

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** David Sykes  
Julie Edmonds-Mares  
Jennifer A. Maguire

**SUBJECT:** SEE BELOW

**DATE:** December 16, 2013

Approved

Date

12/20/13

**COUNCIL DISTRICT: 6**

**SUBJECT: ACTIONS RELATED TO THE THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT AND THE ADOPTION OF APPROPRIATION ORDINANCE AMENDMENTS IN THE SUBDIVISION PARK TRUST FUND**

## RECOMMENDATION

- (a) Adopt a resolution approving the Three Creeks Trail Pedestrian Bridge Project Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan.
- (b) Adopt a resolution authorizing the Director of Public Works to:
  - (1) Award the construction contract for the Three Creeks Trail Pedestrian Bridge Project to the lowest responsive bidder in an amount not to exceed \$1,650,000 and approve a ten percent construction contingency;
  - (2) Hear and decide any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and
  - (3) Execute change orders in excess of \$100,000 within the contingency amount.
- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
  - (1) Decrease the Reserve: Future PDO / PIO Projects by \$385,000; and
  - (2) Increase the Trail: Three Creeks Interim Improvements & Trestle Bridge appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$385,000.

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## **OUTCOME**

Approval of these resolutions will allow the City to expedite the permitting, award and construction of the Three Creeks Trail Pedestrian Bridge Project which is eligible for reimbursement through grants from the State of California and the Santa Clara Valley Water District. The actions recommended in this memorandum allows for the project to be delivered in advance of deadlines set by both grants.

## **BACKGROUND**

The proposed Three Creeks Trail is located along a former railroad corridor and will extend from Lonus Street (Los Gatos Creek Trail) to Coyote Creek Trail. Land from Lonus Street to Minnesota Avenue was acquired in December 2011 and the land has been opened as an interim trail. There is an existing deteriorated railroad bridge over Los Gatos Creek (between Lonus Street and Coe Avenue) which has been fenced off due to its unsafe condition and no public passage is permitted. A Feasibility Study was prepared in October 2012 which evaluated the bridge and generally presented two options: one for repair and one for replacement with a clear span pre-fabricated steel bridge. On March 26, 2013 (Item 5.1) and April 9, 2013 (Item 2.17), Council approved actions related to the project which consists of removing the existing railroad trestle bridge and replacing it with a free span bridge. The Rules Committee discussed this project on May 15, 2013 (Item G.5) and an Informational Memo was sent to Council on May 17, 2013, to further clarify specific questions that had been raised by the community. On August 13, 2013, Council heard public comment about this project when the minutes for the May 15 Rules Committee meeting were before Council for approval (Item 2.3(a)).

An Initial Study/Mitigated Negative Declaration (PP04-014) for the Los Gatos Creek Trail, Reach 4 project, which included the existing railroad trestle bridge, was approved on June 28, 2004. The railroad bridge repairs were described in the 2004 documents based on the condition of the bridge at that time and did not include work within the Los Gatos Creek channel. Because of the changed nature of the project, this Mitigated Negative Declaration (MND) updates the previous analysis to define demolition of the trestle and construction of a free span bridge.

## **ANALYSIS**

The proposed project involves the demolition of the existing railroad bridge and the construction of a new pedestrian bridge over Los Gatos Creek. The project includes a pre-fabricated, 210 foot long, single span steel truss bridge with a poured concrete deck. The new bridge is on the same alignment as the existing bridge and small retaining walls will be installed adjacent to the new bridge abutments to allow for the future Los Gatos Creek Trail connection to the northeast and for a viewing area on the south side of the new bridge.

Per the California Environmental Quality Act (CEQA) guidelines, the Initial Study (IS), Mitigated Negative Declaration (MND), and Mitigation Monitoring and Reporting Plan (MMRP) are being circulated for public comment for 30 days (November 19 - December 19,

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2013). To date, no CEQA relevant comments have been received and the regulatory agencies typically do not submit their comments, if they have any, until the day they are due. If comments are received that require a response from the City, staff will issue a supplemental memo describing them and adjust the recommendation as needed to address the comments.

This project requires permits from three regulatory agencies: California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and the US Army Corp of Engineers (USACE). In addition, the USACE is requiring a formal Section 7 consultation with the National Marine Fisheries Service (MNFS). The RWQCB is requiring that the City approve the MND before they will issue their permit. All of these regulatory agencies restrict the construction period for this project to June 15 – October 15, 2014. Staff anticipates receiving all permits by the end of February 2014.

In order to protect against delay in awarding the project so that grant funding milestones can be met, staff is asking Council to delegate authority to the Director of Public Works to hear and decide any bid protest, to make the City's final determination as to the lowest responsive bidder and award the construction contract, or to reject all bids and re-bid the project. Staff also requests that the Director of Public Works be delegated authority to establish a project contingency of 10% which is standard per Council policy for this project. Lastly, in order to provide efficiency to staff in managing the construction of the project, staff requests delegation of authority from the Council to the Director of Public Works to execute a change order over \$100,000 for this project should one arise.

The project's budget has been secured over the past several years as acquisition occurred and studies were initiated. At this time, sufficient detailed design work has occurred to frame a clear understanding of the overall project budget need. The current estimated cost for project delivery is \$2,895,611 which accounts for such things as past interim trail development, design work and future construction. Of this amount, the \$1,588,000 Engineer's Estimate for the replacement bridge is in alignment with the estimate in the October 2012 Feasibility Study. However, due to a more fully-developed and refined cost estimate, the project is currently estimated to exceed existing budget appropriations by approximately \$290,000. This change in total cost is not unusual as a project moves from conceptual rendering to engineering drawings.

This project is currently programmed to receive \$1,868,000 in grant funding: \$1,418,000 from the State of California Natural Resources Agency and \$450,000 from the Santa Clara Valley Water District. Additional funding of \$385,000 from the State is expected to be available for this project upon completion of the subject CEQA document. Due to the increased grant funding, budget actions are recommended to allocate an additional \$385,000 to the project, which provides a small buffer of \$95,000 if bids come in slightly higher than the Engineer's Estimate. There is sufficient funding in the Subdivision Park Trust Fund to temporarily front the additional funding until the State reimburses the City for grant-eligible expenditures. There is also potential for favorable bid pricing that may reduce City and grant expenditures.

Staff is seeking budget adjustments well in advance of the award of a construction contract to address two time constraints with this project: 1) construction during the summer construction season due to the sensitive and highly regulated riparian channel; and 2) completion in

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compliance with a strict deadline for use of State grant funds. Projects within riparian channels are subject to regulatory oversight and permitting by numerous agencies. Although permit conditions may vary, these agencies commonly limit construction work in channels from June 15 to October 15. Work may extend beyond October, but only in limited cases and circumstances. As noted in the March 26, 2013 Council Memorandum, the State requires successful completion of the project prior to June 30, 2015. This deadline limits the construction of the bridge project from June to October 2014. The City should ideally submit final invoices in the Spring of 2015 to ensure that all documentation and reimbursements are completed by the June 2015 deadline. In light of these challenges, the recommended bundling of contract award and change-order authority, CEQA action, and project budget adjustment streamlines project delivery and reduces some potential risk of delay should the bids for the project align with the Engineer's Estimate.

### **EVALUATION AND FOLLOW-UP**

If project bids exceed \$1,650,000, staff will return to Council prior to project award with either a recommendation to increase the project budget or a recommendation to evaluate other alternatives. Staff will also return to Council to recognize the additional grant revenue.

### **PUBLIC OUTREACH**

There has been extensive public outreach for this project. Staff made a presentation to the Save Our Trails board on February 5, 2013 to discuss the options in the Feasibility Study. On March 19, 2013, a community meeting was held for the overall Three Creeks Trail master plan and the bridge options were presented and discussed. Subsequently, four community meetings were held to discuss the bridge replacement proposal as well as the overall master plan for the Three Creeks Trail. These meetings were held on May 29 (community workshop), July 9 (Save Our Trails), July 17 (Willow Glen Neighborhood Association) and July 24, 2013 (community workshop). An additional community meeting was held September 9, 2013 to show the refined design.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1,000,000 or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item meets Criterion 1: Requires Council action on the use of public funds equal to \$1,000,000 or greater. To solicit contractors, this project will be listed on Bidsync and

advertised in the *San Jose Post Record*. This memorandum will be posted on the City's website for the January 14, 2014 Council Agenda.

### **COORDINATION**

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement, and the City Attorney's Office.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

### **COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Three Creeks Trail Interim Improvements	\$62,350
Bridge Feasibility Study	\$126,881

Bridge Project Delivery	\$959,093
Bridge Construction (Engineer's Estimate)	\$1,588,000
Bridge Contingency	<u>\$159,287</u>
<b>TOTAL PROJECT COSTS</b>	<b>\$2,895,611</b>

Prior Year Expenditures	\$737,611 *
<b>REMAINING PROJECT COSTS</b>	<b>\$2,158,000</b>

\* Prior Year Expenditures of \$737,611 expended or encumbered in 2011-2012 and 2012-2013 for the Three Creeks Trail Interim Improvements, Bridge Feasibility Study and the majority of the fees for the bridge consultant (a component of the Bridge Project Delivery cost).

2. COST ELEMENTS OF BRIDGE CONSTRUCTION CONTRACT (Engineer's Estimate):

Temporary Facilities, Mobilization, SWPPP, Utility	\$208,000
Conflict and Emergency Erosion Control	
Demolition and Site Clearing, Earthwork, Grading	165,000
Piles, Abutments, Pre-fab Bridge, Bridge Deck Concrete	995,000
Viewing Platform, Interpretive Panels, Site Furnishings and	<u>220,000</u>
Misc. Site Amenities	
<b>TOTAL CONSTRUCTION CONTRACT AMOUNT</b>	<b>\$1,588,000</b>

3. SOURCE OF FUNDING: 375-Subdivision Park Trust Fund  
 384-Construction and Conveyance Tax Fund: Parks Purposes  
 Council District 6  
 391-Construction and Conveyance Tax Fund: City-wide  
 Parks Purposes
  
4. OPERATING COSTS: The new Three Creeks Trail Pedestrian Bridge will have an operating and maintenance impact of approximately \$2,000 annually starting in 2015-2016. This funding will be recommended for inclusion in the 2015-2019 Five-Year General Fund Forecast released in February 2014.

**BUDGET REFERENCE**

The table below identifies the fund and appropriations recommended to be amended as part of this memorandum.

Fund #	Appn. #	Appn. Name	Total Appn.	Recommen- ded. Budget Action	Amount for Contract (Estimate)	2013-2014 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
<b>Remaining Project Costs</b>			<b>\$2,158,000</b>				
<b>Current Funding Available</b>							
375	7307	TRAIL: Three Creeks Interim Improvements and Trestle Bridge	\$1,100,000	385,000	\$1,035,000	V-582	06/18/2013. 29271
384	7307	TRAIL: Three Creeks Interim Improvements and Trestle Bridge	\$215,000	N/A	0	V-408	10/08/2013. 29320
384	5950	TRAIL: Three Creeks Land Acquisition	\$365,000	N/A	\$365,000	V-408	10/08/2013 29320
391	7307	TRAIL: Three Creeks Interim Improvements and Trestle Bridge	\$188,000	N/A	\$188,000	N/A*	10/08/2013 29320
<b>Total Current Funding Available</b>			<b>\$1,868,000</b>		<b>\$1,588,000</b>		
<b>New Funding to be Appropriated</b>				<b>\$385,000</b>			
<b>TOTAL FUNDING</b>				<b>\$2,253,000</b>			
375	8845	Future PDO/PIO Projects Reserve	\$33,656,152	-\$385,000	N/A	V-599	12/17/2013 29355

\*Action to establish project was included in the 2012-2013 Annual Report approved by the City Council on October 8, 2013.

HONORABLE MAYOR AND CITY COUNCIL

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**CEQA**

Mitigated Negative Declaration (MND), PP13-085

Planning has issued a MND for this project (Attachment A). The MND identifies a number of mitigation measures that need to be implemented in order to address environmental impacts. These measures and their manner of implementation are identified in the *Mitigation Monitoring and Reporting Program* for the project (Attachment B). These measures have been incorporated into the project construction documents. As part of today's action, staff is requesting Council to approve the attached mitigation measures and their manner of implementation, as set forth in the *Mitigation Monitoring and Reporting Program*, and direct the implementation of these measures as part of the project.

The RWQCB is requiring that the City adopt the MND before they will issue their permit.

/s/

DAVID SYKES  
Director of Public Works

/s/

JULIE EDMONDS-MARES  
Director of Parks, Recreation, and  
Neighborhood Services



JENNIFER A MAGUIRE  
Budget Director

For questions please contact Barry Ng, Deputy Director, at (408) 535-8300.

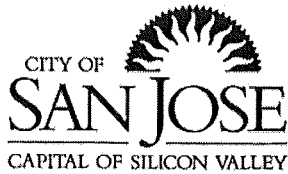
Attachments: Map, Attachment A, Attachment B





LOCATION MAP - Three Creeks Trestle Bridge





*Department of Planning, Building and Code Enforcement*

JOSEPH HORWEDEL, DIRECTOR

**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:** Three Creeks Trail Pedestrian Bridge Project

**PROJECT FILE NUMBER:** PP13-085

**PROJECT DESCRIPTION:** The proposed project involves the demolition of an existing wood railroad trestle and the construction of a new pedestrian bridge over Los Gatos Creek. The proposed project includes a pre-fabricated, 210-foot-long, single-span steel truss bridge with a poured concrete deck. The new bridge would be on the same alignment as the existing bridge, and small retaining walls would be installed adjacent to the new bridge abutments to allow for the future Los Gatos Creek trail connection to the northeast and for a viewing area on the south side of the new bridge.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Adjacent to Los Gatos Creek between Lonus Street and Coe Avenue in Willow Glen, a neighborhood of San Jose. The pedestrian bridge will be located across Los Gatos Creek (latitude 37°18'53.16"N, longitude 121°54'13.00"W). Assessor's Parcel Number: 264-11-100

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** John Davidson, Planning Division- City of San Jose, Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San Jose, CA 95113, (408) 535-7895

**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 aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.

**III. AIR QUALITY.** With implementation of the following construction emission control measures, as well as implementation of applicable BAAQMD criteria pollutant control measures, the project will not have a significant impact on air quality:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**IV. BIOLOGICAL RESOURCES.** With implementation of the following mitigation and avoidance measures for special status species, riparian habitat, wetlands, and wildlife corridors, the project will not have a significant impact on biological resources.

**Special-Status Wildlife Species:**

- Construction activities shall be limited to the smallest area possible to complete the proposed work in the channel.
- Environmentally sensitive areas fencing will be installed at the up- and downstream limits of work to prevent construction equipment and crews from disturbing the active channel beyond the limits of work.
- Construction within the channel will be restricted to the dry season (June 15 to October 15), the period after the spawning season when minimal water is in the channel and movement of salmonids within the project area is expected to be minimal.
- To minimize impacts on salmonids, a temporary diversion will be installed during the dry season (June 15 to October 15) to divert creek flow into a culvert or pipe (sized to allow fish passage) while keeping dry conditions in the work area
- It is possible that juvenile salmonids could be moving downstream during the dry season. Therefore, measures will be taken to ensure that individuals are not harmed and that the

movement of salmonids is not impeded by the water diversion used during construction. A qualified fisheries biologist will be present during the installation of the temporary diversion to safely relocate any fish trapped to suitable habitat in the live stream channel.

- Pre-construction nesting surveys will be conducted before undertaking work during the nesting season (February through August). Any nest found within 50 feet for songbirds and 300 feet for raptors will be avoided, and a designated construction-free buffer zone will be established until the nests are no longer active.
- Pre-construction surveys for western pond turtle will be conducted 24 to 48 hours before the start of work, and any western pond turtle found will be safely relocated to keep the work area clear of any special-status reptiles.
- Biological monitoring of work activities, including the installation of the temporary diversion structure and setting of buffers for bird nests found during the nesting season, will be conducted by a qualified biologist for the entire construction period.
- A qualified biologist will conduct onsite informational meetings with all construction personnel before construction begins. The purpose of these training sessions will be to familiarize construction personnel with the special-status species that could potentially enter the work area and the procedures they are to follow if these species are encountered.
- The City will apply for a Streambed Alteration Agreement from CDFW and will be responsible for the implementation of all its conditions.
- Water quality will be protected through adherence to BMPs and preventive measures outlined in the contractor's stormwater pollution prevention plan (SWPPP). BMPs, including but not limited to, the following measures will be implemented during construction to protect aquatic and riparian resources:
  - Minimize vegetation removal;
  - Install fiber rolls, silt fencing, or gravel bag berms for sediment control;
  - Stabilize construction entrance and exits to control sediment tracking;
  - Provide plastic covering (such as Visqueen) for soil or debris stockpiles during construction;
  - Position stationary equipment, such as motors, pumps, generators, compressors, and welders, located within or adjacent to the stream over drip pans;
  - Check and maintain any equipment or vehicles driven and/or operated within or adjacent to the stream daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life;
  - Divert concentrated runoff away from the channel banks;
  - Locate staging and storage areas for equipment, materials, fuels, lubricants, and solvents outside of the stream channel and banks;
  - Follow waste management guidelines and storage limitations for fuels and lubricants;
  - Water all active construction areas where soil is exposed to control dust frequency, depending on type of operation and wind exposure;
  - Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary;

- Stabilize disturbed soils with hydroseed or other appropriate erosion control BMP, and;
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures.

**Riparian Habitat:**

- A certified arborist shall monitor tree pruning and other construction - related disturbance to trees, including site preparations for construction access along the creek banks.
- Damage to any tree during construction shall be reported to the City's Environmental Senior Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.
- No construction equipment, vehicles or materials shall be stored, parked, or left standing within the tree drip line.
- Wires, signs, and other similar items shall not be attached to trees.
- Filling around the around the base of trees shall be performed only after consultation with a certified arborist and then only to the extent authorized by the arborist.
- Barricades shall be constructed around the trunks of trees as specified by a certified arborist or biological monitor to prevent injury to trees or making them susceptible to disease causing organisms.
- If 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.

**Waters of the U.S.:**

- With implementation of a temporary diversion, all construction would occur in dry conditions.
- A SWPPP, including water quality BMPs (see Biological Resources, Special-Status Wildlife Species) would be prepared and implemented.

**Wildlife Corridors:**

- Temporary creek diversion would allow for fish movement through the project area.
- BMPs would be implemented before and during construction to avoid impacts on aquatic habitat and water quality (see Biological Resources, Special-Status Wildlife Species).

- V. **CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, and therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.
- VII. **GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. **HAZARDS AND HAZARDOUS MATERIALS.** With implementation of the following mitigation and avoidance measures for treated wood waste (consistent with Department of Toxic Substances Control requirements), the project will not have a significant impact on hazards and hazardous materials.
- Store treated wood waste off the ground by placing it on blocks or in containers.

- Do not store treated wood waste onsite for more than 90 days (180 days if a containment pad is used).
- Cover treated wood waste in inclement weather to prevent rain water from leaching chemicals.
- Keep treated wood waste from mixing with other waste.
- Label all treated wood waste shipments with "Treated Wood Waste – Do not burn or scavenge."
- Train employees involved in treated wood waste handling. The training shall include applicable requirements of Cal/OSHA and regulations related to hazardous waste, methods for identifying and segregating treated wood waste, safe handling practices, and proper disposal methods.

**IX. HYDROLOGY AND WATER QUALITY.** With implementation of the following avoidance measures, and compliance with City grading and zoning ordinances, the project will not have a significant hydrology and water quality impact:

- Excavation for the new bridge abutments or potential retaining walls would occur during the dry season along the slope of the stream bank.
- A SWPPP, including water quality BMPs (see Biological Resources, Special-Status Wildlife Species) would be prepared and implemented.
- Compliance with engineering and construction specifications and adhering to proper material handling procedures would support effective mitigation of these short-term impacts.
- Construction activities would be limited to those required for construction of the replacement bridge, and once complete, the project area would be returned to pre-project conditions.

**X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.

**XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.

**XII. NOISE.** With implementation of the following avoidance measures, and compliance with City noise ordinances, the project will not have a significant noise impact:

- Prior to beginning pile driving activities, the contractor will notify residents within a 300-foot radius at least one week in advance.
- Construction hours will be in compliance with City regulations.
- Sound curtains may be used during pile driving to reduce construction noise levels.

**XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.

**XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.

**XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.

**XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.

**XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** With proposed mitigation, as described above, 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.

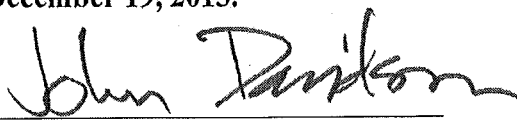
**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **December 19, 2013**, 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: November 19, 2013 to December 19, 2013.**

  
Deputy

# **Three Creeks Trail Pedestrian Bridge Project**

## **Mitigation Monitoring and Reporting Program**

**City of San José**

December 2013



# P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study and Mitigated Negative Declaration concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented. Oversight is the responsibility of the Environmental Review Division Manager of the City of San José Department of Planning, Building, and Code Enforcement.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.



Department of Planning, Building and Code Enforcement  
 JOSEPH HORWEDEL, DIRECTOR

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Three Creeks Trail Pedestrian Bridge Project  
 (File no.: PP013-085)

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
<p>Construction activities would cause temporary minor increases in ambient air pollutant concentrations.</p>	<p style="text-align: center;"><b>Air Quality</b></p> <ul style="list-style-type: none"> <li>Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.</li> <li>Cover all haul trucks transporting soil, sand, or other loose material off-site.</li> <li>Remove all visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>Limit vehicle speeds on unpaved roads to 15 mph.</li> <li>Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>Maintain and properly tune construction equipment in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>	<p>Construction Contractor</p>	<p>The Construction Manager shall provide necessary training to construction workers regarding emission control measures, monitor implementation of these measures, and direct corrective actions when and where necessary.</p>	<p>Prior to and during all phases of construction.</p>
<p>Construction activities may affect special-status species that may occur within the project area.</p> <p>Construction activities would temporarily disturb up to 0.12 acres of jurisdictional waters.</p>	<p style="text-align: center;"><b>Biological Resources</b></p> <ul style="list-style-type: none"> <li>Limit construction activities to the smallest area possible to complete the proposed work in the channel.</li> <li>Install environmentally sensitive area fencing at the up- and downstream limits of work to prevent construction equipment and crews from disturbing the active channel beyond the limits of work.</li> <li>Restrict construction within the channel to the dry season (June 15 to October 15).</li> </ul>	<p>Construction Contractor</p>	<p>The Construction Manager shall submit a report to the City's Environmental Division Manager indicating the results of the surveys and any designated buffer zones.</p>	<p>Prior to and during all phases of construction.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> <li>• Intall a temporary diversion during the dry season (June 15 to October 15) to divert creek flow into a culvert or pipe (sized to allow fish passage) while keeping dry conditions in the work area. A qualified fisheries biologist will be present during the installation of the temporary diversion to safely relocate any fish trapped to suitable habitat in the live stream channel.</li> <li>• Conduct pre-construction nesting surveys before undertaking work during the nesting season (February through August). Any nest found within 50 feet for songbirds and 300 feet for raptors will be avoided, and a designated construction-free buffer zone will be established until the nests are no longer active.</li> <li>• Conduct pre-construction surveys for western pond turtle 24 to 48 hours before the start of work, and safely relocate any western pond turtles found.</li> <li>• A qualified biologist will conduct onsite informational meetings with all construction personnel before construction begins. The purpose of these training sessions will be to familiarize construction personnel with the special-status species that could potentially enter the work area and the procedures they are to follow if these species are encountered.</li> <li>• Protect water quality through adherence to BMPs and preventive measures outlined in the contractor's stormwater pollution prevention plan. BMPs, including but not limited to the following measures, will be implemented during construction to protect aquatic and riparian resources: <ul style="list-style-type: none"> <li>○ Minimize vegetation removal.</li> <li>○ Install fiber rolls, silt-fencing, or gravel bag berms for sediment control.</li> <li>○ Stabilize construction entrance and exits to control sediment tracking.</li> <li>○ Provide plastic covering (such as Visqueen) for soil or debris stockpiles during construction.</li> <li>○ Position stationary equipment, such as motors, pumps, generators, compressors, and welders, located within or adjacent to the stream over drip pans.</li> <li>○ Check and maintain any equipment or vehicles driven and/or operated within or adjacent to the stream daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life.</li> <li>○ Divert concentrated runoff away from the channel banks.</li> <li>○ Locate staging and storage areas for equipment, materials, fuels, lubricants, and solvents outside of the stream channel and banks.</li> <li>○ Follow waste management guidelines and storage limitations for fuels</li> </ul> </li> </ul>		<p>A Stormwater Pollution Prevention Plan (SWPPP) that is acceptable to the Regional Water Quality Control Board will be maintained onsite and available for inspection.</p>	

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
<p>The project would result in temporary disturbance of approximately 160 linear feet of shaded riverine aquatic habitat and 0.25 acre of mixed riparian forest. Additionally, the project would result in permanent effects to 0.08 acre of developed/ruderal areas.</p>	<p>and lubricants.</p> <ul style="list-style-type: none"> <li>○ Water all active construction areas where soil is exposed to control dust frequency, depending on type of operation and wind exposure.</li> <li>○ Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.</li> <li>○ Stabilize disturbed soils with hydroseed or other appropriate erosion control BMP.</li> <li>○ Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures.</li> </ul> <ul style="list-style-type: none"> <li>● A certified arborist shall monitor tree pruning and other construction-related disturbance to trees, including site preparations for construction access along the creek banks.</li> <li>● Damage to any tree during construction shall be reported to the City's Environmental Senior Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Principal Planner.</li> <li>● No construction equipment, vehicles, or materials shall be stored, parked, or left standing within the tree drip line.</li> <li>● Wires, signs, and other similar items shall not be attached to trees.</li> <li>● Filling around the around the base of trees shall be performed only after consultation with a certified arborist and then only to the extent authorized by the arborist.</li> <li>● Barricades shall be constructed around the trunks of trees as specified by a certified arborist or biological monitor to prevent injury to trees or making them susceptible to disease causing organisms.</li> <li>● If 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.</li> </ul>	<p>Construction Contractor</p>	<p>The Construction Manager shall submit a report to the City's Environmental Division Manager indicating the results of the arborist activities.</p>	<p>During all phases of construction.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
<p>Demolition of the existing bridge structure has the potential to release or cause exposure to hazardous materials from large amounts of treated wood waste (e.g. creosote- treated piles).</p>	<p><b>Hazards and Hazardous Materials</b></p> <ul style="list-style-type: none"> <li>• Store treated wood waste off the ground by placing it on blocks or in containers.</li> <li>• Do not store treated wood waste onsite for more than 90 days (180 days if a containment pad is used).</li> <li>• Cover treated wood waste in inclement weather to prevent rain water from leaching chemicals.</li> <li>• Keep treated wood waste from mixing with other waste.</li> <li>• Label all treated wood waste shipments with "Treated Wood Waste – Do not burn or scavenge."</li> <li>• Train employees involved in treated wood waste handling. The training shall include applicable requirements of Cal/OSHA and regulations related to hazardous waste, methods for identifying and segregating treated wood waste, safe handling practices, and proper disposal methods.</li> </ul>	<p>Construction Contractor</p>	<p>Visual inspection.</p>	<p>During all phases of construction.</p>
<b>Hydrology and Water Quality</b>				
<p>Construction activities would temporarily increase the amount of debris and disturbed sediment on-site and could increase sedimentation carried by runoff into natural waterways.</p>	<ul style="list-style-type: none"> <li>• Protect water quality through adherence to BMPs and preventive measures outlined in the contractor's stormwater pollution prevention plan. BMPs, including but not limited to the following measures, will be implemented during construction to protect aquatic and riparian resources: <ul style="list-style-type: none"> <li>○ Minimize vegetation removal.</li> <li>○ Install fiber rolls, silt fencing, or gravel bag berms for sediment control.</li> <li>○ Stabilize construction entrance and exits to control sediment tracking.</li> <li>○ Provide plastic covering (such as Visqueen) for soil or debris stockpiles during construction.</li> <li>○ Position stationary equipment, such as motors, pumps, generators, compressors, and welders, located within or adjacent to the stream over drip pans.</li> <li>○ Check and maintain any equipment or vehicles driven and/or operated within or adjacent to the stream daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life.</li> <li>○ Divert concentrated runoff away from the channel banks.</li> <li>○ Locate staging and storage areas for equipment, materials, fuels, lubricants, and solvents outside of the stream channel and banks.</li> </ul> </li> </ul>	<p>Construction Contractor</p>	<p>A Stormwater Pollution Prevention Plan (SWPPP) that is acceptable to the Regional Water Quality Control Board will be maintained onsite and available for inspection.</p>	<p>During all phases of construction.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Implementation	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> <li>○ Follow waste management guidelines and storage limitations for fuels and lubricants.</li> <li>○ Water all active construction areas where soil is exposed to control dust frequency, depending on type of operation and wind exposure.</li> <li>○ Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.</li> <li>○ Stabilize disturbed soils with hydroseed or other appropriate erosion control BMP.</li> <li>○ Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures.</li> </ul>			
<b>Noise</b>				
Nearby residential properties may be exposed to high noise levels during construction.	<ul style="list-style-type: none"> <li>● At least 1 week in advance of pile driving activities, notify residents within a 300-foot radius.</li> <li>● Construction hours will be in compliance with City regulations.</li> </ul>	Construction Contractor	The Construction Manager shall provide a copy of the notification letter to the City's Environmental Division Manager.	During all phases of construction.