



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 08-25-08

Approved

Christine J. Shypply

Date

8-27-08

COUNCIL DISTRICT: 7

**SUBJECT: APPROVAL OF CONTRACT FOR THE COYOTE CREEK TRAIL
PROJECT (LOS LAGOS GOLF COURSE TO TULLY ROAD)**

RECOMMENDATION

- a) Report on bids and award of a contract for the Coyote Creek Trail project (Los Lagos Golf Course to Tully Road) to the low bidder, Grade Tech, Inc., in the amount of \$739,000, and approval of a contingency in the amount of \$147,800.
- b) Adopt a resolution incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting program for the project.

OUTCOME

Approval of this construction contract with Grade Tech, Inc. will allow the Coyote Creek Trail project to be built for use by summer 2009. Approval of a 20 percent contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the project.

BACKGROUND

In November of 2000, San José voters approved a \$228,000,000 Parks Bond Measure. The Parks Bond Measure provides approximately \$2,387,000 for the design and implementation of improvements of approximately 0.5 mile of Coyote Creek Trail from Los Lagos Golf Course to Tully Road.

This project will construct a 12-foot wide asphalt concrete trail with two-foot wide compacted aggregate shoulders on each side. The project includes the use of recycled aggregate base and has been designed to accommodate pedestrian, bicycle and limited equestrian use. In order to accommodate the trail alignment, some playground equipment will be removed and

reconfigured, and additional equipment installed. The master plan required this relocation in order to minimize conflicts between children and trail users. There will be additional fencing installed at the police stables to provide increased security of the horses given the adjacency of the trail. The project also includes minimal landscape planting and irrigation, miscellaneous site improvements and mitigation planting, irrigation, and maintenance of mitigation plants for one year.

Construction is scheduled to begin in November 2008 with completion in July 2009.

ANALYSIS

Bids were opened on July 24, 2008 with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Variance Amount</u>	<u>Over/(Under) Percent</u>
Engineer's Estimate	\$1,293,000	---	---
O'Grady Paving, Inc. * (Mountain View)	1,250,000	(\$43,000)	(3)
ESR Construction (San José)	1,171,000	(122,000)	(9)
Stevens Creek Quarry, Inc. (Cupertino)	1,136,587	(156,413)	(12)
RGW Construction (Livermore)	1,096,000	(197,000)	(15)
HSR General Engineering Contractors, Inc. DBA HSR, Inc. (Santa Clara)	1,047,120	(245,880)	(19)
Wattis Construction Co. Inc. (San José)	935,355	(357,645)	(28)
Granite Rock Company DBA Pavex Construction Division (San José)	885,700	(407,300)	(32)
Robert A. Bothman, Inc. (San José)	881,685	(411,315)	(32)
Trincherro Construction Co., Inc. (San Martin)	854,696	(438,304)	(34)
Galeb Paving, Inc. (Saratoga)	826,800	(466,200)	(36)
Granite Construction Company (Watsonville)	792,792	(500,208)	(39)
Joseph J. Albanese, Inc. (Santa Clara)	759,500	(533,500)	(41)
Grade Tech, Inc. (San Ramon)	\$739,000	(\$554,00)	(43)

* Bid is considered non-responsive as no Addendum was submitted.

The low bid submitted by Grade Tech, Inc. is 43 percent under the Engineer's Estimate and is considered acceptable for the work involved. The recent downturn in the construction market resulted in the City receiving 13 very competitive bids. This favorable bidding climate is reflected in the overall lower than anticipated bids.

Based upon the above information, it is the recommendation of staff to award the project Council policy provides for a standard contingency of five percent on public works park projects. Due to the complicated coordination issues with the ball fields, skate park, tot lot and police stables associated with this project, a contingency of 20 percent is recommended for this project. There are sufficient funds to provide for the recommended contingency.

EVALUATION AND FOLLOW-UP

No additional follow-up with the Council is expected at this time.

POLICY ALTERNATIVES

Not applicable

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)**

Approval of this contract does not meet any of the criteria stated above. However, this memorandum will be posted on the City's website for the September 16, 2008 Council agenda. To solicit contractors, this project was listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects were provided to various contractor organizations and builder's exchanges.

COORDINATION

This project and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Parks, Recreation and Neighborhood Services, Finance, the

City Attorney’s Office, the City Manager’s Budget Office, and the adjacent occupants along the trail (Tully Ball Fields, Stonegate Skate Park and Tot Lot Park Managers, and Police Special Operations/Mounted Unit Officers at Police Stables).

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.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$739,000

Master Plan	\$312,727	*
Project Development	191,326	**
Construction Document consultant fees	462,000	
Project Delivery	376,489	
Construction Cost	\$739,000	
Construction Contingency	<u>147,800</u>	
TOTAL PROJECT COST	\$2,229,342	
Prior Year Expenditures (anticipated to be expended/encumbered through June 2008)	<u>1,048,142</u>	
REMAINING PROJECT COSTS	\$1,181,200	

*Includes \$242,295 in consultant fees.

** Includes \$50,000 in consultant fees.

2. COST ELEMENTS OF CONSTRUCTION CONTRACT:

3. SOURCE OF FUNDING: 471 – Parks and Recreation Bond Projects Fund
375 – Subdivision Park Trust Fund

4. OPERATING COST: The operating and maintenance costs of this facility have been reviewed and estimated to be approximately \$8,000 annually, starting in August 2009. This funding is included in the 2009-2013 General Fund Forecast, released on February 29, 2008.

BUDGET REFERENCE

The table below identifies the fund and appropriation proposed to fund the construction contract recommended as part of this memorandum and remaining project costs, including project delivery, construction and contingency costs.

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2008-2009 Proposed Budget Page*	Last Budget Action (Date, Ord. No)
Remaining Project Costs				\$1,181,200			

Current Funding Available							
471	4527	TRAIL: Coyote Creek (Tully Road to Los Lagos Golf Course)	123615	\$1,338,000	\$739,000	V-655	6/24/2008 Ord No 28349
375	5865	TRAIL: Coyote Creek (Tully Road to Los Lagos Golf Course)	TBD	\$200,000		V-527	6/24/2008 Ord No 28349
Total Current Funding Available				\$1,538,000	\$739,000		

* The 2008-2009 Proposed Capital Budget was approved by City Council on June 24, 2008.

CEQA

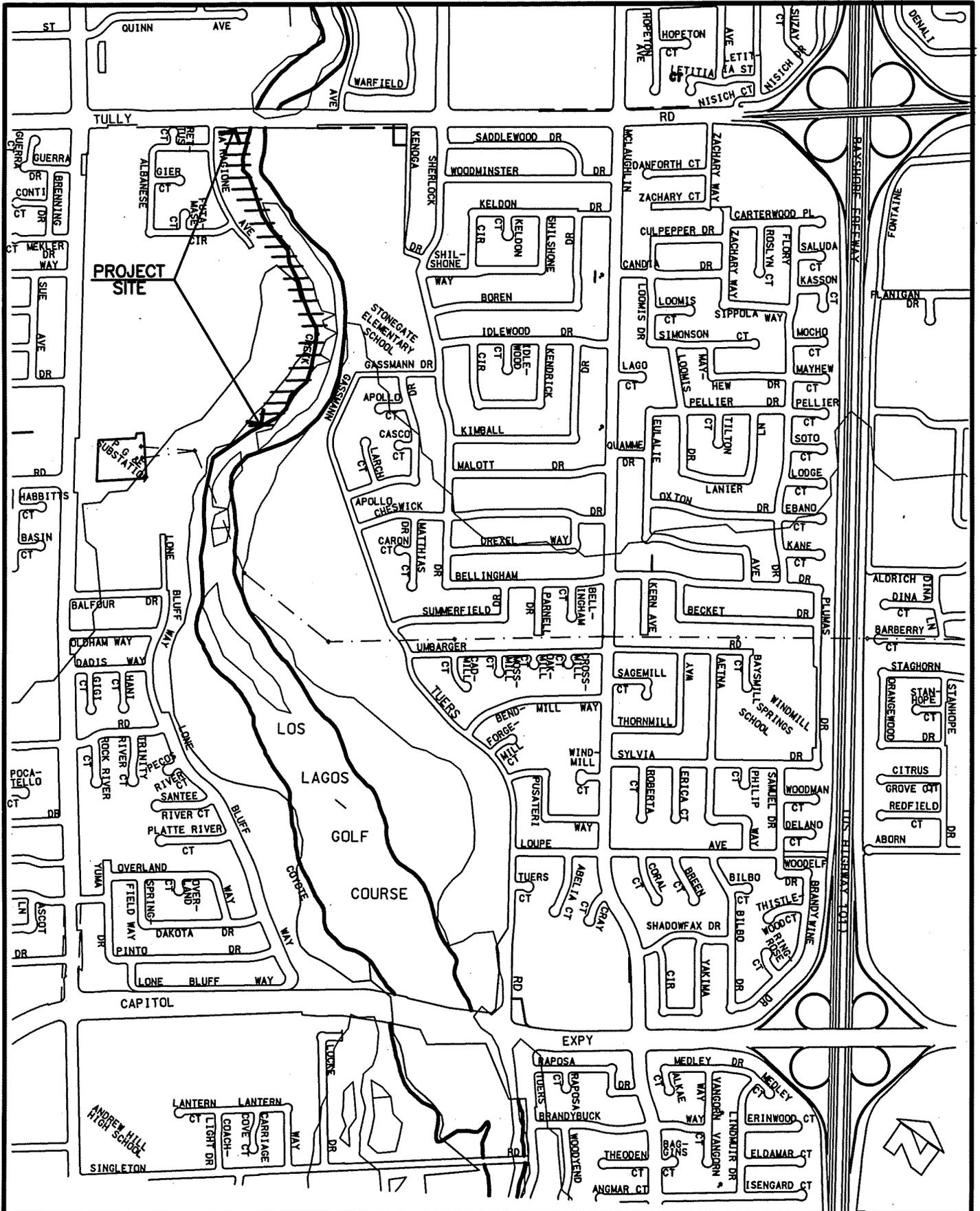
CEQA: Mitigated Negative Declaration, File No. PP04-02-057

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 design and the construction documents. 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.

KATY ALLEN
Director, Public Works Department

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, at (408) 535-8300.

KA:KJ:JP:ml
Attachments



COYOTE CREEK TRAIL-LOS LAGOS GOLF COURSE TO TULLY ROAD
LOCATION MAP
 NOT TO SCALE

**COYOTE CREEK TRAIL MASTER PLAN
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation	Implementation Responsibility/Timing	Oversight Responsibility and Implementation Mechanism
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Air Quality

Construction of the trail would result in short-term dust impacts.	The project shall implement standard dust control measures during construction activities.	City of San Jose Public Works Department, Parks and Recreation Facilities Division /During Construction	Director of Public Works shall ensure that dust control measures are implemented during construction.
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Biological Resources

Construction activities would significantly impact riparian habitat.	<p>The project shall incorporate best management practices during and after construction of the trail, as set forth in the body of the Initial Study.</p> <p>The City shall prepare and implement a riparian revegetation plan that recreates riparian woodland at a 3:1 ratio. This plan shall include a revegetation plan for a vegetation barrier where the trail is located immediately adjacent to the woodland, specify the location of all plantings, identify the use of locally native riparian plant species, and specify a 5-year maintenance and monitoring program.</p> <p>The City shall prepare yearly monitoring reports and submit these reports to the Planning Department's Environmental Principal Planner 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 the revegetation. The City shall implement remedial measures should the success criteria not be achieved in any of the five monitoring years.</p> <p>The City shall implement tree protection measures, as set forth in the EIR, to protect trees to be retained on the site.</p>	City of San Jose Public Works Department, Parks and Recreation Facilities Division /Prior to and during Construction	Director of Planning, Building, and Code Enforcement shall condition the permit to require riparian mitigation and shall review identified mitigation plans. Director of Public Works shall oversee mitigation implementation during and after construction.
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**COYOTE CREEK TRAIL MASTER PLAN
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation	Implementation Responsibility/Timing	Oversight Responsibility and Implementation Mechanism
Construction of the project could impact sensitive bird species that may be nesting within the riparian habitat.	Schedule construction outside the nesting season for sensitive riparian bird species (February – July). If this is not feasible, a qualified biologist shall conduct pre-construction surveys for nesting birds along the trail corridor no more than 30 days prior to construction. If nesting sensitive bird species are observed, the 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 the biologist.	City of San Jose Public Works Department, Parks and Recreation Facilities Division /During Construction	Director of Public Works shall oversee mitigation implementation during construction.
Construction of the trail through Reach 5 could impact nesting loggerhead shrike	Schedule construction outside the nesting season for loggerhead shrike (April – July). If this is not feasible, a qualified biologist shall conduct pre-construction surveys for nesting birds along this segment of the trail corridor no more than 30 days prior to onset of construction. If nesting loggerhead shrikes 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 the biologist.	City of San Jose Public Works Department, Parks and Recreation Facilities Division /During Construction	Director of Public Works shall oversee mitigation implementation during construction.

**COYOTE CREEK TRAIL MASTER PLAN
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation	Implementation Responsibility/Timing	Oversight Responsibility and Implementation Mechanism
Cultural Resources			
Buried cultural resources could be encountered and disturbed during project construction.	<p>If any cultural materials are discovered during site preparation or construction activities, operations shall be halted within 25 feet of the find and a qualified archaeologist retained to evaluate the find. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.</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>	City of San Jose Public Works Department, Parks and Recreation Facilities Division/During Construction	Director of Pubic Works shall coordinate with the Director of Planning, Building and Code Enforcement to assure cultural resource mitigation is designed and implemented for the project.
Geology and Soils			
The project would be subject to seismic activity that could damage the trail.	The project shall be designed in accordance with the seismic requirements of CBC/UBC for seismic zone 4.	City of San Jose Public Works Department, Parks and Recreation Facilities Division/Prior to Construction	Director of Public Works shall review final site plans to assure compliance with the CBC/UBC.
The project site contains geotechnical hazards associated with undocumented fill, liquefaction, lateral spreading, and bank instability.	The final trail shall be designed and constructed in accordance with a design-level geotechnical analysis prepared to the satisfaction of the Director of the Department of Public Works, prior to the issuance of a Public Works Clearance for the project. The geotechnical investigation shall include evaluation of soil liquefaction and lateral spreading, delineation of areas of creek bank instability, and identification of appropriate mitigation.	City of San Jose Public Works Department, Parks and Recreation Facilities Division – Prior to and During Construction	Director of Public Works shall review the geotechnical analysis and final site plans, and assure implementation during construction.

**COYOTE CREEK TRAIL MASTER PLAN
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation	Implementation Responsibility/Timing	Oversight Responsibility and Implementation Mechanism
Localized segments of the trail alignment are expected to contain moderately to highly expansive soils that could damage the proposed trail.	The final trail shall be designed and constructed in accordance with a design-level geotechnical analysis prepared to the satisfaction of the Director of the Department of Public Works, prior to the issuance of a Public Works Clearance for the project. This analysis shall include evaluation of expansive soils on the site and identification of appropriate mitigation.	City of San Jose Public Works Department, Parks and Recreation Facilities Division/Prior to and During Construction	Director of Public Works shall review the geotechnical analysis and final site plans, and assure implementation during construction.
Hydrology and Water Quality			
The project would result in potential water quality impacts associated with construction and post-construction activities.	<p>The project shall obtain the applicable state permits under the National Pollutant Discharge Elimination System (NPDES) prior to construction. This shall include preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).</p> <p>The project shall submit an erosion control plan to the City of San Jose and the RWQCB. Erosion control measures shall be established in conformance with the City and County grading ordinances, RWQCB regulations, and the Santa Clara Valley Urban Runoff Pollution Prevention Program.</p> <p>The project shall install appropriate drainage facilities using best management practices.</p>	City of San Jose Public Works Department, Parks and Recreation Facilities Division – Prior to Construction	Director of Public Works shall review and approve the erosion control and drainage plans to assure the project complies with NPDES and RWQCB requirements and implements all necessary measures.
Noise			
The project would result in short-term noise impacts during construction.	The project shall implement standard noise reduction measures during construction activities.	City of San Jose Public Works Department, Parks and Recreation Facilities Division – During Construction	Director of Public Works shall assure that noise control measures are implemented during construction.

POSTED ON 1/2/05 THROUGH 2/11/05
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
[Signature] DEPUTY

ENDORSED

JAN 12 2005



LETICIA ORTEGA

Department of Planning, Building and Code Enforcement
BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PP04-02-057: Coyote Creek Trail Master Plan. The project is the Master Plan to construct an approximately 2.5 mile multi-use trail located along Coyote Creek, between Los Lagos Golf Course and Phelan Ave in San Jose. Council District: 7

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on February 11, 2005, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on January 13, 2005 and ends on February 11, 2005.

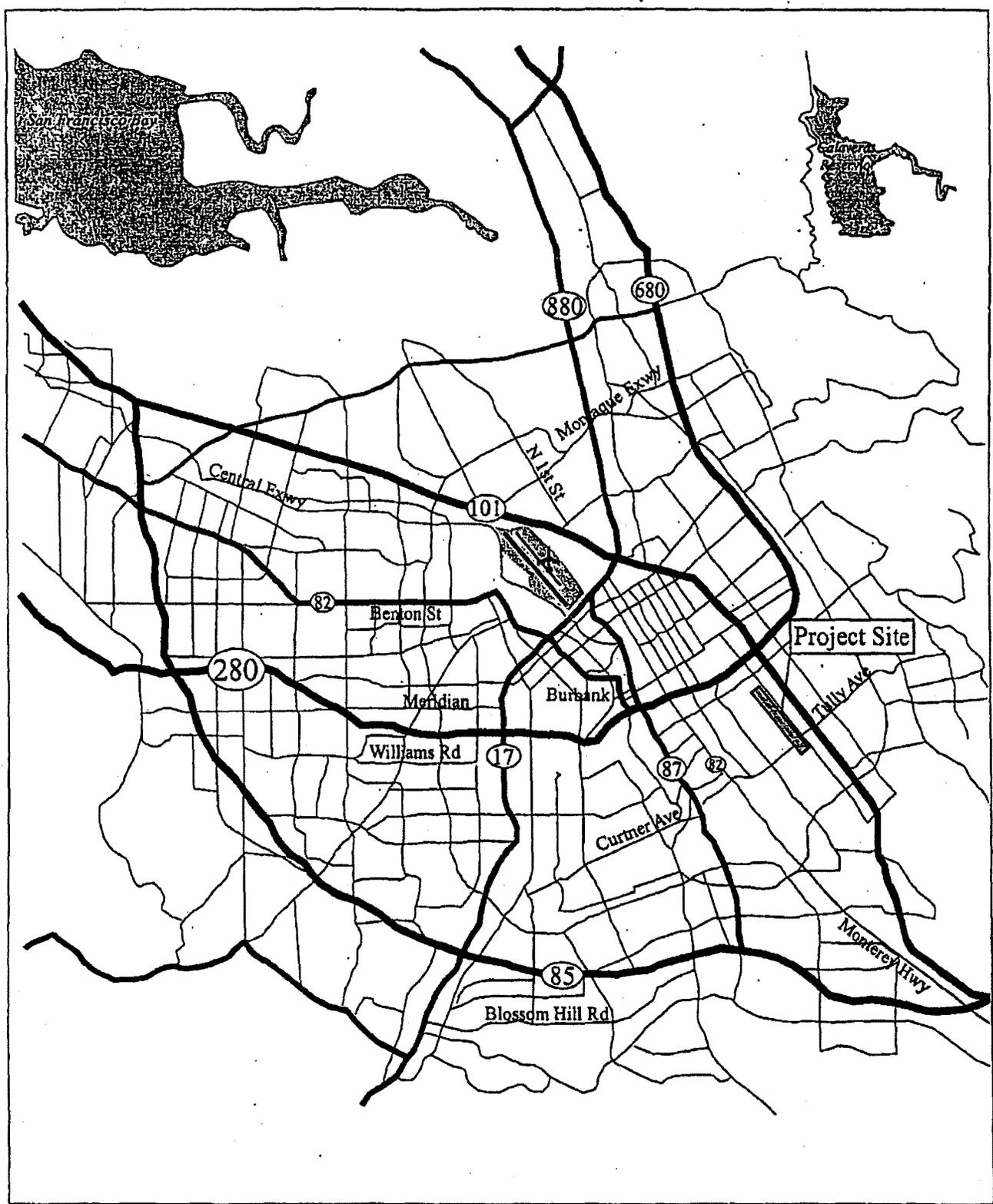
A public hearing on the project described above is tentatively scheduled for March 8, 2005 in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and Biblioteca Latinoamericana, 921 South First St., San José, and online at <http://www.sanjoseca.gov/planning/eir/MND.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call Michael Rhoades at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: January 13, 2005

[Signature]
Deputy

MNDPN/SBA/2/11/03
REV. JAC 12/29/03



Regional Map

Figure
1

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Coyote Creek Trail Master Plan

PROJECT FILE NUMBER: PP04-02-057

PROJECT DESCRIPTION: Master Plan for the construction of an approximately 2.5 mile multi-use trail located along the south side of Coyote Creek, between Los Lagos Golf Course and Phelan Ave. The project includes acquisition of land and easements for trail sections, establishment of interim trail sections within public streets, including new crosswalks and signage, construction of necessary drainage facilities and creating riparian habitat in mitigation areas.

PROJECT LOCATION & ASSESSORS PARCEL NOS.: 477-12-046, 477-20-057, 477-20-058, 477-20-063, 477-20-065, 477-20-061, 477-20-078, 477-20-047, 499-23-006, 499-23-005, 499-23-002.

COUNCIL DISTRICT: 7

NAME OF APPLICANT: City of San Jose Public Works Department, Parks and Recreation Facilities Division. Contact: Morgan Loafti (408) 794-1329

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

The Environmental issues and Mitigation Measures are as follows:

AESTHETICS – The project will not have a significant impact on this resource, therefore no mitigation is required.

AGRICULTURE RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

AIR QUALITY

The following practices shall be implemented during all phases of construction for the proposed project.

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- 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.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES

Stream Habitat

The City of San Jose Parks and Recreation Facilities Division shall incorporate the following construction Best Management Practices (BMP's) to preclude erosion or sediments from entering the creek during and after construction of the trail:

- Conduct construction activities during the dry season;
- Divert concentrated runoff away from channel banks;
- Minimize vegetation removal;
- Identify with construction fencing all areas that require clearing, grading revegetation or otherwise disturbed;
- Stabilize disturbed soils to minimize erosion and sediment input to the creek;
- Implement erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;
- Conduct erosion control seeding of all disturbed areas as soon as practicable after disturbance following construction;
- 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.

Riparian Habitat

To compensate for direct impacts to riparian resources from the trail, the City of San Jose Parks and Recreation Facilities Division shall implement a mitigation program that includes the following:

- The City shall prepare and implement a riparian revegetation plan that recreates riparian woodland at a 3:1 ratio (see Table 1). This plan shall also include a revegetation plan for a vegetation barrier where the trail is located immediately adjacent to the woodland. 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 the City shall monitor the revegetation areas a minimum of once a year. During each year of the 5-year monitoring period, plantings shall achieve a minimum 80% survival rate with a health rating of "good" or better for the revegetation to be deemed successful. Plant species recommended for the revegetation are listed on Table 2. Locations of potential riparian mitigation areas are presented in Figures 5A and 5B of the Initial Study prepared for the project. (Refer also to the Pre-Final Coyote Creek Trail Master Plan – Appendix A).
- The City of San Jose Parks and Recreation Facilities Division shall prepare five yearly monitoring reports and submit these reports to the City of San Jose Planning Department's Environmental Principal Planner 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 the revegetation. The City of San Jose Parks and Recreation Facilities Division and Santa Clara Valley Water District shall implement remedial measures should the success criteria not be achieved in any of the five monitoring years. Remedial measures may include replacement plantings, an increase in maintenance or changes to the irrigation regime.

Habitat	Impact Type	Impact Acreage	Mitigation Acreage	Mitigation Ratio
Riparian Woodland	Direct impact to riparian woodland where trail enters woodland (Near police stables, Yerba Buena HS and Phelan Ave.)	1,250 linear feet 18,750 square feet (0.43 acre), assuming 15 foot-wide construction area	56,250 square feet (1.3 acres) of riparian revegetation (See Mitigation Measure 2)	3:1
	Indirect impact to riparian woodland (where trail is not located on an existing maintenance road)	7,500 linear feet	7,500 linear feet of protective fencing and/or barrier plantings (See Mitigation Measure 2)	1:1
Total			56,250 square feet (1.3 acre) of riparian woodland 7,500 linear feet of barrier plantings and/or protective fencing	

Table 2 Recommended Riparian Woodland and Barrier Plantings		
Common Name	Scientific Name	Average Spacing
Riparian Plantings		
Blue Elderberry	<i>Sambucus mexicana</i>	8' o.c.
Valley Oak	<i>Quercus lobata</i>	8' o.c.
Western Sycamore	<i>Platanus racemosa</i>	8' o.c.
California Rose	<i>Rosa californica</i>	8' o.c.
Mugwort	<i>Artemisia douglasiana</i>	8' o.c.
Barrier Plantings		
California Rose	<i>Rosa californica</i>	8' o.c.
Mugwort	<i>Artemisia douglasiana</i>	8' o.c.
Coyote Brush	<i>Baccharis pilularis</i>	8' o.c.

Trees

The following measures shall be implemented to protect trees to be retained on the project site:

- A tree survey shall be prepared for each trail segment based upon the final trail design, prior to project construction. The tree survey shall identify the size and species of all trees proposed for removal and shall include a tree replacement plan consistent with City of San Jose standards. For trees that constitute Riparian Woodland Habitat, the replacement plan shall be incorporated into the Riparian Habitat Mitigation Plan. Tree surveys and replacement/mitigation plans shall be submitted to the Environmental Principal Planner of the Department of Planning, Building and Code Enforcement for review and approval, prior to the award of construction contracts.
- No construction equipment, vehicles, or materials shall be stored or parked within the tree dripline.
- Drains shall be installed in accordance with City specifications to avoid excess watering.
- No wires, signs, or other similar items shall be attached to trees.
- No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where substances may reach the roots.
- Barricades shall be constructed around the trunks to prevent injury to trees.
- Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soils from drying out and causing damage to tree roots in accordance with City requirements.
- Damage to any trees during construction shall be reported to the City and treated in a manner specified by the City.

Indirect Impacts to Steelhead Trout and Chinook Salmon

Schedule construction to occur outside the nesting season for sensitive riparian bird species (nesting season occurs from February – July). If this is not feasible, a qualified biologist shall conduct pre-construction surveys for nesting birds along the trail corridor no more than 30 days prior to onset of 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.

Direct and Indirect Impacts to Nesting Birds in the Grassland and Scrub Habitats

Schedule construction to occur outside the nesting season for loggerhead shrike (nesting season spans April – July). If this is not feasible, a qualified biologist shall conduct pre-construction surveys for nesting birds along this segment of the trail corridor no more than 30 days prior to onset of construction. If nesting loggerhead shrikes 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.

CULTURAL RESOURCES To avoid direct impacts to buried cultural resources, the City of San Jose Parks and Recreation Facilities Division shall implement a mitigation program that includes the following:

- Retain a professional archaeologist to review the design-level plans for construction to further evaluate potential project impacts at the recorded locations of the archaeological sites within the alignment.
- Retain a professional archaeologist on an on-call basis to advise the proponent in regard to any unexpected discoveries of cultural resources during construction; and,
- Insert appropriate contract language in excavation contracts alerting the contractor to the potential for buried archaeological resources and the procedures to follow in the event of an inadvertent discovery, per the following:
- 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 professional archaeologist contacted 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 shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for consideration and approval.
- 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.

GEOLOGY AND SOILS

Seismic Hazards

- The project shall be designed in accordance with the seismic requirements of CBC/UBC for seismic zone 4.
- 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.

Geologic Hazards

- 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:
 - Evaluation of soil liquefaction and lateral spreading potential and identification of appropriate measures to remediate these conditions.
 - Delineation of areas of creek bank instability and identification of appropriate mitigation, such as setbacks from the top of bank, fencing, or landslide removal to remediate these conditions.

Expansive Soils Impacts

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. This design-level analysis shall include evaluation of expansive soils on the site and identification of appropriate mitigation measures.

HYDROLOGY AND WATER QUALITY

The project shall obtain the applicable state permits under the National Pollutant Discharge Elimination System (NPDES), as required by the State Water Resources Control Board, prior to commencement of construction. This shall include preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

- The project shall submit an erosion control plan to the City of San Jose and the RWQCB. All proposed erosion control measures shall be established in conformance with the City and County grading ordinances, RWQCB regulations, and the Santa Clara Valley Urban Runoff Pollution Prevention Program. See also the mitigation identified for impacts to riparian habitat under **Biological Resources**.

- The project shall install all appropriate drainage facilities using best management practices, such as temporary erosion control measures, infiltration of runoff onsite, and the use of filters and/or oil and water separators where necessary.

LAND USE AND PLANNING – The project will not result in land use conflicts, nor will it conflict with existing land use and plan or policies. The project is also consistent with the City of San Jose Riparian Corridor Policy Study, therefore no mitigation is required.

MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

NOISE IMPACTS

- Construction shall be limited to 7 AM - 7 PM, Monday through Friday, for any onsite or offsite work within 500 feet of any residential unit.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and schools. The setback distance would be determined in the field based on changing construction conditions.
- “Quiet Package” equipment shall be used when practical.

POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on February 11, 2005 any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on:

1/13/05


Deputy

Adopted on:

2/15/05


Deputy