



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Albert Balagso

**SUBJECT:** SEE BELOW

**DATE:** 10-29-07

Approved

Date

11/4/07

**COUNCIL DISTRICT:** 3, 5, 8

**SNI AREA:** Five Wounds/  
Brookwood  
Terrace,  
Mayfair, East  
Valley/680  
Communities,  
Gateway East

**SUBJECT: APPROVAL OF MASTER PLAN FOR LOWER SILVER CREEK TRAIL AND ADOPTION OF A RESOLUTION INCORPORATING THE ENVIRONMENTAL MITIGATION MEASURES SET FORTH IN THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT**

## RECOMMENDATION

Approval of the Lower Silver Creek Trail Master Plan and adoption of a resolution incorporating the 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 that would link the Coyote Creek Trail system with the Thompson Creek Trail system and identifies associated mitigation measures for future trail development.

## **EXECUTIVE SUMMARY**

The Lower Silver Creek Trail Master Plan defines a future trail alignment along the Lower Silver Creek. The future project would link to the Coyote Creek Trail system and the Thompson Creek Trail system. The Coyote Creek Trail is currently in the planning stage and the Thompson Creek Trail system's master plan was adopted by the City Council on April 26, 2005. This memorandum provides background and analysis about the planning process to support a City Council action related to approval of the Lower Silver Creek Trail Master Plan.

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

- 1) Crossing Highway 101 and ensuring sufficient space for the associated ramps and bridge footings;
- 2) Providing continuity along an alignment that is impacted by a narrow creek channel, restricted rights-of-way, and lack of creek banks; and
- 3) Identifying a suitable overland alignment where the creek channel maintenance roads are discontinuous due to Capitol Expressway, and bridge crossings are infeasible due to close proximity to housing and narrow rights-of-way.

The master plan was developed with input from the community and a Technical Advisory Committee. The committee had participants representing various City departments, a Council office, 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 generally defines a 100-mile network as a primary Trail Program goal. The Trail Program database more specifically defines trail alignments in support of the trail network identified in the Greenprint and other alignments that have been requested through City Council action or Strong Neighborhood Initiative (SNI) community input. Alignments defined in the database are posted on the program Web site and serve as the basis for prioritizing an annual work plan for the City Council's approval as part of the annual budget process. The Lower Silver Creek Trail was not noted in the Greenprint, but defined within the Trail Program database as a viable trail alignment.

On June 14, 2005 (item 2.9), the City Council authorized negotiation and execution of a funding agreement with the Santa Clara Valley Open Space Authority (OSA) for use of OSA funds for the development of the Lower Silver Creek Trail Master Plan and associated environmental documents. As part of the 2005-2006 budget process, the City Council appropriated Council District 5 Construction & Conveyance funds for the Master Plan project to meet matching fund requirements per the Trail Program's Grant-Seeking Process (Council informational memorandum, dated October 28, 2004). This action provided the funding necessary to proceed

with development of the master plan. The funding agreement with the Santa Clara Valley Open Space Authority (OSA) was executed on June 14, 2005.

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 January 30, 2006, a service order was executed with the landscape architecture firm to develop a master plan that would follow Lower Silver Creek Trail from Coyote Creek to the Dobern Avenue pedestrian bridge; from that point south, the alignment would generally follow an existing utility alignment.

### ANALYSIS

Development of a master plan is an important step in the project development process. A master plan generally identifies all potential elements of the project. It includes a description of the alignment and associated physical improvements. The planning process includes a community outreach component, a technical review of the proposed improvements, and an environmental assessment to ensure that the project has community support and can be developed.

As noted in the Background section, the Lower Silver Creek Trail is identified in the Trail Program database. The alignment follows a portion of a creek from Coyote Creek to Capitol Avenue. Creek-side trail development terminates at this point because the narrow channel, adjacent housing and major roadway crossings make further development infeasible. In order to connect the trail system to Lake Cunningham, the alignment follows a utility corridor that already includes linear park developments within District 5 (Dobern Bridge Trail and Wenlock Drive Trail).

The master plan addresses the alignment's major continuity challenges as follows:

<b>Challenge</b>	<b>Solution</b>
Highway 101 intersects the creek banks at grade preventing passage.	A long-span pedestrian bridge over Highway 101 is defined by the master plan.
Maintenance roads along the creek are discontinuous	Develop a sense of continuity through signage and enhanced gateways encouraging users to follow the route.
Creek alignment is discontinuous between Capitol Expressway and Ocala Avenue due to high-volume arterials and anticipated Water District flood control that would require the entire right of way.	Utilize an existing utility corridor as a landscaped trail alignment. Partial development of the trail within the corridor has already occurred as part of the Dobern Bridge and Wenlock Drive projects.

Trail development within the utility corridor has already occurred independently of the trail master plan. The City Council authorized execution of a fund transfer agreement with the Santa Clara Valley Water District (SCVWD) for construction of the Dobern Bridge over Lower Silver Creek (agreement executed on May 4, 2004) and appropriated funds for design and installation

of landscaping improvements associated with the bridge project. Additionally, the City Council appropriated funds and authorized a construction contract for the Wenlock Drive Trail project. The Lower Silver Creek Trail master plan identifies additional parcels within the utility corridor for future development of a continuous trail system.

To initiate the master planning process, a Technical Advisory Committee (TAC) was convened with representatives from various City departments, District 5 Council office and stakeholder agencies (including Federal, State, and local permitting agencies). 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. The TAC considered several alignments, but a partial creek/utility corridor routing was the only alignment alternative able to provide a continuous trail that maximized access to creek views and existing recreational resources. Because there was only one feasible alignment, a considerable amount of the TAC's effort was focused on resolving continuity issues presented by the previously noted site challenges.

The TAC reviewed an "opportunities and constraints" analysis related to the alignments under consideration and determined that one alignment, which followed Lower Silver Creek for 3.3 miles and continued for 2.5 miles within a utility corridor presented the highest likelihood of development.

On August 16, 2006, staff presented the alignment to the community. Because site challenges prevented significant changes or alternative routings, staff focused the discussion on project amenities.

The community was supportive of the project but was concerned about public safety and the lack of lighting along one particular segment of the future trail. As a result, staff altered the alignment to eliminate a narrow passage that had been proposed near Checkers Drive, using instead an on-street sidewalk as the defined alignment. In consultation with the Police Department, staff ensured that the alignment maintains clear lines of site and includes trail entries that are accessible to police vehicles. Inclusion of lighting was not possible due to environmental permitting issues, the City's Riparian Corridor Policy Study, and park design standards. As a result of that meeting, minor alterations to the proposed alignment were made.

Staff conducted additional community outreach by posting conceptual project information on the Trail Program Web page, including: 1) draft trail alignment plan, 2) detail project views, 3) Highway 101 pedestrian bridge, and 4) Silverstone Place trail and landscaping plan. A survey was also created and site visitors were asked to review each document and provide further input. People attending the first community meeting were notified of the Web site survey, as were others who expressed an interest in the project. The surveys returned indicated continued support for the project in general and supportive comments for the landscaping plan along the Silverstone Place segment of the trail.

Staff presented the draft master plan to the Parks and Recreation Commission on September 5, 2007. The commissioners requested that some revisions be made to the document, which staff accommodated in the following manner:

<b>Suggested Revision</b>	<b>Master Plan Edit</b>
Perform more community outreach	As noted in the Public Outreach/Interest section of this memorandum, staff conducted outreach in a number of ways. The master plan explains the outreach process in more detail.
Include a marker to reinforce the trail alignment as it travels along on-street segments.	A special "Lower Silver Creek Trail" medallion-like graphic will be developed and utilized on signage throughout the alignment.
Direct users along the route as it travels along on-street segments.	System maps will be posted at regular intervals and instruct users how to continue along the alignment between on-street breaks.

The Parks and Recreation Commission unanimously recommended that the City Council approve the master plan. The Commission complemented staff and the consultant team on the plan's graphics and development of a continuous trail system within a challenging environment.

The master plan included a cost estimate for all planned improvements. The total cost to design and construct the trail system is \$13,098,000. Of this total, over \$7,200,000 is required for a pedestrian bridge spanning over Highway 101 and associated trail improvements to link the bridge to the future Coyote Creek Trail and King Road trailhead. Development of the pedestrian bridge at this location was identified to be the favorable alignment because there was sufficient right-of-way for the structure and associated ramps and trail. Coordination occurred with the Santa Clara Valley Water District to confirm that the structure would not impact service vehicle access. On the east side of Highway 101, the ramp structure would be built into the creek bank to provide access down to the service road. The entire east section of the Highway 101 pedestrian bridge will require a hydraulic study to determine its feasibility once funding is approved to proceed with the design phase of work.

As part of the annual budget preparation process, staff would review all trail network funding needs and prioritize them per the Trail Program-Prioritization Process approved by the City Council on August 26, 2003. If the Lower Silver Creek Trail were identified as a high priority project, staff would provide cost estimates to support a Council determination to budget funds for development. If partially, or not funded by Council, staff would seek Council authorization to pursue grant funds if a grant program aligned well with the project.

Funding for partial development of the trail system has been appropriated in the 2007/08 Adopted Capital Budget for preparation of construction documents for a landscaped portion of the trail along Silverstone Drive, between Foxdale Drive and Ocala Avenue.

**EVALUATION AND FOLLOW-UP**

Development of the trail system will likely occur over time. As funding becomes available, staff will seek the City Council’s approval for design and construction contracts as necessary.

**POLICY ALTERNATIVES**

**Alternative #1:** In lieu of a Highway 101 pedestrian bridge, utilize a non-functioning railway alignment owned by the VTA that currently spans Highway 101.

**Pros:** Makes use of existing railway structure. Reduces funding required for a continuous trail between confluence with Coyote Creek and King Road.

**Cons:** CEQA documentation does not address this alternative alignment because funding was unavailable for expansion of the master plan scope. Use of the railway bridge provides a 0.7-mile routing that diverts from the creek and requires bicyclists to use a low-volume roadway in lieu of trail. Existing railway bridge has tall sidewalls that prevent observation of trail users as recommended by the Police Department for security purposes.

**Reason for not recommending:**

Routing away from the creek through use of the roadway within an industrial area compromises the trail experience and may present challenges for police and patrols to monitor the alignment for safety and security.

**COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$0

2. COST OF PROJECT\*:

Acquisition	To be determined
Construction	\$10,194,450
Contingency	\$2,903,550
TOTAL	<u>\$13,098,000</u>

3. SOURCE OF FUNDING: To be determined

4. FISCAL IMPACT: As part of the annual budget process, staff will investigate and recommend funding sources to council for the design and construction of the trail.

Upon completion, the trail will be added to the City’s Park and Trail Inventory and on-going maintenance will be funded through the Park Maintenance budget. Annual funding for maintenance activities is anticipated to be \$59,045 for the 4.9-mile alignment based on current maintenance estimates.

Annual funding for management activities performed by Park Rangers is anticipated to be \$10,780/year. At this early date, it is difficult to project completion dates and when funding will be required for management purposes.

These costs were not included as part of the 2008-2012 Five-Year General Fund Forecast and Revenue Projections. As the scope for specific projects are further defined, the funding impact will be reviewed and, if necessary, brought forward through the annual budget process. This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

### **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)**

The project does not meet any of the listed criteria. However, this memorandum will be posted on the City's Internet website for the October 23, 2007 City Council meeting.

Development of the project included the following outreach:

- 1) A community meeting was conducted on August 16, 2006. There were 20 residents in attendance.
- 2) The Trail Program Web site included alignment plans and elevations with a survey seeking further community input.
- 3) On September 5, 2007, the Parks and Recreation Commission recommended that the City Council approve the project.
- 4) The Trail Program Web site includes a network map that generally indicates the Lower Silver Creek Trail alignment.

### **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, and the City Manager's Budget Office.

Additionally, the following agencies had representation on the Technical Advisory Committee: Santa Clara Valley Water District, California Department of Fish and Game, National Oceanic & Atmospheric Administration, Santa Clara County, United States Army Corp of Engineers, U.S. Fish & Wildlife Service, Caltrans, Valley Transit Authority, and Regional Water Quality Control Board.

**CEQA**

CEQA: Mitigated Negative Declaration, PP07-106.

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  
Director of Parks, Recreation  
and Neighborhood Services

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

Attachment – Mitigation Monitoring and Reporting Program