



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Welsh
Dave Sykes
Hans Larsen
Julie Edmonds-Mares

SUBJECT: PARQUE DE LOS POBLADORES
PAVEMENT-TO-PLAZA PROJECT

DATE: May 30, 2012

Approved

Date

5/31/12

COUNCIL DISTRICT: 3

RECOMMENDATION

Adopt a resolution:

- (a) Authorizing the City Manager to negotiate and execute an agreement with 1stACT Silicon Valley to design and construct recreational improvements to Parque De Los Pobladores and First Street between Williams Street and Reed Street, at no cost to City.
- (b) Approving the elimination of one of two vehicular traffic lanes on First Street between Williams Street and Reed Street for construction of recreational improvements as part of the renovation of Parque De Los Pobladores.

OUTCOME

Approval of the recommendations by the City Council will allow 1stACT Silicon Valley ("1stACT") to implement the City's first Pavement-to-Plaza project at Parque de los Pobladores and First Street.

BACKGROUND

On May 15, 2012, the Administration presented the City Council with recommendations related to the closure of First Street between Williams Street and Reed Street and renovation to Parque De Los Pobladores (Park) by 1stACT Silicon Valley (Attachment A) with a City contribution of up to \$98,000. Many residents, businesses, property owners and stakeholders provided input at the Council meeting. The primary concern was the loss of on-street parking and the closure of First Street. In a memorandum authored by Councilmember Sam Liccardo, and approved by the City Council, the Administration was directed to "convene a design charrette among key stakeholders – consisting of tenant businesses, property owners, and art groups along South First Street, including those occupying the blocks north of the project – to consider alternative

configurations of the Parque de Los Pobladores expansion within the funding constraints and grant guidelines for the project.”

ANALYSIS

As directed by the Council, on May 24, 2012, the Administration hosted a design charrette (Charrette) for the renovation of Parque de los Pobladores and improvements to First Street (Attachment B). As noted in the previous staff report (Attachment A) the park functions more as a large traffic island than an urban park because it is a very small triangular shape and surrounded by public streets on all sides.

The Charrette was attended by nearly 40 businesses, arts organizations, property owners and residents throughout SoFA. During the Charrette three design options were presented, along with three alternatives related to the closure of First Street between Williams and Reed Streets. During the course of the Charrette a fourth design emerged as a possible solution to address concerns raised. Charrette participants spent considerable time with the design team discussing each option including the feasibility of each option (access to property, fire access, parking, grant guidelines and funding). A summary of the four options discussed at the Charrette is described in Table 1 below.

TABLE 1 – Park Design Options

Design	Description
Option 1	<ul style="list-style-type: none"> • Eliminating one vehicular traffic lane on First Street and constructing improvements to the crown of the street. • One lane remains open to vehicular traffic. • All 23 current on-street parking spaces would be eliminated. • Bollard infrastructure installed for future street closure during special events.
Option 2	<ul style="list-style-type: none"> • Construction of improvements within the existing footprint of the park only. • Bollard infrastructure is installed for future street closure during special events. • Street conditions remain the same with two lanes of vehicular traffic and no elimination of any on-street parking.

<p>Option 3</p>	<ul style="list-style-type: none"> • Eliminating one vehicular traffic lane and constructing improvements to the crown of the street. • Bollard infrastructure installed for future street closure during special events. <p>One lane remains open to vehicular traffic and eliminate on-street parking on the west of First Street along side the park (on-street parking on the east side of First Street will remain).</p>
<p>Option 4</p>	<ul style="list-style-type: none"> • Eliminating one vehicular traffic lane and constructing improvements to the crown of the street. • Bollard infrastructure is installed for future street closure during special events. • One lane remains open to vehicular traffic. • Eliminate all 23 current on-street parking spaces and design up to eight new angle parking spaces on the west side of First Street along the park.

In addition to the design options presented at the Charrette, three different alternatives were introduced related to the closure of First Street:

- **Alternative 1** – Permanent street closure of all lanes of First Street between Reed and Williams.
- **Alternative 2** – Temporary street closure of all lanes of First Street between Reed and Williams for a set of agreed upon days, such as Saturday and Sunday.
- **Alternative 3** – No street closure of First Street between Reed and Williams, other than for special events.

Charrette Consensus

The participants had the opportunity to discuss each of the design options and street closure options at the charette. In the end, nearly everyone agreed that design options 3 and 4 would be the best project for SoFA. Because Option 4 was developed during the meeting, no engineering or cost implications were developed to ensure the design could be accomplished within the \$500,000 funding limits. However, participants who voted for option 4 indicated that if it was not financially feasible, they supported option 3. Since that time, 1stACT Silicon Valley and City staff have further investigated option 4 and believe it is not within the funding level for the project. Staff has communicated this to the participants and, therefore, recommends Council approving direction for staff to negotiate and execute a construction agreement with 1stACT Silicon Valley to implement design option 3 with no City contribution (Attachment C).

Participants also agreed that closing First Street should only be considered during special events (Alternative 3). While some wanted a permanent closure of all vehicular traffic lanes, participant agreed that starting with the proper infrastructure for easy and cost effective street closures for special events was the best compromise. As part of option 3, holes will be drilled into the end of

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First Street between Williams and Reed to allow for easy temporary installation of bollards during special events.

Therefore, City staff is recommending design option 3 and alternative 3. This will allow for the elimination of one lane of traffic and parking along First Street between Williams Street and Reed Street with one lane open for vehicular traffic and retaining up to 13 current on-street parking spaces along the east side of First Street, and only closing the remaining lane from vehicular traffic during special events in accordance with the Municipal Code.

Construction Oversight and Construction Agreement

The Department of Public Works has the oversight role for construction projects located on City facilities. As with the Vietnamese Heritage Gardens project, which involved a very similar undertaking by a private entity, 1stACT will need to enter into a construction agreement with the City before commencing any construction. The terms of the agreement would be generally consistent with those of turnkey park agreements typically executed by developers constructing City parks. Specifically the agreement will require:

1. Review and approval of plans and specifications
2. Schedule approval
3. Insurance
4. Indemnification
5. Construction surety in the form of bonds
6. Fees to pay for plan review and inspection
7. City inspection and acceptance of all improvements

Additionally, in accordance with Resolution No. 76242 adopted by the City Council on May 22, 2012, the City's prevailing wage policy does not apply to this project. The project is wholly funded by a 1stACT at no cost to the City and meets the criteria of the "donated park and recreational improvement exemption" of the policy.

1stACT must submit a copy of the executed construction contract and copies of the contractor's insurance certificates and performance and payment bonds to the City prior to the start of construction. The City must be named as an additional insured on insurance certificates and bonds. City inspectors will provide inspections ensuring compliance with plans and specifications. A certificate of completion will be issued once construction has been completed to the satisfaction of the Director of Public Works.

EVALUATION AND FOLLOW-UP

City staff annually reports to the Community and Economic Development Committee on implementing "Silicon Valley City's Center: Big Deals and Small Wonders" workplan. City staff will update the Committee in the fall of 2012 on the final implementation and activation of the park.

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PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

In 2008, 1stACT Silicon Valley, the City of San Jose, Redevelopment Agency and San Jose Downtown Association jointly developed the SoFA Streetscape Design and Activation plan, which included dozens of hours of outreach with SoFA businesses and arts groups. Since August 2011, all parties have met on a number of occasions to work through any potential impacts and work to mitigate possible impacts.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

CEQA

Exempt, File No. PP12-037 under Section 15304(b) of CEQA.

/s/
KIM WALESH
Director of Economic Development
Chief Strategist

/s/
DAVID SYKES
Director
Department of Public Works

/s/
HANS F. LARSEN
Director of Transportation

/s/
JULIE EDMONDS-MARES
Acting Director
Department of Park, Recreation,
and Neighborhood Services

For questions please contact Lee Wilcox, Downtown Manager, at (408) 535-8172.

Attachments



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Walesh
Dave Sykes
Hans Larsen
Julie Edmonds-Mares
Jennifer Maguire

SUBJECT: SEE BELOW

DATE: April 25, 2012

Approved

Date

4/26/12

COUNCIL DISTRICT: 3

SUBJECT: AGREEMENT WITH 1ST ACT SILICON VALLEY FOR THE PARQUE DE LOS POBLADORES PAVEMENT-TO-PLAZA PROJECT

RECOMMENDATION

- A. Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with 1stACT Silicon Valley to design and construct the expansion and renovation of Parque De Los Pobladores with a City funding contribution of up to \$98,000.
- B. Adopt a resolution approving the closure of First Street between Williams Street and Reed Street in accordance with California Vehicle Code Section 21101(a)(1) on the basis that that portion of First Street is no longer needed for vehicular traffic.
- C. Adoption of Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 3 (Fund 380):
 - a. Establish the Parque de los Pobladores Pavement-to-Plaza project to the Parks, Recreation and Neighborhood Services Department for \$78,000; and
 - b. Decrease the Ending Fund Balance by \$78,000.

OUTCOME

Approval of the recommendations by the City Council will allow 1stACT Silicon Valley (1stACT) to implement the City's first Pavement-to-Plaza project at Parque de los Pobladores and First Street.

HONORABLE MAYOR AND CITY COUNCIL

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BACKGROUND

The site for Parque de los Pobladores was purchased by the City in 1913. The site has long been viewed as a gateway site to signal entry into Downtown San Jose. The site was originally improved as an urban gateway park, known as Gore Park, in May 1987. Ten years later the Park was renamed and rededicated as Parque de los Pobladores to honor the settlers who founded El Pueblo de San Jose Guadalupe in 1777.

The South First Area (SoFA) is Downtown's arts and cultural district with an eclectic mix of arts organizations, creative businesses, and active lifestyle businesses. At the south end of the district several arts organizations surround the Park: MACLA, San Jose Museum of Quilts and Textiles, Metro Newspaper, San Jose Institute of Contemporary Art and San Jose Stage Company.

The City, 1stACT and San Jose Downtown Association (SJDA) developed the "Silicon Valley City's Center: Big Deals and Small Wonders" strategy, which was adopted by the City Council in 2007. Despite considerable accomplishment on a number of large projects ("Big Deals") such as the San Pedro Square Market, new high-rise residential towers, and Convention Center expansion, Downtown remains a work in progress and "Small Wonders" activation of public spaces remains important for attracting residents, businesses, employees and visitors.

In 2008, 1stACT began working with a team of SoFA District leaders to create a plan for physical improvements and increased activity in the district. 1stACT contracted with Ken Kay Associates to design the physical improvements—including sidewalk extensions, planters, landscaping, lighting, and an expansion and redesign of Parque De Los Pobladores. The plan, SoFA Streetscape Design and Activation Plan, was shared with the district through San Jose Downtown Association SoFA Committee meetings, and was unanimously supported by local retailers, building owners and cultural leaders. Implementation began in 2010, but because of decreasing Redevelopment Agency funding, the plan to improve the park could not be implemented.

Last summer, 1stACT was awarded a \$500,000 grant from ArtPlace, a new consortium that includes 11 of America's top national philanthropic foundations, in its inaugural funding round. 1stACT's grant award is for the development (design and construction) of the Park into an urban plaza, or "outdoor living room," that will enable greater activation of the park by SoFA's arts organizations and businesses. Per terms of the grant, the project must be completed within 12 months of funding. Two other San Jose proposals are currently being considered by ArtPlace for grant funding: MACLA's building renovation project and the Downtown Illumination project.

This project is San Jose's first "pavement to plaza" project. Cities such as San Francisco, Austin, New York and Chicago have implemented similar projects that close street sections to traffic and provide other benefits by turning them into new active public spaces.

ANALYSIS

Parque de los Pobladores has limited function as a viable urban park because of its very small size. The Park functions more as a large traffic island than as an urban park because it is very small and is surrounded by public streets on all sides. The current design of the park, which lacks a significant contiguous space, makes it unusable for special events and other programming activities. The long granite wall limits views into and across the park, enabling undesirable activities to take place shielded from full view by police and the public.

The renovation and expansion of the Park and closure of First Street are intended to re-configure the park in a way that will better serve the general public, open views and provide space for events and activities. With physical expansion and design modifications, the park could better serve special event producers and nearby cultural organizations and businesses to support regular events and other programmed activities.

1stACT and SJDA have been working with the park neighbors, Garden City Construction and Steinberg Architects on design of the project since September 2011. The design builds on the original SoFA Streetscape Design & Activation Plan and adapts it to the current reduced budget. The project includes pro bono architectural and design services and construction management services from neighboring businesses. The final design, which has been reviewed by the City's Department of Public Works, includes the following elements (see Attachment A):

- Close First Street between Williams Street and Reed Street
- Provide a new driveway to Market Street for use by Enterprise Rent-a-Car and emergency access
- Eliminate 23 on-street parking spaces
- Expand the Park area by extending the eastern edge of the Park to the middle of First Street
- Treat the surface of the remaining one-lane wide First Street to tie it visually to the Park, creating the effect of one urban plaza located along the commercial frontage at First Street between William Street and Reed Street
- Create a large, flexible space for programming and events at the north end of the park
- Convert existing granite walls into seating to open full views through the Park
- Remove diseased trees and manicured turf and replant urban-tolerant tree species with low maintenance, native grass species
- Improve access to power for events and art installations
- Enhanced maintenance by the Downtown Property-Based Improvement District (PBID)

Traffic

As a key part of the project, half of First Street will be reconstructed and incorporated as part of the Park. This reconstruction maintains a 20 foot curb-to-curb First Street, which in the future could function as a public street. This section of First Street will include special pavement treatments and will be closed to traffic. Based on available information, it appears the City has fee title to the applicable section of First Street. The Real Estate Department has ordered a Title

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Report to confirm City ownership. Staff completed a traffic review of the proposed closure and made the following findings:

- This section of First Street carries a low level of traffic, approximately 2200 average daily vehicles. 2200 cars are not considered significant for a General Plan street such as First Street.
- The Downtown grid system provides ample opportunity for alternate routes. The alternate routes can easily accommodate 2200 daily vehicles including the use of Market Street, Williams Street, and San Salvador Street.
- The proposed closure does not affect any signalized intersection and the adjacent intersections within the vicinity of the proposed closure function at an acceptable Level-of-Service (LOS) per Transportation Policy 5-3. The LOS for the adjacent intersections range between LOS A and LOS C. Although a minimum LOS is not required within the Downtown Core, LOS D or better is considered acceptable Citywide.
- The closure of First Street does modify current access, deliveries, and garbage pick-up for adjacent properties. There have been some concerns from the affected owners and businesses. Staff has worked with the owners and businesses to address their concerns by providing access and deliveries either on Market Street or Second Street. The Market Street access will require a short walk across the park to reach the adjacent properties. Garbage pickup will be accommodated on Market Street. Two of the properties that lose parking lot access from First Street retain access from Second Street.

Parking

As part of the project planning, staff conducted a survey of parking utilization for the 23 on-street parking spaces within the closure. The survey was completed over a one-week period and the results showed parking utilization at a high of 30% (eight spaces utilized) and low of 4% (one space utilized).

It is important to note that there are many public parking options serving the SoFA District, including on-street metered spaces, the Convention Center Garage, 2nd/San Carlos Garage, and several parking lots (South Hall, First Street/I-280, Market/San Carlos, and Valley Title). The lost parking capacity can be accommodated easily at other locations. Nonetheless, some business owners have expressed concern over the loss of on-street parking spaces. Department of Transportation (DOT) staff is currently working with the Office of Economic Development, SoFA businesses and arts organizations to alleviate the loss of the 23 parking spaces in the following ways:

- Parking spaces will be retained along the north side of William Street by modifying the roadway striping planned for the project
- The time limit on many of the on-street meters in the SoFA district has recently been extended from two to three hours, and DOT will explore extending the time limit on additional meters based on the needs of businesses
- DOT is evaluating opportunities to install additional on-street parking spaces, and anticipates being able to add some parking
- DOT is also exploring better lighting options for the First/I-280 parking lot, (an underutilized, 113 space lot), including conversion of the lights to LED fixtures to provide

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whiter illumination. To encourage higher use of this parking asset, DOT staff is considering lowering the daily rate, which is currently set at \$5. Doing so would require modification of the Master Parking Rate Resolution.

Construction Oversight

The Department of Public Works has the oversight role for construction projects located on City facilities. As with the Vietnamese Heritage Gardens project, which involved a similar undertaking by a private entity, 1stACT will need to enter into a construction agreement with the City before commencing any construction. The terms of the agreement would be generally consistent with those of turnkey park agreements typically executed by developers constructing City parks. Specifically the agreement will require:

1. Compliance with the City's Prevailing Wage Policy
2. Review and approval of plans and specifications
3. Schedule approval
4. Insurance
5. Indemnification
6. Construction surety in the form of bonds
7. Fees to pay for plan review and inspection

1stACT must submit a copy of the executed construction contract and copies of the contractor's insurance certificates and performance bonds to the City prior to the start of construction. The City must be named as an additional insured on insurance certificates and bonds. City inspectors will provide inspections ensuring compliance with plans and specifications. A certificate of substantial completion will be issued once construction has been completed to the satisfaction of the Director of Public Works.

Costs and Funding

The total project estimate exceeds the grant allocation by \$98,000. Due to the importance of this project, it is being recommended to supplement the grant funding awarded for this project with \$98,000 of City funding sources. The Economic Development Pre-Development Activities allocation (appropriation totals \$181,000) in the General Fund will provide \$20,000 and this memorandum includes a recommendation to allocate \$78,000 from the Council District 3 Construction and Conveyance Tax Fund (Fund 380) Ending Fund Balance. This action may require a reprioritization of projects that will be funded from the Council District 3 Construction and Conveyance Tax Fund in the outyears of the 2013-2017 Proposed Capital Improvement Program. As part of the construction contract, the City would provide payments to 1st ACT as it incurs costs and expenses on the project.

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EVALUATION AND FOLLOW-UP

City staff annually reports to the Community and Economic Development Committee on implementing "Silicon Valley City's Center: Big Deals and Small Wonders" workplan. City staff will update the Committee in the Fall of 2012 on the final implementation and activation of the park.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

In 2008, 1stACT Silicon Valley, the City of San Jose, Redevelopment Agency and San Jose Downtown Association jointly developed the SoFA Streetscape Design and Activation plan, which included dozens of hours of outreach with SoFA businesses and arts groups. Since August 2011, all parties have met on a number of occasions to work through any potential impacts. This item does not meet any of the criteria above. This memorandum will be posted on the City's website for the May 8, 2012 City Council agenda.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

COST SUMMARY/IMPLICATIONS

For the City to take advantage of this private funding opportunity some public funds will be utilized.

1. AMOUNT OF CITY FUNDING REQUIRED: \$98,000
2. SOURCE OF FUNDING: 380 – Construction Tax & Property Conveyance Tax Fund:
Council District 3
001 – General Fund

HONORABLE MAYOR AND CITY COUNCIL

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BUDGET REFERENCE

Fund #	Appn #	Appn. Name	Total Appn	Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
City Project Costs			\$98,000		
Funding Available					
001	3564	Economic Development Pre-Development Activities*	\$20,000	IX - 3	6/21/2011, Ord. No. 28928
Total Current Funding Available			\$20,000		
Additional Funding Recommended					
380	TBD	Parque de los Pobladores Pavement-to-Plaza**	\$78,000		
Total Funding for City Project Cost			\$98,000		

* A total of \$20,000 will be expended from the Economic Development Pre-Development Activities allocation (appropriation totals \$181,000) in the General Fund.

** Included in this memorandum is a recommendation to allocate \$78,000 from the Council District 3 Construction and Conveyance Tax Fund Ending Fund Balance (appropriation totals \$502,398) to ensure sufficient funding is available for this project.

CEQA

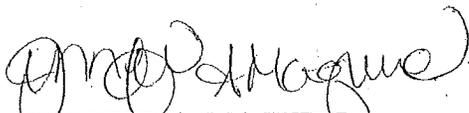
Exemption No. PP12-037 under Section 15304(b) of CEQA.

/s/
KIM WALESH
Director of Economic Development
Chief Strategist

/s/
DAVID SYKES
Director
Department of Public Works

/s/
HANS F. LARSEN
Director of Transportation

/s/
JULIE EDMONDS-MARES
Acting Director
Department of Parks, Recreation,
and Neighborhood Services

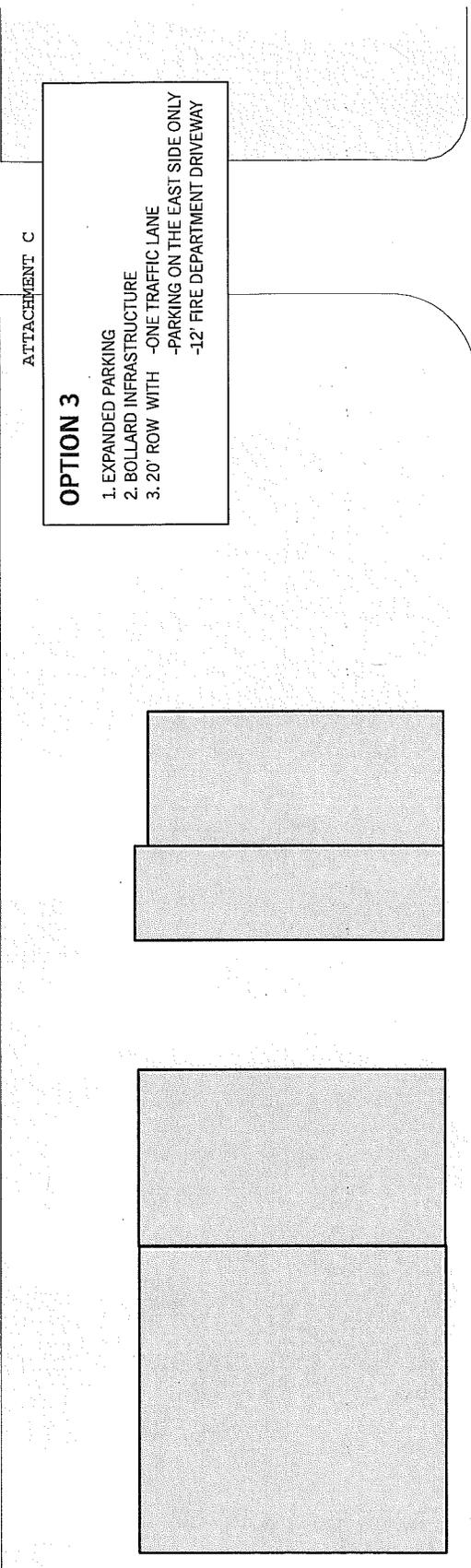
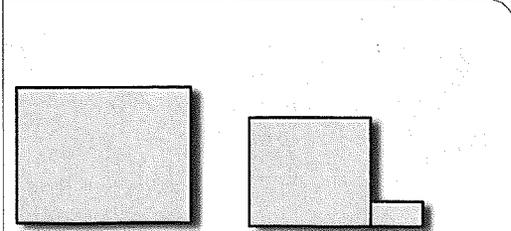

JENNIFER A. MAGUIRE
Budget Director

For questions please contact Lee Wilcox, Downtown Manager, at (408) 535-8172.

Design Charrette:
Parque De Los Pobladores (Gore Park)

Thursday, May 24, 2012
Liquid Agency, 448 South Market Street
1:00pm – 4:30 p.m.

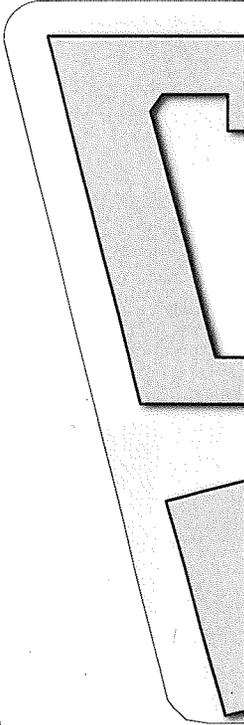
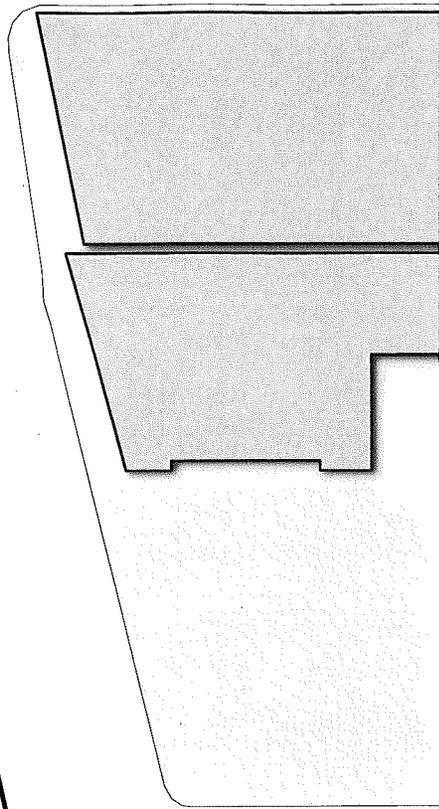
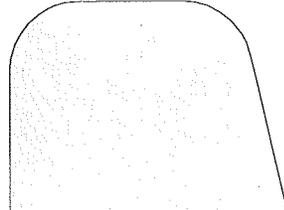
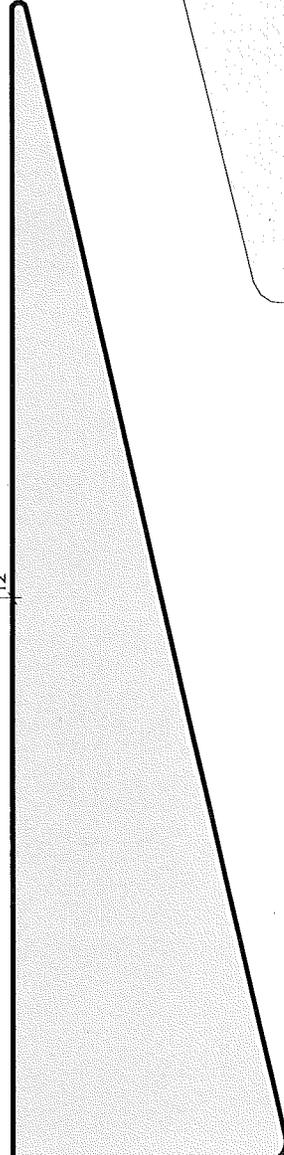
1. **Welcome** *(10 minutes)*
 - 1stACT, San Jose Downtown Association, City of San Jose
2. **Agenda Overview & Meeting Purpose** *(5 minutes)*
 - Lee Wilcox, Downtown Manager, Office of Economic Development
3. **Introduction and Opportunities** *(20 minutes)*
4. **Grant Guidelines and Funding** *(5 minutes)*
5. **Design Proposal Overview** *(60 minutes)*
 - Rob Steinberg
 - Three Options - *Attached*
6. **Operational Options & Activation** *(30 minutes)*
7. **Building Consensus** *(10 minutes)*
8. **Next Steps**

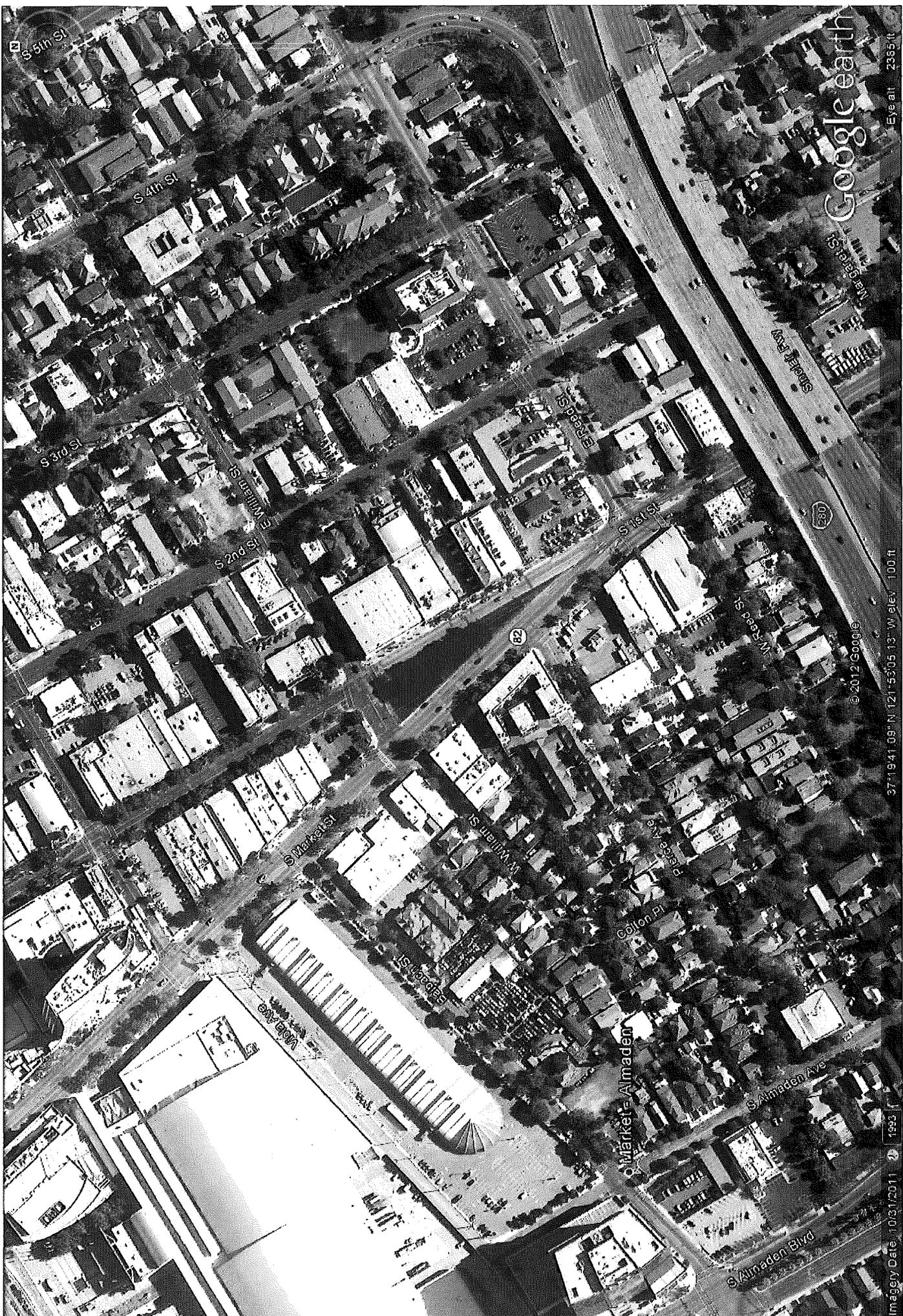


ATTACHMENT C

OPTION 3

- 1. EXPANDED PARKING
- 2. BOLLARD INFRASTRUCTURE
- 3. 20' ROW WITH -ONE TRAFFIC LANE
-PARKING ON THE EAST SIDE ONLY
-12' FIRE DEPARTMENT DRIVEWAY





Google Earth

Eye alt: 2385 ft

© 2012 Google

37°19'41.09" N 121°53'05.13" W elev: 100 ft

Imagery Date: 10/31/2011 1993

S 5th St

S 4th St

S 3rd St

S 2nd St

S Market St

S Market - Almaden

S Almaden Blvd

S Almaden Ave

Colton Pl

S Almaden

S Almaden

S Almaden

S 18th St

S 16th St

82

82

Almaden

Almaden