

COASTAL CONSERVANCY

Staff Recommendation  
June 5, 2008

**PENITENCIA CREEK RIDGE TRAIL – N. KING TO MABURY**

File No. 08-043-01  
Project Manager: Jeff Melby

**RECOMMENDED ACTION:** Authorization to disburse up to \$150,000 to the City of San José for its Department of Parks, Recreation & Neighborhood Services to construct a segment of the San Francisco Bay Area Ridge Trail along Penitencia Creek, within the City of San José, County of Santa Clara.

**LOCATION:** North of intersection of N. King Rd. and Mabury Rd., City of San José, County of Santa Clara

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

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**EXHIBITS**

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

Exhibit 2: [Photographs](#)

Exhibit 3: [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 – 31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred fifty thousand dollars (\$150,000) to the City of San José for construction of a segment of the San Francisco Bay Area Ridge Trail along Penitencia Creek, within the City of San José, 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 objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-31165).
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.”

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**PROJECT SUMMARY:**

Staff is recommending that the Conservancy authorize a grant of up to \$150,000 to the City of San José for its Department of Parks, Recreation & Neighborhood Services (Parks Department) to construct approximately 0.3-mile of trail as part of the San Francisco Bay Area Ridge Trail (Ridge Trail) along Penitencia Creek, within the City of San José (see Exhibit 1). The Penitencia Park chain is a linear park encompassing an approximately 4-mile incomplete trail adjacent to Penitencia Creek from the City of San José’s Alum Rock Regional Park (Alum Rock Park) to its confluence with Coyote Creek. The heavily used trail system is a critical community link to surrounding city and county parks, educational facilities, community centers, youth facilities, and local and regional trail systems. The City of San Jose, Santa Clara Valley Water District (SCVWD) and the County of Santa Clara entered into a cooperative agreement in 1977 to develop the trail and park system. The agreement was recently renewed, and the agencies continue to cooperate in development of the system.

The existing undeveloped path along the southwest bank of Penitencia Creek between North King Road and Mabury Road is not Americans with Disabilities Act (ADA)-compliant (see Exhibit 2). Children and adults are routinely seen walking along the path as it provides access to transit, Independence High School, San Jose Flea Market, neighborhood-serving retail and residential developments. The undeveloped surface does not permit clean and safe passage during winter months. Similarly, the undefined route leaves in question the safety of the facility since there is no scheduled maintenance or patrolling. Completion of this trail segment will set the stage for further trail development immediately west and fills a gap in a major alternative transport route, connecting a park and a school to a future regional transit hub. Penitencia Creek Trail segments immediately east of this portion are ready to dedicate in the fall of 2008.

The SCVWD has jurisdiction over Penitencia Creek. In this role, it has been working with the United States Army Corp of Engineers (USACE) to develop a flood control improvement plan for the waterway. At this time, neither the SCVWD nor the USACE can confirm a schedule for flood control work. However, they project that work could occur within 10 years. For this reason, the City is seeking to install an all-weather, year-round trail surface that supports, walking, bike riding, and wheelchairs in the most cost effective manner. The resulting trail will be 8-foot wide and made of asphalt concrete for about 33% of its distance; the remaining trail surface will be hard-packed gravel. This approach yields several benefits:

- The asphalt concrete portion of the trail widens an existing 4-foot wide walkway. This leverages the existing infrastructure and creates a uniform material surface, resulting in cost savings.
- Should the SCVWD and USACE flood control improvements require removal of the trail, the lost investment in infrastructure is minimized.

- If flood control improvements do not require relocation of the trail, the hard-packed gravel provides an engineered structure suitable for installation of asphalt concrete paving, yielding cost savings.

This project plays an important role in establishing a “footprint” that must be accommodated with future flood control plans to ensure its long-term protection, as federal planning documents must acknowledge existing facilities, but not future planned alignments.

**Site Description:** The existing dirt pathway is located north of the intersection of North King Road and Mabury Road 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 4-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 20<sup>th</sup> 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 vision for the Ridge Trail is a 500-mile multi-use, continuous trail that rings San Francisco Bay, high on the ridgeline. Under the leadership of the Conservancy and the Bay Area Ridge Trail Council (BARTC), and supported by a diverse group of project partners, the Ridge Trail creates an interconnected system of open space and trails that provides recreational opportunities and scenic views to the public. Begun almost 20 years ago, over 300 miles of trail are now dedicated and/or open to the public in all nine Bay Area counties. This authorization will further the Conservancy's statutory and strategic goal of improving access around San Francisco Bay, and is consistent with previous Conservancy authorizations to negotiate and acquire trail easements, prepare trail construction plans and designs, and construct and open trail segments to the public. In May 2007, the Conservancy authorized a grant to Santa Clara County for its Parks and Recreation Department to relocate an approximately 0.1-mile, paved segment of the Ridge Trail in Penitencia Creek County Park, located approximately 1 mile northeast (up creek) of this project.

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. The City of San José is in the process of closing several gaps in the Ridge Trail and related creek trails. In December 2007, the City applied for this grant to construct the trail segment. BARTC and Conservancy staff ranked the project as a high priority due to the regional significance of the trail system, the location of the proposed trail within a major population center, the importance of the partnership with the City of San José to complete the Ridge Trail in its jurisdiction, and the fact that the project will serve as a hedge against losing the ability to require trail rebuilding should the flood project go forward.

**PROJECT FINANCING:**

Coastal Conservancy	\$150,000
City of San José	<u>\$305,000</u>
<b>Total Project Cost</b>	<b>\$455,000</b>

Conservancy funds are anticipated to come from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84). These funds are available for all the purposes of the Conservancy, including the San Francisco Bay Area Conservancy Program, and are appropriate for promoting access to and enjoyment of the coastal resources of the State.

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

This proposed project is consistent with Chapter 4.5 of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (Sections 31160 to 31165), which 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(a) of the Public Resources Code, the Conservancy may award grants in the nine-county San Francisco Bay Area that will help to improve public access to, within, and around the ridgetops, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. Consistent with Section 31162(a), the proposed project entails construction of a 0.3-mile segment of the Ridge Trail that builds upon the existing system to the east, thus providing residents from the City of San José and elsewhere continued and improved 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. The San Francisco Bay Area Conservancy Program of the Conservancy has been working cooperatively with BARTC 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. The project is consistent with BARTC’s adopted alignment and the report entitled *400 Miles and Beyond: A Strategic Plan for Completing the Bay Area Ridge Trail (Draft 2006)* and completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council’s *The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (July 1999)*.

The proposed project satisfies the criteria for determining project priorities under Section 31163(c) in the following respects: 1) the proposed project is consistent with the Ridge Trail alignment adopted by the BARTC; 2) the Ridge Trail is a multi-jurisdictional resource and serves a regional constituency; 3) the project can be implemented in a timely way; 4) the project provides an opportunity for benefits that could be lost if the City is unable to construct the trail improvements and 5) the project includes significant matching contributions from the City of San José.

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

Consistent with **Goal #11, Objective G** of the Conservancy's Strategic Plan, which seeks to develop an additional 30 miles of the Ridge Trail, this project will contribute an additional 0.3-mile of the Ridge Trail.

Consistent with **Goal #11, Objective L** 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, last updated on September 20, 2007, 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 BARTC. The project is also supported by Santa Clara Valley Water District Director Richard Santos and City of San Jose Councilman Kansen Chu, 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 City of San José 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**

9. **Leverage:** See the "Project Financing" section above.

12. **Readiness:** The Parks Department intends to construct the trail this summer. Permits have been secured for the project and the City is ready to proceed immediately with the bidding of the project.
13. **Realization of prior Conservancy goals:** “See “Project History” above.
15. **Cooperation:** The San Francisco Bay Area Conservancy Program of the Conservancy has been working cooperatively with BARTC 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. The project is consistent with BARTC’s adopted alignment and the report entitled *400 Miles and Beyond: A Strategic Plan for Completing the Bay Area Ridge Trail (Draft 2006)* and completion of the Ridge Trail is one of the goals identified in the Bay Area Open Space Council’s *The San Francisco Bay Area Conservancy Program Regional Needs Briefing Book (July 1999)*.

**COMPLIANCE WITH CEQA:**

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The 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.