



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 18, 2023
TO: Paul Buddenhagen, City Manager
FROM: Mohamed Alaoui, Public Works Director
SUBJECT: 40th Street Multimodal Project:

Resolution Of The City Council Of The City Of Emeryville Approving Concept Closing Unsignalized Intersections On The North Side Of 40th Street (Watts, Haven, Holden, and Hubbard) As Part Of The 40th Street Multimodal Project; And/Or

Resolution Of The City Council Of The City Of Emeryville Approving Addition Of New Scope Of Work (Exhibit A-1) Related To Additional Design Work For Unsignalized Intersections On The North Side Of 40th Street As Part Of The 40th Street Multimodal Project Into The Professional Services Contract With Diablo Engineering Group; And/Or

Resolution Of The City Council Of The City Of Emeryville Approving Addition Of New Scope Of Work (Exhibit A-2) Related To Design Of The 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (CIP No. SUT-05) Into The Professional Services Contract With Diablo Engineering Group; And

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Diablo Engineering Group For Additional Services As Described In Exhibit(s) _____, Increase The Total Compensation By \$_____, For A Total Amount Not To Exceed \$_____

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolutions.

BACKGROUND

The 40th Street Multimodal Project ("Project") is a significant initiative undertaken by the City of Emeryville to improve transportation conditions for bus riders, pedestrians, and cyclists. The project focuses on the redesign of 40th Street, as well as sections of San Pablo Avenue and Shellmound Street, with the aim of enhancing connectivity, safety, and efficiency for various modes of transportation.

This Project holds significant importance as 40th Street has been designated as a major Transit Street and Regional Retail Access Route, serving as a vital multimodal

connector within Emeryville. It plays a critical role in providing access to employment opportunities, essential services, and regional transit hubs/destinations, including the MacArthur BART Station, San Pablo Avenue, and the Bay Trail.

The suite of improvements proposed in the Project include the implementation of dedicated bus-only lanes in both directions along 40th Street, aimed at reducing travel time for buses and optimizing transit efficiency. Furthermore, a two-way Class 4 separated bikeway will be established, running from Adeline Street to the Bay Bridge Trail. This dedicated bikeway aims to enhance safety for cyclists while also promoting active transportation and improving accessibility. Lastly, to ensure pedestrian safety, the Project incorporates improvements at eleven intersections along the route. These enhancements encompass various measures such as traffic calming measures, enhanced crosswalks, and the installation of bus boarding islands and shelters.

On March 3, 2020, the City Council approved the conceptual design of the Project and found it to be exempt from the California Environmental Quality Act. As part of the resolution, City Council added items for consideration in the final engineering design phase which included a feasibility analysis of closing unsignalized cross streets on the northside of 40th Street.

The City of Emeryville has made significant progress in advancing the Project since City Council's concept approval in March 2020. In 2021, the City received \$3,174,000 for the Design Phase from Alameda CTC for transit improvements and from the statewide Active Transportation Program for pedestrian and bicycle improvements. In 2022, the City received \$3,800,000 from the statewide Affordable Housing and Sustainable Communities Program for construction of a transportation project to support infill and compact developments that reduce greenhouse gas emissions. Lastly in May 2023, the City received notice that they will be awarded \$8,376,000 from Alameda CTC's Comprehensive Investment Program 2024 which covers the remaining construction funding gap for the Project.

In August 2022, the Public Works Department issued a Request for Proposals for "Professional Design Services for the 40th Street Transit-Only Lanes And Multimodal Enhancements Project." Two consultant teams submitted proposals, demonstrating a detailed understanding of the project, strong team composition, and technical expertise from past projects. After careful evaluation, City staff identified Diablo Engineering Group ("Diablo Engineering") as the most suitable consultant, considering their approach, experience, and understanding of the City's requirements.

Following the evaluation process, City staff engaged in negotiations with Diablo Engineering, adhering to the Local Assistance Procedures Manual (LAPM) guidelines. Minor scope changes were incorporated into the original proposal, and these adjustments were outlined in the task breakdown summary as shown in Attachment A – Original Professional Services Contract. The Contract was approved at City Council on November 15, 2022 (Resolution No. 22-154) and the Contract was executed on January 13, 2023.

DISCUSSION

Progress to Date

Diablo Engineering, and their project team, has been diligently working on the 35% design plans for the Project and recently completed a traffic feasibility analysis that was presented to the Transportation Committee on May 9, 2023. They will continue to progress with their design work throughout 2023 and they expect to be 100% complete with the design phase in Spring/Summer 2024.

First Resolution – Approval Of Concept Closing Unsignalized Intersections On The North Side Of 40th Street (Watts, Haven, Holden, and Hubbard)

In March 2020, City Council instructed Staff to conduct a traffic feasibility study for full and partial closures of the unsignalized streets that connect to 40th Street from the north (Watts, Haven, Holden, and Hubbard). In early 2023, Fehr & Peers (a subconsultant to the Diablo Engineering team) completed a traffic feasibility analysis as one of the first items of work for the design phase of the Project. The results of the analysis were shared with the Emeryville Transportation Committee on May 9, 2023.

In the traffic feasibility analysis, the team studied various circulation alternatives along the corridor with and without closures of unsignalized intersections. All the signalized intersections in the Project area were found to operate with some congestion with average delays except for one intersection. The San Pablo Avenue intersection with 40th Street would continue to operate with significant congestion and delays, without a significant change from the project. The analysis went on to show that the extent of vehicle queuing on 40th Street would experience no significant change regardless of whether the unsignalized intersections on the north side of 40th street are fully closed or open.

At the Transportation Committee meeting, Staff received positive feedback on the overall project, circulation/traffic pattern changes, and the concept of green infrastructure and parklet opportunities if the unsignalized streets were closed off to vehicular traffic. The Committee made a motion to forward the concept of closing unsignalized intersections on the north side of 40th Street (Watts, Haven, Holden, and Hubbard) to City Council. This is the first resolution attached to this staff report.

Second Resolution – Addition Of New Scope Of Work Related To Additional Design Work For Unsignalized Intersections On The North Side Of 40th Street (Exhibit A-1)

Given the progress made thus far and the need for additional work related to the unsignalized intersections, Staff recommends extending the design contract with Diablo Engineering to include the following:

- Exhibit A-1 (Additional design work for unsignalized intersections) – Total cost of \$120,232.00

- These tasks will involve the preparation of a final traffic analysis, environmental studies, and civil designs for the additional design work needed for the unsignalized intersections on the north side of 40th Street within the original “Phase 1” Project limits (Adeline Street to IKEA Entrance).
- The “Phase 1” Project including Exhibit A-1 is fully funded through various grant programs for Design and Construction Phases.

Third Resolution – Addition Of New Scope Of Work Related To Design Of The 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (Exhibit A-2)

On July 21, 1999, the Emeryville Public Financing Authority issued revenue bonds in the amount of \$14,420,000 to acquire three outstanding series of bonds that had been issued by the City of Emeryville including West Emeryville Assessment District Limited Obligation Refunding Bonds, Bay-Shellmound Street Extension Assessment District Limited Obligation Refunding Bonds, and the Assessment District 1993-1 (East Bay Bridge Center) Limited Obligation Refunding Bonds. The 1999 Emeryville Public Financing Authority Revenue Bonds were paid in full in September 2021. However, a fund balance of \$1.07 million remained.

On February 7, 2023, City Council authorized the establishment of a capital improvement fund to be used for public improvements or the maintenance of public improvements within the area for which the Bay Street-Shellmound bonds were issued, and City Council authorized the transfer of the \$1.07 million in remaining funds to this capital improvement fund (Fund 441).

On June 6, 2023, City Council approved the Capital Improvement Program for Fiscal Years 2023-2024 through 2027-2028 (“CIP”). Included within the CIP is Project No. SUT-05, 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure, which was assigned the 1.07 million in Fund 441.

The “Phase 2” Project is aligned with local planning efforts through our Active Transportation Plan and Sustainable Transportation section from the CIP. Additionally, it is consistent with goals and policies at the regional level with the Countywide Transportation Plan (from Alameda CTC), Plan Bay Area 2050 (from MTC), and Bay Trail Gap Closure Implementation Plan (from MTC).

As shown in Attachment C, the original “Phase 1” Project limits connect the equity priority communities to the east of San Pablo Avenue with the Bay Trail entrance across the railroad tracks. The proposed “Phase 2” Project extends the multimodal corridor to Emeryville’s Central core area where residents can connect to job centers, shopping areas, and more recreational opportunities.

Additionally, this extended portion of the “Phase 2” Project connects to other active transportation facilities including our South Bayfront Bridge. The bridge connects across the railroad tracks to the large Sherwin Williams Site and a newly built 3.5-acre park. At the southerly end of the 40th Street Phase 2 Project, there is a connection to the

regional Bay Trail landing point. At the North end at the Shellmound/Christie Avenue intersection, the Project closes the last remaining gap of the regional Bay Trail in Emeryville.

Combining the delivery of the “Phase 1” and “Phase 2” Projects represents an efficient use of Staff resources. It also ensures that the two phases are designed in an integrated fashion with ease. If “Phase 2” were delivered as a separate project, there would be a multi-year delay before the design would be completed and greater difficulty in ensuring the integration of the two designs. Furthermore, by designing “Phase 2” now, it puts us in a better position to seek grant funds for the associated Phase 2 construction phase.

Staff recommends extending the design contract with Diablo Engineering to include the following:

- Exhibit A-2 (Phase 2 Design) – Total cost of \$656,440.00
 - These tasks will encompass the preparation of a final traffic analysis, environmental study, and civil designs for the “Phase 2” Project. This extension will expand the “Phase 1” Project limits by 0.5 miles northward as described in CIP No. SUT-05.
 - Staff recommends funding Exhibit C with funds from Fund 441 in CIP No. SUT-05.

Fourth Resolution – 1st Amendment Professional Services Contract for Diablo Engineering

The approved resolutions will determine the total amount of the 1st Amendment Professional Services Contract with Diablo Engineering. This may include:

- Exhibit A-1: Total cost of \$120,232.00
- Exhibit A-2: Total cost of \$656,440.00
- Or Exhibit A-1 + A-2: Total cost of \$776,672.00

By executing a 1st Amendment to the Professional Services Contract with Diablo Engineering, incorporating the additional scopes of work (Exhibit A-1 and A-2), the City will ensure comprehensive support during the design and bidding phases, as well as the successful implementation of the Project's various elements.

Community Outreach Efforts

In an effort to ensure transparent and inclusive communication, City staff has actively engaged with the public regarding the Project. Recognizing the importance of gathering feedback and addressing concerns, the following outreach efforts have been undertaken:

- **Project Mailers**
 - Staff distributed six hundred and twelve (612) project postcards to residents and businesses within a ¼ mile radius of the 40th Street and Park Avenue corridors.
 - Additionally, four hundred and fifty-four (454) individual addresses directly on the 40th Street and unsignalized street corridors were sent project mailers which had more information/graphics than the postcard, and eleven (11) mailers were delivered in person to assure delivery when “return to sender” was received.
 - The mailers provided an informative resource with essential details about the project and its potential impacts on the local community. Included in the information was a dedicated project phone line and email to collect input and feedback from residents and businesses in the area. A link to the project web page for further information was also provided. Residents and businesses in closer proximity received the project mailer with more details about the proposed closures of unsignalized intersections so they would be aware of access changes that more directly affect them.
- **In-Person Outreach Meetings and Phone Calls**
 - Throughout the month of June and into early July, Staff and their consultants have conducted seven (7) in-person outreach meetings where presentations and materials were shared. The team has engaged in phone calls with nine (9) representatives of residents and/or businesses situated in the Project area. These interactions have provided an opportunity for stakeholders to voice their opinions, seek clarifications, and share their concerns directly with the project team. Staff members have actively listened to the feedback received, taking note of valuable insights, and will be considering their input in the ongoing project development.
- **Email Correspondence:**
 - In addition to the targeted outreach mentioned above, the Project team has been responsive to six (6) inquiries received from residents and businesses who responded to the project mailer via email. Through a dedicated project email address, staff has provided information, addressed queries, and ensured that the concerns of the community are acknowledged and considered.

Resulting Community Input

During the outreach to date, City staff and their consultants have followed up the mailings in the areas near to the proposed intersection closures with phone calls,

dropping off flyers, and making drop-in contacts with business and property owners, and management and leasing companies. Some stakeholders have not provided responses.

The following is a summary of input from the community as of the date the report was drafted.

Negative Input

1. Community members not directly located at the proposed unsignalized closure streets have expressed concerns regarding the potential increasing traffic on Park Avenue and signalized side streets. Some also expressed concerns about congestion that will result from the previously approved based scope of the 40th Street Project.
2. Some oppose the project due to concerns about potential impact on property values and development potential.
3. There is no convenient way to return to Hubbard Street if a customer misses the signalized right turn at Horton Street, and several businesses expressed concerns about the closures complicating customer access to their businesses.
4. Several business owners expressed serious concerns about accessing their loading docks; especially for larger trucks on Hubbard and Holden Street. Large trucks already have limited access at loading docks due to street width.
5. Necessary adjustments to curb markings to ensure truck access after the street closures may impact street parking for business customers and employees.
6. Retail access from pass-by trips on the frontage of 40th Street will be significantly reduced.

Staff Comment on Negative Input

1. *Vehicular traffic on the overall network will experience acceptable levels of congestion, see earlier discussion of traffic analysis.*
2. *There are numerous recent and proposed developments in Emeryville that have vehicular access similar to that which will result from the 40th Street Project.*
3. *This can be addressed with wayfinding signs and collaboration with businesses for them to provide information on their websites, and reviewing wayfinding results from Waze and similar apps.*
4. *The Project Team has analyzed truck turning movements with the closures in place. Results show that access appears to be feasible, albeit less flexible, and requiring additional red curb and removing existing truck restrictions on Park Avenue. Discussions with business and property owners are continuing.*
5. *While less convenient and further away, on-street parking is available in the surrounding street network.*
6. *This can be addressed with wayfinding signs and collaboration with businesses for them to provide information on their websites, and reviewing wayfinding results from Waze and similar apps.*

Positive Input

Public green spaces at the end of the streets have been well-received by several businesses and residents, as an open space amenity, opportunity for public art, and improved community environment.

1. The closure of Haven St. is gaining support from residents, who have suggested utilizing the closed space for weekend and evening activities. The reduced vehicle activity at after-hours provides opportunities for several types of open space activation.
2. Some business owners see the potential value of the bicycle, pedestrian, and green space improvements as a benefit to their business and property values.
3. Several businesses have employees who already bike to work and walk to services in the area. They see that the bicycle infrastructure will enhance their commute and improve safety and comfort for them when walking or biking in the Park Avenue District.
4. Certain businesses have suggested placing art in the parklet areas.

Staff Comment on Positive Input

1. *The City currently issues block party permits throughout the year, and this will make it easier to hold events in a safe defined space.*
2. *In general, studies have shown that bicycles and pedestrians visit business more frequently than single occupancy auto visits. Actual statistics for a particular business may vary.*
3. *The project improvements will encourage other employees to bike or take transit to work.*
4. *Staff is open to working with the Public Art Committee on art opportunities Project wide.*

Additional Nuanced Input

1. Some businesses have voiced support for the safety benefits and parklet activation opportunities of the closure sites, but are concerned that Park Avenue cannot support the diverted truck traffic.
2. Several community members and businesses have shown support for the multimodal improvements on 40th Street and are accepting of the reduction in parking. However, their concerns primarily revolve on how the street closures would affect loading and customer access issues.
3. A business owner provided positive feedback of the closure to most vehicles while expressing a desire to retain the option of using emergency exits for semi-truck deliveries on an occasional basis.
4. Residents next to closure sites are in support of the activation of the space for green infrastructure and parklet ideas, but they are worried about the maintenance and security of the area.

Staff Comment on Nuanced Input

1. *In order to ensure truck access to affected businesses, it will be necessary to remove turn restrictions for trucks on Park Avenue. Minor modifications to curbs on Park Avenue will also be needed and additional parking may be removed on the closure streets to accommodate trucks turning into and out of loading areas.*
2. *Discussions and design refinements are on-going. The City is investigating all solutions to ensure loading activity remains feasible.*
3. *Emergency vehicle access is for the exclusive use of emergency vehicles. However, use of emergency access “aprons” similar to driveway/sidewalk areas of the street right of way to facilitate truck turning movements is acceptable.*
4. *The City will need to assign funds for regular maintenance of the new facilities that are built. The Project team will consult with Emeryville PD on site layout and lighting levels.*

The City remains committed to fostering open lines of communication and encourages ongoing public engagement throughout the remaining phases of the Project. This is demonstrated by the extent of public outreach to date. By actively involving the community in the design process, staff aims to ensure that the Project will reflect the needs and priorities of the residents and businesses it serves.

Upcoming Project Schedule and Milestones

- Spring - Summer 2023: Preliminary Design
 - Feasibility/Traffic Study
 - Committee Reviews and City Council Approvals
 - Community Outreach and Engagement
- Summer 2023: Stakeholder and Committee Reviews of 35% Design
- Spring 2024: Council Approval to Advertise Bids (and other items as necessary)
- ATP state funding project approval
- Summer 2024: 100% Plans Complete
- Fall 2024: Construction Begins
- Late 2025: Construction Completion

FISCAL IMPACT

40th Street Multimodal Project (CIP No. T-13)

The original Professional Services Contract with Diablo Engineering Group (Attachment A) is written to not exceed \$2,198,806.84. Items of work as described in Exhibit B are eligible expenses under the current grant funding programs that are funding the design phase of the 40th Street Multimodal Project (CIP No. T-13). There is adequate funding in the Project to fund this additional work (\$120,232).

40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (CIP No. SUT-05)

On June 6, 2023, City Council approved the CIP which includes funding for CIP No. SUT-05, *40th Street Multimodal Project Phase 2: Bay Trail Gap Closure*. There is adequate funding in the Project to fund this additional work (\$656,440).

Funding Table

40th Street Multimodal Project (CIP No. T-13)	Fund 254 (Alameda CTC)	\$2,000,000	Resolution 21-125
40th Street Multimodal Project (CIP No. T-13)	Fund 254 (ATP Cycle 5)	\$1,374,000	Resolution 22-117
40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (CIP No. SUT-05)	Fund 441	\$1,072,000	Resolution 23-69

STAFF COMMUNICATION WITH THE PUBLIC

Staff has sent (612) postcards and (454) project mailers to residents and businesses along the 40th Street and Park Avenue Corridors. Throughout the month of June and into early July, staff and their consultants have conducted (7) in-person outreach meetings and (9) phone calls with residents and businesses in the Project area. Additionally, there have been (6) emails with other residents and businesses who reached out to the Project team by way of the mailer or City Website.

CONFLICT OF INTEREST

None.

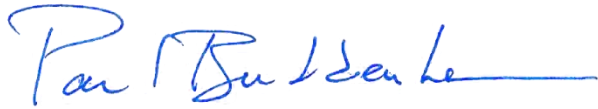
CONCLUSION

Staff recommends the City Council adopt the attached resolutions. By executing a 1st Amendment to the Professional Services Contract with Diablo Engineering, incorporating the additional scopes of work (Exhibit A-1 and A-2), the City will ensure comprehensive support during the design and bidding phases, as well as the successful implementation of the Project's various elements.

If one or more of the resolutions is not approved or modified, Staff recommends the Council allow staff to amend the other resolutions as necessary.

PREPARED BY: Ryan O'Connell, Senior Civil Engineer, Public Works Department

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**

A handwritten signature in blue ink, reading "Paul Buddenhagen", is written over a horizontal line.

Paul Buddenhagen, City Manager

ATTACHMENTS

- Attachment A – Original Professional Services Contract (Diablo)
 1. Exhibit A – Original Proposal from Diablo Engineering Group
- Attachment B – Draft 1st Amendment Professional Services Contract (Diablo)
 1. Exhibit A-1 – Additional Design Work For Unsignalized Intersections on 40th Street (Task 8)
 2. Exhibit A-2 – Phase 2: Bay Trail Gap Closure (Task 9)
- Attachment C – Map of 40th Street Multimodal Projects: Phase 1 and Phase 2
- Draft Resolutions
 1. First Resolution – Concept of Closing Unsignalized Intersections On The North Side Of 40th Street (Watts, Haven, Holden, and Hubbard)
 2. Second Resolution – Addition Of New Scope Of Work Related To Additional Design Work For Unsignalized Intersections On The North Side Of 40th Street (Exhibit B)
 3. Third Resolution – Addition Of New Scope Of Work Related To Design Of The 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (Exhibit C)
 4. Fourth Resolution – 1st Amendment Professional Services Contract for Diablo Engineering