

# Final Environmental Impact Report for the Bear Creek Redwoods Preserve Plan

State Clearinghouse #2015062029

January 2017



PREPARED FOR:  
Midpeninsula Regional  
Open Space District  
330 Distel Circle  
Los Altos, CA 94022



**Final Environmental Impact Report**  
**for the**  
**Bear Creek Redwoods Preserve Plan**  
**SCH# 2015062029**

**PREPARED FOR**

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**January 2017**



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## ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials'
APN	assessor's parcel number
BMPs	best management practices
CEQA	California Environmental Quality Act
DN	Delaware North
FCMWC	Fish Camp Mutual Water Company
Final EIR	Final Environmental Impact Report
NOP	notice of preparation
RWQCB	Central Valley Regional Water Quality Control Board
WDRs	wastewater discharge requirements
WWTP	wastewater treatment plant

# 1 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by Midpeninsula Regional Open Space District (MROSD), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the Bear Creek Redwoods Preserve Plan project (Preserve Plan). The Final EIR consists of the Draft EIR and this document, which includes comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR.

## 1.1 BACKGROUND

On June 11, 2015, MROSD issued a Notice of Preparation (NOP) (Appendix A of the Draft EIR) to inform agencies and interested parties that an EIR was being prepared for the above-referenced project, and invited comments on the scope and content of the document and participation at a public scoping meeting. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (14 CCR Section 15082[b]). The NOP was posted with the State Clearinghouse, posted on the MROSD website, and distributed to public agencies, interested parties and organizations. A determination of which impacts would be potentially significant was made for this project based on review of the information presented in the NOP, comments received as part of the public review process for the project, and additional research and analysis of relevant project data during preparation of the Draft EIR.

The Draft EIR was released on September 16, 2016 for a 45-day public review and comment period ending on October 31, 2016. The Draft EIR and Preserve Plan were available for public review online at: <http://www.openspace.org/our-work/projects/bcr-plan>. The Draft EIR evaluated the potential for the Preserve Plan project to result in significant environmental impacts and determined that most impacts would be less than significant, or would be mitigable to a level of less than significant. The Draft EIR found that project impacts related to historic structures would be significant and implementation of all feasible mitigation measures would not reduce the impact below the threshold of significance; therefore, the Draft EIR concluded that project impacts to historic structures would be significant and unavoidable. The Draft EIR and Preserve Plan were also available for public review at the following locations:

Midpeninsula Regional Open Space District  
Administrative Office  
330 Distel Circle  
Los Altos, CA 94022-1404  
(650) 691-1200  
Office hours: 8:30 a.m. to 5:00 p.m., Monday  
through Friday (except holidays)

Los Gatos Library  
100 Villa Avenue  
Los Gatos, CA 95030  
Hours: 11:00 a.m. – 8:00 p.m. Monday and  
Tuesday, 10:00 a.m. – 6:00 p.m. Wednesday  
through Friday, 10:00 a.m. – 5:00 p.m. Saturday,  
12:00 p.m. – 5:00 p.m. Sunday.

A public meeting to provide the opportunity for public comments on the Draft EIR was held at the MROSD Administrative Office located at 330 Distel Circle, Los Altos, CA 94022, on September 28, 2016 at 7 p.m. Public comments were received at this meeting; however, no commenters raised environmental issues or issues with the Draft EIR's analysis.

## 1.2 ORGANIZATION OF FINAL EIR

This Final EIR is organized as follows:

**Chapter 1, “Introduction,”** provides an introduction and overview of the Final EIR, describes the background and organization of the Final EIR, and lists all parties who submitted comments on the Draft EIR during the public review period.

**Chapter 2, “Revisions to the Draft EIR,”** presents revisions to the Draft EIR text made in response to comments, or by the lead agency to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by double-underline where text is added.

**Chapter 3, “Comments and Responses,”** contains copies of the comment letters and public hearing comments on the Draft EIR received during the public review period and responses to the comments.

**Chapter 4, “Report Preparers,”** identifies the lead agency contacts as well as the preparers of this Final EIR.

## 1.3 LIST OF COMMENTERS

Table 1-1 indicates the numerical designation for each comment letter received on the Draft EIR, the author of the comment letter, and the date of the comment letter. The letters are organized by agency, and individuals.

Letter #	Commenter	Date of Comment
1	Dennis Gurka	September 28, 2016
2	Michael Barnes	October 2, 2016
3	Kimberly Brosseau, Senior Planner County of Santa Clara, Parks and Recreation Department	October 7, 2016
4	Michael and Kristine McNamara	October 12, 2016
5	Melany Moore, Summit Riders Vice President	October 30, 2016
6	Rick Parfitt, Member FireSafe Council Board Member Friends of Bear Creek Stables	October 30, 2016
7	Karl Doll	October 30, 2016
8	Friends of Bear Creek Stables	October 30, 2016
9	California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit	November 1, 2016
10	County of Santa Clara, Department of Planning and Development	No date
11	Aruna Bodduna, Associate Transportation Planner County of Santa Clara, Roads and Airports Department	November 8, 2016



## 2 REVISIONS TO THE DRAFT EIR

This chapter presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections to information in the Draft EIR (Section 2.2 of this chapter). Changes in the text are signified by ~~strikeouts~~ where text is removed and by double-underline where text is added. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

### 2.1 PROJECT MODIFICATIONS

Since publication of the Draft EIR in August 2016, MROSD made a minor modification to the Preserve Plan in response to public comments received on the Draft EIR. Santa Clara County provided comments related to the proposed at-grade pedestrian crossing. As discussed in detail in response to comment 2-1 (See Chapter 3 “Response to Comments on the Draft EIR” of this document), MROSD will continue to coordinate with County staff regarding the pedestrian crossing and is considering a pedestrian undercrossing as an alternative to the at-grade crossing. Therefore, Chapter 3, “Project Description,” of the Draft EIR is revised as follows. Text deletions are shown in ~~strike through~~, and text additions are shown in double-underline.

The following text change is hereby made to the first paragraph of page 3-10 of the Draft EIR:

#### PUBLIC USE AND FACILITIES ELEMENT

The Public Use and Facilities Element of the Preserve Plan seeks to promote, enhance, and protect wilderness values by creating new trail connections with key Preserve destinations and adjacent open space areas, providing low-impact, site-sensitive interpretation and environmental education activities, and actively involving the public in the use and management of the Preserve. Key actions of the public use and facilities element include opening approximately 20 miles of trails to expanded hiking and equestrian use, creating a multi-use through-trail connecting the Lexington Basin to the Skyline area, construction of up to three new parking areas, creation of a safe pedestrian crossing under or across Bear Creek Road, formalization of key trailheads, expanding public equestrian programs at Bear Creek Stables, and interpreting the former Alma College historic site and other cultural resources. Dogs would not be permitted in the Preserve because of the high volume of visitation expected and potential conflicts with horses, and the relatively high availability of dog-accessible trails in the local region. Each of these actions is described in more detail below.

The following text change is hereby made to the last paragraph of page 3-11 of the Draft EIR:

- ▲ **Road Crossings.** Providing safe crossings across Bear Creek Road is important for the integration of existing and future trails within the Preserve. A ~~road~~ pedestrian crossing at-grade is proposed along the section of Bear Creek Road near former Alma College. This site was chosen based on its adequate lines of sight, safe ingress and egress, ability to connect to the trail system, adjacency to parking areas, history of prior use, and anticipated level of existing and future use. ~~Other~~The pedestrian crossing would be implemented contingent on the results of feasibility studies, issuance of necessary permits from the County, and acquisition of funding, and may be either an at-grade crossing, an undercrossing, or both. ~~o~~Potential improvements at this for an at-grade crossing may include signage, limiting speeds along this segment of Bear Creek Road, and/or adding “pedestrian crossing” flashing safety lights, subject to Santa Clara County permitting requirements.

The following text change is hereby made to page 3-28 of the Draft EIR:

### Phase 1 Key Construction Actions (Years 1-3)

- ▲ Implement high priority resource management projects, including invasive species removal, drainage improvements to reduce erosion, and pond enhancement.
- ▲ Construct the Alma College Parking Area ~~formalize an at-grade and~~ pedestrian crossing (undercrossing, at-grade crossing, or both) of Bear Creek Road, and construct a new, 0.5-mile connector trail to the existing trail network in the western Preserve;
- ▲ Open the western Preserve to hiking and equestrian use: treat invasive species, improve roads, and install gates and signage. Construct one vehicle bridge and one retaining wall, and repair or replace the Webb Creek culvert under Bear Creek Road;
- ▲ Implement Phase 1 improvements to Bear Creek Stables, including construction of a livery stables and public arena, improvements to paddocks and shelters in the boarder area, hillside restoration, improvements to driveway, parking, and other critical facilities, new restroom, demolition of dilapidated structures, and stabilization of old stables building. Construct water infrastructure and distribution system. Construction is likely to continue into Phase 2.
- ▲ At former Alma College site, manage vegetation, demolish hazardous structures, remove and properly dispose of debris and stabilize chapel and library (dependent on outside approval, may be completed in Phase 2); or install safety fencing as needed to restrict access;

The minor text changes to Chapter 4.12, “Traffic and Transportation” are shown below under Section 2.2 “Revisions to the Draft EIR.” The addition of the proposed undercrossing alternative does not result in substantial changes to the analysis or conclusions of the Draft EIR for the following reasons:

- ▲ The option of an proposed undercrossing is anticipated to be a prefabricated structure, which would be installed within an elevated segment of Bear Creek Road, thereby minimizing grading and construction of retaining walls.
- ▲ The undercrossing option is located at the same approximate location as a proposed major culvert upgrade. These two features may be installed simultaneously (or may be a combined culvert/undercrossing); therefore, the undercrossing option would require very little additional ground disturbance or traffic disruption beyond what was already considered in the Draft EIR.
- ▲ For the two reasons stated above, the addition of the undercrossing option would not substantially affect the Draft EIR’s analysis of environmental impacts that relate to ground disturbance and construction activity (including air quality, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic). The addition of the pedestrian undercrossing option would therefore not result in a new impact or substantially increase the severity of an environmental impact.
- ▲ Both the at-grade crossing and trail undercrossing are potential viable safe options for directing trail use across Bear Creek Road. An at-grade crossing is considered safe in the proposed location due to adequate line of sight and proposed safety measures such as flashing lights and pedestrian chicanes. A trail undercrossing would separate vehicles and pedestrians entirely and have no effect on traffic flow.

Consistent with CEQA Section 15088.5, the changes identified above do not constitute significant new information because the Draft EIR was not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent (MROSD) has declined to implement.

## 2.2 REVISIONS TO THE DRAFT EIR

This section presents specific text changes made to the Draft EIR since its publication and public review (in addition to the text changes to Chapter 3, “Project Description,” identified above). The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in double underline. The following revisions do not change the intent or overall results of the analysis or reduce the effectiveness of mitigation measures presented in the Draft EIR. In fact, these changes provide clarity and increase the effectiveness of mitigation. The changes also extend the analysis and enhance the Draft EIR’s mitigation to reduce impacts associated with tree removal such that the analysis and mitigation addresses the potential additional tree removal generated by the increased mitigation for western pond turtle breeding habitat. Therefore, consistent with CEQA Section 15088.5, the changes identified above do not constitute significant new information because the Draft EIR was not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent (MROSD) has declined to implement.

### Revisions to Chapter 4.3, “Biological Resources”

The text on pages 4.3-21 and 4.3-22 of Chapter 4.3, “Biological Resources,” of the Draft EIR is hereby revised as follows:

#### **Impact 4.3-3: Loss of special-status wildlife.**

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Implementation of environmental protection measures (See Appendix C) as part of Preserve Plan would ensure that proposed activities would not result in the degradation of habitat and loss of special-status wildlife species, including nesting birds and special-status mammals. However, improvements proposed in or adjacent to ponds, waterways, or wetlands could affect special-status amphibians and reptiles. Special-status species are protected under ESA, CESA, California Fish and Game Code, CEQA, or other regulations. Ground-disturbing activities related to construction could result in disturbance or removal of habitat for these species or loss of individuals. Therefore, the potential loss of special-status wildlife would be **potentially significant**.

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#### **Special-status Amphibians and Reptiles**

Although previous surveys failed to detect either species, the Preserve provides suitable habitat for California red-legged frog and foothill yellow-legged frog including three ponds and several streams on-site. The quality of the habitat provided for these species at the three ponds is reduced by the presence of non-native fish, turtles, crayfish, and bullfrogs. Western pond turtles breeding habitat has been observed on-site within approximately 2.8 acres of grassland adjacent to Upper Lake. An additional 2.67 acres of potential western pond turtle breeding habitat exists in and around former Alma College, although no breeding has been observed to date in this area. Breeding habitat adjacent to Upper Lake is considered particularly important, as a breeding population in this location could be a source for a regional metapopulation of western pond turtle. An endemic species with a small geographic range, Santa Cruz black salamander is also found within the Preserve. Potential habitat for California giant salamander is also present within the Preserve. Construction activities adjacent to or within waterways on-site including, construction of the Alma College parking area adjacent to Upper Lake, and construction of pipeline crossings, bridges, and culverts across streams on-site have the potential to remove habitat or result in direct or indirect effects to California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander and western pond turtle. Therefore, construction-related impacts on special-status amphibians and western pond turtle would be **potentially significant**. ~~It should be noted that although construction of the Alma College parking area could result in removal of up to one acre of potential western pond turtle breeding habitat, other habitat for western pond turtle occurs in the region, including within other ponds on the project site.~~

The Preserve Plan also includes potential actions to enhance habitat for special-status amphibians and reptiles by working to eradicate or control non-native species through implementation of an invasive species control (integrated pest management) program. A pond management plan will be developed to determine the feasibility of these actions and a hydrology and hydraulic analysis as well as a structural assessment of the three ponds will be conducted. Pond inputs, outlets, and current capacity will be documented. A structural analysis, including geotechnical and engineering geology investigations will be completed for each of the ponds. Recommendations to improve or maintain the pond basins and berm for downstream flood protection as well and long-term pond viability for native wildlife habitat will be made and will include coordination with CDFW. Recommendations will be reviewed by MROSD staff for feasibility. Once approved for long-term use and management, any required engineering plans and specifications will be drafted for permitting and re-construction. Pond restoration recommendations will be specific to each pond and may involve inlet and/or outlet improvements, berm reconstruction, de-sedimentation, connection to existing water infrastructure, or installation of appropriately sized drainage features. Implementation of Environmental Protection Measures BIO-15, including monitoring for red-legged frog and other sensitive aquatic species and modifying recreational facilities or uses that could adversely affect these species, would ensure that sensitive aquatic species would be protected from potential recreation- and maintenance-related impacts. The Preserve Plan also requires a qualified biologist to assist with the design of the Alma College parking area to minimize operations-related effects to individual western pond turtles and other sensitive aquatic species. Design features could include (but would not be limited to) siting the parking area away from areas immediately adjacent to the pond, installing signage to warn drivers that sensitive wildlife could be present, and requiring visitors to stay on trails. Although the project will be designed to avoid impacts to western pond turtle individuals and minimize the conversion of habitat, the loss of up to 0.75 acre of western pond turtle nesting habitat associated with development of the parking area near Upper Lake would be considered a **potentially significant impact**, due to the possible importance of the onsite breeding habitat with respect to the viability of the regional population of the species.

Mitigation Measure 4.4-3a on page 4.3-23 of Chapter 4.3, “Biological Resources,” of the Draft EIR is hereby revised as follows:

### **Mitigation Measure 4.3-3a: Implement measures to protect special-status amphibians and western pond turtle.**

MROSD shall implement the following measures during construction within suitable habitat for special-status amphibians:

- ▲ Construction within or adjacent to waterways will be avoided during the breeding season for California red-legged frog and foothill yellow-legged frog (November – March) and western pond turtle (May – mid-July). If construction cannot be avoided within or adjacent to waterways during the breeding season, a qualified biologist shall conduct a pre-activity survey for California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle prior to implementing actions that include ground disturbance, vegetation removal, or other activities within or adjacent to potential habitat that could otherwise harm California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle. A qualified biologist shall inspect the work area while vegetation and debris is removed during the initial phase of construction. Because Santa Cruz black salamander lay and brood eggs below ground, prior to ground disturbance, rocks, logs, and other debris shall be turned over and visually inspected. If no California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle are observed during either the pre-activity survey or during removal of vegetation and debris, then work may proceed without a qualified biologist present. If any of these sensitive species are observed at any time before or during construction within the work area by anyone involved in the project, work shall cease and USFWS and/or CDFW shall be contacted. Measures to avoid and minimize disturbance to sensitive reptiles and

amphibians shall be implemented and may include delaying the disturbance until after eggs or larvae have metamorphosed, redesigning the project footprint to avoid the species, moving individuals to areas of suitable habitat outside of the disturbance area, or other feasible measures acceptable to the wildlife agencies.

- ▲ The loss of western pond turtle breeding habitat due to development of the Alma College parking area will be replaced at a 1:1 ratio. If it is determined that the full amount of replacement breeding habitat cannot all feasibly be located at Upper Lake, the remainder of the replacement breeding habitat will be located at Lower Lake, which also supports western pond turtle. The replacement breeding habitat will be located within 300 feet of the pond's ordinary high water mark and will be designed to avoid adverse effects to native plant communities and other sensitive species habitat. The replacement habitat will be located away from areas that attract concentrated visitor use, or trail use will be limited as necessary during breeding periods. Design of the replacement breeding habitat, as well as a maintenance and monitoring plan to control encroachment of brush, invasive species, and manage visitor access, will be prepared by a qualified biologist in consultation with the CDFW. The maintenance and monitoring plan will also include baseline population surveys and ongoing population and breeding habitat monitoring.

The text on pages 4.3-21 and 4.3-22 of Chapter 4.3, "Biological Resources," of the Draft EIR is hereby revised as follows:

#### **Impact 4.3-5: Effects of increased recreation on wildlife and inference with wildlife movement.**

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Implementation of the Preserve Plan would result in increased public access to wildlife habitats that previously have experienced limited human disturbance. Proposed trail connections would provide recreational opportunities for hikers, mountain bikers, and equestrians. However, these activities are unlikely to substantially adversely affect native wildlife or plant communities. The construction and use of trails are also not likely to substantially interfere with wildlife movement in the region. Therefore, this impact would be **less than significant**.

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The proposed trail connections would be constructed in phases in the future to increase opportunities for public access and recreation within the Preserve. The trail connections would link the Preserve to Lexington Reservoir and Skyline-Summit trail to the Bay Area Ridge Trail. These trails would be open to hiking, equestrian use, and mountain biking (although biking will not be allowed on all trails). Dogs would not be permitted. Recreational use of the trails in previously undisturbed areas may deter some wildlife species from using the area immediately adjacent to the trails, but the effect is not expected to be severe enough in magnitude to cause localized extinctions or restrict the range of native species.

A wildlife corridor connects habitat areas and, by doing so, helps to increase movement and gene flow between core habitat areas resulting in improved fitness for a species. Creation of trail connections from the Preserve to other existing trails is unlikely to substantially deter wildlife movement through the project region. The maximum trail width would be 12 feet; however, many of the trails would be narrower. These trails would not present a substantial barrier to wildlife movement. While construction of trails would not likely create a wildlife barrier, some movement patterns may shift or change, as some species would avoid areas with trails and human scent, and other species may prefer to use the trails for easier access routes. However, these changes are expected to be minor and would not constitute a significant change in wildlife movement patterns.

As discussed under Impact 4.3-3, breeding habitat for western pond turtle exists near Upper Lake. Some of the breeding habitat will be lost due to development of the Alma College parking area; however, implementation of Mitigation Measure 4.3-3a requires a 1:1 replacement of this breeding habitat in areas within the Preserve that do not attract concentrated visitor use, or where trail use

would be limited as necessary during breeding periods, , thereby reducing the impact to a less than significant level. Other areas that provide potential breeding habitat will not be affected by the proposed parking area, but some of these areas (primarily grassland) will be traversed by narrow trails and require landscape maintenance. The recreational and maintenance activities could adversely affect breeding western pond turtles through accidental disturbance or removal of nesting sites, and, consequently, the success of this population which is potentially an important source of turtles in the region.

Implementation of Environmental Protection Measures BIO-10 through BIO-14~~15~~, which require identification of invasive species, limiting trail use in areas with habitat for special-status species (including western pond turtle), periodic monitoring of sensitive species, and allow for adaptive management to protect and enhance sensitive species habitat, would also further reduce the potential impacts of recreational use on wildlife and wildlife habitat by reducing the potential to introduce invasive species, limiting trail use in sensitive areas, monitoring sensitive species, and closing trails as needed to reduce impacts to wildlife.

The effects of special events within the Preserve on wildlife would be minimal because they would be limited to Bear Creek Stables and the former Alma College site where there is existing development, no amplified sound or music that could be heard beyond the Preserve boundaries would be allowed, event parking would be within designated staging areas, and no events would occur at nighttime. Therefore, events within the Preserve are not expected to have a substantial impact on wildlife.

In addition, garbage that could degrade habitat and attract pest species could increase with recreational use of the Preserve. However, MROSD implements measures on preserve lands consistent with MROSD's *IPM Guidance Manual* (MROSD 2014), discussed above, including ensuring garbage is contained and food is properly stored, to deter pest species, such as rats, raccoons, jays, and crows. Large populations of predatory pest species can reduce the number of other native species, including migratory birds. MROSD avoids concentrating recreational picnic sites in large areas that may become feeding stations for pest species. In addition, recreational users of MROSD preserves are instructed to dispose of all garbage in proper locations, under a "pack it in, pack it out" approach.

Therefore, the recreational use of the Preserve would not have a substantial adverse effect on native species and is not expected substantially interfere with wildlife movement. This impact would be **less than significant**.

## Mitigation Measures

No mitigation measures are necessary.

Because the additional text to mitigation measure 4.3-3a could potentially result in the removal of additional trees, due to increased habitat restoration for breeding western pond turtle, the text on pages 4.3-27 and 4.3-28 of Chapter 4.3, "Biological Resources," of the Draft EIR is hereby revised as follows:

### **Impact 4.3-7: Conflict with any local applicable policies protecting biological resources.**

Although some tree removal would be required for the Preserve Plan, tree removal would be avoided to the extent possible and any trees removed would be done in accordance with local policies and ordinances. Because the proposed project is a plan, detailed improvement programs and grading plans will not be prepared until specific improvements are funded and authorized, which would occur after approval of the Preserve Plan. Once these detailed plans are available, MROSD will coordinate with Santa Clara County to adhere to the requirements of the Ordinance. However, impacts to trees are considered **potentially significant** until MROSD complies with the County's Tree Preservation and Removal Ordinance.

The Santa Clara County General Plan includes policies and goals related to protecting biological resources. In addition, the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17) serves to protect all trees measuring 12 inches dbh in areas zoned as Hillside (HS), any heritage trees, and any trees within road rights-of-way. The Preserve Plan is designed to avoid tree removal to the extent possible; however, some tree removal will be required for construction of roadway improvements and staging areas. Up to six pine trees (non-native) over 12 inches dbh would need to be removed along Bear Creek Road for the Alma College parking area; up to 10 large redwood trees would need to be removed within the interior of the Preserve for western pond turtle habitat restoration; and two large coast live oak trees would need to be removed for construction of the Lower Parking Area. These ~~two~~ trees are not currently listed as heritage trees, but given their species and size, they at least several of the 10 redwood trees and the two oak trees would likely qualify if nominated. Oak woodland is present within the Preserve (See Exhibit 4.3-1); however, the proposed tree removal would not affect 0.5-acre of the oak woodland canopy. Implementation of the Preserve Plan would include BMPs for Sudden Oak Death, including removing hazard trees.

Because the proposed project is a plan, detailed improvement programs and grading plans will not be prepared until specific improvements are funded and authorized, which would occur after approval of the Preserve Plan. Once these detailed plans are available, MROSD will coordinate with Santa Clara County to adhere to the requirements of the Ordinance. However, impacts to trees are considered **potentially significant** until MROSD complies with the County's Tree Preservation and Removal Ordinance.

#### **Mitigation Measure 4.3-7: Remove and replace trees consistent with the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17).**

MROSD will comply with the requirements of the Santa Clara County Tree Preservation and Removal Ordinance as applied to parcels greater than 3 acres in lands zoned HS and as applied to trees located within County right-of-way. For removal of large ~~oak~~ trees, MROSD will replace each of the redwood trees and two oak trees removed at a 3:1 ratio with 15-gallon trees, in kind, or other ratio as approved by the County and in compliance with current best management practices to prevent the spread of soil pathogens. MROSD will maintain each of the replacement trees.

##### **Significance after Mitigation**

Implementation of this mitigation measure would reduce potentially significant impacts associated with tree removal to a **less-than-significant** level by providing replacement trees and complying with the County's Tree Preservation and Removal Ordinance.

#### **Revisions to Chapter 4.12, "Traffic and Transportation"**

The text on page 4.12-17 of Chapter 4.12, "Traffic and Transportation," of the Draft EIR is hereby revised as follows:

The second location, approximately 800 feet south of Alma College Road, also provides adequate sight distance and is the proposed location for both a new driveway and pedestrian crosswalk. The new driveway would replace Alma College Road, which does not currently provide adequate sight distance, as the primary Preserve driveway entrance to a new parking area and trailhead at the former Alma College site. In addition, a pedestrian undercrossing or an at-grade pedestrian crossing (crosswalk) would be formalized at this location to allow visitors to safely cross Bear Creek Road and access the western portion of the Preserve. The driveway and undercrossing/crosswalk are located at the historic entrance to the site along a relatively straight section of roadway.

The text on page 4.12-18 of Chapter 4.12, "Traffic and Transportation," of the Draft EIR is hereby revised as follows:

MROSD will coordinate with the County of Santa Clara traffic engineer to obtain the necessary permitting approval to install a pedestrian undercrossing and/or formalize a crosswalk at the Driveway 2/Alma College Parking Area location. If recommended by the County of Santa Clara, MROSD would install additional signage (e.g. "Crosswalk Ahead" signs) and/or other safety improvements such as flashing lights in advance of the crosswalk, to improve the visibility of a crosswalk to motorists and improve safety for pedestrians, equestrians, and bicyclists crossing to the western portion of the Preserve.

Construction of the new entrance driveways and pedestrian crossing in accordance with applicable design standards for adequate lines of sight and installation of signage would ensure that these improvements to the Preserve would not substantially increase hazards due to a design feature. In addition, the County of Santa Clara would review and approve the design of the intersection of proposed driveways with County roadways to ensure the access points meet County standards. This impact would be **less than significant**.

### **Mitigation Measures**

No mitigation measures are necessary.



### 3 RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter  
1

**From:** [Lisa Bankosh](mailto:Lisa_Bankosh)  
**To:** [Lisa Bankosh](mailto:Lisa_Bankosh)  
**Subject:** FW: Full Board of Directors and District Clerk - Board Contact Form  
**Date:** Tuesday, November 1, 2016 11:23:35 AM

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**From:** [dbluedogg@yahoo.com](mailto:dbluedogg@yahoo.com) [mailto:no-reply@wufoo.com]  
**Sent:** Wednesday, September 28, 2016 7:47 AM  
**To:** web <[web@openspace.org](mailto:web@openspace.org)>; Clerk <[clerk@openspace.org](mailto:clerk@openspace.org)>  
**Subject:** Full Board of Directors and District Clerk - Board Contact Form

Name *	Dennis Gurka
Select a Choice *	Full Board of Directors and District Clerk
Email *	<a href="mailto:dbluedogg@yahoo.com">dbluedogg@yahoo.com</a>
Location: (i.e. City, Address or District Ward)	3995 Bear Canyon Road, Los Gatos Ca. 95033
Daytime Phone Number (if you wish to be contacted by phone)	(408) 221-9859

Comments: \*

Good Day,

After reading about the up coming meeting regarding the Bear Creek Redwoods Open Space Preserve expanse, I was excited and concerned. Excited because I love what the Open Space has done for the Bay Area. I am a life long resident and support all your efforts.

Concerned because I and many other people I know, and don't know travel back and forth on Bear Creek road everyday to work, home, and all the other needs that life brings. This road is a life line for all the communities from Los Gatos to Boulder Creek. There are many, many people living up here. Bear Creek road is a narrow two lane mountain road that has a lot of congestion from cars, motorcycles, and bicycles already. Especially the weekends.

Now open preserve would like to have an unknown amount of additional traffic. What are the plans for the impact of this? What about evacuations in case of a fire, and other emergencies?

I have seen the effects of the traffic on Skyline at Castle Rock, and it's pretty bad. No traffic control, not enough parking, people just stopping in the middle of the road in both directions!

In other words please consider all that I am mentioning. My thoughts would be to have set amount of people to use the new open space.( Permits as are now) More rangers to control the flow of people and traffic.

In closing, a lot a of two wheeled travelers have been hurt or killed on this road because it was not designed for all kinds of use. There are many blind curves, and the speed is somewhat high. Thanks for all you do!

1-1

1

**Dennis Gurka**  
**September 28, 2016**

The commenter expresses concerns related to the impacts of the Preserve Plan on traffic, pedestrian, and bicyclist safety, as well as emergency access, on Bear Creek Road. The comment does not identify any areas of disagreement with the Draft EIR's traffic analysis or raise new issues that are not considered in the Draft EIR's traffic analysis. However, the following response is provided to address these concerns.

1-1

Traffic impacts could potentially result from additional vehicle use of Bear Creek Road from new Preserve visitors, as well as, potentially, from increased use of the area by bicyclists, once the Preserve opens to general public use. The District Board of Directors shares these concerns and is aware of current traffic patterns on Bear Creek Road, particularly, high vehicle speeds frequently observed during the commute hours. As part of Preserve Plan development, a thorough traffic analysis was performed by Hexagon Transportation Engineers, to identify potential impacts of opening the Preserve on both safety and level of service on Bear Creek Road. This traffic analysis is included as Appendix B, and described in Chapter 4.12, of the Draft EIR. The analysis is summarized briefly below.

Regarding impacts of new Preserve traffic on existing conditions on Bear Creek Road, Hexagon used visitation data from two Open Space Preserves with similar use-generating characteristics (e.g., number and type of trails and trail uses, proximity to dense population centers, ease of access) to develop a conservative estimate of new vehicle trips potentially generated by the Preserve. This trip generation estimate was added to existing traffic volumes, as determined through traffic count strips, to determine if the additional traffic would negatively impact the level of service of Bear Creek Road and its closest intersections. The analysis found that the increased traffic would not change the level of service, primarily measured in congestion delays, of the roadway or intersections (see Draft EIR p. 4.12-11).

Related to this level of service, emergency vehicle access on Bear Creek Road would not be impacted by additional Preserve traffic, since traffic congestion would not substantially increase, as described above. Regarding stopped traffic at Preserve entrances, all proposed public entrances would be designed to provide adequate ingress and egress capacity in the form of level landings, as well as sufficient clearance for emergency vehicle access and maneuvering, as discussed on page 3-24 of the Preserve Plan. It should also be noted that there are currently no on-street parking spaces available near the proposed entrance areas (the lack of road shoulder would physically prevent parking), and on-street parking would not be possible because there is only one lane in each direction, and there is not sufficient shoulder to park without blocking a lane. MROSD is also coordinating with Santa Clara County staff regarding the potential installation of formal "no parking" signs along Bear Creek Road in specific target areas, which would further minimize the potential for congestion.

Furthermore, emergency vehicle access within the Preserve would be significantly enhanced as a result of the Preserve Plan. The proposed new multi-use trail, which traverses the Preserve from north to south, will be constructed (or existing road will be improved) to allow for both patrol and emergency vehicle passage. The Webb Creek Bridge Replacement Project, which would be implemented in Phase I, was specifically identified to improve access for fire trucks to the western Preserve.

Regarding bicycle safety on Bear Creek Road, the proposed multi-use trail would provide an alternative through-access route for bicyclists from the Lexington Basin to Skyline Boulevard,

allowing bicyclists to avoid not only this roadway but also other nearby roads that access the Skyline area, such as Black Road. Although the trail is anticipated to be used primarily by mountain bicyclists, the trail surface will be rocked and maintained as an all-season trail, and may accommodate road bicycles. The District would work with the County and Caltrans to install proper safety improvements and traffic control signage at roadway connections prior to opening the trail to bicycle use. Once safe connection points are established and the trail is opened to bicycle use, it is anticipated that the volume of bicycle traffic on Bear Creek Road (and other nearby roads) may decrease.

Finally, regarding the volume of Preserve visitation, the Preserve Plan includes the immediate provision of two additional ranger staff who could address potential traffic conflicts (see p. 4-09 of the Preserve Plan.) It is anticipated that visitation levels would warrant frequent patrol of the new Preserve entrances, particularly during weekends. Augmenting the current ranger staffing levels would help ensure that adequate patrol staff are available to meet this additional need immediately upon Preserve opening and would adaptively manage visitor use as necessary to provide for continued traffic safety throughout the life of the Preserve Plan.

Letter  
2

**From:** [Michael Barnes](#)  
**To:** [Lisa Bankosh](#)  
**Subject:** Bear Creek Redwoods Draft EIR Comment  
**Date:** Sunday, October 2, 2016 1:55:03 PM

Hello,

I'm looking at the plan for Bear Creek Redwoods with great interest and excitement. I very much look forward to it being opened. The new trail plan looks great, but I do have one concern. The place along Bear Creek Road where it looks like you intend to have a pedestrian crossing is a very dangerous place. Drivers speed dramatically along that section of the road, some in excess of 40 mph. Please take this into consideration.

2-1

Respectfully,  
Michael Barnes  
650-544-0345  
PO Box 473  
Boulder Creek, CA 95006

2

**Michael Barnes**  
**October 2, 2016**

2-1

The commenter expresses concern regarding pedestrian safety at the proposed at-grade trail crossing of Bear Creek Road, due to the high traffic volumes during certain times of day, and speeds in excess of 40 miles per hour (mph). According to the Draft EIR, Section 4.12 "Traffic and Transportation," (which is based on a traffic analysis by Hexagon Traffic Consultants), the location of the proposed trail crossing is such that a pedestrian would have adequate line of sight in both directions on Bear Creek Road (with proposed tree removal). The 85<sup>th</sup> percentile speed for vehicles traveling in the downhill direction toward the potential crosswalk location was found to be 36 mph. The sight distance analysis was increased and

evaluated for a speed of 40 mph. The required sight distance at that speed is 360 feet. With removal of two large trees (as proposed), the new pedestrian crossing would provide a line of sight greater than 400 feet. Although this standard safety requirement is met, Hexagon also identified additional signage to further improve the visibility of any crosswalk installed on Bear Creek Road. The signage may include “crosswalk ahead” signs and may also include rectangular rapid flashing beacons (RRFB) that are activated by pedestrians. These and other additional safety measures, such as speed limit signs and additional speed enforcement, would be addressed during consultation with Santa Clara County Roads and Airports Department. (See Draft EIR pages 4.12-17 and 4.12-18 for the detailed discussion.)

Furthermore, pedestrian safety measures, including fencing, signage, trail chicanes, and adequately-size landing/waiting areas, would be identified as part of the design of the Alma College parking area, as discussed on page 3-24 of the Preserve Plan. Additionally, a trail undercrossing option is being added to the Preserve Plan and EIR that would separate trail user circulation from the road circulation.

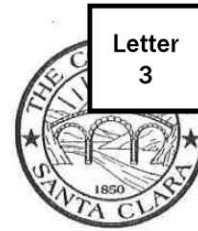
The following text will be added to page 3-22 of the Preserve Plan:

Bear Creek Road is a steep, winding, mountain roadway, a designated scenic route owned and maintained by Santa Clara County. Traffic is typically light, but during weekday commute hours, traffic increases to moderate-to-heavy levels, and average speeds exceed posted speed limits. (Hexagon Transportation Consultants 2015). Observational data confirm that despite severe curves and steep grades, drivers on Bear Creek Road consistently exceed speed limits. Further constraining the crossing is steep topography (lack of level areas west of the road for landings or trail approaches), ~~and unstable geologic conditions, and the resulting prohibitive cost of either an undercrossing tunnel or overcrossing bridge.~~ Despite these constraints, MROSD has added an undercrossing to the Preserve Plan as an option, either in place of, or in addition to the at-grade crossing, contingent on the results of feasibility studies, design constraints, acquisition of any required permits from other agencies, securing of adequate funding through partnerships, grants, and/or other sources, and the anticipated timing for implementation.

Please see Section 2 of this document for changes to the Draft EIR text that address the addition of the pedestrian undercrossing.

**County of Santa Clara**  
**Parks and Recreation Department**

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)



October 7, 2016

Lisa Infante Bankosh, Open Space Planner III  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos CA 94022

SUBJECT: Notice of Availability of a Draft EIR for the Bear Creek Redwoods Preserve Plan

Dear Lisa,

The County of Santa Clara Parks and Recreation Department (County Parks) has reviewed the NOA for the Bear Creek Redwoods Open Space Preserve Plan EIR and offers the following comments to be considered.

The Moody Gulch property is immediately adjacent to the Bear Creek Redwoods Open Space Preserve. This property is owned by Santa Clara County Parks, and currently serves as resource bank and is not open for public park access. The County and Midpeninsula Regional Open Space District have been working with several water companies in order to convey the Moody Gulch property to the Midpeninsula Regional Open Space District. These parties were involved in the initial acquisition of the Moody Gulch property by the County. A final agreement will need to be executed before the property transfer can take place.

3-1

The County Parks Department appreciates the opportunity to provide comments on the Draft EIR for the Bear Creek Redwoods Preserve Plan. If you have any questions regarding this letter, please contact me at (408) 355-2230 or by email at: [kimberly.brosseau@prk.sccgov.org](mailto:kimberly.brosseau@prk.sccgov.org).

Sincerely,

Kimberly Brosseau  
Senior Planner

cc: Annie Thomson, Principal Planner



**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith

3

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**Kimberly Brosseau, Senior Planner**  
**County of Santa Clara, Parks and Recreation Department**  
**October 7, 2016**

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3-1

The County of Santa Clara Department of Parks and Recreation (County Parks) provided a comment regarding the future transfer of the County's Moody Gulch property to MROSD. Specifically, the comment letter states that final agreement will need to be executed before the property transfer can take place. MROSD acknowledges this anticipated future property transfer and looks forward to completing the final agreement with County Parks. Since MROSD does not currently own the property, MROSD does not currently have plans for future use of the property. Therefore, the property transfer, or any potential future use for the property, is not included in the Preserve Plan or Draft EIR. Subsequent planning and environmental review would be conducted prior to the property transfer, as well as any other Board decisions regarding future planned uses.

Letter  
4

**From:** Michael McNamara <mac@brushroad.com>  
**Date:** October 12, 2016 at 5:03:34 PM PDT  
**To:** <lbankosh@openspace.org>  
**Cc:** Michael McNamara <mac@brushroad.com>  
**Subject:** Bear Creek Redwoods Draft EIR Comment  
**Reply-To:** Michael McNamara <mac@brushroad.com>

My wife Kristine and I are the owners of parcel 544-56-025 (also known as 21105 Brush Road, Los Gatos); this is our primary residence.

I have a lot of questions; please contact me at 408-348-7025.

Below is a breif outline of my concerns:

Our parcel has rights recorded on the deed of parcel 544-35-035, and is the 30 acre tract described below in PARCEL EIGHT, part a; which was conveyed by E.W. Biddle to Harry L. Tevis, and is now a part of the Bear Creek Open Space preserve.

In particular, we own rights to (below text is from our Title Report, when we acquired the property in 2002)

PARCEL EIGHT:

a . The rights set forth in the Deed dated May 22, 1916 and recorded May 23, 1916 in Book 441 of Deeds, page 393, from E.W. Biddle and Belle A. Biddle, his wife, to Harry L. Tevis, conveying a 30 acre tract part of the South 1/2 of the Northwest 1/4 of the Section 8 Township 9 South Range 1 West, as follows:

**"The parties of the first part reserve unto themselves, their heirs, grantees and assigns, the rights heretofore acquired by them and their grantors to the waters of that certain spring situated about 75 feet West of the land hereby conveyed with the right to enter upon the land hereby conveyed, from said spring to the Easterly line of the land hereby conveyed at all reasonable times, for the purpose of repairing, replacing, and maintaining the water pipes now crossing said land"**

b. Right of way as reserved in the Deed from E.W. Biddle, et ux, recorded May 9, 1913, Book 399 Deeds, page 483. (the said deed conveys the North 1/2 of the Northwest 1/4 of Section 8, T. 9 S. R. 1 W., M .D.B. & M.) as described as follows:

Reserving however, unto the parties of the first part, their heirs,



4-1

assigns and grantees, the right to use as heretofore the wagon roads, or right of way as now located, leading from what is known as the Hebard Place, through the lands hereby conveyed to the land and residence of the parties of the first part situated immediately South of and adjoining the land hereby conveyed.

Our property uses the water from that spring as our sole source of drinking water, and the rights to the water are extended to two neighboring parcels. The spring is the source of the south fork of Aldercroft Creek.

Our request is that the Bear Creek Open Space Preserve Environmental Impact Report recognize this right, and acknowledge the continuous use of this water, and include discussion on how the proposed development of the Bear Creek Open Space preserve will be conducted by park personal and their agents in a manner that preserves our right to use the water.

Further we ask that the project which is the subject of the Environmental Impact Report be conducted, and the park be operated in a manner that insures that the water quality from the spring is not negatively impacted by the development and use of the land; and that our right to enter upon the land at all reasonable times, for the purpose of repairing, replacing and maintaining the water pipes now crossing the land is recognized, supported and preserved.

Further we request that our existing spring house, the spring house trail and its improvements including retaining walls, which run from the spring to our property, and the associated pipes and infrastructure be recognized as a permitted and approved preexisting use, and all development shall be done in a manner that does not degrade this use. Further we request acknowledgment that we as the owners of the parcel 544-56-025 have rights to maintain this infrastructure, and repair and replace any parts of it which become damaged, at all reasonable times.

Of particular concern to us is the location and the proposed access rules for the 'ATV Patrol Access' trail drawn on the map in Exhibit 4.13-1 (page 299 of the EIR posted at [http://www.openspace.org/sites/default/files/20160916\\_BCR\\_DEIR.pdf](http://www.openspace.org/sites/default/files/20160916_BCR_DEIR.pdf)), which

4-1  
cont

4-2

4-3



may or may not  
 be plotted to run along our spring house trail for some length, and certainly  
 crosses the trail. Our concerns include that

- a) when built, and operated, this ATV trail does not degrade or block our access  
 to the spring house
- b) this trail does not break, or introduce wear and tear on our pipeline.
- c) that this trail does not allow or invite members of the public to visit and  
 damage the spring house, or the quality of the spring water.
- d) that this trail does not allow or invite members of the public to visit our  
 parcel.

4-3  
 cont

Again, please call me.

Michael and Kristine McNamara  
 21105 Brush Road  
 Los Gatos, CA 95033

408-348-7025 (mobile)  
 408-353-1564 (home)

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4 **Michael and Kristine McNamara**  
**October 12, 2016**

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4-1 The commenters, who are neighboring landowners, provide information regarding a spring water source in the southeastern Preserve and request that the EIR recognize this right and acknowledge the continuous use of this water. The commenters lay out the basis for their assertion of rights to the water source and easement over the portion of the access trail on Preserve land. Water issues are discussed in the Water Resources section of the Preserve Plan, however, this comment regarding potential adjacent property owners’ water rights does not raise an environmental issue relevant to CEQA. Nonetheless, MROSD acknowledges that the commenters are asserting this water right. MROSD respects and honors all legitimate real property easements, but takes no position on the water rights to this source, which are regulated by the State of California.

4-2 The commenters express concern regarding water quality impacts caused by visitor use and facilities in the southeastern Preserve and request that MROSD continue to respect the property owners’ right to enter the Preserve via the access trail to maintain the water system. Regarding potential water quality impacts, no new development would be located in the vicinity of the spring mentioned by the commenters. Trails would be the only recreation feature located in this vicinity. Section 4.8 “Hydrology and Water Quality,” of the Draft EIR evaluates potential project-related impacts to surface water. As discussed in Impact 4.8-1, implementation of the proposed project would be carried out in compliance with state and federal regulations, including compliance with the State Water Resources Control Board’s National Pollution Discharge Elimination System (NPDES) permit requirements regarding

preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Draft EIR describes, in detail, the types of Best Management Practices (BMPs) that would be included in the SWPPP and how those BMPs minimize potential impacts to water quality. In addition to these requirements, the project includes additional stormwater pollution prevention measures in Environmental Protection Measure HYDRO-3 (See Appendix C of the Draft EIR). The Draft EIR also describes how several additional proposed environmental protection measures would minimize the project's potential to cause erosion-related impacts to water quality during project operation. Page 4.8-14 of the Draft EIR states:

Where bank seeps and springs are located near a road or trail, they can cause the trail to become chronically wet and muddy. These chronically wet areas are potential sediment sources where they are located in close proximity to a watercourse (Best 2010). However, elements of the proposed project, including environmental protection measures (Appendix C), would effectively limit the potential for erosion. These include:

- ▲ maintaining the roads and trails according to MROSD standard practices for activities in or near watercourses (Environmental Protection Measure HYDRO-1);
- ▲ rocking sections of roads and trails that are near creeks, spring or seeps (Environmental Protection Measure HYDRO-4);
- ▲ limiting new equestrian trails near creeks (Environmental Protection Measure HYDRO-5);
- ▲ improving all stream crossings to accommodate flood events consistent with County and MROSD standards (Environmental Protection Measure HYDRO-6);
- ▲ removing existing culverts on abandoned roads (Environmental Protection Measure HYDRO-7);
- ▲ replacing ford crossings in areas expected to have high use (Environmental Protection Measure HYDRO-8);
- ▲ design and use guidelines (Environmental Protection Measure GEO-1 through GEO-3);
- ▲ and other erosion control measures (Environmental Protection Measure GEO-4).

The improved infrastructure would benefit water quality by reducing ongoing sedimentation and erosion, as well as minimizing the potential for flooding and water quality degradation during larger storm events.

The Draft EIR (p. 4.8-15) also describes how MROSD's *Best Management Practices and Standard Operation Procedures for Routing Maintenance Activities in Water Courses* would minimize potential impacts to water quality resulting from maintenance activities.

The Draft EIR demonstrates that the proposed project would not substantially affect the water quality of the existing spring. The commenters raise general concern related to water quality impacts associated with the spring and do not raise specific issues with the Draft EIR's analysis; therefore, no additional response can be provided.

Regarding ongoing access to maintain the water system, as stated in response to comment 4-1, MROSD respects all legitimate real property easements. No actions in the Preserve Plan would preclude the property owners' access to the water system, nor are any such actions

anticipated. All reasonable actions to access and maintain the water system, by the property owners or their agents, would be allowed according to the terms of the easement. Property access is not an environmental issue relevant to CEQA; no additional response is needed.

4-3

The commenters express further concern regarding a conceptual trail alignment proposed by the Preserve Plan, the future "Hunt Trail" (temporary name), which would potentially cross or would potentially be in close proximity to the spring diversion and associated access trail. The "Hunt Trail" alignment is currently conceptual and would not undergo detailed planning or design until Phase III of Preserve Plan implementation. It is possible that the new trail could not be designed to entirely avoid the spring diversion area, or the access trail, due to topographic constraints (steep, unstable slopes with limited viable routes to traverse them). If intersection or close visible proximity is not avoidable, potential trespass concerns would be addressed through standard MROSD operating procedures including signage ("stay on trail" and "private property ahead" signs), ranger patrol, and, if necessary, fence installation and other physical security methods. The trail would not obstruct access to the water system, and would be constructed to avoid damage to the system.

Letter  
5

**From:** [Melany Moore, Mick Dudas](#)  
**To:** [Lisa Bankosh](#)  
**Subject:** Bear Creek Preserve EIR Questions  
**Date:** Sunday, October 30, 2016 7:08:21 PM

October 27, 2016

Dear Lisa and Gretchen,

Thank you very much for making a copy of the Bear Creek Stables EIR/Preserve Plan available to me for review. I hope this letter finds you well. You have both been very helpful and have done a great service to the community, including the people who love Bear Creek Preserve and the Stables.

Please clarify:

Obj. MO- 2.2 "Demolish hazardous, dilapidated structures" Will the Cross-Tie Station used by the Vet and Farrier be demolished? Will it be replaced? If so, it is missing from the Site Plan.

5-1

The Tack Storage used by some of the Boarders is located behind the 'Cat House'. Will it be replaced?

The "Original Stable Building" is listed as 'Stablized '. Will it be saved for future use as in the Alma College Classroom/Library (as funds become available) ? Or will the Stable Building be demolished? Pg. 53 "Older structures within the Stables Lease Area may be of Historic Interest."

5-2

Obj. NR-6.2 "Best Management Practices"

Is the Manure Dump listed the same as 'Compost Facility'? What will the capacity be for the Manure Dump? Ie. How many horses will be served? (Hopefully 72 horses)

5-3

Pg. 95 "Water Tanks will be appropriately sized". Can the 20,000 Gallon Water Tank be upgraded to 100,000 Gallons? As funds become available?

5-4

Omission- No mention of Rainwater Holding Tank on 'New Hay Barn' at Stables.. The water would be Non-potable and used exclusively for watering new native landscaping, tree plantings or watering the New Arena. Can the Tank be added to the Stable Plan , as funds become available? Including this asset will help with the High Priority: Pg. 52 "Excessive sedimentation in water resources within the Preserve affects downstream water quality." And

5-5

Pg. 61 "Treat stormwater runoff and monitor potential sources of sediment & pollutants".

Pg. 33 "A Radio Tower, reportedly used to transmit the first broadcast of the Pearl Harbor Attack" ....

Pg. 33 "The majority of these cultural resources have not been evaluated for eligibility for the California Register of Historic Resources".

Pg. 33 "The Radio Tower, Garage and Residence, and Bear Creek Stables have been Recommended as not eligible".

Please clarify: Why is the Radio Tower not recommended for preservation and saved for reuse,

5-6

as funds become available? I would expect this historic feature to be preserved, as the Mt. Umunhum Tower was recently deemed of interest to the Santa Clara County Heritage Resource Commission. Perhaps it was overlooked by the SCC Heritage Resource Commission?

5-6  
cont

Pg. 43 "Alma College Complex was listed as a Heritage Resource by the County of Santa Clara, the District purchased the site & surrounding parcels".

Pg. 43 In 1995 "Santa Clara County added Alma College to its Heritage Resource Inventory".

5-7

Please clarify: Why additional buildings at Alma College would not be saved and at a minimum, be repurposed for the large Bat Colony that currently exists there? At present, one building is slated for a Bat house to relocate 500 bats (estimate).

Thank you for your amazing attention to detail. I look forward to hearing back from you!

Sincerely,  
Melany Moore

Summit Riders Vice President (for identification purposes only)

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**5 Melany Moore, Summit Riders Vice President  
October 30, 2016**

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5-1 Comments 5-1 through 5-3 and 5-5 are related to specific facilities and whether they will be retained/rebuilt during the stables renovations. For the CEQA record, we would like to note that these comments pertain to the stables improvements and operations that are a component of the Preserve Plan and do not address an environmental issue relevant to CEQA.

Related to the comment regarding Preserve Plan Objective MO-2.2, the Preserve Plan includes retaining the original barn structure for potential future rehabilitation. Also, the cross-tie station will be provided as part of the new arena (this has been clarified in the implementation table, see Preserve Plan OBJ PU-6.2). Related to the comment regarding Preserve Plan Objective NR-6.2, a compost facility is not included in the site plan; however, the manure dump would be improved and would serve all horses utilizing the site, as described on pages 3-41 to 3-44 of the Preserve Plan.

While the basic elements of the stable improvements are identified as part of the Preserve Plan (specifically, the Bear Creek Stables Site Plan), detailed design and implementation plans, consistent with the more basic Site Plan, would be prepared to provide precision guidance for development of the site. The implementation plan would address new procedures to accommodate the boarding facility during demolition and implementation of high priority improvements (for example, loss of Cat House tack storage). Unless deemed infeasible or cost prohibitive, water conservation practices and new equipment, such as installation of rainwater storage units, solar panels, etc will be included, in implementation of high priority improvements. .

5-2 See response to comment 5-1, above.

- 5-3 See response to comment 5-1, above.
- 5-4 Comment 5-4 is related to allowing for an increase in water storage capacity from 20,000 gallons to 100,000 gallons. The 20,000-gallon number included in the Lexington Hills Community Wildfire Protection Program (LHCWPP), referred to on page 4.7-9 of the Draft EIR, was presumably a preliminary tank capacity estimate. The LHCWPP is separate from the Preserve Plan; the Preserve Plan includes greater storage capacity. Based on pre-permit application discussions with the County of Santa Clara Deputy Fire Marshall McNair Bala, 30,000 gallons of water storage would be required for fire suppression needs at Bear Creek Stables. Coupled with storage requirements for several days of potable water supply, the actual amount of water storage that will be provided at the Stables is 55,000 gallons. In other words, the MROSD's plan for the water system and emergency access improvements exceed the estimate in the LHCWPP, and are considered adequate to meet the Preserve's water needs at this time. Therefore, upgrades are not currently necessary or warranted. For further detail on the Plan's water system and emergency access improvements, see response to comment 6-1.
- 5-5 See response to comment 5-1, above.
- 5-6 The commenter raises concern related to a historic-era radio tower, which was installed and used during the Alma College period for ham radio, and which is now on the ground in ruins. As mentioned by the commenter, the radio tower reportedly received some of the earliest West Coast transmissions from Hawaii regarding the 1941 Japanese attack on Pearl Harbor. The radio tower was first evaluated for historical significance prior to MROSD acquisition of the property and determined to be ineligible for listing as a historic resource, either independently or as a contributor to the Alma College historic site (Laffey and Laffey 1994). This finding was confirmed during development of the Alma College Cultural Landscape Rehabilitation Plan (Knapp Architects 2010) and is also reflected in the Draft EIR (See Table 4.4-4 EIR on pages 4.4-13 and 4.4-14 of the Draft EIR).
- Although the tower has been evaluated on two occasions and is not considered a historic resource, the Preserve Plan nevertheless calls for retaining a portion of the tower for interpretive purposes. Interpretive materials and programming would also be developed as part of the Preserve Plan, which would incorporate facts and features of historic interest, including the radio tower and its reported role in transmission of the Pearl Harbor news.
- 5-7 This comment is related to the Alma College Cultural Landscape Rehabilitation Plan, which includes actions to rehabilitate and interpret the former Alma College site so its historic significance can be understood by Preserve visitors. Five main buildings remain on the former Alma College site, none of which are considered to be individually historically significant. (See Draft EIR page 4.4-37 and 4.4-38 for the full impact discussion.) All buildings are highly dilapidated. Although the site is fenced off, the buildings represent a public safety hazard as well as an "attractive nuisance" for vandalism and trespass. The Rehabilitation Plan would retain and stabilize the chapel building and the 1934 library superstructure, which retain the greatest architectural value and have the highest potential for re-use. Three other structures, including the classroom, the 1950 library, and the garage, would be demolished. The commenter requests that MROSD retain these additional buildings and make them available for re-use.
- The classroom and garage buildings are located within 50 feet of a subsidiary trace of the San Andreas Fault and therefore cannot be occupied per County restrictions. A portion of the garage foundation, which overlooks Webb Creek, may be retained as a viewing platform. The 1950 library, a concrete, open-hall style structure appended to the 1934 library, was considered by MROSD for re-use as an event venue. Due to noise, traffic, and parking considerations, re-use of the building for large events was found to be incompatible with the

MROSD mission and the open space character of the Preserve. Furthermore, according to the Rehabilitation Plan (PGA Design 2015), construction of the new classroom alters the spatial organization of the site as it was originally designed and obstructs the view of the site from the Upper Pond, which is the central organizing element of the landscape. Finally, the new library is constructed with a utilitarian style that does not complement the site aesthetically. While these factors do not necessarily preclude retention of the 1950 library, preserving this building in place, without commercial re-use as a funding source, would be cost prohibitive.

Mitigation Measure 4.4-2 of the Draft EIR requires a high level of documentation of the buildings, which are listed on the Santa Clara County Heritage Resource Inventory. However, even after implementation of all feasible mitigation measures, Impact 4.2-2 (demolition of historic structures) is considered significant and unavoidable. The comment does not raise issues with the adequacy of the Draft EIR's environmental analysis related to potential impacts to historic resources.

Regarding bat roosts, as mentioned above, the buildings proposed for demolition are in a poor, compromised condition and/or are within such close proximity to the San Andreas Fault trace to render them uninhabitable. Recognizing that potential bat habitat may be removed from the site as part of this proposed demolition, the Preserve Plan (page 03-27) includes implementation of the Alma College Bat Exclusion & Roost Habitat Replacement plan, which would humanely exclude and relocate bats currently inhabiting the Alma College buildings. Common and special-status bats would be relocated into appropriately-designed structures designed to suit the needs of the bat species and colony size(s). A program addressing compensation, exclusion methods, and roost removal procedures would be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Roosting habitat would be replaced in coordination with CDFW, and replacement structures will be monitored for successful colonization. This replacement will be implemented before bats are excluded from the original roost sites. Once confirmed that special-status bats are not present in the original roost site, the buildings may be removed or sealed. As mentioned by the commenter, in addition to replacement habitat structures, retention of the Tevis mansion carport, located near the eastern boundary of the Alma College site, is also recommended. The carport currently provides important night-roosting habitat for a mixed colony of over 500 bats, as well as limited day-roosting habitat. Daytime habitat can be enhanced at this structure through relatively minor modifications. If feasible, the carport structure would be retained and stabilized as bat habitat and for interpretive purposes. The plan also includes regular monitoring to ensure that bat colonies remain viable and that artificial roosts are functional in the long term.

In addition, the Draft EIR evaluated potential impacts to bats resulting from implementation of the Preserve Plan. Section 4.3, "Biological Resources," of the Draft EIR concludes that demolition of buildings, tree removal, or other construction activities that cause noise, vibration, or physical disturbance could directly or indirectly affect the survival of adult or young bats, including special-status bat species. Loss of an active bat colony or take of an individual special-status bat resulting from construction disturbance or demolition of structures would be a potentially significant impact. The Draft EIR identifies mitigation measures to minimize impacts to bats. These include pre-construction surveys for roosting bats and a program for bat exclusion. The mitigation measures also establish protective measures to minimize impacts to bats as a result of tree removal. Replacement roosts are required for each roost lost. The Draft EIR concludes that, with implementation of mitigation

measures, the potential impacts to bats resulting from implementation of the Preserve Plan would be less than significant.

The commenter does not identify any issues related to the adequacy of the Draft EIR analysis related to potential impacts to bats; therefore, no further response is needed.



Letter  
6

October 30, 2016

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Attention: Lisa Infante Bankosh – Open Space Planner III

Dear Ms. Bankosh,

Wildfires are something that is part of the ecosystem that we live in. Being prepared when wildfires breakout is critically important to protecting lives, homes and infrastructures. It is not something that is done once. It requires annual maintenance, coordination with multiple agencies and developing new strategies as we learn better ways to protect ourselves from wildfires.

On behalf of our community and the Santa Clara FireSafe Council I want to thank MROSD for their ongoing support through the annual contribution of \$5,000 to help enhance the defensible space in and around homes that are adjacent to the MROSD wildland areas. We have completed over a dozen collaborative projects with MROSD to clear egress routes, develop Community Wildfire Protection Plans and clear dead and dying trees that add to the wildfire threat.

As the Bear Creek Preserve is opened to the public, we look forward to extending the collaboration. In particular we are grateful for the fuel breaks and hazardous fuel reduction work that has been done by MROS staff in and around the stables. Looking to the future, Friends of Bear Creek Stables hopes to provide in-kind support for maintaining defensible space. In the plans for improving the stables we ask that any new water tanks that go into the plans have an option to increase their size beyond the immediate needs for the preserve. For example, if the plans require a minimum tank for holding 20,000 gallons of water, we would like there to be an option to increase the tank size to 100,000 gallons. We believe Friends of Bear Creek Stables and affected homeowners may be able to raise the funds to pay for the difference in costs between a 20,000 gallon tank and a 100,000 gallon tank.

A strong argument can be made that structure fires or any small ignitions along road ways or public access points will have a better chance of being suppressed if fire fighters have an quick and easy way to refill their limited capacity water trucks. There is an assumption here that pressurized hydrants will be strategically placed around the preserve. Thank you for considering building on our working relationship and trusting in the goodwill of our community to support the development of the preserve.

Sincerely,

Rick Parfitt

Member FireSafe Council  
Board Member Friends of Bear Creek Stables

6-1

6

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**Rick Parfitt, Member FireSafe Council  
Board Member Friends of Bear Creek Stables  
October 30, 2016**

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6-1

Comment 6-1 is related to the water system at Bear Creek Stables (Stables), wildfire protection, and future partnerships. The Preserve Plan includes provision of adequate water storage to address fire suppression needs at an improved stables facility. Based on preliminary consultation with the County of Santa Clara Deputy Fire Marshall McNair Bala, and needs for several days of potable water supply, approximately 55,000 gallons of storage will be provided at the Stables. As part of the County's Use Permit process that MROSD would need to complete for the proposed stables improvements, the amount of water storage may be refined.

MROSD values its ongoing partnership with the Santa Clara County FireSafe Council and appreciates the request for additional water storage for wildland fire suppression. To help address the need for wildland fire suppression, Phase I Implementation of the Preserve Plan includes installation of a filtered intake and standpipe, which would be accessible to fire trucks, adjacent to Upper Lake (near the former Alma College site). The water-storage capacity of Upper Lake, at more than 6 million gallons, far exceeds storage capacity of the tank the commenter is requesting. Furthermore, the Preserve Plan includes a new connection to a municipal water supply and retains the existing 500,000-gallon tank as part of the Alma Water System.

Regarding the provision of a system of pressurized hydrants throughout the Preserve, MROSD Open Space Preserves are managed to remain as close to their natural state as possible, which precludes installation of such a system. However, the Preserve Plan contains a number of improvements to emergency access roads, including re-surfacing vehicular dirt roads to allow for all-season use, and replacing bridges to allow for fire truck access. These measures, coupled with the increased storage tanks and improved access to Upper Pond storage, are considered more than adequate to serve Preserve fire suppression needs.

The Draft EIR evaluated potential impacts related to wildland fire risk. (See Draft EIR pages 4.7-17 and 4.7-18.) The Draft EIR concluded that the impact is less than significant. The commenter does not raise issues related to the Draft EIR's analysis; therefore, no additional response is provided.

Letter  
7

**From:** Karl D  
**To:** Lisa Bankosh  
**Subject:** Bear Creek Redwoods EIR Comment  
**Date:** Sunday, October 30, 2016 4:19:05 PM  
**Attachments:** Landscapes-SP00.pdf

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Hi,

The Peninsula Open Space Trust (POST) identified the radio tower as being historically significant. Page 6 of their Spring 2000 newsletter identifies it

<https://openspacetrust.org/downloads/newsletters/Landscapes-SP00.pdf>

...as the first spot on the mainland where news of Pearl Harbor was heard.

I've heard this anecdotally, as well, that the Jesuits were "ham radio fans" and heard the news.

I believe this claim needs to be investigated, with the possibility of restoring the tower and placing a marker there

Regards  
Karl Doll  
Sunnyvale

7-1

7

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**Karl Doll**  
**October 30, 2016**

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7-1

Response to comment 5-6 addresses concerns related to the radio tower. Please refer to response to comment 5-6.

Letter  
8



October 30, 2016

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Attention: Lisa Infante Bankosh – Open Space Planner III

Attached are the comments to the September 2016 Draft Environmental Impact Report for the Bear Creek Redwoods Preserve Plan SCH# 2015062029 and Bear Creek Redwoods Preserve Plan, from the Friends of Bear Creek Stables non-profit group. We appreciate the opportunity to be included in commenting and expressing our interest in plans for the preserve and the stables.

**Draft Environmental Impact Report for Bear Creek Redwoods Preserve Plan**

**Impact 4.13-1: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.**

- *What measures will be implemented to maintain the current source of non-potable water for the horses boarded at Bear Creek Stables, and the day-to-day operations of the stables that currently utilize spring-fed water?*
- *We request to keep the existing water system (surface water now in use), and develop a public water system source.*
- *What were the dates of the water demand analysis prepared by Balance Hydrologics with respect to daily water usage range of 2,000 gpm and 8,000 gpm?*
- *Designate space for expansion of 20,000 gallon water storage for public safety, to accommodate 100,000 gallons of water storage. (See attached letter from Rick Parfitt)*

8-1

**Bear Creek Redwoods Preserve Plan**

**Section 03-Page 2. Preserve Vision Statement**

- *We request that Preserve Vision Statement include Bear Creek Stables, an equestrian facility with boarders.*

8-2

**Section 03-Page 14 Table 3.2 Visitor Trail Description**

“Provide new, boarder-only bypass trail NW of Stables to connect to Stable Loop Trail. “

- *We request that trailhead access be separate, away from the visitor parking area for safety.*

**03-Page 17 Typical Narrow Trails**

- *How will the usage of narrow trails by hikers and equestrians be allocated?*

**03-Page 18 Area 2: Bear Creek Stables Parking Area**

- *We request that paved parking and road surfaces have speed deterrent to manage vehicle speed in the interest of public safety.*

**03- Page 44 FIGURE 3-8A Bear Creek Stables Preferred Alternative A2 – Legend 1.3**

- *We request that paddock dimensions be in 6' increments to utilize standard pipe panel fencing in construction, with a minimum paddock size of 650 sq. ft. to allow good animal husbandry practices (food and waste separation).*

**03- Page 45 Preferred Alternative A2 Phasing-FIGURE 3-8B Improvements Priorities Diagrams**

- *During the high priority removal of dilapidated structures in the lower visitor area, what provisions will be made to continue housing the small farm animals during demolition and after demolition of their current housing?*
- *During the high priority removal of dilapidated structures in the lower visitor area, please indicate measures to provide for an informal shelter/room for ranch hand and boarders during construction to replace the current setup in the travel trailer (including table, chairs and restroom facility) until office building and permanent restrooms are implemented.*
- *We request that the original 1916 historic barn be stabilized/braced with an option to restore in the future when funding is available.*
- *For public safety, we request that a covered area for veterinary and farrier appointments be located in the upper area for boarders use.*
- *Currently there are two horse wash racks. Can two wash racks be included in the site plan. The wash racks would be located in relationship to the vegetative filter strips.*
- *Would there be designated sites for the stationing of garbage and recycling collection containers in the public and boarder areas?*

8-3

**03-Page 47. 4. Public Access Programs and Improvements**

“Provide public restrooms and visitor parking. This may include a parking structure that would be placed on the current location of the old stables barn building.”

- *Since the old barn building is being stabilized, where would a parking structure as mentioned on page 03-47 be located?*

**04 – Page 9 Table 4-0 Preserve Plan Costs per Phase in Millions**

- *Financial obligations for Tenant/Partner (stables) in Phase II and Phase III should be reviewed and negotiated at a later date with more specific information available.*
- *We question that the tenant would be responsible for the small animal barn since it is a part of the public program and it is mentioned in the document that the small animals would move into the barn after restoration.*

8-3  
cont

Thank you for consideration of our questions and comments regarding the draft Bear Creek Redwoods Preserve plans. It is evident that a tremendous amount of research, public input, staff expertise and board oversight has gone into the compilation of these extensive documents.

We commend your team for the very detailed analysis of the environmental, cultural and historical elements that comprise the Bear Creek Redwoods Preserve, Alma College and Bear Creek Stables.

With warm regards,

Friends of Bear Creek Stables  
PO Box 546, Redwood Estates, CA 95044  
friendsofbearcreekstables@gmail.com

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8 **Friends of Bear Creek Stables**  
**October 30, 2016**

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8-1 Comment 8-1 relates to water supply, maintaining the existing surface water system, the water demand analysis, and water storage quantity. The comments pertain to the Bear Creek Stables operations and future water resources for the Preserve Plan and does not raise issues regarding the adequacy of the Draft EIR.

The existing Aldercroft water diversion will remain in use at least in the interim during the development of a new water system. Maintenance of this existing water system will remain a responsibility of the Bear Creek Stables’ tenant. MROSD will consider the possibility of retaining this existing water system in the longer term for the Stables non-potable water use. A new potable water system, required by the County of Santa Clara as part of the permitting for the Stables improvements, will be developed using water from San Jose Water Company.

The Draft EIR (page 4.13-9) states that current water demand on the project site (all currently attributed to Bear Creek Stables) is estimated to range between 1,500 gpd and 7,200 gpd (Balance Hydrologics 2016). The water demand for Bear Creek Stables is not anticipated to substantially change with implementation of the proposed project. Additional proposed uses, including restrooms and the reuse of the former Alma College Site are

expected to increase the current demand by 500 to 800 gpd, with a total water demand between 2,000 gpd and 8,000 gpd (Balance Hydrologics 2016).

The lower end of this estimate was determined through water delivery data collection during the 2015 summer dry season. This data collection was summarized in the Balance Hydrologics report, “A temporary totalizing flow meter was installed by Balance on the supply pipe to the stables. To provide a direct estimate of water delivered to the stables, away from other users across Highway 17, the totalizer was located between tank at the stables and downhill of the pipe junction to the residences across Highway 17...Data from the totalizer readings indicate flow rate to the stables during the dry summer were from 0.68 to 1.13 gallons per minute (985 to 1,628 gallons per day), with an overall average diversion of 1.03 gpm (1,486 gpd) based on totalizer readings, including service interruptions that may have occurred over the monitoring period. This is an estimate on the low end, during very dry conditions.”

The source of the upper end of the water demand estimate is summarized in the Balance Hydrologics reports, “To provide an alternate estimate for total water use at the stables, UC Davis (2014) indicates a drinking requirement of 12 gpd per horse (1,000-pound horse, low activity) to about 40 to 50 gpd per horse (Personal communications with UC Davis, 2015). Additional facility uses include horse washdowns, equipment washdowns, dust control (as feasible in drought years) and water supply to the household for the stable manager 1. Some assumptions were made about level of effort and elective water use, such as daily wash down of 45 out of the 72 horses (see Table 1). Based on Wheeler (2008) and Greenwood (1987) total water use for these additional purposes is about 4,025 gpd, which indicates a total daily water use at the stables of about 5,025 to 7,225 gpd (70 to 100 gpd per horse) for 72 horses, the resident population of horses (Balance Hydrologics 2016)

Regarding the commenter’s requested increase in water storage capacity, MROSD based the planned water storage capacity on the preliminary requirements provided by the County of Santa Clara. With regards to upgrading the capacity of water storage, the MROSD plan for water system and emergency access improvements are considered adequate to meet the Preserves water needs. For further detail on the Plan’s water system and emergency access improvements, see response to comment 6-1.

- 8-2 Comment 8-2 is a request to include Bear Creek Stables, an equestrian facility with boarders, in the Preserve Vision Statement. The comment pertains to a component of the Preserve Plan and does not address an environmental issue relevant to CEQA. The Preserve Vision Statement is an overarching statement that is a description of the long-term desired direction for the overall Preserve and should not call out specific features like Alma College or Bear Creek Stables. The goals and objectives of the Preserve Plan highlight the importance of specific elements within the Preserve. Bear Creek Stables is addressed in various goals and objectives that include, but are not limited to, Goals PU6, NR6 and MO5 in Section V, Key Areas of the Preserve Plan.
- 8-3 Comment 8-3 relates to trails, parking, and Preferred Alternative A2 improvements and phasing. The comments pertain to the Bear Creek Stables Site Plan, which is a component of the Preserve Plan and does not address an environmental issue relevant to CEQA. The Preserve Plan identifies the A-2 Site Alternative for the Bear Creek Stables Site Plan, which includes retaining the original barn structure for potential future rehabilitation. Chapter 3, page 47 of the Preserve Plan has been revised to state, “Provide public restrooms and visitor parking. ~~This may include a parking structure that would be placed on the current location of the old stables barn building.~~” (Note that the strike-through text was not included in the Draft EIR; therefore, no revision to the Draft EIR is needed.) A bypass trail is included as a key element to allow boarded horses to access the Preserve’s trail system without traveling

through public and parking areas. The Preserve Plan also includes outreach to educate trail users on etiquette and speeds for safe trail use.

While the basic elements of the stable improvements are identified as part of the Preserve Plan (specifically, the Bear Creek Stables Site Plan), detailed design and construction plans, consistent with the more basic Bear Creek Stables Site Plan, would be prepared to provide precision guidance for development of the site. Comments regarding detailed components, such as speed deterrents and paddock dimensions, are noted and will be considered during design development.

To address health, safety, and environmental concerns, MROSD is focused on high priority improvements (those that will be implemented first and funded by MROSD). A farm animals barn is not identified as part of the initial improvements for the stables and will not be implemented until funding becomes available for the barn. In the interim, the Stables Implementation Plan will be developed during the specific site design process, and will specify when small farm animals, currently on site, would be relocated offsite to accommodate demolition and construction. Tenant or grant funding would potentially allow the small animals barn to be replaced on a more accelerated timeline (see Preserve Plan Objective PU6.2k).





EDMUND G. BROWN JR.  
GOVERNOR

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



November 1, 2016

Lisa Infante Bankosh  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Subject: Bear Creek Redwoods Open Space Preserve Plan  
SCH#: 2015062029

Dear Lisa Infante Bankosh:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 31, 2016, 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,

Scott Morgan  
Director, State Clearinghouse

9-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015062029  
**Project Title** Bear Creek Redwoods Open Space Preserve Plan  
**Lead Agency** Midpeninsula Regional Open Space District

**Type** EIR Draft EIR  
**Description** Midpeninsula Regional Open Space District (MROSD) is developing a Preserve Plan for the Bear Creek Redwoods Open Space Preserve. The Preserve is currently open to public access by permit only. The Plan would provide additional public access and trail opportunities, additional vehicle access and parking, new restroom facilities, and other additional public use facilities, including potential re-use of existing structures at the former Alma College site and improvements to (and development of new) equestrian facilities at the existing Bear Creek Stables. Special events are also being considered. The Plan would include improvement to native habitat, maintenance of roads, and providing safe road crossings. Resource management efforts under the Plan would focus on Sudden Oak Death, invasive plants, and protecting bat habitat.

**Lead Agency Contact**

**Name** Lisa Infante Bankosh  
**Agency** Midpeninsula Regional Open Space District  
**Phone** (650) 691-1200  
**email**  
**Address** 330 Distel Circle  
**City** Los Altos  
**Fax**  
**State** CA **Zip** 94022

**Project Location**

**County** Santa Clara  
**City** Los Gatos  
**Region**  
**Lat / Long** 37° 10' N / 122° W  
**Cross Streets** Bear Creek Road  
**Parcel No.**  
**Township** 9S **Range** 1W **Section** 8 **Base**

**Proximity to:**

**Highways** Hwy 17 & 35  
**Airports**  
**Railways**  
**Waterways** Lexington Reservoir  
**Schools** Lexington & Lakeside ES  
**Land Use** Santa Clara County General Plan Land Use Designation: Other Public Open Lands; Santa Clara County Zoning: Hillside

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, 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

**Date Received** 09/16/2016 **Start of Review** 09/16/2016 **End of Review** 10/31/2016

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

9

**California Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit  
November 1, 2016**

9-1

This is the standard letter issued by the State Clearinghouse. The letter indicates that no comments were received from state agencies. No further response is necessary.

**County of Santa Clara**  
**Department of Planning and Development**  
 County Government Center, East Wing  
 70 West Hedding Street, 7<sup>th</sup> Floor  
 San Jose, California 95110



Administration	Building Inspection	Fire Marshal	Land Development Engineering	Planning
Ph: (408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5730	(408) 299-5770
Fax: (408) 299-6757	(408) 279-8537	(408) 299-6757	(408) 279-8537	(408) 288-9198

The Santa Clara County Department of Planning and Development has reviewed Bear Creek Redwoods Preserve Draft EIR and offers the following comments.

**Description of the Proposed Project**

On multiple pages of the DEIR in this section, there are references to proposed improvements that might require grading activities (page 3-14: Ponds; page 3-16: Major Road and Trail Projects; page 3-30: Phase 2 Key Construction Actions (Years 4-10)) which could require a Grading Permit from the County of Santa Clara. Once a specific plan has been developed, please consult with the County Land Development Engineering Office to determine whether or not a Grading Permit from the County is required.

10-1

**Plan Elements**

The DEIR states on page 3-27 (3<sup>rd</sup> paragraph) that limited special events, such as outdoor weddings, may potentially be held on the site and managed by a partner through a lease agreement. Please be aware that a land use permit from the County of Santa Clara, such as a Use Permit, may be required in order to legally establish a use of this type. Once MPROSD staff has developed a specific proposal, please consult with the County of Santa Clara to determine whether or not any permits are required. In the event that the proposed special events or similar proposed use(s) requires a Use Permit or similar discretionary permit from the County of Santa Clara, this permit must be applied for and received prior to commencement of any special events.

10-2

**Cultural Resources**

On Page 4.4-37 (1<sup>st</sup> paragraph), it is noted that the project involves the demolition of structures which are listed on the County of Santa Clara Heritage Resource Inventory, and that the demolition of these buildings would be a significant unavoidable impact, even with the adoption of the proposed mitigation measure of documenting the historic buildings prior to demolition. Please be aware that in order to demolish these structures, MPROSD must submit demolition permit applications to the Department of Planning and Development for each of the structures proposed for demolition. Furthermore, County Ordinance Code Division C17-23 specifies that demolition permits for structures listed on the Heritage Resource Inventory are screened by the Department of Planning & Development, and if those structures meet the criteria of significance for a landmark, a landmark alteration permit must be applied for and received before the demolition permit can be issued. If the determination is made that the structures

10-3

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

listed on the Heritage Resource Inventory, which are proposed for demolition meet the criteria of significance for a landmark, MPROSD must apply for and receive a Landmark Alteration Permit before the demolition permit(s) can be issued.

10-3  
cont

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10

**County of Santa Clara, Parks and Recreation Department**  
**No date**

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10-1

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will consult with the County Land Development Engineering Office regarding grading permits, when applicable. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

10-2

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will coordinate with the County as needed regarding use permits for events. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

10-3

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will coordinate with the County as needed regarding demolition permits and will comply with the permit requirements. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



November 8, 2016

Lisa Infante Bankosh  
Open Space Planner III  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

**SUBJECT: Notice of Availability of Draft Environmental Impact Report  
Bear Creek Redwoods Reserve Plan**

Dear Ms. Bankosh:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the draft environmental impact report (DEIR) for the project cited above and is submitting the following comment(s):

- County staff does not recommend installation of an uncontrolled mid-block pedestrian crossing. Once the project opens, if there is a need for a crossing based on the pedestrian activity, this can be re-evaluated at that time.

11-1

If you have any questions about these comments, please contact me at 408-573-2462 or at [aruna.bodduna@rda.sccgov.org](mailto:aruna.bodduna@rda.sccgov.org).

Sincerely,

Aruna Bodduna  
Associate Transportation Planner  
cc: DSC, MA, AP

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith



11

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**Aruna Bodduna, Associate Transportation Planner  
County of Santa Clara, Roads and Airports Department  
November 8, 2016**

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11-1

The comment relates to the mid-block pedestrian crossing at Bear Creek Road in an area where the roadway bisects the Bear Creek Redwoods Open Space Preserve. The commenter suggests that MROSD should evaluate the need for this pedestrian crossing once the Preserve is opened for public use. The Preserve Plan identifies a parking area at the former Alma College site, which is located on the east side of Bear Creek Road, to service future visitors to Bear Creek Redwoods Open Space Preserve. The project includes hiking trails on the opposite side of Bear Creek Road from the parking area. Therefore, there would be a need to provide a safe pedestrian crossing for hikers to get from the parking lot and for equestrians from Bear Creek Stables to access the trail head on the west side of Bear Creek Road. To avoid potential risks for Preserve users crossing the road in an unsafe manner, the Preserve Plan identifies a crosswalk in a location that the traffic engineer has carefully evaluated and chosen to provide adequate sight distance for the prevailing vehicular speeds on Bear Creek Road. The Plan also includes installation of fencing, signage, trail chicanes, and adequately-size landing/waiting areas to ensure that pedestrian and equestrian crossings happen in a safe manner and only at the crosswalk.

Furthermore, since the release of the Draft EIR, MROSD added an undercrossing option to the Preserve Plan. MROSD may pursue the undercrossing option contingent on feasibility studies. See response to comment 2-1 above for more details regarding the undercrossing. If the undercrossing is determined to be infeasible, MROSD will coordinate with County staff regarding the at-grade pedestrian crossing. In consultation with County staff, MROSD may install flashing beacons at the crosswalk to enhance its visibility. MROSD will work with the County Roads & Airports Department to ensure that the crosswalk is designed and installed in accordance with their standards.

## 4 REPORT PREPARERS

### MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (LEAD AGENCY)

Lisa Infante Bankosh ..... Project Manager/Open Space Planner III  
Gretchen Laustsen ..... Open Space Planner III

### ASCENT ENVIRONMENTAL (ENVIRONMENTAL IMPACT REPORT PREPARATION)

Gary Jakobs, AICP ..... Principal-in-Charge  
Mike Parker, AICP ..... Project Manager  
Stephanie Rasmussen ..... Assistant Project Manager  
Linda Leeman ..... Senior Wildlife Biologist  
Gayiety Lane ..... Document Production Specialist

### HEXAGON TRANSPORTATION CONSULTANTS, INC. (TRAFFIC)

Gary Black ..... President

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