



Legislation Details (With Text)

File #: 16-170 **Version:** 1 **Name:**
Type: Consent Item **Status:** Passed
File created: 4/20/2016 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority
On agenda: 5/2/2016 **Final action:** 5/2/2016
Title: SUBJECT: Street Closure Request #16-07 for N Street During Construction of the UC Merced Downtown Center for Turner Construction on Behalf of UC Merced

REPORT IN BRIEF

Turner Construction, on behalf of UC Merced, is requesting the closure of N Street and adjacent sidewalks during the construction of the UC Merced Downtown Center from June 1, 2016, through November 30, 2017.

RECOMMENDATION

City Council - Adopt a motion approving the street and sidewalk closures as requested below by Turner Construction on behalf of UC Merced, from June 1, 2016, through November 30, 2017, subject to the conditions listed in the body of this report.

Requested street and sidewalk closures: Northbound lane (east side) of N Street between West 18th Street and West 19th Street; Sidewalk on north side of West 18th Street between N Street and Alley access into Merced Center Arcade; and Sidewalk on east side of N Street between West 18th Street and West 19th Street.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att 1--Location Map-St Closure 16-07.pdf, 2. Att 2--Construction Logistics Maps-St Closure 16-07.pdf, 3. Att 3--Traffic Committee Request.pdf, 4. Att 4--Notification of Pending St Closure 16-07.pdf

Date	Ver.	Action By	Action	Result
5/2/2016	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

Report Prepared by: Kim Espinosa, Planning Manager, Development Services Department

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ALTERNATIVES

1. Approve, as recommended by the Traffic Committee and staff; or,
2. Approve, subject to modifications as conditions by Council; or,
3. Deny the request completely; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue the item to a future Council meeting (date and time to be specified in City Council motion).

AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Sections 21100(a) and 21101€, the latter as follows:

“21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

- (e) Temporarily closing of a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of street during the temporary closing.”

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Applicant's Request

Turner Construction, on behalf of the University of California, Merced, is requesting the closure of the northbound lane of N Street between West 18th Street and West 19th Street and adjacent sidewalks along West 18th Street and N Street for the construction of the new UC Merced Downtown Center at the northeast corner of N Street and West 18th Street (Attachment 1). The closure would be from June 1, 2016, through November 30, 2017, and would accommodate the construction activities and ensure the safety of pedestrians around the construction site. A groundbreaking event is also expected to be held in the closure area and on the project site on June 8, 2016. The requested closure is less than 400 feet, which can normally be authorized by City staff. However, because of the length of time for the closure, City Council action is requested.

At least seventy-two hours (three days) prior to the street closures, the event organizers are required to notify nearby businesses and residences within one half-mile of the affected streets (Condition #5). To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given, and staff has prepared a standard form that the event sponsor shall complete,

photocopy, and distribute to businesses and residences within the stated area (Attachment 4). A signed copy of this form shall also be given to Planning Department staff as soon as those businesses and residences are notified for confirmation.

Traffic Committee Action

On March 8, 2016, the request was considered by the Traffic Committee. See Attachments 2 and 3 for the street closure request and associated construction logistics maps. The Traffic Committee unanimously voted 5-0 to recommend the request be approved, contingent on City Council approval.

Conditions of Approval

The street closure will be subject to the following conditions, if approved:

1. By applying for the street closure request, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold the City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by the City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.
2. Prior to engaging in the event, Event Sponsor shall provide the City with a Certificate of Liability Insurance evidencing coverage in an amount of no less than \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this coverage, naming the City of Merced, its Officers, Employees, and Agents as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City. Certificates of Insurance shall also be provided for Automobile insurances of all automobiles used for the event. If the Event Sponsor has any employee(s), full workers' compensation insurance shall be provided with a limit of at least \$100,000 for any one person as required by law.
3. Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.
4. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least

twenty-four (24) hours prior to towing of vehicle(s) per California Vehicle Code Section 22651 (m).

5. Event sponsor shall contact all businesses and residences affected by the street closures, advising them of the hours, conditions, and reason thereof within one half-mile of the closure area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 4).
6. The Applicant shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the construction prior to the expiration of the closure permit.
7. The Applicant shall coordinate with Public Works staff at (209) 385-6800 if City Refuse service is needed during the construction.
8. Event sponsor shall provide emergency vehicle access into and through N Street at all times via moveable or drive-over barricades at the intersections of West 18th and 19th Streets. Fire hydrant access shall not be blocked at any time whatsoever.
9. Event sponsor shall provide adequate supervision throughout the closure area and surrounding intersections to ensure the safety of the participants and the public gathered during the groundbreaking ceremony, as required by the Police Department.
10. During the groundbreaking ceremony on June 8, 2016, the Permittee shall be responsible for ensuring any and all food booth and other vendors shall obtain business licenses with the City of Merced (if not currently licensed) and/or Merced County Department of Health permits (for food service) prior to the groundbreaking event. Addition of these activities shall require Special Events Insurance be obtained (see City of Merced Insurance Department).
11. No alcoholic beverages may be served or sold at the groundbreaking event.
12. 18th Street, the southbound lanes of N Street, the alley adjacent to the Merced Center Arcade, and all other adjacent City rights-of-way to the construction site and closure area shall be maintained free of all construction debris at all times. If construction debris does drift into these areas, it shall be cleaned and removed immediately.

All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

IMPACT ON CITY RESOURCES

No City resources will be necessary during construction. However, during the groundbreaking event on June 8, 2016, there may be some limited use of City resources to make sure street and sidewalk closures are in place, refuse containers are available, the Civic Center is ready to welcome guests and serve as a cooling center, traffic is appropriately directed, mobile food truck locations, and other typical event related functions. The UC is anticipating 500 to 1,000 in attendance.

ATTACHMENTS

- 1) Location Map

- 2) Construction Logistics Maps
- 3) Traffic Committee Request
- 4) "Notification of Pending Street Closure" form