



City of Palo Alto

City Council Staff Report

(ID # 8582)

Report Type: Consent Calendar

Meeting Date: 4/2/2018

Summary Title: Park Improvement Ordinance for Baylands Boardwalk

Title: Adoption of a Park Improvement Ordinance for Replacement of the Baylands Boardwalk (PE-14018)

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends Council adopt and approve a Park Improvement Ordinance (PIO) for the Baylands Boardwalk Improvement Project (PE-14018) at Lucy Evans Baylands Nature Interpretive Center located within the Baylands Nature Preserve (Attachment A).

Executive Summary

The Baylands Boardwalk Improvement Project (Project) includes replacement of the existing boardwalk at the Lucy Evans Baylands Nature Interpretive Center (Interpretive Center) with a new accessible boardwalk of the same length and on the same alignment.

Staff presented the preliminary design of the proposed project in several public meetings, including the Parks and Recreation Commission (PRC) and Architectural Review Board (ARB). With extensive input received in these meetings and discussions with regulatory agencies, staff developed a project improvement plan containing the following key elements:

1. Demolition and replacement of the existing boardwalk
2. Observation platform and intermediate overlooks
3. Railings
4. Bird-safe intermittent viewing glass or wire mesh panels
5. Perch deterrent rollers attached to the top of railings

6. Decking
7. Piles/posts and supports
8. Benches
9. Wood staining and metal painting
10. Rub rail/handrail

Section 22.08.005 of the Palo Alto Municipal Code requires that Council must approve and adopt a plan covering the proposed improvements before any substantial building, construction, reconstruction or development is approved on dedicated parkland.

Background

The existing boardwalk was constructed in 1969 and rehabilitated in 1980. Due to structural damage and safety concerns, the boardwalk was closed in March 2014. After minor structural repairs, a 200-foot segment of the boardwalk between the Interpretive Center and first overlook was opened to the public. In March 2016, a feasibility study determined the existing boardwalk to be structurally unsound and needs replacement. The PRC supported the findings of the study to replace the existing boardwalk ([Staff Report](#)). In September 2016, Council approved a contract with Biggs Cardosa Associates to provide design services for the proposed boardwalk ([CMR 6669](#)).

In August 2017, staff presented the preliminary boardwalk design to the PRC ([Staff Report](#)) and in September 2017, the PRC voted 4-3 to recommend approval of the PIO to Council for the project ([Staff Report](#)). Commissioners voting against the PIO had the following concerns:

1. The proposed higher boardwalk would not provide users the unique experience they would get with a lower boardwalk, closer to the salt marsh.
2. The raptor perch deterrent rollers, which will be attached to the top of the railing, could potentially lead to slipping hazards as the rollers move. PRC requested adding a handrail to provide additional stability.
3. The California Environmental Quality Act (CEQA) document was in public circulation at the time of the meeting (from 9/15/2017 to 10/16/2017). The Commissioners were hesitant to recommend approval of the PIO before CEQA completion.

It was decided that staff would provide the PRC an informational update with further clarifications on their concerns after the ARB hearing and upon CEQA completion.

The ARB recommended Architectural Review (AR) approval of the project to the Planning Director on October 19, 2017 ([ARB Meeting Minutes](#)). In November 2017, the Director approved the project and adopted the Mitigated Negative Declaration (MND) prepared in accordance with CEQA. To address the PRC's September 26, 2017 concerns, staff provided an informational update to the PRC on January 23, 2018, and discussed CEQA and ARB review comments, design updates addressing the ARB and PRC comments, and regulatory requirements and limitations governing the proposed design ([Staff Report](#)). The PRC was satisfied with the information presented and supportive of the project, and expressed a desire to complete construction soon, pending issuance of the regulatory permits. ([Meeting Minutes](#)).

Discussion

The project includes demolition of the existing boardwalk, an approximately 850-foot long by 4-foot wide timber structure, and replacing it with a new, Americans with Disabilities Act (ADA) compliant boardwalk of the same length and on the same alignment as the existing boardwalk. The new boardwalk will be 5 feet wide and at the same deck elevation as the Interpretive Center. The new boardwalk structure (railings, decking, supports, piles, etc.) will be constructed of various types of timber elements to match the existing structure style and character, and is expected to have a life span of 50 to 75 years. There will be one observation platform at the far end of the proposed boardwalk, and four intermediate overlooks along the structure. Benches with back and arm rests, viewing panels, and sign rails to mount interpretive signage (under a separate future contract) will be provided at the intermediate overlooks and observation platform. Similar to the existing structure, the new boardwalk will have lockable gates to provide access at the interface of the existing Pacific Gas and Electric catwalk where it crosses the existing boardwalk, roughly at 400 feet from the Interpretive Center.

The project requires the following regulatory permits and guidance before construction. All permit applications were submitted to the regulatory agencies in

September/October 2017 and are under their review:

- United States Army Corps of Engineers (USACE) Section 404 Nationwide Permit
- California Regional Water Quality Control Board (RWQCB) Section 401 Water Quality Certification
- San Francisco Bay Conservation and Development Commission (BCDC) permit
- United States Fish and Wildlife Service (USFWS) endangered species consultation

Discussions with the PRC during the approval process focused on the following two areas:

- Boardwalk height: In regard to the PRC's comment on lowering the boardwalk, staff explained the regulatory requirements and limitations that governed the proposed boardwalk height. The proposed project is in the BCDC jurisdiction and the BCDC policies mandate projects located within their jurisdiction be designed to be resilient to accommodate projected sea level rise. The proposed boardwalk height was determined in consultation with the BCDC to comply with these policies. For context, the existing boardwalk deck is approximately 2.1 feet above the ground surface, whereas the proposed boardwalk will be approximately 5.7 feet above the ground surface (*i.e.* the proposed boardwalk will be approximately 3.6 feet higher than the existing boardwalk). A higher boardwalk will also lessen impacts to the marsh by reducing shading and allowing more sunlight for vegetation growth beneath the boardwalk.
- Raptor deterrent rollers: Per the PRC and ARB suggestions, and to address PRC's concerns about the raptor deterrent rollers posing slipping hazards, staff included a rub rail/handrail on the inside face of both sides of the boardwalk railing to provide additional user stability. The rollers were added to the top of the railing per input received from the USFWS as the agency was concerned that the proposed higher boardwalk railing would provide opportunities for raptor perching/predation.

Based on the input received from the public, PRC, ARB, and regulatory agencies, the following improvements are included in the project's PIO (Attachment A):

1. Demolition and replacement of the existing boardwalk with a new boardwalk of the same length (approximately 850 feet) and on the same alignment. The new boardwalk will be 5 feet wide and at the same deck elevation as the recently renovated Lucy Evans Baylands Interpretive Center.
2. One observation platform at the San Francisco Bay end and four intermediate overlooks along the length of the boardwalk.
3. Redwood railing on both sides of the boardwalk. Overlooks and observation platform will have slanted railing cap to mount interpretive signs (part of future project).
4. Bird-safe intermittent viewing glass or wire mesh panels incorporated into the railings at the overlooks and observation platform.
5. Raptor perch deterrent rollers attached to the top of railings.
6. Redwood decking.
7. Alaskan Yellow Cedar piles/posts and supports.
8. Wood benches with back and arm rest on overlooks and observation platform.
9. Wood/metal components staining and painting.
10. Rub rail/handrail attached to the inside face of railing on both sides of the boardwalk.

Resource Impact

Funding of \$346,353 for design services was approved in the FY 2018 Adopted Capital Budget for the Baylands Boardwalk Improvement project, PE-14018. Construction funding in the amount of \$1,000,000 was planned as part of the 2018-2022 Capital Improvement Program (CIP) in this project, and this amount will be recommended in FY 2019 as part of the FY 2019 Proposed Capital Budget process.

Timeline

Project schedule is as follows:

- Community meeting on project design concepts: May 3, 2017
- PRC recommendation for PIO approval: September 26, 2017
- ARB recommendation for project Architectural Review (AR) approval: October 19, 2017
- Planning Director adoption of CEQA Mitigated Negative Declaration and AR approval (Notice of Determination filed): November 2017
- Council review/approval of the PIO: April 2018

- Agency permits/review: September 2017 - Summer 2018
- Complete design/bid project pending permits: Summer 2018
- Boardwalk construction (best case): September 2018 - January 2019*
- Boardwalk construction (worst case): September 2019 - January 2020*

*To avoid nesting birds in the Baylands, the construction window is limited to five months from September 1 through January 31. The project construction may begin in September 2018, pending timeliness of permit issuance.

Policy Implications

The project is consistent with the Comprehensive Plan goals, policies and programs.

Goal N-1: Protect, conserve and enhance Palo Alto’s citywide system of open space, including connected and accessible natural and urban habitats, ecosystems and natural resources, providing a source of public health, natural beauty and enjoyment for Palo Alto residents.

Policy N1.1: Preserve, protect and enhance public and private open space and ecosystems of Palo Alto from the foothills to the baylands. Respect the role that natural and landscaped areas within the urbanized part of the city play in a resilient ecological continuum, as illustrated on Map N-1.

Policy N1.2: Maintain a network of parks and urban forest from the urban center to the foothills and Baylands that provide ecological benefits and access to nature for all residents.

Policy N1.5: Preserve and protect the Bay, marshlands, salt ponds, sloughs, creeks, and other natural water or wetland areas as open space, functioning habitats, and elements of a larger, interconnected wildlife corridor, consistent with the Baylands Master Plan, as periodically amended, which is incorporated here by reference.

Environmental Review

Pursuant to CEQA, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared and circulated for public review from September 15, 2017, to October 16, 2017. The MND

concluded that, with mitigation incorporated, the project will have no significant environmental impacts. The IS/MND was adopted by the Planning Director in November 2017 and may be viewed at http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4113&TargetID=3_19

Attachment

Attachment A: Ordinance Approving and Adopting the Park Improvement Ordinance for the Baylands Boardwalk Improvement Project

Attachments:

- Attachment A: Ordinance PIO Baylands Boardwalk

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Approving and Adopting a Park Improvement Plan For the Baylands Boardwalk at Lucy Evans Baylands Nature Interpretive Center Located Within the Baylands Nature Preserve

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings. The City Council finds and declares that:

(a) Article VIII of the Charter of the City of Palo Alto and Section 22.08.005 of Chapter 22.08 of Title 22 of the Palo Alto Municipal Code require that, before any substantial building, construction, reconstruction or development is commenced or approved, upon or with respect to any land held by the City for park purposes, the Council approve and adopt a park improvement ordinance and a plan describing the proposed project;

(b) Baylands Boardwalk is a boardwalk within the Baylands Nature Preserve.

(c) Baylands Nature Preserve is dedicated to park purposes.

(d) The City intends to authorize certain improvements to the boardwalk at Lucy Evans Baylands Nature Interpretive Center, as detailed in Exhibit "A" (the "Park Improvement Plan" or the "Plan"), including:

- (1) Demolition and replacement of the existing boardwalk with a new boardwalk of the same length (approximately 850 feet) and on the same alignment. The new boardwalk will be 5 feet wide and at the same deck elevation as the recently renovated Lucy Evans Baylands Interpretive Center.
- (2) One observation platform at the San Francisco Bay end and four intermediate overlooks along the length of the boardwalk.
- (3) Redwood railing on both sides of the boardwalk. Overlooks and observation platform will have slanted railing cap to mount interpretive signs (part of future project).
- (4) Bird-safe intermittent viewing glass or wire mesh panels incorporated into the railings at the overlooks and observation platform.
- (5) Raptor perch deterrent rollers attached to the top of railings.
- (6) Redwood decking.
- (7) Alaskan Yellow Cedar piles/posts and supports.
- (8) Wood benches with back and arm rest on overlooks and observation platform.
- (9) Wood/metal components staining and painting.
- (10) Rub rail/handrail attached to the inside face of railing on both sides of the boardwalk.

(e) The Project will be constructed in a manner to as to avoid sensitive natural resources.

(f) The Project is consistent with park and recreation purposes.

SECTION 2. The Council hereby approves the Plan for replacement and construction of improvements of the boardwalk at Lucy Evans Baylands Nature Interpretive Center and hereby adopts the Plan attached hereto as Exhibit "A" as part of the official plan for the construction of the park improvements at the Baylands Boardwalk.

SECTION 3. The City Council finds that the environmental impacts of the Project to replace and construct the boardwalk at the Lucy Evans Baylands Nature Interpretive Center have been analyzed in the Baylands Boardwalk Repair Project Mitigated Negative Declaration ("MND"), which was prepared and circulated by the City of Palo Alto and adopted by the Director of Planning and Community Environment prior to adoption of this ordinance, all in accordance with the California Environmental Quality Act ("CEQA").

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

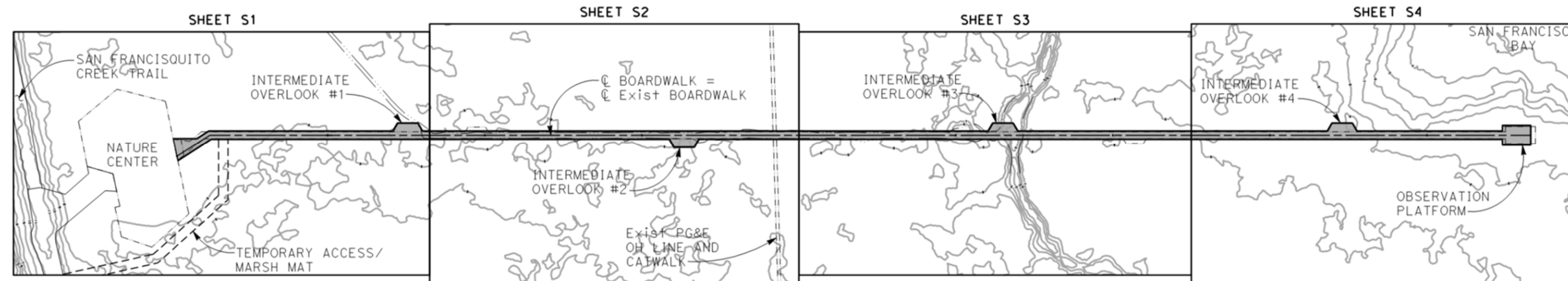
Director of Community Services

Director of Administrative Services

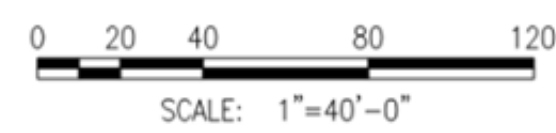
Exhibit A - Site Plan

DESIGN WATER SURFACE
 FREQUENCY (YEARS): 100
 WATER SURFACE (Elev AT BOARDWALK) 10.00

- NOTES:
1. This plan is accurate for Baylands Boardwalk work only. See "PARTIAL PLAN" sheets for layout information.
 2. The existing and new Boardwalk are contained fully within existing City Right-of-Way.
 3. Existing easement rights are not illustrated as these rights and boundaries are still being investigated.
 4. All elevations shown are based on NAVD 88 datum.
 5. Contractor shall not stage, store, or stockpile any materials or equipment within the public Right-of-Way.



PLAN
 1" = 40'



PLAN CHECK SET/NOT FOR CONSTRUCTION (8/2/17)