

THIS PRINT COVERS CALENDAR ITEM NO: 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Streets

BRIEF DESCRIPTION:

Approving a Roadway Shared Spaces closure of Via Bufano from Columbus Avenue to 75-foot northerly; and making environmental review findings.

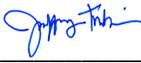
SUMMARY:

- 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 Longer-Term Closure and therefore require approval from this Board.
- The proposed Roadway Shared Spaces closures would close Via Bufano from Columbus Avenue to 75-foot northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; and 1 pm to 10 pm, each Sunday to vehicular traffic.
- The proposed Roadway Shared Spaces street closure has been presented at an Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) public hearing.
- 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
4. Better Streets Plan Mitigated Negative Declaration Shared Spaces Addendum
<https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=bc61363c7effb77e5715d781677a071ae265f0cdbf27c18bd9d91b3402e0900a&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>

APPROVALS:

	DATE
DIRECTOR 	<u>March 13, 2024</u>
SECRETARY 	<u>March 13, 2024</u>

ASSIGNED SFMTAB CALENDAR DATE: March 19, 2024

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PURPOSE

Approving a Roadway Shared Spaces closure of Via Bufano from Columbus Avenue to 75-foot northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; and 1 pm to 10 pm, each Sunday; and making environmental review findings.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES:

The 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.
2. 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

Bodega (applicant) has applied for a Roadway Shared Spaces permit which would close Via Bufano from Columbus Avenue to 75-foot northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; 1 pm to 10 pm, each Sunday.

Bodega is a bistro and wine bar located in the North Beach neighborhood. Bodega has operated a street closure in this location from July 2020 through December 2022, originally permitted through a pandemic emergency order. Although Bodega applied to continue their closure under the permanent Roadway Shared Spaces program, the SFMTA was unable to review this application or issue a permit due to erroneous contact information recorded by the SFMTA's application system. Although no permit was issued, Bodega continued to operate their street closure after their permit had expired in December 2022 until notified by SFMTA staff in October 2023 that they were operating without a permit. They immediately stopped the street closure and submitted a new application through the permanent Roadway Shared Spaces program.

The application was first heard at the December 7, 2023 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) public hearing. In advance of the hearing, the committee received 16 emails in opposition citing various concerns including local residential access, emergency access, noise, and broken glass. During the hearing, the committee decided to hold the application pending resolution of concerns regarding a need for additional public outreach and revisions to the site plan to address emergency access needs.

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Bodega resubmitted their application after sending outreach letters to the neighborhood and revising their site plan. Their revised site plan removed planters and propane heaters from the roadway, provided a 20-foot setback from Columbus Avenue, marked the first driveway north of their proposed closure footprint, and provided the specifications of their lightweight bistro chairs and tables. Additionally, Bodega adjusted their proposed Saturday closure hours to begin after the North Beach Farmers Market finishes their event, to ensure that residents can access Via Bufano from the southern end at Columbus Avenue. The North Beach Farmers Market operates on Greenwich Street and blocks access to Via Bufano from the northern end at Greenwich Street. The adjustment in the proposed Saturday closure hours ensures that local access to Via Bufano is maintained at all times.

Bodega's resubmittal was considered at the February 22, 2024 ISCOTT hearing. In advance of the hearing, ISCOTT received 10 letters objecting to the closure. No public comments were received at the hearing. The main concerns raised in the objection letters were about local residential access and emergency access. However, ISCOTT committee members determined that these concerns have been adequately addressed by the revised site plan and additional outreach performed by Bodega. ISCOTT recommended the application to the SFMTA Board for approval.

The request is to close Via Bufano from Columbus Avenue to 75-feet northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; 1 pm to 10 pm, each Sunday to vehicular traffic as requested by the applicant. The SFMTA Board of Directors is asked to consider the approval of a Longer-Term Closure 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 Via Bufano 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.

ITEMS

The following item was considered at a Public Hearing held on February 22, 2024, by the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT).

- A. ESTABLISH – SHARED SPACES ROAD CLOSURE – Via Bufano from Columbus Avenue to 75-feet northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; 1 pm to 10 pm, each Sunday.

Item A would grant a permit for a Shared Spaces Road Closure to Bodega for outdoor dining.

STAKEHOLDER ENGAGEMENT

Item A was considered at Public Hearings held on December 7, 2024 and February 22, 2024 by ISCOTT. ISCOTT received 16 letters of opposition in advance of the first hearing, and 10 letters of opposition ahead of the second hearing. The main concerns of these opposition letters were lack of local access for Via Bufano residences and garages, lack of emergency access, and quality of life

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concerns such as noise, loud music, broken glass, and rude staff at Bodega. No public comments were received at either hearing. After ISCOTT moved to forward the item to the SFMTA Board, a member of the public contacted staff to ask why concerns from the opposition letters were not discussed. The ISCOTT Chair clarified that the issues raised were either addressed or not within the purview of ISCOTT. The local access and emergency access concerns have been addressed through the revised site plan and adjustment of Saturday closure hours, and amplified sound requires a separate permit from the Entertainment Commission.

ALTERNATIVES CONSIDERED

The details of the proposed closure presented in item A are as requested by the applicant.

FUNDING IMPACT

The ISCOTT application fee, which applies to Roadway Shared Spaces (Transportation Code section 6.16(g)), is set at cost recovery rate. The applicant has paid an application fee of \$1,200 to the SFMTA to cover staff's time and effort to review the subject application.

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 determination 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 Item A was held at the February 22, 2024 meeting of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT).

The City Attorney has reviewed this item.

RECOMMENDATION

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Staff recommends the Board approve a Roadway Shared Spaces street closure of Via Bufano from Columbus Avenue to 75-feet northerly, Friday, March 22, 2024, through Saturday, March 22, 2025, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; 1 pm to 10 pm, each Sunday; and make environmental review findings.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency has received an application for a Roadway Shared Spaces street closure as follows:

- A. ESTABLISH – SHARED SPACES ROAD CLOSURE – Via Bufano from Columbus Avenue to 75-feet northerly, Friday, March 22, 2024, through Saturday, March 23, 2024, 4 pm to 11:30 pm, each Tuesday through Thursday; 4 pm to midnight, each Friday; 1 pm to midnight, each Saturday; 1 pm to 10 pm, each Sunday; and

WHEREAS, 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; 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 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 March 19, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency