



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Mayor Sam Liccardo
Vice Mayor Chappie Jones
Councilmember Raul Peralez

**SUBJECT: APPROVAL OF THE PAYNE AVE
MASTER PLAN LOCATED AT 3257
PAYNE AVE**

DATE: October 23, 2020

Approved

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RECOMMENDATION

1. Accept the recommendation to approve the Payne Ave Master Plan for a 1.9-acre neighborhood park with a two-step phasing plan at 3257 Payne Ave, including the approval of building a community center in Phase II of the Master Plan.
2. Direct PRNS staff to maintain the KaBOOM! playground for public use for as long as possible, until imminent removal during Phase I of the proposed Master Plan.

DISCUSSION

Payne Ave Park, also known as Pueblo de Dios, is located on Payne Ave between the Eden and the Cadillac Winchester Neighborhoods in Council District 1. Throughout the community engagement process and release of the Master Plan, the Office of Vice Mayor Jones and Parks, Recreation & Neighborhood Services (PRNS) received input from various stakeholders and community members pertaining to their vision of this site. In total, PRNS hosted five community meetings and the Office of Vice Mayor Jones held several follow up meetings to address questions and concerns brought forth by the community. We are grateful that neighbors and community members took the time to participate and make their voices heard in this process.

Likewise, we acknowledge and appreciate the extensive number of hours that PRNS staff have committed to creating a comprehensive and inclusive Master Plan which addresses a majority of the concerns and comments voiced by members of various community stakeholder groups. In Phase I, the plan will result in additional greenspace, a state-of-the-art play area, a fitness station, expanded access to the community garden, and improved lighting. In Phase II, the plan will result in a community center which will provide much-needed services and resources to the surrounding community.

The Cadillac Winchester Neighborhood Association (CWNA) has audibly expressed the necessity and desire for a community center within close proximity to their neighborhood. The neighborhood is located south of the proposed site and was the first Project Hope site in the City of San José; for this reason, listening to the voices of the Cadillac Winchester Neighborhood in the community engagement process was pertinent. They expressed the need for a community center for reasons including but not limited to:

- lack of access to community gathering spaces without walking through gang hotspots
- lack of access to resources such as food pantry, senior services, educational classes
- lack of access for youth recreation, counseling services, after school activities, youth volunteer opportunities, and summer programs
- increases in juvenile crime, gang activity, and loitering

We value the input provided by individuals from the Eden neighborhood, suggesting that residents can travel to nearby community centers located in Campbell. However, as residents of San José, the Cadillac Winchester neighborhood is entitled to access to resources and services located within the City of San José. For these reasons, we support Phase II of the Master Plan to install a community center at the location when funding has been secured.

Other community members, located north of the site, have expressed that they are against the removal of the KaBOOM! playground which was installed by the community before the City procured the property. The Department of Public Works has analyzed the playground and identified safety and liability issues associated with the structural integrity of the equipment. The playground's concrete footings, which act as the foundation, do not meet the City's minimum specifications for concrete compression strength and base rock content or depth. The KaBOOM! playground foundation is constructed of 2500 PSI (pounds per square inch) concrete. 2500 PSI concrete has less cement, which acts as an adhesive agent, and does not provide the level of strength or stability offered by the City's 3000 PSI specification. Swings, slides, and play upon structures places force upon the playground structure. The lateral motions are absorbed by the footings to prevent instability or collapse over time. The City adheres to a 3000 PSI concrete standard for playground footings for public safety and longevity of structures. In terms of liability, assuming the playground as a City facility will create a documented instance of not meeting minimum City specifications for playground installations. Furthermore, the City could face liability should the play structure not operate as intended.

Additionally, it is important to note that the playground was built in 2014 and has an average life span of 5 to 10 years. PRNS plans to maintain the playground for as long as possible for public use until Phase I construction begins. The playground would not be accessible during construction, during which the entire site would be closed off to the public. Once construction is complete, the playground would be near the end of its lifespan. For these reasons, we recommend that PRNS move forward with the proposed Master Plan to eventually remove the playground during Phase I, while keeping the KaBOOM! playground accessible to the public for as long as possible. In the meantime, PRNS will continue to closely monitor the playground. We respect and acknowledge that there is a community connection associated with the KaBOOM! playground and members are dismayed to see it replaced. PRNS plans to include the community, and potentially the Shark's Foundation, in the design and installation of the new playground.

We recognize that it is not possible to appease every contention brought forth by this process. Nonetheless, the Master Plan is extensive and thorough. We thank PRNS staff, Project Hope

staff, and members of the community for working collaboratively to address these concerns to the best of their ability. We believe that the implementation of this Master Plan will benefit the community in numerous ways, namely by providing intrinsic environmental and recreational benefits, improving the quality of life, and establishing a vital gathering space for all constituents to utilize and enjoy.

BROWN ACT

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.