



Midpeninsula Regional
Open Space District

R-17-21
Meeting 17-05
February 22, 2017

AGENDA ITEM 5

AGENDA ITEM

Adoption of a Use and Management Plan Amendment for El Sereno Open Space Preserve Designating All Trails Open to Dogs On-Leash Except for a Trail Segment Over San Jose Water Company Property

GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Use and Management Plan Amendment designating all trails at El Sereno Open Space Preserve open to dogs on-leash, except a 0.3-mile portion of the Aquinas Trail over San Jose Water Company property.

SUMMARY

The proposed Use and Management (U&M) Plan Amendment designates all El Sereno Open Space Preserve (Preserve) trails open to dogs on-leash, except a 0.3-mile portion of the Aquinas Trail over San Jose Water Company property. The District has not established public access across this property, and access is subject to securing formal access rights from San Jose Water Company. The environmental review analyzed all trails in the event the District is able to secure access rights. The Project is categorically exempt given that the change in use will result in only a minor alteration of existing public facilities and a negligible expansion of use. The Fiscal Year (FY) 2016-17 budget includes sufficient funds for the Project.

MEASURE AA

Costs associated with changing the use of existing trails are not MAA eligible. However, future acquisitions or trail upgrades to improve access and perfect rights are eligible as part of MAA Portfolio #19—*El Sereno Dog Trails and Connections*.

BACKGROUND

The Board-approved 2014 Vision Plan identified the El Sereno Dog Access project as a Tier 1 Vision Plan Project. Preliminary research for the project began in late 2015. Several public meetings were held the following year, including an August 30, 2016 neighborhood meeting, an October 6, 2016 Planning and Natural Resources Committee meeting (R-16-122), and a November 9, 2016 Board meeting (R-16-148).

DISCUSSION

The proposed U&M Plan Amendment calls for on-leash dog access on all Preserve trails and modification of existing signs and maps to reflect this change in use. This change would affect four (4) existing trail segments: Montevina Ridge, Aquinas, Loma Vista and Serenity Trails.

In accordance with the CEQA guidelines, the proposed trail use change is categorically exempt pursuant to Section 15301 (see findings below). Although the CEQA analysis evaluated the potential environmental impacts resulting from a use change over all existing trails, the District would not implement on-leash dog access over an approximately 0.3-mile portion of the Aquinas Trail on San Jose Water Company property until public access rights can be successfully negotiated and formalized for this segment.

FISCAL IMPACT

The FY2016-17 budget includes \$51,750 (OpEx-GF) for the Project to fund new signs and updated maps. Any land acquisition costs to further improve access and perfect rights would need additional funding approval from the Board.

	FY2016-17
Project #316023 Budget	\$51,750
Spent to Date (as of 01/31/17):	\$1,485
Encumbrance:	\$2,070
Budget Remaining:	\$48,195

BOARD COMMITTEE REVIEW

The District's Planning and Natural Resources Committee held a meeting on October 6, 2016 at which the Committee approved recommending this Use and Management Amendment to the full Board of Directors by a 3-0 vote. On November 9, 2016, the District Board of Directors approved the project description for the El Sereno Dog Access Project to allow environmental review to proceed (R-16-148).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Public notice was also sent to adjacent landowners and interested parties, and was also posted on the District's webpage and the El Sereno Dog Access Project webpage.

CEQA COMPLIANCE

The District concludes that designating all trails at the Preserve as open to dogs on-leash will not have a significant effect on the environment. The proposed trail use change is categorically exempt pursuant to Section 15301 as follows:

Section 15301 exempts the operation, repair, maintenance, or minor alteration of existing structures or facilities such as trails, which does not expand existing use. Allowing on-leash dog access to all existing Preserve trails constitutes a minor alteration to existing facilities. The additional on-leash dog use would result in a negligible expansion of trail use given that

(1) the Preserve already experiences informal dog use across all trails as documented by District ranger observations and citations, (2) the lack of parking and remote location constrains the level of Preserve visitation, limiting its use primarily to nearby residents, and (3) the project does not include new parking improvements or additional parking to facilitate expanded trail use.

A Notice of Exemption was prepared and filed with the County of Santa Clara on January 13, 2017. The 35-day statute of limitations ended on February 17, 2017.

NEXT STEPS

Pending Board approval of the General Manager's recommendations, staff will revise and order signs and update maps. In the interim, the Visitor Services Department will apply dogs on-leash decals on existing trailhead signs to permit dog on-leash access in the Preserve effective soon after Board approval.

Attachments

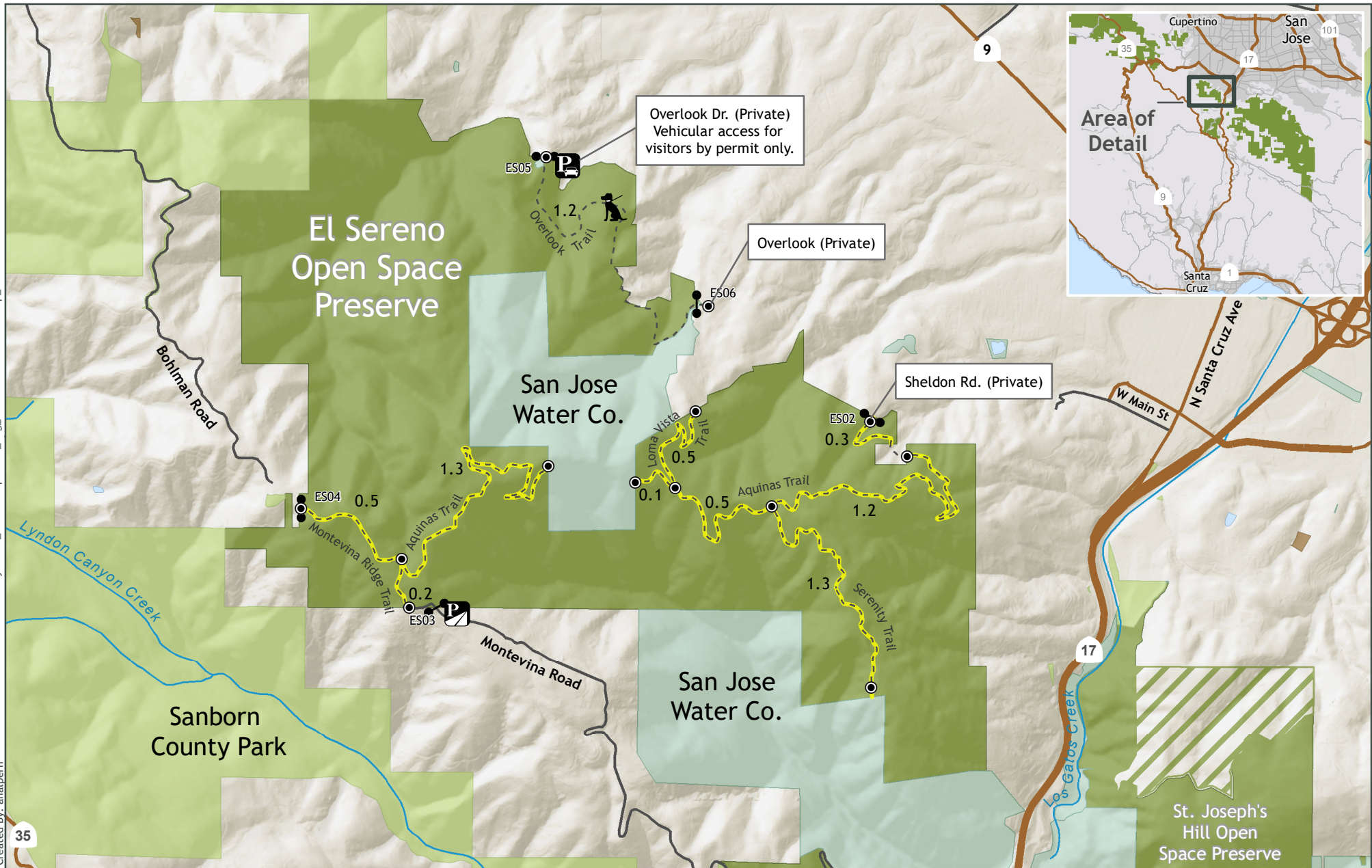
1. Map of El Sereno showing dogs on-leash trails
2. Notice of Exemption

Responsible Department Head:
Jane Mark, AICP, Planning Department

Prepared by:
Tina Hugg, Senior Planner, Planning Department
Alicia Halpern, Planner I, Planning Department

Graphics prepared by:
Ryan Haines, GIS Intern

Path: G:\Projects\EL_Sereno\Expanded_Dog_Use\ElSerenoPreserveMap_20160826.mxd
Created By: ahalbern



El Sereno Open Space Preserve (OSP)

MidpenPreserves	Trail	Gate (#)	Dogs on Leash Allowed
Other Protected Open Space or Park Lands	Proposed Expanded Dog Access Trails	Trail Junction (# Trail Mileage)	Midpen Conservation Easement
San Jose Water Company	Important Road	Roadside Parking	<p>Midpeninsula Regional Open Space District (Midpen)</p> <p>August 2016</p> <p>Miles 0 0.25 0.5</p>
Private Property	Freeway	Parking Lot	

While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.



Midpeninsula Regional
Open Space District

330 Distel Circle Los Altos, CA 94022

NOTICE OF EXEMPTION

To: County Clerk
County of Santa Clara

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

Project Title: Proposed Change of On-Leash Dog Access on Existing Trails at El Sereno Open Space Preserve

Project Location: El Sereno Open Space Preserve (APN 510-48-003; 544-06-003; 510-35-002; 510-36-013; 510-33-007; 517-17-019; 517-240-14, 510-33-006) is located on a ridgeline south of the town of Saratoga and Highway 9 and west of the town of Los Gatos and west of Highway 17.

City: Unincorporated Santa Clara County **County:** County of Santa Clara

Description of Project: The Midpeninsula Regional Open Space District is proposing a trail use change to allow on-leash dog access over 5.9 miles of four (4) existing trail segments (Montevina Ridge, Aquinas, Loma Vista and Serenity Trails) and modification of existing signs to reflect this change in use. Although all trails not currently allowing on-leash dog access in the Preserve are included in this review, the District would not implement on-leash dog access over an approximately 0.3-mile portion of the Aquinas Trail on San Jose Water Company property, until and if public access rights are formalized on this segment.

Name of Public Agency Approving Project: Midpeninsula Regional Open Space District

Name of Person or Agency Carrying Out Project: Same

Exempt Status: Categorical Exemption Section 15301 – Existing Facilities

Reasons Why Project is Exempt: In accordance with the State CEQA Guidelines, the proposed trail use change is categorically exempt pursuant to Section 15301. The Class 1 exemption includes the minor alteration of existing public facilities or topographical features involving negligible expansion of use beyond that existing at the time of the lead agency's determination. Examples of such public facilities include existing bicycle, pedestrian and similar facilities. Changing the allowed use on the 5.9 miles of existing trails at El Sereno Open Space Preserve to on-leash dog access is a minor alteration of existing trails. This would be a negligible expansion of the existing trail use, and this exemption applies based on the current informal dog use already occurring in the Preserve as documented by District ranger observations and citations, existing dog access already permitted on the Overlook Trail, ongoing limited general public access due to private roads surrounding most of the Preserve and lack of parking, and no plans for new parking improvements to facilitate expanded trail use.

Lead Agency

Contact Person: Tina Hugg, Senior Planner
Midpeninsula Regional Open Space District Telephone: (650) 691-1200

Attachments: Map of Dog Access Change

Signature: 
Jane Mark, AICP, Planning Manager

Date: 1/3/2017