



COUNCIL AGENDA: 6/25/19  
FILE: 19-530  
ITEM: 2.24

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli

**SUBJECT:** SEE BELOW

**DATE:** June 3, 2019

Approved

Date

6-13-19

**COUNCIL DISTRICT: 7**

**SUBJECT: GRANT APPLICATION FOR BAY AREA PRIORITY CONSERVATION AREA GRANT PROGRAM FOR THE COYOTE CREEK TRAIL (SINGLETON CROSSING) PROJECT**

## RECOMMENDATION

- (a) Adopt a resolution adopting the Coyote Creek Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project Mitigated Negative Declaration for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance to the California Environmental Quality Act, as amended.
- (b) Adopt a resolution authorizing the City Manager or designee to submit a grant application in an amount not to exceed \$139,860 to the Bay Area Priority Conservation Area Grant Program to prepare 65% design documents.

## OUTCOME

The recommended actions will 1) adopt the Mitigated Negative Declaration for the Coyote Creek - Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project (File No. PP18-040) for which an Initial Study was prepared in accordance with the California Environmental Quality Act and involves adopting a related Mitigation Monitoring and Reporting Program; and 2) authorize the City Manager to submit a grant application as part of the Plan Bay Area 2040 Bay Area Priority Conservation Area Grant Program.

An executed grant agreement would support preparation of construction documents (to the 65 percent design stage) needed for the Coyote Creek Trail Singleton Road Pedestrian Bridge Project. Future development of the project would remove an in-channel fish barrier, restore a

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

**Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project**

Page 2

portion of Coyote Creek, and construct a three-span pedestrian bridge structure above the 100-year flood elevation to sustain recreational access to the regional trail system.

## **BACKGROUND**

The Coyote Creek Trail is a regional trail system within the City's developing Trail Network. The core trail serves both recreational and commuter users as evidenced in the data collected via San José's Trail Count. The trail system extends through San José and County jurisdictions. The existing southern reach of the trail system currently extends 7.5 miles, from Tully Road to Morgan Hill. The Singleton Road Crossing is at risk of seasonal closure during high water events.

The Coyote Creek trail system is referenced in the City's Greenprint and General Plan (Envision 2040) and both documents support development of a 100-mile interconnected trail network.

The Singleton Road Crossing is located between Capitol Expressway and Yerba Buena Road. People can reach this section of trail via Tuers Road or Singleton Road which is used as a maintenance access road across the fenced landfill site. The trail system transitions from the east to the west bank via the in-channel crossing, which is constructed upon two culverts. Over time, the base of the creek channel has lowered and the culverts now act as a spillway. Seasonal low water elevation and the darkness of the culverts contribute to reduced fish migration. Staff believe that this crossing pre-dates formal trail development and was in place in the late 1800's per site maps.

The Singleton Road Crossing has been identified in the Santa Clara Valley Water District's (Valley Water) Coyote Creek Water Resources Master Plan as the most significant fish barrier for migrating steelhead in the Coyote Watershed. Valley Water reports that removing this barrier will have a significant positive impact on anadromous fish, extending the fish migration range by nine miles upstream.

In January 2015, City Council directed staff to partner with Valley Water to secure funding under the 2015 Safe, Clean Water Partnership Program.

In September 2015, staff completed a Preliminary Engineering Study for the Coyote Creek Restoration Project.

In June 2016, City Council directed staff to pursue design funds from the Open Space Authority, and in spring 2019, staff started the completion of construction documents (to the 35 percent development stage).

In March 2019, staff submitted a Letter of Interest under the Priority Conservation Area (PCA) Grant Program. In April 2019, PCA Program staff formally invited the City to apply for funding

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

**Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project**

Page 3

to prepare construction documents (to the 65 percent design stage) of the Coyote Creek Trail Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project.

### ANALYSIS

As currently constructed, the Singleton Crossing presents a significant barrier to migration of Pacific Lamprey and Steelhead Trout with both species being federally-recognized sensitive species. The City of San José is the property owner and operator of the existing trail facility and is responsible for addressing the barrier and removing the migration impediment. The National Oceanic and Atmospheric Administration (NOAA) has expressed concern to staff about the barrier's impacts to fish migration.

In an effort to partner with the City's regional stakeholders who are vested in the Singleton Crossing project, City staff intend to apply for the PCA Grant Program with the intent to prepare construction documents (to the 65 percent design stage) for the Coyote Creek Trail Singleton Road Fish Barrier, Stream Restoration and Pedestrian Bridge Project.

Staff has made significant progress to advance the project over the past five years, including the completion of an Initial Study (CEQA) and a Preliminary Engineering Study that defines the preferred bridge type and location. Staff has addressed the environmental impacts to the project by completing the Initial Study and is seeking a resolution to adopt the Mitigated Negative Declaration for the Coyote Creek - Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project (File No. PP18-040) by way of this Council memorandum.

Staff recently initiated the production of construction documents (to the 35 percent design stage) and expects completion by November 2019. To ensure constructability within a sensitive natural environment, staff anticipates a collaborative working relationship with multiple regulatory agencies during the design process.

Design of the pedestrian bridge is anticipated to be complicated as the structure will span above the 100-year flood level with two piers in the creek channel. The bridge will be designed to accommodate maintenance vehicles operated by the City of San José and Valley Water.

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### Plan Bay Area 2040 Priority Conservation Area (PCA) Grant Program:

In coordination with the State Coastal Conservancy (SCC), the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), the PCA Grant Program is designed to support projects that show connection to a designated Priority Conservation Area and align with program goals; including provision of bicycle and pedestrian access to parks, trails, open space, and recreation areas; and, protection of habitats, ecosystems, watersheds, and resource areas.

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project

Page 4

The Singleton Crossing project shows PCA alignment because the 7.5-mile southern section of the Coyote Creek Trail directly connects to the Bay Area Ridge Trail and the 2.5-mile northern section connects to the San Francisco Bay Trail, both of which are designated PCAs.

The Plan Bay Area 2040 PCA Grant Program requires applicants to meet specific requirements. Most requirements are standard in nature and staff has already implemented practices to comply with these routine grant conditions.

<b>Requirement</b>	<b>Addressed in the following manner</b>
Grantees are required to provide a 2:1 minimum match for PCA funds, or a 66.6% match. The full match must be secured by the time the grant is awarded.	A matching requirement is standard practice. Partial local matching funds have been identified, and if awarded, staff will follow budgeting protocols to receive authority from Council to appropriate the local funds.
Projects are to comply with the requirements of the California Environmental Quality Act (CEQA).	Staff has addressed the environmental impacts to the project by completing an Initial Study and is seeking a resolution to adopt the Mitigated Negative Declaration for the Coyote Creek - Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project (File No. PP18-040) by way of this Council memorandum.
Projects with federal funds must comply with applicable federal environmental requirements (National Environmental Protection Act, NEPA).	Staff has experience complying with federal NEPA requirements and has satisfied NEPA requirements for past trail projects; however, staff is not intending to pursue a federal award in this application.

Anticipated Schedule

The PCA Grant Program guidelines state that the earliest notice of grant award will occur in October 2019. Starting in January 2020, funds will be provided on a reimbursement basis subject to the availability of funds. Incorporating a few months for negotiation and award of contract, the initiation of construction documents (to the 65 percent design stage) could begin by summer 2020.

The timeline for the Bay Area Priority Conservation Area (PCA) Grant Program is listed in the table below:

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project

Page 5

<b>Application Process</b>	<b>Timeline</b>
Solicitation Released by MTC	January 2019
Letters of Interest due to MTC	February 25, 2019
MTC confirms opportunity to submit formal application	April 2019
Deadline for submittal formal application	July 15, 2019
MTC staff recommends projects for funding	July - August 2019
SCC Program Action for state and local funding	October 2019
MTC Program Action for federal or local funding	November 2019
Anticipated availability of Funds	January 2020

The PCA Program is supported by federal, state, and local funding sources and may award any of these funding sources to selected grantees. At the time of award, the grantor will make a recommendation of how funds are allocated. The use of federal funds will require additional environmental studies and documentation that would significantly raise project delivery costs and extend the schedule. At this time, these additional requirements appear to exceed available resources. Therefore, if only federal grant funds are selected for award, staff will report back to the City Council as appropriate and may recommend reconsidering acceptance of the award.

#### Deliverable

The construction documents (to the 65 percent design stage) will offer detail on constructing each project element including the type of material, location, and size of reinforcements for concrete structures; thickness, type, and color of pavement; disposition of utilities or other features in conflict with the project (including type and size of trees); and type of signage and striping and information contained on signage.

Staff recommends that City Council take actions necessary to seek grant resources via the Plan Bay Area 2040 Bay Area Priority Conservation Area (PCA) Grant Program to advance construction documents (to the 65 percent design stage) needed to remove an in-channel barrier, restore the channel, and construct a pedestrian bridge at the Coyote Creek Trail Singleton Road Crossing.

#### EVALUATION AND FOLLOW-UP

Staff reports on project development efforts as part of its annual update to the Parks and Recreation Commission, as well as with publication of the Annual Trail Program Report. Staff will post updates via Twitter (@SanJoseTrails) to keep the community informed about this and other active projects.

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project

Page 6

### **POLICY ALTERNATIVES**

***Alternative #1: Do not prepare a grant application.***

**Pros:** Staff resources will still be available to focus on other priority projects.

**Cons:** This approach misses an opportunity to secure grant funds, which can support the development and enhancement of the City's trail system.

**Reason for not recommending:** This approach is inconsistent with current City Council policy to promote development of the trail network. Pursuit of this grant would support recreational access to the Coyote Creek Trail at the Singleton Road site.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 25, 2019 Council Meeting.

### **COORDINATION**

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

### **COMMISSION RECOMMENDATION/INPUT**

The Trail Program provides an annual report to the Parks and Recreation Commission regarding milestones, grant funding and major projects. Staff will continue to update the Commission on this project's status.

### **FISCAL/POLICY ALIGNMENT**

The City's General Plan (Envision 2040) guides development of an interconnected trail network per *Chapter 4 – Quality of Life* and *Chapter 6 – Land Use and Transportation*. Trail development aligns with the Climate Smart San José plan, including policies TN-1, TN-2, and TN-3.

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project

Page 7

**COST SUMMARY/IMPLICATIONS**

1. DESIGN COST (35% to 65% Construction Documents):

Construction Documents (65%)	\$385,000
Related Indirect Costs (City Staff Services)	\$35,000
<b>Total Project Costs</b>	<b>\$420,000</b>

2. SOURCE OF FUNDING:

Subdivision Park Trust Fund (Fund 375) -

As displayed above, this project is anticipated to cost \$420,000, of which \$140,000 is being applied for under the PCA grant application and the remaining \$280,000 would need to be provided from City funds. This memorandum includes a recommendation to submit the PCA grant application and, if awarded, a separate memorandum will be brought forward for City Council consideration to adopt the grantor's resolution, allocate funding to "front" the grant award amount, and allocate the required local match.

The PCA grant is allocated on a reimbursement basis, therefore, if this grant is approved, \$140,000 will need to be allocated from a city funding source to front the funding. In addition, the grant guidelines require that a 2:1 or 66.6 percent match be provided, which based on the current project estimate would total \$280,000. Funding for both the grant fronting and the local match would most likely be recommended to be allocated from either the Council District 7 Construction and Conveyance Tax Fund or the Park Trust Fund. If the grant is awarded, the grant fronting (\$140,000) and the local match (\$280,000) will be requested through a future City Council memorandum or budget process.

3. FISCAL IMPACT:

Upon completion of the design and construction process, the replacement bridge will be a part of the City's inventory. At this early date, it is difficult to project completion dates and when funding will be required to manage and maintain the completed portion of trail.

Given that this memorandum is being submitted early in the design phase, staff plans to continue investigating possible funding sources for Council consideration prior to the completion of design and construction of the bridge replacement. As projected completion dates become more definitive, staff will provide updated management and maintenance costs for the bridge.

HONORABLE MAYOR AND CITY COUNCIL

June 3, 2019

Subject: Grant Application for Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Project

Page 8

### CEQA

The environmental impacts of this project are addressed in an Initial Study/Mitigated Negative Declaration (IS/MND) entitled, "Coyote Creek – Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project" (File No. PP18-040). The IS/MND was completed in compliance with the California Environmental Quality Act (CEQA) and reflects the City's independent judgment and analysis. The Initial Study identified potentially significant environmental impacts on Central California Coast steelhead, migratory birds, western pond turtle, bats, nesting burrowing owls, riparian forest and shaded riverine aquatic habitat, archeological resources, and spreading environmental contamination at the neighboring Singleton Road Landfill property. Mitigation measures have been included in these areas in order to reduce impacts to less than significant levels.

The Draft IS/MND was circulated for public review from October 3, 2018 to November 2, 2018, for a 30-day public circulation period. Seven public comments were received during the Draft IS/MND circulation period. Two letters, from Valley Water and the National Marine Fisheries Service, expressed support for the proposed project.

Comments regarding project related questions such as funding, financing and detour routes during project construction were received from Baykeeper and Santa Clara County. The Amah Mutsun Tribal Band had comments regarding notification and historical ecology. County of Santa Clara Roads and Airports Department requested additional information regarding construction related traffic. Finally, a community member, Jean Dresden, submitted comments regarding the adequacy of the historic analysis. Responses to comments can be found on the City's website as listed below.

The Director of Planning, Building and Code Enforcement, pursuant to the requirements of Title 21 of the San José Municipal Code, reported that there is no substantial evidence in the public record received to date that the project will have a significant effect on the environment with the identified mitigation measures included in the project. The Draft IS/MND, associated appendices, and responses to public comments are available for review on the City's Negative Declaration/Initial Study website at: <http://www.sanjoseca.gov/index.aspx?nid=6195>.

/s/

JON CICIRELLI

Acting Director of Parks, Recreation and  
Neighborhood Services

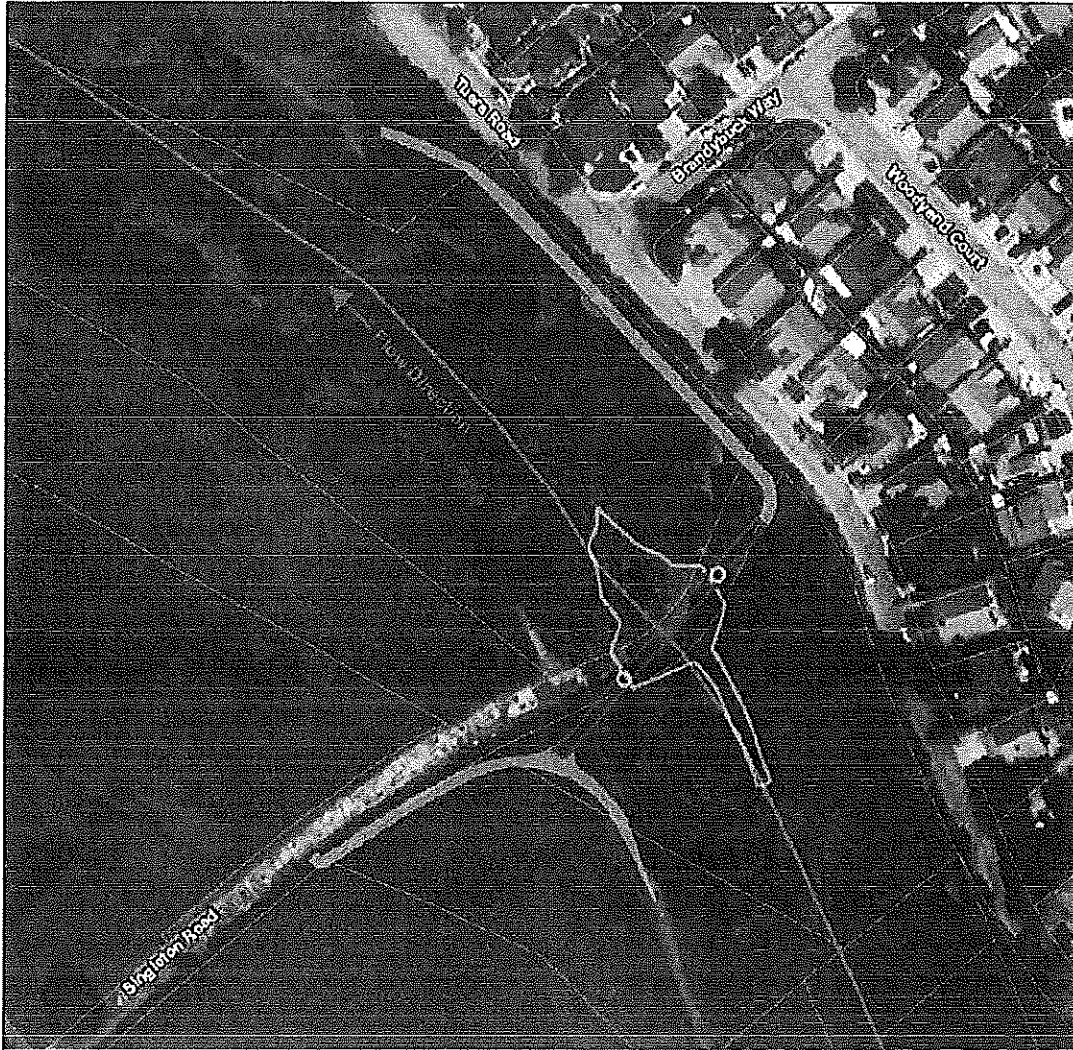
For questions please contact Nicolle Burnham, Deputy Director, at (408)793-5514.

Attachment A: Site Map and Site Photos



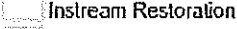
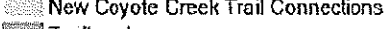
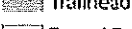
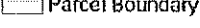



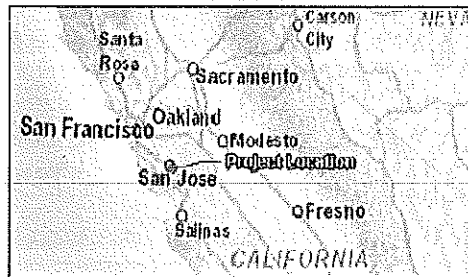
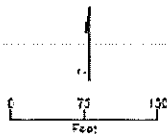
# Attachment A: Project Location Map and Photos

## Coyote Creek Trail: Singleton Road Crossing Design



VICINITY MAP

- LEGEND**
-  Bridge
  -  Bridge Pier
  -  Instream Restoration
  -  New Coyote Creek Trail Connections
  -  Trailhead
  -  Parcel Boundary
  -  Coyote Creek



## Attachment A: Project Location Map and Photos Coyote Creek Trail: Singleton Road Crossing Design

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*Photos - From Top to Bottom:*

- 1. View of the low-water crossing facing upstream (south).*
  - 2. View of the low-water crossing facing downstream (north).*
  - 3. View of the Singleton Crossing during increased flow levels.*
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