

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Albert Balagso

**SUBJECT: APPROVAL OF MASTER PLAN  
FOR PENITENCIA CREEK  
TRAIL REACH 1**

**DATE:** 10-11-06

Approved

*Deanna Antea*

Date

10/13/06

**COUNCIL DISTRICT:** 4

**SNI AREA:** N/A

## RECOMMENDATION

Adoption of a resolution approving the Penitencia Creek Trail Reach 1 Master Plan and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

## OUTCOME

City Council's action defines a trail alignment for future development.

## EXECUTIVE SUMMARY

The Penitencia Creek Trail Reach 1 Master Plan defines a future trail alignment that is bordered by Penitencia Creek and Penitencia Creek Road. The planned project would connect the existing Reach 2 Trail near Noble Avenue to Alum Rock Park with its system of trails. This memorandum discusses the alternative alignments that were studied as part of the planning process and how a preferred alignment was selected.

Defining a trail alignment required careful analysis of significant site challenges:

- 1) The creek and its banks are narrow and is constrained by an access road and steep slopes to the north, and Penitencia Creek Road to the south;
- 2) The waterway is recognized by State and Federal environmental regulatory agencies as a key migratory route for steelhead trout and other sensitive species; and
- 3) Future Santa Clara County Valley Water District (SCVWD) flood control work may substantially alter or require removal of trail improvements from Dorel Drive to Noble Avenue.

The plan was developed with input from the community and a Technical Advisory Committee with participants from various City departments and permitting agencies.

## **BACKGROUND**

In April 2000, the City Council approved the Greenprint; the City's 20-year strategic plan for development of parks, community facilities and programs. The Greenprint document generally described trail development comprised of 32 unique systems and resulting in a 100-mile network. The Penitencia Creek Trail is one of the systems within the City's network.

In January 2004, a funding agreement with the Santa Clara Valley Open Space Authority (OSA) was executed. The \$400,000 agreement provided funding for the master planning of the Penitencia Creek Reach 1 Trail project and acquisition of property necessary for future trail development. The Reach 1 project extends along Penitencia Creek Road from the existing Alum Rock Park entry to Noble Avenue.

On May 3, 2005, the City Council approved a master agreement with Callander Associates, a landscape architectural firm, for services related to development of various trail projects. On July 21, 2005, a service order was executed with Callander Associates to develop a master plan for the Penitencia Creek Reach 1 Trail project.

The SCVWD is coordinating with the United States Army Corps of Engineers to plan flood control along the Penitencia Creek. Although not funded or scheduled, the SCVWD has held community outreach meetings to seek input on the flood control project. SCVWD staff anticipates that flood control improvements might be developed within 10 years and that a floodwall system may be constructed between Dorel Drive and Noble Avenue (within the Reach 1 project area).

## **ANALYSIS**

Penitencia Creek runs through east San José and meanders from the east foothills to Coyote Creek near Berryessa Avenue. Several reaches of the Penitencia Creek Trail system have already been completed. The Reach 1 project provides an important link between Alum Rock Park and the existing Reach 2 Trail.

The Penitencia Creek Trail Reach 1 project site is challenging primarily for three reasons: 1) the creek and its banks are narrow and is constrained by an access road and steep slopes to the north, and Penitencia Creek Road to the south; 2) the waterway is recognized by State and Federal environmental regulatory agencies as a key migratory route for steelhead trout and other sensitive species; and 3) future SCVWD flood control work may substantially alter or require removal of trail improvements from Dorel Drive to Noble Avenue.

The existing roadway cross-section between Dorel Drive and Alum Rock Park only defines two travel lanes for vehicular traffic, with no designation for bicycles and pedestrians. A positive feature of the proposed trail project is that it will clearly define a pedestrian route, with vehicles and bicyclists sharing the roadway.

Development of trail systems often requires that compromises in the alignment and/or geometrics of the project be made in order to provide continuous access, sensitive integration with the natural environment, and careful investment of public funds in light of future anticipated improvements. The Reach 1 project is such an example. Studies show that trails with less than superior experience (proximity to roadway, narrow width, etc.) can be successful if nearby destinations are of a high quality. For Reach 1, users will have defined pedestrian access to Alum Rock Park, the City's largest and oldest regional park, and connectivity to existing City and County down stream reaches of the trail system.

Development of a master plan is an important step in the project development process. A master plan identifies all potential elements of project. In respect to a trail project, it includes a description of the alignment and physical improvements. The planning process includes a community outreach component and a technical review of the proposed improvements to ensure that the project has community support and can be developed. Approval a master plan and associated CEQA approval by the City Council indicates support for the project.

To initiate the master planning process, a Technical Advisory Committee (TAC) was convened with representatives from various City departments and stakeholder agencies to prepare the master plan. As with all other trail planning efforts, a TAC offers guidance to the project's planning team as they seek to address site constraint issues and make the most of site opportunities. A total of four alignments were considered by the TAC. In addition, a fifth alignment, suggested by the community, was investigated by staff and the consultant team.

In October 2005, the TAC reviewed an "opportunities and constraints" analysis related to the four alignments under consideration. The TAC determined that one alignment, which followed Penitencia Creek Road, had the highest likelihood of development. A second alignment had significant environmental concerns and would be impacted by future flood control work, but otherwise did not have privacy or access issues. The two remaining alignments were not promising due to significant environmental, property, privacy, and access issues.

On January 11, 2006, staff presented two alignments to the community; the preferred Alignment B, which followed Penitencia Creek Road, and alternative Alignment A. Alignment B was the preferred alignment, but the second alignment was presented to help demonstrate the significant site challenges along this reach of the creek. The meeting was conducted at the Berryessa Community Center. Staff reported that Alignment B provided a continuous trail experience along Penitencia Creek Road. It did have its challenges in that the alignment could not meet County trail design guidelines because of the constrained channel and banks. Additionally, the alignment would be from four to six feet wide and would be adjacent to Penitencia Creek Road

and vehicular traffic for its entire distance. Staff presented Alternative A, which followed the north bank, away from the roadway, for about 30% of its distance. A bridge crossing would lead users back to the roadway-adjacent alignment. This alignment was not recommended by staff because the bridge installation would require removal of several large trees, require significant mitigation and its longevity was in question as a future flood-control project will likely impact the creek's cross section. Again, the TAC had investigated two additional alignments in advance of the meeting. These alignments (identified as 3rd and 4th in the master plan) were deemed infeasible due to grade issues and lack of property rights.

The community believed that the two proposed alignments were inferior to other trail systems and requested that staff investigate further. Staff and the consultant team conducted a subsequent investigation but determined that a 5th alignment as suggested by a community member would follow a circuitous route, impacting private property, following steep grades and necessitating a multi-story ramp structure in order to reach Alum Rock Park.

Attendees of the community requested that staff revisit the project site and seek to find further alternatives. A careful review of the existing alternatives did not present any new opportunities. The community's suggested routes were also determined to be infeasible.

## **POLICY ALTERNATIVES**

The master plan defines one preferred alignment. As noted in the Analysis section of this memorandum, staff investigated four other alignments.

### ***1st Alternative (referenced as Alignment A in master plan):***

#### ***North and south bank trail segments with transition via a pedestrian bridge***

**Pros:** Provides a creek-side trail experience along segments of both banks of Penitencia Creek.

**Cons:** Portions of the alignment could not meet county trail design guidelines because of the constrained channel and banks. The trail would require partial development upon San José Water Company lands; the agency now follows Homeland Security guidelines that would likely impact the potential for public access. A pedestrian bridge would significantly impact the riparian environment and appropriate mitigation sites are limited. Proposed flood-control improvements will likely widen the channel and require removal of the pedestrian bridge.

**Reason for not recommending:** Given environmental issues associated with tree removal and related mitigations, and property issues associated in securing rights from a company that may have limits on public access due to Federal requirements, as well as potential future removal of the bridge, staff does not recommend this alternative but presented it at the community meeting to demonstrate the site challenges that led to preferred Alignment B.

### ***2nd Alternative (reference as Alignment B in master plan):***

Described in Analysis section as the preferred alignment.

***3rd Alternative:***

***South bank trail segment with overland passage over steep terrain***

**Pros:** Provides partial creek-side trail experience and transitions away from the creek to achieve some hillside views.

**Cons:** The alignment could not meet ADA Design Guidelines for universal access due to steep inclines and dual function as an access road to the San Jose Water Company facility. The trail would require partial development upon San Jose Water Company lands; the agency now follows Homeland Security guidelines that would likely impact the potential for public access. Alignment can only return to a creek-side alignment within Alum Rock via a multi-story ramping system and inadequate space along the bank for its placement.

**Reason for not recommending:** Given environmental, property, and practicality issues, staff does not recommend this alternative.

***4th Alternative***

***South bank trail segment, with on-street transition to north bank at Dorel Drive***

**Pros:** Provides creek-side trail experience.

**Cons:** The trail would require partial development upon San Jose Water Company lands; the agency now follows Homeland Security guidelines that would likely impact the potential for public access. This alternative requires significant grading and retaining walls in an area with potential soil stability issues.

**Reason for not recommending:** This alternative is deemed infeasible due to grading issues, potential structure issues and lack of property rights.

***5th Alternative***

***North and south bank trail segments with transition via a pedestrian bridge and hillside alignment from Dorel Avenue to Alum Rock Park***

**Pros:** Provides a creek-side trail experience along portions of both banks of Penitencia Creek and aligns with the hillside between Dorel Drive and Alum Rock to avoid potential in-channel retaining wall construction.

**Cons:** Similar to Alternative 1. Proximity to hillside requires substantial retaining wall construction and results in alignment interrupted by two residential driveways.

**Reason for not recommending:** Given environmental and property issues as noted earlier, as well as potential future removal of the bridge retaining wall construction along steep and tall hillsides, staff does not recommend this alternative.

**PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although the above criteria does not apply, this memorandum will be posted on the City's Web site for the October 31, 2006 City Council meeting. Development of the project did include the following outreach.

A community meeting was conducted on January 11, 2006. There were 57 residents in attendance.

On September 6, 2006, the Parks and Recreation Commission recommended that the City Council approve the project.

The Trail Program Web site includes maps of the existing and future trail systems as defined by the Greenprint.

### **COORDINATION**

This project and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Public Works, Finance, the City Attorney's Office, Council District 4 Office, and the City Manager's Budget Office.

Additionally, the following agencies participated in the Technical Advisory Committee formed for this project: Santa Clara Valley Water District, California Department of Fish and Game, United States Army Corps of Engineers, Regional Water Quality Control Board, Santa Clara County Parks Department, Santa Clara County Roads and Airport, and the National Oceanic and Atmospheric Administration.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy with the additional project program elements. The master plan defines a project alignment and construction cost estimate. Both pieces of data are critical in order for staff to investigate potential future funding sources and understand the resources necessary for further development of the project.

**COST SUMMARY/IMPLICATIONS**

1.	COST ELEMENTS OF PROJECT:	
	Project Delivery	\$69,490
	Consultant Agreement	<u>\$198,545</u>
	<b>Total Project Costs</b>	<b>\$268,035*</b>

\*A total of \$233,748 was expended or encumbered in 2005-2006 for project costs.

2. SOURCE OF FUNDING: 381- Construction and Conveyance Tax Fund, Council District 4
  
3. FISCAL IMPACT: An accurate representation of operating and maintenance costs will be provided at a future date when staff seeks Council's approval for a construction contract to build the master plan-defined projects. Using current budgeting assumptions, the 0.5-mile trail will require \$6,000 annually for maintenance. An additional \$1,000 would be required to support the fractional cost of park patrol staff monitoring this trail reach.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn.	Amt. for Contract	2006-2007 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
381	4835	TRAIL: Penitencia Creek Reach I Master Plan	\$130,000		V - 396	
		<b>Total</b>	<b>\$130,000</b>			

**CEQA**

CEQA: Mitigated Negative Declaration, PP06-111.

Planning has issued a mitigated negative declaration for this project. The mitigated negative declaration identifies a number of mitigation measures that need to be implemented in order to address environmental impacts. These measures and their manner of implementation are identified in the *Mitigation Monitoring and Reporting Program* (attached) for the project. These measures have been incorporated into the project master plan and will be incorporated into the construction documents when they are prepared. As part of today's action, staff is requesting Council to approve these mitigation measures and their manner of implementation, as set forth in the *Mitigation Monitoring and Reporting Program*, and direct the implementation of these measures as part of the project.

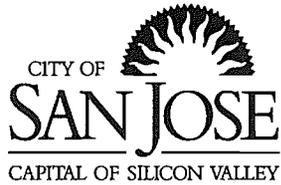


ALBERT BALAGSO  
Acting Director of Parks, Recreation  
and Neighborhood Services

For questions please contact Yves Zsutty, Program Manager I, at (408) 793-5561.

Attachment

Attachment  
 Mitigation Monitoring and Reporting Program  
 Penitencia Creek Trail Reach 1 Master Plan



*Department of Planning, Building and Code Enforcement*

JOSEPH HORWEDEL, ACTING DIRECTOR

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 For Penitencia Creek Trail Reach 1 Master Plan  
 File no. PP06-111

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Air Quality</b>				
The project would result in short-term air quality impacts during construction.	<p>The following dust control measures shall be implemented during construction.</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.</li> <li>▪ Cover all trucks hauling soil, sand, and other loose materials <i>or</i> require all trucks to maintain at least two feet of freeboard.</li> <li>▪ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>▪ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.</li> <li>▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</li> </ul>	Department of Public Works, Parks, Recreation and Neighborhood Services	Include the dust control measures in the contract specifications and documents.	Implement dust control measures during construction.
<b>Biological Resources</b>				
The project would result in significant direct and indirect	1. The project proponent shall incorporate construction BMP's (Best Management Practices) to preclude erosion	Department of Public Works,	Include the BMPs in the contract specifications and	During construction

<p>impacts to the riparian habitat along Penitencia Creek, including indirect impacts to special status species inhabiting the creek.</p>	<p>or sediments from entering the creek during and after construction, including the following:</p> <ul style="list-style-type: none"> <li>- Conduct construction activities during the dry season;</li> <li>- Divert concentrated runoff away from channel banks;</li> <li>- Minimize vegetation removal;</li> <li>- Identify with construction fencing all areas that require clearing, grading re-vegetation or otherwise disturbed;</li> <li>- Stabilize disturbed soils to minimize erosion and sediment input to the creek;</li> <li>- Erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;</li> <li>- Conduct erosion control seeding of all disturbed areas as soon as practicable after construction;</li> <li>- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding, repair of silt fencing) if sedimentation or erosion is noted.</li> </ul> <p>2. The project proponent shall secure all necessary permits from the regulatory agencies and implement a mitigation program that includes the following:</p> <ul style="list-style-type: none"> <li>- Riparian re-vegetation to compensate for direct removal of 0.31 acre of riparian woodland and four large sized sycamore trees, totaling 1.10 acres. The riparian mitigation shall provide a 3:1 habitat replacement ratio for impacts to the riparian woodland. In addition, the mitigation shall provide a 10:1 tree replacement ratio for the large-sized sycamore trees. To compensate for the removal of the four sycamore trees, 40 trees shall be planted approximately 15 feet o.c. (measured on center) within a 0.17-acre riparian mitigation area. The total riparian mitigation area shall be 1.10 acre, as listed in Table 2. The re-vegetation shall occur adjacent to the creek on City-owned land; a minimum of 1.1 acres of</li> </ul>	<p>Parks, Recreation and Neighborhood Services</p>	<p>documents.</p> <p>Obtain permits from agencies including mitigation program and incorporate into the contract specifications and documents.</p> <p>Obtain permits from agencies including mitigation program and incorporate into the contract specifications and documents.</p>	<p>Permits to be secured prior to construction. Implement mitigation as set forth in the permit.</p>
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	<p>suitable floodplain lands that are now non-native grassland are suitable for re-vegetation.</p> <ul style="list-style-type: none"> <li>- Install three-foot high fencing (i.e., open, split-rail type, or similar) between the trail and open areas of the riparian corridor to create a physical barrier between the trail and the adjacent riverine wetlands and open water habitats to protect habitat and public safety. Specific areas include the open area just east of Noble Avenue and other areas where there is potential for people to access the creek or enter proposed mitigation areas.</li> </ul> <p>3. To mitigate potential damage to retained trees, trees shall be safeguarded during construction through the following measures:</p> <ul style="list-style-type: none"> <li>- An ISA or ASCA-certified arborist shall monitor all tree pruning, root cutting, and other disturbance to trees during construction of the project.</li> <li>- Damage to any tree during construction shall be reported to the City's Environmental Principal Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.</li> <li>- No construction equipment, vehicles or materials shall be stored, parked or standing within the tree drip line; and</li> <li>- Drains and filling around the base of trees shall be done only after consultation with a certified arborist and then only to the extent authorized by the arborist shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and</li> <li>- Wires, signs and other similar items shall not be attached to trees; and</li> <li>- Cutting and filling around the around the base of trees shall be done only after consultation with a certified arborist and then only to the extent authorized by the arborist; and</li> <li>- No paint thinner, paint, plaster or other liquid or solid</li> </ul>		<p>Incorporate tree protection measures into the contract specifications and documents. Retain certified arborist to monitor work in field.</p>	<p>During construction</p>
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	<p>excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the drip line and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and</p> <ul style="list-style-type: none"> <li>- Barricades shall be constructed around the trunks of trees as specified by a certified arborist so as to prevent injury to trees making them susceptible to disease causing organisms; and</li> <li>- Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.</li> </ul> <p>4. Prepare and implement the re-vegetation plan for barrier plantings and riparian plantings. The plan shall specify the detailed location of all plantings, the use of locally native riparian plant species and specify a 5-year maintenance and monitoring program. The plan shall specify monitoring of the re-vegetation areas a minimum of once a year. During each year of the 5-year monitoring periods, plantings shall achieve a minimum 80% survival rate for the re-vegetation to be deemed successful. Monitoring reports shall be submitted to the Environmental Principal Planner in the CSJ PBCE and applicable regulatory agencies at the end of each monitoring year. The reports shall identify the plant survival rate, maintenance actions at the site and include photographs documenting the status of re-vegetation. The proponent shall implement remedial measures if the success criteria are not achieved in any of the five monitoring years. Remedial measures may include replacement plantings, an increase in maintenance or changes to the irrigation regime.</p>		<p>Retain qualified biologist to prepare re-vegetation and monitoring plan and incorporate into contract specifications and documents. Send monitoring reports to Environmental Principal Planner.</p>	<p>Prepare plan prior to construction; implement plan during construction. Monitor plantings for five years following construction.</p>
<p>The project could result in direct and indirect impacts on nesting birds.</p>	<p>Schedule construction to occur outside the nesting season for sensitive riparian bird species; the nesting season spans February through July. If this is not feasible, have a qualified biologist conduct preconstruction surveys for nesting birds along the trail corridor no more than 30 days</p>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>The project proponent shall retain a qualified biologist to conduct preconstruction surveys for nesting birds.</p>	<p>Surveys shall be conducted no more than 30 days prior to construction. Buffers shall be</p>

	<p>prior to onset of tree removal and construction. If nesting sensitive bird species are observed, the qualified biologist shall determine an appropriate buffer zone around the nest, and construction within the buffer zone shall be postponed until all young have fledged, as determined by monitoring by a qualified biologist.</p>			<p>created and construction postponed until all young have fledged, as determined by the monitoring biologist. Notify the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement of status.</p>
<p><b>Cultural Resources</b></p>				
<p>Construction of the trail requiring more than one foot of excavation could uncover buried resources associated with Scl-207 or other unrecorded artifacts.</p>	<p>Retain a qualified archaeologist to monitor earthmoving activities in the general zone of Scl-207 if excavation is required that will extend more than a foot below the existing surface. In the event that any cultural materials are discovered, the project archeologist shall designate an area where work should be stopped until the presence of additional deposit is verified. If additional midden (archeological term: garbage heap) deposit is identified inside areas to be graded for the project, the project archeologist shall submit a program of mitigation of impacts submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.</p> <p>If any cultural materials are exposed or discovered during either site preparation or subsurface construction activities, operations shall be halted within 25 feet of the find and a qualified archaeologist retained for evaluation and further recommendations. Potential recommendations could include evaluation, collection, recordation, analysis, and reporting of any significant cultural materials. If the find is determined to be significant, a mitigation program</p>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>The project proponent shall retain a qualified archaeologist to monitor earthwork in the area of Scl-207.</p> <p>Include the identified mitigation measures in the project specifications and documents. A final report shall be submitted to the City's Environmental Principal Planner when mitigation, if required, is completed.</p>	<p>The identified mitigation shall apply during all earth moving activities. A final report shall be submitted to the City's Environmental Principal Planner when mitigation, if required, is completed.</p>

	<p>shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.</p> <p>Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, the Coroner shall notify the Native American Heritage Commission to attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p> <p>Treatment of any Native American burials exposed during construction shall be conducted in accordance with the State of California Public Resources Code in consultation with the Native American Heritage Commission.</p>			
<b>Geology &amp; Soils</b>				
<p>The project site would be subject to significant seismic and geotechnical hazards.</p>	<p>The final trail shall be designed and constructed in accordance with the specific recommendations of a design-level geotechnical investigation. Prior to the issuance of a Public Works Clearance for the project, a design-level geotechnical analysis shall be prepared to the satisfaction of the Director of the Department of Public Works. The geotechnical investigation shall include the following analysis:</p> <ul style="list-style-type: none"> <li>- Evaluation of soil liquefaction and lateral spreading potential and identification of appropriate measures to remediate these conditions.</li> <li>- Delineation of areas of slope instability and</li> </ul>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>Submit geotechnical investigation to Director of Public Works. Incorporate requirements into final design-levels plans.</p>	<p>Prepare geotechnical investigation prior to construction. Incorporate geotechnical design measures during trail construction.</p>

	<p>identification of appropriate mitigation, such as retaining walls, rock bolting, or other measures to remediate these conditions.</p> <ul style="list-style-type: none"> <li>- Identification of the proper size and spacing the helical pier footings proposed for a portion of the trail.</li> </ul>			
<b>Hydrology &amp; Water Quality</b>				
<p>Construction of the proposed trail would introduce approximately 2,600 linear feet of a 6-inch high raised path into the 100-year floodplain, which could alter flows within the floodplain.</p>	<p>A hydrological study shall be prepared during final trail design, and appropriate measures included to assure that the project would not substantially impede or redirect flood flows. This study and development of any required measures shall be coordinated with the SCVWD.</p>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>Retain qualified hydrologist to prepare study, in coordination with the SCVWD. Incorporate any requirements into final design plans.</p>	<p>Prepare hydrological study prior to final design and construction. Implement hydrological design measures during trail construction.</p>
<p>The proposed drainage system would tie into the City's storm drainage system, which ultimately discharges into two outlets into Penitencia Creek. Evaluation of these outlets is beyond the scope of the proposed Master Plan. If required, the outlets can be evaluated at the design-level.</p>	<p>At the final design stage, the City Department of Parks, Recreation and Neighborhood Services shall evaluate the existing outlets to Penitencia Creek along the proposed trail to assure the facilities are adequate.</p>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>Evaluate outlets to creek and incorporate any required measures into final design plans.</p>	<p>Evaluate outlets prior to final design and construction. Implement improvements during construction.</p>
<p>Construction of the proposed trail may result in an increase in erosion affecting the quality of storm water runoff entering Penitencia Creek.</p>	<p>At the final design stage, the City Department of Parks, Recreation and Neighborhood Services shall identify and include site design measures, post-construction structural controls, and BMPs for reducing the volume of storm water runoff and the contamination in storm water runoff as permanent features of the project. A sufficient number of post-construction treatment measures shall be incorporated into the project in compliance with provision C.3 of the City of San Jose's NPDES permit and all other applicable local, state, and federal requirements.</p>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>Include the water quality protection measures in contract specifications and documents; submit documentation verifying compliance with identified mitigation to Environmental Principal Planner prior to project completion.</p>	<p>Implement water quality mitigation measures during project construction; maintain landscaping and drainage facilities after project completion.</p>

	<p>During the construction phase, the San Jose Department of Parks, Recreation and Neighborhood Services shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities. Such measures could include, but are not limited to, the following:</p> <ul style="list-style-type: none"><li>- Restrict grading to the dry season or meet City requirements for grading during the rainy season;</li><li>- Use BMPs to retain sediment on the project site;</li><li>- Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from drains and drainages;</li><li>- Provide temporary cover of disturbed surfaces to help control erosion during construction;</li><li>- Provide permanent cover to stabilize the disturbed surfaces after construction;</li></ul> <p>The City shall file a Notice of Intent (NOI) with the State Water Resources Control Board, in conformance with state regulations, and prepare an erosion control plan to include BMPs specified in the California Storm Water Best Management Practice handbook.</p>		File NOI (Notice of Intent) with State Board.	Prior to construction.
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Noise				
<p>The temporary increase in noise during construction would result in potentially significant short-term impacts on nearby residences.</p>	<p>During construction, the contractor shall implement the following measures to minimize construction noise nuisance impacts:</p> <ul style="list-style-type: none"> <li>- Limit construction hours to Monday through Friday, between 7 AM and 7 PM for any activities within 500 feet of residential uses, in accordance with local ordinance.</li> <li>- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment type.</li> <li>- Strictly prohibit idling of internal combustion engines.</li> <li>- Utilize “quiet” air compressors and other stationary noise sources where the technology exists.</li> <li>- Designate a “noise disturbance coordinator” that will be responsible for responding to any complaints regarding noise.</li> </ul>	<p>Department of Public Works, Parks, Recreation and Neighborhood Services</p>	<p>Include the identified construction noise abatement measures in contract specifications and documents.</p>	<p>Implement noise control measures during the entire construction period.</p>