

MINUTE ITEM

This Calendar Item No. 36
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

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09/23/91
W 24680 PRC 7578
Maricle
Martinez

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

City of Palo Alto
Department of Public Works
Attn: Mr. James Harrington
250 Hamilton Avenue
Palo Alto, California 94303

AREA, TYPE LAND AND LOCATION:

An undetermined amount of sovereign land in the vicinity of
Charleston Slough, Palo Alto, Santa Clara County.

LAND USE:

Palo Alto harbor improvements.

TERMS OF PROPOSED PERMIT:

Initial period:
Forty-nine (49) years beginning April 1, 1992.

CONSIDERATION:

The public use and benefit, with the State reserving
the right at any time to set a monetary rental if the
Commission finds such action to be in the State's best
interest, as to any portion of the property ultimately
confirmed into State ownership.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 984:

03/18/92

(ADDED pgs. 311-311.32)

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OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
2. A Negative Declaration, SCH 91013031, was prepared and adopted for this project by the City of Palo Alto. The State Lands Commission's staff has reviewed such document.
3. The City of Palo Alto proposes to build a new sailing station and restore 11.2 acres of land into a marsh area at Harbor Point in the Palo Alto Baylands. This project will serve two functions. First, it will provide new marine facilities and a restored marsh area, as positive impacts to the present use of the property. Second, the marsh restoration will serve as direct mitigation for previous actions of the City when the final dredging occurred in the Yacht Harbor in 1986. It creates a positive impact in the Baylands area by restoring previous wetlands and improving environmental conditions in the South Bay area.
4. The activities to be undertaken in this project include the following measures:
 - (a) Construction of a sailing station facility; a fixed platform extending 200 feet out into the channel;
 - (b) Demolition of an existing boat launch; site to be then backfilled and revegetated;
 - (c) Restoration of 11.2 acres of marshlands at Harbor Point. As a first phase, the four acres at the southernmost portion of Harbor Point will be restored to tidal marsh by excavating and revegetating this site adjacent to the Inner Channel as mitigation for Bay Area Conservation and Development Commission (BCDC) Permit No. 81-11. Approximately seven to eight feet of dredge material at the 4.0-acre site will be removed (equaling approximately 58,000 cubic yards), and trucked to a closed portion of the Palo Alto Landfill Site at Byxbee Park, a public recreational facility, to

Site at Byxbee Park, a public recreational facility, to be used there as foundation material. Approximately 140,000 cubic yards of dredged material will be removed from the remaining 7.2-acre site and placed at Byxbee Park in Phase II of the restoration project. Ultimately, the entire 11.2 acres will be restored and revegetated with native marsh plants to create a tidal salt marsh according to plans to be developed by Wetlands Research Associates;

(d) Public Access Improvements: Pedestrian and bike paths will be added to provide access to observation stations in the 11.2 acres of restored marshlands (as required by BCDC). A pedestrian/bike pathway will begin at the eastern edge of the sailing station parking lot and terminate at the culvert along Harbor Point Road near the Lucy Evans Interpretive Center. Three observation stations will be placed along the pathway. They will be located at the northeastern edge, the middle, and at the southeastern edge of the 11.2-acre site at Harbor Point. The new sailing station will also offer public access to waters in the South Bay.

5. The annual rental value of the site cannot be ascertained until complex title issues are resolved and clarified. Such determination will require extended work by the staff and the Applicant.
6. The standard covenants and conditions in Commission permits reserve to the State the right to set a monetary rental if such action is in the State's best interest. Since the extent of the State's title is yet to be determined, either by agreement or litigation, the Applicant has requested assurance that the State's reserved right will apply only to the portion of the property ultimately confirmed as being in State ownership. The staff agrees with the Applicant in this matter and the permit has been written accordingly.
7. No royalties are due the State because the earth materials to be dredged from Harbor Point will be deposited at a public use facility for public benefit. The material to be relocated to Byxbee Park was originally deposited at Harbor Point as part of prior dredging work at the former Yacht Harbor. The staff

and the City of Palo Alto have agreed, however, that the materials to be taken from Harbor Point and placed at Byxbee Park will become the property of the lawful owner of the Byxbee Park lands. The City and the Commission previously entered into a non-prejudicial permit regarding Byxbee Park, PRC 7348; when land title disputes are resolved at that location, such will include title to the dredged materials taken thereto.

8. The Environmental Assessment prepared by the City of Palo Alto, as Lead Agency, includes parking lot improvements at Harbor Island. The Applicant subsequently advised, by letter dated August 21, 1991, that the parking lot improvements will be deleted from the project and will not be constructed and is not presented herein for consideration.
9. The project is divided into two phases. Construction is limited to the summer and fall periods, extended approximately from June through October. The Applicant plans to complete Phase I of the project by November 1993 and Phase II by November 1994.

APPROVALS OBTAINED:

City of Palo Alto.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission
and the United States Army Corps of Engineers.

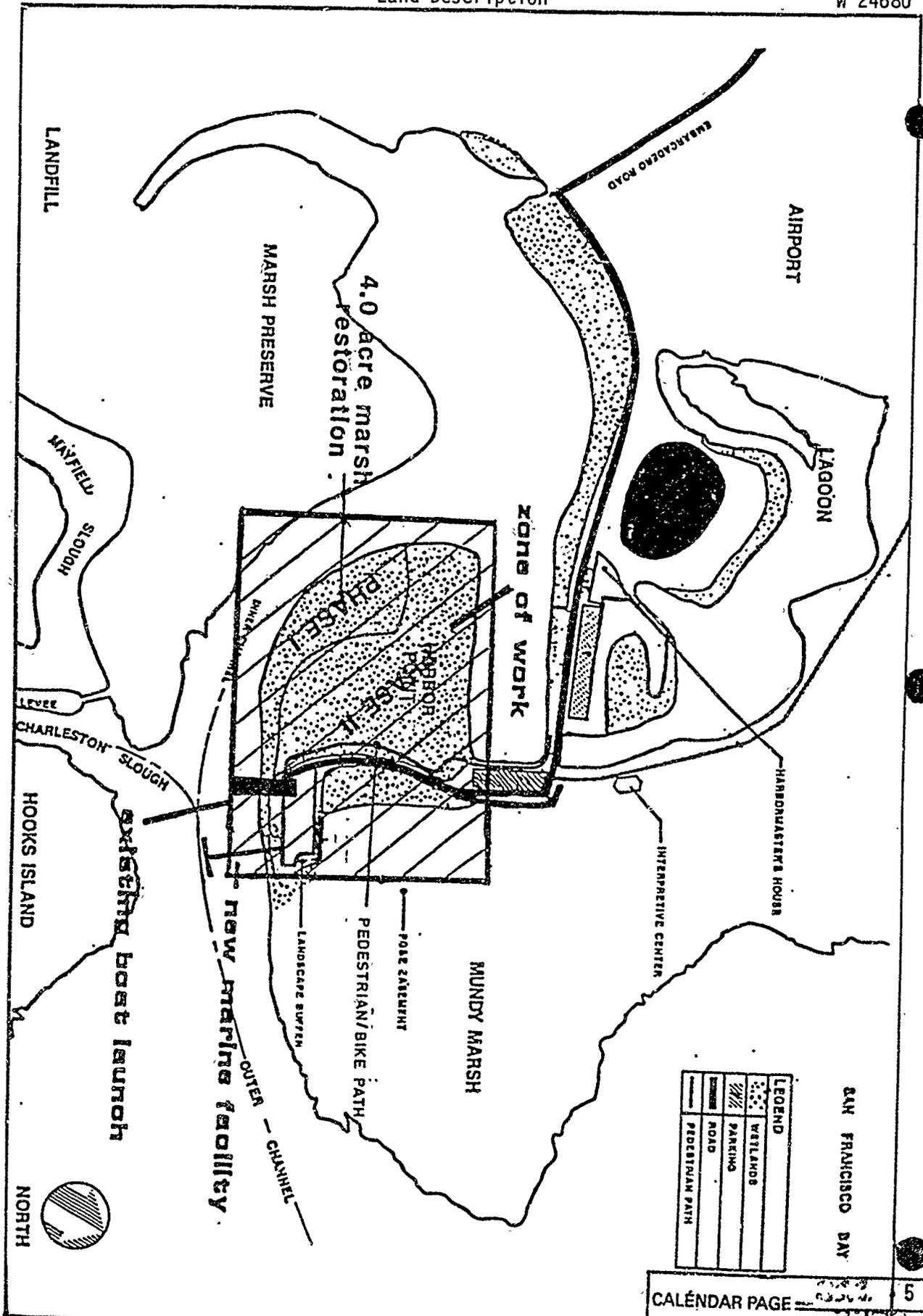
EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination with Accompanying Mitigated Negative Declaration and Initial Study

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. FIND THAT A NEGATIVE DECLARATION, SCH 91013031, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PALO ALTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

3. AUTHORIZE ISSUANCE TO THE CITY OF PALO ALTO OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING APRIL 1, 1992; SUBJECT TO STAFF'S RECEIPT, REVIEW, AND APPROVAL OF THE PLAN (WETLANDS RESEARCH ASSOCIATES) PREPARED FOR THE RESTORATION OF 11.2 ACRES AS MARSHLANDS AS REFERENCED HEREIN AND THE CITY'S NEGATIVE DECLARATION (SCH NO. 91013031) AT PAGE 16; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, AS TO ANY PORTION OF THE PROPERTY ULTIMATELY CONFIRMED INTO STATE OWNERSHIP; FOR THE CONSTRUCTION OF A SAILING STATION FACILITY, THE DEMOLITION OF AN EXISTING BOAT LAUNCH AND BACKFILLING AND REVEGETATION THEREAFTER, RESTORATION OF 11.2 ACRES OF MARSHLANDS AT HARBOR POINT, AND PUBLIC ACCESS IMPROVEMENTS, ALL AS LOCATED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCED MADE A PART HEREOF.



SAN FRANCISCO BAY

WETLANDS	STIPPLE
PARKING	DIAGONAL HATCH
ROAD	SOLID LINE
PEDESTRIAN PATH	DASHED LINE

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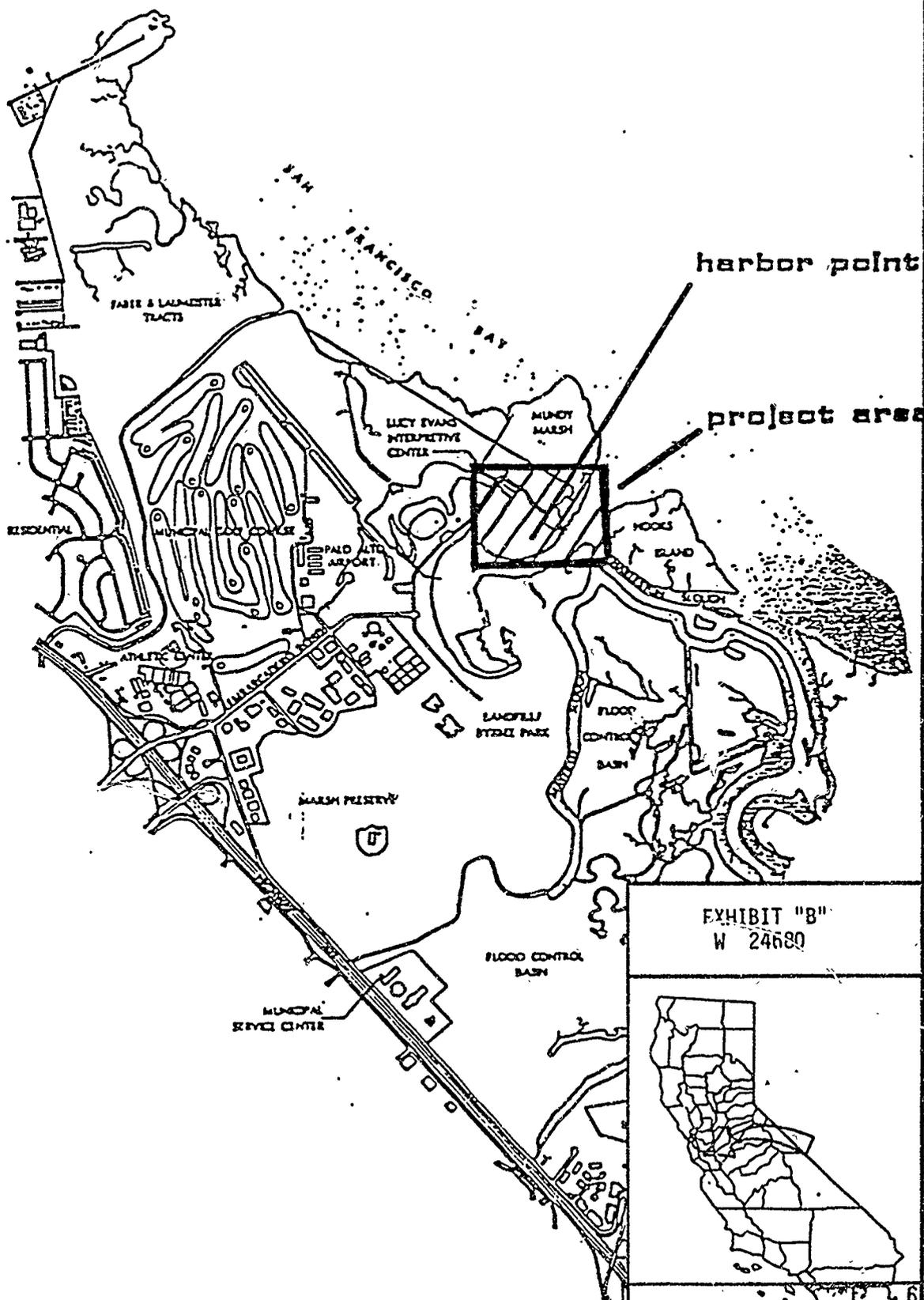


EXHIBIT "B"
W 24680



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EXHIBIT "C"

Environmental Documents - City of Palo Alto

ENVIRONMENTAL ASSESSMENT

Project Description/Title: Palo Alto Harbor Improvements : includes sailing station, marsh restoration, and parking lot improvements

Location/Address: 2500 Embarcadero Rd. Harbor Point, Palo Alto Baylands

Sponsoring Agency/Applicant: City of Palo Alto Public Works Department

Address and Telephone of Applicant: P.O. Box 10250, Palo Alto, CA 94303
415-329-2693

Application for: Site and Design Approval
(e.g., zoning change, subdivision of property, architectural review, use permit)

Zoning at Project Location: DP (D) Fee Receipt No.: -----

NOTICE OF DETERMINATION

Based upon review of the project files, the undersigned member of the Planning Department has concluded:

Negative Declaration: The project has no significant environmental impact. No Environmental Impact Report is required. The reasons for a Negative Declaration are:

Mitigated Negative Declaration: It is found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheets have been incorporated to the project. A record of project action is available for review at the Palo Alto Planning Department located at 250 Hamilton Ave., in the City of Palo Alto.

The project may have a significant environmental impact. An Environmental Impact Report will be prepared.

Planning Department Official: *Arsach Cheney*

Planning Director: *Kenneth R. Schreibe* Date: *1/4/91 2/5/91*

The project has been approved. Date: *3/16/91*

The project has been denied. Date: _____

Amended 2/4/91 File No.: 91-D-1
91-EIA-1

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INITIAL STUDY^{1,2}

I. Project Title/Address: 2500 Embarcadero Rd/ Harbor Point- Palo Alto Baylands.

II. Project Description: See previous section

III. Environmental Setting: See previous section

IV. Environmental Impact Checklist (Explanation of all "yes" answers are in Section V)

1. <u>Earth.</u> Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
a. Unstable earth conditions or changes in geologic substructures?	___	___	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	<u>X</u>	___	___
c. Change in topography or ground surface relief features?	<u>X</u>	___	___
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	<u>X</u>
f. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	<u>X</u>	___	___
g. Changes in siltation, deposition, or erosion which may modify the channel of a river or the bed of a bay or inlet?	<u>X</u>	___	___

¹Adapted from Appendix I, California Guidelines for Implementation of CEQA, December 14, 1976.

²Updated May, 1982; June, 1983

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- | | <u>YES</u> | <u>MAYBE</u> | <u>NO</u> |
|--|------------|--------------|-----------|
| 2. <u>Air</u> . Will the proposal result in: | | | |
| a. Substantial air emissions or deterioration of ambient air quality? | — | — | <u>X</u> |
| b. The creation of objectionable odors? | — | — | <u>X</u> |
| c. Alteration of air movement, moisture temperature, or any change in climate, either locally or regional? | — | — | <u>X</u> |
| 3. <u>Water</u> . Will the proposal result in: | | | |
| a. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? | <u>X</u> | — | — |
| b. Alterations to the course or flow of flood waters? | <u>X</u> | — | — |
| c. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <u>X</u> | — | — |
| d. Alteration of the direction of rate of flow of ground waters? | — | — | <u>X</u> |
| e. Exposure of people or property to water related hazards such as flooding or tidal waves? | <u>X</u> | — | — |
| f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interceptions of an aquifer by cuts or excavations? | — | — | <u>X</u> |
| 4. <u>Plant Life</u> . Will the proposal result in: | | | |
| a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)? | — | <u>X</u> | — |
| b. Reduction of the numbers of any unique, rare or endangered species of plants? | — | <u>X</u> | — |
| c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | — | <u>X</u> | — |
| d. Reduction in acreage of any agricultural crop? | — | — | <u>X</u> |

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- | | <u>YES</u> | <u>MAYBE</u> | <u>NO</u> |
|--|------------|--------------|-----------|
| 5. <u>Animal Life.</u> Will the proposal result in: | | | |
| a. Change in the diversity of species, or of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | — | <u>T</u> | — |
| b. Reduction of the numbers of any unique, rare or endangered species of animals? | — | <u>T</u> | — |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | — | — | <u>X</u> |
| d. Deterioration in existing fish or wildlife habitat? | — | <u>T</u> | — |
| 6. <u>Noise.</u> Will the proposal result in: | | | |
| a. Increases in existing noise levels? | <u>T</u> | — | — |
| b. Exposure of people to severe noise levels? | — | — | <u>X</u> |
| 7. <u>Light and Glare.</u> Will the proposal produce new light glare? | — | — | <u>X</u> |
| 8. <u>Land Use.</u> Will the proposal result in a substantial alteration of the present or planned land use of an area? | — | — | <u>X</u> |
| 9. <u>Energy/Natural Resources.</u> Will the proposal result in: | | | |
| a. Use of substantial amounts of fuel or energy? | — | — | <u>X</u> |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources or energy? | — | — | <u>X</u> |
| c. Increase in the rate of use of any natural resources? | — | — | <u>X</u> |
| d. Substantial depletion of any nonrenewable natural resource? | — | — | <u>X</u> |
| 10. <u>Risk of Upset.</u> Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset? | — | — | <u>X</u> |

- | | YES | MAYBE | NO |
|--|----------|----------|----------|
| 11. <u>Population/Housing.</u> | | | |
| a. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? | ___ | ___ | <u>X</u> |
| b. Will the proposal effect existing housing, or create a demand for additional housing? | ___ | ___ | <u>X</u> |
| 12. <u>Transportation/Circulation.</u> Will the proposal result in: | | | |
| a. Generation of substantial additional vehicular movement? | <u>Y</u> | ___ | ___ |
| b. Effects on existing parking facilities, or demand for new parking? | <u>X</u> | ___ | ___ |
| c. Alterations to present patterns of circulation or movement of people and/or goods? | ___ | ___ | <u>X</u> |
| d. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | ___ | ___ | <u>X</u> |
| 13. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | |
| a. Fire protection? | ___ | <u>X</u> | ___ |
| b. Police protection? | ___ | ___ | <u>X</u> |
| c. Schools? | ___ | ___ | <u>X</u> |
| d. Parks or other recreational facilities? | <u>X</u> | ___ | ___ |
| e. Maintenance of public facilities, including roads? | <u>X</u> | ___ | ___ |
| f. Other governmental services? | ___ | ___ | <u>X</u> |
| 14. <u>Utilities.</u> Will the proposal result in a need for new systems, or substantial alterations to the following utilities: | | | |
| a. Power or natural gas? | ___ | <u>X</u> | ___ |
| b. Communications systems? | <u>X</u> | ___ | ___ |

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	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
c. Water?	<u>X</u>	_____	_____
d. Sewer or septic tank?	_____	_____	<u>X</u>
e. Storm water drainage?	_____	_____	<u>X</u>
f. Solid waste and disposal?	<u>X</u>	_____	_____
15. <u>Human Health.</u> Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	<u>X</u>	_____
b. Exposure of people to potential health hazards?	_____	<u>X</u>	_____
16. <u>Aesthetics.</u> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?			
	_____	<u>X</u>	_____
17. <u>Recreation.</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?			
	<u>X</u>	_____	_____
18. <u>Cultural Resources.</u>			
a. Will the proposal result in the alteration of/or the destruction of a prehistoric or historic archaeological site?	_____	_____	<u>X</u>
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure;, or object?	_____	_____	<u>X</u>
c. Does the proposal have the potential to causes a physical change which would affect unique cultural values?	_____	_____	<u>X</u>
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	_____	_____	<u>X</u>

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19. Mandatory Findings of Significance.

YES MAYBE NO

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? X
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) X
- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) X
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? X

V. Explanation of "yes" answers in environmental checklist.

See attached.

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VII. IMPACTS AND MITIGATION

The following discussion of environmental issues relates directly to the Initial Study and responds to items which may have environmental concerns.

1. Earth

Will the proposed project result in:

b) *Disruptions, displacements, compaction or overcovering of the soil?* YES.

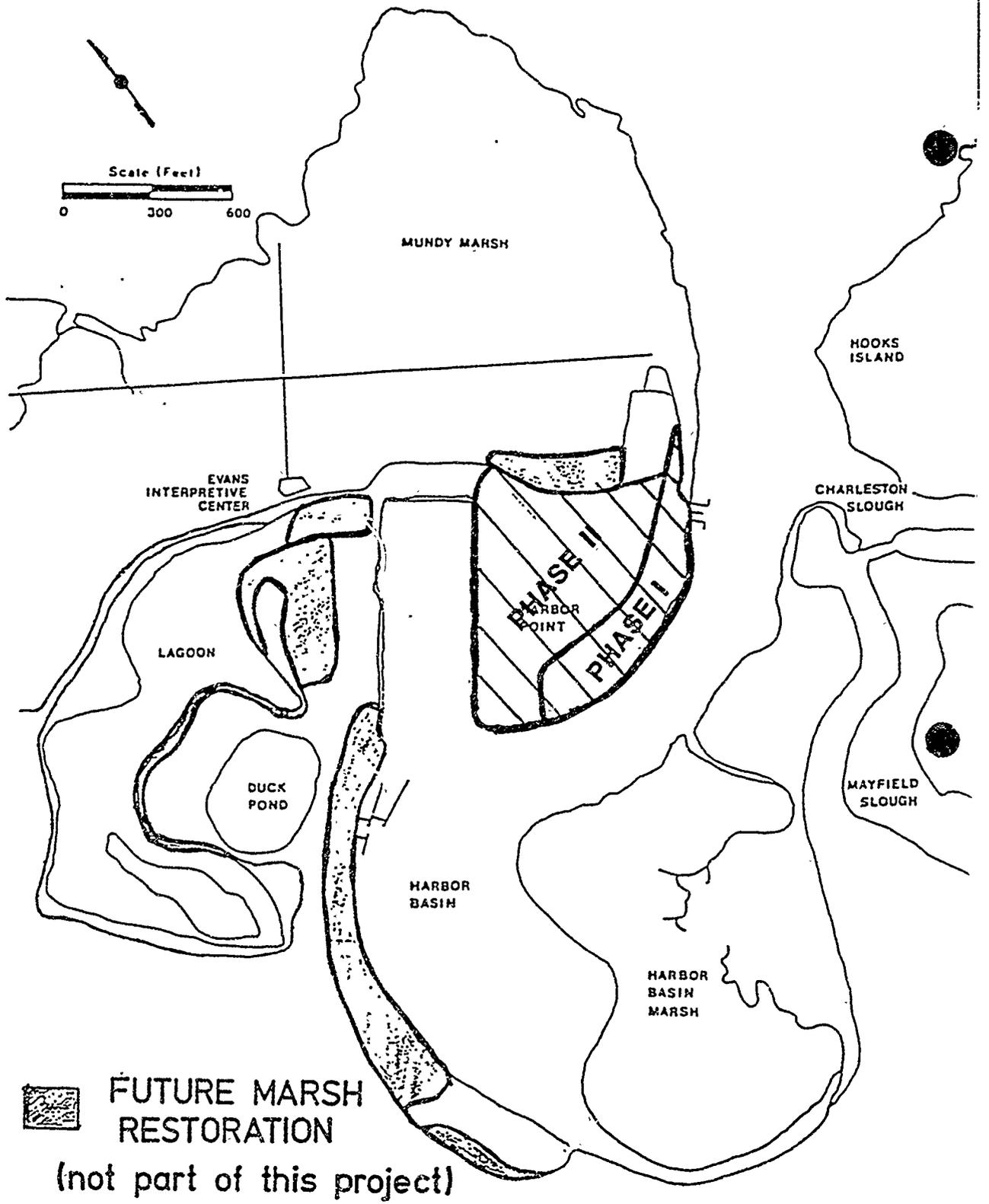
Impact

The construction of the sailing station, paving of the parking lot, and restoration of marshlands would result in soil disruption, compaction, and displacement (excavation) of fill at the proposed site. The excavated material will consist of the dredge spoil material deposited at Harbor Point. 140,000 ± cubic yards of material will be excavated from the 11.2 acre site (58,000 ± over the four acre site). Potentially, a small amount of native soil would be removed from Harbor Point in order to create topography that is conducive to marshlands restoration. The parking lot presently has a compacted rock surface. The lot would be paved with asphalt. The proposed sailing station would result in an insignificant disturbance of existing marshlands at points in which the piers dock rests on the ground. (See site plans for sailing station and associated facilities).

A chemical analysis of soils of the Harbor Point Area was completed for organic compounds. Eight samples of dried dredge soils material, and 17 samples for analysis of the engineering properties of the dredge materials were evaluated. Harding Lawson Associates (HLA) found that the sediments are well suited for use as foundation material at Byxbee Park. They will need to be dried and compacted to reduce infiltration of water into the landfill. Thirteen heavy metals were identified in the dredge material at the Harbor Point site, however, none are present at concentrations considered hazardous in HLA's opinion. (See Appendix B).

Subsequent to issuance of the HLA soils report, the City has directed that the soil be used only as foundation layer material beneath the impermeable cap as allowed within the HLA report. Although additional testing may be required by the Regional Water Quality Control Board, the tests and action levels are expected to be less stringent due to the City directive.

If the material is found to be unsuitable for the landfill foundation material, then the soil will be transported to an approved alternative site.



 **FUTURE MARSH RESTORATION**
(not part of this project)

MARSHLAND RESTORATION/ENHANCEMENT AREAS



WETLANDS RESEARCH ASSOCIATES, INC.

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Mitigation

The dredge spoils that are excavated from Harbor Point will be used as foundation cover for portions of the landfill which have been closed, and the landfill will be converted to new use in Byxbee Park. Removal of the dredge spoils from the 11.2 acres at Harbor Point will allow tidal action on the site and the marsh restoration processes to occur. This is considered a positive mitigation to the loss of marshlands that occurred years ago. No further mitigation is necessary.

c) *Change in topography or surface relief features? YES.*

Impact

The restoration of 11.2 acres of marshlands and the creation of a tidal salt marsh would require the excavation of existing dredge spoil material down to an elevation of approximately +4.2 feet NGVD for most of the restoration area. (Source: Phillip Williams and Associates, 1987 Hydrological Study) This would require as much as 7 to 8 feet of excavation in some areas from present elevation at Harbor Point. (Figure 4) As shown in the project plans in Appendix A, the site will be graded so as to create an appropriate slope conducive to marsh restoration, and sporadic cuts in the topography will be designed so that the desired tidal pooling and sloughs characteristic of marshlands would be created. A low earth berm with bridges giving access to upland areas for wildlife will be created in order to separate the initial 4.0 acre restoration area from the restoration phase of the remainder area at Harbor Point. When the existing boat launch is demolished, the concrete slab will be removed and the site will be back filled to the elevation of the adjacent land. The site will then be restored to marshland, and an uninterrupted wildlife corridor will be created.

This wildlife corridor will be implemented as part of the design of the marshlands. The corridor will provide access for the wildlife from the existing marshlands to the berms leading to the restored marshlands. The corridor will extend approximately 80 feet from the southwest edge of Harbor Point eastward to Mundy Marsh. The existing boat launch will be demolished in order to provide uninterrupted access from Harbor Point to Mundy Marsh. This wildlife corridor will be planted with native vegetation and will extend underneath the proposed sailing station ramp, and out to Mundy Marsh. The final details of the restoration plan are subject to review and approval by the City of Palo Alto Public Works Department and regulatory agencies.

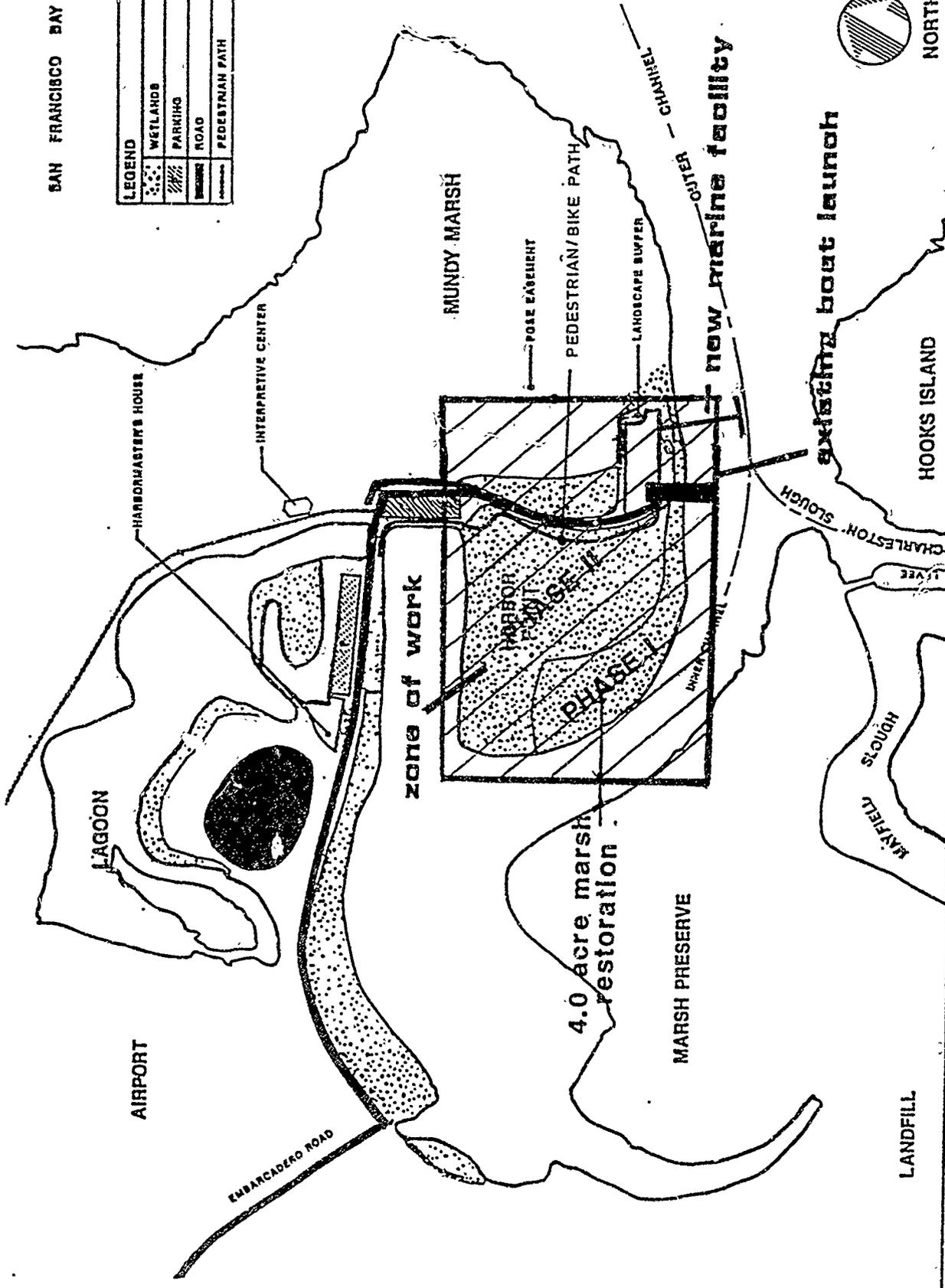
Mitigation

No mitigation is necessary. The changes that would occur in topography are considered a positive impact on the environment, as the surface features of the land would be altered to resemble a natural marshland contour.

f) *Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? YES.*

SAN FRANCISCO BAY

LEGEND	
	WETLAND
	PARKING
	ROAD
	PEDESTRIAN PATH



SANTINA THOMPSON INC. ENGINEERING PLANNING CONTRACTING 10111 637 3194	PREPARED FOR: CITY OF PALO ALTO 250 HAMILTON STREET PALO ALTO, CALIFORNIA 94303	SCALE: 1" = 100' DATE: _____ BY: _____
	PALO ALTO HARBOR POINT IMPROVEMENTS PALO ALTO CALIFORNIA	

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Impact

The Palo Alto Comprehensive Plan identifies the Baylands as an area subject to high geologic risk due to the proximity of three of California's most active faults: The San Andreas, the Hayward, and the Calaveras faults. In Palo Alto, the trace of the active San Andreas fault generally lies west of the Montebello Ridge along the alignments of Stevens Creek and Los Trancos Creek, near the junction of Page Mill Road and Skyline Blvd. The proposed site is on land that is comprised of unconsolidated Bay mud and fill, and is highly susceptible to ground failure as a result of liquefaction from ground-shaking seismic activity and the flooding of San Francisquito Creek, Matadero and Adobe Creeks or a failure of the levees. (source: p.66, Palo Alto Comprehensive Plan 1980-1995).

Mitigation

Construct the project according to the current seismic requirements of the Uniform Building Code.

- g) *Changes in the siltation, deposition or erosion which may modify the channel of a river or bed of a bay or inlet?* YES.

Impact

The siltation process in the Harbor area and Inner Channel began when the dredging of the Yacht Harbor and Inner Channel was discontinued in 1986. Siltation in those areas has been significant, and will continue to be significant until an equilibrium is reached. When Phase I (4.0 acre site), and at a later date Phase II (the 7.2 acre site) at Harbor Point are excavated, they will be inundated with salt water through natural tidal action, resulting in the creation of new marshlands. Because new marshlands will be created as a result of the siltation processes, it is necessary to locate the sailing station facility in the deepest part of the channel so that access time for small boat uses to the Bay will be maximized. According to Santina & Thompson, Inc.'s analysis, the existing float time for the sailing station structure at this part of the channel is 99%. Table 1 shows the extended float time scenarios for present, 15 years, and at equilibrium.

Mitigation

Discontinuation of dredging is a positive impact on the environment, as it will allow the Bay's floor and Harbor Point to return to a natural state. No additional mitigation is necessary.

3. Water

Will the proposed project result in:

- a) *Changes in the absorption rates, drainage patterns, or the rate and amount of surface water runoff?* YES.
- b) *Alterations to the course or flow of flood waters?* YES.

- c) *Discharge into surface waters, or in any alteration of surface water quality, including but not limited temperature, dissolved oxygen or turbidity? YES.*
- e) *Exposure of people or property to water related hazards such as flooding or tidal waves? YES.*

Impact

Currently, the parking lot surface consists of compacted base material (rock). The proposed project includes paving over the lot. The course of parking lot sheet flow drainage will remain the same after it is paved. However, the impervious surface may change the rate of absorption of water, and the quantity of sheet surface runoff to the Bay may be increased insignificantly.

There will be an insignificant increase in turbidity to local Bay waters for a short period of time during construction activities. The course or flow of flood waters will change as a result of the excavation of the dredge spoils at Harbor Point. The 11.2 acres at Harbor Point will be revegetated through manmade efforts which could negate increased runoff as a result of the grading. The change in flow patterns as a result of paving the parking lot, and the excavation and grading of the 11.2 acres should be insignificant and therefore there is no negative impact on the environment. Vegetative covering will be planted on graded surfaces soon after the final grades are established to stabilize sheet erosion of solid and liquid substances to the Bay. The quantity of dirt that is deposited into the Bay from sheet erosion in the parking lot, will be decreased as a result of the paved surface.

The sailing station is within the established 100-year flood zone, and will be designed so that it sits above the 100-year flood level.

Mitigation

No further mitigation is necessary, as changes in the runoff, absorption, and drainage patterns will be altered insignificantly, and the proposed project will mitigate the previous dredging which took place in the Harbor and return the area to a more natural drainage pattern.

4. Plant Life

Will the proposed project result in:

- a) *A change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora, and aquatic plants)? MAYBE.*
- b) *Reduction of the number of unique, rare or endangered species of plants? MAYBE.*
- c) *Introduction of new species of plants into an area, or in a barrier to normal replenishment of existing species? MAYBE.*

Impact

The Palo Alto Baylands have been designated as essential habitat for the California Clapper Rail, California Black Rail, Salt Marsh Harvest Mouse, and Salt Marsh Wandering Shrew, which are considered rare or endangered species. The addition of the sailing station will cause an insignificant amount of existing marshlands to be lost in places where the piers of the sailing station will be submerged, decreasing the habitat of these species. (Source: WRA Technical Report, 1987, p.11) See Figure 5.

Restoration of Harbor Point to tidal marsh and the continued restoration of the former Yacht Harbor to marshlands would more than offset the minimal destruction of the endangered species habitat caused by the addition of the sailing station. The sailing station facility considers in its design a way to allow the endangered species to move freely between Harbor Point and Mundy Marsh. (See discussion in Animal Life #5). Public access in the form of a shelled pathway will be established along the eastern side of Harbor Point marsh, and extend north along Harbor Road to the culvert near the Lucy Evans Interpretive Center. Three observation stations will be placed along this pathway at the southeast corner of Harbor Point, in the middle section, and at the northeast corner of Harbor Point. Public access to the new marshlands will be limited to these walkways and observation points to protect plants and wildlife activities.

Pickleweed and Cordgrass are the dominant plant species that are found in the tidal salt marsh plain and also provide necessary habitat for the California Clapper Rail, California Black Rail, Salt Marsh Harvest Mouse, and Salt Marsh Wandering Shrew. Target plant species for the marsh habitat (such as Pickleweed and Cordgrass) will follow the distributions found in adjacent undisturbed marsh areas. In some areas, the provision of natural elevations will be sufficient, as natural an invasion of plants will revegetate the area within one to two years.

Mitigation

The recommended planting program will assure a more rapid establishment of a native plant community in the restored area. Areas adjacent to high public use (such as the sailing station or areas adjacent to the pathways and observation points) should be planted with shrub material such as coyote brush to prevent human intrusion, and should be supplemented with earth berming and buffer vegetation that serve as additional barriers. The planned pathway that will provide public access will keep human impact to a minimum in sensitive marsh areas.

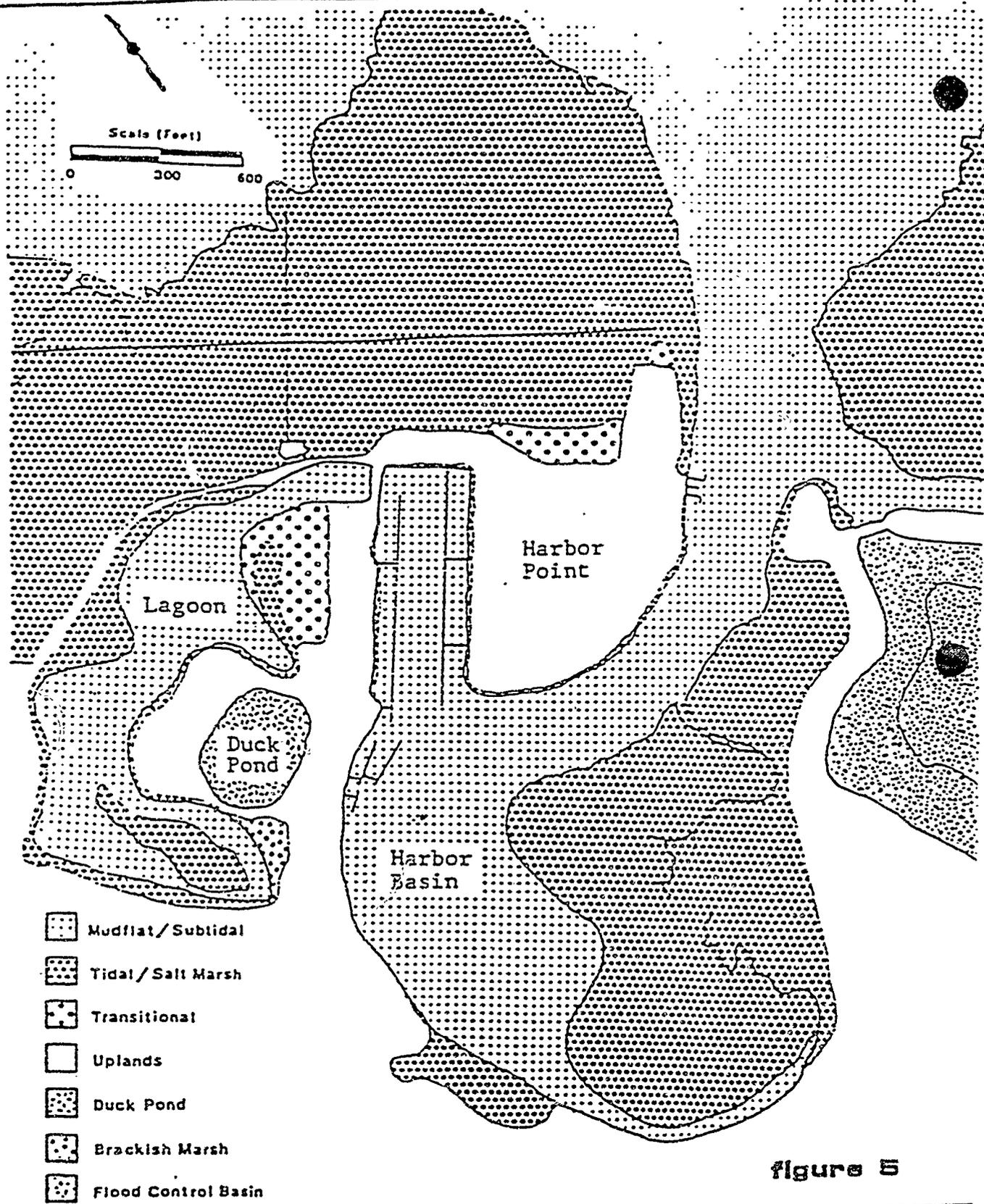


Figure 5

Wetlands habitats currently existing in Palo Alto Harbor study area and vicinity.

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5. Animal Life

Will the proposed project result in:

- a) *Change in the diversity of species, or of any species of animals? MAYBE (temporarily)*
- b) *Reduction of the numbers of any unique, rare or endangered species of animals? YES (temporarily)*
- d) *Deterioration in existing fish or wildlife habitat? YES (temporarily)*

Impact

There are several endangered, threatened and rare species that exist in the tidal/salt marsh and mudflat/subtidal habitats around the Harbor Point area which were also discussed in the plant segment of this document. See Appendix A (Source: p.36, WRA 1987 Technical Study). Those endangered species are the California Clapper Rail, California Black Rail, Salt Marsh Harvest Mouse, and Salt Marsh Wandering Shrew. It is possible to design wetlands restoration for these species at Harbor Point.

The addition of the proposed sailing station would have a temporary impact on the existing marsh habitat, and the endangered species that dwell there. It is predicted that there could potentially be a temporary reduction in the numbers of endangered species (and deterioration of fish or wildlife habitat) due to the construction of the piers at the sailing station. However, the restoration of Harbor Point and the former Yacht Harbor to marshlands will more than offset the insignificant loss of marshlands where the new sailing station will be constructed. Overall, even though a small amount of marshlands will be destroyed, the restoration of other areas to marshlands will provide a net gain in habitat for these species, which is considered a positive impact.

Excavation activities related to the removal of the dredge spoils at Harbor Point will have an impact on the breeding, nesting, and foraging activities of the existing wildlife, depending on the time of year construction will occur.

The sailing station facility might tend to restrict movement of ground-based wildlife between Mundy Marsh and Harbor Point. Dependent upon planned capacity and the amount of public use, direct and indirect human intrusions would also result in long term impacts to the adjacent wetlands habitat. (Source: p.36, WRA 1987 Technical Study) It will be necessary to limit access to the site in order to maximize the chances of full restoration of the area. Native shrubs and earth berms will be created to reduce the intrusion of human uses of the marine facilities on adjacent marshlands.

The design of the new sailing station will respond to this concern regarding constricted movement of ground based wildlife. The sailing station structure will consist of an elevated boardwalk that

extends from the parking lot, which will connect to a 200 foot long elevated pier structure and 100 foot long floating dock. The elevated boardwalk will maintain a connection between

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FLOAT TIME (PERCENT)

Draft	Present	15 Years	Equilibrium
8.5	50	6	4
7.0	65	22	8
5.0	84	52	35
3.0	96	75	64
2.0	99	84	74
1.0	100	90	84

Mundy Marsh and Harbor Point marsh. During low tide the 100 foot long dock will rest on mud for brief periods of time. Table 1 illustrates the float time of the sailing station. Currently, the station has a draft of 2.0 and will float approximately 99% of the time. The Table illustrates float time scenarios in the present, in 15 years, and at equilibrium.

A wildlife corridor will be implemented as part of the design of the marshlands. This corridor will provide access for the wildlife from the existing marshlands to the berms leading to the newly restored marshlands. The corridor will extend approximately 80 feet from the southwest edge of Harbor Point east to Mundy Marsh. The existing boat launch will be demolished in order to provide uninterrupted access from Harbor Point to Mundy Marsh. This wildlife corridor will be planted with native vegetation and will extend underneath the proposed sailing station ramp, out to Mundy Marsh.

Mitigation

The existing boat launch will be removed and this area will be restored to marshlands in order to mitigate the minor loss of habitat from the construction of the sailing station. The recommended design of a platform access will be incorporated into the sailing station to maintain wildlife access between Mundy Marsh and Harbor Point.

Excavate the dredge spoils at Harbor Point during the time of year that will have the least amount of negative impact on the existing wildlife's breeding, nesting and foraging activities at the site. No excavation will be performed during the Spring.

6. Noise

Will the proposed project result in:

- a. *The increase in existing noise levels? YES (temporarily)*

Impact

The existing noise levels at the proposed site and immediately surrounding area will temporarily be raised during construction.

Mitigation

All grading operations and equipment should be required to keep noise levels low. To ensure that the noise levels in nearby areas should not exceed the levels specified in the City General Plan. Construction activity should be limited to hours consistent with the City's noise ordinance. Contractors should be required to guarantee that equipment complies with the Palo Alto Noise Ordinance.

12. Transportation/Circulation

Will the proposed project result in;

- b. *Effects on existing parking facilities, or demand for new parking? YES (temporarily)*
- c. *Alterations to present patterns of circulation or movement of people and/ or goods?*
YES

Impacts

Presently, the capacity of the unimproved parking lot is approximately 30 vehicles. The lot will be redesigned which will result in a increase in the number of spaces to approximately 40.

Harbor Road will be widened by two feet in order to accommodate the bike/pedestrian access that will extend from the culvert near the Lucy Evans Interpretive Center to the sailing station parking lot. A bike/pedestrian lane will extend along Harbor Road from the culvert and continue to a new bike/pedestrian cross walk, to be located just east of the culvert. The bike/pedestrian lane will then turn into a path which will continue non-vehicular access to the sailing station parking lot via a raised berm along the southern side of Harbor Road.

There will be substantial movement of construction vehicles within the parking lot during the excavation of the dredge spoils and restoration of the 11.2 acres, and during the construction of the

new sailing station and removal of the old boat launch. Transport of the dredge spoils from the site to the landfill via the Palo Alto Harbor Access Road will cause traffic levels to increase during the construction period. Vehicular flow in the Baylands area on weekdays is consistently light. During the height of excavation of the 4.0 acres, it is estimated that in order to haul the 58,000 cubic yards to the landfill site, approximately 3,000 truckloads would be delivered total to the landfill site. At this rate, the relocation of the dredge spoils could be completed within 12 work weeks. No foreseeable impacts would effect the remainder of the Baylands. The site will likely be temporarily closed to public access during construction of the new sailing station and restoration of the marsh.

Mitigation

Currently, there is no guard apparatus along Harbor Road as it crosses the culvert. When the bike/pedestrian lane is added along Harbor Road a protective railing will be placed along Harbor Road as it extends over the culvert.

To mitigate construction activities on public access, hours and dates of construction will need to be posted. According to the established schedule, construction would begin sometime after the end of August, 1991.

A traffic control plan will be required at the time of the road widening. Approval of the plan must be obtained from the City of Palo Alto Public Works Department before any work is initiated. The traffic plan will limit road work to weekdays in order to minimize traffic impacts on the recreational area during the weekend.

Use of construction vehicles and equipment in the Baylands would be inconsequential, as the number of vehicles using the construction transport route (between Harbor Point and the Palo Alto Landfill) on the weekday is negligible. It is not anticipated that the conditions of the roads used by the trucks will deteriorate as a result of heavy loads. If damage does occur, it will be repaired by the contractor in accordance with the requirements of the Public Works Department. The City should monitor truck traffic to insure that the truck routes as established in the contract documents are complied with, and trucks are operated safely and that spillage does not occur, or if it occurs it is cleaned up by the contractor.

The Lucy Evans Interpretive Center and Duck Pond will not be effected. Truck traffic will not have a substantial impact on public usage and access to the remainder of the Baylands.

13. Public Services

Will the proposed project have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- a. *Fire protection?* MAYBE
- d. *Parks or other recreational facilities?* YES

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e. Maintenance of public facilities, including roads? YES

Impact

The addition of the proposed facilities will require City services to be continued and or extended in the area. There is no need for an attendant at the sailing station as it was not designed to be a labor intensive facility. The project will benefit recreation and open space as it is in compliance with the goals and policies of the Palo Alto Comprehensive Plan. Refuse, street, parking lot and sailing station maintenance services, and emergency fire response services should be provided to the area by the City of Palo Alto.

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Mitigation

The project's impact on City services will not be significant as these services are already provided. The Palo Alto Fire Department will work with all appropriate emergency agencies in order to provide adequate land/sea rescue capabilities for the sailing station facility.

14. Utilities

Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- a. *Electrical Power?* YES
- b. *Communication Systems?* YES
- c. *Water?* YES
- d. *Solid waste and disposal?* YES

Impact

Water will be extended out to the boat hose-off area at the new sailing station. The potential for an increase in garbage generated at the proposed project site exists. Presently there is a telephone at the Lucy Evans Interpretive Center, just north of the project site. Telephone service will be extended out to the site.

A landscape drip irrigation system will be installed for the landscaped berms around the parking lot. Electrical power will be extended out to the parking lot area.

Mitigation

Adequate City services would be provided to maintain the project site.

15. Human Health

Will the proposed project result in:

- a. *Creation of any health hazard or potential health hazard (excluding mental health)?*
MAYBE.
- b. *Exposure of people to potential health hazards?* MAYBE.

Impact

Harding Lawson Associates (HLA) performed a chemical and physical analysis on dredge sediment samples at Harbor Point (Appendix B). A discussion of this analysis is found in the Earth section of this assessment. The analysis performed has confirmed that the disposition of the dredge material will not pose a potential health hazard. Based on findings related to total oil and grease levels, certain new tests to confirm the complete acceptability of the material for a suitable foundation material of the Palo Alto Landfill, and any impact on water quality may be required by the Regional Water Quality Board.

Mitigation

The RWQCB may require the City to perform additional total oil and grease (TOG) and heavy metals analyses of the dredge sediments to further evaluate impact on water quality. The additional analyses may be required prior to acceptance of the dredge sediments as foundation material at the Palo Alto Landfill. If the soils tests results indicate the soils are unsuitable, the City will transport the spoils to an alternate approved site. No other mitigation measures are necessary. If in fact the soils are acceptable at the Palo Alto Landfill site there will be no risk to human health.

16. Aesthetics

Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? MAYBE

Impact

An intermittent earth berm of approximately three to four feet planted with native landscape will be added to minimize human, animal, or vehicular activity in the parking lot area from existing and future environmentally sensitive marshlands areas surrounding the parking lot. The earth berms may partially limit some vistas from the parking lot out to the bay. Installation of the berms is consistent with the master plan.

The addition of intermittent berming along the periphery of the parking lot is considered a positive measure, as it will limit human and animal intrusion into the established and restored marshlands areas adjacent to the lot. Superior vistas to the Bay will be preserved from the sailing station, and from the pathway extending from the sailing station parking lot to the Lucy Evans Interpretive Center, just north of the project site, as well as other areas throughout the Baylands.

Mitigation

No additional mitigation is necessary.

17. Recreation

Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? YES

Impact

The impact on recreational opportunities is considered a positive one. This project includes measures to enhance public access to the Baylands. Public access will be preserved and enhanced over a portion of the Harbor Point project, adjacent to the former Palo Alto Yacht Harbor. The new sailing station facility will be less effected by low tides than the existing boat launch currently is, and will provide a more usable facility for small boat users and board sailors in the community. The project will provide the only public access to the South Bay waters.

Mitigation

No mitigation is necessary.

19. Mandatory Findings of Significance

- a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. MAYBE*

This analysis has also found that the project itself will have a net beneficial impact on the environment by restoring the area to its previous condition as a marsh, and enhancing public access to the area; and, if the identified mitigation measures noted in this report and summarized below are incorporated into the project design as proposed, the potential significant impacts of the project will be reduced to an acceptable level:

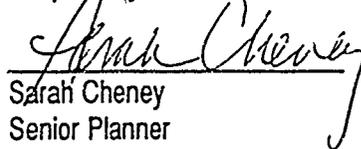
1. Removal of material from Harbor Point will create new marshlands and result in a net gain of 11.2 acres of marshlands: a positive impact.
2. The recommended marshlands planting program should require seeding of Pickleweed and Cordgrass to assure a more rapid establishment of native plants in the restored marsh area than if the area was to be restored exclusively through natural processes.
3. The design of the new sailing station should include a raised pier and platform for the dock to encourage wildlife access between Mundy Marsh and Harbor Point and minimize destruction of benthic organisms.

4. Construction activity should be required to comply with the City's noise ordinance, and the City should be responsible for monitoring truck traffic levels and assure proper maintenance of all earth transport routes.
5. Removal of existing boat ramp to provide a wildlife corridor between the new marsh at Harbor Point and Mundy Marsh.
6. Construction of earth berms and provision of planting to minimize visual impacts of the parking lot.

SUMMARY

Potential impacts and mitigation measures have been described in this report. Although this project impacts the topography and vegetation of Harbor Point and adjacent parking lot and sailing station areas due to the amount of excavation, grading, and minor loss of wildlife habitat, the mitigation measures incorporated into the project design and identified in this report are sufficient to mitigate these impacts to an acceptable level. Implementation of the project will have a net beneficial impact on the Baylands environment by: 1) restoring 4 acres to marshland and providing the opportunity for future restoration of 7 additional acres of marshland, 2) removing the existing boat ramp and provide a wildlife habitat connection to Mundy Marsh, and 3) enhance public access to the Bay by providing a new sailing station, an improved parking lot, restroom facilities, new pedestrian paths and viewing stations. If the identified mitigation measures are incorporated into the project design and required as conditions of approval, adoption of a mitigated Negative Declaration is recommended.

Respectfully submitted,


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and Community Environment