



**MEMORANDUM**

Public Works Department

**DATE:** May 11, 2016

**TO:** Parks and Recreation Commission

**FROM:** Anne Marie Starr, Senior Civil Engineer  
J.P. de la Montaigne, Community Services Director

**SUBJECT:** Update on Fayette Park, Project 13-36

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**RECOMMENDATION** – Note receipt and file.

**BACKGROUND AND ANALYSIS**

This report provides a status update for Fayette Park, Project 13-36.

The Fayette Park project was created as a midyear capital improvement project in September 2012. This project involves the construction of a linear park on approximately 1.3 acres of San Francisco Public Utilities Commission (SFPUC) property just west of San Antonio Road, running from El Camino Real to Fayette Drive. Attachment 1 is a map showing the location of the proposed park.

Although the property currently appears to be unused open space, the SFPUC has two very large underground pipelines running through the site. These pipelines deliver drinking water to the City of Mountain View and other cities. Before the City can construct the park, a license agreement is required from the SFPUC. This license agreement would grant the City permission to construct improvements on SFPUC property and to maintain the property as a public park.

Because the SFPUC's primary goal is to protect their water system, they have been hesitant to issue a license agreement for the Fayette Park project. Even though the SFPUC has issued license agreements to the City in the past for the construction of similar improvements on other SFPUC properties, the SFPUC has recently updated their Right-of-Way Use Policy and this policy has tightened restrictions for property use.

City staff in Public Works and the City Attorney's Office have spent over three years working with the SFPUC to find a way to move the project forward while meeting the

SFPUC's requirements. On February 2, 2016, Council authorized the City Manager to enter into a Memorandum of Agreement (MOA) with the SFPUC for the use of certain SFPUC properties for public open space upon the SFPUC's approval of the City's license application for Fayette Park. The SFPUC has agreed to allow the City to utilize the Fayette property as a public park subject to both the City and SFPUC executing the MOA. The MOA will do the following:

- Grant the City a license agreement for Fayette Park.
- Update all current license agreements between the City and the SFPUC.
- Grant the SFPUC easements for a number of parcels with public street rights-of-way to affirm their easement rights for the existing pipelines.
- Require the City to remove approximately twenty-nine (29) trees located on SFPUC properties throughout the City that the SFPUC has determined pose hazards or unacceptable risks to SFPUC facilities (the SFPUC is exempt from the City's Heritage Tree Ordinance). A map showing the approximate location of all trees to be removed is included as Attachment 2.
- Allow the City to use all SFPUC licensed areas without requiring the City to pay rent.
- Require the City to pay property taxes on all licensed properties.
- Require the City to maintain one (1) SFPUC property within the City limits that the City currently does not have a license for.

Although some of the requirements in this agreement are not ideal, the City Council decided to authorize the City Manager to execute the MOA in order to proceed with the Fayette Park project.

### Fayette Park Conceptual Design

In 2013, the City entered into an agreement with The Guzzardo Partnership, Inc. (Guzzardo), to provide landscape architecture services for the Fayette Park project. Staff originally expected Guzzardo to follow the City's standard park design process to develop a final park concept. This process usually includes several public meetings where we gather public input and present possible park concepts before a final concept is presented to the Parks and Recreation Commission (PRC) and then the City Council. However, it became apparent, once staff began working with the SFPUC, that the

design process for this park would need to be different due to all of the SFPUC's property use restrictions.

The SFPUC made it very clear that they would only allow a park with very passive uses. This meant no structures or trees were allowed anywhere on the property and any site furniture had to be placed at least 20' from the edge of their pipelines. Because these restrictions were so limiting, staff determined that public meetings would not be appropriate for this project since all park design elements are heavily regulated by the SFPUC.

Over the past three years, the City has submitted several conceptual designs (developed by Guzzardo) to the SFPUC in an effort to obtain approval for using their property. The original designs included amenities such as lights, fitness equipment, and a large decomposed granite area that could be used as a petanque court, but the SFPUC stated these park amenities were not allowed. They also stated any park design they approve must prohibit bicycles within the park and must be completely fenced off to prevent bicycles from entering the property. The City was not happy with some of these restrictions, especially restricting bicycle use in the park, but ultimately the City agreed to the restriction in order to move the project forward.

After many discussions and negotiations with the SFPUC, City staff submitted a conceptual plan to the SFPUC's Project Review Committee on January 8, 2016. At this meeting, the SFPUC concurred with the City's conceptual design and encouraged the City to proceed with the design of this concept. The SFPUC will not give an official approval of the conceptual design until they review the 65 percent plans and specifications.

The conceptual design was reviewed by the City Council at the February 2, 2016 meeting as part of the MOA discussions (see Attachment 3). This design includes new fencing around the entire park site (including the entrances), park benches, trash receptacles, and large potted trees located at least 20' from the edge of the SFPUC's pipelines, gates that must be opened to enter the park, signs stating no bicycles allowed at each entrance to the park and passive landscaping throughout the site, including low shrubs and some natural and/or artificial turf.

## **NEXT STEPS**

The following is a list of next steps for proceeding with the park design and construction:

- Amend Guzzardo's landscape architecture design contract to include not only the conceptual plan development but also the design of the construction documents and technical support during and after construction.
- Begin design of 65 percent plans and specifications for the park so these documents can be submitted to the SFPUC for final park design approval.
- Complete the review of the MOA once we receive the final draft from the SFPUC.
- Obtain the SFPUC's approval of the 65 percent plans and specifications for the park.
- City executes the MOA.
- SFPUC and the City and County of San Francisco Board of Supervisors execute the MOA.
- Proceed with final design for construction of the project.

## **FISCAL IMPACT**

Fayette Park, Design, Project 13-36, is funded with \$560,000 from the Park Land Dedication Fund and Fayette Park, Construction, Project 16-32, is funded with \$1,650,000 from the Park Land Dedication Fund. With the current design and understanding of the SFPUC MOA, sufficient funding is available to complete the design and construction of the park.

AMS-JPdIM/7/PWK

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Attachments: 1. Location Map  
2. SFPUC Tree Removal Plan  
3. Fayette Park Conceptual Design

cc: CSD, POSM, PWD, APWD – Solomon, PCE – Au, RPPA, SCE – Starr, CA, SACA – Chopra, Project File