

File No. 200883

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

Board Item No. 8

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

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

Board of Supervisors Meeting

Date: September 1, 2020

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- Grant Budget
- Subcontract Budget
- Contract/Agreement
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- Appellant Supplemental - Request for Continuance - 08/24/20
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- Municipal Transportation Agency Response - 08/24/20
- Appellant Supplement Information - 08/21/20
- Public Hearing Notice and Clerical Documents
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: Lisa Lew

Date: August 28, 2020

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

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

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

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

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

DATE: May 21, 2020

RE: **MTA Statutory Exemption No. 2020-004631ENV ["Slow Streets"]**

### **NOTICE OF APPEAL OF STATUTORY EXEMPTION**

PLEASE TAKE NOTICE that Coalition for Adequate Review hereby appeals to the San Francisco Board of Supervisors the environmental determination(s) of the San Francisco Planning Department dated April 21, 2020, and all actions implementing the San Francisco Municipal Transportation Agency's ("MTA's") "Slow Streets" Project ("the Project"), including "Slow Streets," "D5 Safe and Slow Streets," "Panhandle Social Distancing and Safety Project," and all other street closures, barriers to travel, traffic and parking lane removal, installation of bicycle lanes, and other changes affecting public streets in San Francisco under the claim of an "emergency" exemption from CEQA due to the Covid epidemic.

A copy of MTA's CEQA exemption document No. 2020-004631ENV, is attached as Attachment A. That document was not publicly available and was only obtained through a Sunshine Ordinance request on May 11, 2020, long after MTA began implementing the Project. Attachment B is MTA's Map of some streets included in the Project. Attachment C is MTA's May 19, 2020 announcement of implementation of the Project on Fell Street by removing a traffic lane and installing a bicycle lane with no environmental review.

Appellant is unable to attach an "approval" action, because MTA has refused to provide whatever "approval" action(s) it has taken on this Project, and/or it has conducted no publicly accessible meetings to approve its Project, and/or has implemented it without

any prior approval action. Although an approval action by the Director of MTA is referred to in the exemption document, MTA has refused to provide a copy of it after Appellant's Sunshine Ordinance and Public Records Act requests. (Attachment A, page 2.)

With no prior public notice, beginning on April 21, 2020, MTA has implemented its "Slow Streets" Project, closing many streets in San Francisco to vehicles, based on a claim that the Project is statutorily exempt from the California Environmental Quality Act ("CEQA") (Pub. Res. Code §§21000 *et seq.*), citing 14 Cal. Code Regs. (CEQA Guidelines) §15269(c) "Emergency Projects." (Attachment A, page 2; Attachment B.)

On May 16, 2020, MTA announced it would close more streets under a "Next Phase" of Slow Streets. On May 19, 2020 MTA announced it would remove a traffic lane and parking on Fell Street to install a bicycle lane, asserting another "emergency" with a new name, "Panhandle Social Distancing and Safety Project."

None of MTA's implementation actions have been preceded by any public notice or public hearing. The public has been wholly excluded from and denied the right to participate in MTA's creation of the Project, its scope, and its implementation.

The Project claims with no support that MTA asserts authority to close public streets because "essential walk and bike travel while transit service levels are temporarily reduced" is an emergency. MTA provides no correlation between its decision to reduce public transit and the streets it claims must be closed, since few of those streets had any public transit to begin with, and no evidence supports any need for more space for people to walk or ride bicycles for essential trips on those streets or any other due to the "COVID-19 public health emergency." (Attachment A, page 1.)

Moreover, the Project does not fall within the CEQA's Statutory Exemption or definition of an emergency, which can only be a "sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services," including "fire, flood, earthquake, or other soil or geological movements, as well as such occurrences as riot, accident, or sabotage." (Pub. Res. Code §21060.3 ["Emergency"].)

The emergency exemption provided under CEQA is not meant to be used to justify MTA's determination to close streets to cars, but for serious emergencies where peril to life and property is imminent and drastic.

The narrowly construed standards for an emergency exemption are not met by MTA's desire to exclude and delay the vast majority of travelers in motor vehicles and transit on public streets in San Francisco on behalf of the less than 3 percent who travel by bicycle.

Nor does motor vehicle travel impair in any way bicyclists' use of public streets and pedestrians' use of sidewalks.

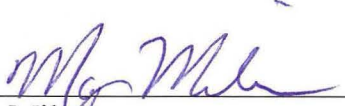
Even if the City's Covid directives allow trips by any mode for *essential* travel, MTA's actions are not supported by any evidence that sidewalks in the "Slow Streets" Project do not already accommodate *essential* travel by pedestrians, and that existing bicycle facilities, including dedicated lanes, do not already accommodate *essential* travel by bicycles.

Moreover, the Project is preempted under the California and United States Constitutions, which prohibit closing public streets to travelers, including those in motor vehicles. Further, the Project plainly conflicts with the Vehicle Code and other statutory provisions.

MTA's Project and its Statutory Exemption are illegal under CEQA, and the Board of Supervisors must order MTA to immediately fully restore motor vehicle travel and remove barriers to vehicle travel on all streets affected by the Project and restore them to their conditions before MTA's "Slow Streets" Project.

Appellant will submit further briefing and comment on or before the scheduled hearing date on this appeal.

Pursuant to information provided by the Board of Supervisor's Clerk's office, and because the Board of Supervisors' office is closed, Appellant electronically files this Appeal and a Fee Waiver application, and will send payment on or before the date when the Clerk advises that the Board will resume scheduling hearings, including a hearing on this Appeal.

  
\_\_\_\_\_  
Mary Miles  
Attorney for Coalition for Adequate Review

cc: Environmental Review Officer, San Francisco Planning Department

ATTACHMENTS:

- A: MTA and Planning Statutory Exemption No. 2020-004631ENV ["Slow Streets, Phase 1"]
- B: MTA's May 16, 2020 Map of its "Slow Streets" Project
- C: MTA's May 19, 2020 Announcement of its "Panhandle Social Distancing and Safety Project"

# **ATTACHMENT A**



### Slow Streets, Phase 1

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

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

The Slow Streets proposed below for Phase 1 of this project are lower-traffic residential streets that connect neighborhoods to essential services in the absence of Muni service. The chosen streets have been reviewed by SFMTA staff for feasibility and would not adversely affect operations on COVID-19 Core Service Muni routes and major emergency vehicle traffic corridors. Phase 1 indicates that the streets below are the first streets subject to this program; later phases would include more street segments as the need is identified to address the public emergency. Those segments have not been determined at this time but similar considerations would be used by SFMTA to identify future phases.

**Table 1. Slow Streets: Phase 1**

Street	From	To
17 <sup>th</sup> Street	Noe	Valencia
20 <sup>th</sup> Avenue	Lincoln	Ortega
22 <sup>nd</sup> Street	Valencia	Chattanooga
41 <sup>st</sup> Avenue	Lincoln	Vicente
Ellis	Polk	Leavenworth
Holloway	Junipero Serra	Harold
Kirkham	Great Highway	7 <sup>th</sup> Avenue
Phelps	Oakdale	Evans
Ortega	Great Highway	14 <sup>th</sup> Avenue
Page	Stanyan	Octavia
Quesada	Lane	Fitch
Scott	Eddy	Page



On designated Slow Streets, materials such as cones, A-frames, plastic traffic diverters and delineators would be placed to slow and discourage vehicular through traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets.

For most Slow Streets, implementation would occur approximately 10 blocks at a time within the corridors described below. City and County of San Francisco staff would monitor each street where implemented to ensure the transportation benefits of Slow Streets are not undermined by crowding and congregation.

Slow Streets would not create any legal change in the designation of the public right-of-way; people walking or running in the street would be allowed to be in the street as the California Vehicle Code currently permits, but would not have the right-of-way over motor vehicles. People walking or running would be required to yield to vehicular traffic.

The designation by the SFMTA of certain San Francisco streets as Slow Streets has been taken to facilitate members of the public maintaining six feet social distance while making essential trips by all modes to prevent and mitigate a public health emergency and are temporary in nature.

**Approval Action:**  
Director of Transportation  
Authorization

Statutorily Exempt pursuant to CEQA Guidelines Section 15269(c): Emergency Projects	
	4/21/2020
Andrea Contreras	Date
San Francisco Municipal Transportation Agency	
	4/21/2020
Laura Lynch	Date
San Francisco Planning Department	

# **ATTACHMENT B**

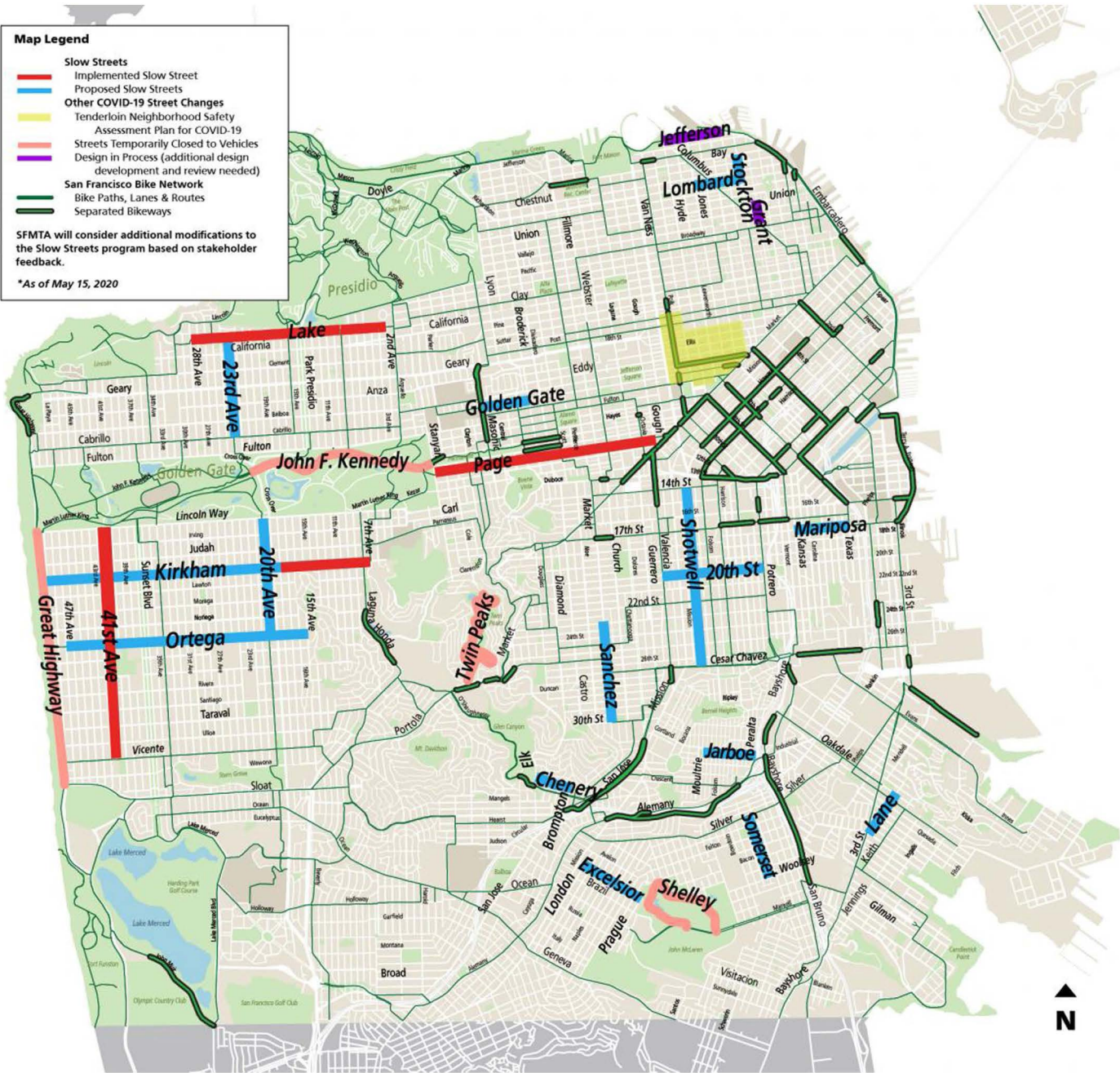


**Map Legend**

- Slow Streets**
  - Implemented Slow Street
  - Proposed Slow Streets
- Other COVID-19 Street Changes**
  - Tenderloin Neighborhood Safety Assessment Plan for COVID-19
  - Streets Temporarily Closed to Vehicles
  - Design in Process (additional design development and review needed)
- San Francisco Bike Network**
  - Bike Paths, Lanes & Routes
  - Separated Bikeways

SFMTA will consider additional modifications to the Slow Streets program based on stakeholder feedback.

\*As of May 15, 2020



# **ATTACHMENT C**

<https://www.sfmta.com/projects/panhandle-social-distancing-and-safety-project>

# Panhandle Social Distancing and Safety Project

Share this: [Facebook](#)[Twitter](#)[Email](#)

## Project Introduction

The SFMTA is proposing a parking protected bikeway on Fell Street between Baker Street and Shrader Street to provide relief to crowding and support social distancing on the Panhandle Path. This temporary project is being proposed as an emergency response to COVID-19.

## Improvements

Protected Bikeways

Parking and Curb Management Changes

## Project Overview

Within the project limits, Fell Street is one-way westbound with four travel lanes and unmetered parking on both sides of the street. The proposed improvements involve repurposing a travel lane in order to fit a parking protected westbound bikeway on the south side of Fell Street. The protected bikeway will be located curbside, with a three-foot access aisle to access the floating parking. The cross sections below detail the existing and proposed conditions for the corridor.

## Existing

## Proposed

A signal protected intersection design at Masonic was considered but a mixing zone treatment was chosen because:

- New curbside bikeway with signal separation would result in signal heads out of alignment with bikeway and lanes, potentially resulting in confusion and red light running

- A signal modification and changes to the red light camera would be required and would delay the project, substantially if signal modifications could not be made using existing hardware
- A fully protected option is available along the path

As a result of this project, approximately 12 out of 136 parking spaces on the south side of Fell Street will be removed in order to provide space for turning lanes and visibility zones.

To view the latest draft of the proposed conceptual design, please follow this [link](#).

## **Construction**

This parking protected bikeway will be paint and safe-hit post construction only. Any construction related lane closures will have little to no effect on transit, pedestrians, and bicyclists. Project construction will be carried out by SFMTA Shops and will not require coordination with other agencies.

Construction is anticipated to begin in June 2020.

## **Contact Information**

Mike Sallaberry

[Mike.Sallaberry@sfmta.com](mailto:Mike.Sallaberry@sfmta.com)



# San Francisco Planning

## BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

### APPLICATION

#### Appellant's Information

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

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

Email Address: page364@earthlink.net

Telephone: (415) 863-2310

#### Neighborhood Group Organization Information

Name of Organization: Coalition for Adequate Review

Address: PLEASE SEE ABOVE

Email Address: SEE ABOVE

Telephone: SEE ABOVE

#### Property Information

Project Address: Citywide

Project Application (PRJ) Record No: 2020-004631ENV Building Permit No:

Date of Decision (if any):

#### Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

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

#### For Department Use Only

Application received by Planning Department:

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

#### Submission Checklist:

- APPELLANT AUTHORIZATION     CURRENT ORGANIZATION REGISTRATION     MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
- WAIVER APPROVED     WAIVER DENIED

FROM:  
Rob Anderson, Director  
Coalition for Adequate Review

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

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

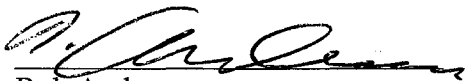
DATE: May 21, 2020

This will advise that Mary Miles, Attorney at Law, is authorized to represent Coalition for Adequate Review in the Appeal of the Planning Department's and the Municipal Transportation Agency's Exemption on the Slow Streets Project dated April 21, 2020.

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

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

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

  
Rob Anderson

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL - REQUEST CONTINUANCE: Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Tuesday, August 25, 2020 9:30:50 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following appeal request from the appellant Mary Miles, on behalf of Coalition for Adequate Review, regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets - Phase 1 project.

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

The hearing for this matter are scheduled for 3:00 p.m. special order before the Board on September 1, 2020

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

[Board of Supervisors File No. 200883](#)

Best regards,

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

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

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



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

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

*public documents that members of the public may inspect or copy.*



FROM:

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

TO:

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

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

DATE: August 24, 2020

**REQUEST FOR CONTINUANCE OF CEQA APPEAL HEARING DATE**  
**Statutory Exemption Case No. 2020-004631ENV ["MTA Slow Streets-Phase 1"]**  
**BOS File No. 200883**

Dear President Yee and Members:

I was advised by the Board Clerk's office to address this request for continuance to President Yee on the appeal in Board File 200883 noted above.

On behalf of Appellant, I respectfully ask for a reasonable continuance from September 1, 2020 to October 27, 2020, to allow sufficient time to brief this matter. This is my first request for a continuance on this appeal, and continuances are routinely granted by the Board.

On August 18, 2020, I received an e-mail from the Clerk's office stating that the appeal was scheduled for hearing on September 1, 2020, giving me only 14 days' notice with three days to submit a brief. I did not have time to submit an address list or a brief on the appeal by the August 21, 2020 deadline.

In fact, since this appeal was filed, the MTA has added several "phases" and streets to the Slow Streets Project, with their latest addition, the July 21, 2020 "Phase 3," appealed on August 20, 2020. Therefore, it would be more efficient if this appeal is heard at the same time as the later appeal of "Slow Streets-Phase 3."

This request would not affect the Planning Department's exemption or MTA's actions, since MTA has already implemented the Project. Therefore, the City would not be prejudiced.

On the other hand, Appellant and the public are significantly prejudiced by the inadequate time for briefing, submitting addresses of interested people, and preparing for hearing.

No matter where you stand on the exemption and merits of the appeal, the public interest would be best served by allowing adequate time to brief the appeal and providing the public the opportunity to submit meaningful comment for informed decisionmaking by the Board.

Therefore, Appellant respectfully asks the Board to continue the hearing on this appeal to October 27, 2020. Please reply by email to indicate if you will support this request.

Thank you.



---

Mary Miles  
Attorney for Appellant Coalition for Adequate Review

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** MTA and PLANNING DEPARTMENT APPEAL RESP: Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Monday, August 24, 2020 12:46:22 PM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board received the following appeal responses from the Municipal Transportation Agency and the Planning Department regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets - Phase 1 project.

[MTA Appeal Response – August 24, 2020](#)  
[Planning Department Appeal Response – August 24, 2020](#)  
[Public Correspondence](#)

The hearing for this matter are scheduled for 3:00 p.m. special order before the Board on September 1, 2020

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[Board of Supervisors File No. 200883](#)

Best regards,

***Jocelyn Wong***

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

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

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**From:** [Hake, Shannon \(MTA\)](#)  
**To:** [Wong, Jocelyn \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)  
**Cc:** [Tumlin, Jeffrey \(MTA\)](#); [Maquire, Tom \(MTA\)](#); [Parks, Jamie \(MTA\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [KENNEDY, JOHN \(CAT\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#)  
**Subject:** Slow Streets Phase I - Project Sponsor CEQA Appeal Response  
**Date:** Monday, August 24, 2020 11:40:39 AM  
**Attachments:** [image001.png](#)  
[SFMTA CEQA Appeal Memo - Slow Streets 20200821.pdf](#)

---

Hello,

Please find attached the SFMTA response to the Slow Streets Phase 1 CEQA Appeal. Please contact me with any questions regarding this document.

Thank you,  
Shannon

**Shannon Hake**  
Slow Streets Program Manager



San Francisco Municipal Transportation Agency  
1 South Van Ness Avenue, 7th floor  
San Francisco, CA 94103

# Memorandum



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

**Through:** Tom Maguire, Director of Sustainable Streets Division   
Jamie Parks, Director of Livable Streets  
Shannon Hake, Slow Streets Program Manager

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

**Date:** August 21, 2020

**Subject:** Slow Streets Phase I – Project Sponsor CEQA Appeal Response

## INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Statutory Exemption No. 2020-004631ENV for the Slow Streets Phase I project (project). It is a response to a letter of appeal to the Board of Supervisors regarding the Planning Department's issuance of a Statutory Exemption under the California Environmental Quality Act for the project. The letter addresses topics other than those related to CEQA, which are separately discussed in the Planning Department's appeal response memorandum.

## BACKGROUND

On March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency, requiring that residents shelter in place, with the only exception being for essential needs. This significantly affected San Francisco's transit system and required the SFMTA to reduce transit service.

With Muni service reduced, many San Francisco residents resorted to walking, riding a bike, or taking other travel modes to make essential trips. However, they often could not safely and practically maintain the six feet of social distance required by the city's Public Health Order C19-07b on many of the City's sidewalks, park paths, and bikeways, especially when passing queues outside grocery stores and other essential services. Due to these issues, pedestrians were choosing to walk in the street, which put them at a higher risk of being in a collision with a vehicle in the roadway. There was data showing drivers had been operating at higher and unsafe speeds during the public health emergency, which increased the risk for severe injuries to pedestrians in a collision.

Since the adoption of the March 2020 health order, the SFMTA has developed the Transportation Recovery Plan (TRP). The Slow Streets Project, which is a component of that plan, was announced on April 21, 2020. The project is temporary, set to expire 120 days after the Health Officer declares the end to the public health emergency. It intends to allow roadways to be safely used for foot and bicycle traffic with adequate space for travelers to maintain six feet of separation. This space makes possible essential walk and bike travel while transit service levels are temporarily reduced. Vehicle traffic is allowed on these streets but the overall purpose of the project is to encourage trips for local travel (e.g. access for residents, businesses, and visitors of residents or businesses), mail, delivery services, and emergency vehicle access.

The Slow Street treatment includes placement of materials such as cones, A-frames, plastic traffic diverters and delineators to slow and discourage vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking.

Slow Streets does not legally change the designation of the public right-of-way; people walking or running in the street are authorized to be in the street as the California Vehicle Code currently permits, but do not have the right-of-way over motor vehicles. People walking or running would be required to yield to vehicular traffic.

## **DISCUSSION**

**The Slow Streets Phase I Project is a distinct project, separate from Slow Streets Phase II, Slow Streets Phase III, D5 Safe and Slow Streets, and the Panhandle Social Distancing and Safety Project.**

The appellant is incorrect that these five separate projects are part of the overall Slow Streets Program. While the projects share some characteristics, they were approved at different times and received separate environmental review. These projects all have independent utility and were adopted by SFMTA to respond to rapidly changing conditions on the ground.

Slow Streets Phase I was implemented independently from the Slow Streets Phase II, Slow Streets Phase III, D5 Safe and Slow Streets, and the Panhandle Social Distancing and Safety Project. The Slow Streets Phase I project facilitates safe travel for pedestrians and bicyclists and the ability to socially distance, and does not benefit, depend on, or result from the changes proposed under the other phases or projects listed above.

The Slow Streets Phase I project is located along specific corridors and its installation was not dependent on the implementation of the other Slow Streets phases, the D5 Safe and Slow Streets, or the Panhandle Social Distancing and Safety Project. Since these projects are not interdependent and have been implemented independent of one another, they have independent utility.

**Slow Streets are intended to provide additional space for people traveling on streets while social distancing.**

San Francisco's response to the pandemic has stressed the importance of social distancing, or maintaining six feet of space between individuals, to control the spread of coronavirus. The City's Public Health Order C19-07b required that all San Franciscans maintain at least six feet of separation with others not from their household. Prior to the implementation of Slow Streets, SFMTA staff observed sidewalk crowding, particularly outside essential businesses. Pedestrians along these congested corridors would often choose to maintain six feet of social distancing by walking in the roadway. The Slow Streets project was created to improve safety for these pedestrians by designating certain corridors where pedestrians and cyclists would be safely present in the street. The project was implemented with temporary traffic control barricades and signs that required no operational traffic changes and no changes in on-street parking, while improving safety for pedestrians and cyclists.

**The Slow Streets corridors were chosen to provide a transportation benefit in areas where Muni service was temporarily reduced.**

The Slow Streets project on April 21 identified 12 corridors for implementation, as shown below (Muni routes that were entirely eliminated are shown without italics, Muni routes that were shortened or reduced in frequency are italicized):

Street	From	To	Affected Muni Route	Status
<b>17<sup>th</sup> St</b>	Noe	Valencia	<i>22 Fillmore, 33 Stanyan</i>	Removed due to access conflicts
<b>20<sup>th</sup> Ave</b>	Lincoln	Ortega	28 - 19 <sup>th</sup> Ave	Implemented
<b>22<sup>nd</sup> St</b>	Valencia	Chattanooga	48 Quintara	Removed due to access conflicts
<b>41<sup>st</sup> Ave</b>	Lincoln	Vicente	18 - 46 <sup>th</sup> Ave	Implemented
<b>Ellis</b>	Polk	Leavenworth	<i>27 Bryant, 38 Geary</i>	Removed due to access conflicts
<b>Holloway</b>	J Serra	Harold	<i>K Ingleside, 29 Sunset</i>	Removed due to access conflicts
<b>Kirkham</b>	Great Highway	7 <sup>th</sup> Ave	<i>N Judah</i>	Implemented
<b>Phelps</b>	Oakdale	Evans	<i>23 Monterey, 44 O'Shaughnessy</i>	Removed due to access conflicts
<b>Ortega</b>	Great Highway	14 <sup>th</sup> Ave	7 Haight	Implemented
<b>Page</b>	Stanyan	Octavia	7 Haight	Implemented
<b>Quesada</b>	Lane	Fitch	<i>23 Monterey, 44 O'Shaughnessy</i>	Removed due to access conflicts
<b>Scott</b>	Eddy	Page	<i>24 Divisadero</i>	Removed due to access conflicts

Of these twelve corridors, five have been implemented as planned and seven have been removed due to access conflicts on roadways (conflicts with loading zones, emergency response routes, or land use). Each of the corridors was identified in an area with reduced or eliminated Muni service as shown in the table above.

**Initial public outreach was limited due to public health restrictions, but the Slow Streets project provided multiple opportunities for community feedback and made adjustments based on that feedback.**



The mandatory public health restrictions imposed during the Shelter in Place order eliminated the opportunity for in-person community meetings, but the Slow Streets project created multiple means to collect feedback from residents:

- **April 21, 2020: Project announced via SFMTA website and local media.** Project-specific website created at [www.sfmta.com/slowstreets](http://www.sfmta.com/slowstreets) with contact information for staff.
- **April 22, 2020: Slow Streets email address created, [slowstreets@sfmta.com](mailto:slowstreets@sfmta.com).** As of August 11, 924 emails have been received at this email address, most receiving a response within one business day.
- **April 23, 2020: Slow Streets survey posted on website,** and promoted via social media, Board of Supervisors notices, and SFMTA notices.
- **Regular Ongoing Communication:**
  - o **Weekly email updates sent to stakeholders.** The project created a distribution email list for those interested in receiving updates on the Slow Streets project. As of August 11, 13 weekly email updates have been sent to a distribution list of over 2600 subscribers.
  - o **Board of Supervisors coordination:** SFMTA has worked and will continue to work closely with Board of Supervisors members to address concerns within their districts. Supervisors have been generally supportive of the goals and implementation of the Slow Streets project.
  - o **Neighborhood meeting attendance:** Slow Streets staff have virtually attended more than 20 community meetings to explain the project and gather resident feedback on Slow Streets since May.

In addition to this general project outreach and opportunity for community feedback, SFMTA staff has sent mailed notices about Slow Streets to residents along new Slow Streets since May 20. For every street that has been implemented since then, the Slow Streets project team has sent mailers to all residential addresses along affected corridors and sent electronic notifications to every known community contact in affected areas.

## **The project is not preempted by Federal or State law and is not a street closure.**

In the appeal, the appellant states, without citation or support, that “the Project is preempted under the California and United States Constitutions, which prohibit closing public streets to travelers, including those in motor vehicles. Further, the Project...conflicts with the Vehicle Code and other statutory provisions.” This is incorrect for two reasons: (1) the project is not a street closure but traffic regulation authorized under State law; and (2) even if the project did close a public street to travelers, state law authorizes local governments to close public streets to vehicular traffic under certain conditions (California Vehicle Code section 21101).

State law authorizes local governments to regulate traffic, including making modifications such as those found in the Slow Streets Phase I. The Slow Streets project is not a permanent street closure, but is comprised of temporary changes to reduce through vehicle traffic on certain street segments by placing temporary and movable traffic barriers in order to respond to the COVID emergency and protect public health and safety. The Transportation Code authorizes the City Traffic Engineer to make such changes in response to current conditions. (S.F. Transp. Code Div II, Section 201(a)(5) [City Traffic engineer may

“[i]nstall or remove any temporary Traffic Control Devices on any Street for the purpose of controlling Parking or traffic during emergencies ..... or when necessary for the protection of public health and safety.]”

As described above, the Slow Streets project slows and discourages vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking. While vehicle traffic on Slow Streets segments are expected to be reduced as a result of the temporary changes, all blocks within the project area will remain accessible to the local traffic such as residents, including those in vehicles.

Even if the project did close a public street to travelers, state law authorizes local governments to close public streets to vehicular traffic under certain conditions that exist here. (California Vehicle Code section 21101).

**Quick, responsive action that can be iterated upon is increasingly in demand from the community and elected officials during this public health crisis.**

During the Covid-19 Public Health Emergency, SFMTA has moved quickly to ensure continued transportation safety. The Slow Streets project is an opportunity to respond to emergency transportation challenges, address community needs, and ensure transportation safety and public health during this unprecedented time. This project uses temporary traffic restrictions on corridors to drastically improve opportunities for essential bike and pedestrian travel while minimizing impacts on the vehicle network and ensuring continued vehicular access.

Accordingly, we ask that the San Francisco Board of Supervisors uphold the use of a California Environmental Quality Act Statutory Exemption to allow for continued operation of the Slow Streets Project.

**From:** [Lynch, Laura \(CPC\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#)  
**Cc:** [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Starr, Aaron \(CPC\)](#)  
**Subject:** Slow Streets Appeal Response - Planning  
**Date:** Monday, August 24, 2020 11:55:53 AM  
**Attachments:** [SLOW STREETS Phase 1- Planning Appeal Response 8-24-2020.pdf](#)

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Hi Jocelyn,

I hope you are doing well. Please see the attached appeal response from the Planning Department.

Additionally, can you please include Debra Dwyer on the email distribution list for this appeal? She is my direct supervisor overseeing this appeal.

Thank you and take care,

Laura

**Laura Lynch, Senior Environmental Planner**  
**Environmental Planning**

San Francisco Planning

**PLEASE NOTE MY NEW ADDRESS AND PHONE NUMBER AS OF AUGUST 17:**

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7554 | [www.sfplanning.org](http://www.sfplanning.org)

[San Francisco Property Information Map](#)

Due to COVID-19, San Francisco Planning is not providing any in-person services, but we are operating remotely. Our staff are [available by e-mail](#), and the Planning and Historic Preservation Commissions are convening remotely. The public is [encouraged to participate](#). Find more information on our services [here](#).



# Statutory Exemption Appeal

## Slow Streets Phase1

**DATE:** August 24, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer, San Francisco Planning Department  
**RE:** Planning Record No **2020-004631APL**  
Appeal of Statutory Exemption for SFMTA Slow Streets Phase 1 Project  
**HEARING DATE:** September 01, 2020  
**ATTACHMENT(S):**

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**PROJECT SPONSOR:** Shannon Hake, SFMTA  
**APPELLANT:** Mary Miles, Coalition for Adequate Review

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**DEPARTMENT’S RECOMMENDATION:** Uphold the statutory exemption and deny the appeal.

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### INTRODUCTION

This memorandum is a response to the letters of appeal to the board of supervisors (the board) regarding the planning department’s (the department) issuance of a statutory exemption (CEQA determination) for the Slow Streets Phase 1 project (project) under the California Environmental Quality Act (CEQA, Public Resources Code Sections 21,000 et seq.), the CEQA Guidelines (California Code of Regulations Title 14, Sections 15,000 et seq.) and Chapter 31 of the City’s Administrative Code.

The department, pursuant to CEQA and Article 18 of the CEQA Guidelines, issued a statutory exemption for the project on April 21, 2020 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA), per CEQA Section 21080(b)(4) and the CEQA Guidelines Section 15269 (c), the Emergency Projects statutory exemption provision. The decision before the board is whether to uphold the department’s decision to issue a statutory exemption and deny the appeal, or to overturn the department’s decision to issue a statutory exemption and return the project to the department staff for additional environmental review.

### SITE DESCRIPTION AND EXISTING USE

The project is located at various lower-traffic residential streets that connect neighborhoods to essential services in the absence of Muni service. Table 1 provides a complete list of streets within the scope of the project-boundaries.

*Table 1. Slow Streets: Phase 1*

Street	From	To
17 <sup>th</sup> Street	Noe	Valencia
20 <sup>th</sup> Avenue	Lincoln	Ortega
22 <sup>nd</sup> Street	Valencia	Chattanooga
41 <sup>st</sup> Avenue	Lincoln	Vicente
Ellis	Polk	Leavenworth
Holloway	Junipero Serra	Harold
Kirkham	Great Highway	7 <sup>th</sup> Avenue
Phelps	Oakdale	Evans
Ortega	Great Highway	14 <sup>th</sup> Avenue
Page	Stanyan	Octavia
Quesada	Lane	Fitch
Scott	Eddy	Page

## PROJECT DESCRIPTION

On March 6, 2020, San Francisco Health Officer Tomas Aragon declared a health emergency due to the COVID-19 (coronavirus) pandemic (public health emergency) and subsequently enacted Health Orders to protect the public health. Health Order No. C19-07 (Stay Safer at Home) was originally issued March 16, 2020 as Shelter in Place, and has been amended several times as conditions change and additional information and recommendations become available.<sup>1</sup> Health Orders are enforceable laws and are usually accompanied by one or more Directives which provide legally binding instructions for how to comply with the Health Order. In response to the COVID-19 public health emergency, the city’s Public Health order C19-07 requires individuals to maintain six feet of social distance from individuals not in their household, among other requirements. In addition, as a result of the emergency, Muni service has also been reduced, requiring many San Francisco residents to find alternative travel modes to make essential trips, which has increased the number of pedestrians, bicyclists, and drivers traveling on city streets. To keep six feet social distance, many pedestrians choose to walk in the street and are at a higher risk of being struck by vehicles in the roadway. The Slow Streets Phase 1 project limits vehicular traffic on identified streets to mitigate the spread of COVID-19 by providing individuals walking or bicycling with additional space to safely maintain the necessary six feet of separation from others.

The SFMTA implemented the Slow Streets Phase 1 project to temporarily allow roadways to be used as a shared space for foot and bicycle traffic and to manage traffic speeds. Vehicle traffic is allowed on these streets but the overall purpose of the project is to encourage trips for local travel (e.g. access for residents, businesses, and visitors of residents or businesses), mail, delivery services, and emergency vehicle access.

<sup>1</sup> San Francisco Department of Public Health. 2020. Orders Issued by the San Francisco Health Officer Relevant to Coronavirus (COVID-19). Available online at <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>. Accessed August 6, 2020.

The Slow Streets Phase 1 project does not create any legal change in the designation of the public right-of-way. People walking or running in the street are allowed to be in the street as the California Vehicle Code currently permits, but would not have the right-of-way over motor vehicles. People walking or running in the roadway are required to yield to vehicular traffic.

Slow Streets Phase 1 project is a temporary project, requiring no major construction activities. Removable materials such as cones, A-frames with signage, plastic traffic diverters and delineators are placed in the roadways to slow and discourage vehicular through-traffic in order to enable people to safely walk, run, or bike while maintaining six feet social distancing. Once the emergency order is lifted, the designated streets would revert back to the pre-project condition.

## **BACKGROUND**

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

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

On April 17, 2020, the SFMTA Director of Transportation, in coordination with the city's Emergency Operations Center, approved the project.

On April 21, 2020, the Planning Department issued a Statutory Exemption for the Slow Streets Phase 1 project.

On April 22, 2020 the Planning Department posted a Statutory Exemption on the Planning Department's website. This posting marks the start of the appeal period for the exemption.

On May 21, 2020, an appeal of the Statutory Exemption determination was filed by Mary Miles on behalf of Coalition for Adequate Review (the appellant).

On August 21, 2020, a supplemental appeal letter was submitted by the appellant.

## **CEQA AND THE CEQA GUIDELINES – STATUTORY EXEMPTIONS**

In accordance with Article 18 Statutory Exemptions, CEQA Guidelines sections 15260 through 15385 list exemptions from CEQA granted by the Legislature. These exemptions from CEQA apply in several forms. Some exemptions are complete exemptions from CEQA, while others apply only part of the requirement or only to the timing of the CEQA compliance.

CEQA Guidelines section 15269(c) states that specific actions necessary to prevent or mitigate an emergency are exempt from the requirements of CEQA. This section reflects the mandate in CEQA Section 21080(b)(4), that CEQA "does not apply to (...) specific actions to prevent or mitigate an emergency." An "emergency," in turn, is "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding

immediate attention to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” (CEQA Section 21060.3; CEQA Guidelines Section 15359).

## PLANNING DEPARTMENT RESPONSES

The concerns raised in the appeal letters are addressed in the responses below.

**Response 1: The project meets the conditions outlined in CEQA Guidelines Section 15269(c) Emergency Projects, qualifying it as statutorily exempt from CEQA requirements. A statutory exemption is the appropriate level of environmental review for the project.**

*The project meets the definition of CEQA Guidelines section 15269(c) Emergency Projects statutory exemption.*

On March 4, 2020, Gavin Newsom, Governor of California, issued the Proclamation of a State of Emergency under Section 8625 of the California Government Code and the California Emergency Services Act, establishing the existence of a state of emergency throughout California due to COVID-19. As stated above, on March 6, 2020 San Francisco Health Officer Tomas Aragon declared a health emergency for the City and County of San Francisco. Health Orders were enacted to protect the public health and provide guidance and provisions to reduce the spread of COVID 19. In particular, Health Order No. C19-07 is the main order that states what activities are allowed and prohibited during the COVID-19 Emergency. It has been amended several times since it was first issued on March 16, 2020.

On March 31, 2020, the Health Order No. C19-07 stated that to the extent individuals are using shared or outdoor spaces, they must at all times, as reasonably possible, maintain social distancing of at least six feet from any other person not in their household when they are outside their residence. The Slow Streets Phase 1 project provides additional space for pedestrians and bicyclists to navigate through the city, to perform essential trips, while also maintaining the required six feet of distance from other individuals. The six feet of social distancing, regulated by the San Francisco Health Officer, is to mitigate the COVID-19 Public Health Emergency; therefore, the project was properly analyzed in accordance of CEQA and qualifies as an Emergency Projects statutory exemption.

The appellant makes claims that the project would not fall within the (Pub. Res. Code §21060.3 [ Emergency ] definition of an emergency, stating that an emergency can only be a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, including fire, flood, earthquake, or other soil or geological movements, as well as such occurrences as riot, accident, or sabotage. The appellant is implying that the COVID-19 Public Health Emergency does not meet the definition of an emergency under the definition in the Public Resources Code. However, if there was ever an occurrence that fits the definition of emergency under CEQA, it is the COVID-19 pandemic. COVID-19 is a sudden and unexpected occurrence; in the span of a few days the whole world, the United States, California, and the Bay Area in particular went from having a handful to many reported cases,<sup>2</sup> leading international, state

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<sup>2</sup> San Francisco Department of Public Health. 2020. COVID-19 Cases and Deaths. Online at <https://data.sfgov.org/stories/s/dak2-gvuj>. Accessed August 13, 2020.

and local officials to declare a state of emergency. Moreover, COVID-19 involves a clear and imminent danger and can cause damage to life and health. Further, as stated above, the Public Health Emergency was declared by the city's public health officer on March 6, 2020. The subsequent public health orders include directives, such as the six feet of social distancing requirements, to mitigate the spread of COVID-19 and reduce health risks. The Slow Streets Phase 1 project was properly classified as a project mitigating an emergency and the statutory exemption determination is valid.

The appellant states that the "emergency exemption provided under CEQA is not meant to be used to justify the SFMTA's determination to close streets to cars, but for serious emergencies where peril to life and property is imminent and drastic." According to the Centers for Disease Control and Prevention, in the United States alone, as of August 20, 2020 approximately 5.5 million people have had confirmed COVID-19 cases and approximately 172,000 of the cases have resulted in death.<sup>3</sup> The COVID-19 Public Health emergency qualifies as a "serious emergency."

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

CEQA Guidelines section 15269(c) states that the emergency project cannot include long term projects undertaken for the purpose of preventing or mitigation a situation that has a low probability of occurrence in the short term. This exclusion does not apply to the proposed project as the emergency is ongoing, and therefore the issue of "low probability of occurrence" that the emergency would happen is moot.

As shown above, the project meets the requirements of an Emergency Project statutory exemption and none of the above-noted exclusions stated in CEQA Guidelines section 15269(c) apply. Therefore, the project is exempt from CEQA requirements and no analysis is required. The City's decision is that the project fits within the definition of statutory exemption 15269(c) Emergency Projects, and is supported by substantial evidence in the record. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in Public Resources Code Section 21080 et seq and discussed in CEQA Guidelines Sections 15260-15285. A statutory exemption applies to any given project that falls under its definition, regardless of the project's potential impacts to the environment.

**Response 2: The process by which the project was evaluated complies with applicable sections of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code.**

*The appellant inaccurately claims that the project was not appropriately available to the public.*

Chapter 31 of the Administrative Code requires the Environmental Review Officer to post on the department's website the following: "(1) a project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption; (2) the type or class of exemption determination applicable to the project; (3) other information, if any, supporting the exemption determination; (4) the Approval Action for the

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<sup>3</sup> Centers for Disease Control and Prevention. 2020. Coronavirus Disease 2019 – Cases in the U.S. Available online at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. Accessed August 20, 2020.



project, as defined in Section 31.04(h); and (5) the date of the exemption determination.” (section 31.08(e)(1)(A)).

The department posted the exemption determination for the project on the department’s website, <https://sanfrancisco.buildingeye.com/planningceqa/list/type/agencycatex>, on April 22, 2020. The website includes a heading titled “Public Agency Exemptions,” with a table of exemptions for projects sponsored by public agencies to which the exemption determination for the project is linked. The statutory exemption determination document was appropriately posted and digitally signed and dated.

In the appellant’s letter dated May 21, 2020, the appellant inaccurately states that the exemption determination was not publicly available or posted and was only made available after a Sunshine Ordinance/Public Records Act Request made by the appellant on May 11, 2020. As stated above, the exemption determination was made available on the planning department’s website on April 22, 2020. Due to the public health emergency and the rapid response made by the city to mitigate the emergency, the approval of the Slow Streets Phase 1 occurred prior to planning department’s documentation and issuance of a CEQA determination. This is not an error, as CEQA does not require public agencies follow any specific procedures in approving activities that are exempt. Because agencies are not required to make a written determination, a project approval cannot be challenged on the ground that the agency’s exemption determination was documented after the project was approved. (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App. 4th 950, 961). What state law does require is that when a non-elected decision-making body determines that a project is exempt from CEQA, the decision is appealable to the agency’s elected decision-making body. (CEQA Section 21151(c)). Further, Chapter 31 imposes specific noticing and posting requirements, as described above. Here, the department complied with all those procedures, and appellant received, and availed itself of, the opportunity to appeal the exemption determination to the City’s elected decision-making body, the board of supervisors.

The appellant claims that the approval action was not identified in the department’s post. That is incorrect. The exemption stated that the approval action was the Director of Transportation’s authorization. In accordance with Chapter 31 of the Administrative Code, the Planning Department properly issued a statutory exemption determination that followed all requirements stated above, including identification of the approval action for the project and the date of the CEQA determination, and posting. Per Section 31.16(e)(2)(B)(ii), since the project was not approved at a noticed public hearing, the appeal period for this exemption started on the date this exemption was posted to the planning department’s website. The exemption was posted on April 22, 2020, marking the start of the 30-day appeal period. Therefore, the department complied with CEQA and Chapter 31, and appellant was not harmed by the fact that the planning department posted the exemption determination a few days after the approval of the project.

The department met all above-noted city requirements in issuing the exemption determination for the project.

**Response 3: The appellant lists other projects that are not included in the Slow Streets Phase 1 project.**

*The appellant lists other temporary projects such as the Panhandle Social Distancing project (2020-006678ENV) and other Slow Streets projects (Phase 2: 2020-005267ENV and Phase 3: 2020-006251ENV). The additional projects are not part of the scope of the Slow Streets Phase 1 project.*

Those projects received a separate CEQA analysis and approval and are not relevant to this appeal. These distinct projects may be similar in nature in that they are all intended to reduce the risk of the spread of COVID-19 by providing additional space for people to maintain social distance of at least 6 feet when making essential trips walking or bicycling. However, these projects reflect different city actions taken at different times to respond to rapidly changing circumstances on the ground in various areas in the city. The projects all have independent utility in that they are not dependent upon one another for implementation and their own separate justifications. These are not all part of a single project that the City piecemealed in order to skirt environmental review.

## **CONCLUSION**

The department has determined that the project is statutorily exempt from the requirements of CEQA on the basis that the project is mitigating a public health emergency. CEQA Section 21080(b)(4) and CEQA Guidelines section 15269(c) exempt projects that include necessary actions to prevent or mitigate an emergency from the requirements of CEQA. The use of a statutory exemption is applicable to the project. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature (see Public Resources Code Section 21080 et seq and CEQA Guidelines Sections 15260-15285). A statutory exemption applies to any given project that falls under its definition, regardless of the project's potential impacts to the environment. The record includes substantial evidence supporting the City's determination. The appellant has failed to show why the City's factual determination is wrong, or why the project does not fit within the scope of the statutory exemption.

The health emergency is ongoing, and as it continues the city will continue to take actions that are intended to mitigate the emergency. To the extent that the SFMTA or any city agency is implementing projects to support compliance with guidelines and recommendations by local, state, and federal health experts that mitigate the emergency and assist in limiting the spread of the COVID-19 Coronavirus, these projects are appropriately statutorily exempt as emergency projects.

For the reasons stated above and in the April 22, 2020 CEQA statutory exemption determination, the City complied with the requirements of CEQA and the project is appropriately statutorily exempt from the requirements of CEQA. The department therefore respectfully recommends that the board uphold the CEQA statutory exemption determination and deny the appeal of the CEQA determination.

**From:** [BOS Legislation..\(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** APPELLANT SUPPLEMENTAL INFORMATION: Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Monday, August 24, 2020 9:35:50 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board received the following supplemental information from the appellant, Mary Miles, on behalf of the Coalition for Adequate Review, regarding the appeal of the Statutory Exemption under the California Environmental Quality Act the proposed MTA's Slow Streets - Phase 1 project.

[Appellant Supplemental Information – August 21, 2020](#)

The hearing for this matter are scheduled for 3:00 p.m. special order before the Board on September 1, 2020

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

[Board of Supervisors File No. 200883](#)


Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
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**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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**From:** [Mary Miles](#)  
**To:** [BOS Legislation \(BOS\)](#)  
**Subject:** UPDATE ON THE APPEAL OF EXEMPTION "SLOW STREETS PHASE 1" BOS FILE NO. 200883  
**Date:** Friday, August 21, 2020 4:54:26 PM  
**Attachments:** [8-21-20 BOS APPEAL UPDATE FILE NO. 200883.pdf](#)

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

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

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

**DATE:** August 21, 2020

**RE: FILE NO. 200883 Appeal of the Exemption of "Slow Streets - Phase 1"**

Attached please find in pdf format Appellant's Update on the above-noted Appeal to be filed today.

If there is any problem with filing the attached, please advise me by return e-mail.

Thank you.

Mary Miles  
Attorney at Law  
364 Page St., #36

San Francisco, CA 94102

**FROM:**

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

**TO:**

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

**BOS FILE NO: 200883**

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

DATE: August 21, 2020

**UPDATE ON THE APPEAL OF CEQA STATUTORY EXEMPTION ON MTA'S  
"SLOW STREETS - PHASE 1" PROJECT, BOS FILE NO. 200883**

This update is about ongoing additions to the Project by the San Francisco Municipal Transportation Agency ("MTA").

Appellant was notified by email from the Board Clerk's office on August 18, 2020, that a hearing on this appeal would be scheduled on September 1, 2020, giving only 14 days notice. Appellant will separately request a continuance of the hearing from September 1, 2020 to October 27, 2020 to allow time to submit a brief and additional information.

Since Appellant's May 21, 2020 Appeal was filed, MTA has expanded what began as several street closures under its Slow Streets Project. The Project has now morphed into a citywide project closing many more streets by installing physical barriers and signs prohibiting through travel by motor vehicles.

The affected streets include not only "neighborhood" streets but major streets with heavy traffic, such as Masonic Avenue, Golden Gate Avenue, Lombard Street, JFK Drive, Twin Peaks Boulevard, and the Great Highway.

A copy of MTA's latest map of its Slow Streets Project as of July 28, 2020 is attached as **EXHIBIT D**.

Slow Streets Phase 1 includes 17th Street, 20th Avenue, 22nd Avenue, 41st Avenue, Ellis Street, Kirkham Street, Lake Street, Phelps Street, Ortega Street, Page Street, Quesada

Street, Scott Street, JFK Drive, Great Highway, Twin Peaks Boulevard and others. (See 5/2120 Notice of Appeal, Exh. B.)

As noted in the May 21, 2020 Notice of Appeal, MTA has implemented the Project's changes with *no* public process, excluding the public from participation in the Project.

A "Next Phase" of Slow Streets (presumably the second "phase" or "Phase 2") was announced shortly after "Phase 1" on MTA's blog site with no additional CEQA determination or public approval process. The "Next Phase" included many more street closures, including 20th Avenue, 23rd Avenue, Chenery Street, Excelsior Street, Golden Gate Avenue, Jarboe, Lane, Lombard Street, Mariposa Street, Sanchez Street, Shotwell Street, Somerset Street, and Stockton Street. (<https://www.sfmta.com/blog/next-phase-slow-streets>.) Like "Phase 1," the "Next Phase" fails to meet CEQA's requirement for an emergency exemption.

On July 21, 2020, the MTA Board approved a "Slow Streets Phase 3" with even more street closures under a different CEQA exemption, blocking through travel by motor vehicles on 20th Street, Arkansas Street, Cabrillo Street, Cayuga Street, Capitol Avenue, Clay Street, Duncan Street, Farallones Street, Heart Street, Holly Park Circle, Lakeview/Shields Street, Mariposa Street, Minnesota Street, Noe Street, Pacific Street, Pierce Street, and Tompkins Street. Appellant separately appealed the "Slow Streets, Phase 3" exemption to this Board on August 20, 2020.

The Planning Department also issued a separate exemption on the "Panhandle Social Distancing and Safety Project," which was separately appealed on August 14, 2020.

### **The Slow Streets Project Does Not Qualify For An Emergency Exemption Under CEQA**

MTA and the Planning Department ("Planning") claim that the "Slow Streets Phase 1" Project is exempt from the California Environmental Quality Act ("CEQA") under CEQA's emergency exemption, citing 14 Cal. Code Regs. (CEQA "Guidelines"), §15269(c.)

The Slow Streets Project, however, does not qualify for CEQA's emergency exemption, which specifically applies only to a "sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services," and such occurrences as "fire, flood, earthquake, or other soil or geologic movements, . . . riot, accident, or sabotage." (Pub.Res. Code §21060.3 ["Emergency"].)

Absent substantial evidence that every street change in the Project meets that strict definition, the City fails to establish that the Project is exempt from CEQA.

MTA's "social distancing" claims are unsubstantiated and clearly do *not* qualify the Project for an emergency exemption under CEQA.

Far from being a "sudden, unexpected occurrence," the Project consists of ongoing long-term implementation of street closures to motor vehicles. Nor is the Slow Streets Project



actually temporary, since MTA claims that it can and will make this Project permanent. MTA provides *no* date for an end to this Project and *no commitment* to conduct environmental review or provide any meaningful public participation in that review.

The "Phase 1" Exemption document claims, "With Muni service reduced, many San Francisco residents need to walk and take other travel modes to make essential trips. However, they cannot practically maintain the six feet of social distance required by the City's Public Health Order C 19-07 on many sidewalks, park paths, and bikeways, especially when passing queues outside grocery stores and other essential services." (5/21/20 Notice of Appeal, Exh. A, p. 1.)

Planning and MTA, however, have provided no evidence that pedestrians have to walk in the middle of streets instead of on sidewalks to maintain "social distancing." There is no evidence that sidewalks and streets are inadequate for "essential trips" by pedestrians and bicyclists. There is no evidence of "queues outside grocery stores" on those streets.

The "Phase 1" Exemption document says, "Currently, many pedestrians are choosing to walk in the street and are at a higher risk of colliding with a vehicle in the roadway." (5/21/20 Notice of Appeal, Exh. A, p.1.) Again, there is no substantial evidence supporting the claim that pedestrians are making such risky choices, or that existing sidewalks are inadequate.

MTA's claimed purpose of the Slow Streets Project is to accommodate *essential* trips by bicyclists and pedestrians by obstructing motor vehicle travel, creating bicycle lanes, and allowing walking in the middle of streets instead of on sidewalks. (5/21/20 Notice of Appeal, Exh. A, p. 1.) There is no evidence of any connection between motor vehicle travel on the Project's blocked streets and COVID infection. There is no evidence of any connection between motor vehicle travel on the Project's blocked streets and COVID infection.

There is *no* evidence that closing public streets to motor vehicles will "prevent or mitigate" a loss of essential public services in an emergency. (Pub. Res. Code, §21060.3.) Indeed, MTA's Director of Transportation, Jeffrey Tumlin, stated that cars are the safest mode 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>?)

Instead of preventing or mitigating a loss of public services during an actual emergency, the Slow Streets Project actually hinders those purposes by blocking public travel by the safest mode. (Pub.Res.Code §21060.3.)

All phases of Slow Streets claim that MTA may now change any street in the City to exclude, obstruct, or make difficult motor vehicle travel and parking without any CEQA review by claiming a statutory "emergency" exemption.

MTA has implemented this Project with *no* public process and with no CEQA review and mitigation of its impacts. The City's claimed statutory exemption from CEQA review

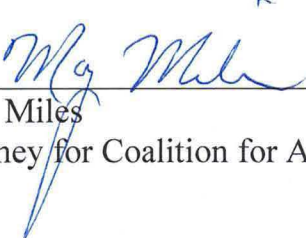
under Guidelines §15269(c) ["Emergency projects"] is now a pretext for dispensing with CEQA review of changes affecting travel throughout the City.

By piecemealing the Project in "phases," creating separate exemptions, and implementing the Project without first conducting public proceedings, MTA and Planning fail to completely and accurately describe this Project and analyze its full scope.

Whether viewed as "Phases" or as a whole, the Slow Streets Project is not exempt under CEQA's statutory emergency exemption or any other exemption.

## **CONCLUSION**

Since the Slow Streets Project does not meet the requirements for the claimed emergency exemption under CEQA, this Board should grant this appeal and reverse the exemption determination.

  
\_\_\_\_\_  
Mary Miles  
Attorney for Coalition for Adequate Review

DATE: August 21, 2020

ATTACHMENTS/EXHIBITS:  
D MTA Map of Slow Streets, 7/28/20

# **ATTACHMENT D**

### Map Legend

#### Slow Streets

- Implemented Slow Street
- Proposed Phase 3 Slow Streets

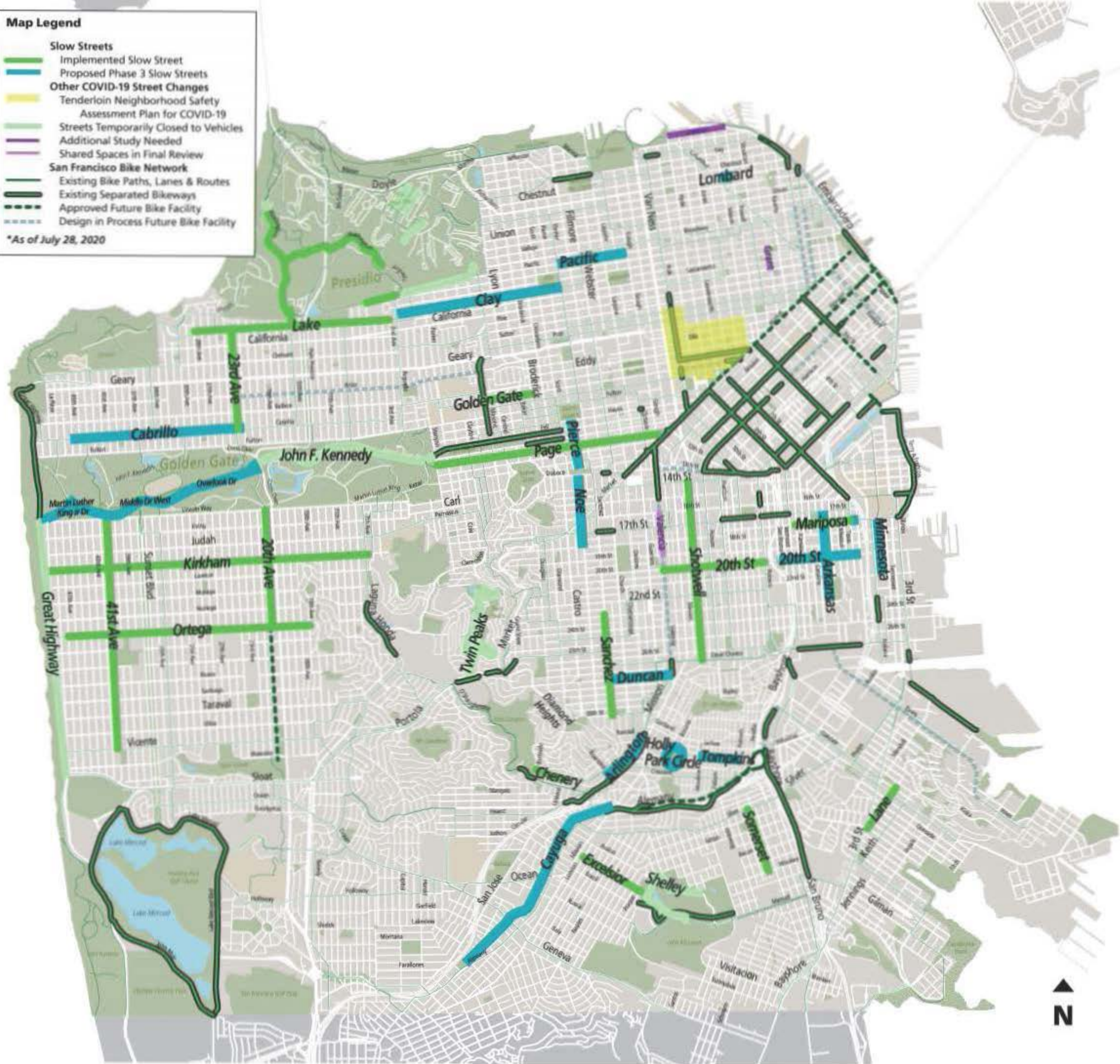
#### Other COVID-19 Street Changes

- Tenderloin Neighborhood Safety Assessment Plan for COVID-19
- Streets Temporarily Closed to Vehicles
- Additional Study Needed
- Shared Spaces in Final Review

#### San Francisco Bike Network

- Existing Bike Paths, Lanes & Routes
- Existing Separated Bikeways
- Approved Future Bike Facility
- Design in Process Future Bike Facility

\*As of July 28, 2020



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: File No. 200883  
**Date:** Thursday, August 27, 2020 2:08:28 PM

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**From:** Lori Chan <lyc2travel@sbcglobal.net>  
**Sent:** Monday, August 24, 2020 1:45 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** RE: File No. 200883

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

To the San Francisco District Supervisors:

My husband and I have lived for over 25 years on Twin Peaks at 1 Burnett Avenue North, Unit 6. I have both hiked and driven up to the top of Twin Peaks frequently, sometimes with visitors but often alone. I would like to add our voices in strong and determined protest of the decisions made without notice to nor input by we, the people, who live in this neighborhood.

While aware of the rash of thefts up at the top in the past ten years or so, as a third generation San Franciscan as well as a neighborhood resident, it was still an activity I greatly enjoyed. Furthermore it is important to note that it was not the thefts which took place at the lookout atop Twin Peaks which was the genesis for the closure decision.

As I'm sure some of my neighbors have already expressed, since the abrupt closure in question, there have occurred a myriad of problems from unintended consequences created by this closure of Twin Peaks Blvd at Burnett Avenue.

Here are some main areas of our concern:

- **Traffic Congestion**

Driving home, I have several times been met with so many cars jamming the area, searching for a place to park, or trying to turn around, that there was no way to reach my driveway without waiting in a long line for the traffic to "unwind."

Sure, in an urban area, there is traffic, and there will be traffic jams occasionally; but in 25 years, my quiet, residential neighborhood has never experienced anything like this --- not even on the Fourth of July with people searching for a vantage point from which to view fireworks!! Now we have lived on Telegraph Hill and gone through the summer lines of traffic waiting to go up to Coit Tower, so we "get it", sometimes there are lines. But this is not simply an orderly line creeping along; it has much more potential for accidents from the jockeying that takes place, the people getting out of their vehicles and weaving their way between cars trying to back up or otherwise maneuver the tight space, and therefore is

much more of a nuisance and hazard.

- **Noise and Partying**

At night, sound may carry more, but almost nightly when I am in that part of my apartment facing away from the road I hear loud voices, music, and other sounds of people "partying". Usually, it is after 11:00 pm, often even after midnight. Though I have not walked up to those people directly to ascertain whether alcohol added to this revelry, from the bits of conversations I can hear and the debris left over afterwards, I think it's pretty certain a lot of drinking or perhaps drugs accompany this behavior.

Now, with our bedroom facing the Bay, we do not get the brunt of the noise, but I know from speaking with some of our neighbors that they have had their sleep interrupted by this constant loud activity (or sometimes even been unable to fall asleep.)

Do I want to poke my head out and ask these people to quiet down? And risk retaliation? A mob? Future vandalism? Not really. Would you?

- **Trespassing and Car Break-Ins**

More than once, people have ventured onto our common property, or worse, climbed up onto the roof of our neighbor. The latter could prove risky, and if someone falls and hurts (or kills) themselves, would our HOA be liable? Would the MTA or the City?

Or what about the potential damage to the surface of the roof itself? Spiked heels or big boots could well do damage to the roof's membrane, causing expensive leaks and requiring costly repairs. Another potential HOA expense and headache, which we had no opportunity to voice our concerns over.

And then there are all the car break-ins, which was one of the problems up at the top of the hill, at Christmas Tree point, wasn't it? Police patrolling there would have been a contained solution. But with so much traffic camped right on our doorsteps, we are now like sitting ducks; people easily "casing" out our cars and property and then choosing their moment to commit their "petty" crime. It has the effect of diluting police effectiveness if they have to respond to each of the citizens' calls rather than making scheduled patrols.

- **Trash and Refuse**

Because people are not simply walking up to Christmas Tree Point or the observation area of Twin Peaks, in short, a lot of "action" has been pushed down the hill right towards us. Yes, they are congregating along Burnett Avenue right above and overlooking our property. From all this activity, we have found all manner of items dumped onto our property, pretty much every day, but especially on weekends.

These items range from good old trash left over from a night of revelry: empty alcoholic beverage containers, food wrappers, cups, and the like to items probably stolen and then discarded (small luggage, gym bags, purses, briefcases and miscellaneous items.)

One of my neighbors regularly fills up 1 to 2 large trash bagsful each day from items left on our property. On one occasion, he found a foreign passport and personal items and went to the effort of tracking down its owner to return said property. Had he not, that tourist to our City might have gone through huge hassles to secure his homeward journey and been left with a pretty sour taste of his visit to San Francisco.

I mention this to illustrate how we endeavor to be good neighbors, kind citizens, and cooperate in our community.

And after all, we do pay property taxes and are voters as well.

So it is extremely disappointing and not a little distressing that we were given no opportunity to voice our concerns before this closure happened, yet now we are the daily recipients of the really obnoxious unintended consequences foisted upon us by City Hall, the MTA, and whomever else made this decision. WE MOST CERTAINLY DO NOT WANT THIS TO BE A PERMANENT SITUATION!!

[We would much rather they had made the decision to install speed bumps on Burnett Avenue and on Gardenside, where cars regularly and dangerously speed along, right by Rooftop School, where in pre-Covid19 times, parents are dropping off and picking up their children.]\_\_\_\_\_

Let us add that the blocking off of some neighborhood streets around the city to afford more outdoor space for residents to recreate outside during the Covid19 pandemic is not a bad idea at all. But the closing of Twin Peaks Blvd at Burnett does not fit that bill, does not afford more outdoor space for residents, and in fact has created a unique set of problems for our community which other street closures do not. It is more than a simple, small nuisance, and we just hope that there nothing worse will occur

I note that there will be a virtual meeting on September 1st, which I plan to attend. I hope that you or others in a position to help and to evaluate our very different situation will do so and consider the point of view of our once quiet neighborhood which has now become a daily and nightly mess! Thank you in advance for your time and attention. We appreciate you have many constituents with many concerns.

Sincerely,

Lori Y Chan and Peter L Greene

**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** FW: REOPEN CHURCH STREET NOW!  
**Date:** Monday, August 24, 2020 11:06:00 AM

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**From:** Jamey Frank <jameyfrank@icloud.com>  
**Sent:** Sunday, August 23, 2020 12:46 PM  
**To:** Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>  
**Cc:** MTA Board <MTABoard@sfmta.com>; tellmuni@sfmta.com  
**Subject:** REOPEN CHURCH STREET NOW!

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Supervisors and Mayor,

### **SFMTA creates more Urban Blight and Suburban Flight!**

Two more homeowners in our building on Church St., 40+ years in SF, have had enough of Draconian SF government, and are leaving the city.

75% of our street's businesses have died, and closing Church St. only destroys what's remaining. It's now a dead, lifeless, and empty neighborhood with no parking and jammed traffic on the few remaining surrounding streets, and scary street people everywhere.

14th St. - closed S. Van Ness to Folsom  
16th St. - 50% parking loss and lane closure  
17th St. - closed at Market, all parking lost Church St. to Sanchez St.  
18th St. - closing at Castro  
Noe St. - closing full length  
Sanchez St. - closed through Noe Valley  
Church St. - closed 15th to Market, all parking removed  
Duboce St. - closed Church to Fillmore  
Steiner St - closed Page to Oak  
Page St. - closed entirely  
....where does it end?

**SFMTA in its obsessive hatred of vehicles has ruined local businesses, and run families and**



**seniors out of town.**

**Stop Urban Blight and Suburban Flight!**

**Reopen our streets NOW!**

—Jamey Frank, Church St. Neighborhood Assoc.

From: [jaespo@bellsouth.net](mailto:jaespo@bellsouth.net)  
To: [Board of Supervisors](mailto:Board of Supervisors)  
Subject: [File No. 200883 - Please Re-Open the Western Gate at Twin Peaks Park](#)  
Date: [Monday, August 24, 2020 11:08:00 AM](#)  
Attachments: [Outlook Message](#)

From: jaespo <jaespo@bellsouth.net>  
Sent: Sunday, August 23, 2020 9:40 AM  
To: Board of Supervisors, (BOC) <boardofsupervisors@sfgov.org>  
Subject: File No. 200883 - Please Re-Open the Western Gate at Twin Peaks Park

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

(Sending with correct File Number this time)

Dear Board of Supervisors,

My name is Jim Esposito. My wife (Gisela) and I are homeowners at 3 Burnett Avenue North. We are located barely a few blocks away from the intersection of Burnett Avenue and Twin Peaks Boulevard where the western gate to access Twin Peaks Park remains closed. I've included the below, marked up map so you can understand our close proximity to the gate and negative activities happening in our neighborhood due to the park closure.

As a home owner and resident of District 8, we are very directly affected by the negative consequences as a result of the park closure. I'm writing to respectfully voice my strong opinion that the **westside Twin Peaks Park gate be re-opened to vehicles and NOT considered for permanent closure under the Slow Streets program.**

Since the gate closure, I've been able to directly witness the increased and now regular stream of disturbing consequences due to what should have been only a temporary gate closure. Some of these negative effects - which as SFPD knows used to occur up at Christmas Tree Point - and now are regularly in our neighborhood and felt by our family include:

- Alcohol induced revelry, late night noise and weed smoking along Burnett Ave just above our homes
- Bikers: illegal parking around the gate closure and significantly increased, non-local traffic and traffic incidents on Burnett Ave
- Car break ins and private and public property vandalism
- Speeding and erratic driving down Burnett Avenue
- Lots of noise, garbage thrown on the streets and down on to our property

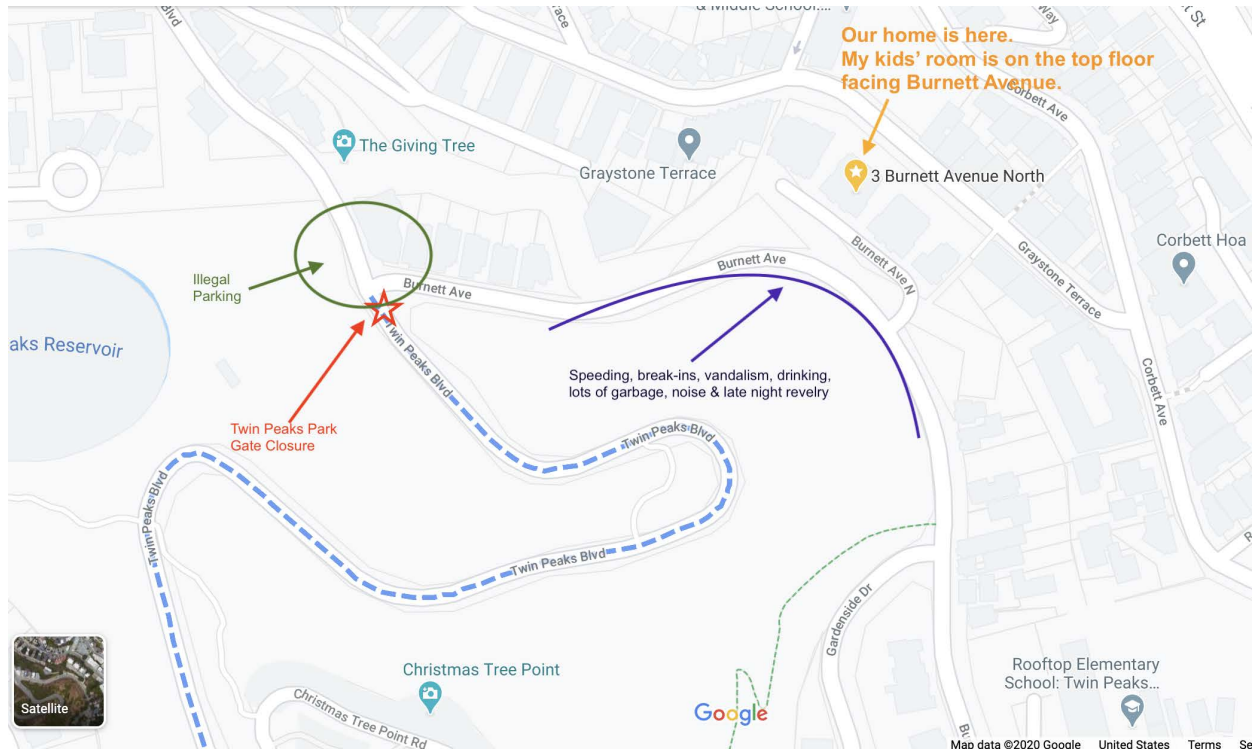
The most upsetting part of this closure is that it has been directly affecting my two, young daughters (Valentina and Paola). Their room is on the top floor of our complex and directly faces Burnett Avenue. The late night noise from visitors - drinking alcohol and smoking pot - regularly floods down into our complex, making my girls feel unsafe and unable to sleep. These parties and all the other related activities would otherwise be happening at Christmas Tree Point as has been the case for many years. However due to the temporary gate closure, these negative activities have been pushed down directly into our neighborhood causing disruption, mess and a very meaningfully lowered quality of life for those of us residing here. Just last evening, I called the SFPD Non-Emergency number to report late night partying and property destruction.

I understand that the City may be considering the permanent closure of Twin Peaks Park to vehicles as a result of the Slow Streets program and other influencing interests that don't directly represent the actual homeowners in this neighborhood. I'm baffled that this would be considered without intentionally examining the very obvious, direct and measurable consequences that the temporary closure has been having on neighborhood residents. I hope that you will consider my respectful plea to re-open the westside gate and allow vehicles and visitors to once again drive up to and park at Christmas Tree point. Returning open vehicle access through the westside entrance - as has been the case for many, many years - will eliminate the significant surge of these unwelcomed issues that have been pushed down into our neighborhood.

I appreciate you considering my view and hope to hear back from you on this important neighborhood issue. Many thanks from the Esposito Family. :)

Sincerely,

Jim Esposito  
[jaespo@bellsouth.net](mailto:jaespo@bellsouth.net)  
954-650-7252



**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: File No. 200883  
**Date:** Monday, August 24, 2020 11:10:00 AM

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**From:** Gale Bradley <galesemail@comcast.net>  
**Sent:** Saturday, August 22, 2020 8:36 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** File No. 200883

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

## File No. 200883

San Francisco Supervisor,

The closing of Twin Peaks has created a serious crime and traffic congestion problem when has never existed in this area. Cars park anywhere they can since they are not allowed in the lot near the view. When the hundreds of people who come everyday leave their cars roving gangs smash the windows and steal. I was confronted by a thug who blocked Burnett Avenue as he smashed every window on the street.

NO ENVIRONMENTAL IMPACT STUDY WAS EVER DONE. The result has been several home robberies and two murders.

I have lived here and paid taxes for 35 years. It worked fine the way it was.

This is a major tourist site. Why would you deny access to the most beautiful view in SF? Not everyone can walk up the steep mile to the top.

Please OPEN TWIN PEAKS!

Gale Bradley  
Native SF  
Tax payer  
voter

From: [Board of Supervisors, 2020](mailto:boardofsupervisors@sf.gov)  
To: [Board of Supervisors](mailto:boardofsupervisors@sf.gov)  
Subject: FW: File No. 200833 - Please Re-Open the Western Twin Peaks Gate - A Plea  
Date: Monday, August 24, 2020 11:18:00 AM  
Attachments: [Download Attachments](#)

From: joespo <joespo@bellsouth.net>  
Sent: Saturday, August 22, 2020 9:58 AM  
To: Board of Supervisors, (805) <boardofsupervisors@sf.gov>  
Subject: File No. 200833 - Please Re-Open the Western Twin Peaks Gate - A Plea

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

Hello Board of Supervisors,

My name is Jim Esposito. My wife (Susana) and I are homeowners at 3 Burnett Avenue North. We are located just a few blocks away from the intersection of Burnett Avenue and Twin Peaks Boulevard where the gate to access Twin Peaks Park remains closed. I've included the below, marked up map so you can understand our close proximity to the gate and negative activities happening in our neighborhood due to the park closure.

As a home owner and resident of District 8, we are very directly affected by the park closure, I'm writing to respectfully voice my strong opinion that the **westside Twin Peaks Park gate be re-opened to vehicles and NOT considered for permanent closure under the Slow Streets program.**

Since the gate closure, I've been able to directly witness the increased and now regular stream of disturbing consequences due to what should have been only a temporary gate closure. Some of these negative effects - which used to occur up at Christmas Tree Point - and now are regularly felt by our family include:

- Alcohol induced revelry, late night noise and weed smoking along Burnett Ave just above our homes
- Blatant, illegal parking at the gate closure and significantly increased, non-local traffic and traffic incidents on Burnett Ave
- Car break ins and private and public property vandalism
- Speeding and erratic driving down Burnett Avenue
- Lots of noise, garbage thrown on the streets and down to our property

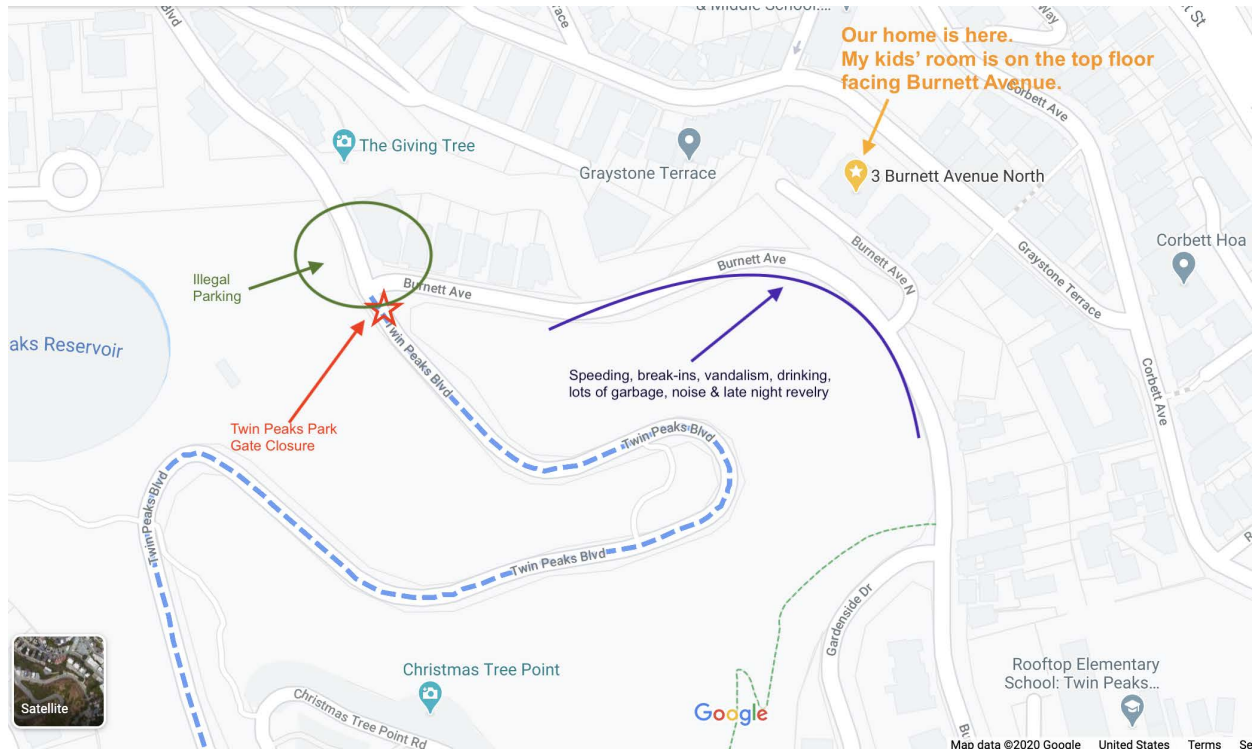
The most upsetting part of this closure is that it has been directly affecting my two, young daughters (Valentina and Paola). Their room is on the top floor of our complex and directly faces Burnett Avenue. The late night noise from visitors - drinking alcohol and smoking pot - regularly floods down into our complex, making my girls regularly feel unsafe and unable to sleep. These parties and all the other related activities would otherwise be happening at Christmas Tree Point as has been the case for many years. However due to the temporary gate closure, these negative activities have been pushed down directly into our neighborhood causing disruptions, mess and a very meaningfully lowered quality of life for those of us residing here. Just last evening, I called the SFPD Non-Emergency number to report late night partying and property destruction.

I understand that the City may be considering the permanent closure of Twin Peaks Park to vehicles as a result of the Slow Streets program and other influencing interests that don't directly represent the actual homeowners in this neighborhood. I'm baffled that this would be considered without intentionally examining the very obvious, direct and measurable consequences that the temporary closure has been having on neighborhood residents. I hope that you will consider my respectful plea to re-open the westside gate and allow vehicles and visitors to once again drive up to and park at Christmas Tree point. Returning open vehicle access through the westside entrance - as has been the case for many, many years - will eliminate the significant surge of these un-welcomed issues that have been pushed down into our neighborhood.

I appreciate you considering my view and hope to hear back from you on this important, neighborhood issue. Many thanks from the Esposito Family. :)

Sincerely,

Jim Esposito  
[joespo@bellsouth.net](mailto:joespo@bellsouth.net)  
954-450-7252



**From:** [geoff.platt](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Case 200883  
**Date:** Tuesday, August 25, 2020 8:10:10 AM

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

Dear Board,

I am writing in reference to case 200883 which is insisting you vote to disband slow streets at least until proper reviews and community input have been allowed.

I see Slow Streets as MTA's commandeering of public streets that exist for cars by state law. I also see it as using covid to advance the car-free vision of Mr. Tumlin, as there is no end to safe streets listed, only expansion. (As an aside, I thank the six of you who voted against Jane Natoli's placement at MTA). Below are my observations of Slow Streets just from my neighborhood. I live on the corner of 26th and Lake.

1) With Baker Beach being a large, daily gathering space during Covid, cars from all over the Bay Area are searching for parking that isn't there. 25th Ave is backed up to Geary consistently, especially on weekends and holidays. This means drivers are using Lake Street as a means of their parking search. This puts cars and bikes and baby strollers on the same street. This is why sidewalks exist!

2) We have seen frustrated Muni drivers abandon their route to escape the Baker Beach mess. Yes, they have used Lake too.

3) Contrary to Tumlin's rhetoric, Lake Street has become a playground for families, not simply an extension of the sidewalk for social distancing. We expect barbecues to break out any day now.

4) Obviously, California Street, with its many busses, has become clogged. To enhance this, and to show MTA's lack of common sense vision, California Street lost one lane in either direction west of Arguello last month to create turn lanes. It is now a true slow street.

5) As I do not have a garage, I am always looking for street parking. This means lots of time driving on Lake. As the bikes and pedestrians now lay claim to the center of the street, confrontations are a constant. I have been blocked in by groups who won't allow me to proceed on my parking quest. This will only get worse the longer non-driving citizens think the streets are theirs.

In conclusion, Slow Streets amounts to an illegal land grab by Tumlin and MTA. His vision is similar to that of Seattle which started this as a "temporary" idea that has now been made permanent. Without proper review and community input, I believe the entire program should be scrapped immediately.

Sincerely,

Geoffrey B Platt

**From:** [Dennis](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)  
**Subject:** File No. 200883  
**Date:** Tuesday, August 25, 2020 9:41:44 AM

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

**My name is Dennis Ehrler. I have lived in District 8 for the last 34 years. I wanted to relate my concerns regarding the closing of Twin Peaks Blvd between Burnett Street on the east and Panorama Street on the west side of Twin Peaks. The closure has been in effect for I believe four months. Since the closure, the east side of Twin Peaks has become a nightmare. Without access to the lookout, all cars now park at the corner of Twin Peaks Blvd and Burnett, with excess cars parking downward on Burnett. My problem with this is that with all the cars come the folks with all their trash, loud parties late at night and cars broken in to. Our neighborhood has become a late night club with no regard to cleaning up after themselves or that people do live and sleep at night. This behavior (especially the massive amount of empty beer cans, papers, food containers, loud music, human waste, and cars vandalized) never plagued us until the closure of Twin Peaks Blvd. It's a mess with weekends being the worst. Was there ever an environmental study done before this closure?**

**I ask that Twin Peaks Blvd reopen to thru traffic once again. I would also like to see the SFPD come by late at night to monitor this situation. Please stop this mess. Thank You.**

**Dennis Ehrler  
5 Burnett Ave North Apt 6  
San Francisco, CA 94131**

**From:** [Gmail](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Twin peaks : File No. 200883.  
**Date:** Tuesday, August 25, 2020 1:06:41 PM

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

Hi we live in saint Germain Avenue. I have so enjoyed twin peaks being shut and would like that to continue- very much.

I do sympathize with the neighbours who are experiencing more crime and litter but perhaps this is better considered as a separate issue eg should we install trash cans and step up police patrols or install cctv. These problems are solvable and should not mean we just revert to loosing this wonderful open amenity for the neighborhood and the city - not to mention tourists when they can come again?

Bw jane  
Sent from my iPhone

**From:** [Gary Russ](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** File No. 200883  
**Date:** Wednesday, August 26, 2020 7:07:04 AM

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

Please see the Email below. Thank you.

My Best,

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

**From:** Ty Sheppard [mailto:tysheppard@post.harvard.edu]  
**Sent:** Wednesday, August 26, 2020 6:53 AM  
**To:** Sandra.Fewer@sfgov.org; Catherine.Stefani@sfgov.org; Aaron.Peskin@sfgov.org; Gordon.Mar@sfgov.org; Dean.Preston@sfgov.org; Matt.Haney@sfgov.org; Norman.Yee@sfgov.org; MandelmanStaff@sfgov.org; Hillary.Ronen@sfgov.org; Shamann.Walton@sfgov.org; Ahsha.Safai@sfgov.org; Jacob.Bintliff@sfgov.org  
**Cc:** Mike Terry <mike.j.terry@gmail.com>  
**Subject:** File No. 200883

Dear Supervisors,

Thanks in advance for considering a re-opening of Twin Peaks Blvd. I know you've heard from many of my neighbors on the topic, and I wanted both to echo what they've shared and offer what I think are the main hazards of continued closure:

1. Pedestrian and driver safety risks from congestion at the intersection of Twin Peaks Blvd. and Burnett Ave. This intersection was simply never meant to be a parking lot, and due to the volume of parked cars, masses of pedestrians and driver confusion, the situation is primed for accidents. The persistent snarl on nights and weekends also makes it difficult for residents to pass through as we conduct our daily routines.
2. Increased crime and vandalism on Burnett Ave due to sheer volume of parked and unattended cars. There have been multiple car burglaries and incidents of vandalism (one of our cars got broken into as well) along Burnett Ave., as vehicles sit unattended with their owners often way up the hill. This has contributed to a general deterioration of peace and safety on a block known to be very quiet.

If it were to reopen, Twin Peaks Blvd would still be very much walkable and bike-able. The traditional lookout point has ample parking and was purpose-built to handle crowds of tourists and residents alike. As it stands, the intersection of Burnett and Twin Peaks Blvd. simply cannot accommodate the crowds intended for the official lookout point, and we residents are left to shoulder the brunt of all the unlawful and disrespectful behavior. Please help us restore both points of interest to their original state.

Sincerely,



Ty Sheppard & Mike Terry  
425 Burnett Ave  
San Francisco, CA 94131

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Subject:** FW: Twin Peaks close down.  
**Date:** Wednesday, August 26, 2020 8:59:00 AM

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

From: Cynthia Schramm <ctschramm@gmail.com>  
Sent: Monday, August 24, 2020 6:20 PM  
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
Subject: Twin Peaks close down.

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

Hi -

My name is Cynthia Schramm and my husband and I live directly across from the street that goes up to Twin Peaks. I have a dog and have walked up that road pretty much daily for the last eight years - and before that whenever we had company and wanted them to see the view (seemed silly to drive up there).

Since Twin Peaks has been closed down, here is what has happened. At least once a week, some poor tourist who has had their car broken into has knocked on my door thinking that I have a camera (I don't - my next door neighbor does). These poor souls are most often tourists from other countries ( the last group was from Japan and so pathetic - Mother/Father/two hysterical young girls) that I let them all use my restroom ).

This is not the image we want for San Francisco. You may say that they are naive but this is a residential neighborhood - why would they EVER think their cars would be broken into? There are no signs letting them know this.

Second, groups of drunk partygoers who used to drive up to Twins Peaks are now walking up to Twin Peaks but apparently, from the sheer amount of garbage they leave on our street, partying down here first.

Third, people have apparently mistaken the entrance to the road up to Twin Peaks as a place to discard all their trash, including dirty diapers.

This is all inexcusable to the people who live here. I think I understand why Twin Peaks needed to be closed down for a while (because of the pandemic?) but it's time to reopen it because, frankly, closing it down has done nothing but harm.

Thank you for your consideration.

Sent from my iPhone

**From:** [Gary Russ](#)  
**To:** [Board of Supervisors \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, J \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)  
**Subject:** File No. 200883... To San Francisco's District Supervisors... Twin Peaks Neighborhood Demands Twin Peaks Blvd Be Reopened & Why...  
**Date:** Wednesday, August 26, 2020 12:23:17 PM

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

To San Francisco's District Supervisors:

**File No.**

**200883**

My name is Gary Russ and I live at 5 Burnett Avenue North, Apt 6, about 200 yards from where the City closed Twin Peaks Boulevard where it intersects Burnett Avenue. I am writing you to strongly complain how the closure of Twin Peaks Blvd has severely impacted my neighborhood and am demanding the City reopen Twin Peaks Blvd immediately. In its decision to close Twin Peaks Blvd, the City totally failed to undertake any kind of environmental impact study contemplating what might happen in our neighborhood. Well, the evidence is now abundantly obvious to any of you who will visit our neighborhood.

As I understand it from SFMTA's Slow Street Program webpage, the City's goal is to make San Francisco's dense neighborhoods more welcoming/accessible for people who want to travel on foot, bicycle, wheelchair, scooter, skateboard or other forms of "micromobility" and at the same time provide more space for social distancing during essential travel. The City's Slow Streets Program is supposed to be designed to limit thru-traffic on certain residential streets and allow them to be used more as a shared space.

Based on the foregoing, I fail to understand why the City ever closed Twin Peaks Boulevard. First of all, Twin Peaks Blvd is in no way a residential street. And prior to it being closed, it had comparatively limited foot/bicycle/scooter traffic and no wheelchair traffic. I know because for years, while working from home, I regularly and safely walked from my home to Twin Peak's observation deck and then on to Portola and then back home via Burnett Avenue for a 50-minute walk just for exercise. Always lots of cars parked up there.

Twin Peaks Blvd has specially marked lanes on both sides for cyclists and joggers/walkers. I continue to regularly walk thru my neighborhood. And finally, I see zero essential travel on Twin Peaks Blvd.

Now, with the closure, there are no cars at the top of Twin Peaks. Instead visitors to Twin Peaks are tourists almost entirely from outside the city who would drive there for the magnificent view. By closing off Twin Peaks Blvd, the City has shoved the car break-ins, the huge amounts of trash, the traffic/parking congestion and the noise (especially the nighttime noise) into our neighborhood while not actually serving the goals of Social Distancing. In closing off Twin Peaks Blvd, it seems the City failed to consider/anticipate the environmental impacts of its action. But clearly the City should now understand all the impacts.

And to be fully transparent here, I am aware of a few organizations like the Bicycle Coalition who have been lobbying the City to permanently close off Twin Peaks Blvd. I suspect you are aware of this too. In fact, the Bicycle Coalition has lobbied and convinced the City to close at least 2 other major streets that in no way meet the criteria of the City's Slow Street Program which has caused a

lot of citizen outrage: namely The Great Highway and John F. Kennedy Drive.

So, here is a summary of all the impacts that the closure of Twin Peaks has caused:

Trash: The trash that shows up in our neighborhood is lots of beer cans, beer/wine bottles, soft drink cans, plastic cups, bags, napkins, wrappers, spent condoms, etc. The trash shows up every single day and is just somewhat worse on weekends. A lot of this trash winds up all over Burnett Avenue and Twin Peaks Blvd. At the intersection of those 2 streets, cars regularly illegally park all the time and leave lots of trash there. Also, the hill that overlooks my Burnett Avenue North HOA is a favorite viewing place for the many alcohol-fueled revelers who gather there at night loudly laughing/talking/screaming and throwing their garbage all over that steep hill overlooking our HOA which we maintain via an expensive contracted landscape service. And sometimes, they throw their bottles below onto our driveway even striking/damaging our cars. I and some of my good neighbors are now forced to pick up all this litter. And much of it still remains on our steep hill because it's just too dangerous to access it without expensive professional help. Can you imagine? At the end of this email are [pictures of trash left on Burnett Avenue](#) just above our HOA over the last 3 days plus a picture of a car filled with 4 men who drank and then left behind 1 whole empty bottle of tequila, a soft drink and an empty bucket of chicken. They left with a [second](#) two-thirds empty bottle of Tequila.

Parking & Congestion: Before the City closed off Twin Peaks Blvd, we had virtually no illegal parking in our neighborhood. But over the last 4+ months, there has been a lot of illegal parking at the intersection of Twin Peaks Blvd and Burnett Avenue where the City had long ago posted a sign clearly stating "No Parking" at that location. In the last 3 weeks, someone spray-painted that sign. Recently, I spoke with a police officer at that intersection who insisted he would be wasting his time ticketing the illegally parked cars and somewhat angrily refused to do so. As is, now parking on Burnett Avenue is intense. Most cars are parking on Burnett with the passengers the exiting and walking up to the observation deck that they previously drove to. And now, Burnett Avenue is often very congested and noisy with all the traffic. In fact, it is now somewhat dangerous just to walk on Burnett Avenue.

Car Break-Ins: There is literally broken car window glass all over 1/10th mile of Burnett Avenue and at the intersection discussed above. The criminals breaking into the tourists' cars do most of their crimes in broad daylight. Police at the Park Station are fully aware of this situation. The criminals prey on our neighborhood because there are so many unsuspecting tourists' cars there where they leave behind their valuables. I have found open suitcases with contents strewn all over. Ditto for backpacks, purses, gym bags, etc. Just imagine the negative reputation our city is garnering thru all of this crime. I and several of my neighbors have actually witnessed these same criminals prowling our neighborhood looking for cars to break into and then doing so. The situation here has become so dire that plain clothes officers are now using spike strips to immobilize some of these criminals' cars. And the fact is that closing Twin Peaks Blvd has in no way improved social distancing for San Francisco's residents, visitors here, and tourists.

Partying, Noise, & Open Consumption: First of all, the people hanging out on Burnett Avenue on the hill just above our HOA and on Burnett Avenue North are typically in their early 30s and younger and they do so at night anytime literally between 9:00 PM and 4:00 AM on most days when the weather permits. Their partying tends to be a bit more intense and protracted on weekends. They are often very loud and even screaming at each other and waking us up at all hours of the night. They often are drinking beer, hard liquor and wine and then leaving behind their bottles, cans, wrappers, condoms and trash all over the hill above our HOA which we maintain. And sometimes, they have thrown their bottles below onto our driveway even striking/damaging our cars. These same people would formerly do their partying at the observation deck. But now, they come here and disturb/annoy many of us late at night.

I want to be clear here: Our neighborhood is not looking for Band-Aids just to lessen the negative impacts we are suffering right now. By Band-Aids, I mean temporary City trash bins, temporarily increased police patrolling, the City's occasional trash pickup alongside Burnett Avenue and Twin Peaks Blvd and their adjoining sidewalks and from our HOA's hill. While we appreciate the City's limited efforts in this regard, none of that is a solution.

The actual solution is reopening Twin Peaks Blvd which in no way will impact social distancing....something I think you all know.

So let me finish my reply like I earlier began. I really want to invite you here to see for yourself the mess that the City has created here. I would be delighted to meet any of you here and give you a tour of the affected area. Also, please contact the SFPD Park Station for a briefing on all the crime that has occurred here ever since the City closed off Twin Peaks Blvd. It's a lot and SFPD is doing fairly little to curb it. Once Twin Peaks Blvd is reopened, I expect virtually all of the problems that the City has created in our neighborhood will vaporize and move back up to Twin Peaks observation deck.

Finally, you will be hearing from many of us here. We are fed up with the mess that the City has created and want Supervisor Mandelman and the City's other Supervisors to know. Without conducting any kind of environmental impact study before closing Twin Peaks Blvd, sadly the City's closing of Twin Peaks Blvd has delivered virtually no benefit whatsoever while creating so much negative impact on my neighborhood's taxpaying homeowners and renters.

I am pleased to talk with any of you if needed at 415-550-0930.

My Best,

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

Burnett Avenue Above Burnett Avenue North



Trash Alongside Burnett Avenue In Twin Peaks











08/23/2020











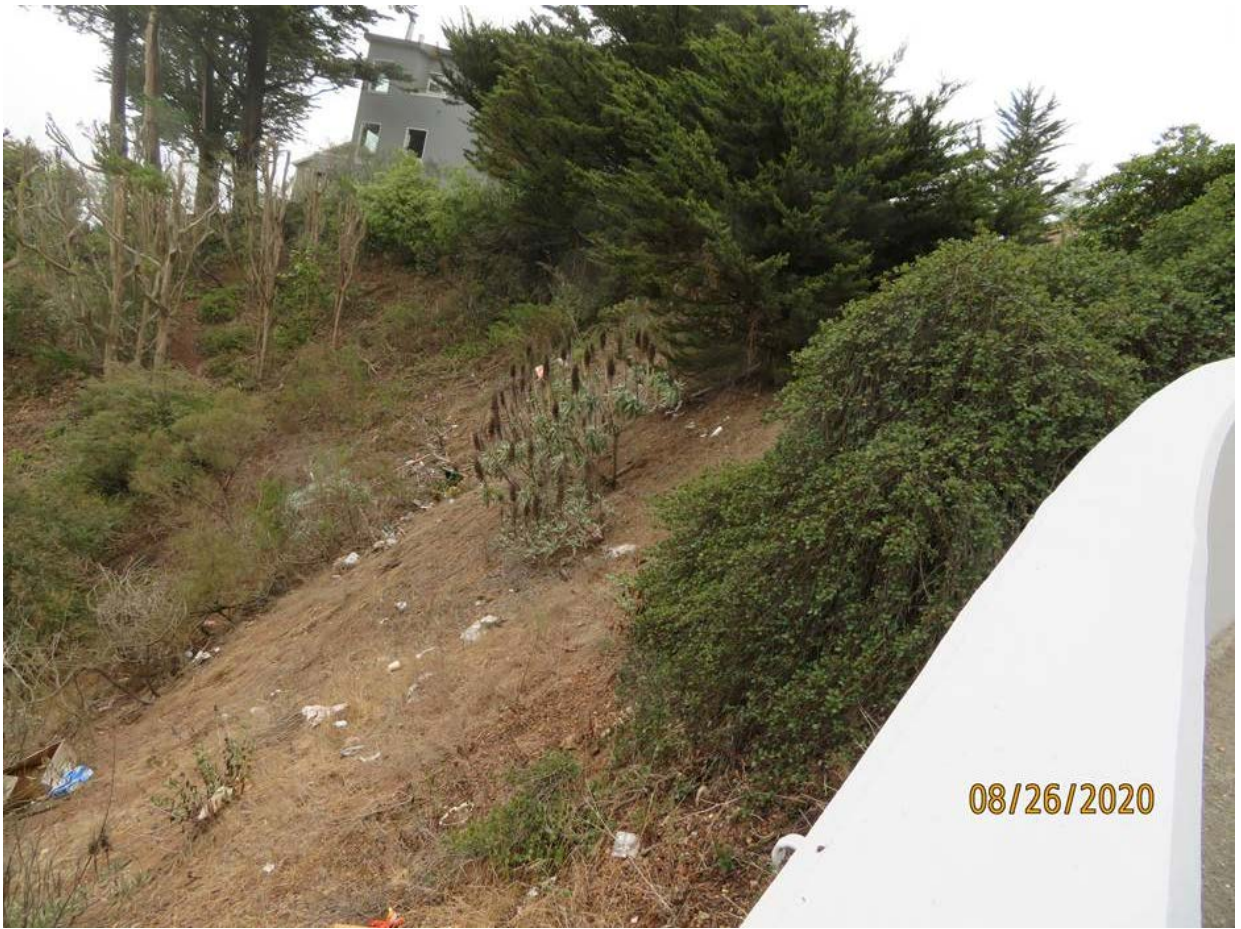


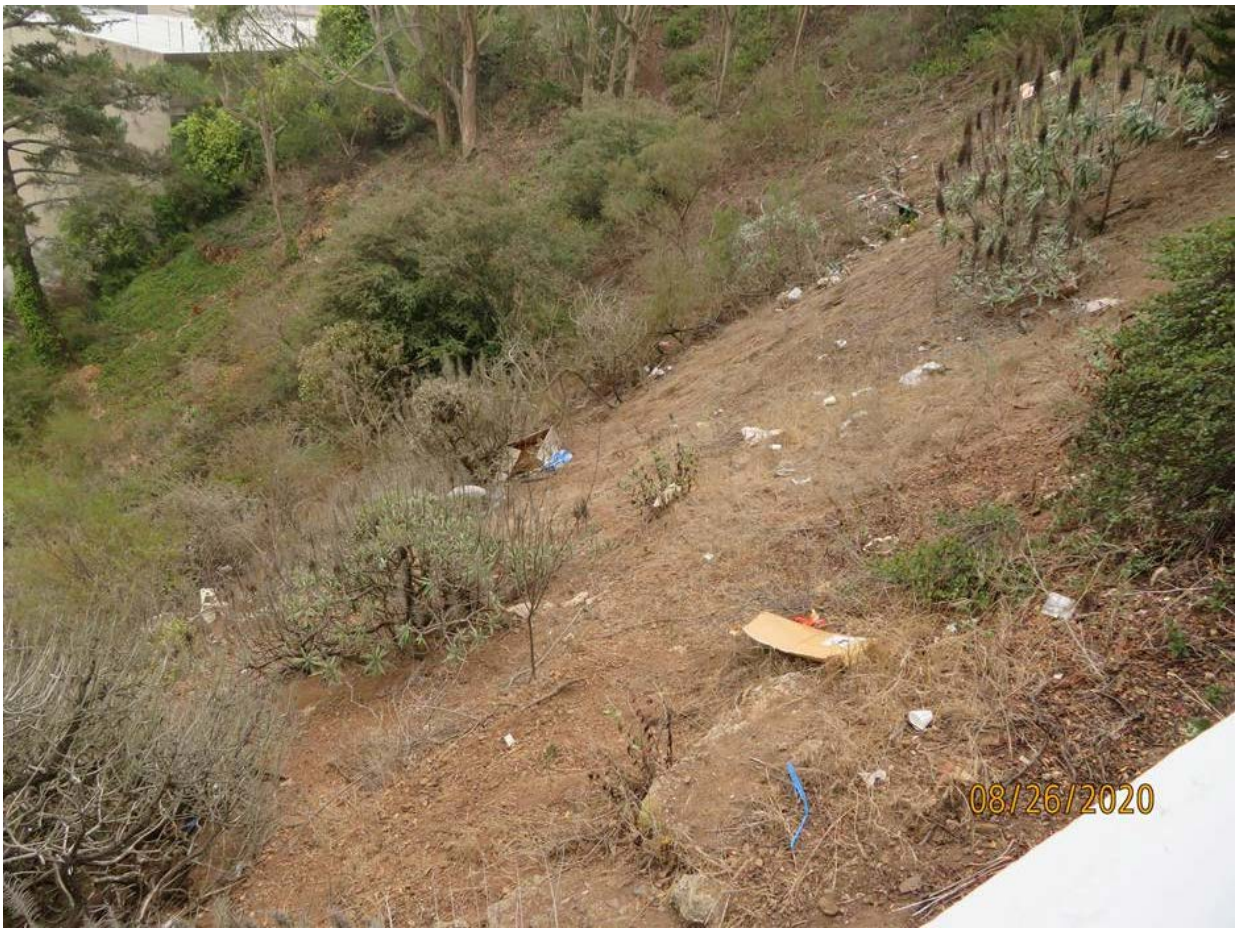






Trash In Empty Lot Alongside Burnett Avenue North Bldg 7  
Owned By Real Estate Developer/ General Contractor George Birmingham  
Previously Owned By SFPDW & SFPUC





**From:** [Gary Russ](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)  
**Subject:** Twin Peaks Neighborhood Demands The Reopening Of Twin Peaks Blvd  
**Date:** Wednesday, August 26, 2020 2:13:29 PM  
**Attachments:** [Petition Demanding Twin Peaks Blvd Be Reopened 082620.pdf](#)

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

The attached Petition has been signed by many San Francisco residents living near the intersection of Twin Peaks Boulevard and Burnett Avenue. We are demanding the City to reopen Twin Peaks Boulevard at that intersection which the City closed months ago without any apparent Environmental Review and no Neighborhood Input. Closing Twin Peaks Blvd has delivered no benefit to curbing Covid-19 including improved social distancing and has severely driven up neighborhood crime, congestion, illegal parking, litter and late night disturbing alcohol-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

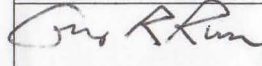
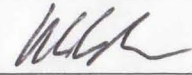
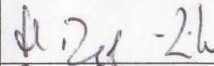

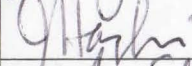
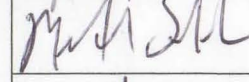
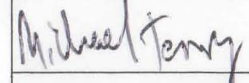
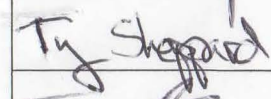
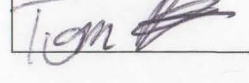
My Best,

Gary R. Russ  
5 Burnett Avenue North, Apt. 6  
San Francisco, CA 94131  
415-550-0930  
[gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)

PETITION

We, the undersigned neighbors, living near the intersection of Twin Peaks Boulevard and Burnett Avenue, demand that the City reopen Twin Peaks Boulevard at that intersection, which the City unilaterally decided to close months ago without performing an Environmental Review nor soliciting critical Neighborhood Input. The City's designation of Twin Peaks Blvd as a Slow Street\* fails to meet its own criteria for doing so and has severely driven up neighborhood crime, congestion, illegal parking, litter and late-night, disturbing alcohol and drug-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

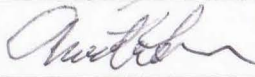
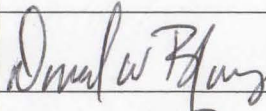
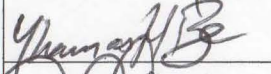
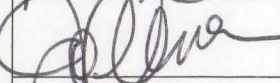
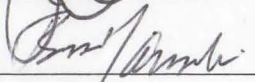
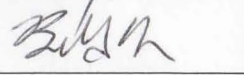
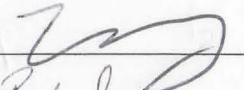
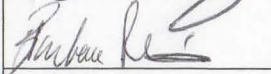
\*Slow Street Program: <https://www.sfmta.com/projects/slow-streets-program>

SIGNATURE	FULL NAME	EMAIL ADDRESS	MAILING ADDRESS	Phone Number
	Gary R. Russ	gary.russe@sbcglobal.net	5 Burnett Ave N. #6 SF, CA 94131	415-550-0930
	Dennis W Ehrler	UAWOMBAT@SBCGLOBAL.NET	5 Burnett Ave North #6 SF, CA 94131	415-821-0950
	HEIKE PALDRUP	heike.paldrup@gmail.com		415-3702510
	Thomas M. Link	HEIKE.PALDRUP@GMAIL.COM tmmlink77@gmail.com	429 Burnett Ave San Francisco CA 94131	415-642-4902
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	Mekiel Sendaba	mSendaba@gmail.com	423 Burnett Ave. San Francisco, CA 94131	415-225-8801
	Michael Terry	mike.j.terry@gmail.com	425 Burnett Ave. San Francisco, CA 94131	847-421-4929
	Ty Sheppard	tyshppard@gmail.com	425 Burnett Ave SF CA 94131	310-488-4495
	Thomas Lane Watts	tomwatts5@gmail.com	417 Burnett Ave SF CA 94131	650-580-9075

PETITION

We, the undersigned neighbors, living near the intersection of Twin Peaks Boulevard and Burnett Avenue, demand that the City reopen Twin Peaks Boulevard at that intersection, which the City unilaterally decided to close months ago without performing an Environmental Review nor soliciting critical Neighborhood Input. The City's designation of Twin Peaks Blvd as a Slow Street\* fails to meet its own criteria for doing so and has severely driven up neighborhood crime, congestion, illegal parking, litter and late-night, disturbing alcohol and drug-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

\*Slow Street Program: <https://www.sfmta.com/projects/slow-streets-program>

	Christine Sadrnoori	sadrnoori@gmail.com	444-417 Burnett Ave SF 94131	978 886 3791
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	Thomas Bickley	thomashbickley@gmail.com	5 Burnett Ave N #5 San Francisco, CA, 94131	646.209.1960
	Joanna Peña-Paceta	joannepenabickley@gmail.com	5 Burnett Ave N #5 SF, CA 94131	646-436-8330
	Brad Yamauchi	brad_yamauchi@hotmail.com	5 Burnett Ave N #2 SF CA 94131	415-412-8856
	Brittany Quach	BQuach99@gmail.com	5 Burnett Ave N SF, CA 94131	562 960 7407
	Lingke Wang	wlingke@gmail.com	5 Burnett Ave N #4 SF, CA 94131	508 523 6893
	BARBARA SHARSTEIN	barshar5@msn.com	5 BURNETT AVE N #3 SF 94131	415-285-7250

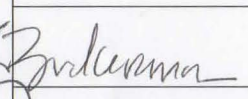
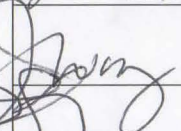

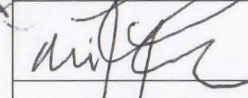

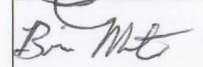
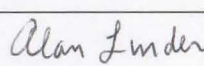

# Building 1

3

## PETITION

We, the undersigned neighbors, living near the intersection of Twin Peaks Boulevard and Burnett Avenue, demand that the City reopen Twin Peaks Boulevard at that intersection, which the City unilaterally decided to close months ago without performing an Environmental Review nor soliciting critical Neighborhood Input. The City's designation of Twin Peaks Blvd as a Slow Street\* fails to meet its own criteria for doing so and has severely driven up neighborhood crime, congestion, illegal parking, litter and late-night, disturbing alcohol and drug-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

\*Slow Street Program: <https://www.sfmta.com/projects/slow-streets-program>

<u>Signature</u>	<u>Full name</u>	<u>email address</u>	<u>mailing address</u>	<u>phone number</u>
	Kenneth P Zuckerman	KZuckerman@yahoo.com	1 Burnett Ave N APT 2, SF, 94131	415-342-6243
	Jonathan Wong	Jondwong@yahoo.com	1 Burnett N #2	415 647-9752
	Peter L. Greene	plsplgreene@gmail.com	1 Burnett N #6	415 867 3616
	Lory Y CHAN	lori.chan.slc@gmail.com	1 BURNETT AVE N., #6	415 867-9111
	Sybil ZACHARUK	szachard@gmail.com	1 Burnett Ave N, #3	217-721-7368
	Brian Matesic	brian.matesic@gmail.com	1 Burnett Ave North, Apt. 3 San Francisco, CA 94131	650-750-5160
	ALAN LINDER	alan@alamlinder.com	1 BURNETT AVE NORTH APT #5, SF 94131	415-285-2755
	Adnan Alserdi	Alserdi@gmail.com	1 Burnett Ave N #1	312 327 8805



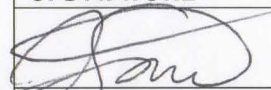
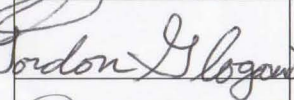
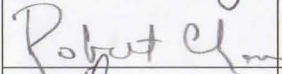
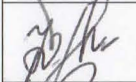

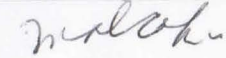
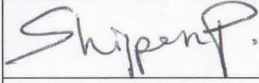
Building 3

4

PETITION

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\*Slow Street Program: <https://www.sfmta.com/projects/slow-streets-program>

SIGNATURE	FULL NAME	EMAIL ADDRESS	MAILING ADDRESS	Phone Number
	James A Esposito	JAESPO@BELLSOUTH.NET	3 Burnett Ave North #3	954-650-7252
	Gordon Glogau	gglogau@gmail.com	3 Burnett Ave N. apt 2	(415) 420-5721
	Robert Chan	doc.robert.chan@gmail.com	3 Burnett Ave N.	(415) 793-9887
	Iulie Chernowitske	ichernowitske@gmail.com	APT 6 #4	415-910-7425
	Viktor Charnarutski	v.charnarutski@gmail.com	#4	415-510-1573
	MEYER COHEN	DOHMERHDS@COMCAST.NET	3 Burnett Ave N #5	415 271 0842
	Shilpen Patel	shilpenp@yahoo.com	3 Burnett Ave. N. unit 1	443-629-5499





PETITION

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SIGNATURE	FULL NAME	EMAIL ADDRESS	MAILING ADDRESS	Phone Number
①	KENNETH LEUNG	KLLEUNG 12@ GMAIL.COM	14 CLARENDON AVE, SF	747 232 9118
②	Joseph Liu	josephliu30@ hotmail.com	14 Clarendon Ave SF, CA	747 232 9712

PETITION





**From:** [Gary Russ](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** FILE NO: 200883... Twin Peaks Neighborhood Demands The Reopening Of Twin Peaks Blvd...  
**Date:** Wednesday, August 26, 2020 2:18:36 PM  
**Attachments:** [Petition Demanding Twin Peaks Blvd Be Reopened 082620.pdf](#)

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

The attached Petition has been signed by many San Francisco residents living near the intersection of Twin Peaks Boulevard and Burnett Avenue. We are demanding the City to reopen Twin Peaks Boulevard at that intersection which the City closed months ago without any apparent Environmental Review and no Neighborhood Input. Closing Twin Peaks Blvd has delivered no benefit to curbing Covid-19 including improved social distancing and has severely driven up neighborhood crime, congestion, illegal parking, litter and late night disturbing alcohol-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

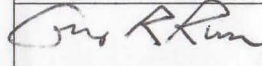
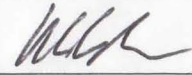
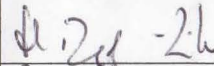

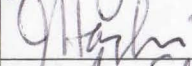
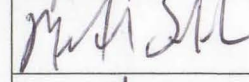
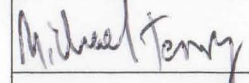
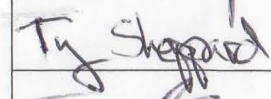
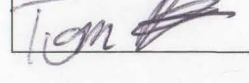
My Best,

Gary R. Russ  
5 Burnett Avenue North, Apt. 6  
San Francisco, CA 94131  
415-550-0930  
[gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)

PETITION

We, the undersigned neighbors, living near the intersection of Twin Peaks Boulevard and Burnett Avenue, demand that the City reopen Twin Peaks Boulevard at that intersection, which the City unilaterally decided to close months ago without performing an Environmental Review nor soliciting critical Neighborhood Input. The City's designation of Twin Peaks Blvd as a Slow Street\* fails to meet its own criteria for doing so and has severely driven up neighborhood crime, congestion, illegal parking, litter and late-night, disturbing alcohol and drug-fueled partying. Reopening Twin Peaks Boulevard will shift these adverse impacts back to where they came from, namely the Twin Peaks Observation Deck.

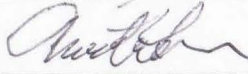
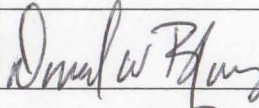
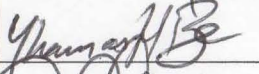
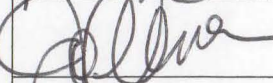
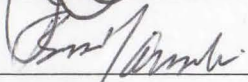
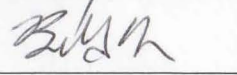
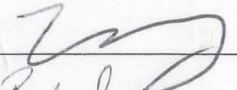
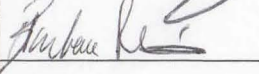
\*Slow Street Program: <https://www.sfmta.com/projects/slow-streets-program>

SIGNATURE	FULL NAME	EMAIL ADDRESS	MAILING ADDRESS	Phone Number
	Gary R. Russ	gary.russe@sbcglobal.net	5 Burnett Ave N. #6 SF, CA 94131	415-550-0930
	Dennis W Ehrler	UAWOMBAT@SBCGLOBAL.NET	5 Burnett Ave North #6 SF, CA 94131	415-821-0950
	HEIKE PALDRUP	heike.paldrup@gmail.com		415-3702510
	Thomas M. Link	tmLink77@gmail.com	429 Burnett Ave San Francisco CA 94131	415-642-4902
	Jena Hayashi	jena.hayashi@gmail.com	439 Burnett Ave	510-697-5514
	Mekiel Sendaba	msendaba@gmail.com	423 Burnett Ave. San Francisco, CA 94131	415-225-8801
	Michael Terry	mike.j.terry@gmail.com	425 Burnett Ave. San Francisco, CA 94131	847-421-4929
	Ty Sheppard	tyshppard@gmail.com	425 Burnett Ave SF CA 94131	310-488-4495
	Thomas Lane Watts	tomwatts5@gmail.com	417 Burnett Ave SF CA 94131	650-580-9075

PETITION

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	Christine Sadrnoori	sadrnoori@gmail.com	444-417 Burnett Ave SF 94131	978 886 3791
	DAVID BICKLEY	dwbickley@gmail.com	5 Burnett Ave N #5 SF, CA 94131	646-651-6172
	Thomas Bickley	thomashbickley@gmail.com	5 Burnett Ave N #5 San Francisco, CA, 94131	646.209.1960
	Joanna Peña-Packer	joannepenabickley@gmail.com	5 Burnett Ave N #5 SF, CA 94131	646-436-8330
	Brad Yamauchi	brad_yamauchi@hotmail.com	5 Burnett Ave N #2 SF CA 94131	415-412-8856
	Brittany Quach	BQuach99@gmail.com	5 Burnett Ave N SF, CA 94131	562 960 7407
	Lingke Wang	wlingke@gmail.com	5 Burnett Ave N #4 SF, CA 94131	508 523 6893
	BARBARA SHARSTEIN	barshar5@msn.com	5 BURNETT AVE N #3 SF 94131	415-285-7250



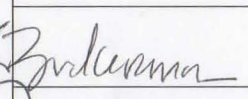
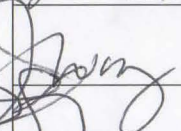

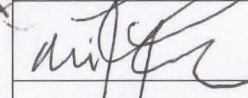

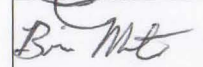
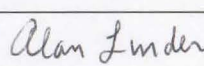

# Building 1

3

## PETITION

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	Kenneth P Zuckerman	KZuckerman@yahoo.com	1 Burnett Ave N APT 2, SF, 94131	415-342-6243
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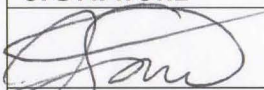
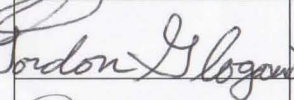
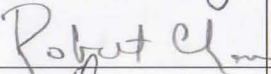
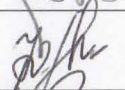
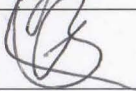
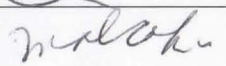
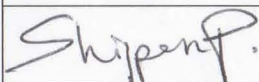
Building 3

4

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	Robert Chan	doc.robert.chan@gmail.com	3 Burnett Ave N.	(415) 793-9887
	Iulie Chernowitske	ichernowitske@gmail.com	APT 6 #4	415-910-7425
	Viktor Charnarutski	v.charnarutski@gmail.com	#4	415-510-1573
	MEYER COHEN	DOHMERHDS@COMCAST.NET	3 BURNETT AVE #5	415 271 0842
	Shilpen Patel	shilpenp@yahoo.com	3 Burnett Ave. N. unit 1	443-629-5499





PETITION

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①	KENNETH LEUNG	KLLEUNG 12@ GMAIL.COM	14 CLARENDON AVE, SF	747 232 9118
②	Joseph Liu	josephliu30@ hotmail.com	14 Clarendon Ave SF, CA	747 232 9712

PETITION





**From:** [Gale Bradley](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** File No. 200883 Open the Gate  
**Date:** Wednesday, August 26, 2020 2:20:42 PM

---

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

Board of Supervisors,

Please OPEN TWIN PEAKS so everyone can enjoy as they have for years.  
The congestion and crime that has been brought to the people trying to get to the view is staggering not to mention the residents of this once peaceful neighborhood.

This is a LANDMARK with hundreds of visitors a day! Would you close off the Golden Gate Bridge?  
Please study this before you act.

Thank you.

**From:** [Viktar Charnarutski](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)  
**Subject:** File No. 200883 Twin Peaks Neighborhood Demands Twin Peaks Blvd Be Reopened  
**Date:** Wednesday, August 26, 2020 2:54:44 PM

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To San Francisco's District Supervisors:

## File No. 200883

My name is **Viktar Charnarutski and I live at 3 Burnett Avenue North, Apt 4**, about 200 yards from where the City closed Twin Peaks Boulevard where it intersects Burnett Avenue.

I am writing you to strongly complain how the closure of Twin Peaks Blvd has severely impacted my neighborhood, and **I am demanding the City reopen Twin Peaks Blvd immediately.**

In its decision to close Twin Peaks Blvd, the City totally failed to undertake any kind of environmental impact study contemplating what might happen in our neighborhood. Well, the evidence is now abundantly obvious to any of you who will visit our neighborhood.

Here is a summary of all the impacts that the closure of Twin Peaks has caused:

**Trash:** The trash that shows up in our neighborhood is lots of beer cans, beer/wine bottles, soft drink cans, plastic cups, bags, napkins, wrappers, spent condoms, etc. The trash shows up every single day and is just somewhat worse on weekends. A lot of this trash winds up all over Burnett Avenue and Twin Peaks Blvd.

**Parking & Congestion:** Before the City closed off Twin Peaks Blvd, we had virtually no illegal parking in our neighborhood. But over the last 4+ months, there has been a lot of illegal parking at the intersection of Twin Peaks Blvd and Burnett Avenue where the City had long ago posted a sign clearly stating "No Parking" at that location. In the last 3 weeks, someone spray-painted that sign. Most cars are parking on Burnett with the passengers the exiting and walking up to the observation deck that they previously drove to. And now, Burnett Avenue is often very congested and noisy with all the traffic. In fact, it is now somewhat dangerous just to walk on Burnett Avenue.



**Car Break-Ins:** There is literally broken car window glass all over 1/10th mile of Burnett Avenue and at the intersection discussed above. The criminals breaking into the tourists' cars do most of their crimes in broad daylight. Police at the Park Station are fully aware of this situation. The criminals prey on our neighborhood because there are so many unsuspecting tourists' cars there where they leave behind their valuables.

**Partying, Noise, & Open Consumption:** First, the people hanging out on Burnett Avenue on the hill just above our HOA and on Burnett Avenue North are typically in their early 30s and younger and they do so at night anytime literally between 9:00 PM and 4:00 AM on most days when the weather permits. Their partying tends to be a bit more intense and protracted on weekends. They are often very loud and even screaming at each other and waking us up at all hours of the night. They often are drinking beer, hard liquor and wine and then leaving behind their bottles, cans, wrappers, condoms and trash all over the hill above our HOA which we maintain. And sometimes, they have thrown their bottles below onto our driveway even striking/damaging our cars. These same people would formerly do their partying at the observation deck. But now, they come here and disturb/annoy many of us late at night.

**Please help to get Twin Peaks Blvd reopened immediately!**

Best Regards,  
Viktar Charnarutski

3 Burnett Avenue North, Apt. 4

San Francisco, CA 94131

(415) 510-1573

**From:** [Brian Matesic](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Plea to re-open Twin Peaks Blvd (File Number: 200883)  
**Date:** Wednesday, August 26, 2020 2:55:16 PM

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

Dear Supervisors,

My name is Dr. Brian Matesic, and along with my wife, Dr. Sybil Zachariah, we are homeowners at 1 Burnett Avenue North in District #8. **We are writing to strongly encourage the reopening of Twin Peaks Boulevard due to the heavy increase in crime near our property since its closure.** We are expecting our first child in December, and the baby's room faces Burnett Avenue, where people are now increasingly parking, trespassing on our property, drinking alcohol, smoking marijuana, and making noise very late. We have grown increasingly concerned that the closure of Twin Peaks has forced people who wish to see the views from atop Twin Peaks to instead park along our roadway, engaging in criminal activity and disturbing the peace.

We personally witnessed two car break-ins on August 9<sup>th</sup> on Burnett Avenue while we were on a walk, heard the car windows shattering, and saw the assailants speed away when we spotted them. We called the police immediately to report this, just steps away from our home. As we were reporting the incident, a French family visiting San Francisco for the first time approached their minivan with their 2 young children only to hear our explanation that two men had just broken their windows and stolen their luggage. They were devastated, as were we, that our neighborhood is experiencing this increase in criminal activity, trespassing, broken windows, and littering since the closure of Twin Peaks Blvd to Christmas Tree Point. Please see the text message I received from Fabrice, the father of the family, after they had to spend hours dealing with this.

Without the re-opening of Twin Peaks Blvd to automobiles, our neighborhood will continue to see the rise in crime as people are forced to park along our road at Burnett Avenue, often erratically and illegally, to admire the views. This closure has forced crime right into our neighborhood and onto our front door: broken car windows, trespassing on our property, loud screaming throughout the night, heavy littering and broken alcohol bottles are now all very common.

**We plead with you – please re-open Twin Peak Blvd, for our neighborhood's sake, our family's sake, and for San Francisco's sake.** Re-opening will shift the parking, reveling, and criminal activity away from our neighborhood, where it has aggregated since the closing.

Thank you,

Brian Matesic, MD

Sybil Zachariah, MD

**Text messages from the French family whose car we witnessed being broken into:**

iMessage  
Sun, Aug 9, 4:37 PM

Hi Brian

This is Fabrice we met this morning at twin peaks parking lot after somebody broke my car's window.

I'd just like to thank you for your help and providing me with the plate number. After filling a police report, an insurance claim, and spending hours on the phone we just got an other car at SF airport ! I did not mention your phone number at all so you shouldn't be disturbed any more ;-)

Thank you again !

Fabrice

Sun, Aug 9, 5:49 PM



Hi Fabrice, I'm glad to hear you got another car. I'm sorry all of this happened today. Especially on your family vacation. We hope you enjoy the rest of your



iMessage



morning at twin peaks parking  
lot after somebody broke my  
car's window.  
I'd just like to thank you for your  
help and providing me with the  
plate number. After filling a  
police report, an insurance  
claim, and spending hours on  
the phone we just got an other  
car at SF airport ! I did not  
mention your phone number at  
all so you shouldn't be  
disturbed any more ;-)  
Thank you again !  
Fabrice

Sun, Aug 9, 5:49 PM



Hi Fabrice, I'm glad to hear you  
got another car. I'm sorry all of  
this happened today. Especially  
on your family vacation. We  
hope you enjoy the rest of your  
trip. San Francisco is a great  
city, and it's sad when things  
like this happen! Safe travels!

Delivered



iMessage



**From:** [Luliia Chernorutska](#)  
**To:** [Board of Supervisors \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)  
**Subject:** File No. 200883 Twin Peaks Neighborhood Demands Twin Peaks Blvd Be Reopened  
**Date:** Wednesday, August 26, 2020 3:19:49 PM

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

To San Francisco's District Supervisors:

## File No. 200883

My name is **Luliia Chernorutska** and I live at **3 Burnett Avenue North, Apt 4**, about 200 yards from where the City closed Twin Peaks Boulevard where it intersects Burnett Avenue.

I am writing you to strongly complain about how the closure of Twin Peaks Blvd has severely impacted my neighborhood, and **I am demanding the City reopen Twin Peaks Blvd immediately.**

In its decision to close Twin Peaks Blvd, the City totally failed to undertake any kind of environmental impact study contemplating what might happen in our neighborhood. Well, the evidence is now abundantly obvious to any of you who will visit our neighborhood.

Here is a summary of all the impacts that the closure of Twin Peaks has caused:

**Trash:** The trash that shows up in our neighborhood is lots of beer cans, beer/wine bottles, soft drink cans, plastic cups, bags, napkins, wrappers, spent condoms, etc. The trash shows up every single day and is just somewhat worse on weekends. A lot of this trash winds up all over Burnett Avenue and Twin Peaks Blvd.

**Parking & Congestion:** Before the City closed off Twin Peaks Blvd, we had virtually no illegal parking in our neighborhood. But over the last 4+ months, there has been a lot of illegal parking at the intersection of Twin Peaks Blvd and Burnett Avenue where the City had long ago posted a sign clearly stating "No Parking" at that location. In the last 3 weeks, someone spray-painted that sign. Most cars are parking on Burnett with the passengers the exiting and walking up to the observation deck that they previously drove to. And now, Burnett Avenue is often very congested and noisy with all the traffic.

In fact, it is now somewhat dangerous just to walk on Burnett Avenue.

**Car Break-Ins:** There is literally broken car window glass all over 1/10th mile of Burnett Avenue and at the intersection discussed above. The criminals breaking into the tourists' cars do most of their crimes in broad daylight. Police at the Park Station are fully aware of this situation. The criminals prey on our neighborhood because there are so many unsuspecting tourists' cars there where they leave behind their valuables.

**Partying, Noise, & Open Consumption:** First, the people hanging out on Burnett Avenue on the hill just above our HOA and on Burnett Avenue North are typically in their early 30s and younger and they do so at night anytime literally between 9:00 PM and 4:00 AM on most days when the weather permits. Their partying tends to be a bit more intense and protracted on weekends. They are often very loud and even screaming at each other and waking us up at all hours of the night. They often are drinking beer, hard liquor, and wine and then leaving behind their bottles, cans, wrappers, condoms and trash all over the hill above our HOA which we maintain. And sometimes, they have thrown their bottles below onto our driveway even striking/damaging our cars. These same people would formerly do their partying at the observation deck. But now, they come here and disturb/annoy many of us late at night.

**Please help to get Twin Peaks Blvd reopened immediately!**

Best Regards,  
Iuliia Chernorutska

3 Burnett Avenue North, Apt. 4

San Francisco, CA 94131

(415) 910 7475

**From:** [Mary Staunton](#)  
**To:** [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)  
**Cc:** [gary.russ@sbcglobal.net](mailto:gary.russ@sbcglobal.net)  
**Subject:** File No. 200883.  
**Date:** Wednesday, August 26, 2020 5:05:29 PM

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

To whom it may concern:

We would like to voice our dissatisfaction with the current closure of our majestic Twin Peaks and its impact on our neighborhood. We have always appreciated the beauty and splendor of the Peaks and the drive around it was always uplifting and a highlight for us and all our visitors who came to San Francisco over the last 30 years. While currently it can be enjoyed only by the fittest among us who have the facility to hike or cycle up there, the rest of the community is being discriminated against and deprived. It was a joy for our dear friend who suffered a debilitating stroke to be driven up there and look out on the beauty of San Francisco. Not now, anyone in his condition is deprived of this uplifting experience and instead the neighbors are burdened with illegal parking, partying and crime. It is a shame and hazard, and is something we need to rethink and fix. Please consider not just the cyclists and walkers who are already catered to with special lanes but also the less fortunate among us.

We would have objected to this sooner but we were of the misunderstanding that this was a temporary closure due to construction work being done on the road.

Sincerely,  
Redmond Lyons and Mary Staunton  
21 Mountain Spring Ave.,  
San Francisco,  
CA 94114

Mary Staunton



650 Texas Street  
San Francisco, CA 94107  
T: 415.550.9551 Ext. 11  
F: 415.550.9552  
[mary@rgroupdev.com](mailto:mary@rgroupdev.com)

Name: [\[redacted\]](#)  
Email: [\[redacted\]](#)  
Phone: [\[redacted\]](#)

From: [\[redacted\]](#)  
Sent: [\[redacted\]](#)  
Subject: [\[redacted\]](#)

Hi [Name],  
I'm sorry to hear that you're having trouble with your car. I'll do my best to help you get it fixed as quickly as possible.

**What's the problem?**  
Please let me know what's going on. Is it a noise, a vibration, or something else? I'll need to know as much as you can to help you get the car fixed.

**How long has it been going on?**  
Please let me know how long you've been having this problem. It will help me determine the best way to help you.







**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: File No. 200883  
**Date:** Monday, August 24, 2020 11:10:16 AM

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**From:** Gale Bradley <galesemail@comcast.net>  
**Sent:** Saturday, August 22, 2020 8:36 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** File No. 200883

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

## File No. 200883

San Francisco Supervisor,

The closing of Twin Peaks has created a serious crime and traffic congestion problem when has never existed in this area. Cars park anywhere they can since they are not allowed in the lot near the view. When the hundreds of people who come everyday leave their cars roving gangs smash the windows and steal. I was confronted by a thug who blocked Burnett Avenue as he smashed every window on the street.

NO ENVIRONMENTAL IMPACT STUDY WAS EVER DONE. The result has been several home robberies and two murders.

I have lived here and paid taxes for 35 years. It worked fine the way it was.

This is a major tourist site. Why would you deny access to the most beautiful view in SF? Not everyone can walk up the steep mile to the top.

Please OPEN TWIN PEAKS!

Gale Bradley  
Native SF  
Tax payer  
voter

From: jaespo@bellsouth.net  
Sent: Sunday, August 23, 2020 9:40 AM  
To: Jim Esposito <jesp\_08\_14@twinpeaks.org>  
Subject: File No. 200883 - Please Re-Open the Western Gate at Twin Peaks Park  
Date: Monday, August 24, 2020 11:08:39 AM  
Attachments: [Open Map to Location](#)

From: jaespo@bellsouth.net  
Sent: Sunday, August 23, 2020 9:40 AM  
To: Jim Esposito <jesp\_08\_14@twinpeaks.org>  
Subject: File No. 200883 - Please Re-Open the Western Gate at Twin Peaks Park

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

(Sending with correct File Number this time)

Dear Board of Supervisors,

My name is Jim Esposito. My wife (Gisela) and I are homeowners at 3 Burnett Avenue North. We are located barely a few blocks away from the intersection of Burnett Avenue and Twin Peaks Boulevard where the western gate to access Twin Peaks Park remains closed. I've included the below, marked up map so you can understand our close proximity to the gate and negative activities happening in our neighborhood due to the park closure.

As a home owner and resident of District B, we are very directly affected by the negative consequences as a result of the park closure. I'm writing to respectfully voice my strong opinion that the western Twin Peaks Park gate be re-opened to vehicles and **NO** considered for permanent closure under the Slow Streets program.

Since the gate closure, I've been able to directly witness the increased and now regular stream of disturbing consequences due to what should have been only a temporary gate closure. Some of these negative effects - which as SFPD knows used to occur up at Christmas Tree Point - and now are regularly in our neighborhood and felt by our family include:

- Alcohol induced revelry, late night noise and weed smoking along Burnett Ave just above our homes
- Illegal parking around the gate closure and sign heavily increased, non-local traffic and street closures on Burnett Ave
- Car break-ins and private and public property vandalism
- Speeding and erratic driving down Burnett Avenue
- Lots of noise, garbage thrown on the streets and down on to our property

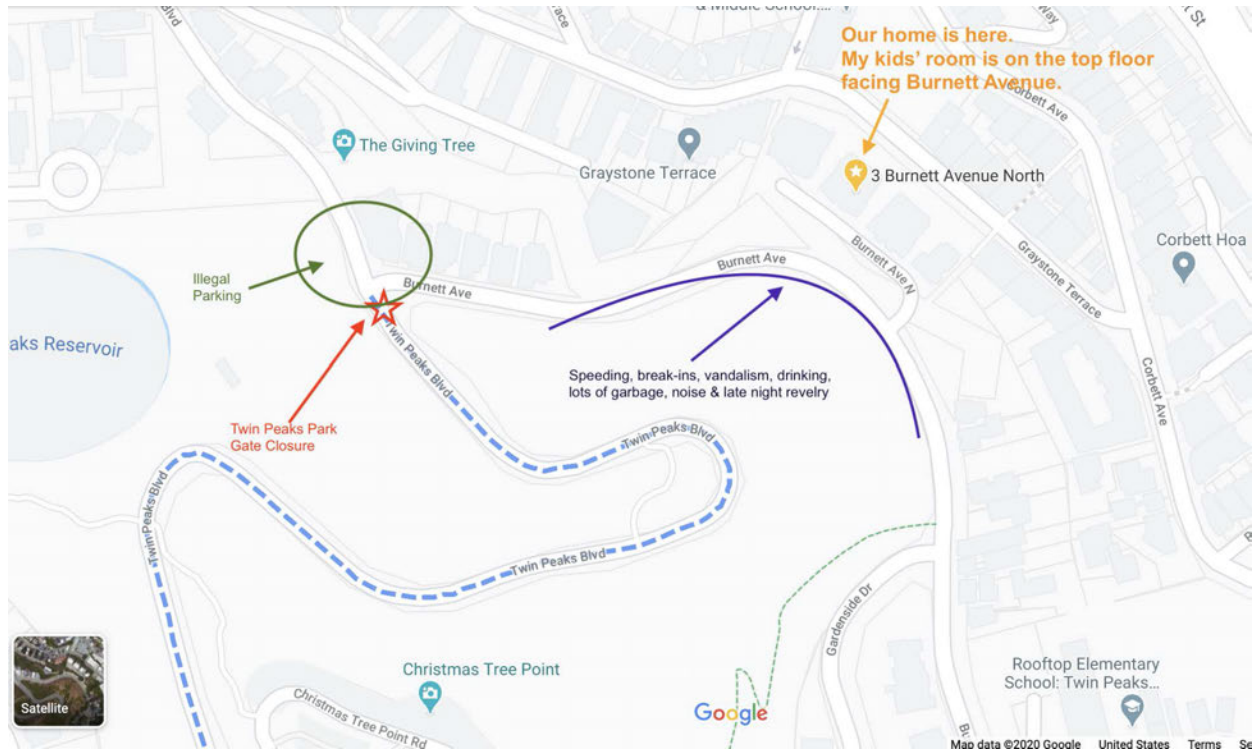
The most upsetting part of this closure is that it has been directly affecting my two, young daughters (Valentina and Paola). Their rooms are on the top floor of our complex and directly faces Burnett Avenue. The late night noise from visitors - drinking alcohol and smoking pot - regularly floods down into our complex, making my girls feel unsafe and unable to sleep. These parents and all the other related activities would otherwise be happening at Christmas Tree Point as has been the case for many years. However due to the temporary gate closure, these negative activities have been pushed down directly into our neighborhood causing disruption, mess and a very meaningfully lowered quality of life for those of us residing here. Just last evening, I called the SFPD Non-Emergency number to report late night partying and property destruction.

I understand that the City may be considering the permanent closure of Twin Peaks Park to vehicles as a result of the Slow Streets program and other influencing issues that don't directly represent the actual homeowners in this neighborhood. I'm not sure that this would be considered without intentionally examining the very obvious, direct and measurable consequences that the temporary closure has been having on neighborhood residents. I hope that you will consider my respectful plea to re-open the western gate and allow vehicles and visitors to once again drive up to and park at Christmas Tree Point. Returning open vehicle access through the western entrance - as has been the case for many years - will minimize the significant surge of these unwelcome issues that have been pushed down into our neighborhood.

I appreciate you considering my view and hope to hear back from you on this important neighborhood issue. Many thanks from the Esposito Family.

Since etc,

Jim Esposito  
[jesp\\_08\\_14@twinpeaks.org](mailto:jesp_08_14@twinpeaks.org)  
95-650-7252



**From:** [Board of Supervisors. \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [BOS Legislation. \(BOS\)](#)  
**Subject:** FW: Comment for 9/1/2020 meeting regarding File # 200883  
**Date:** Tuesday, August 18, 2020 2:36:28 PM

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**From:** Brandon Duncan <dudcat@gmail.com>  
**Sent:** Tuesday, August 18, 2020 1:25 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Comment for 9/1/2020 meeting regarding File # 200883

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

Hello,

I have a public comment regarding File # 200883, the "slow streets" appeal.

The appellant's claim that the covid pandemic doesn't meet the CEQA definition of an "emergency" is ridiculous. With 50% of the surface area of our city gifted to drivers, pedestrians have always been crammed into a tiny space dotted with obstacles. Now they have to also contend with outdoor dining areas and increased homeless encampments, all while practicing social distancing. To reduce the chance of sickness or death (or passing it on if they are unknowingly infected) they might venture into the street, but then they are just trading one risk for another. Simply observe the large uptick in pedestrians being killed by automobiles in San Francisco in the past few months. Setting aside a small portion of our streets for pedestrians to navigate safely is both necessary and reasonable and meets the definition of an emergency.

Regards,  
Brandon Duncan

**From:** [Wong, Jocelyn \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** HEARING NOTICE: Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Tuesday, August 18, 2020 11:45:06 AM  
**Attachments:** [image001.png](#)

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Greetings,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **September 1, 2020, at 3:00 p.m.**, to hear an appeal of a Statutory Exemption Determination under the California Environmental Quality Act, for the proposed MTA - Slow Streets, Phase 1 project.

**Please find the following link to the hearing notice for the matter.**

[Public Hearing Notice - August 18, 2020](#)

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

[Board of Supervisors File No. 200883](#)

Best regards,

***Jocelyn Wong***

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

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

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



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

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

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its

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

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

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

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

**Date:** Tuesday, September 1, 2020

**Time:** 3:00 p.m.

**Location:** REMOTE MEETING VIA VIDEOCONFERENCE

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

**Watch:** SF Cable Channel 26 once the meeting starts, the telephone number and Meeting ID will be displayed on the screen.

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

**Subject:** **File No. 200883.** Hearing of persons interested in or objecting to the determination of statutory exemption from environmental review under the California Environmental Quality Act by the Planning Department on April 21, 2020, for the proposed Municipal Transportation Agency's Slow Streets, Phase 1 project. (Appellants: Mary Miles, on behalf Coalition for Adequate Review) (Filed May 21, 2020)

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

#### **PUBLIC COMMENT CALL-IN**

**WATCH:** SF Cable Channel 26, once the meeting starts, and the telephone number and Meeting ID will be displayed on the screen; or

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

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

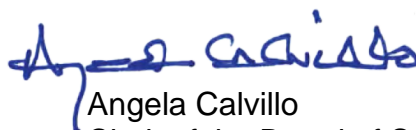
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email ([board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, August 28, 2020.

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

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

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

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



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



BOARD of SUPERVISORS



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

## PROOF OF MAILING

Legislative File No. 200883

Description of Items: Hearing - Appeal of Determination of Exemption From Environmental Review - MTA Slow Streets, Phase 1 Project - 1 Notice Mailed

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

Date: August 18, 2020

Time: 9 a.m.

USPS Location: Repro Pick-up Box in Building Management's Office (Rm 8)

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

Signature: 

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

# 1 MAILING

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Ko, Yvonne \(CPC\)](#); [Yeung, Tony \(CPC\)](#)  
**Cc:** [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** CHECK PICKUP: Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Thursday, August 27, 2020 11:38:58 AM  
**Attachments:** [image001.png](#)  
[200883 fee waiver.pdf](#)  
[Appeal Check Pickup.doc](#)

---

Hi Yvonne,

The check for the appeal filing fee for the CEQA Statutory Exemption Determination appeal of the proposed MTA Slow Streets, Phase 1 project, is ready to be picked up at the Clerk's Office. Please coordinate with our BOS-Operations team, copied here, to set up a date and time for pickup. Please see attached fee waiver filed with this project.

Ops,

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

Thank you.

**Lisa Lew**

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

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

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---

**From:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Sent:** Thursday, August 13, 2020 1:50 PM

**To:** Mary Miles <[page364@earthlink.net](mailto:page364@earthlink.net)>

**Cc:** PEARSON, ANNE (CAT) <[Anne.Pearson@sfcityatty.org](mailto:Anne.Pearson@sfcityatty.org)>; STACY, KATE (CAT)

<[Kate.Stacy@sfcityatty.org](mailto:Kate.Stacy@sfcityatty.org)>; JENSEN, KRISTEN (CAT) <[Kristen.Jensen@sfcityatty.org](mailto:Kristen.Jensen@sfcityatty.org)>; RUIZ-

ESQUIDE, ANDREA (CAT) <Andrea.Ruiz-Esquide@sfcityatty.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Lewis, Don (CPC) <don.lewis@sfgov.org>; Varat, Adam (CPC) <adam.varat@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>; Contreras, Andrea (MTA) <Andrea.Contreras@sfmta.com>; Hake, Shannon (MTA) <Shannon.Hake@sfmta.com>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Sullivan, Katy (BOA) <katy.sullivan@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Subject:** Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on September 1, 2020, at 3:00 p.m. Please find linked below a letter of appeal filed regarding the proposed MTA - Slow Streets, Phase 1 project, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - May 21, 2020](#)

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

[Clerk of the Board Letter - August 12, 2020](#)

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

[Board of Supervisors File No. 200883](#)

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a "virtual" meeting with me (on Microsoft Teams), please

ask and I can answer your questions in real time.

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BOARD of SUPERVISORS



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

August 27, 2020

**File Nos. 200883-200886**

**Planning Case No. 2020-004631ENV**

Received from the Board of Supervisors Clerk's Office one check, in the amount of Six Hundred Forty Dollars (\$640); representing the filing fee paid by Mary Miles, for the appeal of the Statutory Exemption Determination under CEQA for the proposed MTA Slow Streets Phase 1 project:

**Planning Department**

**By:**

*Tony Young*

Print Name

*[Signature]*  
Signature and Date

8/27/20

**From:** [BOS Legislation..\(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Hillis, Rich \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation..\(BOS\)](#)  
**Subject:** Appeal of Statutory Exemption From Environmental Review - MTA - Slow Streets, Phase 1 - Appeal Hearing - September 1, 2020  
**Date:** Thursday, August 13, 2020 1:50:24 PM  
**Attachments:** [image001.png](#)

---

Greetings,

The Office of the Clerk of the Board has scheduled for a remote hearing Special Order before the Board of Supervisors on September 1, 2020, at 3:00 p.m. Please find linked below a letter of appeal filed regarding the proposed MTA - Slow Streets, Phase 1 project, as well as direct links to the Planning Department’s timely filing determination, and an informational letter from the Clerk of the Board.

- [Appeal Letter - May 21, 2020](#)
- [Planning Department Memo - August 3, 2020](#)
- [Clerk of the Board Letter - August 12, 2020](#)

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

[Board of Supervisors File No. 200883](#)

Best regards,

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

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

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August 12, 2020

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

**Subject: File No. 200883 - Appeal of Statutory Exemption Determination - MTA Slow Streets, Phase 1 Project**

Dear Ms. Miles:

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

The Office of the Clerk of the Board is in receipt of a memorandum dated August 3, 2020, from the Planning Department regarding their determination on the timely filing of appeal of the Statutory Exemption Determination for the proposed Municipal Transportation Agency Slow Streets, Phase 1 project.

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

Pursuant to Administrative Code, Section 31.16, a remote hearing date has been scheduled for **Tuesday, September 1, 2020, at 3:00 p.m.**, at the Board of Supervisors meeting.

Please provide to the Clerk's Office by noon:

**15 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and  
*Monday, August 17, 2020*

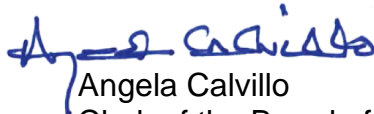
**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.  
*Friday, August 21, 2020*



For the above, the Clerk's office requests electronic files be sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org).

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

Very truly yours,



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

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



## Categorical Exemption Appeal Timeliness Determination

**DATE:** August 03, 2020  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer –  
[lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org) or (415) 575-9032  
**RE:** Appeal Timeliness Determination – SFMTA – Slow Streets  
Phase 1 Emergency Statutory Exemption 2020-004631ENV

On May 21, 2020, Mary Miles on behalf of the Coalition for Adequate Review (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the Statutory Exemption for the San Francisco Municipal Transportation Agency’s Slow Streets Phase 1 project. As explained below, the appeal is timely.

Date of Project Approval	Date of CEQA Posting	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open for Remote Business)	Date of Appeal Filing	Timely?
April 17, 2020	April 22, 2020	May 22, 2020	May 21, 2020	Yes

**Approval Action:** On April 17, 2020 the SFMTA Director of Transportation, in coordination with the Emergency Operations Center, approved the project. On April 22, 2020 the Planning Department posted a Statutory Exemption on the Planning Department’s website.

**Appeal Deadline:** Per Administrative Code Section 31.16(e)(2)(B)(ii), the 30-day appeal period starts on the date this exemption is posted to the Planning Department's website. Sections 31.16(a) and (e) of the San Francisco Administrative Code state that any person or entity may appeal an exemption determination (including a statutory exemption) to the Board of Supervisors during the time period. The 30th day after the date of CEQA posting was Friday, May 22, 2020 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the exemption determination on Thursday, May 21, 2020, prior to the end of the Appeal Deadline. Therefore, the appeal is timely.

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Hillis, Rich \(CPC\)](#)  
**Cc:** [PEARSON, ANNE \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Varat, Adam \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Contreras, Andrea \(MTA\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of Statutory Exemption Determination - Proposed Project - MTA Slow Streets, Phase 1 - Timeliness Determination  
**Date:** Monday, August 3, 2020 8:59:42 AM  
**Attachments:** [Appeal Letter 052120.pdf](#)  
[COB Ltr 073120.pdf](#)  
[image001.png](#)

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Dear Director Hillis,

The Office of the Clerk of the Board is in receipt of an appeal of the Statutory Exemption Determination for the proposed MTA Slow Streets, Phase 1 project. The appeal was filed Mary Miles, on behalf of the Coalition for Adequate Review.

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

Regards,

***Jocelyn Wong***

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

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

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Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

July 31, 2020

To: Rich Hillis  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

Subject: **Appeal of California Environmental Quality Act (CEQA) Determination of Statutory Exemption from Environmental Review - SFMTA - Slow Streets, Phase 1**

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

An appeal of the CEQA Determination of Statutory Exemption from Environmental Review for the proposed San Francisco Municipal Transportation Slow Streets, Phase 1 project was filed with the Office of the Clerk of the Board on May 21, 2020, by Mary Miles on behalf of Coalition for Adequate Review.

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

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

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

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [Mary Miles](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** RE: NOTICE OF APPEAL TO BOARD OF SUPERVISORS  
**Date:** Thursday, May 21, 2020 12:13:10 PM  
**Attachments:** [image001.png](#)

---

Dear Ms. Miles,

I am writing to confirm receipt of the appeal for CEQA Categorical Exemption Determination for the proposed project of Slow Streets, Phase 1, received on May 21, 2020.

In an emergency order dated March 11, 2020, Mayor London N. Breed suspended all local deadlines imposed on policy bodies to the extent that the policy body cannot meet and comply with the deadline due to the public health emergency. Because the Board of Supervisors cannot currently meet to hold hearings on appeals in a way that ensures access by all interested parties, local deadlines for scheduling and acting on such appeals have been suspended by the mayoral order. Upon expiration of the health emergency order, our office will provide appellants with updates regarding the statuses of their appeals.

Please do not hesitate to contact us if there are any questions. Thank you.

Regards,

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



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---

**From:** Mary Miles <[page364@earthlink.net](mailto:page364@earthlink.net)>  
**Sent:** Thursday, May 21, 2020 11:18 AM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** NOTICE OF APPEAL TO BOARD OF SUPERVISORS

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

FROM:

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

TO:

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

DATE: May 21, 2020

RE: Notice of Appeal of Statutory Exemption No. 2020-004631ENV

Attached please find in pdf format Appellant's Notice of Appeal (Appeal letter) to the Board of Supervisors of the Statutory Exemption No. 2020-004631ENV, dated April 21, 2020.

Appellant files this Appeal electronically, since the Board of Supervisors' office is closed. Per information provided by the Clerk of the Board of Supervisors, Appellant was advised that payment is not due until the Board resumes scheduling hearings on appeals, including hearing on this Appeal. Appellant therefore will await further advice from the Clerk on when payment is due. Appellant has attached an Application for Fee Waiver along with the Notice of Appeal.

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

Thank you.



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

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

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

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

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

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

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

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