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Staff Report for Resolution Authorizing the City Manager to Execute a Public Improvement Agreement with Chill Build, LLC for Public Improvements on San Leandro Boulevard and Polar Way

**SUMMARY AND RECOMMENDATIONS**

Staff recommends that the City Council, by resolution, approve and authorize the City Manager to execute a standard public improvement agreement with Chill Build, LLC that guarantees the completion of improvements to the public right-of-way, specifically on San Leandro Boulevard and Polar Way.

**BACKGROUND**

In 2005, the City entered into a public improvement agreement with Hudson I.C.S. for public right-of-way improvements on San Leandro Boulevard and Polar Way. Due to the economic downturn, Hudson I.C.S. decided to abandon the improvements. Subsequently, Hudson I.C.S. turned over the site improvements to Chill Build, LLC (Chill Build). Chill Build will construct the public improvements on 400 Polar Way as it completes the development for the Preferred Freezer facility.

Polar Way (formerly Hudson Lane) provides the only access to the 15.3 acre site currently occupied by Preferred Freezer. This site was previously occupied by Hudson Lumber Company. Access to the site requires crossing over existing railroad tracks, which were previously permitted to Hudson Lumber by Union Pacific Railroad (UPRR) under a private crossing license. The California Public Utilities Commission (CPUC) allows private crossing access only to a single owner. To upgrade the roadway access across the existing UPRR tracks, and to keep future opportunities open, Hudson I.C.S. requested that City staff assist in changing the status of the railroad crossing from private to public so that access to the site will no longer be restricted by the terms of Hudson Lumber Company's private crossing license. The CPUC upon receiving the request approved the change of Polar Way to a public rail crossing.

## **Analysis**

The proposed public right-of-way improvements include installing a traffic signal system at the intersection of Polar Way and San Leandro Boulevard to provide vehicles exiting or entering Polar Way the ability to make left turns, installing sidewalk on 400 Polar Way frontage, installing approximately 350 feet of soundwall on the east side of San Leandro Boulevard starting from Hudson Lane going north, widening Polar Way at the railroad crossing, installing a signal interconnect system and installing appropriate railroad crossing facilities.

A design for the Polar Way roadway improvements to meet City standards was submitted by Chill Build and approved by staff. The traffic signal system at the intersection of San Leandro Boulevard and Polar Way will facilitate the movement of delivery trucks on and off of the site and allowing a more direct return to the freeway, thus minimizing the impact to local streets.

Based on several meetings between City staff, Chill Build, CPUC and UPRR, City staff submitted an application this June 2014 to the CPUC requesting additional modification to the Polar Way rail crossing beyond those requested in 2005 by Hudson I.C.S. to meet the needs of Preferred Freezer. The CPUC has issued a preliminary decision authorizing the public crossing improvements. The City has also asked UPRR to prepare a Railroad Crossing Agreement to transfer the necessary property rights and to undertake the modification of the crossing equipment as required by the CPUC. The action related to the agreement with UPRR and the City for work within UPRR's right-of-way will be presented to the City Council at a later date.

The City's standard public improvement agreement includes provisions for the improvements and the financial responsibility. Chill Build will pay all of its own expenses and costs, UPRR's expenses as expected to be outlined in the Railroad Crossing Agreement, and the City's expenses necessary to complete the work.

## **Previous Actions**

- On November 7, 2005, by Resolution No. 2005-147, the City Council approved a standard public improvement agreement related to the improvement of Hudson Lane, Developer Hudson I.C.S.

## **Applicable General Plan Policies**

- Policy 13.02; Keeping Pace with Growth: Improve transportation infrastructure at a rate that keeps pace with growth.

## **Environmental Review**

- A CEQA Notice of Exemption was obtained in October 2003.

## **Fiscal Impacts**

- There is no fiscal impact from this project
- All costs incurred in preparing and processing the public improvement plans will be paid by Chill Build

- All construction and inspection costs for the public improvements for the project will be paid by Chill Build.

**ATTACHMENT**

**Attachment to Resolution**

- Public Improvement Agreement

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