

ACTION CALENDAR

7/20/04

Date:

To: Honorable Mayor and  
Members of the City Council

From: Councilmember Dona Spring

Subject: Neighborhood Traffic Calming Projects

**RECOMMENDATION:** that the City Council allocate \$25,000 from the funds committed in the Public Safety Building mitigation agreement for small bulb outs in the McKinley and Addison area in addition to the proposed six traffic calming circles.

**BACKGROUND:** The December 1997 public safety building use permit condition #43 requires: "the city will affect the development of a traffic calming program on Addison Street, McKinley Avenue, Allston Way and Grant Street west of Martin Luther King Way in consultation with MAAGNA in the development of this program... the program will include sidewalk extensions, additional street trees, speed bumps, barriers, diverters and other similar devices." The traffic calming devices were to be installed" one year after completion of the project" which is the month July 2004.

The residents living on Addison Street are greatly impacted by the traffic and parking congestion generated by the public safety building. They have requested a treatment at McKinley and Addison as a part of the fulfillment of the city's mitigation agreement to reduce and calm traffic in the impacted residential streets surrounding the public safety building. The Transportation Manager's proposed treatment is to put four small concrete small bulb outs in the red zones at this intersection, as it will not accommodate a traffic circle. The semi- circles are desirable to the residents because they will also help

prevent illegal parking in the red zones. The projected cost of the small bulb outs is \$25,000. The mitigation agreement committed \$35,000 for material costs and \$20,000 for staff costs in constructing traffic calming measures. This recommendation requests that \$25,000 of the funding committed in the mitigation agreement go to the small bulb outs. This is in addition to the 6 traffic circles proposed by the Transportation Manager--three on Addison and three on Allston to calm traffic on these most dangerous residential streets. There have been more pedestrian injuries on these residential streets than any other residential streets in Berkeley. (A nun was killed in a vehicular accident on Addison Street by St. Joseph's Church two years ago.) If funding permits, a semi-circle in the red zone on the north side of Addison at MLK is also desired.

In addition to the general traffic, there are many city vehicles from the Corporation Yard, which use Allston and Addison as a cross through street instead of using University Avenue.

The six traffic circles are needed to protect all of the residential blocks between MLK and Sacramento streets. The residents of the westward blocks of the public safety building are also very affected by speeding vehicles and if they don't also receive traffic circles, additional traffic could be diverted to their blocks. Two of the proposed traffic circles are on bicycle boulevards--one of which is very much needed to improve the safety a temporary bollard.

FINANCIAL IMPLICATIONS: \$25,000 from Public Safety Building mitigation fund

CONTACT PERSON: Councilmember Dona Spring 981-7140

McKINLEY ADDISON ALLSTON GRANT NEIGHBORHOOD ASSOCIATION  
c/o 1800 Allston Way, Berkeley, CA 94703

June 4, 2004

City Manager Phil Kamlarz  
Civic Center  
2180 Milvia St., 5<sup>th</sup> fl.  
Berkeley, CA 94703

RE: Outstanding Issues from Public Safety Building Construction & Mitigation Agreement - Lack of Response/Movement

Dear Mr Kamlarz:

Thank you for your responses to MAAGNA's February 3, 2004, and November 18, 2003, letters. This letter follows up on the status of implementation of the PSB Mitigation Agreement, and the Agreement's promise to remove the institutional presence from the neighborhood:

1.. Removal of Commercial Parking from Residential Properties - PSB Use Permit Condition #27 Zoning enforcement against illegal parking lots and excessive paving on residential properties.- No City Response Despite Promises

Although you referred MAAGNA to City Code Enforcement staff and we had advised you of a first meeting scheduled for Friday, February 6, 2004, that meeting was canceled by Gregory Daniel on the City's receipt of our February 3, 2004, letter. Upon receipt of your response, again confirming the City's willingness to work on this issue, MAAGNA, through Jill Korte, attempted to reach Gregory Daniel, several times, leaving messages over the course of March, April and May without any response.

The City has not acted on this matter as promised. Per PSB Use Permit Condition all commercial parking on residential property including both excessive pavement and illegal commercial operation which are to be abated using the panoply of the City's various enforcement powers.

2. Traffic Calming

MLK ACCESS TO PSB - Use Permit Condition #46

In June 1995 MAAGNA was promised primary PSB vehicle & pedestrian access at MLK. The October 1997 Civic Center Urban Design Plan (page 4) included "primary PSB vehicle & pedestrian access at MLK and further recommended: Reducing automobile access to the [PSB] site from neighborhood streets."

The Courthouse and PSB projects were decided by Council at the same date - Dec. 16, 1997. Because demolishing the Courthouse was then recommended by staff, the proposed PSB Use Permit Condition #46 (written by staff) assumed Court demolition: "The City will evaluate the option of creating ingress/egress on MLK after the courthouse is demolished."

Prior to PSB parking lot construction, the space between Old City Hall and the Courthouse was identified as adequate for MLK access to the PSB parking lot, during construction, the front wall of the Courthouse accessory structure was demolished and removed. Thus, that part of the Courthouse demolition needed before evaluation has occurred.

There is adequate roadway ingress/egress width for primary vehicle access to PSB parking lot at MLK. Use Permit Condition #46 still requires City evaluation of MLK access and has not been performed. If the City contends that evaluation has occurred and MLK access is inappropriate, please provide

MAAGNA with such access evaluation and outcome documentation.

TRAFFIC CALMING ON ADDISON, ALLSTON, MCKINLEY & GRANT STREETS - PSB Use Permit Condition #43

MAAGNA is to have the traffic calming promised by PSB Use Permit Condition #43 completed by July 31, 2004, but is unable to see how that will be performed when no traffic calming plan has been proffered by the Office of Transportation. A second neighborhood mailing, not confined to the blocks affected by the PSB Use Permit Condition #46, but extending 1 block north and south and west to Sacramento along Allston and Addison, has been completed, but the results not announced. No implementation timeline has been provided.

MAAGNA continues to be eager to work with the Office of Transportation to accomplish traffic calming. The criteria remain

1) reduction of long standing injury rates (Addison & Allston corridors now have higher injury rates than any other residential streets in the City) and reduction of vehicle speed and volume;

2) Effective Traffic calming at Addison/Grant, Addison/McKinley, Allston/McKinley, and Allston/Grant intersections (and immediately adjacent blocks) [under the traffic circle proposal, this would mean a traffic circle at any location where a half diverter is not being installed, except that a different treatment at Addison/McKinley may be recommended as the intersection is too small for a circle]; and

3) Implementation completed by July 2004.

Please affirm the City's intention to timely perform its traffic calming obligations with an effective injury reduction program by reducing vehicle speed and volume.

MAAGNA continues to be concerned that the documented dangers and need for reduction of vehicular volumes, speed and injury on residential neighborhood streets has continued so long with no City action.

The November/October 1997 Civic Center Urban Design Plan , at p. 12, recommended Pedestrian Improvements including:

“Create a mid-block crossing of Allston Way at the Community Theater.”

“Analyze the feasibility of installing traffic diverters or other traffic calming devices to minimize traffic impacts [of Civic Center] in adjoining residential areas.”

The December 1997 Public Safety Building Use Permit Condition #43 requires:

“The City will effect the development of a traffic calming program on Addison Street, McKinley Avenue, Allston Way & Grant Street west of Martin Luther King, Jr. Way and consult with MAAGNA in the development of this program. ... The program will include sidewalk extensions, additional street trees, speed humps, barriers, diverters and other similar devices.”

In the revised January 1998 Public Safety Building Mitigation Monitoring Program incorporating the December 1997 PSB Use Permit conditions, the City specified implementation timing:

“Begin design after completion of the project (...) complete within one year”

When MAAGNA pursued traffic calming during construction, City staff told us it didn't have to be done until “after completion.” Project completion occurred in July 2003 and traffic calming program implementation is required to be completed no later than July 2004.

On March 4, 1999, City Manager Keene's added PSB mitigations agreement promised: “2. As part of its Downtown Transportation Demand Management study, the City will look into incidents of pedestrians being hit by cars at the corner of Allston Way and Martin Luther King Jr. and determine if resignalization would help.”

In 2000, then Traffic Engineer Jeff Knowles proposed a traffic calming plan for our Central Berkeley census tract which has not been implemented by the City.

MAAGNA also worked with Knowles to develop a specific plan for our 11 block area. We were advised to follow the draft Traffic Calming Guidelines and did obtain over 50% signatures of the properties on the immediately adjacent blocks to the traffic calming devices (not a requirement of the PSB Use Permit).

Although Transportation Commission approval is not required under the Use Permit Condition, those petitions were presented to then Traffic Engineer Rei-Lin Chen who prepared a favorable recommendation to the Transportation Commission on June 21, 2001. Since the Allston/McKinley and Grant/Addison half diverters were approved by residents of the 2200 McKinley Avenue, 2000-2100-2200 Grant Street, 1700-1800 Addison Street and 1700-1800-1900 Allston Way blocks first, they were presented first. (Contrary to existing ordinance, the Commission objected to the installation of any further traffic diverters in the City and directed staff to explore traffic circles throughout the broader neighborhood as an alternative solution.)

After the Office of Transportation was created, under Assistant City Manager for Transportation Peter Hillier, other traffic calming plan options for the entire census tract were circulated by mail (now twice), but neither a MAAGNA nor a census tract wide plan has yet been officially promulgated.

The Allston, Addison, Grant and McKinley blocks have supported (by more than 50%) the installation of diverters, half-diverters and/or traffic circles by petition and by OOT surveys. No specific plan has been proposed by the Office of Transportation which meets the requirements of the PSB Use Permit (we understand a plan is being drafted).

The Mitigation Monitoring Program allowed the City to delay implementation until after the completion of the PSB construction project. The deadline for traffic calming implementation is July 2004.

MAAGNA has requested half-diverters. Under the 1984 Traffic Diverters Rules and Procedures, MAAGNA is entitled to traffic diverter installation (no report has been made by the City Manager to Council in violation of Section C.7, Resolution 52,353 N.S.) MAAGNA had indicated its willingness to try traffic circles. If traffic circles are not effective in reducing vehicle volume/speed and human injuries & fatalities, some other program that is more effective will be necessary. The PSB Use Permit Conditions and Mitigation Agreement require the performance of an effective traffic calming program to reduce vehicle volume/speed and human injuries & fatalities.

It is important to remember that already one person has died in the 6 years since the City promised traffic calming and evaluation of PSB access on MLK in recognition of the need and commitment to accomplish injury reduction in this neighborhood.

In conversations with activists along the length of Allston and Addison, we have become aware of two concerns: 1) need for 4 way stops at every remaining unprotected 4-way intersection without traffic circle; and 2) need for additional protection of pedestrians (ie stanchions at the crosswalk in front of curb ramps and mid crosswalk at the lane line) where traffic circles are to installed (preventing vehicles from swinging into crosswalks).

#### 4. West McKinley Parking Lots - Use permit Condition #33.

We request the City's commitment to sales with written disclosures of the PSB Mitigation Agreement Use Permit Condition #33.

The City's commitment to return the properties to private residential use consistent with zoning (R-2) precludes parking, institutional or commercial uses in the West McKinley lots is not performed by a verbal announcement at the time of auction as this is a totally inadequate mechanism. At the City's earliest opportunity in the sales process (e.g. sales listing, sales advertising and sales brochure) and continuing,

DISCLOSURE IN WRITING to prospective buyers is requested. Anything less does not amount to performance of the mitigation agreement. We have requested but have not been afforded an opportunity for advance review of the written sales listings and announcements before publicly release.

Further, we request that the City disallow any fee waivers, subsidies, loans or similar financial incentives or benefits to any buyer or ultimate developer of these lots so that the City indeed realizes the total financial economic value of the sale and maintains arms length purchasing equity among all prospective buyers and the City.

We repeat our request that the Use Permit Condition be memorialized in deed restrictions on each of the two lots. Please confirm in writing what actions the City will undertake to perform PSB Use Permit Condition #33 and when the lots will be sold.

4. Tower

When are the required zoning and building permits going to be filed for either the alternate replacement monopole or the existing tower? Your most recent letter stated that a report was going to Council. Although I understood you to mean that Council would receive the report in March or early April, there has been no such report submitted. The first "Currently under discussion by the City Council" response is inaccurate. Council selected a monopole tower replacement for the current structure and directed staff to apply for all applicable zoning & building permits and for review by the LPC, DRC and ZAB. Staff agreed, when pressed by Council, that the application process could be completed within 6 months. Although 6 months have now come and gone, the City has not initiated this process as directed by the City Council. When will applications be submitted to the Planning Department? MAAGNA's Tower Committee was to be involved in the process but has had no response from staff.

Due to the City's nondisclosure and unpermitted structure construction outside of permitted construction hours, the City is obligated to mitigate the damages from each year of its continued unpermitted existence.

We look forward to your further response to the specific matters raised herein.

Sincerely,

Wendy Alfsen, Corresponding Secretary  
MAAGNA, 510-883-9725  
cc: Councilmember Dona Spring  
Peter Hillier, Assistant City Manager for Transportation  
Chief Roy Meisner, Police  
Chief Reginald Garcia, Fire  
Grace Maguire, Asst. to the City Manager  
MAAGNA Neighborhood Distribution

## Spring, Dona

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**From:** ClevelandLaw@aol.com  
**Sent:** Monday, July 12, 2004 11:03 AM  
**To:** herb@elocktech.com; Spring, Dona; Hillier, Peter  
**Cc:** jennifer.nutt@aya.yale.edu  
**Subject:** Re: Traffic Calming and Public Safety Building mitigation

Peter and Dona: Herb worked hard on MAAGNA's original traffic calming committee as a strong advocate of half barriers. He like myself and others support traffic circles as a first step in traffic calming but are concerned that circles alone (as you conceded in the Survey) won't be enough to stem cut through traffic volume. (This concern originally caused Herb to vote on the last survey against circles in favor of half barriers.) Some additional treatments such as sidewalk extensions (bulbouts) and crosswalk imprinting on Grant at UA and Allston at MLK would provide added disincentive against cut through traffic and help to being to comply with the PSB Mitigation Agreement Traffic calming promise to cut volume as well as speed through the MAAGNA neighborhood.

Thanks for moving the first step of a MAAGNA traffic calming program -- traffic circles -- through the process for approval. We look forward to working with you to complete this stage of the traffic calming program.

Wendy Alfsen, Walk&Roll Berkeley,  
PO Box 13143, Berkeley CA 94712-4143,  
510-883-9725, wrb@americawalks.org.  
Improving our community, one step at a time.  
Join "Everybody Walks in Berkeley" first Wednesday of each month,  
And add a walk to your day.

**Spring, Dona**

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**From:** Herbert Diamant [herb@elocktech.com]  
**Sent:** Monday, July 12, 2004 9:11 AM  
**To:** Spring, Dona; Hillier, Peter  
**Cc:** Jennifer Nutt  
**Subject:** Traffic Calming and Public Safety Building mitigation

**Dona and Peter,**

**I have heard that plans are being put in place to provide traffic calming as required by the Public Safety Building mitigation agreements. In particular, a traffic circle at the intersection of Addison and Grant is under consideration.**

**I support any forward progress in this area, and I am looking forward to hearing about solutions and dates. I have 2 small children, aged 4 and 7, and would welcome a reduction in local traffic, especially from people cutting through our neighborhood from University to avoid the MLK/University intersection. I have talked with my neighbors about this, and they feel the same way.**

**Thanks for your efforts in this area.**

**Herb**

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**Herbert Diamant  
2017 Grant Street  
Berkeley, CA 94703**

**(510)548-7847**