

## **MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Three Creeks Trail Pedestrian Bridge Project

**PROJECT FILE NUMBER:** PP13-085

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

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

**COUNCIL DISTRICT:** 6

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

### **FINDING:**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

### **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

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

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

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

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

**Special-Status Wildlife Species:**

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

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

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

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

**Riparian Habitat:**

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

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

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

**Wildlife Corridors:**

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

**V. CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, and therefore no mitigation is required.

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

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

**VIII. HAZARDS AND HAZARDOUS MATERIALS.** With implementation of the following mitigation and avoidance measures for treated wood waste (consistent with Department of Toxic Substances Control requirements), the project will not have a significant impact on hazards and hazardous materials.

- Store treated wood waste off the ground by placing it on blocks or in containers.

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

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

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

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

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

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

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

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

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

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

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

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

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** With proposed mitigation, as described above, the project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings,.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **December 19, 2013**, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;  
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

**Circulation period: November 19, 2013 to December 19, 2013.**



Deputy