

# **Permanente Creek Flood Protection Project**

## **Fifth Addendum to the Final Subsequent Environmental Impact Report**

State Clearinghouse No. 2007052074

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## **1. Background**

The Santa Clara Valley Water District (Valley Water), lead agency for the project, proposes improvements along the Permanente Creek corridor to provide 1% flood protection for residents, businesses, and infrastructure within the cities of Cupertino, Los Altos, and Mountain View. The project includes construction of a 15-acre flood detention basin at Rancho San Antonio County Park, a 5-acre flood detention basin at McKelvey Park, wider and deeper concrete channels in select portions of Permanente and Hale Creeks, a floodwall along Permanente Creek from United States Highway 101 (US 101) to Charleston Road, an embankment along Permanente Creek from Charleston Road to Amphitheatre Parkway, and a raised levee from Amphitheatre Parkway to Shoreline Golf Course. The proposed Permanente Creek Flood Protection Project elements were included in a Final Environmental Impact Report (EIR), certified June 2010 (Santa Clara Valley Water District 2010).

After certification of the June 2010 EIR and Valley Water approval of the project, it was determined during design development that modifications would be necessary. A Subsequent EIR was prepared to analyze the environmental effects of the modified project. The Final Subsequent EIR was certified in November 2012, hereby referred to as the “2012 EIR” (Santa Clara Valley Water District 2012b).

In May 2013, a first Addendum was prepared to evaluate minor changes and additions to the project design (SCVWD 2013). Modifications included changes in playing field orientation, acquisition and incorporation of a residential property adjacent to the proposed McKelvey Park Detention Facility, and revised tree impact estimates.

In September 2016, a second Addendum was prepared to evaluate minor changes and additions to the project design and amend the 2012 EIR (SCVWD 2016). Modifications included adjustments to construction and mitigation at the Rancho San Antonio County Park Flood Detention Facility

In May 2017, a third Addendum was prepared to address changes to the proposed activities associated with the improvements along Permanente Creek downstream of US 101 and amend the 2012 EIR (SCVWD 2017). This third Addendum documented proposed minor changes to the project design, provided updated information about construction, and evaluated the potential environmental impacts of those changes. All activities remained within the area defined by the original project.

In June 2018, a fourth Addendum was prepared to evaluate a minor change to the project design and amend the 2012 EIR (SCVWD 2018). The modification involved raising the existing floodwall on the eastern side of Permanente Creek between US 101 and Charleston Road, built by the City of Mountain View in 2011.

This document is a fifth Addendum to Valley Water’s 2012 EIR. It includes analysis of the environmental impacts of adding an additional approximately 200 linear feet of pedestrian/bicycle pathway within the McKelvey Park Detention Facility. Details about the environmental setting can be found in the 2012 EIR.

## **2. CEQA Considerations**

When there are changes to a project and the lead agency will be taking discretionary action, the California Environmental Quality Act (CEQA) (Public Resources Code §21000 *et seq.* and 14 California Code of Regulations §15000 *et seq.*) provides various levels of documentation to indicate that the lead agency has adequately considered the changes in making its decision. Under CEQA Guidelines §15162(a), the appropriate level of review is based, among other factors, on whether the changes to the project or project circumstances, or new information of substantial importance that was not known at the time of approval of the original project, create new significant effects or result in a substantial increase in the severity of previously identified significant effects.

CEQA Guidelines §15164(a) provides for the use of an Addendum to document the basis for a lead agency's decision not to require a Subsequent EIR for a project that is already evaluated in a previously certified EIR. The lead agency's decision to use an Addendum must be supported by substantial evidence that the conditions that would trigger preparation of a Subsequent EIR, as provided in CEQA Guidelines §15162, are not present.

As described in detail in the following sections, the proposed project changes meet the criteria for an Addendum. There are no changes to the project, project circumstances, or new information of substantial importance that would cause new significant impacts or would substantially increase the severity of previously identified significant impacts.

An Addendum need not be circulated for public review, but CEQA requires the decision-making body to consider the Addendum, together with the certified 2012 EIR, prior to making a decision on the project.

## **3. Description of Proposed Changes to the Project**

Valley Water proposes minor modification to the project design at the McKelvey Park Detention Facility in Mountain View to construct an additional approximately 200 feet of pedestrian/bicycle pathway (Figure 1). The pathway would be located on the western side of the project area near the floodwall on Permanente Creek and adjacent to residential properties (923 Mountain View Avenue and 1295 Abraham Court). The parcel on which the pathway would be located (assessor's parcel number 18903041) was acquired by Valley Water subsequent to the 2012 EIR and is described in the first Addendum to the EIR, which allowed for extension of the detention basin adjacent to Permanente Creek.

The approximately 200-foot long pedestrian/bicycle pathway would be approximately 7 feet wide and would run in the east-west direction extending from Mountain View Avenue (west end) to its intersection with a previously proposed pathway running in the north-south direction along the west side of Babe Ruth Field (east end). The previously proposed pathway connects to other parts of McKelvey Park including the Little League Field to the east and the play area, mini-park, and parking lot to the north.

There would be a 6-foot tall black vinyl coated chain-link fence along the south side of the pedestrian/bicycle pathway adjacent to the detention basin. Bollards (short sturdy posts) with downward-facing lights would be installed along the south side of the path to light the path during early morning and evening hours. The light bollards are designed to prevent light spillover to adjacent properties.

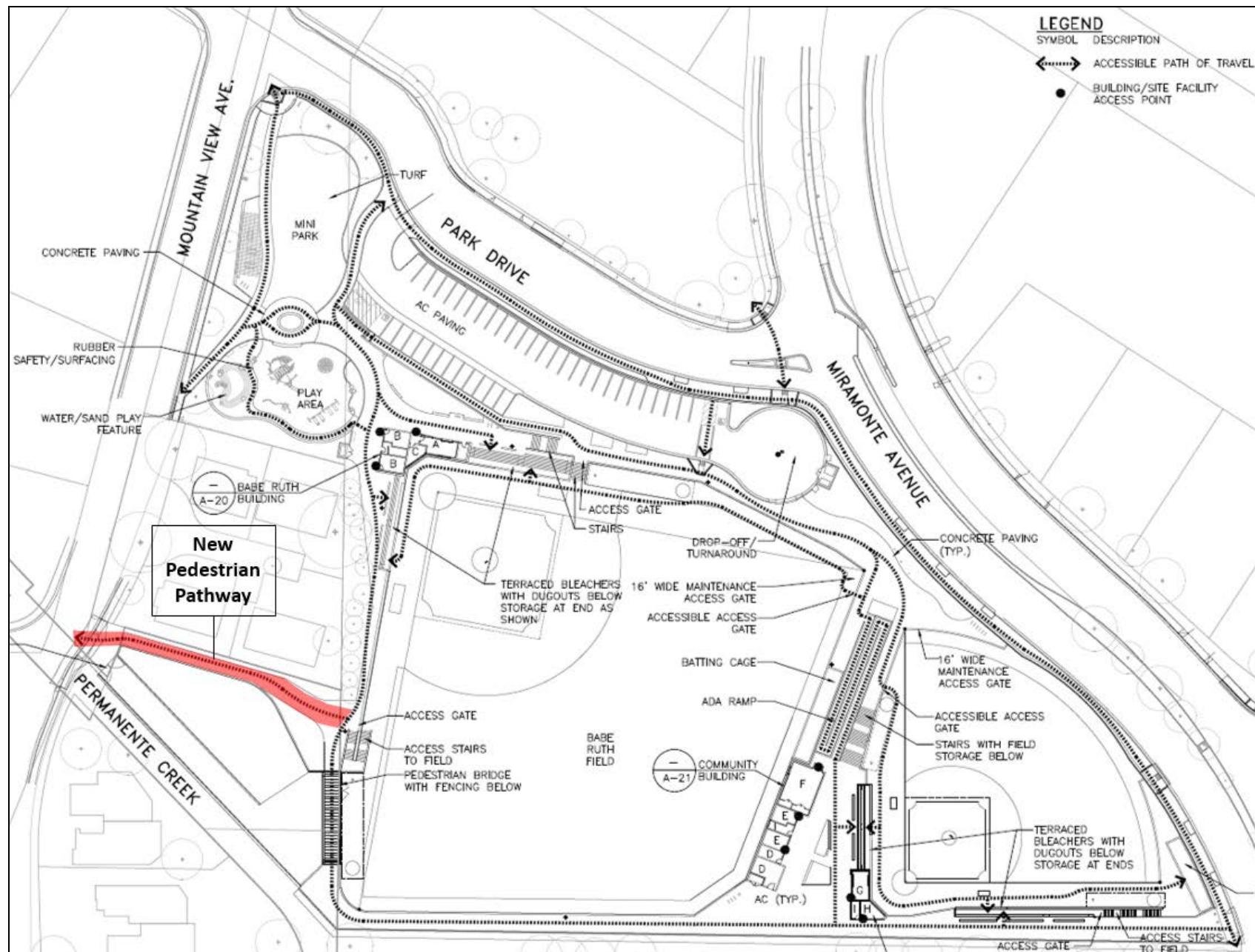
Construction equipment and techniques used to construct the pedestrian pathway – such as paving, fencing, and signage – would be identical to those described and evaluated in the 2012 EIR for other park pathways and paved surfaces. The project design where the pathway is proposed currently calls for pavement in this area; therefore, the addition of the pathway

elements (e.g., signage, fencing, etc.) would not materially change the construction process. The total number of construction days would be the same.

Operation and maintenance of the pedestrian pathway would be guided by a Joint Use Agreement (JUA) between Valley Water and the City of Mountain View which is presently under development. Minor maintenance of the trail is expected and may include trash removal, minor vegetation management, graffiti removal, sign maintenance, and surface repairs.

The project changes outlined in this Addendum do not require modification of existing Mitigation Measures, adopted by Valley Water's Board.

Figure 1: New Pedestrian Pathway at McKelvey Park.



## **4. Environmental Analysis**

The following analysis summarizes changes in the project or the surrounding environment that are relevant to the assessment of environmental impacts. It discusses the impact of the currently proposed pedestrian pathway relative to the impacts identified in the 2012 EIR and subsequent Addenda. Prior evaluations considered pavement at the location where the new pedestrian path is proposed, and since the construction method of the new path would be the same as the method used to construct other paths in the park, and the duration of construction would remain the same as before, the proposed project change would not affect the prior analysis with respect to construction impacts on all resource areas. Therefore, this environmental evaluation primarily considers changes from operation of the new segment of pedestrian pathway.

The proposed changes to the project would not result in new or substantially worse significant impacts from operation or maintenance of the new pedestrian path on aesthetics, air quality, biology, hydrology and water quality, agricultural resources, land use and planning, population and housing, public services, geology and soils, cultural and paleontological resources, hazardous materials and public health, mineral resources, tribal cultural resources, greenhouse gas emissions, wildfire, or growth inducement impacts because no construction or excavation activities are expected during operation and future maintenance may include trash removal, minor vegetation management, graffiti removal, sign maintenance, and surface repairs. These resource analyses remain unchanged from the 2012 EIR and subsequent Addenda.

Potential impacts from operation of the new pedestrian path to noise, recreation, and traffic and transportation have been identified. Below is more detailed analysis on each of these resource areas.

### **NOISE**

The additional 200 feet of pedestrian pathway would minimally alter the location of noise sources once the pathway is constructed. Specifically, pedestrians utilizing the pathway could contribute ambient noise to the residences located adjacent to the pathway to the north and across the detention basin and creek to the south. However, pedestrians utilizing the pathway would be required to remain in compliance with the City of Mountain View noise ordinance which would prevent nuisance noise. The noise along the pathway would be substantially similar in nature to noise generated at McKelvey Park evaluated as part of 2012 EIR.

Therefore, the addition of a pedestrian pathway would not result in any new or substantially worse significant noise impacts beyond those identified in the 2012 EIR and subsequent Addenda.

### **RECREATION**

The proposed addition of the pedestrian pathway would not change the construction methods, durations, or locations, and construction impacts on recreation would remain the same as evaluated in the 2012 EIR and Addenda. The additional 200 feet of pedestrian pathway would result in a small increase in the amount of the project site dedicated to recreational use and therefore would increase the park's recreational capacity. The additional pathway would not result in greater demand for existing park resources (e.g., play areas and baseball fields) such that expansion of park facilities would be required. The pathway would provide an additional linkage to McKelvey Park from Mountain View Avenue, allowing park users to more easily

access recreational resources in the park. Therefore, the modified project would not result in any new or substantially worse significant impacts on recreational resources beyond those identified in the 2012 EIR and subsequent Addenda.

## **TRAFFIC AND TRANSPORTATION**

Once operational, the additional 200 feet of pedestrian pathway would minimally alter the pedestrian circulation system at McKelvey Park and on sidewalks in the surrounding area. The pathway would provide an additional point of entry to the park, which would improve pedestrian circulation at other access points throughout the park. The pathway would not materially alter vehicle traffic on surface streets surrounding the park. Therefore, the modified project would not result in any new or substantially worse significant traffic impacts beyond those identified in the 2012 EIR and subsequent Addenda.

## **5. Conclusion**

Based on the analysis above, none of the situations described in CEQA Guidelines §15162 apply. Activities associated with the proposed minor project changes would not create new significant environmental impacts or substantially increase the severity of significant impacts beyond those identified in the certified 2012 EIR. There are no significant changes to the project circumstances, and no new information of substantial importance that would require modification of the previous CEQA findings. Therefore, preparation of an addendum is appropriate under CEQA Guidelines §15164.

## References

- Santa Clara Valley Water District. 2010. *Certifying the Final Environmental Impact Report and Adopting the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations for the Permanente Creek Flood Protection Project*. Board Resolution No. 10-58. June 17.
- Santa Clara Valley Water District. 2012b. *Certifying the Final Subsequent Environmental Impact Report and Adopting the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations for the Permanente Creek Flood Protection Project*. Board Resolution No. 12-76. November 20.
- Santa Clara Valley Water District. 2013. *Addendum to the Final Subsequent Environmental Impact Report for the Permanente Creek Flood Protection Project* (State Clearing House No. 2007052074). May.
- Santa Clara Valley Water District. 2016. *Second Addendum to the Final Subsequent Environmental Impact Report for the Permanente Creek Flood Protection Project* (State Clearing House No. 2007052074). September.
- Santa Clara Valley Water District. 2017. *Third Addendum to the Final Subsequent Environmental Impact Report for the Permanente Creek Flood Protection Project* (State Clearing House No. 2007052074). May.
- Santa Clara Valley Water District. 2018. *Fourth Addendum to the Final Subsequent Environmental Impact Report for the Permanente Creek Flood Protection Project* (State Clearing House No. 2007052074). June.