

APPENDIX D

SCVWD MEETING MINUTES, COMMENTS & RESPONSES

- SCVWD Coordination Meeting #1 Minutes
- SCVWD Coordination Meeting #2 Minutes
- SCVWD Coordination Meeting #3 Minutes
- SCVWD Coordination Meeting #4 Minutes
- SCVWD Draft Feasibility Study Comments Letter
- City of Cupertino Response to Comments Letter
- October 25, 2018 email from Timm Borden to Melanie Richardson clarifying that City Council has not yet approved construction for the trail

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MEETING MINUTES

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Regnart Creek Trail Feasibility Study**

Santa Clara Valley Water District (SCVWD) Kick-off Meeting

Date and Time: November 28, 2017 – 3:00 p.m.

Location: SCVWD Offices, 5750 Almaden Expy San Jose, CA 95118

Minutes By: HMH

Attended By:

Sue Tippets	SCVWD	David Stillman	City of Cupertino
Usha Chatwani	SCVWD	Jennifer Chu	City of Cupertino
Cody Houston	SCVWD	Jon Cacciotti	HMH
Devin Mody	SCVWD	Michelle Vera Cruz	HMH
Brian Fletcher	Callander	Jodi Starbird	David J. Powers

<u>DISCUSSION</u>	<u>ACTION</u>
<p>1. Introductions & Key Staff</p> <ul style="list-style-type: none"> a. Usha Chatwani – SCVWD b. Jen Chu – City of Cupertino c. Jon Cacciotti – HMH Engineers <p>2. Project Description</p> <ul style="list-style-type: none"> a. A portion of the Cupertino Loop known as Regnart Creek Trail is subject to a feasibility study conducted by HMH. The feasibility study is projected to be reviewed by Cupertino City Council in Spring 2018. b. The Regnart Creek Project would utilize the existing Regnart Creek maintenance access road from Pacifica Dr to the west to E. Estates Dr to the east. <p>3. SCVWD Long Term Plans</p> <ul style="list-style-type: none"> a. SCVWD has an Asset Management Plan that describes the operations and maintenance work to be performed on existing SCVWD facilities. <ul style="list-style-type: none"> i. Regnart Creek is subject to routine maintenance such as vegetation removal and herbicide applications. b. Regnart Creek in the project area has known slope failures and SCVWD may have future slope stability projects. c. No specific capacity improvements for Regnart Creek are planned at this time. <p>4. SCVWD Creek History</p> <ul style="list-style-type: none"> a. Current Creek Conditions <ul style="list-style-type: none"> i. Regnart Creek has been stable until the past few years. 	



<p>1. FEMA maps are outdated and are not representative of the current flooding status.</p> <p>2. Erosion of the creek has caused incising of the creek bank.</p> <p>3. SCVWD may not have a current model of this creek, however they do have information about flooding “hotspots” and problematic areas along the reach.</p> <p>5. SCVWD Design Guidelines</p> <p>a. The project development team proposed to use the following Design Guidelines:</p> <ul style="list-style-type: none"> i. SCVWD User Manual: Guidelines & Standards for Land Use Near Streams (Guide 16 – Guidance for Trail Design) ii. Caltrans Highway Design Manual (Chapter 1000 – Bikeway Planning and Design) iii. SCVWD indicated that the City of San Jose is underway with a document that will provide updated guidelines for creek trails. <ul style="list-style-type: none"> 1. This document will be adopted by SCVWD. 2. Draft document previously circulated. Final document expected early 2018. <p>6. Project Specific Considerations</p> <p>a. Creek Maintenance Access Location</p> <ul style="list-style-type: none"> i. Regnart Creek Trail must preserve SCVWD maintenance access including existing access ramp to the creek bed. ii. The existing concrete maintenance ramp down into the creek bed can be removed for trail continuity as long as a similar access ramp can be constructed elsewhere within the same reach. <p>b. Proposed Bike/Ped Overcrossing Structures</p> <ul style="list-style-type: none"> i. Two bike/ped bridges are proposed for user access points from Wilson Park and to deviate the trail away from the existing access ramp. ii. Structures that cross SCVWD creeks are allowed but are discouraged. <p>c. SCVWD operates a ‘Good Neighbor Program’ where SCVWD will pay ±50% of the capital cost of a new fence. The property owner is responsible for maintenance.</p> <p>7. SCVWD Criteria Summary</p> <p>a. HMMH summarized design criteria extracted from SCVWD User Manual and Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines.</p> <p>b. HMMH requested identification or other criteria not explicitly stated in the Trail Design Guide. SCVWD Identified the following criteria:</p> <ul style="list-style-type: none"> i. Minimum access road width shall be 18’ or match existing conditions. ii. Minimum trail paved width shall be 8’ in areas where existing access road is narrow. iii. Grade trail away from the creek, allowing water to drain to existing outfalls. 	<p>SCVWD to provide information about known “hotspots” and problematic areas.</p> <p>HMMH to request draft copy from the City of San Jose.</p> <p>SCVWD to provide minimum vertical clearance for maintenance vehicles within creek.</p>
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<ul style="list-style-type: none">iv. Lighting along trail is not permitted.v. SCVWD regular maintenance of trail and associated closures should be properly conveyed and communicated to trail users through signage and public outreach.vi. SCVWD may need gates at all access points to close the trail for maintenance.vii. No physical separation between the creek and the trail is preferred, however to address safety concerns; low-height, open fencing is allowed.viii. SCVWD interested in alternative, permeable trail surfaces.ix. SCVWD indicated that a new joint-use agreement will need to be established between the City of Cupertino and SCVWD if the trail is constructed.	<p>HMH to research alternative paving solutions for trail.</p>
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MEETING MINUTES

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Regnart Creek Trail Feasibility Study**

Santa Clara Valley Water District (SCVWD) Kick-off Meeting

Date and Time: April 4, 2018 – 2:00 p.m.

Location: SCVWD Offices, 5750 Almaden Expy San Jose, CA 95118

Minutes By: HMH

Attended By:

Sue Tippets	SCVWD	David Stillman	City of Cupertino
Usha Chatwani	SCVWD	Jennifer Chu	City of Cupertino
Cody Houston	SCVWD	Jon Cacciotti	HMH
Devin Mody	SCVWD	Michelle Vera Cruz	HMH

<u>DISCUSSION</u>	<u>ACTION</u>
<p>1. Introductions & Key Staff</p> <ul style="list-style-type: none"> a. Usha Chatwani – SCVWD b. David Stillman – City of Cupertino c. Jon Cacciotti – HMH Engineers <p>2. Project Status Update</p> <ul style="list-style-type: none"> a. Two public outreach meetings, one “Walkshop” <ul style="list-style-type: none"> i. Primary concerns of the public are privacy, safety, and security. b. Proposed Improvements <ul style="list-style-type: none"> i. Various trail element alternatives aim to address the public’s concerns ii. Bridge crossings at Wilson park are proposed in order to maintain SCVWD access ramp and to create a connection to Wilson Park. <p>3. Proposed Improvements</p> <ul style="list-style-type: none"> a. Conceptual Alignment <ul style="list-style-type: none"> i. Trail alignment begins at the intersection of Torre Ave and Pacifica Dr and terminates at E Estates Drive before existing Regnart Creek trail tees into Creekside Park. ii. Trail alignment crosses Regnart Creek twice near Wilson Park to avoid existing SCVWD maintenance ramp. Bridges are proposed to achieve this crossing. b. Trail Features <ul style="list-style-type: none"> i. Railing 	



<ul style="list-style-type: none">1. To address safety concerns, railing along the top of bank, adjacent to the trail, is proposed for the entirety of the trail as the creek bank exceeds a 3:1 slope.2. SCVWD opposes railing as it restricts maintenance and contributes to bank instability and erosion.3. Slope instability and susceptibility to erosion increase as bank slopes increase.4. City to evaluate liability concerns for pedestrian safety along steep banks. <p>ii. Privacy Screening</p> <ul style="list-style-type: none">1. Screening provided by fencing, fence extensions, soundwalls, and metal/acrylic panels are proposed to potentially address privacy concerns.2. Proposed privacy screen footprint shall be minimized and shall abut existing fencing to the extent practicable as to not decrease maintenance access width substantially.3. SCVWD has a cost-sharing program for the replacement or installation of wooden or chain link fencing between District land and adjoining properties. City of Cupertino is to adopt similar cost-sharing agreement for fencing/screening installed by this project. <p>iii. Safety Features</p> <ul style="list-style-type: none">1. Security cameras and emergency push buttons may only be placed in public open spaces (road crossings, Civic Center), not along trail.2. Yves Zsutty from the City of San Jose can provide insight on the feasibility of providing security measures along trails. <p>iv. Trail Surface</p> <ul style="list-style-type: none">1. Trail surfaces shall be capable to withstand loading from SCVWD large maintenance vehicles and machines.2. Preferred SCVWD access width is 18'-22'.3. Trail surface width shall be as wide as possible but not less than 12' wide.4. Pervious pavement is the preferred trail surface as it will avoid C3 requirements.5. No new outfalls are proposed. The project proposes to tie into the existing system.6. Bioswales triggered by C3 treatment shall be minimized and shall abut existing fencing as to not decrease maintenance access widths substantially. <p>v. Bride Crossing</p>	<p>SCVWD to provide City of Cupertino with fence cost-sharing agreement language.</p>
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<ol style="list-style-type: none">1. 13'-15' vertical clearance from channel bottom to bridge deck is needed for maintenance equipment.2. For maintenance purposes, access points to the trail shall have gates.3. The maintenance ramp in this location is accessed approximately every 10 years. SCVWD is agreeable to removeable bridge structures that can be removed and preplaced by the City to facilitate creek work. <p>4. Next Steps</p> <ol style="list-style-type: none">a. Public Outreach<ol style="list-style-type: none">i. Trail alignment and trail elements that address public concerns will be presented at the public outreach meeting on April 23, 2018.ii. Public preferences and SCVWD preferences will be considered and evaluated in order to arrive at a recommended trail design.	
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MEETING MINUTES

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Regnart Creek Trail Feasibility Study**

Santa Clara Valley Water District (SCVWD) Kick-off Meeting

Date and Time: July 11, 2018 – 10:00 a.m.

Location: SCVWD Offices, 5750 Almaden Expy San Jose, CA 95118

Minutes By: HMH

Attended By:

Sue Tippets	SCVWD	David Stillman	City of Cupertino
Usha Chatwani	SCVWD	Jennifer Chu	City of Cupertino
Chad	SCVWD	Jon Cacciotti	HMH
		Michelle Vera Cruz	HMH

<u>DISCUSSION</u>	<u>ACTION</u>
<p>1. Introductions & Key Staff</p> <ul style="list-style-type: none"> a. Usha Chatwani – SCVWD b. David Stillman – City of Cupertino c. Jon Cacciotti – HMH Engineers <p>2. Project Status Update</p> <ul style="list-style-type: none"> a. Public Outreach Meeting & Meeting with Lozano Ln/De Palma Lane Residents <ul style="list-style-type: none"> i. Primary concerns of the public are privacy, safety, and security. ii. Creek structure alternatives presented to Lozano Ln/De Palma. If project was approved, Lozano Lane/De Palma Lane residents preferred the box culvert alternative. b. Trail Feasibility Study <ul style="list-style-type: none"> i. HMH is providing creek trail alternatives based on community, City, and SCWD input and will evaluate these alternatives based on, but not limited to, SCVWD maintenance access and environmental impacts <p>3. Recommended Improvements</p> <ul style="list-style-type: none"> a. Railing <ul style="list-style-type: none"> i. Removable split railing is proposed along the edge of the trail, at least 2’ from top of bank to allow for SCVWD maintenance and to not contribute to slope failures of creek bank. 	<p>SCVWD to provide vegetation maintenance schedule</p>



b. Fencing

- i. Fence replacement is the proposed privacy screening alternative as other alternatives have a footprint that will reduce SCVWD maintenance access if constructed on the creek side of existing private fencing.

c. Trail Surfacing

- i. Porous pavement is the proposed trail surface material to mitigate stormwater runoff.

d. Alignment

- i. The box culvert and cantilevered trail alternatives adjacent to Lozano Lane and De Palma Lane are not recommended by the SCVWD due to major local and federal environmental implications regarding the creek.
- ii. Removable bridge crossings to and from Wilson park are recommended to make it possible for SCVWD to maintain the creek in this section. Bridges shall be as far away from existing creek maintenance ramp as feasible.

4. Next Steps

a. Finalize Feasibility Study

- i. HMH will provide a draft study for SCVWD review by 8/1/2018
- ii. Council meeting for project approval on 8/21/2018



MEETING MINUTES

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Regnart Creek Trail Feasibility Study**

Santa Clara Valley Water District (SCVWD) Comment Resolution Meeting

Date and Time: September 17, 2018 – 3:00 p.m.

Location: SCVWD Offices, 5750 Almaden Expy San Jose, CA 95118

Minutes By: HMH

Attended By:

Melanie Richardson	SCVWD	Jennifer Codianne	SCVWD
Sue Tippets	SCVWD	Christina Pilson	SCVWD
Usha Chatwani	SCVWD	Robin Navarrete	SCVWD
Chad Grande	SCVWD	Timm Borden	City of Cupertino
Yvonne Arroyo	SCVWD	David Stillman	City of Cupertino
Shree Dharasker	SCVWD	Jennifer Chu	City of Cupertino
Cody Houston	SCVWD	Jon Cacciotti	HMH

<u>DISCUSSION</u>	<u>ACTION</u>
<p>1. Introductions</p> <p>2. Project Status Update</p> <p> a. Tim Borden (TB) provided an update on the Feasibility Study which was approved by Cupertino City Council on August 21st. The City intends to implement revisions per SCVWD comments and conclude the study.</p> <p>3. Melanie Richardson (MR) led a series of questions on Behalf of SCVWD</p> <p><u>Alignment</u></p> <p> a. MR: Has the alignment proposed been planned?</p> <p> i. TB: Yes, the proposed alignment matches Cupertino’s adopted 2016 Bicycle Plan</p> <p> b. MR: Is an alternate alignment feasible?</p> <p> i. TB: Alternative alignments were considered but require on-street portions of the trail which does not meet the purpose of the project.</p> <p> c. MR: Should incorporate sign elements or other features to remind the public that the trail location is first-and-foremost for creek maintenance.</p> <p><u>SCVWD Maintenance / Railings</u></p> <p> d. MR: How does 10’ paved path and addition of railings change SCVWD Maintenance Access?</p>	



<ul style="list-style-type: none"> i. Chad Grande (CG): With 10' paved and SCVWD's 8' wide trucks, cracking may occur at edge of pavement. The addition of a railing further restricts the drivable width. ii. TB: The railing at top of bank is must-have for City Council. The recommended project includes removable railings to accommodate SVCWD maintenance access. iii. David Stillman (DS): Indicated that the removable railing concept was presented at previous meetings and it was demonstrated to the City that this concept was acceptable to SCVWD. iv. Sue Tippets (ST): For annual weed abatement, SCVWD has a production rate of approximately 8000 linear feet per day. v. Jennifer Cordianne (JC): Additional maintenance work which would require railing removals may include pre- and post-emergent herbicide application. e. JC: Suggested the City could accept the weed abatement responsibilities for the creek. <ul style="list-style-type: none"> i. TB: Due to the regulatory agency permitting and unique nature of the maintenance work, City staff is not able to accept this responsibility. f. MR: SCVWD has identified this corridor as having erosion issues with the most significant issues near Brittany Court and Wilson Park. g. MR: How can we close trails for maintenance? <ul style="list-style-type: none"> i. TB: The project will install gates at the trail entrances. ii. MR: Outreach will be necessary to notice residents prior to closures iii. TB: The city will lead outreach efforts. h. Cody Houston (CH): SCVWD has planned projects to perform erosion mitigation in the next few years. This work will require longer term closures of the trail. <ul style="list-style-type: none"> i. ST: The City should also educate the public about the risk of erosion and understand the risk that a slope failure could close the trail for a prolonged period. ii. JC: SCVWD will need to identify mitigation sites at other areas along the creek. i. JC: SCVWD typically has 14-day window to perform creek maintenance work, can the City remove the railings with a 1-week notice? <ul style="list-style-type: none"> i. TB: The City will consult with their ground crews, but believes it is feasible. j. ST: In CEQA clearance, be sure to include ongoing operations and maintenance work. <p><u>Joint Use Agreement (JUA)</u></p> <ul style="list-style-type: none"> k. MR: Agreement should include clause to meet at annually to plan expected maintenance activities. l. TB: The City would like to have a Draft JUA for review by Council by the end of the year. 	<p>TB to consult with ground crews regarding timing to remove railings.</p>
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<p>m. TB: The City expects, with the addition of some location specific considerations, that the Draft JUA will look very similar to recent JUA's signed by SCVWD including the City of Morgan Hill's recently executed JUA.</p> <p>n. The JUA cannot be finalized until design plans are complete and environmental clearance is achieved.</p> <p>Schedule</p> <p>o. MR: What is the timeline for the project?</p> <ul style="list-style-type: none">i. TB: Feasibility Study is approved, design and environmental is funded and the City is targeting substantially complete plans for funding allocation in May 2019.ii. Construction is not yet funded; the City will be pursuing grants. <p>p. MR: The project will be presented to the Board Policy and Planning Committee at the October 22nd, 2018 meeting.</p> <p>4. MR indicated that conceptually SCVWD is agreeable to working with the City to find reasonable solutions to the issues raised.</p>	<p>Usha Chatwani to draft maintenance obligations for City review.</p>
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File: 33661
Regnart Creek

August 21, 2018

Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a “monitoring” mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) Page 3, “Trail Access”: Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District’s existing maintenance access.
- 2) Page 4, Table 1.3: Alternative 1 is the preferred alternative but has the most adverse impacts to the District’s maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District’s maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) Pages 7 and 11: Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and



- maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.
- 4) Page 8, Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
 - 5) Page 14, Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
 - 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
 - 7) Page 22, Available Right-of-Way: See comment no. 5a, above.
 - 8) Page 25, Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
 - 9) Page 25, Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
 - 10) Page 25, Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
 - 11) Page 26, Trail Monitoring and Maintenance:
 - a. This section refers to “managing agencies.” This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, “Corrective work for drainage or erosion problem shall be performed within a reasonable period of time.” The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
 - 12) Page 27, Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City’s plans for addressing those concerns.
 - 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District’s operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39, Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

21) Page 57, Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

22) Page 59, Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
- b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippets, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codianne, C. Pilson, C. Grande



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

September 14, 2018

Ms. Usha Chatwani, PE
Engineering Unit Manager
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Re: Regnart Creek Trail Feasibility Study
Response Letter to SCVWD 8/21/18 Comments

Dear Ms. Chatwani,

The City of Cupertino appreciates the time and guidance Santa Clara Valley Water District (District) has provided throughout the preparation of the Regnart Creek Trail Feasibility Study. We recognize the District's key concern to be able to continue flood protection operations and maintenance work while still allowing the City to provide this recreational benefit to the community, and are committed to finding a balance between these competing interests by continuing to work with the District as this project moves forward.

As you know, Cupertino City Council unanimously voted on August 21, 2018 to approve the study and directed staff to proceed with design, environmental review and construction of the Regnart Creek Trail. Prior to finalizing the study, the City understands we need to address the District comments which were received on August 21, 2018. The City has provided the following responses to these comments noting where revisions to the study will be made and where further discussion is requested at our upcoming September 17, 2018 meeting. District comments are reiterated below followed by City responses in *bold italics*.

- 1) Page 3, "Trail Access": Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.

This section will be revised to specify that trailhead features must not conflict with the District's maintenance access.

- 2) Page 4, Table 1.3: Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
Understood. Preservation of the District's maintenance access was a key consideration and considered as one of several important evaluation factors. Other alternatives, including 4 and 5, do not fully meet the purpose and need of the project. Regardless of which alternative is selected, the City will continue to work with the District to ensure that the District's maintenance and operational needs are satisfied.

- 3) Pages 7 and 11: Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.
Understood. The City will work directly with the District to identify the City's responsibilities in the joint use agreement.

- 4) Page 8, Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
This section will be revised to provide a statement regarding ingress-egress documentation.

- 5) Page 14, Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
This section will be revised to reflect the District as-built information as well as actual measurements taken in the field.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
See response to item 3.

- 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant

erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.

This section will be revised to reflect current, documented creek conditions.

- 7) Page 22, Available Right-of-Way: See comment no. 5a, above.
See response to item 5a.

- 8) Page 25, Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
This section will be revised to delete the last sentence in the first bullet point.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
Understood. Bullet point #5 addresses service/maintenance vehicle loading on paved trails. City liabilities and responsibilities are described on page 56, Trail Alignment Recommendation. Additionally, the City's responsibilities will be outlined in the joint use agreement.

- 9) Page 25, Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
See response to item 3.

- 10) Page 25, Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
This section will be revised to state that private access to the facility is not allowed.

- 11) Page 26, Trail Monitoring and Maintenance:
 - a. This section refers to “managing agencies.” This section should be revised to reflect that the City is the single managing agency for the trail.
This section will be revised to reflect the City of Cupertino as the managing agency.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
See response to item 3.
 - c. The Study states that, “Corrective work for drainage or erosion problem shall be performed within a reasonable period of time.” The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
Understood. This section will be revised.

14 2 JC

12) Page 27, Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City's plans for addressing those concerns. *Understood. The City will include the District in further community outreach efforts.*

13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District's operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more detailed information on how their construction will affect our maintenance access. After preliminary review, removable bridges appear to be feasible. Additionally, it has been our experience that pedestrian abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

Understood. The project proposes to place the bridge abutment 2' from the top of bank in order to avoid bank encroachment and regulatory approvals. We recognize that this further encroaches into district access roads. As the project moves forward with design, the City will work directly with the District on the abutment locations.

14) Page 39, Creek Bridges:

a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.

This section will be revised to include cross sections depicting the proposed widths at the bridge locations.

b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

This section will be revised. Should the bridges be temporarily removed for District work, the City will coordinate bridge removal and begin notifying the public of trail closure within 24 hours of receiving the request from the District.

15) Pages 40 and 41. Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

The concept of a railing at top of bank has been discussed at numerous meetings with the District through the preparation of the study. While the District has indicated concerns over impacts to ongoing maintenance operations, it was concluded at our July 11, 2018 meeting that a railing at the top of bank was acceptable, with the condition that removable fence elements be incorporated that would allow District maintenance activities to continue. As the project moves forward with design, the

City will work directly with the District to locate these removable fence elements. We would like to discuss this further at the September 17, 2018 meeting.

- 16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

Understood. This section will be revised.

- 17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

This section will be revised to state that trailhead features shall not limit or restrict the District's maintenance vehicle access.

- 18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

The location of these elements will be placed as to not conflict with maintenance vehicle access. Maintenance of these elements will be the City's responsibility and will be included in the joint use agreement.

- 19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.

See response to item 15. The City would like to discuss this further at the September 17, 2018 meeting.

- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

See response to item 15. The City would like to discuss this further at the September 17, 2018 meeting.

- 20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with

the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Understood. The City recognizes the impacts to cost and time associated with these additional maintenance measures. The City is committed to working directly with the District to minimize these impacts by providing immediate availability when bridges/railings need to be removed and when noticing is needed for trail closures.

21) Page 57, Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

This section will be revised to describe that the surface must accommodate maintenance vehicle loads and widths.

22) Page 59, Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.

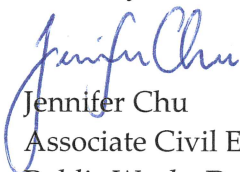
The City will coordinate directly with the County Sheriff Department to establish patrol resources and scheduling commitments.

b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

See response to item 15. The City would like to discuss this further at the September 17, 2018 meeting.

Thank you again for your consideration. Should you have any questions, please feel free to contact me directly at (408) 777-3237.

Sincerely,



Jennifer Chu
Associate Civil Engineer
Public Works Department

cc: City of Cupertino – Timm Borden, David Stillman
SCVWD – Melanie Richardson, Sue Tippetts, Yvonne Arroyo, Shree Dharasker,
Cody Houston, Jennifer Codianne, Christina Pilson, Chad Grande

Jennifer Chu

From: Timm Borden
Sent: Thursday, October 25, 2018 8:56 AM
To: Melanie Richardson
Subject: FW: Follow up on Regnart Creek

Hi Melanie,

It was good seeing you at the Water Commission meeting yesterday and discussing this. As I mentioned, the City Council did not have the letter for consideration, as we received it just a couple of hours before the meeting and hadn't had time to digest it from a staff standpoint at the time. However, Council did have the draft study which included project meeting minutes from our meetings with the District on November 28, 2018, April 4, 2018 and July 11, 2018.

The CEQA Initial Study will begin in approximately 3 or 4 months, once preliminary engineering has been completed. We are anticipating having 100% engineering and environmental clearance completed by May 2019. There will be neighborhood meetings and meetings with individual property owners (if they wish) to develop the preliminary engineering plans, and then there are statutory public review periods for the Initial Study.

At the August 21 Council meeting, Council approved a budget for design and environmental clearance of the trail. This is general fund money; the design and CEQA phase do not have additional grant funding at this time. And just to correct and clarify a point that was made in our response letter of September 14, 2018, where we said, "As you know, Cupertino City Council unanimously voted on August 21, 2018 to approve the study and directed staff to proceed with design, environmental review and construction of the Regnart Creek Trail." the City Council has not yet approved construction or provided a budget for construction of the trail. We are anticipating making this request in the spring during our regular budget season requests.

Thanks,
Timm



Timm Borden

Director of Public Works
Public Works
TimmB@cupertino.org
(408) 777-3354/3382



From: Melanie Richardson [<mailto:m16richardson@gmail.com>]
Sent: Tuesday, October 23, 2018 4:13 PM
To: Timm Borden <Timmb@cupertino.org>
Subject: Follow up on Regnart Creek

Good afternoon Timm:

We had our Board's Policy and Planning Committee meeting yesterday regarding trails policy. The Regnart Creek proposed trail project was discussed as a case study. A couple of questions I have regarding this project.

Did the Cupertino Council consider the District's letter in their decision making?

When is the CEQA Initial Study scheduled to be started?

Does the design and CEQA phase of the project have grant funding?

It would be really helpful for me to better understand these issues.

Thanks,

Melanie

Sent from my iPad

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