

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

Agenda Date: April 6, 2020

Reviewed by: NA

SUBJECT: Resolution authorizing the City Manager to execute Caltrans Right of Way Relinquishment No. 56152, and to accept the parcel of land that is a portion of Cleveland Avenue

REPORT BY: Anne Hersch, AICP, Planning Manager
Jeff Bond, Community Development Director

SUMMARY

Satellite Affordable Housing Associates (SAHA) is seeking to use Alameda County Measure A1 funds for the Albany Family Housing Project located at 755 Cleveland Avenue (northeast corner of Cleveland and Washington Avenue).

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2020-32 authorizing the City Manager to execute Caltrans Right of Way Relinquishment No. 56152, and to accept the parcel of land that is a portion of Cleveland Avenue.

BACKGROUND

In 2018, the City Council provided direction to staff to initiate efforts to work with Satellite Affordable Housing Associates (SAHA) on the feasibility of an affordable housing project at the northeast corner of Cleveland Avenue and Washington Avenue. On September 17, 2018, the Council adopted Resolution No. 2018-13 authorizing the City Manager to execute the Exclusive Negotiation Agreement between the City of Albany and SAHA.

SAHA filed a Planning application for the proposed project on October 21, 2019. The project scope includes a new 62 unit (including one on-site manager unit), 100% affordable housing development located at the northeast corner of Cleveland and Washington Avenue. Project entitlements include:

- Design Review for a new 62 unit building

- Tentative Parcel Map separating the subject from Peggy Thompson Pierce Street Park and creating a resultant parcel consistent with the site zoning and General Plan Land Use Map.
- Density Bonus and related waivers for:
 - o Floor Area Ratio
 - o Lot Coverage
 - o Building Height
 - o Front Yard Setback
 - o Front Yard Encroachment

The application was submitted for streamlined processing pursuant to SB 35 and was approved within the required 60-day time frame. A Notice of Action was issued on December 16, 2019.

In addition to planning review, at recent meetings in January and February 2020, the City Council has approved two resolutions in support of applications for project funding, including the Alameda County Measure A1 program and the State of California Infill Infrastructure Grant Program.

DISCUSSION

In the course of due diligence of the site, it has been determined that at the time the City acquired the property from Caltrans in 2011, Caltrans retained “abutter’s rights” on Cleveland Avenue. The abutter’s right essentially restricts access from the parcel to Cleveland Avenue. However, as designed, the main pedestrian entrance and the entrance to the garage are from Cleveland Avenue. Due to the topography of the site, access from Washington Avenue is not practical, thus elimination of the access control is critical to the project’s implementation. The conditions of acceptance are described in Exhibit A and a description of the property is provided in Exhibit B

SUSTAINABILITY CONSIDERATIONS

The future development of 755 Cleveland Avenue for affordable housing will provide a long-term housing product that is compliant with the CALGreen Code requirements as well as provide long term occupancy for income compliant occupants.

SOCIAL EQUITY CONSIDERATIONS

The future development of Albany Family Housing will provide new affordable housing opportunities in the City of Albany.

CITY COUNCIL STRATEGIC PLAN INITIATIVE

Supporting the infill infrastructure grant supports the following policies and objectives from the Strategic Plan:

- Goal 1 Foster a Healthy & Sustainable Urban Village
 - Objective 2 Promote Housing Availability & Quality,
 - Workplan Item 2. Development of Affordable Housing Project at Cleveland and Washington Avenues in Partnership with SAHA.

FINANCIAL CONSIDERATIONS

As a condition of Caltrans action lifting the access control, the City must accept the roadway in its present condition. Given that this is a small 301 foot segment of an approximately 3,800 foot long roadway, most of which is an existing City responsibility, acceptance of this roadway is not expected to substantially impact the City's roadway maintenance and Capital Improvement Program.

Attachments

1. Resolution No. 2020-32
2. Exhibit A to Resolution 2020-32 - Agreement
3. Exhibit B to Resolution 2020-32 - Plat Map

1 **RESOLUTION NO. 2020-32**

2 **A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING**
3 **THE CITY MANAGER TO EXECUTE CALTRANS RIGHT OF WAY**
4 **RELINQUISHMENT NO. 56152, AND TO ACCEPT THE PARCEL OF**
5 **LAND THAT IS A PORTION OF CLEVELAND AVENUE**

6 **WHEREAS**, a portion of Cleveland Avenue is currently owned by the State of
7 California; and

8 **WHEREAS**, Caltrans, the State Agency responsible for roadway right-of-way has
9 determined that the portion of Cleveland is no longer needed for its operations; and
10

11 **WHEREAS**, Caltrans has offered a portion of Cleveland Avenue to the City
12 through Right of Way Relinquishment Request No. 56152; and
13

14 **WHEREAS**, the City has confirmed that the subject property would be a beneficial
15 addition to the City's circulation system; and

16 **WHEREAS**, the City's consent and authorization of certain forms and processes is
17 necessary to allow Caltrans to complete its relinquishment process.
18

19 **NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of
20 Albany as follows:
21

22 1. The City Manager is hereby authorized and directed to execute Caltrans
23 Right of Way Relinquishment Request No. 56152, in substantially similar form to Exhibit
24 A, as well as any other additional legal documents, including a certificate of acceptance
25 pursuant to Government Code section 27281, pertaining to the acceptance of the parcel of
26 land that is a portion of Cleveland Avenue, which is more precisely depicted in Exhibit
27 B attached hereto.

28 2. The 90-day notice of relinquishment period provided for under Section 73
29 of the Streets and Highways Code is hereby waived by the City.

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3. The City Manager is authorized and directed to include the portion of Cleveland Avenue in the City road maintenance record, and maintenance routes.

4. This Resolution shall become effective immediately.

NICK PILCH, MAYOR

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
DIVISION OF PROJECT MANAGEMENT
111 GRAND AVE
OAKLAND, CA 94612
PHONE (510) 286-4193
FAX (510) 286-5122
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

March 20, 2020

File: 04-ALA-80-PM R7.4
Relinquishment No. 56152

Mr. Jeff Bond
Community Development Director
Albany City Hall
1000 San Pablo Avenue
Albany, CA 94706

Dear Mr. Bond:

California Department of Transportation (Caltrans) wishes to relinquish a portion of Cleveland Avenue to the City of Albany, as shown on the attached relinquishment maps. Please review the proposed relinquishment.

If the relinquishment is acceptable to the City of Albany, please provide either:

I) A resolution from the City Council agreeing to accept the relinquishment in their current environmental condition and setting, including, but not limited to, the presence of hazardous materials as described in the Initial Site Assessment Memorandum. The City of Albany has received and reviewed a copy of the above-referenced Initial Site Assessment Memorandum. Upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office, Caltrans will not be responsible for any present or future remediation of said hazardous materials. In addition, to save time, Caltrans would prefer the resolution include a waiver of the 90-day notice of "Intention to Relinquish" requirement, or

II) A letter of acceptance, to include similar language as in I) above, and preferably containing a waiver of the 90-day notice of "Intention to Relinquish" requirement, signed by the City personnel authorized/delegated by the City Council to accept the relinquishment.

Mr. Jeff Bond
March 20, 2020
Page 2

Caltrans is planning to include this relinquishment in the June 2020 California Transportation Commission Meeting agenda. For convenience, the City may respond to this offer by filling out the enclosed form. Please return the signed form or the City resolution by April 15, 2020. If you have any questions, please call me at (510) 286-4193 or email at Ron.Kiaana@dot.ca.gov.

Sincerely,

RON KIAAINA
Regional Project Manager
Division of Project Management

Attachments: Relinquishment maps and Initial Site Assessment

c: AZepeda, TWin, AZhong

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
OAKLAND, CA 94612
P. O. BOX 23660
OAKLAND, CA 94623-0660

04-ALA-80-PM R7.4
RELINQUISHMENT No. 56152

ATTN: RON KIAAINA

The City of Albany has reviewed your offer to accept that portion of Cleveland Avenue to be relinquished per letter dated March 20, 2020 and the relinquishment maps.

Please Check One:

- Yes, we are willing to accept the Relinquishment in their current environmental condition and setting, including, but not limited to, the presence of hazardous materials as described in the Initial Site Assessment Memorandum. The City of Albany has received and reviewed a copy of the above-referenced Initial Site Assessment Memorandum. Upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office, Caltrans will not be responsible for any present or future remediation of said hazardous materials. Please proceed with preparing the final submittal.
- No, we are not interested in accepting the Relinquishment.
(Please list your reasons why)

Please Check One:

- Yes, we agree to waive the ninety (90) days' notice of "Intention to Relinquish" requirement contained in Section 73 of the Streets and Highways Code.
- No, we do not agree to waive the 90-day notice of "Intention to Relinquish" requirement contained in Section 73 of the Streets and Highway Code.

As the _____ for the City of _____ and
having the authority to act on behalf of the City Council, I attest to the
above checked items.

BY: _____

TITLE: _____

DATE: _____

Memorandum

*Making Conservation
a California Way of Life*

To: ALBERT J. ZEPEDA
Senior Transportation Engineer
Office of Design East-Alameda

Date: January 13, 2020

File: Ala-80, P.M. R7.4
ROW relinquishment 56152
EA 04-18015



From: CHRISTOPHER WILSON
Senior Transportation Engineer
Office of Environmental Engineering

Subject: **INITIAL SITE ASSESSMENT OF PROPOSED RIGHT OF WAY RELINQUISHMENT 56152**

The state right of way segment proposed for relinquishment to the city of Albany, near post mile R7.4 of State Route 80, has no apparent contamination- or hazardous materials-related issues. The segment is shown on the attached map. One recognized environmental condition is that the segment lies adjacent to the Union Pacific Railroad right of way. Additionally, Z Rental Properties (located about 400 feet north of the segment) was a leaking underground storage tank site. The contaminant of concern reported in the State Water Resources Control Board's Geotracker website was gasoline and the potential medium of concern was soil. The case was opened in 1993 and has been closed since 1994. It is very unlikely that the site could pose any real groundwater contamination threat. There were no other sites in the Geotracker or Department of Toxic Substances Control Envirostor database that warranted concern for the proposed relinquishment area.

A review of historic aerial images reveals that the segment has been covered and protected by pavement, i.e., Cleveland and Washington avenues, for at least 70 years; therefore surface-deposited contaminants, such as aerially deposited lead (ADL) from past leaded gasoline emissions and petroleum hydrocarbons, are not expected to be present in the soil underneath the pavement of this segment.

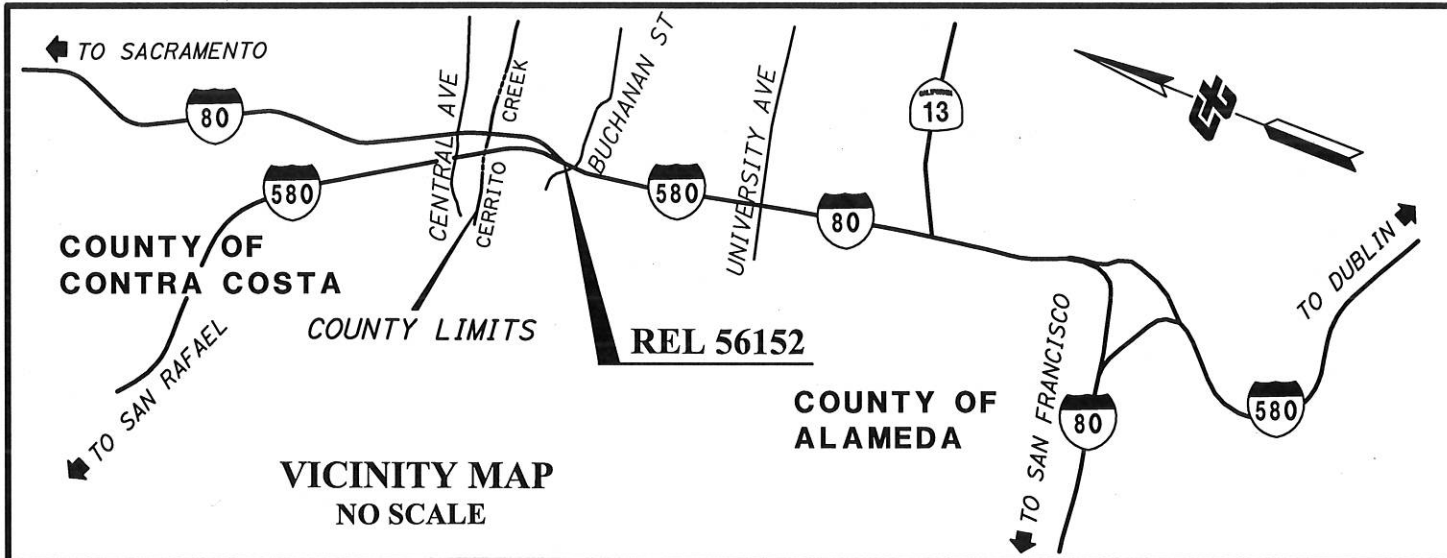
c: Ron Kiaaina, Project Manager, Project Management
Alice Zhong, Transportation Surveyor, Right of Way Engineering
Tin Win, Project Engineer, Design Alameda

**RIGHT OF WAY RELINQUISHMENT 56152
STATE ROUTE 80, POST MILE R7.4
ALAMEDA COUNTY**

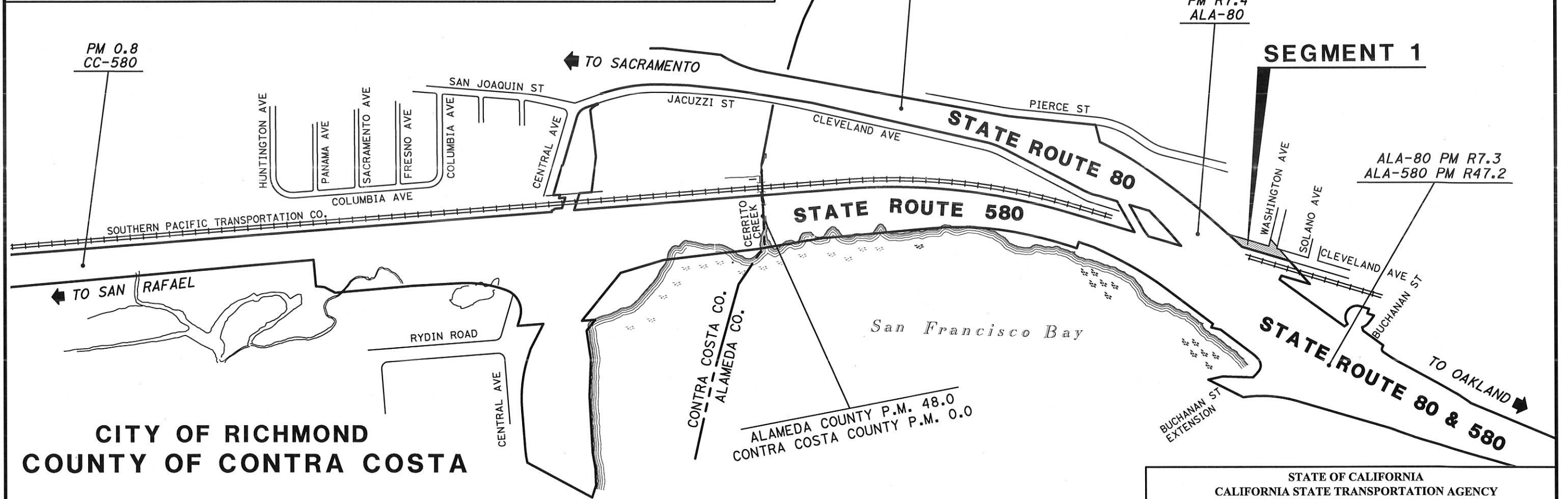


-  Relinquishment Area
-  Geotracker Site

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



**CITY OF ALBANY
COUNTY OF ALAMEDA**



**CITY OF RICHMOND
COUNTY OF CONTRA COSTA**

- LEGEND**
- Area to be relinquished
 - City and County Limits

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RELINQUISHMENT**
REL. NO. 56152
TO CITY OF ALBANY
FOR PREVIOUS R/W INFORMATION SEE
MAP(S) R-89.20 & R-102.1a

DATE: 12/2019	EA(s): 180152	CONTRACT NO.: 180154			
DRAWN BY: A. ZHONG, PLS #7437		CHECKED BY:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
04	ALA	80	R7.4	1	2

M-1627

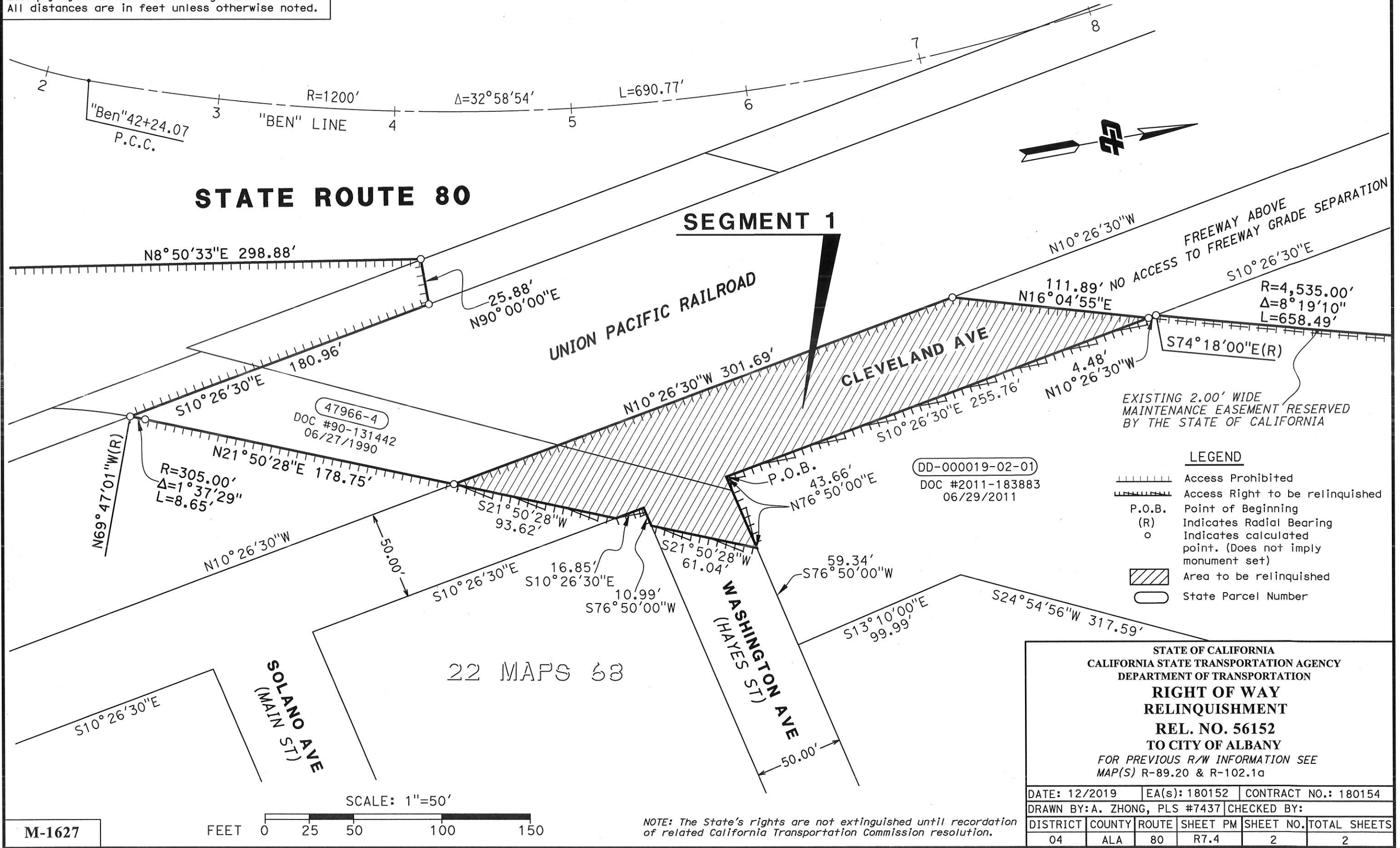
NOTE: The State's rights are not extinguished until recordation of related California Transportation Commission resolution.

PROJECT ID: 0416000263

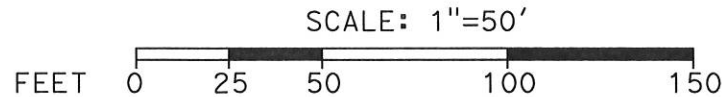
Coordinates and bearings are on CCS 1927, Zone 3.
 Distances and stationing are grid distances.
 Multiply by 1.0000675 to obtain ground distances.
 All distances are in feet unless otherwise noted.

CITY OF ALBANY

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



M-1627



NOTE: The State's rights are not extinguished until recordation of related California Transportation Commission resolution.

STATE OF CALIFORNIA
 CALIFORNIA STATE TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RELINQUISHMENT**

**REL. NO. 56152
 TO CITY OF ALBANY**

FOR PREVIOUS R/W INFORMATION SEE
 MAP(S) R-89.20 & R-102.1a

DATE: 12/2019	EA(s): 180152	CONTRACT NO.: 180154			
DRAWN BY: A. ZHONG, PLS #7437		CHECKED BY:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
04	ALA	80	R7.4	2	2

PROJECT ID: 0416000263