



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nanci Klein  
John Ristow  
Matt Loesch  
Robert Sapien Jr.

**SUBJECT: UPDATE ON THE FUTURE  
OF SAN PEDRO STREET**

**DATE:** May 12, 2023

Approved

Date

5/12/2023

**COUNCIL DISTRICT: 3**

## RECOMMENDATION

Accept staff's recommendation on a preferred layout and cost estimate for the potential permanent closure of San Pedro Street to non-emergency vehicular traffic between Santa Clara and St. John streets.

## SUMMARY AND OUTCOME

If City Council accepts the recommendation in this memorandum, staff will proceed with additional analysis and community engagement for the future pedestrianization of San Pedro Street, between Santa Clara and St. John streets. This would be the first step in a multi-year process that will need additional City Council approvals.

## BACKGROUND

On June 21, 2022, City Council approved an extension to businesses' ability to conduct outdoor operations in streets closed to vehicular traffic through June 30, 2023 and directed City staff to evaluate converting the existing emergency San Pedro Street al fresco closure to a permanent one pursuant to the Pedestrian Mall Act (MBA #26 - The Future of San Pedro Square and Post Street) The evaluation was to include reasonable design guidelines to maintain consistent aesthetics and operations throughout the corridor. Staff was directed to return to City Council with a cost estimate for design refinement and construction of a permanent street closure once the logistical parameters for design, infrastructure, and life safety for the alternatives were determined.

Over the years, San Pedro Street, between Santa Clara and St. John Streets (San Pedro) has frequently been closed to vehicular traffic and converted to a pedestrian-only street for special events such as the Downtown Farmers' Market, Super Bowl 50, College Football National Championship, and San José Jazz Summerfest. In 2019, the District 3 City Council office funded a month-long weekend open streets program with a variety of low-cost and modest activations on San Pedro called, "Meet in the Streets" which was very well received by the public and neighborhood stakeholders.

In June 2020, the San José Al Fresco initiative was implemented in response to the COVID-19 pandemic. The Al Fresco initiative allowed businesses to conduct outdoor operations utilizing public streets, private parking lots, public sidewalks, and on-street parking spaces. As a part of this initiative, San Pedro was closed to non-emergency vehicular traffic and most of the restaurants maximized the additional outdoor space provided at no cost to them. This adjustment was instrumental in assisting businesses in the neighborhood to survive through the pandemic at a time when County of Santa Clara regulations prohibited patrons from eating indoors or patrons did not feel comfortable doing so.

## **ANALYSIS**

The Department of Public Works staff began the concept design work directed by City Council in July 2022 with an inter-departmental meeting of the Fire Department, Department of Transportation, and Office of Economic Development and Cultural Affairs to establish required fire and life safety parameters, complete street design parameters, and Market and San Pedro Square parking garage (Garage) operating parameters for the potential closure of San Pedro to vehicular traffic.

In November 2022, the Director of Public Works approved Service Order No. 7 for Group 4 Architecture, Research + Planning, Inc. to develop a pedestrianization concept plan which addressed four primary areas of consideration: 1) fire and life safety requirements, 2) service access, 3) Garage operations, and 4) creating equal access to outdoor seating for all businesses on San Pedro. The concept was intended to facilitate diverse events and gatherings on the street while accounting for the four primary areas of consideration and enhancing the social and economic significance of the neighborhood to downtown San José.

### **Proposed Concept Design (Attachment A: Concept Renderings and Section Views)**

San Pedro has a 60-foot-wide City-owned right-of-way (building face to building face). The proposed design concept centralizes the right-of-way with a 20-foot emergency vehicle access (EVA) lane down the center of San Pedro, doubling as a pedestrian walkway. The design calls for 20 feet of space from building façades on both sides of the current street for outdoor dining opportunities and open-air activities.

The concept design replaces the existing curbs and road surface with a more pedestrian-friendly streetscape that is flush from building facade to building facade. Businesses on San Pedro will gain a minimum of 10' to 12' of outdoor dining and social space along their frontage, depending on where they are located on the street compared to pre-COVID-19 conditions (**Attachment B: Concept Rendering Measurements and Section Views**).

The Garage's frontage will be re-configured to accommodate a variety of special events on the street. Staff's current recommendation is to eliminate vehicle movement at the Santa Clara Street entrance to the street but leave the Garage exit at St. John Street as is.

The concept design contemplates an intersection bulb-out to create a pedestrian gateway at the existing iconic arch at Santa Clara Street. This simple yet strong framework for pedestrianizing San Pedro can be further enhanced with upgrades such as special paving, water features, and public art. The central EVA lane/pedestrian walkway will be installed with colored concrete. The traffic signal system at the San Pedro and Santa Clara Streets intersection will be modified to permanently remove the left turn signal. Hydraulic bollards will be installed at both ends of San Pedro. Existing fire hydrants on the street will be relocated to maximize potential seating.

#### Fire and Life Safety Requirements

Businesses on San Pedro were originally designed to allow for immediate, unobstructed access to exterior doors and openings, fire hydrants, and Fire Department connections. This is essential for firefighters' access to execute timely fire suppression, evacuation, and rescue operations. The current temporary al fresco configuration on San Pedro significantly impedes Fire Department access. The proposed concept design incorporates 2022 California Fire Code requirements to provide an approved EVA and Fire Department access while providing for a safe non-emergency vehicle-free pedestrian walkway. The following California Fire Code requirements have been incorporated into the proposed design:

- EVA roads shall have an unobstructed width of not less than 20-feet and an unobstructed vertical clearance of not less than 13-feet 6-inches;
- Where a fire hydrant is located on an EVA road, the minimum road width shall be 26-feet for a distance equaling 20-feet before and after the hydrant location;
- EVAs in excess of 150-feet shall not have a dead end unless they are provided with an approved area for turning around fire apparatus. Given that the right-of-way is only 60-feet wide, there is no way to create a turnaround that meets California Fire Code requirements;
- The installation of security gates (hydraulic bollards) across an EVA shall be approved by the Fire Code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates shall be operational at all times.
- Fire hydrants shall be provided in an approved manner;
- Buildings equipped with a standpipe system installed shall have fire hydrants within 100-feet of the Fire Department connections;

- Unobstructed access to fire hydrants shall be maintained at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment and fire hydrants; and
- Immediate access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls, or any other fixed or moveable object. Access to Fire Department connections shall be approved by the Fire Code official.

#### Service Access

Accessibility of services, such as deliveries and garbage collection, has been one of the most difficult adjustments for businesses on San Pedro since the COVID-19-induced reconfiguration of outdoor business operations on the street; however, business owners and services providers have adjusted their operating procedures. Daily food and beverage deliveries occur in the freight loading zones (7:00 a.m. – 6:00 p.m.) on Santa Clara Street, Market Street, and Almaden Avenue. The current 30-minute parking zone on Santa Clara Street is utilized for deliveries as well as food pick-ups (e.g., Doordash and Grubhub). Garbage service occurs from Market Street, Santa Clara Street, or Almaden Avenue, with restaurant staff staging roll-away garbage bins on these streets for service. Coordinating garbage service has been most difficult for those businesses that do not have easy access or any access to a street other than San Pedro. The use of the central pedestrian walkway/EVA lane for service access in the new configuration during limited hours is a possibility. This access option will need further evaluation and coordination between businesses on San Pedro, the City, and service providers. Access for necessary utility maintenance is also a significant issue. Access to the sanitary sewer, sidewalk cleanouts, and storm catch basins on the street is imperative and must be maintained.

#### Garage Operations

The Garage has approximately 1,400 parking spaces and provides parking inventory not only for neighborhood businesses, but also for key economic drivers like the surrounding office buildings, SAP Center, Superior Court, residential towers, and numerous outdoor special events. San Pedro business owners have been clear throughout stakeholder outreach meetings that maintaining efficient ingress and egress to and from the Garage is of utmost importance.

The Garage, which was originally built in the 1960s, had three levels, with four entry lanes (two on San Pedro Street and two on Market Street) and one cylindrical exit ramp onto both streets. The Garage was expanded to six levels in the 1980s and maintained the original entry and exit design.

Pre-pandemic Garage occupancy regularly reached almost 90% during weekday business hours and 100% capacity during most SAP Center and outdoor events. As work patterns have evolved and remote work continues, occupancy now hovers around 50% during weekday business hours, and regular event attendance at the SAP Center has not yet returned to pre-pandemic levels, significantly impacting Garage occupancy.

The al fresco closure and loss of two Garage entry lanes over the last three years have generally been acceptable during non-event times. However, traffic delays and backups are regularly

observed along north and southbound Market Street during pre-event ingress operations. This is due in part to the pre-payment operations where customers pay a fixed amount for parking at entry to expedite exit after the event. The Department of Transportation has tried a post-pay operation where guests pay for parking after an event, but the simultaneous arrival of customers at the end of events resulted in unacceptable backups at pay stations and delays exiting the Garage. The Department of Transportation plans to introduce a reservation system this summer where customers can pre-purchase parking in advance of coming to the Garage and will monitor program adoption and impacts to ingress wait times.

Additional considerations that will impact the Garage’s operations include the eventual reconfiguration of Market Street as outlined in the City’s Better Bike Plan 2025. Pursuant to the adopted plan, Market Street will be reconfigured with protected bike lanes which will reduce the through travel lanes and may impact ingress and egress during peak times.

A consultant has been retained to perform an operational analysis to determine the degree of vehicle queuing impacts in the Garage and on Market Street with the proposed permanent closure of San Pedro, reconfiguration of Market Street, and the alternative San Pedro closure design which eliminates the San Pedro exit from the Garage. The cost for this analysis is \$32,000 and is included in the cost estimate provided in this memorandum.

Outdoor Seating for all Businesses

It was extremely important for City staff to evenly distribute the total amount of outdoor space gained by each business in the newly configured layout. The proposed long-term layout outlined in this memorandum provides the same amount of new outdoor activation space for each business on San Pedro. That is, there is consistently a 20’ depth of seating from the face of the building to the new pedestrian walkway/EVA lane up and down the street. Total additional space ranges from 330 square feet to 2,700 square feet based on the linear frontage of an individual business.

Estimated Project Cost

The following is a summary of estimated project costs for the street closure described in this memorandum, which is currently not funded:

Project Delivery Cost Elements:

|   |                    |
|---|--------------------|
| Public Works Staff and Consultant Design Services | \$1,840,000        |
| Construction management, and Inspection Services  | <u>\$1,540,000</u> |
| <b>TOTAL</b>                                      | <b>\$3,380,000</b> |

Construction Cost Elements:

|   |             |
|---|-------------|
| Demolition  | \$ 215,000  |
| Colored concrete pavement                               | \$1,666,000 |
| Concrete improvement                                    | \$ 519,000  |
| Electrical improvement (traffic signal and streetlight) | \$1,355,000 |
| Street Trees (25 new trees and tree grates)             | \$ 54,000   |

|                                 |                    |
|---------------------------------|--------------------|
| Replace Street Trees (34 Trees) | \$ 68,000          |
| Fire Hydrant Relocation         | \$ 492,000         |
| Hydraulic Bollards System       | \$ 403,000         |
| Green Street Infrastructure     | \$ 296,000         |
| Construction Escalation (10%)   | <u>\$ 507,000</u>  |
| <b>TOTAL</b>                    | <b>\$5,575,000</b> |

|                             |                    |
|-----------------------------|--------------------|
| Project Delivery            | \$3,380,000        |
| Construction                | \$5,575,000        |
| Contingency                 | <u>\$ 557,000</u>  |
| <b>TOTAL PROJECT COSTS*</b> | <b>\$9,512,000</b> |

\*Total estimated project costs do not include utility relocation, other utility-related expenses or the cost of conducting the Pedestrian Mall process as those costs are currently unknown.

The City’s overall investment in the project would include:

- Demolishing existing roadway and bringing it flush with the current sidewalk;
- Installing colored concrete in the new pedestrian walkway/EVA lane;
- Modifying all necessary traffic signals to facilitate the pedestrian walkway;
- Relocating all necessary fire hydrants;
- Installing hydraulic bollards at Santa Clara and St. John Streets;
- Exchanging the existing species of 34 street trees on San Pedro and installing 25 additional street trees to create enhanced shade canopy;
- Installing metal grates at the base of existing street trees;
- Installing upgraded storm drainage system to meet Municipal Regional Stormwater Provision C3 requirements for new development and redevelopment; and
- Maintenance and replacement of all elements in the public right-of-way.

Business/Property Owner investment in the project would include:

- Obtaining a Sidewalk Seating permit to utilize new outdoor seating space;
- Complying with all requirements outlined in the City of San José Parklet Program and Sidewalk Seating in the Public Right-of-Way Regulations;
- Paying an initial application fee for the Sidewalk Seating permit plus time and materials fees for associated review and inspection of the permit;
- Paying annual permit renewal and use fees for the private use of the public right-of-way;
- Furnishing and maintaining outdoor movable barriers and furniture (i.e., tables, chairs, planters);
- Maintaining all landscaping within their permitted sidewalk seating area; and
- Maintaining Americans with Disabilities Act access.

#### Pedestrian Mall Act Process to Permanent Street Closure

In order to achieve a permanent street closure and maintain the enhanced pedestrian atmosphere on San Pedro, the Pedestrian Mall Act must be implemented. Briefly summarized, establishing a pedestrian mall requires the following steps: 1) City Council adopting a resolution of intent to form the pedestrian mall; 2) a public notice process (which must be completed at least 90 days before the hearing); 3) City Council holding the public hearing; and 4) City Council's approval of an ordinance and rules and regulations governing the operation of the pedestrian mall. The Pedestrian Mall Act expressly permits the City to pay for costs from either 1) General Funds, 2) other available monies, or 3) the proceeds of assessments levied on lands benefited by the establishment of a pedestrian mall, the costs of the improvements occasioned by the creation and maintenance of the mall, as well as any damages allowed or awarded to any property owner by reason of the establishment of the pedestrian mall. The Pedestrian Mall Act also sets forth procedures required if there is any taking of property associated with the creation of the pedestrian mall, and the act further requires City Council to terminate the street closure proceeding if the owners of a majority of the frontage on the proposed pedestrian mall have made a written objection to the establishment of the proposed pedestrian mall. Staff anticipates the Pedestrian Mall Act process will take at least nine months to complete.

#### Interim San Pedro Condition

Because of the length of time it will take to complete the pedestrian mall conversion process and the additional time required for contracting and project construction, an interim solution is necessary to address fire and life safety along San Pedro. The current iteration of al fresco operations on the south end of San Pedro significantly restricts Fire and Police access in the event of an emergency. It creates challenges for stormwater drainage and for utility company access to equipment. After careful analysis and consideration of stakeholder feedback, staff has notified business owners that they must begin piloting the proposed long-term street closure solution if they wish to maintain outdoor dining operations in the public right-of-way on the street and at the same time prevent the return of vehicular traffic.

Piloting the potential long-term solution for the street at this time allows for sufficient emergency response, safe and equitable use of the public right-of-way, a vehicle-free pedestrian walkway, and incorporates the preferences expressed by many business owners. It also allows for coordinated special events through the Office of Economic Development and Cultural Affairs, such as themed running events and street festivals.

San Pedro will remain closed past June 30, 2023, through a series of Special Event Street Closure Permits issued by the Chief of Police pursuant to San José Municipal Code Chapter 13.14. Business owners who wish to continue with expanded sidewalk seating throughout the interim closure will be required to obtain a Sidewalk Seating permit from the Department of Public Works as of July 1, 2023.

### Configuration Options

Staff recommends moving forward with the concept plan to convert the existing temporary al fresco closure of San Pedro Street between W. Santa Clara Street and St. John Street to a permanent closure, while still maintaining the Garage's exit onto San Pedro (Attachment C). The San Pedro Street Garage exit could be closed for special events occasionally with adequate traffic control planning. In conducting the analysis, staff considered the following two options:

#### **Option 1: St. John Street Exit**

Relocate San Pedro Street Garage exit to a midblock exit onto St. John Street. (**Attachment C - Maintain Garage's Exit on San Pedro Street**)

**Pros:** This option would maintain exits to two street segments (Market and St. John Streets) and provide for the full closure of San Pedro Street between Santa Clara and St. John Streets.

**Cons:** A new driveway along St. John Street would have a compromised line of sight for egressing vehicles with westbound traffic through the curve and Market Street intersection, inadequate spacing/gap finding to the signal, and queuing space unavailable for egressing vehicles in either direction.

**Reason for not recommending:** Geometric standards would not be met with the implementation of Option 1. Additionally, this option creates operational and safety concerns.

#### **Option 2: Single Garage exit onto Market Street**

Design concept which eliminates the San Pedro Street exit and allows for the full closure of San Pedro Street between St. John and Santa Clara Streets. (**Attachment D - Eliminate Garage's Exit on San Pedro Street**)

**Pros:** This option will complete the San Pedro pedestrianization, allow more space for a small stage, event set-up area, and pop-up shops, and create a new "Market Entrance" at St. John Street.

**Cons:** This option design eliminates Garage egress capacity which will severely impact exiting times during peak occupancy periods.

**Reason for not recommending:** Maintaining an exit onto two separate streets is critical to reduce congestion during peak egress and provide an outlet in the event of external impacts such as construction or accidents.

### Estimated Project Timeline

Staff anticipates that the project timeline will be approximately 27 months from the time that project funding is secured. Currently, no project funding sources have been identified and therefore the exact timing of "Month 1" is unknown. The major elements of the project timeline are estimated as follows:



|   |              |
|---|--------------|
| Identification of Funding Source(s)               | Month 1      |
| Street Closure Layout Refinement and Finalization | Months 2-7   |
| Construction Documents and Contractor Selection   | Months 8-19  |
| Contract and Preconstruction                      | Months 20-22 |
| Construction                                      | Months 23-27 |

### **EVALUATION AND FOLLOW-UP**

If this report is approved, undertaking the permanent closure of San Pedro will require a formal closure of the public right-of-way to vehicles under the Pedestrian Mall Act. Staff intends to return to City Council by the end of Q3, or sooner if possible, with a resolution of intent to form the pedestrian mall, pending the identification of future funding. In the meantime, staff will complete the parking garage impact analysis. Staff will also conduct an analysis of necessary infrastructure modifications and conduct additional business and community engagement to address outstanding questions and understand more fully the business and community's aspirations for the street.

### **COST SUMMARY/IMPLICATIONS**

The estimated cost for the permanent street closure project is \$9,512,000, which includes project delivery, construction, and contingency. This project is currently not funded and if City Council directs staff to move forward with the permanent street closure, funding will need to be identified.

Prior to proceeding with a permanent street closure, staff will need to conduct additional community and stakeholder engagement which includes a parking garage impact study and the implementation of the Pedestrian Mall Act. The parking garage impact study is estimated to cost \$32,000, which can be absorbed within the Department of Transportation's existing budget in the General Purpose Parking Fund. Existing staff will be used to implement the Pedestrian Mall Act; however, there may be additional costs associated with implementation of the act that have not yet been identified.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

## **PUBLIC OUTREACH**

To date, outreach has been focused on stakeholders whose business or property is directly on San Pedro. It was important that staff first ensure buy-in from stakeholders most directly affected by any potential change in layout and/or access to the street. As expected, most business and property owner concerns are centered around loading/delivery and garbage access, Garage operations (speed of getting in/out of the Garage) during peak SAP Center events, emergency access, unanticipated delays that will extend the construction timeline, and City Council allocation of sufficient funding for the proposed design.

Staff presented the initial concept plan for San Pedro closure to the San José Downtown Association's San Pedro Square committee on January 24, 2023, and the final concept plan for San Pedro, with two alternative parking garage operation concepts, at a meeting of street-adjacent business and property owners hosted by the San José Downtown Association on March 15, 2023.

In addition to feedback received at each in-person meeting, staff received 10 e-mail responses from business/property owners after the initial concept plan was presented at the January 24, 2023 meeting. Eight responses were supportive of the plan as presented, one was opposed to a street closure due to service and access constraints, and one suggested the layout of the pedestrian walkway and emergency access be shifted eastward. Staff evaluated the proposed alternative layout and concluded this option did not meet California Fire Code requirements and would not provide an equal amount of usable area for businesses on the west side of San Pedro.

Broader and more extensive community outreach will be undertaken as part of the Pedestrian Mall Act process if staff is directed to proceed with the process by City Council.

This memorandum will be posted on the City's Council Agenda webpage for the May 23, 2023 City Council meeting.

## **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

## **CEQA**

Categorically Exempt, File No. ER23-080, CEQA Guidelines Section 15301, Existing Facilities.

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
NANCI KLEIN  
Director of Economic Development  
and Cultural Affairs

/s/  
JOHN RISTOW  
Director of Transportation

/s/  
MATT LOESCH  
Acting Director of Public Works

/s/  
ROBERT SAPIEN JR.  
Fire Chief, San José Fire Department

For questions, please contact Blage Zelalich, Deputy Director of Economic Development and Cultural Affairs, at 408-535-8172 or [Blage.Zelalich@sanjoseca.gov](mailto:Blage.Zelalich@sanjoseca.gov).

**Attachments**

- Attachment A: Concept Renderings and Section Views
- Attachment B: Concept Rendering Measurements and Section Views
- Attachment C: Maintain Garage's Exit on San Pedro Street
- Attachment D: Eliminate Garage's Exit on San Pedro Street

ATTACHMENT A  
Concept Renderings and Section Views  
(Page 1 of 2)



SAN PEDRO SQUARE PEDESTRIANIZATION - CONCEPT DESIGN  
MARCH 2023 GROUP 4 - SWA - BKF

ARCH - ALL-PEDESTRIAN CONCEPT



SAN PEDRO SQUARE PEDESTRIANIZATION - CONCEPT DESIGN  
MARCH 2023 GROUP 4 - SWA - BKF

MID BLOCK - PROPOSED EVENT ZONE

**ATTACHMENT A (continued)**  
**Concept Renderings and Section Views**  
**(Page 2 of 2)**



SAN PEDRO SQUARE PEDESTRIANIZATION - CONCEPT DESIGN

MARCH 2023 GROUP 4 - SMA - BKF

NORTH END - PROPOSED MARKET ENTRANCE

ATTACHMENT B  
Concept Rendering Measurements and Section Views  
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San Pedro Street – South End - Pre-COVID-19

**ATTACHMENT B**  
**Concept Rendering Measurements and Section Views**  
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**San Pedro Street – South End - Proposed**

ATTACHMENT B  
Concept Rendering Measurements and Section Views  
(Page 3 of 5)



San Pedro Street – Mid Block - Proposed



**ATTACHMENT B**  
**Concept Rendering Measurements and Section Views**  
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San Pedro Street – North End – Pre-COVID-19

**ATTACHMENT B**  
**Concept Rendering Measurements and Section Views**  
**(Page 5 of 5)**



**San Pedro Street – North End - Proposed**

**ATTACHMENT C**  
**Maintain Garage's Exit on San Pedro Street**  
**(Page 1 of 2)**



**ATTACHMENT C (continued)**  
**Relocate Garage's Exit to St. John Street**  
**(Page 2 of 2)**



**ATTACHMENT D**  
**Eliminate Garage's Exit on San Pedro Street**  
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