

COASTAL CONSERVANCY

Staff Recommendation

May 24, 2007

PENITENCIA CREEK RIDGE TRAIL RELOCATION

File No. 07-016-01

Project Manager: Jeff Melby

RECOMMENDED ACTION: Authorization to disburse up to \$50,640 to Santa Clara County for its Parks and Recreation Department to relocate a severely eroding segment of the San Francisco Bay Area Ridge Trail in Penitencia Creek County Park, City of San José, County of Santa Clara.

LOCATION: City of San José, County of Santa Clara

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Photographs](#)

Exhibit 3: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 – 31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand six hundred forty dollars (\$50,640) to Santa Clara County for its Parks and Recreation Department to relocate a segment of the San Francisco Bay Area Ridge Trail in Penitencia Creek County Park, City of San Jose, subject to the condition that 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 on the project.”

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 31160-31165) 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."

PROJECT SUMMARY:

Staff is recommending that the Conservancy authorize a grant of up to \$50,640 to Santa Clara County for its Parks and Recreation Department ("County Parks") to relocate an approximately 0.1-mile, paved segment of the San Francisco Bay Area Ridge Trail ("Ridge Trail") in Penitencia Creek County Park ("Penitencia Park"), City of San José (see Exhibit 1). The Penitencia Park chain is a linear park encompassing an approximately four-mile incomplete trail adjacent to Penitencia Creek from the City of San José's Alum Rock Regional Park ("Alum Park") to near its confluence with Coyote Creek. The heavily used trail segment is a critical community link to surrounding city and county parks, educational facilities, community centers, youth facilities, and local and regional trail systems.

The existing trail segment between Interstate 680 and Capitol Avenue is at the top of a severely eroding stream bank of Penitencia Creek, with an approximate 12-foot drop off along some parts of the trail (see Exhibit 2). Portions of the trail have slid off into the creek and will continue to do so without intervention. The unstable condition presents a hazard to trail users and negatively impacts water quality by increasing the sediment load in Penitencia Creek. Consequently, it is necessary to relocate the trail by removing the existing trail segment and constructing a new segment away from the eroding stream bank.

The Santa Clara Valley Water District ("SCVWD") has jurisdiction over Penitencia Creek and is responsible for its maintenance. SCVWD plans to stabilize the stream bank during the summer of 2007. This project takes advantage of a unique opportunity to relocate the trail segment in conjunction with stream bank stabilization work planned by SCVWD. County Parks will work cooperatively with SCVWD to remove and revegetate the existing trail segment to help stabilize the creek bank. To facilitate relocation of the trail and protection of the riparian corridor, County Parks will also install small retaining walls and fencing in certain areas.

Site Description: The existing unstable trail segment and proposed new trail segment are located east of Interstate 680 and west of Capitol Avenue in Penitencia Park in the Berryessa District neighborhood of the City of San José. The Penitencia Park chain is a linear park encompassing an approximately four-mile incomplete trail adjacent to Penitencia Creek from Alum Park to near its confluence with Coyote Creek. These parks offer opportunities for hikers, bicyclists, equestrians, and nature lovers. Alum Park, the State's oldest existing city park, was a spectacular destination in the early 20th century, with mineral baths, an indoor swimming pool, tea garden, dance pavilion and the Alum Rock Steam Railroad which ran from 1890 to 1911 before being destroyed by heavy floods. The area contains a mix of grassland and oak woodland, and is hot and dry in late spring and summer, and cool and moist in late fall and winter.

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/maintain connections between existing trail segments and help complete the more than 500-mile trail by connecting the Diablo Range to the Santa Cruz Mountain range via the Santa Clara Valley.

In October of 2006, County Parks applied for this planning grant to replace the eroding trail segment. The Ridge Trail Council and Conservancy staff ranked the project as a high priority due to the regional significance of the trail, the location of the proposed trail within a major population center, and the importance of the partnership with County Parks to complete the Ridge Trail in Santa Clara County.

PROJECT FINANCING:

Coastal Conservancy	\$50,640
Santa Clara County Parks and Recreation Department	<u>\$137,625</u>
Total Project Cost	\$188,265

The requested Conservancy funds are expected to come from the FY 04/05 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. This funding source may be used for the deployment and development of land and water resources in accordance with the provisions of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (Section 5096.650(b)). The proposed project provides development of land-based public access. In addition, as discussed in the section found immediately below, the project is consistent with the objectives and requirements for a project under the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21. Proposition 40 also requires the Conservancy to give priority to grant projects with matching funds (Public Resources Code Section 5096.651). County Parks has committed to providing matching funds in an amount greater than seventy percent of the total cost of the project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This proposed project is consistent with the Conservancy’s San Francisco Bay Area Conservancy Program’s enabling legislation codified at Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 to 31165). 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 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 entails relocation of a segment of the Ridge Trail that is currently unstable, thus providing residents from the City of San José and elsewhere continued access to the regional Ridge Trail system.

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 project can be implemented in a timely way; 4) the relocation of the Ridge Trail segment provides an opportunity for benefits that could be lost as the project takes advantage of a unique opportunity to relocate the trail segment in conjunction with stream bank stabilization work planned by SCVWD; and 5) the project includes significant matching contributions from County Parks.

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

Consistent with **Goal #11, Objective B** of the Conservancy's Strategic Plan, which seeks to develop an additional 60 miles of the Ridge Trail, this project will relocate approximately 0.1 mile of the Ridge Trail.

Consistent with **Goal #11, Objective D** of the Conservancy's Strategic Plan, which seeks to implement projects that include wheelchair-accessible or other Americans with Disabilities Act (ADA)-compliant elements, the proposed trail segment will be ADA compliant.

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 strong support for the project from trail users, members of the community, and regional agencies including the Ponderosa Woods Community Volunteers, Ponderosa Woods Home Owners Association, Capitol Estates Homeowners Association, Courtyard Berryessa Home Owners Association, Berryessa Citizen Advisory Council, Santa Clara County Open Space Authority, and Bay Area Ridge Trail Council. The

project is also supported by Santa Clara Valley Water District Director Richard Santos and City of San Jose Councilman Chuck Reed, as well as State Senator Elaine Alquist and State Assemblymembers Joe Coto and Jim Beall, Jr. (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 County Parks to implement this project.
6. **Greater-than-local interest:** The Ridge Trail is truly a regional attraction. The 500-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:** County Parks intends to relocate the trail this summer in conjunction with SCVWD's stream bank stabilization work.
9. **Realization of prior Conservancy goals:** "See "Project History" above.
11. **Cooperation:** The San Francisco Bay Area Conservancy Program of the 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:

This project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"). The realignment and improvements to the existing trail are exempt under 14 California Code of Regulations Section 15301, which exempts repair, maintenance, and minor alteration of existing structures and facilities involving negligible or no expansion of use beyond existing conditions; Section 15302, which exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Staff will file a Notice of Exemption upon Conservancy approval of this project.