surfaces, or other features that could pose a hazard to pedestrians, especially seniors and people with disabilities. These potential hazards should be mitigated, and the City must analyze in an appropriate CEQA document whether pedestrian routes are accessible and ADA compliant.

City crime statistics also show high levels of crime against persons (e.g., assault, robbery, sexual assault) in Golden Gate Park in recent years. Seniors and people with disabilities are often disproportionately targeted by criminals. Some members of the public may find that it is safer to travel through the park by car, especially at night. In any event, these potential public safety risks must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

e. Land Use and Planning

Agencies must disclose, analyze, and mitigate whether a project will cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Guidelines, Appendix G, subd. XI.) The City has adopted a number of planning documents that specifically require the preservation of access to the de Young Museum. For example, the General Plan’s Art Element includes a variety of policies that require the preservation of fair and equal access to arts and cultural institutions. (See, e.g., Policy I-1.4.)

City planning documents also require the preservation of fair and equitable access through Golden Gate Park for seniors and people with disabilities. For example, the Golden Gate Park Master Plan requires the City to preserve “access to all, especially the mobility impaired, senior citizens, and families with children.” (See p. 5-1.)

The Road Closures will significantly diminish public accessibility for seniors and people with disabilities. The closures increase the distance these individuals must travel between their cars and the entrance to the museum, and there is a lack of sufficient accessible free parking within a reasonable travel distance to the museum. There is a lack of meaningful alternative forms of transportation for seniors and people with disabilities. Again, these impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

f. Parks and Recreation

Agencies must disclose, analyze, and mitigate whether a project will cause damage or the deterioration in quality to parks and recreational facilities. (Guidelines, Appendix G, subd. XVI.) Fundamentally, by making Golden Gate Park and its facilities less accessible to seniors and people with disabilities, the Road Closures will cause a deterioration in the quality of the park. The implementation of the Road Closures will also necessitate the construction of new or replacement pedestrian paths and walkways to remediate hazardous features (e.g., steep slopes or uneven surfaces), and the construction of these new paths could, in turn, cause indirect environmental impacts on other environmental features in Golden Gate Park.

Moreover, as noted above, the Road Closures may cause pedestrians to take shortcuts through forested or other undeveloped portions of Golden Gate Park. This could, in turn, cause a deterioration in the quality of the park. These impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

g. Transportation and Circulation

Agencies must disclose, analyze, and mitigate whether a project will conflict with adopted transportation plans and whether a project will cause traffic hazards. (Guidelines, Appendix G, subd. XVII.) As noted above, the Road Closures directly conflict with the transportation plans and policies in the Golden Gate Park Master Plan. By forcing seniors and people with disabilities to walk great distances through roads and pathways that will be shared by runners and bicyclists, the Road Closures will create new traffic hazards.

Furthermore, when a project eliminates parking spaces, thereby necessitating the construction of new parking elsewhere, the agency must analyze and mitigate potential indirect environmental effects associated with the construction of the replacement parking. (See *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 29.) Here, the permanent elimination of accessible parking spaces in close proximity to museums in the park could potentially necessitate the construction of replacement parking in other areas of the park. Again, these impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

By rerouting increased vehicular traffic onto portions of State Route 1 (part of the California State Highway System) that pass through Golden Gate Park, the Road Closures could potentially cause adverse direct, indirect, and cumulative impacts to state highways under the jurisdiction of the California Department of Transportation. And it is important to note that the Department of Transportation's jurisdiction over state highways extends to more than the "main-traveled way." As

defined by the Streets and Highway Code, the concept of a “state highway” also includes “collateral facilities” such as frontage roads, ramps, auxiliary lanes, parking areas, and shoulders, as well as bridges, culverts, curbs, drains and all works “incidental to highway construction, improvement, and maintenance.” (Streets & Highways Code, § 23; see also *id.* §§ 73, 660 [“highway” includes entire width of right of way, “whether or not the entire area is actually used for highway purposes.”]; *City of Cloverdale v. Dept. of Transp.* (2008) 166 Cal.App.4th 488, 493.) It will be crucial for the City to involve the Department of Transportation in the CEQA process as a responsible and trustee agency, and the City should work collaboratively with the Department of Transportation to identify mitigation measures that appropriately address impacts to all affected infrastructure. It is also imperative the City address whether any other state approvals or input are required given potential impacts on circulation elements within the jurisdiction of the Department of Transportation.

h. Mandatory Findings of Significance

Agencies must disclose, analyze, and mitigate whether a project will have impacts that are individually limited, but cumulatively considerable. (Guidelines, Appendix G, subd. XXI [“ ‘Cumulatively considerable’ means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects”].) Here, the cumulative effect of successive road closures in the City, as well as the cumulative effects of increased demand for park and roadway services as a result of new development in the City, will have potentially significant environmental effects and those effects impacts must be disclosed, analyzed, and mitigated in an appropriate CEQA document.

The Road Closures Must Comply with Laws that Regulate Access to Streets

All members of the public have a “common and fundamental right” to use streets and highways “for purposes of travel and transportation” and have a fundamental right to travel within the State, including within a city. (Vehicle Code, § 21235.) The City cannot “interfere with the free flow of traffic, as by closing a street”, without being expressly authorized to do so by the Legislature. (*Citizens Against Gated Enclaves v. Whitley* (1994) 23 Cal.App.4th 812, 820.) Likewise, the City cannot place “gates or other selective devices” that “deny or restrict the access of certain members of the public to the street, while permitting others unrestricted access to the street.” (Vehicle Code, § 21101.6.)

City law also restricts permanent street closures. Section 3.03 of the Park Code contemplates that streets may be temporarily closed if emergency conditions necessitate such a closure, but the streets must be “reopened to the public” at an appropriate time. (S.F. Park Code, § 3.03.)

Here, substantial evidence shows that the proposed Road Closures will cause substantial adverse impacts to public welfare and safety by obstructing access to Golden Gate Park and its facilities, including museums in the park. These impacts will cause disparate impacts to seniors and people with disabilities.

Proponents of the legislation, the Project and the Road Closures claim that these streets are “no longer needed” so that they can legislate closure under the Vehicle Code. But the Project sponsors have not substantiated with any evidence that the streets are no longer needed, and therefore they cannot make any decision on that basis. The streets are

obviously needed to get access to a public park that is not just a neighborhood playground but is a global attraction and an historic resource. The Project is pre-empted because it conflicts with the Vehicle Code.

I urge each Supervisor to vote against the proposed legislation approving and implementing the Project. I urge Mayor Breed to withdraw the proposed legislation. By a separate email, I will describe the myriad reasons why legislation should not be passed, and why JFK Drive should be immediately reopened to cars. Defeating the legislation would make the CEQA exemption determination and our appeal moot.

Sincerely

Howard Chabner

2 attachments



JFKDriveCEQAAppeal-COB Ltr - Timeliness Det - GGP Access - Corrected 041422 600.pdf
58K



JFKDriveGGParkNoticeOfAppealCEQAExemptionDetermination4-6-2022.pdf
1974K



Keep Golden Gate Park Open

1 message

Joyce Foreman <joycefor@sbcglobal.net>
To: "clerk@sfcta.org" <clerk@sfcta.org>

Sun, Apr 24, 2022 at 10:51 AM

Please ask for a return to the 2007 Compromise Agreement protocols, which kept the road open to all 24 hours a day except 6am - 6pm Sundays and holidays, and Tea Garden Drive to Transverse Drive on Saturdays April 1-September 30, 6am-6pm.

This is vital for seniors and people with disabilities.

Joyce Foreman

Subject: Public Comment for Joint Special Transportation Authority Board Meeting with the Board of Supervisors, 4/26/22, 9:00 am

1 message

Lauren Kerins <laurenkerins@comcast.net>
To: Board.of.Supervisors@sfgov.org
Cc: clerk@sfcta.org

Mon, Apr 25, 2022 at 1:11 PM

Subject: Public Comment for Joint Special
Transportation Authority Board Meeting with the
Board of Supervisors, 4/26/22, 9:00 am

Dear Clerks for the Board of Supervisors and for the
Transportation Authority Board,

Please enter this email into the permanent record as my
public comments re the Joint Special Transportation Authority
Board Meeting with the Board of Supervisors, 4/26/22, and
deliver it to the members in time for them to read it prior to the
meeting.

Dear Board of Supervisors and Transportation Authority
Board,

I am writing to urge you to reject a full and permanent closure
of JFK Drive. The closure of JFK Drive limits access to
Golden Gate Park and beloved San Francisco institutions for
people with disabilities, seniors, multi-generational families
and those who live far away from the park. Golden Gate Park
belongs to everyone, not just those who can afford to live near
the park or can easily bike and walk.

As an example, in December, my 84 year old father who has
stage 4 cancer wanted to see some of the light installations
for the holidays at night during Christmas time. Due to JFK
being closed, we had to find a parking spot behind the
Conservatory, walk down the steep hill and several blocks
round trip, then up the steep hill again. Had to cut the trip
short as he was cold and getting exhausted. Had JFK been
open, it would have been an easy and enjoyable trip. His
exact words were, " We're not doing that ever again. It wasn't
worth it". My Dad was born and raised in the Richmond and
GGP was his playground. I am embarrassed for YOU that
that is how you treat your Park Patrons. (And all the shuttle
busses in the world aren't going to make it better)

It is not within your fiduciary duty to the citizens of SF to
spend vast amounts of tax payer's dollars to make " fixes " to
the streets which weren't broken in the first place and which
were only required due to your misguided policies extending
well beyond any reasonable time frame for "emergency
pandemic use.". You have greatly overstepped your bounds
and crossed the line in catering to the Bicycle Coalition and
Parks Alliance in conjunction with unelected appointee
department heads in RPD and SFMTA running their own
agendas instead of for ALL the people of SF. The people

and the Feds will be following the money on this and other illegal road closures.

All RPD parks are GROSSLY understaffed to properly care for the parks we have currently and the misuse they are receiving due to your pandemic policies which are now well into their third year. Interesting how you can host a giant 420 party with tens of thousands, but haven't lifted your "emergency road closures". I guess that's because they fit well with your agendas. "Slow streets" are a joke and have been for well over a year, especially Kirkham and Ortega. Not a soul on them all day. City sidewalks are plenty wide for walking, and bicyclists already have rights per the vehicle code. We'll get in to your Great HIGHWAY fiasco another day.

Perhaps lawsuits and special elections are the only way to wake you up to do the right thing in a timely fashion. Better hurry up before you have public egg on your faces and worse.

Regards,

Lauren Kerins



Subject: Public Comment for Joint Special Transportation Authority Board Meeting with the Board of Supervisors, 4/26/22

1 message

Patricia Wise <pawise52@gmail.com>
To: Clerk@sfcta.org

Sun, Apr 24, 2022 at 6:34 PM

Dear Board of Supervisors and Transportation Authority Board,

I am writing to urge you to reject a full and permanent closure of JFK Drive. The closure of JFK Drive limits access to Golden Gate Park and beloved San Francisco institutions for people with disabilities, seniors, multi-generational families and those who live far away from the park. Golden Gate Park belongs to everyone, not just those who can afford to live near the park or can easily bike and walk

Thank you,

Patricia A. Wise

Public Comment for Joint Special Transportation Authority Board Meeting with the Board of Supervisors, 4/26/22

1 message

S Garrett <shigar16@gmail.com>
To: clerk@sfcta.org, BoS-Supervisors@sfgov.org

Sat, Apr 23, 2022 at 7:03 AM

Dear Board of Supervisors and Transportation Authority Board,

I am writing to urge you to reject a full and permanent closure of JFK Drive. The closure of JFK Drive limits access to Golden Gate Park and beloved San Francisco institutions for people with disabilities, seniors, multi-generational families and those who live far away from the park. Golden Gate Park belongs to everyone, not just those who can afford to live near the park or can easily bike and walk.

I have lived in the both the Richmond and Sunset districts on and off since 1966. The park was always open to all - there is enough space for all. Let's compromise and keep it open to motorists Monday thru Saturday as it was before the pandemic.

Thank you,
S Garrett
San Francisco Resident



Please reopen streets

1 message

Susie Weil Lakatos <susiewl@sbcglobal.net>
To: clerk@sfcta.org

Mon, Apr 25, 2022 at 12:49 PM

To Whom it May Concern,

I am a 70 year old ,born and raised San Franciscan. I can understand initially ,when Covid started , the need for some streets to close while the kids were unable to go to school and some parks were closed.

That is not the case anymore!

Lake St. , Clay St. etc all should

be reopened. JFK and the Great Highway should all be reopened except on weekends.

As a senior citizen, it is difficult to ride Muni and walk to the museums, stow lake etc.

The S.F. bike coalition is getting too powerful and is making driving on the Great Highway extremely dangerous on Thursday afternoons as a protest. Why is the city allowing this?

Please reopen everything as it was pre-Covid!

Sincerely,

Susan Lakatos

Sent from my iPhone