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R-23-35  
Meeting 23-06  
March 23, 2023

**AGENDA ITEM #1**

To: Board of Directors  
Open Space Authority

From: Andrea Mackenzie  
General Manager

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**SUBJECT**

Consider Adoption of California Environmental Quality Act (CEQA) Documents for the Llagas Creek Bridge and Day Use Area Project, Project Approval, and Authorization to Execute Participating Special Entity Agreement with Santa Clara Valley Habitat Agency

**REVENUE/COST**

Costs to-date for the Llagas Creek Bridge and Day Use Area Project (project) totals approximately \$315,000. These costs are associated with biological and cultural resource assessments, CEQA preparation, design and engineering services, and permit fees. Remaining costs are anticipated to total approximately \$1 million, including fees to finalize interpretive designs, develop construction documents, conduct preconstruction surveys, additional permit fees, and approximately \$800,000 for project construction.

Remaining project costs additionally include the items presented below. State and County fees associated with the filing and recordation of the project's Initial Study/Mitigated Negative Declaration (IS/MND) total \$2,814. Permit fees associated with the execution of the Participating Special Entity (PSE) Agreement through the Santa Clara Valley Habitat Agency (Habitat Agency) total \$25,880.49.

The total project cost is estimated at approximately \$1.3 million. The Santa Clara Valley Open Space Authority (Authority) has secured a total of \$1,120,020 in funding from California Department of Parks and Recreation's Per Capita grant program to apply toward this project.

**BACKGROUND**

Rancho Cañada del Oro Open Space Preserve (Preserve) was opened to the public in 2004. Currently, there are over 12 miles of trail open to the public, including the 0.5-mile, Llagas Creek Loop Trail, a paved accessible trail. Backcountry trails on the Preserve are open to hikers, bicyclists, and equestrian users. Existing facilities include a staging area with parking for cars and horse trailers, overflow gravel parking lot, accessible restroom, and picnic tables.

Year-round public access is currently limited to the area of the Preserve north of Llagas Creek. In addition to the area of the Preserve open to public access, the Authority's Open Access Days program has provided interim special-event public access over the creek to the approximately 1,800-acre area southern portion of the Preserve known as Blair Ranch. Blair Ranch is accessed from the existing staging area via an unimproved ford originally constructed for ranching purposes. Due to seasonally high waters of Llagas Creek, operational and public event access is limited to dry periods of the year.

To facilitate year-round public and operational access to Blair Ranch, in Fiscal Year 2018-2019, a bridge connection over Llagas Creek near the existing staging area and Llagas Creek Loop Trail, was identified as a priority capital improvement project and approved as a workplan project by the Board of Directors. Staff has worked with a team of consultants to develop a plan for a new accessible interpretative day-use area accessed via a new bridge crossing Llagas Creek to serve visitors for educational programming.

To determine project feasibility, site inventories and analyses were conducted between spring and summer of 2019 for biological and cultural resources, hydrology and hydraulics, and geotechnical conditions. The engineering firm, Waterways Consulting, and landscape architecture firm, Restoration Design Group, have used these studies to develop initial designs for a bridge and day-use area complimenting the existing Llagas Creek Loop Trail and staging area at Casa Loma Road.

Staff has held several public meetings throughout the planning and design phases to communicate project updates and allow for comment and feedback. These include Citizens' Advisory Committee (CAC), Use and Management Committee (U+M), and Board of Directors meetings. These publicly-noticed meetings included:

- April 26, 2018: Joint CAC and U+M Meeting
- July 23, 2020: Board of Directors Meeting
- July 27, 2020: CAC Meeting
- February 25, 2021: U+M Meeting
- May 24, 2021: CAC Meeting
- August 11, 2022: Board of Directors Meeting

In Fiscal Year 2018/2019, the Authority retained Ascent Environmental, Inc. (Ascent) through a Request for Proposals (RFP) and subsequent award of contract for CEQA/NEPA (National Environmental Policy Act) Environmental Consulting Services. As a work order under this contract, Ascent prepared the Llagas Creek Bridge and Day Use Area Project Initial Study (IS), pursuant to the CEQA requirements (Public Resources Code Sections 21000 et seq.) and guidelines (Code Regulations sections 15000 et seq.).

## **DISCUSSION**

Staff are presenting to the Board of Directors three resolutions for the following actions, which are discussed below in detail:

- Adoption of an IS/MND and Mitigation Monitoring and Reporting Program (MMRP) under CEQA for the project
- Project approval
- Authorization of execution of PSE Agreement

## **CEQA Adoption**

An IS was prepared to analyze the environmental impacts associated with the proposed project, which includes a new bridge over Llagas Creek, an approximately 0.15-mile accessible loop trail that connects to the existing Llagas Creek Loop Trail, and seating and interpretive amenities along the new trail. The project would also consist of demolishing an asphalt-surfaced picnic area under a heritage oak tree within the riparian canopy and realigning existing cattle fencing to allow for the natural revegetation of riparian land cover over an approximately 0.048-acre area. The full project description is included in Exhibit 1. Llagas Creek Bridge and Day Use Area Project Initial Study/Mitigated Negative Declaration.

The IS, dated January 2023 (Exhibit B), includes measures that mitigate the project's effects to the environment to a level less than significant. Through the IS, potentially significant impacts to air quality, biological resources, cultural resources, and tribal cultural resources were identified. Through implementation of the mitigation measures described in Exhibit C. Llagas Creek Bridge and Day Use Area Project Mitigation Monitoring and Reporting Program, these impacts would be reduced to a level of less-than-significant.

The Draft IS/MND was circulated publicly from January 24, 2023, to February 24, 2023. A Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was submitted to the Governor's Office of Planning and Research CEQAnet Web Portal and Santa Clara County on January 24, 2023. On the same day, the NOI was published in the San Jose Post-Record, the NOI was posted at the Preserve trailhead kiosk for the duration of the public comment period, and the NOI and Draft IS/MND was posted on the Authority's project webpage at: <https://www.openspaceauthority.org/our-work/current-projects/rancho-ca%C3%B1ada-del-oro-open-space-preserve.html>. The NOI was additionally distributed to interested parties and Preserve neighbors. A total of three (3) comment letters regarding the project were received. These comments are compiled and addressed in Exhibit D. Public Comment and Response.

***The IS/MND concludes that the proposed project, with mitigations, would not result in significant impacts to the environment.*** The IS/MND (Exhibit B) and MMRP (Exhibit C) are presented for review and adoption by the Board of Directors.

### **Project Approval**

The Authority is committed to providing facilities to allow the public to connect with nature while ensuring protection of environmental resources. The proposed design is the outcome of planning analysis and studies which provided information the engineering and design team have used to develop a site-specific project that is responsive to the environment and avoids or reduces impacts. This project will provide year-round public and operational access south of Llagas Creek through the installation of a permanent creek crossing. By installing a permanent bridge, this project eliminates a vehicle ford crossing through Llagas Creek, reducing long-term in-stream impacts associated with operations and maintenance activities. Through the creation of a new accessible interpretive loop trail, which connects to the Authority's existing accessible Llagas Creek Loop Trail, the project will increase the number and variety of accessible features on Authority preserves. These accessibility improvements align with the Authority's Justice, Equity, Diversity, Inclusion, and Accessibility (JEDIA) values. Further, interpretive features will be designed to engage the senses with themes focusing on the project area as a living example of a healthy, natural state of California riparian habitat and its connection to surrounding habitat types, including oak woodlands, that function both as a sanctuary for wildlife and people, and as a model for future land management.

Key project features (refer to Exhibit E. Site Plan):

- Prefabricated steel bridge
- Approximately 0.15 mile natural surface trail
- Accessible seating and pathways
- Interpretive signage

The project was last presented to the Board of Directors on August 11, 2022, during an onsite tour. Since that time, the Authority has advanced project design (without any significant design changes) and finalized permitting through the California Department of Fish and Wildlife, Central Coast Regional Water Quality Control Board, and the Habitat Agency.

With project approval, Staff would release a request for bids (RFB) for project construction and bring a contract for consideration and approval to the Board of Directors at a future date.

### **Participating Special Entity Agreement**

The Authority is designated as a PSE under the Santa Clara Valley Habitat Plan (Habitat Plan). As a PSE, the Authority is seeking project permitting coverage for impacts to natural land cover. Permitting coverage is subject to conditions of approval as described in Exhibit F. PSE Agreement. This Agreement is presented for review and authorization to execute.

### **RECOMMENDATION**

Staff recommends that the Board of Directors:

- (1) Adopt the Llagas Creek Bridge and Day Use Area Project IS/MND and MMRP.
- (2) Approve the Llagas Creek Bridge and Day Use Area Project.
- (3) Authorize Execution of the PSE Agreement.

Prepared by:

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*Attachment(s): Resolution 23-20 – A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Llagas Creek Bridge and Day Use Area Project*

*Resolution 23-21-- A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Approving the Llagas Creek Bridge and Day Use Area Project*

*Resolution 23-22— A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Authorizing the General Manager to Execute Participating Special Entity Agreement with the Santa Clara Valley Habitat Agency*

*Exhibit B -- Llagas Creek Bridge and Day Use Area Project Initial Study/Mitigated Negative Declaration*

*Exhibit C -- Llagas Creek Bridge and Day Use Area Project Mitigation Monitoring and Reporting Program*

*Exhibit D -- Public Comment and Response*

*Exhibit E -- Site Plan*

*Exhibit F -- Participating Special Entity Agreement*