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DATE: April 3, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Ken Eichstaedt, PE, TE – Sr. Traffic Engineer, Public Works & Utilities  
Gina Benedetti-Petnic, PE – Assistant Director, PW&U  
Christopher J. Bolt, MPA, PE, CPM, ICMA-CM – Director, PW&U

SUBJECT: Introduction (First Reading) of an Ordinance Approving Purchase and Sale Agreements of Right of Ways of Real Properties, commonly known as 1390 N. McDowell Blvd. (APN 137-011-063/064), 1301 Redwood Way (APN 137-011-013), and 1360 N. McDowell (APN 137-011-017), **1372 N. McDowell Blvd. (APN 137-011-014)**, and Any Additional Right of Ways for the North McDowell Complete Streets Project and Authorizing the City Manager to Execute the Agreement and All Other Documents Necessary to Complete the Purchase and Sale, and Finding This Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15301 (Existing Facilities)

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### **RECOMMENDATION**

It is recommended that the City Council introduce an Ordinance approving purchase and sale agreements of right of ways of real properties, commonly known as 1390 N. McDowell Blvd. (APN 137-011-063/064), 1301 Redwood Way (APN 137-011-013), 1360 N. McDowell (APN 137-011-017), **1372 N. McDowell Blvd. (APN 137-011-014)**, and any additional right of ways for the North McDowell Complete Streets Project and authorizing the City Manager to execute the agreement and all other documents necessary to complete the purchase and sale, and finding this action is exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

### **BACKGROUND**

The North McDowell Boulevard (NMD) Complete Streets Project (project) extends 1.75 miles from the southerly limit at Sunrise Parkway north to Old Redwood Highway. The project proposes a full reconstruction of the current four-lane arterial roadway. The project will improve conditions for a safer path of travel for those walking and biking, as well as taking transit.

The sidewalk configuration ranges from areas of no sidewalks to narrow sidewalks with conflicting utility appurtenances (power/utility poles and signage) located in the path of travel. The project seeks to close these paths of travel gaps in the sidewalk. It is important to note that the underground

utility easement does not cover the surface sidewalk improvements needed. Portions of the existing sidewalk and curb ramps do not have sidewalk easements (e.g., the northeast corner of Redwood Way). These locations where there is not a current easement for existing work will be remedied by this work.

On October 3, 2022, the City Council adopted Resolution No. 2022-161 N.C.S. authorizing the City Manager to Execute an Award of Contract for the North McDowell Boulevard Complete Streets Project C16102147 to Team Ghilotti, Inc., and to Commence Discussion with Property Owners to Acquire Easements. The scope of the easements being acquired is to further the project's Complete Streets goal.

On January 23 and February 6, 2023, the City Council heard a first and second reading of Ordinance No. 2837 N.C.S. that approved the purchase of the right of ways of the initial four properties. These four properties had their agreements developed sooner than the current ones and thus could proceed first. These initial properties were identified as 276 Corona Road (APN 048-080036), 1364 N. McDowell Blvd. (APN 137011016) and 1368 N. McDowell Blvd. (APN 137-011015), and 745 N. McDowell (APN 048080037). This item will allow for acquisition of three or more additional properties to complete the needed acquisitions for a total of eight parcels.

## **DISCUSSION**

Property owners (Grantors) have been contacted for the acquisition of easement rights. Narrative appraisal reports were prepared in conformance with, and subject to, the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute, which incorporate the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, requirements related to the Uniform Relocation Assistance and Real Property Acquisition Act and state and federal statutes.

A third-party valuation partner was used for independent review. Upon completion of the review, the appraisal and a USPAP Standard 3 and 4 compliant review report were provided to the City for approval of Just Compensation.

The contract and conveyance documents necessary were developed to make an offer and transfer the title to the City. Up to six contacts of each property owner are made by telephone and/or email, to deliver a right-of-way contract with signed and acknowledged documents to close the transaction.

All eight properties have initiated or completed negotiations for easement rights. This staff report will allow for completion of the final four (of the eight) properties.

Final activities will include a second ordinance reading, submission to the escrow company, and preparation of the legal description and plat to accompany any easement deeds required. The legal description and plat will be prepared under the direction of and signed by a licensed California Professional Land Surveyor.

## **PUBLIC OUTREACH**

The City conducted comprehensive public and bilingual outreach throughout this project. Specific to the process for acquiring the easement rights, up to six contacts were made with each of the eight property owners by telephone and/or email, to develop the needed right-of-way contracts. Separate from the public outreach for the easement rights, additional extensive outreach was conducted for soliciting feedback on the design. This was conducted to gather feedback from NMD businesses, residential neighborhoods, and bicycle/pedestrian stakeholders in the community, as well as city-wide outreach that included online user surveys. Project staff presented the design in multiple virtual and in-person community meetings (January 26, 2022, March 3, 2022, and September 28, 2022). The Pedestrian and Bicycle Advisory Committee reviewed the project and provided feedback on June 2, 2021, and May 4, 2022. The Tree Advisory Committee reviewed the project and provided input at their meeting on May 18, 2022. A project-specific webpage on the City's website was created to provide project information and updates, <https://cityofpetaluma.org/n-mcdowell-complete-streets-project/>. This comprehensive outreach effort allowed staff to address public concerns through the process and provided critical input to inform the design parameters and ultimate project characteristics. This agenda item appeared on the City's tentative agenda document on March 20, 2023, which was a publicly noticed meeting in compliance with the California Brown Act. No public comments have been received as of posting.

## **COUNCIL GOAL ALIGNMENT**

The proposed action supports the following Council Goals, Objectives, and Workplan Items through upgrading the roadways, signals, and walking surfaces; creating safer paths of travel; and increasing public safety in the city right of way. These improvements will enhance the safety and comfort of all roadway users, especially pedestrians, and bicyclists.

### **A CITY THAT WORKS**

Ensure a fiscally and organizationally sustainable City that is innovative and efficient; provides valued services promptly and professionally; engages the community, and proactively funds, designs, installs, and maintains City infrastructure that is safe, functional, and sustainable and serves the needs of our residents.

**Workplan item #15.** Identify funds and develop a plan to improve Petaluma's streets and roads.

**Workplan item #18.** Establish and improve paths, as useful transportation options, and make walking and biking easy, fun, and safe.

### **A SAFE COMMUNITY THAT THRIVES**

Support facilities and design programs that create a healthy, resilient, and engaged community that is prepared, safe, and housed.

**Workplan item #84.** Enhance pavement management programs to improve the safety and serviceability of our roads and to protect drivers, cyclists, and pedestrians.

**Workplan item #85.** Implement City Vision Zero plan with a focus on pedestrian and cyclist safety with improvements to uncontrolled crosswalks, curb ramps, sidewalks, and bicycle infrastructure.

**Workplan item #93.** Create and promote multi-cultural and multi-generational recreation and wellness programs that support community connection, physical well-being, and opportunities for play. Focus on public health in planning processes—including air quality, walkability, and childcare incorporated into larger developments, including revisiting zoning around sensitive receptors (e.g., schools, health care facilities).

Additionally, the City Council is currently working with staff to develop a FY 23/24 updated goals list which includes “Safe Mobility and Community Connectivity,” further demonstrating the Council’s priority to memorialize Safe Streets elements in the City’s Capital Improvement Program (CIP) and overall vision (active transportation, complete streets, calming, accessibility, trails, and sidewalks).

### **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

When constructed, this project will encourage walking and active transportation use in the city, helping to reduce vehicle miles traveled and the associated greenhouse gas emissions generated. Traffic calming measures, pedestrian crossing improvements, bicycle facilities, sidewalks, and ADA curb ramps will be installed for safer travel and will provide transit connectivity, removing many of the existing barriers to multi-modal transportation on this corridor.

### **ENVIRONMENTAL REVIEW**

The NMD Complete Streets Project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(C) (Existing Facilities) as the project will repair and make minor alterations to existing highways and streets, sidewalks, gutters, and similar facilities for public safety.

### **FINANCIAL IMPACTS**

The project is currently in the FY 22/23 CIP budget and is primarily funded by Measure U and Street Maintenance. This action was anticipated in the current CIP budget and has no unexpected impacts.

### **ATTACHMENTS**

1. Ordinance with Exhibits:
  - a. BB&T, LLC Agreement for 1390 N. McDowell Blvd.
  - b. TPMD, LLC Agreement for 1301 Redwood Way
  - c. Circle V Daytona, LLC Agreement for 1360 N. McDowell Blvd.
  - d. Cornerstone Properties SA, LLC Agreement for 1372 N. McDowell Blvd.
2. Location Map