



DATE: February 25, 2020

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Fayette Park, Projects 13-36 and 16-32 – Various Actions**

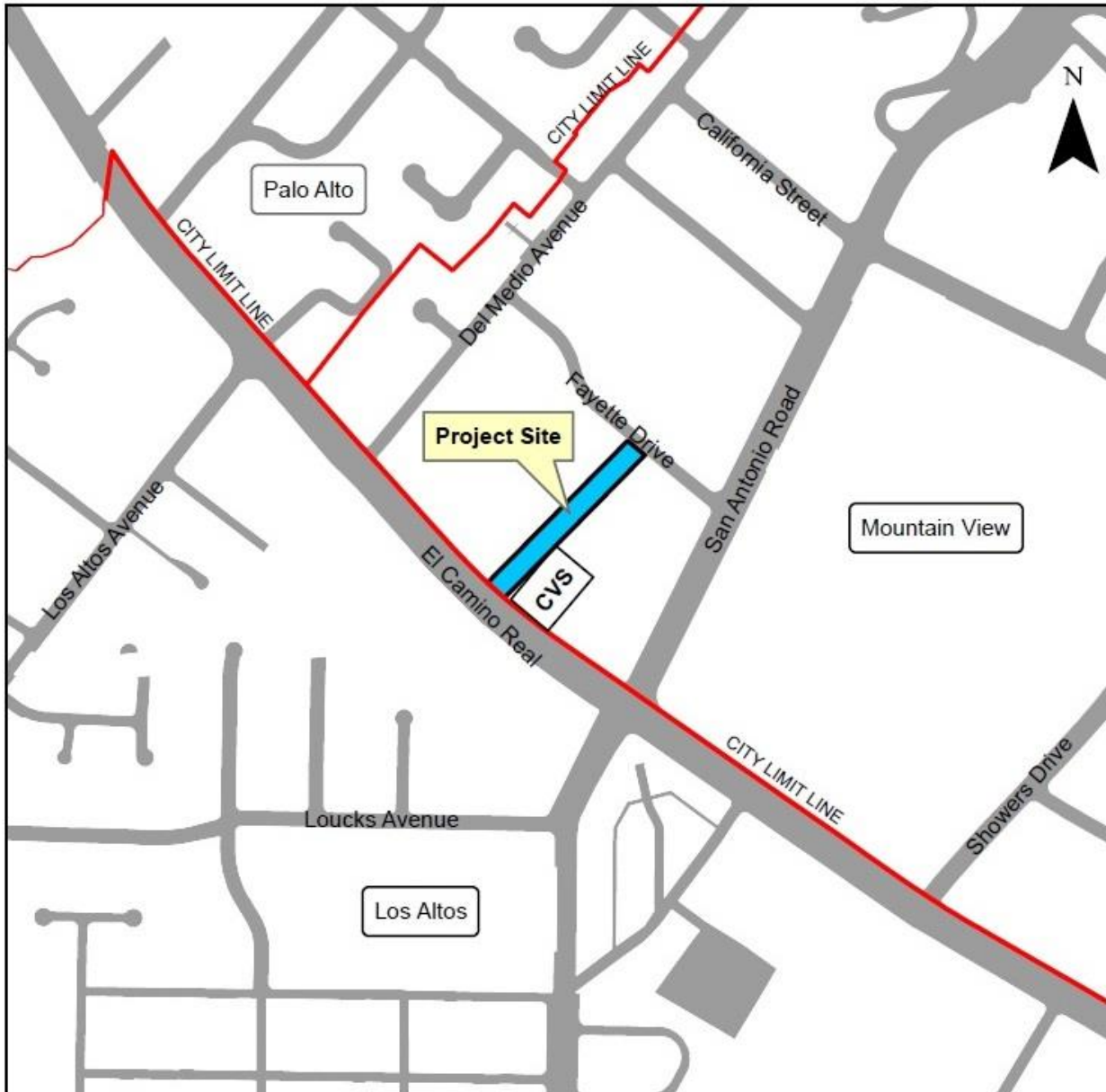
RECOMMENDATION

1. Transfer and appropriate \$400,000 from the Park Land Dedication Fund to Fayette Park, Construction, Project 16-32. (Five votes required)
2. Transfer and appropriate \$200,000 from Construction/Conveyance Tax to Forestry Maintenance Program, Project 20-09. (Five votes required)
3. Approve plans and specifications for Fayette Park, Construction, Project 16-32, and authorize staff to advertise the project for bids.
4. Authorize the City Manager to award a construction contract to the lowest responsible bidder if the bid is within the project budget.
5. Approve “Fayette Park” as the name of the new City park.
6. Authorize the City Manager to execute an amendment to the professional services agreement with The Guzzardo Partnership to provide landscape architecture services for Fayette Park, Design, Project 13-36, increasing the contract by \$40,000, for a total not-to-exceed amount of \$215,000.

BACKGROUND

The Fayette Park project is a proposed linear park on approximately 1.3 acres of San Francisco Public Utilities Commission (SFPUC)-owned property (Fayette Parcel). The parcel is located west of San Antonio Road, running from El Camino Real to Fayette Drive and is underlain by two large SFPUC-owned water lines (see Figure 1).

Figure 1: Location Map



While the SFPUC allows use of the surface of its right-of-way, severe restrictions are placed on the types of uses and on construction of improvements. The City began working with the SFPUC on development of a park on the parcel in 2013. This time frame coincides with an SFPUC initiative to clear its right-of-way of unauthorized encroachments (including trees) and to update licenses, easements, and other documents associated with its right-of-way. SFPUC staff approved the use of the Fayette Parcel by the City in concept, contingent upon execution of a Memorandum of

Agreement (MOA) between the two agencies that covered all SFPUC right-of-way used by the City. On February 2, 2016, the City Council reviewed the general terms of the MOA and authorized the City Manager to execute the MOA and seven license agreements. Staff continued working on the final details of the documents until the MOA was executed by the City in April 2019 and by the SFPUC in November 2019, allowing the Fayette Parcel park project to proceed.

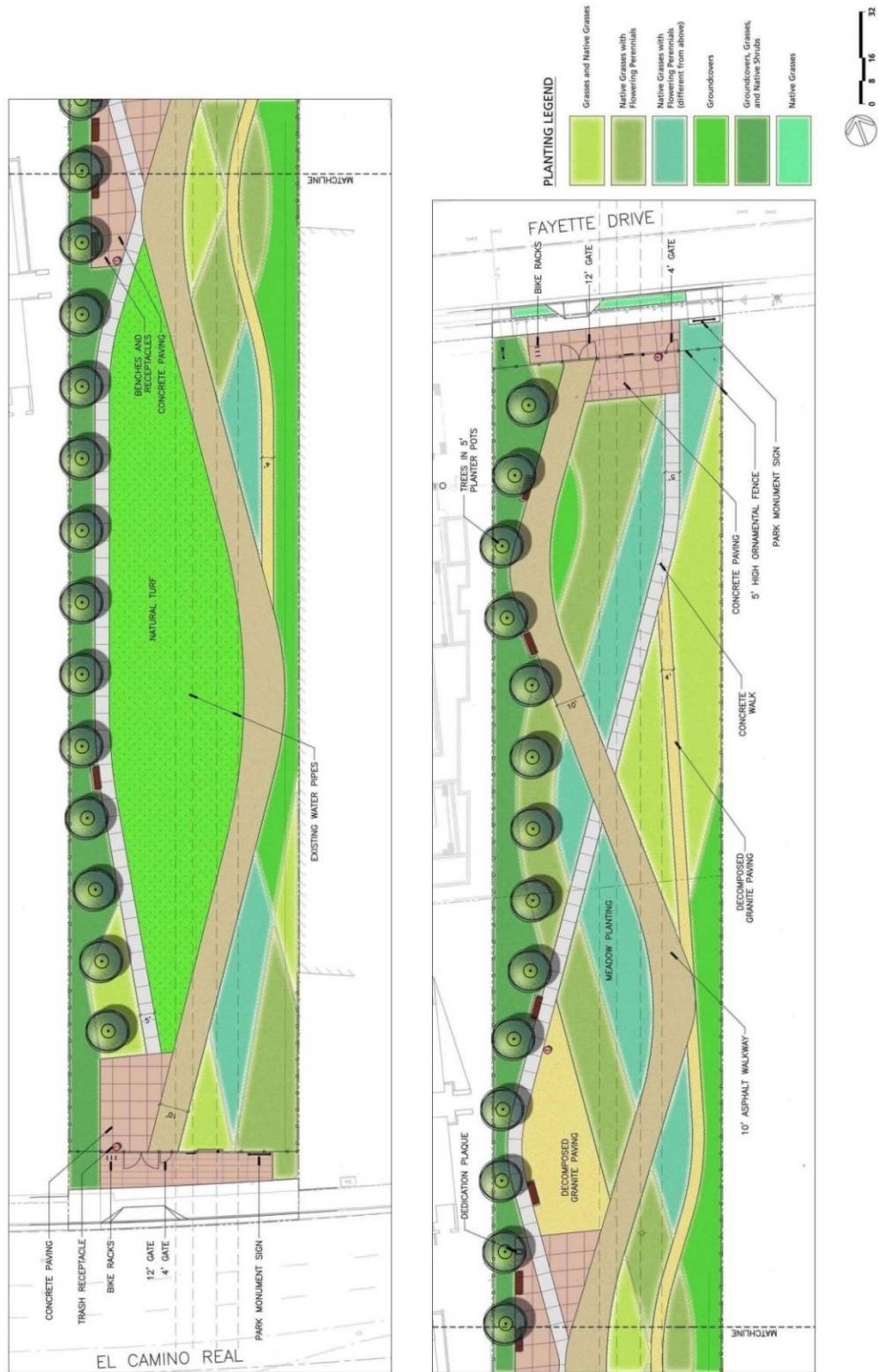
ANALYSIS

In January 2013, the City entered into a \$35,000 contract with The Guzzardo Partnership (TGP) for landscape architecture services for the schematic design phase of the Fayette Park project. Because of the SFPUC's significant restrictions placed on construction of improvements on the parcel, the design process differed from that of a typical mini-park. The SFPUC does not allow structures (such as playground equipment) or trees (unless they are in pots) on the property and any site furniture must be placed at least 20' from the edge of the pipelines. As there were very few options for the public to consider, the focus of the conceptual design process was on satisfying the technical requirements of the SFPUC rather than the typical process of public outreach and review by the Parks and Recreation Commission (PRC).

In May 2016, staff provided a status update on the concept plan and the MOA to the PRC. In January 2019, after extensive review of the park improvement plans, the SFPUC approved the construction drawings.

The design includes walkways, a turf area, a decomposed granite area, benches, trash receptacles, landscaped areas, potted trees, and ornamental perimeter fencing (see Figure 2). The design lacks the play structures and variety of landscaping typical of mini-parks but provides a welcoming open space and a pedestrian connection between El Camino Real and Fayette Drive. Public art was not included in the design due to the SFPUC's use restrictions and the SFPUC's right to revoke the license to use their right-of-way at any time.

Figure 2: Fayette Park Layout Plan



Park Naming

A two-step approach was taken when considering potential park names. Staff first followed the typical park naming process defined in City Council Policy K-17, “Naming of City Parks and Other City Facilities.” Staff researched possible names that would comply with City policy, presented them to the PRC, and the PRC recommended three potential names for City Council consideration and approval. The three potential park names recommended by the PRC at their January 9, 2019 meeting were:

- Fayette Park
- Fayette Green
- Victor Calvo Park

As the SFPUC owns the Fayette Parcel and is providing the City with permission to use the site, staff then reviewed the PRC-recommended names with the SFPUC.

Table 1 is a summary of the potential park names considered at the PRC’s January 2019 meeting, along with background on each name and the respective input received from the SFPUC.

Table 1: Potential Park Names

Potential Park Name	Relevance	Background/SFPUC Input
Fayette Park (Recommended)	Street name	<p>Many people are accustomed to calling the park by this name, including the SFPUC, who owns the property.</p> <p>City and SFPUC staff both recommend “Fayette Park” for the following reasons:</p> <ul style="list-style-type: none"> • Fayette Drive is adjacent to the site, making it easy to locate the park. • This name provides consistency between the official park name and the name used in all SFPUC legal documents granting the City permission to use their property.
Fayette Green	Street name	<p>This name was suggested by a Parks and Recreation Commissioner because the park design is comprised mostly of simple green space and walkways.</p> <p>The SFPUC stated this alternate park name is acceptable but is not the preferred name because of the reasons mentioned above.</p>

Potential Park Name	Relevance	Background/SFPUC Input
Victor Calvo Park	Historical Figure	<p>Staff researched the history of the park site and found that Victor Calvo, a prominent Mountain View and State civic leader, grew up on a portion of the park site. He served on the Mountain View Planning Commission, as well as the Mountain View City Council. He also served on the Santa Clara County Board of Supervisors, State Assembly, California Public Utilities Commission, and California Coastal Commission.</p> <p>The SFPUC does not support this name. They request that the City avoid naming the park after an individual to minimize potential resistance and public relations issues to any future work the SFPUC would be requested to do that could interrupt park use.</p>

Amend Professional Design Services Agreement

Additional time and effort was needed to address the SFPUC’s requirements and complete their park design approval process. The costs associated with the additional effort and design changes have increased TGP’s design costs. Contingency funds were used to cover most of these costs. The requested amendment to the professional design services agreement is needed to cover the residual costs of this effort (\$15,600) and the remainder (\$24,400), if approved, will replenish the contract contingency, to be expended only upon written approval of the City. The amendment increases the TGP contract by \$40,000, for a total contract amount of \$215,000.

Tree Removals

The MOA requires that the City remove 29 trees encroaching on various SFPUC properties licensed to the City, including on the Fayette Parcel. Per the SFPUC, these trees pose hazards and unacceptable risks to their on-site facilities and do not comply with their Right-of-Way Encroachment and Integrated Vegetation Management Policies. The recommended actions include appropriation of \$200,000 to the Forestry Maintenance Program, Project 20-09, an annual Community Services Department project, to fund the tree removal costs. The tree removal work will be managed as a separate contract by Community Services Department staff, independent of the Fayette Park project.

Environmental Clearance

On February 2, 2016, in accordance with the California Environmental Quality Act (CEQA), Council determined that this project (including all requirements set forth in the MOA, such as tree removals) is categorically exempt from CEQA. These tree removals are also exempt from the City’s Heritage Tree Ordinance per Section 32.27(b)(4), Permit Required Exemptions. Plans and specifications for the project are complete and available for viewing in the Public Works Department.

FISCAL IMPACT

The TGP agreement is funded from Fayette Park, Design, Project 13-36, with a total budget of \$560,000 from Park Land Dedication Funds. There are sufficient funds to cover the recommended contract amendment of an additional \$40,000 for a not-to-exceed total contract amount of \$215,000.

Fayette Park, Construction, Project 16-32, is funded with \$1,650,000 from the Park Land Dedication Fund. The estimated cost of construction is as follows:

Park Construction Estimate (including contingency)	\$1,685,000
Design and Inspection	
Contract Services	25,000
Project Management/Const. Inspection and Testing	160,000
Miscellaneous	<u>54,000</u>
Subtotal	\$1,924,000
City Administration (6.5%)	<u>126,000</u>
TOTAL ESTIMATED COST	\$2,050,000
PROJECT BUDGET	\$1,650,000
PROJECT SHORTFALL	\$ <u>400,000</u>

The project shortfall is due to the increased cost of construction since the project budget was first established. Staff recommends that Council transfer and appropriate \$400,000 from the Park Land Dedication (PLD) Fund to Project 16-32 per Table 2, increasing the project funding to \$2,050,000.

Table 2: Park Land Dedication Fund Commitments

Project(s)	Planning Area	Schedule Year	Current Funding	Requested Funding	Project Total	PLD Priority	Funding Source	PLD Fee
Fayette Park Construction (16-32)	San Antonio	FY15-16	\$1,650,000	\$400,000	\$2,050,000	2	FY18-19 PLD Refund CIP 12-33	\$81,812.71
							FY18-19 PLD Refund CIP 12-34	\$4,889.80
							FY18-19 PLD Refund CIP 15-28	\$264,631.52
							FY18-19 PLD Refund CIP 16-20	\$19,244.44
							FY18-19 PLD Refund CIP 16-36	\$486.27
							FY18-19 PLD Refund CIP 16-46	\$28,935.26
Total	\$400,000.00							
TOTAL PLD COMMITMENT								\$400,000

Staff recommends that Council appropriate and transfer \$200,000 for tree removals from the Construction/Conveyance Tax Fund to the 2019-20 Forestry Maintenance Program, Project 20-09, increasing funding to \$668,000.

CONCLUSION

After many years of work, the MOA between the City and the SFPUC is complete, providing for removal of encroachments in the SFPUC right-of-way and updated documents covering the use of SFPUC property by the City. The construction of Fayette Park can also proceed, providing an improved appearance to the site, recreational open space, and a connection from El Camino Real to the Fayette Drive neighborhood. The recommended actions would begin the bidding process and provide needed funding for construction.

ALTERNATIVES

1. Do not approve plans and specifications and authorization to bid the project and place the project on hold.
2. Select an alternate name for the park.
3. Provide other direction.

PUBLIC NOTICING

In addition to the standard agenda posting, residents and property owners within 750' of the park site received notices. The notice was also posted at the project site. Information regarding the meeting was also shared on the City's website and social media. A copy of this report was sent to the SFPUC Real Estate Director and TGP.

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