



**SFMTA**  
Municipal  
Transportation  
Agency

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Edward D. Reiskin, *Director of Transportation*

**October 25, 2016**

**The Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102**

***Subject: Execute an easement onto the driveway approach of 1150 Ocean Avenue  
Traffic Signal Operation and Maintenance at the intersection of Ocean Avenue and  
Brighton Avenue***

**Honorable Members of the Board of Supervisors:**

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors approve acquisition of an easement on, over and under the property at 1150 Ocean Ave. so that SFMTA can operate and maintain the traffic signal at the intersection of Ocean Ave. and Brighton Ave.

### **Background**

Avalon Ocean Ave. (Avalon) is a residential and commercial development at 1150 Ocean Ave., which is on the north side of the intersection of Ocean Ave. opposite Brighton Ave. This was the site of the former Kragen Auto Parts store. As a condition of development, the Planning Department required the project to upgrade the traffic signal at the intersection to control the driveway access to the development. (See further discussion under the Environmental Review section.)

Completed in 2013, the project constructed improvements along two street frontages (Ocean Ave. and Lee Ave.) and modifications to the traffic signal at Ocean and Brighton avenues to control the north leg of the intersection, which is a driveway. The work included the installation of vehicle and pedestrian signal indications so that the traffic signal controls the driveway approach of 1150 Ocean Ave. The contractor installed signal hardware into the driveway that detects when traffic approaches the intersection.

### **Easement**

The SFMTA and Avalon negotiated an agreement (Agreement) under which Avalon was responsible for designing and constructing the modification to the existing traffic signal system, subject to review and approval by the SFMTA Board. Avalon fully funded the design and construction, and provided the SFMTA with \$42,500 for reviewing plans, inspecting the signal modifications, programming the signal system, permanently striping the intersection, and installing signage. The Agreement also required Avalon to pay \$22,500 for the costs of maintenance and

electrification of the signal for its useful life. This Agreement was finally executed by the parties on May 15, 2015. The Agreement is attached as Enclosure 1. As Director of Transportation, I signed the Agreement on behalf of the SFMTA under authority delegated to me by the Board of Directors. Avalon has paid all funds required under the Agreement.

At this time, the SFMTA requires an easement from Avalon to operate and maintain the signal detection system installed under the driveway at 1150 Ocean Ave. Under the Agreement, Avalon agreed to the recordation of a permanent easement for installation, operation and maintenance of sensors and associated striping. The parties have agreed to the terms of an easement, which is attached as Enclosure 2.

Under City Charter Section 9.118(b), the Board of Supervisors must approve acquisition of this easement because obligations under the easement extend beyond 10 years.

### **Public Outreach**

Not applicable. As explained below, this project was described in the Balboa Park Plan. During the Balboa Park Station Area Plan Transportation Study and the environmental review of the Balboa Park Plan, significant outreach was undertaken regarding all aspects of the Plan, from approximately 2001 to 2010.

### **Alternatives Considered**

Not applicable.

### **Funding Impact**

The SFMTA's total cost for the project, including design, construction and maintenance, is \$65,000 which Avalon has paid.

### **Environmental Review**

In 2006, Korve Engineering prepared the Balboa Park Station Area Plan Transportation Study. The Study recommended a protected westbound left turn phase (a left turn arrow) at the intersection of Ocean Ave. and Brighton Street, adjacent to the Avalon Ocean Ave. site. On December 4, 2008, the Planning Commission certified the Balboa Park Station Area Plan Final Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) in Motion 17774. In Motion 17775, adopted the same day, the Planning Commission made findings under CEQA, including adopting mitigation measures in a Mitigation Monitoring and Reporting Program (MMRP) to address projected impacts of traffic increases on Ocean Ave. resulting from development that would cause the westbound left turn to become very congested.

On May 21, 2009, the Planning Commission passed Motion 17885, which adopted CEQA findings relating to a conditional use authorization for the Avalon Ocean Ave. project, including adopting

the mitigation measure from the Balboa Park EIR MMRP regarding the signal changes recommended in the Korve study.

Beginning in 2010, the SFMTA supported the Avalon Ocean Ave. project construction to include review of the signal modification, which also included a signal controlled approach from the development at Brighton and Ocean. The EIR required the developer of the former Kragen Auto Parts site (now Avalon Ocean Ave.) to construct the westbound left turn phase.

The Korve study and EIR provided no guidance on how to implement a left turn phase. The Korve Study noted that the improvement would need to be reviewed and implemented by the SFMTA; the MMRP provided that the project sponsor would have to confirm with the SFMTA as to the feasibility of implementation of the left turn phase.

All left turn options were complicated by the Light Rail Vehicle track. Either a left turn pocket would have had to be installed on the track, or the tracks would have had to be separated further apart so that a left turn lane could be installed off the trackway. Any signal operation with the left turn on the track would have directly impacted and delayed Muni operations. Moving the track would have been a very expensive and disruptive undertaking. The right-of-way is too narrow, so sidewalks would either have had to be narrowed or the right-of-way widened (which would likely have required acquiring and demolishing existing homes and businesses).

In 2012, the SFMTA performed an analysis of the intersection using the Korve Study volume projections. The analysis showed that the intersection experienced delays in excess of 100 seconds either with or without left turn phases; interestingly, the analysis showed that the intersection delay would be greater overall with left turn phases. The SFMTA conducted traffic counts at the intersection in October 2012 after the Avalon Ocean Ave. grocery store had opened and found that the volumes were less than initially projected in the Study, and that the intersection delay ranged from 32 to 46 seconds, with the best performance occurring in the no left-turn phase operation.

On November 20, 2012, the SFMTA sent a letter to the Planning Department summarizing these findings. The letter concluded that the left turn phase that had been recommended in the EIR was infeasible and should not be implemented (Enclosure 3).

### **General Plan Referral**

On June 2, 2016, the Planning Department issued General Plan Referral case number 2016-003757GPR for the SFMTA acquisition of an easement across private property for access to below grade traffic sensors for repair and maintenance and found the proposal to be in conformity with the General Plan (Enclosure 4).

### **SFMTA Board Action**

On November 3, 2015, the SFMTA Board of Directors adopted Resolution No. 15-148, which approved an Easement Agreement between Avalon Ocean Ave. LP for acquisition of an easement on, over and under the property at 1150 Ocean Ave. so that SFMTA can operate and maintain the

traffic signal at the intersection of Ocean Ave. and Brighton Ave.; and urged the Board of Supervisors to approve the Easement Agreement (Enclosure 5).

The SFMTA Board also found, under CEQA Guidelines Section 15162, that 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.

### **Recommendation**

The SFMTA requests that the San Francisco Board of Supervisors approve the easement and adopt the CEQA findings in concurrence with the SFMTA Board.

Thank you for your time and consideration of this request to approve acquisition of the easement. Should you have any questions or require more information, please do not hesitate to contact me at any time.

Sincerely,



**Edward D. Reiskin**  
**Director of Transportation**

- Enclosures:
1. 1150 Ocean Ave Executed Signal Modification and Maintenance Agreement
  2. 1150 Ocean Ave Easement Agreement (document 01026031)
  3. Letter Ocean and Brighton Left Turn Treatment (11202012)
  4. GPR Case 2016-003757 GPR - Muni Easement Traffic Sensors (06022016)
  5. SFMTAB Resolution No. 15-148 Avalon Easement Resolution (11032015)