

Memorandum



COUNCIL AGENDA: 4/4/23
FILE: 23-466
ITEM: 7.2

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli

SUBJECT: SEE BELOW

DATE: March 13, 2023

Approved

Date

3/22/23

COUNCIL DISTRICT: 3

SUBJECT: ACTIONS RELATED TO THE URBAN CONFLUENCE SILICON VALLEY BREEZE OF INNOVATION PROJECT

RECOMMENDATION

- (a) Accept this report on Urban Confluence Silicon Valley's Breeze of Innovation.
- (b) Approve Urban Confluence Silicon Valley's proposal to consider Plaza de Cesar Chavez for the Breeze of Innovation project.
- (c) Accept outline for proposed Stakeholder Outreach Plan per Neighborhood Services and Education Committee recommendation.
- (d) Approve Schedule and Report Outline for future updates to the Neighborhood Services and Education Committee.

SUMMARY AND OUTCOME

This action would approve Urban Confluence Silicon Valley's reconsideration of Plaza de Cesar Chavez as the Breeze of Innovation project site. Funding for Breeze of Innovation's project development phases (including studies, design, engineering, construction management, etc.) will be raised by Urban Confluence Silicon Valley.

BACKGROUND

The Breeze of Innovation project has been guided by Urban Confluence Silicon Valley, also known as San José Light Tower Corporation, a 501(c)(3) non-profit organization. Urban Confluence Silicon Valley is led by a 14-person Board of Directors. The stated intent of Urban Confluence Silicon Valley is to provide a gift to San José that will build civic pride by drawing

residents and visitors to an active destination and enhance economic development in the downtown core.

Urban Confluence Silicon Valley conducted a Phase I Competition to gather project submissions by July 2, 2020. A jury reviewed all submissions and identified three finalists for formal submissions. The formal submissions submitted by the finalists informed Phase II of the competition. In late September 2020, the three preferred concepts for Arena Green (within Guadalupe River Park) were announced by Urban Confluence Silicon Valley. On March 6, 2021, the jury met to evaluate the three Phase II submissions. The winning design was *Breeze of Innovation* submitted by architects Fer Jerez and Belen Perez De Juan with SMAR Architecture Studio. Breeze of Innovation is envisioned as an iconic 200 feet tall structure, to serve as a global icon for San Jose and destination for residents and visitors. Urban Confluence Silicon Valley has been working with SMAR Architecture Studio to execute a design contract to support development of Breeze of Innovation.

On March 12, 2019 (item 5.2), the City Council unanimously approved use of Arena Green as the project location. Arena Green was the top ranked site per the San Jose Light Tower Site Selection Report prepared by Steinberg Hart on behalf of Urban Confluence Silicon Valley and in collaboration with the City of San José. Arena Green is about 15 acres and developed with a playground, turf, tennis and futsal courts, the Guadalupe River Trail, shade trees and landscaping, and hosts the public art piece “Five Skaters”. The study considered seven downtown sites for development of the project, including Plaza de Cesar Chavez.

Urban Confluence Silicon Valley executed a funding agreement to support all staff and consultant time for the project as it develops. The agreement identifies Arena Green of Guadalupe River Park as the site for the project. The funding for this project was part of the 2022-2023 Adopted Budget.

The City Council asked to be engaged throughout the process. Staff expects that regular reporting and approvals by the City Council will be required. In past presentations to the City Council, the idea was discussed that an endowment, private fund raising, and/or earned income could be sources for a long-term operational budget.

The City Council and the Neighborhood Services and Education (NSE) Committee have received progress reports on the project. The City Council has taken several actions to support advancement of the project (**Attachment**).

ANALYSIS

Guadalupe River Park’s Arena Green was identified as the preferred project site per a Site Assessment Study. The study considered seven downtown sites including Plaza de Cesar Chavez. In early 2022, the Urban Confluence Silicon Valley Board of Directors determined that further investigation of Plaza de Cesar Chavez is warranted because it is not along a river, avoids riparian channel impacts, and for many other reasons.

Urban Confluence Silicon Valley Board's preference for Plaza de Cesar Chavez is primarily for three reasons:

1. It offers the best opportunity to fulfill the City's goals related to community diversity, equality, and inclusion in all aspects related to development of an iconic landmark.
2. Plaza de Cesar Chavez is the true center of San José which can be planned as a 21st century park that accommodates all stakeholders.
3. Plaza de Cesar Chavez was considered as part of the San Jose Light Tower Site Selection Report, ranking the plaza as the second preferred site after Arena Green. The Urban Confluence Silicon Valley Board believes that another site study for Breeze of Innovation is not necessary because it is the only site being considered by Urban Confluence Silicon Valley (see table below for key challenges at Arena Green and attributes at Plaza de Cesar Chavez).

Urban Confluence Silicon Valley proposes that the City Council allow Urban Confluence Silicon Valley to further consider Plaza de Cesar Chavez as a possible site for Breeze of Innovation. Urban Confluence Silicon Valley obtained an assessment from and prepared by ParkLab, an urban land use consultant, to evaluate the strengths and weaknesses of the selected site. ParkLab advised the Executive Director for Urban Confluence Silicon Valley of several site constraints that require consideration. Urban Confluence Silicon Valley would document its finding about Arena Green and preference for Plaza de Cesar Chavez as part of a future report to City Council.

Arena Green: Challenges		Plaza de Cesar Chavez: Attributes
Proximity to river		Walking distance from other destinations
Low levels of regular activation		Best known park in downtown San José
Framed by a freeway on along eastern edge		Existing programming (festivals, events)
Impacted by flight path		Popular venue, with its large decorative water fountain and scheduled events

Once the Breeze of Innovation concept was selected through the juried competitive process, a site study ranked sites based upon specific criteria but did not include possible negative effects of the project on the environment. Had this criterion been included, Arena Green would likely have not been selected as the preferred site.

The confirmation of Plaza de Cesar Chavez will support Urban Confluence Silicon Valley in fundraising for stakeholder and community outreach, studies, and reports needed by the City Council to approve future development milestones, preparation of a Park Master Plan if approved by City Council, and many other expenses.

Coordination with Christmas in the Park

At the NSE Committee's December 8, 2022 meeting, Urban Confluence Silicon Valley was asked to outreach to Christmas in the Park (CitP) for feedback on potential development of the project at Plaza de Cesar Chavez. The Urban Confluence Silicon Valley Executive Director met with the CitP Board on January 18, 2023.

Per Debbie Degutis, Program Director for CitP, the CitP Board had a few questions about the anticipated duration of construction, design details, and if the project might remove space currently programmed by CitP. The CitP Board expressed interest to re-engage after Urban Confluence Silicon Valley has studied use of the park as a preferred site.

Proposed Outreach Plans

Per the City Council actions on May 4, 2021 (item 7.1), Staff was asked to devise an outreach strategy for Citywide engagement (Community Outreach Plan). Engagement at a Citywide level would be led by Urban Confluence Silicon Valley, with oversight by the Parks, Recreation, and Neighborhood Services Department and likely conducted with outreach consultant support. Staff continues to work on the plan that would seek a robust effort to engage all residents.

For the Stakeholder Outreach Plan, Urban Confluence Silicon Valley will continue to collaborate with the City on outreach regarding the project to ensure stakeholders and community groups are informed and engaged about the project. The table below represents the outreach requested by the City Council as a recommendation (March 12, 2019, Item 5.2). This table does not identify the future Community Outreach Plan or outreach with a related Park Master Plan if the City Council makes a recommendation on that approach and confirms Plaza de Cesar Chavez as the preferred site.

City Council support for this proposal (Action c. of this memorandum) would confirm that this Stakeholder Outreach Plan will be used.

Stakeholder / Community Group	Frequency of engagement
Event operators (including CitP, Music in the Park, San José Jazz Summer Fest, San José Fountain Blues & Brews Festival, and United Airlines Rock N Roll San José Half Marathon)	Introduction meeting (1), followed by discussion of anticipated operations to understand the access/egress needs, primary entry points, circulation, mobilization of equipment, and other event-related tasks that need to be accommodated with development of the project.
Neighbor Groups (business community, neighborhood groups, San José Downtown Association)	Introduction meeting (1). Expect future engagement as part of a Park Master Plan outreach process.
Parks, Recreation and Neighborhood Services (Parks Division, Special Permits Unit)	Introduction meeting (1) to gain information about regular site management and maintenance, and the conditions for accommodating current and future events.
Parks and Recreation Commission	Report on project (one per year)
Public Arts Commission	Report on project (one per year)
City Council	Seek approvals to advance project. Deliver reports and studies as requested by City Council or staff.

Schedule and Report Outline

Per NSE Committee request, the below table includes a proposed schedule and report outline for outreach to specific stakeholder and community groups.

NSE Committee	Reporting cycle (two reports per year). Outline: 1) Review status, 2) Review response to City Council actions, 3) Review project timeline.
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The outreach efforts will be clear about the need for fundraising, but stakeholder and community meetings will be used solely for engagement and planning activities. Fundraising will be conducted by Urban Confluence Silicon Valley independent of City staff and independent of outreach meetings.

EVALUATION AND FOLLOW-UP

Given its size, complexity, and potential operational impacts and costs, this project is expected to return to City Council numerous times in the future. An inventory of prior City Council actions is documented in the attachment - City Council Actions.

COST SUMMARY/IMPLICATIONS:

Approval of the Urban Confluence Silicon Valley's proposal to consider Plaza de Cesar Chavez will have no cost implication. Urban Confluence Silicon Valley is to fundraise for project implementation.

Staff charges and the Moore Iacofano Goltsman Inc. contract are funded by a *Funding and Reimbursement Agreement* executed by the City and Urban Confluence Silicon Valley in October 2021. Staff support and consultant coordination services from Moore Iacofano Goltsman Inc. via contract service order have supported technical assistance.

BUDGET REFERENCE

The table below identifies the fund and appropriation to fund staff and contractual services to support Urban Confluence Silicon Valley in considering the steps needed and reports requested by City Council. This documentation would support a future City Council discussion on development of the project.

Fund #	Appn #	Appn. Name	Total Appn	Rec. Budget Action	Amt for Contract	2022-2023 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
380	427V	Urban Confluence Silicon Valley	\$223,000	N/A	N/A	540	10/18/2022 Ord. No. 30833

COORDINATION

The memorandum was coordinated with the City Attorney's Office, City Manager's Budget Office and Department of Planning, Building and Code Enforcement.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 4, 2023 City Council Meeting. Urban Confluence Silicon Valley has conducted numerous community meetings in the past including, the following:

- Video-based community meetings on February 10, 12, 18, and 23, 2021 and March 2, 2021.
- Meeting with NSE Committee (most recently on December 8, 2022).
- Meeting with the CitP Board on January 18, 2023.
- Community outreach meetings in April 2021.
 - Videos of each meeting are on the project web site (urbanconfluencesiliconvalley.org) along with a list of questions that were asked by attendees.
- Community outreach meetings during the competition process.
 - List of community meetings can also be found on the project website under the Community Meetings header.
- Urban Confluence Silicon Valley and City staff conducted multiple community engagement meetings at Arena Green.

COMMISSION RECOMMENDATION AND INPUT

The final rankings for the Urban Confluence Silicon Valley competition were presented to the Public Art Committee on the evening of Tuesday, April 6, 2021. The Public Art Committee accepted the staff report that reported on the jury rankings (with number one ranked finalist selection, Breeze of Innovation) and the work plan for next phases of project development. No action was needed or taken by the Public Art Committee.

The final rankings for the project were presented to the Parks and Recreation Commission on April 7, 2021. The Parks and Recreation Commission approved the recommended action to accept the jury rankings and the proposed work plan with a 5-3 vote. Parks and Recreation Commission.

CEQA

Not a Project, File No. PP17-007 Preliminary direction to staff and eventual action requires approval from decision-making body and File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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/

JON CICIRELLI

Director of Parks, Recreation and
Neighborhood Services

The principal author of this memorandum is Sara Sellers, Interim Deputy Director. For questions, please contact Interim Deputy Director Sellers at sara.sellers@sanjoseca.gov.

ATTACHMENT – City Council Actions

ATTACHMENT – CITY COUNCIL ACTIONS

Refer to City Clerk’s website for City Council agenda, resolutions, and synopsis:

<https://www.sanjoseca.gov/your-government/appointees/city-clerk>)

Date	Item	Action
May 1, 2018	5.1	<ol style="list-style-type: none"> 1) Endorse the concept of an artistically inspired and iconic structure as a gift to the City of San José, and 2) Authorize Parks, Recreation, and Neighborhood Services Department and the Office of Economic Development and Cultural Affairs to coordinate with Urban Confluence Silicon Valley in performing a site selection study.
March 12, 2019	5.2	<ol style="list-style-type: none"> 1) Accept site at Guadalupe River Park Arena Green as the highest-ranking location. 2) Endorse the San José Light Tower Corporation’s plan to proceed with an International Ideas Competition for landmark proposals for the Arena Green site. 3) Form a jury of 11 persons, representing a diverse set of stakeholders. 4) Provide a timeline for additional community engagement including input during key milestones of the process.
May 4, 2021	7.1	<ol style="list-style-type: none"> 1) Accept staff report, ranking of three finalists, and <i>Breeze of Innovation</i> as winning design. 2) Approve the expected work plan for next phases of development. 3) Acknowledge the staff and budget resources required to advance the project.
May 3, 2021 (Councilmember Dev Davis Memorandum)		<ol style="list-style-type: none"> 1) Urban Confluence Silicon Valley (identified as SJLTC) will pay for City staff time spent preparing a work plan and future work on the project; staff will provide clear description of services rendered. 2) Staff and Urban Confluence Silicon Valley will establish a pay/fee schedule to ensure that the City’s budget is not encumbered or at risk by the project. 3) Staff will return to the City Council with ideas for how to mitigate light impacts on wildlife, airport operations, and nearby neighborhoods when the environmental impact report comes to the City Council for certification. 4) Staff will provide quarterly updates to the Neighborhood Services and Environment Committee and periodic updates to the Parks and Recreation Commission. 5) Staff will devise an outreach strategy for Citywide engagement, and that highest environmental excellence standards will be avoided, rather than mitigate impacts to the environment. (Per amendment by Councilmember Davis)
December 8, 2022		<ol style="list-style-type: none"> 1) Directed staff to present a report to the entire City Council after Urban Confluence Silicon Valley receives feedback from Christmas in the Park, the 501(c)(3) operator for Christmas and holiday programming at Plaza de Cesar Chavez. 2) Staff report is to provide guidance on a robust outreach process that would be followed by the Urban Confluence Silicon Valley.