Permanente Creek Flood Protection Project

Third Addendum to the

Final Subsequent Environmental Impact Report

State Clearinghouse No. 2007052074

Project Number 26244001

May 2017

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3614

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Acronyms and Abbreviations

2012 EIR	Final Subsequent EIR
BAAQMD	Bay Area Air Quality Management District
BMP	best management practice
CEQA	California Environmental Quality Act
County Parks	Santa Clara County Parks Department
dBA	A-weighted decibels
District	Santa Clara Valley Water District
DPM	diesel particulate matter
EIR	Environmental Impact Report
GHG	greenhouse gas
I	Interstate
Leq	equivalent noise level
LOS	level of service
MMRP	Mitigation Monitoring and Reporting Program
NOx	nitrogen oxides
project	Permanente Creek Flood Protection Project
ROG	reactive organic gases
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan
US-101	U.S. Route 1
USFWS	U.S. Fish and Wildlife Service
WBWG	Western Bat Working Group

1. Background

The Santa Clara Valley Water District (District), 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 Permanente Creek Flood Protection Project (project) currently 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 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. A location map for the proposed project is presented in Figure 1. The proposed 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 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 and amend the 2012 EIR. 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 to the project design and amend the 2012 EIR. Modifications included modifying construction and mitigation at the Rancho San Antonio County Park Flood Detention Facility.

This third addendum is intended to address further changes to the proposed activities associated with the project improvements along Permanent Creek downstream U.S. Route 101 (US-101), and to amend the 2012 EIR. This third addendum has been prepared to document minor changes to the project design, provide updated information about construction, evaluate the potential environmental impacts of those changes, and amend the 2012 EIR. All proposed activities would occur within the area defined by the original project. Details about the environmental setting can be found in the 2012 EIR, cited above.

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. The appropriate level of review is based on whether the changes to the project or project circumstances, resulting from new information 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.

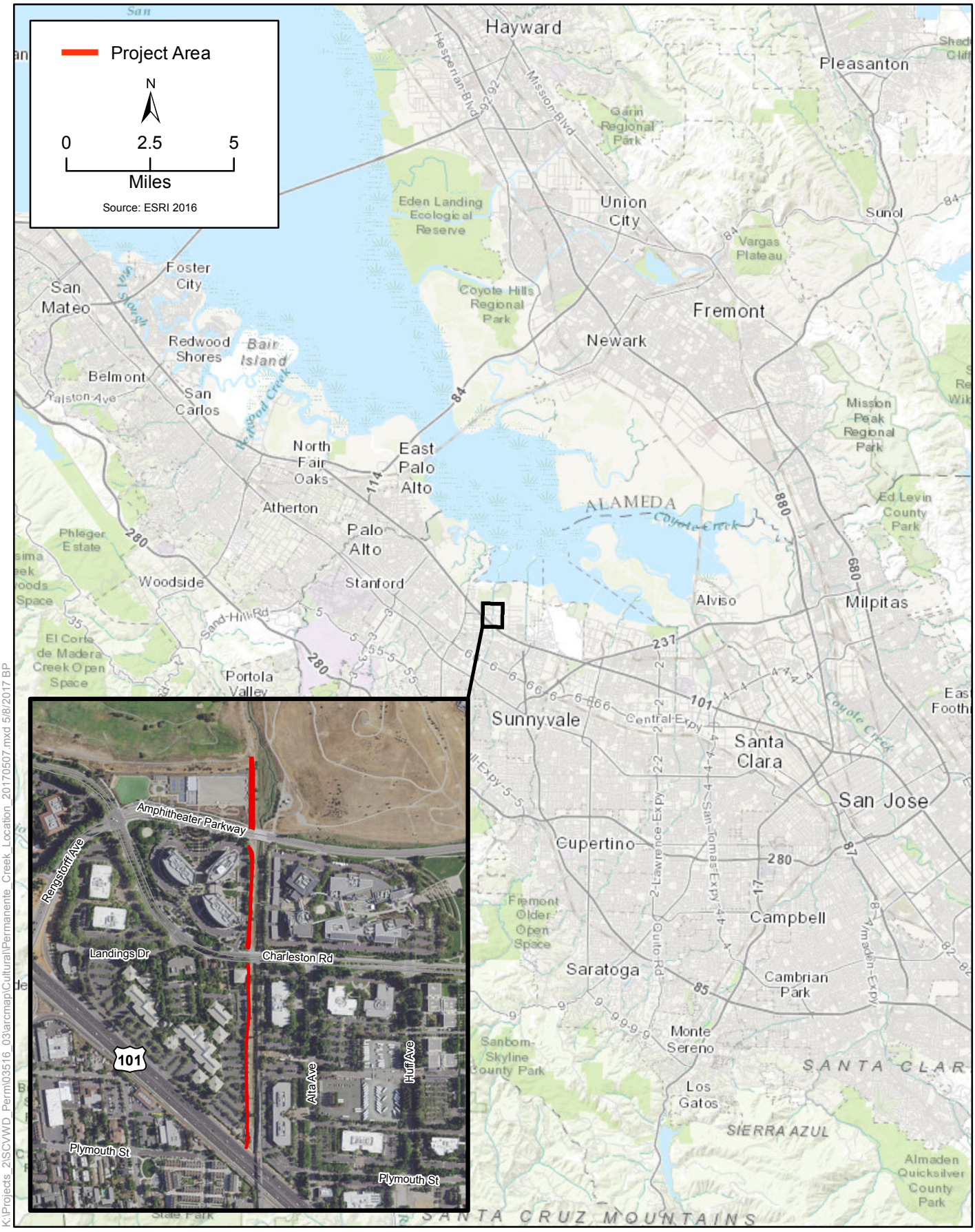

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Figure 1
Project Location
Permanente Creek Flood Protection Project

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 covered under 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 significant changes to the project circumstances. The changes would result in no new significant impacts, nor would they 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

Based on revised construction estimates, as clarified through further design work for the project, the District proposes to modify construction of several elements of the project as follows.

FLOODWALL, CHARLESTON ROAD TO HIGHWAY 101

The 2012 EIR proposed installation of 1,335 linear feet of floodwall (2 to 4 feet above crest elevation) on the outboard side of the existing levee along the western side of Permanente Creek, from US-101 North to Charleston Road. Proposed changes would modify the floodwall extending it an additional 0.5 foot in height (2.5 to 4.4 feet above the existing crest elevation). Similar to the 2012 EIR, floodwalls would extend several feet below the levee crest as a retaining wall and additional easement would be needed. Construction techniques and equipment would remain unchanged. The construction site would continue to be accessed using the existing maintenance road. Construction of this changed floodwall element would be expected to take 8 months to complete. Upon completion of floodwall construction, the site would be restored and the existing levee crest, maintenance road would be repaired. Once construction is completed, the pedestrian trail on the west bank would be restored to full use. Access would remain unchanged.

EMBANKMENT CONSTRUCTION, AMPHITHEATRE PARKWAY TO CHARLESTON ROAD

The 2012 EIR proposed installation of three flood-proof walls against the office building structure on the west bank of Permanente Creek. The proposed changes would eliminate the flood-proof walls, and instead, construct an embankment between the creek and the office building structures. Proposed construction would remove seven mature trees and fill a dry swale, consisting of a human-made structure with paving and minimal landscaping, on the west side of the channel, between the existing levee and adjacent corporate building, from Charleston Road to Amphitheatre Parkway. A total of 1,200 cubic yards of soil would be used to fill the dry swale. The filled area would create a bank of earth behind the existing levee to prevent Permanente Creek from flooding the adjacent structure. The construction site would continue to be accessed using the existing maintenance road. Construction would be expected to take about 2 months to complete this changed project element. Upon completion of embankment construction, the site would be restored with appropriate landscaping, including grasses and trees.

LEVEE RAISING, NORTH OF AMPHITHEATRE PARKWAY

The 2012 EIR proposed raising the existing west bank levee downstream of Amphitheater Parkway 2 to 3 feet above the existing elevation. This project element has been refined to now entail raising the 505 linear feet of existing levee along the western side of Permanente Creek, north of Amphitheatre Parkway, an additional 1 foot in elevation (3 to 4 feet above the existing elevation). An additional 940 cubic yards of soil material would be needed to construct the 1-foot taller levee. Construction techniques and equipment would remain unchanged and work would continue to be limited to the crest and outboard side of the existing levee. The construction site would continue to be accessed using the existing maintenance road. Construction would be expected to take about 2 months to complete this changed levee raising element. Upon completion of levee raising construction, the site would be restored to preconstruction condition. As with the adopted project, a 12-foot-wide maintenance road would be reconstructed along the crest of the raised levee and tied into the existing access point.

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 facility relative to the impacts identified in the 2012 EIR. Only those resource areas that have the potential to be affected by project changes are discussed below. The proposed changes to the project are not anticipated to affect agriculture, cultural and paleontological resources, energy, hazardous materials and public health, geology (soils), hydrology and water quality, mineral resources, recreation, utilities and service systems, or growth inducement and related impacts. These sections remained unchanged from the 2012 EIR.

Potential impacts to aesthetics, air quality, biological resources, noise, and traffic and transportation have been identified. Based on these analyses, implementation of the proposed flood protection modifications will not create new significant environmental impacts or substantially increase the severity of significant impacts beyond that identified in the 2012 EIR.

AESTHETICS

Construction

The proposed additional heights of the floodwall and levee raise would not alter the type of construction activities required. Construction of the embankment would require the same type of equipment and site disturbances needed to construct the floodwall and raised levee for the proposed project. Therefore, no new construction impacts would result from construction of the proposed embankment, except for seven mature trees that would be removed. However, the site would be restored with appropriate landscaping, including grasses and trees, which would act to replace the mature trees that would be removed. This would aid in restoring site aesthetics. In addition, the District would still require contractors to implement construction housekeeping measures (refer to Table 2-4 in the Project Description of the 2012 EIR) to restrict visual disruption as much as possible. With these measures in place, and in light of the comparatively short duration of construction along the floodwall and levee alignment, aesthetic impacts of floodwall, embankment, and levee construction to the existing visual character and scenic vistas would remain less than significant with the proposed changes. In addition, construction activities of the proposed changes would remain consistent with those detailed in the 2012 EIR. Therefore, short-term impacts related to new sources of light and glare would remain less than significant.

Operation

As described above, the height of the proposed floodwall between Charleston Road and Highway 101 would be increased by an additional 0.5 foot (2.5 to 4.4 feet above the existing crest elevation). As described in the 2012 EIR, shorter floodwall segments under 3 feet high would not pose a substantial visual obstruction. However, the height of visible new hardscape created by the floodwall would vary, and segments 3 feet high or taller would limit views at certain locations when viewers are approaching or are parked near the wall and are in their vehicles. Increasing the maximum height from 4 to 4.4 feet would not result in a substantially greater impact than what was determined for the 2012 EIR. Viewers would see the wall while in their vehicles and would have partially obstructed views once they exit their vehicles, because the ground plane (including the creek channel) between the parking lot and creek would no longer be immediately visible, but features seen above the wall would be visible. This same impact would be seen by viewers walking within nearby areas of the parking lot and using building sidewalks and outside entry areas. Views of the ground plane in these areas would be visible when a viewer is standing at, and looking over the wall. In addition, the 2.5- to 4.4-foot-high floodwall segments would be consistent with the tunnel-like vista views that are available from Permanente Creek Trail and would not obscure vista views. Incorporation of Mitigation Measures AES1.2 (Apply Aesthetic Design Treatments to Visible Structures) and AES1.3 (Work with Key Viewer Groups to Design Aesthetic Modifications to Floodwall Design),as identified in the 2012 EIR, would ensure that floodwall aesthetics are designed to the liking of those concerned with the appearance of the wall, while providing for increased flood safety. Therefore, visual impacts after the floodwall is completed would remain less than significant after these mitigation measures are implemented.

Constructing an embankment between the creek and the office building structures, instead of the three flood-proof walls on the west bank of Permanente Creek, would create a more natural-looking feature rather than a utilitarian-looking feature. As described above, seven mature trees would need to be removed to construct the proposed embankment, but the site would be restored with appropriate landscaping, including grasses and trees. This would aid in restoring visual resources at the site and after the embankment is completed, the visual impacts from this project change overall would be less adverse when compared to the 2012 design.

North (downstream) of Amphitheatre Parkway, the levee would be raised by 3 to 4 feet above the existing elevation, instead of by the 2 to 3 feet proposed in the 2012 EIR. As described in the 2012 EIR, once completed, a 2- to 3-foot raising of the levee would only incrementally increase the visibility of the levee and would not affect vista views. Raising the levee by the proposed additional foot would not result in a substantial visual change compared to the 2012 EIR analysis. Therefore, the proposed levee raising would be in keeping with existing visual conditions and the impact on visual character or scenic vistas would remain less than significant.

As described in the 2012 EIR, the floodwall would include concrete surface that could generate significant levels of glare, if not properly designed. With implementation of Mitigation Measure AES1.2, impacts from the raised floodwall would remain less than significant.

AIR QUALITY

As discussed in the 2012 EIR and subsequent addenda, the project's construction emissions of nitrogen oxides (NOx) were estimated to exceed the daily emissions significance threshold, and despite implementation of mitigation measures, the emission levels would remain above the threshold. As a result, the 2012 EIR and subsequent addenda conclude that the project's air

quality impact relating to construction emissions as well as cumulative air quality impact would be significant and unavoidable. The modified project would reduce the construction duration and increase the volume of imported soil by an additional 2,140 cubic yards for filling the dry swale and constructing a taller levee. Although the overall construction duration would be reduced, no changes to construction equipment, equipment usage, construction workers, nor construction intensity are anticipated, and no changes in construction emissions associated with changes in construction duration are anticipated to occur. Therefore, this analysis focuses on the air quality impacts related to the additional soil import and assumes all other assumptions from the 2012 EIR and subsequent addenda are maintained.

The proposed project modifications would result in similar amount of tailpipe emissions and fugitive dust from construction activities because the additional amount of soil required would result in similar number of truck trips and the maximum number of vehicle trips per day would not exceed 30. As a result, the project changes would not substantially increase criteria pollutants or dust emissions. In addition, as with the adopted project, the District would continue to implement Mitigation Measures AQ2.1 (Implement Tailpipe Emission Reduction for Project), AQ2.2 (Implement BAAQMD Basic Construction Mitigation Measures to Reduce Construction-Related Dust), NV1.1 (Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents), and NV1.3 (Designate Noise and Air Quality Disturbance Coordinator to Address Resident Concerns) to reduce overall emissions and provide mechanisms to address air quality related impacts. The NOx emissions from the proposed project changes would remain significant and unavoidable. The fugitive dust emissions and related health risk impact would remain less than significant with implementation of the above-described mitigation measures.

BIOLOGICAL RESOURCES

As discussed in the 2012 EIR, construction activities north of US-101 related to the Permanente Creek levee, embankment, and floodwall would result in less than significant impacts on instream habitat, and less than significant impacts with mitigation on western pond turtle (*Emys marmorata*), a California species of special concern; nesting migratory birds and raptors, regulated by the Migratory Bird Treaty Act and California Fish and Game Code 3503 and 3503.5; western burrowing owl (*Athene cunicularia*), a California species of special concern; and wetlands and other waters of the United States, regulated by the U.S. Army Corps of Engineers under Sections 401 and 404 of the Clean Water Act. Raising the proposed west bank levee by 1 foot north of Amphitheatre Parkway and extending the proposed flood wall height by 0.5 feet between Charleston Road and US-101 would not result in impacts on biological resources that would be different from what were discussed in the 2012 EIR.

The 2012 EIR proposed installing walls against the office building structure on the west bank of Permanent Creek between Amphitheatre Parkway and Charleston Road. This initial plan has no impact on protected trees and special-status bat species. Proposed changes include eliminating the walls and instead constructing an embankment between the creek and the office building structures. Construction activities related to these changes include removing seven mature trees, which would result in impacts on protected trees and special-status bat species that are not discussed in the 2012 EIR.

The seven trees, two white alders (*Alnus rhombifolia*) and five weeping willows (*Salix babylonica*), to be removed are protected by the City of Mountain View Tree Ordinance. However, this isolated group of trees are not part of an existing riparian community, habitat, or

natural community. These are horticultural trees, planted for landscaping adjacent to the Google Soccer Field. The removal of any protected trees was considered a significant impact in the 2012 EIR. With the proposed project change to construct an embankment, the District would continue to implement Mitigation Measure BIO15.1 (Transplant or Compensate for Loss of Protected Landscape Trees, Consistent with Applicable Tree Protection Regulations), which would reduce impacts on protected trees to a less than significant level by transplanting or compensating tree removals at a ratio of 1:1, or as determined by the City, with minimum 24-inch box stock.

In addition, bat species including hoary bat (*Lasiurus cinereus*), Western Bat Working Group (WBWG) medium conservation priority species (Western Bat Working Group 2017); *Yuma myotis* (*Myotis yumanensis*), a WBWG medium conservation priority species; and pallid bat (*Antrozous pallidus*), a California species of special concern (California Department of Fish and Wildlife 2017) and WBWG high conservation priority species, have potential to be impacted by the removal of these 7 trees since these bat species roost in trees. The 2012 EIR concluded that the adopted project would result in no impact on these species. Implementation of Mitigation Measure BIO9.1 (Implement Survey and Avoidance Measures for Special-Status Bats), which was proposed in the 2012 EIR to address impacts on bat species from other project elements, would minimize and reduce impacts to bats from the proposed project change to a less than significant level by requiring preconstruction bat surveys of the trees and consultation with California Department of Fish and Wildlife to identify the appropriate protection measures to be implemented.

The modified project would not result in any new significant biological resources impacts beyond those identified in the 2012 EIR or a substantial increase in the severity of a significant impact with implementation of existing mitigation measures described above.

GREENHOUSE GASES

As discussed in the 2012 EIR and subsequent addenda, greenhouse gases (GHGs) that contribute to climate change have global impacts and are, therefore, considered cumulative in nature. The BAAQMD does not recommend a GHG emission threshold for construction-related emissions. Rather, they recommend the incorporation of BMPs to reduce GHG emissions during construction. Accordingly, the project's construction emissions were not found in the 2012 EIR and subsequent addenda to result in a significant and unavoidable cumulative impact with the implementation of Mitigation Measure CU2 (Implement BMPs to Reduce GHG Emissions), consistent with BAAQMD guidance.

As discussed above under Air Quality, the additional soil import during the Floodwalls and Levees Downstream of US-101 element of the project would increase emissions, but this increase is expected to be minor relative to what was analyzed in the 2012 EIR and subsequent addenda. As with the adopted project, implementation of Mitigation Measure CU2 (Implement BMPs to Reduce GHG Emissions) would reduce short-term construction emissions to the greatest extent feasible, consistent with BAAQMD guidance. Accordingly, construction-related GHG impacts would remain less than significant with mitigation.

Based on the updated analysis, construction of the modified project would not result in any new significant impacts to GHG beyond those identified in the 2012 EIR and subsequent addenda or a substantial increase in the severity of a significant impact.

NOISE

Construction of the modified floodwall, embankment, and levee would use the same equipment and methods described in the 2012 EIR. Increasing the height of the floodwall and levee would result in additional material requirements and construction days. However, at a given time, construction noise levels would be similar to the levels identified in the 2012 EIR.

Land uses along Permanente Creek downstream of US-101 include the Permanente Creek trail and light industry/high tech, commercial, and office buildings. Noise standards are based on loudest-hour noise exposure, and the applicable construction noise limit is 85 dBA for commercial areas. Noise levels of up to 80 dBA L_{eq} are expected at commercial buildings nearest to the proposed floodwall construction areas. This is below the applicable construction noise limit of 85 dBA. The proposed modifications would result in a similar level of truck trips, which would not result in a noticeable increase in traffic noise on local roads. Maintenance of the modified floodwall, embankment, and levee would be similar to existing activities and would not represent a substantial change from the existing baseline.

Therefore, proposed modifications to the project would not result in an exceedence of local standards, and the impacts would remain less than significant.

TRAFFIC AND TRANSPORTATION

The revised project, similar to the project discussed in the 2012 EIR, has the potential to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. While the revised project proposes a minor increase in amount of soil and aggregate to be used at the project site over the amounts discussed in the 2012 EIR, the maximum of 30 vehicle trips per day on Amphitheatre Parkway, Charleston Road, Shoreline Boulevard, and regional highways is not expected to change. As stated in the 2012 EIR, the addition of 30 trips per day would be a relatively small increase in daily traffic volumes, unlikely to degrade existing level of service (LOS). However, the addition of heavy trucks and other construction traffic could impair the operation of these roadways. To address this concern, the District committed in the 2012 EIR to implement Mitigation Measure TT1.1 (Require a Site-Specific Traffic Control Plan). Mitigation Measure TT1.1 requires development of a site-specific traffic control plan which would maintain two-way traffic flow on arterial roadways, limit lane closures, provide for advance notification, and other measures designed to minimize the impact of construction traffic.

The revised project, similar to the project discussed in the 2012 EIR, has the potential to conflict with an applicable congestion management program. Segments of US-101 in the study area operate at LOS F during peak hours, which meet CMP LOS standard of LOS F. Based on the traffic LOS threshold defined by the CMP, for segments that operate at LOS F, the added vehicle trips by the Project should not be more than 1% of the peak hour freeway capacity (Santa Clara Valley Transportation Authority 2009). Under the 2012 EIR, the construction vehicle trips generated from project elements would result in an increase of less than 1% of peak hour capacity on regional highways in the study area. Therefore, the project was not expected to significantly degrade the operation of regional highways or to conflict with any applicable CMP. Similar to the 2012 EIR, the maximum number of vehicle trips per day of the revised project is not expected to exceed 30. Accordingly, the contribution to the LOS standard would not change. This impact, similar to the corresponding impact in the 2012 EIR, would remain less than significant.

Construction of the revised project, similar to the project discussed in the 2012 EIR, has the potential to create traffic safety hazards. Specifically, the presence of large, slow-moving

construction-related vehicles and equipment among the general-purpose traffic on roadways in the project area could result in safety hazards. Implementation of Mitigation Measure TT1.1 would continue to minimize the impact from the project changes such that it would remain less than significant through development of a site-specific traffic control plan which would provide clearly marked detours, provide crossing guards as needed, provide nonskid traffic plates over open trenches, and other measures designed to minimize the impact of construction traffic. The traffic control plan will be developed in coordination with school, park, and community stakeholders.

Construction of the revised project, similar to the project discussed in the 2012 EIR, has the potential to obstruct emergency access. Slow-moving construction trucks could potentially delay or obstruct the movement of emergency vehicles on area roadways. At project work areas, where lane closures are required for pipe installation or where roadway closures are required for bridge demolition and replacement as part of the channel improvement project, construction would have the potential to significantly affect emergency vehicle access. With the proposed project change, the District would still implement Mitigation Measures TT1.1 (Require a Site-Specific Traffic Control Plan) and TT1.3 (Provide Detour Plan to Reroute Traffic, Bicyclists, and Pedestrians on Existing Bridges during Construction of Creek Crossings) to minimize and reduce the impact relating to obstruction of emergency access. Mitigation Measure TT1.1 would require that the construction contractor notify and consult with emergency service providers, and provide emergency access by whatever means necessary to expedite and facilitate the passage of emergency vehicles and that clear emergency access to all existing buildings and facilities be provided at all times. Mitigation Measure TT1.3 would provide a detour plan for vehicle traffic, bicyclists, and pedestrians rerouted from affected routes. The detour plan will be included in the traffic control plan(s) for these project elements, and the District will be responsible for proper implementation. With implementation of these two mitigation measures, the impact from the proposed changes would remain less than significant.

The modified project would not result in any new significant traffic and transportation impacts beyond those identified in the 2012 EIR or a substantial increase in the severity of a significant impact, and no new mitigation measures would be required.

5. Conclusion

Based on the analysis above, none of the situations described in CEQA Guidelines §15162 apply. Activities associated with the proposed minor changes would not create new significant environmental impacts or substantially increase the severity of significant impacts. There are no significant changes to the project circumstances, and no new information is anticipated that will alter the previous CEQA findings. The proposed project changes meet the criteria of minor changes or additions for an addendum under CEQA Guidelines §15164.

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