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: Guadalupe River Trail Master Plan

PROJECT FILE NUMBER: PP17-027

PROJECT DESCRIPTION: The project is a Master Plan that would construct an approximately 4.9 mile reach that would provide a continuous trail connection between the northern terminus of the Guadalupe River Trail in Alviso to its southern terminus at Gleman Road. The majority of the trail would consist of 16-foot wide trail sections with limited landscaping, and trail and gateway plazas.

PROJECT LOCATION: The project site is located adjacent to Guadalupe River, beginning at McLellan Avenue, east of the river and extending to Chynoweth Avenue.

COUNCIL DISTRICT: Citywide

APPLICANT CONTACT INFORMATION: Mike Pruitt, City of San Jose Department of Public Works, 200 East Santa Clara Street 6th Floor, San Jose, CA 95113

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. The project will not have a significant impact on air quality, therefore no mitigation is required.

IV. BIOLOGICAL RESOURCES.

Impact BIO-1: Project implementation would potentially adversely affect water quality and aquatic species.

Mitigation Measure BIO-1.1: Compliance with Santa Clara Valley Habitat Plan (SCVHP) Condition 3 – The project would comply with Condition 3 of the SCVHP prior to any ground disturbance activities. SCVHP Condition 3 requires implementation of design phase, construction phase, and post-construction phase measures, including programmatic BMPs, performance standards, and control measures, to minimize increase of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality, including during project construction. Compliance measures to SCVHP Condition 3 will be included in the specifications for the project construction plans and contracts.

Mitigation Measure BIO-1.2: Compliance with Santa Clara Valley Habitat Plan (SCVHP) Condition 4 – The project would comply with Condition 4 of the SCVHP prior to any ground disturbance activities. SCVHP Condition 4 requires design phase and construction practices to minimize impacts on riparian and aquatic habitats such that the project would avoid or minimize adverse impacts on stream morphology, aquatic and riparian habitat, and flow conditions. Compliance with Condition 4 addresses construction staging, sediment management, vegetation management, bank protection, drainage, trail construction, and ground disturbance. Compliance measures to SCVHP Condition 4 will be included in the specifications for the project construction plans and contracts.

Mitigation Measure BIO-1.3: Special-Status Fish Avoidance – During the construction and installation of the pedestrian/bicycle bridges pedestrian overcrossings over the Guadalupe River, the project applicant shall install netting, plastic sheeting, or other forms of containment under the bridge when construction activities will occur above the active river channel to prevent debris from the bridge surface from entering the river. Activities that could result in debris and/or pollutants entering the river include, but are not limited to, grinding, welding, cutting, painting, and application of solvents. When feasible, such activities will occur prior to bridge installation and in a designated work area (i.e., fabrication yard or project staging area). Some construction activities, however, are expected to occur on the bridges after installation. Therefore, construction activities at each of these pedestrian overcrossing locations will implement this measure as appropriate to prevent debris or pollutants from entering aquatic habitat in the Guadalupe River.

Impact BIO-2: Project implementation may result in significant adverse impacts to nesting birds.

Mitigation Measure BIO-2.1: Seasonal Avoidance – To the extent feasible, construction activities will be scheduled to avoid the nesting season (February 1st through August 31st). If construction activities are scheduled to take place outside the nesting season, impacts on nesting birds will be avoided.

Mitigation Measure BIO-2.2: Pre-construction/Pre-disturbance Surveys – If it is not possible to schedule construction activities between September 1st and January 31st, then pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to ensure that no nests will be disturbed during project construction. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During these surveys, the biologist or ornithologist will

inspect all potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings, and bridges) in and immediately adjacent to the impact areas for nests. If an active nest if found sufficiently close to work areas to be disturbed by these activities, the biologist or ornithologist, in consultation with California Department of Fish and Wildlife, will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species) to ensure that no nests of protected birds will be disturbed during project implementation. A report summarizing the results of the pre-construction surveys and subsequent efforts to protect nesting raptors or birds (if found to be present) shall be submitted to the City of San José Supervising Environmental Planner.

Mitigation Measure BIO-2.3: Nest Deterrence – If construction activities will not be initiated until after the start of the nesting season, nesting deterrence can be implemented to reduce the potential for active nests to become established in areas to be disturbed by project activities. For example, potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project could be removed prior to the start of the nesting season (e.g., prior to February 1st).

Impact BIO-3: Project implementation would result in a significant impact due to the loss of riparian habitat, including trees. Trees Riparian habitat to be retained may be impacted during construction.

Mitigation Measure BIO-3.1: Tree Removal and Protection Plan – Prior to tree removal, a certified arborist shall prepare a Tree Removal and Protection Plan that identifies which trees are to be removed, and which are to be protected during project implementation. This Plan will account for site conditions existing at the time a given segment of trail is to be constructed. For trees that are to be retained, the Plan will identify specific measures to protect the health of individual trees. The Tree Removal and Protection Plan shall be approved by the City of San José Supervising Environmental Planner, prior to tree removal.

Mitigation Measure BIO-3.2: Santa Clara Valley Habitat Plan (SCVHP) Fee Payment – Consistent with the SCVHP requirements, an impact fee specific to the riparian habitat impacts will be calculated based on the acreage of riparian habitat impacts, as determined by overlaying the impact footprint on riparian habitat mapping that represents actual baseline conditions, and including the canopy of any additional riparian trees that are predicted to be lost based on the Tree Removal Protection Plan described in MM BIO-2.1. Prior to any ground disturbance activities the project applicant shall pay this fee to the SCVHA, which will use these fees to provide compensatory mitigation for permanent impacts to riparian forest/woodland canopy. The requirement of this impact fee will be included in the specifications for the project construction plans and contracts.

Impact BIO-4: Project implementation could result in a significant impact due to the loss of trees. Trees to be retained may be impacted during construction.

Mitigation Measure BIO-4.1: Compliance with San José Tree Ordinance – A permit will be obtained prior to the removal of any ordinance-sized trees. Compliance with any permit conditions is also necessary. If a tree proposed for removal is located on public property, the City will post a notice signed by the Director of Public Works seven days prior to the tree being removed.

Mitigation Measure BIO-4.2: Consistent with the General Plan EIR, trees removed as a result of the project would be required to be replaced or mitigated for in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Removal Controls (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code street tree protection requirements (Municipal Code Section 13.28)

- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Table 4.4 3 outlines the City's approved tree replacement ratios. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. Trees removed would be replaced at these ratios, or an in-lieu fee will be paid to Our City Forest to compensate for the loss of trees on-site.

Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38 to 56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gallon container

Source: City of San José Municipal Code

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 56-inch trunk circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

Impact BIO-5: Project implementation may result in the introduction and spread of invasive plants.

Mitigation Measure BIO-5.1: Invasive Species Measures - The following measures will be included in the specifications for the project construction plans and contracts to minimize the potential for and/or magnitude of the spread of invasive plant species:

- During construction of the proposed project, all straw materials used on-site will be weed-free rice straw (or similar material acceptable to the City), and all gravel and fill material will be certified weed free to the satisfaction of the City; any deviation from this will be approved by the City.
- During construction of the proposed project, vehicles and all equipment will be washed or cleaned with compressed air (including wheels, undercarriages, and bumpers) before and after entering the proposed project site. Vehicles will be cleaned at existing construction yards or legally operating car washes.
- Following construction of the proposed project, a standard erosion control seed mix (acceptable to the City) from a local source will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from non-native, invasive plant species.

V. CULTURAL RESOURCES.

Impact CUL-1: Implementation of the proposed project could adversely impact buried cultural resources from prehistoric or historic periods during earthmoving and/or excavation for bridge and pedestrian overcrossing foundations.

Mitigation Measure CUL-1.1: During initial bridge and pedestrian overcrossing foundation excavation, the project applicant shall be required to complete subsurface testing (i.e. monitoring of spoils during geotechnical work) to determine the extent of possible resources on-site. The methodology for the testing will be determined by a qualified archaeologist and testing shall be

completed by the archaeologist. Based on findings of the subsurface testing, an archaeological treatment plan shall be prepared by a qualified archaeologist, if required, and submitted to the City's Supervising Environmental Planner for review and approval.

Mitigation Measure CUL-1.2: In the event that prehistoric, historic or paleontological resources are encountered during excavation and/or grading of the site, all activity within a 100-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist (or paleontologist, if applicable), shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner.

Mitigation Measure CUL-1.3: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

If archaeological deposits are found, the project applicant shall comply with Mitigation Measures MM CUL-1.1, MM CUL-1.2, and MM CUL-1.3 prior to or during any ground disturbance activities. If no archaeological deposits are found, the archaeologist will submit a report of findings to the Director of Planning, Building and Code Enforcement.

Mitigation Measure CUL-1.4: Implementation of the treatment plan, if required, shall be completed by a qualified archaeologist and shall be required prior to any ground disturbance activities. The treatment plan shall utilize professionally accepted data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the City's Supervising Environmental Planner prior to implementation.

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. The project will not have a significant impact due to hazards and hazardous materials, therefore no mitigation is required.

IX. HYDROLOGY AND WATER QUALITY. The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.

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. The project will not have a significant noise impact, therefore no mitigation is required.

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

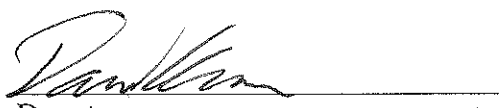
PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **May 30, 2017** 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.

Harry Freitas, Director
Planning, Building and Code Enforcement



Deputy

Circulation period, from April 28, 2017 to May 30, 2017

Initial Study/Mitigated Negative Declaration

Guadalupe River Trail Master Plan

File Numbers: PP17-027

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

April 2017

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ACRONYMS AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities
bgs	Below ground surface
BMPs	Best management practices
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CFCs	Chlorofluorocarbons
CHRIS	California Historical Resources Information System
CNDBB	California Native Diversity Database
CO_2	Carbon dioxide
CO_2e	Carbon dioxide equivalents
CRHR	California Register of Historic Resources
CWA	Clean Water Act
FEMA	Federal Emergency Management
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
GHG	Greenhouse gases
HCFCs	Hydrofluorocarbons
LID	Low Impact Development
MBTA	Migratory Bird Treaty Act
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
OHWM	Ordinary high water mark
PM_{10}	particulate matter
RWQCB	Regional Water Quality Control Board
SCVHP	Santa Clara Valley Habitat Agency's Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Company
SWPPP	Stormwater Pollution Prevention Program
SWRCB	State Water Resources Control Board
TCMs	Transportation control measures
USACE	US Army Corps of Engineers

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Guadalupe River Trail Master Plan in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project is the implementation of the Guadalupe River Trail Master Plan, a 4.9-mile regional bicycle and pedestrian trail adjacent to the Guadalupe River. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Krinjal Mathur
krinjal.mathur@sanjoseca.gov
200 E. Santa Clara Street
San José, CA 95113

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND and associated Mitigation Monitoring and Reporting Plan (MMRP) together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Guadalupe River Trail Master Plan

2.2 LEAD AGENCY CONTACT

Krinjal Mathur, Planner I
City of San José
200 E. Santa Clara Street
San José, CA 95113

2.3 PROJECT LOCATION

4.9 miles adjacent to Guadalupe River, beginning at McLellan Avenue, east of the river and extending to Chynoweth Avenue.

2.4 ASSESSOR'S PARCEL NUMBER

The following Assessor's Parcels are associated with the project alignment:

Table 2.4-1:
Assessor's Parcel Information

Parcel	Owner	Description
McLellan to Willow Segment		
264-48-006	PENINSULA CORRIDOR JOINT POWERS BOARD	RAILROAD TRACKS
264-40-078	SANTA CLARA VALLEY WATER DISTRICT (SCVWD)	PARK/ROAD
264-40-103	SCVWD	PARK/ROAD
264-40-117	SCVWD	PARK/ROAD
264-40-116	SCVWD	PARK/ROAD
264-40-126	SCVWD	PARK/ROAD
264-48-001	SCVWD	CHANNEL
264-48-100	STATE OF CALIFORNIA	EMPTY LOT
264-48-084	STATE OF CALIFORNIA	EMPTY LOT
264-48-092	SCVWD	EMPTY LOT
264-48-940	STATE OF CALIFORNIA	EMPTY LOT
264-48-113	SCVWD	CHANNEL
434-04-083	SCVWD	EMPTY LOT
Willow to Alma Segment		
434-04-003	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-004	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-001	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL

434-04-012	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-013	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-014	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-066	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-079	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-04-084	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
434-13-034	SCVWD	EMPTY LOT/FUTURE BYPASS CHANNEL
Alma to Three Creeks Segment		
434-20-023	SCVWD/JOINT USE	PARKING LOT/FUTURE BYPASS CHANNEL
434-27-125	PRIVATE[1]	FUTURE BYPASS CHANNEL
Three Creeks to Willow Glen Segment		
434-27-027	SCVWD	FUTURE BYPASS CHANNEL
434-27-031	SCVWD	FUTURE BYPASS CHANNEL
434-27-032	SCVWD	FUTURE BYPASS CHANNEL
434-27-033	SCVWD	FUTURE BYPASS CHANNEL
434-27-038	SCVWD	FUTURE BYPASS CHANNEL
434-27-039	SCVWD	FUTURE BYPASS CHANNEL
434-27-040	SCVWD	FUTURE BYPASS CHANNEL
434-27-410	SCVWD	FUTURE BYPASS CHANNEL
434-27-042	SCVWD	FUTURE BYPASS CHANNEL
434-27-043	SCVWD	FUTURE BYPASS CHANNEL
434-27-044	SCVWD	FUTURE BYPASS CHANNEL
434-27-045	SCVWD	FUTURE BYPASS CHANNEL
434-27-120	SCVWD	FUTURE BYPASS CHANNEL
434-27-122	SCVWD	FUTURE BYPASS CHANNEL
434-27-124	SCVWD	FUTURE BYPASS CHANNEL
434-27-125	PRIVATE[1]	FUTURE BYPASS CHANNEL
Willow Glen to Almaden Road Segment		
455-21-013	SCVWD	FUTURE BYPASS CHANNEL
455-21-017	SCVWD	FUTURE BYPASS CHANNEL
455-21-056	PRIVATE[1]	FUTURE BYPASS CHANNEL
455-21-066	SJWC	WATER WORK FACILITY
455-21-067	SCVWD	FUTURE BYPASS CHANNEL
455-21-068	SCVWD	FUTURE BYPASS CHANNEL
Almaden Road to Curtner Segment		
455-18-102	SCVWD	EMPTY LOT
455-27-010	COUNTY OF SANTA CLARA	RIVER BANK
455-21-057	SCVWD	FUTURE BYPASS CHANNEL

455-31-070	COUNTY OF SANTA CLARA	EMPTY LOT
455-31-027	SJWC	WATER WORK FACILITY
455-31-043	SCVWD	EMPTY LOT
455-31-044	SCVWD	EMPTY LOT
Curtner to Almaden Expressway Segment		
455-27-008	COUNTY OF SANTA CLARA	EMPTY LOT
455-27-009	COUNTY OF SANTA CLARA	RIVER BANK
Almaden Expressway to Foxworthy Segment		
455-12-010	SCVWD	RIVER BANK
455-39-001	SCVWD	RIVER BANK
455-39-016	SCVWD	RIVER BANK
455-39-018	SCVWD	RIVER BANK
455-39-024	SCVWD	RIVER BANK
455-13-033	SCVWD	SERVICE ROAD, RIVER BANK
455-13-034	COUNTY OF SANTA CLARA	EMPTY LOT
455-13-035	SCVWD	RIVER BANK
455-14-013	SCVWD	RIVER BANK
455-53-LOT E	COMMON AREA	COMMON AREA
455-54-LOT B	COMMON AREA	COMMON AREA
455-54-080	CITY OF SAN JOSÉ	PARK
Foxworthy to Thousand Oaks Segment		
455-39-001	SCVWD	RIVER BANK
455-39-021	SCVWD	RIVER BANK
459-02-013	PRIVATE[1]	RESIDENTIAL AREA
459-03-008	SCVWD	SERVICE ROAD, RIVER BANK
459-04-001	SCVWD	RIVER BANK
459-04-002	SCVWD	RIVER BANK
459-06-036	SCVWD	SERVICE ROAD, RIVER BANK
459-06-031	SCVWD	SERVICE ROAD, RIVER BANK
459-06-032	SCVWD	SERVICE ROAD, RIVER BANK
459-06-047	SCVWD	SERVICE ROAD, RIVER BANK
459-11-094	SCVWD	SERVICE ROAD, RIVER BANK
Thousand Oaks Segment to Branham Lane		
459-02-004	SAN JOSÉ WATER CO (SJWC)	SERVICE ROAD, RIVER BANK
459-13-024	CITY OF SAN JOSÉ	EMPTY LOT
459-16-030	SCVWD	SERVICE ROAD, RIVER BANK
Branham Lane to Chynoweth Avenue		
458-01-029	SCVWD	TRAIL
458-01-034	SCVWD	PERC PONDS
458-01-032	SCVWD	PERC PONDS, EMPTY LOT
458-07-051	SCVWD	TRAIL
458-17-002	SCVWD	RIVER BANK
458-17-003	SCVWD	RIVER BANK

458-17-004	SCVWD	RIVER BANK
458-17-033	PRIVATE[1]	FIRE ACCESS ROAD/TRAIL
458-18-081	SCVWD	SERVICE ROAD, RIVER BANK
458-18-012	SJWC	WATER WORK FACILITY

Notes:
Work Upon Private Lands:
[1] It should be noted that the potential Guadalupe River Trail alignment as shown in the Master Plan is diagrammatic and is to be used for general planning purposes only (Figures 3.0-5). The alignment shown is proposed based upon the likelihood that nearby flood control work administered by the USACE/SCVWD will extend through this area at some time in the future. The SCVWD possesses a maintenance easement to cross some private lands for its operations. The maps for thetrail system within the Master Plan illustrate a potential trail alignment including areas that are currently privately owned. The diagrammatic alignment should not in any way, be interpreted as an existing or proposed trail through private property. By illustrating the potential trail alignment in the Guadalupe River Trail Master Plan, no determination is being made at this time to acquire any specific private properties for these improvements. Final trail alignment will depend upon weighing possible alignment alternatives in consultation with USACE/SCVWD flood control planning and at the actual time of property acquisition to support trail construction.

2.5 PROJECT APPLICANT

City of San José, Department of Parks, Recreation, and Neighborhood Services (PRNS)

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The majority of the Guadalupe River Trail alignment generally follows existing and planned maintenance roads associated with the USACE/SCVWD Guadalupe River bypass flood control project. These maintenance roads typically follow the top of levees, channel banks, and under-crossings at roadway intersections.

The alignment of the Guadalupe Trail is located within lands designated as *OSPH – Open Space, Parklands and Habitats* in the Envision San José 2040 General Plan. Zoning throughout the extent of the trail alignment includes the following districts: *LI – Light Industrial, R-1-8 – Single-Family Residence District (8 DU/AC), R-1-5 – Single-Family Residence District (5 DU/AC), A(PD) – Planned Development Zoning District , R-2 – Two-Family Residence District (2 DU/Lot), CP – Commercial Pedestrian District, CO – Commercial Office District, CN – Commercial Neighborhood District , CG – Commercial General District, R-M – Multiple Residence District (Multiple Unit/Lot), A – Agricultural.*

2.7 HABITAT PLAN DESIGNATION

The trail alignment would intersect with lands designated as *Urban-suburban land, Golf courses/urban parks, Ornamental woodland, Willow riparian forest and scrub, Mixed riparian forest and woodland*, and *Riverine*.

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The information contained in this Initial Study will be used by the City of San José as it considers the proposed project. If the project is approved, the Initial Study would be used by the City and responsible and trustee agencies in conjunction with various approvals, agreements, and permits. These actions include, but may not be limited to, the following:

- Caltrans: Maintenance agreement and Encroachment permit for the Willow Calle Bridge connection to the Highway 87 Bikeway
- California Department of Fish and Wildlife: 1602 Streambed Alteration Agreement for ground disturbing activities within riparian areas (generally within the banks of the Guadalupe River); for work related to the undercrossings and for any incidental intrusion into the inner banks of the levees
- Regional Water Quality Control Board: 401 Water Quality Certification Permit, and a regional National Pollution Discharge Elimination System permit, including a Stormwater Pollution Prevention Plan
- United States Army Corps of Engineers: Permits as required
- Santa Clara Valley Water District: Encroachment Permit and Joint Trail Agreement
- San José Water Company: Encroachment Permit
- Santa Clara Valley Habitat Conservation Plan

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

The purpose of the Guadalupe River Trail Master Plan is to identify a continuous Class I trail alignment, including trail design guidelines and implementation requirements, for development of the public trail along the Guadalupe River. Trail development would occur via the use of existing or planned maintenance and access roads, reallocation of public rights-of-way, and purpose-built improvements.

The proposed trail would meet the following objectives:

1. Close a 4.9-mile gap within an existing trail system, to support a continuous trail system from the Los Alamitos Creek and Lake Almaden Trails near the foothills of Almaden Valley in the south to Gold Street in the Alviso neighborhood of north San José;
2. Develop the remaining undeveloped reaches of the trail system through South San José, Willow Glen, and Downtown;
3. Increase residents' opportunity to interface with the natural corridor;
4. Provide outdoor recreational opportunities as part of the City's commitment to an interconnected Trail Network (envisioned to be a 100-mile Trail Network across 40 trail systems); and
5. Be consistent with the principles and commitments outlined in the:

    - City of San José's Greenprint 2009 Update for Parks and Community Facilities and Programs – A Strategic Plan to 2020
    - City's Envision San José 2040 General Plan
    - Santa Clara County's Countywide Trails Master Plan Update
    - City of San José Trail Program Strategic Plan
    - Collaborative Action Plan between the City of San José and the Santa Clara Valley Water District for operation of trails upon District lands

This Initial Study is intended to provide programmatic CEQA environmental clearance for the project as a whole. Each reach of the project is unique and varies in environmental conditions and the extent of the proposed improvements for that area. Project-level clearance (further environmental review is not required), is provided for the Class I trail that would be constructed on existing or planned maintenance and access roads. It is intended that these reaches of the project can be constructed without further environmental review. However, other project components including pedestrian/bicycle bridges could need additional environmental studies (related to e.g., geology and soils, hydrology, biology etc.) to determine if the proposed improvement would result in additional or greater environmental effects than described in this Initial Study relative to the environmental conditions.

3.2 PROJECT OVERVIEW

The City of San José (Departments of Public Works and Parks, Recreation & Neighborhood Services) has prepared a Master Plan for the alignment of the Guadalupe River Trail, from Virginia Street to Chynoweth Avenue/Blossom River Drive (near Highway 85).

The purpose of the Master Plan is to identify a continuous Class I trail alignment that minimizes environmental impacts, provides trail design guidelines and features, and sets for implementation measures for trail and park-like amenity development. The proposed regional trail alignment extends approximately 4.9 miles from Virginia Street, south of Downtown San José to Chynoweth Avenue/Blossom River Drive near Highway 85, as shown in Figures 3.0-1 – 3.0-5.

Development of the 4.9-mile trail project would permit the City to extend the existing National Recreation Trail designation further along the Guadalupe River Trail system.

- Monterey-Yosemite Trail (Countywide Trail Route R2)
- The existing Guadalupe River Trail reaches from Gold Street to Virginia Street are recognized as part of the National Recreation Trail

The Guadalupe River Trail also connects to the following local trails within the City of San José:

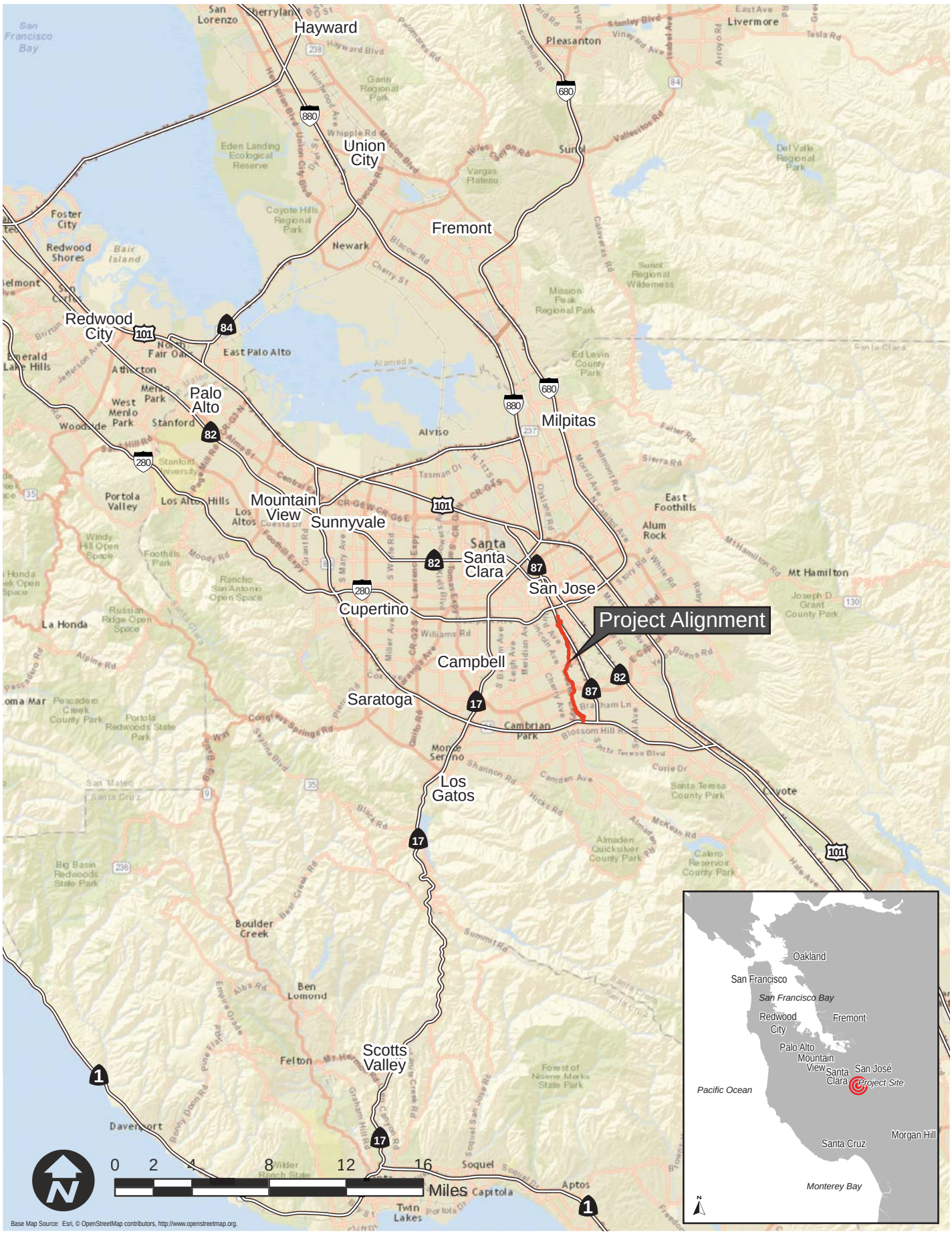
- San Francisco Bay Trail
- Guadalupe Creek Trail
- Los Alamitos/Calero Creek Trail
- Los Gatos Creek Trail
- Highway 87 (SR 87) Bikeway
- Three Creeks Trail
- Lake Almaden Trail

The majority of the trail would consist of 16-foot wide trail sections (composed of a 12-foot wide Class I paved trail, with a 2-foot compacted base rock shoulders). Physically constrained portions would be narrowed to a 10-foot wide paved trail without shoulders, and portions of the trail below the 10 year flood water elevation (primarily at road undercrossings) would also lack shoulders. These more narrow sections exceed the minimum 8-foot standard width for Class I trails.

The proposed Master Plan includes on-street trail alignments as described below in *Section 3.2.1*. The future Santa Clara Valley Water District (SCVWD) and US Army Corps of Engineers (USACE) Flood Control Project (herein referred to as the "SCVWD/USACE bypass flood control project") in Willow Glen has been taken into account during trail design to integrate the two projects to the extent feasible. Limited landscaping is expected and would be planted as-needed to satisfy mitigation requirements. In addition to the trail and trail gateways, the Master Plan for the trail proposes small plaza areas. For a description of each trail segment, see *Section 3.2.1*.

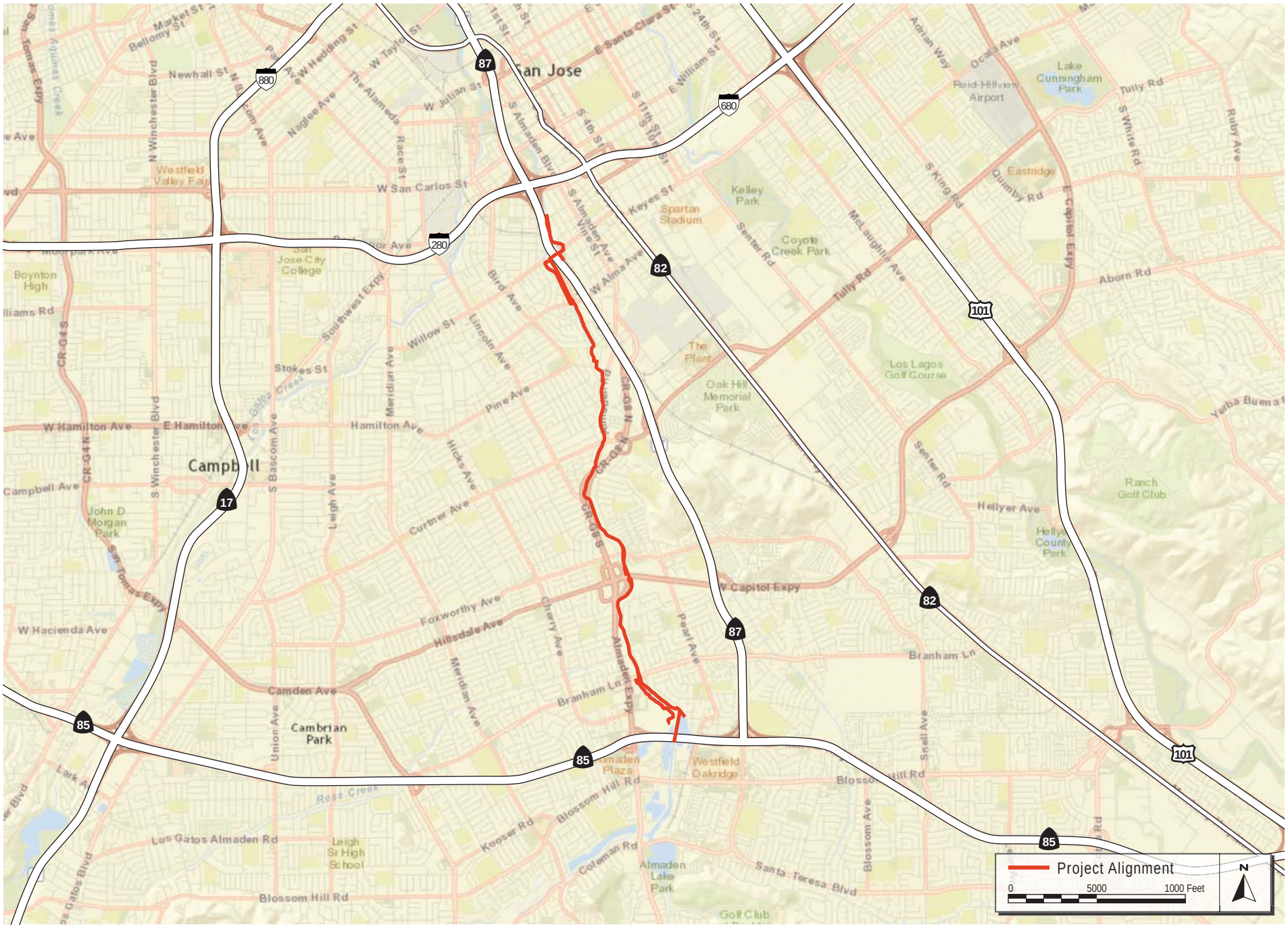
To facilitate trail connection, the Master Plan includes the construction of a pedestrian overcrossing at Willow Street, referred to as the "Willow Calle Bridge". Additionally, the Guadalupe River Trail system would require bridge spans at points along the trail to ensure continuity and connectivity. The bridges would occur at the following locations:

- Common truss structure with custom bridge footings at Koch Lane (generally aligned with roadway, spans over river)
- Common truss structure with custom bridge footings and interpretative signage at Chynoweth Avenue (generally aligned with roadway, spans over river)



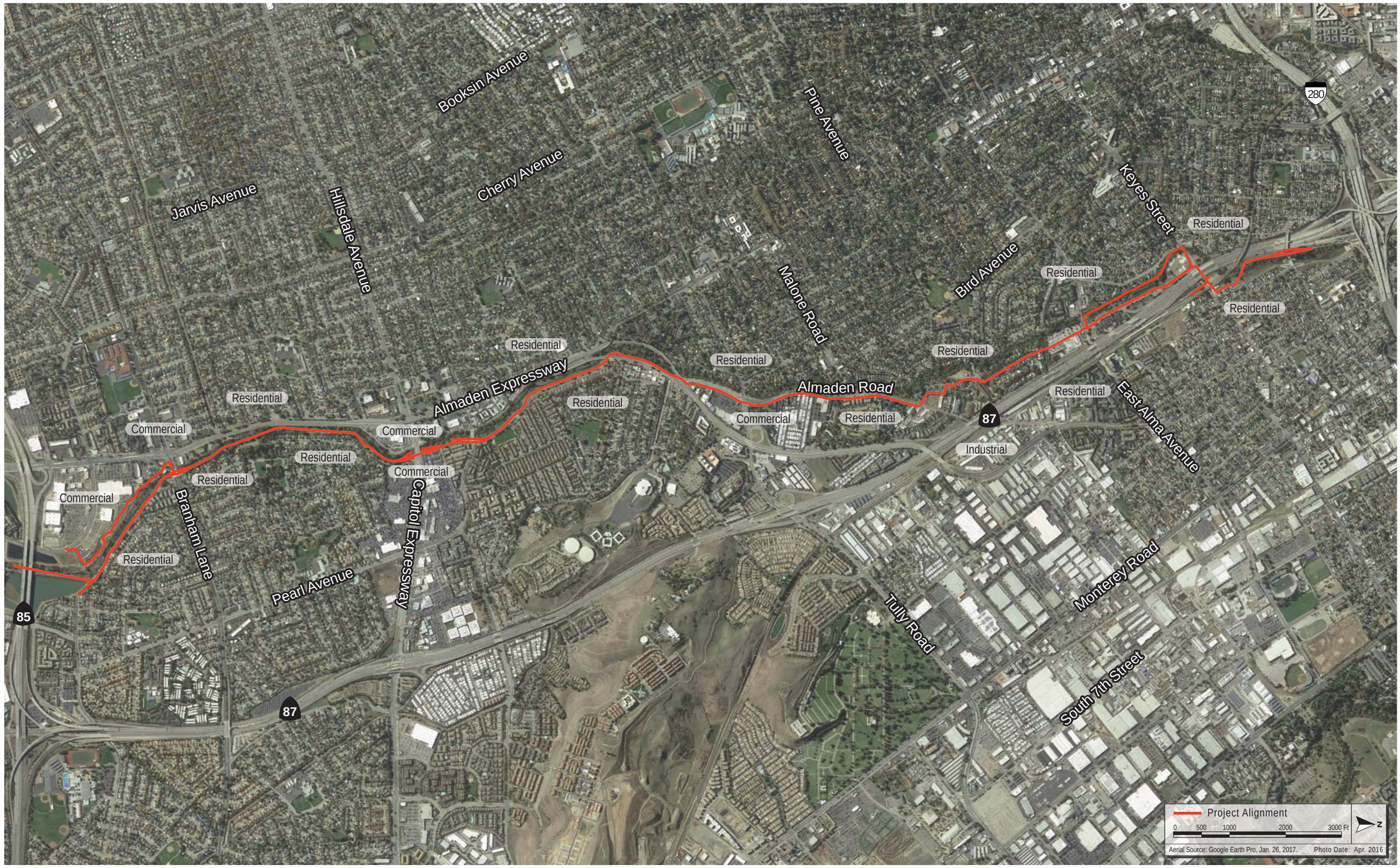
REGIONAL MAP

FIGURE 3.0-1



VICINITY MAP

FIGURE 3.0-2

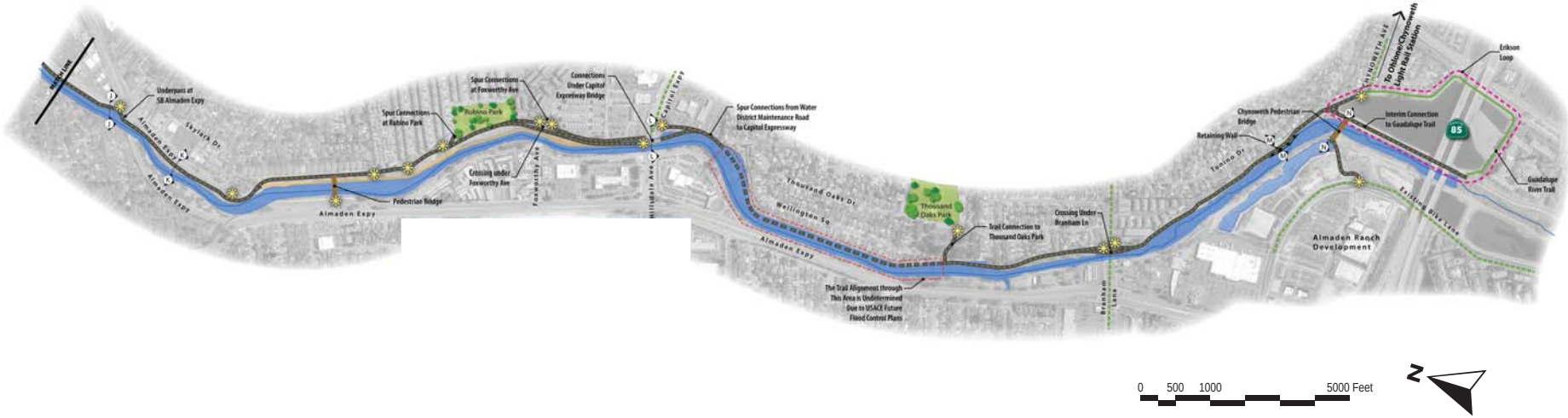


AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3.0-3

PROJECT ALIGNMENT (PT. 1)

FIGURE 3.0-4



PROJECT ALIGNMENT (PT. 2)

FIGURE 3.0-5

Two other structures are proposed in the project area: 1) a pedestrian bridge to be constructed at McLellan Avenue as part of Reach 6 of the previous Guadalupe River Trail, and 2) a new pedestrian bridge to span the wider Guadalupe River channel south of Alma Avenue and potential re-use of a railway structure (for future study) to connect with the Three Creeks Trail. These future bridges could ultimately be utilized from the proposed project, however, the impacts discussed in this Initial Study do not include impacts associated with implementation of these other bridge projects.

3.2.1 Trail Reaches

The project would construct trail gateways with pedestrian amenities including wayfinding kiosks, passive spaces with seating and bike racks, and bypass channel overlooks with interpretive signage. Figures 3.0-6 through 3.0-16 show the proposed improvements based on the following trail segments:

3.2.1.1 *McLellan Avenue to Willow Street*

This approximately 1,050-foot long, 12-foot wide reach of the proposed trail would begin at the southern terminus of Reach 6 of the 2004 Guadalupe River Trail Master Plan (Virginia Street to McLellan Avenue), as shown on Figure 3.0-6. This reach would begin at the existing pocket park/SCVWD mitigation area on the west side of McLellan Avenue, which would be converted to a one-way street from the pocket park to abandoned Willow Street to accommodate the road separated trail. The trail would then travel west on abandoned Willow Street where it would connect to a proposed bridge over Willow Street ("Willow Calle Bridge") to connect to the existing SR 87 Bikeway which begins on the south side of Willow Street.

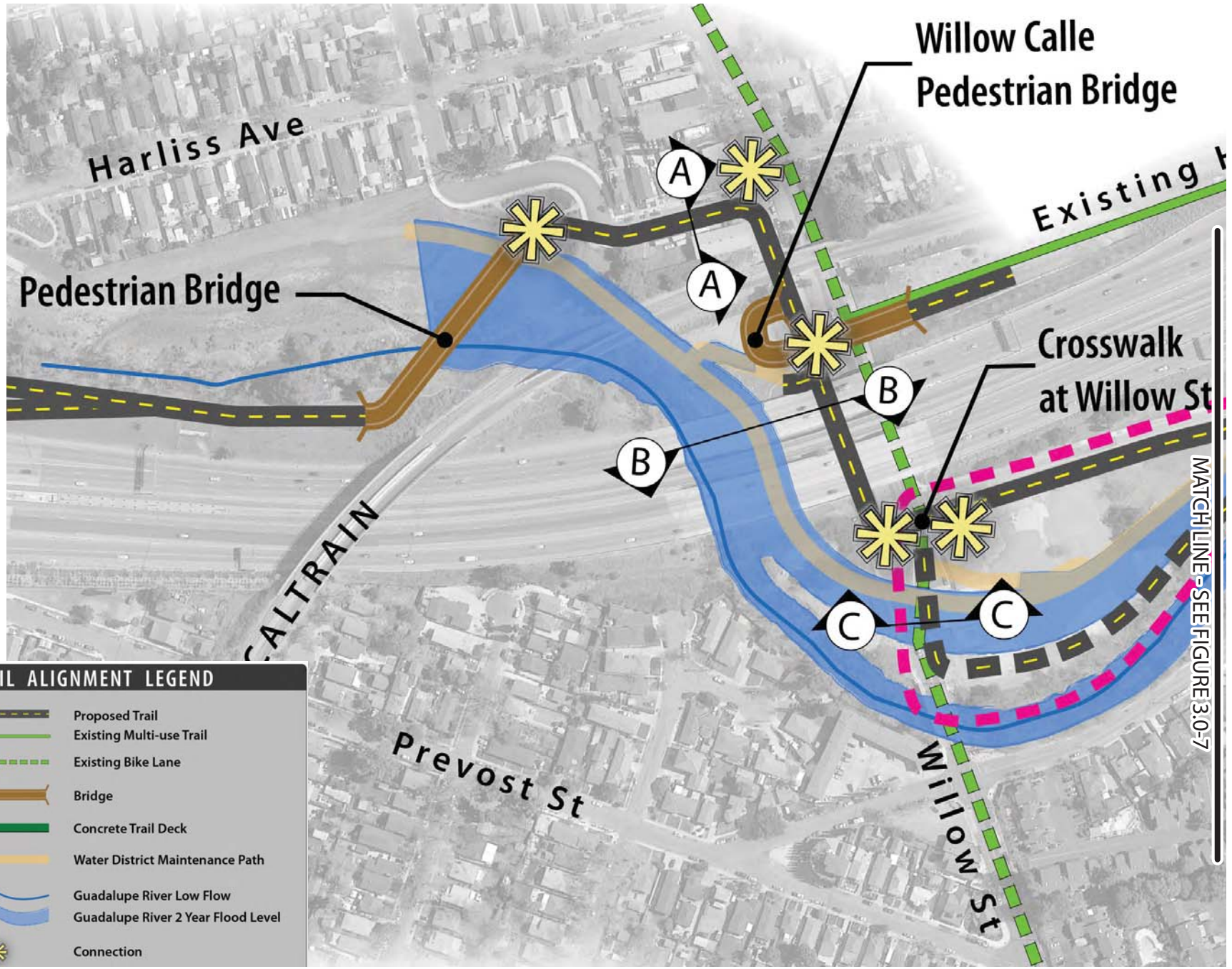
The trail would also continue to the west under SR 87 along the north side of Willow Street to Lelong Street where a new crosswalk would be installed across Willow Street. The City of San José Department of Transportation will make the final determination on appropriate traffic controls as trail development occurs in the area. Two architecturally-designed trail nodes could be placed on either side of Willow Street to serve as trail entrances.

3.2.1.2 *Willow Street to West Alma Avenue*

This approximately 2,825-foot long, 12-foot wide reach of the proposed trail would begin at Willow Street in the north and extend to a signalized intersection at West Alma Avenue in the south (refer to Figure 3.0-7). The proposed trail reach would begin at a new crossing at the existing Willow Street and Lelong Street intersection. A trail gateway would be located on the south side of the intersection, on the corner of Willow Street and Lelong Street.

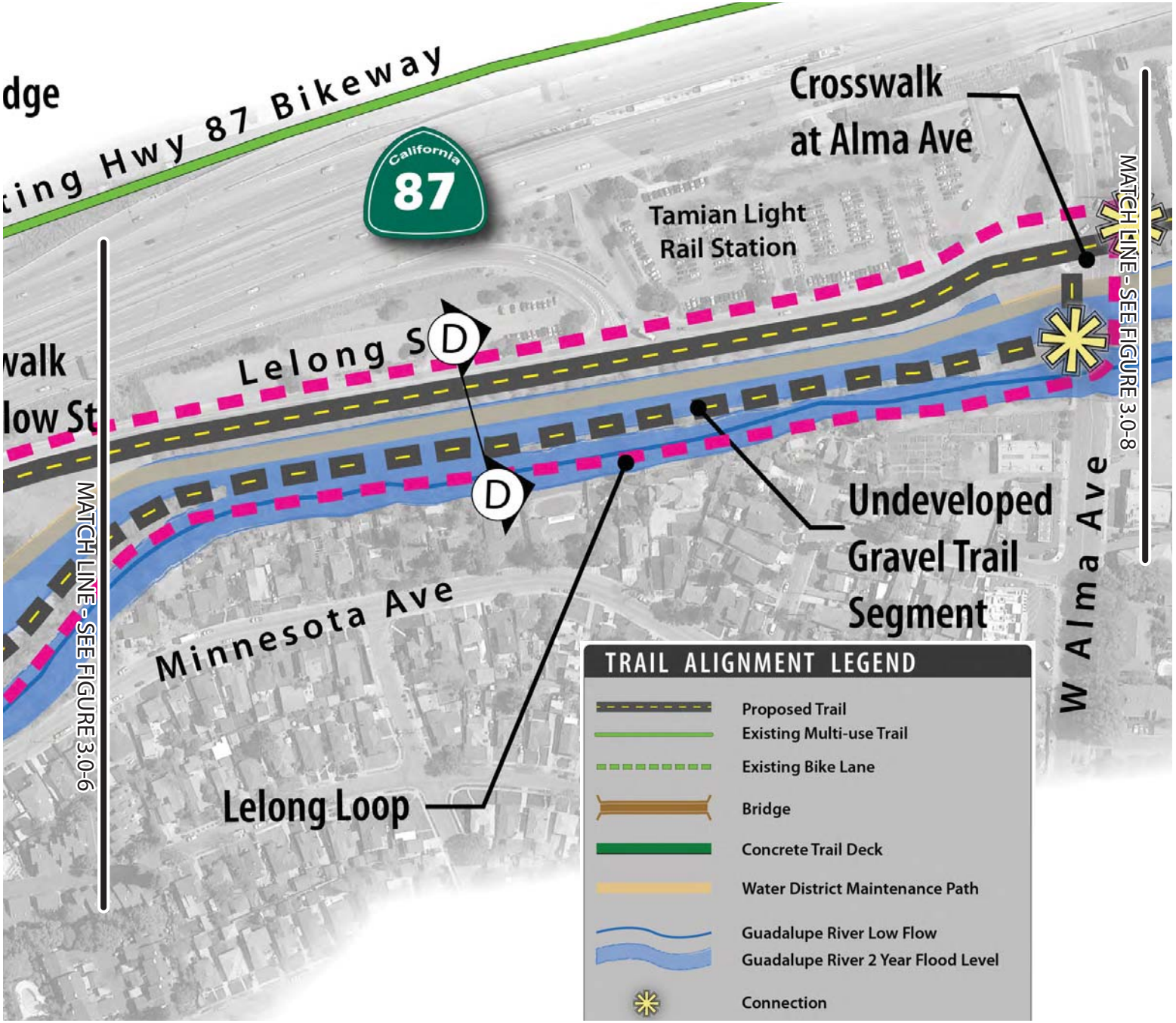
From the proposed gateway, the trail would then split into two segments. The main segment of this trail reach would travel south along the west side of Lelong Street and would be the primary bicycle trail of the two segments of this reach. A two-foot wide planting strip with split rail fence would separate the trail from vehicular traffic. This portion of the on-street alignment would continue to the intersection of Lelong Street and West Alma Avenue in the south.

The other segment of the trail would continue from Lelong Street, across the SCVWD Bypass Channel and onto the west bank of the river. This segment from Willow Street to west Alma Avenue would be a gravel path. No improvements, other than a gravel walking/biking surface are proposed.



MCLELLAN AVE TO WILLOW ST

FIGURE 3.0-6



WILLOW ST. TO WEST ALMA AVE.

FIGURE 3.0-7

This segment would form the "Lelong Loop", which would allow trail users to travel along the most direct path from Willow Street to West Alma Avenue, east of the River. At West Alma Avenue, the trail would make an at-grade connection wherein a pair of trail access nodes would serve as end reaches to a new crosswalk at the existing signalized intersection at the Elks Lodge property driveway.

3.2.1.3 *West Alma Avenue to Future Three Creeks Trail*

This approximately 1,075-foot long, 12-foot wide reach would be constructed along the western portion of the Elks Lodge property located south of West Alma Avenue, east of the Guadalupe River (refer to Figure 3.0-8). The western portion of the Elks Lodge property may be utilized for the SCVWD/USACE flood control project for the Guadalupe River.[1] The trail would be incorporated into the flood control project at this location to the extent feasible.

This reach of the trail would end at the former UPRR right-of-way which is proposed to be used for the Three Creeks Trail. Suitability of the existing former railroad bridge for reuse as a pedestrian bridge would be determined as part of the future study of the Three Creeks Trail

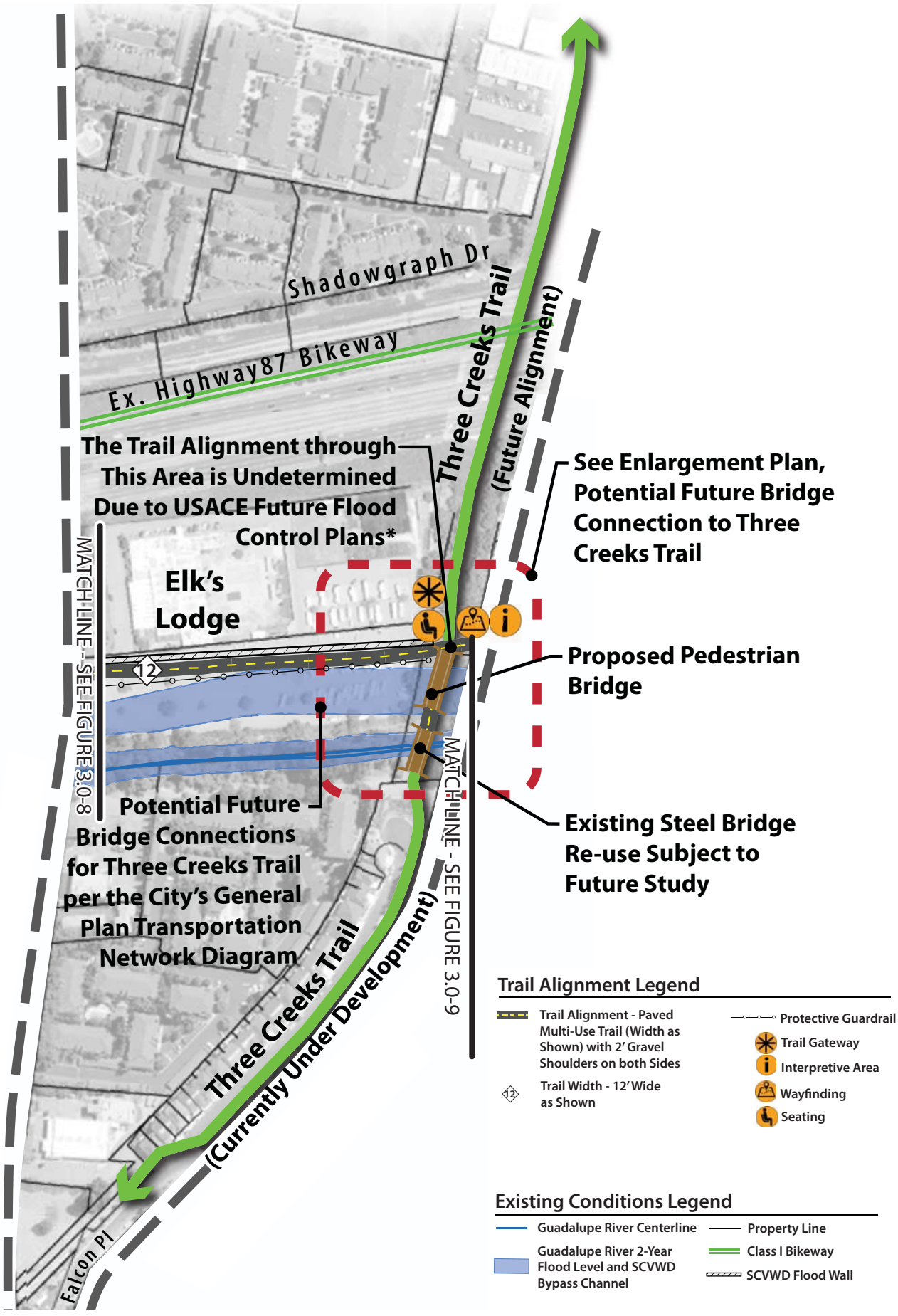
Additional proposed improvements along this reach include a trail node at the Three Creeks Trail intersection with a seating area and interpretive signage.

3.2.1.4 *Three Creeks Trail to Willow Glen Way*

This approximately 1,500-foot long, 12-foot wide reach would extend from the future Three Creeks Trail intersection and would continue east of the River, parallel to Mackey Avenue until the alignment's intersection with Willow Glen Way to the south (refer to Figure 3.0-8). As mentioned previously, the connection from the future Three Creek Trail node on the east side of the river to the west side, which may include a retrofitted bridge/pedestrian bridge, is not a part of the proposed project.[2] Mackey Avenue, as part of a separate San José Department of Transportation project, will be reduced in width to accommodate the proposed project's trail construction by the removal of parallel parking spaces along the southbound (western) side. A planter strip and landscaping would be installed to provide a separated buffer between trail users and vehicular traffic.

The project proposes to modify the unsignalized intersection of Northern Road and Willow Glen Way with traffic calming measures to be implemented by San José Department of Transportation, which may include bulb-outs, planter spaces, enhanced striping, and stop signs. The reach would also include the construction of a trail gateway at the northwest corner of Willow Glen and Northern Road, across from the corresponding trail node on the south side of Willow Glen Way, where the trail would continue on the east bank of the future USACE Bypass Channel and extend to the south.

[1] US Army Corps of Engineers. *Draft EIR/EIS Upper Guadalupe River Flood Control Project.* January 1997. The SCVWD is the local partner for this project.
[2] The City of San José's General Plan and Greenprint generally define trail development along the Guadalupe River corridor and Three Creeks Trail alignment extending between Los Gatos Creek and Coyote Creek.



WEST ALMA AVE. TO WILLOW GLEN AVE.

FIGURE 3.0-8

3.2.1.5 *Willow Glen Way to Malone Road*

This 1,400-foot long, 12-foot wide reach would begin at Willow Glen Way and extend to Almaden Road to the south (refer to Figure 3.0-9). This reach would pass through San José Water Company property south of Willow Glen Way, adjacent to residential properties. Future SCVWD/USACE bypass channel improvements are expected to occur along the existing residential properties near enough to the trail to create spatial constraints for the placement of the trail. The project trail would be constructed on future cantilevered concrete deck structures that are a part of the SCVWD/USACE bypass channel improvements project. The cantilever concrete deck structures would be constructed over the future SCVWD/USACE bypass channel, after land rights are secured.

The trail would continue south of the SJWC property, passing through the property and continuing to meander on the east side of the River. As the trail approaches Guadalupe Avenue, the sidewalk along the street would be reconstructed and widened to accommodate the new trail with an interpretive station to be constructed overlooking the future SCVWD/USACE flood control project's revegetation area. At the trail's connection to Almaden Road, the project would construct a gateway with seating, specialty pavement, and a wayfinding kiosk.

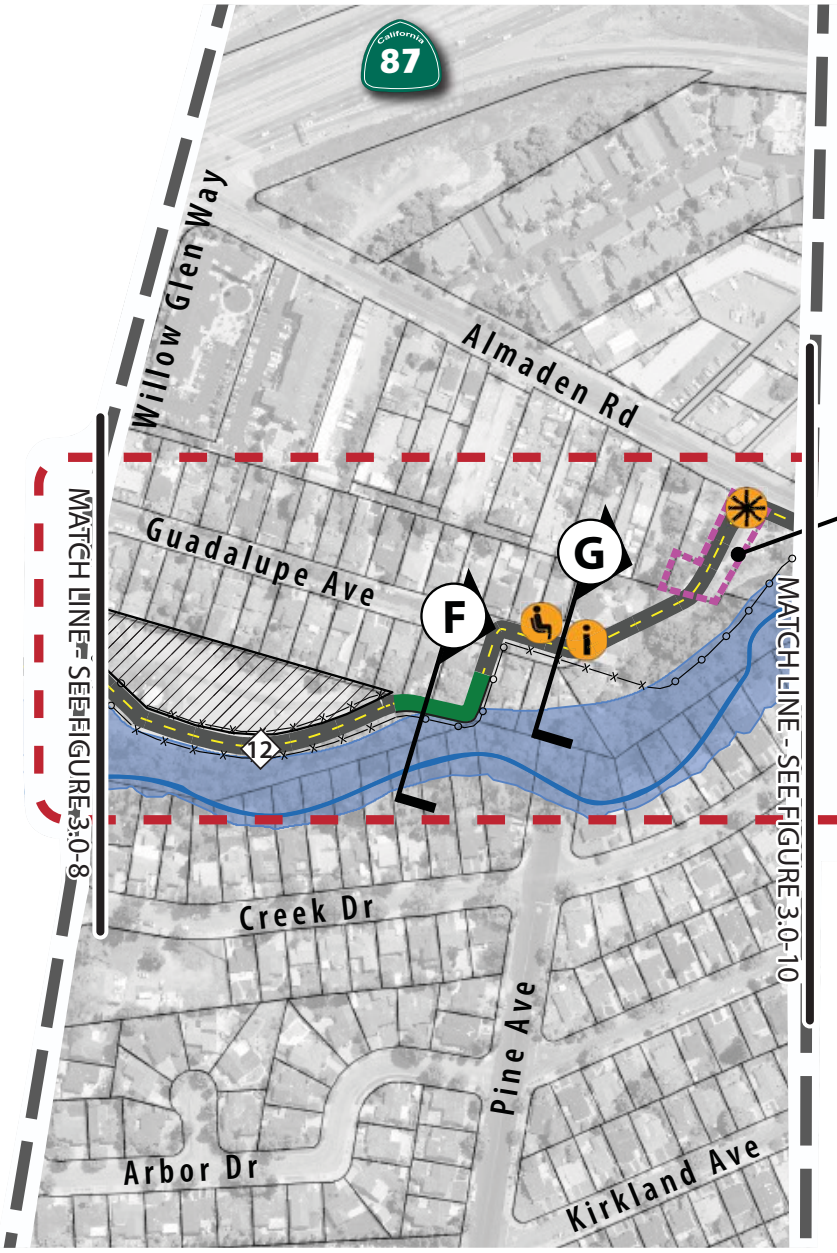
3.2.1.6 *Malone Road to Curtner Avenue*

This 3,225-foot long, 12-foot wide portion of the trail would begin at the new gateway on Almaden Road and would continue south along Almaden Road to Curtner Avenue (refer to Figure 3.0-10). Trail construction along Almaden Road would require a reduction of vehicular lane widths on Almaden Road to accommodate the trail on the southbound (western) side of the roadway. One driveway would conflict with trail construction along Almaden Road, approximately 65 feet south of the Almaden Road and New Street intersection. This driveway would be reconstructed to accommodate the trail alignment.

The trail would construct an at-grade crossing at the existing signalized intersection at Malone Road. Approximately 200 feet south of the Almaden Road and Canoas Garden Avenue intersection, the project proposes to construct a passive green space which would provide picnicking, seating, and open space with plantings. The reach would end at the signalized Almaden Road and Curtner Avenue intersection with an at-grade/existing crosswalk connection.

3.2.1.7 *Curtner Avenue to Almaden Expressway*

This 1,150-foot long, 12-foot wide trail reach would continue from Curtner Avenue, along the western edge of Almaden Road to the intersection of southbound Almaden Expressway (refer to Figure 3.0-11). The trail would be constructed atop a future SCVWD/USACE crib wall and adjacent to a barrier along the river's east bank to be constructed as part of the flood control project. An at-grade connection would be made at southbound Almaden Expressway with a trail node constructed for enhanced pedestrian safety.



See Enlargement Plan, Guadalupe Avenue Area

The Trail Alignment through This Area is Undetermined Due to USACE Future Flood Control Plans*

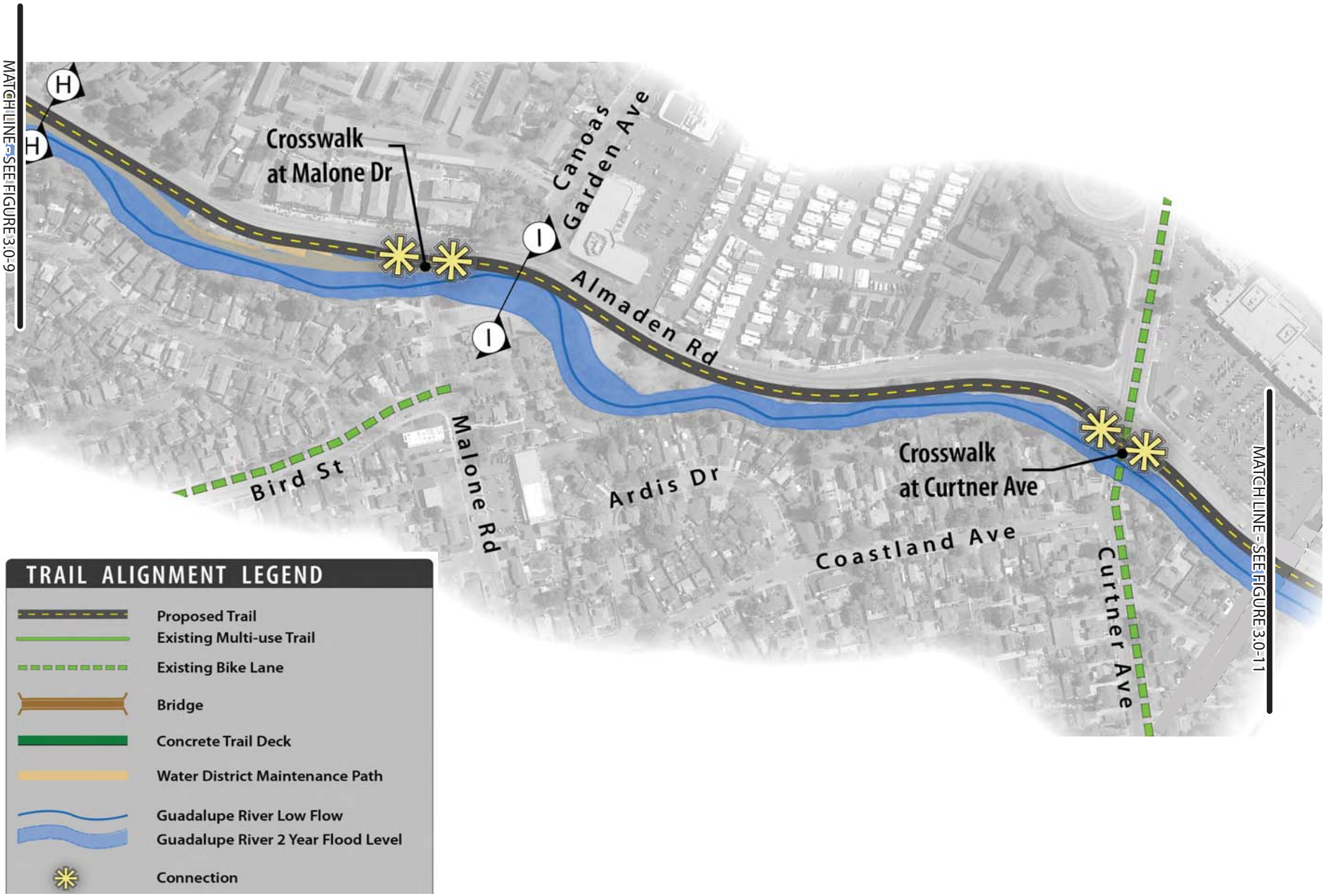
Trail Alignment Legend

- Trail Alignment - Paved Multi-Use Trail (Width as Shown) with 2' Gravel Shoulders on both Sides
- Trail Width - 12' Wide as Shown
- Chain Link Fence (Adjacent to SJWC Property)
- Protective Guardrail
- Concrete Trail Deck
- Interpretive Area
- Trail Gateway
- Seating

Existing Conditions Legend

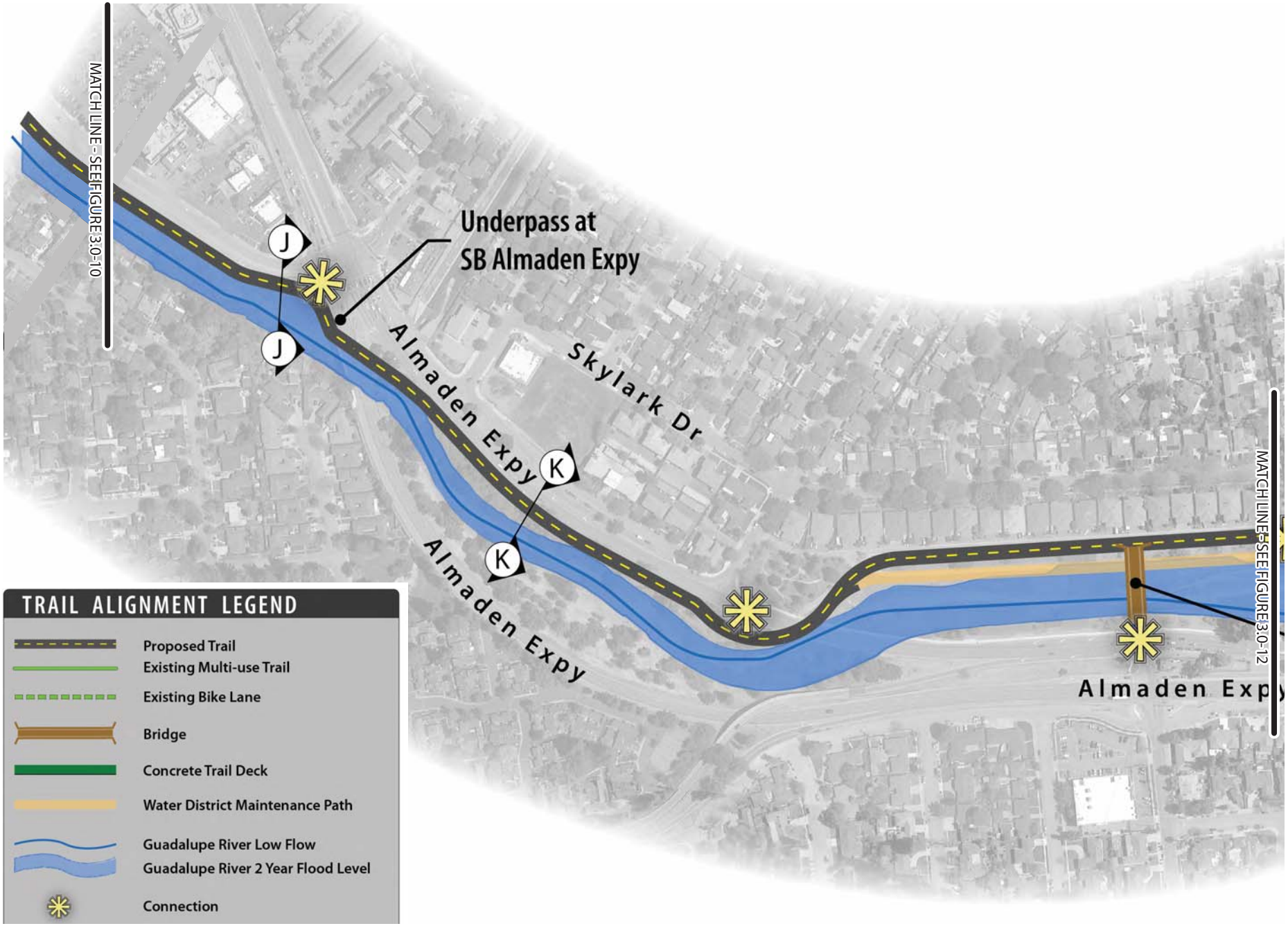
- Guadalupe River Centerline
- Guadalupe River 2-Year Flood Level and SCVWD Bypass Channel
- Property Line
- SJWC Property
- SCVWD Chain Link Fence

WILLOW GLEN WAY TO MALONE DR. FIGURE 3.0-9

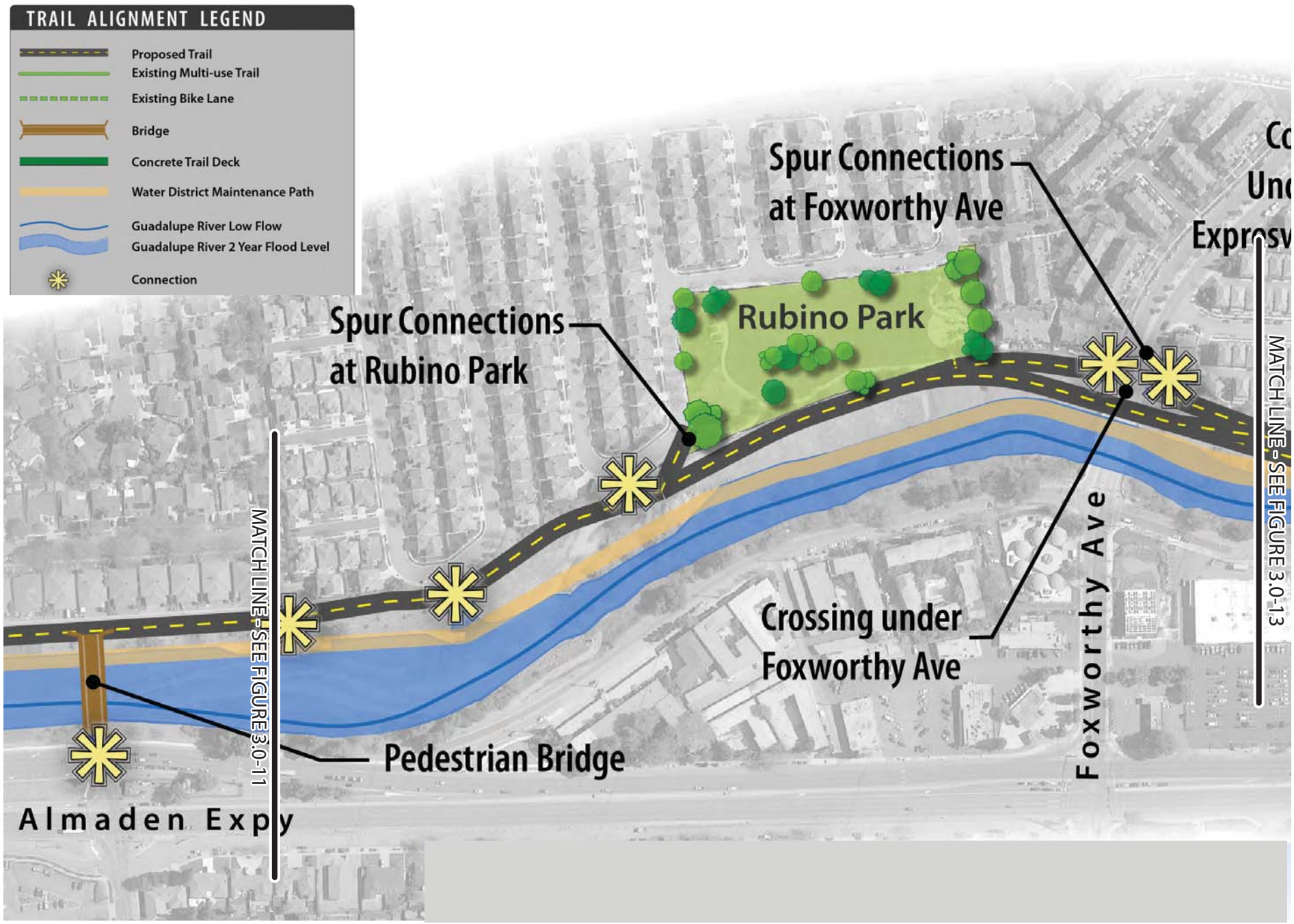


MALONE RD. TO CURTNER AVE.

FIGURE 3.0-10



CURTNER AVE TO PEDESTRIAN BRIDGE AT ALMADEN EXPRESSWAY FIGURE 3.0-11



PEDESTRIAN BRIDGE AT ALMADEN EXPRESSWAY TO FOXWORTHY AVE. FIGURE 3.0-12

3.2.1.8 *Almaden Expressway to Foxworthy Avenue*

This 5,700-foot long, 12-foot wide trail reach would extend from the convergence of northbound and southbound Almaden Expressway lanes (proposed gateway from adjacent northern reach) and would continue under the southbound Almaden Expressway Bridge (refer to Figure 3.0-12). Past the southbound bridge, the trail would be built atop an existing culvert then continue along the western edge of northbound lanes of Almaden Expressway. Due to vehicular speeds of the expressway, the trail would be constructed slightly down slope to provide increased horizontal and vertical separation with Almaden Expressway. The downslope alignment would require the construction of retaining walls along the length of the trail adjacent to Wren Drive with the downhill retaining wall including a protective guardrail of sufficient height for bicyclist safety.

At this point, the trail would cross under northbound Almaden Expressway which would require the reconfiguration of the existing gabion basket step walls in the area. The project proposes to improve the open area at the northbound Almaden Expressway and Wren Drive intersection into a passive green space pocket park. A trail access node would be placed to the southeast of the park, adjoining the trail to Skylark Drive and the future pocket park. The trail would be constructed atop an existing levee along the alleyway to the west of Skylark Drive and open up into Rubino Park.

The project proposes to construct a pedestrian bridge approximately 400 feet north of the Skylark Drive and Blue Jay Drive intersection. The pedestrian bridge would connect Koch Lane pedestrian and cyclist traffic to the eastern bank of the river. Trail access nodes would be constructed at the west and east landings of the pedestrian bridge. This would require some signal modification and restriping of the intersection of Almaden Expressway and Koch Lane.

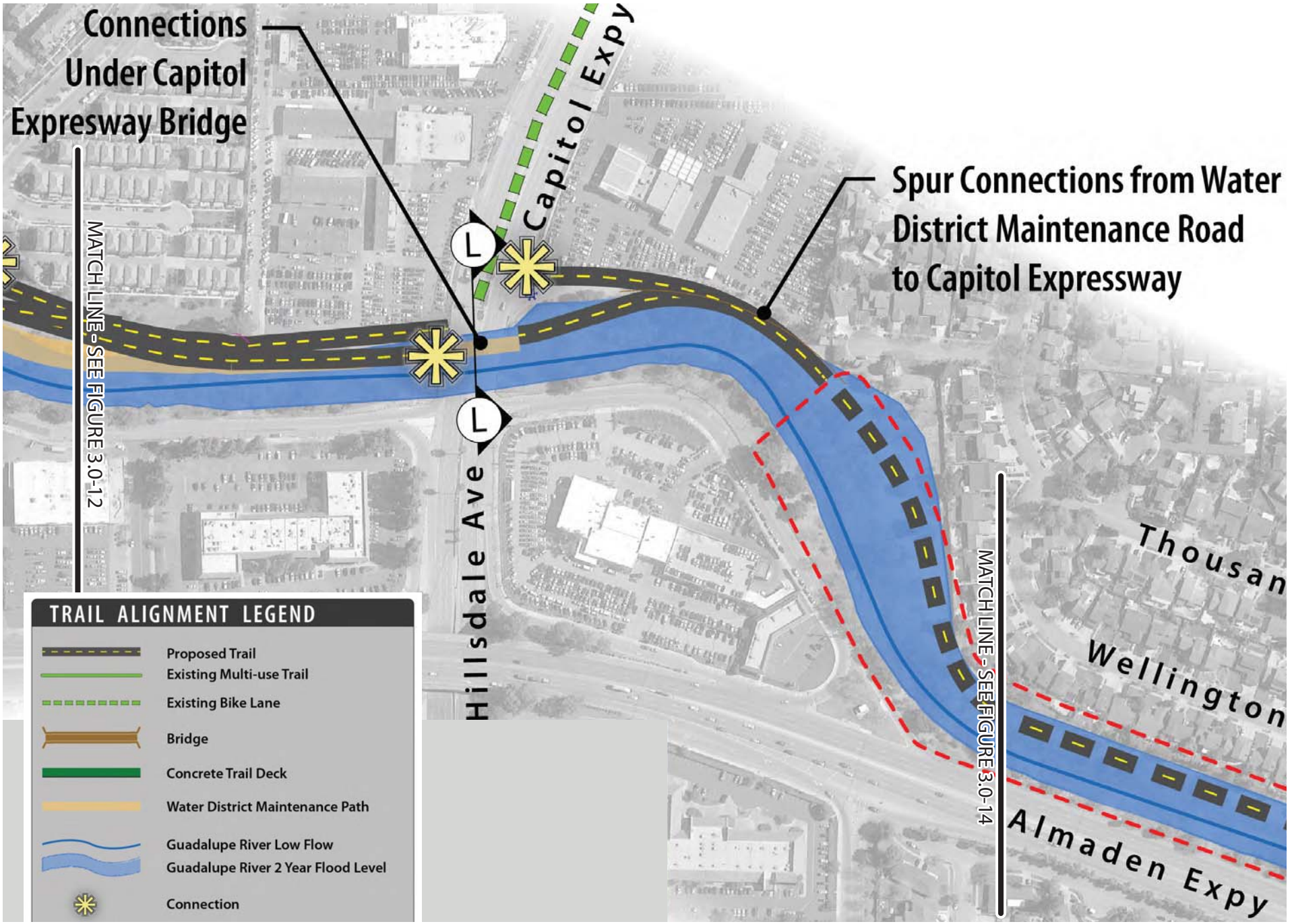
Continuing south from the potential passive green space, the trail would connect two trail connection nodes at Sunbonnet Loop and McBride Loop intersection. At the northwest corner of Rubino Park, a small spur connection would be constructed and would extend from the trail into the park. South of Rubino Park, the trail would connect to the north side of Foxworthy Avenue with a trail node. The southern connection and Foxworthy Avenue bridge undercrossing would be constructed as part of the Foxworthy Avenue to Steval Place reach.

3.2.1.9 *Foxworthy Avenue to Thousand Oaks Park*

This 4,900-foot long reach can be divided into two segments: Foxworthy to Steval Place and Steval Place to Thousand Oaks Park.

Foxworthy to Steval Segment
The 2,375-foot long, 12-foot wide segment of the trail, beginning at the Foxworthy Avenue undercrossing would travel south along the east side of the Guadalupe River to and under Capitol Auto Mall, ultimately connecting to Steval Place (refer to Figure 3.0-13).

The crossing of Capitol Expressway would be accomplished with an undercrossing under the vehicular bridge that would utilize the service road to be constructed by the USACE as part of the SCVWD/USACE bypass flood control improvements project.



FOXWORTHY AVE. TO STEVAL PLACE

FIGURE 3.0-13

Once across Capitol Expressway, trail users would continue south to connect to Steval Place with a new trail node. At this location, the connection node would be designed to maintain views into the riparian corridor from the Steval Place neighborhood.

Steval Place to Thousand Oaks Park Segment
Due to the preliminary nature of the USACE flood control plans between Steval Place and Thousand Oaks Park, this segment's alignment is undetermined and would remain in its current condition and not open to the public. Trail development would occur at a future date when flood control development has occurred and USACE/SCVWD have secured property rights to support joint-use arrangements for public recreational trail operations (refer to Figure 3.0-14).

3.2.1.10 *Thousand Oaks Park to Branham Lane*

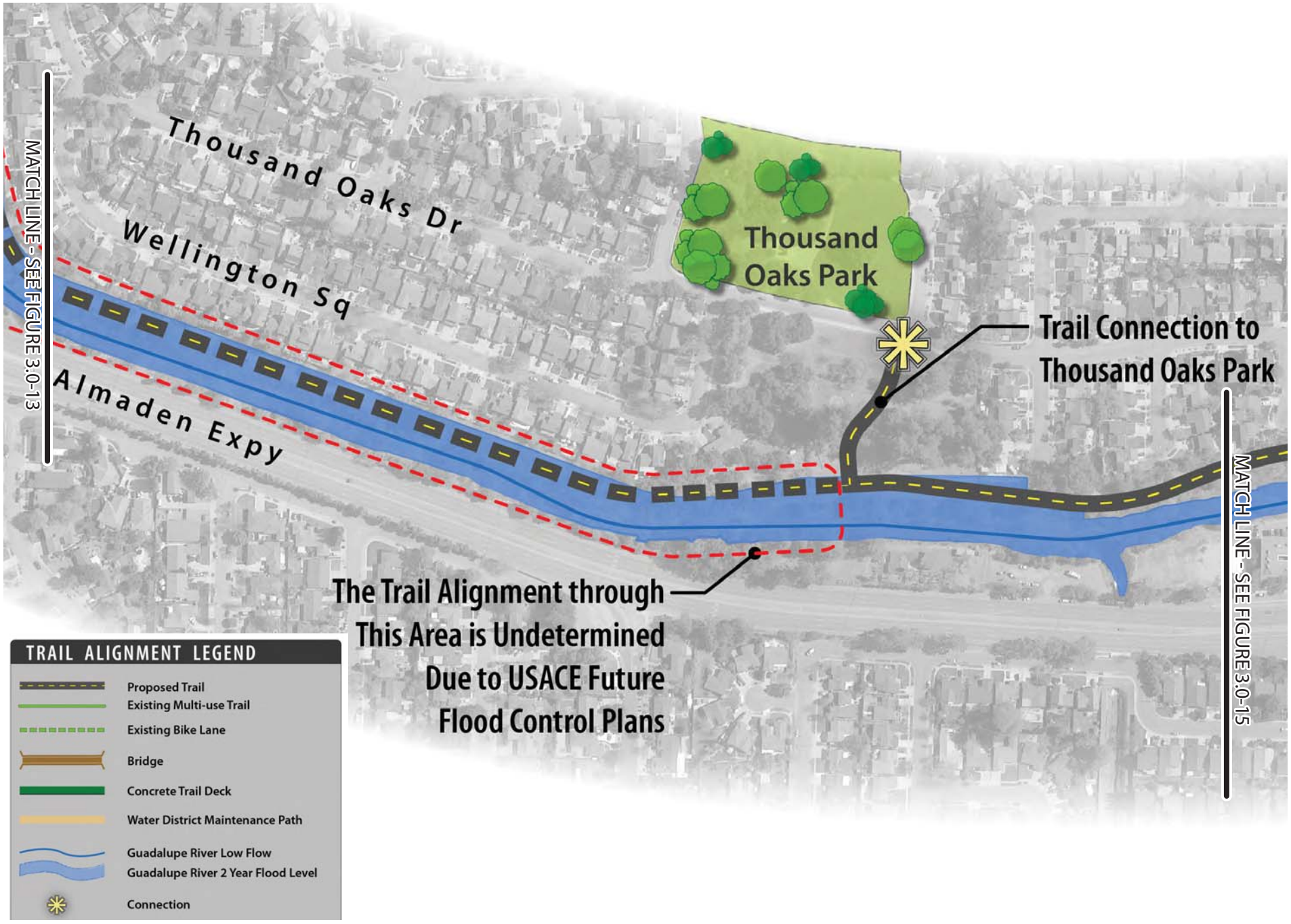
This 2,000-foot long, 12-foot wide portion of the trail from the Thousand Oaks Park expansion to Branham Lane would be constructed on the east side of the river. At Branham Lane, the trail would travel under the roadway on the east side of the river as well as up to Branham Lane at grade (refer to Figure 3.0-15). In this location, the trail would traverse SCVWD and San José Water Company (SJWC) properties and right-of-way or easements may be required. Coordination with the future developer, SCVWD, and SJWC would be required to determine alignment of the new trail on the west side of the river, south of Branham Lane.

3.2.1.11 *Branham Lane to Chynoweth Avenue*

This 5,100-foot, 12-foot wide portion of the trail would provide trail access to the communities adjacent to Blossom River Drive and Chynoweth Avenue and would establish connections to the Almaden Ranch commercial area (refer to Figure 3.0-16). This reach would construct a fully accessible trail gateway at Blossom River Drive which would include seating, specialty paving, and a wayfinding kiosk. The trail would also utilize the existing gravel pathway on top of the western embankment of the Chynoweth percolation pond.

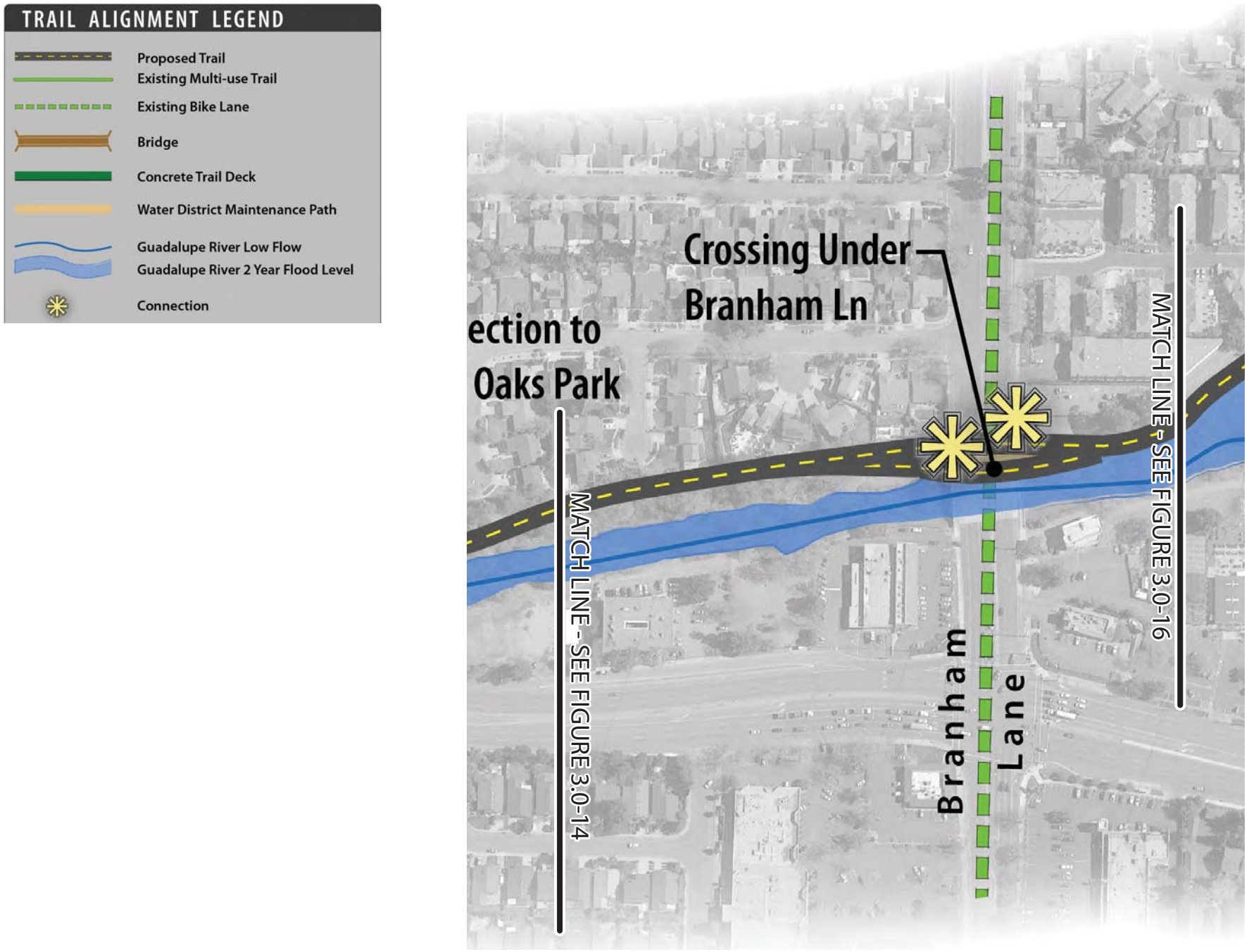
On the west side of the river, the project would construct a prefabricated steel pedestrian bridge that would span approximately 175 feet to provide a spur connection to the Almaden Ranch commercial center. The trail would continue on the west side of the river with an asphalt path connecting to the Cherry Avenue crosswalk to the southwest.[3] The trail would construct an enhanced mid-block crosswalk across Cherry Avenue where the proposed alignment would intersect with the SCVWD-owned property. This mid-block crosswalk would include seatingand queuing space for trail users crossing the street.

[3] This Initial Study has considered environmental impacts of trail development along the west bank alignment in this reach to facilitate future trail development should the City Council take steps to acquire land, future development create opportunities, or rights are secured as part of the USACE/SCVWD Flood Control project.



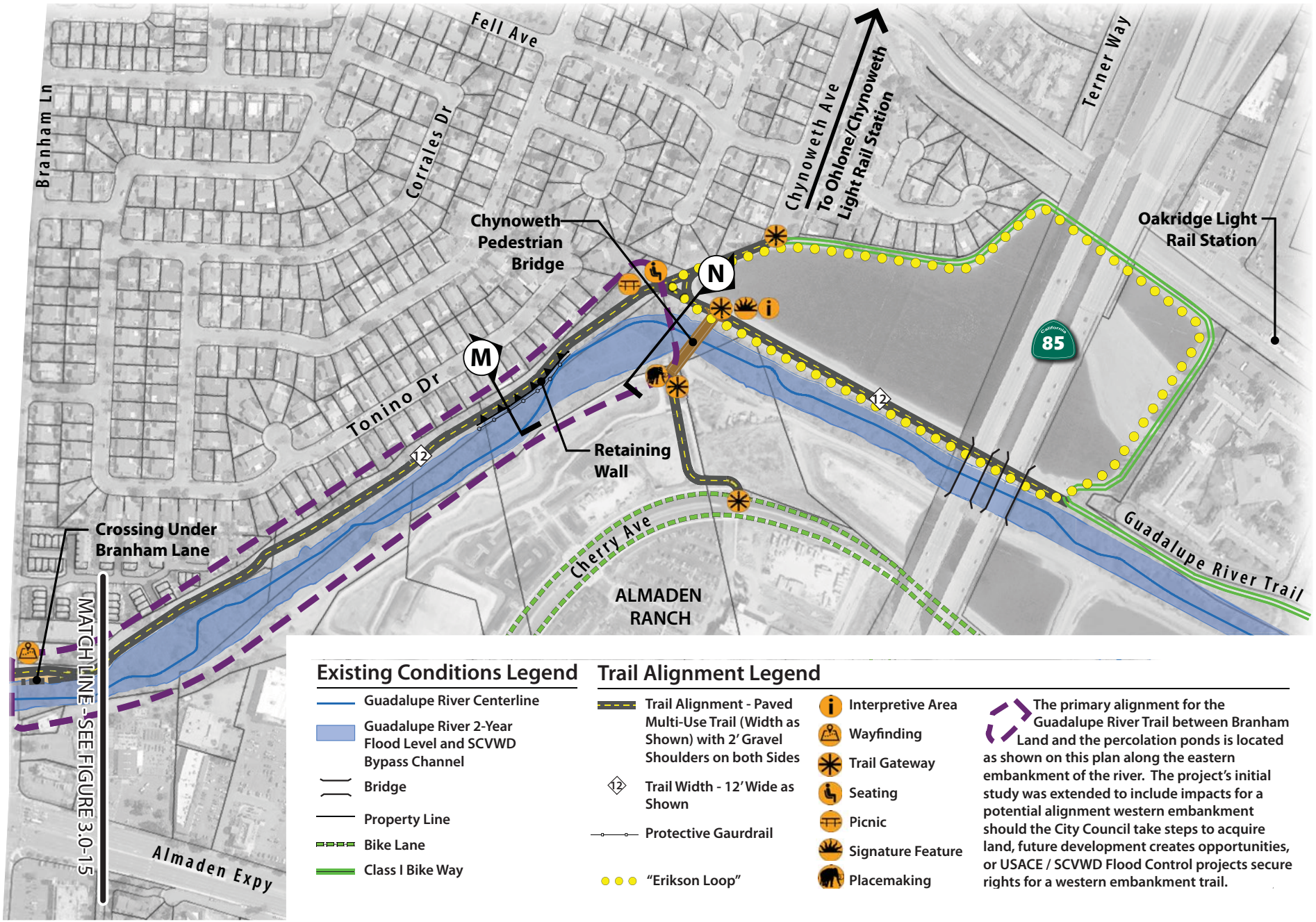
STEVAL PLACE TO THOUSAND OAKS PARK

FIGURE 3.0-14



BRANHAM LANE

FIGURE 3.0-15



BRANHAM LANE TO CHYNOWETH AVE.

FIGURE 3.0-16

East of the percolation pond at the end of Chynoweth Avenue, the trail would connect to the existing Guadalupe River Trail at a new trail gateway. The proposed gateway and trail along this eastern embankment of the percolation pond would extend the wood split rail fence to enhance pedestrian and bicyclist safety. At the northern tip of the pond, the trail would connect to the new bridge spur connection near the SCVWD's Percolation Pond 3. At this trail convergence point, a picnic and seating area would be constructed for trail users' passive use.

This trail reach would also require the installation of a retaining wall on the eastern embankment south of the proposed pedestrian overcrossing. The wall would be topped with a protective barrier for pedestrian and bicyclist safety.

3.2.2 Trail Access

Access to the proposed trail would be available at various existing public parks, trails, and streets consistent with other trails in the City. The hours of the trail would also be consistent with City policies which limit hours while allowing trails to be used by commuters (sunrise to sunset). No new parking areas are proposed as part of this project, since the trail is located in an urban area adjacent to existing on-street parking. Residents may access the trail via new or existing trail gateways. No vehicular travel, other than emergency or SCVWD/SJWC maintenance vehicles will be permitted to utilize the trail.

All components of the trail would be constructed in accordance with the Americans with Disabilities Act (ADA).

3.2.5 Stormwater Controls

The majority of the proposed Class I trail would be located on existing maintenance and access roads owned by SCVWD and SJWC. Stormwater on these roads typically flows down gradient towards the Guadalupe River. In areas where new trail reaches would be constructed on unpaved surfaces, the trail would be constructed to drain towards vegetated areas adjacent to the channel. Since the project would be constructed to direct stormwater runoff to adjacent vegetated areas or other non-erodible permeable areas, the project would not be a regulated project under Provision C.3 of the Municipal Regional Stormwater Permit. The project, however, would implement stormwater treatment measures, where feasible, that would be consistent with the Municipal Regional Stormwater Permit's C.3 Provision and handbook and the City's Climate Action Plan.
The project would implement pre- and post-construction-related measures to conform to the City of San José's Municipal Code. A discussion of the best management practices to be implemented as part of the project can be found in *Section 4.9, Hydrology and Water Quality.*

3.2.3 Biological Resources Mitigation

The proposed trail would be constructed to minimize impacts to biologically sensitive areas along the Guadalupe River. This Initial Study discusses potential impacts to biologically sensitive areas and identifies mitigation measures to reduce impacts to a less than significant level, as described in *Section 4.4, Biological Resources*.

Regulatory agency permits would be required for any portions of the project that would occur within the jurisdiction of the USACE, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). The permits could be Section 401 and 404 permits (US Clean Water Act, USACE, and RWQCB) and Streambed Alteration Agreements. These permits

would include mitigation for the loss of riparian habitat and pre-construction surveys. These measures would be included in the project.

The proposed project is located within the study area of the Santa Clara Valley Habitat Agency's Habitat Plan (SCVHP). The project is being carried out by the City of San José, who is a co-permittee to the SCVHP. The project is, therefore, considered a covered activity under the SCVHP. As a result, the project would be subject to the conditions and fees of the SCVHP, which will be calculated prior to any ground disturbance activities.

3.2.4 Implementation Schedule

There is no schedule for implementation of the Master Plan at this time. It is anticipated that the trail would be constructed by reach segment as funding becomes available. The City is actively pursuing grant and local funding sources. It is anticipated that the portions of the proposed trail could be implemented in coordination with the SCVWD/USACE's future Guadalupe River Flood Control Project.

3.3 CONSISTENCY WITH ZONING, PLANS, AND OTHER APPLICABLE LAND USE CONTROLS

3.3.1 Land Use & Zoning Designation

The majority of the Guadalupe River Trail alignment generally follows existing or planned maintenance roads associated with the USACE/SCVWD Guadalupe River bypass flood control project. These maintenance roads typically follow the top of levees, channel banks, and under-crossings at roadway intersections.

The alignment of the Guadalupe Trail is located within lands designated as *OSPH – Open Space, Parklands and Habitats* in the Envision San José 2040 General Plan. Zoning throughout the extent of the trail alignment includes the following districts: *LI – Light Industrial, R-1-8 – Single-Family Residence District (8 DU/AC), R-1-5 – Single-Family Residence District (5 DU/AC), A(PD) – Planned Development Zoning District , R-2 – Two-Family Residence District (2 DU/Lot), CP – Commercial Pedestrian District, CO – Commercial Office District, CN – Commercial Neighborhood District , CG – Commercial General District, R-M – Multiple Residence District (Multiple Unit/Lot), A – Agricultural.*

3.3.2 Property and Easement Acquisitions

The trail would be located on properties owned by the City of San José, Caltrans, SCVWD, SJWC, and some private properties. Easements or property acquisition may be required for properties not controlled by the City. Removal of structures is not anticipated for trail development.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

The standard measures and mitigation measures outlined in this section will be included in the specifications for the project construction plans and contracts.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on

impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Regulatory Setting

4.1.1.1 *City of San José General Plan*

The following policies are found in the *Envision San José 2040 General Plan* and are applicable to the proposed project:

Policy	Description
ER-6.3	Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
CD-10.3	Require that development visible from freeways (including U.S.101, I-880, I-680, I-280, SR17, SR85, SR237, and SR87) be designed to preserve and enhance attractive natural and man-made vistas.
PR-1.7	Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation.
TN-1.4	Provide gateway elements, interpretive signage, public art, and other amenities along trails to promote use and enhance the user experience.

4.1.2 Environmental Setting

4.1.2.1 *Existing Conditions*

The project reach is throughout the urban/riparian interface from Downtown to South San José. Residential neighborhoods, parks, schools, commercial development, and light industrial development are located along most of the trail alignment. The project area is urban in nature and is mainly surrounded by residential neighborhoods, primarily consisting of single-family homes. The majority of the proposed project, however, would be constructed on existing or planned maintenance and access roads owned by SCVWD and SJWC, and along public streets.

The project reaches are not located within a scenic viewshed or along a scenic highway. With the exception of the parks and residential uses along the on-street reaches, the project area is not generally visible to the surrounding land uses. Views of the project reach areas are shown in Photographs 1-7 on the following pages.

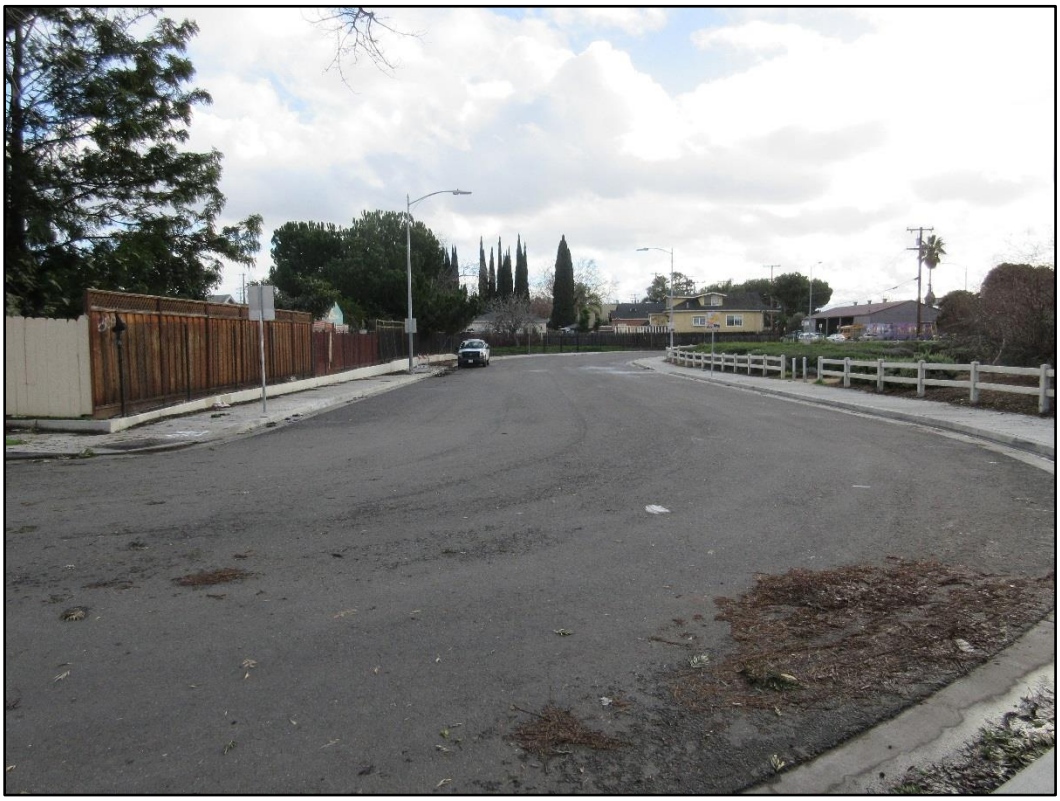


Photo 1: View of McLellan Avenue, facing south with the river and pocket park to the west (right in the above photograph). This is the northernmost end of the project reach.

Photo 2: View of Willow Street and SR 87 overcrossing, facing east. The Willow Calle Pedestrian Bridge would be located in the area shown.

Photo 3: View of Lelong Street and Willow Street intersection, facing south with the river to the west (right in the above photograph).

Photo 4: View of proposed trail location from W. Alma Avenue, facing south. The river is to the right (west).

Photo 5: View of east and west banks of the River from Branham Lane, facing south.

Photo 6: View of west side of the river adjacent to Almaden Ranch Development, facing north.

Photo 7: View of SCVWD Percolation Pond 3, facing south, near the southernmost end of the project reach. SR 85 can be seen.

4.1.3 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.3.1 *Change in Visual Character (Checklist Items b, c)*

The project area is visible from the immediately surrounding area. The primary visual changes as a result of the project would occur at planned pedestrian/bicycle bridges over Willow Street, Capitol Auto Mall, and near Koch Lane and Chynoweth Avenue. These structures would be visible from

nearby streets and from the backyards of some residences. The areas in which these bridges would be constructed are urban in nature. All structures over the river would be low profile and built to be as compatible with the natural surroundings as possible.

The construction of the pedestrian/bicycle bridges may require the removal of trees and vegetation in the surrounding areas. Additional trees and vegetation may need to be removed depending on specific environmental conditions of the reaches. These changes would not significantly impact the aesthetic character of the river, given the urban, non-residential character of the immediate surrounding areas and similarities to existing bridge facilities within the project area. In addition, most of the extent of the trail alignment adjacent to residential areas is obstructed by solid fences and walls along property lines.

Other changes would occur at the locations identified for the construction of gateways and other trail amenities. These "gateways" would be designed to blend in with the surrounding community and natural environment through the use of consistent architectural style. The minor streetscape/sidewalk improvements and signage designating on-street reaches of the trail would not have a significant impact on the visual characters of surrounding neighborhoods.

While the determination of aesthetic impacts is somewhat subjective, it is concluded that the construction of the trail and structures would not result in a significant aesthetic impact to the surrounding land uses. The project reaches are not generally visible to the surrounding land uses. The trail would not change the visual character of the residential areas along the on-street reaches (i.e. Northern Road, Malone Road, Almaden Road). The construction of a trail would not significantly change the visual character of the project area. **(Less Than Significant Impact)**

4.1.3.2 *Light and Glare Impacts* *(Checklist Item d)*

The trail would not be lighted except for roadway overcrossings (Willow Calle) and where it crosses under Almaden Expressway, Foxworthy Avenue, and Branham Lane where the lighting would enhance the safety for trail users. The lighting would be designed to avoid light spillover and glare impacts to surrounding land uses and wildlife. Therefore, the project would not result in a significant adverse aesthetic lighting impact. **(Less Than Significant Impact)**

4.1.3.3 *Impacts to Scenic Vistas* *(Checklist Item b)*

The majority of the project would include at-grade trail construction. The proposed pedestrian/bicycle bridges at Willow Street, and near Koch Lane and Chynoweth Avenue would be visible from the surrounding neighborhoods. The construction of the pedestrian/bicycle bridges would occur in largely urban areas and would not obstruct any scenic views of the area. **(Less Than Significant Impact)**

4.1.4 Conclusion

The proposed project would not degrade or substantially change the existing visual character or quality of the site and its surroundings. Therefore, the project would have a less than significant adverse aesthetic impact and mitigation measures are not required or proposed. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Existing Conditions*

The project reach is located within urban San José and is identified on the Santa Clara County Important Farmland 2012 Map as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.[4] The project area is primarily designated as *Public Park/Open Space*, *Public/Quasi-Public*, and *Residential* under the City of San José's General Plan. The zoning designations are *Single-Family Residential*, *Two-Family Residential*, *Multi-Family Residential*, *Light Industrial*, and *Commercial General*. None of the properties adjacent to the project reach are used for agricultural purposes.

4.2.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,2
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	1,2
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

[4] California Department of Conservation, *Santa Clara County Important Farmland Map 2010.* June 2011.

4.2.2.1 *Agricultural and Forestry Resource Impacts (Checklist Items a, b, c, d, e)*

The project area is not designated, used, or zoned for agricultural or forestry purposes. The project area is not part of a Williamson Act contract. The project, therefore, would not impact agricultural or forestry resources. **(No Impact)**

4.2.3 Conclusion

The project would not have a direct or indirect adverse impact on agricultural land or agricultural activities either along the project reach or in the project area. **(No Impact)**

4.3 AIR QUALITY

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Nevertheless, the City has policies that address existing conditions (e.g., air quality) affecting a proposed project. The following section describes impacts to trail users due to existing conditions, which are described in *Section 4.3.2*, below.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunshine.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution. Air pollutants with national air quality standards, known as "criteria air pollutants", include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter. Of the three pollutants known to at times exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and particulate matter (PM_{10}) are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. The third pollutant, carbon monoxide, is considered a local pollutant because elevated concentrations are usually only found near the source.

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "non-attainment areas. Because of the differences between the national and state data standards, the designation of nonattainment areas is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is a non-attainment area for ozone and particulate matter (PM_{10}). The County is either in attainment or unclassified for other pollutants.

The region is required to adopt a Clean Air Plan on a triennial basis that shows progress towards meeting the state ozone standard. The *Bay Area 2010 Clean Air Plan*, adopted in September 2010, serves as the region's current Clean Air Plan.[5] In addition to meeting the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone, the Clean Air Plan provides a strategy to reduce ozone, particulate matters, air toxics, and greenhouse gases in a single, integrated plan. The Clean Air Plan establishes emission control measures to be adopted or implemented in the 2010-2012 timeframe.

[5] Bay Area Air Quality Management District. *Current Plans.* Available at: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans. Accessed on February 22, 2017.

In June 2010, Bay Area Air Quality Management District (BAAQMD) adopted the *CEQA Air Quality Guidelines* as an update to its previous CEQA Guidelines (1999). Under the new thresholds of significance, projects whose operations generate more than 10 tons per year of ROG, NO_x, or $PM_{2.5}$ or 15 tons per year of PM_{10} would have a significant impact on regional air quality.

4.3.1.2 *Sensitive Receptors*

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, and the acutely and chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors near the project site are primarily the residences adjacent to the trail throughout its alignment.

4.3.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,2
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,2
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,2
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,2
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,2

4.3.2.1 *Regional and Local Impacts (Checklist Item a, c)*

The proposed project would not result in significant local or regional air quality impacts, since it is the construction of a trail and would not generate a significant number of additional vehicle trips within the project area. The proposed extension of an existing pedestrian/bike trail through the project area would likely result in a small reduction in vehicle trips by providing an alternative means of transportation for the residents of the surrounding neighborhoods.

The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines identify projects likely to result in a significant air quality impact, for which an air quality impact analysis must be prepared. These projects are those that generate more than 2,000 vehicle trips per day. The proposed project does not exceed this criterion that would require such an analysis.

4.3.2.2 *Construction-Related Impacts (Checklist Item b, d)*

Construction activities such as excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, and some caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Construction activities would temporarily affect local air quality, causing a temporary increase in particulate dust and other emissions, which may result in temporary nuisances to the adjacent residential land uses. The construction of the proposed project would not require significant grading and thus, would not result in a significant air quality impact associated with temporary air pollutant generation.

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

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Notify residents in the vicinity that could be affected by project grading sufficiently prior to construction activities. A construction monitor will be appointed to respond to questions and complaints and will take corrective action within 48 hours.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard.
- Apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the construction areas (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactivate construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water at least twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site.
- Limit traffic speed on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

With implementation of the standard measures, the project would result in a less than significant air quality impact during project construction. **(Less Than Significant Impact)**

4.3.2.3 *Impacts to Trail Users (Checklist Item d)*

The operational effects of the proposed project on long-term air quality would be associated with vehicle trips. As described in *Section 4.17 Transportation,* the construction of the trail would not

generate a significant number of additional vehicle trips in the project area. Rather, the proposed trail project could result in a small reduction in vehicle trips by providing an alternative means of transportation for commuters and residents. Given that the project is intended to reduce daily vehicle trips, it would not exceed BAAQMD's thresholds for the generation of criteria air pollutants and ozone precursors. Therefore, the proposed trail project would not result in significant long-term air quality impacts resulting from increased emissions of air pollutants.

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

4.3.2.4 ***Sensitive Receptors*** *(Checklist Item d)*

Sensitive receptors are located adjacent to the trail alignment as the trail passes through residential areas.. Trail use would be limited to pedestrian and bicycle use as well as occasional emergency and/or maintenance vehicles. This limited use would not generate harmful emissions that would impact sensitive receptors adjacent to the trail. Additionally, it is anticipated that most trail users would access the trail via walking or bicycling to trail access points. It is therefore unlikely that project operations would generate automobile trips that would result in harmful emissions to adjacent sensitive receptors. **(Less Than Significant Impact)**

4.3.2.5 ***Odors*** *(Checklist Item e)*

The project does not include any odor-causing operations, and any odors emitted during construction would be temporary and localized. **(Less Than Significant Impact)**

4.3.3 Conclusion

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

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Biological Assessment prepared by *H.T. Harvey & Associates* in December 2017. A copy of this report is attached as Appendix A to this Initial Study. This assessment evaluated the proposed project at a programmatic level (Master Plan), taking into consideration the "worst case" scenario in terms of potential biological impacts. The evaluation includes impacts at the future Three Creeks Trail bridge over the river. This future retrofit/reuse project would be part of the Three Creeks Trail that will have a separate environmental review. It is included here for informational purposes.

As described previously is *Section 3.0*, this Initial Study considered the environmental impacts of trail development along the east bank alignment near Thousand Oaks Park and the west bank alignment in the Branham Lane to Chynoweth Avenue reach to facilitate future trail development should the City Council take steps to acquire land, future development create opportunities, or rights are secured as part of the USACE/SCVWD Flood Control project.

4.4.1 Environmental Setting

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

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts, and the natural communities or habitats that support them, are of particular concern. Other sensitive, natural communities (such as wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also key biological resources.

In urban areas, planted and native trees that comprise the "urban forest" also provide a range of values. From a biological perspective, urban trees provide habitat for urban-adapted wildlife.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with - and complementary to - various federal, state, and local laws/regulations that are designed to protect such resources. These regulations often mandate that project sponsors obtain permits prior to the commencement of development activities, with measures to avoid and/or mitigate impacts required as standard measures. Table 4.4-1 summarizes many of these laws and regulations; for more details please see Appendix A.

Table 4.4-1
Regulation of Biological Resources

Law/Regulation	Objective(s)	Responsible Agencies
Federal Endangered Species Act	Avoid harm to such species and their habitat and, ultimately, to restore their numbers to where	U.S. Fish & Wildlife Service (USFWS), NOAA's National Marine Fisheries Service

California Endangered Species Act	they are no longer threatened or endangered.	California Department of Fish & Game (CDFG)
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
Federal Clean Water Act	Avoid/mitigate impacts to wetlands and other "waters of the United States" including streams, lakes, or bays.	U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Regional Water Quality Control Board
California Fish & Game Code Sections 1600-1616	Avoid/mitigate impacts to rivers, streams, or lakes.	CDFG
San José Riparian Corridor Policy Study	Avoid direct & indirect impacts to riparian corridors.	City of San José
San José Municipal Code Chapter 13.32	Avoid/mitigate impacts to trees (diameter > 18 inches).	City of San José
NOAA = National Oceanic & Atmospheric Administration		

4.4.2 Regulatory Setting

4.4.2.1 *Federal Regulatory Framework*

Clean Water Act

Areas meeting the regulatory definition of "Waters of the U.S." are subject to the jurisdiction of the USACE under provisions of Section 404 of the 1972 Clean Water Act (CWA). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), territorial seas, and wetlands adjacent to Waters of the U.S. (33 Code of Federal Regulations [CFR], Part 328). Wetlands on non-agricultural lands are identified using the Corps of Engineers Wetlands Delineation Manual (1987) using an approach that relies on identification of three parameters: hydrophytic vegetation, hydric soils, and wetland hydrology indicators. Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated in uplands, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR, Part 328).

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of Section 401 Water Quality Certification. The State Water Resources Control Board (SWRCB) is the state agency (together with the Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California.

The Guadalupe River is regulated as jurisdictional "Waters of the U.S." by the USACE. The project site, therefore, contains jurisdictional aquatic habitats at two locations where the site crosses the main, active channel of the Guadalupe River.

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) protects federally listed wildlife species from harm or "take", which is broadly defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species. An activity can be defined as "take" even if it is unintentional or accidental. Listed plant species are provided less protection that listed wildlife species. Listed plant species are legally protected from take under the FESA only if they occur on federal lands.

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, part of birds, and bird eggs and nests; and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction.

4.4.2.2 *State Regulatory Framework*

Porter-Cologne Water Quality Control Act

The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region and may approve, with or without conditions, or deny projects that could affect Waters of the State. Their authority comes from the CWA and the State's Porter-Cologne Water Quality Control Act (Porter-Cologne). Porter-Cologne broadly defines Waters of the State as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because Porter-Cologne applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of Waters of the U.S. For example, Water Quality Order No. 2004-0004-DWQ states that "shallow" waters of the State include headwaters, wetlands, and riparian areas. Moreover, the San Francisco Bay Region RWQCB's Assistant Executive Director has stated that, in practice, the RWQCBs claim jurisdiction over riparian areas. Where riparian habitat is not present, such as may be the case at headwaters, jurisdiction is taken to the top of bank.

Pursuant to the CWA, projects that are regulated by the USACE must also obtain a Section 401 Water Quality Certification permit from the RWQCB. This certification ensures that the proposed project will uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on Waters of the State require Water Quality Certification even if the area occurs outside of USACE jurisdiction. Moreover, the RWQCB may impose mitigation requirements even if the USACE does not. Under the Porter-Cologne, the SWRCB and the nine regional boards also have the responsibility of granting

CWA National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code, Chapter 1.5, §§2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code 2070). The CDFW regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. The CDFW, however, has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification."

California Fish and Game Code

Ephemeral and intermittent streams, rivers, creeks, dry washes, sloughs, blue line streams on USGS maps, and watercourses with subsurface flows are under CDFW jurisdiction. Canals, aqueducts, irrigation ditches, and other means of water conveyance may also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife. A *stream* is defined in Title 14, California Code of Regulations §1.72, as a "body of water that follows at least periodically or intermittently through a bed or channel having banks and that supports fish and other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." Using this definition, CDFW extends its jurisdiction to encompass riparian habitats that function as a part of a watercourse.

California Fish and Game Code §2786 defines *riparian habitat* as "lands which contain habitat which grows close to and which depends upon soil moisture from a nearby freshwater source." The lateral extent of a stream and associated riparian habitat that would fall under the jurisdiction of CDFW can be measured in several ways, depending on the particular situation and the type of fish or wildlife at risk. At minimum, CDFW would claim jurisdiction over a stream's bed and bank. In areas that lack a vegetated riparian corridor, CDFW jurisdiction would be the same as USACE jurisdiction. Where riparian habitat is present, the outer edge of riparian vegetation is generally used as the line of demarcation between riparian and upland habitats.

Pursuant to California Fish and Game Code §1603, CDFW regulates any project proposed by any person that will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds." California Fish and Game Code §1602 requires an entity to notify CDFW of any proposed activity that may modify a river, stream, or lake. If CDFW determines that proposed activities may substantially adversely affect fish and wildlife resources, a Lake and Streambed Alteration Agreement (LSAA) must be prepared. The LSAA sets reasonable conditions necessary to protect fish and wildlife, and must comply with CEQA. The applicant may then proceed with the activity in accordance with the final LSAA.

Certain sections of the California Fish and Game Code describe regulations pertaining to protection of certain wildlife species. For example, Code §2000 prohibits take of any bird, mammal, fish, reptile, or amphibian except as provided by other sections of the code.

The California Fish and Game Code §§3503, 3513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW. Raptors (i.e., eagles, hawks, and owls) and their nests are specifically protected in California under Code §3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

Bats and other non-game mammals are protected by California Fish and Game Code §4150, which states that all non-game mammals or parts thereof may not be taken or possessed except as provided otherwise in the code or in accordance with regulations adopted by the commission. Activities resulting in mortality of non-game mammals (e.g., destruction of an occupied nonbreeding bat roost, resulting in the death of bats), or disturbance that causes the loss of a maternity colony of bats (resulting in the death of young), may be considered "take" by the CDFW.

4.4.2.3 *Local Regulations*

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Agency (SCVHA) leads the implementation of the Santa Clara Valley Habitat Plan (SCVHP). It is a regional partnership between six local partners, including the County of Santa Clara, Santa Clara Valley Transportation Authority, SCVWD, the Cities of San José, Gilroy, and Morgan Hill), CDFW, and USFWS. In 2013, the SCVHP was adopted by all local participating agencies, and permits were issued from the USFWS and CDFW. It is both a habitat conservation plan and natural community conservation plan, or HCP/NCCP. The planning document helps private and public entities plan and conduct projects and activities in ways that lessen impacts on natural resources, including specific threatened and endangered species. The SCVHP identifies regional lands (called reserves) to be preserved or restored to benefit at-risk species, and describes how reserves will be managed and monitored to ensure that they benefit those species. In providing a long-term, coordinated planning for habitat restoration and conservation, the SCVHP aims to enhance the viability of threatened and endangered species throughout the Santa Clara Valley.

The SCVHP defines specific measures to avoid, minimize, and mitigate impacts on covered species and their habitats while allowing for the implementation of certain "covered projects". The USFWS, a signatory of the SCVHP, will provide incidental take approval for the project's impacts to federally listed species via Section 10 of the FESA. In conformance with the SCVHP, project proponents are required to pay impact fees in accordance with the types and acreage of habitat or "land cover" impacted, and to implement conservation measures specified by the SCVHP. Land cover impacts are used because it is the best predictor of potential species habitat, and is applicable to all of the covered species (with the exception of the burrowing owl). The SCVHA has mapped three fee zones in the SCVHP area: (a) ranchland and natural lands, (b) agricultural and valley floor lands, and (c) small vacant sites (SCVHA 2016). The following areas are exempt from land cover fees:

- All development that occurs on land mapped by the SCVHP as urban-suburban, landfill, reservoir (excluding dams), or agriculture developed land cover types;
- Other exempt activities include urban development in fee zones A-C on parcels less than 0.5 acres;
- Additions to structures within 50 ft. of existing structure that result in less than 5,000 ft. of impervious surface so long as there is no effect on wetland or serpentine land cover types; and
- Construction of recreational facilities within the reserve system.

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.32.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (17.8 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species.

City of San José Heritage Trees

Under the City of San José Municipal Code, Sections 13.28.330 and 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated Heritage Trees. There are no heritage trees on the project site.

City of San José Riparian Policy

In May of 1994, the San José City Council adopted the Riparian Corridor Policy Study to guide the City's treatment of riparian corridors and protect biotic resource values when development occurs along creek systems. The study was subsequently revised in March 1999. Riparian habitats are recognized as important natural resources because they support a great variety and abundance of aquatic and terrestrial species due to the availability of water.

The Riparian Corridor Policy Study contains specific guidelines pertaining to development adjacent to riparian corridors. The purpose of the guidelines is to help protect natural resources, provide the City with a tool to evaluate proposed development within and adjacent to riparian corridors, coordinate recreation and stormwater drainage, and provide guidance to property owners and public agencies when preparing development plans.

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

In August of 2016, the San José City Council adopted a Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) which provides guidance, consistent with the General Plan, for protecting and restoring riparian habitat; limiting the creation of new impervious surface within

Riparian Corridor setbacks; and encouraging bird-safe design in Bayland and riparian habitats of lower Coyote Creek north of SR 237. This policy supplements the regulations for riparian corridor protection already contained within the SCVHP, Municipal Code, and other existing City policies that may provide for riparian protection and bird-safe design. Specific guidance pertaining to setbacks, allowed activities, and materials and lighting in riparian areas are included within Council Policy 6-34. Further, it provides bird-safe design guidelines for structures located north of SR 237.

City of San José General Plan

The following policies found in the *Envision San José 2040 General Plan* is applicable to the proposed project:

Policy	Description
ER-2.1	Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan (HCP/NCCP).
ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
ER-2.4	When disturbances to riparian corridors cannot be avoided, implement appropriate measures to restore, and/or mitigate damage and allow for fish passage during construction.
ER-2.5	Restore riparian habitat through native plant restoration and removal of nonnative/invasive plants along riparian corridors and adjacent areas.
ER-4.1	Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
ER-4.2	Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitats.
ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

ER-6.3 Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.

ER-6.5 Prohibit use of invasive species within the City limits in required landscaping as part of the discretionary review of proposed development.

ER-6.6 Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

ER-6.7 Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.

ER-6.8 Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

ER-6.9 Work with landowners, landscapers, nurseries, and the multi-agency Santa Clara County Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State's Noxious Weed List, the California Invasive Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California" and other priority species identified by the agricultural commissioner and California Department of Agriculture.

ER-6.10 Update the Riparian Corridor Policy Study and all City design guidelines based on guidance from Responsible Agencies on best practices for lighting to protect sensitive habitats and species, including birds and bats.

ER-9.1 In consultation with the Santa Clara Valley Water District, other public agencies and the SCVWD's Water Resources Protection Guidelines and Standards (2006 or as amended), restrict or carefully regulate public and private development in streamside areas so as to protect and preserve the health, function, and stability of streams and stream corridors.

TN-1.3 Design trail system alignments to minimize impacts and enhance the environment within sensitive riparian and other natural areas. Follow Riparian Corridor Goals, Policies, and Actions regarding trail design and development in proximity to riparian areas.

4.4.3 Environmental Setting

4.4.3.1 *Biotic Habitats*

Six biotic habitat types (referred to as "land cover types" by the SCVHP), are within the project area boundaries. The habitat type includes 1) urban-suburban land, 2) golf courses/urban parks, 3) ornamental woodland, 4) willow riparian forest and scrub, 5) mixed riparian forest and woodland, and 6) riverine. A breakdown of the habitat types by acreage is represented in Table 4.4-2.

Table 4.4-2
Biotic Habitat/Land Cover Acreages for the Project Site

Biotic Habitats/Land Cover Types	Approximate Area (acres)
Urban-suburban land	14.33
Golf courses/urban parks	3.10
Ornamental woodland	1.52
Willow riparian forest and scrub	1.29
Mixed riparian forest and woodland	1.15
Riverine	0.06
Total:	**21.45**

Maps illustrating the SCVHP Habitat Designation of the project site are found in Figures 3.4-1 through 3.4-5. These maps are broken up into reaches that made the most sense from a biological perspective during on-site evaluation. Wildlife and vegetation species included within each biotic habitat is based on a records search of the California Native Diversity Database (CNDBB), as shown in Figures 3.4-6 and 3.4-7.

Source: H.T. Harvey & Associates., January 2017.

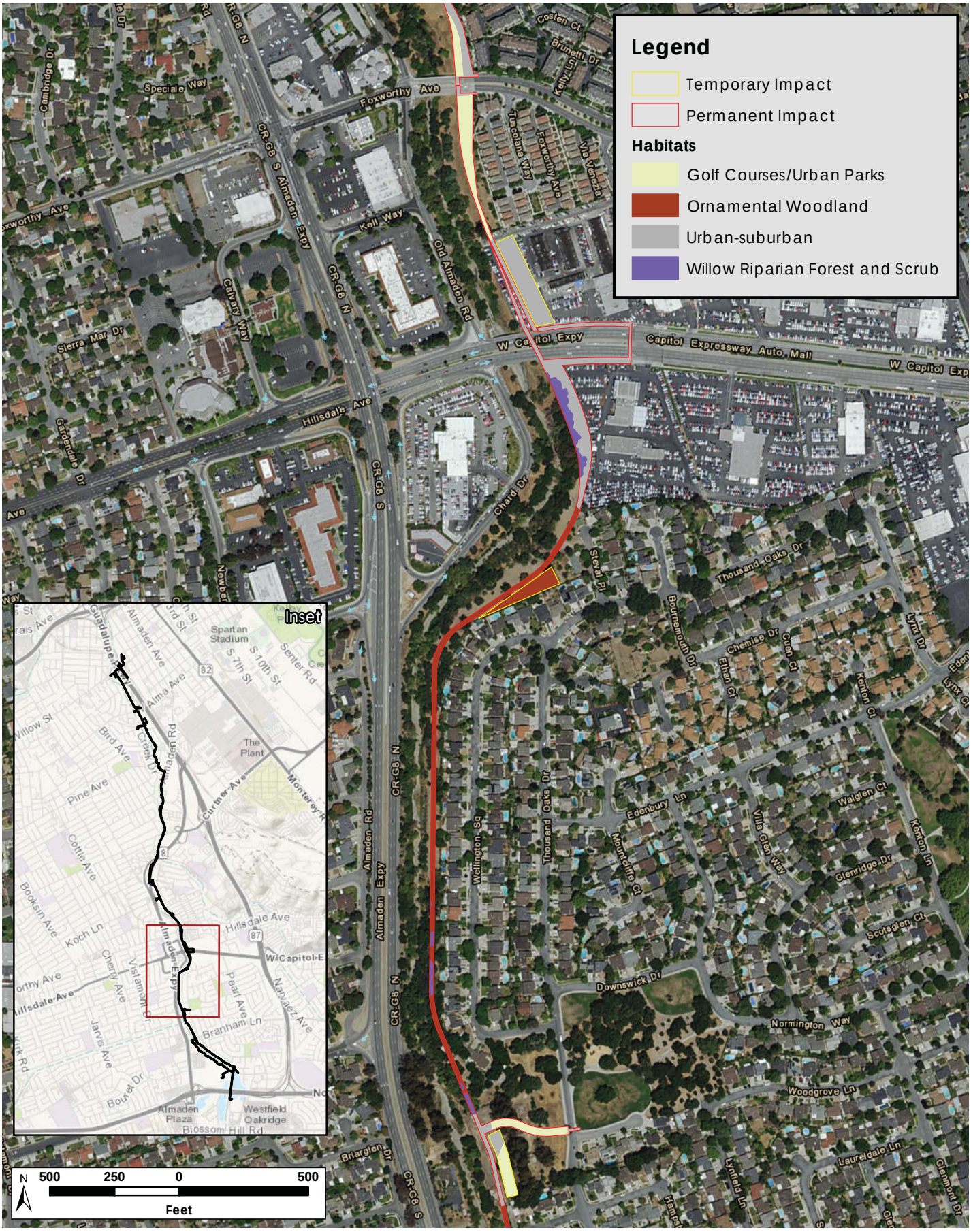
BIOTIC HABITATS AND IMPACTS IN PROJECT ALIGNMENT (PT. 1) FIGURE 3.4-1

Source: H.T. Harvey & Associates., January 2017.

BIOTIC HABITATS AND IMPACTS IN PROJECT ALIGNMENT (PT. 2) FIGURE 3.4-2

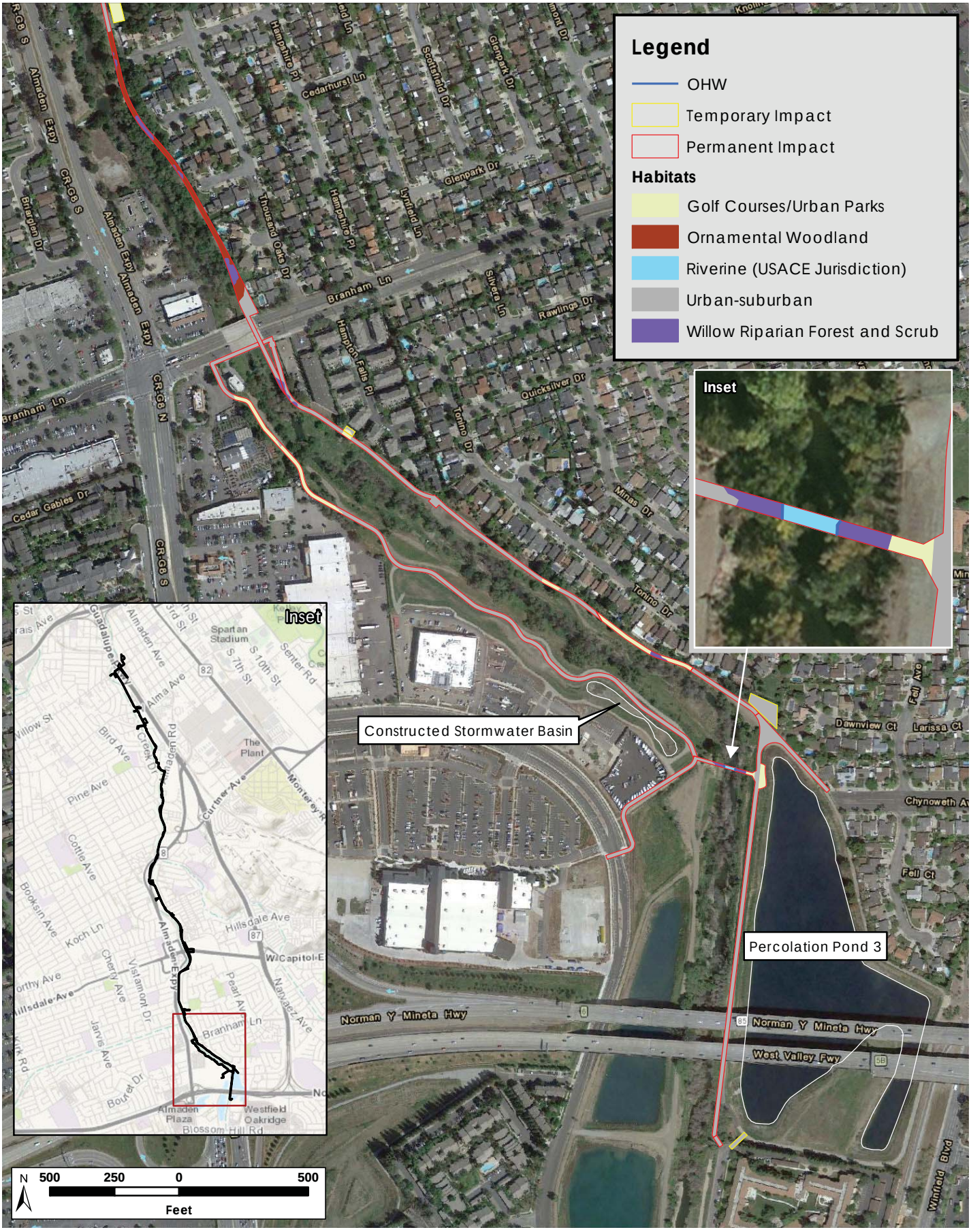
Source: H.T. Harvey & Associates., January 2017.

BIOTIC HABITATS AND IMPACTS IN PROJECT ALIGNMENT (PT. 3) FIGURE 3.4-3



Source: H.T. Harvey & Associates., January 2017.

BIOTIC HABITATS AND IMPACTS IN PROJECT ALIGNMENT (PT. 4) FIGURE 3.4-4



Source: H.T. Harvey & Associates., January 2017.

BIOTIC HABITATS AND IMPACTS IN PROJECT ALIGNMENT (PT. 5) FIGURE 3.4-5

Urban-Suburban Land

Vegetation

The project area includes 14.33 acres (approximately 66.8 percent of the total project area) of urban-suburban land that is devoid of vegetation, or contains patches of non-native or cultivated vegetation as a result of the construction of residential, commercial, industrial, transportation or recreational structures. This area includes portions of the project area that contain paved or impermeable surfaces, horticultural plantings or planted street trees, and lawns smaller than 10 acres. Urban-suburban land is located throughout the project area, as much of the area is developed or disturbed.

These lands contain small quantities of ornamental shrubs, including toyon, California coffeeberry, ornamental privet, and ornamental pittosporum, as well as ruderal non-native herbaceous species, such as pearly everlasting, spurge, cheeseweed, and English ivy; the latter species is ranked as "highly invasive" and is common throughout the area (California Invasive Plant Council [Cal-IPC] 2016). Street trees are common in the urban-suburban habitat, and include coast redwood, big leaf maple, ornamental elm, Canary island pine, fan palm, and London plane, among others.

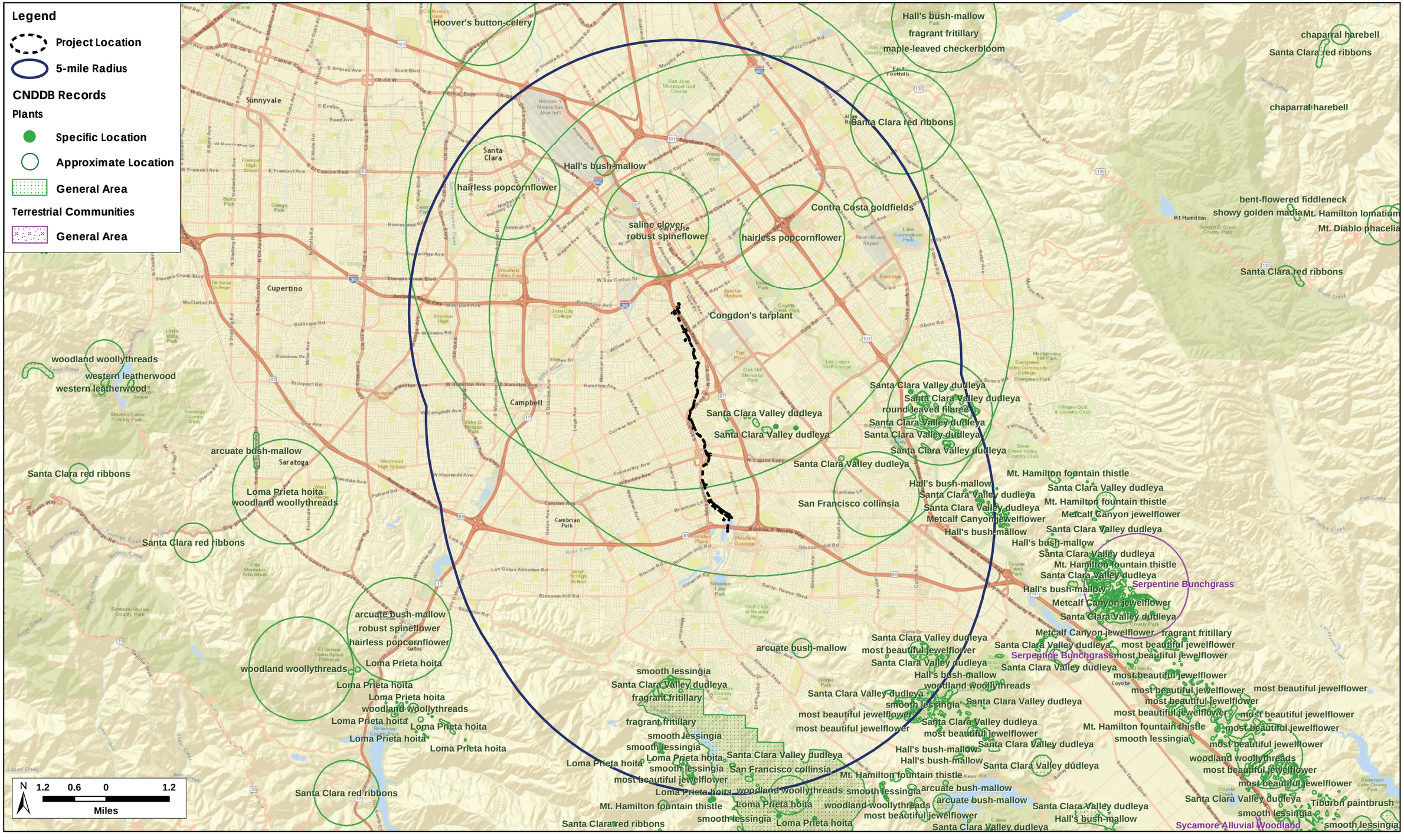
Wildlife

Gravel and paved areas devoid of vegetation do not provide high-quality wildlife habitat; however, snakes and lizards may bask on these surfaces and a variety of wildlife may cross over or move along the levee roads within the project area to move between other habitats in the vicinity. Many old cliff swallow mud nests were observed on the underside of the SR 85 overpass in the southern portion of the project area during the December 2016 reconnaissance survey. The other bridges over the proposed trail could also support nesting swallows and black phoebes, although no evidence of former nests was observed on these structures. None of the bridges on the project site provide crevices or other features that are suitable for use by roosting bats. Other species that occur in adjacent golf courses/urban parks, ornamental woodland, and mixed-riparian forest and woodland habitats described below can also be found foraging in the shrubs and trees in this habitat.

Golf Course/Urban Parks

Vegetation

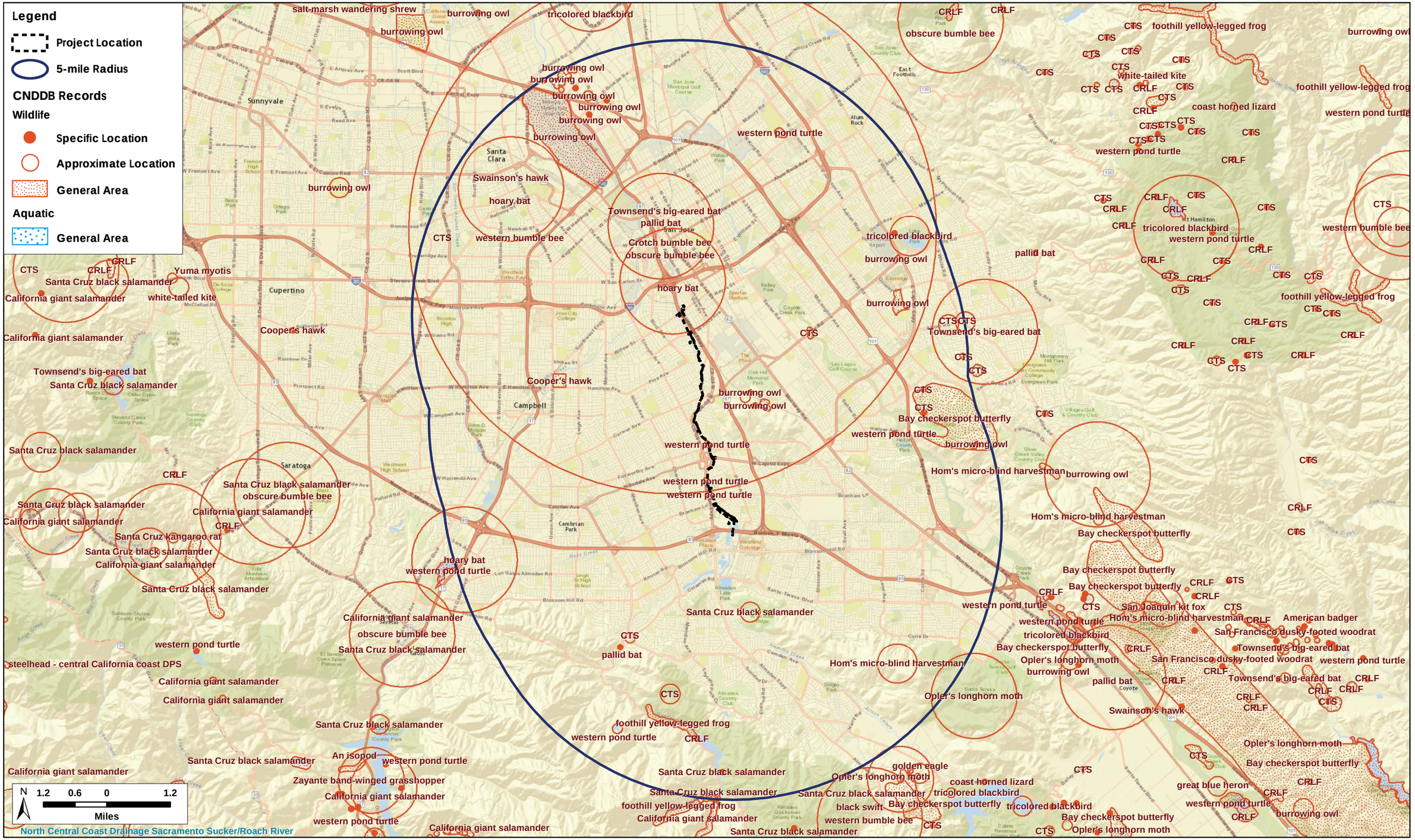
The project area includes 3.10 acres (approximately 14.4 percent of the total project area) of habitat that qualify as golf courses/urban parks. Within the project area, the golf courses/urban parks habitat generally includes portions of community or neighborhood parks, as well as non-contiguous patches of urban green space that were mapped by the SCVHP as being this land cover type. It is generally located adjacent to urban-suburban habitat. Golf courses/urban parks habitat largely comprises non-native plant species that are characteristic of disturbed areas, such as black mustard, wild radish, horseweed, smilo grass, wild oats, ripgut brome, bindweed, poison hemlock, Italian thistle, prickly lettuce, and Mediterranean barley. Tree species frequently observed in the golf courses/urban parks habitat include silver dollar gum, eucalyptus, blue elderberry, Peruvian peppertree, stonefruit, and coast live oak. Golf courses/urban parks habitat on the project site are of moderate biological value. Many of the non-native plants species observed on the project site are ranked as "moderately invasive" and are common throughout the area (California Invasive Plant Council [Cal-IPC] 2016).



Source: H.T. Harvey & Associates., January 2017.

CNDDB PLANT OCCURRENCES WITHIN PROJECT AREA

FIGURE 3.4-6



Source: H.T. Harvey & Associates., January 2017.

CNDBB ANIMAL OCCURRENCES WITHIN PROJECT AREA

FIGURE 3.4-7

Wildlife

Wildlife use of the golf courses/urban parks habitat on the project area is limited by the high levels of human disturbance that occur both within the project area and in nearby areas. As a result, wildlife species associated with extensive grassland habitats in the region, such as the grasshopper sparrow and loggerhead shrike, are absent from the small patches of open habitat within the golf courses/urban parks habitat of the project area, and many of the species that occur on the site are species that occur in adjacent urban areas and use the site for foraging. Such species include the California towhee, mourning dove, lesser goldfinch, American goldfinch, and bushtit. Likewise, a few species nesting on nearby man-made structures, such as the cliff swallow, barn swallow, black phoebe, and the non-native house sparrow, rock pigeon, and European starling, also forage on or over the ruderal park land on the site. During winter and migration, common nonbreeding species such as the white-crowed sparrow, golden-crowned sparrow, and Lincoln's sparrow forage in urban areas on the ground or in herbaceous vegetation, primarily for seeds.

Few species of reptiles and amphibians occur within the project area due to its urban nature and low habitat heterogeneity. Nevertheless, the western fence lizard, gopher snake, and common garter snake may occur in this type of urban park habitat. Small mammals expected to be present on the site include the western harvest mouse, house mouse, and black rat. California ground squirrels are also present on the site and several networks of ground squirrel burrows were observed on the slopes of the levees in the southern portion of the of the golf course/urban park habitat during the reconnaissance survey. Larger mammals, such as the striped skunk, feral cat, Virginia opossum, and raccoon also occur in urban parks in the project area.

Ruderal grassland vegetation and ground squirrel burrows in the golf course/urban park habitats within the project area provide ostensibly suitable habitat for the burrowing owl. However, the proximity of such open ground to areas with tall trees and shrubs, which are usually avoided by burrowing owls, greatly reduces the potential for burrowing owls to use the site for foraging, roosting, or nesting. No signs of recent burrowing owl presence were observed on the site during a focused survey for burrowing owls in December 2016, and the SCVHP does not map areas along the project alignment as providing suitable burrowing owl habitat (ICF International 2012).

Ornamental Woodland

Vegetation

The project area includes 1.52 acres (approximately 7.1 percent of the project area) of stands of ornamental trees, which are located in two contiguous patches separated by an urban-suburban area in the mid to southern portion of the project area, between Steval Place and Branham Lane. The ornamental woodland is situated between urban-suburban residences and willow riparian forest and scrub habitat along the Guadalupe River, and is dominated by mature, planted Northern California black walnut, black locust, olive, incense cedar, and common fig with scattered occurrences of silver dollar gum, coast live oak, English walnut, and pine.

Ornamental woodlands on the project site generally lack an herbaceous and shrub layer due to the presence of a wide dirt trail that is devoid of vegetation, which comprises portions of the ornamental woodland that do not contain mature, planted trees. Tree composition distinguishes the ornamental woodland habitat from the urban-suburban habitat, as Northern California black walnut, black locust,

olive, incense cedar, and common fig are largely absent from the urban-suburban habitat. Moreover, trees in the urban-suburban habitat do not grow in contiguous stretches as they do in the ornamental woodland habitat.

Wildlife

The ornamental woodland habitat in the project area supports a variety of common species of reptiles, birds, and mammals. Oak titmice, Nuttall's woodpeckers, bushtits, and chestnut-backed chickadees are year-round residents in the Santa Clara Valley in ornamental woodland habitats. In addition, American robins and American crows, among other bird species, will opportunistically feed on the fruit of trees in the remnant orchards. The proximity of the ornamental woodland habitat to riparian habitats increases the bird species diversity in the ornamental woodland, as a number of birds will move between the two land cover types. The deer mouse, California mouse, and introduced eastern gray squirrel nest and forage in this habitat and the California myotis and long-eared myotis may roost in trees with cavities or loose bark.

Willow Riparian Forest and Scrub

Vegetation

The project area contains 1.29 acres (approximately six percent of the total project area) of willow riparian forest and scrub habitat, which is located below the top of the bank along the eastern margins of the active channel of the Guadalupe River. Within the project area, the willow riparian forest and scrub habitat generally exists as a narrow band of closed-canopy willows that support mostly hydrophytic vegetation. Red willow and arroyo willow are the dominant tree species in willow riparian forest and scrub habitat in the project area, though small mixtures of Fremont cottonwood and black cottonwood are also relatively common. Herbaceous species in the willow riparian forest and scrub habitat in the project area include rough cocklebur, tall flatsedge, curly dock, smilo grass, and Himalayan blackberry, which is ranked as "high invasive" and is common throughout the area (California Invasive Plant Council [Cal-IPC] 2016). Willow riparian forest and scrub lines much of the Guadalupe River and thus abuts the project site in many locations throughout the study area; its canopy frequently overhangs urban-suburban habitat or golf courses/urban parks habitat. It is also found along the three channel-crossing sections of the project area.

Wildlife

Wildlife species associated with the narrow band of willow riparian forest and scrub are similar to those found in the adjacent mixed riparian forest and woodland described below. Willow trees are used by foraging birds such as warblers, flycatchers, and vireos during migration. Common waterfowl, such as mallards, forage in and along the Guadalupe River year-round, and may nest in riparian habitat adjacent to the river.

Mixed Riparian Forest and Woodland

Vegetation

The mixed riparian forest and woodland habitat is located across 1.15 contiguous acres of the project area (approximately 5.4 percent of the total project area) in an area where the site widens along the

eastern margin of the active channel of the Guadalupe River. This closed-canopy stretch of habitat is dense with vegetation and is situated on the steep bank with several benches along Almaden Expressway, between Wren Drive and Ironwood Drive. Tree species in this area include California sycamore, coast live oak, red willow, arroyo willow, shamel ash, valley oak, and black locust. Trees in the mixed riparian forest and woodland within the project area grow taller and wider than those in the willow riparian forest and scrub. The herbaceous layer in the mixed riparian forest and woodland is shaded and contains common riparian species, such as Himalayan blackberry, canarygrass, cocklebur, tall flatsedge, curly dock, smilo grass, wild radish, and poison hemlock.

Wildlife

The mixed riparian woodland habitat within the project area, in conjunction with the larger riparian woodland corridor associated with the Guadalupe River, supports a mature tree canopy and understory and a large diversity of wildlife species. The riparian forest and woodland provides suitable nesting habitat for many birds including American crows, chestnut-backed chickadees, downy woodpeckers, lesser goldfinches, Anna's hummingbirds, Bewick's wrens, and American robins, among others. Raptor species, such as the red-shouldered hawk, could also nest in the larger trees in this habitat type, although the limited extent of such large trees within the project footprint reduces this potential, and no raptor nests were observed on the project site during reconnaissance-level surveys conducted in December 2016. During migration, riparian vegetation provides foraging habitat for numerous species of migrating birds, including a number of species of warblers, vireos, flycatchers, and sparrows.

Leaf litter, downed tree branches, and fallen logs provide cover for amphibians such as the California slender salamander, western toad, and Sierran chorus frog. Several lizards may also occur here, including the western fence lizard and southern alligator lizard. Small mammals, such as the ornate shrew, house mouse, Norway rat, and brush rabbit reside in these riparian habitats and larger mammals, such as striped skunk, raccoon, and Virginia opossum occur in the project vicinity and frequently move through the Guadalupe River corridor, including the riparian woodland habitat on the project site.

Riverine

Vegetation

The riverine habitat within the project footprint represents approximately 0.06 acres of aquatic habitat (approximately 0.3 percent of the total area) in the main perennial channel of the Guadalupe River, although more extensive riverine habitat is present all along the Guadalupe River adjacent to the project area. Willow riparian forest and scrub habitat and mixed riparian forest and woodland habitat border the riverine habitat. The riverine habitat is devoid of vegetation, as flows are fast-moving and the channel is fairly wide (10 to 30 feet) and deep (two to four feet).

Wildlife

The Guadalupe River provides habitat for several species of fish. Central California Coast steelhead move through this reach of the Guadalupe River during migration between estuarine/oceanic habitat downstream and spawning or rearing habitat upstream, although this species is not expected to spawn

in the reach located adjacent to the project site. Other fish present in this reach of the river include native species such as the Pacific lamprey, prickly sculpin, California roach, and Sacramento sucker, and non-natives such as the white catfish, largemouth bass, and sunfishes. The western pond turtle, Sierran chorus frog, and non-native bullfrog occur in this reach of the Guadalupe River as well. The river provides foraging habitat for several species of waterbirds, including the mallard, Canada goose, great blue heron, great egret, and snowy egret.

4.4.3.2 *Adjacent Habitats*

The Guadalupe River runs parallel to the entire project alignment. The project footprint intercepts the river at some portions of the trail alignment extent, and crosses the river at the three proposed pedestrian overcrossing locations.

Two notable adjacent habitats were evaluated as part of the biological assessment, but are beyond the boundaries of the project site. A description of these adjacent habitats are below:

- **Percolation Pond 3 (Guadalupe Percolation Ponds)** - Located directly east of the southern portion of the project area, Percolation Pond 3, is a large (approximately 12-acre), man-made pond that is part of the Guadalupe Ponds system that receives winter stormwater from the Guadalupe Reservoir. California SR 85 crosses the pond's midpoint from east to west. The pond, excavated between 1968 and 1980, is approximately 1,500 feet long by 800 feet wide and is surrounded by a band of willow riparian forest and scrub habitat along its banks (Nationwide Environmental Research Title 2016).

  At the time of December 2016 survey, the pond's banks extended roughly 10 to 20 feet above the ordinary high water mark. The project area runs north-to-south along a gravel trail situated atop the western bank of the pond. A portion of the project site, where the site crosses the active channel of the Guadalupe River, extends approximately 30 feet further eastward towards the pond; however, it does not extend into the willow riparian forest and scrub habitat. Instead it extends into a black mustard patch located between the gravel trail and the riparian habitat. No vegetation grows in the aquatic habitat of the pond. The percolation pond has limited use to common wildlife species. When the pond has water, it is regularly used by diving ducks, dabbling ducks, and other waterfowl. During the reconnaissance survey, bird species observed in the pond included mallard, ruddy duck, double-crested cormorant, pied-billed grebe, Canada goose, and great egret.

- **Upland Stormwater Basin -** A 0.3-acre upland stormwater basin is located near the southeastern portion of the project area's loop in the southern section of the project area, near Cherry Avenue (see Figure 3.4-5). The stormwater basin is a flood control feature that was constructed in 2014 as a means to channel excess stormwater; however, at the time of the December 2016 survey, the basin did not appear to be regulated or maintained, as several inches of standing water were observed (refer to Appendix A of this Initial Study for photographs).

  Vegetation in the stormwater basin includes California sagebrush, Russian thistle, curly dock, and meadow barley. The project alignment runs along the eastern portion of the stormwater basin and sits approximately five feet above it. Birds such as sparrows may forage on seeds

and insects in the basin, but otherwise the upland stormwater basin has limited value to wildlife because it does not likely retain water long enough for amphibians to breed successfully. Species found in adjacent golf courses/urban parks habitat will also occur in the stormwater basin.

4.4.3.3 *Special-Status Plants and Animals*

The CNPS (2016) and CNDDB (2016) identify 74 special-status plant species as potentially occurring in at least one of the nine USGS 7.5-minute quadrangles containing or surrounding the project area for species in CRPRs 1 and 2, or in Santa Clara County for CRPR 3 and 4 species. In total, all of the 74 potentially occurring special-status plant species were determined to be absent from the study area for at least one of the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range within the project area; and/or (4) the species is presumed extirpated. Furthermore, none of the land cover types associated with SCVHP-covered rare plants is present in the project area. The urban-suburban, golf courses/urban parks and ornamental woodland habitat types are not considered to be suitable for special-status plants as a result of the high prevalence of weed infestations on the project site, and the prior placement of fill soil. Riparian habitats within the project area do not contain adequate edaphic compositions or microhabitats to support special-status plant species.

The biology report prepared for the project identified the special-status animal species known to occur in the project region and those that potentially occur within the project area. The legal status and likelihood of occurrence within the project area of these special-status animal species are presented in Table 4.4-3. Most of the special-status species listed in Table 4.4-3 are not expected to occur within the project area because the area lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. Animal species not expected to occur within the project area for these reasons include the Bay checkerspot butterfly, California tiger salamander, California red-legged frog, foothill yellow-legged frog, bank swallow, nesting Vaux's swift, loggerhead shrike, nesting yellow-breasted chat, San Francisco common yellowthroat, Swainson's hawk, northern harrier, nesting American peregrine falcon, golden eagle, nesting bald eagle, burrowing owl, nesting tricolored blackbird, Townsend's big-eared bat, and pallid bat. A focused survey of the project area detected no nests of the San Francisco dusky-footed woodrat, and thus this species is also determined to be absent.

Table 4.4-3, below, includes special-status wildlife species that have the potential to occur within the project area.

Table 4.4-3
Special-Status Animal Species, Their Status, and Potential Occurrence within the Project Area

Name	*Status	Habitat	Potential Occurrence on Site
Federal or State Endangered, Threatened, or Candidate Species			
Central California Coast steelhead (*Oncorhynchus mykiss*)	FT	Cool streams with suitable spawning habitat and conditions allowing migration between spawning and marine habitats.	**Present.** Steelhead occur in the Guadalupe River adjacent to the Project site, and in the limited areas where the river flows through the Project site at proposed bridge locations. Spawning in this reach is unlikely, but steelhead occur here during upstream migration of adults to spawning areas and downstream migration of both adults and smolts.
Bald eagle (*Haliaeetus leucocephalus*)	SE, SP	Occurs mainly along seacoasts, rivers, and lakes; nests in tall trees or in cliffs, occasionally on electrical towers. Feeds mostly on fish.	**Absent as Breeder.** Bald eagles are not known to nest on, or immediately adjacent to, the Project site. This species may forage in habitats near the Project site (possibly in the Guadalupe River or in Percolation Pond 3) only infrequently, if at all, based on the limited extent of suitable habitat and the low number of recorded occurrences in the Project vicinity.
California Species of Special Concern			
Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*)	CSSC	Cool rivers and large streams that flow to the ocean and have shallow, partly shaded pools, riffles, and runs.	**Present.** Chinook salmon occur in the Guadalupe River adjacent to the Project site, and in the limited areas where the river flows through the Project site at proposed bridge locations. Spawning in this reach is unlikely, but individuals occur here during upstream migration of adults to spawning areas and downstream migration of smolts. The Chinook salmon using the Guadalupe River have been recognized as strays from hatchery releases (NMFS 1999, Hedgecock 2002), and they do not represent a native run.
Western pond turtle (*Actinemys marmorata*)	CSSC	Permanent or nearly permanent water in a variety of habitats.	**May be Present.** Although breeding populations may have been extirpated from most agricultural and urbanized areas in the Project region, individuals of this long-lived species still occur in urban streams and ponds in the Santa Clara Valley. The SCVHP maps the Guadalupe

			River as primary habitat for this species (ICF International 2012), and individuals of this species have been recorded in the reach of the Guadalupe River adjacent to the Project site (CNDDB 2016). Small numbers of western pond turtles are expected to occur in the Guadalupe River adjacent to the Project site, and in the limited areas where the river flows through the Project site at proposed bridge locations. This species could potentially nest in upland areas along the river, including areas on the Project site (albeit in very low numbers); however, the probability of nesting within the immediate Project footprint is low due to the hard-packed nature of soils in most of the footprint (especially in currently developed areas).
Vaux's swift (*Chaetura vauxi*)	CSSC (nesting)	Nests in snags in coastal coniferous forests or, occasionally, in chimneys; forages aerially.	**Absent as Breeder.** Not expected to nest within or adjacent to the Project site due to absence of suitable nesting habitat, nor to forage at the Project site due to surrounding development and high levels of human disturbance (e.g., freeways, roadways, urban parks, residential development). Small numbers forage aerially over the site.
Yellow warbler (*Setophaga petechia*)	CSSC (nesting)	Nests in riparian woodlands.	**May be Present.** Riparian vegetation in and immediately adjacent to the Project site provides at least moderately suitable breeding habitat, and several pairs may nest in the riparian habitat within and adjacent to the Project site. This species also occurs on the site as a common migrant.
Yellow-breasted chat (*Icteria virens*)	CSSC (nesting)	Nests in dense stands of willow and other riparian habitat.	**Absent as Breeder.** This species is a rare breeder in willow-dominated riparian habitats in the Project region. Suitably large, dense stands of willow are not present on the Project site or in immediately adjacent areas. May occasionally occur over the Project site as a migrant.
Tricolored blackbird (*Agelaius tricolor*)	SC, CSSC	Nests near fresh water in dense emergent vegetation.	**Absent as Breeder.** Typically nests in extensive stands of tall emergent herbaceous vegetation in non-tidal freshwater marshes and ponds, which are not present on the Project site. Tricolored blackbirds have not been recorded nesting

			along the Guadalupe River corridor (Rottenborn 2007). The SCVHP maps all riparian woodland habitats in the Santa Clara Valley as primary breeding habitat for this species, and a tricolored blackbird survey area is mapped along the Guadalupe River adjacent to the Project site (ICF International 2012). However, the riparian corridor along this reach of the Guadalupe River lacks suitable emergent vegetation to support nesting habitat for this species due to the abundance of tall trees and the very limited extent of any emergent vegetation, and extensive open foraging habitat in adjacent upland areas is absent. Therefore, this species is considered absent from the Project site as a breeder. Small numbers of nonbreeding individuals may forage in the Project area.
State Fully Protected Species			
American peregrine falcon (*Falco peregrinus anatum*)	SP	Forages in many habitats; nests on cliffs and tall bridges and buildings.	**Absent as Breeder.** Suitable breeding habitat is not present on, or immediately adjacent to, the Project site. This species occasionally forages in the vicinity of Percolation Pond 3 and the SR 85 bridge over the Guadalupe River.
White-tailed kite (*Elanus leucurus*)	SP	Nests in tall shrubs and trees, forages in grasslands, marshes, and ruderal habitats.	**May be Present.** Limited areas of suitable foraging habitat and suitably large trees for nesting are present on the Project site and along the Guadalupe River adjacent to the Project site, and this species has been recorded nesting approximately 2 miles to the east of the site along Coyote Creek (Mammoser 2007). No individuals were detected during the December 2016 reconnaissance-level surveys, and factors such as the limited extent and marginal quality of foraging habitat on site, and the high degree of urbanization surrounding the site, reduce the likelihood that this species will use habitats on the site for foraging or nesting. Therefore, nesting and foraging white-tailed kites are expected to occur at the Project site only in small numbers, if at all.

Special Status Species Code Designations			
FE =	Federally listed Endangered	SC =	State Candidate for listing
FT =	Federally listed Threatened	CSSC =	California Species of Special Concern
FC =	Federal Candidate for listing	SP =	State Fully Protected Species
SE =	State listed Endangered	SCVHP =	Santa Clara Valley Habitat Plan Covered-Species
ST =	State listed Threatened		

4.4.3.4 *Sensitive Natural Communities, Habitats, and Vegetation Alliances*

CNDBB Sensitive Natural Communities

Rarefind (CNDDB 2016) identified three sensitive habitats as occurring within the project area region: northern coastal salt marsh (Rank G3/S3.2), serpentine bunchgrass (Rank G2/S2.2), and north central coast drain Sacramento Sucker/Roach River (Rank GNR/SNR). None of these habitat types are present within the project area (Appendix A).

As discussed above in *Section 4.4.3.1*, California sycamores trees occur within the project area, but this species is not dominant in the mixed riparian forest and woodland habitat. As such, California sycamore alluvial woodland, a natural community of special concern, was not mapped within the project area boundaries, and further, there was no evidence of the fluvial processes (such as braided stream channels) that are characteristic of California sycamore alluvial woodlands.

Jurisdictional Habitats

Areas subject to the jurisdiction of the USACE as waters of the U.S. are present in the project area below the ordinary high water mark (OHWM) along the Guadalupe River. No other potentially USACE-jurisdictional areas were observed in the project footprint; outside of the project footprint, whether or not Percolation Pond 3 is regulated by the USACE is subject to the USACE's determination. The same areas that are considered USACE-jurisdictional are also regulated by the RWQCB as waters of the State. In addition, the RWQCB may regulate impacts to areas within the banks of the Guadalupe River (i.e., from top of bank to top of bank), potentially extending to the outer limits of the riparian canopy.

The CDFW is expected to regulate the bed and banks of the Guadalupe River, upslope to the outer limits of the riparian canopy.

4.4.4 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐	1,2,7
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☒	☐	☐	1,2,7
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐	1,2,7
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1,2,7
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,7
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1,2,7

4.4.4.1 *Impacts to Candidate, Sensitive, or Special Status Species (Checklist Item a)*

Impacts on Aquatic Habitats and Species

Within the project area, there is aquatic habitat where the proposed trail alignment crosses the Guadalupe River (i.e., at the proposed bridge locations). The aquatic habitat on the project site is considered jurisdictional by the USACE, RWQCB, and CDFW.

The aquatic habitat in the Guadalupe River supports two special-status species of fish; the Central California Coast steelhead and Central Valley fall-run Chinook salmon are known to occur in the reach of the Guadalupe River located adjacent to the project site during migration between marine habitats and upstream spawning habitats. The western pond turtle is also present in this reach of the Guadalupe River.

Project implementation would not result in direct impacts to aquatic habitats within the Guadalupe River. SCVWD Percolation Pond 3 is adjacent to the Branham Lane to Chynoweth Avenue Reach, however, the lateral limits of the pond do not overlap with the project site and therefore, would not result in direct impacts to aquatic habitats. The areas where the project alignment includes aquatic habitats are at the proposed pedestrian/bicycle bridges , and in these locations, construction would occur from the banks and over, but not within, the river. In some areas, the proposed project alignment overlaps very steep banks. Under current conditions, the trail could not feasibly be constructed on those banks without retaining walls or other structures that are either not currently proposed, and would necessitate some work within the river. It is assumed that trail segments on such steep banks would either be constructed on top of other structures/surfaces included in the future SCWVD/USACE's project, or those trail segments would be realigned. Additional environmental review of those segments would be needed prior to project construction of those segments.

Increased hardscape associated with the project could lead to an increase in runoff and a decrease in infiltration and groundwater recharge. Project activities such as bridge construction, bank reinforcement, tree and herbaceous plant removal, and other soil disturbances could increase the potential for soil erosion and sedimentation into the Guadalupe River. Although construction activities would occur above the OHWM and would not require dewatering, these activities could facilitate indirect impacts, such as an increase in the amount of soils and sediments entering waterways (via sediment sliding downslope into the channel), thereby adversely affecting aquatic habitats and water quality.

Short-term increases in turbidity and suspended sediment may disrupt feeding activities of fish or result in temporary displacement from preferred habitats. Juvenile salmonids could be directly affected because they depend on sight to feed. Accidental hazardous spill events could kill or injure fish, or cause temporary losses of prey. Any potential contamination has the potential to migrate farther downstream through the Guadalupe River's main perennial channel. These adverse effects on water quality could eventually have a direct impact on aquatic species residing in the Guadalupe River, including special-status species such as the Central California steelhead, Central Valley fall-run Chinook salmon, and western pond turtle.

The construction process for the three proposed pedestrian/bicycle bridges would involve working from either bank of the river or above the OHWM, without any work occurring in the river itself. As a result, there is little potential for fish or other animals in the riparian corridor to be killed or injured as a result of project implementation. Construction materials falling into the river during the construction of the bridges could potentially result in short-term behavioral changes of special-status species or their prey.

The project would be required to implement the best management practices (BMPs) required by National Pollutant Discharge Elimination System (NPDES) permits, including a Stormwater

Pollution Prevention Program (SWPPP), and the City of San José's regulations to reduce the potential for project impacts on water quality and aquatic species. In the absence of additional measures, however, such impacts, including both programmatic impacts occurring over the entire project alignment and project-specific impacts occurring in the Branham Lane to Chynoweth Reach, are potentially significant due to the ecological importance of aquatic life in the Guadalupe River.

Impact BIO-1: Project implementation would potentially adversely affect water quality and aquatic species. **(Significant Impact)**

Mitigation Measures: The proposed project includes the following mitigation measures to reduce short-term impacts to aquatic habitat and species to a less than significant level:

MM BIO-1.1: Compliance with Santa Clara Valley Habitat Plan (SCVHP) Condition 3 – The project would comply with Condition 3 of the SCVHP prior to any ground disturbance activities. SCVHP Condition 3 requires implementation of design phase, construction phase, and post-construction phase measures, including programmatic BMPs, performance standards, and control measures, to minimize increase of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality, including during project construction. Compliance measures to SCVHP Condition 3 will be included in the specifications for the project construction plans and contracts.

MM BIO-1.2: Compliance with Santa Clara Valley Habitat Plan (SCVHP) Condition 4 – The project would comply with Condition 4 of the SCVHP prior to any ground disturbance activities. SCVHP Condition 4 requires design phase and construction practices to minimize impacts on riparian and aquatic habitats such that the project would avoid or minimize adverse impacts on stream morphology, aquatic and riparian habitat, and flow conditions. Compliance with Condition 4 addresses construction staging, sediment management, vegetation management, bank protection, drainage, trail construction, and ground disturbance. Compliance measures to SCVHP Condition 4 will be included in the specifications for the project construction plans and contracts.

MM BIO-1.3: Special-Status Fish Avoidance – During the construction and installation of the pedestrian/bicycle bridges over the Guadalupe River, the project applicant shall install netting, plastic sheeting, or other forms of containment under the bridge when construction activities will occur above the active river channel to prevent debris from the bridge surface from entering the river. Activities that could result in debris and/or pollutants entering the river include, but are not limited to, grinding, welding, cutting, painting, and application of solvents. When feasible, such activities will occur prior to bridge installation and in a designated work area (i.e., fabrication yard or project staging area). Some construction activities, however, are expected to occur on the bridges after installation. Therefore, construction activities at each of these pedestrian overcrossing locations will implement this measure as appropriate to prevent debris or pollutants from entering aquatic habitat in the Guadalupe River.

In addition, the project would include the following standard Best Management Practices to minimize project impacts to aquatic habitat and water quality:

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

- Construction work within the top of bank area will be limited to the period between April 15th and October 15th, while any construction which would occur in the creek channel would only be allowed during the dry season between June 15th and October 15th;
- All temporary staging areas will be located in upland areas or on existing developed areas
- No equipment will be operated in the live stream channel;
- No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S. or State;
- Standard erosion control and slope stabilization measures (e.g., fiber rolls, straw bale dikes, native grass seeding, straw mulch, erosion control fabric) will be required for work performed in any area where erosion could lead to sedimentation of a waterbody; and
- Machinery will be refueled at least 60 feet from any aquatic habitat, and a spill prevention and response plan will be developed. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Implementation of **MM BIO-1.1, MM BIO-1.2, MM BIO-1.3,** and best management practices described above would reduce potential long- and short-term impacts to riparian habitat and species to a less than significant level. In addition, should it be determined that permits from USACE, RWQCB, and/or CDFW are require for construction, all permit requirements will be implemented. **(Less Than Significant Impact with Mitigation Incorporated)**

Impacts on Nonbreeding Special-Status Birds

Several special-status bird species occur in the study area as non-breeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers in the project area; these include the tricolored blackbird, American peregrine falcon, bald eagle, Vaux's swift, and yellow-breasted chat. Due to the absence of suitable breeding habitat and/or the ranges of these species, they are not expected to nest in the project area or in immediately adjacent areas. These species may occur within the project area only as nonbreeding foragers, and they would occur only in limited numbers due to the absence of high-quality foraging habitat.

The proposed project would have some potential to impact foraging habitats and/or individuals of these species. Construction activities associated with the Project might result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals. Further, the study area does not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. Therefore, this impact would be less than significant, both programmatically and within the Branham Lane to Chynoweth Reach.

Although no mitigation is necessary to reduce project impacts on these nonbreeding special-status birds to less than significant levels under CEQA, these species would benefit from the conservation

program of the SCVHP (e.g., preservation, enhancement, and management of numerous habitat types throughout the SCVHP Reserve System) to which the City would contribute via payment of SCVHP impact fees.

Impacts on Nesting Birds

Large numbers of birds of numerous species, nest along the project alignment. The high-quality riparian habitat in and adjacent to the project footprint supports numerous nesting bird species. Although the ornamental woodland and the vegetation within the urban-suburban areas is of lower value to nesting birds, the proximity of the trees in these two land cover types to the river and to high-quality riparian habitat increases the potential use of trees, shrubs, and other vegetation by nesting birds. While the majority of these birds are relatively common, several pairs of the yellow warbler (a California species of special concern) and possibly one or two pairs of the white-tailed kite (a state fully protected species) may nest in or very close to the project alignment.

Permanent impacts to sensitive habitats along the project alignment would reduce nesting habitat for native birds along this reach of the Guadalupe River. Implementation of MM BIO-3.1 and MM BIO-1.2 would minimize impacts to trees and riparian habitat that provide the highest-quality nesting bird habitat, and MM BIO-3.2 and MM BIO-3.3 would compensate for permanent loss of trees and riparian habitat.

Following project construction, increased human use of the trail, including use by people walking dogs, would subject nesting birds to increased disturbance. However, given the urban setting, most nesting birds would be habituated to some level of human activity even in the absence of the project.

In addition, project construction can result in direct and indirect impacts on nesting birds. Removal of vegetation during the breeding season (generally February 1st through August 31st) can result in the destruction of nests, including eggs and young. Heavy ground disturbance, noise, and vibrations caused by proposed project construction could also disturb nests in nearby areas that are not subject to direct disturbance. Given the proximity of the project alignment to the riparian habitat along the Guadalupe River, large number of nests, of numerous species, could potentially be disturbed in this way.

Although the number of pairs of any one species that could be impacted by the project is low, relative to the regional abundance of these species, the riparian bird community along the entire 4.9-mile length of the project could potentially be adversely affected if construction were to occur during the breeding season without appropriate mitigation measures. This impact is potentially significant given the large numbers of nests and the diversity of species that could be affected.

The potential for indirect impacts to nesting birds along the Branham Lane to Chynoweth Avenue reach would be greater because this is the only reach in which trail construction would occur on both sides of the river.

Impact BIO 2: Project implementation may result in significant adverse impacts to nesting birds. **(Significant Impact)**

Mitigation Measures: Implementation of the following mitigation measures would reduce impacts to nesting birds to a less than significant level:

MM BIO-2.1: Seasonal Avoidance – To the extent feasible, construction activities will be scheduled to avoid the nesting season (February 1st through August 31st). If construction activities are scheduled to take place outside the nesting season, impacts on nesting birds will be avoided.

MM BIO-2.2: Pre-construction/Pre-disturbance Surveys – If it is not possible to schedule construction activities between September 1st and January 31st, then pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to ensure that no nests will be disturbed during project construction. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During these surveys, the biologist or ornithologist will inspect all potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings, and bridges) in and immediately adjacent to the impact areas for nests. If an active nest if found sufficiently close to work areas to be disturbed by these activities, the biologist or ornithologist, in consultation with California Department of Fish and Wildlife, will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species) to ensure that no nests of protected birds will be disturbed during project implementation. A report summarizing the results of the pre-construction surveys and subsequent efforts to protect nesting raptors or birds (if found to be present) shall be submitted to the City of San José Supervising Environmental Planner.

MM BIO-2.3: Nest Deterrence – If construction activities will not be initiated until after the start of the nesting season, nesting deterrence can be implemented to reduce the potential for active nests to become established in areas to be disturbed by project activities. For example, potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project could be removed prior to the start of the nesting season (e.g., prior to February 1st).

Implementation of **MM BIO-2.1**, **2.2** and **2.3** would reduce potential impacts to nesting birds to a less than significant level. (**Less Than Significant Impact with Mitigation Incorporated)**

Project Operational Impacts/Wildlife Movement

The Guadalupe River corridor provides an important movement corridor, connecting upper reaches of the river and its watershed to the open waters of the southern San Francisco Bay. Fish, as well as several species of reptiles, amphibians, birds, and mammals use aquatic habitat in the Guadalupe River for dispersal, and terrestrial reptiles, birds, and mammals use upland areas along the river's banks for dispersal. Wildlife species moving through the Guadalupe River corridor are likely to use habitats within the project area for cover, refugia, or foraging, where habitat conditions are suitable for these uses.

Most dispersal by wildlife species along the Guadalupe River likely occurs through wooded and vegetated portions of the corridor, and less likely across developed areas, access roads, and unpaved pathways in the project area, although these areas are often crossed by mammals and reptiles while in transit between more suitable habitat types. Animals moving along the Guadalupe River may use the project area, but would not rely heavily on the resources of the project area for movement along the Guadalupe River corridor. Future construction of the bridges would not block wildlife movement along the corridor.

The Guadalupe River and its riparian habitats also provide habitat for migratory birds. Mature trees and shrubs in the project area may provide food and cover for some migrant songbirds. Since the project is within the Guadalupe River corridor, the vegetation on the site may be more important to migratory birds than similarly vegetated areas farther from an aquatic resources and movement corridor. The relatively high quality of riparian habitat along the Guadalupe River, as compared to the lower-quality habitat in surrounding urban-suburban lands, further emphasizes the importance of the Guadalupe River and its riparian habitats to migratory birds. Migratory birds flying over the site or along the edges of the south San Francisco Bay may use the area as a stopover site for refueling and deposition of fat reserves to continue migration. Due to the limited nature of impacts to riparian habitat along the Guadalupe River, however, the project is not expected to adversely affect such stopover habitat to the point of resulting in a significant impact.

Because the Guadalupe River in the vicinity of the project area is lined on both sides by dense urban-suburban land uses, overland wildlife movement between the project area and other high-quality habitats (i.e., movement perpendicular to the river) is limited. Species that are able to move through the urban areas along the river are all regionally abundant species that can easily move across the paved trail that the project would construct. The project, therefore, would not result in substantial adverse effects on wildlife movement between the Guadalupe River corridor and other high-quality habitat areas.

Project activities may result in a temporary, and very small-scale and localized, impediment to wildlife movement. If animals try to avoid equipment and activity along the trail alignment, they may attempt to cross the roads in the project area, increasing their risk of road mortality. Such impacts, however, would only occur during project construction. Overall, the project would retain its value for wildlife movement after project completion, as no new, substantial barriers to wildlife movement would be constructed. The proposed project, therefore, would not substantially impact wildlife movement through the area, and this would be a less than significant impact. **(Less Than Significant) (Less Than Significant Impact)**

4.4.4.2 *Impacts to Non-Sensitive (Upland) Habitats (Checklist Item b, c)*

Based on the proposed trail alignment, the project would permanently impact up to approximately 2.91 acres of golf courses/urban parks habitat, 1.24 acres of ornamental woodland, and 11.50 acres of urban-suburban land, for a total of approximately 15.65 acres of upland habitat (refer to Figures 3.4-1 through 3.4-5).

The project would result in temporary impacts from construction staging to approximately 0.19 acres of golf courses/urban parks habitat, 0.28 acres of ornamental woodland, and 2.83 acres of urban-suburban land, for a total of approximately 3.30 acres of upland habitat. Impacts to aquatic habitats as it relates to special status species is described in *Section 4.4.4.1*, above. Additional environmental

review may be required once final project site boundaries are better defined and once it can be determined if the project would be constructed before or after completion of the SCVWD/USACE flood control project. Impacts to sensitive riparian habitats, as it relates to tree removal, is discussed below.

Under the current project, permanent impacts to these habitats would occur from project activities associated with the construction of the 12-foot wide Guadalupe Trail with two-foot shoulders atop the levee. Many upland areas impacted by trail development would be converted from golf courses/urban parks habitat and ornamental woodland habitat to urban-suburban habitat due to the removal of vegetation and installation of an impervious trail surface. Indirect impacts from nighttime lighting would also occur on upland areas immediately adjacent to the project area.

Impacts on these habitats may result in impacts to the non-special status plant and animal species that reside there. These species may experience a direct loss of habitat caused by the project, and the project could potentially result in the morality, injury, disturbance, and displacement of individuals of some of these species. Project implementation is expected to lead to increased human activity on the trail, which would increase disturbance of plants and animals as a result of use of the trail by pedestrians, dogs, and cyclists. Additionally, loss of habitat and displacement of individuals could have indirect effects on populations and habitats outside of the project site by increasing concentrations of individuals, leading to increases in intra- and interspecific competition and increased pressure on available resources, and lighting could disturb individuals of nocturnal species on areas adjacent to the site.

The common wildlife and plant species that occur on upland portions of the project area, however, are regionally abundant and are present in myriad habitats throughout the region. Many of these species would likely continue to be present on some portions of the site following construction. Additionally, the proposed project would impact only a small proportion of their regional populations, and the number of individuals likely to be displaced by habitat disturbance and loss would be quite small with respect to the amount of suitable habitat available in the area. Therefore, impacts to upland habitats and the common species inhabiting them do not meet the CEQA standard of having a substantial adverse effect, and would be considered less than significant under CEQA. **(Less Than Significant Impact)**

Impacts on Riparian Habitats (Checklist Item b, c)

Project implementation would result in permanent impacts to approximately 1.15 acres of existing mixed riparian forest and woodland and 1.29 acres of existing willow riparian forest and scrub. These impacts would include the removal or pruning of trees and vegetation within the riparian habitat . Trees in the riparian habitat include red willow, arroyo willow, Fremont cottonwood, black cottonwood, California sycamore, coast live oak, shamel ash, valley oak, and black locust. Many of the trees that would be pruned and/or removed from the project area are located in riparian communities, which are considered sensitive habitats and provide a wide range of biological functions for wildlife. The riparian habitat along this reach of the Guadalupe River is regionally important to bird diversity; therefore, the proposed project would have a substantial impact on riparian habitat.

Impact BIO-3: Project implementation would result in a significant impact due to the loss of riparian habitat, including trees. Riparian habitat to be retained may be impacted during construction. **(Significant Impact)**

Mitigation Measure: The following mitigation measures would reduce impacts to riparian habitats to a less than significant level:

MM BIO-3.1: Tree Removal and Protection Plan – Prior to tree removal, a certified arborist shall prepare a Tree Removal and Protection Plan that identifies which trees are to be removed, and which are to be protected during project implementation. This Plan will account for site conditions existing at the time a given segment of trail is to be constructed. For trees that are to be retained, the Plan will identify specific measures to protect the health of individual trees. The Tree Removal and Protection Plan shall be approved by the City of San José Supervising Environmental Planner, prior to tree removal.

MM BIO-3.2: SCVHP Fee Payment – Consistent with the SCVHP requirements, an impact fee specific to the riparian habitat impacts will be calculated based on the acreage of riparian habitat impacts, as determined by overlaying the impact footprint on riparian habitat mapping that represents actual baseline conditions, and including the canopy of any additional riparian trees that are predicted to be lost based on the Tree Removal Protection Plan described in MM BIO-2.1. Prior to any ground disturbance activities the project applicant shall pay this fee to the SCVHA, which will use these fees to provide compensatory mitigation for permanent impacts to riparian forest/woodland canopy. The requirement of this impact fee will be included in the specifications for the project construction plans and contracts.

Implementation of **MM BIO-3.1** and **MM BIO-3.2** would reduce impacts to trees and riparian habitat to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

4.4.4.3 *Impacts to Non-Riparian Trees*

Project implementation could result in the removal or pruning of trees within the project alignment outside of riparian habitat. The project site does not contain heritage trees, however, there are many street trees and ordinance-sized trees located throughout the project site. Due to the removal of these trees during construction, project implementation would result in an adverse impact to ordinance-size trees.

Impact BIO-4: Project implementation could result in a significant impact due to the loss of trees. Trees to be retained may be impacted during construction. **(Significant Impact)**

Mitigation Measures: The following mitigation measures would reduce impacts to trees outside of the riparian and aquatic habitats to a less than significant level:

MM BIO-4.1: Compliance with San José Tree Ordinance – If a tree proposed for removal is located on public property, the City will post a notice signed by the Director of Public Works seven days prior to the tree being removed.

Consistent with the General Plan EIR, trees removed as a result of the project would be required to be replaced or mitigated for in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Removal Controls (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code street tree protection requirements (Municipal Code Section 13.28)
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Table 4.4-3 outlines the City's approved tree replacement ratios. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. Trees removed would be replaced at these ratios, or an in-lieu fee will be paid to Our City Forest to compensate for the loss of trees on-site.

Table 4.4-3: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38 to 56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gallon container

Source: City of San José Municipal Code
x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 56-inch trunk circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

Implementation of **MM BIO-4.1** would reduce impacts to trees and riparian habitat to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

4.4.4.4 *Impacts from Invasive Weeds*

Project implementation could potentially result in a substantial adverse effect on habitats within the project area due to the spread of noxious and invasive weeds. The introduction or spread of noxious and invasive species is a special concern for native plants and animals. Noxious and invasive weeds pose a threat to the natural processes of plant community succession, fire frequency, biological diversity, and species composition. Noxious and invasive weeds can affect the persistence of some

populations of special-status species by replacing the foraging base, altering habitat structure, or excluding a species through vegetative growth. Invasive weeds occur in all habitat types and can be difficult to eradicate. Many non-native, invasive plant species produce seeds that germinate readily following disturbance. Further, disturbed areas are highly susceptible to colonization by non-native, invasive species that occur locally, or whose propagules[6] are brought in by personnel, vehicles, and other equipment.

A local propagule source of three weed species with "high" impact ratings (Cal-IPC 2016) was observed within the project area, and several other were ranked with "moderate" impact ratings. Himalayan blackberry, English ivy, and giant reed are present in small quantities on the project site. Himalayan blackberry and English ivy are present in larger quantities in the immediate project area (located near the Almaden Road and Alameda Expressway junction). These species could potentially invade and/or spread into additional areas of the project area. Introduction or spread of invasive weeds could degrade sensitive riparian habitats, and/or reduce or eliminate their ability to support special-status plant or wildlife species in and downstream of the project site, and as such would qualify as a significant impact. Also, Himalayan blackberry and English ivy could spread from the project site to other project sites via equipment. Due to the potential impact on sensitive aquatic and riparian habitats, and the species they support along the Guadalupe River, such an impact would be considered significant.

Impact BIO-5: Project implementation may result in the introduction and spread of invasive plants. **(Significant Impact)**

Mitigation Measures: Implementation of the following mitigation measures would reduce the potential impact from invasive plant species to a less than significant level.

MM BIO-5.1: Invasive Species Measures - The following measures will be included in the specifications for the project construction plans and contracts to minimize the potential for and/or magnitude of the spread of invasive plant species:

- During construction of the proposed project, all straw materials used on-site will be weed-free rice straw (or similar material acceptable to the City), and all gravel and fill material will be certified weed free to the satisfaction of the City; any deviation from this will be approved by the City.
- During construction of the proposed project, vehicles and all equipment will be washed or cleaned with compressed air (including wheels, undercarriages, and bumpers) before and after entering the proposed project site. Vehicles will be cleaned at existing construction yards or legally operating car washes.
- Following construction of the proposed project, a standard erosion control seed mix (acceptable to the City) from a local source will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from non-native, invasive plant species.

[6] A propagule is a structure with the capacity to give rise to a new plant.

Implementation of **MM BIO-5.1** would reduce impacts from invasive plant species to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

4.4.4.5 *Consistency with Adopted Conservation Plans (Checklist Items d, e, f)*

The project area is located entirely within the Santa Clara Valley Habitat Plan permit area and is considered a "covered project" under the SCVHP. The project area includes urban areas with no land cover fee and areas Fee Zone B (Agricultural and Valley Floor Lands). The Guadalupe River, mapped as a Category 1 stream in the SCVHP, is within the project area; however, the project would be exempt from riparian setback requirements given the nature of the project.[7] There is no serpentine habitat within the project area, and therefore, fees in lieu of mitigation for impacts to this habitat type would not be required. Since the project involves new development, nitrogen deposition fees may apply. The following conditions of the SCVHP are applicable to the proposed project:

Condition 1: Avoid all direct impacts on legally protected plant and wildlife species.

Condition 3: Maintain hydrologic conditions and protect water quality.

Condition 4: Avoidance and minimization measures for in-stream operations and maintenance.

Condition 17: Tricolored Blackbird surveys.

Nitrogen Deposition Impacts on Serpentine Habitat

Nitrogen Deposition Fees are collected as mitigation for cumulative impacts to serpentine plants in the SCVHP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay checkerspot butterfly. All major remaining populations of the butterfly and many of the other sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. The nitrogen deposition fees collected under the SCVHP for new trips would be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species. The project would implement MM BIO-3.3, which would ensure that the project would be in compliance with the SCVHP.

Prior to any ground disturbance activities, the project will comply with all associated SCVHP fees and conditions. **(Less Than Significant Impact)**

4.4.4.6 *City of San José Riparian Policy Study (Checklist Item c)*

The proposed project is consistent with Guideline 4C of the Riparian Corridor Policy Study, as described above. The trail project has been designed to be consistent with the setback requirements of the policy and to minimize grading, drainage impacts, and vegetation disturbance.

With the exception of the reach under Almaden Expressway, Capitol Expressway, and Branham Lane and the pedestrian overcrossing at Willow Calle, the trail would not be lighted. The lighting in

[7] As discussed in Chapter 6, Item 5, Condition 11, Exemption 5 of the Santa Clara Valley Habitat Plan, recreational trails are exempt from stream setbacks.

these areas would be designed to avoid light spillover and glare impacts to surrounding land uses and wildlife by directing lighting away from the riparian corridor, consistent with Riparian Policy 6-34, A-4. The lighting under the relatively short freeway overpass will be designed to avoid impacts to wildlife species. As a result, the project would be consistent with the Riparian Corridor Policy Study. **(Less Than Significant Impact)**

4.4.5 Conclusion

The proposed project includes mitigation and avoidance measures to avoid or reduce impacts associated with the loss of riparian forest habitat and impacts to special status species. Mitigation is also included in the project for impacts to ordinance size trees. Therefore, the project would not result in significant impacts to biological resources within the project area. **(Less Than Significant Impact with Mitigation Incorporated)**

4.5 CULTURAL RESOURCES

The following discussion is based in part on an Archaeological Literature Survey Report prepared by *Holman & Associates, Inc.* in February 2017. The report included a record search/literature review at the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC) located at Sonoma State University to obtain information about recorded prehistoric and/or historic archaeological sites in and around the project area. Due to the sensitive nature of archaeological information, the report is on file at the City of San José's Department of Planning, Building, and Code Enforcement, 200 E. Santa Clara Street, and can be viewed during normal business hours.

4.5.1 Regulatory Setting

4.5.1.1 *City of San José General Plan*

The following policies are found in the *Envision San José 2040 General Plan* and are applicable to the proposed project:

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.2 Environmental Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture or cultural of the nation, State of California, or local or tribal communities.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

4.5.2.1 *Subsurface Cultural Resources*

Prehistoric Resources

The project site is located in the Santa Clara Valley. Native American occupation of the valley extended over 5,000 to 8,000 years and possibly longer. Before European settlement, Native Americans resided in the area that encompasses the project site. The South Bay Area's favorable environment during the prehistoric period, including alluvial plains, foothills, many water courses and bay margins provided an abundance of wild food and other resources.

The Native American people who originally inhabited the Santa Clara Valley belong to a group known as the "Coastanoan" or Ohlone, who broadly occupied the central California coast from the northern tip of the San Francisco Peninsula to Big Sur in the south and as far east as the Diablo Range. The Coastanoan/Ohlone people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources. This customary way of living of the Coastanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the San José/Santa Clara area in 1777.

Archaeological Records

In January 2017, a records search for prior archaeological studies was conducted at the Northwest Information Center, California Historical Resources Information System, at Sonoma State University. There are two recorded archaeological resources located in or near the 100-foot radius of the project site. One of the archaeological resources identified is determined to be ineligible to the National Register of Historic resources. Both of the sites have been impacted by previous flood control efforts.

Paleontological Resources

As noted above, paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. In the downtown area of San José, paleosols[8] and one Native American deposit have been identified approximately five to ten feet below the surface. If present within the project area, most Native American deposits/artifacts would be mainly buried by alluvium or recent/historical fill from previous flood control efforts.

4.5.1.2 *Historic Resources*

The records search completed by the CHRIS/NWIC found 124 identified cultural resources in the project study area. These consist of 103 single family homes, one neighborhood district with six single family homes, one farm/ranch complex, four multi-family properties, four commercial buildings, one industrial building, four bridges/trestles, one community center/social hall, one historic district (Guadalupe/Washington Conservation Area), two buildings of unknown use, and the two archaeological sites mentioned above.

[8] A paleosol is a soil horizon that was formed as a soil in a past geological period.

Of the 121 buildings and structures mapped by CHRIS within the 10 meter buffer zone surrounding the trail alignment, none are listed on the City of San José Historic Inventory. The project alignment is adjacent to the Guadalupe/Washington Conservation Area, a recognized San José Historic District, however, the District not eligible for listing on the National Register. There is one resource within the project area, a single-family home at 3638 Wellington Square, which has not been evaluated. None of the remaining resources identified in the report appear eligible for the inclusion on the National Register of Historic Places or the California Register of Historic Resources (CRHR).

4.5.3 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,2,9
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐	1,2,9
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2,9
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐	1,2,9
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☒	☐	1,2,9

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1,2,9

4.5.3.1 *Historic Resources (Checklist Item a)*

Of the 128 buildings, four bridges/trestles, and two districts within the area considered in the historic report, the single-family residence at 3638 Wellington Square is located within the project area and proposed trail alignment. If the residence is over fifty years old, an architectural historian should document and evaluate the building to the CRHR, and determine if any of the other buildings within the development of the residence warrant further consideration.

The remainder of the project reach does not contain any historic properties that are listed or eligible for inclusion in the National Register of Historic Places or the CRHR. Further, the construction of the project would not adversely impact any potential historic resources that have been identified along the trail reach or within the vicinity of the project area. Implementation of the project, therefore, would not adversely affect or result in the loss of a historic resource. **(Less Than Significant Impact)**

4.5.3.2 *Archaeological Resources (Checklist Item b, d)*

The site is located in a zone of archaeological sensitivity, as mapped by the City of San José; however, the majority of the project area has been extensively surveyed. While there is always a chance that cultural resources could be discovered during subsurface grading and excavation, the probability of encountering such materials on the site is low. Future earthmoving work and/or excavation for the proposed bridges and pedestrian/bicycle bridges may, however, encounter unknown buried archaeological resources, which would result in a significant impact.

Impact CUL-1: Implementation of the proposed project could adversely impact buried cultural resources from prehistoric or historic periods during earthmoving and/or excavation for bridge and pedestrian overcrossing foundations. **(Significant Impact)**

Mitigation and Avoidance Measures:

The project will be required to implement the following mitigation measures to reduce possible impacts to cultural resources to a less than significant level:

MM CUL-1.1: During initial bridge and pedestrian overcrossing foundation excavation, the project applicant shall be required to complete subsurface testing (i.e. monitoring of spoils during geotechnical work) to determine the extent of possible resources on-site. The methodology for the testing will be determined by a qualified archaeologist and testing shall be completed by the archaeologist. Based on findings of the subsurface testing, an archaeological treatment plan shall be prepared by a qualified archaeologist, if required, and submitted to the City's Supervising Environmental Planner for review and approval.

MM CUL-1.2: In the event that prehistoric, historic or paleontological resources are encountered during excavation and/or grading of the site, all activity within a 100-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist (or paleontologist, if applicable), shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner.

MM CUL-1.3: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

If archaeological deposits are found, the project applicant shall comply with **MM CUL-1.1, MM CUL-1.2, and MM CUL-1.3** prior to or during any ground disturbance activities. If no archaeological deposits are found, the archaeologist will submit a report of findings to the Director of Planning, Building and Code Enforcement.

MM CUL – 1.4: Implementation of the treatment plan, if required, shall be completed by a qualified archaeologist and shall be required prior to any ground disturbance activities. The treatment plan shall utilize professionally accepted data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the City's Supervising Environmental Planner prior to implementation.

Upon completion of the field work, the archaeologist will submit a report of findings to the Director of Planning, Building and Code Enforcement.

Implementation of **MM CUL-1.1 - MM CUL-1.4** would reduce any impacts to subsurface cultural resources to a less than significant level. **(Less Than Significant Impact With Mitigation).**

4.5.3.3 *Paleontological Resources* *(Checklist Item c)*

Ground-disturbing activities would include excavation of approximately one to two feet for the proposed trail and up to 48 feet for bridge footings. Based on the underlying geologic formation of the project area, the *Envision San José 2040* General Plan FEIR found that the project site has a high sensitivity (at depth) for paleontological resources. The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies (ER-10.1, 10.2, 10.3), and with adherence to standard measures, the project would have a less than significant impact on paleontological resources. **(Less Than Significant Impact with Mitigation Incorporated)**

4.5.4 Conclusion

With incorporation of standard measures, **MM CUL-1.1,** and **MM CUL-1.2**, the proposed project would not result in significant impacts to cultural resources. **(Less Than Significant Impact with Mitigation Incorporated)**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 *Geological Features*

The project alignment is located in the Santa Clara Valley between the Santa Cruz Mountains to the west and Diablo/Mount Hamilton Range to the east. The valley trends north to south, and is typified by flat, mostly urbanized terrain cut by northward-draining rivers and creeks. The project begins in central San José, east of downtown. The project extent is relatively flat and has an elevation of approximately 91 feet.[9] The most notable topographic feature in the project area is the Guadalupe River.

The Guadalupe River flows through the central portion of the San José plain, a structural depression bounded by the Santa Cruz Mountains to the west and the Diablo Range to the east. This structural depression is filled by thick sequences (up to 1,500 feet in places) of Plio-Pleistocene and Quaternary unconsolidated alluvial fill.[10] The alluvial fill was washed into the valley from the mountains to the east and west. The fill sources are composed of sandstones, shales, cherts, basalts and serpentinites.

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

4.6.1.2 *Geologic Conditions*

Soils

The project area is underlain by five soil types: Urban land-Elpaloalto complex, zero to two percent slopes; Urban land-Still complex, zero to two percent slopes; Urban land-Campbell complex, zero to two percent slopes, protected; Urban land-Botella complex, zero to two percent slopes; and Urban land-Landelspark complex, zero to two percent slopes.[12]

Seismicity and Seismic Hazards

The project reach is located in the seismically active Santa Clara County, which is designated as Seismic Activity Zone 4 (most seismically active zone in the United States) by the Uniform Building Code. In addition, the project reach is located within a California State Seismic Hazard Zone, as mapped by the State Department of Conservation, Division of Mines and Geology.[13]

[9] Approximated using Google Earth.
[10] U.S. Army Corps of Engineers. *Draft EIR/EIS for the Upper Guadalupe River Flood Control Project – Volume I.* January 1997.
[11] *Ibid.*
[12] *HT Harvey & Associates.* Biological Resources Report. January 11, 2017.
[13] *Seismic Hazard Zone Report for the San José West 7.5-minute Quadrangle, Santa Clara County, California*, Seismic Hazard Zone Report 058, 2002.

The San Andreas Fault is located approximately 15 miles southwest of the project reach, while the Calaveras and Hayward Faults are located approximately 14 miles and 8 miles to the northeast, respectively. The project site is not located within a State of California Earthquake Fault Zone and no major faults have been mapped in the immediate vicinity of the reach.

Liquefaction

Soil liquefaction is a phenomenon in which generally saturated, cohesion-less soils undergo a temporary decrease in strength during earthquake ground shaking and acquire a degree of mobility sufficient to permit ground deformation. In extreme cases, the soil particles can become suspended in groundwater, resulting in the deposit becoming mobile and fluid-like. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. Saturated fine sands and silts are also susceptible to liquefaction in response to ground shaking. These types of deposits are common in the floodplain of the Guadalupe River.

The project reach lies within a Santa Clara County Liquefaction Hazard Zone.[14] Additionally, the Association of Bay Area Governments (ABAG) has identified a very high to moderate potential for liquefaction in the areas along the River trail reach.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Lateral-spreading usually occurs on mild slopes with underlying loose sands and a shallow groundwater table. The potential of lateral-spreading is very high to moderate for the area.

4.6.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
iii. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☐	☒	1,2,10
iv. Strong seismic ground shaking?	☐	☐	☒	☐	1,2,10
v. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,10

[14] Santa Clara County Geologic Hazard Zones Map (Liquefaction Hazard Zones), http://www.sccgov.org/SCC/docs/Planning,%20Office%20of%20(DEP)/attachments/58252220.pdf, 2002.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
vi. Landslides?	☐	☐	☒	☐	1,2,10
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2,10
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,2,10
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1,2,10
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,2,10

4.6.2.1 *Soils Impacts (Checklist Item b, d, e)*

The project would be constructed along the banks of the Guadalupe River, a landscape that is likely to experience slope instability, erosion, or landslide-related hazards due to underlying soils and slope. Therefore, further evaluation of the subsurface conditions will be required during the final design and permitting process for the proposed pedestrian/bicycle bridges to identify specific stabilization measures to reduce potential geotechnical impacts of constructing the proposed pedestrian/bicycle bridges . Specific stabilization measures will be developed by an engineering geologist and will be reviewed and approved by the City, prior to construction. To reduce or avoid potential geologic and soil impacts, the project includes the following standard measures:

Standard Measures: Design and construct structures in accordance with the design-level geotechnical investigation to be prepared for the project, which will identify the specific design features that will be required for the project, including site preparation, compaction, excavations, foundation and subgrade design, piers, drainage, and pavement design. The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a Public Works clearance for the project.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

With the standard measures, and specific recommendations of future supplemental reports incorporated into the project design and construction, the proposed project would not result in significant geotechnical impacts. **(Less Than Significant Impact)**

4.6.2.2 *Seismicity and Seismic Hazards (Checklist Item a, b, c)*

It is expected that the project alignment would be subject to significant seismic events over the life of the project. Trail users would be exposed to hazards associated with such severe ground shaking during a major earthquake on one of the region's active faults. This hazard is not unique to the project, because it applies throughout the greater Bay Area.

Since the project site is not located within an Alquist-Priolo Earthquake Fault Zone and no major faults have been mapped in the immediate vicinity of the reach, the likelihood of ground rupture from faulting across the project reach is low.

The project shall be designed to incorporate standard construction specifications and future supplemental reports that will include specific design features for the proposed pedestrian/bicycle bridges.

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

- The proposed project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction.

- The project will implement standard engineering practices to ensure that geotechnical and soil hazards do not result from its construction. The geotechnical report recommends the use of cast-in-place, reinforced concrete, drilled piers for the foundation of both the proposed boardwalk and pedestrian bridge. It is anticipated that the post-construction settlement of the pier system would be less than 0.5 inches. Supplemental geotechnical investigations shall be completed during the design phase to evaluate subsurface conditions at the proposed boardwalk and pedestrian bridge sites.

With the standard measures and specific recommendations incorporated in the project design and construction, the proposed project would not result in significant seismic-related impacts. **(Less Than Significant Impact)**

4.6.3 Conclusion

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

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

Global climate change refers to changes in long-term weather patterns including temperatures, precipitation, and wind patterns. Global temperatures are affected by atmospheric gases such as carbon dioxide, water vapor, and methane. These gases are mostly transparent to incoming solar radiation, but are effective in absorbing infrared radiation (energy emitted from the earth). As a result, the heat that otherwise would have escaped back into outer space is now retained, altering the earth's energy balance. This is known as the "greenhouse effect".

Gases that trap heat in the atmosphere are called greenhouse gases (GHG). In addition to carbon dioxide (CO_2) and methane, other GHGs include nitrous oxide, chlorofluorocarbons (CFCs) and hydrofluorocarbons (HCFCs). Each GHG has a different ability to trap heat in the atmosphere. CO_2 is the most abundant GHG, but has the lowest Global Warming Potential (GWP) rating. The other GHGs have a higher GWP, expressed in terms of carbon dioxide equivalents (CO_2e). CO_2 emissions account for about 85 percent of the CO_2e emissions in the U.S.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Regulatory Framework*

California Assembly Bill 32

The Global Warming Solutions Act (also known as "Assembly Bill (AB) 32") sets the State of California's 2020 GHG emissions reduction goal into law. The Act requires that the GHG emissions in California be reduced to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. Additional State law and regulations related to the reduction of GHG emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below), the State's Renewables Portfolio Standard for Energy Standard (Senate Bill 2X) and fleet-wide passenger car standards (Pavley Regulations).

California Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 when compared to emissions in 2005. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[15] The four major requirements of SB 375 are:

[15] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

1. Metropolitan planning organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the regional transportation plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the MTC is partnering with ABAG, BAAQMD, and the Bay Conservation and Development Commission to prepare the region's SCS as part of the RTP process.[16] The SCS is referred to as *Plan Bay Area*.

Plan Bay Area is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. The strategy is intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas identified by local jurisdictions. A portion of the project site is within the *Downtown* Priority Development Area.

On July 18, 2013, the final *Plan Bay Area* was jointly approved by the ABAG Executive Board and by the MTC. The two agencies also adopted the final EIR for the *Plan Bay Area*.[17]

BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs. In jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, such as San José, compliance with the GHG Reduction Strategy would reduce a project's contribution to cumulative GHG emission impacts to a less than significant level.

The Bay Area 2010 Clean Area Plan (CAP) addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one

[16] ABAG, BAAQMD, BCDC, and MTC. "One Bay Area Frequently Asked Questions." http://www.onebyarea.org/plan_bay_area/faq.htm#31.
[17] ABAG, BAAQMD, BCDC, and MTC. Regional Initiatives; Plan Bay Area. http://onebayarea.org/regionalinitiatives/plan-bay-area.html

measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

Climate Action Scoping Plan

In December 2008, the CARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. On May 22, 2014, the First Update to the Scoping Plan was approved by the CARB. The First Update identifies opportunities to leverage existing and new funds to further reduce greenhouse gas emissions through strategic planning and targeted low carbon investments. In addition, the First Update defines climate change priorities for CARB for the next five years and sets the groundwork to achieve long-term goals set forth in Executive Orders S-3-05 and B-16-2012.[18]

4.7.1.2 *City of San José*

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and standards for qualified plans as set forth by BAAQMD.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the Greenhouse Gas Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for all development proposals is required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

[18] California Air Resources Board. "First Update to AB 32 Scoping Plan." May 27, 2014. Accessed February 4, 2015. Available at: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

Additionally, the following policy, found in the *Envision San José 2040* General Plan is applicable to the proposed project:

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

4.7.1.3 *Existing Conditions*

The City of San José is highly urbanized with a diversity of land uses. Greenhouse gas emissions within the City are mostly the result of vehicle trips to, from, and throughout the City. The majority of the existing project site is currently undeveloped, unpaved paths adjacent to the Guadalupe River. The project site does not currently generate vehicle trips.

4.7.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,2
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	1,2

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in the City of Cupertino, the entire state of California, across the nation, and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

4.7.2.1 *Greenhouse Gas Emission Impacts from the Project (Checklist Item a)*

The project is the implementation of approximately 4.9 miles of a regional trail for bicycle and pedestrian use. The trail would provide residents with alternative means of travel to access community amenities and would, therefore, not release or contribute to greenhouse gas emissions and is considered a beneficial impact. **(No Impact)**

4.7.2.2 *Consistency with Adopted Plans and Policies (Checklist Item b)*

Per the CEQA Guidelines, a lead agency may analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions that has been adopted in a public process following environmental review. The City of San José has an adopted GHG Reduction

Strategy that was approved by the City Council in December 2015 in conjunction with the *Envision San José* 2040 General Plan Supplemental EIR. The environmental impacts of the GHG Reduction Strategy were analyzed in the *Envision San José 2040 General Plan* Final EIR. The City's projected emissions and the GHG Reduction Strategy are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan.

The following discussion focuses on whether project emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. As previously noted, projects that are consistent with the City's adopted GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Greenhouse Gas Reduction Strategy

For the purposes of tracking the proposed project's consistency with the City's Strategy, the measures below are identified as mandatory or voluntary.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
3. Pedestrian/Bicycle Site Design Measures:
    - Consistency with the Zoning Ordinance
    - Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operation energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle-serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations), must not disrupt pedestrian flow (General Plan Policy LU-3.6), if applicable.

The project is the construction of 4.9 miles of a regional bicycle and pedestrian trail. The project would provide an alternative means of transportation throughout the City, and would connect residents to community amenities. Since the project would be constructed on lands primarily designated as *Open Space, Parklands and Habitats* and would enhance the bicycle transportation network throughout the City, the project would be consistent with General Plan policies IP-1 and LU-10, as well as the Land Use/Transportation Diagram (Criterion 1). The project would also meet General Plan policies listed in Criteria 3 by expanding the existing pedestrian and bicycle network to include more connections to community facilities and commercial areas throughout the City (Criterion 3). .

Criteria 2, 4, 5, 6, and 7 are not applicable to the proposed project because the project would not be demolishing historic structures, the project does not propose to construct an energy-intensive industrial structure, and the project does not propose vehicle serving uses.

Construction Emissions

The proposed project would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. The proposed project would include standard measures to address air quality during construction (refer to *Section 4.3.2.2 Air Quality*). Because project construction will be a temporary conditions and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact)**

Consistency with Plan Bay Area (SB 375 Implementation)

The project is the construction of 4.9 miles of a regional bicycle and pedestrian trail. The project would provide an alternative means of transportation throughout the City, and would connect residents to community amenities. The project is, therefore, compliant with and contributing to the Sustainable Communities Strategy. **(No Impact)**

4.7.3 Conclusion

Implementation of the proposed project would not result in significant greenhouse gas emission impacts and would be consistent with adopted plans and policies related to the reduction of greenhouse gas emissions. The construction of trails could serve to reduce vehicle trips in the community and is considered a beneficial from a greenhouse gas generation perspective. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Environmental Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, and arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other uses. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans.

4.8.2 Regulatory Setting

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. The Santa Clara County Fire Department coordinates with the County's Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled, contained, and disposed.

Federal, state, and local requirements govern the removal of asbestos or suspected asbestos-containing materials, including the demolition of structures where asbestos is present. Typically, a certified asbestos contractor must remove all asbestos-containing materials prior to demolition activities. Federal and state regulations also govern the demolition of structures where lead or material containing lead is present. During demolition, lead-based paint that is securely adhering to wood or metal may be disposed of as demolition debris, which is a non-hazardous waste. Loose and peeling paint must be disposed of as a California and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds. Other hazardous materials encountered during demolition must be handled and disposed of in accordance with hazardous waste laws and regulations. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2.1 *Existing Conditions*

Regulatory Database Search

A search of the State Water Resource Control Board's Geotracker regulatory database indicated that the following addresses within 300 feet of the riparian corridor have had, or currently have, contamination:

- Bennet's Auto Shop (385 Willow Street, San José CA 95110) LUST Cleanup site - CLOSED
- Guadalupe River Project "GUADALUPE RIVER PROJECT" (Willow Street and Lelong Avenue) – Cleanup Program Site – CLOSED

- Guadalupe River Project – Bruzzone Property (458 Willow Street) – Cleanup Program Site – CLOSED
- Fahrner Property (495 Minnesota Avenue) – LUST Cleanup Site – CLOSED
- THRIFTY #039 (45 West Alma Avenue) – LUST Cleanup Site – CLOSED
- PRIVATE RESIDENCE (Private Residence) – LUST Cleanup Site – CLOSED
- Chevron #9-6888 (2302 Almaden Road) – LUST Cleanup Site – CLOSED
- Former Yancy's Cleaning Center (currently Star Cleaners) (2910 Almaden Expressway) – Cleanup Program Site – OPEN
- Almaden Unocal (3010 Almaden Expressway) – LUST Cleanup Site – CLOSED
- Texaco/Paragon Imports (1095 Foxworthy Avenue) – LUST Cleanup Site – CLOSED
- Mayfair Packing Plant (1095 Hillsdale Avenue) – LUST Cleanup Site – CLOSED
- Valley View Packing (1095 Hillsdale Avenue) – LUST Cleanup Site – CLOSED
- Warren's Shell Gasoline (3150 Almaden Expressway) – LUST Cleanup Site – CLOSED
- Dodge Country (1050 West Capitol Expressway) – LUST Cleanup Site – CLOSED
- Upton Property (3278 Almaden Expressway) – Cleanup Program Site – CLOSED
- Rotten Robbie #38 (4962 Almaden Expressway) – LUST Cleanup Site – CLOSED
- ARCO #2114 (4995 Almaden Expressway) – LUST Cleanup Site – CLOSED

As listed above, the only open case within the project area is the property at 2910 Almaden Expressway, where Tetrachloroethene (PCE) was used on the site from 1972 to 2006. The project site is currently undergoing soil and groundwater remediation.

4.8.3 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1,2
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1,2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,2

4.8.3.1 *Hazards and Hazardous Materials Impacts (Checklist Items a, b, c, d, e, f, g, h)*

As described above, leaking underground storage tanks have been identified in the project area but have received a case closed status. The open case at 2910 Almaden Expressway is currently undergoing soil and groundwater remediation. The construction of a regional bicycle and pedestrian adjacent to the Guadalupe River would not require extensive grading, and it is unlikely that construction activities would expose workers to contaminated soils or groundwater. The project does not include the routine transport, use, or disposal of hazardous materials or emissions and would therefore, not emit or handle hazardous materials within a quarter mile of schools in the project area **(Less Than Significant Impact)**

The project area is not located within an airport land use plan, wildfire hazard zone, or in the vicinity of a private airstrip. Construction of the proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. For these reasons, implementation of the

proposed project would not result in significant hazardous material impacts related to these issues. **(No Impact)**

4.8.4 Conclusion

Implementation of the proposed project, in accordance with federal, state, and local laws and regulations, would not result in a significant hazardous materials impact. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

National Flood Insurance Program

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in 100 (one percent) chance of being flooded in any one year based on historical data. As discussed in more detail in *Section 4.9.1.2* below, segments of the proposed project are located within a 100-year flood zone.

Water Quality (Nonpoint Source Pollution Program)

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. USEPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José is the San Francisco Regional Water Quality Control Board (RWQCB).

Statewide Construction General Permit

The State Water Resources Control Board has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José.

Under provisions of the MRP, trails that create and/or replace more than 10,000 square feet of newly constructed contiguous impervious surface and are greater than 10 feet wide or are creek-side within 50 feet of the top of bank are required to design and construct stormwater treatment controls to treat

post-construction stormwater runoff. The MRP requires all the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as bioretention areas, where feasible. Specific exclusions for trails under the MRP include trails constructed with permeable surfaces or impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees. Since the project would be constructed to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas towards the outboard side of levees, the project would not be considered a C.3 Regulated Project

4.9.1.2 *City of San José*

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

Consistent with Provision C.3 of the MRP, City Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction BMPs and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also establishes specified design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. As stated previously, the proposed project is not considered a C.3 regulated project and is therefore, not subject to the requirements of City Council Policy 6-29.

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

Consistent with Provision C.3 of the MRP, the City of San José adopted the Post-Construction Hydromodification Management Policy (Council Policy No. 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks. Portions of the project area located in areas of San José subject to the hydromodification policy.[19]

City of San José General Plan Policies

The following policies, found in the *Envision San José 2040 General Plan* are applicable to the proposed project:

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with one percent annual change of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

[19] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management (HM) Applicability Map City of San Jose.* July 2011. Available at: < http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf >

EC-5.2	Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.
EC-5.10	Encourage the preservation and restoration of urban creeks and rivers to maintain existing floodplain storage. When in-channel work is proposed, engineering techniques which include the use of plant materials (bioengineering) are encouraged.
IN-3.8	In designing improvements to creeks and rivers, protect adjacent properties from flooding consistent with the best available information and standards from the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR). Incorporate restoration of natural habitat into improvements where feasible.
ER-8.1	Management stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-10.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.9.1.3 *Existing Conditions*

The Guadalupe Watershed drains approximately 170 square miles.[20] The headwaters drain the eastern Santa Cruz Mountains near the summit of Loma Prieta in heavily forested unincorporated county land with pockets of low-density residential developments. The Guadalupe River begins at the confluence of Alamitos and Guadalupe Creeks. It then flows north approximately 14 miles until it discharges into the South San Francisco Bay in Alviso. The 19-mile-long river flows through the cities of San José and Santa Clara. The three main tributaries to the Guadalupe River are Ross, Canoas, and Los Gatos Creek, all join the mainstem of the Guadalupe River.

4.9.1.4 *Flooding*

The majority of the project area adjacent to the Guadalupe River is steep and heavily vegetated. According to the Federal Emergency Management Agency's Flood Insurance Rate Maps (Panel No. 06085C0234H, and Panel No. 06085C0242H[21]), the proposed trail is located within the Special Flood Hazard Area. The Special Flood Hazard Area is the area subject to flooding by the one percent annual chance flood. The one percent flood is that flow of water from a drainage area that,

[20] Santa Clara Valley Water District. Guadalupe Watershed. Available at: http://www.valleywater.org/services/guadalupe.aspx. Accessed on February 2, 2017.
[21] Federal Emergency Management Agency, Flood Insurance Rate Map. Community Panel No. 06085C0234H, 06085C0242H. May 18, 2009.

on the average and over a long period of time, has a one percent chance of being equaled or exceeded in any given year. The project area has historically flooded, however, the project extent is within the USACE Upper Guadalupe River Flood Control Project. Future implementation of the SCVWD/USACE flood control project would provide flood protection along the Guadalupe River.

4.9.1.5 *Groundwater*

The project site is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and Santa Cruz Mountains to the west. The Santa Clara Valley Groundwater Basin is filled by valley floor alluvium and the Santa Clara Formation. Depths to regional groundwater in the project area range from approximately 60 feet below the ground surface (bgs) in inland areas to approximately 20 feet bgs near the San Francisco Bay.[22] Groundwater levels typically fluctuate seasonally depending on the variation in rainfall, irrigation from landscaping, and other factors.

The SCVWD has augmented the natural recharge along the Guadalupe River and its tributaries through an artificial recharge program. The groundwater mound beneath the Guadalupe River channel acts as a hydraulic barrier that inhibits the flow of shallow groundwater across the mound, controlling the localized gradient.[23] Regional flow is towards the north-northwest.

4.9.1.6 *Groundwater Recharge Program*

As a wholesaler and manager of water resources in Santa Clara County, the SCVWD conserves, imports, treats, distributes, reclaims, and is responsible for the quality and quantity of water supply available in the county. The SCVWD owns and operates over 30 recharge facilities (approximately 393 acres of groundwater recharge ponds) in six major recharge systems. These recharge facilities percolate local and imported water into the groundwater basin. The Los Gatos and Guadalupe recharge systems are within the Guadalupe River watershed. In-stream recharge is enhanced by the construction and operation of temporary dams. Off-stream recharge occurs at percolation ponds that are fed by water diverted from tributary creeks or by imported water pipelines. SCVWD Percolation Pond 3 is located at the southern portion of the Branham Lane to Chynoweth Avenue reach of the project alignment.

4.9.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	1,2

[22] US Army Corps of Engineers. *EIR/EIS for the Upper Guadalupe River Flood Control Project – Volume I.* January 1997.
[23] *Ibid*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	1,2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1,2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1,2
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1,2
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,2
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1,2
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1,2
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

4.9.2.1 *Drainage and Flooding (Checklist Item c, d, g, h)*

The project is the construction of a 4.9-mile regional bicycle and pedestrian trail and would therefore, not place housing or any structures in a flood zone. **(Less Than Significant Impact)**

According to the FEMA maps, the majority of the proposed trail would be constructed within the floodplain of the Guadalupe River and would result in the replacement of existing pervious surfaces with approximately 310,464 square feet of impervious surfaces.[24] The trail would be lined on each side with hard-packed gravel shoulders, except at undercrossings where the trail may be below the 10-year flood water surface elevation. The USACE's Upper Guadalupe River Flood Protection program is expected to enhance flood protection for the properties adjacent to the Guadalupe River. Future improvements proposed by the Upper Guadalupe River Flood Protection program would improve conditions for trail construction and ultimately trail users. Portions of the trail not affected by the flood control project could be subject to flooding during high rainfall events, however, the project area is not subject to flash flooding and the installation of the trail would not expose people or structures to a significant risk of loss, injury or death involving flooding. **(Less Than Significant Impact)**

4.9.2.2 *Impact of Pedestrian/Bicycle Bridges*

The greatest potential for hydrological impacts as a result of the project's construction would occur at the proposed pedestrian/bicycle bridges. The proposed Willow Calle and Capitol Gateway pedestrian/bicycle bridges would not be constructed within the bed and banks of the Guadalupe River and would, therefore, not affect the hydrology or water quality of the River.

Bridge spans and approach ramps would be constructed on each side of the Guadalupe River as part of the proposed trail. These spans and ramps would be located in ineffective creek flow areas and would therefore not affect flows during flood events. The footings and abutments would also be located in areas of little or no conveyance capacity (velocity of water flow) and would not impact the water surface profile. In the event of a flood, the water would not rise to the soffit of the bridge; therefore, the proposed bridges and associated abutments would not block water flow or increase backwater conditions. Because the ramps, bridge span, and abutments would not impact the flow of the Guadalupe River in normal or flood conditions, construction of the proposed bridges would not have a significant hydrological impact.

4.9.2.3 ***Water Quality*** *(Checklist Item a, e, f)*

Post-Construction Water Quality Impacts

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José.

Under provisions of the MRP, trails that create and/or replace more than 10,000 square feet of newly constructed contiguous impervious surface and are greater than 10 feet wide or are creek-side within

[24] This estimate was calculated using an averaged paved trail width of 12 feet and a total trail length of 4.9 miles. The project does not include any landscaping, and riparian mitigation plantings would be provided in existing open space areas; therefore, the project would not add any pervious surfaces.

50 feet of the top of bank are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires all the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as bioretention areas, where feasible. Specific exclusions for trails under the MRP include trails constructed with permeable surfaces or impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees. Since the project would be constructed to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas towards the outboard side of levees, the project would not be considered a C.3 Regulated Project.

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

Consistent with Provision C.3 of the MRP, City Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction BMPs and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also establishes specified design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. As stated previously, the proposed project is not considered a C.3 regulated project and is therefore, not subject to the requirements of City Council Policy 6-29.

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

Consistent with Provision C.3 of the MRP, the City of San José adopted the Post-Construction Hydromodification Management Policy (Council Policy No. 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks. Portions of the project area located in areas of San José subject to the hydromodification policy.[25] As stated previously, the project is not considered a C.3 regulated project and therefore, is not required to control hydromodification impacts.

Construction-Related Water Quality Impacts

Construction of the proposed project, as well as minor grading and excavation activities would result in temporary impacts to surface water quality. When disturbance to underlying soil occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The proposed project would disturb approximately 21.45 acres of land. The project would therefore be required to comply with the NPDES General Permit for Construction Activities. In addition to filing a Notice of Intent (NOI) and preparing a Storm Water Pollution Prevention Plan (SWPPP), the project will implement the following standard measures to reduce and avoid water quality impacts during construction:

[25] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management (HM) Applicability Map City of San Jose.* July 2011. Available at: <http://www.scvurppp-w2k.com/HMP_app_maps/Cupertino_HMP_Map.pdf>

Standard Measures:

- Best Management Practices as specified in the California Stormwater Quality Association's Stormwater BMP Handbook for New and Redevelopment shall be implemented (such as silt fences/straw waddles around the perimeter of the site, regular street cleaning, and inlet protection) to reduce water quality impacts from construction activities.

- Each phase of development shall include erosion- and dust-control during site preparation and all adjacent streets shall be kept free of dirt and mud during construction. All vegetation in disturbed areas will be replanted as quickly as possible, and all trucks hauling soil or other loose materials will be covered and/or at least two feet of freeboard shall be maintained.

With implementation of the standard measures described above, and compliance to the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit, the project would not have an adverse impact to water quality. **(Less Than Significant Impact)**

4.9.2.4 *Groundwater Impacts (Checklist Item b)*

Groundwater is estimated to occur at a depth of approximately 20 feet bgs, and flow in a northwesterly direction.[26] The project site does not currently contribute to recharging of the groundwater aquifers used for local water supplies and this condition will not change once the proposed project is complete. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less Than Significant Impact)**

4.9.2.5 *Erosion Impacts (Checklist Item c)*

The project alignment is adjacent to the Guadalupe River, however, project implementation would not result in the alteration of the course of a stream or river. As part of the project, a SWPPP would be prepared in compliance with NPDES requirement and would ensure erosion or siltation impacts are less than significant. **(Less Than Significant Impact)**

The project would not significantly alter the existing drainage patterns. The project site is not currently connected to existing storm drain inlets on the surrounding streets. Project implementation would require the connection of the trail to storm drain inlets. The project is also required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. **(Less Than Significant Impact)**

4.9.2.6 *Other Impacts (Checklist Item i, j)*

The project area is within the dam failure inundation area for Lexington Reservoir (Lenihan Dam). Lexington Reservoir is maintained by the Santa Clara Valley Water District (SCVWD) and the dam is continuously monitored for seepage and settling and inspected when an earthquake occurs. Due to the distance from the site, the probability of such a failure, and the nature of the project, proposed site

[26] US Army Corps of Engineers. *EIR/EIS for the Upper Guadalupe River Flood Control Project – Volume I.* January 1997.

improvements are not anticipated to result in a new substantial hazard from dam failure. The project, therefore, would not be subject to a significant risk of inundation from dam failure. **(Less Than Significant Impact)**

The project area is not subject to seiche, tsunami, or mudslide hazards. The California Department of Conservation provides tsunami inundation maps for the Bay Area. Based on the review of maps for Santa Clara County, the project area is not located in proximity to any large bodies of water or hillsides. **(Less Than Significant Impact)**

4.9.3 Conclusion

The project would not result in significant hydrological impacts to trail users or surrounding development. The proposed project includes standard measures to reduce or avoid impacts associated with water quality during construction. **(Less than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

The proposed project is located southwest of downtown San José. Land uses in the project area are primarily residential and public/quasi-public, with some areas with commercial uses.

4.10.1.1 *Regulatory Framework*

Santa Clara County

Santa Clara Countywide Trails Master Plan

The 1995 Countywide Trails Master Plan Update was prepared to direct the Santa Clara County's trail implementation efforts well into the twenty-first century with a balanced regard for the public good and individual desires for privacy. The Master Plan Update is a General Plan guide that identifies potential trail routes that support the recreation, transportation, health and welfare, and science education goals of the County. The policies in the Plan are intended to respect the need for due process, notification, and ongoing cooperation where private land is involved.

The Guadalupe Trail is identified in the Master Plan as a Sub-Regional Trail that is intended to provide regional recreation and transportation benefits by providing continuity between cities and convenient, long-distance trail loop opportunities that link two or more regional trails. The Upper Guadalupe Trail is identified as a Connector Trail.

The Master Plan includes planning strategies for the Countywide Trails system, as well as design and management guidelines for the implementation of "new" trails. These guidelines are intended to be a general guide and each trail should be evaluated on a case-by-case basis, taking into account actual field conditions and trail route/land use relationships. Local jurisdictions are encouraged to reference and/or adopt these guidelines, where appropriate, as part of their own General Plans for major trails. The Master Plan includes guidelines regarding trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance.

Santa Clara County General Plan

The following policies found in the Santa Clara County General Plan are applicable to the proposed project:

Policy	Description
C-PR-23	Trail routes shall be located, designed and developed with sensitivity to their potential environmental, recreational, and other impacts on adjacent lands and private property.
C-PR 24	As provided for in the Resource Conservation Chapter, trails shall be located to recognize the resources and hazards of the areas they traverse, and to be protective of sensitive habitat areas such as wetlands and riparian corridors and other areas where sensitive species may be adversely affected.

C-PR 25	Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated on the County General Plan Land Use Map as Agriculture shall not be required (including easements) or developed outside of County road rights-of-way until or unless: 1. The land use designation is amended to a non-Agriculture designation, or 2. There is specific interest or consent expressed by a willing property owner/seller. Where there is a specific interest or consent expressed by a willing property owner/seller, trails in areas with prime agricultural lands shall be developed in a manner that avoids any significant impact to the agricultural productivity of those lands.

City of San José

City of San José General Plan

The project site where the new trail would be constructed is designated as *OSPH – Open Space, Parklands and Habitat* and *UR – Urban Residential* in the *Envision San José 2040* General Plan. These categories are used to designate public land uses, including parks and trails and residential areas.

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

The following policies are found in the *Envision San José 2040 General Plan*, and are applicable to the proposed project:

Policy	Description
ER-2.2	Ensure that a 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.
ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
PR-1.11	Develop an integrated parks system that connects new and existing large parks together through a network of interconnected trails and/or bike lanes/routes.
PR-6.4	Consistent with the Green Vision, complete San José's trail network and, where feasible, develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses
PR-6.6	Encourage environmentally sustainable connections (such as pedestrian/bike trails, bike lanes and routes, transit, etc.) between community elements like schools, parks, recreation centers, libraries and other public nodes.

PR-7.1 Encourage non-vehicular transportation to and from parks, trails, and open spaces by developing trail and other pleasant walking and bicycle connections to existing and planned urban and suburban parks facilities.

PR-7.4 Meet the parks needs and expand recreational opportunities for residents in dense, urban areas partially by focusing on improving connections (particularly trail, bicycle, and pedestrian networks) to large parks and recreation facilities.

TR-2.2 Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.

TN-1.3 Design trail system alignments to minimize impacts and enhance the environment within sensitive riparian and other natural areas. Follow Riparian Corridor Goals, Policies, and Actions regarding trail design and development in proximity to riparian areas.

TN-2.1 Support off-street travel by interconnecting individual trail systems to each other and to regional trail systems.

TN-2.2 Provide direct, safe and convenient bicycle and pedestrian connections between the trail system and adjacent neighborhoods, schools, employment areas and shopping areas.

TN-2.6 Integrate and connect trail and pathway networks with a larger network of countywide and regional trails such as the Bay Area Ridge, San Francisco Bay, and Juan Bautista De Anza Trails to allow for a broad base of opportunities and linkage with the greater Bay Area.

TN-2.9 Pursue, and consider prioritizing the acquisition and development of abandoned rights-of-ways for trails when the development of the given right-of-way would enhance the City's Trail System.

TN-3.3 Design bridges, under-crossings, and other public improvements within the designated Trail Network, including grade separation of roadways and trails whenever feasible, to provide safe and secure routes for trails and to minimize at-grade intersection with roadways.

The following Trail Network Goals & Policies of the General Plan[27] are applicable to the proposed project:

San José Trail Network Goals & Policies – General Plan Update

Policy	Description
TN-1.1	Develop the nation's largest urban network of trails and remain a national leader in terms of scale and quality of those trails.
Goal TN-2	Develop a safe and accessible Trail Network to serve as a primary means of active transportation and recreation within a multi-modal transportation system.
TN-2.1	Support off-street travel by interconnecting individual trail systems to each other and to regional trail systems.
TN-2.5	Integrate and connect trail and pathway networks with a larger network of countywide and regional trails such as the Bay Area Ridge, San Francisco Bay, and Juan Bautista De Anza Trails to allow for a broad base of opportunities and linkage with the greater Bay Area.
TN-3.5	Design new and retrofit existing public and private developments to provide significant visibility of and access to existing and planned trails to promote safety and trail use.

City of San José Zoning Ordinance

The alignment of the Guadalupe Trail is located within lands designated as *OSPH – Open Space, Parklands and Habitats* in the Envision San José 2040 General Plan. Zoning throughout the extent of the trail alignment includes the following districts: *LI – Light Industrial, R-1-8 – Residence District (8 DU/AC), R-1-5 – Residence District (5 DU/AC), A(PD) – Area of Planned Development Zoning District, R-2 – Residence District (2 DU/Lot), CP – Commercial Pedestrian District, CO – Commercial Office District, CN – Commercial Neighborhood District , CG – Commercial General District,* and *R-M – Residence District (Multiple Unit/Lot).*

4.10.1.2 *Existing Setting*

Virginia Street to Willow Street

On the east side of the river, land uses surrounding the proposed trail alignment are residential uses, primarily single family – medium density. The Southern Pacific Railroad (SPRR) right-of-way cuts diagonally from northwest to southeast at the southeast portion of this reach. A pocket park is in the area south of Virginia Street, adjacent to McLellan Avenue, east of the river.

The proposed trail alignment from Virginia Street to Willow Street would be located within lands designated *OSPH – Open Space, Parklands, and Habitats* and adjacent to lands designated *MUN – Mixed Use Neighborhood.*

[27] City of San José. *Proposed General Plan Update Goals, Policies & Strategies, Parks, Trails, Open Space, and Recreation Amenities/Programs.* July 27, 2009.

Willow Street to West Alma Avenue

Land uses to the west of the river are primarily residential uses along Minnesota Avenue. A half-acre SCVWD parcel abutting West Alma Avenue, on the river's west side is actively used as a neighborhood garden; the Willows Community Garden. Lelong Street runs parallel and east of the river, separating the riparian corridor from the SR 87 corridor. The 140-foot wide easement between Lelong Street and the river is under the jurisdiction of the State. The Tamien Light Rail Transit Station is located east of the river, west of Alma Avenue.

The proposed trail alignment from Willow Street to West Alma Avenue would be located within lands designated *OSPH – Open Space, Parklands, and Habitats* and adjacent to lands designated *NCC – Neighborhood/Community Commercial* and *RN – Residential Neighborhood.*

West Alma Avenue to Three Creeks Trail

Commercial uses are located on both the east and wide sides of the river. The San José Elks Club is east of the river, south of West Alma Avenue. Commercial uses are on the west side of the river to south of West Alma Avenue. Multi-family residential uses are found along the UPRR tracks just west of the SCVWD easement on the west bank of the river. This easement runs south from the UPRR right-of-way for 700 feet and terminates at a residential parcel. The easement precludes development within its 60-foot width, as measured from the centerline of the river. The SCVWD easement on the east bank parallels the river for 200 feet with a 50-foot width, ending at residential properties in both directions.

Three Creeks Trail to Willow Glen Way

Residential uses are located on both the east and west sides of the proposed trail alignment. The river is to the west of the proposed trail alignment. The trail segment would begin at the Three Creeks Trail intersection to Willow Glen Way and located within lands designated *UR – Urban Residential,* and adjacent to lands designated *OSPH – Open Space, Parklands, and Habitat* and *RN – Residential Neighborhood.*

Willow Glen Way to Almaden Road

A San José Water Company well field is located on the east side of the river and to the west of the proposed trail alignment, immediately south of Willow Glen Way. The SCVWD owns land parallel to and south of the property located south of the well field, on the river's west bank. Almaden Road parallels the east bank south of the well field.

The proposed trail alignment from Willow Glen Way to Almaden Road would be located within lands designated *PQP – Public/Quasi-Public* and *OSPH – Open Space, Parklands and Habitat,* and adjacent to land designated *RN – Residential Neighborhood.* Santa Clara County owns land immediately adjacent to the river's east bank between Curtner Avenue and the Almaden Expressway. Residential uses are located west of the river.

Almaden Road to Curtner Avenue

Single and multi-family residences are adjacent to the east, and the river is to the west of the proposed trail alignment. Residential uses are on the west side of the river. The proposed trail alignment from Almaden Road to Curtner Avenue would be located within lands designated *RN – Residential Neighborhood, UR – Urban Residential, OSPH – Open Space, Parklands and Habitat,* and adjacent to lands designated *NCC – Neighborhood/Community Commercial* and *RN – Residential Neighborhood.* Single and multi-family residences are located on both the east and west sides of the river.

Curtner Avenue to Almaden Expressway

Residential uses are on the west side of the river along El Rio Drive. Almaden Road runs parallel to the river to the east and is adjacent to commercial land uses. The proposed trail alignment from Curtner Avenue to Almaden Expressway would be located within lands designated *OSPH – Open Space, Parklands and Habitats,* and adjacent to land designated *RN – Residential Neighborhood.*

Almaden Expressway to Foxworthy Avenue

Chard Drive and Almaden Expressway run parallel to the river to the west, and are aligned with commercial uses. Single-family residences are located along the river to the east. Rubino Park is located at the southern end of the reach, to the east of the proposed trail.

The proposed trail alignment from Almaden Expressway to Foxworthy Avenue would be located within land designated *OSPH – Open Space, Parklands and Habitat* and lands owned by the City of San José which are not identified with a land use designation on the *Envision San José 2040 General Plan* land use map. Lands adjacent to the proposed trail alignment are designated *RN – Residential Neighborhood.*

Foxworthy Avenue to Thousand Oaks Park

Residences are located east of the river along Hillsdale Avenue. Old Almaden Road runs parallel to and the west of the river, and is adjacent to commercial uses. The proposed trail alignment from Foxworthy Avenue to Steval Place would be located within land designated *OSPH – Open Space, Parklands and Habitat.* Lands adjacent to the proposed trail alignment are designated *NCC – Neighborhood/Community Commercial* and *RN – Residential Neighborhood.*

Single-family residences are east of the proposed trail alignment along Wellington Square. Almaden Expressway runs parallel to the river to the west. The proposed trail alignment from Steval Place to Thousand Oaks Park would be located within land designated *OSPH – Open Space, Parkland and Habitat,* and adjacent to land designated *RN – Residential Neighborhood.*

Thousand Oaks Park to Branham Lane

The land east of the river and proposed trail is primarily residential. Thousand Oaks Park is to the east of the river and adjacent to the proposed trail alignment. The proposed trail alignment from Thousand Oaks Park to Branham Lane would be located within land designated *OSPH – Open*

Space, Parklands and Habitat, and adjacent to land designated *RN – Residential Neighborhood* and *NCC – Neighborhood/Community Commercial.*

Branham Lane to Chynoweth Avenue

Residential uses are located on the eastern side of the river, along Tonino Drive. The SCVWD's parcel follows the east bank of the river for approximately 1,000 feet. The proposed trail alignment from Branham Lane to Chynoweth Avenue would be located within land designated *OSPH – Open Space, Parklands and Habitat,* and adjacent to land designated *MUN – Mixed Use Neighborhood, RN – Residential Neighborhood, NCC – Neighborhood/Community Commercial,* and *RC – Regional Commercial.*

4.10.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2

4.10.2.1 ***Land Use Compatibility*** *(Checklist Item a, b, c)*

The proposed project is the construction of a trail through the urban project area on lands that are owned by the City of San José, the Santa Clara Valley Water District, and San José Municipal Water Company.

While the trail would be designed to be visible at gateways and parks located along the reach, where it is to be placed adjacent to the river, it would only be visible to immediately adjacent land uses. Single-family and multiple-family residences are adjacent to the trail throughout its extent. Pedestrian and bicycle traffic would not increase significantly on streets and sidewalks in the residential neighborhoods. Noise impacts associated with the use of the trail would not be significant, given the high existing ambient noise levels of the project alignment area, as discussed in *Section 4.12* of this Initial Study. The project does not include the lighting of the trail, except where the trail crosses under Almaden Expressway, Capitol Auto Mall, and Branham Lane and the structures over Willow Street and Capitol Auto Mall for safety purposes.

As described in the noise and air quality sections of this Initial Study, the construction of the trail may result in short-term construction-related noise and air quality impacts. Implementation of standard mitigation measures, as described in those sections, would further reduce or avoid these temporary impacts. For the reasons described above, the project would not result in significant land use compatibility impacts or divide an established community. As described in *Section 4.4 Biological Resources,* the project is a covered project in the SCVHP and would therefore, not conflict with an applicable habitat conservation plan. **(Less Than Significant Impact)**

4.10.2.2 *Conformance with Land Use Plans (Checklist Item b)*

City of San José General Plan

The proposed project is consistent with the City of San José General Plan land use designation of *OSPH – Open Space, Parklands and Habitat* because it is the construction of a trail for public recreational uses. . Some portions of the proposed project alignment are located within lands designated *UR – Urban Residential.* Since the project is the development of a regional bicycle and pedestrian trail that would connect residents to different parts of the city and would make improvements to city streets (i.e. pedestrian at-grade crossings), the project would not conflict with the *UR – Urban Residential* land use designation, **(Less Than Significant Impact)**

The project alignment would be consistent with the Trail Network Goals and Policies of the General Plan, because the design process would take into account accessibility, safety, and connectivity within the existing network to encourage trail use as an alternate mode of transportation. In addition, the purpose of the project would satisfy the Trail Network Goals and Policies ultimate intention to expand the bikeway **(Less Than Significant Impact)**

Zoning Designations

The construction of the trail would not be inconsistent with the zoning designations for the properties upon which the trail would be constructed. **(Less Than Significant Impact)**

Santa Clara County Countywide Trails Master Plan

The construction of the trail would not be inconsistent with the Santa Clara Countywide Trails Master Plan Update. **(Less Than Significant Impact)**

4.10.3 Conclusion

The proposed project would not result in significant impacts associated with land use compatibility. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

Mineral resources found in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The project site is within a developed urban area. No records exists of gravel or other mineral resource extraction in the project area.

4.11.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2

4.11.2.1 *Mineral Resources Impacts (Checklist Item a, b)*

The only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance is Communications Hill. The project site is not located within a designated area containing mineral deposits of regional significance and therefore, would not result in the loss of availability of a known mineral resource. For these reasons, the proposed project would not result in impacts to mineral resources. **(No Impact)**

4.11.3 Conclusion

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

4.12 NOISE AND VIBRATION

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Nevertheless, the City has policies that address existing conditions (e.g., noise) affecting a proposed project, which are described in *Section 4.12.1.2*, below.

4.12.1 Environmental Setting

4.12.1.1 *Background Information*

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

4.12.1.2 *Regulatory Framework*

City of San José

City of San José General Plan

The City of San José's General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the L_{dn}, which stands for Day-Night level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. The General Plan cites long-term and short-term exterior L_{dn} goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the L_{dn} is above 60 dBA should be limited to acoustically protected areas.

The following policies are found in the *Envision San José 2040 General Plan* and are applicable to the proposed project:

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers,

where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

EC-1.7 Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.

Land Use Compatibility Noise Guidelines

Table 4.12-1: Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

4.12.1.3 *Existing Noise Conditions*

The primary sources of noise within the project area are street, freeway, and air traffic noise. The adjacent commercial properties towards the southern extent of the project alignment also generate noise. Ambient noise levels near SR-87 are approximately 65 to greater than 75 dBA.[28] Ambient noise levels along the proposed trail reach are expected to be similar to those in the surrounding neighborhoods.

4.12.1.4 *Sensitive Receptors*

Sensitive noise receptors within the project area include single- and multi-family residences located adjacent to the proposed trail alignment throughout its extent.

[28] City of San José. *Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment.* December 7, 2010. Pg. 28.

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1,2
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2

4.12.2.1 *Noise Impacts*

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the proposed project (refer to *Section 4.12.1.2*), a significant noise impact would result if interior day-night average noise levels exceed 80 dBA Ldn (General Plan Policy EC-1.1).

In addition, a substantial permanent noise increase would occur if the noise level increase resulting from the project (e.g., noise from project operations) is three (3) dBA Ldn or greater at noise-sensitive receptors, with an ambient noise level of 60 dBA Ldn or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA Ldn or greater would be considered significant (General Plan Policy EC-1.2).

Temporary construction noise impacts from the project would be significant if the project is located within 500 feet of residential uses (or 200 feet of commercial or office uses) and would involve

substantial noise generating activities (such as grading, excavation, and pile driving, etc.) for more than one year (General Plan Policy EC-1.7); and if hourly average noise levels exceed 60 dBA Leq and are at least five dBA above the ambient noise environment at nearby residential uses.

Construction vibration impacts would be considered significant when construction activities are anticipated to generate a peak vertical particle velocity of 0.08 in/sec at sensitive historic structures and 0.20 in/sec at buildings of normal conventional construction (General Plan policy EC-2.3). Based on a noise assessment completed for the implementation of Envision San José 2040 General Plan, heavy tracked vehicles (e.g., bulldozers or excavators) can generate distinctly perceptible groundborne vibration levels when this equipment operates within approximately 25 feet of sensitive land uses. Impact pile drivers can generate distinctly perceptible ground-borne vibration levels at distances up to approximately 100 feet, and may exceed building damage thresholds within 25 feet of any building, and within 50 to 100 feet of a historical building, or building in poor condition.

In summary, and based on the above thresholds and the City's standards, a significant noise impact would result if:

- The interior day-night average noise levels for the proposed project would exceed 80 dBA DNL (General Plan Policy EC-1.1);
- The project would expose sensitive residential receptors to day-night average noise levels exceeding the General Plan noise standard of 55 dBA DNL (or the ambient noise level if existing noise levels currently exceed the standard) (General Plan Policy EC-1.3);
- A permanent noise level increase resulting from the project is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of five (5) dBA DNL or greater would be considered significant (General Plan Policy EC-1.2); or
- A temporary noise level increase would occur where noise from project construction activities exceed 60 dBA Leq and the ambient noise environment by at least five dBA Leq at noise-sensitive uses in the project vicinity for a period greater than one year (General Plan Policy EC-1.7);
- Construction activities are anticipated to generate a peak vertical particle velocity of 0.08 in/sec at sensitive historic structures and 0.20 in/sec at buildings of normal conventional construction (General Plan policy EC-2.3).

4.12.2.2 *Noise Exposure to Trail Users (Checklist Item a, b)*

As previously mentioned, ambient noise levels in the project area are considered to be similar to those within the existing surrounding neighborhoods. Noise exposure of future trail users to elevated ambient noise levels would be short-term as they travel on both the on-street reaches and along the trail. Noise levels experienced along the proposed trail would be consistent with noise levels of adjacent land uses. For these reasons, the project would not result in significant noise impacts to trail users. **(Less Than Significant Impact)**

4.12.2.3 *Long-Term Noise Impacts from the Project (Checklist Item c, d)*

As described previously, the trail alignment would be adjacent primarily to residential uses as well as public and commercial uses. Of these categories, residential land uses are considered "sensitive"

with regard to exposure to elevated noise levels, consistent with the noise guidelines of the City's General Plan.

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

While the above-described noise would probably be audible from time-to-time at nearby residences, the effects would not be significant based on the following facts:

- Ambient noise levels are relatively high in the residential areas throughout the project area due to adjacent street and highway noise, which would have the effect of at least partially masking trail-generated noise. In addition, most of the residences adjacent to the trail are located at least 20 feet from the proposed alignment, with backyards closest to the proposed trail and existing walls and vegetation would absorb at least some of the trail-generated noise near the residences.

- The proposed trail would be constructed underneath Almaden Expressway (northbound and southbound lanes), Foxworthy Avenue, SR 87, and Branham Lane.

- The trail would be closed one hour after sunset and would open one hour before sunrise, eliminating the potential for any trail-generated noise to disturb residences during the noise-sensitive nighttime hours.

Residences in the project area are expose to almost continuous acoustic disturbance from freeway traffic along SR-87, aircraft overflights, and industrial and residential development to the east and west. The visual and acoustic disturbance to residences associated with the proposed trail use is not expected to be significantly higher than currently exists, and wildlife along the channel is expected to adapt to the new levels of disturbance. **(Less Than Significant Impact)**

4.12.2.4 *Short-Term Construction Noise* *(Checklist Item a)*

The construction of the project would generate short-term noise at adjacent residential uses and along the river. The major noise generating activities associated with project construction would include grading, construction of retaining walls (if necessary), construction of pedestrian/bicycle bridges (i.e. bridges), and construction of the trail and its associated amenities (fencing, signs, etc.). The expected construction period is currently unknown; however, noise levels are expected to be highest during site grading, pedestrian overcrossing construction, and installation of the asphalt pavement. Typical hourly average construction-generated noise levels are about 81 to 89 dBA measured at a distance of 50 feet from the construction area during busy construction periods.

Construction-generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. The only residential areas that could be affected by construction noise are the single- and multi-family residences adjacent to the trail alignment. Since the project is linear, the construction of the project would not happen at one location for the entire construction duration. The proposed bridges and pedestrian/bicycle bridges (i.e. Willow Street, Capitol Auto Mall, and Koch Lane, and near Chynoweth Avenue) would generate little noise compared to

ambient/roadway conditions. Given that ambient noise levels are elevated because of the proposed pedestrian/bicycle bridges' adjacency to major thoroughfares, and standard measures are included in the project to avoid or reduce noise levels during construction, the proposed project would not result in significant construction related noise impacts to residential uses near the proposed bridges.

These impacts would be temporary in nature and standard construction noise avoidance measures (City of San José Municipal Code, Title 20) would be implemented. For these reasons, construction of the proposed project would not result in significant noise impacts to surrounding residential uses during construction.

Standard Measures: The project proposes to implement the following standard measures to reduce short-term construction noise impacts along the entire project reach, as necessary:

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

- Contractors shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Locate staging areas a minimum of 200 feet from noise sensitive receptors, such as residential uses.

With implementation of the standard measures listed above, temporary noise impacts from construction activity would be reduced to a less than significant level. **(Less Than Significant Impact)**

4.12.2.5 *Other Noise Impacts (Checklist Item e, f)*

The project site is not located within an airport land use plan, within two miles of a public use airport, or within the vicinity of a private airstrip. **(No Impact)**

4.12.3 Conclusion

With implementation of standard measures and adherence to the San José Municipal Code, the project would result in less than significant operational and construction noise, vibration, and air traffic impacts. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The proposed project is the construction of a Class I bicycle and pedestrian trail within an urbanized area of San José. The project does not propose the construction of housing.

4.13.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2

4.13.2.1 *Growth Inducement Impacts (Checklist Item a)*

The project area is located within an urbanized area of San José. The project does not propose the construction of new homes or businesses, and would not construct utilities or infrastructure beyond what is required to serve the proposed project. The proposed project is intended to better serve and accommodate the existing residents within the City of San José and region. The project would not induce unplanned growth in the City. **(No Impact)**

4.13.2.2 *Housing Displacement Impacts (Checklist Item b, c)*

Bikeway alignments would be constructed on existing right-of-ways and would not result in the removal of existing housing or structures. Therefore, the proposed project would not displace people or housing. **(No Impact)**

4.13.3 Conclusion

Implementation of the proposed project would not result in growth inducement or impacts to the existing housing supply. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The project is located in the area encompassing downtown San José to south San José.

4.14.1.1 *Fire Protection Services*

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The following fire stations within the City serve portions of the proposed project:

- Station 1 – 201 North Market Street at St. James Street
- Station 30 – 454 Auzerais Avenue at Minor Avenue
- Station 3 – 98 Martha Street at Third Avenue at Third Street
- Station 6 – 1386 Cherry Avenue at Minnesota Avenue
- Station 9 – 410 Ross Avenue at Hillsdale Avenue
- Station 17 – 1494 Ridgewood Drive at Dent Avenue
- Station 13 – 4380 Pearl Avenue and Knollfield Way
- Station 22 – 6461 Bose Lane at Dwyer Avenue
- Station 26 – 528 Tully Road near Senter Road

For fire protection services, the City has a total response time goal of eight minutes and a total travel time goal of four minutes for 80 percent of emergency incidents (per General Plan Policy ES-3.1).

4.14.1.2 *Police Protection Services*

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission St., approximately three miles north of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is served by the SJPD Central, Western, and Southern Divisions.

For police protection services, SJPD has a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls (per General Plan Policy ES-3.1).

4.14.1.3 *Parks*

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks and over 55 miles of trails.

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The proposed project trail alignment would be adjacent to Rubino Park and would provide trailway connections to Thousand Oaks Park.

4.14.1.4 *Schools and Libraries*

The project area is located within the San José Unified School District.

4.14.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	☐	☐	☒	☐	1,2
- Police Protection?	☐	☐	☒	☐	1,2
- Schools?	☐	☐	☐	☒	1,2
- Parks?	☐	☐	☒	☐	1,2
- Other Public Facilities?	☐	☐	☒	☐	1,2

4.14.2.1 *Impacts to Fire and Police Protection Services (Checklist Item a)*

The project area is located within an urbanized area of San José that is currently served by the City of San José Fire Department and San José Police Department. The introduction of more individuals along the proposed regional trail expansion may increase calls for service within the project area. The reported incidents would be similar to those that occur on existing roadways and at neighborhood parks in the City. Increased use of the regional trail as a result of project implementation would not require the construction of additional fire or police facilities; therefore, the project would have a less than significant impact on fire and police protection services. **(Less Than Significant Impact)**

4.14.2.2 *Impacts to Schools, Parks, and Other Public Facilities (Checklist Item a)*

Project implementation may increase use of community parks and amenities due to improved access to such facilities. It is not anticipated that the increase in use would exceed the capacity of the existing facilities such that new facilities would need to be constructed. Therefore, the project would not result in a significant impact to schools, parks, or other public facilities. **(Less Than Significant Impact)**

4.14.3 Conclusion

The project could result in a slight increase in the demand for emergency services within the project area, however, the increase would not exceed the capacity for the City of San José to provide services to its residents. The project would provide additional recreational opportunities by improving access

to parks, schools, and community amenities. Therefore, the project would not result in significant impacts to public services. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks and over 55 miles of trails.

4.15.2 Checklist and Discussion of Impacts

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1,2
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

4.15.2.1 *Impacts to Parks and Recreational Facilities (Checklist Item a, b)*

The project would connect the existing Guadalupe River Trail and on-street bicycle and pedestrian facilities to the proposed Guadalupe River Trail. The project would improve bicycle and pedestrian access to parks and community amenities in the areas of the City adjacent to the proposed trail alignment. This may result in an increase in the use of parks and recreational facilities. The incremental increase in use of these parks and recreational facilities would not result in substantial or accelerated, physical deterioration of these facilities. The project would not result in significant impacts to parks and recreational facilities. **(Less Than Significant Impact)**

4.15.3 Conclusion

Implementation of the proposed project would not result in physical deterioration of existing recreational facilities and would, therefore, not require the construction of additional facilities. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Regulatory Setting

4.16.1.1 *City of San José General Plan*

The following policies found in the *Envision San José General Plan 2040* are applicable to the proposed project:

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-1.9	Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.
TR-1.11	Consider options for using waterways as part of the City's transportation network.
TR-2.1	Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings (including proposed grade separated crossings of freeways and other high vehicle volume roadways) and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).
TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.
TR-2.7	Give priority to pedestrian improvement projects that: improve pedestrian safety; improve pedestrian access to and within the Urban Villages and other growth areas; and that improve access to parks, schools, and transit facilities.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.16.2 Environmental Setting

The project reach begins at Virginia Street in Central San José and extends to Chynoweth Avenue in south San José.

4.16.2.1 *Street Network*

Local access to the project reach is provided by the roadways described below:

West Virginia Street is an east-west, two-lane street that runs from South 1st Street to Bird Avenue. West Virginia Street would provide access to the trail via an on-street connection that would join with the existing and planned trail.

Willow Street is a northeast-southwest, two-lane street that runs from its beginning on South 1st Street to its terminus at Blackford Elementary School. Willow Street would provide access to the trail via a new pedestrian bridge (Willow Calle Pedestrian Bridge), a proposed crosswalk, and on-street connections.

Minnesota Avenue is a north-south street that runs parallel to the Guadalupe River. Minnesota Avenue would provide access to the proposed trail via Willow Street and West Alma Avenue connections.

Willow Glen Way is an east-west street that begins at its intersection with Almaden Road to the east and terminates at Newport Avenue to the west. Willow Glen Way would provide access to the trail at a proposed on-street pedestrian crosswalk on Willow Glen Way.

Malone Road is a northeast-southwest street that begins at its intersection with Almaden Road to the east and terminates to the west at Cottle Avenue. Malone Road would provide access to the trail via a proposed crosswalk at Malone Drive.

Almaden Road is a north-south, two-lane street that begins at its intersection with West Virginia Street in the north to its southern terminus at its intersection with Almaden Expressway. The proposed trail would be constructed adjacent to Almaden Road and would provide access to the trail via on-street connections.

Curtner Avenue is a northeast-southwest, four-lane arterial street that begins at its intersection with Monterey Road in the east to its terminus at Camden Avenue in the west. Curtner Avenue would provide access to the trail via a proposed crosswalk at Curtner Avenue.

Foxworthy Avenue is an east-west, two-lane street that begins at its intersection with Hillsdale Avenue to the east and terminates at its intersection with South Bascom Avenue to the west. Foxworthy Avenue would provide access to the trail via spur connections at Foxworthy Avenue and an underpass.

Capitol Auto Mall is an east-west six-lane arterial street that begins at its intersection with South Jackson Avenue in northeast San José and terminates at its intersection with Almaden Expressway to the southwest. Capitol Expressway would provide access to the proposed trail via a new pedestrian bridge and alternate connections under the Capitol Expressway bridge.

Branham Lane is an east-west, four-lane street that begins at its intersection with Monterey Road to the east and terminates at its intersection with Camden Avenue to the west. Branham Lane would provide connection to the proposed trail via a crossing under Branham Lane and on-street connections on the west side of the river via SCVWD, SJWC, and private development.

Chynoweth Avenue is an east-west, two-lane street that begins at its intersection with Monterey Road to the east and terminates at a dead end to the west of Fell Avenue. Chynoweth Avenue would provide access to the proposed trail via a new connection on Chynoweth Avenue.

Cherry Avenue is a north-south, two-lane street that begins at its intersection with Dry Creek Road to the north and becomes Sanchez Drive under SR-85 to the south. Cherry Avenue would provide access to the proposed trail via an on-street connection that would connect the existing bike trail on Cherry Avenue to the proposed Guadalupe River Trail.

4.16.2.2 *Pedestrian, Bicycle, and Transit Facilities*

Sidewalks and crosswalks (signalized and unsignalized) are located throughout the project area. The project proposes constructing crosswalks at Willow Street, Alma Avenue, Willow Glen Way, Malone Drive, and Curtner Avenue.

Additional pedestrian improvements include a new pedestrian overcrossing over Capitol Auto Mall, bridges at Willow Street, Koch Lane, and one near Chynoweth Avenue, in addition to spur connections and underpasses at Almaden Expressway (northbound/southbound), Foxworthy Avenue, and Branham Lane, and trail connections to Thousand Oaks Park.

4.16.3 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1,2
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1,2

4.16.3.1 *Transportation Impacts* *(Checklist Item a, d, f)*

The proposed project is the extension of the Guadalupe River Trail. The project would not increase vehicular traffic in the project area and may result in fewer vehicle trips by providing a safe, off-street, alternative means of access for area commuters and residents. The project would not conflict with any adopted policies, plans, or programs related to public transit, and would instead, be helping implement the City of San José and Santa Clara County objectives for a multi-modal transportation network in the South Bay. **(Less Than Significant Impact)**

4.16.3.2 *Project Trip Estimates*

Trip Generation

The project would not increase vehicular traffic and may result in fewer vehicle trips throughout the City by providing safe, on-street and off-street alternative means for travel by bicycle for area commuters and residents. **(Less Than Significant Impact)**

4.16.3.3 *Impacts to Pedestrian, Bicycle, and Transit Facilities*

The sidewalk network and crosswalks in the project area would provide safe pedestrian access to the trail. The proposed project includes gateway features at the Willow Street/Lelong Street intersection, over West Alma Avenue, over Willow Glen Way, and at the proposed gateway at Almaden Road.

The proposed trail would provide an additional bicycle route and contribute to the network of pedestrian and bicycle facilities in the project area.

There are numerous transit routes within walking distance to the trail's access points. The existing bus service in the area would have available capacity to accommodate the modest increase in ridership from trail users. The proposed project would not adversely affect transit within the project area. **(Less Than Significant Impact)**

4.16.3.4 *Other Transportation Impacts* *(Checklist Item c, d, e)*

Parking

Parking is no longer an issue under CEQA; however, parking lots would not be constructed along the proposed project extent. Parking areas are available at Rubino Park and Thousand Oaks Park. On-street parking is available throughout the 4.9-mile trail alignment. Due to the amount of available on-street parking, it would be expected that there would not be a significant increase in the demand for parking because of the trail's construction. For these reasons, the proposed trail would not result in a significant transportation impact associated with either an increase in vehicular traffic or the need for on-street parking.

Air Traffic Patterns

As discussed in *Section 4.8 Hazards and Hazardous Materials,* the project area is not located within an airport land use plan or in the vicinity of a private airstrip. Project implementation would not impact local air traffic patterns. **(No Impact)**

Site Access and Hazards

The project would improve access to the Guadalupe River trail through the construction of new trailheads and gateways throughout the project alignment. It is not expected that the project would increase hazards to recreational bikeways users because of improved bikeway conditions and signalization at street crossings as part of the regional trail. Nonetheless, an improved bicycle network would likely increase use of the regional trail and thus inadvertently expose trail users to hazards from vehicular traffic at certain points along the trail. The provision of Class I facilities would place bicyclists and pedestrians on separate bikeways further improving safety conditions in the City. **(Less Than Significant Impact)**

4.16.4 Conclusion

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

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Water*

Water service to the project area is supplied primarily by the San José Water Company.

4.17.1.2 *Storm Drainage*

The project site is in the Guadalupe River watershed and stormwater runoff from the project site drains via gradient to the Guadalupe River, which ultimately flows north to the San Francisco Bay.

4.17.1.3 *Solid Waste*

Garbage and recycling collection services in the City of San José are provided by Republic Services.

4.17.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1,2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1,2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	1,2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1,2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1,2

4.17.2.1 *Water Service and Supply (Checklist Item b, d)*

The project does not propose the construction of features that would require water or water services. The project would, therefore, not substantially increase water demand to the extent that new entitlements and sources of water would be required. **(No Impact)**

4.17.2.2 *Storm Drainage (Checklist Item c)*

As discussed in *Section 4.9 Hydrology and Water Quality*, implementation of the project would result in the paving of currently unpaved paths along the Guadalupe River, which would incrementally increase stormwater runoff. Stormwater would be treated using new LID stormwater controls where feasible. **(Less Than Significant Impact)**

4.17.2.3 *Wastewater/Sanitary Sewer System (Checklist Item a, e)*

The project does not propose the construction of features that would need to be served by solid waste facilities. **(No Impact)**

4.17.2.4 *Solid Waste (Checklist Item f, g)*

The project does not propose the construction of features that would need to be served by solid waste facilities. **(No Impact)**

4.17.3 Conclusion

The proposed project would not result in significant impacts to utilities and service systems. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-12
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐	1-12
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-12
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-12

4.18.1 **Project Impacts** *(Checklist Item a)*

The proposed project, with implementation of the mitigation measures and standard measures identified in *Section 4.0* of this Initial Study, would not significantly degrade or impact the quality of the environment. As discussed in *Section 4.4 Biological Resources*, the proposed trail alignment would not impact sensitive habitats or wildlife with the payment of applicable Santa Clara Valley Habitat Agency fees. Pedestrian/bicycle bridges could require additional analyses as they are designed to ensure geologic and seismic safety. As discussed in *Section 4.5 Cultural Resources*, the project would not have a significant impact on cultural resources with the incorporation of the described standard and mitigation measures. **(Less Than Significant Impact with Mitigation Incorporated)**

4.18.2 **Cumulative Impacts** *(Checklist Item b)*

Cumulative impacts refer to two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts. The project would not

result in impacts to agricultural and forest resources or mineral resources and, therefore, would not contribute to the cumulative impacts of those resources.

The proposed project, in combination with other projects in the area and other activities that impact the species that are affected by this project (see *Section 4.4 Biological Resources*), could contribute to cumulative effects on special-status species. Reasonably foreseeable future projects in the project vicinity include the SCVWD/USACE's flood control project and the SCVWD's Stream Maintenance Program. These projects would impact the same types of species and habitats that would be affected by the proposed project. These projects, however, are expected to adopt numerous impact avoidance and mitigation measures, and they are required by CEQA and/or NEPA mitigation measures and conditions of the resource agency permits to provide compensatory mitigation for certain impacts.

Other projects in the region could also impact the same types of species and habitats that would be affected by the proposed project. However, those projects that are covered by the SCVHP will be required to implement SCVHP conditions, and through impact fees paid by covered projects the SCVHP will help to ensure the conservation of covered species and their habitats throughout the project region through habitat restoration and conservation.

Project segments that would result in the removal of existing trees would need additional environmental study prior to project construction. The project segments that would not result in the removal of trees would not have considerable contribution to a significant cumulative impact on trees.

The project would increase the number of bicyclists and pedestrians using the regional trail which would increase the number of people on the streets at any given time. While this would increase the inherent risk for bicyclists and pedestrians, the improvements proposed as part of the project including signalization at road crossings and the construction of a protected trail would reduce the risks associated with traditional bicycle use.

There are no planned or proposed developments in the project area that could contribute to cumulative aesthetic, air quality (including construction-related impacts), hydrology and water quality, noise, population and housing, recreation, or utilities and service system impacts. The project's archaeological and biological resources and geology and soils impacts are specific to the project site and would not contribute to cumulative impacts elsewhere.

The project's cumulative impacts to greenhouse gas emissions is discussed in *Section 4.7* and it was concluded that the project would have a less than significant (cumulative) impact on greenhouse gas emissions.

Based on the discussion above, the project would not have cumulatively considerable impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.18.3 Short-term Environmental Goals vs. Long-term Environmental Goals

(*Checklist Item c)*

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to

construct a 4.9-mile bicycle and pedestrian trail to provide a continuous trail connection between the northern terminus of the Guadalupe River Trail in Alviso to its southern terminus at Gleman Road. As identified in *Section 4.0* of this Initial Study, the short-term effects resulting from project construction would be substantially off-set by meeting the long-term environmental goals (such as a reduction of GHG emissions and vehicle miles traveled) throughout the greater area. The operational phase of the project would consume minimal energy, if at all, in the form of safety lighting in certain locations along the trail. Energy, in the form of fossil fuels, may be used if trail users were to use vehicles to travel to trail access points.

With implementation of mitigation measures included in the project and compliance with City General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. **(Less Than Significant Impact)**

4.18.4 Direct or Indirect Adverse Effects on Human Beings *(Checklist Item d)*

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is a substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, the Initial Study did not identify direct or indirect adverse effects on human beings from project implementation. **(Less Than Significant Impact)**

Checklist Sources

1. Professional judgement and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan and FEIR.* November 1, 2011.

3. City of San José. *Zoning Ordinance.*

4. California Department of Conservation. *Santa Clara County Important Farmland 2012.* Map.

5. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan.* September 15, 2010.

6. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* Updated May 2011 and May 2012.

7. H.T. Harvey and Associates, Inc. *Guadalupe River Trail Project Biological Resources Report. Project #7609.* January 11, 2017.

8. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan.* August 2012.

9. Holman & Associates, Inc. *Archaeological Literature Search for the Guadalupe River Trail Master Plan, San José, Santa Clara County, California.* February 2017.

10. U.S. Army Corps of Engineers. *Draft Environmental Impact Report/Environmental Impact Statement for the Upper Guadalupe River Flood Control Project – Volume 1.* January 1997.

11. Association of Bay Area Governments. *San Francisco Bay Area Hazards Map.* August 28, 2015.

12. Federal Emergency Management Agency. Flood Insurance Rate Map, Community Panel No: 06085C0234H, 06085C0242H, 06085C0244H, 06085C0263H. May 18, 2009.

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<http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

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Valley Transportation Authority. *Santa Clara Countywide Bicycle Plan.* August 2008.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Krinjal Mathur, Planner I

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Jodi Starbird, Principal Project Manager
Caroline Weston, Assistant Project Manager
Zach Dill, Graphic Artist

Holman & Associates, Inc.
Archaeological Consultants
Sunshine Psota, Archaeologist

H.T. Harvey & Associates, Inc.
Biological Consultants
Steve Rottenborn, Ph.D., Principal, Wildlife Ecologist
Kelly Hardwicke, Ph.D., Associate Plant and Wetland Ecologist
Gregory Sproull, M.S., Plant Ecologist
Matthew Timmer, M.S., Wildlife Ecologist