

Initial Study/Mitigated Negative Declaration

Coyote Creek Trail

Master Plan

Montague Expressway to Watson Park

File No. PP09-218

Prepared by the



April 2011

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

Coyote Creek Trail Master Plan Public Project, File No. PP09-218, located adjacent to Coyote Creek, from Montague Expressway to Watson Park, for the construction of a 4.1-mile segment of the planned trail including five pedestrian bridges (including four over Coyote Creek and one over Penitencia Creek), 10 under crossings (beneath roadways, a railroad trestle, I-880 and U.S. 101), connections to existing and planned trails, gateway features at access points, and other trail amenities. The project is located in Council Districts: 3 and 4.

California State Law requires the City of San José to conduct environmental review for all pending projects. 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. Based on an initial study, the Director of Planning, Building & Code Enforcement has concluded that the project described above will not have a significant effect on the environment. The project location does contain a listed toxic site (a portion of the Fox property).

The purpose of this notice is to inform the public of the Director of Public Works intent to adopt a Mitigated Negative Declaration for the proposed project on or after June 6, 2011, 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 **May 6, 2011** and ends on **June 6, 2011**. 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.

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, 200 East Santa Clara Street, San José CA 95113. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, the Educational Park Branch Library, 1770 Educational Park Drive, San José, CA 95133, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

For additional information, please call JANIS MOORE at (408) 535-7815.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Circulated on: May 6, 2011



File No: PP09-218
District: 3, 4

Location



Prepared by the Department of Planning,
Building, and Code Enforcement
4/27/2011

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: PP09-218

PROJECT DESCRIPTION: Construction of a 4.1-mile segment of the planned trail including five pedestrian bridges (including four over Coyote Creek and one over Penitencia Creek), 10 under crossings (beneath roadways, a railroad trestle, I-880 and U.S. 101), connections to existing and planned trails, gateway features at access points, and other trail amenities.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Adjacent to Coyote Creek, from Montague Expressway to Watson Park

COUNCIL DISTRICT: 3 and 4

APPLICANT CONTACT INFORMATION: City of San José, Department of Public Works: City Facilities Architectural Services Division, 200 East Santa Clara Street, Tower, 6th Floor, San José, CA 95113; contact: Jan Palajac, Project Manager, Tel: (408) 535-8408

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

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

IV. BIOLOGICAL RESOURCES – The project would result in a significant impact to biological resources. Implementation of the following mitigation measures will reduce project biological resource impacts to a less than significant level.

A. The project would result in a significant impact to riparian habitat due to the removal of trees. Riparian trees to be retained may also be impacted during construction. Implementation of the following mitigation measures will reduce impacts to riparian habitat to a less than significant level. All of the trees to be removed will be replaced at the following ratios.

Table 6 Tree Replacement Ratios				
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

Notes:
 X:X = tree replacement to tree loss ratio

Based on the size and species of the trees to be removed, 194 replacement trees would be required to mitigate project impacts to riparian trees. The required tree plantings could be accomplished on approximately 1.3 acres within one or more mitigation areas.¹ An additional 0.16 acres of riparian habitat will be provided to mitigate for the removal of the existing 0.05-acre mitigation site. Therefore, the project will restore at least 1.46 acres of native-dominated riparian habitat along the project alignment. Trees planted within the riparian corridor of Coyote Creek must be native species, appropriate for the Coyote Creek riparian habitat.

B. A Riparian Mitigation and Monitoring Plan shall be completed for the project by a restoration ecologist during the regulatory permitting phase. The plan shall be submitted to the Director of Planning, Building, and Code Enforcement. The plan will identify the preferred mitigation site and shall include:

¹ This surface area includes mitigation for impacts resulting from the replacement of the Penitencia Creek culvert/crossing with a free-span pedestrian bridge. If the final project design does not include this option, then the riparian mitigation requirement can be reduced by 1,100 square feet.

1. Mitigation design (including existing and proposed site hydrology, soil preparation methods, planting plan, and irrigation and maintenance plan).
 2. Monitoring plan covering a 10-year period (including performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, and remedial measures/adaptive management).
 3. Contingency plan for mitigation elements that do not meet performance or final success criteria.
- C. Construction of the project could result in significant construction-related impacts to salmonids. Implementation of the following mitigation and avoidance measures will reduce impacts to water quality and salmonids during construction to a less than significant level. The following measure will be implemented during construction activities that involve the use of pile drivers to reduce adverse effects on salmonids:
1. Conservation measures described in the technical guidance for reducing impacts to salmonids from pile driving detailed by Caltrans (2009) shall be followed where practicable. Such measures will include, but are not limited to:
 - a. Limit pile-driving work to the period June 15th to October 15th as described above, or even a narrower window within this period if so advised by NMFS or CDFG fisheries biologists.
 - b. Avoid in-water installation of piles (which is not proposed by the project).
 - c. Use low-impact pile-driving equipment such as vibratory hammers that minimize underwater sound pressure levels or press-in pile installation to the greatest extent practicable.
 - d. Avoid using steel piles to the greatest extent practicable.
 - e. Limit construction-related underwater sound exposure levels to less than 187 dB and sound pressure levels to less than 208 dB.
 - f. If feasible, generate lower intensity underwater sounds to repel fish from the immediate construction area prior to use of a high-pressure hammer.
- D. The following measures will be implemented during any culvert removal or restoration activities within Penitencia Creek to reduce adverse effects on salmonids:
1. If culvert removal or other activities in a flowing stream are unavoidable, the work area will be dewatered (e.g., using coffer dams), and any stream flow shall be diverted around the work area by a barrier, temporary culvert, or a new channel capable of permitting upstream and downstream fish movement.
 2. Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction.
 3. If a segment of Penitencia Creek must be dewatered or diverted, such work will occur during the dry season (roughly June 15th to October 15th, with the potential for extensions beyond this period, in consultation with NMFS, if dry weather permits). Additionally, a qualified biologist will be present during the construction of the coffer dams and dewatering of the area within the coffer dams to ensure that no salmonids,

western pond turtles, or other native wildlife are directly impacted during installation of the coffer dams, and to thoroughly inspect and seine (i.e. utilize a net to capture aquatic species) the area within the coffer dams before the work area is pumped out. Any native fish, reptiles, or amphibians within the work area will be removed to the area immediately downstream. No steelhead will be moved without authorization of NMFS.

4. A construction personnel education program will be given by a qualified biologist before the commencement of construction to explain to construction personnel how best to avoid the accidental take of steelhead and salmon. The approved biologist will conduct a training session that will be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting will include topics on species identification, required practices before the start of construction and a discussion of general measures that are being implemented to conserve the species as they relate to the project, penalties for noncompliance, and boundaries of the construction area.
- E. The project could result in a significant impact to bat populations, if roosts and/or colonies are identified within the Biological Study Area (BSA). Implementation of the following avoidance measures will be implemented to reduce impacts to bats that could result from project construction:
1. **Habitat Assessment and Initial Survey:** Prior to construction (but far enough in advance of construction to allow for adequate planning of avoidance and minimization efforts without delaying construction), a trained bat biologist will complete a habitat assessment throughout the BSA to identify potential maternity roost sites or substantial day roost sites.

If potential roost habitat is identified within the BSA, then prior to construction (but far enough in advance of construction to allow for adequate planning of avoidance and minimization efforts without delaying construction), a bat biologist will complete acoustical monitoring surveys using an "Anabat" or comparable device and visual surveys at dusk to identify roost locations and types, the species composition, and number of occupants. If acoustical monitoring and visual survey results suggest that bats are roosting in trees near the BSA, multiple observations may be required to locate the roosts in order to determine if the roost will be impacted.
 2. **Pre-construction Survey:** Because the habitat assessments and initial surveys may be completed for planning purposes well in advance of construction, several months or longer may pass between that survey and the initiation of construction in a given area. Therefore, a second pre-construction survey for roosting bats, following the methods described above, will be completed by a qualified biologist within 15 days prior to any construction activities or tree removal in a given area, to determine whether bats have occupied a roost in or near the project's impact areas. This survey should be facilitated considerably by information (e.g., on potential roost trees) gathered during the previous survey.

3. Buffer: If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer would be maintained from April 1st until the young are flying, typically after August 31st.
4. Roost Evaluation: If a bat roost is present in a bridge or tree in or adjacent to the project's construction areas, a qualified bat biologist will determine the likelihood that the roost will be affected by project activities. The impacts of roost eviction relative to the potential construction disturbance will be evaluated and the bats will be evicted only if the qualified bat biologist determines it is necessary.
5. Roost Eviction: If it is determined that a bat roost will be directly disturbed or removed, the bats will be evicted from the colony site prior to construction. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, unless the roost in question is known (e.g., as a result of mist-netting) to be a non-maternity roost occupied only by males. Eviction will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor (i.e. temporary hibernation- a state of decreased physiological activity).

If bats roosting within a bridge need to be evicted, one-way doors will be inserted into the crevices to allow bats to exit, but not re-enter, the crevices. These one-way doors will be inspected regularly until demolition commences, and will be removed the morning of demolition. If feasible, one-way doors will also be used to evict bats from tree roosts. If use of a one-way door is not feasible, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed should first be disturbed by removal of some of the trees' limbs not containing the bats. Such disturbance will occur at dusk to allow bats to escape during the darker hours. These trees would then be removed the following day. All of these activities will be performed under the supervision of the bat biologist.

6. Reporting: A report outlining the results of pre-construction surveys and any recommended buffer zones, roost evictions, or other avoidance measures shall be submitted to the satisfaction of the City's Environmental Principal Planner, prior to project construction.
- F. If it is determined that the project would result in the direct loss of a bat roost and this loss would result in a decline in regional populations of a given species due to the absence of alternative roost sites in nearby areas that could be used by that species, the proposed project will implement the following mitigation measures to reduce impacts to bats to a less than significant level.
1. The results of the visual and acoustic surveys described above will be analyzed to determine the presence, number, and identity of bats roosting in areas that will be disturbed by the proposed project. If 20 or more individuals of the Yuma bat, or 100 or more individuals of Mexican free-tailed bat or another bat species, will be

displaced by the project as a result of removal of a roost tree, then a qualified bat biologist will determine whether alternative roost sites are present in the project vicinity, taking into account the number of individuals of each bat species that will be impacted, and the type of roost (e.g., day or night, maternity or bachelor) impacted. If in the opinion of the bat biologist, insufficient alternative roost sites are present, then roosting habitat will be provided in the form of a structure (e.g., either a structure attached to a bridge in the project vicinity or bat houses placed near such bridge) designed by a qualified bat biologist to provide suitable roosting habitat for the displaced species.

- G. The project does not propose permanent alterations of any existing bridges in the project area aside from the installation of safety lighting under the bridges. As a result, if any bats require eviction from bridges to avoid disturbance of a maternity roost during construction, the devices used to evict the bats will be removed following completion of construction and the bats would again be able to use the bridge as a roost site.
- H. Following project construction, any bridge maternity roost supporting more than 20 Yuma bats or more than 100 individuals of another bat species will be monitored for occupancy for a period of two (2) years. If the roost is occupied by the species present prior to construction, no additional mitigation will be required. If the species present prior to construction does not reoccupy the roost within two (2) years, then alternative roosting habitat will be provided as described above. Alternatively, the alternative roosting habitat can be provided in lieu of monitoring.

V. CULTURAL RESOURCES –Grading and excavation during construction of the proposed project on the San José Flea Market property could result in the exposure or destruction of subsurface prehistoric archaeological resources. The following mitigation measures are included in the proposed trail project to reduce impacts to prehistoric and historic archaeological resources on the Flea Market property to a less than significant level.

- A. Mechanical subsurface presence/absence testing will be completed for the project alignment on the Flea Market property. Testing will consist of backhoe testing for suspected prehistoric deposits, combined with selected stripping of soils to search for the smaller, more discrete historic deposits which may exist near the former farm residences known to have existed on the site. Where possible, stripping would be confined to the immediate environment of the former building sites.
- B. In the event that any actual prehistoric and/or historic archaeological deposits are discovered during presence/absence testing, a program for evaluation of the deposits through hand excavation of the suspected resource shall be submitted to the Director of Planning, Building, and Code Enforcement for approval. If evaluation demonstrates that the resource is eligible for inclusion on the California Register of Historic Resources, a plan for mitigation of impacts shall be submitted to the Director of Planning, Building, and Code Enforcement for approval.

- C. If feasible, mitigation will take the form of avoidance of impacts to the resource through project redesign, such as realigning the trail within the 100-foot open space easement.² In those cases where avoidance is not possible, mitigation can take the form of additional hand excavation to retrieve a representative sample of the archaeological resource for analysis.
- D. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed, and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

VI. ENERGY - The project will not have a significant impact on this resource, therefore no mitigation is required.

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

VIII. GREENHOUSE GAS EMISSIONS– The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. HAZARDS AND HAZARDOUS MATERIALS – The proposed project could create a significant hazard to construction workers and/or to the public as a result of trail construction on potentially contaminated soil. The project proposes to implement the following measures to reduce hazardous materials impacts during project construction to a less than significant level.

- A. Further evaluation of soil quality along the proposed trail alignment on the Fox property and at the proposed undercrossings beneath US 101, I-880, Berryessa Road, Oakland Road, and the UPRR trestle will be completed prior to construction.
 - 1. If further evaluation indicates the presence of impacted soil, a remediation program for on-site soil removal shall be prepared to the satisfaction of the Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD), and RWQCB.
 - 2. If it is determined that excess soil will be generated at other locations along the proposed trail alignment, it is recommended that soil sampling and laboratory analyses be performed to: 1) evaluate residual pesticide concentrations, if any; and 2) determine appropriate off-site disposal facilities licensed to accept the material. If further evaluation indicates the presence of impacted soil, a remediation program for on-site soil removal shall be prepared to the satisfaction of the appropriate regulatory agency (such as the DTSC, RWQCB, or Santa Clara County Environmental Health Department) and local agencies, including the Director of Planning, Building, and Code Enforcement and ESD.

² If realignment of the trail is considered to avoid impacts to cultural resources and additional or new environmental impacts could result from the project change, subsequent environmental review of the project may be required.

- B. The City shall develop a site management plan (SMP) to establish management practices for handling materials/structures encountered during construction (i.e., wells, burn areas, debris, etc.) to avoid hazardous materials impacts to the public, environment, and construction workers.
- C. If imported soil is used during project construction, the source and quality of the imported soil should be evaluated and documented. (Refer to the DTSC's October 2001 Clean Fill Advisory for guidance on evaluating imported fill.)
- D. Prior to performing earthwork near these pipelines, the pipeline owners will be contacted to evaluate pipeline depths and establish appropriate safety measures.

X. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

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

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

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

XVII. TRANSPORTATION / TRAFFIC – The interim on-street trail alignment would expose trail users to hazards associated with the at-grade UPRR crossing on Brokaw Road. The following mitigation measure will be implemented to reduce impacts associated with the railroad crossing to a less than significant level.

- A. An engineering study will be completed to determine which, if any, additional safety devices should be provided at the UPRR crossing. The recommendations could include those found in the *Compilation of Pedestrian Safety Devices in Use at Grade Crossings* prepared by the FRA and/or the *Railroad-Highway Grade Crossing Handbook* prepared by the FHWA.

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

XIX. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **June 6, 2011**, 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.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period, from May 6, 2011 to June 6, 2011


Deputy

Revised 6-4-10 jam

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Appendix C	Preliminary Geotechnical Investigation
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Appendix E	Location Hydraulic Study
	Cultural Resources Study (on-file at the City of San José)

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.), and the regulations and policies of the City of San José. This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the construction of a trail along portions of Coyote Creek in north San José.

The City of San José is proposing to construct an approximately 4.1-mile segment of the planned Coyote Creek Trail from Montague Expressway in the north to Watson Park, immediately south of US Highway 101 (US 101) in the south. The proposed project includes the construction of up to five pedestrian bridges (including four over Coyote Creek and one optional bridge over Penitencia Creek) and 10 under-crossings beneath roadways, a railroad trestle, Interstate 880 (I-880), and US 101. The project also proposes connections to existing and planned trails, gateway features at access points, and other amenities along the proposed segment.

The proposed trail alignment is located adjacent to Coyote Creek on City of San José, California Department of Transportation (Caltrans), Union Pacific Railroad (UPRR), County of Santa Clara, and Santa Clara Valley Water District (SCVWD) property, as well as on three private properties. Joint use agreements, easements, encroachment permits, and/or construction permits will be required for construction of the trail on properties owned by the SCVWD, UPRR, County, and Caltrans (area beneath I-880 and US 101). The City will also acquire easements from the private property owners to construct the trail. An interim on-street alignment is proposed if an easement cannot be acquired from one of the private property owners. These easements and permits are described in detail in Sections 3.3 and 3.4 of this Initial Study.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Coyote Creek Trail Master Plan, Montague Expressway to Watson Park

2.2 PROJECT LOCATION

As shown on Figures 1 through 3, the approximately 4.1-mile trail would be located in north San José between Montague Expressway and Watson Park, just south of US 101. The proposed trail would be located adjacent to Coyote Creek on existing maintenance roads, on undeveloped land adjacent to the riparian corridor, on future pedestrian bridges and undercrossings, and on three private properties. The project may include an interim on-street trail alignment between Brokaw and Oakland Roads, as described in Sections 3.1.1 and 3.2.1.2. The project alignment is surrounded by industrial parks, residential uses, public parks/open space, and future mixed-use developments.

2.3 LEAD AGENCY CONTACT INFORMATION

City of San José
Department of Planning, Building, and Code Enforcement
Janis Moore, Planner II
200 East Santa Clara Street
San José, CA 95113
(408) 535-7821

Project Proponent

City of San José
Department of Parks, Recreation and Neighborhood Services (PRNS)
200 East Santa Clara Street, Tower, 9th Floor
San José, CA 95113
Yves Zsutty, Trail Program Manager
(408) 793-5561

City of San José
Department of Public Works: City Facilities Architectural Services Division
200 East Santa Clara Street, Tower, 6th Floor
San José, CA 95113
Jan Palajac, Project Manager
(408) 535-8408

2.4 PROPERTY OWNER'S NAMES AND ADDRESSES

City of San José
200 East Santa Clara Street
San José, CA 95113

Union Pacific Railroad
1400 Douglas Street
Omaha, NE 68179

Santa Clara Valley Water District
5750 Almaden Expressway
San José, CA 95118

Caltrans
P.O. Box 23660
Oakland, CA 94623-0660

APNs 241-04-007, 254-17-052, 254-17-084:

The Flea Market, Inc.
1590 Berryessa Road
San Jose CA 95133

APN 237-14-081:

County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

APN 237-03-070:

Fox Properties/Markovits & Fox, Inc.
14125 Capri Drive, #4
Los Gatos, CA 95032

Parcel L, between Ridder Park Drive and UPRR:

Currently unknown Property Owner

2.5 ASSESSOR'S PARCEL NUMBERS

237-19-042, 237-19-008, 237-19-024, 237-02-003, 237-20-116, 237-03-072, 237-05-020, 237-14-082, Parcel L, 237-03-070, 237-14-081, 241-14-001, 241-13-003, 241-02-016, 241-10-001, 241-41-107, 241-04-007, 254-17-052, 254-17-084, 254-17-095, 254-17-034, 254-01-004, and 254-01-018.

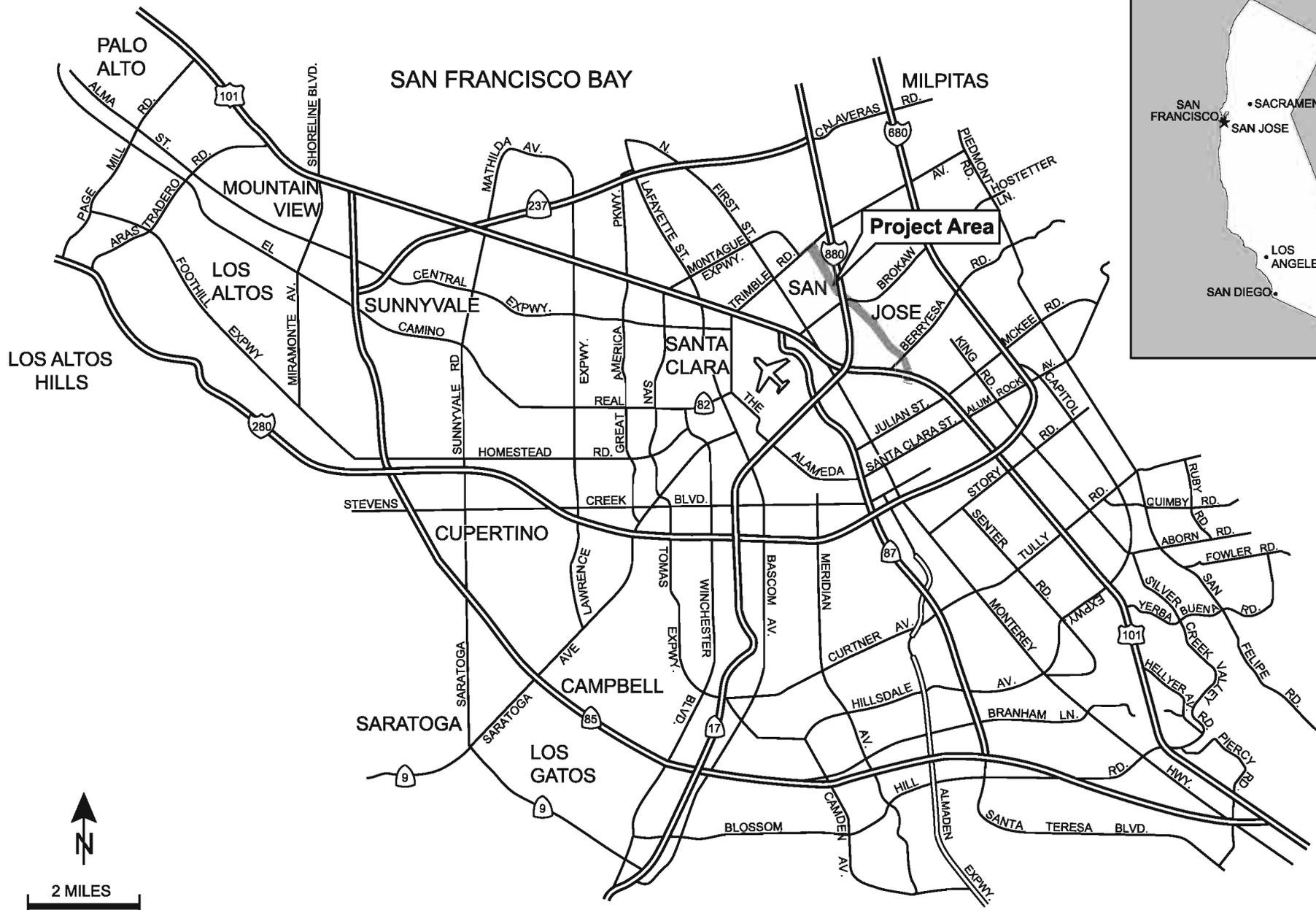
2.6 GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

General Plan Land Use Designations along the Project Alignment:

Public Park and Open Space, Industrial Park, Heavy Industrial, Light Industrial, Private Open Space, Medium Density Residential, Combined Industrial/Commercial, and Transit Corridor Residential

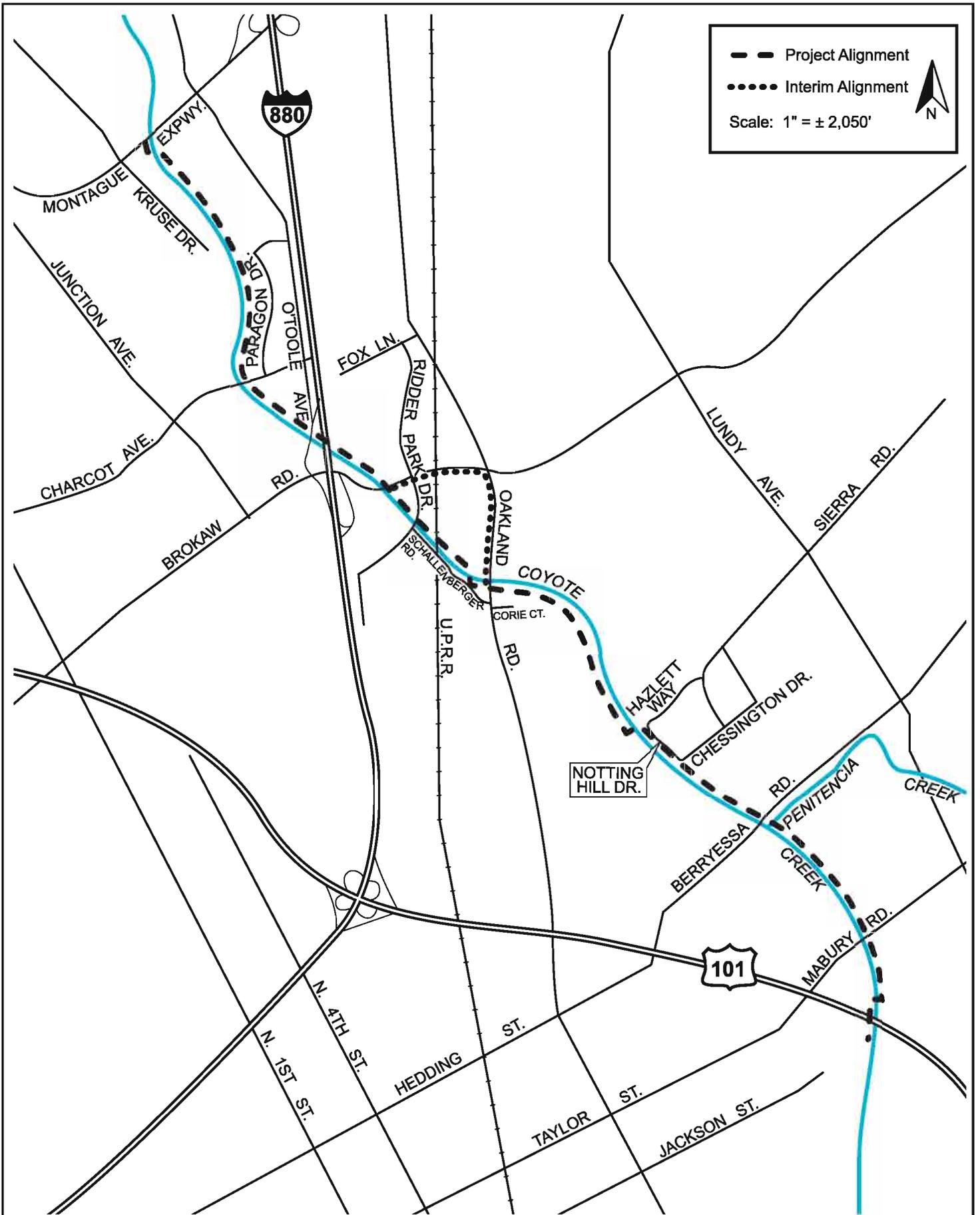
Zoning Designations along the Project Alignment:

Agricultural, Industrial Park, Heavy Industrial, Light Industrial, Open Space, Mobilehome Residential, Single-Family Residential, and Planned Development



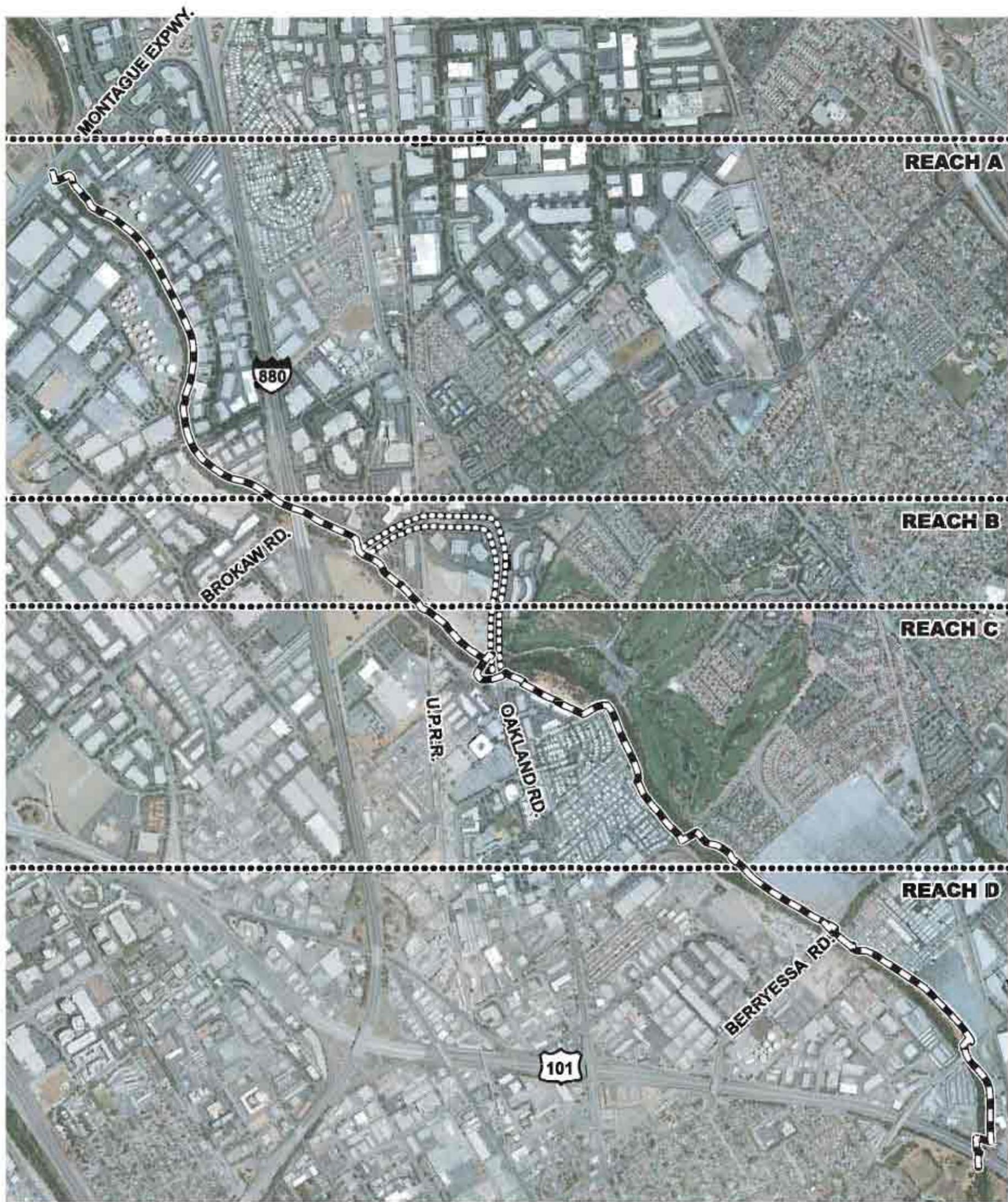
REGIONAL MAP

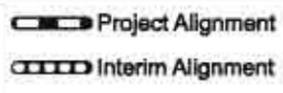
FIGURE 1



VICINITY MAP

FIGURE 2





 Project Alignment

 Interim Alignment

 Scale: 1" = ± 1,550'



AERIAL PHOTOGRAPH AND TRAIL REACHES

FIGURE 3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project is the construction of an approximately 4.1-mile segment of the planned Coyote Creek Trail from Montague Expressway in the north to Watson Park in the south. The proposed Class I trail, which is defined as an off-street pathway designated for non-motorized uses, would be located adjacent to Coyote Creek. Approximately 2.2 miles of the proposed trail segment would be constructed on existing unpaved service roads. Most of the remaining portions would be located at the top of bank or at the outside edge of a 100-foot riparian corridor setback. The proposed alignment includes four pedestrian bridges over Coyote Creek and one optional pedestrian bridge over Penitencia Creek. The project also includes 10 undercrossings beneath seven existing roadways, two freeways (I-880 and US 101), and a UPRR railroad trestle. The project may include an interim on-street alignment between Brokaw Road and Oakland Road, which would increase the length of the trail segment to 4.5 miles.

The majority of the proposed trail would consist of a 12-foot wide paved path with two-foot wide compacted base rock shoulders on each side, for a total width of 16 feet. The paved trail would be 10 feet wide along the physically constrained portions of the project alignment, such as adjacent to Schallenberger Road, the South Bay Mobile Home Park, Notting Hill Drive, and on the west side of Coyote Creek near US 101. Portions of the trail to be located below the 10-year flood elevation (primarily at the proposed undercrossings) would not have compacted base rock shoulders. A minimum 18-foot clear width would be provided to allow for SCVWD operations and maintenance, except for along the constrained portions of the trail.

Existing and proposed fences along much of the proposed trail segment would limit direct access between adjacent land uses and the trail. Access to the trail would be provided by surface streets, public parks, and existing and planned trails. The project proposes to improve the main access points with gateway features and to provide amenities along the trail segment. The project does not include night lighting along the trail except at the undercrossings, as described below. All components of the trail would be constructed in accordance with the Americans with Disabilities Act (ADA).

As described in more detail in Section 3.3, the project proposes to construct the trail on properties owned by SCVWD, UPRR, Caltrans, and the County, as well as three private properties; therefore, easements, joint-use agreements, or encroachment permits will be required for these portions of the trail. The remainder of the trail would be constructed on property owned by the City of San José.

3.1.1 Background

The Coyote Creek Trail is part of an existing/planned network of trails along waterways and overland corridors within San José. Construction of the Coyote Creek Trail has occurred in phases over many years as funding has become available. The trail currently has approximately 18.7 miles of paved and gravel segments, including 1.4 miles of hard-packed gravel trail from Highway 237 to Montague Expressway, 0.5 miles of paved trail within Selma Olinder Park between Highway 280 and Williams Street, and 16.8 miles of paved trail from Tully Road to the Walnut Rest Area near Anderson Lake County Park. The proposed segment of the Coyote Creek Trail would be the connection between the existing gravel segment north of Montague Expressway and the future segment in Watson Park, south of US 101. The City has plans to pave the segment between Highway 237 and Montague Expressway as funding becomes available.

A Master Plan has been developed for the proposed segment of the Coyote Creek Trail (included as Appendix A of this Initial Study). The Master Planning process began with a site walk and meetings with City and SCVWD representatives in October 2008. Trail alignment alternatives were developed and presented to City representatives, the project's Technical Advisory Committee (TAC), and the community for feedback. The preferred alignment, as defined in the proposed Master Plan, was selected to provide a community amenity while taking into account sensitive habitat and riparian areas.

Watson Park is currently being redeveloped in accordance with a Master Plan approved by the City in 2008.¹ The *Watson Park Master Plan* designates a planned pathway along the northeastern boundary of the park as the alignment for the Coyote Creek Trail. The *Watson Park Master Plan* includes a pedestrian bridge over Coyote Creek, just north of its confluence with Lower Silver Creek. However, further environmental review is needed prior to construction of the planned pedestrian bridge, which was only addressed at a program-level in the Initial Study prepared for the *Watson Park Master Plan* (File No. PP07-130). This bridge will ultimately connect the trail on the west side of the creek to the future Lower Silver Creek Trail and the planned segment of the Coyote Creek Trail extending south to Story Road.² This Initial Study does not provide environmental review for the pedestrian bridge, which will require subsequent environmental review when the final design is completed.

The Master Plan proposes construction of the trail on a private property for which the property owner is unknown. This property is referred to as Parcel L and is located between Ridder Park Drive and UPRR. The County of Santa Clara quitclaimed its right, title, and interest of the parcel in 1959. It appears that the present-day SCVWD acquired an easement over the parcel and the property rights have been reverted to the heirs of the previous landowner, which have not been identified. Project construction on Parcel L cannot occur without an easement from the property owner. Therefore, an on-street trail alignment that avoids this parcel is proposed in the interim until the City determines the property owner and acquires the appropriate easement. The interim trail alignment is described in Section 3.2.1.2 below. This Initial Study analyzes the potential impacts resulting from both the interim on-street alignment and the preferred (proposed) creek trail alignment.

3.1.2 Purpose of Proposed Project

The purpose of the proposed Coyote Creek Trail Master Plan is to define a trail alignment that is consistent with the City of San José's *General Plan and Greenprint for Parks and Community Facilities and Programs – A Twenty Year Strategic Plan*, as well as Santa Clara County's *Countywide Trails Master Plan Update*. The Master Plan also aligns with the City's plans for other recreational facilities, including the Penitencia Creek Trail Master Plan, Lower Silver Creek Trail Master Plan, and Watson Park Master Plan.

When all of the future segments are completed, the Coyote Creek Trail will extend approximately 30 miles from its northern end at the Highway 237 Bikeway in north San José to its southern end at the Walnut Rest Area near Anderson Lake County Park in Morgan Hill. The Coyote Creek Trail will ultimately link San José with the rest of the San Francisco Bay region by serving as an extension of

¹ The *Watson Park Master Plan* (2008), *Watson Park Remedial Action Plan and Master Plan Initial Study/Mitigated Negative Declaration Final*, File No. PP07-130 (2008), and other associated reports are available at: <http://www.sanjoseca.gov/prns/watsonpark/WatsonReports.asp>.

² The *Coyote Creek Trail Master Plan – Story Road to Lower Silver Creek* was previously analyzed in a Mitigated Negative Declaration prepared by the City of San José and adopted in May 2008 (File No. PP08-014).

the Bay Area Ridge Trail. The Coyote Creek Trail alignment south of the confluence with Penitencia Creek is designated as a “valley floor” alignment within that network.

The proposed segment provides an alternative transportation option for residents of several neighborhoods with links to urban parks, public transportation nodes, retail/employment centers, and the countywide trail network. Linking to existing and planned trails, where feasible, expands recreational opportunities, maximizes use of trail amenities (i.e., restrooms, trash receptacles, bike racks, parking, etc.), and contributes to the viability of the network as a commute option. The proposed trail would also provide diverse recreational opportunities for residents of the San José region. The project is intended to be used for non-motorized modes of travel, including biking, hiking, jogging, and walking.

3.2 PROJECT COMPONENTS

3.2.1 Trail Alignment

The proposed segment has been divided into four reaches for the purposes of the Master Plan and this Initial Study. The reaches are described in detail below as shown on Figures 4A, 4B, 4C, and 4D. Detailed drawings and cross-sections of specific areas are shown on Figures 5-8. The interim trail alignment plan is shown on Figure 9. Section 3.2.2, below, includes additional information on the proposed project features, including the pedestrian bridges, undercrossings, access points/gateways, and trail amenities. The complete plan set for the proposed Master Plan is included as Appendix A of this Initial Study.

3.2.1.1 *Montague Expressway to O’Toole Avenue (Reach A)*

As shown on Figure 4A, the proposed trail segment would begin at the west side of Coyote Creek on the south side of Montague Expressway, east of Kruse Drive. The proposed trail would connect to an existing paved ramp and undercrossing leading to the gravel segment of the Coyote Creek Trail extending north to SR 237. Approximately 200 feet south of Montague Expressway, a pedestrian bridge would be constructed over Coyote Creek. The trail would continue on the east side of the creek on an existing SCVWD service road and would extend approximately 1.1 miles south to O’Toole Avenue. The project may include a seating/picnic area north of O’Toole Avenue. This reach includes a proposed undercrossing beneath Charcot Avenue and at-grade access points on both sides of Charcot Avenue.

The existing SCVWD service road on the east side of Coyote Creek extends south from Montague Expressway to Ridder Park Drive. Portions of the unpaved road have a gravel surface. The service road ranges from six to 17 feet wide, except for north of O’Toole Avenue where the road is approximately 50 feet wide.

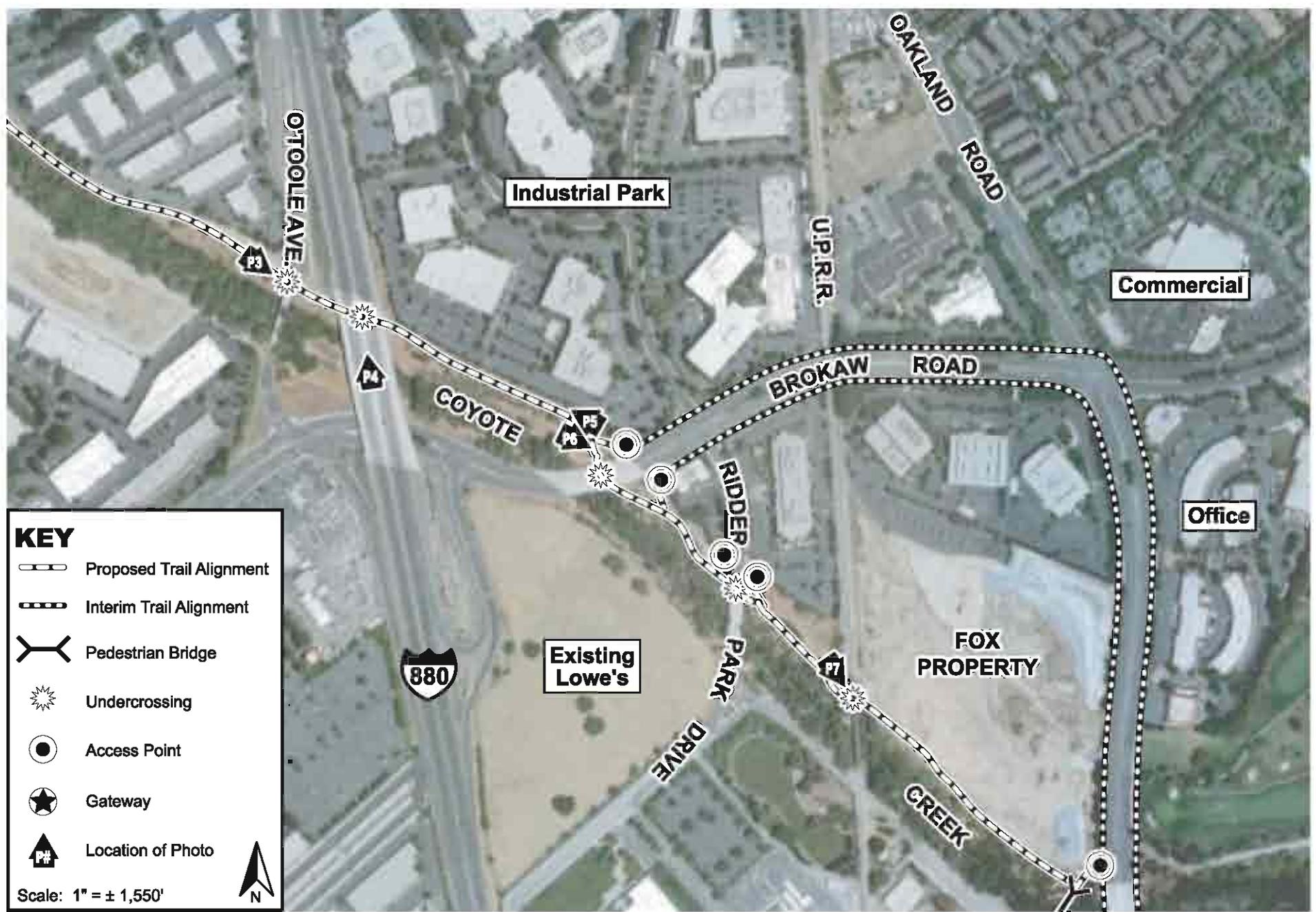
3.2.1.2 *O’Toole Avenue to Union Pacific Railroad (Reach B)*

Reach B begins at O’Toole Avenue, which serves as an off-ramp for I-880 at this location. As shown on Figure 4B, two trail undercrossings would be provided beneath O’Toole Avenue/off-ramp and I-880. The trail would continue along the east side of Coyote Creek on the existing unpaved SCVWD service road, which ends at Ridder Park Drive. South of the Ridder Park Drive undercrossing, the trail would be constructed along the edge of the riparian corridor within SCVWD right-of-way. Undercrossings and at-grade access points would be provided at both sides of Brokaw Road and Ridder Park Drive. This approximately 0.5-mile reach ends with an undercrossing beneath the UPRR trestle, described in detail in Section 3.2.2.2 below. The Ridder Park Drive and UPRR undercrossings are shown on Figure 5.



PROJECT ALIGNMENT : REACH A

FIGURE 4A



PROJECT ALIGNMENT : REACH B

FIGURE 4B



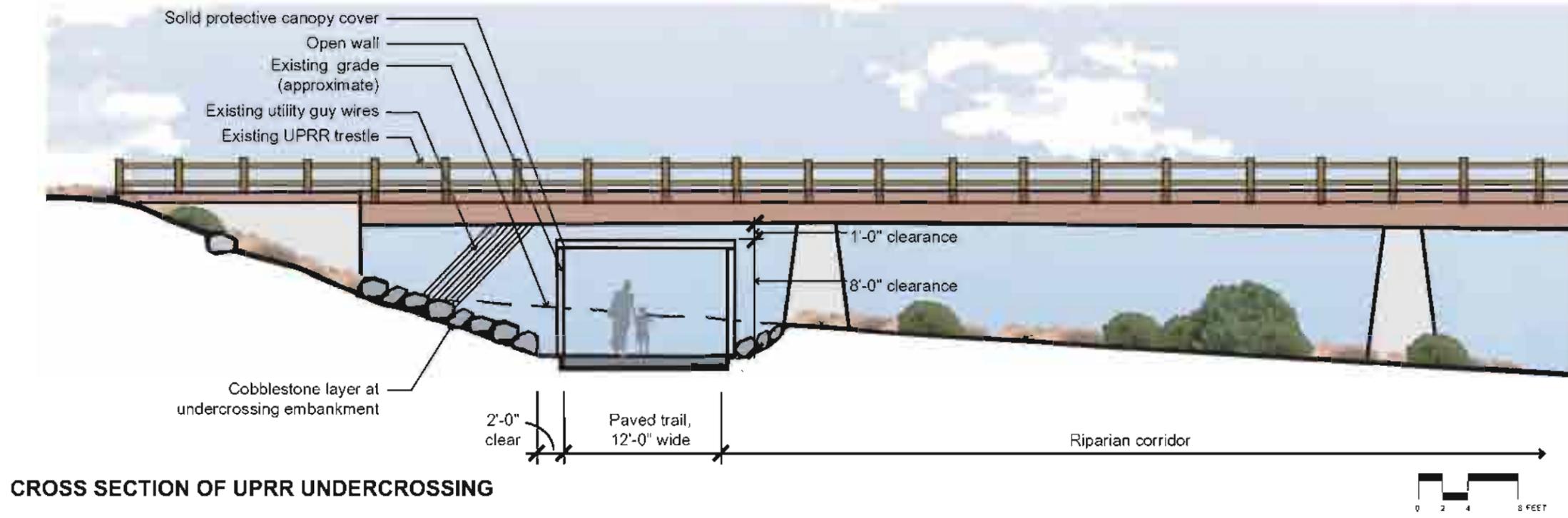
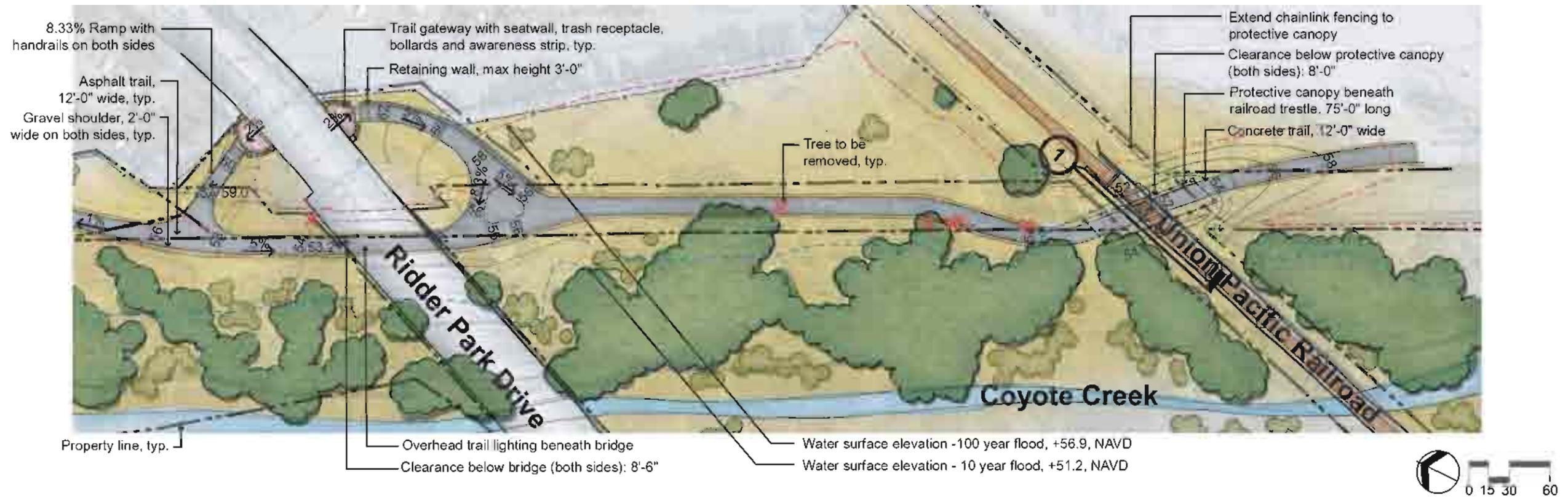
PROJECT ALIGNMENT : REACH C

FIGURE 4C



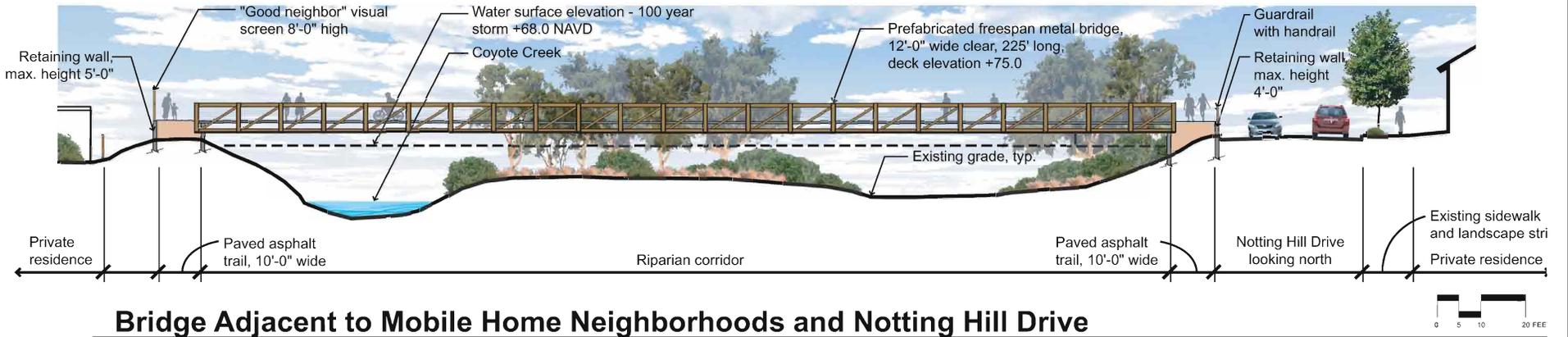
PROJECT ALIGNMENT : REACH D

FIGURE 4D

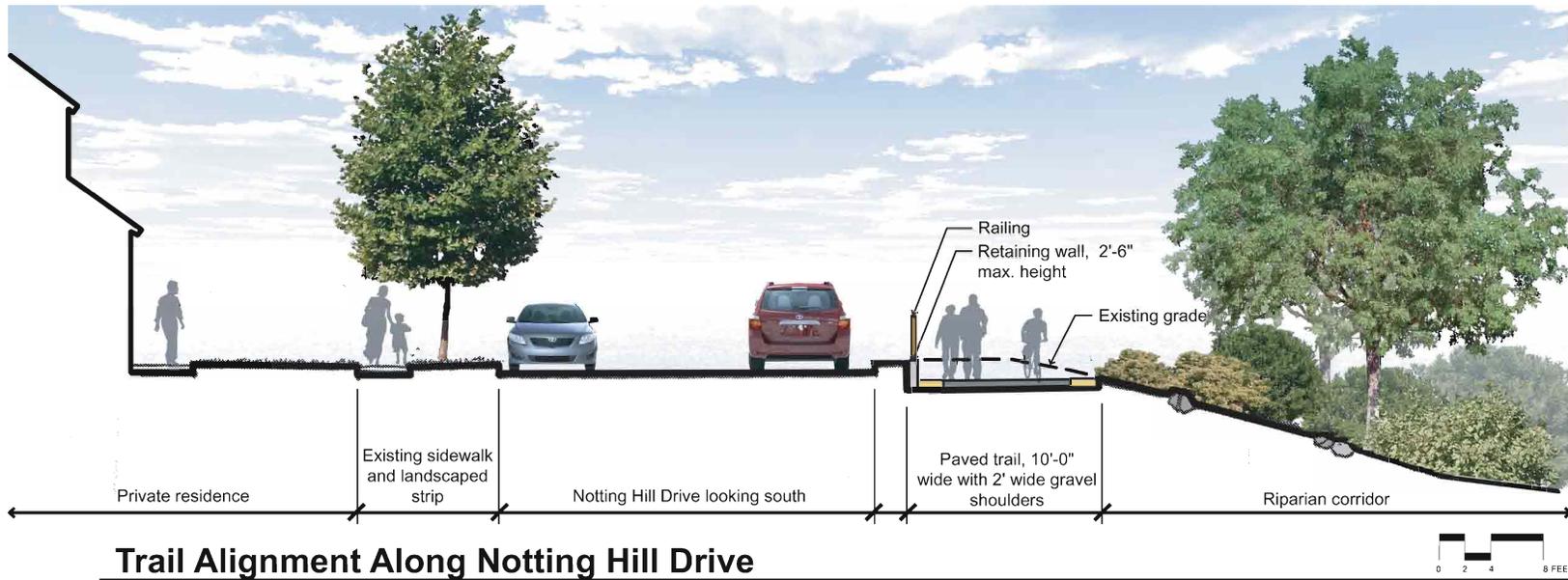


DETAILED DRAWINGS: UNDERCROSSINGS AT RIDDER PARK DRIVE AND UPRR

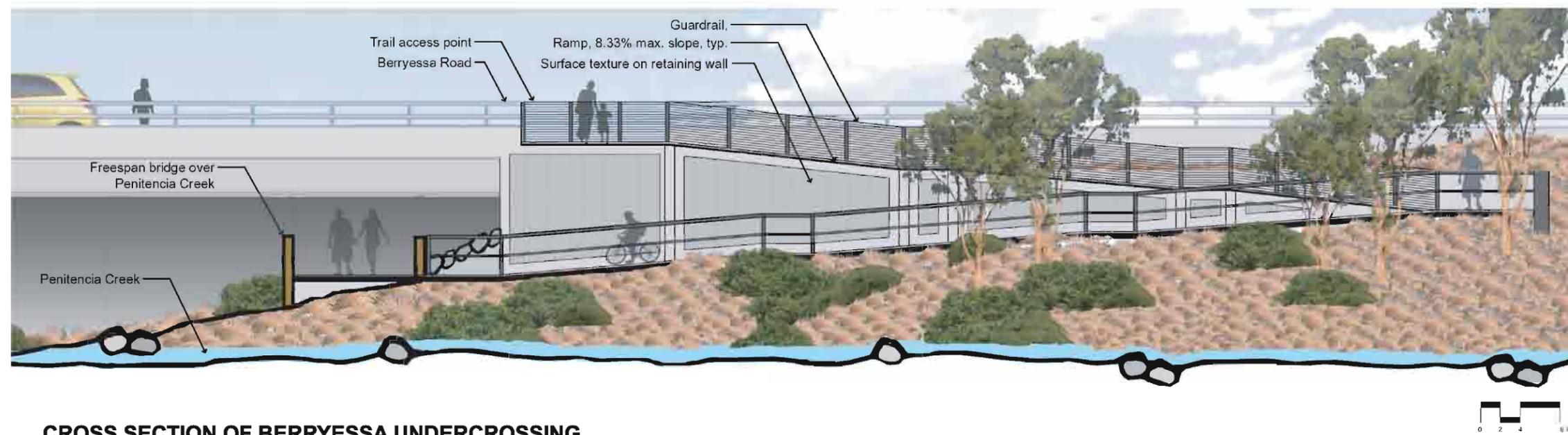
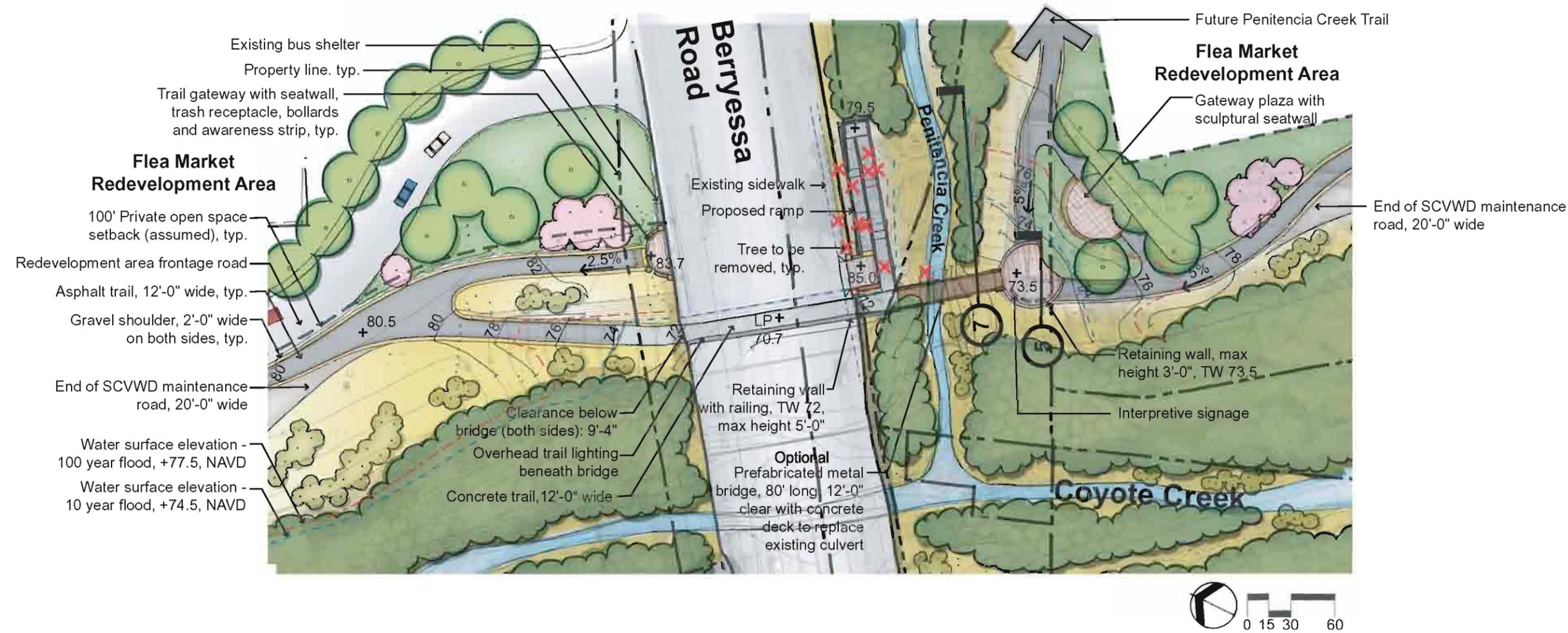
FIGURE 5



Bridge Adjacent to Mobile Home Neighborhoods and Notting Hill Drive



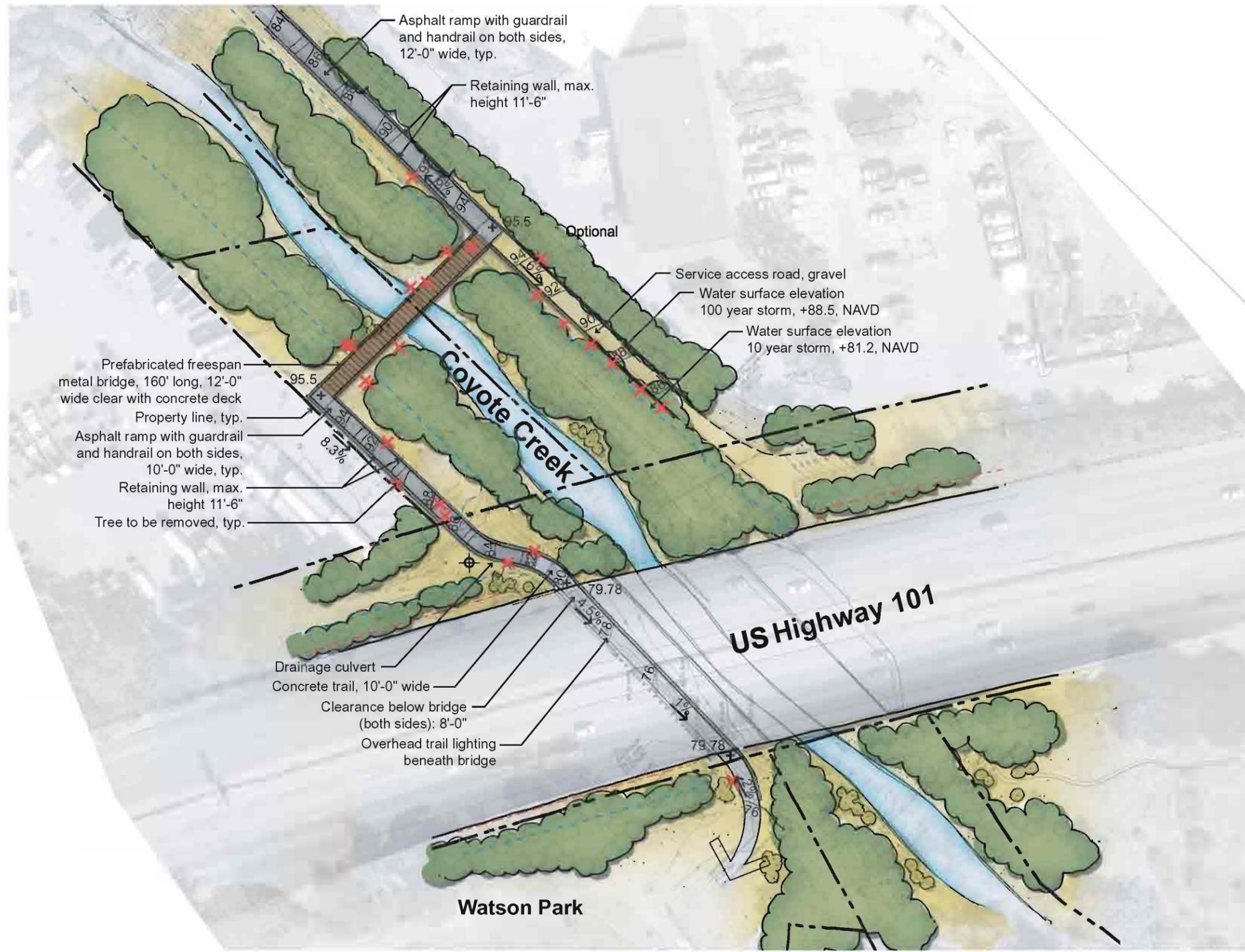
Trail Alignment Along Notting Hill Drive



CROSS SECTION OF BERRYESSA UNDERCROSSING

DETAILED DRAWINGS: UNDERCROSSING AT BERRYESSA ROAD

FIGURE 7

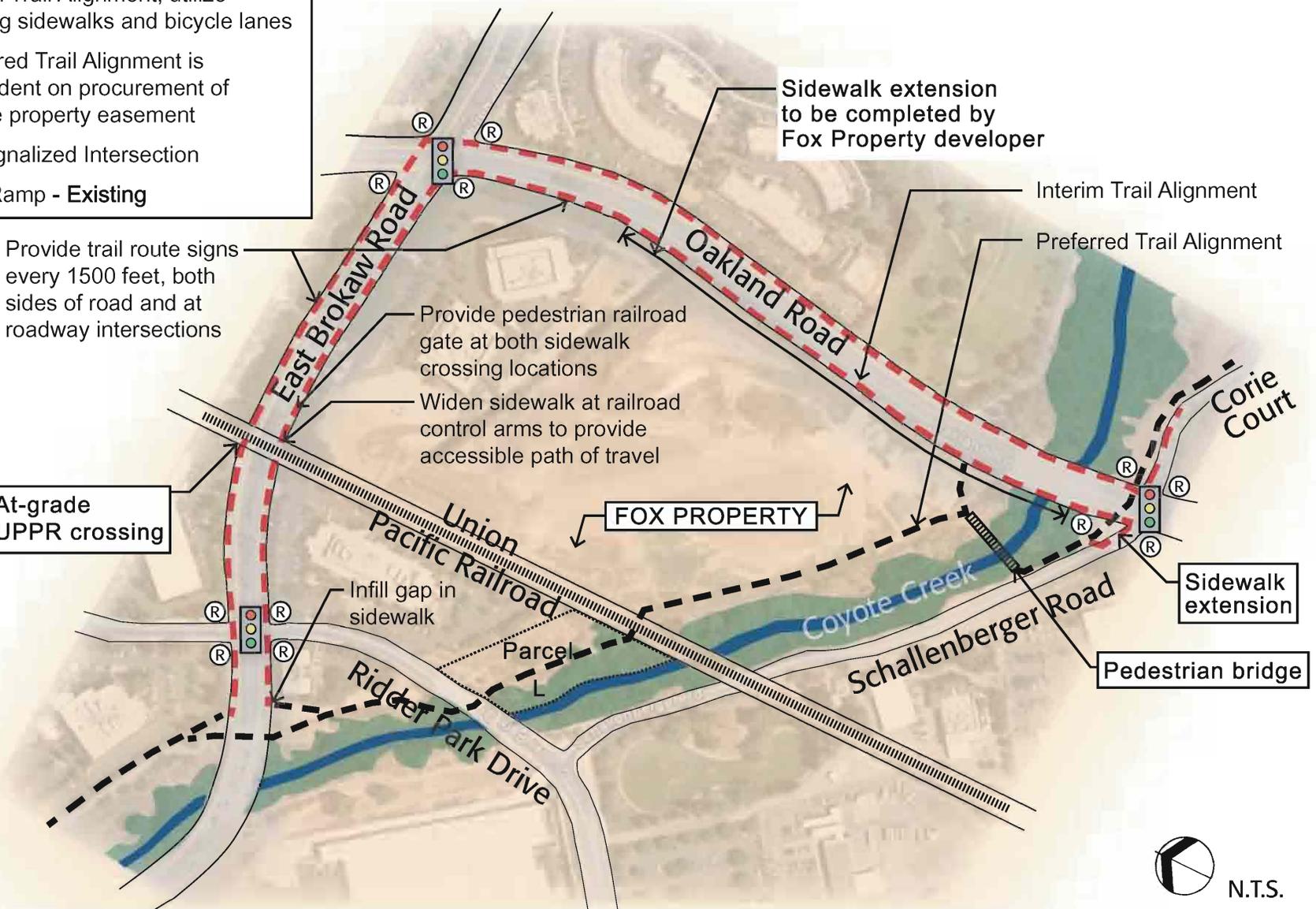


DETAILED DRAWING: UNDERCROSSING AT US 101

FIGURE 8

Legend

- - - Interim Trail Alignment, utilize existing sidewalks and bicycle lanes
- - - Preferred Trail Alignment is dependent on procurement of private property easement
-  Ex. Signalized Intersection
-  ADA Ramp - Existing



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INTERIM TRAIL ALIGNMENT PLAN

FIGURE 9

Interim Trail

This reach includes Parcel L, which is the private property with the as yet unknown owner, as described above in Section 3.1.1. If the property owner of Parcel L is still unknown at the time of construction, an interim on-street alignment would be utilized on Brokaw Road and Oakland Road, until the preferred alignment can be constructed. As shown on Figure 9, the trail would leave the creek corridor at Brokaw Road, continue eastward, and turn south onto Oakland Road, utilizing existing sidewalks and bicycle lanes. The on-street alignment would re-connect to the Class I creek trail on the west side of Oakland Road at its intersection with Schallenberger Road/Corie Court via extension of the sidewalk along the north side of Schallenberger Road to the ramp of the proposed Oakland Road undercrossing (described below).³

The interim alignment includes the signalized intersections of Brokaw Road/Ridder Park Drive and Brokaw Road/Oakland Road, as well as an at-grade UPRR crossing on Brokaw Road. The sidewalk network is currently incomplete along the west side of Oakland Road, north of Coyote Creek, although a sidewalk will be constructed as part of the approved project on the Fox Property (described further below). It is anticipated that the sidewalk will be completed prior to completion of the proposed creek trail project.

In addition to extending the sidewalk on Schallenberger Road, the interim option could include minor improvements along the on-street alignment. These improvements could include filling the gap in the sidewalk just east of the access point on the south side of Brokaw Road, widening the sidewalk at the UPRR crossing to provide an accessible path of travel, and/or striping for bike lanes on Brokaw Road between the proposed access points and Ridder Park Drive. Directional signage would be provided at various locations along the on-street alignment to advise trail users of the route to the Class I creek trail. All improvements associated with the interim trail alignment would be completed within the public right-of-way.

While the interim alignment is intended to serve as a temporary solution until the Parcel L property ownership issue is resolved, it is possible that the on-street alignment would be permanent and all or most of the creek trail would not be constructed between Brokaw Road and Oakland Road, including the UPRR and Ridder Park undercrossings.

3.2.1.3 *Union Pacific Railroad to Notting Hill Drive (Reach C)*

South of the UPRR undercrossing, the trail would travel through a 100-foot open space setback on a privately-owned vacant site, referred to as the Fox property.⁴ As shown on Figures 4C, a pedestrian bridge would be constructed north of Oakland Road to bring the trail to the west side of Coyote Creek onto a County of Santa Clara property (APN 237-14-181). The trail would travel west along the north side of Schallenberger Road, where it would be 10 feet wide. The project may also include a crash barrier along the south side of the trail along this constrained portion.

³ An alternative design at this connection could be construction of the proposed pedestrian bridge at Oakland Road and the associated access point, as proposed under the preferred alignment.

⁴ The Fox property (APN 237-03-070) is bounded by Brokaw Road to the north, Oakland Road to the east, Coyote Creek to the south, and the UPRR tracks to the west. The property is planned for development with high density residential and neighborhood commercial uses. The portion of the property adjacent to Coyote Creek is designated *Private Open Space*, which allows a minimum 100-foot setback from the riparian corridor of the creek that can be used for passive recreation uses, including trails. **Source:** City of San José, *Draft Environmental Impact Report, Fox Property General Plan Amendment*, September 2006.

The trail would continue with an undercrossing beneath Oakland Road and run along Corie Court. At the end of Corie Court, the trail would be constructed on the existing City of San José service road within an open space area.⁵ The existing gravel road is approximately 14 feet wide and runs along a business park and the Golden Wheel Mobile Home Park. The trail would continue south on the existing SCVWD levee, adjacent to the South Bay Mobile Home Park. The top of the levee is approximately eight to 10 feet wide and is about 10 to 15 feet higher in elevation than the adjacent mobile home neighborhoods. Given the limited amount of space between the South Bay Mobile Home Park and the riparian corridor, the paved trail would be 10 feet wide along this constrained portion of the project alignment.

As shown on Figure 6, a pedestrian bridge would be constructed near Hazlett Way to bring the trail back to the east side of Coyote Creek. Along the west side of the ramp leading to this bridge, an approximately eight-foot tall visual screen would be installed to protect privacy of the mobile home neighborhoods. It is anticipated that the visual screening would use metal perforated sheets, slats set in multiple layers, or louvers, all of which would allow light through but blocks views (refer to Appendix A for examples of these screen designs).

On the east side of the creek, the trail would continue south along Notting Hill Drive within a SCVWD easement on City-owned property. Given the limited amount of space between the southbound travel lane and the riparian corridor, the paved trail would be 10 feet wide along this constrained portion of the project alignment. The trail would be constructed below existing grade and separated from the roadway by a retaining wall with rails, as shown on Figure 6. Reach C ends just south of Notting Hill Drive and is approximately 1.1 miles long.

Along this reach, at-grade access points would be provided on the west side of Oakland Road (at the northern end of the proposed pedestrian bridge), at the end of Corie Court, and from the south end of Notting Hill Drive. Future access from the redeveloped Fox Property may also be provided.

3.2.1.4 *Notting Hill Drive to Watson Park (Reach D)*

Flea Market Property

As shown on Figure 4D, the trail would continue along the east side of Coyote Creek on the privately-owned Flea Market property, a planned development site.⁶ Along this portion of the trail, the trail would be located within a 100-foot setback from the edge of the riparian habitat. As described in Section 3.3 below, the setback is designated for open space uses as a requirement of the planned development approval. It is anticipated that the proposed trail would be located along the outer edge of the setback, parallel to the planned perimeter road on the redeveloped site, and that the proposed trail would not be constructed on the Flea Market property until redevelopment of the site has begun and the removal of existing uses on the site has occurred.

⁵ This open space area is owned by the City and is located on the west side of the creek, opposite the San José Municipal Golf Course. The area is sometimes referred to as North Coyote Park, but it is not open to the public or actively used for park uses.

⁶ The 120-acre Flea Market property is planned for redevelopment with a mix of residential, commercial, industrial and open space uses, as well as a future BART station. In accordance with the San José Riparian Corridor Study, the Flea Market project (PDC03-108) includes a 100-foot setback from the edge of Coyote Creek riparian habitat to be used as a passive recreation area for bike and pedestrian trails, park benches, and riparian landscaping. No specific design has been developed for the setback areas and the 2006 Flea Market EIR did not evaluate any improvements in the open space easements, such as the Coyote Creek Trail.

Source: City of San José, *Draft Environmental Impact Report, San José Flea Market General Plan Amendment & Planned Development Rezoning*, December 2006.

Currently, there is an approximately 30-foot wide paved pathway beneath Berryessa Road that provides pedestrian access between the Flea Market south of the roadway and the large surface parking lot to the north. As shown on Figure 7, the project proposes to modify the existing undercrossing by raising the trail a few feet above the existing grade and narrowing the paved pathway to 12 feet wide. As part of the modifications to this undercrossing, the project may include removal of the remaining portion of the pathway closest to the creek, allowing riparian vegetation to reestablish over time, if the SCVWD chooses not to use the remaining portion of the paved pathway as a maintenance road. The design of the Berryessa Road undercrossing will be determined during the final design phase, in collaboration with SCVWD, private property owners, and the City of San José.

Immediately south of Berryessa Road, the trail would continue on the existing pathway over the underground culvert that currently conveys Penitencia Creek. The proposed project may include replacing the existing pathway and culvert with a free-span pedestrian bridge over Penitencia Creek, as shown on Figure 7. Under this option, the project would restore a stable earthen channel and revegetate the creek banks with native riparian vegetation. The exact design of the proposed improvements at the Penitencia Creek crossing will be determined during the final project design phase.

South of the Penitencia Creek crossing, the proposed trail segment would connect to a planned reach of the Penitencia Creek Trail. In addition to this connection, at-grade access points would be provided at both sides of Berryessa Road. A ramp with a switchback would be constructed to connect the sidewalk along eastbound Berryessa Road to the proposed trail immediately north of the optional pedestrian bridge. The ramp would be located near the top of the Penitencia Creek bank, as close to Berryessa Road as possible. The project also includes several access points that will coincide with the future circulation network and provide connections to the future BART station, parks, and mixed-use development on the redeveloped Flea Market property.⁷

Mabury Road to Watson Park

South of the Flea Market property, the project includes a trail undercrossing at Mabury Road and an at-grade access point on the north side of the roadway. The trail would continue south on an existing levee adjacent to the City of San José Corporation Yard. North of US 101, a pedestrian bridge would be constructed over Coyote Creek to a small parcel of SCVWD-owned land on the west side of the creek. The trail would continue south along a proposed undercrossing beneath US 101. The proposed trail ends with a connection to the future segment of the Coyote Creek Trail in Watson Park, just south of the US 101 undercrossing. Figure 8 shows a detailed drawing of the proposed pedestrian bridge and US 101 undercrossing along this reach.

3.2.2 Project Features

3.2.2.1 *Pedestrian Bridges*

The locations and lengths of the proposed and optional pedestrian bridges are summarized in Table 1 below. All of the proposed pedestrian bridges would be 12-foot wide, prefabricated metal free-span bridges with concrete decks.⁸ The bridge decks would be supported by concrete abutments located at

⁷ Given that the exact location of the future trail connections is unknown, these additional access points are not shown on Figure 4D.

⁸ The total width of the bridges would be 14 feet, which includes 12-foot pathway width and one foot of bridge structure on each side.

the “top of bank”. The elevation of the bridge soffits (underside of the decks) would be a minimum of four feet above the one percent flood event water surface elevation (refer to Section 4.10 *Hydrology and Water Quality*). In order to raise the bridge structures above this elevation, 10- or 12-foot wide ramps would be constructed on both sides of the creek for each bridge. In conformance with ADA requirements, the ramps would have a grade/incline up to 8.33 percent and would include guardrails and handrails on one or both sides of the ramp. Retaining walls (ranging from 2.5 to 13 feet tall) would be constructed to support the ramps at each of the Coyote Creek bridge locations. Refer to the cross-section on Figure 6 and the detailed drawing on Figure 8 for the typical design features of a proposed pedestrian bridge over Coyote Creek. Examples of pedestrian bridges with concrete abutments and approach ramps supported by retaining walls are provided at the end of Appendix A.

Table 1 Proposed Pedestrian Bridges		
Location	Reach	Length (feet)
South of Montague Expressway	A	180
North of Oakland Road	C	215
Near Hazlett Way and Notting Hill Drive	C	225
South of Berryessa Road*	D	80
North of US Highway 101	D	160
* This optional bridge would cross Penitencia Creek. All other bridges would cross Coyote Creek.		

The pedestrian bridges would be assembled adjacent to the installation sites and set into place with two cranes: one on each side of the creek. The bridge abutments and/or retaining walls along the approach ramps would be supported by driven piles or drilled piers. To accommodate the proposed bridges, riparian vegetation would be removed during project construction. Tree canopy would be pruned in the long-term to maintain adequate clearance around the bridges for access (approximately five feet horizontally from bridge and 10 vertical feet over bridge). The existing service roads would provide adequate access during bridge installation, and heavy equipment would not access the creek bed and banks. Limited work within the creek channel would be required in the vicinity of each proposed bridge, primarily for tree removal activities. Compared to a cast-in-place concrete structure, the use of prefabricated bridges simplifies the construction process, shortens the construction schedule, and reduces concrete deliveries by truck.

3.2.2.2 Undercrossings

As described above, the proposed trail alignment includes 10 undercrossings under seven roadways, two freeways, and a railroad trestle. The undercrossings would be constructed parallel to Coyote Creek. As shown in Table 2 below, the minimum clearance between the trail elevation and the bottom of the roadway structures would be eight feet. Where possible, the project will provide adequate vertical clearance to accommodate SCVWD and City maintenance vehicles. Excavation and grading (cuts in the existing slope) would be required to provide the proposed clearance at some of the undercrossings, particularly at Charcot Avenue, O’Toole Avenue, UPRR, and Mabury Road.

At most of the undercrossings, approximately two- to 10-foot tall retaining walls would be constructed along the approach ramps and/or adjacent to the trail beneath the roadway. At the Berryessa Road undercrossing, the trail would be raised a few feet above the existing grade. A cobblestone layer may be installed at each undercrossing to stabilize the embankment and deter homeless encampments. Construction of the undercrossings would require work within the creek banks. As previously described, overhead trail lighting would be provided at all of the undercrossings and existing utilities may need to be relocated at some of the undercrossing construction sites. Representative examples of proposed undercrossings are shown on Figures 5, 7, and 8.

Location	Reach	Width of Pathway (feet)^a	Clearance (feet)
Charcot Avenue	A	10	8
O'Toole Avenue/I-880 off-ramp	B	12	8 – 8.5
I-880	B	12	11.5 – 12
Brokaw Road	B	12	8
Ridder Park	B	12	8.5
UPRR Railroad Trestle ^b	B	12	9 ^c
Oakland Road	C	10	8
Berryessa Road	D	12	9.5
Mabury Road	D	12	8
US 101	D	10	8
^a Excludes shoulders. ^b This UPRR railroad trestle is located south of Ridder Park Drive. ^c As described below, this clearance height includes a one-foot gap between the trestle structure and the proposed eight-foot tall protective canopy.			

UPRR Undercrossing

As shown on Figure 5, the project proposes to construct a 75-foot long, eight-foot tall protective canopy over the 12-foot wide paved trail beneath the UPRR railroad trestle. The clearance between the protective canopy and the trestle would be approximately one foot. The protective canopy would have a solid cover to protect trail users from falling debris and utility wires. Open sides would allow for visibility. Excavation and grading (i.e., cuts in the existing slope) would be required to provide sufficient clearance for the undercrossing. The undercrossing will be designed to avoid the group of electrical conduits that drop down from the railroad tracks and enter the ground near the abutment. The City will coordinate with UPRR regarding the final design of the protective canopy and safety requirements prior to construction.

3.2.2.3 Access Points and Gateways

The project includes approximately 20 access points to the proposed trail, primarily from surface streets, public parks, and existing and planned trails. The at-grade access points would be located on

one or both sides of the surface streets, as previously described and shown on Figures 4A-4D. Ramps would be constructed to connect the trail to the at-grade access points. The 10- to 12-foot wide ramps would have guardrails and retaining walls, as needed. Examples of proposed at-grade access points and the associated ramps and design features are shown on Figures 5 and 7.

The two major access points, referred to as “gateways” for the purpose of this Initial Study, include: 1) the south side of Montague Expressway, which serves as the gateway to the existing trail segment to the north, and 2) the proposed connection to the future Penitencia Creek Trail south of Berryessa Road on the Flea Market property (shown on Figure 7). Access to the trail would also be from the planned pathway within Watson Park south of US 101 and from several future connections along the redeveloped Flea Market property and possibly the Fox property. As described in detail below, trail amenities would be provided at these trail gateways and access points.

The construction of parking for trail use is not included as part of the project. Trail users may use existing facilities, such as the parking areas provided at Watson Park. On-street parking would also be available to trail users.

3.2.2.4 Other Features

The project proposes to provide trail amenities and gateway features at the access points and gateways, as well as various locations along the trail. Amenities could include signage (described below), seating, trash receptacles, trail maps, mileage markers, call boxes, dog bag dispensers, removable bollards, awareness strips, and picnic areas. These features are intended to encourage proper trail maintenance, increase the security and comfort of trail users, and enhance the connection between the proposed trail and surrounding transportation network. The gateway features and trail amenities would be designed in a uniform architectural style to develop public awareness and to be consistent with other segments of the Coyote Creek Trail.

Signage

Directional, interpretative, and regulatory signage would be provided along the proposed trail segment as needed. To promote accessibility, safety, and ease of use for all potential trail users, signage will be designed to comply with federal, state, Caltrans, and local guidelines, and with Santa Clara County’s *1995 Countywide Trails Master Plan Update* (refer to Section 4.11 *Land Use* of this Initial Study for additional information).

Hours of Operation/Lighting

Access to the proposed trail would be closed one hour after sunset and open one hour before sunrise, consistent with the existing City of San José Trail Rules.⁹ Given that the trail would be closed at night, the project does not include lighting along the trail except at the undercrossings, where the railroad trestle and roadway structures darken the trail. Including overhead lighting on the trail under the roadways and freeways will enhance the safety for trail users. In accordance with the San José Riparian Corridor Policy Study, the lighting will be designed to be as low as possible and to avoid light spillover and glare impacts to surrounding land uses and wildlife (refer to Section 4.4 *Biological Resources* for additional detail).

⁹ <http://www.sjpark.org/Trails/TrailsRules.asp>

3.2.3 Grading, Drainage, and Utilities

The proposed trail segment would be located on existing unpaved service roads, along the top of the creek bank, on a levee, or along the edge of the riparian corridor. With the exception of some undercrossings, substantial grading would not be required to construct the proposed project as the majority of the trail would be located at existing grade. Fill would be required for construction of the approach ramps to most of the proposed pedestrian bridges and to the access points at streets. In addition to the retaining walls along the ramps, the project may include retaining walls and/or other slope stabilization measures at various locations along the trail, such as south of the O'Toole Avenue/I-880 off-ramp undercrossing. A standard texture would be applied to the face of the retaining walls to improve aesthetics and discourage graffiti. Any cut or fill slopes adjacent to the trail not supported with retaining walls will be immediately reseeded or replanted with native riparian vegetation following project construction.¹⁰

As described in Section 4.10 *Hydrology and Water Quality* of this Initial Study, the proposed 4.1 mile trail segment is not expected to generate a significant amount of stormwater runoff. In accordance with the Santa Clara County and SCVWD guidelines, surface water would be diverted from the trail by cross-sloping the trail tread between two and three percent. The project may include drainage culverts along the trail alignment, as necessary.¹¹

The final project design would avoid the existing storm drains, water lines, sewer lines, and overhead power lines located within the project alignment to the greatest extent possible. Underground utilities, however, may need to be relocated or lowered to accommodate the project features, particularly at the Montague Expressway, Oakland Road, and Penitencia Creek pedestrian bridge sites and the Charcot Avenue, Mabury Road, and US 101 undercrossing sites. In addition, the project may require the relocation and/or extension of electrical lines to serve the lighting at the proposed undercrossings.

3.2.4 Riparian Mitigation

As described in Section 4.4 *Biological Resources* of this Initial Study, the proposed project would result in biological impacts that will require the replacement of riparian habitat adjacent to the proposed trail and/or in a mitigation area(s). Two potential mitigation areas have been identified along the project alignment. Riparian habitat mitigation for the proposed project will be implemented, maintained, and monitored according to the requirements of the appropriate regulatory agencies and the Riparian Mitigation and Monitoring Plan to be prepared for the project.

3.2.5 Construction Schedule

Depending on the acquisition of funding for the project, it is anticipated that the trail construction would start in 2012. The project would likely be built in approximately four phases, with each phase requiring nine to 18 months depending on the segment length and if the phase includes bridge installation. The project phasing would partially depend on the acquisition of easements for construction on private properties (described below in Section 3.3). Construction work within the banks of the creek will be limited to the period between April 15th and October 15th, as typically required by the regulatory agencies.

¹⁰ SCVWD, Santa Clara Valley Water Resources Protection Collaborative. "Guidance for Trail Design" in *Guidelines and Standards for Land Use Near Streams*. August 2005 (revised July 2006).

¹¹ The culverts would drain directly to Coyote Creek through outlets.

3.3 EASEMENT ACQUISITIONS

The project has been designed to be within public rights-of-way to the extent possible; however, there are four types of property where the City may be required to acquire easements. These properties are described below.

- SCVWD Service Road: A Joint Trails Agreement (JTA) between the City of San José and the SCVWD would need to be negotiated and executed to construct and operate the trail on SCVWD property. SCVWD right-of-way is primarily located in the northern portion of the project alignment between Montague Expressway and Oakland Road. Other SCVWD property along the alignment includes an approximately 0.25 mile portion adjacent to the mobile home neighborhoods, the potential Penitencia Creek crossing, and a small parcel north of US 101. The joint use agreement will define maintenance, management, and liability responsibilities of facilities.
- UPRR Trestle Undercrossing: The construction of a trail undercrossing beneath the railroad trestle over Coyote Creek, located south of Ridder Park Drive, would require an easement from UPRR. The City will coordinate with UPRR regarding the design of the protective canopy and safety requirements during construction of the proposed undercrossing.
- Private Property: The City would acquire easements from the property owners to construct the trail on private properties, including the Flea Market site and the Fox Property. In accordance with the *City of San José Riparian Corridor Policy Study* (1994), these properties have designated a 100-foot open space setback from the edge of riparian habitat to provide a buffer between the creek and new development. Passive recreation uses, such as the proposed trail, are allowed within the setback. An easement would also be required for construction on Parcel L, located between Ridder Park Drive and the UPRR line. Although the SCVWD has an easement over this parcel, the property owner is currently unknown.
- County of Santa Clara: The City would acquire an easement from the County to construct the trail on APN 237-14-081, located on the north side of Schallenberger Road.

3.4 PERMITS REQUIRED

In addition to the easements described above, it is anticipated that the project would require the following permits:

- Encroachment permit from the SCVWD for construction on SCVWD land, in accordance with the District's Water Resources Protection Ordinance (WRPO), as described in Section 4.11 *Land Use*.
- Encroachment permit from the County of Santa Clara for construction on County land;
- Encroachment permit from Caltrans for construction of trail undercrossings beneath I-880 and US 101; and
- Streambed Alteration Agreement from the California Department of Fish and Game (CDFG).

It should be noted that a Nationwide Permit from the US Army Corps of Engineers (USACE) may be required for the replacement of the existing pathway and culvert with a free-span pedestrian bridge over Penitencia Creek, if included in the project. If this is the case, a Section 401 of the Clean Water Act water quality certification from the Regional Water Quality Control Board (RWQCB) would be required.

3.5 USES OF THE INITIAL STUDY

This Initial Study will be used to obtain a Mitigated Negative Declaration (MND) for the project, which determines that with the implementation of mitigation and standard measures identified, the project would not have a significant effect on the environment. The MND will be used to obtain the necessary permits and/or approvals for the proposed project, including those described in Sections 3.3 and 3.4, above. This Initial Study also provides the necessary environmental review for the purchase or acquisition of easements over all privately owned properties.

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Measures.” Measures that are included in the project that will further reduce or avoid already less than significant impacts are categorized as “Avoidance Measures.”

4.1 AESTHETICS

4.1.1 Setting

As shown on Figures 3 and 4A-4D, the project alignment is located in an urbanized area of north San José. Adjacent land uses include industrial areas, residential uses, public parks/open spaces, and planned mixed-use developments. The proposed trail is located along the interface between the riparian corridor of Coyote Creek, which is a relatively natural setting, and the surrounding urban area.

Along much of the project reach, the creek has moderately to deeply incised banks with high quality riparian vegetation extending up to, and occasionally beyond, the tops of the banks. The riparian canopy reaches heights of over 50 feet in some areas. A substantial amount of trash material was observed throughout the riparian understory. Numerous homeless encampments occur along the banks of the creek, particularly at the roadway undercrossings.

In addition to Coyote Creek, the most notable visual features along the proposed alignment include the railway trestle bridge, the I-880 and US 101 bridges over Coyote Creek, the other roadway crossings over the creek, Penitencia Creek, industrial park buildings, open space, mobile home neighborhoods, single-family houses, the San José Flea Market, the City of San José Corporation Yard, and Watson Park.

The visibility of the proposed alignment is generally limited to the surrounding industrial park uses, as well as to a mobile home park and a single-family residential neighborhood. The project alignment is not located within a scenic viewshed. According to the Scenic Routes and Trails Diagram in the San José General Plan, Coyote Creek is designated as a “Trails and Pathway Corridor” and all state and interstate highways located within the City’s Sphere of Influence, including I-880 and US 101, are designated as “Urban Throughways.” I-880 and U.S. 101 are not designated as scenic highways by the State of California.¹²

As described in Section 4.11 *Land Use*, the proposed project is subject to General Plan policies, the City’s trail standards, and Santa Clara County design guidelines, which are intended to promote trail compatibility with surrounding land uses. In addition, because much of the proposed trail is located on SCVWD property or easements, the project is subject to the *Coyote Watershed Aesthetic Guidelines*, developed for the Santa Clara Valley Water District Coyote Watershed Program (2000).¹³ The purpose of the guidelines is “to guide the design of projects within the Coyote Watershed in order to achieve a unified appearance that is aesthetically pleasing and sensitive to surrounding context.” They are intended to be used for any improvement project occurring under SCVWD jurisdiction within the Coyote Watershed, including trails.

Views of the project alignment are shown in Photographs 1-14 on the following pages.

¹² California Department of Transportation. “California Scenic Highway Mapping System.” Accessed April 12, 2010. <http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm>

¹³ Available at:

http://www.valleywater.org/uploadedFiles/Services/HealthyCreeksEcoSystems/WatershedInformation/Coyote/Coyote_Watershed_Aesthetic_Guidelines.pdf



Photo 1 - View of the existing gateway to the Coyote Creek Trail on the south side of Montague Expressway. A proposed pedestrian bridge over the creek would be constructed approximately 200 feet south of this location (the center of the photo).



Photo 2 - View of the existing SCVWD service road and access gate on the north side of Charcot Avenue. The proposed project includes a trail undercrossing beneath the roadway and at-grade access points on both sides of the street at this location.

PHOTOS 1 AND 2



Photo 3 - View of O'Toole Avenue (I-880 off-ramp), looking east. The project proposes to construct a trail undercrossing beneath the roadway and may include a seating/picnic area at this approximate location.



Photo 4 - Looking north from beneath I-880. The project proposes to construct a trail undercrossing on the existing service road on the far side of the creek beyond the bridge piers, shown in the center of this photo.

PHOTOS 3 AND 4



Photo 5 - View of the existing SCVWD service road, extending northwest from Brokaw Road. The proposed trail would be constructed on this road.



Photo 6 - View of Brokaw Road, looking southeast. The project proposes to construct an undercrossing at this location and provide at-grade access points on both sides of the Brokaw Road bridge.

PHOTOS 5 AND 6



Photo 7 - View of the UPRR railroad trestle over Coyote Creek, southeast of Ridder Park Drive. The project proposes to construct the trail under the trestle, including an eight-foot tall protective canopy over the trail.

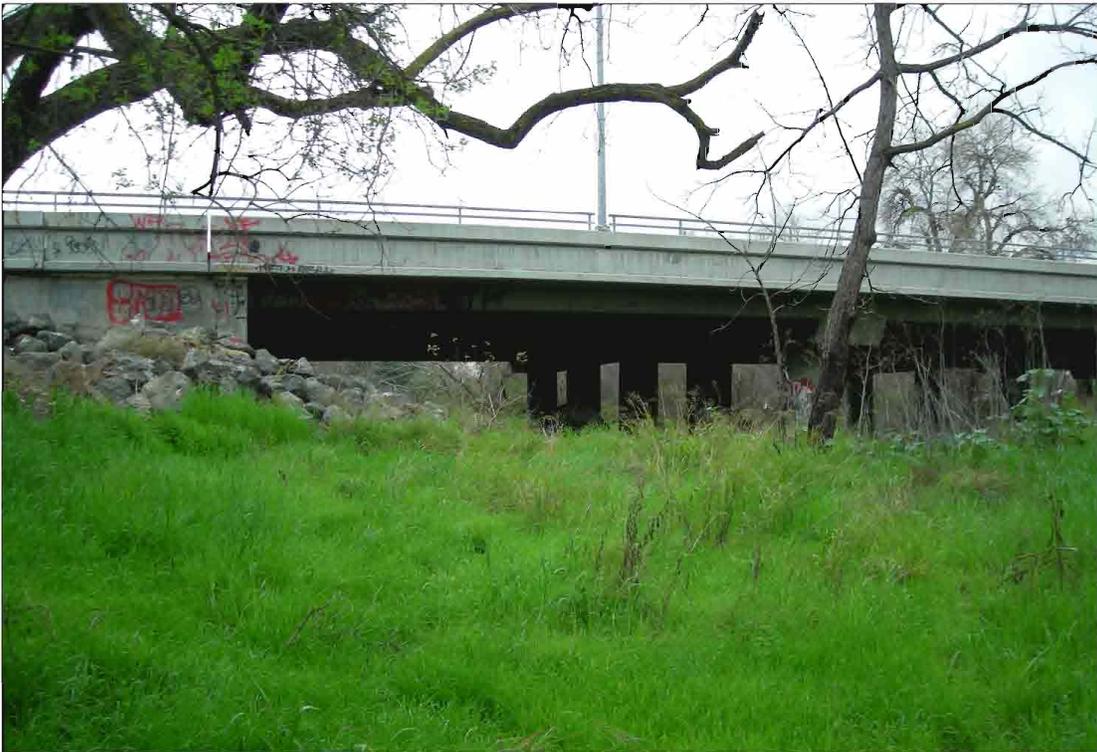


Photo 8 - View of the Oakland Road bridge, looking west from the south side of Coyote Creek. The project includes a trail undercrossing at this location.

PHOTOS 7 AND 8



Photo 9 - View of the existing City of San José service road adjacent to an undeveloped area of the city-owned San José Municipal Golf Course, looking east from Corie Court.



Photo 10 - This photo shows the location of the proposed pedestrian bridge at Hazlett Way/Notting Hill Drive. Several trees within the riparian corridor, shown in the center of this photo, would be removed to allow construction of the bridge.

PHOTOS 9 AND 10



Photo 11 - View of Notting Hill Drive, looking south. At this location, the proposed trail would be 10 feet wide and constructed approximately two feet below grade along the west (right) side of the street.



Photo 12 - View of the existing Berryessa Road undercrossing, which provides a pedestrian linkage between the northern and southern portions of the Flea Market site. The project proposes to modify the undercrossing, construct an access ramp, and provide a major trail gateway at this location. The project may replace a portion of the concrete pathway (shown in the center of the photo) with a free-span pedestrian bridge over Penitencia Creek.

PHOTOS 11 AND 12



Photo 13 - View of the Mabury Road Bridge from the south side of the roadway. The proposed project includes an undercrossing in this location.



Photo 14 - View of the levee adjacent to the City of San José Corporation Yard property, located between Mabury Road and US 101. The proposed trail would be constructed on this levee.

PHOTOS 13 AND 14



Photo 15 - Looking west from the City of San José service road adjacent to the Corporation yard. A pedestrian bridge would be constructed over the creek at this location, north of US 101.



Photo 16 - View of the US 101 Bridge over Coyote Creek, looking south. The project includes construction of a trail undercrossing at this location. The proposed trail segment would end just beyond the bridge in Watson Park, the southern terminus of the proposed project.

PHOTOS 15 AND 16

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

4.1.2.1 Change in Visual Character

The visibility of the proposed trail and associated features would primarily be limited to the immediately surrounding area. The trail would be most visible to the adjacent industrial park uses (primarily along Reaches A, B, and the northern portion of C) and mobile home and single-family residential neighborhoods (along Reach C). At these locations, the trail would be constructed on existing service roads or levees that run along the property boundaries of the adjacent uses. Existing fences and trees would continue to serve as visual buffers between the trail and surrounding developments.

The primary visual change as a result of the project would occur at the pedestrian bridge locations and along Notting Hill Drive. The proposed bridges over Coyote Creek would be visible from the nearest roadways (Montague Expressway, Oakland Road, and Hazlett Way). Construction of the bridges and associated ramps would require the removal of trees. The project, however, has been designed to minimize tree removal, and the majority of mature trees within the riparian corridor of Coyote Creek would remain and would partially screen the proposed bridges. The construction of concrete retaining walls along the approach ramps to the proposed bridges, as well as to the undercrossings and access points, would affect the natural character of the creek banks. A standard texture would be applied to the face of the retaining walls to improve aesthetics and discourage graffiti. None of the project features would significantly impact the aesthetic character of the creek and riparian corridor.

The only location where a proposed bridge would be constructed immediately adjacent to existing residential uses is at the mobile home park on the west side of the creek, opposite Hazlett Way and Notting Hill Drive. At this location, the trail and approach ramp would be constructed on an existing levee, located approximately 25 feet from the nearest residences and about 10-15 feet higher than the elevation of the mobile home park. The ramp would extend approximately five feet above existing

grade. The project includes construction of an eight-foot tall visual screen along the west side of the approach ramp to protect the privacy of the mobile home park residents. The visual screening would use perforated metal sheets, metal slats set in multiple layers, or metal louvers, which would allow light through but blocks views (refer to Appendix A for examples of these screening types).

The portion of the trail located along the west side of Notting Hill Drive would be visible to the single-family residences on the east side of the street. The trail would be located within a sparsely vegetated area between the roadway and the riparian corridor, where there is currently no sidewalk. The trail would be constructed approximately 2.5 feet below existing grade and separated from the roadway by a retaining wall and railings. Given that there is no existing sidewalk on the west side of the roadway, the construction of a 10-foot wide paved trail would result in visual changes. Although several trees would be removed from this portion of the project alignment, the construction of a trail along an existing street would not result in substantial changes to the riparian corridor or views from the nearby residences.

Other visual changes would occur at the 15 locations where access points to the trail would be constructed. These access points would be designed to blend in with the surrounding community and natural environment through the use of a consistent architectural style. The minor streetscape/sidewalk improvements would not have a significant impact on the visual character of the surrounding areas, many of which are adjacent to major roadways. As described further below, the addition of night lighting at the proposed undercrossings would not adversely affect the aesthetics of the project area.

The proposed modifications in the vicinity of the Berryessa Road undercrossing, including the optional replacement of the existing culvert with a pedestrian bridge over Penitencia Creek, would change the aesthetics of the area by narrowing the existing concrete pathway and adding an access ramp leading down from Berryessa Road. The project, however, would not adversely affect the visual quality at this location, as it is currently developed with pavement and structures.

The use of existing and future sidewalks and bicycle lanes on Brokaw and Oakland Roads as an interim trail would not affect the aesthetic setting, given that only minor physical changes could occur along these streets (such as the addition of a small amount of directional signage).

While the determination of aesthetic impacts is somewhat subjective, it is concluded that the construction of a trail would not significantly change the visual character of the project area. Approximately 2.2 miles of the 4.1-mile trail alignment would be located on existing service roads. Given that service roads currently exist where the project alignment is most visible to adjacent land uses, construction of a paved trail would not substantially affect the visual character along those reaches. The trail design will be in accordance with County Guidelines and San José General Plan policies intended to promote visual compatibility. The trail would not degrade the aesthetic quality of the riparian corridor or adversely affect the visual character of the residential neighborhoods. For these reasons, the proposed project would not result in a significant aesthetic impact to the surrounding land uses.

Future Development

The redevelopment of the Fox Property and Flea Market properties will include 100-foot setbacks from the edge of the riparian corridor, consistent with the San José Riparian Corridor Policy Study. The future setbacks will allow construction of the proposed trail on these properties. The trail will be designed to be visually compatible with the new development and other passive recreational uses

(i.e., landscaping and benches) within the open space setbacks. The proposed trail would not degrade the aesthetic quality at these locations.

4.1.2.2 *Light and Glare Impacts*

The trail will not be lighted except at the 10 proposed undercrossings, where the lighting will be minimal and will enhance the safety for trail users. In conformance with the standard measures below, the lighting will be designed to be as low as possible and to direct downward, in order to avoid light spillover and glare impacts to surrounding land uses and wildlife. Therefore, the project would not result in a significant adverse aesthetic lighting impact.

Standard Measure: The project proposes to implement the following standard measure:

- Proposed lighting shall conform to the City's *Outdoor Lighting Policy* (Policy 4-3).
- Proposed lighting shall conform to the City's *Riparian Corridor Policy Study*.

4.1.3 **Conclusion**

The proposed project would not degrade or substantially change the existing visual character or quality of the alignment and its surroundings. Therefore, the project would have a less than significant aesthetic impact and no mitigation measures are required or proposed. (**Less than Significant Impact**)

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project area is located within urban San José. No properties along the proposed alignment are used for agricultural purposes or are under a Williamson Act contract. The only property in the project vicinity that is used for agricultural production and is designated as “Unique Farmland” is located on the north side of Montague Expressway, opposite the northern terminus of the proposed trail segment.¹⁴ This property is not under a Williamson Act contract.

According to Section 12220 (g) of the Public Resources Code, forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” Based on this definition, the mixed riparian forest habitat that occurs along the project alignment would be considered forest land due to the abundance of native species and the numerous public benefits the riparian corridor of Coyote Creek provides to San José.

4.2.1.1 *Zoning and General Plan Land Use Designations*

The project alignment is designated as *Public Park and Open Space* under the City of San José’s General Plan. Two small portions of the alignment are designated as *Private Open Space* (between the UPRR trestle and Oakland Road) and *Light Industrial* (north of US 101 on the west side of the creek).

The project alignment between Charcot Avenue and Oakland Road is zoned *Agricultural* under the City of San José Zoning Ordinance.

The “Unique Farmland” property on the north side of Montague Expressway (as described above) is zoned *Industrial Park* and is designated *Industrial Park with a Transit/Employee Residential District Overlay* under the San José General Plan.

¹⁴ This property is designated as Unique Farmland according to the 2008 *Santa Clara County Important Farmland Map* (2009) prepared by the California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.

4.2.2

Environmental Checklist and Discussion of Impacts

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 4
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3

The project would not have a direct or indirect adverse impact on the property currently used for agriculture located across Montague Expressway from the northern terminus of the proposed trail. That property, which is not part of the project site, is not designated or zoned for agriculture and is not under a Williamson Act contract.

There are properties zoned for agriculture along the project alignment. Trails and paths are permitted within the *Agricultural* zoning district; therefore, the proposed project would not conflict with existing agricultural zoning.

The project alignment is not specifically zoned for forest or timberland, although portions of the trail would be located on properties zoned and designated as *Open Space*. This designation is intended to ensure the availability of land for the preservation of natural resources, including forestlands. The project would not conflict with the open space zoning.

Construction of the proposed trail and bridges would require the removal of trees within the mixed riparian forest habitat. As described in Section 4.4 *Biological Resources*, the project proposes to mitigate the permanent loss of riparian habitat by planting replacement trees within one or more mitigation areas along the project alignment. In addition, standard measures will be implemented during project construction to protect trees to remain within this habitat. Therefore, the project would not result in significant impacts to fish, wildlife, or biodiversity. The project would provide increased views of the riparian corridor along Coyote Creek and would not adversely affect the aesthetic quality of the area (refer to Section 4.1 *Aesthetics*). The proposed trail is intended to increase access to open space and parkland; therefore, the project would enhance the riparian forest as a recreational resource. The proposed project would not result in the conversion of forest land to non-forest use.

4.2.3 Conclusion

The proposed project would not affect agricultural resources. The proposed project would not result in a significant impact to forest resources. **(Less than Significant Impact)**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 *Background Information*

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine. The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

Of the two primary pollutants of concern in the Bay Area, both ozone and particulate matter are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Ozone, often called photochemical smog, is formed by a chemical reaction between ozone precursors, primarily reactive organic gases (ROG) and nitrogen oxides (NO_x), in the presence of sunlight. Particulate matter consists of solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time. Combustion sources (i.e., automobiles, fires, power plants, and factories) tend to generate fine particles (PM_{2.5}), whereas fugitive dust (such as from cars traveling on unpaved roads) generally consists of larger, "coarse" particles (PM₁₀).¹⁵ Motor vehicle use is a major mobile source of precursors and particulate matter in the Bay Area.

4.3.1.2 *Regulatory Framework*

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the national or state ambient air quality standards are not met as "non-attainment areas". Because of the differences between the national and state data standards, the designation of nonattainment areas is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and "coarse" particulate matter (PM₁₀). The Bay Area was recently designated as non-attainment for the national fine particulate matter (PM_{2.5}) standard. The County is either in attainment or unclassified for other pollutants.

The region is required to adopt a clean air plan (CAP) on a triennial basis that shows progress towards meeting the state ozone standard. The *Bay Area 2010 Clean Air Plan*, adopted in September 2010, serves as the region's current CAP.¹⁶ In addition to meeting the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone, the CAP provides a strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single, integrated plan. The CAP establishes emission control measures to be adopted or implemented in the 2010-2012 timeframe.

In June 2010, Bay Area Air Quality Management District (BAAQMD) adopted the *CEQA Air Quality Guidelines* as an update to its previous CEQA Guidelines (1999). Under the new thresholds

¹⁵ BAAQMD. "Particulate Matter." Accessed April 13, 2010. <<http://www.baaqmd.gov/Divisions/Planning-and-Research/Particulate-Matter.aspx>>

¹⁶ The CAP is available at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>.

of significance, projects whose operations generate more than 10 tons per year of ROG, NO_x, or PM_{2.5} or 15 tons per year of PM₁₀ would have a significant impact on regional air quality.

4.3.1.3 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, and the acutely and chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors in the project area include the single-family residences along Notting Hill Drive and the mobile home neighborhoods on the east side of Oakland Road, which are located along Reach C of the proposed trail segment (refer to Figure 4C).

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 6
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5

4.3.2.1 *Long-term Impacts*

The operational effects of the proposed project on long-term air quality would be associated with vehicle trips. As described in Sections 4.17 *Transportation*, the construction of a creek trail would not generate a significant number of additional vehicle trips in the project area. Rather, the proposed trail project could result in a small reduction in vehicle trips by providing an alternative means of transportation for commuters and residents. Given that the project is intended to reduce daily vehicle

trips, it would not exceed BAAQMD's thresholds for the generation of criteria air pollutants and ozone precursors. Therefore, the proposed trail project would not result in significant long-term air quality impacts resulting from increased emissions of air pollutants.

The *Bay Area 2010 Clean Air Plan* identifies the improvement of pedestrian and bicycle access and facilities as transportation control measures (TCMs), which are strategies to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing motor vehicle emissions. The proposed construction of an off-street, multi-use trail would be consistent with the CAP's goals for reducing vehicle use, given that it would expand the network of pedestrian and bicycle facilities in the area and make non-motorized travel safer and more accessible. For these reasons, the proposed project would support implementation of the regional CAP.

4.3.2.2 *Construction-Related Impacts*

Construction activities such as excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth would generate short-term exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbased paints, thinners, and some caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. The operation of construction equipment can also generate odors. The temporary increase in particulate dust, odors, and other emissions may result in nuisances to the adjacent residential land uses.

It is anticipated that the project would be completed in several phases each requiring nine to 18 months of work. Construction activities at a given location along the trail alignment would be limited to one construction season. Construction of the proposed trail would not require significant grading or a significant number of construction vehicles. Given the temporary nature of construction activities and the limited amount of residential uses adjacent to the trail alignment, the proposed project would not create objectionable odors affecting a substantial amount of people or expose sensitive receptors to substantial pollutant concentrations. Implementation of the standard best management practices (BMPs) listed below would ensure that the project would not result in a significant air quality impact associated with temporary air pollutant generation.

Standard Measures: The project includes the following standard measures during all phases of construction to prevent visible dust emissions from leaving the site:

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site. 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.
- Notify residents in the vicinity that could be affected by project grading sufficiently prior to construction activities. A construction monitor will be identified with name and phone number to respond to questions and complaints and to take corrective action within 48 hours.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard.
- Apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

- Sweep daily (or more often if necessary) to prevent visible dust from leaving the construction areas (preferably 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.
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactivate construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water at least twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site.
- Limit traffic speed on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph.
- Limit the area subject to excavation grading, and other construction activity at any one time.
- Prohibit all unnecessary idling of internal combustion engines.

4.3.3 Conclusion

The proposed project would not result in long-term regional air quality impacts. Short-term, construction-related air quality impacts would not be significant. Implementation of the above described standard measures will further reduce or avoid short-term air quality impacts associated with the construction of the proposed project. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based upon a *Natural Environment Study* (NES) prepared by H.T. Harvey and Associates, Ecological Consultants in January 2011. The NES is contained in Appendix B of this Initial Study.

4.4.1 Setting

4.4.1.1 *Introduction and Regulatory Framework*

As it relates to land use decisions, “biological resources” generally include plant and animal species and the habitats that support such species. Due to the importance of California’s native ecological systems from a biological, heritage, and economic standpoint, impacts on such resources – especially those that are rare or those with high ecological values – are considered an adverse environmental impact under CEQA.

Individual plant and animal species listed as rare, threatened, or endangered under state and federal regulations, and the natural communities or habitats that support them, are of particular concern. Other sensitive, natural communities (such as wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also key biological resources. In urban areas, planted and native trees that comprise the “urban forest” provide a range of values, including habitat for urban-adapted wildlife.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with – and complementary to – various federal, state, and local laws/regulations that are designed to protect such resources. These regulations often mandate that project sponsors obtain permits prior to the commencement of development activities, and require sponsors to implement measures that avoid and/or mitigate impacts as permit conditions. Table 3, below, summarizes many of these laws and regulations; please see Appendix B for more details.

City of San José Riparian Policy Study

The City of San José developed the Riparian Corridor Policy Study (adopted in 1994 and revised in 1999) to guide the City’s treatment of riparian corridors and protect biotic resource values when development occurs along creek systems. Riparian habitats are recognized as important natural resources because they support a great variety and abundance of aquatic and terrestrial species due to the availability of water. The Study contains specific guidelines that provide the City with a tool for evaluating proposed development within and adjacent to riparian corridors and for coordinating recreation and stormwater drainage. The Study also provides guidance to property owners and public agencies for protecting water quality and biotic habitats when preparing development plans. These guidelines are currently being used to establish 100-foot setbacks from riparian corridors for new development along creeks in San José.

According to Guideline 4C of the Riparian Corridor Policy Study, trails should be designed to minimize cut and fill and vegetation disturbance. Trails should be constructed to direct drainage away from direct entry to the creek and include the use of surface drainage infiltration areas. Trails should be set back 10 feet from the edge of the riparian corridor; however, they can enter the corridor if necessary to maintain continuity. Landscaping along the trail should be native riparian plantings, consistent with any existing native vegetation. Finally, where there are road overpasses, trails may enter the riparian corridor so as to provide trail access beneath the road crossing.

According to Guideline 2E of the Riparian Corridor Policy Study, “all trail corridors, except for the Guadalupe River Downtown, are closed after sunset, and as such do not have lighting (except for security lighting at bridge undercrossings). For all other developments, lighting within the corridor and setback areas should be avoided. Lighting on development sites should be designed and sited to avoid light and glare impacts to wildlife within the riparian corridor, consistent with public safety considerations.”

Table 3 Regulation Of Biological Resources		
Law/Regulation	Objective(s)	Responsible Agencies
Federal Endangered Species Act	Avoid harm to such species and their habitat and, ultimately, to restore their numbers to where they are no longer threatened or endangered.	NOAA NMFS, USFWS
California Endangered Species Act		CDFG
Magnuson-Stevens Fishery Conservation and Management Act	Establishes Essential Fish Habitat (EFH) in fishery management plans for all managed species	NOAA NMFS
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
Federal Clean Water Act	Avoid/mitigate impacts to wetlands and other “waters of the United States” including streams, lakes, or bays.	US EPA, USACE, RWQCB
Porter-Cologne Water Quality Control Act	Avoid/mitigate water quality impacts to waters of the State and US.	SWRCB, RWQCB
California Fish & Game Code Sections 1600-1616	Avoid/mitigate impacts to rivers, streams, or lakes.	CDFG
San José Riparian Corridor Policy Study	Avoid direct & indirect impacts to riparian corridors.	City of San José
San José Municipal Code Chapter 13.32 (City of San José Tree Ordinance)	Avoid/mitigate impacts to trees with a diameter > 18 inches or designated a heritage tree by City Council	City of San José
NOAA NMFS = National Oceanic & Atmospheric Administration, National Marine Fisheries Service; USFWS = U.S. Fish & Wildlife Service, CDFG = California Department of Fish & Game, US EPA = U.S. Environmental Protection Agency, USACE = U.S. Army Corps of Engineers, RWQCB = Regional Water Quality Control Board, SWRCB = State Water Resources Control Board		

Santa Clara Habitat Conservation Plan/Natural Communities Conservation Plan

The project alignment is not located within an area protected by an approved local, regional or state habitat conservation plan.

A joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan) is currently being prepared by the City of San José, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County, and the cities of Gilroy and Morgan Hill, in association with the USFWS, CDFG, and NMFS and in consultation with stakeholder groups and the general public. The purpose of the Habitat Plan is to promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, and to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

Although the trail alignment will fall within the jurisdiction of the Habitat Plan once it is adopted, this plan is not currently applicable to the proposed project. The Planning Agreement, however, outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (CDFG and USFWS) of projects that have the potential to adversely impact “covered species”, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The wildlife agencies’ comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.

4.4.1.2 Existing Biotic Habitats

The project alignment is located in a highly developed area of north San José within or adjacent to the riparian corridor of Coyote Creek. The majority of the creek along the project reach has a moderate to deeply incised channel with banks reaching approximately 15 to 20 feet in height. The creek corridor consists of a relatively wide (approximately 150-300 feet), contiguous band of riparian habitat.

To characterize the existing biotic conditions of the project alignment, H.T. Harvey & Associates mapped the habitats within the Biological Study Area (BSA), defined as a 100-foot wide strip centered on the proposed trail. Five biotic habitats were identified within the BSA of the proposed project: mixed riparian forest (including 0.05 acres of an existing riparian mitigation site), aquatic, ruderal herbaceous field, eucalyptus forest, and developed. The majority of the approximately 50-acre BSA was mapped as “developed” habitat.

Mixed Riparian Forest Habitat

Approximately 10.5 acres of mixed riparian forest habitat is located along Coyote Creek within the BSA. This habitat type extends up to and occasionally beyond the tops of the creek banks, occurring in proximity to landscape trees and shrubs associated with adjacent development, parks, and ruderal fields. A substantial amount of trash (i.e., plastic bags, tarps, bottles, discarded clothes, tires, and other materials) was observed throughout the riparian understory. Numerous homeless encampments occur along the mid to upper banks of Coyote Creek, including at the road undercrossings within the BSA. Despite the disturbances, the riparian forest habitat is considered to be of medium to high quality, mainly due to the dense overstory (i.e., tree canopy).

A small riparian mitigation site (approximately 0.05 acres) is located within the BSA at the corner of Notting Hill Drive and Hazlett Way. This site is planted with native riparian tree and shrub seedlings and saplings. The BSA also includes an approximately 200-foot long reach of the riparian corridor of Penitencia Creek, just upstream of its confluence with Coyote Creek.

Vegetation: The mixed riparian forest includes a variety of native and non-native trees and shrubs. The predominant native trees species within BSA include Fremont's cottonwood, box elder, coast live oak, red willow, and arroyo willow. Other native species present in the overstory include California bay, California buckeye, valley oak, western sycamore, and holly-leaved cherry. Non-native tree species include black walnut, black locust, tree-of-heaven, giant reed, Chinese elm, blue gum (eucalyptus), Peruvian peppertree, Mexican fan palm, weeping willow, almond, Himalayan blackberry, and English ivy.

The understory (i.e., shrubs, grasses, and herbs) is dominated by non-native species including periwinkle, smilgrass, Italian wild-rye, poison hemlock, sweet fennel, wild radish, and mare's tail. Also occurring in the riparian understory are scattered patches of native species such as blue elderberry, California wild rose, poison oak, common bedstraw, and tall umbrella sedge. The herbaceous layer is often sparse or absent, resulting from the lack of sunlight reaching the forest floor and the disturbed nature of the creek banks.

Wildlife: Riparian habitats are of very high value to wildlife in California, due to the foraging, cover, and nesting opportunities provided by the year-round water supply and diverse habitat structure (including tree, shrub, and herbaceous layers). Although the riparian vegetation within the project area is surrounded by urbanization, it still provides habitat for a wide diversity of wildlife.

Birds observed or known to occur within the riparian corridor include Anna's hummingbirds, black phoebes, western scrub-jays, Bewick's wrens, chestnut-backed chickadees, warbling vireos, yellow warblers, common yellowthroats, song sparrows, western flycatchers, black-headed grosbeaks, and Bullock's orioles. The riparian habitats along Coyote Creek are also used by wintering and migrating birds, such as Swainson's thrushes, Wilson's warblers, ruby-crowned kinglets, yellow-rumped warblers, and golden-crowned sparrows. Raptors such as red-shouldered hawks and Cooper's hawks may nest within the riparian corridor and forage in adjacent habitats. The mixed riparian forest habitat also supports a variety of mammals, reptiles, and amphibians, including raccoons, striped skunks, opossums, ornate shrews, California voles, Audubon's cottontails, arboreal salamanders, western toads, Pacific chorus frogs, western fence lizards, western skinks, and southern alligator lizards.

Aquatic Habitat

Aquatic habitat occurs within the active channel of Coyote Creek, which is a perennial stream along the project reach. Given that most of the aquatic habitat is well-shaded by the tree canopy of the riparian forest, it was not possible to use the aerial photo to map the surface area of this habitat within the BSA and it is therefore included in the riparian habitat acreage. Small, scattered patches of freshwater marsh were observed along the edges of the low-flow channel. These occasional patches include small stands of wetland vegetation such as broad-leaved cattail.¹⁷

¹⁷ The stands of wetland vegetation were too small to be included as a separate habitat type.

Wildlife: The aquatic habitat supports several species of native fish, such as the California roach, Sacramento sucker, and sculpins, as well as non-native fish such as mosquitofish, bluegill, and inland silverside. The federally-threatened Central California Coast steelhead spawns in the Coyote Creek watershed, particularly in Upper Penitencia Creek. The Central Valley Fall Run Chinook salmon, a California species of special concern, has also been documented using Coyote Creek, although it is unknown whether this species spawns there.

The creek provides habitat for amphibians such as western toads, Pacific chorus frogs, and non-native bullfrogs. The native western pond turtle is known to occur in very low numbers along lower Coyote Creek, where it is likely outnumbered by several species of nonnative turtles, such as red-eared sliders and painted turtles. The creek provides foraging opportunities for waterbirds, including mallards, green herons, great egrets, and belted kingfishers. In addition, bats such as Yuma myotis and Brazilian free-tailed bats may forage on insects over the creek.

Ruderal Herbaceous Field

Vegetation: Approximately 7.3 acres of the BSA consists of ruderal herbaceous field habitat. This habitat is characterized by non-native, invasive grasses and forbs such as smilgrass, wild oat, Italian wild-rye, wild barley, Bermuda grass, rabbitsfoot grass, redstem filaree, cheese weed, telegraph weed, wild lettuce, black mustard, and sow thistle. Patches of the native shrub coyote brush are scattered throughout this habitat.

Wildlife: The ruderal herbaceous habitats within the BSA are relatively small, highly disturbed, and often adjacent to fences, roads, and other developed areas, which limits the value of this habitat for wildlife species. These patches of herbaceous fields may, however, be utilized by urban-adapted species such as western fence lizards, gopher snakes, California ground squirrels, deer mice, and California voles. Red-shouldered hawks, white-tailed kites, mourning doves, black phoebes, cliff swallows, golden-crowned sparrows, white-crowned sparrows, and house finches may forage in or over these ruderal habitats.

Eucalyptus Forest

Vegetation: Approximately 1.8 acres of the BSA consists of eucalyptus forest habitat. Several stands dominated by blue gum eucalyptus trees occur along the east bank of Coyote Creek and north bank of Penitencia Creek within the BSA. Most of the stands appear to have been planted within an ornamental landscape setting. A large stand of several hundred eucalyptus trees with a canopy reaching approximately 100 feet in height is located south of Montague Expressway. In this location, the invasive eucalyptus trees have displaced virtually all the mixed riparian forest habitat along the bank of the creek. There is little to no understory vegetation due to a thick accumulation of eucalyptus bark covering much of the forest floor. Scattered patches of ruderal herbaceous vegetation are found in openings that receive adequate sunlight.

Wildlife: Eucalyptus groves tend to support lower wildlife diversity than mature, native-dominated riparian woodland because of the lack of structural diversity in the lower strata. Mature eucalyptus groves, however, provide suitable nesting habitat for raptors such as red-shouldered hawks and red-tailed hawks, as well as nesting birds such as Anna's hummingbirds, house finches, and Bullock's orioles. Eucalyptus trees also provide foraging opportunities for finches, warblers, ruby-crowned kinglets, and yellow-rumped warblers. Bats such as western red bats, brazilian free-tailed bats, and Yuma myotis could roost in foliage, crevices and shreds of bark. Western red bats have even been known to roost on the floor of the eucalyptus groves. In addition, urban-adapted mammals such as raccoons, striped skunks, and red foxes may periodically use this habitat.

Developed Habitat

Approximately 30.5 acres of area within the BSA are developed to some degree. Developed areas include areas of bare ground, unpaved service roads, the UPRR trestle, the San José Flea Market site, the parking lot on the City of San José Corporation Yard property, and the roadways and associated undercrossings that intersect the project alignment.

Vegetation: Vegetation within the developed areas consists of several species of ornamental and cultivated trees and shrubs. Common trees included Peruvian peppertree, coast redwood, blue gum, and ornamental pines.

Wildlife: Developed areas can support certain wildlife species adapted to periodic human disturbances, although wildlife abundance and diversity is generally low in these areas. Birds adapted to the urban landscape include house finches, northern mockingbirds, Anna's hummingbirds, European starlings, and house sparrows. Opossums, house mice, eastern gray squirrels, fox squirrels, Norway rats, black rats, deer mice, raccoons, and striped skunks are expected to occur in this habitat. Crevices found in retaining barriers and rip-rap may also serve as habitat for a variety of wildlife species.

The project alignment crosses beneath 10 existing bridges over Coyote Creek. Overpasses provide nesting habitat for common bird species such as black phoebes and nesting swallows. At least some of the bridges provide potential day roosting and/or night roosting habitat for a variety of bats, such as Mexican free-tailed bats and Yuma bats. Bat roosts could also occur in the existing culvert that conveys Penitencia Creek south of Berryessa Road and in mature landscape trees with cavities or extensive areas of loose bark.

4.4.1.3 *Special-Status Species*

Special-status species are those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. Special-status species also include: California Department of Fish and Game (CDFG) Species of Special Concern¹⁸, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in the USFWS Recovery Plans, and CDFG special-status invertebrates. Plant species on the California Native Plant Society (CNPS) Lists 1 and 2 are also considered special status plants species and must be considered under CEQA.

Several special-status plant species are known to occur in the region, typically in open grassland, chaparral, and woodland habitats. Reconnaissance-level surveys of the project alignment were completed by H.T. Harvey & Associates to identify habitats capable of supporting special-status plants. It was determined that no special-status plant species are expected to occur within the BSA, primarily due to a lack of suitable habitat.

Special status wildlife species that may occur within the BSA include the Central California Coast steelhead, Central Valley fall-run Chinook salmon, western pond turtle, western red bat, dusky-footed woodrat, American peregrine falcon, Vaux's swift, black swift, willow flycatcher, yellow-

¹⁸ CDFG Species of Special Concern are species that face extirpation in California if current population and habitat trends continue. Although CDFG Species of Special Concern generally have no special legal status, they are given special consideration under CEQA.

breasted chat, Bryant's savannah sparrow, tricolored blackbird, loggerhead shrike, San Francisco common yellowthroat, yellow warbler, and white-tailed kite. Other species known to occur in the region were rejected as having a potential for occurrence within the BSA because the project area lacks suitable habitat and/or is outside the range of the species.

In addition, most birds in the U.S. are protected under the federal Migratory Bird Treaty Act of 1918, regardless of special status listing. Under this legislation, destroying active nests, eggs, and young is illegal. Raptors ("birds of prey" including eagles, hawks, and owls) and their nests are also protected under Section 3503.5 of the California Fish and Game Code.

Table 1 of Appendix B describes the legal status and includes a summary of the potential for special-status species to occur on the project site.

4.4.2

Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 8
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 8
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7

4.4.2.1 Impacts to Sensitive Habitats

The riparian forest and aquatic habitats identified within the BSA are considered sensitive natural communities. No other natural communities of special concern occurring in the region, such as serpentine bunchgrass or sycamore alluvial woodland, are present within the BSA.

Mixed Riparian Forest

The proposed trail would be located at the top of bank or along the riparian corridor of Coyote Creek. Construction of the project would result in direct (removal) and indirect (trimming, root impacts, soil compaction) impacts to trees within the mixed riparian forest habitat. The effect of removing a given tree on the riparian habitat depends on its size and species. For example, removal of non-native, invasive trees would result in a long-term ecological benefit by reducing the propagation of these invasive species within the riparian corridor, although these trees still provide some limited wildlife habitat as well as stream shading and their removal would be considered an impact.

The project has been designed to avoid impacts to riparian habitat to the maximum extent feasible by utilizing existing service roads where possible. Riparian impacts would primarily be limited to the proposed undercrossings and pedestrian bridges. In these areas, only those trees whose removal is absolutely necessary for project construction would be removed. Furthermore, the free-span pedestrian bridges would be installed with two cranes (one crane on each side of the creek), which would minimize area of disturbance compared to cast-in-place concrete structures.

As shown in Table 4, the proposed project would impact approximately 86 riparian trees. These include trees that would be removed during construction and those that would likely die in the near-term due to severe trimming and/or root impacts. The majority of the riparian trees that would be impacted are native species (red willow, Fremont’s cottonwood, box elder, and blue elderberry), as shown in Table 5. These native trees primarily range from six to 17 inches in diameter at breast height (dbh). Several non-native species of limited invasiveness (peppertree and olive) and several invasive species (blue gum eucalyptus, tree-of-heaven, and weeping willow) would also be impacted. The Enlargement Plans included in Appendix A show the approximate location of trees to be removed. For further details on the species, diameter, and general location of each tree to be impacted by the project, please refer to Appendix C of the NES (Appendix B of this Initial Study).

Table 4 Summary Of Riparian Trees To Be Impacted By Size				
Diameter*	Tree Type			Total
	Native	Non-Native	Non-Native Invasive	
Less than 6 inches	1	1	0	2
6 to 11 inches	40	5	6	51
12 to 17 inches	17	1	2	20
18 inches or greater	9	2	2	13
Total	67	9	10	86

*Diameter at breast height (dbh).
Source: H.T. Harvey and Associates, January 2011.

Table 5 Summary of Riparian Trees to be Impacted by Species		
Species Name	Common Name	Number of Trees to be Impacted
<i>Acer negundo</i>	Box elder	10
<i>Populus fremontii</i>	Fremont's cottonwood	17
<i>Salix laevigata</i>	Red willow	23
<i>Sambucus mexicana</i>	Blue elderberry	13
<i>Quercus chrysolepis</i>	Canyon live oak	2
<i>Quercus agrifolia</i>	Coast live oak	1
<i>Juglans hindsii</i>	Black walnut	1
Native Species Subtotal		67
Unknown		1
<i>Schinus molle</i>	Pepper tree	1
<i>Olea europaea</i>	Olive	1
<i>Eucalyptus</i>	Eucalyptus	6
Nonnative Species Subtotal		9
<i>Eucalyptus globulus</i>	Blue gum eucalyptus	3
<i>Ailanthus altissima</i>	Tree-of-heaven	1
<i>Salix babylonica</i>	Weeping willow	6
Invasive Species Subtotal		10
Source: H.T. Harvey and Associates, January 2011.		

In addition to the riparian trees summarized above, the project would result in the loss of an approximately 0.05-acre existing riparian mitigation site, located at the corner of Notting Hill Drive and Hazlett Way.

The riparian habitat within the BSA is bounded by developed/disturbed habitats and some areas have been degraded by soil compaction, loss of herbaceous understory, and trash dumping. All trees to be impacted by the proposed project are regionally abundant species. Given the urban setting of the project alignment, the riparian trees that would be impacted by project are primarily used by regionally common wildlife species. In many cases, removal of riparian trees would only cause temporary impacts to the forest habitat quality, as existing native trees (saplings and mature trees) would rapidly fill in available canopy gaps. However, the habitat that would be affected by the project is of medium to high quality and the permanent loss of some riparian habitat would be considered a significant impact.

The project proposes to mitigate direct and indirect impacts to riparian trees by planting replacement trees, according to the replacement ratios shown below in Table 6. The proposed mitigation ratios are based on the City of San José's replacement requirements for native tree removal, although non-native species will be replaced at reduced ratios to reflect their ecological value to riparian habitat. Invasive tree removal is the lowest because these species represent a threat to riparian habitat value and their removal is not as negative as the removal of native species, as previously described. The replacement trees would be planted within one or more riparian mitigation areas along the project alignment. The removal of the 0.05-acre existing mitigation site will be mitigated at a 3:1 ratio (mitigation surface area: impact surface area). As shown below, it is anticipated that 1.46 acres will be required to accommodate the riparian mitigation.

Two potential mitigation areas were identified within the BSA: the area referred to as North Coyote Park and the confluence of Penitencia and Coyote Creeks. The North Coyote Park site is located on the west side of Coyote Creek, east of Oakland Road and across from the San José Municipal Golf Course. This City-owned property is in proximity to riparian impacts, has suitable topography and landscape for the restoration of riparian habitat, and could accommodate all of the required mitigation. A small portion of the mitigation could be provided at the confluence of Penitencia and Coyote Creeks. If the existing pathway and culvert at the Penitencia Creek crossing is replaced with a pedestrian bridge and an earthen channel, the creek banks could be re-vegetated and stabilized with approximately 1,100 square feet of native riparian species. The removal of invasive species would further enhance the riparian habitat at the confluence of Penitencia and Coyote Creeks. Refer to Appendix B for more information.

The preferred mitigation area(s) will be determined during the final design and regulatory permitting phase, during which the City will apply for permits from CDFG (and USACE and RWQCB if needed). As described below, a Riparian Mitigation Plan will be prepared in coordination with these regulatory agencies, based on the permit requirements and consistent with the mitigation measures identified in this Initial Study. Trees may also be planted in other locations adjacent to the creek and/or trail. Mitigation measures for the establishment of riparian habitat mitigation areas, in addition to standard measures for protecting the trees to remain along the project alignment, are described below. Implementation of these measures would reduce the impact to riparian habitat to a less than significant level.

Impact BIO-1: The project would result in a significant impact to riparian habitat due to the removal of trees. Riparian trees to be retained may also be impacted during construction. **(Significant Impact)**

Mitigation Measures: The proposed project includes the following mitigation measures to reduce impacts to riparian habitat to a less than significant level:

MM BIO-1.1: All of the trees to be removed will be replaced at the following ratios:

Table 6 Tree Replacement Ratios				
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
Notes: X:X = tree replacement to tree loss ratio				

Based on the size and species of the trees to be removed, 194 replacement trees would be required to mitigate project impacts to riparian trees. The required tree plantings could be accomplished on approximately 1.3 acres within one or more mitigation areas.¹⁹ An additional 0.16 acres of riparian habitat will be provided to mitigate for the removal of the existing 0.05-acre mitigation site. Therefore, the project will restore at least 1.46 acres of native-dominated riparian habitat along the project alignment. Trees planted within the riparian corridor of Coyote Creek must be native species, appropriate for the Coyote Creek riparian habitat.

MM BIO-1.2: A Riparian Mitigation and Monitoring Plan shall be completed for the project by a restoration ecologist during the regulatory permitting phase. The plan shall be submitted to the Director of Planning, Building, and Code Enforcement. The plan will identify the preferred mitigation site and shall include:

- Mitigation design (including existing and proposed site hydrology, soil preparation methods, planting plan, and irrigation and maintenance plan).
- Monitoring plan covering a 10-year period (including performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, and remedial measures/adaptive management).
- Contingency plan for mitigation elements that do not meet performance or final success criteria.

Standard Tree Protection Measures: In conformance with the San José Tree Ordinance, the following tree protection measures are included in the project to protect trees to be retained during construction:

- The construction superintendent shall meet with the City arborist before beginning work to discuss work procedures and tree protection.
- Prior to initiation of construction activities in a given area, trees to be preserved shall be pruned to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- All trees to be retained shall be fenced to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be six-foot chain-link or equivalent as approved by the consulting arborist. Fences are to remain until all grading and construction is completed in a given area.
- No grading, construction, demolition, or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the TREE PROTECTION ZONE.

¹⁹This surface area includes mitigation for impacts resulting from the replacement of the Penitencia Creek culvert/crossing with a free-span pedestrian bridge. If the final project design does not include this option, then the riparian mitigation requirement can be reduced by 1,100 square feet.

- No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline.
- 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 certain substances might reach the roots through a leaching process.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an arborist or City arborist and not by construction personnel.
- Any root pruning required for construction purposes shall receive the prior approval of and be supervised by an arborist.
- Supplemental irrigation shall be applied as determined by an arborist.
- Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering.
- Wires, signs and other similar items shall not be attached to trees.
- Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized.
- 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 (San José Municipal Code 13.32.130).
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the City arborist. Damage to any tree during construction shall be reported to the Director of Planning, Building, and Code Enforcement. The tree shall be treated for damage in the manner specified by the City arborist.

Aquatic Habitat

The proposed project would not directly affect freshwater wetlands or aquatic habitat within the low-flow channel of Coyote Creek. Construction activities such as grading and tree removal may result in temporary impacts to surface water quality if sediments or chemicals are allowed to discharge into the creek. Temporary impacts to aquatic habitats and any associated marshes will be avoided to the maximum extent feasible by restricting all work within the banks of the creek to the dry season and staging construction equipment in upland and/or currently developed areas. Given that the pre-fabricated, free-span bridges would be installed via cranes at the top of the creek banks and the existing service roads would provide adequate access, heavy equipment will not access the creek channel during bridge installation. With implementation of the standard measures listed below and in Sections 4.10 *Hydrology and Water Quality* and 4.7 *Geology and Soils*, the project would not result in significant impacts to aquatic habitat and no additional mitigation measures are required.

Shaded Riverine Aquatic Habitat

Indirect effects to aquatic habitat would result from the proposed removal of riparian trees, particularly at the locations of the four pedestrian bridges over Coyote Creek. Riparian vegetation provides shade over the creek, helping to maintain moderate water temperatures during summer and provide organic matter and terrestrial insects to the aquatic food chain. Aquatic habitat shaded by riparian vegetation is referred to as Shaded Riverine Aquatic (SRA) habitat.

Construction of the proposed pedestrian bridges would require the removal of approximately 230 linear feet of SRA habitat, which represents approximately one percent of the total length of the project alignment. The remaining low flow channel of the creek along the project reach is well shaded and trees would be maintained adjacent to the impacted areas, thus continuing to provide shade for the creek. Within seven to 10 years following project construction, it is expected that SRA habitat would re-establish within the impact areas, as canopy from adjacent willow and cottonwood trees and new growth from seedlings fills the gaps created by tree removal. Therefore, the project would primarily cause temporary effects on SRA habitat.

Because future trail maintenance would entail pruning to prevent riparian canopy from growing over the bridge, the project would result in a permanent loss of approximately 56 linear feet of SRA habitat. Given the small percentage of SRA habitat to be removed from the BSA and that shade would be provided by the bridges themselves, the permanent loss of SRA habitat would not have a significant impact on the quality of aquatic habitat in the project area.

Penitencia Creek Culvert and Crossing

The project may include the replacement of the existing culvert and pathway over Penitencia Creek with a free-span pedestrian bridge and an open earthen channel. The restoration of approximately 30 linear feet of stream channel and re-vegetation of the creek banks with riparian habitat would create more natural biotic conditions at this location. Construction of this project element, if proposed, could result in temporary disturbance to aquatic habitat during dewatering of the channel, removal of the existing culvert, and reconstruction of an earthen channel. Construction of this option may also result in the temporary loss of a very small amount of SRA habitat (which is included in the 230 linear feet described above). The project, however, will implement avoidance measures to minimize construction-related impacts at this location, as listed below and in Section 4.4.2.3 (*Impacts to Steelhead and Salmon*). Under this design option, the project would result in a net long-term benefit to aquatic habitat in Penitencia Creek. USACE and RWQCB permits may be required for this construction.

Standard Measures: The following standard Best Management Practices will be implemented to minimize project impacts to aquatic habitat and water quality:

- Construction work within the top of bank area will be limited to the period between April 15th and October 15th, while any construction which would occur in the creek channel would only be allowed during the dry season between June 15th and October 15th.
- All temporary staging areas will be located in upland areas or on existing developed areas.
- No equipment will be operated in the live stream channel.
- No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where

it may be washed by rainfall or runoff into waters of the U.S. or State (Coyote and Penitencia Creeks).

- Standard erosion control and slope stabilization measures (e.g., fiber rolls, straw bale dikes, native grass seeding, straw mulch, erosion control fabric) will be required for work performed in any area where erosion could lead to sedimentation of a waterbody.
- Machinery will be refueled at least 60 feet from any aquatic habitat, and a spill prevention and response plan will be developed. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- Dewatering of Penitencia Creek, under the replacement of the culvert with a freespan bridge option, will be done in a manner that maintains fish passage and minimizes temporary water quality impacts.

4.4.2.2 *Impacts to Wildlife Movement and Migration*

Coyote Creek and its associated riparian habitat represent a linear patch of relatively natural habitat within the urban Santa Clara Valley floor, which is used for wildlife movement. The creek serves as a movement corridor for aquatic species, such as fish and western pond turtles. While the creek may have served as a migration corridor for animals moving between San Francisco Bay and areas farther south in the Valley, intensive urbanization and alteration of lower Coyote Creek has substantially reduced its utility for wildlife movement, such that it no longer serves as a connection between large core populations. Although large-scale movements are not expected to occur within the project area, Coyote Creek remains an important corridor for locally dispersing wildlife within the South Bay.

The project will not introduce any impediments to aquatic or terrestrial wildlife movement. If the project includes the replacement of the existing Penitencia Creek and crossing with a free-span bridge and an earthen creek channel, the proposed project would benefit the movement of aquatic species by reducing barriers to migration.

The proposed project would increase pedestrian and bicycle traffic along Coyote Creek within the project area. Animals active during the day, when use of the trail would be highest, could be discouraged from using the area as a movement corridor. However, the presence of trail users, in addition to the nighttime lighting at the proposed undercrossings, would likely reduce the currently high homeless population along the project reach of the creek. A reduction in the number of people present along Coyote Creek at night could make the area more suitable for nocturnally dispersing wildlife. All lighting proposed as part of the project will be designed to avoid light and glare impacts to wildlife within the riparian corridor. For these reasons, the project would not substantially affect wildlife movement.

4.4.2.3 *Impacts to Special-Status Plants and Animals*

As discussed above, no special-status plant species are expected to occur in the BSA. Therefore, the proposed project would not impact any special-status plant species. Therefore, the following discussion focuses on wildlife species that are known to be present within the project area.

Steelhead and Salmon

Both the steelhead (federally-listed) and Chinook salmon (California species of special concern) are salmonids known to occur in Coyote Creek during migration between the ocean downstream and

spawning and rearing habitat upstream. The project reaches of Coyote Creek and Penitencia Creek are included in the Critical Habitat designation for the Central California Coast population of steelhead. Steelhead are not known to spawn along the project reaches of Coyote Creek and Penitencia Creek, although it is possible that some juvenile rearing may occur. Central Valley fall-run Chinook salmon are known to spawn in lower parts of the Coyote Creek watershed, but it is not known whether spawning occurs along the project reach.

As described above, the temporary and permanent loss of SRA habitat resulting from the proposed project would not have a significant effect on aquatic species, including salmonids (i.e., steelhead and salmon). Given that the project does not include work within aquatic habitats of Coyote Creek, the project would not result in direct impacts to steelhead or Chinook salmon occurring in the creek. Construction-related impacts to water quality, however, may indirectly affect individual steelhead or Chinook salmon. To avoid effects on salmonids resulting from degraded water quality, the project will implement standard measures listed above and the Best Management Practices (BMPs) outlined in Section 4.10 *Hydrology and Water Quality*.

Impacts to salmonids may also occur as the result of pile driving, if used during installation of bridge supports and/or retaining walls. Loud noises and vibration from pile driving, jack-hammering, or other percussive activities can cause direct mortality, sensory damage, and behavioral changes in salmonids. To limit the strength and exposure level of construction-generated sounds, the project will implement the mitigation and avoidance measures listed below. These measures will reduce potential impacts to salmon and steelhead if individual salmonids occur in the project area during project construction.

In addition, replacing the existing culvert and crossing at Penitencia Creek with a free-span pedestrian bridge and earthen channel, if included in the final project design, could affect steelhead or Chinook salmon in both Penitencia and Coyote Creeks by temporarily reducing water quality and/or directly impacting individuals if any are present. Although temporary effects could occur under this design option, the removal of the culvert would result in a net benefit to salmonids by removing an impediment to migration and improving fish habitat at this location. If the project includes removal of the existing culvert, the mitigation and avoidance measures listed below will be implemented to reduce impacts to salmonids to a less than significant level.

With implementation of the mitigation and avoidance measures (below), standard measures (above), and BMPs (Section 4.10 *Hydrology and Water Quality*), the proposed project would not result in significant impacts to salmonids, including those associated with the temporary loss of SRA habitat.

Impact BIO-2: Construction of the project could result in significant construction-related impacts to salmonids. (**Significant Impact**)

Mitigation and Avoidance Measures: 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:

MM BIO-2.1: The following measure will be implemented during construction activities that involve the use of pile drivers to reduce adverse effects on salmonids:

- Conservation measures described in the technical guidance for reducing impacts to salmonids from pile driving detailed by Caltrans (2009) shall be followed where practicable. Such measures will include, but are not limited to:

- Limit pile-driving work to the period June 15th to October 15th as described above, or even a narrower window within this period if so advised by NMFS or CDFG fisheries biologists.
- Avoid in-water installation of piles (which is not proposed by the project).
- Use low-impact pile-driving equipment such as vibratory hammers that minimize underwater sound pressure levels or press-in pile installation to the greatest extent practicable.
- Avoid using steel piles to the greatest extent practicable.
- Limit construction-related underwater sound exposure levels to less than 187 dB and sound pressure levels to less than 208 dB.
- If feasible, generate lower intensity underwater sounds to repel fish from the immediate construction area prior to use of a high-pressure hammer.

Penitencia Creek Design Option

MM BIO-2.2: The following measures will be implemented during any culvert removal or restoration activities within Penitencia Creek to reduce adverse effects on salmonids:

- If culvert removal or other activities in a flowing stream are unavoidable, the work area will be dewatered (e.g., using coffer dams), and any stream flow shall be diverted around the work area by a barrier, temporary culvert, or a new channel capable of permitting upstream and downstream fish movement.
- Construction of the barrier or the new channel shall normally begin in the downstream area and continue in an upstream direction.
- If a segment of Penitencia Creek must be dewatered or diverted, such work will occur during the dry season (roughly June 15th to October 15th, with the potential for extensions beyond this period, in consultation with NMFS, if dry weather permits). Additionally, a qualified biologist will be present during the construction of the coffer dams and dewatering of the area within the coffer dams to ensure that no salmonids, western pond turtles, or other native wildlife are directly impacted during installation of the coffer dams, and to thoroughly inspect and seine (i.e. utilize a net to capture aquatic species) the area within the coffer dams before the work area is pumped out. Any native fish, reptiles, or amphibians within the work area will be removed to the area immediately downstream. No steelhead will be moved without authorization of NMFS.
- A construction personnel education program will be given by a qualified biologist before the commencement of construction to explain to construction personnel how best to avoid the accidental take of steelhead and salmon. The approved biologist will conduct a training session that will be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting will include topics on species identification, required practices before the start of construction and a discussion of general measures that are being implemented to conserve the species as they relate to the project, penalties for noncompliance, and boundaries of the construction area.

Western Pond Turtles

The western pond turtle has been recorded in the project reach of Coyote Creek. The likelihood that a viable population is present along this reach is low due to the cumulative effects of urbanization, including the release of non-native turtles, predation by pets and non-native mammals, capture by humans, degradation of water quality, and loss of upland nesting habitat. Due to the low numbers of western pond turtles present within the project area, there is a very low probability that individuals and their nests would be impacted by the proposed project. If the existing culvert and crossing over Penitencia Creek is removed, direct impacts to turtles could occur, although given the skittish nature of this species, individuals would likely flee the work area upon approach. With the mitigation and avoidance measures to be implemented for impacts to salmonids, as described above, the project would not result in significant impacts to western pond turtles.

Bats

The only special-status bat species expected to occur in the project area is the western red bat. Although western red bats do not breed along the project reach of Coyote Creek, this tree-roosting species may overwinter along the creek and will migrate through the project area in fall and spring months. While individual western red bats could roost in trees within the project alignment, they are expected to occur in very low densities at best. As a result, the project is not expected to substantially affect this species.

As described above, several non-special status bat species, such as Mexican free-tailed bats or Yuma bats, could use some of the existing bridges, the Penitencia Creek culvert, and mature trees along the project alignment as day and/or night roosting habitat and/or maternity colony sites. The reconnaissance surveys completed for the proposed project did not include verification of the presence or absence of bat roosts or colonies within the BSA. Additional surveys are needed to determine the presence of bat roosts, type of roosts (e.g., maternity or bachelor, day or night roost or both), species composition, and the number of occupants of any bat roosts identified within the BSA. With completion of preliminary habitat assessments and implementation of the other avoidance measures listed below, direct impacts to individual bats and/or abandonment of an active maternity colony are not expected to occur.

If bat roosts are present in the project vicinity, construction-related disturbances (i.e., noise and vibration from equipment, movement of people, etc.) could cause bats to abandon the site. Removal of trees that have been used as bat roost sites would result in a loss of roosting habitat. After project construction is complete, increased human activity along the trail could also cause bats to stop using both day and night roosts in trees or under bridges. It is possible that lighting at the proposed undercrossings under bridges, if occupied by bat roosts, may deter bats from using those roosts and make bats more detectable by predators, although lighting may attract insects – a food source. Depending on the number of individuals impacted, the proposed project could substantially affect populations of these bat species.

The loss or abandonment of a bat roost, either indirectly through project-related disturbances or directly through tree removal or eviction (an avoidance measure), could be considered a significant impact. The significance of the impact would depend on the abundance of the bat species in question, the size of the roost, and whether alternative roosting habitat is present nearby. In other words, if the direct loss of a roost would reduce regional populations of a given bat species due to the absence of alternative roost sites in nearby areas, then the proposed project would result in a significant impact. If this occurs, the project will implement the mitigation measures listed below to reduce impacts to bats to a less than significant level.

Impact BIO-3: The project could result in a significant impact to bat populations, if roosts and/or colonies are identified within the BSA. (**Significant Impact**)

Avoidance Measures: The following avoidance measures will be implemented to reduce impacts to bats that could result from project construction:

- **Habitat Assessment and Initial Survey:** Prior to construction (but far enough in advance of construction to allow for adequate planning of avoidance and minimization efforts without delaying construction), a trained bat biologist will complete a habitat assessment throughout the BSA to identify potential maternity roost sites or substantial day roost sites.

If potential roost habitat is identified within the BSA, then prior to construction (but far enough in advance of construction to allow for adequate planning of avoidance and minimization efforts without delaying construction), a bat biologist will complete acoustical monitoring surveys using an “Anabat” or comparable device and visual surveys at dusk to identify roost locations and types, the species composition, and number of occupants. If acoustical monitoring and visual survey results suggest that bats are roosting in trees near the BSA, multiple observations may be required to locate the roosts in order to determine if the roost will be impacted.

- **Pre-construction Survey:** Because the habitat assessments and initial surveys may be completed for planning purposes well in advance of construction, several months or longer may pass between that survey and the initiation of construction in a given area. Therefore, a second pre-construction survey for roosting bats, following the methods described above, will be completed by a qualified biologist within 15 days prior to any construction activities or tree removal in a given area, to determine whether bats have occupied a roost in or near the project’s impact areas. This survey should be facilitated considerably by information (e.g., on potential roost trees) gathered during the previous survey.
- **Buffer:** If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer would be maintained from April 1st until the young are flying, typically after August 31st.
- **Roost Evaluation:** If a bat roost is present in a bridge or tree in or adjacent to the project’s construction areas, a qualified bat biologist will determine the likelihood that the roost will be affected by project activities. The impacts of roost eviction relative to the potential construction disturbance will be evaluated and the bats will be evicted only if the qualified bat biologist determines it is necessary.
- **Roost Eviction:** If it is determined that a bat roost will be directly disturbed or removed, the bats will be evicted from the colony site prior to construction. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, unless the roost in question is known (e.g., as a result of mist-netting) to be a non-maternity roost occupied only by males. Eviction will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor (i.e. temporary hibernation- a state of decreased physiological activity).

If bats roosting within a bridge need to be evicted, one-way doors will be inserted into the crevices to allow bats to exit, but not re-enter, the crevices. These one-way doors will be inspected regularly until demolition commences, and will be removed the morning of demolition. If feasible, one-way doors will also be used to evict bats from tree roosts. If use of a one-way door is not feasible, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed should first be disturbed by removal of some of the trees' limbs not containing the bats. Such disturbance will occur at dusk to allow bats to escape during the darker hours. These trees would then be removed the following day. All of these activities will be performed under the supervision of the bat biologist.

- **Reporting:** A report outlining the results of pre-construction surveys and any recommended buffer zones, roost evictions, or other avoidance measures shall be submitted to the satisfaction of the City's Environmental Principal Planner, prior to project construction.

Mitigation Measures: If it is determined that the project would result in the direct loss of a bat roost and this loss would result in a decline in regional populations of a given species due to the absence of alternative roost sites in nearby areas that could be used by that species, the proposed project will implement the following mitigation measures to reduce impacts to bats to a less than significant level:

MM BIO-3.1: The results of the visual and acoustic surveys described above will be analyzed to determine the presence, number, and identity of bats roosting in areas that will be disturbed by the proposed project. If 20 or more individuals of the Yuma bat, or 100 or more individuals of Mexican free-tailed bat or another bat species, will be displaced by the project as a result of removal of a roost tree, then a qualified bat biologist will determine whether alternative roost sites are present in the project vicinity, taking into account the number of individuals of each bat species that will be impacted, and the type of roost (e.g., day or night, maternity or bachelor) impacted. If in the opinion of the bat biologist, insufficient alternative roost sites are present, then roosting habitat will be provided in the form of a structure (e.g., either a structure attached to a bridge in the project vicinity or bat houses placed near such bridge) designed by a qualified bat biologist to provide suitable roosting habitat for the displaced species.

MM BIO-3.2: The project does not propose permanent alterations of any existing bridges in the project area aside from the installation of safety lighting under the bridges. As a result, if any bats require eviction from bridges to avoid disturbance of a maternity roost during construction, the devices used to evict the bats will be removed following completion of construction and the bats would again be able to use the bridge as a roost site.

MM BIO-3.3: Following project construction, any bridge maternity roost supporting more than 20 Yuma bats or more than 100 individuals of another bat species will be monitored for occupancy for a period of two (2) years. If the roost is occupied by the species present prior to construction, no additional mitigation will be required. If the species present prior to construction does not reoccupy the roost within two (2) years, then alternative roosting habitat will be provided as described above. Alternatively, the alternative roosting habitat can be provided in lieu of monitoring.

Dusky-footed Woodrat

The San Francisco dusky-footed woodrat is relatively common in the region, although it has been largely excluded from the Santa Clara Valley floor due to the abundance of non-native predators and habitat conversion, fragmentation, and isolation. This species now occurs in the Valley floor in very low densities in less-developed areas that provide riparian, oak woodland, and scrub habitat. Dusky-footed woodrats are known to occur in downstream reaches of Coyote Creek and suitable habitat occurs within the BSA. Given the highly disturbed nature of the project alignment, densities of this species in the project area are expected to be low if any occur at all.

The proposed project would result in the loss of a very small amount of upland habitat that could be used as foraging habitat by dusky-footed woodrats. In addition, construction activities that disturb or remove woodrat nests could result in the injury or mortality of individuals, especially if the disturbance occurs during the breeding season, when pups are not mobile and could be abandoned.

Because the species is rare on the Valley floor, any take of individuals would be considered a significant impact. However, given the low abundance of this species in the project area, the project would not substantially affect regional populations. Due to predation and other urban stressors, available habitat is not likely to be limiting woodrat populations in the project area and the removal of potential foraging habitat would not be significant.

Avoidance Measures: The following avoidance measures will be implemented to reduce construction-related impacts to San Francisco dusky-footed woodrats to a less than significant level:

- If feasible, project activities should be initiated after August 31st to avoid impacts during the breeding season.
- If not feasible, pre-construction surveys for woodrat nests will be completed within the project boundary by a qualified mammalogist within 15 days prior to the commencement of construction activities, to determine whether individuals of this special-status species has established nests in or immediately adjacent to the project impact areas.
- If an active woodrat nest is located within the construction area, or close enough to the construction area that, in the opinion of a qualified biologist, construction activities may result in the injury or mortality of woodrats, the biologist will determine appropriate measures necessary to avoid take in consultation with CDFG. Such measures may include the following:
 - If possible, a disturbance-free buffer (typically 10 feet) will be established around each nest found during the preconstruction survey. The buffer and any logs, trees or branches upon which the nests rest should be avoided if feasible.
 - If avoidance of nests is not feasible, the nests will be dismantled and the nesting material moved to a new location outside the project impact areas so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, all understory vegetation will be cleared within the project site or in the area immediately surrounding the nest, but the nest itself will not be removed at this stage. Then, each active nest will be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge out of the impact area. For tree nests, a tarp will be placed below the nest and the nest dismantled using hand tools. For any nest, the nest material will then be piled at the base of a nearby hardwood tree outside of

the impact area. If nearby habitat outside the impact area lacks suitable structure, logs will be placed in undisturbed riparian or oak woodland habitat nearby and the sticks from the dismantled nests will be placed among these logs. Ideally, the spacing distance between the newly placed piles of sticks will not be less than 100 feet, unless a qualified wildlife biologist has determined that a specific habitat can support higher densities of nests.

Special Status Bird Species

Several special-status bird species may occur in the vicinity as occasional visitors, migrants, and transients; these include the American peregrine falcon, Vaux's swift, black swift, willow flycatcher, yellow-breasted chat, Bryant's savannah sparrow, and tricolored blackbird. None of these species are expected to breed within the BSA. All but the peregrine falcon and willow flycatcher are only considered special-status species during the nesting season. Any migrant willow flycatchers occurring on the site are likely from breeding populations outside the state, and thus would not be considered representatives from the state or federally listed California populations. The proposed project would temporarily and permanently impact a very small amount of potential foraging habitat for these species. Although occasional foraging individuals may be temporarily displaced during project construction, they are not expected to be impacted by the project. For these reasons, the project would not cause long-term effects on regional populations of these bird species.

Bird species that could potentially nest on or near the BSA include the loggerhead shrike, San Francisco common yellowthroat, and yellow warbler, which are all state species of special concern, as well as the fully protected white-tailed kite. Protected raptor species such as the Red-shouldered Hawk and Cooper's Hawk may also nest within the riparian corridor. The project area provides a very small amount of suitable nesting and foraging habitat, and project impacts to nesting habitat would be primarily mitigated by the provision of riparian mitigation habitat. Because the project area is already heavily disturbed by urban use, the increase in human activity along the proposed trail would not significantly impact these species.

Given the local and regional abundance of these bird species and the low magnitude of potential effects, the proposed project is not expected to result in significant impacts to special status birds. However, the vast majority of birds occurring in the project area (including raptors) are protected under the Migratory Bird Treaty Act and by the California Fish and Game Code. Impacts to active nests, eggs, young, or individuals during construction would be a significant impact; therefore, the proposed project includes standard measures to reduce impacts to protected bird species.

Standard Measures: The project proposes to implement the following standard measures to reduce impacts to birds and raptors:

- Construction activities will be avoided during the nesting season to the extent practicable. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1st to August 31st.
- If vegetation is to be removed by the project and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) should be removed before the start of the nesting season (February) to help preclude nesting. In addition, to avoid impacts to nesting swallows that could potentially occur on bridges, old nests should be removed prior to February 1st, or after February 1st if a qualified ornithologist determines that the nests are not active. After February 1st, new swallow nests may be removed on a regular basis (e.g., every other day), to prevent active nests from becoming established.

- If it is not possible to schedule construction between September and January, then pre-construction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey will be conducted no more than seven (7) days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet for raptors, but substantially less (typically 50 feet) for other birds, to ensure that no nests of species protected by the MBTA or State Code will be disturbed during project implementation.

4.4.2.4 Conformance with Regulations that Protect Biological Resources

Jurisdictional Wetlands

As shown in Table 3, “Waters of the United States” (i.e., jurisdictional waters) are subject to the jurisdiction of USACE. Jurisdictional waters generally include all waters used, or potentially used, for interstate commerce and their tributaries. Activities affecting these areas may require permits from USACE and RWQCB under Sections 404 and 401 of the Clean Water Act.

The beds of Coyote Creek and Penitencia Creek up to the ordinary high water mark are considered jurisdictional Waters of the U.S. As previously described, small, scattered patches of freshwater wetlands exist along the edge of the low-flow channel of Coyote Creek (near the ordinary high water mark). The project, however, does not propose any construction in the low-flow channel of Coyote Creek, and therefore, project construction would not impact jurisdictional wetlands of the creek.

If the proposed project includes replacement of the existing culvert and crossing with a free-span bridge over Penitencia Creek, the project may require a Section 404 permit from USACE and Section 401 water quality certification from RWQCB. As discussed above, standard measures are included in the project to reduce construction-related impacts to water bodies, and the project would result in long-term benefits to the aquatic and riparian habitat of Penitencia Creek under this design option. For these reasons, the project would not have a substantial adverse effect on federally protected wetlands as defined by the Clean Water Act.

California Fish and Game Code (Sections 1600-1616)

Sections 1600-1616 of the California Fish and Game Code (CDFG) require that a Streambed Alteration Agreement be obtained from the CDFG prior to any activities that would impact the bed and banks of a creek, including its riparian habitat. Construction of the proposed project would affect CDFG jurisdiction within the bed and banks of Coyote Creek and possibly Penitencia Creek, particularly at the proposed pedestrian bridge and undercrossing locations and possibly at the riparian mitigation area. Therefore, the project will be required to obtain a Streambed Alteration Agreement from CDFG and to implement all permit conditions.

City of San José Riparian Policy Study

The proposed project is consistent with the Riparian Corridor Policy Study, which is described above. The trail project has been designed to be consistent with the setback requirements of the policy and to minimize grading, drainage impacts, and vegetation disturbance. Native riparian

plantings are included as part of the project. As allowed by the policy, the trail crosses under several freeways and roadways, and security lighting would only be provided at these undercrossings. The overhead lighting under the relatively short undercrossings will be designed to be as low as possible and to direct downward, in order to avoid impacts to wildlife species within the riparian corridor.

City of San José Tree Ordinance

The City of San José defines an ordinance-sized tree as “any woody perennial plant characterized by having a main stem or trunk which measures 56 inches or more in circumference (about 18 inches in diameter) at a height of 24 inches above natural grade slope”. A multi-trunk tree is considered a single tree and “measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of 24 inches above natural grade slope.”

Due to the dense riparian vegetation, steep creek banks, and the fact that trees would not be removed along most of the trail alignment, only trees within the BSA that would be impacted by the project were surveyed. As shown in Table 4 above, the project would impact 13 ordinance-sized trees, nine of which are native species and four of which are non-natives. The project proposes to replace all trees removed during trail construction. The number of replacement trees to be planted as mitigation for impacts to riparian habitat would exceed the amount required under the City’s standard tree replacement ratios. In addition, standard tree protection measures will be implemented during construction to avoid impacts to trees remaining in the project area. Therefore, the project would not conflict with the City of San José requirements pertaining to ordinance-sized trees.

Under Sections 13.28.330 and 13.32.090 of the City of San José Municipal Code, specific trees are found to have a special significance to the community and are designated “heritage trees”, because of their history, girth, height, species, unique quality, or other factors. There are no heritage trees located within the BSA. The only heritage tree in the vicinity of the project alignment is the blue gum eucalyptus tree on the south side of Schallenberger Road, west of Oakland Road. Project construction would not affect this nearby eucalyptus or any other heritage trees.

Santa Clara Habitat Conservation Plan/Natural Communities Conservation Plan

The Planning Agreement for the HCP/NCCP requires that the CDFG and other agencies comment on the Reportable Interim Projects and recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The project meets the Interim Referral Criteria and has been referred to CDFG and USFWS.

4.4.3 Conclusion

The proposed project includes avoidance, standard, and mitigation measures to reduce and avoid impacts to riparian forest habitat, ordinance size trees, and special status animal species. Therefore, the project would not result in significant impacts to biological resources within the project area.
(Less than Significant Impact with Mitigation Incorporated)

4.5 CULTURAL RESOURCES

The following discussion is based on an *Archaeological Survey Report (ASR)* prepared by Basin Research Associates, Inc. in June 2010. The ASR included a field survey and a record search/literature review at the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC) located at Sonoma State University to obtain information about recorded prehistoric and/or historic archaeological sites in and around the project area. The ASR also included a search of the Sacred Lands Inventory by the Native American Heritage Commission (NAHC) and consultation with locally knowledgeable Native Americans. Due to the sensitive nature of archaeological information, the ASR is on file at the City of San José's Department of Planning, Building, and Code Enforcement, 200 E. Santa Clara Street, and can be viewed during normal business hours.

4.5.1 Setting

4.5.1.1 *Prehistoric Resources*

The project area is within the ethnographic and historic boundaries of the Native American group known as the *Costanoan*, also known as the *Ohlones*. Numerous small and large size sites have been recorded in the Santa Clara Valley, indicating occupation and use of the area extending over 5,000 years. The closest known tribelet settlements are located at the second Mission Santa Clara site, at the confluence of Los Gatos Creek and the Guadalupe River, and adjacent to Guadalupe River.

Most of the project alignment is located within the City of San José's Archaeological Sensitivity Zone (2020 General Plan). The records search and literature review did not identify any ethnographic settlements, prehistoric archaeological sites, or contemporary Native American resources within the proposed trail alignment. The only prehistoric site recorded within 0.25 miles of the project alignment is at the San José Municipal Golf Course, which is the location of a major shell mound, "kitchen midden" deposits, burials, and other cultural materials.

As described in Section 4.7 *Geology and Soils*, the site is underlain by Holocene alluvial fan and floodplain deposits. Generally, geologic units of Holocene age are not considered sensitive for paleontological resources because biological remains younger than 10,000 years typically do not qualify as "fossils".²⁰

4.5.1.2 *Historic Resources*

The historic period of the San Francisco Bay region began in the late 1700's. The Mission Santa Clara and the Pueblo of San José were established in the project area in 1777. All land was held by the Spanish Crown until Mexico broke away from Spanish control in 1822, when large tracts of land were granted to individuals. In 1848, at the end of the Mexican American War, California became part of the United States.

The closest recorded Hispanic Period resource is the "Road from Oakland to San José," located approximately 2.2 miles north of the project alignment. The records search identified two potential historic resources associated with the American Period within or adjacent to the project alignment: an

²⁰ Stanley, R.G., R.C. Jachens, P.G. Iillis, R. J. McLaughlin, K.A. Kvenvolden, F.D. Hostettler, K.A. McDougall, and L.B. Magoon. 2002. *Subsurface and petroleum geology of the southwestern Santa Clara Valley ("Silicon Valley")*, California. (Professional Paper 1663.) Washington, DC: U.S. Government Printing Office.

archaeological site and a railroad trestle bridge. The archaeological site is located on the existing San José Flea Market site, as described further below.

The railroad trestle bridge that the proposed trail would pass under is currently owned by Union Pacific Railroad (UPRR). The bridge was constructed in 1900 for the Central Pacific Railroad and was later operated by Southern Pacific Railroad. This standard type bridge has no known association with important events or persons in local history. Although the bridge is listed as a City of San José Structure of Merit (60 points), it does not appear eligible for inclusion on the National Register of Historic Places (NRHP) and/or the California Register of Historic Resources (CRHR), according to previous evaluations.

There are four recorded historic sites within 0.25 miles of the proposed trail, including the former Mark Farney Ranch on Murphy Avenue, the Wooster Street Bridge over Coyote Creek (which appears to have been replaced), the Nagle House on Empire Street, and Robeck's Welding & Fabrication on Mabury Road. None of these historic sites are located adjacent to the project alignment or are considered significant resources.

In addition to these recorded sites, the literature review indicated other potential historic resources within or immediately adjacent to the project alignment, including several farmsteads, two former school locations, a slaughterhouse, various trash dumps, and underground urban infrastructure. Artifacts possibly associated with the former Midway School were encountered during past subsurface testing of the east bank of Coyote Creek south of Montague Expressway.²¹

There are seven vehicular bridges that cross over the proposed Coyote Creek Trail alignment. The oldest of these bridges was constructed in 1969. The bridges have been evaluated by Caltrans as Category 5 bridges in the historic bridge inventory, indicating the structures are not eligible for the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). It was also determined that the bridges are not significant under City of San José criteria.

Coyote Creek is part of the Santa Clara Water Conservation System, which is identified as a "Historic Civil Engineering Landmark of San Francisco and Northern California" by the American Society of Engineers. The district was approved in 1929 and many of its major facilities were built between 1932 and 1952. Test trenching completed for the Coyote Creek Flood Control project in 1995 included all of the proposed trail alignment and resulted in negative findings for buried prehistoric resources; however, this testing resulted in limited exposure of minor historic archaeological materials associated with random trash disposal along the creek.

The literature review identified non-recorded "dumps" in the general area of Mabury Road and US 101 near Coyote Creek, overlapping possible slaughterhouse sites and the Nicora farm site (discussed further below). The materials previously noted by researchers appear to lack integrity and cultural significance. No physical evidence of the Nicora archaeological site, the former dump sites north of Mabury Road, or other historic cultural materials was identified during the field review of the project alignment.

²¹ The limited finds of modern era materials found in Trench 5 (within the project alignment) strongly indicate that any association with the former location of the Midway School is highly speculative.

San José Flea Market Property

The historic archaeological site recorded within the project alignment is a domestic refuse deposit associated with the Nicora farm complex north of Mabury Road on the existing San José Flea Market property. The complex included a barn, water tower, tankhouse, and residence built around 1900. This site has been evaluated several times between 1978 and 2005. Test trenching revealed cultural material dating to the 1800's between Coyote Creek and a Santa Clara Valley Water District (SCVWD) gravel road. It has yet to be determined if these materials are significant; they might have some research value as Nicora and his partners were among the first Italians to farm in this particular area.²²

The San José Flea Market was previously evaluated for significance as an historic resource under CEQA and the City of San José policies and regulations in the *Flea Market GPA and Rezoning Environmental Impact Report, File No. GP06-04-01 and PDC03-108* (City of San José, 2006). It was determined that the San Jose Flea Market appears to be eligible as a San Jose Candidate City Landmark and for listing on the California Register for its association with patterns of events that contribute to the local and regional history and to the cultural heritage of California; therefore, it is considered a significant historic resource.²³ The 2006 Flea Market EIR concluded that the proposed redevelopment of the Flea Market property would result in a significant unavoidable impact due to the loss of the historic resource.

Given previous findings associated with the Nicora farm site and the potential for other buried cultural materials, the Flea Market project includes mitigation measures to reduce impacts to prehistoric and historic archaeological resources to a less than significant level, including mechanical subsurface presence/absence testing. The development of the proposed trail on the Flea Market property would be subject to these mitigation measures, as listed on page 76 in Section 4.5.2.1 below.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 9
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 9
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 9
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 9

²² City of San José. *Flea Market GPA & Rezoning Draft EIR*. 2006.

²³ The buildings and structures on the property are not character-defining features of the Flea Market, as its cultural importance is derived from its function as “constantly changing open air market at a permanent location.” The loss of the buildings and structures would not affect the integrity of this historic resource.

4.5.2.1 *Archaeological Resources*

The site is located in a zone of archaeological sensitivity, as mapped by the City of San José. There are prehistoric and historic sites recorded in the project area, including the historic Nicora farm site near Mabury Road on the San José Flea Market property. With the exception of construction at this recorded site, which is discussed below, the potential for exposing subsurface archaeological materials during construction of the proposed trail project is considered to be very low. This determination is based on the following:

- There are no significant prehistoric resources identified within the project alignment.
- No physical evidence of any archaeological sites, including the Nicora farm, was identified during the field review of the project alignment.
- Previous subsurface testing completed in 1995 along Coyote Creek found no evidence of significant archaeological or architectural resources.
- The potential for on-site soils (alluvial-on-alluvial) to yield potential buried prehistoric archaeological resources is considered to be low.
- It is anticipated that construction disturbance would only extend to a maximum of three feet below the ground surface.
- Urban development has not exposed any significant archaeological resources within the project alignment over the past 60 or more years.
- Much of the proposed project would be constructed on land that has been previously impacted by improvements (i.e., top of creek bank, existing service roads and city streets, etc.).

Based on the low probability of encountering buried prehistoric or historic materials, mechanical subsurface testing for cultural resources prior to construction is not recommended and archaeological monitoring of future earthmoving and/or excavation is not required. There is always a chance, however, that cultural resources could be discovered during subsurface grading and excavation.

Standard Measures: Although the project is not expected to result in impacts to cultural materials during construction, the project proposes to implement the following standard measures to reduce impacts to prehistoric resources:

- Should evidence of prehistoric cultural or paleontological resources be discovered during construction work, all work within 25 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.
- 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 his/her authority, the Native American Heritage Commission shall be notified 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 landowner 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.

San José Flea Market Property

During or after redevelopment of the Flea Market property, the proposed trail would be constructed in an open space easement within a 100-foot setback from the Coyote Creek riparian corridor.²⁴ As discussed above, the City of San José previously determined that there is potential for encountering archaeological materials during redevelopment of the San José Flea Market, and construction of the proposed trail project on this property would be subject to the relevant mitigation measures identified in the 2006 Flea Market EIR as restated below.

Impact CUL-1: Grading and excavation during construction of the proposed project on the San José Flea Market property could result in the exposure or destruction of subsurface prehistoric archaeological resources. **[Significant Impact]**

Mitigation Measures: The following measures are included in the proposed trail project to reduce impacts to prehistoric and historic archaeological resources on the Flea Market property to a less than significant level:

MM CUL-1.1: Mechanical subsurface presence/absence testing will be completed for the project alignment on the Flea Market property. Testing will consist of backhoe testing for suspected prehistoric deposits, combined with selected stripping of soils to search for the smaller, more discrete historic deposits which may exist near the former farm residences known to have existed on the site. Where possible, stripping would be confined to the immediate environment of the former building sites.

MM CUL-1.2: In the event that any actual prehistoric and/or historic archaeological deposits are discovered during presence/absence testing, a program for evaluation of the deposits through hand excavation of the suspected resource shall be submitted to the Director of Planning, Building, and Code Enforcement for approval. If evaluation demonstrates that the resource is eligible for inclusion on the California Register of Historic Resources, a plan for mitigation of impacts shall be submitted to the Director of Planning, Building, and Code Enforcement for approval.

MM CUL-1.3: If feasible, mitigation will take the form of avoidance of impacts to the resource through project redesign, such as realigning the trail within the 100-foot open space easement.²⁵ In those cases where avoidance is not possible, mitigation can take the form of additional hand excavation to retrieve a representative sample of the archaeological resource for analysis.

MM CUL-1.4: Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-

²⁴ The setback has been designated for passive recreation purposes, although no specific design has been developed and the 2006 Flea Market EIR did not evaluate any improvements in the open space easements, such as the Coyote Creek Trail.

²⁵ If realignment of the trail is considered to avoid impacts to cultural resources and additional or new environmental impacts could result from the project change, subsequent environmental review of the project may be required.

associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed, and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

4.5.2.2 *Historic Resources*

As described above, a portion of the proposed trail would be located on the privately-owned property currently developed with the San José Flea Market, which is considered a significant historic resource. The loss of this resource has been previously evaluated as part of the Flea Market EIR and a statement of overriding considerations was adopted by the City Council for the significant unavoidable impact. Closure and removal of the Flea Market will occur prior to construction of the creek trail on this property. Therefore, the proposed project would not result in a new significant impact to this historic resource.

With the exception of the Flea Market site, the project alignment does not contain any historic properties that are listed or eligible for inclusion in the National Register of Historic Places or the California Register of Historic Resources. The construction of a trail undercrossing beneath the UPRR bridge over Coyote Creek does not include alterations to the bridge structure itself; therefore, the project would not affect the integrity of the trestle or affect the significance of the historic resource as a City of San José Structure of Merit.

The proposed trail project would have no impact on the value of Coyote Creek as a contributing element of the Santa Clara Water Conservation System, which is recognized as a "Historic Civil Engineering Landmark of San Francisco and Northern California". Furthermore, construction of the proposed trail project would not affect any potential historic structure or property that has been identified in the project vicinity.

4.5.3 Conclusion

With the implementation of standard and mitigation measures, the proposed project would not result in a significant impact to archaeological resources in the event buried cultural materials are encountered during project construction. **(Less than Significant Impact with Mitigation Incorporated)**

The proposed project would not result in significant impacts to historic structures or properties. **(Less than Significant Impact)**

4.6 ENERGY

This Initial Study addresses energy impacts in accordance with the amended CEQA Guidelines (effective March 18, 2010). This section is based largely on data and reports produced by the California Energy Commission and the Energy Information Administration of the U.S. Department of Energy.

4.6.1 Setting

Environmental effects associated with the production and consumption of energy include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants.

4.6.1.1 *Background*

Energy usage is typically quantified using British Thermal Units (Btu).²⁶ As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWh) of electricity are 123,000 Btu, 1,000 Btu, and 3,400 Btu, respectively.

Total energy usage in California was about 8,490 trillion Btu in the year 2007 (the most recent year for which this specific data was available).²⁷ The breakdown by sector was approximately 18 percent (1,535 trillion Btu) for residential uses, 19 percent (1,614 trillion Btu) for commercial uses, 23 percent (1,956 trillion Btu) for industrial uses, and 40 percent (3,387 trillion Btu) for transportation.²⁸ The primary sources of energy are natural gas, petroleum, nuclear power, hydroelectric power, and renewable resources.

Given the nature of the proposed project (i.e., creek trail extension), the remainder of this discussion will focus on the most relevant source of energy for the proposed uses: electricity and gasoline for vehicle trips.

Electricity

In California, approximately 70 percent of electricity used is generated within the state, with the balance imported from states in the southwest (22 percent) and the Pacific Northwest (eight percent). The electricity is produced from power plants fueled by natural gas (45 percent), coal (16 percent), hydro (12 percent), nuclear (15 percent), and renewables (12 percent).²⁹ The electricity usage by sector is as follows: approximately 37 percent by the commercial sector, 32 percent by the residential sector, 15 percent by the industrial sector, and the remaining 16 percent by agriculture, transportation, communication, utilities, mining, and street lighting.³⁰

²⁶ The British Thermal Unit (BTU) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

²⁷ United States Energy Information Administration. "California State Energy Profile." Updated April 15, 2010. Accessed April 20, 2010. <http://tonto.eia.doe.gov/state/state_energy_profiles.cfm?sid=CA#Datum>

²⁸ Ibid.

²⁹ California Energy Commission. "Energy Almanac, Total Electricity System Power." 2009. Accessed April 20, 2010. <http://www.energyalmanac.ca.gov/electricity/total_system_power.html>

³⁰ California Energy Commission. *2009 Integrated Energy Policy Report* (CEC-100-2009-003-CMF). 2009. Page 3.

Fuel for Motor Vehicles

More than 40 percent of all energy used in California is for the transportation of people and goods. Transportation fuels (including gasoline and diesel) are produced by refining crude oil. Approximately 38 percent of crude oil used in California is produced in-state, while 14 percent comes from Alaska and 48 percent from foreign sources.³¹

In recent years, Californians consume approximately 16 billion gallons of gasoline and four billion gallons of diesel annually.³² It is estimated that Californians will consume more than 24 billion gallons of transportation fuel by the year 2020.³³ According to the California Energy Commission, the state must increase fuel efficiency, expand non-traditional fuel use, and realign consumer preferences to meet transportation fuel demands over the next several decades. The average fuel economy for the fleet of light-duty vehicles (autos, pickups, vans, and SUVs) was 21 miles per gallon (mpg) in 2008.³⁴

4.6.1.2 *Regulatory Framework*

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the local level, the City of San José's General Plan includes a Sustainable City Strategy and Energy Goals and Policies, which promote energy efficiency through transportation demand management and the reduced use of non-renewable energy resources in transportation. In October 2007, the City Council adopted the San José Green Vision, including the goal to create 100 miles of interconnected trails.

4.6.1.3 *Existing Conditions*

Pacific Gas & Electric (PG&E) provides electricity to the project area. The project alignment is currently unoccupied (except for the Flea Market site), and therefore, electricity and fuel use associated with the site is minimal if at all.

³¹ California Energy Commission. *2009 Integrated Energy Policy Report* (CEC-100-2009-003-CMF). 2009. Page 148.

³² California Energy Commission. *2007 Integrated Energy Policy Report* (CEC-100-2007-008CMF). 2007. Page 187.

³³ Ibid. Page 10.

³⁴ U.S. Environmental Protection Agency. *Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2009*. November 2009. Available at: <http://www.epa.gov/oms/cert/mpg/fetrends/420s09001.pdf>

4.6.2

Environmental Checklist and Discussion of Impacts

ENERGY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1. Use fuel or energy in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2. Result in a substantial increase in demand upon energy resources in relation to projected supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3. Result in longer overall distances between jobs and housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The proposed project would result in short-term use of energy during construction of the trail and associated features. Construction activities that require fuel consumption include site grading, operation of equipment, transportation of construction materials (such as pavement, fill, and the prefabricated bridges), and vehicle trips to and from the project alignment by construction workers. Given the scope of the proposed trail project, a substantial amount of energy would not be used for construction activities.

Providing electricity for the operation of lighting at the proposed undercrossings would incrementally increase demand for energy. The project could also generate an incremental increase in fuel use, assuming some trail users would use motor vehicles to access the trail. The project, however, could result in an overall reduction in vehicle trips in the project area by expanding the network of bicycle and pedestrian facilities, linking a variety of land uses, and increasing pedestrian connections to transit nodes (refer to Section 4.17 *Transportation*). While the project would neither increase nor decrease *distances* between jobs and housing, the proposed trail would increase *connections* between residential neighborhoods and employment centers and would enhance opportunities for non-motorized commuter travel as well as transit use. The replacement of daily vehicle trips with alternative modes would reduce the long-term demand for fuel generated by motor vehicle use.

For these reasons, the proposed project would not result in the wasteful use of energy or fuel in the short- or long-term. The project supports the City’s goals for energy efficiency in transportation and addresses the State’s need to meet demand for transportation fuels.

4.6.3 Conclusion

Construction of the proposed project would not result in significant energy impacts. **(Less than Significant Impact)**

The proposed creek trail project supports long term goals of reducing demand for energy resources and providing alternative forms of transportation. **(Beneficial Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based on a *Preliminary Geotechnical Investigation* completed by Pacific Geotechnical Engineering in March 2010, which is included in this Initial Study as Appendix C. The purpose of this investigation was to evaluate the subsurface conditions and provide recommendations for the design and construction of the proposed project.

4.7.1 Setting

4.7.1.1 *Regional Geology*

The project alignment is located in north San José in the Santa Clara Valley, between the Santa Cruz Mountains to the west and Diablo/Mount Hamilton Range to the east. The valley trends north to south, and is typified by flat, mostly urbanized terrain cut by northward-draining rivers and creeks. The project area slopes gently to the northwest and ranges in elevation from approximately 35 to 85 feet.³⁵ The most notable topographic feature in the project area is Coyote Creek.

The project area is located in the Coast Range Geomorphic Province of Central California. Bedrock underlying the area is part of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of the Upper Jurassic to Cretaceous age (70 to 140 million years old). These rocks are part of a northwesterly-trending belt of material that lies along the east side of the San Andreas Fault system. The Franciscan Complex is overlain by alluvium and stream terrace deposits of Holocene age (less than 11,000 years old), comprised primarily of loose, poorly consolidated sands, gravels, silts, and clays.

4.7.1.2 *Geologic and Soil Conditions*

Along much of the project alignment, Coyote Creek has steeply incised banks covered with grass and/or high quality riparian vegetation. The slopes of the creek bank range from 1:1 to 3:1 (horizontal: vertical) and the height of the creek bank ranges from 15 to 30 feet. Slope failures were observed on the eastern creek bank between Montague Expressway and O'Toole Avenue. One of these failures extends approximately three feet onto the existing service road. No significant creek bank or channel erosion is expected to occur along the project reach of Coyote Creek in near future.³⁶

Soils from the Mocho series underlay the majority of the project alignment.³⁷ These soils are moderately well-drained and range from gravelly sandy loam to silt loam and clay loam. The project area is located outside of hazard zones for compressible soil and landslides.³⁸

To gather information on the subsurface conditions, 10 borings were drilled at select locations along the proposed trail alignment. The subsurface conditions at the boring locations generally consist of a

³⁵ Cornerstone Earth Group. *Screening Level Phase I Environmental Site Assessment – Coyote Creek Trail, San José, California*. March 2010.

³⁶ Santa Clara Valley Water District. "Inside Coyote Creek Flood Protection Project" brochure. Available at: <http://www.valleywater.org/services/CoyoteCreek.aspx>

³⁷ H.T. Harvey & Associates. *Draft Natural Environment Study, Coyote Creek Trail: Montague Expressway to U.S. Hwy 101*. April 2010.

³⁸ County of Santa Clara. *Santa Clara County Geologic Hazard Zones (Compressible Soil Hazard Zones, Landslide Hazard Zones, and Dike Failure Hazard Zones)*. Maps 11, 12, and 20. 2002. Available at: <http://www.sccgov.org/portal/site/planning/>

six-inch gravel layer over layers of sand and clay (refer to Appendix C for the specific materials encountered at each boring location).

Expansive Soils

Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements, and structures found on shallow foundations. The near surface soils typically consist of lean clay with low plasticity, which have a low expansion potential.

4.7.1.3 Seismicity and Seismic Hazards

The project alignment is located in the seismically active San Francisco Bay Area. The San Andreas Fault is located approximately 13.5 miles to the southwest, while the Calaveras and Hayward Faults are located approximately 6.75 miles and 3.5 miles to the northeast, respectively. No major faults have been mapped in the immediate vicinity of the project area.³⁹ The project alignment is not located within an Alquist-Priolo Earthquake Fault Zone as mapped by the State of California.⁴⁰

Liquefaction and Lateral Spreading

Soil liquefaction is a phenomenon in which generally saturated, cohesionless soils undergo a temporary decrease in strength during earthquake ground shaking and acquire a degree of mobility sufficient to permit ground deformation. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface in areas with a shallow depth to groundwater. Lateral spreading, a type of ground failure related to liquefaction, involves the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Liquefaction-induced lateral spreading usually occurs on mild slopes with underlying loose sands and a shallow groundwater table. The potential of lateral-spreading generally mirrors the liquefaction potential of the area.

The shallow groundwater table in the project area is likely present at depths ranging from approximately 10 to 25 feet below the surface. The project alignment is located within Liquefaction Hazard Zones as mapped by the State of California and Santa Clara County.⁴¹ In addition, the project reach is located within a California State Seismic Hazard Zone for Liquefaction, as mapped by the State Department of Conservation, Division of Mines and Geology.⁴² The geotechnical investigation determined that many of the sand layers encountered in the borings could liquefy during strong seismic events. Given that most of the project alignment is located along the Coyote Creek channel and some portions are adjacent to relatively steep creek banks, there is also potential for lateral spreading to occur along the proposed trail segment.

³⁹ County of Santa Clara. *Santa Clara County Geologic Hazard Zones* (Fault Rupture Hazard Zones). Maps 11, 12, and 20. 2002. Available at: <<http://www.sccgov.org/portal/site/planning/>>

⁴⁰ Association of Bay Area Governments (ABAG). "Geographic Information Systems, Hazard Maps | Alquist-Priolo Earthquake Fault Zones." Official Map of Alquist-Priolo Earthquake Fault Zones reproduced with permission from California Geological Survey. 2001. Accessed February 22, 2010. <<http://gis.abag.ca.gov/>>

⁴¹ County of Santa Clara. *Santa Clara County Geologic Hazard Zones* (Liquefaction Hazard Zones). Maps 11, 12, and 20. 2002. Available at: <<http://www.sccgov.org/portal/site/planning/>>

⁴² California Department of Conservation, Division of Mines and Geology. *Seismic Hazard Zones: Milpitas Quadrangle Official Map* (2004), *San José West Official Map* (2002), *San José East Official Map* (2001). Available at: <http://gmw.consrv.ca.gov/shmp/html/pdf_maps_no.html>

4.7.2

Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 10
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11, 13
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11, 12, 13
4) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 11
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.7.2.1 *Geologic and Soil Conditions*

The near-surface soils encountered along the project alignment have a low expansion potential; therefore, the project would not expose people or property to significant risks related to expansive soils.

The proposed project would require fill to construct the approach ramps to the proposed pedestrian bridges over Coyote Creek. The approach fills would be up to 13 feet tall and would be supported by retaining walls. Depending on the final location of the approach ramps, the fills could affect the stability of the existing creek bank by imposing additional loads. The bridge loads would also impose additional stress on the supporting soils, which may reduce slope stability. Construction of the trail, approach ramps, and retaining walls on existing SCVWD and City levees would require special consideration. The City will also consult with SCVWD regarding the locations where slope failures have been observed along the project alignment to determine the need for repair. The optional culvert removal and restoration of the Penitencia Creek channel may also require additional fill and/or grading to be determined during final project design.

Supplemental analysis will be completed by an engineering geologist during the design phase to determine the magnitude of settlement under the weight of the proposed fills and evaluate the stability of the creek banks with the added loads. The supplemental investigation will identify specific stabilization measures to reduce potential geotechnical impacts at the proposed bridge locations. Possible measures include using lightweight materials as approach fills, reinforcing the slopes for additional stability, and/or constructing the approaches as bridge structures instead of earth ramps. With the standard mitigation measures and specific recommendations incorporated into the project design and construction, the proposed project would not result in significant geotechnical impacts.

Grading, excavation, and tree removal activities would increase the potential for soil erosion during and after project construction. As previously described, any cut or fill slopes adjacent to the trail would be supported with retaining walls or would be immediately reseeded or replanted following project construction in the given area. Providing temporary and permanent cover to stabilize surfaces disturbed by grading activities will reduce the potential for erosion or the loss of topsoil. In addition, the project will implement best management practices (BMPs) to prevent substantial dust emissions and erosion from occurring as a result of soil disturbing construction activities (refer to Sections 4.3 *Air Quality* and 4.10 *Hydrology and Water Quality*). Implementation of these measures and those listed below would reduce erosion impacts to a less than significant level.

Standard Measures: The project proposes to implement the following standard measures to reduce or avoid geologic and soil impacts:

- All structures will be designed and constructed in accordance with the design-level geotechnical investigation to be prepared for the project, which will identify specific design features, including site preparation, compaction, excavations, foundation and subgrade design, piers, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City.
- The project shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation. The project shall implement standard grading and BMPs to prevent substantial erosion and siltation during development of the site.

4.7.2.2 *Seismicity and Seismic Hazards*

It is expected that the project alignment would be subject to significant seismic events over the life of the project. Trail users would be exposed to hazards associated with such severe ground shaking during a major earthquake on one of the region's active faults. Given that the project alignment is not located within an Alquist-Priolo Earthquake Fault Zone and no major faults have been mapped in the immediate vicinity of the project area, the likelihood of ground rupture from faulting across the proposed trail alignment is very low.

As described above, the geotechnical investigation concluded that many of the sand layers encountered beneath the project alignment could liquefy during severe ground-shaking. It was estimated that a magnitude 7.1 earthquake could generate liquefaction-induced ground settlement ranging from 0.5 to 3.5 inches. Estimated liquefaction-induced lateral displacement ranges from four to five feet along the steeper portions of the creek bank.

The project shall be designed to incorporate standard construction techniques to reduce the potential damage resulting from liquefaction. Methods could include the use of deep foundations (drilled piers or piles that extend below the zone of liquefaction) and/or other ground improvements (i.e., stone columns, grouting, etc.). Supplemental analysis will be completed during the design phase to further evaluate the potential for liquefaction and lateral spreading (where liquefaction is found to be a concern) and determine specific design features for the proposed pedestrian bridges, undercrossings, approach ramps, and retaining walls. With the standard mitigation measures listed below and specific recommendations incorporated in the project design and construction, the proposed project would not result in significant seismic-related impacts.

Standard Measures: The project proposes to implement the following standard measures to reduce or avoid seismic-related impacts:

- The proposed project shall be designed and constructed in conformance with the 2007 (or most recent) California Building Code to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction and lateral spreading.
- The project will implement standard engineering practices to reduce or avoid the risk to people and structures associated with seismic hazards. Supplemental geotechnical investigations shall be completed during the design phase to evaluate subsurface conditions at the proposed pedestrian bridge and undercrossing locations and at other areas where liquefaction-induced lateral spreading could affect the proposed trail.

4.7.3 **Conclusion**

Standard construction methods and recommendations from the geotechnical investigations will be incorporated into the project design. Therefore, the proposed project would not result in significant soils or geologic impacts. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Setting

This section provides a general discussion of global climate change and focuses on emissions from human activities that alter the chemical composition of the atmosphere. The discussion on global climate change and greenhouse gas emissions is based upon the California Global Warming Solutions Act of 2006 (Assembly Bill 32), the 2006 and 2009 Climate Action Team (CAT) reports to Governor Schwarzenegger and the Legislature, and research, information and analysis completed by the International Panel on Climate Change (IPCC), the United States Environmental Protection Agency (USEPA), and the California Air Resources Board (ARB).

4.8.1.1 *Background*

Global climate change refers to changes in long-term weather patterns including temperatures, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic (generated by human activities) atmospheric gases such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth's atmosphere but prevent heat from radiating back into outer space, thus altering the Earth's energy balance. This phenomenon is known as the greenhouse effect.

Naturally occurring greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxide, and ozone. Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but are primarily a product of industrial activities. The combustion of fossil fuels for energy use is a major source of anthropogenic (human-generated) greenhouse gas emissions. Transportation is the largest end-use source of carbon dioxide, which is the most prevalent greenhouse gas. The US EPA estimates that the combustion of one gallon of gasoline emits 19.4 pounds of carbon dioxide.⁴³ In 2005, global atmospheric concentrations of carbon dioxide were 35 percent higher than pre-Industrial Revolution levels.⁴⁴

4.8.1.2 *Regulatory Framework*

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. In California, Assembly Bill (AB) 32 requires achievement of a statewide greenhouse gas emissions limit equivalent to 1990 emissions by 2020, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. The ARB and other state agencies are currently working on regulations and other initiatives to implement an approved *Climate Change Scoping Plan*. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

As required under state law (Public Resources Code section 21083.05), the California Natural Resources Agency amended the State CEQA Guidelines to include this section on greenhouse gas emissions (effective March 18, 2010). Under the new guidelines, a Lead Agency must describe,

⁴³ Through chemical reactions during combustion, the carbon in the gasoline is oxidized into carbon dioxide.

Source: U.S. Environmental Protection Agency. "Emission Facts: Average Carbon Dioxide Emissions Resulting from Gasoline and Diesel Fuel." Last updated January 14, 2010. Accessed March 24, 2010. <<http://www.epa.gov/oms/climate/420f05001.htm>>

⁴⁴ U.S. Environmental Protection Agency. "Carbon Dioxide." Last updated March 3, 2010. Accessed December 8, 2010. <<http://www.epa.gov/climatechange/emissions/co2.html>>

calculate, or estimate greenhouse gas emissions resulting from a project by using a model, qualitative analysis, and/or performance-based standards to assess impacts.

Updated BAAQMD CEQA Guidelines

As previously described, BAAQMD recently adopted the *CEQA Air Quality Guidelines* as an update to its previous CEQA Guidelines (1999). Under the new thresholds, projects that would result in operational-related greenhouse gas emissions of 1,100 metric tons of carbon dioxide equivalents a year or more would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. For comparison, 1,000 daily vehicle trips (averaging seven miles per trip) would generate approximately 1,100 metric tons of carbon dioxide per year.⁴⁵

4.8.2 Environmental Checklist and Discussion of Impacts

GREENHOUSE GAS EMISSIONS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 14

4.8.2.1 *Greenhouse Gas Emissions*

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

The proposed project would result in short-term emissions of greenhouse gases during construction of the trail and associated features. Construction activities that would generate greenhouse gas emissions include site grading, operation of fuel-operated equipment, transportation of construction materials (such as pavement, fill, and the prefabricated bridges), and vehicle trips to and from the project sites by construction workers. Given the scale of the proposed trail project, a substantial amount of greenhouse gases would not be generated by the construction activities.

⁴⁵ This estimate is based on the average fuel economy of 21 miles per gallon and a carbon dioxide emission rate of 19.4 pounds per gallon, as estimated by the US EPA.

Operation of the project could incrementally increase greenhouse gas emissions through vehicle trips to and from access points by trail users and generation of electricity to operate lighting at the undercrossings. However, it is expected that operation of the trail would generate substantially less than 1,000 vehicle trips per day. As described in Section 4.17 *Transportation*, the proposed project would encourage residents to commute using non-motorized modes of transportation by expanding the network of pedestrian and bicycle facilities and linking a variety of land uses in a developed area of north San José. Therefore, the project could reduce vehicle trips in the project area, which would reduce the use of fossil fuels and thus, the emission of greenhouse gases.

For these reasons, the proposed project would not result in greenhouse gas emissions that may have a significant impact on the environment or make a substantial contribution to global climate change.

4.8.2.2 *Consistency with Greenhouse Gas Reduction Plans*

Under existing conditions, there are limited off-street facilities for pedestrians and bicyclists, particularly in north San José, and vehicle use is the predominant mode of transportation for commuters in the region. By providing facilities for alternative modes to vehicle travel, the proposed project supports long-term goals for reducing greenhouse gas emissions generated by vehicle use. Funding the construction of “bike/walk” infrastructure is identified as a strategy that local governments can implement to achieve greenhouse gas reduction goals.⁴⁶ Therefore, the project is consistent with the Climate Change Scoping Plan by ARB in 2008 and with the goal of reducing statewide emissions equivalent to 1990 levels by 2020.

4.8.3 Conclusion

The proposed project would not result in significant environmental impact associated with greenhouse gas emissions. **(Less than Significant Impact)**

⁴⁶ California Air Resources Board for the State of California. *Climate Change Proposed Scoping Plan Appendices, Volume I: Supporting Documents and Measure Detail*. October 2008. Page C-52.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following section is based on the *Screening Level Phase I Environmental Site Assessment*, completed by Cornerstone Earth Group in March 2010. This Phase I included a review of aerial photographs, a field assessment, and an agency/database search. The main report is included in Appendix D of this Initial Study.

4.9.1 Setting

4.9.1.1 *Site Conditions*

The project alignment is located in an urban area developed with a mix of residential, industrial, and public uses. As previously described, approximately half of the proposed trail alignment is on existing gravel service roads along Coyote Creek. With the exception of the Fox and Flea Market properties, the remainder of the project alignment is generally located on undeveloped land consisting of grass, trees, and riparian vegetation at or near the top of the creek bank. The project proposes the construction of up to five pedestrian bridges, including four bridges over Coyote Creek and one optional bridge over Penitencia Creek.

The project alignment is not located in the vicinity of a private airport. The San José International Airport is located approximately 1.6 miles to the west.

On-Site Observations

The project alignment was generally observed to consist of gravel covered service roads or vacant land with vegetation. Homeless encampments were observed beneath some of the roadways and along the creek. A stockpile of soil and debris was observed on the Fox Property. Numerous industrial properties in the project area are likely to use and store hazardous materials; however, these facilities do not appear to have impacted the proposed trail alignment.

Placards indicating the presence of petroleum pipelines were observed at three locations along the project alignment. The pipelines appear to cross beneath Coyote Creek and the proposed trail and lead to nearby bulk fuel terminals operated by Shell, Kinder Morgan and Chevron (described below and shown on Figure 4A). The Phase I investigation did not identify any information indicating that these pipelines have impacted soil or ground water quality.

Historical Conditions

Based on a review of historic maps and aerial photos, the project alignment appears to have been originally developed with agricultural uses, such as row crops and orchards, with widely spaced residences through the 1950's. From the 1960's to the 1990's, the project area was developed with the residential, commercial, and industrial uses that currently exist. The project area has not changed substantially since the 1990's, although a large retail development (Lowe's) was recently constructed on the west side of Coyote Creek, opposite from the proposed trail alignment between Brokaw Road and Ridder Park Drive.

The San José Flea Market property was previously used as a cattle feed lot and farmland prior to its opening in 1960. The Fox property was historically occupied by an orchard until approximately 1963, when the property was developed with a metals recycling facility. Recycling operations included sorting, shredding, and compressing of ferrous and non-ferrous metals, which were

transported off-site for recycling by others. The recycling facility closed in 2000 and most of the structures were demolished in November 2001.

4.9.1.2 *Potential Sources of Contamination*

It is presumed that imported fill materials were used to construct the existing levees and service roads located along the creek. The source and quality of the fill are unknown.

Agricultural Use Impacts

Based on historic aerial photographs, most of the property surrounding the project alignment was used for row crops and orchards prior to the 1960's. Agricultural chemicals that may have been applied to crops during farming operations could be present in the surface soil along the trail alignment. In addition, assorted chemicals have historically been used for dust suppression and weed control along rail lines.

Aerially Deposited Lead

The planned trail alignment crosses beneath several heavily traveled roadways including Highways 101 and 880, Berryessa Road and Old Oakland Road. Lead in excess of California's hazardous waste criteria is sometimes found next to older and/or heavily traveled highways in California, primarily due to historical leaded gasoline use. The Department of Toxic Substances Control (DTSC) has issued a variance to Caltrans that allows reuse of lead-impacted soil within Caltrans right-of-ways, if certain criteria are met.

Hazardous Materials Facilities in Project Vicinity

A database search was completed as part of the Phase I investigation to identify facilities in the project area that use or have released hazardous materials. As is typical of many commercial and industrial areas, there are facilities in the project vicinity reported as hazardous materials users and/or as release sites. The historic incidents reported at on-site and adjacent facilities are summarized in Table 7 on the following page. The potential for these releases to have impacted soil or groundwater along the proposed trail alignment was evaluated based on the type and status of the reported releases, the location of the reported releases in relation to the project alignment, the extent of contamination, and the assumed direction of groundwater flow.

**Table 7
Reported Hazardous Materials Releases in Project Vicinity**

Facility Name	Address	Location Relative to Project Alignment	Case Type
Kinder Morgan San Jose Terminal	2150 Kruse Drive	Adjacent – across Coyote Creek to the west	Past groundwater contamination (see below).
Shell Oil Products	2165 O’Toole Avenue	Adjacent – to the east	Past soil and groundwater contamination (see below).
Fox Property	1633 Oakland Road	On-site/Adjacent – to the northeast	Soil contamination (see above).
Santa Clara County Transportation Agency – East Yard	1505 Schallenberger Road	Adjacent – across Schallenberger Road to the southwest	Closed LUST case.
San Jose Flea Market	1590 Berryessa Road	On-site/Adjacent – to the east	Closed LUST case.
Graniterock Asphalt Plant	11711 Berryessa Avenue	Adjacent – across Coyote Creek to the west	Closed LUST case. UST removal completed in 1998.
City of San José Corporation Yard at Mabury Road	1404 Mabury Road	Adjacent – to the east	Closed LUST case. UST replacement was completed in 1996.

The Kinder Morgan facility stores diesel, gasoline, and aviation fuels in approximately 33 aboveground storage tanks (ASTs) with a combined capacity of 996,800 barrels (41,865,600 gallons). Past releases at the Kinder Morgan facility have impacted groundwater quality; however, the aerial extent of impacted ground water appears relatively limited and does not affect the project alignment. Periodic ground water monitoring is being completed at the property under Regional Water Quality Control Board (RWQCB) oversight.

The Shell facility stores fuel in ASTs and underground storage tanks (USTs). Between 1972 and 1992, eight releases were reported. Since the 1980’s, site investigations and remedial work consisting of soil excavation and groundwater treatment/extraction has been completed. Groundwater below the proposed trail alignment does not appear to have been significantly impacted, and the RWQCB is overseeing continued monitoring and remediation work at this property.

In addition to the Kinder Morgan and Shell facilities, Chevron also operates a bulk fuel terminal in the project vicinity. These three facilities receive and/or distribute refined petroleum products via pipelines, which extend beneath Coyote Creek and the proposed trail. The probability that leaks along the petroleum pipelines have impacted the project alignment is considered to be low.

Prior agricultural and metals recycling activities on the Fox property contaminated near-surface soil with a variety of contaminants, primarily polychlorinated biphenyls (PCBs), organochlorine pesticides, arsenic, lead, and petroleum hydrocarbons. Under DTSC oversight, soil exceeding residential/unrestricted cleanup goals was removed from the property in 2006. Although most of the impacted soil on the southern portion of the property has been removed, soil sampling has indicated that arsenic, lead, and DDT remain along the southern property boundary (within the 100-foot open space setback) at concentrations above residential/unrestricted cleanup goals.

The Chevron Bulk Fuel Terminal, located at 1020 Berryessa Road approximately 0.25 miles from the project alignment, receives refined petroleum hydrocarbon products via pipeline from a refinery in Richmond, California. No impacts to soil or groundwater quality from this facility were reported along the project alignment.

The residual contamination from the closed LUST cases does not appear to have impacted the proposed trail. Except for soil impacts at the Fox property (discussed above), the information reviewed for the Phase I investigation does not indicate that soil or groundwater along the trail alignment has been significantly impacted by releases of hazardous materials from facilities in the project vicinity.

Cortese List (Government Code §65962.5)

The Cortese List is used by the State, local agencies, and developers to identify the location of hazardous materials release sites. The Cortese List is updated annually by the California Environmental Protection Agency (Cal EPA), pursuant to Government Code §65962.5. The Cortese List includes hazardous substance release sites identified by the DTSC as subject to removal or remedial action, as well as lists maintained by the State Water Resources Control Board (SWRCB) and CalRecycle (formerly the California Integrated Waste Management Board).⁴⁷

All of the properties listed in Table 7 are included in the Geotracker database maintained by the SWRCB (part of the Cortese List). The Fox property is also included in the DTSC and CalRecycle portions of the Cortese List.^{48, 49} In addition, Watson Park, located adjacent to the southern terminus of the proposed trail alignment, is listed in DTSC's Envirostor database.⁵⁰ The City of San José is currently implementing a Remedial Action Plan (RAP) under DTSC oversight to remove or cap soil contaminated with burn ash/dump debris.⁵¹

⁴⁷ The DTSC, CIWMB, and SWRCB lists of hazardous materials sites are available online at http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm, <http://www.calrecycle.ca.gov/SWFacilities/Directory/search.aspx>, and <http://geotracker.swrcb.ca.gov/>, respectively.

⁴⁸ DTSC. Envirostor database. "1633 Old Oakland Road Site (43990007)." 2007. Viewed December 8, 2010.

Available at: <http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=43990007>

⁴⁹ CalRecycle. Solid Waste Information System (SWIS). "Facility/Site Summary Details: Markovits and Fox Disposal Site (43-AN-0026)." 2010. Viewed December 8, 2010. Available at:

<<http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0026/Detail/>>

⁵⁰ DTSC. Envirostor database. "Watson Park (70000112)." 2007. Viewed December 8, 2010. Available at:

<http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=70000112>

⁵¹ City of San José. *Watson Park Remedial Action Plan and Master Plan Initial Study/ Mitigated Negative Declaration Final, File No. PP07-130*. September 2008. Additional information is available at:

<<http://www.sanjoseca.gov/prns/watsonpark/.asp>>

4.9.2

Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 15
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 15
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 15
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 15
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

The proposed project would not result in the routine use or transport of hazardous materials within the project area. The implementation of BMPs and mitigation and avoidance measures described in Sections 4.4 *Biological Resources* and 4.10 *Hydrology and Water Quality* would reduce or avoid impacts associated with the potential release of contaminants into the creek during construction to a less than significant level. The proposed project may require soil to be imported for site grading and the construction of approach ramps.

4.9.2.1 *Potential Sources of Contamination*

There is residual soil contamination on the Fox property resulting from past uses, as previously described. Although most of the impacted soil has been removed, elevated concentrations of arsenic, lead, and DDT remain along the southern property boundary (within the 100-foot open space setback). The other facilities identified in the regulatory database search are not considered to have the potential for an adverse affect on the proposed project, based on the extent of contamination, the distance from the release to the trail alignment, and their orientation with respect to groundwater flow.

As described above, there is potential for agricultural chemicals to be present in the surface soils along the entire project alignment. Lead and other chemicals could also be present in the vicinity of heavily travelled roadways and the UPRR line. In addition, the fill used to construct the levees and service roads on which the proposed trail could contain contaminants, given that the source and quality of the fill are unknown. The proposed trail would be constructed over three petroleum pipelines, which do not appear to have impacted the project alignment.

Except for the identified soil impacts at the Fox property, the results of the Phase I do not indicate that soil or groundwater on or beneath the project alignment has been significantly impacted by past spills or other sources of contamination. The risk to human health from potentially contaminated soil or the presence of residual agricultural chemicals is considered to be less than significant, due to the infrequent exposures by trail users.

Given that substantial amounts of soil would not be excavated during project construction, additional soil sampling is not required (except for the areas listed below). There is potential, however, for construction activities to uncover buried structures, wells, burn areas, debris, or contaminated soil, based on the long agricultural and industrial history of the project vicinity. If encountered, these materials may require special handling and disposal to avoid impacts to construction workers, the public, and the environment.

Impact HAZ-1: The proposed project could create a significant hazard to construction workers and/or to the public as a result of trail construction on potentially contaminated soil. (**Significant Impact**)

Mitigation Measures: The project proposes to implement the following measures to reduce hazardous materials impacts during project construction to a less than significant level:

MM HAZ-1.1: Further evaluation of soil quality along the proposed trail alignment on the Fox property and at the proposed undercrossings beneath US 101, I-880, Berryessa Road, Oakland Road, and the UPRR trestle will be completed prior to construction.

- If further evaluation indicates the presence of impacted soil, a remediation program for on-site soil removal shall be prepared to the satisfaction of the

Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD), and RWQCB.

- If it is determined that excess soil will be generated at other locations along the proposed trail alignment, it is recommended that soil sampling and laboratory analyses be performed to: 1) evaluate residual pesticide concentrations, if any; and 2) determine appropriate off-site disposal facilities licensed to accept the material. If further evaluation indicates the presence of impacted soil, a remediation program for on-site soil removal shall be prepared to the satisfaction of the appropriate regulatory agency (such as the DTSC, RWQCB, or Santa Clara County Environmental Health Department) and local agencies, including the Director of Planning, Building, and Code Enforcement and ESD.

MM HAZ-1.2: The City shall develop a site management plan (SMP) to establish management practices for handling materials/structures encountered during construction (i.e., wells, burn areas, debris, etc.) to avoid hazardous materials impacts to the public, environment, and construction workers.

MM HAZ-1.3: If imported soil is used during project construction, the source and quality of the imported soil should be evaluated and documented. (Refer to the DTSC's October 2001 Clean Fill Advisory for guidance on evaluating imported fill.)

MM HAZ-1.4: Prior to performing earthwork near these pipelines, the pipeline owners will be contacted to evaluate pipeline depths and establish appropriate safety measures.

4.9.2.2 *Other Hazards*

The proposed trail is located within two miles of the San José airport; however, the proposed project would not result in a safety hazard to trail users. Construction of the creek trail would improve emergency access to the creek area, as the trail would be wide enough to accommodate most emergency vehicles, with the exception of large fire trucks. Therefore, the proposed project would not impair implementation of an adopted emergency response or evacuation plan.

As discussed further Section 4.15 *Public Services*, the proposed project would not increase the potential for wildland fires along Coyote Creek and may reduce the incident of such fires by introducing the presence of the general public into the more secluded, inaccessible areas along the trail alignment.

4.9.3 Conclusion

The proposed project includes avoidance measures to avoid or reduce impacts associated with the potential exposure of hazardous materials. Therefore, the proposed project would not result in significant impacts associated with the past or future storage, use, or transportation of hazardous materials along the project alignment. (**Less than Significant Impact with Mitigation**)

4.10 HYDROLOGY AND WATER QUALITY

This section is primarily based upon a *Location Hydraulic Study* prepared for the proposed project by CH2M HILL in April 2010. This report is included as Appendix E. The purpose of this study was to evaluate the hydrologic impact of the in-channel project elements, including the trail alignment within the floodway, 10 undercrossings, and five pedestrian bridges.

4.10.1 Setting

The primary hydraulic feature in the project area is Coyote Creek. The creek originates in the Diablo Range near Morgan Hill, travels through San José, and drains into the San Francisco Bay near Milpitas. The Coyote Creek watershed, covering over 320 square miles, is the largest in Santa Clara County.⁵² Penitencia Creek flows into Coyote Creek just south of Berryessa Road in the southern reach of the proposed trail segment. Approximately 75 feet upstream of the confluence with Coyote Creek, an existing 86-inch corrugated metal pipe (CMP) conveys Penitencia Creek beneath a 30-foot wide pedestrian pathway on the Flea Market property.

While Coyote Creek mainly follows its historical reach, land development and the construction of drainage ditches and channels have changed the natural hydrology of the watershed and increased runoff into Coyote Creek.⁵³ According to the SCVWD, water quality within Coyote Creek along much of the project reach is very poor due to elevated water temperatures, low oxygen concentrations, high pathogen concentrations, and pesticides and herbicides contamination.⁵⁴ The Santa Clara Valley Water Resources Protection Collaborative developed the *Guidelines and Standards for Land Use Near Streams* to encourage the protection of surface and groundwater quality and quantity in Santa Clara County.⁵⁵

4.10.1.1 *Drainage and Flooding*

Severe flooding of Coyote Creek following storm events has occurred as recently as 1997 and 1998. In response, the SCVWD is developing the Coyote Creek Flood Protection Project to enhance the creek's conveyance and improve flood protection of the properties along the creek from Montague Expressway to I-280, which includes the project alignment.⁵⁶ Along the Flood Protection Project reach, Coyote Creek and many of the existing bridges do not have sufficient capacity to convey the 100-year flood flow under existing conditions.

According to the Federal Emergency Management Agency's Flood Insurance Rate Maps, the trail alignment is located within the 100-year flood hazard area (floodplain) for most of the proposed segment.⁵⁷ The floodplain is relatively well contained within the creek channel along Reach A,

⁵² Santa Clara Valley Water District. "Coyote Watershed." 2002. Accessed March 1, 2010.
<<http://www.valleywater.org/Services/Coyote.aspx>>

⁵³ San Francisco Estuary Institute. *Coyote Creek Watershed Historical Ecology Study*. May 2006.

⁵⁴ Santa Clara Valley Water District. "Inside Coyote Creek Flood Protection Project" brochure. Available at:
<<http://www.valleywater.org/services/CoyoteCreek.aspx>>

⁵⁵ SCVURPPP, Santa Clara Valley Water Resources Protection Collaborative. *Guidelines and Standards for Land Use Near Streams*. July 2006.

⁵⁶ A 100-year flood event is a flood producing a discharge from the drainage area that has a one percent probability of occurring in any given year. The Coyote Creek Flood Protection Project (Planning Study Phase) was formerly called the Mid-Coyote Flood Protection Project. Additional information on the Coyote Creek Flood Protection Project is available at: <http://www.valleywater.org/services/CoyoteCreek.aspx>.

⁵⁷ Federal Emergency Management Agency. *Flood Insurance Rate Map*. Maps: 06085C0068H, 06085C0069H, 06085C0232H, and 06085C0251H. May 18, 2009.

where the proposed trail would be constructed at the top of bank. The only portion of the proposed trail segment located entirely outside of the floodplain is at the Fox Property.

The project area is located outside of the Santa Clara County Geologic Hazard Zone for dike failure and is not subject to inundation from a seiche, tsunami, or mudflow.⁵⁸

4.10.1.2 Groundwater

Groundwater beneath the project alignment flows in a northwesterly direction, following local topography. Groundwater depths vary based on the ground surface elevation relative to and distance from Coyote Creek, although it likely occurs at depths ranging from approximately 10 to 25 feet below the surface.

4.10.1.3 Regulatory Requirements

The Federal Clean Water Act requires local municipalities to implement measures to control pollution from their storm sewer systems to the maximum extent practicable. In addition, the State of California's Porter-Cologne Water Quality Control Act of 1969 and other State legislation require municipalities to protect water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. These regulations are implemented at the regional level by water quality control boards, which for San José is the San Francisco Bay Regional Water Quality Control Board (RWQCB). The RWQCB is also tasked with preparation and revision of a regional Water Quality Control Plan, also known as the Basin Plan.⁵⁹

Total Maximum Daily Loads

Under Section 303(d) of the 1972 Clean Water Act, states are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern.⁶⁰ The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. Coyote Creek is listed by the U.S. EPA as an impaired water body for diazinon and trash.⁶¹ Urban runoff from storm sewers and illegal dumping were identified as the main potential sources of trash. Based on studies in the Santa Clara Valley, the main generators of trash are considered to be pedestrians (particularly at high traffic areas, special event venues, and transitions points such as bus stops), vehicles, and inadequate waste container management.⁶²

⁵⁸ County of Santa Clara, *Santa Clara County Geologic Hazard Zones* (Compressible Soil Hazard Zones, Landslide Hazard Zones, and Dike Failure Hazard Zones), Maps 11, 12, and 20, 2002. Available at: <http://www.sccgov.org/portal/site/planning/>.

⁵⁹ The Basin Plan identifies beneficial uses, which the Regional Board has specifically designated for local aquifers, streams, marshes, rivers, and the Bay, as well as the water quality objectives, and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

⁶⁰ California State Water Resources Control Board. "Total Maximum Daily Load Program." 2009. Accessed June 16, 2010. <http://www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists2006_approved.shtml>

⁶¹ California State Water Resources Control Board. "Impaired Water Bodies." Updated June 14, 2010. Accessed June 16, 2010. <http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml>

⁶² Santa Clara Valley Urban Runoff Pollution Prevention Program. *Trash BMP Toolbox*. September 2007.

National Pollution Discharge Elimination System

The Federal Clean Water Act requires the City to operate under a National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit for the discharge to surface waters via the City's storm drain system. The regional NPDES Stormwater Permit was adopted by the San Francisco RWQCB in October 2009 and is effective between December 1, 2009 and November 30, 2014. The permit specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable.

Under the NPDES Stormwater Permit, construction of impervious trails that are greater than 10 feet wide or are within 50 feet of the top of bank and create 10,000 square feet or more of newly constructed contiguous impervious surface, are required to implement Low Impact Development (LID) source control, site design, and stormwater treatment measures in accordance with Provision C.3 of the permit. Impervious trails built to direct stormwater runoff to adjacent vegetated areas or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees, are not subject to the requirements of Provision C.3.

Provision C.3 also regulates Hydromodification Management (HM) projects, which are those that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment area that is less than 65 percent impervious. To ensure that the erosion potential of the receiving stream does not increase, HM projects must control runoff flow and volume so that post-project runoff does not exceed estimated pre-project (existing) rates and durations.

Given that the proposed creek trail would be constructed to direct stormwater runoff to adjacent vegetated areas or other non-erodible permeable areas, the project would not be subject to the requirements of Provision C.3.

NPDES General Permit for Construction Activity

All construction projects in the state are regulated by the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and the filing of a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for all projects that disturb an area of one acre or greater. SWPPPs outline how the project will prevent polluted stormwater runoff and sediment from entering the storm drainage system and local creeks. The proposed project would be required to obtain coverage under the Construction General Permit Order 2009-0009-DWQ, effective July 1, 2010.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José Policy No. 6-29 was adopted to establish an implementation framework, consistent with Provision C.3 of the City's NPDES Stormwater Permit. This policy requires all new and redevelopment projects that create, add, or replace 10,000 square feet or more of impervious surfaces to implement Post-Construction BMPs and Treatment Control Measures (TCMs) to the maximum extent practicable. The project would not be subject to the NPDES Stormwater Permit; therefore, the proposed trail project is not subject to the requirements of City Council Policy 6-29.

City of San José Post-Construction Hydromodification Management (Policy 8-14)

In 2005, the City of San José adopted the Post-Construction Hydromodification Management Policy (Council Policy No. 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation,

or other impacts to local rivers, streams, and creeks. This policy was updated in February 2010. The purpose of this policy is also to establish an implementation framework for Hydromodification Management requirements in Provision C.3 of the City’s NPDES Stormwater Permit. Given that compliance with Provision C.3 of the NPDES Stormwater Permit would not be required, the proposed trail project is not subject to the requirements of City Council Policy 8-14.

4.10.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 16
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 16
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 17
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 16, 17
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 17
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.10.2.1 *Flooding and Drainage*

According to the FEMA maps, the majority of the creek trail would be constructed within or along the edge of the Coyote Creek floodplain. The only portion of the trail segment entirely outside of the floodplain is at the Fox Property, where the trail would be located within the 100-foot setback from the riparian corridor. Some of the proposed undercrossings would be constructed below the 10-year flood water surface elevation (WSE). No project features are proposed in the low flow channel or within wetland habitat areas.

The greatest potential for hydrological impacts as a result of the project's construction would occur where creek bank modifications are proposed to accommodate the trail alignment within the floodway. Although the proposed project would locate portions of the trail and structures within a 100-year flood hazard area, hydrologic impacts resulting from the project have been minimized through the preliminary design process, which has included collaboration with the SCVWD. The project includes the following measures to reduce and avoid impacts related to flooding:

- The soffit elevation of the proposed pedestrian bridges would be four feet above the maximum predicted one percent flood event WSE, in accordance with SCVWD and FEMA freeboard requirements for new bridges. The bridge abutments and piers supporting the bridge deck would be located on top of the creek banks, as shown on Figures 6 and 8. Wherever possible, the bridge abutments would be placed above the 100-year flood WSE.
- The project design includes locating the majority of the proposed trail on existing maintenance roads at grade to minimize cut and fill. Retaining walls are proposed at US 101, Mabury Road, Oakland Road, and O'Toole Avenue to minimize the amount of fill in the creek channel necessary for the construction of the trail undercrossings. Minimizing cut and fill helps maintain the conveyance capacity of the floodway.

- The proposed undercrossings have been located and designed to minimize impacts. For example, the project proposes to modify the existing Berryessa Road undercrossing by narrowing the pathway from 30 feet to 12 feet wide, locating the trail as far from the creek as possible, and elevating the trail approximately three feet above existing grade. Although the area beneath Berryessa Road would still be subject to occasional flooding during large storm events, the proposed modifications are intended to reduce risks to trail users associated with flooding (as described below), while maintaining sufficient capacity to convey flood flows beneath Berryessa Road.

Modeling Results

As described in Appendix E, the hydraulic analysis completed for the proposed project was based on a model developed by the SCVWD for the mid-Coyote Creek reach. The baseline model was compared to the proposed conditions model to evaluate the potential for project features to increase the WSE of Coyote Creek. Proposed project features located within the creek banks were modeled as ineffective flow areas (i.e., where water is present but not actively conveyed).

The results of the hydraulic analysis indicate that the proposed project would not result in significant upstream changes in the WSE. The largest increase in the WSE was estimated to be less than 0.10 feet (approximately 1.2 inches) upstream from the proposed UPRR trestle bridge undercrossing. No project features, including the proposed undercrossings, would impede or redirect flood flows or alter the course of Coyote Creek during normal or flood flows. In the event of a flood, the proposed pedestrian bridges and abutments, which would be placed above the 100-year WSE, would not impede flood flows or increase backwater conditions.

For the reasons described above, the proposed project would not result in significant flooding impacts. In addition, the project would not adversely affect the proposed SCVWD Mid-Coyote Creek flood protection project. To ensure the proposed trail project is compatible with SCVWD flood protection projects, the City will continue to collaborate with the SCVWD and will provide the final construction drawings for review and comment during the final design phase.

Drainage

The construction of a paved trail would replace existing pervious surfaces with approximately six acres (259,776 square feet) of impervious surfaces.⁶³ The trail would be lined on each side with hard-packed gravel shoulders, except at undercrossings where the trail may be below the 10-year flood WSE. In accordance with the Santa Clara County and SCVWD guidelines, surface water will be diverted from the trail by cross-sloping the trail tread between two and three percent. Runoff would be directed to the gravel shoulders and the surrounding pervious surfaces, although the project may include drainage culverts along the trail alignment, as necessary. Given the linear and narrow nature of the proposed increase in paved surfaces, the proposed project would not substantially increase the rate or amount of surface runoff.

⁶³ This estimate was calculated using an average paved trail width of 12 feet and a total trail length of 4.1 miles. This estimate does not account for the fact that the Flea Market portion of the alignment is currently paved and the trail would not add or replace impervious surface at this location. The project does not include any landscaping, and riparian mitigation plantings would be provided in existing open space areas; therefore, the project would not add any pervious surfaces.

Grading and filling for construction of approach ramps and undercrossings within the creek channel would affect the natural drainage pattern; however, the project proposes to support any cut or fill slopes adjacent to the trail with retaining walls or immediately reseed or replant disturbed slopes following project construction in a given area. In addition, the project has been designed to avoid tree removal to the maximum extent feasible. Maintaining vegetation protects soil structure and aids in soil permeability, which minimizes potential effects on drainage and water quality resulting from erosion and siltation.

The project includes narrowing and elevating the existing pathway beneath Berryessa Road. As part of the modifications to this undercrossing, the project may include removal of the remaining portion of the pathway closest to the creek.⁶⁴ Removing the asphalt would allow the riparian corridor to eventually reestablish in this location and would reduce impervious surfaces within the creek corridor. By allowing additional percolation of runoff into pervious surfaces, this design option would reduce the rate and amount of runoff flowing from paved surfaces into the creek, resulting in a beneficial hydrologic impact at this location.

For these reasons, the proposed project would not alter the existing drainage pattern in a manner that could contribute to flooding or result in substantial erosion or siltation in the project area.

Impacts of Optional Penitencia Creek Crossing

The existing culvert and pathway over Penitencia Creek is located below the 10-year flood WSE. If the project includes replacement of the existing crossing with a free-span pedestrian bridge, the new crossing would not clear the 100-year flood WSE. Although this bridge could be inundated during flood events, the structure would not impede flood flows or alter the course of Penitencia or Coyote Creek. Given that the existing culvert can clog with debris during a significant storm event, removing the culvert and recreating a stable earthen channel would provide additional conveyance capacity and reduce barriers to high flows in Penitencia Creek. This design option would restore the confluence of Penitencia and Coyote Creeks to a more natural hydrologic condition.

Flooding Impacts to Proposed Trail Structures and Trail Users

Currently, the 30-foot wide pathway beneath Berryessa Road is within the 10-year flood event elevation. This area occasionally floods during storm events, during which the pathway is not usable by pedestrians. The proposed modifications at the Berryessa Road undercrossing would reduce risks to trail users involving flooding by elevating the pathway, locating it as far from the creek channel as possible, and providing space for flood waters to pass without interfering with trail use (unless during 100-year flood events).

Although segments of the proposed trail may be under water during flood events and thus closed, the project area is not subject to flash flooding. The proposed Class I trail would not provide public vehicular access adjacent to the creek and the project does not include construction of any housing or habitable structures. For these reasons, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding.

⁶⁴ The SCVWD may use the remaining portion of the paved pathway as a maintenance road. The design of the Berryessa Road undercrossing will be determined during the final design phase, in collaboration with SCVWD, private property owners, and the City of San José.

4.10.2.2 *Water Quality*

Long-term Impacts

As previously described, the proposed project is not expected to generate a substantial amount of stormwater runoff. Trash receptacles and recycling bins may be provided at various locations along the alignment and the trail will be maintained by the City of San José, reducing the potential for litter to end up in Coyote Creek. In addition, the presence of trail users within the creek area would discourage unlawful activity, including illegal dumping. The project would also improve access to the creek for volunteer creek clean-ups, which is an institutional control commonly used in the area for removing trash from urban creeks.⁶⁵ Therefore, the project is not anticipated to increase the amount of trash entering the creek or cause additional sources of pollution.

As described in Section 4.7 *Geology and Soils*, the trail project will be designed to avoid impacts related to slope stability and erosion, which would reduce the potential for sedimentation of the creek resulting from project construction. By directing stormwater runoff from the trail to adjacent vegetated areas or other non-erodible permeable areas, the project would promote the percolation of runoff through the soil (which helps filter pollutants) and would reduce the potential for stormwater to flow directly into the creek. The project will also be designed in accordance with the City and County standards for reducing water quality impacts and the “Guidelines and Standards for Land Use Near Streams” developed by the SCVWD’s Water Resources Protection Collaborative. For example, permanent groundcover will be provided to stabilize the disturbed surfaces after the completion of project construction.

For these reasons, the project would not substantially increase polluted runoff or otherwise degrade the water quality of Coyote Creek, Penitencia Creek, or San Francisco Bay.

Short-term Impacts

The project includes 10 trail undercrossings, four pedestrian bridges over Coyote Creek, and one optional bridge over Penitencia Creek, which would require work near or within the banks of the creek. Construction of these structures would require pier drilling, installation of ramps and trails, and removal and/or trimming of trees. Grading, excavation, and tree removal activities may result in temporary impacts to surface water quality by increasing the potential for sedimentation during construction. Surface runoff during construction could discharge into the creek.

As described in Section 4.7 *Geology and Soils*, the project will implement erosion and dust control measures during site preparation and project construction, in compliance with the City of San José Grading Ordinance. The project will also implement BMPs to avoid impacts to aquatic habitat, as listed in Section 4.4 *Biological Resources*. Implementation of these measures and the BMPs listed below will further reduce short-term impacts to water quality.

Standard Measures: The project proposes to implement the following measures to reduce or avoid water quality impacts during construction:

- Prior to the commencement of any clearing, grading, or excavation, the project shall comply with the SWRCB’s NPDES General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:

⁶⁵ SCVURPPP. *Trash BMP Toolbox*. September 2007.

- A SWPPP shall be developed, implemented, and maintained;
 - An NOI shall be filed with the SWRCB.
- To control the discharge of stormwater pollutants including sediments associated with construction activities, the project shall implement BMPs contained in the publication *Blueprint for a Clean Bay* and/or *California Storm Water Best Management Practice Handbook for Construction*. Examples of BMPs include installation of silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection.
 - The project shall comply with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
 - Restriction of grading to the dry season (April 15th through October 15th);
 - Utilize on-site sediment control BMPs to retain sediment on the project site;
 - Utilize stabilized construction entrances and/or wash racks;
 - Implement damp street sweeping;
 - Provide temporary cover of disturbed surfaces to help control erosion during construction;
 - Provide permanent cover to stabilize the disturbed surfaces after project construction.

4.10.3 Conclusion

The proposed project would not substantially alter the existing drainage pattern of the site or area. The project would not expose structures or people to significant risk involving flooding. The proposed project includes standard measures to reduce or avoid impacts associated with water quality during construction. **(Less than Significant Impact)**

4.11 LAND USE

4.11.1 Setting

As described in Section 4.1 *Aesthetics*, the proposed trail is located along the interface between the riparian corridor of Coyote Creek and the surrounding urban area. Along much of the project reach, the creek has moderately to deeply incised banks with high quality riparian vegetation extending up to, and occasionally beyond, the tops of the banks. Numerous homeless encampments were observed along the banks of Coyote Creek, particularly at undercrossings.

The project alignment is located within an urbanized area of north San José, developed primarily with industrial uses, residential neighborhoods, public parks/open space, and future mixed-use developments. From north to south, specific land uses adjacent to the alignment include: industrial parks along the west side of O-Toole Avenue and along Ridder Park Drive, the currently vacant Fox Property, an open space area referred to as North Coyote Park (opposite San José Municipal Golf Course), mobile home parks on the east side of Oakland Road, single-family residences along Notting Hill Drive, the San José Flea Market and associated parking lot, a City of San José Corporation Yard, light industrial uses on East Taylor Street (between Mabury Road and US 101), and Watson Park. Along much of the alignment, the industrial, commercial, and residential development is located at the edge of the existing riparian corridor. The proposed trail alignment also crosses under roadways and freeways at 10 locations along the 4.1-mile project alignment.

As described in Section 3 *Project Description* of this Initial Study, the Fox Property and Flea Market sites are proposed to be developed with a mix of residential, commercial, and open space uses. The project alignment is located within the 100-foot setback of Coyote Creek.

4.11.1.1 *Land Use Plans*

City of San José General Plan

The proposed trail would primarily be constructed on property designated as *Public Park and Open Space* under the City of San José's General Plan. This category is used to designate public land uses, including parks and trails. A small portion of the trail (between the UPRR trestle and Oakland Road) would be located on property designated *Private Open Space*, which allows the development of passive recreational uses such as trails. In addition, the trail would be located on a small SCVWD-owned parcel, located just north of US 101 on the west side of the creek, which is designated as *Light Industrial*. Other General Plan land use designations in the area include *Industrial Park*, *Heavy Industrial*, *Medium Density Residential (8-16 DU/AC)*, *Combined Industrial/Commercial*, and *Transit Corridor Residential (30+ DU/AC)*.

Coyote Creek is designated as a Trails and Pathway Corridor on the Scenic Routes and Trails Diagram in the San José General Plan, which designates the most feasible and accessible routes to develop trails within the city. The General Plan states that riparian corridors and levies along the waterways can provide an ideal setting for paved pathways.

The Trail and Pathways Policies of the San José General Plan state that trail design should minimize environmental impacts, promote safety and accessibility for all trail users, and encourage trail use as an alternate transportation route. Trail projects should also comply with the design standards established by the City of San José's Department of Public Works.

The proposed segment of the Coyote Creek Trail is also identified as part of the City of San José Trail Program.⁶⁶

City of San José Zoning Ordinance

The Coyote Creek corridor is zoned *Heavy Industrial, Agricultural, A(PD) Planned Development* (for industrial park uses), and *Industrial Park* south of Montague Expressway to Charcot Avenue; *A(PD) Planned Development* (for industrial park uses) and *Agricultural* south to Oakland Road; *Light Industrial, R-MH Mobilehome Park (Residential)*, and *Agricultural* south to Hazlett Way; *Heavy Industrial, Agricultural, and A(PD) Planned Development* (for open space uses) south to Mabury Road; *Light Industrial* south to US 101; and *R-1-8 Single-Family Residential* at Watson Park. Adjacent to the project alignment include properties zoned *Commercial General* (Lowe’s) and *CO – Commercial Office*.

Santa Clara County – Countywide Trails Master Plan Update

The *1995 Countywide Trails Master Plan Update* was prepared as an element of the Santa Clara County General Plan to direct the County’s trail implementation efforts well into the twenty-first century. The Master Plan Update identifies potential trail routes that support the recreation, transportation, health and welfare, and science education goals of the County. The Master Plan Update also includes design, use, and management guidelines for the implementation of “new” trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance. The guidelines in the Master Plan Update are generally directed to rural areas in the County.

To provide a common framework for the various jurisdictions and private developers who design and manage trails in the urban areas of the County, the *Uniform Interjurisdictional Trail Design, Use, and Management Guidelines* were prepared by the Santa Clara County Interjurisdictional Trails Committee in 1999.⁶⁷ Both guidelines are based on the design criteria for bikeways in the Caltrans *Highway Design Manual* and are intended to provide general guidance, rather than standards that dictate the trail design. Each trail should be evaluated on a case-by-case basis, taking into account actual field conditions and trail route/land use relationships. Local jurisdictions are encouraged to reference and/or adopt these guidelines, where appropriate, as part of their own General Plans for major trails.

The Coyote Creek Trail is identified in the Master Plan Update as a Sub-Regional Trail that is intended to provide regional recreation and transportation benefits by providing continuity between cities and convenient, long-distance trail loop opportunities that link two or more regional trails. The Coyote Creek/Llagas Creek Trail extends from the Alameda County Line south to the San Benito County Line, passing through the cities of Milpitas, San José, and Morgan Hill. The trail links the Bay Trail with the Monterey-Yosemite Trail and overlaps with the Bay Area Ridge Trail (a regional trail) south of the confluence of Coyote Creek and Penitencia Creek (valley floor reach). According

⁶⁶ City of San José Department of Parks, Recreation and Neighborhood Services. “Trail Program.” Updated March 16, 2010. <www.sjpark.org/Trails>

⁶⁷ The *Uniform Interjurisdictional Trail Design, Use, and Management Guidelines* were prepared as a program of the Santa Clara County Trails Master Plan Update to comply with County General Plan Policy PR-TS(i) 6A). The Master Plan and associated Guidelines are available at: <http://www.sccgov.org/portal/site/parks/parkschp?path=%2Fv7%2FParks%20and%20Recreation%2C%20Department%20of%20%28DEP%29%2FPlanning%20and%20Development%2FCountywide%20Trails%20Master%20Plan>.

to the Master Plan Update, the Coyote Creek Trail is intended for equestrian, hiking, and bicycle uses, and on-street reaches are discouraged unless creekside trails are found to be infeasible.

Santa Clara Valley Water District - Water Resources Protection Ordinance

The SCVWD’s Water Resources Protection Ordinance (WRPO), which was adopted in 2006, requires an encroachment permit for any work done on SCVWD property. The purpose of the WRPO is to facilitate implementation of the District’s policies of providing a reliable supply of clean water, reducing the potential for flood damages, protecting and restoring streams and watersheds, and providing open space and trails along creeks when reasonable and appropriate. The SCVWD’s *Water Resource Protection Manual* contains requirements for compliance with the WRPO and is used for the evaluation of permit applications.⁶⁸

4.11.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 18, 19
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The proposed project is the construction of a creek trail through the urban project area on lands owned by the City, SCVWD, County, Caltrans, private property owners, and UPRR. The proposed trail segment would be located adjacent to Coyote Creek on existing maintenance roads, on undeveloped land adjacent to the riparian corridor, on pedestrian bridges and undercrossings, and within private open space setbacks on two private properties planned for future redevelopment.

The proposed trail alignment is located within approximately 100 feet of some of the industrial park buildings in the northern portion of the trail, the mobile home residences adjacent to Coyote Creek, the single-family residences on Notting Hill Drive, and a building on the San José Corporation Yard.

⁶⁸ The manual is available at: <http://www.scvwd.dst.ca.us/Programs/WaterResourcesProtectionOrdinance.aspx>.

As described in Section 3.3, joint use agreements, easements, encroachment permits, and/or construction permits will be required from SCVWD, UPRR, County, and Caltrans (area beneath I-880 and US 101) for construction of the trail on properties owned by SCVWD, UPRR, County, and Caltrans. Easements would also be needed to construct the trail on the privately-owned Parcel L, Fox Property, and the San José Flea Market site. The remainder of the proposed trail would be constructed on property owned by the City of San José.

4.11.2.1 *Land Use Compatibility*

The City of San José completed a Master Plan for the project that allowed the opportunity for public input during the conceptual design phase of the proposed trail extension. The preferred alignment, as defined in the proposed Master Plan, was selected to provide a community amenity. The proposed trail would connect existing and future residential neighborhoods with urban parks, public transportation nodes, retail/employment centers, and the countywide trail network.

The proposed creek trail would be used by individuals and groups for non-motorized travel (i.e., walking, jogging, bicycling, etc.). Equestrian use would not be permitted. The project is intended to provide alternative transportation options for residents and commuters that live and work in the area, as well as enhance recreational opportunities in the region. Construction and use of the creek trail would not conflict with any land uses in the surrounding area, including existing industrial parks, residential uses, public parks/open space, and future mixed-use developments.

The portion of the Fox Property adjacent to the creek is currently vacant and will be developed with high density residential and neighborhood commercial uses. The Flea Market site is currently developed with outdoor retail spaces and a parking lot south of Berryessa Road and a large parking lot north of Berryessa Road, which are connected by an existing paved pathway beneath the roadway. A 100-foot setback from the edge of the riparian corridor was designated as part of the planned development approval for both of these sites. The redevelopment projects will be designed to accommodate the proposed trail within the setbacks, as far from the creek as possible. There are no existing uses on the Fox Property that would be adversely affected by the proposed project. The proposed project would not be constructed on the Flea Market Property until redevelopment has begun and the removal of existing uses on the site has occurred. The proposed trail is intended to complement the planned circulation network and serve the future land uses on both redeveloped properties.

As described in the *Noise* and *Air Quality* sections of this Initial Study, the construction of the trail would not result in short-term construction-related noise and air quality impacts, with implementation of standard measures. The use of the trail would not result in significant long-term noise impacts, given the relatively high existing ambient noise levels along most of the project alignment and the intermittent and relatively low noise levels generated by trail users during daytime hours.

The project does not include any features that would divide established communities. As described in Section 4.17 *Transportation*, the proposed project would not substantially increase vehicle traffic. Due to the amount of available on-street and public parking along the 4.1-mile project alignment, it is anticipated that sufficient parking would be available to serve trail users, and the proposed project would not result in land use impacts as a result of increased vehicle traffic in neighborhoods.

For the reasons described above, the proposed project would not result in significant land use compatibility impacts.

Interim On-street Alignment

The interim on-street alignment would be located on existing and future sidewalks and bicycle lanes within the public right-of-way along Brokaw and Oakland Roads. Land uses along the interim on-street alignment include commercial and office park uses, as well as the currently vacant Fox Property. The use of sidewalks and bicycle lanes an interim trail alignment would be consistent with the existing purpose of these facilities. The anticipated increase in pedestrians and bicyclists using these facilities would not adversely affect any adjacent land use.

4.11.2.2 Conformance with Land Use Plans

As described in Section 4.4 *Biological Resources*, the project alignment is not currently located within an area protected by an approved habitat or natural community conservation plan. The City of San José is coordinating with other public agencies to develop a joint Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The project alignment will fall within the jurisdiction of the HCP/NCCP once the plan is adopted, although this plan is not currently applicable to the project. Consistent with the HCP/NCCP Planning Agreement, the project has been referred to the CDFG and the USFWS for review. No comments have been received from these agencies.

City of San José General Plan and Zoning

The proposed project is consistent with the City of San José General Plan land use designations of *Public Park and Open Space* and *Private Open Space* because it is the construction of a creek trail for recreational uses. The improvements made on city streets and sidewalks for the proposed at-grade access points would not conflict with the designations of adjacent land uses.

The project is generally consistent with the Trail and Pathways Policies of the General Plan because the design process took into account accessibility, safety, and connectivity within the existing network to encourage trail use as an alternate mode of transportation. The construction of a paved Class I trail adjacent to Coyote Creek is consistent with the intent of the *Trail and Pathway Corridor* designation.

The construction of the project would not conflict with the zoning designations for the properties upon which the trail would be constructed.

Santa Clara County Countywide Trails Master Plan

The proposed project is the completion of a sub-regional trail as identified in the *1995 Countywide Trails Master Plan Update*. The Santa Clara County's trail guidelines, described above, were considered during the conceptual design stage for the proposed segment of the Coyote Creek Trail. The proposed project was designed to take into account land use compatibility, visual screening, signage, environmental protection, maintenance, easements, emergency access, and fire protection.

The proposed project is generally consistent with the *1995 Countywide Trails Master Plan Update* regarding the intended uses of the trail. Although the Coyote Creek Trail is intended for equestrian uses, equestrian use would be infeasible for the proposed segment because of the urban conditions, limited clearance at the undercrossings, and lack of staging areas for horse trailer parking. This inconsistency with the Countywide Trails Master Plan would not be considered a significant land use impact, because the Countywide Trails Master Plan recognizes the need to adapt to actual conditions. In addition, this policy was not adopted for the purpose of avoiding an environmental effect, but rather to increase recreational opportunities.

The preferred trail project would meet the Countywide Trails Master Plan objective of avoiding on-street alignments by including undercrossings and pedestrian bridges. The interim on-street trail alignment would not be consistent with this objective. As further described in Section 4.17 *Transportation*, the use of sidewalks and bicycle lanes for the interim trail would increase the potential for conflicts with vehicles and trail users, when compared to a Class I trail; however, the on-street alignment would not result in a significant traffic hazard or other environmental impact. Furthermore, the Countywide Trails Master Plan recognizes that on-street alignments may be necessary when privately-owned land along the desired alignment precludes trail construction. For these reasons, this inconsistency with the Countywide Trails Master Plan would not result in a significant land use impact.

SCVWD Water Resources Protection Ordinance

Given that the project includes trail construction on several SCVWD-owned properties, an encroachment permit will be obtained from the SCVWD in accordance with the WRPO. Prior to issuance of the encroachment permit, a Joint Trails Agreement (JTA) will be developed between the SCVWD and City of San José for operation and maintenance of the trail on District land. The project design will be consistent with the requirements and recommendations set forth in the *Water Resource Protection Manual*. For these reasons, the proposed project would not conflict with policies adopted by the SCVWD for the purpose of avoiding or mitigating environmental effects.

4.11.3 Conclusion

The proposed project would not result in significant impacts associated with land use compatibility. The project does not conflict with any applicable land use or habitat conservation plan. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Setting

The project site is within a developed urban area. No record exists of gravel or other mineral resource extraction in the vicinity of the project alignment.

4.12.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 18
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project site is not located within a designated area containing mineral deposits of regional significance and therefore, would not result in the loss of availability of a known mineral resource. For these reasons, the proposed project would not result in impacts to mineral resources.

4.12.3 Conclusion

The proposed project would not result in significant impacts from the loss of availability of a known mineral resource. **(No Impact)**

4.13 NOISE

4.13.1 Setting

4.13.1.1 *Background Information*

Noise is measured in “decibels” (dB) which is a numerical expression of sound levels on a logarithmic scale. A noise level that is ten dB higher than another noise level has ten times as much sound energy and is perceived as being twice as loud. Sounds less than five dB are just barely audible, and then only in the absence of other sounds. Intense sounds of 140 dB are so loud that they are painful and can cause damage with only a brief exposure. These extremes are not commonplace in our normal working and living environments. An “A-weighted decibel” (dBA) filters out some of the low and high pitches which are not as audible to the human ear. Thus, noise impact analyses commonly use dBA.

4.13.1.2 *Applicable Noise Standards and Policies*

The City of San José's General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the Ldn, which stands for Day-Night level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10 pm and 7 am. The General Plan cites long-term and short-term exterior Ldn goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the Ldn is above 60 dBA should be limited to acoustically protected areas.

4.13.1.3 *Existing Noise Conditions*

The primary sources of noise within the project area are from vehicle traffic on local streets and freeways, as well as railroad and air traffic. The industrial uses adjacent to the project alignment also generate noise. Ambient noise levels along freeways, including I-880 and US 101, are between 75 and 79 dBA.⁶⁹ Given the proximity to these freeways and major roads such as Montague Expressway, Oakland Road, and Berryessa Road, ambient noise levels along most of the project alignment are estimated to be between 60 and 74 dBA. Noise levels in the residential areas along the trail alignment (i.e., adjacent to the mobile home parks and Notting Hill Drive) are typically less than 60 dBA.

On the Fox Property adjacent to the UPRR tracks, the Ldn noise level was estimated to be 64-68 dBA, with single-event noise levels reaching up to 95 dB when trains pass the site.⁷⁰ Noise levels on the Flea Market Property range from 58 to 75 dBA, with higher levels adjacent to Berryessa Road and other major roadways. The asphalt plant, located north of Berryessa Road on the west side of Coyote Creek, was found to generate noise levels of 56-69 dBA along the western boundary of the Flea Market Property – the approximate location of the proposed trail.⁷¹

⁶⁹ City of San José. *Final Program Environmental Impact Report, North San José Development Policies Update*. June 2005.

⁷⁰ City of San José. *Draft Environmental Impact Report, Fox Property General Plan Amendment*. September 2006.

⁷¹ City of San José. *Draft Environmental Impact Report, San José Flea Market General Plan Amendment & Planned Development Rezoning*. December 2006.

4.13.1.4 Sensitive Receptors

Sensitive noise receptors within the project area include single-family residential uses located on Notting Hill Drive and the mobile home neighborhoods on the east side of Oakland Road along Reach C of the proposed trail segment (refer to Figure 4C).

4.13.2 Environmental Checklist and Discussion of Impacts

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 18
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.13.2.1 Noise Exposure to Trail Users

As mentioned above, ambient noise levels in the project area are considered to be similar to those within the existing surrounding neighborhoods. Noise exposure of future trail users to elevated ambient noise levels would be temporary as they travel on the creek trail, particularly at the proposed undercrossings. Noise levels along the 0.7-mile interim on-street alignment would be higher than

along the creek trail, as trail users would travel closer to vehicle traffic. The project (including the interim option) would not result in significant noise impacts to trail users.

4.13.2.2 *Long-Term Noise Impacts from the Project*

As described previously, the proposed trail segment would be located adjacent to industrial, residential, and open space land uses. Of these categories, residential uses are considered “sensitive” with regard to exposure to elevated noise levels, consistent with the noise guidelines of the San José General Plan.

Long-term noise related to the proposed project would be from the users of the trail. Specific sources would typically consist of human behaviors (conversations, shouting, laughing, etc.) and warning bells/whistles mounted on bicycles. Typical noise levels associated with a shout or ringing bell would be 65-70 decibels at a distance of 20 feet, with conversations and laughing measuring 50-55 decibels at the same distance.

The only locations where residential uses are located adjacent to the proposed trail are along Reach C, adjacent to existing mobile home residences on the west side of Coyote Creek and single-family residences on the east side of Notting Hill Drive. For an approximately 900-foot long portion of the proposed segment, the trail would be located at least 70 feet from the nearest mobile homes on Townsend Avenue. Along a 400-foot portion of the proposed segment north of the proposed pedestrian bridge at Hazlett Way, the trail would be located approximately 25-30 feet from the rear exterior of eight mobile homes. Along Notting Hill Drive, the proposed trail would be located approximately 60 feet from the front of the residences.

While it is likely that occasional noise from trail users would be audible at nearby residences, the effects would not be significant based on the following facts:

- The below-grade trail adjacent to Notting Hill Drive would be separated from the residences by the roadway and sidewalk. Street noise typical of residential areas would have the effect of at least partially masking trail-generated noise at the nearby residences.
- There are no other existing residential uses located within 150 feet from the proposed trail. During future redevelopment of the Fox and Flea Market properties, buffers between the trail and residential uses will be included, as appropriate, to reduce noise exposure.
- The trail will be closed one hour after sunset and will open one hour before sunrise, eliminating the potential for any trail-generated noise to disturb residences during the noise-sensitive nighttime hours.

Given the intermittent use of the trail during day-time hours and the relatively low increase in noise, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project area above existing levels. The proposed project would not expose residential uses to noise levels that exceed the City of San José’s exterior noise standards.

Wildlife currently using Coyote Creek is typically tolerant of high levels of disturbance due to the almost continuous acoustic disturbance from vehicle traffic (particularly on the I-880 and US 101 freeways), aircraft overflights, and industrial and residential development in the area. The visual and acoustic disturbance to wildlife associated with the proposed trail use is not expected to be significantly higher than currently exists, and wildlife along the channel is expected to adapt to the new levels of disturbance.

4.13.2.3 *Short-Term Construction Noise*

The construction of the project would generate short-term noise at adjacent residential uses and along the creek. The major noise generating activities associated with project construction would include grading, paving the trail, pier drilling for the construction of pedestrian bridges, retaining walls, approach ramps, and other trail amenities (fencing, signs, etc.). Noise levels are expected to be highest during site grading, pier drilling, and installation of the asphalt pavement. Typical hourly average construction-generated noise levels are about 81 dBA to 89 dBA measured at a distance of 50 feet from the construction area during busy construction periods. The minor improvements at at-grade access points/gateways would generate relatively little noise compared to ambient/roadway conditions.

Construction-generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. As with long-term noise, the residential areas adjacent to the project alignment, described above, could be affected by construction noise. If trail construction occurs after completion of the Fox Property and Flea Market redevelopment projects, trail construction could also affect residential uses on those sites.

The piers for the proposed bridge at Hazlett Way would be located approximately 70 feet from the nearest residences on Notting Hill and approximately 50 feet from the nearest mobile home. Given the relatively low ambient noise levels, pier drilling activities would result in elevated noise levels in the area. Construction at this location, however, would be temporary (approximately 50-60 days), and as listed below, standard measures are included in the project to avoid or reduce noise levels during construction; therefore, the proposed project would not result in significant construction-related noise impacts to residential uses.

As previously described, wildlife currently using Coyote Creek are typically tolerant of high levels of disturbance. Non-nesting birds within the corridor would be able to migrate to other areas of the creek during peak construction periods, and pre-construction surveys would be completed to avoid disturbance to nesting raptors and migratory birds. For these reasons, noise associated with the construction of the proposed trail is not expected to significantly impact wildlife within the creek corridor.

These impacts would be temporary in nature, as the project would be built in phases and construction activities at a given location along the trail alignment would be limited to one construction season (less than one year). In addition, standard construction noise avoidance measures (City of San José Municipal Code, Title 20, Zoning Ordinance) would be implemented. For these reasons, construction of the proposed project would not result in significant noise impacts to surrounding residential uses during construction.

Standard Measures: The project includes the following standard measures to reduce or avoid short-term construction noise impacts along the entire project alignment, as necessary:

- Noise-generating construction activities shall be limited to the hours between 7:00 am and 7:00 pm Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit, based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation would adequately prevent noise disturbance to affected residential uses.

- Contractors shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors, such as residential uses. Staging areas should be a minimum of 200 feet from noise sensitive receptors.
- Prohibit all unnecessary idling of internal combustion engines.

4.13.3 Conclusion

With the implementation of standard measures identified above, the proposed project would not result in significant short- or long-term noise impacts to surrounding residential uses or wildlife. Impacts to future trail users as a result of the existing ambient noise levels in the project area would also be less than significant. **(Less than Significant Impact)**

4.14 POPULATION AND HOUSING

4.14.1 Setting

The project alignment is located in north San José in an urbanized area served by existing infrastructure and developed with a mix of residential, industrial, commercial, and public uses. No residential development is located within the project alignment.

4.14.2 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 18
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

The proposed project is the construction of a creek trail within an urbanized area of San José. The proposed segment of the Coyote Creek Trail would connect to an existing trail segment to the north and a planned segment to the south. Given the nature of the project and that the surrounding area is currently served by transportation infrastructure, the construction of the proposed trail would not induce growth in the area.

The proposed project does not include the demolition of existing structures, and therefore, it would not displace any housing. It is anticipated, however, that the presence of trail users and the addition of nighttime lighting at undercrossings would likely reduce the currently high homeless population along the project reach of the creek.

4.14.3 Conclusion

The proposed project would not result in significant impacts on population and housing within the project area or regionally. No mitigation measures are required or proposed. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Setting

The proposed project is located within the City of San José. Fire, police, and emergency services are provided by the City of San José. The trail would run through an open space area located on City-owned property, across the creek from the San José Municipal Golf Course. The proposed alignment ends just north of Watson Park. Both North Coyote Park and Watson Park are owned by the City of San José.

4.15.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

4.15.2.1 *Fire and Police Service*

The proposed project is the construction of a segment of the Coyote Creek Trail in north San José. Emergency personnel would be able to access much of the trail from existing streets. Potential emergency access locations include:

- Montague Expressway
- Charcot Avenue
- Brokaw Road
- Ridder Park
- Oakland Road
- Corie Court
- Notting Hill Drive
- Several locations along the redeveloped Flea Market property (future)

- Berryessa Road
- Mabury Road
- Watson Park

The introduction of more individuals along the proposed segment may increase calls for service within the project area. The reported incidents would be similar to those that occur at neighborhood parks or other trails in the region. The presence of trail users within the creek area, however, would discourage unlawful activity, including the setting of fires. The construction of the trail itself would also improve emergency access to the creek area, which is fairly secluded.

Due to the narrowness of the creek banks along much of the project reach, it is expected that fires can be fought from one side of the bank, as they currently are. Adequate water supply to fight fires is provided by existing fire hydrants located within the surrounding industrial and residential areas along the project alignment. The nearest fire stations to the project site are shown in the table below.

Table 8 Nearest Fire Stations		
Station No.	Address	Distance (Miles)
29	199 Innovation Drive	1.3 miles from Montague Expressway access
5	1380 N 10th St	1.0 mile from Corie Court access 1.4 miles from Berryessa Road access
34	1634 Las Plumas Avenue	0.7 miles from Mabury Road access 1.2 miles from Watson Park

The project will include call boxes and other safety measures along the proposed trail, as determined during the final design phase. Consistent with all new trails in San José, mileage markers would be installed along the trail. The markers are intended to enhance emergency access and response times by tying the markers to the City’s GIS database and allowing emergency responders to know the exact location of callers on the trail.⁷² The City of San José Police Department will be involved in the final design process to provide guidance in enhancing safety along the trail.

For the reasons stated above, the proposed project would not result in a significant increase in the need for fire or police services within the project area.

4.15.2.2 Schools, Parks, and Other Public Services

The creek trail would provide recreational uses in proximity to residential land uses and existing city parks. The extension of the creek trail would not result in a need for new schools, parks, or other public services within the project area.

⁷² For more information, please refer to the City’s Trails website at:
http://www.sjpark.org/Trails/documents/2010_06_10%20Mercury%20News.pdf.

4.15.3 Conclusion

The proposed project could result in a slight increase in the demand for emergency services within the project area; however, access to the creek area would be improved overall. The project would provide additional recreational opportunities within the project area. Therefore, the project would not result in significant impacts to public services and no mitigation measures are proposed or required. **(Less than Significant Impact)**

4.16 RECREATION

4.16.1 Setting

The proposed project is the construction of a segment of the Coyote Creek Trail from Montague Expressway to Watson Park, just south of US 101. An existing gravel segment of the Coyote Creek Trail extends north from Montague Expressway to SR 237. Watson Park, which is currently undergoing redevelopment, will include a future segment of the creek trail.

The proposed trail alignment passes through an undeveloped area of the City-owned San José Municipal Golf Course, located on the west side of Coyote Creek, east of Corie Court.⁷³ This open space/undeveloped area is currently closed to public access and no plans exist to develop this area with park uses in the foreseeable future.

South of Berryessa Road, the project alignment intersects with a future segment of the Penitencia Creek Trail. An existing 2.4-mile segment of the Penitencia Creek Trail between Mabury Road and Noble Road is located approximately one mile east of the project area. The Penitencia Creek Trail is designated as a branch of the Bay Area Ridge Trail in the *1995 Countywide Trails Master Plan Update*.

4.16.2 Environmental Checklist and Discussion of Impacts

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

The proposed creek trail project is the construction of a recreational facility. As described in the other sections of this Initial Study, the project would not result in any significant environmental impacts.

The proposed trail would connect to an existing unpaved segment of the Coyote Creek Trail north of Montague Expressway and a future segment within Watson Park. Ultimately, the multi-use trail will extend from the Walnut Rest Area near Anderson Country Park in Morgan Hill to SR 237 in north San José and will link with several local and regional trails. The proposed project is intended to

⁷³ This area is referred to as North Coyote Park on some maps.

enhance recreational opportunities, improve connectivity with the regional trail network, and increase access to open space and parkland. While the project may incrementally increase the use of existing parks and trail, it would not cause substantial deterioration of existing recreational facilities to occur or be accelerated.

4.16.3 Conclusion

The project would not result in physical deterioration of existing recreational facilities. No mitigation measures are required or proposed. **(Less than Significant Impact)**

4.17 TRANSPORTATION

4.17.1 Setting

The project alignment is located north of downtown San José, along Coyote Creek between Montague Expressway and Watson Park, just south of US 101.

4.17.1.1 *Street Network*

Regional access to the proposed segment of the Coyote Creek Trail is provided by I-880, US 101, and I-680. *I-880* is an interstate freeway that runs from the interchange of I-580 and I-80 in Oakland, travels south through Alameda County, and becomes SR-17 south of the I-280 interchange in San José. *US 101* is a federal highway that runs north-south through the state of California, passing through San Francisco and San José. *I-680* is a north-south interstate freeway that becomes I-280 at the US 101 interchange in San José. Local access to the project alignment is provided by the roadways described below, and shown on Figure 2.

The northern terminus of the proposed trail segment is located at the south side of Montague Expressway east of Kruse Drive. *Montague Expressway* is an eight-lane expressway that runs from US 101 in the west to I-680 in the east.

In addition to Montague Expressway, access points to the proposed trail would be provided at Charcot Avenue, Brokaw Road, Ridder Park Drive, Oakland Road, Corie Court, Notting Hill Drive, Berryessa Road, and Mabury Road. *Charcot Avenue* is a two-lane street that runs from I-880 southwest to US 101 at the interchange with SR 87. *Brokaw Road* is an east-west arterial that becomes Airport Parkway west of North First Street and Murphy Avenue east of Oakland Road. Brokaw Road has six lanes in the vicinity of the project alignment. *Ridder Park Drive* is a two-lane street that extends south from Fox Lane. *Oakland Road* is a six-lane arterial that becomes Main Street north of Montague Expressway at the border with Milpitas and turns into North 13th Street south of Hedding Street. *Corie Court* is a cul-de-sac on the east side of Oakland Road.

Notting Hill Drive is a two-lane residential street that extends between Hazlett Way and Chessington Drive. Access to Hazlett Way and Notting Hill Drive is provided by Sierra Road, which connects to Lundy Avenue. *Berryessa Road* is an east-west arterial that turns into Hedding Street south of US 101 and extends to Piedmont Road in the east. Berryessa Road typically has four travel lanes with a middle left-turn lane. *Mabury Road* is a two-lane street that turns into East Taylor Street just south of US 101 and extends to Gridley Street in the east.

Emergency access would be provided from *O'Toole Avenue*, which is a two-lane street that runs south to Brokaw Road from Montague Expressway. O'Toole Avenue serves as an off-ramp for the Brokaw Road exit off southbound I-880.

4.17.1.2 *Pedestrian, Bicycle, and Transit Facilities*

The San José General Plan designates land uses compatible with trail development, includes policies that encourage trail use as an alternate transportation route, and provides guidance on trail design to minimize environmental impacts and promote safety and accessibility for all trail users.

As described in Section 4.11 *Land Use*, Santa Clara County's 1995 *Countywide Trails Master Plan Update* and the associated *Uniform Interjurisdictional Trail Design, Use, and Management*

Guidelines identify potential trail routes and include design, use, and management guidelines for the implementation of “new” trails in urban areas of the county, including the project area.

Pedestrian Facilities

Sidewalks and crosswalks (signalized and unsignalized) are located throughout the project area. The specific pedestrian facilities located in the vicinity of each trail reach are described below.

Reach A: Montague Expressway does not have sidewalks or signalized crosswalks in the vicinity of the northern terminus of the project alignment. To access the existing gateway to the Coyote Creek Trail from nearby parking areas and land uses, trail users must utilize the shoulder of the expressway. There are no sidewalks on Charcot Road in the project vicinity; however, the vehicle bridge over Coyote Creek has narrow, raised shoulders for pedestrian use (see Photo 2).

Reach B: Brokaw Road has sidewalks in the vicinity of the proposed access points. Ridder Park Drive has sidewalks on both sides of the road, although there is a gap on the north side of the road at the proposed access point. The intersection of Brokaw Road and Ridder Park Drive is signalized and has marked crosswalks on all sides.

Reach C: Oakland Road has sidewalks in the project area. Corie Court has a sidewalk on the south side of the road leading to the proposed access point from Oakland Road. The intersection of Oakland Road, Schallenberger Road, and Corie Court is signalized and has marked crosswalks on all sides. Notting Hill Drive has a sidewalk on the north side of the street adjacent to the residences.

Reach D: Berryessa Road and Mabury Road have sidewalks and bike lanes in the project vicinity. The intersection of Mabury Road, the southern Flea Market parking lot, and the City of San José Corporation Yard entrance is signalized and has crosswalks on three sides.

Interim On-street Alignment: Brokaw Road has a generally continuous sidewalk and an at-grade crossing with the UPRR track along the on-street alignment. Crosswalks are provided at the signalized intersections of Brokaw Road/Ridder Park Drive and Brokaw Road/Oakland Road. Oakland Road has sidewalks along both sides of the roadway along much of the on-street alignment.

A sidewalk is not provided adjacent to the currently vacant Fox Property, although one will be constructed at this location as part of the approved project. It is anticipated that the sidewalk will be completed prior to the opening of the interim trail alignment.

Bicycle Facilities

There are several bike facilities in the project area, including bike lanes on Oakland Road, Berryessa Road, and Mabury Road. Bike lanes are provided on Brokaw Road east of Ridder Park Drive and west of O’Toole Avenue, but not along the crossing over Coyote Creek. Although not specifically designated as bike routes, most neighborhood streets (such as Notting Hill Drive) are suitable for bicycle travel due to the low traffic volumes and vehicle speeds. Although no existing bike lanes are provided, bicycles are permitted on Montague Expressway.

Planned city-designated bikeways in the north San José area include bicycle facilities on Charcot Road between North First Street and O’Toole Avenue.⁷⁴ According to the 2008 Santa Clara County

⁷⁴ City of San José. *North San José Development Policies Update Environmental Impact Report*. 2005.

Transportation Authority (VTA) *Bikeways Map*, Charcot Road is frequently used by bicyclists and has a street rating of “alert”.⁷⁵

Transit Service

Transit services in the project vicinity are provided by the VTA. VTA operates bus service on Montague Expressway (Route 321), Oakland Road (Route 66), Berryessa Road (Routes 62 and 12), and Mabury Road (Route 61).⁷⁶ Bus stops are located within a quarter mile of the proposed trail access points from these roadways.

VTA also provides light rail transit (LRT) service in the project area. The Guadalupe Line runs on North First Street, approximately 1.2 miles west of the project alignment, and has four stations between Brokaw Road and Tasman Drive. The closest station on the Tasman Corridor line is located on Tasman Drive, east of McCarthy Boulevard, approximately 1.4 miles north of the northern terminus of the project alignment.

4.17.1.3 Regulatory Framework

Congestion Management Program

VTA is the Congestion Management Agency (CMA) for Santa Clara County and oversees the County’s Congestion Management Program (CMP). In conformance with state legislation, the County’s CMP contains the five mandatory elements: 1) a system definition and traffic level of service (LOS) standard element; 2) a transit service and standards element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement element. The CMP also includes a Multimodal Performance Measures Element to evaluate how well the CMP Transportation System serves the traveling public.

The CMP Transportation System consists of three networks: roadway, transit, and bicycle. The roadway network includes interstate highways, state highways, county expressways, and principal arterials. CMP-designated intersections are monitored for conformance with the CMP’s traffic level of service standard (LOS E).⁷⁷ CMP-designated roadway facilities in the project vicinity include Montague Expressway, I-880, Oakland Road, and Brokaw Road.

According to the CMP, bicycles play a significant role in the countywide transportation system by providing both direct transportation and access to public transit services.⁷⁸ Therefore, one of the goals of the CMP is to provide for safe and convenient bicycling for various types of trips, such as work, school, errands, and recreation by focusing improvements on the cross-county bicycle corridors.⁷⁹ The CMP bicycle network is based on the countywide bicycle plan, originally adopted by VTA in 2000 and updated in 2008. According to the *2008 Santa Clara Countywide Bicycle Plan*, Coyote Creek Trail/Llagas Creek Trail is designated as a cross-county bicycle corridor.

⁷⁵ The street ratings on VTA’s *Bikeways Map* include “Extreme Caution” to “Alert” to “Moderate”. The map is available at: http://www.vta.org/schedules/bikeways_map.html.

⁷⁶ Santa Clara Valley Transportation Authority. *Bus and Rail Map*. January 11, 2010. <http://www.vta.org/schedules/schedules_bymap.html>

⁷⁷ Santa Clara Valley Transportation Authority. *VTA Transportation Handbook*. 2009. Available at: http://www.vta.org/brochures_publications/transportation_handbook.html.

⁷⁸ Ibid.

⁷⁹ Santa Clara Valley Transportation Authority. *Draft 2007 CMP*. November 2007.

Railroad Crossings

Railroad crossings are recognized as a safety hazard and are regulated at the federal and state levels. In 2004, there were 111 collisions involving pedestrians at railroad crossings and 73 pedestrian fatalities, accounting for 3.6 percent of all grade crossing collisions and approximately 20 percent of all grade crossing fatalities.⁸⁰

At the federal level, six agencies within the U.S. Department of Transportation (DOT) have specific safety-related roles with respect to highway-rail grade crossings, including the Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA).⁸¹ FHWA establishes standards for traffic control devices and systems at rail crossings, and the FRA has established best practices based on research of railroad and crossing safety issues.⁸² According to the FRA, provisions must be made to ensure that crossings are suitable for all traffic and that sufficient warning of approaching trains is provided.⁸³ In addition to engineering techniques and warning devices, DOT policy has stressed education on safe behavior and enforcement of traffic laws at crossings.

At the state level, the California Public Utility Commission (PUC) regulates railroads and crossings.⁸⁴ According to federal regulations, grade crossings are permitted for railroads operating at 110 mph or less, and railroads must cooperate with the State to determine the appropriate combination of warning devices at each crossing.⁸⁵

The existing at-grade UPRR crossing at Brokaw Road has crossbucks (typical x-shaped sign) and other automatic warning devices (AWDs), including crossing gates and signals (flashing red lights). Although there are no sidewalk gates or other pedestrian-level warning devices, pedestrians are currently allowed to use this UPRR crossing and there is good sight distance available for pedestrians to see approaching trains. The UPRR line has relatively low volumes of train traffic.

⁸⁰ FRA. *Railroad-Highway Grade Crossing Handbook*. August 2007.

⁸¹ Ibid.

⁸² FRA. *Highway-Rail Grade Crossing Guidelines for High-Speed Passenger Rail*. November 2009. Available at: <<http://www.fra.dot.gov/downloads/safety/HwyRailXingGuidelinesreprint110609.pdf>>.

⁸³ Ibid.

⁸⁴ FRA. *Railroad-Highway Grade Crossing Handbook*. August 2007.

⁸⁵ FRA. "High-Speed Grade Crossings." Accessed December 29, 2010. <<http://www.fra.dot.gov/Pages/217.shtml>>

4.17.2 Environmental Checklist and Discussion of Impacts

TRANSPORTATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 18, 19

4.17.2.1 Performance of the Circulation System

The proposed project is the extension of the Coyote Creek Trail in north San José. The proposed trail would expand the network of pedestrian and bicycle facilities in the project area. While some trail users are expected to drive to the proposed access points and gateways, the project would not substantially increase vehicular traffic in the project area. Therefore, the project would not result in significant transportation impacts caused by increased traffic congestion.

As described in Section 3.1, the proposed trail segment links residential neighborhoods with employment centers, the countywide trail network, and transit nodes (including bus stops, LRT stations, and the future BART station on the Flea Market property). By providing residents with additional opportunities for using alternative means of transportation, the project enhances the viability of trails and mass transit as commute options and may result in fewer vehicle trips in the area. Therefore, the proposed project would result in an overall beneficial effect on the performance of the circulation system.

As previously described, emergency personnel would be able to access much of the trail from existing streets. The proposed project would improve emergency access to the creek area.

4.17.2.2 *Pedestrian, Bicycle, and Transit Facilities*

Safety and Accessibility

The proposed construction of a Class I trail (off-street pathway) would provide a safe facility for non-motorized travel. By providing undercrossings at the major roadways that intersect the proposed trail segment and pedestrian bridges over the creek, the project allows for a continuous off-street alignment and reduces exposure of pedestrian and bicyclists to conflicts with vehicles. In contrast, trails that utilize on-street alignments, at-grade street crossings, and existing vehicle bridges for pedestrian/bicycle crossings over the creek could pose additional safety issues and require street-level improvements to reduce potential conflicts with vehicle traffic. Because the proposed project is designed to minimize hazards and provide a safe, off-street alternative for pedestrians and bicyclists, the project would not result in significant safety impacts.

The proposed project includes signage and other amenities at the access points and gateways to the proposed trail to establish recognition of the trail segment and improve connectivity with the surrounding area. The mileage marker program would enhance emergency access by helping responders locate callers along the trail. All components of the proposed trail project, including the access points and associated ramps, would be constructed according to the requirements of the Americans with Disabilities Act (ADA).

The extensive sidewalk network and crosswalks in the project area would generally provide safe pedestrian access to the trail. There are opportunities, however, for more direct and/or safer connections to the proposed trail. For example, Montague Expressway has limited pedestrian and bicycle facilities in the vicinity of the gateway at the northern terminus of the project alignment. As under existing conditions, trail users would utilize the shoulder of the expressway to reach the access point from nearby parking areas, transit services, and land uses. In addition, the completion of the planned bicycle facility on Charcot Avenue will enhance the connection to the proposed trail access points.

Off-site streetscape improvements are not proposed by the project, but could be considered in the future to enhance the safety, accessibility, and quality of the pedestrian connection to the proposed trail. Possible improvements to pedestrian and bicycle in the project area could include providing sidewalks and bike lanes on Montague Expressway and Charcot Road and extending the bike lanes on Brokaw Road to the access points.⁸⁶

⁸⁶ According to Transportation Policy #21 of the San José General Plan, existing deficiencies in the City's sidewalks should be addressed through the Capital Improvement Program or other funding mechanisms. For example, funds from the North San José Area Development Policy Traffic Impact Fee could be used for improvements to the pedestrian, bicycle, and transit facilities in the project area.

Transit

There are numerous transit routes within walking distance to the trail's access points and gateways; therefore, trail users could use transit to access the proposed segment. It is expected that the existing bus and LRT service in the area would have available capacity to accommodate the modest increase in ridership from trail users. The proposed project would not adversely affect transit service within the project area and could even complement the use of transit as a commute option, as described above. Therefore, the proposed project would not conflict with policies, plans, or programs supporting transit.

Consistency with Plans, Policies, and Programs

As described in Section 4.11 *Land Use*, the project is generally consistent with the policies regarding bicycle and pedestrian facilities in the San José General Plan and Santa Clara County's 1995 *Countywide Trails Master Plan*. The conceptual design process for the proposed project took into account accessibility, safety, and connectivity within the existing network to encourage trail use as an alternate mode of transportation.

In addition, the proposed project would not conflict with any LOS standards established for CMP-designated roadways. The project supports the development of a cross-county bicycle corridor, as established in the 2008 *Santa Clara Countywide Bicycle Plan*. The proposed trail project is also consistent with the CMP goal to provide for safe and convenient bicycling for a variety of trip types, for the reasons described above.

4.17.2.3 *Interim On-street Alignment*

As described in Section 3.2.1.2 and shown on Figure 9, the project includes a 0.7-mile interim on-street alignment between Brokaw Road and Oakland Road that would utilize existing and future sidewalks, bicycle lanes, and at-grade street and railroad crossings. The alignment would include extension of the sidewalk along the north side of Schallenberger Road, if the proposed pedestrian bridge north of Oakland Road is not included in the final design. Appropriate directional signage and sidewalk improvements will be provided at various locations along the interim alignment.

The existing and future pedestrian and bicycle facilities would generally provide adequate access for trail users. The existing sidewalks on Brokaw and Oakland Roads, however, would not provide the same level of accessibility or accommodate the same volume of trail users as the proposed 12-foot wide Class I trail, given the narrower width and the presence of barriers within the sidewalk right-of-way (such as utility poles).

The interim alignment would essentially create a 0.7 mile detour from the Class I creek trail and would increase the overall length of the trail segment by 0.4 miles. The increase in trail length and presence of driveways and crossings under the interim option could make the on-street trail less convenient and attractive to trail users, when compared to the preferred trail alignment.

Brokaw and Oakland Roads are currently used by pedestrians and bicyclists and the use of these streets for the interim alignment would not create a new hazard to non-motorized travel. The existing crosswalks at the signalized intersections help reduce risks to trail users at these potential conflict points. For these reasons, the anticipated increase in activity from trail users is not expected to substantially increase hazards associated with vehicle conflicts nor decrease the overall performance of the transportation network. Although the preferred alignment would better support the City's

goals for expanding alternative transportation options, the interim option would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

Currently, pedestrians and bicyclists are allowed to use the existing at-grade UPRR crossing located along the interim alignment. The existing crossing has good sight distances for pedestrians, low volumes of train traffic, and several passive and active warning devices in place to warn trail users of approaching trains. While the current risk to pedestrians and bicyclists is not substantial, the increase in activity under the interim trail option would result in a significant safety impact. The provision of additional pedestrian-level warning devices (i.e., sidewalk gates, pavement markings, additional signage, etc.) at the existing UPRR crossing would reduce risks to trail users.⁸⁷

IMPACT TRAN-1: The interim on-street trail alignment would expose trail users to hazards associated with the at-grade UPRR crossing on Brokaw Road. **(Significant Impact)**

Mitigation Measures: The following mitigation measure will be implemented to reduce impacts associated with the railroad crossing to a less than significant level:

MM TRAN-1.1: An engineering study will be completed to determine which, if any, additional safety devices should be provided at the UPRR crossing. The recommendations could include those found in the *Compilation of Pedestrian Safety Devices in Use at Grade Crossings* prepared by the FRA and/or the *Railroad-Highway Grade Crossing Handbook* prepared by the FHWA.

4.17.3 **Conclusion**

The proposed project would not result in significant transportation impacts. No mitigation measures are required or proposed. **(Less than Significant Impact)**

With implementation of MM TRAN-1.1, the interim on-street alignment would not result in a significant safety impact to trail users. **(Less than Significant Impact with Mitigation)**

⁸⁷ FRA. *Compilation of Pedestrian Safety Devices In Use at Grade Crossings*. January 2008.

4.18 UTILITIES AND SERVICE SYSTEMS

4.18.1 Setting

All utilities are currently available within the project area. Underground utilities are located in the vicinity of the proposed trail alignment, particularly at the Montague Expressway, Oakland Road, and Penitencia Creek pedestrian bridge sites and the Charcot Avenue, Mabury Road, and US 101 undercrossing sites.

4.18.2 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

The final project design will avoid the existing storm drains, water lines, sewer lines, and overhead power lines located within the project alignment to the extent possible. Underground utilities, however, may need to be relocated or lowered to accommodate the project features. The project may include drainage culverts along the trail alignment, as necessary. The project may also require the relocation and/or extension of electrical lines to serve the lighting at the proposed undercrossings. The relocation and/or extension of utilities would be completed during construction of the trail and would be subject to the same standard measures as the other project elements. Therefore, the proposed project would not result in significant environmental effects related to the relocation, extension, and/or construction of utilities.

Trash/recycling receptacles may be provided along the alignment, in compliance with state and local regulations related to solid waste. The project would not generate substantial amounts of solid waste, and landfills serving the project area would have sufficient capacity to accommodate the project's incremental increase in disposal needs.

The project does not propose to install drinking fountains, although water may be required for irrigation of the riparian mitigation sites, as described in Section 4.4 *Biological Resources*. The project would not generate significant additional demand for water or wastewater services.

4.18.3 Conclusion

The proposed project would not result in significant impacts to utilities and service systems. Therefore, no mitigation measures are required or proposed. **(Less than Significant Impact)**

4.19

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 9
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5, 6, 7, 9, 11, 14, 15, 16, 18
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 10, 11, 12, 13, 15, 17

As determined in the previous sections of this Initial Study, the project would not result in significant environmental impacts with the implementation of standard measures and mitigation measures. The project site is not considered to be habitat for any special status plant species and any trees removed from the site will be replaced according to City requirements. Mitigation is included in the project to reduce impacts to nesting raptors and other migratory birds, riparian habitat, and possible archaeological resources. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, nor would it impact wildlife populations or communities.

The project includes standard measures to reduce impacts associated with hazardous materials (refer to Section 4.9). With implementation of standard measures that are required for all development in San José, the construction of the proposed project would not result in significant long-term or short-term environmental effects to human beings, either directly or indirectly.

4.19.1 Cumulative Impacts

The proposed project area is located in an established, primarily developed residential and industrial area of north San José. The majority of recent development has been the result of the redevelopment of under-utilized or previously industrial properties, such as the construction of a Lowe’s on Ridder Park Drive, opposite the trail alignment.

The project alignment from the northern terminus at Montague Expressway south to Oakland Road is located within the boundaries of the North San José Development Policy Area. In 2005 and 2009, the City of San José adopted updates to the North San José Area Development Policy (NSJ ADP) to allow for 26.7 million square feet of new industrial/office/research and development uses, 1.7 million square feet of new neighborhood serving commercial uses, 32,000 new residential units, and a limited amount of large-scale retail and hotel uses within North San José. Development allowed under this policy, some of which has already been built or approved, will result in significant impacts associated with traffic, air quality, energy, and greenhouse gas emissions.⁸⁸ The proposed creek trail project would help mitigate significant impacts associated with increased traffic congestion and vehicle travel by helping to meet additional demand for pedestrian and bicycle facilities as alternative modes of transportation and complementing the planned improvements to the sidewalk and bicycle networks in North San José. In addition, the trail would provide recreational opportunities for future residents of North San José. Therefore, the project would have beneficial effects, rather than contribute to cumulative impacts resulting from long-term development under the NSJ ADP.

In the short-term, known proposed projects in the vicinity include the Planned Development (PD) rezonings of the Fox and Flea Market Properties (described in Section 3.2.1 of the Project Description and Section 4.11 *Land Use*). In addition to these private redevelopment projects, the City has plans to pave the existing gravel segment of the Coyote Creek Trail from Highway 237 south to Montague Expressway and to construct a three-mile segment from Story Road north to Lower Silver Creek (refer to Section 3.1.1 *Background*). Other public projects include completion of the Watson Park renovation, the future construction of the Lower Silver Creek and Penitencia Creek Trails, and the SCVWD's Coyote Creek Flood Protection Project (described in Section 4.10 *Hydrology and Water Quality*).

Construction or demolition activities associated with the known public projects in the vicinity that could affect water quality in Coyote Creek would be required to implement construction and post-construction Best Management Practices in conformance with Council Policies 6-29 and 8-14 and NPDES permit requirements. The proposed project includes design elements, standard measures, and riparian mitigation to reduce and avoid construction-related and long-term impacts to biological resources. As described in the NES (Appendix B of this Initial Study), the project would not contribute to substantial cumulative effects on sensitive natural communities (i.e., riparian and aquatic habitat), special-status plant and animal species, or fish and wildlife populations. No other projects that could result in similar impacts as the proposed project are currently foreseen for the project area. For these reasons, the proposed project would not result in impacts that are individually limited, but cumulatively significant.

4.19.2 Conclusion

The proposed project would not degrade the quality of the environment or result in significant impacts to sensitive habitats, protected species, or historic resources. The project would not result in impacts that are individually limited, but cumulatively significant. The proposed project would not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Mitigation and standard measures are included in the project to reduce all environmental impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

⁸⁸ City of San José. *Final Program Environmental Impact Report, North San José Development Policies Update*. June 2005.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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