

**From:** [Mary Miles](#)  
**To:** [BOS Legislation \(BOS\)](#)  
**Subject:** NEW INFORMATION IN SUPPORT OF CONTINUANCE AND THE APPEAL, BOS FILE 200883, 9-1-20 AGENDA ITEM 8  
**Date:** Monday, August 31, 2020 2:34:10 PM

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FROM:

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**BOS FILE NO.: 200883**

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

DATE: August 31, 2020

RE: NEW INFORMATION IN SUPPORT OF A CONTINUANCE AND THE APPEAL  
AT BOARD AGENDA ITEM 8

Dear President Yee and Members of the Board:

PLEASE TAKE NOTICE AND DISTRIBUTE COPIES TO EACH SUPERVISOR OF  
THIS INFORMATION IN SUPPORT OF A CONTINUANCE AND THE APPEAL AT  
BOARD AGENDA ITEM 8, “Statutory Exemption from Environmental Review - MTA-  
Slow Streets, Phase 1.”

New information is provided here showing that, contrary to its statements that the “Slow  
Streets” Project is “temporary,” MTA has now applied for Proposition K (sales tax) funding  
to make **the Project permanent with permanent barriers to vehicles** designated as “slow  
streets” on 17 streets implemented in “Phase 1,” and to implement 14 more street closures  
as “Phase 3” of the Slow Streets Project. (Please see

[08/Prop%20K\\_AA%20Grouped%20Allocations%20CAC%20090220%20ENCLOSURE.pdf](https://www.sfcta.org/sites/default/files/2020-08/Prop%20K_AA%20Grouped%20Allocations%20CAC%20090220%20ENCLOSURE.pdf), PAGES 99 - 108.

Because of MTA's shifting project description, including MTA's false statements that the Project is "temporary," and because "Phase 3" was announced later and involves a later appeal, the public would be better served by hearing this Appeal on the same date as the "Phase 3" appeal, and the Board would have more complete information on this Project at the requested continued date of October 27, 2020.

Additionally, the short notice of this hearing has made it impossible within the three days allowed for Appellant to submit a brief on this Appeal and to provide this Board with complete information about the scope of this Project.

As to the SFCTA's memorandum at [https://www.sfcta.org/sites/default/files/2020-08/Prop%20K\\_AA%20Grouped%20Allocations%20CAC%20090220%20ENCLOSURE.pdf](https://www.sfcta.org/sites/default/files/2020-08/Prop%20K_AA%20Grouped%20Allocations%20CAC%20090220%20ENCLOSURE.pdf), PAGES 99 - 108, it is part of the SFCTA CAC's agenda for September 2, 2020, published after hours on August 28, 2020. The CAC Agenda for September 2, 2020-- **one day** after the September 1, 2020 Appeal Agenda before this Board-- shows that the MTA has requested more than \$1 million **to install permanent barriers on 17 "Phase 1" Slow Streets**. The SFCTA memorandum states that MTA will "convert Slow Streets implemented on 17 residential streets" from temporary to permanent by "replacing temporary barricades with more durable materials fixed in the roadway."

The SFCTA memorandum also states that MTA "will implement Slow Streets on 14 additional corridors" under "Phase 3," of this Project. "Phase 3" has been appealed, which under the City's Administrative Code, stays any further action on the Slow Streets Project. The same applies to installing permanent barriers.

This Board should take into account that this **permanent** Project was implemented with *no public process*, and that MTA's claim that the Project is only "temporary" is false, as shown by its intent to install permanent barriers. MTA has refused to provide an end date or commit to any environmental review or public process for this Project. Its permanent nature disqualifies this Project from any "emergency" exemption under CEQA.

The public has not had notice or the opportunity to submit meaningful comment on this Project.

The Board should continue this Item until October 27, 2020 as requested and should not approve the "emergency" exemption that is the subject of this appeal because it does not have the information needed for informed decisionmaking.

Mary Miles

Attorney for Appellant Coalition for Adequate Review