

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 15-148

WHEREAS, On May 21, 2009, the Planning Commission (Commission) approved Motion No. 17885, granting conditional use authorization to AvalonBay Communities, Inc. (Avalon) to build up to 173 new dwelling units and to provide approximately 29,500 square feet of ground-floor commercial spaces at 1150 Ocean Avenue, which is on the north side of the intersection of Ocean Avenue opposite Brighton Avenue (Project); and adopted findings under the California Environmental Quality Act (CEQA) related to the Project; and,

WHEREAS, To facilitate vehicular and pedestrian access to the Project, Avalon was required to, among other things, extend Brighton Avenue through the Project site and create new public sidewalks adjoining the new residential buildings; and,

WHEREAS, As a condition of the development, the Planning Department required that the Project upgrade the traffic signal at the intersection to control the driveway access to the development; and,

WHEREAS, In accordance with the CEQA, the Project's environmental impacts were analyzed in the Balboa Park Station Area Plan Environmental Impact Report (Area Plan EIR), which found that the Project would, among other impacts, detrimentally affect the traffic flow westbound on Ocean Avenue; and,

WHEREAS, To mitigate that impact, the Area Plan EIR proposed a mitigation measure to adjust the intersection signal timing to provide a short protected left-turn green phase for westbound traffic at the Ocean Avenue/Brighton Avenue intersection (Mitigation Measure); the Mitigation Measure required the project sponsor to confirm with the San Francisco Municipal Transportation Agency (SFMTA) as to the feasibility of implementation of the Mitigation Measure; and,

WHEREAS, As required by CEQA, the Commission made a separate and independent determination of the Project's specific and cumulative impacts based on the analysis and conclusions of the Area Plan EIR; the Commission concluded that the Mitigation Measure should be included in the Project's Mitigation Monitoring and Reporting Program (MMRP), adopted as part of Motion No. 17885, although SFMTA had not yet reviewed and analyzed the feasibility of the Mitigation Measure; and,

WHEREAS, After adoption of the relevant approvals and issuance of entitlements, agreements and authorizations to construct the Project components, Avalon became aware that the Project MMRP erroneously identified the direction of traffic subject to the signal timing change as "eastbound" rather than "westbound" as described in the Mitigation Measure; and,

WHEREAS, After the Project was under construction and negotiations between SFMTA and Avalon were underway in regard to the design of the new signal at Brighton and Ocean Avenues, SFMTA staff reviewed and analyzed the feasibility of the Mitigation Measure; and,

WHEREAS, After the analysis, which included obtaining traffic counts, SFMTA staff determined that implementing the Mitigation Measure would cause unacceptable delays to the Muni Metro K Line, which operates in both an eastbound and westbound direction on Ocean Avenue, and to vehicle traffic, and that in any event, the extent of the impacts projected in the Korve Study and the Area Plan EIR had not materialized and were not significant; and,

WHEREAS, On November 20, 2012, the City Traffic Engineer wrote to the Planning Department, detailing the reasons why the SFMTA had determined that the Mitigation Measure was infeasible and concluding that no feasible alternative signal or other improvements could be approved by the SFMTA; and,

WHEREAS, On July 7, 2015, the SFMTA Board of Directors, under Resolution No. 15-104, adopted the CEQA findings relative to the Area Plan EIR made by the Planning Commission in Motion 17775 and now relies on such findings for the actions taken in this resolution; and,

WHEREAS, Except as stated below, the SFMTA Board of Directors adopts the CEQA findings made by the Commission in Motion 17885; and,

WHEREAS, The SFMTA Board of Directors has reviewed the November 20, 2012 letter to the Planning Department, finds that it provides substantial evidence that the Mitigation Measure will result in unacceptable traffic and transit delays and potential traffic safety hazards, and therefore declines to adopt it; and,

WHEREAS, The SFMTA and Avalon executed an agreement under which Avalon designed and constructed a modification to the existing traffic signal system to provide for vehicle and pedestrian signal indications controlling the driveway approach of 1150 Ocean Avenue, subject to review and approval by the SFMTA; provided the SFMTA with \$42,500 for reviewing plans, inspecting the signal modifications, programming the signal system, permanently striping the intersection, and installing signage; and paid the SFMTA \$22,500 for the costs of maintenance and electrification of the signal system for its useful life; and,

WHEREAS, Avalon's contractor also installed signal hardware into the driveway that detects when traffic approaches the intersection; and,

WHEREAS, The SFMTA requires an easement on, over and under the property at 1150 Ocean Avenue so that it can access the driveway in order to operate and maintain the detection hardware and associated striping; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors finds that, in accordance with CEQA Guidelines Section 15162, no supplemental review of the Project is required because 1) there are no modifications to the Project proposed as a result of the Easement Agreement; (2) adoption of the Easement Agreement does not result in substantial changes with respect to the circumstances

under which the Project would be implemented, requiring major revisions to the Area Plan EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Area Plan EIR; and (3) no new information of substantial importance to the Project has become available, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, that would indicate (a) the Project will have significant effects not discussed in the Area Plan EIR or (b) significant environmental effects will be substantially more severe; and be it further

RESOLVED, That the SFMTA Board of Directors approves an Easement Agreement between the City and Avalon Ocean Ave. LP for acquisition of an easement on, over and under the property at 1150 Ocean Avenue so that the SFMTA can operate and maintain the traffic signal at the intersection of Ocean Avenue and Brighton Avenue; and urges the Board of Supervisors to approve the Easement Agreement.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 3, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency