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R-23-90  
Meeting 23-19  
October 12, 2023

**AGENDA ITEM #1**

To: Board of Directors  
Open Space Authority

From: Andrea Mackenzie  
General Manager

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**SUBJECT**

Consider Adoption of Mitigated Negative Declaration Pursuant to the California Environmental Quality Act (CEQA) and Approval of the Coyote Valley Open Space Preserve Public Access Improvement Project

**REVENUE/COST**

There is no cost associated with Board of Directors approval of this item.

Costs-to-date for the Coyote Valley Open Space Preserve Public Access Improvement Project (project) totals approximately \$188,000. These costs are associated with biological and cultural resource assessments, arborist consultation, CEQA preparation, and design services. Remaining costs are anticipated to total approximately \$1.1 million, including fees to finalize design services, develop construction documents, permit fees, and approximately \$900,000 for project construction.

**BACKGROUND**

Coyote Valley Open Space Preserve (Preserve) was opened to the public in 2015 with a parking lot, equestrian parking lot, and over four miles of trail, including the ¼-mile Heart's Delight Trail.

The Heart's Delight Trail brings visitors past large valley oak trees along the perimeter of the grassland area surrounded by foothills on three sides, an area referred to as Palm Canyon. Small, unnamed tributaries to Fisher Creek meander through the grassland and flow northeast to Fisher Creek in Coyote Valley.

The purpose of this project is to make improvements to the staging area, trailhead, and public use facilities to improve safety, circulation, and accessibility for Preserve visitors.

Authority Staff previously provided project updates at the following publicly noticed meetings:

- October 25, 2018: Joint Use & Management and Citizens' Advisory Committee Meeting
- February 25, 2021: Use & Management Committee Meeting
- September 27, 2021: Citizens' Advisory Committee Meeting

**DISCUSSION**

This project would include accessibility improvements to the Preserve entryway; Heart's Delight Trail; and day-use area seating, picnic, and interpretive amenities. The two existing Americans with Disabilities Act (ADA)-compliant parking stalls in the Preserve parking lot would be modified for compliance with current code. The Preserve entryway and trailhead would be oriented to allow for accessible size and spacing requirements. The Heart's Delight Trail would be resurfaced with a firm, stable material with grades that meet the Architectural Barriers Act (ABA) Guidelines for Outdoor Developed Areas

standards. The existing picnic area located near the large oak tree at the approximate halfway point on the Heart's Delight Trail would be moved out from under the oak canopy and placed on firm, stable surfacing and a new seating and interpretive area would be installed at the trail terminus near another large valley oak, with views toward the grassland. New seating and picnic tables along the Heart's Delight Trail would meet ABA standards for accessibility. Educational and interpretive materials would enhance the spaces for individual and group use.

### **CEQA Adoption**

An Initial Study (IS) was prepared to analyze the environmental impacts associated with the proposed project. The full project description is found in Exhibit 1. Coyote Valley Open Space Preserve Public Access Improvement Project Initial Study / Mitigated Negative Declaration (IS/MND).

The IS, dated October 2023, includes measures that mitigate the project's potential 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 the IS and summarized in Exhibit 2. Coyote Valley Open Space Preserve Mitigation Monitoring and Reporting Program (MMRP), these potential impacts would be reduced to a level of less-than-significant.

The Draft IS/MND was circulated publicly from August 14, 2023, to September 15, 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 August 14, 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/coyote-valley-open-space-preserve.html>. The NOI was additionally distributed to interested parties and Preserve neighbors. No public comment or correspondence regarding the project was received.

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

The approval and future development of this project would advance the Authority commitments to providing accessible facilities where all members of the public can connect to nature.

### **RECOMMENDATION**

Staff recommends that the Board of Directors adopts the Coyote Valley Open Space Preserve Public Access Improvement Project IS/MND and MMRP and approves the project.

Prepared by:  
Jennifer Hooper, Associate Open Space Planner

*Attachment(s): Resolution 23-55 – A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Authorizing Adoption of California Environmental Quality Act Documents and Approving the Coyote Valley Open Space Preserve Public Access Improvement Project*

*Exhibit A -- Coyote Valley Open Space Preserve Public Access Improvement Project Initial Study / Mitigated Negative Declaration*

*Exhibit B -- Coyote Valley Open Space Preserve Mitigation Monitoring and Reporting Program*