



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: May 12, 2020

Subject: Resolution of Necessity Hearing for the Danville Boulevard/Orchard Court Complete Street Improvements project, Alamo area.

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**RECOMMENDATION(S):**

OPEN the public hearing and ask if any notified property owners wish to be heard as to the four items specified in Section B below, CLOSE Public Hearing.

Upon completion and closing of the hearing, MAKE the findings and determinations listed under Section B below and ADOPT the attached Resolution of Necessity No. 2020/107 to acquire the required property by eminent domain. Project No.: 0662-6R4128

**FISCAL IMPACT:**

In eminent domain actions, the judgment will be the price paid for the property, and may include court costs which are regarded as a roughly calculable expense of property acquisition. Costs of acquisition in this case are 100% reimbursable from (66% Highway Safety Improvement Program Cycle 8 Federal Funds, 33% Measure J Region Funds, and 1% Local Road Funds). (DCD-CP No. 17-33)

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **05/12/2020** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 12, 2020

Contact: Jann Edmunds,  
925. 957-2454

David Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

## BACKGROUND:

### Proposed Project

The Danville Boulevard/Orchard Court Complete Streets Improvements Project (the “Project”) includes construction of a roundabout and sidewalk improvements at the Danville Boulevard/Orchard Court intersection, in the Alamo area of unincorporated Contra Costa County. The purpose of the Project is to improve traffic, bicycle, and pedestrian safety on Danville Boulevard, between Jackson Way and Stone Valley Road, in the Alamo area, by installing complete streets improvements. The Project includes curb extensions, curb ramps, and entry medians at the roundabout to reduce vehicle speeds and improve pedestrian crossings. Sidewalks will be reconstructed in the Project area, along with curb extensions and curb ramps, in order to meet American with Disabilities Act (ADA) requirements and to accommodate existing mature trees in the sidewalk.

The Project will reduce lanes of vehicle travel, from two lanes to one lane, at the roundabout approaches, which will result in decreased vehicle speeds as vehicles enter the roundabout. This and other aspects of the Project will improve vehicle, bicycle, and pedestrian safety.

On September 18, 2018, the Board of Supervisors approved the Project and determined the Project was exempt from the California Environmental Quality Act (CEQA), under the Class 1(c) Categorical Exemption, pursuant to Article 19, Section 15301 of the CEQA Guidelines. The CEQA notice of exemption was filed on September 19, 2018.

In order to proceed with the Project, it is necessary for the County to exercise its power of eminent domain. Pursuant to Section 1245.235 of the Code of Civil Procedure, notice was given to all persons listed on the attached Exhibit “A” whose names and addresses appear on the last equalized county assessment roll. This notice consisted of sending by first-class and certified mail on April 10th, 2020, a Notice of Intention to Adopt a Resolution of Necessity, which notified the owners that a hearing is scheduled for April 28, 2020, at 9:30 a.m., in the Board's Chambers at 651 Pine Street, Martinez, California. Those notices indicated that, at the above time and place, the owners may appear to be heard on the matters referred to in the notice.

### B. Scope of Hearing and Findings Per C.C.P. Section 1245.245

#### 1. Public interest and necessity require the Project.

With average daily traffic of approximately 20,000 vehicles per day, and with one of the highest rates of pedestrians and bicyclists within the County, this principal arterial - Danville Boulevard - is ranked in the County's top 20 corridors with the highest number of collisions in the past five years. When the Project was being planned, it was determined that the collision rate at the intersection was approximately 2.5 times the

statewide average; and, at this intersection, there had been at least three pedestrian and 13 bicycle collisions in the 10 prior to the planning phase of the Project.

The Project will include the installation of a roundabout at the intersection of Danville Boulevard and Orchard Court, which will improve safety at this location. The Project also will shorten pedestrian crossings across roadways, and it will reduce congestion at this intersection by keeping vehicles moving through the intersection. The Project will repair or replace sidewalks within the Project area, some of which have lifted and are impairing access to persons with disabilities. The Project also is a complete streets project that will result in enhanced aesthetics and the greening of Danville Boulevard. The Project aims to improve safety through the corridor for all users by improving sidewalks to meet ADA requirements and reducing conflicts at the Danville Boulevard/Orchard Court intersection. This will help residents, businesses, and customers of those businesses to use active modes of transportation.

2. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

The Project, as planned and located, will achieve the Project purposes, and will require a partial acquisition of adjacent properties – the acquisition of both permanent and temporary rights as described in Appendix A. The acquired areas are shown in the aerial included with this board order. The Project, as planned and located, avoids the partial or full acquisition of any buildings, and it will not displace any businesses during Project construction. The Project design and alignment ensure that the Project purposes will be achieved, including improving vehicle, bicycle, and pedestrian safety, improving ADA access, and enhancing or greening the Project area. During Project construction, best management practices will be implemented to avoid unnecessary impacts to residents, businesses, and the traveling public. At least one lane of travel in each direction will be open to vehicle travel during Project construction. Emergency vehicles will have access through the Project area at all times.

Alternatives to the Project were evaluated and rejected, either because the alternatives would not meet the Project purposes, or, if they did meet the Project purposes, because the alternatives would result in significantly greater impacts to property owners and occupants and the traveling public. The first alternative that was evaluated involved shifting the Project footprint southwest. However, that alignment would have required the realignment of Orchard Court, and the partial or full acquisition of a building that is occupied by existing businesses and an at-grade parking area below the building (a portion of the building is constructed over the parking area). Another alternative that was evaluated involved shifting the Project footprint further southwest to avoid these impacts, but that alignment would not have achieved the objectives of the Project. Under that alignment, Orchard Court would not have fed into the roundabout, and that alignment would have created conflicts between vehicles using the roundabout and vehicles bypassing the roundabout. That alignment would have created safety hazards because of

those conflicts. Therefore, alternatives that were considered would have resulted in substantially less public good and substantially greater private injury.

For all of these reasons, the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

3. The properties sought to be acquired are necessary for the Project.

The property interests described in Appendix A to the Resolution of Necessity are necessary for the construction of the Project, as planned and designed. All efforts have been made to reduce the physical and operational impacts to adjacent properties, both during and after construction of the Project. The Project cannot be constructed as designed and planned without the acquisition of the property interests described in Appendix A to the Resolution of Necessity. The take areas also are shown in the aerial attached to the board order.

4. The offer of compensation required by Section 7267.2 of the Government Code has been made to the owners of record.

The County, through the Real Estate Division of the Public Works Department, has made an offer of just compensation to the owners of record for the rights required for this project. The offers were based on appraisals of the fair market value of the property rights being acquired. In this case, efforts were made to acquire each required property or property right through negotiated purchase and sale instead of condemnation. Attempts to negotiate a settlement involved discussions, and in some cases meetings, with the owners of record and/or their representatives. But the negotiations have not been successful, requiring the County to proceed with the adoption of this Resolution of Necessity to proceed with the Project.

CONSEQUENCE OF NEGATIVE ACTION:

The County will be unable to acquire the property rights necessary for the Project by eminent domain.

CLERK'S ADDENDUM

**Public Works continues to work with the property owner. This hearing is CANCELLED.**

ATTACHMENTS

Resolution No. 2020/107

Appendix A

Exhibit A