

COASTAL CONSERVANCY

Staff Recommendation  
September 15, 2004

**KELLEY PARK RIDGE TRAIL PLANNING PROJECT**

File No. 04-056  
Project Manager: Amy Hutzal

**RECOMMENDED ACTION:** Authorization to disburse up to \$70,000 to the City of San José to plan a segment of the Bay Area Ridge Trail as an extension of the Coyote Creek trail system.

**LOCATION:** Between Phelan and Story Roads in the City of San José, Santa Clara County.

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

- Exhibit 1: Project Location and Site Map
  - Exhibit 2: Conceptual Design
  - Exhibit 3: Environmental Impact Report
  - Exhibit 4: Mitigation, Monitoring, and Reporting Program
  - Exhibit 5: Letters of Support
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 - 31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seventy thousand dollars (\$70,000) to the City of San José to plan the development of a new section of the Bay Area Ridge Trail in Santa Clara County and adopts the Mitigation, Monitoring, and Reporting Program, attached as Exhibit 4 to the Conservancy staff recommendation, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing: a final work plan, including a budget and schedule; and any contractors proposed to be used; and
2. The City of San Jose shall implement the mitigation measures for the potential significant effects of the project as identified in the City’s Kelley Park Master Plan Environmental Impact Report, adopted on October 17, 1994.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the California Public Code (Sections 31160-31164) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Environmental Impact Report for the Kelley Park Master Plan, adopted by the City of San José on October 17, 1994, to comply with the California Environmental Quality Act and attached as Exhibit 3, and finds that there is no substantial evidence that, with the mitigations and mitigation monitoring proposed, the project may have a significant effect on the environment. There is no evidence before the Conservancy that the proposed project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined in Cal. Fish and Game Code Section 711.2. The Conservancy has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in 14 Cal. Code of Regulations Section 753.5.d regarding the potential for adverse effects of the authorized project on wildlife resources as defined under Cal. Fish and Game Code Section 711.2.”

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**PROJECT SUMMARY:**

The proposed grant of \$70,000 would allow the City of San José’s Department of Parks, Recreation and Neighborhood Services to plan and design a new .6-mile segment of the Bay Area Ridge Trail in Kelley Park along Coyote Creek. This trail will eventually complete a gap in the Coyote Creek trail system and in the Ridge Trail. The completed Coyote Creek trail will be 16 miles in length within San José and will provide a regionally significant and continuous trail to serve off-street commuters and recreational trail users.

The project site is located east of downtown San José and is convenient to a large number of destinations. There is a direct linkage from the project site to: the Coyote Creek trail to the north and south, Kelley Park walking paths, the Japanese Friendship Garden, the Lenninger Center, San José State University, and the Vietnamese Cultural Garden (future project). The project will include a number of innovative approaches to support safety and visibility, as follows:

- The City of San José is initiating the “Milestone” project in fiscal year 04-05 to create an integrated signage system linked to emergency services to support safe operation of trails. Deployment sites will include the Coyote Creek Trail.
- The project will include “gateway” elements to draw the attention of potential users. Many of the City of San José’s trails cross at or beneath busy roadways. Through the use of structures, art elements and banners, the City of San José seeks to create an identity for the network and increase the number of users that may not otherwise be aware of the facilities. A gateway is proposed at Story Road.

The new .6-mile regional trail segment will be designed to current city and county standards for multiple use regional trails. The trail's location along Coyote Creek's lush riparian corridor will offer a wonderful linear park experience for thousands of trail users.

Using this grant, the City of San José will complete plans and designs for the .6-mile segment of Ridge Trail in Kelley Park, including development of construction documents for the proposed trail and staging area. The planning will address traffic patterns, signage, visitor safety, site design, layout, and native landscaping. Permitting will be conducted as part of the project. It is anticipated that permits or approvals will be needed from the California Department of Fish and Game, U.S. Army Corps of Engineers, Regional Water Quality Control Board, and Santa Clara Valley Water District.

**Site Description:** Kelley Park is one of San José's most diverse facilities, offering visitors an opportunity to enjoy a picnic or barbecue amid beautiful lawn areas and shade trees, visit the Happy Hollow Park & Zoo to see the many animals or take in a puppet show, walk through the tranquil Japanese Friendship Garden with beautiful koi-filled ponds, or step back in time to turn-of-the-century San José at the Historical Museum. The park is at the north end of the Coyote Creek trail system, extending 18 miles from Anderson Reservoir near Morgan Hill to the San Francisco Bay. Trail users can enjoy views of the magnificent Diablo Range along the eastern edge of Santa Clara Valley.

**Project History:** The Conservancy is a major partner in helping to implement the Bay Area Ridge Trail. Since 2001, the Conservancy has approved approximately \$3.5 million dollars in grants for planning and project implementation, helping complete more than 60 miles of new trail. This project would continue to build connections between existing trail segments and help complete the more than 400-mile trail by connecting the Diablo Range to the Santa Cruz Mountain range via the Santa Clara Valley.

The City of San José applied to the Ridge Trail Council and Conservancy in March of 2004 for funds to plan the Ridge Trail portion of the Kelley Park planning effort. This regional park was master planned in 1991. An Environmental Impact Report (EIR) was prepared for the park and the EIR was approved by City Council on October 17, 1994. In 2000, City of San José voters approved a \$228 million bond measure, with \$52.3 million allocated for development of Kelley Park. The bond provides funds for construction documents and construction of park improvements, but does not include funds for trail design. The Ridge Trail Council and Conservancy staff ranked the project as a high priority due to the regional significance of the Coyote Creek Trail portion of the Ridge Trail, the need to complete this gap in the Coyote Creek Trail, and the planning effort that is funded and underway for Kelley Park. Conservancy funds would allow the City of San José to plan the surrounding park and the trail concurrently. A single design contract will provide for overall cost savings and will expedite the design process.

**PROJECT FINANCING:**

Coastal Conservancy	\$70,000
City of San José	<u>350,000</u>
<b>Total Project Cost</b>	<b>\$420,000</b>

The requested Conservancy funds are expected to come from the FY 02/03 California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40) appropriation for the San Francisco Bay Area Conservancy Program. As discussed below, implementation of the Bay Area Ridge Trail is one of the goals of the Bay Area Conservancy Program.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This proposed project is consistent with the Conservancy's San Francisco Bay Area Conservancy Program enabling legislation codified at Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 to 31164). That chapter directs the Conservancy to address the resource and recreational goals of the San Francisco Bay Area in a "coordinated, comprehensive, and effective way."

Pursuant to Section 31162, the Conservancy may award grants in the nine-county San Francisco Bay area that help to achieve various goals, including the goal of increasing public access "to and around the bay, coast, ridgetops, and urban open space, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife, including wetlands and other wildlife habitats through completion and operation of regional bay, coast, and ridge trail systems, and local trails connecting to population centers and public facilities, which are part of a regional trail system and regionally adopted master plans and general plans, and through the provision and preservation of related facilities, such as interpretive centers, picnic areas, staging areas, and campgrounds." The proposed project will help to increase public access along the Ridge Trail, which at Kelley Park passes through an urban open space, provides for a staging area, connects to population centers and public facilities, and does not have adverse impacts on agriculture, habitats, or wildlife.

Section 31163(a) directs the Conservancy to cooperate with nonprofit land trusts and other organizations in identifying and adopting long-term resource and outdoor recreational goals for the San Francisco Bay area. Completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council's "Regional Needs Briefing Book."

The proposed project satisfies the criteria for determining project priorities under Section 31163(c) in the following respects: 1) the Ridge Trail is a multijurisdictional resource; 2) the Ridge Trail serves a regional constituency; 3) the Kelley Park planning project can be implemented in a timely way; 4) the planning of the Ridge Trail through Kelley Park provides an opportunity for benefits that could be lost as the City of San José plans the park's future; and 5) the project includes significant matching contributions from the City of San José.

**CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

This project will complete planning work to open approximately one mile of the Bay Area Ridge Trail. The project helps to implement Goal #11, Objective B of the Conservancy's strategic plan which seeks to develop an additional 60 miles of the Ridge Trail.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is a great deal of local support for the project from trail users and members of the local community. Strong support for trail development along Coyote Creek results from four Strategic Neighborhood Initiative (SNI) areas identifying the project as a top 10 priority. Two SNI areas have identified improvements between Story Road and Phelan Avenue specifically. Many community members have expressed their support, including the Responsible Organized Mountain Pedalers (ROMP), a local cycling club with over 400 members. Members have expressed great enthusiasm for functional urban trail connections for everyday commuter use. Other community members have highlighted how the proposed project will allow individuals to connect with their communities and the outdoor environment. The project is also supported by State Senator John Vasconcellos, Assemblyperson Simon Salinas, and Assemblyperson Manny Diaz. See Exhibit 3.
4. **Location:** The proposed project is in Santa Clara County, within the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** Conservancy funding is needed to enable the City of San José's Department of Parks, Recreation and Neighborhood Services to implement this planning project immediately, as part of their planning for the entire Kelley Park, which is funded by a local bond.
6. **Greater-than-local interest:** The Ridge Trail is truly a regional attraction. The 400-mile trail network offers spectacular views of the Bay Area and links many parklands and open space preserves. In addition, the Ridge Trail will be tied to the San Francisco Bay Trail and the California Coastal Trail systems, creating an extensive trail network. Completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council's "Regional Needs Briefing Book."

**Additional Criteria**

7. **Leverage:** See the "Project Financing" section above.
8. **Readiness:** The City of San José would like to start the planning work this fall, as part of their overall Kelley Park planning effort. If approved, it is anticipated that work will begin immediately.
9. **Realization of prior Conservancy goals:** "See "Project History" above.

**11. Cooperation:** The San Francisco Bay Area Program of the State Coastal Conservancy has been working cooperatively with the Bay Area Ridge Trail Council to administer a competitive grant program to identify projects that help implement the Ridge Trail. The best proposals from that grant program are recommended for funding by the Conservancy.

**COMPLIANCE WITH CEQA:**

The City of San José, as the lead agency under the provisions of the California Environmental Quality Act (CEQA), prepared and certified an Environmental Impact Report (EIR) for the Kelley Park Master Plan on October 17, 1994 and filed a Notice of Determination (see Exhibit 3).

The Kelley Park Master Plan includes the Coyote Creek trail proposed for funding by the Conservancy. The Master Plan also includes elements that are not the subject of this action, including expansion of Happy Hollow Park and Zoo, changes in use of the Kelley House, Leininger Center, and Japanese Friendship Garden, the addition of a Natural Science Exhibit, circulation changes on city streets and pathways within the park, upgrading the Kelley Park Express Train and extension of the Historic Trolley, new parking lots, relocation of group picnic sites, changes in design elements, landscaping, and park operations, and construction of a setback levee along Coyote Creek.

The EIR discusses a number of potential environmental impacts of the construction of the Coyote Creek trail project, and includes mitigation and monitoring requirements.

With respect to potential air effects, standard construction practices to reduce dust and equipment emissions (including sprinkling exposed areas with water, covering or watering soil transported off site, sweeping streets, limiting construction vehicle speeds, and properly maintaining construction equipment) will be employed at all construction sites in Kelley Park throughout the construction period to reduce pollutant emissions generated.

With respect to potential noise impacts, the City and construction contractor shall implement noise-reducing practices at all construction sites in Kelley Park throughout the construction period (including restricting construction within 2,000 feet of residences to the period between 7 am and 6 pm on weekdays, performing routine maintenance on construction vehicles and equipment, supplying all equipment with sound-control devices, and implementing additional appropriate noise mitigation measures if noise complaints are received).

With respect to archeological effects, areas along Coyote Creek will be monitored to the extent determined by a qualified archaeologist. If cultural materials are encountered during construction or other activities, work would be stopped until a qualified archaeologist can evaluate the finds.

With respect to potential water quality effects, the City will prepare a stormwater pollution prevention plan and monitoring program for the construction activities. The prevention plan and monitoring program will be designed to reduce soil erosion and siltation of Coyote Creek to the maximum extent practicable, and could include stabilizing denuded areas before the wet season, limiting construction access routes, and using sediment barriers.

Potential biological effects include the loss or degradation of riparian habitat (the trail section along Coyote Creek is assumed to be 3,500 feet long and 12 feet wide and will go through riparian habitat), the removal of ornamental trees, increased human disturbance of habitat along

Coyote Creek, potential disturbance of nesting raptors, and potential loss of habitat for special-status species (San Francisco forktail damselfly and southwestern pond turtle). With respect to the potential biological effects, the City will take the following steps: locate proposed trails to contour Coyote Creek, where feasible, outside the riparian zone; avoid removal of native riparian trees; loss of mature mixed riparian forest and wetland habitat acreage will be replaced at a 3:1 replacement ratio; riparian and wetland mitigation areas will be provided on-site to the extent possible and site selection will focus on sites that are either heavily degraded or sites that previously supported riparian or wetland vegetation; a planting plan will be developed; any removed native riparian tree or shrub species will be replaced with the same or similar species at a ratio of 5:1; the mitigation habitat will be monitored for a minimum of 5 years; replacement plants will be initiated when any species fail to achieve its performance standard; invasive plants, such as giant reed, will be removed; native plants will be used to replace non-native vegetation removed as part of construction; a riparian corridor maintenance plan will be designed; and instream construction activities will be avoided between November 1 and June 30.

The City also adopted a Mitigation, Monitoring, and Reporting Program for the Kelley Park Master Plan (Exhibit 4) on June 27, 1995.

Conservancy staff has reviewed the EIR and recommends that the Conservancy, as a CEQA responsible agency, find that, with the mitigations and monitoring proposed, there is no substantial evidence that funding the final design and permitting of the Coyote Creek Trail through Kelley Park will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations § 15382. Staff also believes that the project will not have an adverse effect on wildlife resources as defined in Fish and Game Code § 711.2. Upon the Conservancy's approval of the proposed authorization, staff will file a Notice of Determination.