



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch  
John Ristow

**SUBJECT:** See Below

**DATE:** September 30, 2024

Approved

Date:

10/8/24

**COUNCIL DISTRICT: 6**

**SUBJECT: Actions Related to the 8813 – West San Carlos Street Urban Village Streetscape Improvements Project**

**RECOMMENDATION**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 8813 – West San Carlos Street Urban Village Streetscape Improvements Project to the lowest responsive, responsible bidder in an amount not to exceed \$7,800,000;
- (b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

**SUMMARY AND OUTCOME**

The 8813 – West San Carlos Street Urban Village Streetscape Improvements Project (Project) is funded in part by the One Bay Area Grant program. The grant deadline to award the Project is by December 2024.

Approval of the resolution will provide authorization to the Director of Public Works to award and execute a contract and will expedite the contract award process ensuring the Project is awarded by the December 2024 federal granting agency’s delivery deadline.

The 10% contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the Project.

## **BACKGROUND**

West San Carlos Street forms the spine of the West San Carlos Urban Village, connecting many local and regional destinations. This is a planned growth area that connects Downtown San José, Diridon Station, and the Los Gatos Creek Trail to the heart of western San José. In July 2016, the City of San José Department of Transportation submitted a grant application to the Metropolitan Transportation Commission's One Bay Area Federal Grant - Complete Streets Competitive Program. The grant was awarded for the Project to further develop the corridor into a safer complete street.

The Project is located along West San Carlos Street, from I-880 to McEvoy Street, (**Attachment A** – Location Map– West San Carlos Street Urban Village Streetscape Improvements.) The Project plans to implement measures to help reduce vehicle speeds and minimize conflicts with pedestrians and bicyclists by increasing awareness and visibility of these vulnerable users. Improvements include modifying intersection corners with bulb-outs to slow down turning traffic, adding and/or enhancing crosswalks, installing Americans with Disabilities Act-compliant curb ramps, rapid flashing beacons, and median islands. Additional upgrades involve modifying traffic signals, adding street lighting, and incorporating landscaping and green infrastructure to enrich the pedestrian realm along the corridor.

## **ANALYSIS**

The Project will be using federal funds available through the One Bay Area Grant program along with additional City funds. Authorizing the Director of Public Works to award and execute the contract for the construction of the Project will reduce the schedule by approximately six weeks. Shortening the typical timeline for contract award and execution will enable the City to award the Project within the federal granting agency's delivery deadline. Staff will evaluate the bids and provide a recommendation to the Director of Public Works for final determination as to the lowest responsive, responsible bidder to award the contract.

### *Contingency*

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings. The standard 10% contingency is appropriate for this Project.

### *Wage Theft Prevention Policy Check*

The Office of Equality Assurance will review bidders for compliance with the City's Wage Theft Prevention Policy before awarding the Project.

*Project Labor Agreement Applicability*

The City's Project Labor Agreement is applicable to this Project because the Engineer's Estimate is over \$1.21 million.

*Local and Small Business Outreach*

The Project will be publicly advertised through the City's contract portal, which will notify all available and capable contractors, including qualified local and small businesses. Each bidder will be reviewed to determine if the prime and subcontractors are local and small business enterprise for documentation purposes.

**EVALUATION AND FOLLOW-UP**

No additional follow-up action with City Council is expected at this time.

**COST SUMMARY/IMPLICATIONS**

The costs to operate and maintain for this Project by staff in the Department of Transportation are allocated in its department's Operating Budget. The source of funding for this Project is the Building and Structure Construction Tax Fund.

1. ESTIMATE COST OF PROJECT:

Project Delivery*	\$4,009,246
Construction (Engineer's Estimate)	7,800,000
Contingency	780,000
<b>TOTAL PROJECT COSTS</b>	<b>\$12,589,246</b>

\* Project delivery includes \$2,461,958 for planning and design services and \$1,547,288 for construction management, inspection services, survey, materials lab services, utilities, and project closeout costs.

2. COST ELEMENTS OF ENGINEER'S ESTIMATE:

Mobilization	\$391,120
Traffic Control	344,400
Demolition	713,600
Landscape Improvements	538,340
Traffic Signals Improvements	3,383,340
Civil Improvements	2,429,200
<b>TOTAL AGREEMENT/CONTRACT AMOUNT</b>	<b>\$7,800,000</b>

### **BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum.

Fund #	Appn. #	Appropriation Name	Total Appropriation	Amount for Contract	2025-2029 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
429	405J	W San Carlos Urban Villages	\$10,362,000	\$7,800,000	649	6/18/2024 Ord. No. 31102

\* The 2024-2025 Adopted Capital Budget was approved on June 11, 2024, and adopted on June 18, 2024, by the City Council.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney’s Office, the City Manager’s Budget Office, and the Planning, Building, and Code Enforcement Department.

### **PUBLIC OUTREACH**

During the Project preliminary phase, the Department of Transportation staff held a community meeting in conjunction with the West San Carlos Urban Village community meeting to present information about the Project to the public and solicit feedback. City staff also informed business owners regarding proposed driveway closures through verbal and written correspondence. Additionally, staff published the Project’s information on its webpage<sup>1</sup> to continue informing the community about Project progress.

Staff and the contractor will conduct additional outreach to the affected neighborhoods and businesses before the start of and during construction.

This memorandum will be posted on the City’s Council Agenda website for the October 22, 2024 City Council meeting.

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<sup>1</sup> <https://www.sanjoseca.gov/your-government/departments-offices/transportation/projects/west-san-carlos-urban-village-streetscape-improvement-project>

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### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities (**Attachment B** - Statement of Exemption, ER23-009, Citywide Right-of-Way Maintenance.)

### **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/  
MATT LOESCH  
Director of Public Works

/s/  
JOHN RISTOW  
Director of Transportation

For questions, please contact Mathew Nguyen, Public Works Deputy Director at [Mathew.Nguyen@sanjoseca.gov](mailto:Mathew.Nguyen@sanjoseca.gov) or (408) 535-8300.

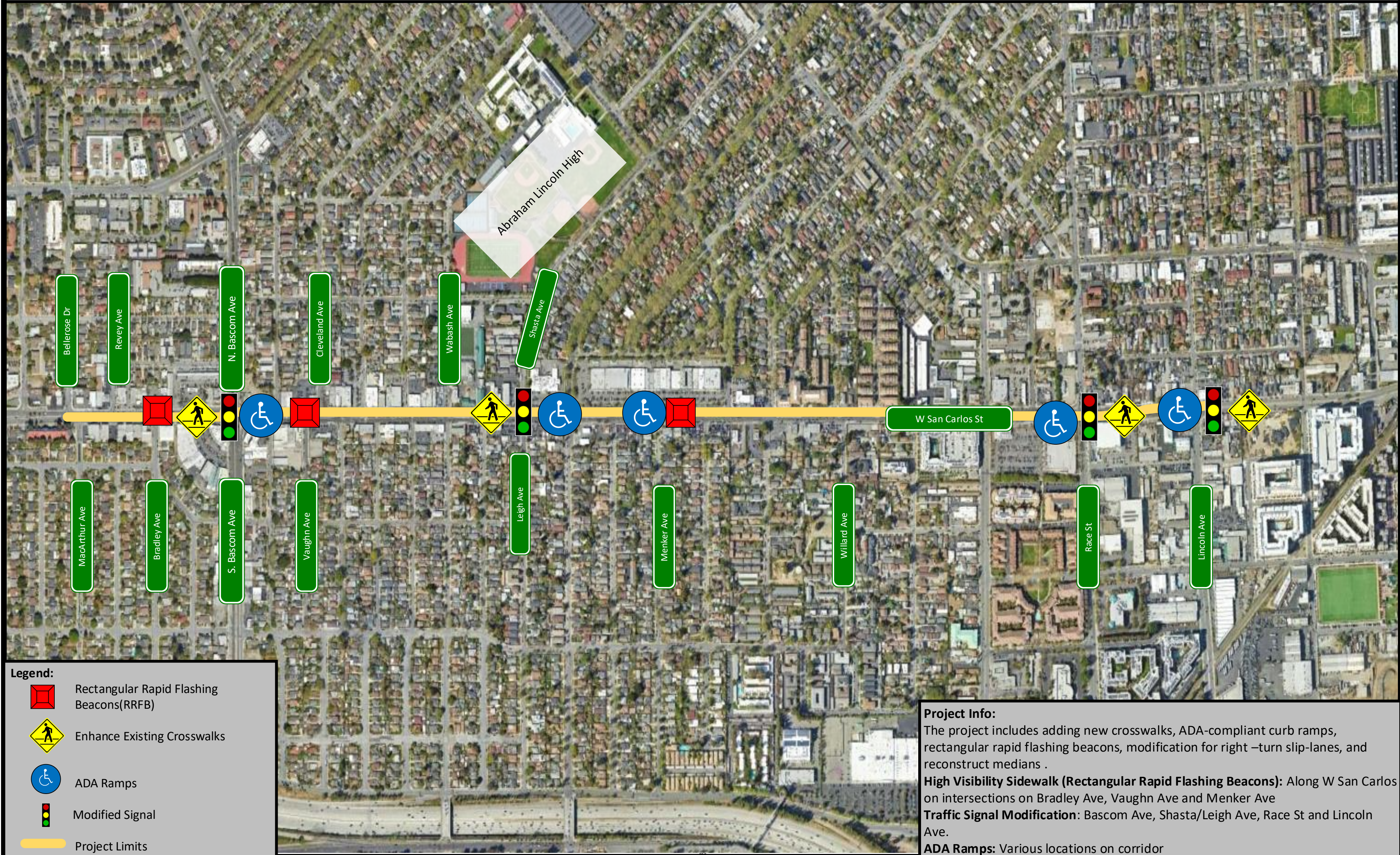
### **ATTACHMENTS**

Attachment A – Location Map – West San Carlos Street Urban Village Streetscape Improvements

Attachment B – Statement of Exemption, ER23-009, Citywide Right-of-Way Maintenance



# West San Carlos Street Urban Village Streetscape Improvements





**STATEMENT OF EXEMPTION**

<b>FILE NO.</b>	ER23-009
<b>LOCATION OF PROPERTY</b>	Citywide
<b>PROJECT DESCRIPTION</b>	<p>Citywide, time limited, exemption for maintenance and improvements within the existing public right-of-way (ROW). Projects which qualify to use this exemption include:</p> <ol style="list-style-type: none"> <li>1) A rehabilitation, maintenance, replacement, and/or repair project designed to improve the condition of existing transportation elements such as, but not limited to, bikeways, ADA ramps, bike parking facilities, traffic signals, sidewalks, median islands, chokers, bulb-outs, traffic circles, speed humps, radar speed, display signs, traffic signs, or other similar elements,</li> <li>2) A re-paving and/or curb markings project on existing streets, or</li> <li>3) other similar maintenance, repair, rehabilitation, and/or replacement activities in the public ROW without changes to the capacity of the existing streets.</li> </ol> <p><b>Any changes to the capacity of an existing signalized intersection or street closures will required further environmental review and are not subject to this exemption.</b> This exemption is limited to a five-year time frame and will expire <b>January 20, 2028.</b></p>

**CERTIFICATION**

Under the provisions of Section 15301(c) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15301. EXISTING FACILITIES**

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).

## ENVIRONMENTAL ANALYSIS

### *Project Description*

This project includes maintenance and/or improvement work to existing streets, sidewalks, gutters, bicycle lanes, and similar public right of ways to enhance their operation. Project improvements covered under this exemption could include but are not limited to the installation of: bikeways, ADA ramps, bike parking facilities, new traffic signals, sidewalks, median islands, chokers, bulb-outs, traffic circles, speed humps, radar speed, display signs, traffic signs, or other similar features in the public ROW. Other activities covered under this project could include the repavement or existing streets and/or curb markings of existing streets without changes to capacity of the ROW. Any proposed work that would include changes to the capacity on the existing roadways (i.e. reducing/increasing lanes) shall be subject to separate environmental review.

### *Analysis*

Consistent with CEQA Statute and Guidelines Section 15301 (c), the project would consist of repair, maintenance, and minor alterations to existing public rights-of-way with little to no expansion of use. The project would occur within existing, developed public ROW in the City of San José, in locations that are already disturbed by existing development of roadways, sidewalks, bicycle paths, or trails. Therefore, no rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the project areas. In addition, maintenance or improvement activities within the public ROW will not extend to structures or buildings that could be of historic value. The maintenance projects would comply with all applicable City's construction regulations and standards.

This project includes reconstruction and repair of existing streets and related facilities, and involves negligible or no expansion of the existing roadway uses. Therefore, the project qualifies for CEQA Guidelines Section 15301(c).

### *Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Section 15300.2(a) does not apply to the Class Category 1 of exemptions.
- (b) Cumulative Impact. The proposed project is for maintenance and improvement type of activities on existing, already disturbed, ROW with no further development and no changes to the capacity of the existing ROW. Projects under this exemption would improve the operations of the existing streets, roadways, bicycle and pedestrian facilities. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The proposed project site does not have any unusual circumstances that would negatively impact the environment and would not result in any significant effects on the environment.
- (d) Scenic Highways. The project does not anticipate to result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. If work is to be damage the scenic resources such as trees or historic buildings, rock outcropping or similar sources within a highway official designated as a state scenic highway, this exemption cannot be used.
- (e) Hazardous Waste Sites. No work will occur in areas included on any list compiled pursuant to Section 65962.5 of the Government Code. Work will be done within existing disturbed ROW.



- (f) Historical Resources. Physical work and changes will be done within existing ROW, where no buildings are present. Structures within the ROW (i.e. street lights, traffic signs, and similar features) are not identified as historic resources in the City of San José and most do not exceed 45 years of age; therefore, maintenance will not result in damages to any historic resources.

Cassandra van der Zweep  
Environmental Planning Manager

Christopher Burton, Director  
Planning, Building and Code Enforcement

Date January 20, 2023

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Deputy