

MEMORANDUM

DATE: September 25, 2007

TO: Carmen Borg, Shute, Mihaly & Weinberger LLP

FROM: Adam Weinstein and David Clore, LSA Associates, Inc.

SUBJECT: Response to Agency/Public Comments on the Saratoga De Anza Trail Draft Initial Study/Mitigated Negative Declaration (IS/MND)

This memorandum provides a response to the written comments received on the Saratoga De Anza Trail Draft Initial Study/Mitigated Negative Declaration (IS/MND). The Draft IS/MND was circulated for public review from April 17, 2007 to May 18, 2007. Comment letters on the Draft IS/MND were submitted by the following agencies/individuals:

Letter A: Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research (May 16, 2007)

Letter B: Kevin Boles, Environmental Specialist, Rail Crossings Engineering Section, Consumer Protection and Safety Division, Public Utilities Commission (May 15, 2007)

Letter C: Wendy Allison, P.E., Assistant Civil Engineer, Community Projects Review Unit, Santa Clara Valley Water District (May 21, 2007)

Letter D: William C. Elhoff (May 4, 2007)

Letter E: Lois McPherson (May 13, 2007)

Letter F: Bill Witmer (May 22, 2007)

Letter G: Jim Stallman (April 17, 2007)

Letter H: Donna Poppenhagen (April 20, 2007)

The comments in each of these letters are enumerated and discussed below. Comments are numbered in the margin of each letter. Thus, response B-2 refers to the second enumerated comment in the letter from Kevin Boles at the Public Utilities Commission.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

May 16, 2007

John Cherbone
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 94530

Subject: Saratoga de Anza Trail
SCH#: 2007042079

Dear John Cherbone:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on May 15, 2007, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Terry Roberts".

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

<p><i>Letter A cont.</i></p>

SCH# 2007042079
Project Title Saratoga de Anza Trail
Lead Agency Saratoga, City of

Type MN Mitigated Negative Declaration
Description D

Implementation of the proposed project would result in the development of an approx. 1.3 mile bike and pedestrian trail extending along an approx. 1.6 mile PG&E easement that is approx. 75 feet wide. The trail includes two usable sections. The first section would extend from a parking lot adjacent to Saratoga-Sunnyvale Road to parcel 386-44-042, which is approx. 0.57 mile from the western terminus of the trail. There would be a 0.27 mile gap between the first section and second section of the trail. The second section of the trail would extend from the edge of San Jose Water Company (east of Cox Ave.) to Saratoga Ave. This portion of the trail would be approx. 0.74 linear miles. The trail would be constructed on an easement acquired from PG&E and would involve no actual land acquisition by the City.

Lead Agency Contact

Name John Cherbone
Agency City of Saratoga
Phone (408) 868-1241 **Fax**
email
Address 13777 Fruitvale Avenue
City Saratoga **State** CA **Zip** 94530

Project Location

County Santa Clara
City Saratoga
Region
Cross Streets Saratoga-Sunnyvale Road/ UP Railroad Tracks to Saratoga Ave./ UP Railroad Tracks
Parcel No. Various
Township

	Range	Section	Base

Proximity to:

Highways 85, G2
Airports
Railways UPRR
Waterways Saratoga Creek, Rodeo Creek, Calabazas Creek
Schools Blue Hills Elem., Argonaut School, Little Tree Montessori Presch
Land Use GPD: Single Family Residential, Zoning: R-1-12,500

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Cumulative Effects; Noise; Traffic/Circulation; Water Quality

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 04/16/2007 **Start of Review** 04/16/2007 **End of Review** 05/15/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter A: Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research (May 16, 2007)

A-1: This comment indicates that the City of Saratoga has complied with the environmental review requirements of the State Clearinghouse, pursuant to the California Environmental Quality Act (CEQA). No additional response is required.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 15, 2007

Kristen Borel
City of Saratoga
Public Works Department
13777 Fruitvale Avenue
Saratoga, CA 95070

RE: Saratoga De Anza Trail, SCH# 2007042079

Dear Ms. Borel:

As the state agency responsible for rail safety within California, we recommend that the proposed project planned adjacent to the rail corridor in the City be planned with the safety of the rail corridor in mind. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, improvements to existing at-grade rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an existing crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

After careful review of the document it appears that a full environmental impact report should be prepared for the project to address the numerous safety concerns. Of specific concern is the proposal to build the path without any fencing or channelization to separate the path users from the rail corridor. Although an unofficial (and illegal) trail along the tracks has been used for many years without a reported incident, once the trail is sanctioned, it will likely experience an increase in use, some by unattended children or others who may not respect the dangers involved with trains and railroad tracks. Even at 5 mph, a loaded freight train can take up to a half mile to stop. Another concern is that at the eastern terminus of the trail at Saratoga Avenue, the trail users will ignore the proposed signs, prohibiting pedestrians and bicyclists within the railroad right-of-way and trespass along the tracks towards Quito Road.

The lack of proposed pedestrian safety improvements at the Cox Road highway-rail crossing is of concern. The project would increase the number of bicyclists/pedestrians crossing Cox Road adjacent to the highway-rail crossing and would create a major safety impact that is not being addressed.

1

2

3

Additionally, the document mentions that an existing pedestrian crossing offers access to the trail from Fredericksburg Drive and Guava Court. Please note, that crossing is substandard and was never built to standard by the City. CPUC staff has been writing to the City to improve or close the crossing since 2002. It is our understanding that the City never received an easement from the Southern Pacific Transportation Company, or its successor, Union Pacific Railroad. Since the City has not responded to our previous requests to improve or eliminate the crossing, we have requested the railroad take steps to close the crossing. Union Pacific has recently posted the crossing for closure.

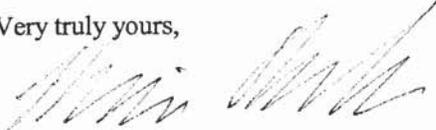
4

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to bicyclists and pedestrians in the City.

5

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,



Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Terrel Anderson, Union Pacific Railroad
Lisa Carvalho, Steefel, Levitt & Weiss
John Cherbone, City of Saratoga

Letter B: Kevin Boles, Environmental Specialist, Rail Crossings Engineering Section, Consumer Protection and Safety Division, Public Utilities Commission (May 15, 2007)

B-1: Safety issues associated with construction and use of the proposed trail are discussed throughout the Draft IS/MND, but particularly on pages 70 to 73. The proposed project would not include any physical changes to existing at-grade rail crossings or new crossings over railroad tracks. As indicated on page 70 of the Draft IS/MND, the proposed trail “would be located a minimum of approximately 50 feet from the center line of the Union Pacific Railroad tracks that are adjacent to the project site.” In addition, as noted on page 25 of the Draft IS/MND, the number of trail users is not expected to substantially increase after implementation of the proposed project. Therefore, the project would not increase vehicle or pedestrian traffic such that an existing at-grade rail crossing would require improvements.

In regard to pedestrian circulation patterns, the proposed trail (which would be parallel to the existing railroad tracks) would not encourage pedestrians or cyclists to cross the railroad tracks. The existing Fredericksburg Drive/Guava Court pedestrian gates were identified as locations where pedestrians currently cross the railroad tracks. However, the City closed this pedestrian crossing on August 23, 2007, per a directive from the California Public Utilities Commission. Alta Planning + Design, a firm that specializes in trail design, conducted a review of the safety conditions of the proposed trail.¹ In this review, Alta noted that: “During our study of this corridor we did not note a pattern of regular trespassing at any one location. There are no “destinations” across the tracks for pedestrians and bicyclists using the trail, therefore there is no incentive or reason for trail users to cross the tracks.”

Alta also concluded: “Our research indicates that a well-designed RWT [rail-with-trail] will actually reduce the number of people trespassing on the tracks – despite a modest increase in use of the trail. People will also be located further away from the railroad tracks than where many people currently walk or bicycle. People want to walk, bike, or run on an even surface, not a railroad track. The De Anza Trail will provide that opportunity. . . . Based on research of over 100 RWTs in the U.S. and internationally, including input from railroad companies, the California Public Utilities Commission, Federal Railroad Authority, and other parties in “Rails-with-Trails: Lessons Learned Literature Review, Current Practices, Conclusions,” we do not expect the De Anza Trail to increase trespassing or safety incidents on the trail or by trail users if the facility is designed and operated to current standards and best practices. . . .” The trail would be designed and operated in accordance with these provisions (which are outlined in the Trail Management Plan² prepared for the project). Therefore, trespassing on the railroad right-of-way is not expected to be a significant safety issue.

¹ Alta Planning + Design, August 30, 2007. Memorandum to Carmen Borg, Urban Planner, Shute, Mihaly and Weinberger. Re: Draft Review of Safety Conditions for the City of Saratoga De Anza Trail.

² Alta Planning + Design, 2007. Trail Management Plan, Saratoga De Anza Trail Project. Prepared for City of Saratoga. (The Trail Management Plan incorporates and implements the project description and mitigation measures in the Initial Study.)

B-2: The City has complied with the California Environmental Quality Act (CEQA) by preparing the appropriate level of environmental analysis.

As discussed on pages 70 to 71 of the Draft IS/MND, the lack of a barrier (such as a fence or grade separation) between the railroad tracks and the proposed trail would not be expected to pose a significant safety hazard to trail users for the following three reasons: 1) north/south crossings of the railroad tracks would be infrequent due to the limited number of trail access points on either side of the tracks; 2) trains run on the tracks only three times a week and are relatively slow moving; and 3) the tracks would be separated from the trail by at least 50 feet of vacant space. In addition, development of a formalized trail within the existing trail corridor would encourage users to stay within the trail corridor and away from the railroad tracks. This conclusion was confirmed by Alta Planning + Design in its August 30, 2007 review of the proposed trail's safety conditions (see response B-1 for more detail).

The potential for trail users to diverge from the path, cross the rail bridge over Saratoga Avenue, and come into conflict with passing trains is likewise expected to be minimal (because the trail continues south along Saratoga Avenue, away from the bridge). However, this potential hazard would be further reduced with implementation of Mitigation Measure TRAF-5, which would require the placement of a "No Bicycles" and a "Pedestrians Prohibited" sign at the northwest side of the railroad bridge.

Alta's August 30, 2007 review of expected safety conditions on the trail also found that the proposed trail is not expected to increase safety risks (see response B-1 for more detail). In this review, Alta stated that: "The proposed De Anza Trail meets or exceeds all of the criteria for RWTs [rails-with-trails] identified in the FHWA [Federal Highway Administration] 'Rails-with-Trails: Lessons Learned Literature Review, Current Practices, Conclusions' report, therefore we expect this trail to function in a safe manner similar to the other 100 plus RWTs in the United States." The key reasons for Alta's conclusion that the trail would be safe are summarized below:

- The trail is expected to experience moderate to low usage.
- There is no incentive (such as adjacent trail facilities) for people to trespass east along the railroad corridor; also, existing roadway intersections adjacent to the western terminus of the trail would allow users to cross Saratoga-Sunnyvale Road safely.
- A well-designed rail trail reduces the number of people trespassing on railroad tracks because trail users desire a smooth surface on which to bike, walk, and run.
- The proposed trail would meet all of the design criteria for safe trails outlined in the FHWA report cited above (in terms of adequate setback, low speed/volume of trains, and location off railroad property).
- The proposed trail would meet all existing State and local laws, regulations, and requirements, and would incorporate best safety practices from around the United States.

- B-3: The Cox Avenue crossing is not part of the project site. Although implementation of the proposed project could marginally increase pedestrian/bicyclist crossings of Cox Avenue (as trail users utilize Cox Avenue to access the trail), these additional crossings would not be expected to substantially increase the risk of collision. As indicated on page 72 of the Draft IS/MND, no accidents at the intersection of the trail corridor and Cox Avenue involving conflicts between pedestrians/bicyclists have occurred in the past 5 years. The proposed project is not expected to substantially increase the number of trail users. Therefore, the risk associated with a small amount of trail users utilizing the crossing would be less than significant. No mitigation is required to reduce this less-than-significant impact.
- B-4: The Fredericksburg Drive/Guava Court crossing was closed by the City on August 23, 2007, per a directive from the California Public Utilities Commission.
- B-5: The City would work with the Public Utilities Commission, and other involved agencies, to ensure the continued safety of trail users in and around the project site.



5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 31369
Various Facilities

May 21, 2007

Ms. Kristin Borel
City of Saratoga
Public Works Department
13777 Fruitvale Avenue
Saratoga, CA 95070

Subject: Draft Mitigated Negative Declaration for the Saratoga de Anza Trail Project

Dear Mr. Borel:

The Santa Clara Valley Water District (District) has reviewed the subject project documents received on April 19, 2007.

The proposed project consists of the construction of a bicycle/pedestrian trail including supporting infrastructure such as a small parking lot and informational signs within and adjacent to District fee title and easement right of way; therefore, in accordance with District Ordinance 06-01, a District permit is required prior to the start of construction.

The proposed trail traverses portions of District easement and approximately 650 feet of District owned lands. The Negative Declaration does not identify the District as a property owner. For future projects affecting District facilities and property, please coordinate with the District through the planning phases prior to the preparation of environmental documents. As a property owner with jurisdiction and discretionary approval over a portion of the project the District is a responsible agency for this project under CEQA. As a responsible agency the subject document should indicate discretionary action by the District such that the District can rely on the City's CEQA document in approving the project on District property.

1

There are a number of pipelines and underground facilities along the trail alignment. The District's pipelines include the West Pipeline; a 66-inch high pressure treated water pipe that supplies drinking water to residents, and Stephens Creek Pipeline, a 30-inch raw water pipe. San Jose Water Company pipelines are also located along the alignment. The proposed bridge crossings at Saratoga Creek and Rodeo Creek may impact accessibility to these pipelines and supporting infrastructure such as manholes and blow-offs. The corridor is constrained at the creek crossings with respect to the pipes. Detailed drawings of these areas are needed to assess the impacts to these facilities.

2

When prepared, the project plans should clearly delineate the boundaries of the District's fee title and easement right of way. Enclosed please find assessor parcel maps with the District's property shaded in green and the easements shaded in yellow. Also, please find the fee title

3



Ms. Kristen Borel
Page2
May 21, 2007

and easement deeds which contain legal descriptions of the above mentioned areas. This information should be shown and labeled on all plan sheets.

Figure 3d indicates that the proposed trail alignment enters District property approximately 200 feet east of Saratoga Creek. Prior to public use of District lands, the City must enter into a Joint Use Agreement (JUA) with the District, detailing the responsibilities of each organization with respect to trail use, maintenance and other issues. To proceed, please contact us for a draft copy of a JUA for review.

3
cont.

The proposed trail alignment will cross both Rodeo Creek and Saratoga Creek, each of which is a natural channel at the proposed bridge location. When finalizing the bridge plans please refer to Design Guide 8 – Establishing Freeboard for Bridge Crossings and Flood Protection Projects (enclosed). According to these guidelines the freeboard amount must be greater than or equal to the larger of the freeboard distance upstream or downstream of the bridge location. The Negative Declaration is not clear as to the elevation of the bottom of the bridge. The document states that the 100-year water surface elevation will not exceed the elevation of the bottom of the bridge because supports are at least 6 feet from the top of the creek bank. This information does not define the soffit of the bridge. While Flood Insurance Rate Maps (FIRMs) are appropriate for insurance purposes they are not intended to be used for bridge design. It is possible that the design flowrate and water surface elevation differ from those in the flood insurance study. We cannot assess the impact of the bridges on the 100-year flood level without further review or review of the hydraulic study prepared for the project. Please submit a copy of the reports prepared by Baseline Environmental Consulting and Schaaf and Wheeler, regarding the hydraulic characteristics of the site.

4

The subject document indicates that the trail alignment is discontinuous. Although signs are posted to indicate the end of the trail, users will likely continue through. This would bring users closer to the railroad tracks and potential hazard. There may also be safety concerns with vehicle/pedestrian interaction at Cox Avenue where the District and San Jose Water Company access the Cox Reservoir site.

5

As mentioned above, the District's West Pipeline is located just south of the trail alignment. The pipeline is encompassed by a 30-foot easement (deed enclosed). The southern boundary of the easement coincides with the southern boundary of Pacific Gas and Electric's property. The proposed parking lot entrance area off Saratoga-Sunnyvale Road should be designed such that it does not encroach into this easement area. If this is not feasible, the parking lot will need to be designed so that District maintenance vehicle access to the easement and underlying pipe is not hindered. This should also be considered when planning the placement of information signs. Trail alignments crossing vehicular access points should be paved or the crossing should be avoided due to potential damage to the decomposed granite surfacing. Please provide more information regarding the increased width of the trail at creek crossings and trail heads. The reasons for this are not clear.

6

Ms. Kristen Borel
Page 3
May 21, 2007

The project document indicates that storm water runoff from the trail will flow via sheet flow from the trail surface to vegetated swales adjacent to the trail alignment. The swales should be designed according to Design Guide 9 and 10 – Use of Vegetated Swales or Buffer Strips and Plant Species for Vegetated Buffers and Swales (enclosed).

7

In this area, Rodeo Creek and Saratoga Creek are crossed by the railroad and a number of pipeline crossings. The environmental documents should discuss the cumulative impacts from numerous creek crossings on vegetation and aquatic species with respect to the reduction in riparian habitat and the effects it has on water temperature. If the City proceeds with bridge construction, mitigation may be required for the removal of the vegetation due to the bridge crossing. Please identify the location of any required mitigation outside the limits of District property. Plants within the riparian corridor should be local natives, grown from propagules collected from parent plants within the watershed and at approximately the same elevation as the project site. For guidance, please refer to Design Guide 4 – Riparian Vegetation or Mitigation Projects. Please contact a native plant nursery early as the collection process may need to be initiated as early as a year in advance of construction.

8

The subject document states that during construction, the impacts to water quality standards due to erosion of the channel banks will be reduced by implementing a Storm Water Pollution Prevention Plan. The SWPPP will indicate which best management practices will be used to prevent contaminated water from entering the creek. Please refer to the enclosed Design Guide 5 – Temporary Erosion Control Options for guidance on sites with existing native plants, if temporary erosion control measures are necessary in lieu of preferred more permanent measures.

9

Aesthetic plant choice used for screening should, where appropriate, follow the guidelines in Design Guide 2 and 3 – Use of Local Native Species and Use of Ornamental or Non-native Landscaping.

Vegetation management is critical in close proximity to riparian areas. To minimize impacts to the aquatic environment, the City should ensure that herbicides used in the operation and maintenance of the trail are herbicides approved for use in and around aquatic habitat.

Breeding season for non-raptor migratory birds in Santa Clara County extends from February to August. Please revise the discussion regarding the breeding season of Cooper's Hawk to reflect this information. These dates are standards used by Department of Fish and Game when considering permits for District projects.

10

The project document should include a discussion considering special status animal species known to occur in habitat adjacent to the project area. These species may include the San Francisco dusky-footed woodrat and various sensitive bat species.

11

Ms. Kristen Borel
Page 4
May 21, 2007

Thank you for the opportunity to review the environmental documents. If you have any questions, my number is (408) 265-2607, extension 3135.

12

Sincerely,


Wendy Allison, P.E.
Assistant Civil Engineer
Community Projects Review Unit

Enclosures: Assessor Parcel Maps, Fee Title and Easement Right of Way Deeds, Design Guides 2, 3, 4, 5, 8, 9, and 10

cc: B. Goldie, S. Tippets, N. Jassal, L. Spahr, D. Hook, J. Aguilera, File (2)

wa:rmn
31369_49188wa05-21

Letter C: Wendy Allison, P.E., Assistant Civil Engineer, Community Projects Review Unit, Santa Clara Valley Water District (May 21, 2007)

C-1: Page 23 of the Draft IS/MND is revised as follows. Underlining indicates added text.

5. Project Approvals/Entitlements

The City would undertake approvals of the following items as part of the proposed project:

- Trail Concept Alignment
- Easement and Indemnification Agreement with Pacific Gas and Electric Company (PG&E)

The City may need to obtain permits and/or approval from the following agencies:

- U.S. Army Corps of Engineers (Corps)
- Regional Water Quality Control Board (RWQCB)
- California Department of Fish and Game (CDFG)
- Santa Clara Valley Water District (SCVWD)

Potential approvals by other agencies and organizations are listed below:

Pacific Gas and Electric

- Grant of Easement

California Public Utilities Commission

- Approval of PG&E's grant of the easement for the proposed trail pursuant to Public Utilities Code Section 851

C-2: As part of the project, the City would coordinate with Pacific Gas and Electric (PG&E), the Santa Clara Valley Water District (SCVWD), and other involved agencies to ensure that the trail and associated bridges do not interfere with the operation or maintenance of existing utility lines in the project site. Therefore, the proposed project would not result in adverse impacts to existing utility infrastructure.

C-3: This comment, which does not pertain to the adequacy of the Draft IS/MND, is noted. If the project is approved, detailed project plans will be prepared, and will indicate property ownership patterns in the project site, as appropriate. The City would coordinate, as appropriate, with SCVWD regarding the Joint Use Agreement referenced by the commenter.

C-4: The hydrology analysis in the Draft IS/MND was based on conceptual bridge diagrams and the bridge design recommendations made in the Geotechnical Investigation prepared by Cotton Shires and Associates in 2006. These recommendations would be incorporated into the bridge designs as part of the project. The elevations of the bridge bottoms (including soffits) would be determined at the time that final bridge engineering drawings are produced.

As described on pages 20 and 21 of the Draft IS/MND, the bridges over Rodeo Creek and Saratoga Creek would be prefabricated Pratt Truss Bridges, and bridge piers would be located at least 6 feet from the top of the creek banks. Although Flood Insurance Rate Maps (FIRMs) were used in the analysis, they were not the basis for the determination of the 100-year flood elevations. Schaaf and Wheeler conducted an independent hydraulic analysis (using the U.S. Army Corps of Engineers HEC-1 model), which showed that the 100-year flood elevations were within the creek channels of both Rodeo Creek and Saratoga Creek (Schaaf and Wheeler Civil Engineers, 2006. *Technical Memorandum, 100-Year Water Surface Elevation of Saratoga Creek and Rodeo Creek at Proposed Bridge Crossing(s)*. November/December.) Based on the Pratt Truss prefabricated design and the fact that bridge piers would be at least 6 feet from the top of the creek banks, Schaaf and Wheeler concluded that both bridges would be “above the water surface elevation during the 100-year storm.” Based on the conceptual bridge diagrams, it appears that the bridges would satisfy the freeboard requirement outlined in Design Guide 8 – Establishing Freeboard for Bridge Crossings and Flood Protection Projects.

The requested reports were sent to the commenter on September 21, 2007.

- C-5: Refer to response B-2 regarding users continuing past the eastern terminus of the trail, on the Saratoga Avenue rail overcrossing. Use of the rail corridor by pedestrians, including portions of the rail corridor east and west of the project site termini, occurs occasionally under existing conditions. Although development of the trail would bring some additional users to the project site, the number of additional users is not expected to be substantial. A portion of these users could contemplate crossing between the eastern and western portions of the trail, or continuing east or west from the trail termini. Mitigation Measures TRAF-1, TRAF-2, TRAF-3, and TRAF-5 would discourage trail users from using portions of the corridor that do not contain completed trail segments, and would reduce risks associated with trail user/train conflict to a less-than-significant level. Additional mitigation would not be necessary.

Refer to response B-3 regarding hazards associated with trails users crossing Cox Avenue.

- C-6: As part of the project, the City would coordinate with the SCVWD to ensure that proposed trail facilities and signage would not interfere with SCVWD operations (and that SCVWD operations would not disrupt the trail surface). As indicated on page 20 of the Draft IS/MND, trail width would be approximately 12 feet (although width would narrow to 5 feet around utility towers). Bridge width would range from 8 to 12 feet. Therefore, trail width would not increase at creek crossings and trailheads.
- C-7: The City will consider incorporating elements of the swale design guidelines provided by the commenter into the project. However, Mitigation Measure HYD-1, in its current form, is adequate to reduce the adverse effects of storm water generated by the proposed trail to a less-than-significant level.
- C-8: The project’s impacts on riparian habitat and water temperature would be minor in the context of existing and foreseeable projects that would result in the construction of new creek crossings over Rodeo Creek and Saratoga Creek. As noted on page 38 of the Draft IS/MND, “the project would not result in any direct impacts to the streambed or creek banks.” According to the Preliminary Arborist Report prepared for the project, the only riparian

vegetation that would be removed as part of the project would be one white alder and one Mexican fan palm next to Saratoga Creek. Mitigation Measure BIO-2b would require the trimming, removal, and disturbance of riparian vegetation to be minimized, and would require all removed native vegetation to be replaced at a 3:1 ratio. Replacement vegetation would be planted with permission of the property owner. In addition, the Storm Water Pollution Prevention Plan (SWPPP), required as part of Mitigation Measure HYD-1, would minimize soil erosion into the creeks.

Therefore, the project (including the construction of bridges) would result in only minor changes to riparian vegetation around Rodeo Creek and Saratoga Creek. The removal of a few trees (with replacement of individuals in the same watershed) would not be expected to alter the temperature of the two creeks. Shadow cast by the two bridges could slightly lower the temperature of the creek within the immediate vicinity of the bridges; however, this slight temperature reduction would be insignificant in terms of its effects on plant and animal species.

- C-9: These comments, which do not pertain to the adequacy of the Draft IS/MND, are noted. The City would use the guidelines referenced by the commenter in the design of temporary storm water control measures, and for screening purposes, as appropriate. As indicated on page 50 of the Draft IS/MND, landscape maintenance on the site would be conducted in accordance with the City's Integrated Pest Management Plan, which prohibits the use of certain toxic chemicals and encourages the use of vegetation and pest control techniques that minimize disruption of natural systems.
- C-10: Cooper's hawk is a raptor species that breeds from March through August, according to the California Department of Fish and Game (California Department of Fish and Game, 2005. *California Wildlife Habitat Relationships Database, Version 8.1*. California Interagency Wildlife Task Group. Sacramento.)
- C-11: The level of detail provided in the Draft IS/MND about existing biological conditions in and around the site is adequate to allow decision makers and the public to understand the impacts of the proposed project, consistent with *CEQA Guidelines* Section 15151 (which specifically relates to EIRs, but also pertains to IS/MNDs). A Natural Environmental Study (NES) was prepared for the proposed project in January 2007, and is available for review at the Saratoga Public Works Department (LSA Associates, Inc., 2007. *Natural Environmental Study, Saratoga De Anza Trail, Santa Clara County, California*. January.). The NES contains background information about special-status animal species that occur in the vicinity of the project site. Refer to Table 1 of the NES for a list of special-status species that could occur in the vicinity of the project site, based on a review of natural resources databases and local habitat conditions. Dusky woodrat would not be likely to occur near the site due to the absence of the species' preferred habitat: dense oak-bay woodland. Pallid bat could occur near the site, but, due to the absence of appropriate roost sites, would not be expected to occur within the trail corridor. Therefore, bats are not explicitly discussed in the Draft IS/MND.
- C-12: This comment, which concludes the letter, is noted.

City of Saratoga
Attn: Kristin Borel

May 4,2007

Subject: Saratoga de Anza Trail
Public Notice/Mitigated Negative Declaration

I have the following comments on the subject document:

1) Conflict with Service Entry Road

The proposed trail location (especially with the offset to the South-East over Saratoga Creek) and the need to locate bridge piers “at least 6 feet from the top of the creek bank” will very likely interfere with the existing service road on the East side of Saratoga Creek. This road is used several times a week by PG&E tree maintenance and mowing contractors,SCVWD trucks, Fire Dept., etc. The size of the trucks and trailers necessitate a large turning radius that would be blocked by the bridge piers. At the very least, the need for the offset in the trail and bridge should be re-evaluated and approval of all users of the service road obtained before finalizing the design. SCVWD approvals/easement may be required.

1

2) Police and Fire Protection

Clarify expected frequency of “regular Sheriff patrols along the trail corridor”(Pg 64).My neighbors and I expect to heighten our surveillance over trail misuse, including acquisition of a noise meter. Law enforcement should anticipate an increase in needed response. It is not clear from the inferred tacit approval by the Sheriff and Code Enforcement that this is compatible with their current staffing.

2

What provisions will be made to prevent access by motorcycles and other motorized vehicles? Clarify design, placement, color, height, etc. of signs.

3

The current pile-up of combustibile tree debris and dry ground cover combined with minimal PG&E maintenance and increased access by smokers are a fire hazzard.

4

3) Maintenance

Clarify expected frequency and extent of “regular maintenance by Saratoga Public Works Dept. (Pg.27), including cleanup/removal of litter and emptying of waste recepticles.

5

4) Flood Maps

Confirm that the lower extremities of the bridges are above the elevation of creek banks and that no impact on the 100 year Flood maps will result.

6

5) Screening Shrubbery and Fences

Allocation of screening shrubbery should be withheld until trail construction is completed and privacy impact can be assessed. Private fences abutting the trail should be permitted to exceed

7

City of Saratoga
Attn: Kristin Borel

May 4, 2007

Subject: Saratoga de Anza Trail
Public Notice/Mitigated Negative Declaration

I have the following comment on the subject document:

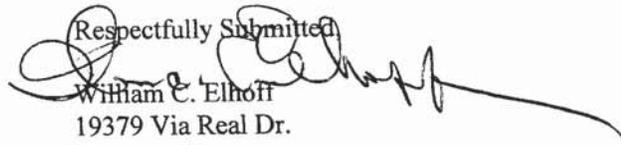
Trail Extention

One of my neighbors has been soliciting selected neighbors and passers-by to sign a petition that includes a request to open a closed and posted service road as an extension of the trail. This would create a new trail head causing an increase in traffic and parking and would invite other requests for trail head and access points.

If this proposal were to be considered, the entire SCVWD property along the East side of Saratoga Creek between the proposed trail and Via Monte Drive should be included. This would connect to an informal trail that currently exists from Via Monte Drive several blocks to the South. This should only be considered as a new trail proposal subject to a new multi-year process including a master plan and environmental review. This would also necessitate a thorough review by SCVWD Legal Dept.

This proposed trail extension could be part of the potential North and South future trail segments mentioned in the subject document.

8

Respectfully Submitted

William C. Elhoff
19379 Via Real Dr.
Saratoga, Ca.

cc: SCVWD
Sheriff Dept.

Letter D: William C. Elhoff (May 4, 2007)

- D-1: Refer to response C-2.
- D-2: City staff (or contractors) will patrol the trail on an as-needed basis, reporting issues to the City's Code Enforcement Officer and the County Sheriff's Office as they are encountered. In addition, according to a May 11, 2005 letter from John Hirokawa of the Santa Clara County Sheriff's Office to John Cherbone, Saratoga Public Works Director, regular patrols of the project site could be accommodated within the City's existing contract for police services, and it is anticipated that patrols of the proposed project could occur with existing Sheriff's Office staff. The letter from John Hirokawa also notes: "The community, City Council, and City staff can request the Sheriff's Office to concentrate routine patrol efforts at a designated location, such as City parks, specific neighborhoods, specific residential streets, business districts, etc., at no additional cost to the City of Saratoga." Sheriff patrols would occur on an as-needed basis.
- D-3: The proposed project, which would formalize an existing trail, would not increase motorcycle access within the project site. In accordance with Municipal Code section 11-05.040, signage would be posted at the trail termini that would prohibit the use of motorcycles and other motorized vehicles. The use of motorized vehicles in the site would also be minimized through patrols of the project site and monitoring by residents and trail users.
- The specific designs for trail signage have not yet been finalized. However, signage would be similar to that used on other pedestrian/bike trails in the area, and would not result in adverse impacts to visual resources (such as the obstruction of scenic views or the deterioration of visual character).
- D-4: The project site is not located in a high wildfire risk zone, and much of the site consists of bare earth with little vegetation. Implementation of the proposed project is expected to marginally increase use of the trail corridor. A portion of these new users could be smokers. However, the increased risk that one of these smokers could start a wildfire in the project site would not be considered significant.
- D-5: Maintenance of the project site by the Saratoga Public Works Department would occur on an as-needed basis.
- D-6: See response C-4. No portion of the proposed bridges would be located within the 100-year floodplain. The project would not require changes in the Flood Insurance Rate Maps (FIRMs) for Saratoga.
- D-7: This comment, which does not pertain to the adequacy of the Draft IS/MND, is noted.
- D-8: Other planned or proposed trail projects, including the one referenced by the commenter, would be subject to independent environmental review.

Public Works Dept.
13777 Fruitvale Ave.
Saratoga, Calif. 95070

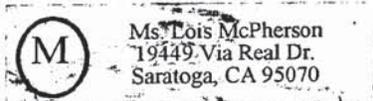
Lois McPherson
19449 Via Real
Saratoga, Ca 9507

Attention: Kristen Borel

In reference to your letter dated 4/13/07 regarding the Saratoga del Norte Trail - I am very much against it. I have walked it, as well as many others for several years. It is totally unnecessary, will add much additional expense to maintain, will bring more people (unwanted outsiders) & we just don't need it! Over the years cars have raced back there, late parties have occurred and I can foresee danger & possible crime coming into the area. We do not need any more activity along there

Sincerely & protesting very much

Lois McPherson 5/13/07



Letter E: Lois McPherson (May 13, 2007)

E-1: This comment, which pertains to the merits of the project, is noted.

From: Witman1@aol.com [mailto:Witman1@aol.com]
Sent: Thursday, May 17, 2007 8:36 PM
To: Kristin Borel
Cc: Witman1@aol.com
Subject: RE: De Anza Trail

Kristin,

I realize the members of the City Council work hard to do the best for the City. Because this trail does not really go anywhere and is segmented into at least two parts, hits a dead end at Sunnyvale-Saratoga Road and will cost the city and VTA (tax payers) an exorbitant sum per foot to build, I do not see the economic reason or pent up demand to build it

1

The council and members of the community have dedicated many hours to come up with the correct choice. Lets base the final decision to build or not build on what is practical, what is the demand for usage and what makes economic sense rather than on political reasons

The recent environmental report seems contradictory on the usage of the trail once complete.

2

No other City along this corridor will extend or build this trail until the railroad is shut down. The estimated use of the rail according to Hansen Cement is 20 years.

3

Can the council base its decision on what is practical and makes economic sense rather than on political reasons and vote NO DeANZA TRAIL!

4

Bill Witmer
408-981-7595

See what's free at AOL.com.

Letter F: Bill Witmer (May 22, 2007)

- F-1: This comment, which pertains to the merits of the project, is noted.
- F-2: Refer to page 22 of the Draft IS/MND: “The number of trail users is not expected to increase substantially as a result of project implementation. The project would formalize an existing, informally-used trail; the proposed facility is not anticipated to draw large numbers of new users because it is relatively short (a total of 1.3 miles), does not provide access to significant recreational areas (e.g., the shoreline of San Francisco Bay), and does not contain viewsheds that typically draw large crowds (e.g., unobstructed mountain or city skyline views).”
- F-3: This comment, which pertains to the merits of the project, is noted.
- F-4: This comment, which pertains to the merits of the project, is noted.

-----Original Message-----
From: Kristin Borel [mailto:kborel@saratoga.ca.us]
Sent: Tuesday, September 18, 2007 12:20 PM
To: Carmen Borg
Subject: FW: Anza Trail Neg Dec - comment

Kristin Borel
Public Works Analyst
408-868-1258
-----Original Message-----
From: Kristin Borel
Sent: Wednesday, April 18, 2007 10:24 AM
To: 'Carmen Borg'
Subject: FW: Anza Trail Neg Dec - comment

-----Original Message-----
From: j.stallman@comcast.net [mailto:j.stallman@comcast.net]
Sent: Tuesday, April 17, 2007 5:50 PM
To: John Cherbone; Kristin Borel
Cc: 'Denise Goldberg'; Ann Waltonsmith; asanquini@mac.com; Iveta Harvancik; Jim Stallman; 'Richard Lavenstein'; wtbrooks@brookshess.com
Subject: Anza Trail Neg Dec - comment

Anza Trail Neg Dec - comment submittal

1. I find the Neg Dec Report findings to be accurate. The findings include mention that the project will improve conditions along this community open space corridor. Thank you.

1

2. Here are some possible omissions which I ask be added as comment at the public hearing:

2

A) The report may have left out that the project is compatible with the community use policy of the landowner, PG&E. | **3**

B) There were a number of water conduits identified in the report but I don't recall seeing what I know to be the Rinconada Pipeline - the major water pipe running along the project site parallel to the trail (underground). It has some access vaults and also some galvanic protection nodes spaced at intervals along the corridor which are innocuous. | **4**

C) I've noticed in past years a preponderance of tall - possibly native - grasses along with wildflowers in the section east of Rodeo Creek. I didn't recall seeing these mentioned in the Neg Dec. There was mention, however, that city management of the plant community would be afforded by the project. I hope to see native grasses and wildflowers along the trail rather than indiscriminate defoliant caused desolation and wood chip dumping like has happened in the past couple of years. | **5**

D) There is a rest (benches) facility on the west side of Glen Brae north of the trail across the tracks next to the PG&E Power Substation. This may warrant mention as a place which could serve as an area for trail users to meet and congregate - similar to Congress Springs Park across the street. Certainly, the trail adds value to this facility the same as the facility adding value to the trail. This rest area could also serve as a location to post/site interpretive Anza Trail information. | **6**

E) The service/access driveway connecting the San Jose Water Facility to Cox is not shown on the site map depiction. Notwithstanding that this "service road" is outside of the project boundaries, it could/should be shown. | **7**

3. Here are possible corrections to be noted:

A) Pg. 72 Mitigation Measure TRAF-3 - (Not a through trail) sign would actually be on the west side of Glen Brae, not east side. (?) | **8**

B) The trail-roadway juncture design at Glen Brae where the trail approaches the roadway at an angle so that users face oncoming traffic when exiting the trail is not portrayed in the trail design pictorials. | **9**

- Jim Stallman 19740 Braemar Drive, Saratoga

From: Stallman, Jim E [jim.e.stallman@lmco.com]
Sent: Tuesday, April 17, 2007 3:05 AM
To: j.stallman@comcast.net
Subject: Anza Trail Neg Dec - comment

1. I find the Neg Dec Report findings to be accurate. The findings include mention that the project will improve conditions along this community open space corridor. Thank you.

2. Here are some possible omissions which I ask be added as comment at the public hearing:

A) The report may have left out the declared support of the project by the landowner, PG&E.

B) There were a number of water conduits identified in the report but I don't recall seeing what I knew to be the Rinconada Pipeline - the major water pipe running along the project site parallel to the trail (underground). It has some access vaults and also some galvanic protection nodes spaced at intervals along the corridor which are innocuous but may warrant mention in the report.

C) I've noticed in past years a preponderance of tall - possibly native - grasses along with wildflowers in the section east of Rodeo Creek. I didn't recall seeing these mentioned in the Neg Dec. There was mention, however, that city management of the plant community would be made possible by the project. I hope to see native grasses and wildflowers along the trail rather than indiscriminate defoliant caused desolation and wood chip dumping like has happened in the past couple of years.

D) There is a picnic facility on the west side of Glen Brae north of the trail across the tracks next to the PG&E Power Substation. This may warrant mention as a place which could serve as an area for trail users to meet and congregate - similar to Congress Springs Park across the street. Certainly, the trail adds value to this picnic facility the same as the picnic facility adding value to the trail. This picnic area could also serve as a location to post/site interpretive Anza Trail information.

3. Here is a possible correction to be made:

A) Pg. 72 Mitigation Measure TRAF-3 - sign would actually be on the west side of Glen Brae, not east side. (?)

- Jim Stallman 19740 Braemar Drive, Saratoga

Letter G: Jim Stallman (April 17, 2007)

(Note: Jim Stallman submitted two e-mails to the City on the Draft IS/MND: one on April 17, 2007 at 3:05 a.m. and one on April 17 at 5:50 p.m. The later e-mail (from 5:50 p.m.) raises the same issues as the earlier e-mail, but provides more detailed comments. Therefore, formal responses are made only to the comments in the 5:50 p.m. e-mail. However, the earlier e-mail is provided in this Response to Comments document for reference.)

- G-1: This comment, which states that the findings in the Draft IS/MND are accurate, is noted.
- G-2: This comment introduces possible omissions from the Draft IS/MND that are discussed in the subsequent comments.
- G-3: The City was unable to identify Pacific Gas and Electric's (PG&E's) community land use policy cited by the commenter. However, PG&E has expressed support for development of the trail in an April 26, 2007 letter from Kha K. Chau (PG&E Land Agent) to the City of Saratoga, in which PG&E notes that it "does hereby consent to the proposed development within the right of way."
- G-4: The Rinconada Service Line and Rinconada Force Main are pipelines that transfer untreated water to the Rinconada Treatment Plant in Los Gatos. Both water conveyance lines are located in Los Gatos, and are not in proximity to the proposed trail.³
- G-5: As noted on page 8 of the Draft IS/MND, although most of the site has been heavily disturbed, clumps of native vegetation exist. As noted on page 22, existing vegetation on the project site, especially native plants, would be protected where possible. Native vegetation would also be protected through implementation of Mitigation Measure BIO-2c, which includes measures to reduce the spread of invasive plant species. The suggestion that native grasses and wildflowers be planted along the proposed trail will be considered by the City as part of the detailed project design, if the project is approved.
- G-6: This comment, which suggests that an existing rest facility could be used as a trail amenity, will be considered by the City as part of the detailed project design, if the project is approved.
- G-7: The San Jose Water District service/access driveway was not depicted on the conceptual site plans (Figures 3a through 3e) in the Draft IS/MND because the driveway is not located along a segment of right-of-way that would contain the trail. The nearest segment of the trail would be approximately 275 feet to the east of the driveway.
- G-8: The comment is correct. Mitigation Measure TRAF-3 on page 72 of the Draft IS/MND is revised as follows. This revision constitutes a minor, clarifying change to the mitigation measure. Underlining indicates added text; ~~strikeout~~ represents deleted text.

Mitigation Measure TRAF-3: The City shall install signage stating "Trail Dead Ends 0.3-mile" east ~~west~~ of Glen Brae Drive.

³ Santa Clara Valley Water District, October, 2005. *Notice of Preparation, Pipeline Maintenance Program Environmental Impact Report/Environmental Assessment.*

G-9: The conceptual site plans (Figures 3a through 3e) in the Draft IS/MND do not show detailed depictions of the trail/roadway interface, including the proposed interface between the trail and Glen Brae Drive. Such design-level plans would be prepared by the City prior to trail construction, if the project is approved.

Message

requested - to adopt the easement."? And why did the city not sign it?

| **3**

4. Did the city sign an agreement with the railroad to adopt the easement at Glen Brae Dr. where people often need to cross the railroad tracks in order to access the athletic field?

| **4**

5. Since the UP tracks are going to be active for many more years, does the city still intend to pursue the segmented trail that would require users to trespass on railroad property, thereby possibly forcing the railroad to take action against the city?

| **5**

Thank you for taking time to help me get answers to these important questions.

Sincerely,
Donna Poppenhagen

Letter H: Donna Poppenhagen (April 20, 2007)

- H-1: The request/question was responded to by Kristin Borel at the City of Saratoga on April 23, 2007.
- H-2: The City Council approved Resolution No. 906 (“Resolution of the City Council of the City of Saratoga Approving the Southern Pacific Transportation Company’s Easement Agreement for the Use of Their Right-of-Way for a Bicycle and Pedestrian Path Between Guava Court and Fredericksburg Drive”) and the resolution was signed by the Mayor on July 10, 1979. The resolution was not signed by Southern Pacific.
- H-3: Pedestrian access over the railroad tracks is prohibited from the existing parking lot south of the tracks to Congress Springs Park. No easement has been granted in this location. Signs adjacent to the tracks direct pedestrians to cross the tracks via the sidewalk along Glen Brae Drive.
- H-4: Refer to response C-5.