

THIS PRINT COVERS CALENDAR ITEM NO: 13

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Streets

BRIEF DESCRIPTION:

Approving a Roadway Shared Spaces Closure of Hayes Street between Gough and Octavia streets, 4 pm to 10 pm each Friday and 10 am to 10 pm each Saturday from November 22, 2024, through Saturday, November 22, 2025 (application from the Hayes Valley Merchant's Council for a Roadway Shared Spaces permit is to close Hayes Street between Gough and Octavia streets Fridays from 4 pm to 10 pm, Saturdays from 10 am to 10 pm, and Sundays from 10 am to 8 pm from Friday, November 22, 2024, through Saturday, November 22, 2025); and making environmental review findings.

SUMMARY:

- From August 2020 to November 2023, the Hayes Valley Merchants Council operated a weekly recurring three-day (Friday, Saturday, Sunday) closure of Hayes Street between Gough and Octavia streets under the Roadway Shared Spaces program.
- On October 17, 2023, the SFMTA Board approved a two-day (Friday and Saturday) street closure after staff recommended to reduce the closure by one day due to compliance challenges and public feedback from the three-day closure. This permit expired on October 19, 2024.
- Applicant has requested a Roadway Shared Spaces closure of Hayes Street between Gough and Octavia streets to vehicular traffic three days a week (Friday, Saturday, Sunday).
- Staff recommend a permit be granted for two days a week (Friday and Saturday).
- Roadway Shared Spaces closures which significantly interfere with or delay a public transit service, exceed ten consecutive hours per day over four consecutive days per week, or exceed a total period of time more than two years are considered to be a Longer-Term Closure and therefore require approval from this Board.
- The proposed Roadway Shared Spaces closure has been presented at an Interdepartmental Staff Committee on Traffic and Transportation public hearing on October 10, 2024.
- The proposed Roadway Shared Spaces street closure has been reviewed pursuant to the California Environmental Quality Act (CEQA).

ENCLOSURES:

1. SFMTAB Resolution
2. Better Streets Plan Mitigated Negative Declaration
http://sfmea.sfplanning.org/2007.1238E_FMND.pdf
3. Better Streets Plan CEQA Findings, Planning Commission Resolution
https://sfplanning.s3.amazonaws.com/default/files/meetingarchive/planning_dept/sf-planning.org/ftp/files/Commission/cpcpackets/2007.1238emrtu.pdf

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4. Better Streets Plan Mitigated Negative Declaration Shared Spaces Addendum
[https://citypln-m
extnl.sfgov.org/SharedLinks.aspx?accesskey=bc61363c7effb77e5715d781677a071ae265
f0cdbf27c18bd9d91b3402e0900a&VaultGUID=A4A7DACD-B0DC-4322-BD29-
F6F07103C6E0](https://citypln-m.extnl.sfgov.org/SharedLinks.aspx?accesskey=bc61363c7effb77e5715d781677a071ae265f0cdbf27c18bd9d91b3402e0900a&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0)

APPROVALS:

DATE

DIRECTOR	 _____	<u>November 13, 2024</u>
SECRETARY	 _____	<u>November 13, 2024</u>

ASSIGNED SFMTAB CALENDAR DATE: November 19, 2024

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PURPOSE

Approving a Roadway Shared Spaces Closure of Hayes Street between Gough and Octavia streets, 4 pm to 10 pm each Friday and 10 am to 10 pm each Saturday from November 22, 2024, through Saturday, November 22, 2025 (application from the Hayes Valley Merchant's Council for a Roadway Shared Spaces permit is to close Hayes Street between Gough and Octavia streets Fridays from 4 pm to 10 pm, Saturdays from 10 am to 10 pm, and Sundays from 10 am to 8 pm from Friday, November 22, 2024, through Saturday, November 22, 2025); and making environmental review findings.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This item will support the following goals and objectives of the SFMTA Strategic Plan:

Goal 6: Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking and bicycling.

Goal 7: Build stronger relationships with stakeholders.

This item will support the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

DISCUSSION

Permit History

From August 2020 to October 2023, the Hayes Valley Merchants Council (HVMC) and Hayes Valley Neighborhood Association (HVNA) have operated a 3-day weekly recurring Roadway Shared Spaces closure of Hayes Street on Fridays, Saturdays, and Sundays. This street closure was initially permitted under the Shared Spaces program authorized by the pandemic State of Emergency and Mayor Breed's supplemental emergency proclamations and was intended to support local businesses by repurposing street space for outdoor cultural events, arts activities, entertainment, dining, retail, services and general recreation.

After their first Roadway Shared Spaces permit expired in December 2020, the sponsor renewed their temporary, pandemic-era Roadway Shared Spaces permit on multiple occasions. Across multiple permit cycles, the permit footprint and days of operation have been refined to strike a balance between the benefits afforded by the provision of additional outdoor space for retail and recreation with the associated impacts to neighborhood traffic and local access that best serves the Hayes Valley community.

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In February 2023, the HVMC and HVNA applied for a new permit under the permanent Roadway Shared Spaces program for the 3-day weekly closure of Hayes Street, between Gough and Octavia streets, on Fridays from 4 pm to 10 pm, and Saturdays and Sundays from 10 am to 10 pm. Planned recurring activation of the closure would include rotating entertainment, vendors, artists, food, and outdoor dining. Occasional themed activations would include the October Halloween Walk, December Holiday Stroll, and July Carnival.

Staff identified that the proposed closure would continue to require a reroute of the Muni 21-Hayes route around the closure area which the SFMTA has had to implement during the closure period. This reroute, however, poses logistical and operator challenges and constitutes an impact to transit. Therefore, the proposed closure falls outside of the authority delegated to the Interdepartmental Staff Committee on Traffic and Transportation under Section 6.16 of the San Francisco Transportation Code to permit the issuance of a Temporary Closure permit for the proposed Roadway Shared Space but instead requires approval from the SFMTA Board of Directors.

At the October 17, 2023 SFMTA Board meeting, staff recommended permitting a 1-day weekly street closure on Saturdays from 1 pm to 10 pm. In addition to the challenges posed by the reroute of the 21-Hayes, this recommendation was based on observations of a lack of activation of the closure area, inconsistent placement of barricades and monitoring of intersections, traffic congestion on nearby blocks, and double-parking at intersection barricades. In response to these challenges, staff also recommended additional wayfinding, regular activation, an updated barricade setup at both ends of the closure area, intersection monitors, and additional loading spaces as conditions of the permit.

After considering the staff recommendation to permit a closure for only one day per week on Saturdays, the SFMTA Board, on November 7, 2023, voted to approve an amended staff recommendation to also include Fridays from 4 pm to 10 pm in support of the community indicating that Fridays are the most active day of the weekend. The HVMC and HVNA have held this 2-day weekly Hayes Roadway Shared Spaces permit until October 2024, with permit conditions recommended by staff, including those noted above.

Current Permit Compliance

The permit compliance of the one-year street closure that expired in October 2024 improved in many aspects compared to earlier years. Specifically, in the last half of the current year, the applicant demonstrated more regular street activation through partnerships such as Saturdays in the City. These events included art walks, seasonal and holiday events, activities for children, and a live music series. The permittee consistently placed intersection barricades at both Gough and Octavia in the correct placement, which helped reduce illegal double-parking at the entrances of the street closures.

Some of the challenges documented this year include concerns with vehicle access, traffic congestion, and impacts to emergency access. The permittee was inconsistent with permit terms like staffing each intersection with monitors and marking the middle emergency access lane with cones. The reroute of the 21- Hayes continued to be confusing to riders who complained about

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knowing where to board on which days. Although Sundays were not approved in the latest permit, they have been challenging since the service plan requires the bus to be re-routed both weekend days but functionally the street is open to vehicular traffic on Sundays.

Current Permit Application

In August 2024, the HVNA (applicant) applied for a new permit for the same street closure area with expanded timeframes. The applicant requested the same Friday time 4 pm to 10 pm, an earlier Saturday start time from 10 am to 10 pm, and adding Sunday from 10 am to 8 pm. The earlier start time for Saturdays would allow restaurants to run brunch service for outdoor dining and more time for artists and vendors to set up booths. The Sunday street closure would allow for more events programming.

This application was considered at the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) public hearing on October 10, 2024. ISCOTT members voted 3-1 to recommend this item to SFMTA Board for approval. The ISCOTT representative from the SF Fire Department objected to the proposed street closure, citing delays in emergency access due to a lack of barricade monitors and increased traffic congestion, which are the same issues that SFMTA staff observed last year. The applicant acknowledged intermittent and/or inconsistent staffing of monitors despite full staffing being a condition of their street closure permit. If approved, the permit would again include a condition that the barricades must be staffed with monitors at all times to allow emergency access.

To expand on the successes of last year's permit, staff support approval of a new permit that closes Hayes between Gough and Octavia streets, 4 pm to 10 pm each Friday, and that includes expanded Saturday hours from 10 am to 10 pm each Saturday. Staff recommend that Sunday closures and events be permitted through individual ISCOTT applications in order to manage programming and compliance.

ITEMS

HVNA's requested permit was considered at a Public Hearing held on October 10, 2024, by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). For the reasons above, staff recommend the SFMTA Board of Directors approve a modified version of the applicant's request, as listed in Item A:

- A. ESTABLISH – SHARED SPACES ROAD CLOSURE – Hayes Street between Gough and Octavia streets, Friday, November 22, 2024, through Saturday, November 22, 2025, 4 pm to 10 pm each Friday, 10 am to 10 pm each Saturday.

Item A would grant a permit for a Shared Spaces Road Closure to the Hayes Valley Neighborhood Association to provide outdoor seating, dining, retail, and entertainment space for the public and customers of nearby businesses.

The SFMTA Board of Directors is asked to consider the approval of a Longer-Term Closure of

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the above area under the authority granted by California Vehicle Code section 21101 and Div. II, section 206 of the Transportation Code for the purpose of issuing a Roadway Shared Spaces permit. In doing so, the Board would find based upon a determination of public convenience and necessity that the subject portion of Hayes Street is no longer needed for vehicular traffic during the proposed closure hours, and that the street closure is necessary for the safety and protection of the public who will use the street during the closure.

STAKEHOLDER ENGAGEMENT

HVNA's requested permit was considered at a Public Hearing held on October 10, 2024, by ISCOTT. At the deadline for public comments, ISCOTT received 189 letters of support and 19 letters of opposition.

The letters of support included eight from businesses and community organizations, including the Hayes Valley Merchants Council and two restaurants located within the proposed street closure. Additionally, there were 181 similarly-worded letters of support from individuals. The supporters highlighted the benefits of additional outdoor dining space, increased foot traffic, safe space for children and space for community events, and support for a three-day street closure.

The letters of opposition included two from individuals who shared concerns about noise and opposition to a three-day street closure. There were also 17 similarly-worded letters of opposition, including from two retail businesses on the adjacent blocks, which are not part of the street closure. The letters noted agreement with points made by the organization Hayes Valley Safe, without specifying those points, and general opposition to the street closure until Hayes Valley community members and small business members are a part of the decision-making process.

At the ISCOTT hearing, public comments were evenly mixed, with a chief concern of traffic congestion in the area. The chair of ISCOTT responded that traffic congestion on nearby streets is due to regional travel patterns and cannot be attributed to a single-block street closure, but also stated that consistently and fully staffing monitors at the closure is vital to ensuring that nearby traffic congestion does not spillover onto or adjacent to the street closure. Other commenters raised concerns that the closure does not benefit all businesses in the neighborhood, and that some of the proposed retail vendor booths would directly compete with existing retail businesses in the neighborhood. Other commenters noted how vital the additional gathering space has been in bringing joy and connection to the neighborhood.

The ability for the Hayes Street Shared Space to support San Francisco's economic recovery following the COVID-19 pandemic by creating ways to activate public spaces and for businesses to operate beyond their premises is mixed. Many public comments note the benefits of additional foot traffic and the ability of adjacent restaurants to expand their outdoor dining footprint into the roadway. Other public comments note concern for specific retail-focused events and the resulting competition it creates with local retail businesses.

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Staff notes that a core focus of the Shared Spaces program is supporting San Francisco's economic recovery. Since Hayes merchants are mixed in how this block closure supports that goal, the SFMTA requests market (retail vendor) events be limited each year and coordinated with merchants and the Hayes Valley Merchants Council.

ALTERNATIVES CONSIDERED

Staff considered recommending the approval of a three-day closure, as requested by the applicant.

FUNDING IMPACT

The ISCOTT application fee, which applies to Roadway Shared Spaces (Transportation Code SEC 6.16(g)), is set at a cost recovery rate to cover staff's time and effort to review the subject application. The applicant has paid an application fee of \$1,868 for applications submitted 60 to 89 days before the first event.

ENVIRONMENTAL REVIEW

On April 19, 2021, the San Francisco Planning Department determined that the Shared Spaces Program (Case No. 2021-003010ENV), inclusive of Item A, is within the scope of the Better Streets Plan Final Mitigated Negative Declaration (FMND, Case No. 2007.1238E, September 17, 2010), and that the proposal would not require the preparation of a subsequent negative declaration under CEQA Guidelines section 15162. On October 28, 2010, the Planning Commission in Resolution No. 18211, adopted findings under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Chapter 31 of the Administrative Code (CEQA Findings), and a Mitigation Monitoring and Reporting Program (MMRP), associated with the Better Streets Plan.

Copies of the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors and may be found in the records of the Planning Department by Case Number at <https://sfplanninggis.org/pim/> or 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

Pursuant to section 206 of the Transportation Code, the decision of the SFMTA Board of Directors with respect to any proposed Longer-Term Closure of a Traffic Lane shall be final.

A public hearing for HVNA's requested permit was held at the October 10, 2024, meeting of ISCOTT.

The City Attorney has reviewed this item.

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RECOMMENDATION

Staff recommends approving a Roadway Shared Spaces Closure of Hayes Street between Gough and Octavia streets, 4 pm to 10 pm each Friday and 10 am to 10 pm each Saturday from November 22, 2024, through Saturday, November 22, 2025 (application from the Hayes Valley Neighborhood Association for a Roadway Shared Spaces permit is to close Hayes Street between Gough and Octavia streets Fridays from 4 pm to 10 pm, Saturdays from 10 am to 10 pm, and Sundays from 10 am to 8 pm from Friday, November 22, 2024, through Saturday, November 22, 2025); and making environmental review findings.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Hayes Valley Merchants Council (HVMC) and Hayes Valley Neighborhood Association (HVNA) have operated a recurring three day per week closure of Hayes Street between Gough and Octavia streets from August 2020 to October 2023 under the pandemic era and permanent Roadway Shared Spaces programs; and,

WHEREAS, In response to challenges observed by staff resulting from the three day per week closure, staff recommended at the October 17, 2023 SFMTA Board of Directors meeting that the permit duration be reduced to one day per week, to include only Saturdays from 1 pm to 10 pm; and,

WHEREAS, The SFMTA Board of Directors, on November 7, 2023, voted to approve an amended staff recommendation to include both a Friday closure from 4 pm to 10 pm and a Saturday closure from 1 pm to 10 pm; and,

WHEREAS, HVMC and HVNA have operated a recurring two day per week closure of Hayes Street between Gough and Octavia streets from October 2023 to October 2024 under the Roadway Shared Spaces program; and,

WHEREAS, The San Francisco Municipal Transportation Agency has received an application for a Roadway Shared Spaces street closure from the HVNA to close Hayes Street between Gough and Octavia streets Fridays from 4 pm to 10 pm, Saturdays from 10 am to 10 pm, and Sundays from 10 am to 8 pm from Friday, November 22, 2024, through Saturday, November 22, 2025; and,

WHEREAS, Staff recommend the SFMTA Board of Directors approve Item A as follows:

- A. ESTABLISH – SHARED SPACES ROAD CLOSURE – Hayes Street between Gough and Octavia streets, Friday, November 22, 2024, through Saturday, November 22, 2025, 4 pm to 10 pm each Friday, 10 am to 10 pm each Saturday; and,

WHEREAS, The subject portion of the above listed streets are no longer needed for vehicular traffic during the proposed closure hours and the street closures are necessary for the safety and protection of the public who will use those portions of the streets during the closures; and,

WHEREAS, A core focus of the Shared Spaces program is supporting San Francisco’s economic recovery and Hayes merchants are mixed in how this block closure supports that goal,

the SFMTA requests market (retail vendor) events be limited each year and coordinated with merchants and the Hayes Valley Merchants Council; and,

WHEREAS, On September 17, 2010, the San Francisco Planning Department published the Better Streets Plan Final Mitigated Negative Declaration (Better Streets Plan FMND, Case No. 2007.1238E), and under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Chapter 31 of the Administrative Code—the San Francisco Planning Commission adopted CEQA Findings, a Mitigation Monitoring and Reporting Program (MMRP) on October 28, 2010 under Motion 18211; and,

WHEREAS, On April 19, 2021, the San Francisco Planning Department determined that the Shared Spaces Program (Case No. 2021-003010ENV), inclusive of Item A, is within the scope of the Better Streets Plan FMND and that it would not require the preparation of a subsequent negative declaration under CEQA Guidelines Sections 15162; and,

WHEREAS, The SFMTA Board of Directors has reviewed the Better Streets Plan Final Mitigated Negative Declaration (FMND) and Addendum and finds that since adoption of the FMND, no changes have occurred in the proposed project or in the circumstances under which the project would be implemented that would cause new significant impacts or a substantial increase in the severity of impacts identified and analyzed in the FMND, and that no new information has emerged that would materially change the analysis or conclusions set forth in the FMND; The actions approved herein would not necessitate implementation or additional or considerably different mitigation measures that those identified in the FMND; and,

WHEREAS, Copies of the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department by Case Number at <https://sfplanninggis.org/pim/> or 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, The San Francisco Municipal Transportation Agency Board of Directors adopts these CEQA findings as its own; a copy of the Planning Commission Resolution, the CEQA findings, and the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference; and, be it further

RESOLVED, that the San Francisco Municipal Transportation Agency Board of Directors approves Item A above, and finds that the subject portion of the above listed street is no longer needed for vehicular traffic during the proposed closure hours and the street closure is necessary for the safety and protection of the public who will use that portion of the street during the closure.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 19, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency