

DRAFT

MITIGATED NEGATIVE DECLARATION

The Director of Public Works 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.

Project Title: San Tomas Aquino Creek Trail Project (Reaches 1 & 2)

File Number(s): Project No. 15-NN

Project Location: The San Tomas Aquino Creek Trail Project (Reaches 1 & 2) is located in the western portion of the City of Campbell and the southwest portion of the City of San José; it extends along San Tomas Aquino Creek between Westmont Avenue and West San Tomas Aquino Road (37°27'24.4"N latitude, 121°99'06.6"W longitude). The project is located in the southwestern portion of the San José West U.S. Geological Survey (USGS) 7.5-minute quadrangle, (Township 7 South, Range 1 West, Sections 32 and 33, and Township 8 South, Range 1 West, Sections 4 and 5, Mt. Diablo Meridian). The Assessor's Parcel Numbers associated with the project are 403-39-001, 403-49-047, 403-11-003, 403-07-022, 403-07-023, 403-43-137, 403-07-031, 403-42-044, 403-53-104 through 403-53-108, 404-17-078, 404-17-076, and 404-17-077.

Project Sponsor: City of Campbell, Public Works Department
70 North First Street, Campbell, CA 95008

Zoning: City of Campbell: Public Facilities/Open Space (PF/OS)
City of San José: Single-Family Residence District (R-1-8)

General Plan: City of Campbell: Open Space
City of San José: Open Space, Parklands, and Habitat (OSPH)

Lead Agency: City of Campbell, Public Works Department
70 North First Street, Campbell, CA 95008

Contact Person: Fred Ho, Senior Civil Engineer
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Date Posted: June 1, 2020

Other public agencies whose approval is required: None

Surrounding Land Uses/General Plan/ Zoning:

North: Public Facilities/Open Space (PF/OS) Single-Family Residence District (R-1-8)

South: Single-Family Residential(R-1-9)/ P-D (Planned Development)/ R-2 (Multiple-Family Residential)

East: Single- Family Residential (R-1-6) P-D (Planned Development)

West: Low- Medium Den. Res & (R-1-8) Agriculture

Project Description: The City of Campbell, in cooperation with the City of San José and the Santa Clara Valley Water District (Valley Water), is proposing to construct the project, a proposed 1.28-mile paved bicycle and pedestrian trail that will follow the San Tomas Aquino Creek on top of existing Valley Water levees and creek bank, starting from Westmont Avenue and concluding at Margaret Lane.

Reach 1 will connect Westmont Avenue to McCoy Avenue and involve constructing a new clear-span pedestrian bridge measuring approximately 114 feet long, near the east end of Westmont High School and the south side of Forest Hill Elementary School. The proposed bridge type will be a prefabricated clear-span modified bowstring structure, fabricated with weathering steel. The bridge will have a clear width of 12 feet and a cast-in-place concrete deck. Bridge supports will be cast-in-place seat-type concrete abutments supported on piles. Cast-in-place concrete wingwalls and retaining walls will be used to support the trail approaches on each side of the bridge. East of the new pedestrian bridge, the trail will continue along the top of levee on the northeast side of the creek to McCoy Avenue. The top of levee within these limits will allow for an 8-foot travel width with shoulders of varying width. The trail itself will be asphalt-concrete paved with gravel shoulders.

In Reach 2, the trail will parallel West San Tomas Aquino Road for approximately 0.42 mile and be located on City of Campbell and/or Valley Water property on the north side of the road. After a short at-grade crossing of Harriet Avenue, the trail will continue east along the north side of West San Tomas Aquino Road and end at Margaret Lane. The project in this area will include trailheads, safety fencing, centerline striping, and signage. At the intersection of Harriet Avenue and West San Tomas Aquino Road, the trail will conform to new curb ramp improvements completed by the City of Campbell and continue along the southeast side of San Tomas Aquino Creek, parallel to the road. The northerly pavement edge of West San Tomas Aquino Road also will be modified to maintain a consistent roadway width and include new curb and gutter. At this location, the proposed trail will include an asphalt concrete-paved travel width of 12 feet with 2-foot-wide gravel shoulders. The trail will be separated from West San Tomas Aquino Road by a vegetated median, between Harriet Avenue and Margaret Lane, where the trail will terminate. Fencing will be provided on either side of the trail to restrict trail users from entering San Tomas Aquino Creek or crossing West San Tomas Aquino Road.

The proposed project limits are within the cities of Campbell and San José. The trail extents between Westmont Avenue and Forest Hill Elementary School will be within the city of San José, and the trail limits between the elementary school and McCoy Avenue are within the city of Campbell. Along West San Tomas Aquino Road, the trail alignment will straddle the boundary separating Campbell and San José. The proposed trail will meet Americans with Disability Act (ADA) standards, American Association of State Highway and Transportation Officials (AASHTO) “Green Book” (AASHTO 2018), California Department of Transportation (Caltrans) standards, City of Campbell, and City of San José trail design standards. The proposed project also will involve constructing trailheads at Westmont, McCoy, and Harriet Avenues opposite Inwood Drive and at Margaret Lane. Trailheads likely will include decorative concrete pavement, user amenities, and signage.

Much of the proposed project will be constructed within creek rights-of-way owned by Valley Water and follow the top of the Valley Water southwest creek bank levee from Westmont Avenue to a clearing location near existing private homes at approximately 100 feet west of an existing pedestrian

bridge. The proposed trail width here will be 8 feet of travel way, as the existing top of levee varies in width from 8 feet to 10 feet. The trail will be asphalt-concrete paved with variable width gravel shoulders. The existing ground surface will be excavated to a depth of approximately 8-inches and filled with aggregate base and topped with asphalt. Due to the existing ground surface level, very little cut and fill is required.

The open, gravel-surfaced area behind the southerly creek bank levee will be rough-graded to facilitate trail construction and future trail and creek maintenance. The existing chain-link fence (which separates the high school property from the creek) will be replaced with new decorative fencing matching the adjacent high school fencing. New fencing also will be installed along the elementary school property line, adjacent to the creek and around the new northerly bridge approach; gates will be provided to allow access from the elementary school to the new bridge and trail and existing neighborhood pedestrian bridge.

The water surface elevation in the creek at this location, based on Federal Emergency Management Agency (FEMA) flood mapping information for the 100-year flood, is between 254 and 255 feet. The proposed bridge elevation will be approximately 4 feet above the 100-year water surface elevation. The freeboard is based on Valley Water design criteria.

Several existing water and sanitary sewer lines are located at the bridge location. The proposed project will involve abandoning 12- and 37-inch potable water lines (owned by the San José Water Company (SJW)) currently located in easements on Valley Water and Westmont High School property. The water lines will be relocated and replaced by an approximately 250-foot-long, 18-inch water line, which will be located south of the proposed trail and bridge alignment on property owned by Westmont High School and Valley Water. The water line will be installed in an approximately 6-foot-deep trench that would be backfilled to the existing grade following construction. Before construction, the water lines will be relocated by SJW as part of the proposed project.

Construction access to the proposed trail site will be from the west via Westmont Avenue, McCoy Avenue, and Summerfield Drive; east via Harriet Avenue; and along West San Tomas Aquino Road. Construction access for the bridge will be from an access road located on Forest Hill Elementary School property, located just north of the proposed bridge site. Construction staging will be located on unused properties owned by Westmont High School and Forest Hill Elementary School (Appendix A). The prefabricated pedestrian bridge will be installed using a crane and require temporarily closing the existing pedestrian bridge; the new bridge likely will be constructed when school is on break or not in session. Construction activities may also include adjusting electrical power vaults and sanitary sewer maintenance holes along the trail to grade. Full project construction is expected to take approximately 12 months.

The new pedestrian bridge will require periodic maintenance such as graffiti removal and deck repair. Because of the very limited nature of these maintenance activities, their impacts are not discussed further.

Finding: The Director of Public Works 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 proponent, 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 Environmental 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. During construction the following construction emission control measures, as well as implementation of applicable BAAQMD criteria pollutant control measures will be implemented to reduce temporary minor increases in ambient air pollutant concentrations:
- IV. BIOLOGICAL RESOURCES.** With implementation of the following mitigation and avoidance measures for special-status species, and standard project conditions for riparian habitat, aquatic habitat, and wildlife corridors, the project will not have a significant impact on biological resources.

Mitigation Measures

- **BIO-1:** To minimize potential construction impacts on Congdon's tarplant and Western leatherwood, the following measures will be implemented:
 - A rare plant survey conducted during the blooming period for Congdon's tarplant will be conducted before the start of construction, to identify if any special-status species are present.
 - If a special-status species is found within the project area, then a buffer would be established for avoidance. The buffer would be established by a qualified biologist and be of a distance that guarantees the continued survival of the plant and its seed bank. Alternately, if the discovered species is covered under the Habitat Plan (that is, Tiburon Indian paintbrush, coyote ceanothus, Mt. Hamilton thistle, Santa Clara Valley dudleya, fragrant fritillary, Loma Prieta hoita, smooth lessingia, Metcalf Canyon jewelflower, and most beautiful jewelflower), then procedures as outlined in the Habitat Plan, Section 6.6.2 (Covered Plant Species), will be followed (County of Santa Clara et al. 2012).
- **BIO-2:** To minimize potential construction impacts on Santa Cruz black salamander, the following measures will be implemented:
 - A qualified biologist will conduct preconstruction surveys for Santa Cruz black salamander within 48 hours prior to the start of construction activities. This survey may be performed concurrently with other required surveys, such as that for nesting birds. If adult Santa Cruz black salamanders are found in any areas planned for disturbance prior to or during project-related construction activities, a qualified biologist (defined as a biologist having prior experience surveying for this species or its congeners) will safely remove the individual salamander from the site and relocate it to a suitable location. If a subterranean nest of plethodontid salamander eggs is encountered within the construction area during project-related construction activities, construction will stop and the CDFW will be notified. Construction can be reinitiated subsequent to CDFW approval. A report summarizing the results of the preconstruction surveys and any protection

measures will be submitted to the City of Campbell Planning Department and the City of San José Supervising Environmental Planner.

- BIO-3: To minimize potential construction impacts on the California red-legged frog, the following measures will be implemented:
 - A qualified biologist will conduct preconstruction surveys for CRLF are required within 48 hours prior to the start of construction activities. If a CRLF is encountered within the project work area, construction activities will temporarily halt if safe to do so until the animal has left the area on its own accord. A report summarizing the results of the preconstruction surveys and any protection measures will be submitted to the City of Campbell Planning Department and the City of San José Supervising Environmental Planner.
 - If water is present within the creek during project activities, fulltime biological monitoring will be conducted. Alternatively, if water is present within the creek during project activities wildlife exclusion fencing will be installed between the work area and suitable aquatic habitat for the species. Fencing will be inspected on a monthly basis.
- BIO-4: To minimize potential impacts on active burrowing owl nests, the following measures will be implemented:
 - Prior to any construction activities on or adjacent to the project site, a qualified biologist will conduct preconstruction surveys in all suitable habitat areas. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on or adjacent to the project site, particularly in areas within 250 feet of construction activity.
 - To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of three hours. The survey will begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys will be conducted, unless owls are detected during the first survey (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their locations mapped. Surveys will conclude no more than two calendar days prior to site disturbance, staging, or construction-related activities. Therefore, the qualified biologist must begin surveys no more than four days prior to construction (two days of surveying plus up to two days between surveys and construction). The project applicant may also conduct a preliminary survey up to 14 days before construction, which may count as the first of the two required surveys as long as the second survey concludes no more than two calendar days in advance of construction. Surveys will be conducted as described in Santa Clara Valley Habitat Plan Condition 15.
 - If evidence of western burrowing owls is found during the breeding season (February 1st–August 31st), the construction contractor will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance will include establishment of a 250-foot nondisturbance buffer zone around nests. Construction may occur outside of the 250-foot

- nondisturbance buffer zone if additional conditions are met as described in Santa Clara Valley Habitat Plan Condition 15.
- During the nonbreeding season (September 1–January 31), the construction contractor will establish a 250-foot nondisturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of this 250-foot buffer are allowed. Construction activities within the nondisturbance buffer are allowed if additional conditions are met as described in Santa Clara Valley Habitat Plan Condition 15.
 - A report summarizing the results of the preconstruction surveys documenting the presence or absence of burrowing owls will be submitted to the City of Campbell Planning Department and the City of San José Supervising Environmental Planner prior to any construction activities
- BIO-5: To minimize potential impediment on migratory birds covered under the MBTA, the following measures will be implemented:
 - Construction activities will be scheduled to avoid the nesting season (February 1st through August 31st, inclusive) if feasible. If construction activities are scheduled to take place outside the nesting season, impacts on nesting birds will be avoided.
 - If ground-disturbing activities cannot be scheduled to occur between September 1st and January 31st (inclusive) then preconstruction surveys for nesting birds will be conducted by a qualified biologist to ensure that no nests will be disturbed during project construction. If work begins during the early part of the nesting season (February 1st to April 30th, inclusive), a qualified biologist will survey all suitable nesting habitat in the project area for presence of nesting birds. This survey will occur no more than 14 days prior to the start of ground-disturbing activities and will cover an area within a 300-foot buffer of the project area. If work begins during the late part of the nesting season (May 1st to August 31st, inclusive), a qualified biologist will survey all suitable nesting habitat in the project area for presence of nesting birds. This survey will occur no more than 30 days prior to the start of ground-disturbing activities.
 - During these surveys, the biologist will inspect all potential nesting habitats in and immediately adjacent to the impact areas for nests. If no nesting activity is observed, work may proceed as planned. If nesting birds are identified in areas susceptible to disturbance from construction activities, a qualified biologist will establish an appropriate construction free buffer zone to be maintained for that nest. Factors to be considered include intervening topography, roads, development, type of work, visual screening from the nest, and nearby noise sources. Buffers will not apply to construction related traffic using existing roads that are not limited to project-specific use (that is, city streets, highways). Consideration will also include timing of nesting (that is, if the birds' nests are found in the project area during actual construction activities).
 - A report summarizing the results of the preconstruction surveys and subsequent efforts to protect nesting raptors or birds (if found to be present) will be submitted to the City of Campbell Planning Department and the City of San José Supervising Environmental Planner.

- BIO-6: To minimize potential impacts to a number of bat species, including the pallid bat and Townsend's big-eared bat, the following measures will be implemented:
 - A qualified biologist will conduct preconstruction surveys for bats within 30 days prior to the commencement of construction activities. No activities that would result in disturbance to active roosts will proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted.
 - If a roost is present, the qualified bat biologist will either clear each tree for removal or recommend two-phase removal method (described below). To deter bats from establishing roosts, trees with no suitable roosting habitat, as determined by the qualified biologist, will be cut down and removed before the trees recommended for two-phase removal.
 - Two-phase removal method:
 - In the first day of tree trimming, under the supervision of a qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, will be cut. The biologist will also ask the personnel removing branches to shake and knock on the tree, attempting to flush roosting bats. Limbs and other tree pieces will be lowered slowly to the ground, to the extent safe and practicable, and inspected by qualified biologist for bats.
 - If bats are observed in roosts during tree work, removal work should be halted within a 100-foot buffer of the bat, and the tree with the roosted bat will be left in place.
 - If any bat found appears to be sick or injured, the qualified biologist, with all of the necessary immunizations, should be available to check for injury or disease and take the bat to a CDFW-approved wildlife rehabilitation facility.
 - Bats taken to the rehabilitation facility will be reported to CDFW within 24 hours.
 - On the following day if bats are not observed, under the supervision of the qualified biologist, the remainder of the tree or structure may be removed. Limbs and other parts of the tree with potential bat habitat (cavities or fissures in which bats could roost) will be lowered to the ground slowly, to the extent safe and practicable, and inspected by the biological monitor.
 - If bats are observed in roosts during tree work (for example, bat exits roost while tree is being cut, bat is observed in piece of tree lowered to the ground), the biologist will carefully assess the tree for presence of bats. Pieces will be left on site overnight in a safe location (away from construction activities and safe from predation to the greatest extent practicable) and resurveyed the following morning.

- If bats are observed in a limb of a tree, repeat above until bat has left roost on its own.
 - If any bat found appears to be sick or injured, the qualified biologist, with all of the necessary immunizations, should be available to check for injury or disease and take the bat to a CDFW-approved wildlife rehabilitation facility.
 - Bats taken to the rehabilitation facility will be reported to CDFW within 24 hours
- BIO-7: To minimize potential construction impacts to San Francisco Dusky-Footed Woodrat, the following measures will be implemented:
 - Preconstruction Surveys for San Francisco Dusky-Footed Woodrat. Within 14 days prior to the start of construction, a qualified biologist will conduct a survey of the project area footprint and a 30-foot buffer beyond the Project footprint boundaries to determine the location of active and inactive woodrat nests. Any dens detected during the surveys will be recorded and mapped in relation to the construction disturbance footprint. In addition, the biologist will evaluate any signs of current woodrat activity, including the presence of fresh scat, freshly chewed vegetation, and the presence of cobwebs covering nest entrances. Given the highly urban surrounding area, a 10-foot equipment exclusion buffer will be established around active and inactive nests that can be avoided; within such buffers, all vegetation will be retained and nests will remain undisturbed. Nests that cannot be avoided will be slowly dismantled with a qualified biologist present to oversee the dismantling. If sign of woodrats are observed within dismantled nests then the material will be relocated to a nearby location that will be undisturbed by construction activities.
 - BIO-8: To minimize potential impacts on mixed riparian forest and shaded riverine aquatic habitat, the following measures will be implemented:
 - The project applicant will prepare and implement a riparian tree mitigation and monitoring plan. This plan will outline which native riparian plant species are to be planted on site adjacent to the riparian canopy. Native riparian plant species recommended for the replacement plantings may include, but are not limited to, Fremont's cottonwood, arroyo willow, red willow, coast live oak, and blue elderberry. Plant species used for revegetation will be native to the San Tomas Aquino Creek watershed and grown from local planting stock. The riparian tree mitigation and monitoring plan will be submitted to the City of Campbell Planning Department and the City of San José Supervising Environmental Planner prior to the start of any ground-disturbing activities.

V. CULTURAL RESOURCES. With implementation of the following mitigation measures and standard project conditions, the project will not have a significant impact on cultural resources.

Mitigation Measures

- CUL-1: To minimize potential impacts on unknown prehistoric and historic era archaeological sites and resources, the project applicant will implement the following measures:

- The design engineer will note on any plans that require ground-disturbing excavation the potential for exposing buried cultural resources.
- The construction contractor will retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant prehistoric archaeological resources within the project area. The briefing will include a discussion of any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the City and archaeological team.
- The construction contractor will retain a professional archaeologist on an “on-call” basis during ground-disturbing construction for the project to review, identify, and evaluate cultural resources that may be inadvertently exposed during construction. If previously unidentified cultural resources are discovered during project construction, then the contractor will cease work within 50 feet of the resources and notify the City of Campbell Planning Department immediately. If the find is discovered in San José, then the City of Campbell Planning Department will coordinate with the lead planner for the City of San José. The archaeologist will review and evaluate any discoveries to determine whether they are historical resource(s) or unique archaeological resources under CEQA.
- If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource or unique archaeological resource, then the archeologist will notify the City of Campbell Supervising Environmental Planner of the evaluation and recommended mitigation measures to mitigate to a less-than-significant impact. If the find is discovered in San José, then the City of Campbell Supervising Environmental Planner will coordinate with the lead planner for the City of San José regarding the mitigation. Mitigation measures may include avoidance, preservation in place, recordation, additional archaeological testing, and/or data recovery. Any significant cultural resources will be treated only with the approval of the City’s Director of Planning. The archaeologist will document the resources using California Department of Parks and Recreation Form 523 and file the form with the NWIC of the CHRIS. The archaeologist will submit a report of the findings and methods for curating or protecting the resources to the City of San José Supervising Environmental Planner for review and approval before resuming work. Further grading or site work within the area of discovery will not be allowed until the preceding steps have been taken.

VI. ENERGY. The project will not have a significant impact due to energy, therefore no mitigation is required.

VII. GEOLOGY AND SOILS. The project will not have a significant impact due to geology and soils, therefore no mitigation is required.

VIII. GREENHOUSE GAS EMISSIONS. The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

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

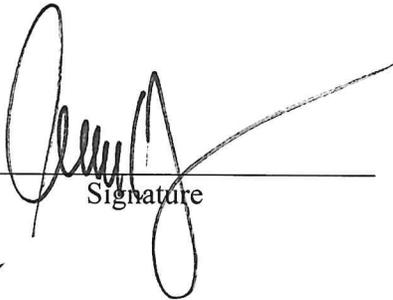
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- X. HYDROLOGY AND WATER QUALITY.** The project will not have a significant impact on hydrology and water quality resources, therefore no mitigation is required.
- XI. LAND USE AND PLANNING.** The project will not have a significant land use impact; therefore, no mitigation is required.
- XII. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XIII. NOISE.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XIV. POPULATION AND HOUSING.** The project will not have a significant population and housing impact; therefore, no mitigation is required.
- XV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XVI. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVII. TRANSPORTATION.** The project will not have a significant transportation impact; therefore, no mitigation is required.
- XVIII. TRIBAL CULTURAL RESOURCES.** The project will not have a significant tribal cultural resources impact; therefore, no mitigation is required.
- XIX. UTILITIES AND SERVICE SYSTEMS.** With implementation of the mitigation measures described above, the project will not have a significant impact on utilities and service systems.
- XX. WILDFIRE.** The project will not have a significant impact on wildfire, therefore no mitigation is required.
- XXI. MANDATORY FINDINGS OF SIGNIFICANCE.** With proposed avoidance and mitigation measures (BIO-1 through BIO-8, CUL-1), as described above, the project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **June 30, 2020**, any person may:

Any person may file a written protest of the draft Mitigated Negative Declaration before 5:00 p.m. on **June 30, 2020**. Such protest must be filed via email to fredh@campbellca.gov or via mail at the Public Works Department, City Hall 70 North First Street, Campbell, CA 95008. The written protest should make a “fair argument” that the project will have one or more significant effects on the environment based on substantial evidence.

Circulation period: JUNE 1, 2020 through JUNE 30, 2020.



Signature



Todd Capurso

Printed Name

June 1, 2020

Date

City of Campbell

Agency