

LAWRENCE-MITTY PARK AND TRAIL

Concept Plan Report

December 2023



CUPERTINO

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Project Phases



INTRODUCTION

In January 2022, the City of Cupertino and a consultant team lead by MIG, kicked off the **Lawrence-Mitty Park and Trail Concept Plan** project, with the goal of transforming this recently acquired vacant site and existing trail corridor into a **meaningful recreation resource for the Cupertino community**.

Primary tasks were to analyze the site, gather public input to inform community-driven design alternatives, and arrive at a preferred, implementable concept plan for the site. This effort is summarized in this report, organized by the five project phases as shown at left.

Project Background

The Lawrence-Mitty site totals about 7.83 acres, and includes the Saratoga Creek channel along the western boundary, reducing the developable area to approximately 5.92 acres. The eastern boundary of the site is adjacent to Lawrence Expressway.

Development of the site as a park and trail extension provides greatly needed open space for citizens on the eastern side of Cupertino, and was included as an action in the 2020 Park and

Recreation System Master Plan (PRSMMP) as part of the City’s Master Plan Goal #3, Equitable Access. Additionally, the site was included in the 1999 San Tomas Aquino/Saratoga Creek Trail Master Plan as part of Reach 5 of the trail system. A primary element of the improvement of this site will be to develop this segment of the trail network.

Site Acquisition

The desire for a new park and trail extension along Lawrence Expressway near Mitty Avenue (Lawrence-Mitty) began 20 years ago. The City of Cupertino has considered the acquisition, annexation, and development of a neighborhood park on the eastern side of the City since 2002.

In July 2020, the City Council approved the purchase of the Lawrence-Mitty site from the Santa Clara County Roads and Airports Department. The site was previously within the jurisdiction, city limits, and urban service area of the City of San Jose. In April 2022, the Local Agency Formation Commission of Santa Clara County (LAFCO) approved the City of Cupertino’s request for annexation.



1 CONDUCT TECHNICAL SITE ANALYSIS

The first phase of the Concept Plan process was to review background information, research the site's existing conditions, and perform additional site studies to fully understand the site—both its opportunities and constraints.

EXISTING CONDITIONS

The Lawrence-Mitty project site is roughly a half mile in length and is located in the Rancho Rinconada neighborhood on the east side of Cupertino, between Saratoga Creek and the Lawrence Expressway, as seen in the context map below.

The *middle* of the site lies just across the pedestrian bridge from Sterling Barnhart Park, a small and well-used neighborhood play area. To the south, reachable by the existing trail, is the Rancho Rinconada pool. The site is within a mile from Cupertino High School, Hyde Middle

School, and Sedgwick Elementary School. Archbishop Mitty High School (private) is directly across the Expressway from the site.

The *south section* of the site includes an existing section of the Saratoga Creek Trail, which extends north past the pedestrian bridge from Sterling Barnhart Park and to a crosswalk at Mitty Way. This portion has a paved multi-use trail, site furnishings, signage, and irrigation. Trail improvements along the south section are noted in some of the design concepts and depend on the community's priorities and final budget. There are also several small opportunity areas where the land widens out between the trail and creek. At the south end of the property is an existing sound wall that continues beyond the end of the parcel.

The *north section* of the site, beyond the Mitty Way intersection, is currently fenced and locked, and offers a large flat space with the most recreation potential of the parcels. This area was last used as a construction storage and staging area by the County and holds several large soil piles and soil berms along the top of the creek bank, both made up of a combination of soil and

construction debris. The former use has left behind an impervious asphalt surface, which will need to be addressed for successful drainage and planting.

As the site was recently annexed from the City of San Jose into Cupertino, its location at the edge of Cupertino and San Jose requires coordination with San Jose and Santa Clara County on several site factors, including traffic, access, and utility connections.

The adjacent Lawrence Expressway creates challenges with noise, particulates, access, and parking. In addition, I-280, at the north end of the site, contributes additional background noise and makes bicycle and pedestrian connections to the north challenging.

Saratoga Creek can provide the community with unique passive recreation opportunities and a greater connection to nature. Development work adjacent to the creek will need to consider many factors, including environmental agency regulations, grading and stormwater management for water quality, habitat, and existing riparian trees.

The City's and design team's shared goal is to create a concept plan that addresses each challenge and is shaped by the site's possibilities and the community's vision. The Lawrence-Mitty site has the potential to provide new recreation uses for the neighborhood, extend trail connections in the city and region, and improve ecological functions along the creek corridor.

TECHNICAL STUDIES

Phase 1 included the additional technical field studies needed to gain a better understanding of the site conditions. Studies included: 1) a transportation study, 2) an environmental site assessment, 3) a noise analysis, 4) a biological resources survey, and 5) an arborist report.

The studies were completed by multiple subconsultants with specific technical expertise who developed detailed reports for each element, with the key findings compiled

into a single document, Environmental Summary Report (ESR) in June 2022.

The ESR is organized with a section for each topic shown in the graphic below, each of which includes a summary of findings and development recommendations provided to guide the site design towards an implementable plan. Large exhibits and full versions of the studies are located in the ESR's appendix.

ENVIRONMENTAL SUMMARY REPORT

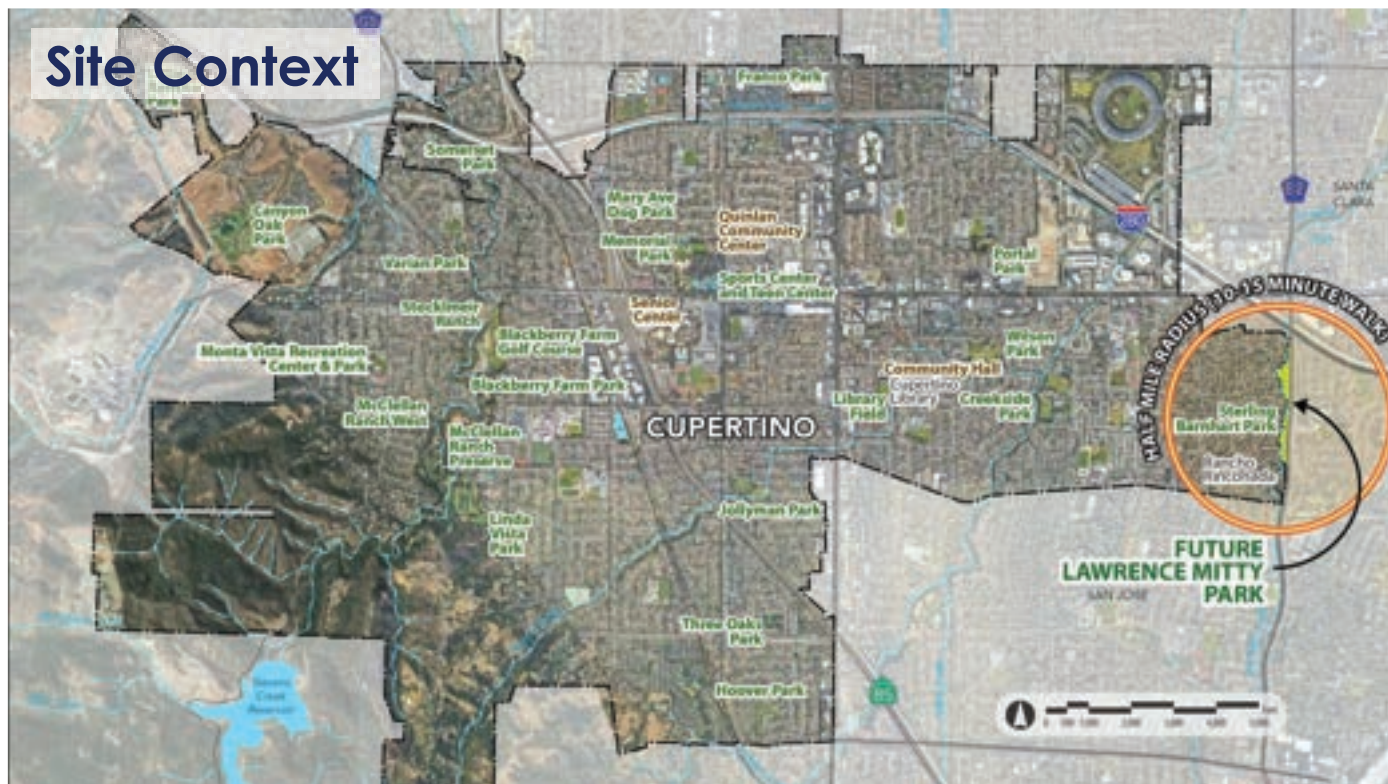
Technical Analysis

- Site Overview
- Citywide Goals and Regulations
- Access and Circulation
- Noise Reduction
- Easements and Utilities
- Soils
- Stormwater and Hydrology
- Biological Resources
- Trees & Landscape

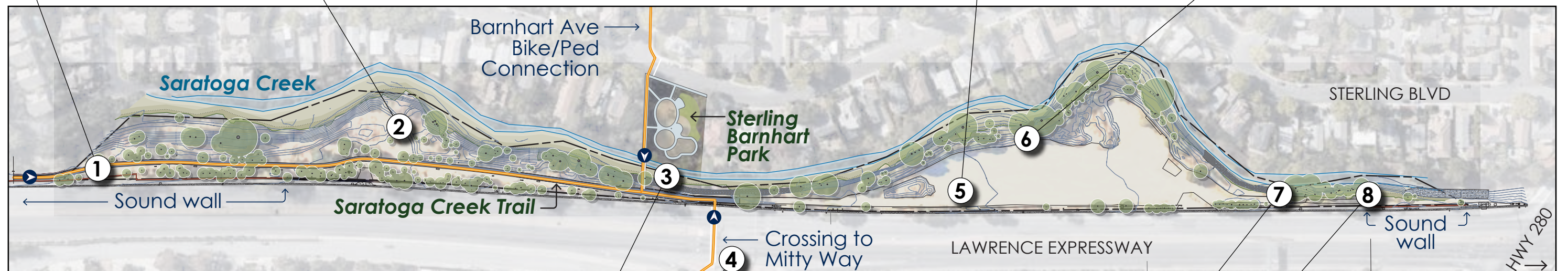
Opportunities and Constraints

- Maps
- Next steps

Appendix (with full details of site studies)

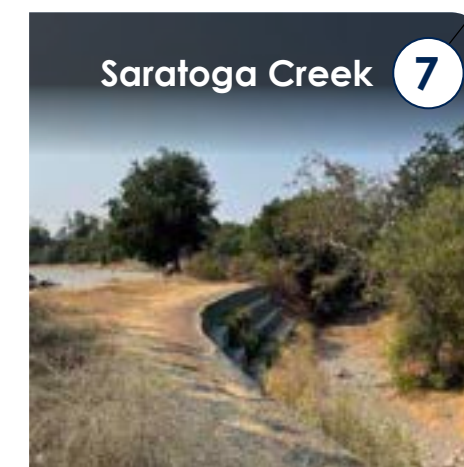
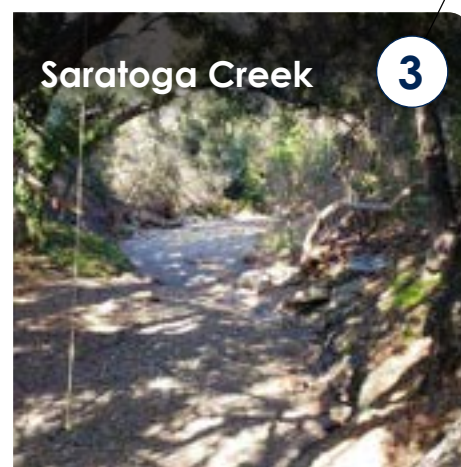


1. SITE ANALYSIS: EXISTING CONDITIONS



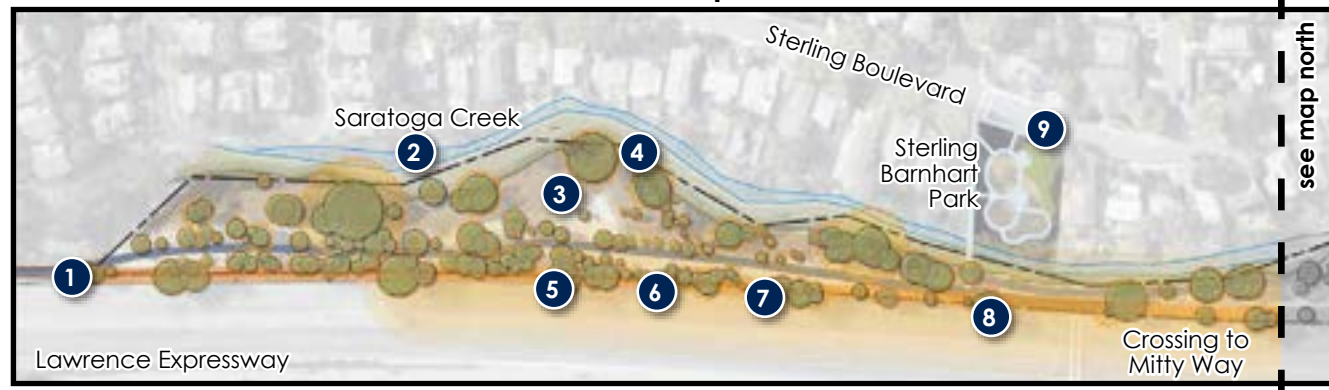
MAP LEGEND

- Saratoga Creek
- Lawrence-Mitty Park Boundary
- Existing Trees
- Existing Saratoga Creek Trail
- Existing Access Point
- Existing Bike/Pedestrian Route

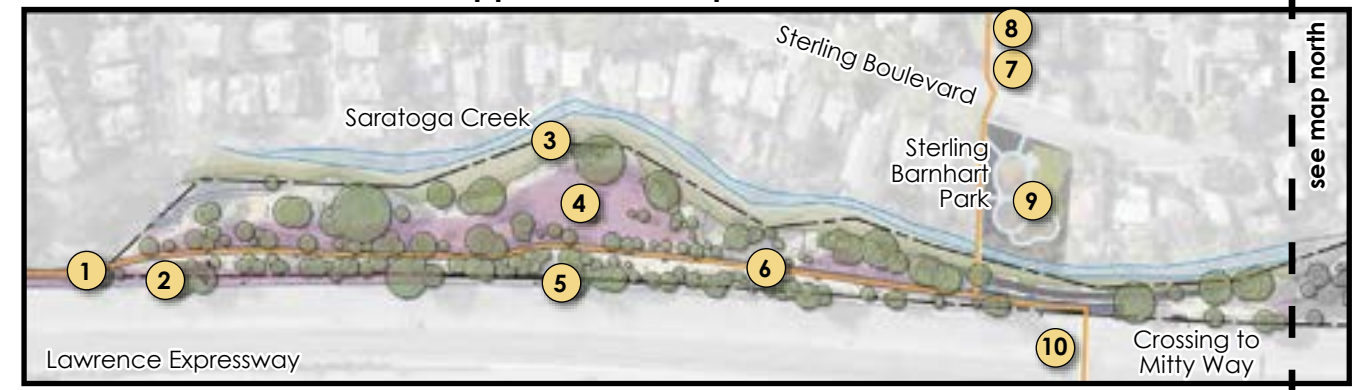


1. SITE ANALYSIS: OPPORTUNITIES AND CONSTRAINTS

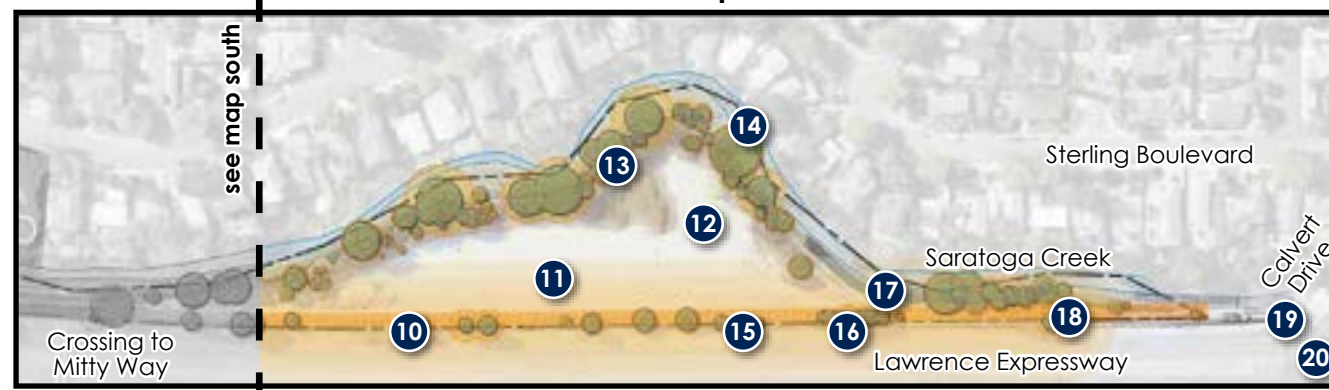
Constraints Map: South



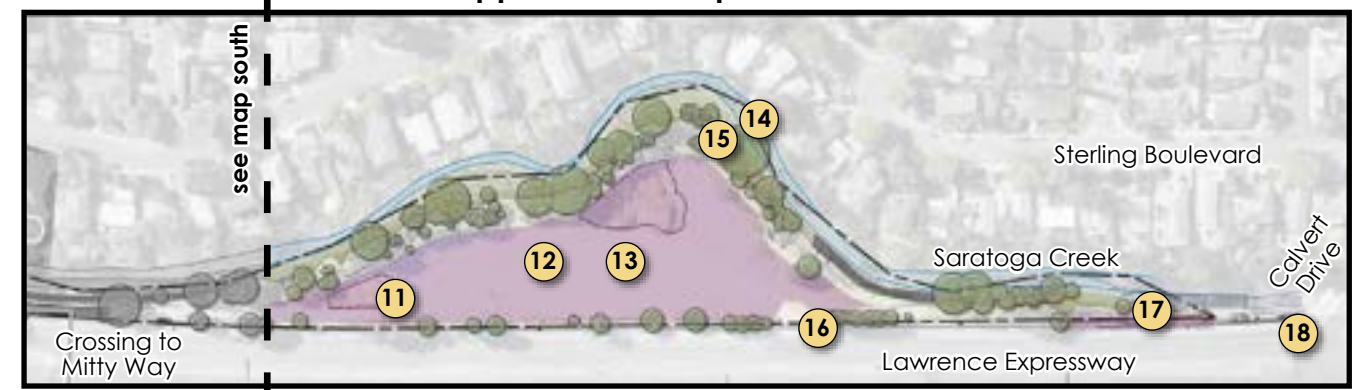
Opportunities Map: South



Constraints Map: North



Opportunities Map: North



MAP LEGEND

- Saratoga Creek
- Lawrence-Mitty Park Boundary
- Existing Trees
- Existing Saratoga Creek Trail
- Tree Root Protection Zone
- Soil Adjacent to Expressway
- Gap in Existing Sound Wall
- Soil Berms and Piles (approximate)



- 1** Limited visibility at sound walls
- 2** Saratoga Creek constraints: environmental agency regulations, no development below top of bank, limited tree removal
- 3** Remnant soil piles (construction debris)
- 4** Remnant berms with mature tree roots limit removal options
- 5** Maintenance/emergency access points from expressway impact potential noise mitigation
- 6** Road noise and visibility
- 7** Elevated levels of lead in soil adjacent to expressway
- 8** Utility coordination required with San Jose (water, sewer, stormwater)
- 9** Limited parking (on-street only)
- 10** Elevated levels of lead in soil adjacent to expressway
- 11** Remnant impervious surface negatively impacts creek health
- 12** Remnant soil piles (construction debris)
- 13** Remnant berms with mature tree roots limit removal
- 14** Saratoga Creek constraints: environmental agency regulations, no development below top of bank, limited tree removal
- 15** Road noise and visibility
- 16** Maintenance/emergency access points from expressway impact potential noise mitigation
- 17** Steep creek edge with stepped gabions
- 18** Constrained park space
- 19** No current bike/pedestrian connection north
- 20** Highway noise from I-280

MAP LEGEND

- Saratoga Creek
- Lawrence-Mitty Park Boundary
- Existing Trees
- Existing Saratoga Creek Trail
- Existing Bike/Pedestrian Route
- Tree Root Protection Zone
- Existing Sound Wall
- Open Space for Recreation
- Soil Piles for Removal



- 1** Regional trail connection to Rancho Rinconada pool and beyond
- 2** Reduced noise level at sound walls
- 3** Views to the creek possible with berm and soil pile removals
- 4** Small open spaces for passive recreation or creek overlooks
- 5** Existing maintenance/emergency access
- 6** Existing trail and park amenities
- 7** On-street connections to parks and three schools less than a mile away
- 8** Potential collaboration with schools for environmental education opportunities
- 9** Existing small neighborhood park with play area and pedestrian bridge
- 10** On-street connections to Archbishop Mitty High School and John Mise Park
- 11** Removal of soil piles (construction debris)
- 12** Reduction of impervious surface, improving creek health
- 13** Large open space for a range of recreation opportunities
- 14** Views to the creek possible with berm and soil pile removals
- 15** Lower noise levels far from expressway
- 16** Existing maintenance/emergency access
- 17** Lower noise levels at sound wall
- 18** Potential bike/pedestrian connection north to Stevens Creek Blvd

2 DEVELOP A COMMUNITY VISION

The community engagement effort was planned to ensure that the goals and ideas from the neighborhood and potential users are incorporated into the design of the Lawrence-Mitty Park & Trail Concept Plan.

The following is a brief description of each event and a synthesis of ideas and priorities that emerged from this engagement effort.

A more complete engagement summary is provided in the Appendix.

COMMUNITY EVENTS

POP-UP EVENTS

Bunny Run 5K – April 16, 2022 8:00 to 11:00 a.m. and **Saturday Soccer at Creekside Park** – May 7, 10 a.m. to noon.

Goals: Inform the community of the project, provide an opportunity for questions, elicit input on desired park amenities, and continue to build a list of interested community members for the upcoming review of the alternatives.

Participants: Input from about 30 community members at each event.

Content: Project fact sheet, Site Analysis and Project Overview boards were shared and residents were encouraged to add their specific comments to the boards using post-it notes.

VIRTUAL COMMUNITY MEETING

April 27, 2022 6:00 to 7:30 p.m.

Participants: Input from about 15 participants.

Content: The Zoom meeting included a presentation on the project overview and analysis, polling questions, and an open Q&A Session.



LAWRENCE-MITTY COMMUNITY SITE TOUR

April 30, 2022 10 a.m. to noon

Goals: This event provided an opportunity for the community to visit the site that will become the new park. Also, this was another opportunity to gather feedback from residents on a range of issues from their thoughts and concerns about the trail, the access points, and their overall experience and comfort within the site.

Participants: 60-70 community members.

Content: Participants were greeted at a welcome station and given a Site Tour Handout for the self-guided tour to four stations. Boards showing project opportunities, existing site conditions and challenges provided information and space for users to add their comments.

ONLINE SURVEY

Open from April 4 - May 23, 2022

Participants: 563 respondents

Content: The survey included a variety of question types designed to understand the community's priorities for the future park and trail improvements at the Lawrence-Mitty site. The bulk of the survey concentrated on desired recreation experiences for the new park and existing trail section. In addition, participants were asked to provide anonymous information about themselves, including if they live within walking distance of Lawrence-Mitty Park, how often they use the Saratoga Creek Trail, and what neighborhood they reside in.

EMERGING GOALS & THEMES

The information gathered from the engagement efforts by the City of Cupertino, and MIG provided important insights and an understanding of the community's goals and desires for the Lawrence-Mitty Park & Trail. In summary, to meet community needs and expectations for the new park and trail extension, the focus for the site design should include:

- Wildlife, nature, and education features
- A variety of features to appeal to all ages
- Bike trail extension from Mitty Way to the large open space area

- Bike trail connection to the north
- Separated walking paths
- Play Features - Nature play and play elements for older kids
- Comfort features: restrooms, seating
- Reduction of on-site noise levels
- Considerations for site safety
- Shade trees and native plants for habitat enhancement
- Dogs in the park

Summary of Community Input



3 CREATE DESIGN ALTERNATIVES

OVERVIEW

In Phase 3, the design team incorporated what was learned through the site analysis and community visioning into three design alternatives—all appropriate for the site and project budget.

All three alternatives included the following design elements that were prioritized by the community:

- **Emphasis on Biking, Walking, Play, Nature, and the Creek**
- **Multi-Use Trail Extension** with space for a future connection to the North
- **Walking Trails** separated from bikes
- **Comfort and Safety Features:** Seating, sound wall, berm or fencing along the expressway, and an emergency phone
- **Soils:** Existing soil piles in the open staging area will be removed. Edge-of-creek soil berms will be removed wherever it is safe for mature tree roots. This soil may be repurposed as cover soil along the expressway edge in the north area.
- **Vegetation:** Shade trees, native and drought tolerant plants, enhanced riparian plantings, and bioretention areas to treat runoff.

In addition to these baseline priorities, each concept had a unique focus for its additional recreation features. The focus and features are summarized in the following concept descriptions and a summary graphic on the next page, followed by the three individual plans.

CONCEPT A: WHEEL FUN

Main Features: Bicycles and Fitness

Description: The park’s location is naturally geared towards bikes and this concept goes all in on bike features. The north area features a small to mid-size BMX skills course for teens and

adults. Seating is provided for those who want to watch, rather than perform, the tricks. The south end offers younger kids a small pump track away from the main trail. There are new walking trails, fitness stations and small nature play elements to appeal to all ages and those less bike-inclined.

CONCEPT B: STORY TRAIL

Main Features: Nature, Trails, and Interpretive Features

Description: This concept makes the most of the creek side setting and is the “most wild, least developed” of the three alternatives. It has more extensive planted area and tree cover, and highlights bioretention areas by weaving them into the path network using small footbridges to cross. Features include an enhanced deck overlook near the creek and nature play elements, including a dry creek bed meant for kids to explore. Both the south and north areas of the site offer new walking trails and interpretive elements centered on the site’s history and environmental education.

CONCEPT C: PLAY IT UP

Main Features: Play, Fitness and Flexible Open Space

Description: This concept provides play and fitness features that build on what is offered in Sterling Barnhart’s small footprint to offer more for all ages. Play elements include a net climber geared towards ages 5-12, basket swings that work for singles or doubles of all ages, and a log scramble for nature play. Fitness stations are placed along a loop path that surrounds a flexible lawn space.

COMMUNITY ENGAGEMENT

Next, the City and design team shared the alternatives with the community for feedback through four events:

- **Pop-Up Event at the Library**
October 8, 2022 10 a.m. to noon
- **Drop-in Site Visit at the future park and trail site**
October 15, 2022 10 a.m. to noon
- **Virtual Community Meeting**
October 17, 2022 6:00 to 7:00 p.m.
- **Online Survey**
October 3 – October 31, 2022

Staff explained in the community events that there are cost tradeoffs for different recreation elements, noise abatement, restrooms and extents of work. The goal of sharing the alternatives was to understand community priorities, maximize the park’s benefits for the community within the project budget and guide direction of the final preferred plan.

DESIGN DIRECTION

Of the three concepts, the **top-rated overall design was Concept B – Story Trail**, with Concept A – Play it Up coming in second. The top community priorities emerging from Concept B were **connecting with nature** and **opening views to the creek**, while interpretive signage had low scores from the community.

We also took a look at the **top preferred features across all concepts**. Items noted in bold below were included in Concept B and in the final plan. In addition, Nature Play and Play Features shown in Concepts A & B were incorporated into the final concept plan to the extent that budget allows.

Top Priorities for the Final Concept:

- **Creekside Deck Overlook & Creekside Benches**
- **Dry Creek Feature & Expanded Natural Areas**
- **Nature Play Areas (e.g., log balance, climbing rock)**

- **Play Area Features (e.g., climbing net, nest swings)**

Providing compatible active play alongside the creekside nature experience will draw more of the community to the area, which will be beneficial to site safety. It will also help address what was heard in both rounds of community engagement for additional community goals and priorities:

- Include play for all – variety of recreation opportunities for all ages, abilities, range of user groups
- Support an interconnected recreation system, future connections
- Provide social and resting spaces

Additional Community Input:

Restroom: We heard that inclusion of a restroom in the park and trail area is important to many community members for a successful, comfortable park experience. Some neighbors near Sterling Barnhart Park are opposed to a restroom in Sterling Barnhart but support it elsewhere. Unfortunately, providing one in the new park area is much more costly due to utility connections, and will not fit within the budget without losing the recreation experiences the community is looking for.

Noise Reduction: The community would like to reduce noise with either a sound wall or a soil berm along the expressway at the new park site. Cost, effectiveness and park aesthetics will determine how much of each is incorporated into the final plan.

3. DESIGN ALTERNATIVES

DESIGN ALTERNATIVES SUMMARY DIAGRAMS

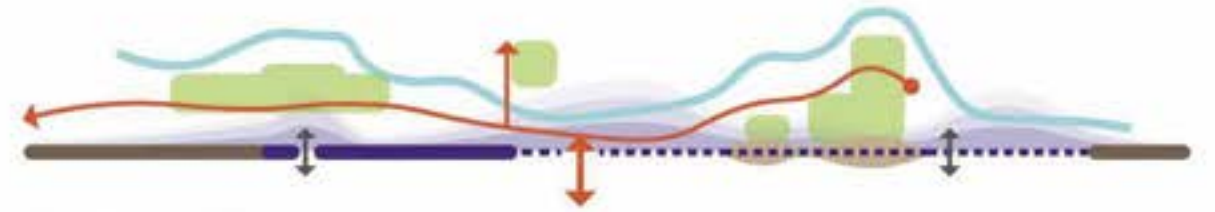


**LAWRENCE-MITTY
PARK AND TRAIL PLAN**
CUPERTINO

DIAGRAM LEGEND

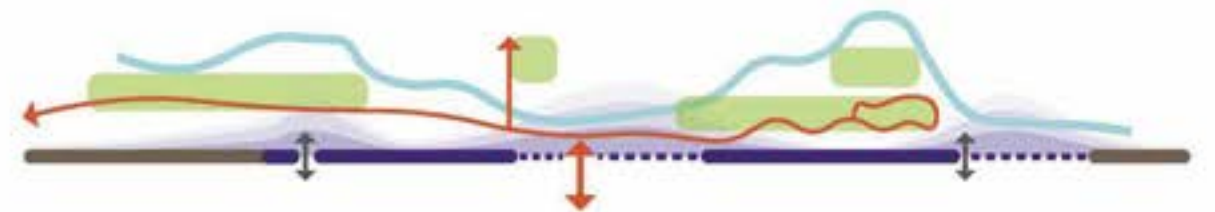
Primary Bike and Pedestrian Routes	Existing Sound Wall	Limited Noise and Visibility from Road
Emergency and Maintenance Access	Proposed Sound Wall	Higher Noise and Visibility from Road
Recreation Areas	Protective Fence or Barrier	

CONCEPT A: WHEEL FUN



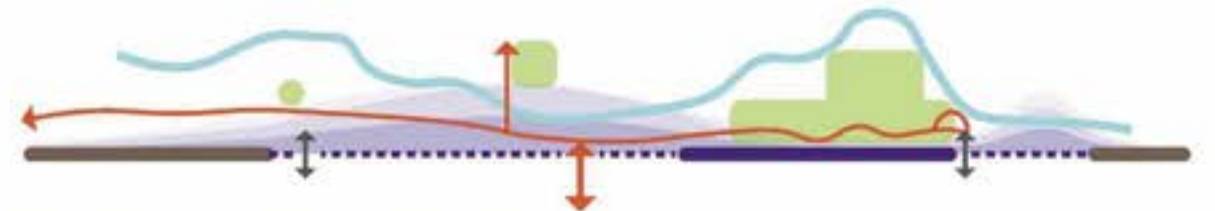
- Bicycles and Fitness**
- Bike Skills Courses (teens and adults)
 - Bike Pump Track (young kids)
 - Simple Fitness Stations
 - Small Nature Play Elements Along the Trail
 - Creekside Bench Overlooks
 - New Restroom at Sterling Barnhart Park

CONCEPT B: STORY TRAIL



- Nature, Trails, and Interpretive Features**
- Interpretive Features Along the Trails
 - Creekside Deck Overlook
 - Nature Play Areas
 - Dry Creek and Expanded Natural Areas

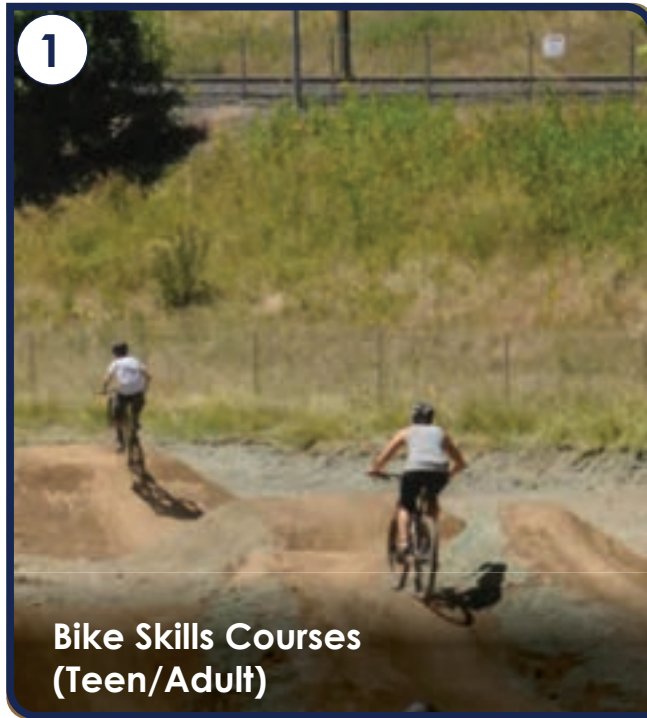
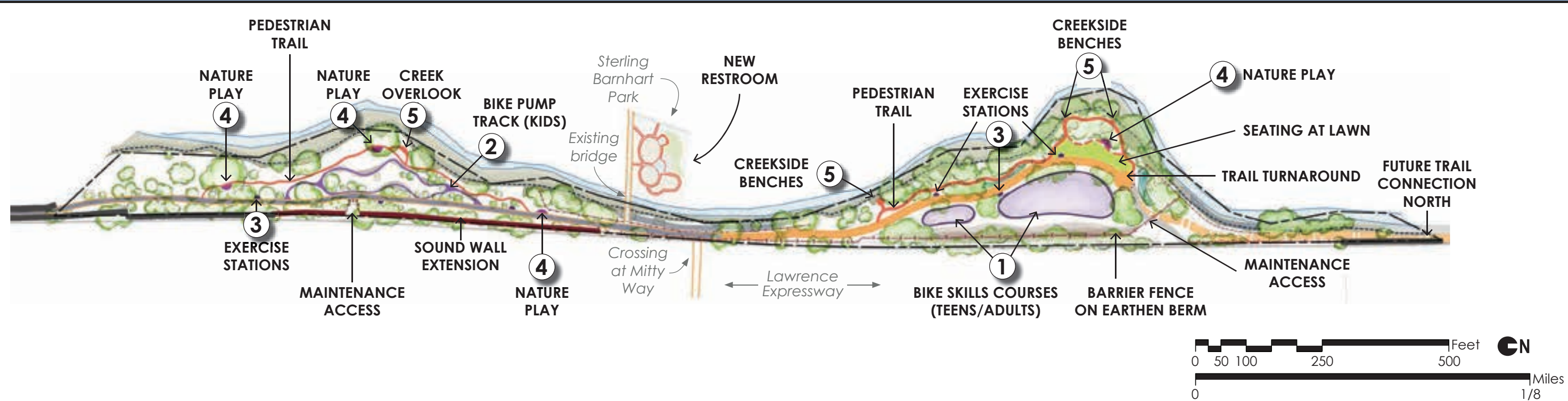
CONCEPT C: PLAY IT UP



- Play, Fitness, and Flexible Open Space**
- Play Areas
 - Fitness Station Circuit
 - Flexible Lawn Space
 - Picnic Grove
 - Creekside Bench Overlooks
 - New Restroom at Sterling Barnhart Park

3. DESIGN ALTERNATIVES

CONCEPT A - WHEEL FUN

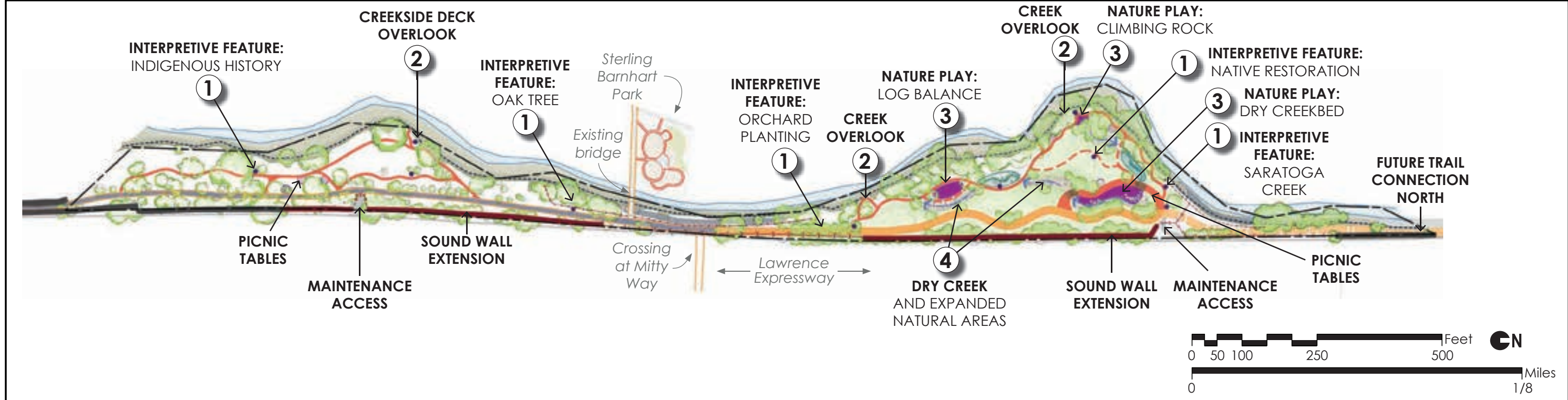


MAP LEGEND

- Saratoga Creek
- Lawrence-Mitty Park Boundary
- Tree Canopy
- Proposed Bioswale Planting
- Proposed Lawn Area
- Proposed Recreation Feature
- Protective Fencing
- Proposed Sound Wall Extension
- Existing Sound Wall
- Existing Multi-Use Trail
- Existing Pedestrian Route
- Proposed Multi-Use Trail
- Proposed Pedestrian Route
- Future Trail Connection

3. DESIGN ALTERNATIVES

CONCEPT B - STORY TRAIL

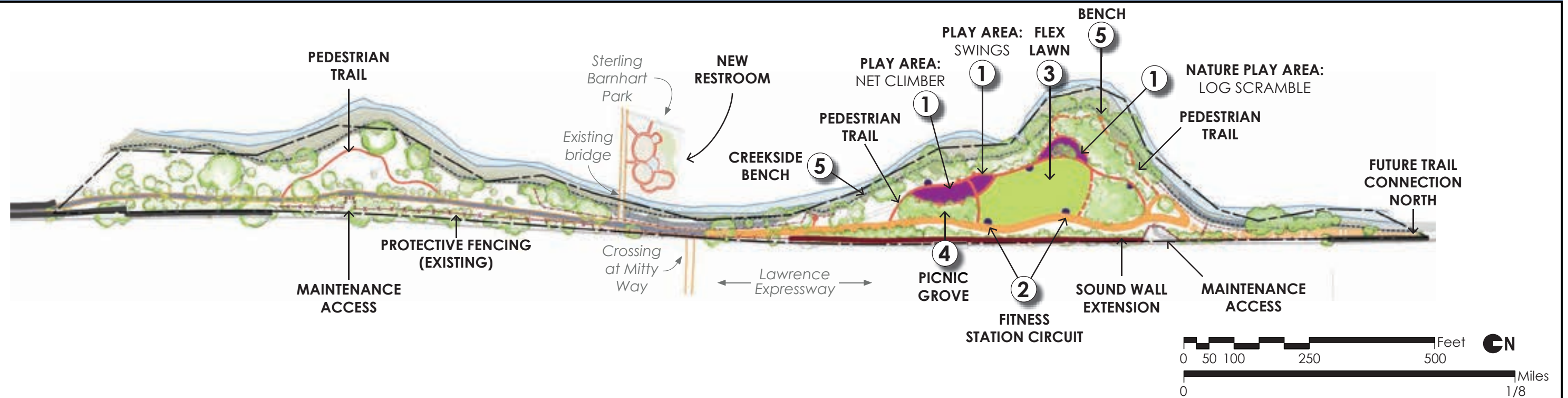


MAP LEGEND

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- Existing Sound Wall
- Existing Multi-Use Trail
- Existing Pedestrian Route
- Proposed Multi-Use Trail
- Proposed Pedestrian Route
- Future Trail Connection

3. DESIGN ALTERNATIVES

CONCEPT C - PLAY IT UP



MAP LEGEND

- Saratoga Creek
- Lawrence-Mitty Park Boundary
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- Proposed Bioswale Planting
- Proposed Lawn Area
- Proposed Recreation Feature
- Protective Fencing
- Proposed Sound Wall Extension
- Existing Sound Wall
- Existing Multi-Use Trail
- Existing Pedestrian Route
- Proposed Multi-Use Trail
- Proposed Pedestrian Route
- Future Trail Connection

4 DEVELOP THE CONCEPT PLAN

A final concept plan was developed drawing on the site's opportunities & constraints, the community's vision for the park and feedback on the draft concepts.

The community-driven design focuses on extending the existing multi-use trail along Saratoga Creek and providing a new 2.8-acre park with open space, enhanced riparian and upland plantings, extended bike trail, soft surface trails, play opportunities, shade, seating, and a berm separating it from the expressway.

PARK DEVELOPMENT PHASING

The visioning process and draft concepts included the entire length of the site to understand community needs and priorities. This community input was used to establish the extent that is feasible within the available construction budget. Refer to the phasing graphic below for the Current Phase and potential Future Phases.

The south section of trail has less park space opportunity but is already a functioning public space with a multi-use trail. While the north area offers the significant open space opportunity, it does require a large budget to transform the former construction staging area into a park.

Based on community goals, the current project budget is being prioritized in the north area to create a new park and trail. With future funds, a new restroom or large net climber could be installed at the park site, and additional improvements could be planned for the south area and the north trail connection.

FUTURE IMPROVEMENTS - SOUTH PARK AND TRAIL

Although the north area is the largest opportunity on site, there are a number of community amenities that could be implemented in the south section in the future. There are several areas along the existing trail for smaller park features. Possibilities include:

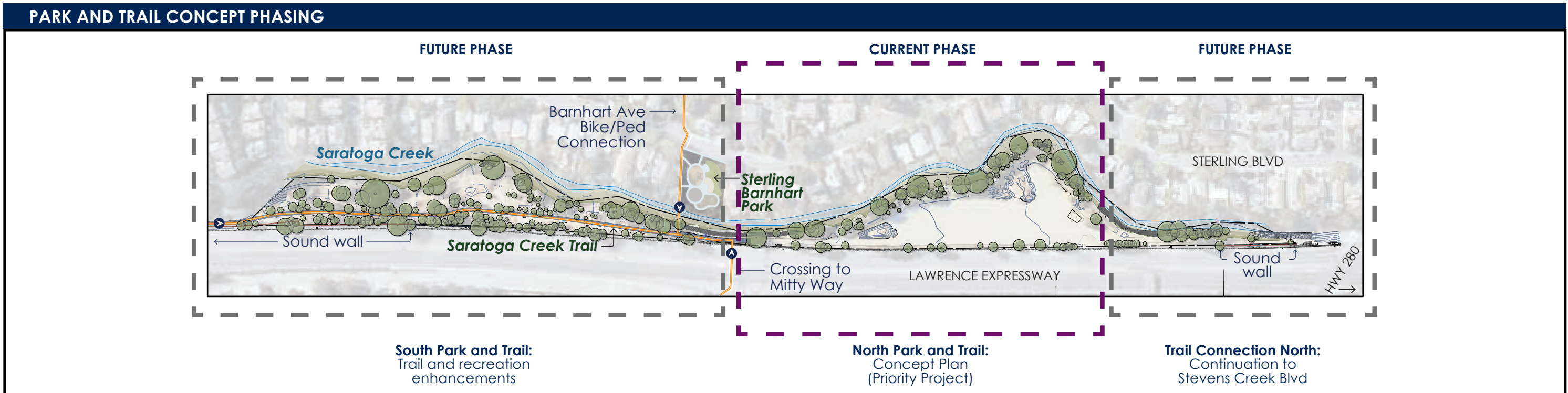
- Multi-use trail improvements (widening, resurfacing, benches, wayfinding);
- Separated soft-surface pedestrian trails;
- New fencing or additional sound wall;
- Small park features (bike pump track, nature play, exercise stations, picnic tables);
- Interpretive features;
- Removal of soil berm along the creek edge, where possible;
- Enhanced riparian plantings; and
- Creekside benches or overlook.

fast-moving traffic lanes, elevated roadways, and multiple jurisdictions (City of Cupertino, City of San Jose, Santa Clara County, Caltrans, VTA, and environmental agencies overseeing the creek).

The site's property limits, project budget and required jurisdictional coordination required makes the trail extension impossible to achieve in this phase. However, with future regional coordination and additional budget this connection could be achieved in the long-term. The project currently includes a trail turnaround and maintenance access point from Lawrence Expressway to allow for this important future connection.

FUTURE IMPROVEMENTS - TRAIL CONNECTION NORTH

Extending the trail north to existing bike lanes at Stevens Creek Boulevard was a priority for the community and meets citywide goals identified in the PRSMP, Bicycle Plan, and Climate Action Plan. Stevens Creek Boulevard's existing bike lanes are currently Class II, and a Class IV Separated Bikeway is proposed for much of it in the future. However, several constraints make this connection difficult – narrow conditions, multiple



4. CONCEPT PLAN

NORTH PARK AND TRAIL CONCEPT

The community's preferred direction is a park with a natural aesthetic, with walking trails, enhanced native plantings, views of the creek and new nature play opportunities, as shown in the inspiration images and concept plan on the next page. The community-driven design includes:

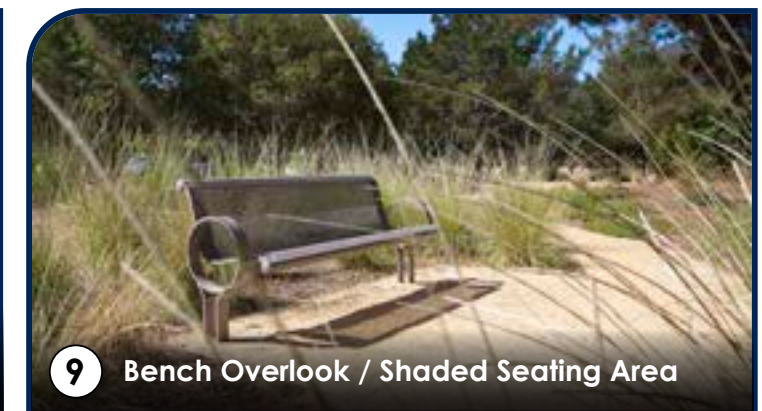
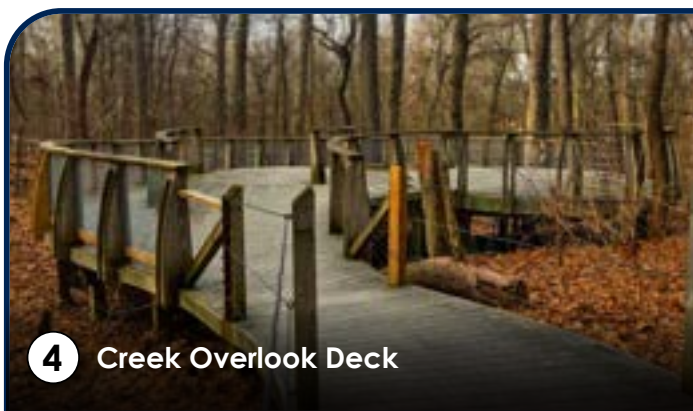
- Extending the existing multi-use trail along Saratoga Creek, attracting bicyclists and pedestrians to the park;
- Soft surface trails (decomposed granite) for exercise and enjoying the natural surroundings;
- Play features that build on the offerings at Sterling Barnhart, including Nest Swings, a Log and Boulder Seating Circle and a Climbing Rock;
- Shaded benches and picnic tables for resting and small gatherings;
- Several creekside bench overlooks to provide shady resting places with views towards the creek and riparian plantings;
- Creekside deck overlook to provide one purposeful opportunity for a close-up view into the creek;
- Visible stormwater improvements, with a dry creek collecting and routing water into the bioretention area and improving the water quality of the creek;
- Additional riparian plantings east of the existing riparian zone along the creek;
- New upland plantings between the riparian edge and expressway, replacing the paved staging area with shade trees and native and species;
- Open meadow with native grasses and wildflowers;
- Landscape berm with trees, as both a visual barrier and for noise reduction from the expressway;
- Space set aside for a future restroom; and
- Maintenance access/trail turnaround for a future connection to the North.

DESIGN CONSIDERATIONS - SARATOGA CREEK

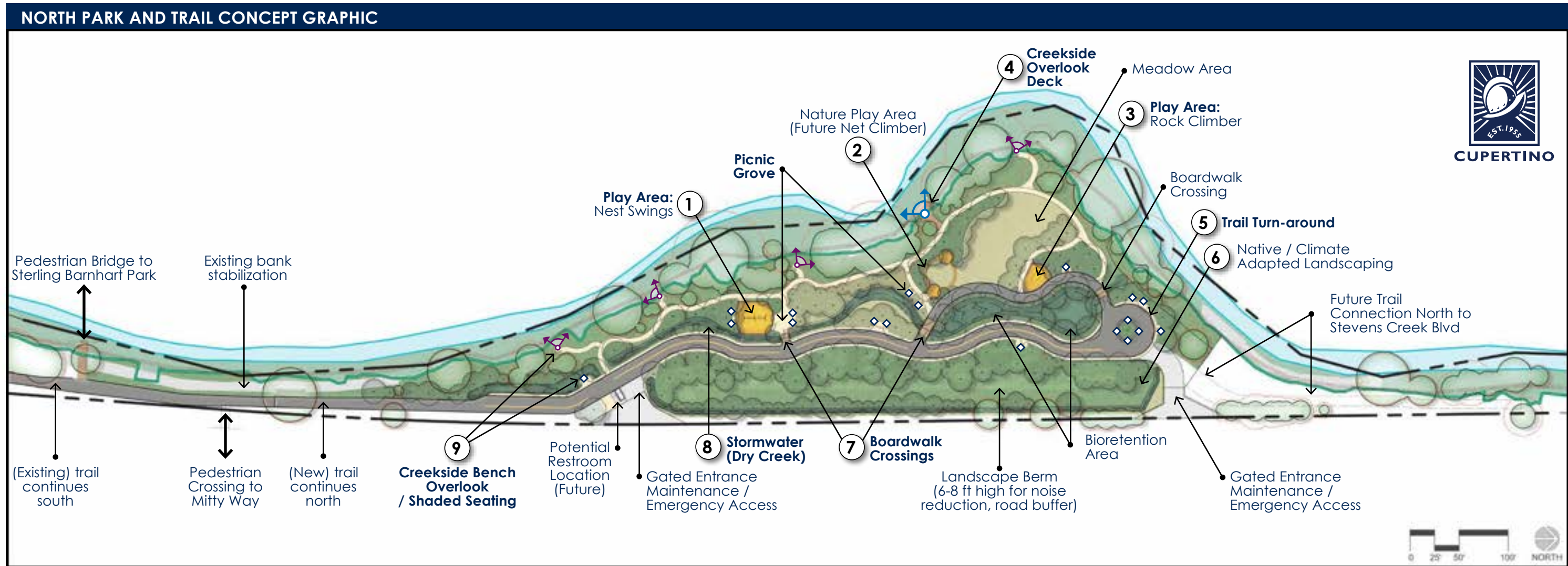
The project design emphasizes reconnecting the community to nature and to Saratoga Creek. At the same time, the design minimizes and avoids impacts to the creek and its riparian habitat with most proposed elements avoiding these sensitive areas.

The project incorporates stormwater facilities and bioretention areas in upland areas promote groundwater infiltration and naturally treat on-site stormwater runoff before it reaches the creek. The project will result in a net loss of impervious surfaces through conversion of developed areas into vegetated areas using native and drought-tolerant species. The native planting will include a meadow with native grasses and wildflowers.

NORTH PARK AND TRAIL CONCEPT INSPIRATION IMAGES



4. CONCEPT PLAN



Though the creekside deck overlook will extend over the top of bank, the foundation and support beams for the deck will be placed entirely outside of the top of bank to minimize impacts to creek habitat. Lighting is not planned due to its detrimental effect on wildlife. The exception may be at a future restroom, which is close to the expressway.

CONCEPT LEGEND

Park Boundary	New Vegetation:	Recreation Features:
Saratoga Creek (OHWM)	Trees (Proposed)	Play Area
Top of Bank	Stormwater Areas	Creekside Deck Overlook
Existing Vegetation:	Native/Climate Adapted Planting	Creekside Bench Overlook
Riparian Zone	Open Meadow Space	Shaded Seating / Picnic Table
Tree Canopy (Existing)	Circulation:	Inspiration Images:
Tree Root Protection Zone	Paved Multi-use Path	See image collage
	Walking Path	
	Maintenance/Emergency Access	

5 REVIEW ENVIRONMENTAL IMPACT

ENVIRONMENTAL REVIEW PROCESS

CEQA

The California Environmental Quality Act (CEQA) requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. In accordance with the CEQA Guidelines, the City of Cupertino has been established as the lead agency for the project. The lead agency is defined in the CEQA Guidelines as, “the public agency which has the principal responsibility for carrying out or approving a project.” The lead agency is responsible for preparing the appropriate environmental review document under CEQA. The Cupertino City Council serves as the decision-making body for the City and is responsible for adopting the CEQA document and approving the project.

The CEQA Guidelines states a public agency shall prepare a proposed Negative Declaration or a Mitigated Negative Declaration when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The Initial Study identifies potentially significant effects, but:
 - Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and
 - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

The project team has recently completed a draft CEQA Initial Study (IS) that evaluates the environmental impacts of the proposed Saratoga Creek Nature Park Master Plan and provides mitigation measures that would reduce potential impacts to a less than significant level. Pursuant to the CEQA Guidelines, the City has determined that a Mitigated Negative Declaration is the appropriate environmental review document for the Lawrence-Mitty Park and Trail Plan project. To ensure that the mitigation measures and project revisions identified in a Mitigated Negative Declaration (MND) are implemented, CEQA requires the City to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The City shall prepare a Mitigation, Monitoring and Reporting Plan based on the mitigation measures contained in the IS/MND.

The CEQA process requires that the draft IS/MND be circulated for public review and comments. To review the document and stay informed of project status updates, please see the City of Cupertino web page for the Lawrence-Mitty Park and Trail Plan project at <https://engagecupertino.org/lawrencemitty>.

PERMITTING

The project is adjacent to Saratoga Creek, and will require work within the top of bank and riparian habitat, including a proposed Creekside deck overlook and pedestrian trails. It will not require the placement of fill materials within the ordinary high-water mark (OWHM) and therefore remains outside of the jurisdiction of the U.S. Army Corps of Engineers. However, these design features are within the jurisdiction of the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) and will require permits under the Porter-Cologne Water Quality Control Act and California Fish and Game

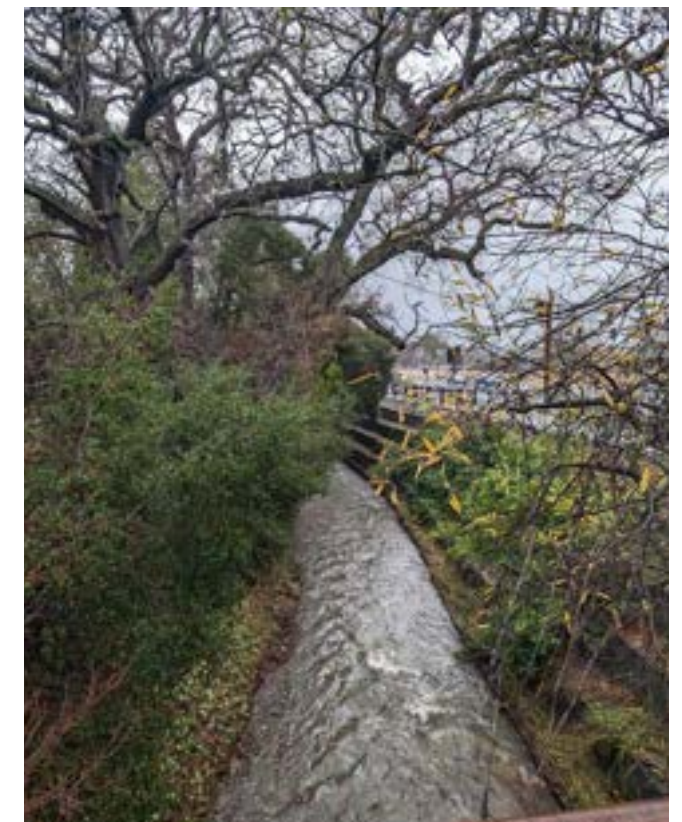
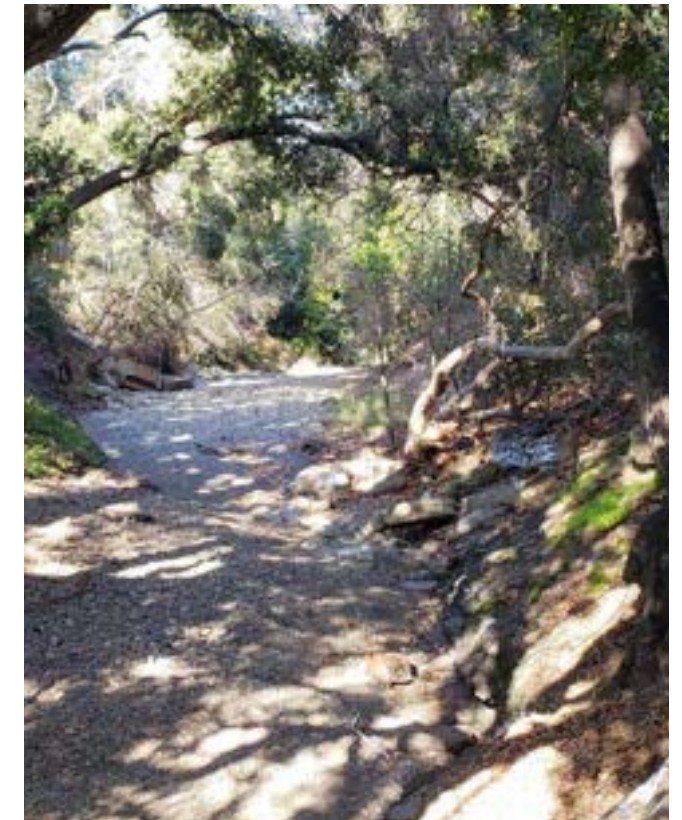
Code section 1602. An initial meeting with these resource agencies at this design phase will identify specific concerns that can be addressed in the next design phase and reflected in permit applications. The meeting is currently being scheduled.

PROPOSED MITIGATION

The project is expected to be well-received by the agencies, since all temporarily impacted areas within riparian habitat will be restored to pre-project conditions or better. If required, the project team will consult with the agencies on suitable compensatory mitigation for permanent impacts to riparian habitat. In addition, impacts to jurisdictional waters and biological resources will be minimized through the implementation of mitigation measures. Measures are expected to include preconstruction surveys, non-disturbance buffers for special-status species (if present), prohibition of mono-filament netting, avoidance of riparian habitat, avoidance of waters, tree protection, and best management practice (BMPs) to protect water quality.

NEXT STEPS

Next, this concept plan will be reviewed by City Council for approval. As soon as the CEQA review process is complete and City Council signs off on both the plan and CEQA (winter 2024), City staff and a consultant team can begin work on full construction drawings for the North Park and Trail. Public bidding to select a contractor is anticipated one year later followed by a one-year construction period.





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