

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: November 2, 2009
Reviewed by: BP

SUBJECT: Pierce Street Pavement Rehabilitation and Path Project

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TRAFFIC & SAFETY COMMISSION RECOMMENDATION

That the City Council:

1. Approve the Final Mitigated Negative Declaration on the Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project; and
2. Authorize the City Administrator to direct Kimley-Horn and Associates to proceed with final phase of the design contract in the amount of \$157,038 to prepare 100% construction plans and documents for Phase I - (Pierce Street segment).
3. Direct staff to evaluate bicycle/pedestrian path alternatives that retain the existing trees along Cleveland Avenue, between Washington and Buchanan streets, to the fullest extent possible (Phase II).

BACKGROUND

On October 22, 2009, the Traffic and Safety Commission approved the Final Mitigated Negative Declaration (MND), and 20% concept plans for this Pierce Street project, and recommended that the City Council approve the Final MND, and authorize staff and Kimley-Horn to proceed with Phase 2 of the design contract to develop 100% plans. The Commission also recommended that in designing the Cleveland option, the City should look at mitigating tree removal with planting of new trees, or implementing other design solution for screening purposes.

Project Description along Pierce Street is as follows (Phase I):

- New paving on Pierce Street from northerly city limits to south end of 555 Pierce; and from Calhoun to Buchanan Street.
- Narrowing of travel lanes from 20 to 12 feet (southbound), and from 14 to 12 feet (northbound)
- Loss of three (3) on-street angled parking spaces
- Widening of sidewalk next to sound wall for a separated bike/pedestrian path.

- Three (3) raised crosswalks across Pierce Street
- Parallel parking retained on east side of Pierce Street
- Shave off portion of Albany Hill to improve visibility for drivers exiting 555 Pierce
- Install 8' high wall between the path and freeway south of the sound wall (across from 555 Pierce Street)
- Reserve a section of the curb at 545 Pierce Street (Bridgewater complex) that comprises approximately three parking spaces for loading/unloading between 8:00 a.m. and noon; if unused after noontime, the curb section will revert to regular parking. Staff and the consultant will work with residents of 545 Pierce to establish the hours for loading and unloading.

(Note: Currently 545 Pierce Street does not have a loading/unloading area. Trucks and vans currently use the garage driveway thereby blocking the sidewalk.)

Project Description from 555 Pierce to Buchanan Street (Phase II)

- Extend bicycle/ped path from the south end of 555 Pierce Street, through Caltrans property to the intersection of Washington and Cleveland Avenues, and cross to the west side of Cleveland Avenue to connect with the Buchanan Street overcrossing.

On March 2, 2009, the Council authorized a two-phase design contract with Kimley-Horn and Associates for the Pierce Street Project. The purpose of Phase I was to develop design solutions that responded to the City Council's conditional project approval in April 2007. Council's conditional approval related to safety concerns along the sidewalk if parallel parking along the 500 block of Pierce Street were removed, and accommodating parking for moving vans and delivery trucks. On March 16, 2009, the Council authorized a contract with LSA Associates to prepare an environmental review of the project.

Since March 2009, the following has occurred:

1. Concept Plans revised - Kimley-Horn revised the concept plans in response to the City Council's concerns, as well as addressed comments from the public.
2. Neighborhood Meetings – Public meetings were held to present the proposed plans, receive comments, and incorporate changes where possible. These included:
 - May 20, 2009 – Gateview Condominium residents (555 Pierce Street) were primarily in attendance at this meeting although all residents in the 500 and 700 blocks of Pierce Street were invited. K-H consultants and staff attended. The meeting was held at the Gateview Clubhouse, and approximately 40 people were present.
 - June 17, 2009 – Bayside Commons (535 Pierce Street) met with staff at their clubhouse; approximately 14 people attended.
 - June 17, 2009 - Bridgewater Condominium residents (545 Pierce Street) met with staff; approximately five people attended.
 - July - Follow-up meeting at Bayside Commons to answer questions about construction (e.g., timing, access during construction).

3. Traffic & Safety Commission meetings

- July 23, 2009 – After having met with residents, and having heard comments from the City Council, the Kimley-Horn consultants presented the proposed plan to the Commission for its review and comment.
- September 24, 2009 – T&S Commission held a public meeting to receive comments on the Initial Study/Draft Mitigated Negative Declaration.
- October 22, 2009 – T&S Commission held a public meeting to consider approval of the Final Mitigated Negative Declaration and Concept Plans, and forward a recommendation to the City Council.

DISCUSSION/ANALYSIS

In accordance with the Council's direction, issues that were addressed during this project design period included: minimize loss of on-street parking; provide on-street moving van parking; enhance visibility when exiting the southernmost garage entrance at 555 Pierce Street; and accommodate trash and mail pick up. City staff and consultant believe that design solutions have been incorporated into the plans, which adequately address these issues (see attached Concept Plans, and Project Description above).

Other issues that warrant discussion are as follows:

Bicycle/Pedestrian Path through Caltrans Property

In a meeting nearly two years ago, between City representatives and former Caltrans Director William Kempton, the City raised the concept of the bicycle path and received an encouraging response.

During meetings between City and Caltrans District 4 Right-of-Way staffs, the two agencies discussed the proposed extension of a bike path through Caltrans owned land as shown in the attached plans. Caltrans staff did not oppose the exploration of a path alignment, provided it did not extend through the middle of the property.

In their comment letter on the Draft Mitigated Negative Declaration, Caltrans states that the City will need to "acquire the required property rights" prior to starting construction. Staff has always recognized that to build on Caltrans land the City would need to obtain an encroachment permit, acquire an easement, or purchase the land outright through a fee simple arrangement. Thus this comment was expected. It should be noted that nothing in the letter implies that this path would not be permitted.

Possible Tree Removal along Cleveland Avenue

In order to construct a bicycle/pedestrian path along the west side of Cleveland Avenue, between Washington and Buchanan streets, approximately 34 existing trees would have to be removed. The Draft MND states that "Due to past disturbance within and around the

proposed project site and consequent lack of suitable native substrate/habitats, the proposed project would not result in any impacts to special-status plants.” However, because the trees along Cleveland are considered “street trees”, review and recommendation by the Park & Recreation Commission was needed. Therefore, staff asked the environmental consultant to proceed with the preparation of an arborist report, which was included as a recommended mitigation measure.

The arborist report states that:

Development of the path along Cleveland would remove all trees on the west side of roadway. Although the coast redwood and the coast live oak are highly desirable native species, the location where they are growing is not favorable to their natural growth form. This part of Segment II is constrained on the east by Cleveland Avenue, on the west by the railroad right of way, and above by high voltage wire. The City’s urban forester values the redwood and coast live oak, but does not believe their removal for the purpose of the pathway would constitute a significant impact.

On September 10, 2009, the P&R Commission asked staff that more information about other alternatives to tree removal be explored. Thus, staff requested input from Bicycle Solutions, a bicycle planning firm that specializes in providing bicycle paths in difficult areas. Bicycle Solutions provided a number of suggestions, but in short believed that wholesale removal would be unnecessary if the large-caliper trees were prioritized in importance; flexibility was applied to the landscape strip width; the path was split around trees; creative arborist techniques were applied; and a focus was placed on tree health (see attached). With this information, on October 8, 2009, the P&R Commission felt that tree retention was most important, and voted 4-2 that: Should the Council decide to pursue the Cleveland Avenue bicycle/pedestrian path (Segment II), it should be subject to design details that evaluate alternatives that retain the existing trees to the fullest extent possible.”

ENVIRONMENTAL REVIEW

On March 16, 2009, the City Council authorized the hiring of LSA Associates, Inc. to provide environmental review services pursuant to the California Environmental Quality Act (CEQA) for the Pierce Street Pavement Rehabilitation and Path project. CEQA requires the City to undertake environmental review of public and private projects that are anticipated to result in a physical change in the environment. For complex projects, hiring an outside consultant to prepare the analysis is prudent.

A Draft Initial Study/Draft Mitigated Negative Declaration was released on August 28, 2009, which commenced a 30-day review and comment period. Notices were sent to all property owners and residents within 300 feet of the project site. Written comments were accepted between August 28 and September 28, 2009, and on September 24, 2009 the T&S Commission held a meeting to receive verbal and written comments. Attached is the Response to Comments prepared by LSA which responds to the three letters received, and comments made at the meeting.

Based on the findings of the environmental consultant, a Mitigated Negative Declaration is appropriate in this case that mitigate any significant effects on the environment to a less than significant level.

The Final Mitigated Negative Declaration is comprised of:

- Draft Initial Study/Mitigated Negative Declaration
- Response to Comments
- Mitigation Monitoring and Reporting Program (lists mitigation measures, responsible party, and when the mitigation measure should occur)

The City Council is being asked to approve the Final Mitigated Negative Declaration prior to taking action on the project.

SUSTAINABILITY IMPACT

This project involves preparation of 100% plans for a street pavement rehabilitation project and new bicycle/pedestrian path. Should the project be constructed, incorporation of a bicycle path will move toward the completion of a connector trail between the Ohlone Greenway and the Bay Trail. This trail will provide commuter and recreational bicyclists a safer route that would lead to a reduction in freeway congestion and thereby have a direct benefit to air quality.

FINANCIAL IMPACT

The total cost for developing this project design is \$198,580, with the completed Phase 1 being \$41,542 for the 20% plans, and the proposed Phase 2 being \$157,038 for remaining development of 100% construction plans. Phase 2 cannot proceed without written approval by the City. The Pierce Street Pavement Rehabilitation and Path project are shown in the Capital Improvement Program (CIP) as two separate, but related projects: Pierce Street Rehabilitation Project (P51) and Cerrito Creek/Pierce Street Bike Path (S48).

The adopted CIP shows funding available for design purposes in these two projects:

Pierce Street Rehabilitation Project (P51)	\$186,791
Cerrito Creek/Pierce Street Bike Path (S48)	<u>\$ 27,000</u>
Total funding for Design	\$ 213,791

The primary source of revenue designated in the CIP for this phase of the project is Measure F 2002 allocations for street paving and traffic safety improvements.

Thus, adequate funding exists for this \$198,580 contract to perform 100% construction plans and documents.

Attachments

- Concept plans for path and roadway restriping - Phase I and Phase II combined
- Concept plans - Phase I (south of north city limits to 555 Pierce Street)

- Phase II (south of 555 Pierce Street to Buchanan Street)
- Final Mitigated Negative Declaration Pierce Street Pavement Rehabilitation Bicycle/Pedestrian Path Project prepared by LSA Associates includes:
 - Initial Study/Draft Mitigated Negative Declaration
 - Response to Comments including comment letters and T & S Commission minutes from 9/24/09 environmental review hearing.
 - Mitigation and Monitoring Program
- Public Meeting Notices