



COUNCIL REPORT

DATE: October 22, 2024

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37—Various Actions**

RECOMMENDATION

1. Find that in accordance with the California Environmental Quality Act (CEQA) requirements, Shoreline Boulevard Pathway, Project 21-37, is categorically exempt as Class 1, Existing Facilities, under CEQA Guidelines Section 15301.
2. Approve the removal and mitigation of 27 Heritage trees at a 2:1 tree replacement ratio with 24" box trees for Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37.
3. Transfer and appropriate \$375,000 from the CIP Reserve Fund to Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37. (Five votes required)
4. Approve plans and specifications for Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37, and authorize staff to advertise the project for bidding.
5. Authorize the City Manager or designee to award a construction contract to the lowest responsive responsible bidder if the bid is within the total project budget of \$5,971,000.

BACKGROUND

The existing pathway on the east side of Shoreline Boulevard, from Wright Avenue to Villa Street (see Figure 1), was constructed in 1970 and is in very poor condition due to aging asphalt and tree roots uplifting the pathway in various locations. The existing pathway also has steep longitudinal slopes that exceed the maximum-slope standards established by the most recent Americans with Disabilities Act (ADA) requirements (see Figures 2 and 3).

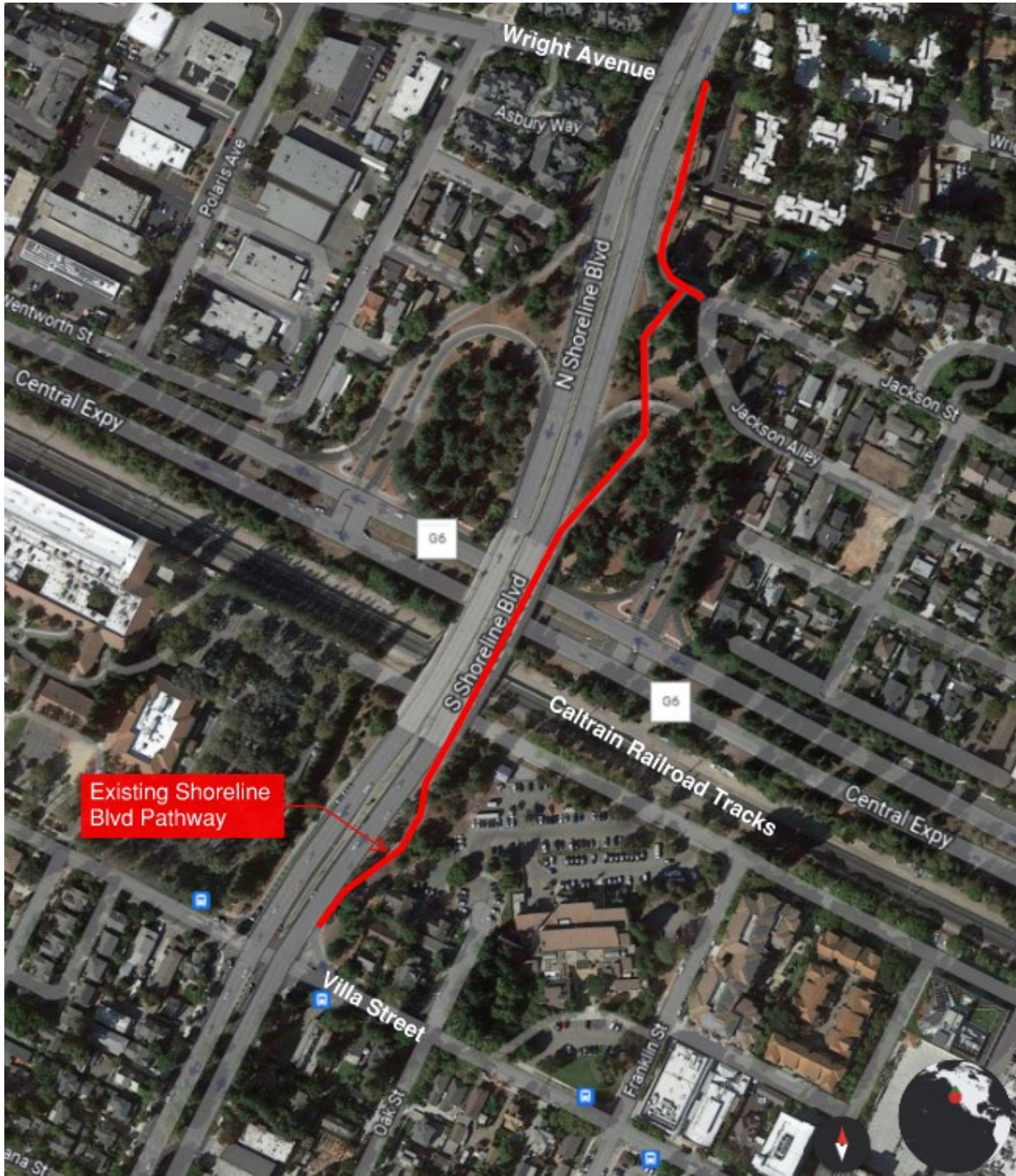


Figure 1: Project Location



Figure 2: Existing Poor Asphalt



Figure 3: Existing Steep Slope Condition

In Fiscal Year 2014-15, Shoreline Boulevard Pathway Improvements, Project 15-32, was established to reconstruct the pathway from Wright Avenue to Villa Street and provide various improvements, including new curb, pathways, lighting, landscaping, irrigation, and retaining walls.

Since then, Council has taken several actions for the project, as shown in Table 1.

Table 1: Project History

Date	Action/Milestone
<u>July 8, 2014</u>	Council authorized the filing of an application for funding assigned to the Metropolitan Transportation Commission and committing any necessary matching funds. The City was not successful in obtaining this grant funding.

Date	Action/Milestone
<u>October 14, 2014</u>	<p>Council authorized a professional services agreement with BKF Engineers (BKF) in the amount of \$215,000, and on <u>June 26, 2018</u>, authorized an amendment in the amount of \$30,000, for a total contract amount of \$245,000.</p> <p>Project design was completed; however, the project did not proceed into construction due to the lack of funding and staffing resources. In 2019, Shoreline Boulevard Pathway Improvements, Project 15-32, was closed out and the remaining funds were unencumbered as part of the Fiscal Year 2019-20 Capital Improvement Program (CIP) approval to make funds available for other priority projects.</p>
<u>June 21, 2016</u>	<p>Council authorized staff to apply for the One Bay Area Grant Cycle 2 (OBAG 2) program funding in the amount of \$1,996,000 from the Santa Clara Valley Transportation Authority (VTA). At that time, the project was ranked below the available OBAG funding line, and the City was initially not awarded an OBAG grant. Due to another city relinquishing their OBAG 2 grant funding, on November 14, 2021, the VTA Board approved awarding \$1,996,000 to the City of Mountain View for construction of the project.</p>
<u>June 14, 2022</u>	<p>Council authorized a professional services agreement with BKF Engineers (BKF) in the amount of \$210,000 to update the design, incorporate the improvements related to the Shoreline Boulevard/Villa Street intersection and traffic signal project, and compile a new bid package.</p>

ANALYSIS

The project will provide pathway improvements to accommodate access for all ages and abilities, for both cyclists and pedestrians. The project limits are from Villa Street (south limits) to Wright Avenue (north limits), and will include the following improvements (see Figure 4):

- Replace the existing pathway with a 10’ wide bicycle/pedestrian path that meets current ADA-accessibility requirements;

- Install a new pathway connection to the recently constructed sidewalk on Central Expressway, including retaining walls and lighting;
- Construct stairs connecting two portions of the pathway, including a bicycle channel element as part of the stairs (the channel allows bicyclists to dismount and place the bicycle wheels in a smooth channel to move their bicycles up or down stairs without carrying the bicycle); and
- Plant 65 native species trees and enhance landscaping and irrigation.



Figure 4: Project Layout Map

Bicycle/Pedestrian Advisory Committee

On [September 28, 2022](#), a project update was provided to the Bicycle/Pedestrian Advisory Committee (BPAC). The update identified existing conditions, project-scope elements, and next steps. The BPAC expressed their continued support of the project.

Urban Forestry Board

The reconstruction of the pathway to accommodate ADA requirements requires a new alignment, which will impact existing trees. The arborist and City staff evaluated the trees to be removed for potential transplant and recommended replacement over transplant for all of the impacted trees for the following reasons:

- All of the candidate trees are of a large size (greater than 10” in diameter) and are growing on steep slopes, making it difficult to capture an adequate root ball due to the size and site conditions; and
- Relocating the trees to another sloped location for replanting may expose the trees to instability and create the potential for falling; replanting at a flat site may not result in a successful transplant due to the existing root-ball configuration.

On [June 14, 2023](#), the project was presented to the Urban Forestry Board (UFB), where they reviewed the landscaping plan identifying tree removals, native species replacement trees, and their respective planting locations (see Attachment 1). The UFB recommended Council approve the staff recommendation to mitigate the removal of 27 Heritage trees at a 2:1 ratio and the 11 non-Heritage trees at a 1:1 ratio, with 24” box native species trees within the project site.

Property Acquisitions and Additional Funding Needs

Caltrans administers the OBAG 2 federal grant, including overseeing the right-of-way (ROW) certification process needed as part of the grant, to demonstrate that the City controls the property where the project will be constructed. At the time of the original construction of the Shoreline Boulevard overpass in 1970, the County of Santa Clara (County) retained parcels of land that a portion of the pathway bisects. Per the grant requirements, Caltrans cannot issue the ROW certification or recommend approval of the project for construction without acquisition of the remnant parcels or a right-of-entry agreement.

Staff and the consultant evaluated alternative alignments but, due to the remnant parcels and pathway configurations, no feasible alignment was identified. Therefore, City staff contacted the County regarding acquiring or obtaining right-of-entry over the County’s remnant parcels as would be necessary in order to obtain the ROW certification and retain the grant. The County

determined that acquisition would be required. This acquisition process resulted in a delay in delivering the project.

Over the past year, staff has worked diligently with the County to meet the requirements to acquire the remnant parcels. This included the City developing the technical parcel documentation and obtaining title and appraisals. Staff tasked BKF with providing additional services for the technical documentation, and authorized the use of contingency and reallocated budget from construction support tasks to fulfill the immediate needs and keep the project progressing.

At their August 27, 2024 meeting, the County Board of Supervisors approved the sale of the remnant parcels to the City for \$375,000, and the parcels were transferred to the City on September 11, 2024. The associated documentation was transmitted to Caltrans, and on September 24, 2024, Caltrans approved the ROW certification submittal for the project, thus fully completing the grant documentation submittal. The total property acquisitions costs, including appraisals, property, and closing costs, were \$407,000.

While it was possible to absorb some additional costs, the original project budget did not contemplate property acquisitions and additional technical services needed for this effort. As a result, additional funding is needed in the amount of \$375,000 to fully fund the construction and replenish the contingency and construction support services in the City's agreement with BKF.

Next Steps

Staff expects Caltrans to complete their review of the grant documentation submittal by early 2025. The plans and specifications for the project are complete. If Council approves the recommended actions and Caltrans approves the grant documentation as anticipated, staff will advertise the project for construction. If a responsive responsible bid within the project budget is received, construction is anticipated to begin in June 2025 and be completed in early 2026.

Environmental Clearance

In accordance with the requirements of the California Environmental Quality Act (CEQA), staff has reviewed the scope of this project and determined that it meets the classification for categorically exempt as Class 1, Existing Facilities, pursuant to Article 19, Section 15301(c), as it consists of reconstruction and alteration of an existing pedestrian and bicycle pathway. Staff recommends that Council make findings that, in accordance with the CEQA requirements, the project is categorically exempt as a Class 1, Existing Facilities, under CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) Section 15301(c).

FISCAL IMPACT

Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37, is funded as shown in Table 1.

Table 1: Project Funding

Funding Source	Amount
Transportation Reserve (Measure P)	\$2,200,000
OBAG 2 (grant)	1,996,000
Construction/Conveyance Tax	800,000
CIP Reserve	<u>600,000</u>
TOTAL	<u>\$5,596,000</u>

The estimated project costs are as follows:

Table 2: Project Cost

Construction with Contingency	\$4,650,000
Consultant Services	243,000
Project Management	47,000
Construction Inspection and Testing	260,000
Property Acquisitions	<u>407,000</u>
Subtotal	\$5,607,000
City Administration	<u>364,000</u>
TOTAL PROJECT COST ESTIMATE	<u>\$5,971,000</u>
PROJECT BUDGET	5,596,000
PROJECT BUDGET SHORTFALL	\$ <u>375,000</u>

The project budget shortfall is due to property acquisition costs and additional design services needed for the project. An increase in appropriations of \$375,000 is requested to fully fund the project. Staff recommends additional appropriations of \$375,000 from the CIP Reserve Fund to Bicycle/Pedestrian Improvements (Shoreline Boulevard Pathway), Project 21-37. There is sufficient funding in the CIP Reserve Fund for the recommended actions.

If the recommended actions are approved, the project will be funded in a total amount of \$5,971,000.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

CONCLUSION

The existing pathway on the east side of Shoreline Boulevard, from Wright Avenue to Villa Street, is in very poor condition and has steep longitudinal slopes exceeding the most recent ADA standards. To improve the condition for all users, the project will reconstruct the bicycle/pedestrian pathway and install a new connection to the recently constructed sidewalk on Central Expressway. The project incorporates feedback received from BPAC, the UFB, and the community. The project is partially funded by OBAG 2 grant funds. Property acquisitions were required to meet the grant requirements, expending project funds, and additional funding is requested to fully fund the project and amend the consultant agreement. The design is complete, and once clearance is granted by Caltrans, expected in early 2025, the project will be advertised

for construction. Construction is anticipated to begin in June 2025 and be completed in early 2026.

ALTERNATIVES

1. Do not authorize the appropriation of \$375,000 from the CIP Reserve and direct staff to use another funding source.
2. Do not approve the removal and mitigation of 27 Heritage trees at a 2:1 replacement ratio with 24" box trees, and direct staff to provide a different replacement ratio or tree size.
3. Do not make environmental findings and approve plans and specifications, and direct staff to defer the project.
4. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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KR/LL/1/CAM
952-10-22-24CR
204569

Attachment: 1. Tree Plan

cc: PWD(A), APWD(A)—Byrer, PCE—Gonzales, ACE—Robertson, PCE—Shah, SMA—
Goedicke, SMA—Doan, File (21-37)

Approved by:

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