



Midpeninsula Regional
Open Space District

R-19-103
Meeting 19-19
July 24, 2019

AGENDA ITEM 6

AGENDA ITEM

Amendment to Saratoga-to-the-Sea Trail Partnership Agreement between the City of Saratoga and the Midpeninsula Regional Open Space District

GENERAL MANAGER'S RECOMMENDATION

1. Authorize the General Manager to amend the Partnership Agreement with the City of Saratoga to provide funding assistance for the permitting and construction phase of the Saratoga-to-the-Sea Trail.
2. Find that the Midpeninsula Regional Open Space District, acting as a Responsible Agency, concurs with the City of Saratoga's Certification of the Mitigated Negative Declaration for the Saratoga-to-the-Sea Trail Project.

SUMMARY

On June 27, 2018 the Midpeninsula Regional Open Space District's (District) Board of Directors (Board) approved a Partnership Agreement to support the City of Saratoga's (City) Saratoga-to-the-Sea Trail project (Project), an approximately 3-mile regional trail connecting people from downtown Saratoga to the Pacific Ocean (R-18-73). The District has provided technical support and committed \$265,000 towards the initial phase of work (engineering design and environmental review), which is in the final stage of completion. The City is now poised to move the project into permitting and the first phase of construction. The current cost estimate puts the project at \$2.23 million, and through this amendment, the District would provide an additional \$1.1 million towards the permitting and construction of the trail and bridges that will occur in two phases. The District's total contribution would be \$1.365 million; all expenses are eligible for Measure AA reimbursement. The City is providing the remaining \$1.127 million as a local match.

DISCUSSION

The City obtained a trail easement on San Jose Water Company lands to construct the approximately 3-mile regional trail that will connect Saratoga Quarry Park and Sanborn County Park. Since July 2018, the City initiated engineering design and environmental review, and both are nearing completion. The District provided technical support and funding during the process. Over the last year, the City, District, and Santa Clara County Parks have met to discuss the trail design and environmental review process. Timothy Best, the City's Engineering Geologist consultant, took District field staff on a site tour to review the proposed trail alignment and observe the locations of four bridge crossings. In addition, Santa Clara County Supervisor Joe Simitian has convened quarterly meetings with the City, District, and Santa Clara County Parks

staff to provide, in his capacity, support from the County Board of Supervisors and monitor progress. County Parks is committed to constructing a trail segment in Sanborn County Park to connect to the City's new trail into Saratoga Quarry Park.

The target date for opening the trail is Labor Day 2020. Due to the ambitious timeline, the City proposes to construct the trail and bridges in two phases. In Fiscal Year (FY) 2019-20, the first phase would include construction of the trail and permitting for the bridges. In FY2020-21, after the City secures permits, the second phase would include construction of the bridges. The current cost estimate for both phases of work is approximately \$2.23 million due to the construction of four bridges and existing steep topography that will make access and construction challenging.

The City, as the Lead Agency of the project, prepared an Initial Study and Mitigate Negative Declaration (IS/MND) and posted the IS/MND for 30-day public review period from May 17, 2019 to June 17, 2019. The IS/MND is available on the City's web page for the July 3, 2019 City Council meeting at https://www.saratoga.ca.us/AgendaCenter/ViewFile/Agenda/_07032019-480. As stated in the Partnership Agreement, the District is a Responsible Agency under the California Environmental Quality Act (CEQA).

The City shared the draft IS/MND with the District; District staff reviewed and provided comments on the project description and reviewed the IS/MND. On July 3, 2019, at the conclusion of the 30-day public review period, the City of Saratoga's City Council certified the IS/MND. The City adopted mitigation measures to mitigate the project's potential impacts related to biological and cultural resources, geology and soils, and construction-related noise to a less than significant level.

On January 22, 2019, in advance of the District's annual Budget and Action Plan cycle, and the first Board retreat on February 28, 2019, City Manager James Lindsay sent a letter to the District's General Manager requesting additional funding towards the permitting and construction phase of the project. The City requests funding assistance in the amount of \$1.1 million to continue the project into permitting and construction. The City would provide \$1.127 million as a local match.

Proposed terms of the Amendment between the District and the City include the following:

- The District contributes up to \$1.1 million toward the funding of construction;
- The City consults and keeps the District informed during design and construction; and
- The City retains responsibility for patrol, operation, maintenance and management of the Project.

FISCAL IMPACT

The adopted FY2019-20 budget includes \$550,000 for the *Saratoga-to-Sea Regional Trail Connection* project (MAA18-002). The District's total contribution for this project is projected at \$1.365 million, including \$265,000 from General Fund Capital Fund 40 (VP18-001) and \$1.1 million from Measure AA Fund 30 (MAA18-002). The District continues to monitor opportunities for applicable grants that the City may apply for.

The City has budgeted an additional \$1,127,353 in its FY2019-20 Capital Program towards the project's permitting and construction phase.

The following table outlines the *Saratoga-to-Sea Regional Trail Connection* project budget:

Saratoga-to-Sea Regional Trail Connection	Prior Year Actuals	FY2019-20 Adopted	FY2020-21 Projected	FY2021-22 Projected	Estimated Future Years	TOTAL
VP18-001 Budget:	\$265,000	\$0	\$0	\$0	\$0	\$265,000
MAA18-002 Budget:	\$0	\$550,000	\$550,000	\$0	\$0	\$1,100,000
Total Project Funding	\$265,000	\$550,000	\$550,000	\$0	\$0	\$1,365,000
Spent-to-Date (as of 7/01/19):	(\$123,919)	\$0	\$0	\$0	\$0	(\$123,919)
Encumbrances:	\$0	\$0	\$0	\$0	\$0	\$0
Budget Remaining (Proposed):	\$141,081	\$550,000	\$550,000	\$0	\$0	\$1,241,081

The following table outlines the Measure AA Portfolio 18 budget, costs-to-date, and the fiscal impact related to the Partnership Agreement amendment.

MAA18 Portfolio Allocation:	\$1,365,000
Life-to-Date Spent (as of 07/01/19):	(\$3,850)
Saratoga-to-Sea Regional Trail Connection (MAA18-002) Partnership Agreement:	(\$1,100,000)
Encumbrances (as of 07/01/19):	\$0
Portfolio Balance Remaining (Proposed):	\$261,150

BOARD COMMITTEE REVIEW

The Action Plan and Budget Committee reviewed the terms of the Agreement on May 30, 2018 (R-18-51).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Consideration of partnership agreements is not a project subject to CEQA.

The City of Saratoga's City Council has certified the Mitigated Negative Declaration for the Saratoga to the Sea Trail, for which the City is using the title "Saratoga to Sanborn Trail" to more accurately reflect the physical connection to the Santa Clara County Parks' Sanborn County Park. The District, acting as a Responsible Agency, concurs with the City's certification of the Mitigated Negative Declaration for the Project (Attachments 3 and 4).

NEXT STEPS

Following the City of Saratoga's City Council and Board approval of the proposed Amendment, the City will continue work towards permitting for the bridges and initiating trail construction in Fall 2019. District staff will provide ongoing support to the City.

Task	City's Current Schedule
City Council certifies IS/MND	July 3, 2019
District Board of Directors approves Amendment to the Partnership Agreement	July 24, 2019
City Council approves the Amendment	August 21, 2019
City begins trail construction	Fall 2019
City begins bridge construction	Spring 2020
Trail opens to the public	September 2020

Attachments

1. City of Saratoga funding request letter dated January 24, 2019
2. Amendment to Partnership Agreement
3. City of Saratoga Resolution
4. City of Saratoga Mitigation Monitoring and Reporting Program

Responsible Department Head:

Jane Mark, AICP, Planning Department

Prepared by:

Tina Hugg, PLA, ASLA, Senior Planner, Planning Department



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

Attachment 1

COUNCIL MEMBERS:

*Mary-Lynne Bernald
Manny Cappello
Rishi Kumar
Howard Miller
Yan Zhao*

January 22, 2019

Ana María Ruiz, General Manager
Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

Re: Saratoga-to-the-Sea Trail

Dear Ana,

The City of Saratoga (City) appreciates the ongoing partnership with the Midpeninsula Regional Open Space District (District), beginning with the successful opening of Quarry Park in 2015 and the current partnership agreement for the design and environmental phase of the Saratoga-to-the-Sea Trail. The project was identified in Portfolio #18: South Bay Foothills: Saratoga-to-Sea Trail and Wildlife Corridor of the Measure AA bond ordinance, which includes \$1.365 million to “protect wildlife corridor along Highway 9 connect trail to Saratoga-to-Sea Trail and Skyline-to-Sea Trail.” The regional significance of this trail project was also highlighted in the Top 25 Priority Actions in the District’s 2014 Open Space Vision Plan. Since July 2018, design and environmental review have been initiated and are under way, and the City has recorded an easement with San Jose Water Company for the trail.

The City, District, and Santa Clara County Parks have been meeting regularly with the City’s design consultants who have prepared a detailed preliminary cost estimate for the 3-mile trail construction (attached). The cost is approximately \$2.23 million, due to multiple clear span bridge crossings and steep terrain. The plan is to open the trail on Labor Day 2020.

To move forward with the construction of the project in Fiscal Year 2019/20, the City seeks Measure AA funding in the amount of \$1.1 million. The City Council is considering budgeting \$1,127,353 for a local match.

I understand that the District’s Board of Directors is holding a retreat on February 28, 2019 to discuss projects for the upcoming Fiscal Year 2019/20 budget. On behalf of the City, I respectfully request the construction phase for the Saratoga-to-the-Sea Trail project be added to the District’s Fiscal Year 2019/20 Budget and Action Plan in the amount of \$1.1 million in Measure AA funding. Please do not hesitate to contact me if you have any questions. I greatly appreciate the continued partnership for this important project.

Sincerely,


James Lindsay
City Manager

Encl.

Cc Brian Malone, AGM
Jane Mark, Planning Manager
Tina Hugg, Senior Planner



TIMOTHY C. BEST, CEG
ENGINEERING GEOLOGY AND HYDROLOGY

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MEMORANDUM

DATE: December 26, 2018 (revised)

TO: Emma Burkhalter
 John Cherbone
 City of Saratoga – Public Works

SUBJECT: PLANNING LEVEL CONSTRUCTION COST ESTIMATE: SARATOGA TO THE SEA TRAIL

This memo presents two planning level construction cost estimates for the 2.9 mile long Saratoga to the Sea multi-use trail.

The first estimate (TCB/MIDPEN) is generated using information provided to us by Midpeninsula Regional Open Space District (MIDPEN) pertaining to their 2018 construction of the Oljon Trail coupled with our past experience working on other similar trail projects. This estimate is summarized in Appendix 1.

We also requested Mountain Bikers of Santa Cruz (MBOSC) provide a preliminary construction estimate for trail construction exclusive of the trail bridges. We reviewed the trail alignment with Drew Perkins (MBOSC) earlier this week. Their cost estimate is summarized in Appendix 2. MBOSC has considerable trail building experience and has recently constructed a similar trail in Scotts Valley. Because we have only recently received their estimate we have not had time to review it in detail.

An overview of the two cost estimates are listed in Table 1. It appears that the difference in the two cost estimates is primarily due to differences in anticipated rates of trail construction, particularly across the steeper side slopes and rocky terrain.

TABLE 1: COMPARISON OF COST ESTIMATES		
ITEM	TCB/MIDPEN	MBOSC
TRAIL CONSTRUCTION ONLY	\$1,101,079	\$382,243
BRIDGE INSTALLATION ONLY	\$479,750	-
SIGNAGE	\$30,000	-
CONTRACTOR OVERHEAD AND ADMIN	\$158,083	\$152,897
CONSTRUCTION OBSERVATION (4%)	\$63,233	-
CONTINGENCY (25%)	\$395,207	-
TOTAL	\$2,227,353	\$535,140*

Don Mackessy (MIDPEN) reported that the District's crew (3 laborers and 1 equipment operator) was able to construct an average of 70 feet of trail per day including retaining walls, fords, and puncheons but excluding the bridges and mobilization. MBOSC reports that their production rate with a similar size crew and across similar terrain is nearly twice the rate of MIDPEN.

We plan to discuss the differences in cost estimates and rates of trail construction with both MIDPEN and MBOSC to gain greater clarity on the most appropriate production rate to use for the Saratoga to the Sea project.

Limitations on cost estimate

In addition to the uncertainty as to rates of trail production stated above, there are several other factors that can affect trail construction costs which will need to be considered.

1. Presence of rocky substrate: Portions of the proposed trail will need to traverse slopes underlain by rocky substrate (bedrock) at a shallow depth. Depending on the characteristics of the shallow bedrock this can significantly affect the rate of trail construction. We have made an estimate from field observations as to areas where shallow bedrock is most likely to be encountered and where that may affect trail construction. IF additional rock is encountered the cost of trail construction could be higher.
2. Modifications in trail alignment: Any modifications to the current alignment could increase construction costs. Moreover, the current length of trail is based on a GIS measurement which may differ from a final field measurement.
3. Biological monitoring: It is unknown if there will be biological restrictions (e.g. exclusion fencing) or if biological monitors will be required. These cost estimates do not capture these costs.
4. Contracting: How the construction contract is executed can affect contractor bid costs. Contract factors include but are not limited to time of bidding, contract terms, payment schedule, contract environment, bonding requirements, and construction window.
5. Future construction costs escalation: Construction costs in the Bay Area have continued to escalate significantly, and future construction costs could be much higher based on this trend.

I look forward to our meeting on December 21 where we will discuss these findings.

Sincerely,

Timothy C. Best

APPENDIX 1: TCB/MIDPEN PRELIMINARY COST ESTIMATE and UNIT PRICE ASSUMPTIONS

APPENDIX 1: TCB/MIDPEN PRELIMINARY COST ESTIMATE					
CATEGORY	ITEM	QUANTITY	UNIT	UNIT RATE	COST
MOBILIZATION		3%	LS	-	\$38,557
CLEARING AND GRUBBING	Included in trail construction cost	-	-	-	\$-
TREE REMOVAL	Remove root wad > 8 inch DBH	12	EACH	\$590	\$ 7,080
TRAIL CONSTRUCTION	<30% slopes (easy)	1693	LF	\$26	\$43,172
TRAIL CONSTRUCTION	30% to 50% slopes (easy - mod)	4784	LF	\$41	\$195,187
TRAIL CONSTRUCTION	50% to 65% slopes (moderate)	5232	LF	\$64	\$333,540
TRAIL CONSTRUCTION	>65% Slopes (mod - hard)	3005	LF	\$85	\$255,425
TRAIL CONSTRUCTION	>50% Rocky or > 80% Slopes (hard)	538	LF	\$146	\$78,394
RETAINING WALLS	Retaining wall < 24"	150	LF	\$126	\$18,825
RETAINING WALLS	Retaining wall with Tieback <30"	150	LF	\$169	\$25,298
RETAINING WALLS	Rock Buttress <30"	200	LF	\$216	\$43,200
SWITCHBACKS	Standard	10	EACH	\$ 2,040	\$20,400
SWITCHBACKS	Hard	8	EACH	\$ 4,080	\$32,640
BRIDGE	Abutments	3	EACH	\$35,700	\$107,100
BRIDGE	40 FT - Installed	1	EACH	\$84,244	\$84,244
BRIDGE	50 FT - Installed	1	EACH	\$105,391	\$105,391
BRIDGE	80 FT - Installed	1	EACH	\$162,137	\$162,137
EROSION CONTROL		2%	LS		\$ 30,240.64
SUBTOTAL					\$ 1,580,829
SIGNAGE		1	LS	\$30,000	\$ 30,000
CONTRACTOR OVERHEAD AND ADMIN		10%			\$158,083
CONSTRUCTION OBSERVATION		4%			\$ 63,233
CONTINGENCY		25%			\$395,207
TOTAL					\$ 2,227,353

TCB UNIT PRICE ASSUMPTIONS

TRAIL CONSTRUCTION

DESCRIPTION	MIDPEN Production Rate LF/DAY	Design Production Rate LF/Day	HOURS			UNIT COST \$/LF
			SUPERVISOR	LABOR	MINI EX	
			\$120	\$95	\$200	
<30% slopes (easy)	0.0	250.0	8	16	8	\$16.32
30% to 50% slopes (easy - moderate)	166.7	175.0	8	16	8	\$23.31
50% to 70% slopes (moderate)	111.1	120.0	8	16	8	\$34.00
>65% Slopes (moderate - Hard)	55.6	65.0	8	16	8	\$62.77
>80% Slopes (hard)	0	35.0	8	16	8	\$116.57
>50% Rocky (hard)	13.3	35.0	8	16	8	\$116.57
>65% Rocky (very hard)	6.7	10.0	0	16	8	\$312.00

RETAINING WALL

DESCRIPTION	UNIT LF	MATERIALS	HOURS			UNIT COST \$/LF
			SUPERVISOR	LABOR	MINI EX	
			\$120	\$95	\$200	
Low <24" retaining wall	10	\$ 375.00	1	8	0	\$125.50
Moderate <30" retaining wall with tie back	10	\$ 46.50	1	16	0	\$168.65
Rock buttress <30" (onsite rock)	15	\$ -	1	16	8	\$216.00

SWITCHBACK

DESCRIPTION	UNIT	MATERIALS	HOURS			COST
			SUPERVISOR	LABOR	MINI EX	
			\$120	\$95	\$200	
Standard Switchback	EACH	\$ -	4	8	4	\$2,040.00
Hard Switchback	EACH	\$ -	8	16	8	\$4,080.00

BRIDGE COSTS

DESCRIPTION	QUANTITY	UNIT	LABOR HOURS			MATERIALS	TOTAL COST	cost/lf
			SUPERVISOR	LABOR	MINI EX			
			\$120	\$95	\$200			
BRIDGE ABUTMENT	1	EACH	30	300	8	\$2,000.00	\$35,700.00	0
FIBERGLASS BRIDGE 40'	1	EACH	41	410	0	\$40,373.84	\$84,243.84	\$2,106.10
FIBERGLASS BRIDGE 50'	1	EACH	53.5	535	0	\$48,145.54	\$105,390.54	\$2,107.81
FIBERGLASS BRIDGE 80'	1	EACH	67.5	675	0	\$89,912.16	\$162,137.16	\$2,026.71

	BRIDGE LENGTH		
	40	50	80
Bridge	\$26,510	\$32,710	\$66,030
Stamp	\$2,000	\$2,000	\$2,000
Shipping	\$3,300	\$3,300	\$3,300
tax 9%	\$2,863	\$3,421	\$6,420
Markup 15%	\$5,201	\$6,215	\$11,662
Scaffolding for installation	\$500	\$500	\$500
TOTAL BRIDGE COST	\$40,374	\$48,146	\$89,912

BRIDGE ASSEMBLY AND INSTALLATION	BRIDGE LENGTH		
	40	50	80
TRANSPORT LABOR HOURS	160	160	300
ASSEMBLY LABOR HOURS	250	375	375
TOTAL HOURS	410	535	675

**APPENDIX 2: PRELIMINARY COST ESTIMATE (EXCLUSIVE OF BRIDGES)
MOUNTAIN BIKERS OF SANTA CRUZ**

Work labor	work days	burdened hourly	burdened 8hr day	Total burdened cost
Brushing	29.7	\$79.01	\$632.08	\$18,776.52
Excavation	89.8	\$79.54	\$636.29	\$57,142.43
Finish Work	82.3	\$68.66	\$549.26	\$45,208.40
Switchback excavation	32.0	\$79.54	\$636.29	\$20,361.15
Switchback laborer	57.7	\$68.66	\$549.26	\$31,691.01
Switchback masonry	121.2	\$83.52	\$668.14	\$80,996.64
	412.7			\$254,176.14
Other Labor				
Supervision/oversight/PM costs	0.2			\$50,835.23
Mobilization/demob	16		\$549.26	\$8,788.15
Equipment/Materials				\$62,257.43
Crew Size	4			
Work days	103			
Vehicles	2			
Direct Mileage cost @ IRS rate				\$6,186.01
Total Job Costs				\$382,242.97
Overhead (portion of owners salary, insurance, facilities, etc)	0.2			\$76,448.59
Profit	0.2			\$76,448.59
Total for trail construction (no bridges)				\$535,140.16

**AMENDMENT ONE TO THE PARTNERSHIP AGREEMENT BETWEEN THE
CITY OF SARATOGA AND THE MIDPENINSULA REGIONAL OPEN SPACE
DISTRICT FOR THE SARATOGA-TO-THE SEA PROJECT**

This Amendment One to the Partnership Agreement (“Amendment One”) is entered into by and between the City of Saratoga, a municipal corporation (“City”), and the Midpeninsula Regional Open Space District, a public district under the laws of California (“District”), dated _____ (“Effective Date”).

WHEREAS, the City and District are parties to a Partnership Agreement for the Saratoga-To-The Sea Project (“Project”) dated July 11, 2018 (“Agreement”), attached hereto as Exhibit A; and

WHEREAS, as contemplated in the Agreement, the City has obtained a permanent trail easement from the owner of the property on which the Project will be constructed; and

WHEREAS, as contemplated in the Agreement, the City has completed the Project design and environmental review as described in the June 19, 2019 resolution of the Saratoga City Council attached hereto as Exhibit B; and

WHEREAS, the cost estimates based on the completed Project design indicate that construction of the trail will cost approximately \$2.23 million due to steep terrain and multiple clear-span bridge crossings; and

WHEREAS, in addition to the funding contributed by the District pursuant to the Partnership Agreement, the District agrees to provide funding for \$1.1 million of the construction costs and the City intends to fund the remaining costs with \$1.127 million of City funds and the balance with grants from outside funders; and

WHEREAS, District and City desire to enter into this Amendment One to describe each Party’s respective roles in the design and construction of the Project; and

WHEREAS, except where specifically stated, the terms and conditions set forth herein shall supplement those terms and conditions set forth in the Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, City and District agree to this Amendment One as follows:

1. **Recitals.** The recitals above are incorporated by reference as though fully stated herein.
2. **Construction.** District and City agree that the City will consult with and keep the District informed during design development and construction of the project. City will provide District the opportunity to review the final bid package for the Construction prior to public release.
3. **Funding for Construction.** District will contribute an amount not to exceed one million one hundred thousand dollars (\$1,100,000.00) in Measure AA funds toward the funding for construction. District will reimburse City upon receipt of proof of payment of costs and expenses for Project work.
4. **Maintenance and Management of Project and Related Infrastructure.** City shall retain responsibility for the patrol, operation, maintenance and management of the Project.

- 5. **Partnership Agreement Remains in Effect.** The Agreement, except as amended from time to time, shall continue in full force and effect with all other terms and conditions unchanged. If a conflict arises between terms in the Agreement or its previous amendments and those in this Amendment One, the provisions of this Amendment One shall control the construction and interpretation thereof.
- 6. **Counterparts.** This Amendment One may be executed in duplicate counterparts, each of which will be deemed an original.
- 7. **Authority.** Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Amendment.

IN WITNESS WHEREOF, the parties have executed this Amendment One on the day and year shown below the name of each of the parties.

For the CITY OF SARATOGA

By: _____ Date: _____
City Manager

Attest: _____ Approved as to form for CITY: _____
City Clerk City Attorney

For the MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

By: _____ Date: _____
General Manager

Attest: _____
District Clerk

Approved as to form for DISTRICT: _____
General Counsel

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SARATOGA****APPROVING THE SARATOGA TO SANBORN TRAIL PLAN
AND ADOPTING A MITIGATED NEGATIVE DECLARATION
AND A MITIGATION MONITORING AND REPORTING PROGRAM**

The City of Saratoga City Council finds and determines as follows with respect to the project described below and the proposed Mitigated Negative Declaration regarding that project.

I. Project Summary

The City of Saratoga City Council has reviewed the Saratoga to Sanborn Trail Plan (also known as the Quarry Park-Sanborn Connector Trail) proposed by the City Department of Public Works shown in Exhibit “A” and incorporated by this reference. This Project would construct an approximately 3 mile public recreational trail connection from Saratoga Quarry Park to Sanborn County Park in western Santa Clara County (“connector trail”) or (“trail”).

The proposed trail would occur on City-owned and privately-owned land in Saratoga and Santa Clara County. The trail is envisioned to eventually connect to existing County trails within Sanborn County Park and to serve as part of a trail system linking trails in Saratoga to the Skyline-to-the-Sea Trail to form a Saratoga-to-the-Sea trail. The Saratoga-to-the-Sea trail is included as a proposed trail in the City of Saratoga General Plan in Circulation and Scenic Highway Element and also in Open Space and Conservation Element. The proposed alignment for the trail was selected based on a feasibility study conducted in May 2015 and based on input from the City’s Trails Advisory Committee, the affected private landowner (San Jose Water Company), the Santa Clara County Parks and Recreation Department staff, and the Midpeninsula Regional Open Space District staff. The proposed trail would emphasize the Project site’s natural features, connections to adjacent open space, and opportunities for hiking and horse-back riding.

The foregoing is collectively described as the “Project” in this Resolution.

II. Environmental Review

1. An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared for the Project by the City of Saratoga, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines (14 California Code of Regulations sections 15000-15387), and other applicable requirements.

2. The IS and a notice of intent to adopt a MND were duly noticed and circulated for a 30-day public review period from May 17 – June 17, 2019 and was revised in response to public comments.
3. All interested parties desiring to comment on the MND were given the opportunity to submit written and oral comments on the adequacy of the MND up to and including the close of the Public Hearing on the Saratoga to Sanborn Trail Plan project before the City Council on July 3, 2019.
4. The IS and MND represents the City’s independent judgment and analysis.
5. On July 3, 2019 the City Council considered the Project, at a duly noticed public hearing during which opportunity was given to address the adequacy of the MND. All comments on the IS and MND raised during the public and agency comment period and during the Council’s consideration of the Project were considered by the City Council.
6. The City Council was presented with and/or had the opportunity to review all of the information in the administrative record; and
7. After the conclusion of public testimony at the July 3, 2019 public hearing, the City Council considered all oral and written comments and a staff recommendation for adoption of the MND and reviewed and considered the information in the IS and MND, public and agency comments on the IS and MND, the administrative record, and the staff report for completeness and compliance with CEQA, the CEQA Guidelines, and any and all other applicable requirements.
8. The Project has been the subject of a Mitigated Negative Declaration (“MND”) under the California Environmental Quality Act (CEQA) pursuant Section 15070 and following of Title 14, Division 6, Chapter 3 (“CEQA Guidelines”). The MND has been completed in compliance with the intent and requirements of CEQA, CEQA Guidelines and any and all other applicable requirements. The City Council has considered the information contained in the MND and the record in considering the Project and related actions.
9. The documents constituting the record of proceedings upon which this decision is based are located in the City of Saratoga Department of Public Works and are maintained by the Director of that Department.
10. Mitigation measures as listed in the MND have been incorporated in the conditions of approval for the Project, and a Mitigation Monitoring and Reporting Plan dated June 25, 2019 (“MMRP”), which has been attached to this Resolution, has been prepared for the Project, and the City Council has reviewed the MMRP, finds it legally adequate, and in order to ensure compliance hereby adopts said MMRP for reporting on or monitoring the changes which it has either required in the Project or made a condition of approval to mitigate or avoid significant environmental effects.

11. Pursuant to CEQA and CEQA Guidelines, the City Council finds on the basis of, and after review of, the whole record before it (including the Initial Study, the Mitigated Negative Declaration, any and all comments received, and in light of expert and other evidence submitted), that there is no credible, substantial evidence that the Project as revised and mitigated may have a significant effect on the environment as to any issue raised.

III. Adoption of Mitigated Negative Declaration

After careful consideration of the matter, the City Council hereby adopts the Mitigated Negative Declaration for the Project, which was presented to the City Council on July 3, 2019 and is on file with the City Public Works Department.

IV. Adoption of Mitigation Monitoring and Reporting Plan

The City Council hereby adopts the MMRP and directs the Public Works Director to monitor compliance with the mitigation measures required in the Project as specified in the MMRP to mitigate significant environmental effects, as described in the MND.

V. Adoption of the Saratoga to Sanborn Trail Plan

The City Council hereby adopts the Saratoga to Sanborn Trail Plan attached to the July 3, 2019 staff report accompanying this resolution and directs staff to proceed with final design and construction of the improvements shown on the Plan and to take such other actions as may be required to implement the Plan and MMRP.

PASSED AND ADOPTED by the City Council of the City of Saratoga, this 3rd day of July, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Manny Cappello, Mayor

ATTEST:

Debbie Bretschneider, City Clerk

SARATOGA-TO-SANBORN TRAIL PLAN MITIGATION MONITORING REPORTING PROGRAM

June 25, 2019

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Quarry Park-Sanborn County Park Connector (project) in the City of Saratoga. The MMRP lists mitigation measures recommended in the IS/MND for the proposed project and identifies monitoring and reporting requirements. The MMRP specifies the City department responsible for implementing and monitoring each measure.

Table 1 below presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-1 is the first mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of Table 1 identifies the mitigation measure. The second column, entitled "Timing," identifies the time the mitigation measure should be initiated. The third column, "Responsible for Implementing," names the party responsible for carrying out the required action. The last column "Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented.

**QUARRY PARK-SANBORN COUNTY PARK CONNECTOR
MITIGATION MONITORING AND REPORTING PROGRAM**

Table 1

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
AIR QUALITY			
<p><u>Mitigation Measure AIR-1:</u></p> <p>The Project will implement BAAQMD's Basic Control Measures for fugitive dust control during future construction to reduce fugitive dust emissions (PM₁₀ and PM_{2.5}). The Project contractor shall prepare a dust control plan prior to commencement of construction activities. Specification of the approved dust control measures shall be included in all construction documents and implemented during construction activities. The dust control plan shall include the following BAAQMD Basic Control Measures listed below:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever possible. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 ft of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). • Apply water twice daily or as often as necessary, to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, with water sweepers all paved access roads, parking areas and staging areas at the construction site to control dust. • Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the Project site, or as often as needed, to keep streets free of visible soil material. • Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). • Limit vehicle traffic speeds on unpaved roads to 15 mph. • Vehicle idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). • All construction equipment shall be maintained and properly tuned in accordance with 	<p>During Construction</p>	<p>Construction Contractor</p>	<p>Public Works Department</p>

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <ul style="list-style-type: none"> • Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. • Replant vegetation in disturbed areas as quickly as possible. • Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 			
BIOLOGICAL RESOURCES			
<p><u>Mitigation Measure BIO-1: Pre-Activity Surveys for Special-Status Plants.</u></p> <p>Prior to initial ground disturbance and during the appropriate blooming period (i.e., bent-flowered fiddleneck, June – July; Loma Prieta hoita, June – July; woodland woollythreads, March – July; and white-flowered rein orchid, May - September), a focused survey for these four potentially occurring special-status plant species will be conducted within suitable habitat in the project footprint and a minimum 20-ft buffer around the project footprint. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the areas, but must be at least 20 ft wide. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading; or potential for project activities to alter hydrology supporting the habitat for the species in question. Surveys are to be conducted in a year with near-average or above-average precipitation. The purpose of the survey will be to assess the presence or absence of the potentially occurring species. If none of the target species are found in the impact area or the identified buffer, then no further mitigation will be warranted. If bent-flowered fiddleneck, Loma Prieta hoita, woodland woollythreads, or white-flowered rein orchid individuals are found in the survey area, then Mitigation Measures BIO-2 and BIO-3 will be implemented.</p>	Before and During Construction	Public Works Department	Public Works Department
<p><u>Mitigation Measure BIO-2: Avoidance Buffers.</u></p> <p>To the extent feasible, and in consultation with a qualified plant ecologist, the project proponent will design and construct the project to avoid completely impacts on all populations of special-status plant species within the project site or within the identified buffer of the impact area. Avoided special-status plant populations will be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around special-status plants to be avoided will be flagged or fenced. The flagging will be maintained intact and in good condition throughout project-related construction activities.</p> <p>If complete avoidance is not feasible and more than 10% of a population (by occupied area or</p>	Before and During Construction	Construction Contractor in consultation with a qualified plant ecologist	Public Works Department

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<p>individuals) would be impacted as determined by a qualified plant ecologist, Mitigation Measure BIO-3 will be implemented.</p>			
<p><u>Mitigation Measure BIO-3</u>: Preserve Off-Site Populations of Special-Status Plant Species.</p> <p>If avoidance of CRPR 1 or 2 special-status plant species is not feasible and more than 10% of the population would be impacted, compensatory mitigation will be provided via the preservation, enhancement, and management of occupied habitat for the species. To compensate for impacts on CRPR 1 or 2 special-status plants, off-site habitat occupied by the affected species will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10% significance threshold.</p> <p>Areas proposed to be preserved as compensatory mitigation for special-status plant impacts must contain verified extant populations of the CRPR-ranked plants that would be impacted. Mitigation areas will be managed in perpetuity to encourage persistence and even expansion of the preserved target species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality will be achieved by the mitigation activities. The mitigation habitat will be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and will contain or successfully re-establish at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands will be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A habitat mitigation and monitoring plan (HMMRP) will be developed and implemented for the mitigation lands. That plan will include, at a minimum, the following information:</p> <ul style="list-style-type: none"> • a summary of habitat impacts and the proposed mitigation; • a description of the location and boundaries of the mitigation site and description of existing site conditions; • a description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the focal special-status species; • a description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist); • proposed management activities to maintain high-quality habitat conditions for the focal species; • a description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria will include demonstration that any plant population fluctuations over the monitoring period 	<p>Before and During Construction</p>	<p>Public Works Department</p>	<p>Public Works Department</p>

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management); and</p> <ul style="list-style-type: none"> contingency measures for mitigation elements that do not meet performance criteria. <p>The HMMRP will be prepared by a qualified plant or restoration ecologist. Approval of the HMMRP by the City will be required before the project impact occurs.</p>			
<p><u>Mitigation Measure BIO-4: Worker Environmental Awareness Program.</u></p> <p>Before any construction activities begin, the City will hire a qualified biologist who will conduct a training session for all construction personnel. At a minimum, the training will include descriptions of all special-status species potentially occurring on the project site and their habitats, the importance of these species, the general measures that are being implemented to conserve them as they relate to the proposed project, and the boundaries within which project activities may be accomplished.</p>	Before and During Construction	Construction Contractor in consultation with a qualified biologist.	Public Works Department
<p><u>Mitigation Measure BIO-5: Avoidance.</u></p> <p>Because dusk and dawn are often the times when the red-legged frog is most actively moving and foraging, to the maximum extent practicable, earthmoving and other project activities will cease no less than 30 minutes before sunset and will not begin again prior to 30 minutes after sunrise. Further, to the extent practicable, ground-disturbing activities will be avoided from October through April because that is when red-legged frogs are most likely to be moving through upland areas. When ground-disturbing activities must take place between November 1 and March 31, the following measures will be implemented.</p>	During Construction	Construction Contractor	Public Works Department
<p><u>Mitigation Measure BIO-6: Pre-activity Survey.</u></p> <p>A qualified biologist will conduct a preconstruction survey for the California red-legged frog prior to initial ground disturbing activities within 100 ft of any stream crossing and will remain on-site to monitor during all initial ground-disturbing activities within this area. If a California red-legged frog is encountered in the work area, all activities with the potential to result in the harassment, injury, or death of the individual will be immediately halted and will not resume until the individual leaves the project site of its own accord.</p>	Before Construction	Construction Contractor in consultation with a qualified biologist.	Public Works Department
<p><u>Mitigation Measure BIO-7: Pre-activity Survey.</u></p> <p>A qualified biologist will conduct a preconstruction survey for special-status amphibians and reptiles prior to initial ground disturbing activities within 100 ft of any stream crossing and will remain on-site to monitor during all initial ground-disturbing activities within this area. If a species of special concern is encountered in the work area, all activities with the potential to result in the harassment, injury, or death of the individual will be immediately halted and the following measures implemented:</p> <ul style="list-style-type: none"> If eggs or larvae are found, the qualified biologist will establish a buffer around the location 	Before Construction	Construction Contractor in consultation with a qualified biologist.	Public Works Department

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>of the eggs/larvae and work may proceed outside of the buffer zone. No work will occur within the buffer zone. Work within the buffer zone will be rescheduled until the time that eggs have hatched and/or larvae have metamorphosed.</p> <ul style="list-style-type: none"> If an adult is found, the individual will be captured and relocated to a safe location outside of the work area by a qualified biologist, after which work may proceed. 			
<p><u>Mitigation Measure BIO-8: Preconstruction Surveys and Avoidance or Nest Relocation.</u> Prior to any clearing of, or work within, woodland, riparian, and scrub habitats, a qualified biologist will conduct a survey for San Francisco dusky-footed woodrat nests. If active nests are determined to be present within or very close to the impact areas, the following measures will be implemented.</p> <ul style="list-style-type: none"> Dusky-footed woodrats are year-round residents. Therefore, avoidance measures are limited to restricting project activities to avoid direct impacts on woodrats and their active nests to the extent feasible. Ideally, a minimum 5-ft buffer will be maintained between project activities and each nest to avoid disturbance. In some situations, a smaller buffer may be allowed if, in the opinion of a qualified biologist, removing the nest would be a greater impact than that anticipated as a result of project activities. If avoidance of active nests is not feasible, then the woodrats will be evicted from their nests prior to the removal of the nests and onset of any clearing or ground-disturbing activities to avoid injury or mortality of the woodrats. The nests will be dismantled and the nesting material moved to a new location outside the project's impact areas so that it can be used by woodrats to construct new nests. Prior to nest deconstruction, each active nest will be disturbed by a qualified wildlife biologist to the degree that all woodrats leave the nest and seek refuge out of the impact area. Whether the nest is on the ground or in a tree, the nest will be nudged to cause the woodrats to flee. The nest will then be dismantled and the nest material piled at the base of a nearby hardwood tree or shrub (preferably with refuge sites among the tree roots or with dense vegetation or other refugia nearby) outside of the impact area. The spacing between relocated nests will not be less than 100 ft, unless a qualified biologist has determined that the habitat can support higher densities of nests. 	Before and During Construction	Construction Contractor in consultation with a qualified biologist.	Public Works Department
<p><u>Mitigation Measure BIO-9: Protect Bat Colonies.</u> To minimize impacts on pallid bats the following measures will be implemented:</p> <ul style="list-style-type: none"> A pre-activity survey for roosting pallid bats will be conducted prior to the onset of ground-disturbing activities. A qualified bat biologist will conduct a survey to look for evidence of bat use within suitable habitat. If evidence of use is observed, or if high-quality roost sites are present in areas where evidence of bat use might not be detectable (such as a tree cavity), an evening survey and/or a nocturnal acoustic survey may be necessary to determine if a bat colony is present and to identify the specific location of the bat colony. If no active maternity colony or non-breeding bat roost is located, project work can 	Before Construction	Public Works Department in consultation with a qualified biologist.	Public Works Department

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>continue as planned.</p> <ul style="list-style-type: none"> • If an active pallid bat maternity colony or non-breeding roost is located, the project work will be redesigned to avoid disturbance of the roosts, if feasible. • If an active maternity colony is located and project work cannot be redesigned to avoid removal or disturbance of the occupied tree, disturbance will be scheduled to take place outside the maternity roost season (March 15–July 31), and a disturbance-free buffer zone (determined by a qualified bat biologist) will be implemented during the maternity roost season. • If an active non-breeding bat roost is located and project work cannot be redesigned to avoid removal or disturbance of the occupied tree, the individuals will be safely evicted between August 1 and October 15 or between February 15 and March 15 (as determined by a Memorandum of Understanding with CDFW). Bats may be evicted through exclusion after notifying CDFW. Trees with roosts that must be removed will first be disturbed at dusk, just before removal that same evening, to allow bats to escape during the darker hours. Mitigation Measure BIO-10 (Provide Alternative Bat Roost Habitat) may need to be implemented subsequently. 			
<p><u>Mitigation Measure BIO-10</u>: Provide Alternative Bat Roost Habitat.</p> <p>If, after implementation of Mitigation Measure BIO-9, a qualified bat biologist identifies a tree containing a pallid bat maternity roost that is to be removed by project activities, a qualified bat biologist will design and determine an appropriate location for an alternative roost structure. If a tree containing a pallid bat maternity roost is not removed, but project-related disturbance causes the abandonment of the roost site (even during the non-breeding season), then the City will either monitor the roost site to determine whether the affected species returns to the roost, or construct an alternative roost. If the City elects to monitor the roost and bats do not return within one year, then an alternative roost will be constructed.</p>	Before Construction	Public Works Department in consultation with a qualified biologist.	Public Works Department
<p><u>Mitigation Measure BIO-11</u>: Best Management Practices for Work within Sensitive Habitats.</p> <p>The following measures will be implemented to reduce impacts on mixed riparian forest and the associated streams. Additionally, the project will acquire permits from CDFW and RWQCB and follow all requirements and avoidance and minimization measures listed therein.</p> <ul style="list-style-type: none"> • Personnel will prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water into channels. • Spill prevention kits will always be in close proximity when using hazardous materials. • No equipment servicing will be done in the stream channel or immediate flood plain, unless equipment stationed in these locations cannot be readily relocated (i.e., pumps, generators). • Personnel will use the appropriate equipment for the job that minimizes disturbance to the stream bottom. Appropriately-tired vehicles, either tracked or wheeled, will be used 	During Construction	Construction Contractor	Public Works Department

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>depending on the situation.</p> <ul style="list-style-type: none"> • Temporary fills, such as for access ramps or scaffolding, will be completely removed upon finishing the work. • Existing native vegetation will be retained by removing only as much vegetation as necessary to accommodate the trail clearing width. • If riparian vegetation is to be removed with chainsaws, consider using saws currently available that operate with vegetable-based bar oil. • Control exposed soil by stabilizing slopes (e.g., with erosion control blankets) and protecting channels (e.g., using silt fences or straw wattles). • Control sediment runoff using sandbag barriers or straw wattles. • Stabilize site ingress/egress locations. • Temporary disturbance or removal of aquatic and riparian vegetation will not exceed the minimum necessary to complete the work. • Vehicles operated within and adjacent to streams will be checked and maintained daily to prevent leaks of materials that, if introduced to the water, could be deleterious to aquatic life. • Potential contaminating materials must be stored in covered storage areas or secondary containment that is impervious to leaks and spills. • All disturbed soils will be revegetated with native plants suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding. Cut-and-fill slopes will be planted with local native or non-invasive plants suitable for the altered soil conditions. 			
<p><u>Mitigation Measure BIO-12: Mitigation Plantings for Permanent Loss of Riparian Trees.</u></p> <p>All trees removed within mixed riparian forest habitat will be replaced at a ratio of 1:1 (mitigation stems: impacted stems). Trees to be removed likely consist of only California bay, a tree which is very abundant within riparian areas in the study area and the vicinity. Replaced trees will preferably consist of the same species which was removed during project implementation, and be planted within the same reach where impacts occur. Irrigation will not be installed, so the replacement trees must be planted low enough on the riparian banks to anticipate intercepting seasonal groundwater. Replacement trees will be monitored annually for three years and replaced to 100% survivorship through Year 3.</p>	After Construction	Public Works Department	Public Works Department
<p><u>Mitigation Measure BIO-13: Protection Measures for Nesting Birds.</u></p> <p>Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code would be avoided.</p>	Before and During Construction	Construction Contractor in consultation with a qualified biologist.	Public Works Department

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
<p>The nesting season for most birds in the project region extends from February 1 through August 31. Preconstruction Surveys. If it is not possible to schedule construction activities between September 1 and January 31 then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project construction. We recommend that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist should inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests.</p> <p>Buffers. If an active nest is found sufficiently close to work areas to be disturbed by project activities, the ornithologist should determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code would be disturbed during project implementation.</p>			
CULTURAL RESOURCES			
<p><u>Mitigation Measure CULT-1:</u> Prior to commencing site preparation and trail construction, the City shall hold a preconstruction meeting with the construction crew to inform them with a description of the types of resources that could be discovered and the steps to take in the event of a find.</p>	Before Construction	Public Works Department	Public Works Department
<p><u>Mitigation Measure CULT-2:</u> If archaeological and/or paleontological materials are encountered during the field review, all work within 25 ft of the discovery would be redirected until a qualified archaeologist assesses the finds, consults with City staff, and makes recommendations for the treatment of the discovery. Adverse effects to archaeological and paleontological resources shall be avoided by project activities. Project personnel shall not collect or move any historical or archaeological resources. If avoidance of the deposit is not feasible, the deposit should be evaluated for eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, mitigation is not necessary. If the deposits are eligible, they shall be avoided by project construction activities, or recovered in accordance with a data recovery plan (see CEQA Guidelines §15126.4(b)(3)(C)) and standard archaeological field methods and procedures. Upon completion of the archaeological assessment (i.e., archaeological excavation and laboratory analysis), the archaeologist shall prepare a report documenting methods and results of the assessment, and shall provide recommendations for the treatment of archaeological materials discovered. The report shall be submitted to the City of Saratoga and the Northwest Information Center.</p>	Before and During Construction	Construction Contractor in consultation with a qualified archaeologist if necessary.	Public Works Department
<p><u>Mitigation Measure CULT-3:</u> If human remains are encountered during construction that results from approval of the proposed Project, work shall be temporarily halted in the vicinity of the discovered remains and workers shall avoid altering the materials and their context. Once the county coroner is contacted, if it is determined that the remains are Native American, the coroner will contact the Native American</p>	During Construction	Construction Contractor	Public Works Department

Mitigation Measure	Timing	Responsible for Implementing	Responsible for Monitoring
Heritage Commission (“NAHC”). The NAHC would then identify the person or persons believed to be most likely descended from the deceased. These descendants will make recommendations regarding the treatment of the remains with appropriate dignity.			
GEOLOGY AND SOILS			
<p><u>Mitigation Measure GEO-1: Erosion Control.</u></p> <p>Any grading for the Project after October 1 shall be completed in dry weather or low rainfall (less than ½ inch per 24 hour period). A minimum of 200 linear ft of straw wattle and erosion control blankets shall be available at staging areas or on site at all times. In the event of 25% chance of forecast inclement weather (greater than ½ inch of rainfall in 24 hour period), temporary erosion control measures (e.g. straw wattles, silt fence, erosion control blankets, etc.) shall be installed to protect the section of trail under construction.</p>	Before and During Construction	Construction Contractor	Public Works Department
<p><u>Mitigation Measure GEO-2: Stormwater Pollution Prevention.</u></p> <p>The contractor will develop and get approval for a Stormwater Pollution Prevention Plan (SWPPP) for the Project. The SWPPP shall include an erosion control plan and best management practices that will ensure that erosion and sedimentation will be minimized. Construction shall be monitored per SWPPP requirements to ensure that stormwater is being managed to prevent soil erosion and water quality impacts.</p>	Before and During Construction	Construction Contractor	Public Works Department
<p><u>Mitigation Measure GEO-3: Incorporation of Geologic and Geotechnical Recommendations.</u></p> <p>The Project will incorporate all recommendations in the Best Report to ensure that impacts related to unstable soil, and potential landslides, subsidence, liquefaction and collapse are minimized.</p>	Before and During Construction	Construction Contractor and Public Works Department	Public Works Department
NOISE			
<p><u>Mitigation Measure NOI-1:</u></p> <p>The Santa Clara County Municipal Code limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and prohibits construction on Sundays and legal holidays. However, the City of Saratoga’s Noise Ordinance is more restrictive and limits construction activities to 7:30 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturday. Therefore, Project construction shall be limited to times specified in the City’s Noise Ordinance pursuant to Article 7-30 of the City’s Municipal Code.</p>	During Construction	Construction Contractor	Public Works Department

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