



COUNCIL AGENDA: 06-17-08
ITEM: 2.17

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Albert Balagso

SUBJECT: SEE BELOW

DATE: 05-27-08

Approved

Date

6/4/08

COUNCIL DISTRICT: 3, 4

SNI AREA: Five Wounds/
Brookwood
Terrace, 13th
Street,
University,
Spartan Keyes

SUBJECT: APPROVAL OF MASTER PLAN FOR COYOTE CREEK TRAIL FROM
STORY ROAD TO LOWER SILVER CREEK

RECOMMENDATION

Approval of the Coyote Creek Trail Master Plan for the reach from Story Road to Lower Silver Creek and adoption of a resolution incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

OUTCOME

Council approval of the Master Plan for Coyote Creek Trail ("Master Plan") defines the future trail alignment from Story Road to Lower Silver Creek. The Master Plan specifies that the future project would include 3.1 miles of paved trail, a pedestrian bridge, cantilevered boardwalk structure, signage, striping and other miscellaneous improvements. The Master Plan also supports the City's efforts to identify funds for further development of the Coyote Creek Trail.

EXECUTIVE SUMMARY

The Master Plan defines a future trail alignment that is bounded by Story Road and Lower Silver Creek. This memorandum provides background and analysis about the planning process to support Council approval related to adoption of the Master Plan and associated Mitigation Monitoring and Reporting Program.

The Master Plan was developed with input from the community and a Technical Advisory Committee ("Committee"). The Committee had participants representing various City departments, Council office, State of California permitting agencies, and local stakeholder agencies.

BACKGROUND

In April 2000, Council approved the City's Greenprint. The Greenprint is a 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 for the City. It identifies the Coyote Creek Trail as one of the systems that comprise the network.

On September 15, 2003, the City Manager executed a consultant agreement with Callander Associates, a landscape architectural firm, for preparation of a feasibility study to document the viability of a continuous trail alignment between Story Road and Highway 101.

Development of the alignment plan occurred with extensive community input. A kick-off meeting occurred in August 2003, followed by three formal community meetings in October 2003, January and April 2004.

Formation of a Technical Advisory Committee ("TAC") permitted the feasibility study team to seek input from technical experts from City departments, State permitting agencies and the Santa Clara Valley Water District ("SCVWD"). The City identifies common or anticipated project challenges and seeks attendees from agencies with oversight for these types of issues. The following agencies had representation on the TAC: SCVWD, California Department of Fish and Game, Regional Water Quality Control Board, United States Corp of Engineers, San Jose Unified School District, National Oceanic & Atmospheric Administration, United States Fish and Wildlife Service, and Santa Clara County.

The feasibility study was completed on June 7, 2004, and documented a viable trail alignment.

In March 2006, the San Jose Redevelopment Agency Board approved \$546,500 in funding for preparation of a master plan and associated environmental documentation based upon the feasibility study for the Coyote Creek Trail from Story Road to Lower Silver Creek.

On June 20, 2006, Council approved a master agreement with Callander Associates for services related to development of various trail projects, including the Coyote Creek Trail from Story Road to Lower Silver Creek. A service order was executed on November 3, 2006 with Callander Associates to develop the Master Plan for this project, provide environmental clearance documents, and 30% construction documents.

ANALYSIS

Prior to development of this Master Plan, a feasibility study was prepared by the City. The feasibility study determined that the trail alignment was feasible, and it also documented extensive community outreach and a technical assessment conducted with City departments and partner agencies.

Throughout the community outreach process, staff found that attendees were supportive of the trail alignment. Between 30 and 40 people attended the kick-off meeting, and three subsequent community meetings. At the final community meeting, attendees asked that the City pursue development of the project with no further outreach. Because of this early outreach and coordination, the scope of the Master Plan was streamlined. It included:

- 1) One outreach meeting to keep the community apprised of the planning process already formulated by the Feasibility Study's series of meetings;
- 2) Environmental review;
- 3) Formation of a TAC; and
- 4) Refinement of the alignment plan through coordination with affected agencies.

The Master Plan's alignment is consistent with the feasibility study, with the exception that it does not discuss the short distance from Lower Silver Creek to Highway 101. This portion of the trail alignment is defined by the Watson Park master planning process. The Coyote Creek Trail Master Plan offers more precision than the prior feasibility study on how the alignment will pass along San Jose High Academy, The existing school campus that is located at the top of the creek bank at several points. This necessitates two approaches along the route:

- 1) Southern boundary of campus to Julian Street: design and construct a cantilevered structure so as to not intrude into the campus.
- 2) Julian Street to northern boundary of campus: design and construct trail upon a portion of the existing paved parking lot, and re-stripe parking lot to maintain the number of parking stalls. This does intrude into the campus, but School District staff indicated support for the plan as parking capacity will not be reduced.

The San Jose Unified School District ("SJUSD") staff outlined an agreement that should be negotiated and executed in advance of completing the project's construction documents. It would be in the form of a tri-party agreement between the City, SCVWD and SJUSD, and define

the easement for trail purposes and roles and responsibilities for operation and maintenance of the adjacent riparian corridor. Specifically, the agreement envisions confirmation of the City's easement upon SJUSD property and definition of the SCVWD's role in maintaining the creek by removal of litter, debris and plant material.

It is estimated that design and construction of the trail system will require \$8,547,220. This figure presumes no costs associated with securing access along the creek.

EVALUATION AND FOLLOW-UP

Future construction of the trail alignment defined by the Master Plan delivers 3.1 miles of trail, consistent with the Greenprint's goal for development of a 100-mile trail network.

POLICY ALTERNATIVES

Alternative #1: Produce new Master Plan

Pros: If Council determines that it does not support the alignment shown in the Master Plan, it could direct staff to commence the process again. This may result in an alternative alignment.

Cons: The feasibility study and Master Plan carefully investigated all available alignments and staff believes that the current Master Plan indicates the best possible alignment. Development of a new master plan would require that funding be identified for staff time, consultant services and other miscellaneous expenses and may not lead to an alternate alignment.

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 above criteria does not apply to this recommendation, this memorandum is posted on the City's website for the June 17, 2008 Council Agenda.

Development of the Project included the following public outreach:

- 1) A kick-off and three community meetings (conducted as part of the prior Feasibility Study).
- 2) A community meeting was held with the 13th Street SNI on May 17, 2007 to discuss the master plan.
- 3) On January 16, 2008, the Parks and Recreation Commission recommended that the Council approve the Project.
- 4) The Trail Program Web site has detailed alignment and elevation plans resulting from the planning process.
- 5) The Trail Program Web site includes a Network Map that indicates the Coyote Creek Trail alignment.

COORDINATION

This memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Public Works, Finance, and the City Attorney's Office, Council District 5 Office, and the City Manager's Budget Office.

FISCAL/POLICY ALIGNMENT

This Project is consistent with the Council-approved Budget Strategy Economic Recovery section. Should in the future, Council appropriate funds for construction, the project will spur construction spending in our local economy. 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 for further development of the Project.

COST SUMMARY/IMPLICATIONS

1.	COST ELEMENTS OF PROJECT:	
	Project Delivery	\$56,275
	Consultant Agreement	<u>\$329,700</u>
	Total Project Costs	\$385,975

*A total of \$365,917 was expended or encumbered in 2006-2007 for project costs.

2. SOURCE OF FUNDING: 450 - Redevelopment Agency Capital Projects Fund
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 Project. Using current budgeting assumptions, the 3.1 mile (off-street) trail project will require \$37,355 annually for maintenance. This figure is derived from the baseline \$12,050/mile and adjusted annually for inflation. An additional \$6,820 will be required to support the fractional cost of trail patrol staff to

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monitor the trail system. This figure is derived from the baseline \$2,200/mile and adjusted annually for inflation.

CEQA

CEQA: Mitigated Negative Declaration, PP08-014

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. 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

**COYOTE CREEK TRAIL
MASTER PLAN
(STORY ROAD TO US 101)
PROJECT
NO. PP08-014**

CITY OF SAN JOSE

MARCH 2008

**MITIGATION MONITORING AND REPORTING PROGRAM
COYOTE CREEK TRAIL MASTER PLAN (STORY ROAD TO US 101) PROJECT
NO. PP08-014**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
BIOLOGICAL RESOURCES				
<p>The project would result in a significant impact due to the loss of riparian habitat, including trees, understory, and SRA habitat. (Significant Impact)</p>	<p>The proposed project includes the following mitigation measures to reduce impacts to riparian habitat (trees and understory habitat loss) to a less than significant level:</p> <ul style="list-style-type: none"> • All of the trees to be removed will be replaced at the ratios shown in Table 1, below. <p>Based upon the sizes and species of the trees to be removed, the project proposes to plant approximately 93 replacement trees in one or more mitigation areas and/or along the project reach. The mitigation ratio for native tree removal exceeds the requirements of the City of San José's Tree Ordinance, although the mitigation ratio for non-native, invasive tree removal is lower because these species represent a threat to riparian habitat value and their removal is not as negative as the removal of native riparian species.</p> <p>The required tree plantings can be accomplished on approximately 0.47 acres within one or more mitigation areas. Trees to be planted adjacent to the creek, but outside of the mitigation areas, must be native trees appropriate for the Coyote Creek riparian habitat. Trees planted away from the riparian corridor could be native or non-native.</p> <ul style="list-style-type: none"> • Based on a replacement ratio of 1:1, approximately 1,800 square feet of native understory will be replaced as part of the project. This replacement habitat can be located within the same mitigation area(s) as the tree replacement plantings. • A Riparian Mitigation and Monitoring Plan shall be completed for the project to mitigate for impacts to riparian understory habitat and shall include: <ul style="list-style-type: none"> – Mitigation design, including soil preparation methods, planting plan, and irrigation and maintenance plan; – Monitoring plan, including performance criteria, monitoring 	<p>Prior to start of construction, the Riparian Mitigation and Monitoring Plan will be completed by a qualified biologist.</p> <p>Prior to start of construction, the trees will be removed by a professional tree company with certified arborists.</p> <p>A qualified biologist will monitor the implementation of the Riparian Mitigation and Monitoring Plan during construction.</p>	<p>The Riparian Mitigation and Monitoring Plan will be reviewed by the Environmental Principal Planner of Planning, Building, and Code Enforcement.</p> <p>All tree removals and plantings plans shall be printed on all construction documents, contracts, and project plans.</p>	<p>Director of Planning, Building and Code Enforcement</p> <p>Director of Public Works</p>

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	<p>methods, data analysis, monitoring schedule, and remedial/adaptive management. Mitigation sites will be monitored over a 10-year period; and</p> <ul style="list-style-type: none"> - Contingency plan for mitigation elements that do not meet performance or final success criteria. 			

<p align="center">TABLE 1 TREE REPLACEMENT RATIOS</p>				
Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Non-Native Invasive	
18 inches or greater	5:1	2:1	0.5:1	24-inch box
12 - 17 inches	3:1	2:1	0.5:1	24-inch box
6 - 11 inches	2:1	1:1	0.5:1	15-gallon container
less than 6 inches	1:1	0.5:1	0:1	15-gallon container
<p>Notes: X:X = tree replacement to tree loss ratio Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</p>				

<p>The project would result in short-term, construction-related water quality impacts to salmonids resulting from tree removal in the vicinity of the boardwalk area and construction of the pedestrian bridge over Lower Silver Creek. (Significant Impact)</p>	<p>The proposed project includes the following mitigation and avoidance measures to reduce impacts to water quality and salmonids during construction to a less than significant level:</p> <ul style="list-style-type: none"> • To minimize impacts to salmonids, construction within the creek channel will be restricted to the dry season (July 1st to October 15th), the period after the spawning season when minimal water is in the channel and movement of salmonids within the project area is expected to be minimal. Any salmonid redds (juveniles) downstream from the site should not be impacted directly or indirectly, if construction occurs during this time because redds are not active during this period and 	<p>During the construction phase, the contractors will implement the measures.</p>	<p>The Director of Public Works and/or the designated project representative will ensure that the contractors implement the construction measures.</p>	<p>Environmental Principal Planner of Planning, Building, and Code Enforcement Director of Public Works</p>
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**MITIGATION MONITORING AND REPORTING PROGRAM
COYOTE CREEK TRAIL MASTER PLAN (STORY ROAD TO US 101) PROJECT
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Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>minor stream sedimentation from construction activities is not expected to permanently impact salmonid redds downstream. Small amounts of sediment that accumulate in gravelly spawning areas will likely be flushed out when flows increase after rainfall, during the late fall and winter following construction. Environmentally Sensitive Area (ESA) fencing will be installed at the upstream and downstream limits of work within the creek banks and tree removal sites to prevent construction equipment and crews from disturbing the active channel beyond the limits of work.</p> <ul style="list-style-type: none"> • It is possible that juvenile steelhead could be moving downstream during the dry season. Therefore, measures will be taken to ensure that individual steelhead are not killed and that movement of steelhead is not prevented by any water-diversion structures used during construction, regardless of the timing of construction. If dewatering is required for construction of the bridge over Lower Silver Creek, a U-shaped coffer dam comprised of clean gravel and plastic sheeting will be installed. The area of dewatering and construction activity within the channel will be minimized. A qualified fisheries biologist will be present during dewatering, and will relocate any fish trapped within the coffer dam to suitable habitat in the live stream channel. A temporary water diversion structure within jurisdictional waters will require a permit from the US Army Corps of Engineers. • It is understood that Best Management Practices (BMP) for aquatic habitat/water quality protection will be implemented. The project will avoid equipment operation in the live stream channel. If work within the stream channel is unavoidable, then any stream flow will be diverted around the work area by a barrier, new channel, or other conveyance capable of permitting upstream and downstream fish movement, as previously described. Construction of such a barrier, or new channel, would normally begin in the downstream area and continue in an upstream direction, and the flow should be diverted only when construction of the diversion is completed. No debris, soil, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material will be allowed to enter into or be placed where it may be washed by rainfall or runoff into Coyote or 		<p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	

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	<p>Lower Silver Creeks.</p> <ul style="list-style-type: none"> • All conditions of the Streambed Alteration Agreement to be obtained for the project from CDFG will be implemented. • To protect water quality in Coyote and Lower Silver Creeks, the project will conform with the California Stormwater Quality Association's Stormwater BMP Handbook for New and Redevelopment. Implementation of the water quality protection BMPs, including installation of silt fencing between the project and the creek, will prevent adverse impacts to water quality in Coyote and Lower Silver Creeks and minimize potential impacts to aquatic species such as salmonids. • Machinery will be refueled at least 60 feet from aquatic habitat, and a spill prevention and response plan will be developed. • If these measures are implemented, potentially adverse effects upon water quality will be reduced to a less than significant level. If these measures fail, however, the City will consult with local representatives of the CDFG and RWQCB to develop contingency measures. 			
<p>The trees on the site provide potential nesting habitat for tree-nesting raptors such as Cooper's Hawk, Yellow Warbler, and White-tailed Kite. Construction on the site during the nesting season could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or</p>	<p>The project proposes to implement the following standard measures to reduce construction-related impacts to nesting raptors:</p> <ul style="list-style-type: none"> • If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. <ul style="list-style-type: none"> – Between February and August (inclusive), pre-construction surveys shall be completed no more than seven days prior to the initiation of construction activities. – The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. – If an active raptor nest is found in or close enough to the 	<p>If construction is to occur between February and August, the Public Works project representative shall retain a qualified ornithologist to complete the mitigation and avoidance measures prior to the start of construction.</p> <p>A pre-construction survey for active</p>	<p>A report prepared by a qualified ornithologist documenting the results of the survey and any designated buffer zones shall be submitted to the Environmental Principal Planner of Planning, Building and Code Enforcement prior to the start of</p>	<p>Director of Planning, Building and Code Enforcement</p>

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indirectly due to disturbances caused by construction activities. (Significant Impact)	<p>construction area to be disturbed by these activities, the ornithologist, shall, in consultation with CDFG, designate a construction-free buffer zone (typically 250 feet) around the nest.</p> <ul style="list-style-type: none"> The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit. 	nesting raptor nests shall be done no more than 30 days prior to ground disturbance.	<p>construction.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	

HAZARDOUS MATERIALS

<p>The proposed project has the potential to create a significant hazard to construction workers and/or to the public as a result of trail construction over portions of the former Story Road Landfill site. (Significant Impact)</p>	<p>The proposed project includes the following mitigation measure to reduce the potential for hazardous materials impacts to a less than significant level:</p> <ul style="list-style-type: none"> Prior to project construction, a Phase II Environmental Site Assessment (soil testing) will be completed to determine subsurface soil conditions along the proposed trail segment near the former Story Road Landfill site. If significant quantities of potentially hazardous materials are found, appropriate remediation measures and a risk assessment will be completed prior to project construction, per the requirements of the City of San José and the Regional Water Quality Control Board (RWQCB). 	<p>Prior to the start of construction, the Public Works project representative will retain a qualified hazardous materials specialist to complete a Phase II Environmental Site Assessment.</p> <p>If significant quantities of potentially hazardous materials are found, appropriate remediation measures and a risk assessment will be completed prior to project construction.</p>	<p>The results of the Phase II Environmental Site Assessment (and the risk assessment if determined necessary) will be reviewed by the RWQCB and the Environmental Principal Planner of Planning, Building, and Code Enforcement.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Director of Public Works</p> <p>RWQCB</p> <p>Environmental Principal Planner of Planning, Building, and Code Enforcement.</p>
<p>The proposed project has potentially significant hazardous materials impacts at the site of the</p>	<p>The proposed project includes the following mitigation and avoidance measures to reduce the potential for hazardous materials impacts due to construction of the trail in the vicinity of the UPRR tracks to a less than significant level:</p>	<p>Following the City's acquisition of the UPRR property, the Public Works project</p>	<p>The results of the Phase II Environmental Site Assessment will be</p>	<p>Director of Public Works</p> <p>Environmental</p>

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<p>existing UPRR track and trestle bridge. (Significant Impact)</p>	<ul style="list-style-type: none"> Following the City's acquisition of the UPRR property, a Phase II Environmental Site Assessment (with soil testing) will be completed to determine the subsurface soil conditions in the vicinity of the on-site railroad tracks. If significant quantities of potentially hazardous materials are found, appropriate remediation measures identified in the Phase II will be implemented prior to trail construction in the vicinity of the UPRR right-of-way, per the requirements of the City of San José. 	<p>representative will retain a qualified hazardous materials specialist to complete a Phase II Environmental Site Assessment.</p> <p>If significant quantities of potentially hazardous materials are found, appropriate remediation measures will be completed prior to project construction.</p>	<p>reviewed by the Environmental Principal Planner of Planning, Building, and Code Enforcement.</p> <p>All measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Principal Planner of Planning, Building, and Code Enforcement.</p>
NOISE				
<p>The proposed project would result in significant short-term construction-related noise impacts to Selma Olinder Elementary School and San José High Academy. (Significant Impact)</p>	<p>The following mitigation measure is included in the project to reduce construction-related noise impacts at Selma Olinder Elementary School and San José High School to a less than significant level:</p> <ul style="list-style-type: none"> Construction activities that generate noise levels in excess of 60 dBA adjacent to the existing classroom buildings at Selma Olinder Elementary School and San José High Academy will be limited to non-school hours. 	<p>During construction phase by the contractors.</p>	<p>The Director of Public Works and/or designated project representative will ensure that the contractors implement the construction noise measures.</p>	<p>Environmental Principal Planner of Planning, Building, and Code Enforcement and Director of Public Works</p>

SOURCE

City of San José, Coyote Creek Trail Master Plan (Story Road to US 101), March 2008.