



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## February 12, 2025

**Board Policy EL-7 Communication and Support to the Board**  
*The BAOs shall inform and support the Board in its work.*

<b>Page</b>	<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
	CEO Bulletin: None
	<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>3</b>	<b>BMR/IBMR Weekly Reports: 02/12/25</b>
<b>4</b>	Memo from John Bourgeois, Deputy Operating Officer to Melanie Richardson, Interim Chief Executive Officer, providing the Final Environmental Impact Report for the Coyote Creek Flood Protection Project.
	<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>32</b>	<b>Board Correspondence Weekly Report: 02/12/25</b>
<b>33</b>	Email from Harry Tran to the board, dated 02/05/25, to advocate the implementation of water conservation technologies on a larger scale. C-25-0027
<b>34</b>	Email from Nestor De la O Vargas to the board, dated 02/16/25, providing Keep Coyote Beautiful flyers for upcoming events. C-25-0028
<b>40</b>	Email from Jeffrey Hare to Director Ballard, dated 02/06/25, requesting an update on the status of the Water District properties located on Arroyo Way. C-25-0029
<b>42</b>	Email from Fred Weber to Vice Chair Santos, dated 02/11/25, thanking him, Lisa Brancatelli, and Shree Dharasker for their prompt responses to his inquiry about an encroachment permit submitted by PG&E. C-25-0030
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>46</b>	Email from Vice Chair Santos to Fred Weber, dated 02/10/25, providing an update on PG&E's encroachment permit for his property in Sunnyvale.

# **BOARD MEMBER REQUESTS and Informational Items**

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-25-0003	01/28/25	Hsueh	Gibson	Lugo	Staff to work with the Water Commission chairperson to schedule discussions of Valley Water's CIP and conservation programs at the upcoming July and October 2025 Water Commission Meetings.	02/17/25		
I-25-0001	02/04/25	Hsueh	Taylor	Sun	Staff to answer Director Hsueh's DCP participation questions.	02/24/25		



# MEMORANDUM

FC 14 (01-02-07)

**TO:** Melanie Richardson, P.E.  
Interim Chief Executive Officer

**FROM:** John Bourgeois  
Deputy Operating Officer

**SUBJECT:** Non-Agenda Item – Final Environmental  
Impact Report for the Coyote Creek Flood  
Protection Project (Project No. 26174043)

**DATE:** February 7, 2024

The Santa Clara Valley Water District (Valley Water) has prepared a Final Environmental Impact Report (EIR) for the proposed Coyote Creek Flood Protection Project (CCFPP or Project) to fulfill Valley Water's lead agency responsibilities under the California Environmental Quality Act (CEQA).<sup>1</sup> (State Clearinghouse No. 2023110513.)

The Project is subject to CEQA as it requires discretionary approval by the Valley Water Board of Directors, and the activities would be directly undertaken by Valley Water as a public agency, which include public works construction activities, which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The Final EIR, including the attached Executive Summary (**Attachment 1**), is being submitted to the Board for their information prior to the Board meeting scheduled for March 11, 2025.

Following a February 2020 order from Federal Energy Regulatory Commission (FERC) regarding Anderson Dam, the original Coyote Creek Flood Protection Project was split into two projects to accommodate construction of a new outlet tunnel at Anderson Dam. As a result, Valley Water accelerated the design and construction of an initial project, the Coyote Creek Flood Management Measures Project (CCFMMP), representing 40% of the original Coyote Creek Flood Protection Project, so the creek can handle the potential release of higher flows from the larger outlet tunnel from the Anderson Dam Tunnel Project. The Board awarded the CCFMMP construction contract in May 2023 and construction completion is anticipated to be presented to the Board in early Spring 2025. Construction of the remaining components of the original CCFPP, the current CCFPP, is planned for completion before the Anderson Dam Seismic Retrofit Project (ADSRP) Stage 2 Diversion is in operation (estimated in 2028).

The proposed project described in the Final EIR includes implementation of flood risk reduction improvements, including floodwalls, passive barriers, and berms along and adjacent to Coyote Creek. The project also includes constructing headwalls and wingwalls along the Charcot Avenue Bridge crossing over the Coyote Creek channel and reinforcing the bridge structure. In total, the project includes constructing approximately 17,060 feet of improvements along the 9-mile stretch of Coyote Creek from Montague Expressway to Tully Road.

In addition, the Project would install flap gates within seven manholes located inland of the existing outfalls, including six existing manhole vaults and one newly constructed manhole vault, to prevent backflow of water during flood events from entering the City's stormwater conveyance system through existing outfalls within the creek. An approximately 240-foot-long temporary berm made of sandbags would also be installed in one location in Reach 4 during the 4-year period when the Anderson Dam Tunnel Project is under construction.

<sup>1</sup> Public Resources Code Section 21000 et seq. and CCR Title 14 Code of Regulations Section 15000 et seq.

Pursuant to CEQA, Valley Water, as the lead agency for the Project, prepared a Final EIR, which is included here for the Board's consideration prior to considering certifying the Final EIR and approving the Project. The Draft EIR was circulated for public review from July 12, 2024, to August 26, 2024. A total of 11 comment letters on the Final EIR were received from three agencies (California Department of Transportation, California Department of Fish and Wildlife, and San Francisco Bay Regional Water Quality Control Board) and three individuals. The comment letters, and Valley Water's responses, are included in Chapter 2 of the Final EIR.

As discussed in the attached Final EIR, the CCFPP could result in significant impacts related to biological resources, cultural resources, paleontological resources, noise and vibration, hazardous materials, and transportation and traffic. Mitigation measures have been identified that would reduce most of these impacts to a less-than-significant level. However, impacts (both direct and cumulative) from noise to adjacent noise-sensitive receptors would be significant and unavoidable, even with proposed mitigation measures.

Prior to considering Project approval, CEQA requires that the Board review and consider the information contained in the Final EIR, certify that the Final EIR was prepared in compliance with CEQA requirements, adopt a mitigation monitoring and reporting program (MMRP), make CEQA findings for each significant impact, and adopt a Statement of Overriding Considerations for the significant and unavoidable impacts. At the March 11, 2025, Board meeting, the Board will then be asked to consider Project approval.

DocuSigned by:



John Bourgeois

Deputy Operating Officer

Watershed Stewardship and Planning Division

Attachments:

Attachment 1 – Final EIR Executive Summary (complete report is located at [X:\Temporary\Current Month\CoyoteCreek FPP\FEIR](#))

cc: CEQA Administrative Record

# **Attachment 1**

## **Final EIR Executive Summary**



# Final Environmental Impact Report Coyote Creek Flood Protection Project

STATE CLEARINGHOUSE NO. 2023110513

PREPARED BY

JANUARY 2025



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# Executive Summary

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## ES.1. Introduction

The Santa Clara Valley Water District (Valley Water) is proposing the Coyote Creek Flood Protection Project (CCFPP or project) to implement a series of flood risk reduction improvements (or improvements) to reduce the risk of flooding in urban areas along approximately 9 miles of Coyote Creek in the City of San José (City). During the 2016 to 2017 winter season, storms caused significant flooding events and unprecedented reservoir spills throughout Santa Clara County, including Anderson Dam. On February 21, 2017, Coyote Creek overtopped its banks at several locations between Montague Expressway and Tully Road, resulting in flooding that caused evacuations and property damage. During that flood event, Coyote Creek experienced the largest flows since the construction of Anderson Dam in 1950. In response to the flooding, the Board accelerated the Mid-Coyote Creek Project, modified project goals, and revised the proposed level of flood risk reduction from a 100-year flood to the February 2017 flood event, which is equivalent to an approximate 20-year flood event. The Board also renamed the Mid-Coyote Creek Project to the CCFPP, extended the project site upstream to Tully Road, and directed staff to move forward with the planning, design, and construction of the project.

As a part of Valley Water's Anderson Dam Federal Energy Regulatory Commission Order Compliance Project (FOCP), approximately 40 percent of the original CCFPP was identified as necessary to be designed and constructed under the FOCP to support the construction of the Anderson Dam Tunnel Project to prevent flooding within urbanized areas of the City associated with increased water releases from the tunnel. These prioritized elements of the CCFPP are now a separate and an independent project under the FOCP referred to as the Coyote Creek Flood Management Measures Project (CCFMMP). The CCFMMP consists of seven spans of floodwalls outside of the Coyote Creek channel, totaling approximately 8,654 linear feet, which are located along Reaches 5 to 7 of Coyote Creek between Old Oakland Road and I-280. The CCFMMP is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c) because it was deemed as an emergency project being carried out under the FOCP to reduce the risk of flooding associated with earthquake-induced dam failure.

The remaining approximately 60% of the original CCFPP is the proposed project that is the subject of this Environmental Impact Report (EIR). Valley Water is the lead agency under CEQA because it is the public agency proposing to approve and execute the proposed project. CEQA requires the preparation of an EIR when a project could significantly affect the physical environment. Valley Water determined that the project could potentially cause significant environmental impacts, and that preparation of an EIR was therefore required for the project to comply with CEQA.

Valley Water has prepared this Draft EIR to provide decision makers, the public, and responsible and trustee agencies with information about the environmental impacts of the project. This EIR was prepared in compliance with the California Environmental Quality Act of 1970 (as amended) and the State CEQA Guidelines (California Code of Regulations [CCR] title 14, Section (§) 15000 et seq.) (collectively, CEQA). Valley Water has prepared this EIR to evaluate environmental effects of the CCFPP including design, construction, and maintenance of the project. This EIR evaluates the direct, indirect, and cumulative impacts of the project, identifies mitigation measures that are feasible to lessen or avoid significant impacts, and identifies alternatives that may lessen one or more significant impacts of the project.

## ES.2. Purpose and Objectives

The underlying purpose of the project is to reduce the risk of flooding in urban areas along approximately 9 miles of Coyote Creek. The primary objective of the project is to reduce the risk of flooding to homes, schools, businesses, and transportation infrastructure along Coyote Creek between Montague Expressway and Tully Road (Reaches 4 through 8) from a flood event equivalent to the February 21, 2017, flood – approximately a 20-year flood event (a flood with a 5 percent chance of occurring in any year).

Additional project objectives are to:

- complete the project before the Anderson Dam Seismic Retrofit Project (ADSRP) Stage 2 Diversion is in operation (estimated in 2028);
- design the project to prevent increases in erosion and degradation of Coyote Creek;
- maintain access and minimize impacts to existing and planned recreation facilities; and,
- minimize the need for future operations and maintenance activities.

## ES.3. Project Location

### Project Area

Valley Water is proposing the CCFPP along Coyote Creek from the downstream face of the Montague Expressway bridge to the upstream face of the Tully Road bridge in the City of San José, Santa Clara County, California. The proposed flood risk reduction improvements are located along four reaches of Coyote Creek (Reaches 4, 6, 7, and 8) between Montague Expressway and Tully Road, with Reach 4 at the northern end of the project area (downstream) and Reach 8 at the southern end of the project area (upstream). Although no flood risk reduction improvements would be constructed along Reach 5, construction staging would occur at one designated location along this reach. Reaches 4, 5, 6, 7, and 8 are described below and shown in **Figure ES.1**.

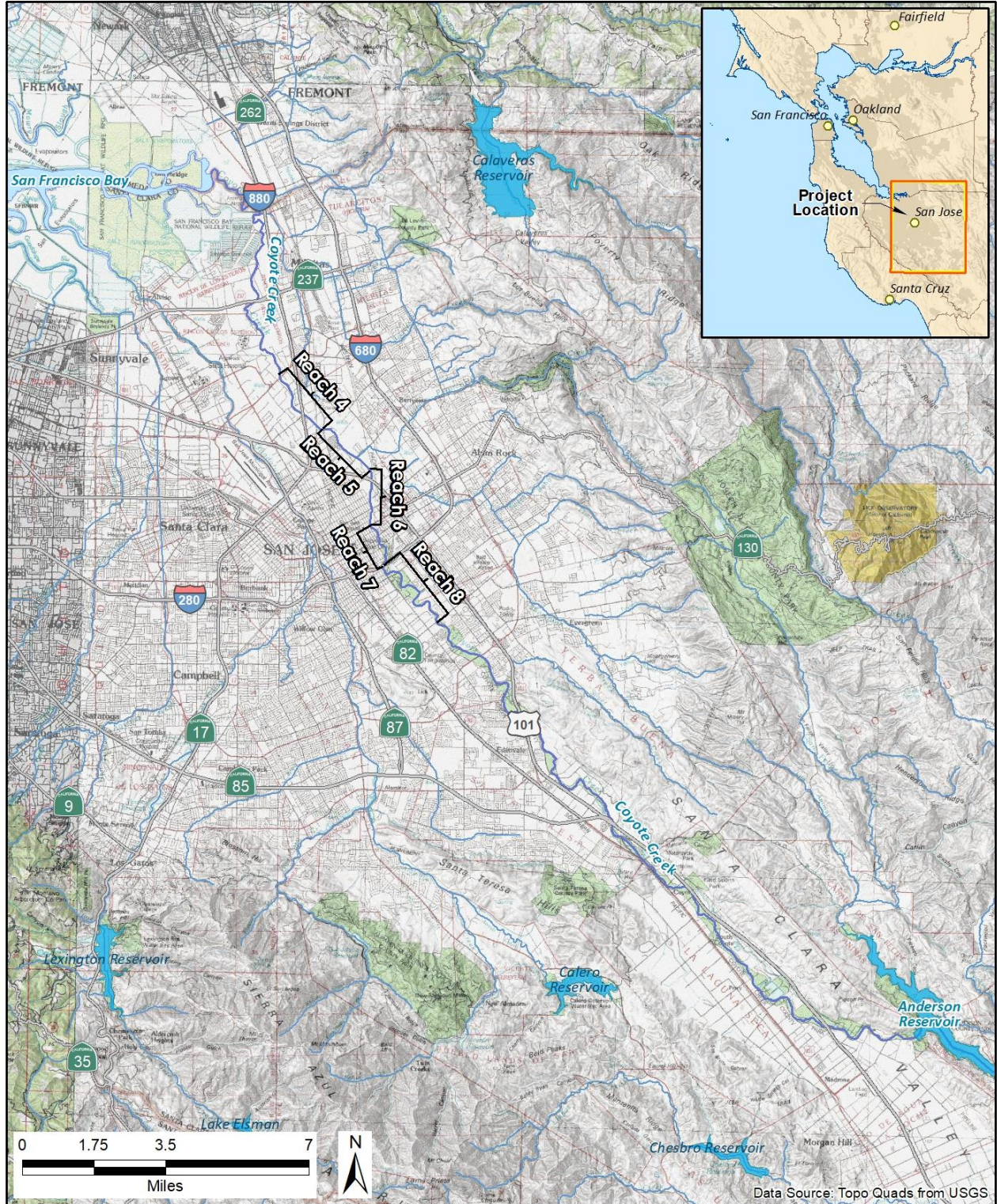


Figure ES.1. Regional Project Location

## ES.4. Summary of Project Description

### Project Elements

The project improvements were identified to contain flood flows from a 20-year flood event, contain flood flows from a potential future 100-year flood event after completion of the proposed Anderson Dam Seismic Retrofit Project (ADSRP), and provide additional freeboard in compliance with Valley Water's freeboard standards<sup>1</sup>.

Flood risk reduction improvements identified for the project consist of floodwalls, passive barriers, and berms that would be constructed along and adjacent to Coyote Creek. The project also includes constructing headwalls and wingwalls along the Charcot Avenue Bridge (or Bridge) crossing over the Coyote Creek channel and reinforcing the Bridge structure. In total, the project includes constructing approximately ~~47,006~~ 17,060 feet of improvements along the 9-mile stretch of Coyote Creek from Montague Expressway to Tully Road.

The following improvements would be constructed:

- Approximately ~~40,399~~ 13,703 feet of floodwalls and passive barriers
- ~~Approximately 3,549 feet of passive barriers~~
- Approximately ~~352~~ 355 feet of headwalls and wingwalls
- Approximately ~~2,706~~ 3,002 feet of berms

In addition to the flood risk reduction improvements above, Valley Water, in coordination with the City, has identified a need to prevent backflow of water during flood events from entering the City's stormwater conveyance system. Under the through existing outfalls within the creek, which has historically resulted in localized flooding due to stormwater system overflows. project, Valley Water would install flap gates within seven manholes located inland of the existing outfalls, including six existing manhole vaults and one within a one newly constructed manhole vault. In addition, an approximately 240-foot-long temporary berm made of sandbags would be installed in one location in Reach 4 during the 4-year period when the Anderson Dam Tunnel Project is under construction.

Valley Water would acquire temporary easements for construction, as well as permanent easements and/or fee titles for operations and maintenance within limited areas along and surrounding project elements.

### **Floodwalls**

Three general floodwall design types – I-Walls, T-Walls, and L-Walls – would be used for the project. I-Walls are sheet piles driven or pressed into the ground. T-Walls and L-Walls are made of reinforced concrete and include a reinforced concrete foundation. The selection of a floodwall design depends on the space available at the improvement site and construction constraints. The foundation of a T-Wall extends outward on both sides of the floodwall and can be used where there are no space restrictions for excavation. The foundation of an L-Wall is on one side of the floodwall and requires less space for excavation than a T-Wall. I-Walls are used where

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<sup>1</sup> Freeboard is additional distance from the top of the water line (or water surface elevation) to the top of the height of the flood risk reduction improvement (i.e., floodwall, passive barrier, or berm). Valley Water's freeboard standard, which is used for the proposed project, is the higher of 1 foot freeboard on the 20-year flood event water surface elevation or 3 feet freeboard on the potential future 100-year flood event water surface elevation.

there is limited or no space for excavation. Aesthetic treatments may be applied to concrete floodwalls and concrete casings around sheet pile floodwalls. Aesthetic treatments would be determined in coordination with landowners. At locations where floodwalls intersect bridges, the floodwall would be connected with the concrete bridge headwalls, abutments and wingwalls to prevent flows from overtopping onto adjacent land.

Floodwalls are proposed with approximate heights ranging between 1 and 13 feet above the ground surface and footings and foundations between approximately 4 and 8 feet below ground surface.

### ***Passive Barriers***

Passive barriers and floodwalls would contain flood flows within the creek channel in the same way. However, passive barriers are designed to only be deployed during flood conditions. Passive barriers are used in place of floodwalls to maintain access to roads and open space during non-flooding conditions. Passive barriers can either be hinged or vertical; only hinged passive barriers would be used for the project. Hinged barriers include gates that rise as the water hydrostatic pressure increases and are passive automatic flood barrier systems that remain hidden below ground until flood conditions trigger deployment.

Passive barriers would automatically rise on the edge facing the creek flows as water infiltrates under the barrier and buoyant forces raise the barrier. The passive barriers would be secured and mounted on the land side at a hinge also buried underground. The passive barriers would be located between small supporting wiper walls between the floodwall and passive barriers. Wiper walls are typically made of aluminum and support the passive barrier to prevent flood water from leaking onto the landside. Passive barriers would include internal drainage systems to collect stormwater within the base of the passive barrier structures and convey flows to new connections with the existing City of San José stormwater system directly within the footprint of or adjacent to the passive barriers, except for those located in Reach 4. The four passive barriers in Reach 4 would drain via small pipes to outfalls on the creek bank with riprap bank protection.

Passive barriers would range between approximately 1 and 9.5 feet above the ground surface when deployed during flood conditions, would be approximately 8 and 11 feet wide, and would be buried up to approximately 5 feet below ground.

### ***Charcot Avenue Bridge Reinforcement, Headwalls, and Wingwalls***

The existing Charcot Avenue Bridge would be reinforced and headwalls and wingwalls would be constructed along the upstream and downstream surface of the bridge to contain flood flows. The headwalls would be constructed of reinforced concrete designed to be high enough to block flows in the creek from overtopping the bridge. The headwalls would be connected to wingwalls and then to floodwalls on either side of the bridge to form a continuous barrier to contain flood flows in the creek. Wingwalls are angular walls that would be constructed on either end of each of the headwalls. The replacement of the existing Bridge railing would retain the sidewalk on the upstream side of the Bridge. Bridge reinforcement would use carbon fiber reinforcement strips installed along the bridge deck (road on top of bridge) and on the soffit (underside surface) of the Bridge and parallel to the flow of water in Coyote Creek.

## ***Berms***

Berms would be constructed of low permeability fill from soil excavated during the construction of other flood risk reduction improvements. Berms are proposed at two locations. Berms would be located in areas where existing land use and space allow for maintaining access and provide enough area for the berm structure. Berms do not require excavation, but the top few inches of ground surface would be scraped when preparing the site for berm construction. Berm soil would be compacted, and the top surface and side slopes would be covered in erosion control material (e.g., coir). Berm side slopes would be graded to an approximately 1:3.5 slope where possible. Berms would be approximately 1 to 13 feet above the ground surface and approximately 3 to 24 feet wide at the top elevation.

## ***Flap Gates***

Flap gates would be installed within seven manhole vaults to prevent backflow from increases in water surface elevations as a result of the project. Flap gates would be installed in manhole vaults inland of existing outfalls along the creek and within the City's stormwater conveyance system. The flap gates would be installed on the end of the manhole vaults outflow pipes. There would be no need for heavy construction equipment for installation of the six flap gates within the existing manhole vaults. Hand tools and equipment would be lowered into the manhole vaults and workers would install the flap gates in the below ground vaults. One flap gate would require the construction of a new manhole vault that would require excavation of a 10-foot square area where the new manhole would be installed within an existing stormwater conveyance pipeline located inland of an existing outfall within the creek. The flap gate in the new manhole would be installed in the same manner as those for existing manhole vaults.

## **Project Construction**

Construction is anticipated to commence in early 2025 and would last approximately 2 years. A total number of approximately 462 workdays is based on the anticipated work duration of approximately 22 months, 4 weeks per month, 5 workdays per week, and approximately 22 Saturdays. Up to three flood risk reduction improvements would be constructed at a time.

The duration of construction activities in each reach is estimated as follows.

- Reach 4 – Approximately 17 weeks
- Reach 6 – Approximately 32 weeks
- Reach 7 – Approximately 50 weeks
- Reach 8 – Approximately 15 weeks

Staging/laydown areas have been designated in locations that are paved and/or have been previously disturbed, or that are open with no trees and within short driving distances to nearby improvement sites. Staging/laydown areas would be temporary and used only during construction activities for construction office trailers, worker, and equipment parking, as an equipment maintenance yard, for equipment fueling, or for temporary storage of other construction materials. Staging/laydown areas would be cleared of vegetation and/or other debris before equipment would be mobilized to the site. Temporary construction areas have been identified as the space around each improvement site and site access route that may be used during construction activities and where ground disturbance could occur. To obtain access

along designated site access routes, minor improvements may be required, such as tree trimming, and/or the demolition of light poles, signs, concrete curbs, and fences.

Construction activities would begin along each reach by mobilizing equipment and locating materials within the nearest staging/laydown area. Equipment and materials would be stored at the staging/laydown area and moved to each nearby improvement site for construction activities.

## **Project Operation and Maintenance Activities**

Valley Water has the sole responsibility for maintaining the flood risk reduction improvements. Valley Water would obtain easements and access agreements where necessary for development and maintenance of flood risk reduction improvements. Property owners would be responsible for maintaining their property in a reasonably safe condition that does not interfere with Valley Water's ability to access or maintain the floodwalls.

Similar to current practice and consistent with 2019 – 2023 *Valley Water's Stream Maintenance Program Manual* (SMP Manual), maintenance activities would be conducted within Reaches 4 through 8 following project construction. These activities may include trash and debris removal, vegetation management (e.g., removing vegetation along maintenance roads), minor maintenance road repairs, management of wildlife conflicts, and graffiti removal. The newly installed flood risk reduction improvements would be visually inspected on a periodic basis (one to two times per year). If observed damage threatens the integrity of any structures, repairs would be completed to return them to the as-built design. In addition, event-driven inspections would take place during or immediately after a natural hazard such as a large storm event, flood, earthquake, or any other event having the potential to damage the project elements or create hazards for public safety.

After construction of the project, maintenance areas, which consist of a 10-foot area around each flood risk reduction improvement, would be maintained by Valley Water, as needed, to facilitate access to each improvement to conduct the maintenance activities discussed above in this section. Vegetation would be removed within these maintenance areas, as needed, to access the flood risk reduction improvements. Vegetation would be preserved if the improvement may be accessed for maintenance without vegetation removal.

## **Avoidance and Minimization Measures**

Valley Water developed the *Best Management Practices Handbook* (Handbook) to provide general technical guidance and standardized procedures for all Valley Water projects. The Handbook contains a comprehensive list of standard best management practices (BMPs) that Valley Water incorporates into projects to avoid or minimize potential environmental impacts. Specific Water Valley BMPs incorporated into the project, including Stream Maintenance Program (SMP) BMPs as well as Handbook BMPs, are listed in Chapter 2, "Project Description."

## **Valley Water Monarch Butterfly and Crotch's Bumblebee Avoidance Plans**

Valley Water prepared plans to meet the Federal Energy Regulatory Commission Order Compliance Project (FOCP) to specifically avoid impacts on two special status species:

monarch butterfly; and Crotch's Bumblebee. Specific Water Valley avoidance measures are incorporated into the project as described in Chapter 2, "Project Description."

### ***Valley Habitat Plan Conditions, Avoidance and Minimization Measures, and Fees***

The Valley Habitat Plan (VHP) is a joint Habitat Conservation Plan and Natural Communities Conservation Plan developed to serve as the basis for issuance of incidental take permits and authorizations pursuant to Section 10 of the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and Natural Community Conservation Plan Act. Valley Water is a permittee required to comply with the requirements for activities covered under the VHP. The VHP lists construction of flood protection projects and maintenance of roads associated with these kinds of project as one of many covered actions required to implement Avoidance and Minimization Measures (AMMs) and associated mitigation fees for permittees (i.e., Valley Water) to meet their legal obligations under the VHP. The project is a covered activity identified in the VHP. Valley Water will adhere to applicable VHP conditions, which will be based on the results of VHP biological surveys and VHP land cover field verification to be conducted, and all applicable VHP AMMs, including the aquatic habitat AMMs from the VHP throughout implementation of the project. These are also listed in Chapter 2, "Project Description." Valley Water will also pay applicable VHP impact fees for project activities, including fees for effects on stream, wetland, and riparian habitats.

## **ES.5. Agency Roles and Responsibilities**

Valley Water, as the CEQA lead agency, has the principal responsibility for approving and carrying out the project and for ensuring that CEQA requirements and all other applicable regulations are met. The following agencies are expected to use this EIR in their decision making for permits, approvals, and consultations:

- U.S Army Corps of Engineers
- National Marine Fisheries Service
- U.S. Fish and Wildlife Service
- State Historic Preservation Office
- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- California Department of Transportation
- City of San José
- Santa Clara Valley Habitat Agency

## **ES.6. Summary of Project Impacts and Mitigation Measures**

CEQA Guidelines Section 15123(b)(1) requires that an EIR Executive Summary identify the project's significant impacts and proposed mitigation measures. **Table ES.1** presents a summary of the project's impacts and mitigation measures identified for the project in the EIR. A full description of each impact and mitigation measure is found in Chapter 3, "Environmental Setting and Impacts." In addition, the project's cumulative impacts and mitigation measures are evaluated in Chapter 4, "Other Statutory Considerations;" Significant cumulative impacts are

identified for biological resources, cultural and tribal cultural resources, paleontological resources, hazards and hazardous materials, noise and vibration (significant and unavoidable), and transportation and traffic.

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**Table ES.1. Summary of Impacts and Mitigation Measures**

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>3.2 Aesthetics</b>			
Impact AES-1: Substantially degrade the existing visual character or quality of public views of the site and its surroundings temporarily during construction	LTS	No mitigation required.	LTS
Impact AES-2: Substantially permanently degrade the existing visual character or quality of public views of the site and its surroundings from development of project elements	LTS	No mitigation required.	LTS
Impact AES-3: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality	LTS	No mitigation required.	LTS
Impact AES-4: Introduce New Sources of Light and Glare	LTS	No mitigation required.	LTS
<b>3.3 Air Quality</b>			
AIR-1: Conflict with Applicable Air Quality Plan for Construction Activities	LTS	No mitigation required.	LTS
AIR-2: Result in Cumulatively Considered Net Increase of Any Criteria Pollutant from Construction Activities	LTS	No mitigation required.	LTS
AIR-3: Expose Sensitive Receptors to Substantial Pollutant Concentrations	LTS	No mitigation required.	LTS
AIR-4: Other Construction Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People	LTS	No mitigation required.	LTS
<b>3.4 Biological Resources</b>			
BIO-1: Substantial Adverse Effect on Special-status Plants	LTS	No mitigation required.	LTS
BIO-2: Substantial Adverse Effect on Monarch Butterfly	LTS	No mitigation required.	LTS
BIO-3: Substantial Adverse Effect on Crotch's Bumble Bee	LTS	No mitigation required.	LTS
BIO-4: Substantial Adverse Effect on Special-Status Fish, Critical Habitat, and Essential Fish Habitat	LTS	No mitigation required.	LTS
BIO-5: Substantial Adverse Effect on California Red-legged Frog and Northwestern Pond Turtle	LTS	No mitigation required.	LTS
BIO-6: Substantial Adverse Effect on Western Burrowing Owl	LTS	No mitigation required.	LTS
BIO-7: Substantial Adverse Effect on Other Protected Birds	LTS	No mitigation required.	LTS
BIO-8: Substantial Adverse Effect on Special-status Bats	S	Mitigation Measure BIO 8.1: Minimize Impacts on Special-status Bats	LTS

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
BIO-9: Substantial Adverse Effect on San Francisco Dusky-footed Woodrat	LTS	No mitigation required.	LTS
BIO-10: Substantial Adverse Effects on Riparian Habitat or Other Sensitive Natural Community	LTS	No mitigation required.	LTS
BIO-11: Substantial Adverse Effect on State or Federally Protected Aquatic Resources (Waters or Wetlands).	LTS	No mitigation required.	LTS
BIO-12: Substantial Interference with Fish or Wildlife Movement or Native Nursery Sites	LTS	No mitigation required.	LTS
BIO-13: Conflict with Local Policies and Ordinances Protecting Biological Resources	LTS	No mitigation required.	LTS
BIO-14: Conflict with an Adopted Habitat Conservation Plan	LTS	No mitigation required.	LTS
<b>3.5 Cultural Resources and Tribal Cultural Resources</b>			
CUL-1: Cause a Substantial Adverse Change in the Significance of a Built Environment Historical Resource listed or eligible for listing in the NRHP, CRHR, or a local register	LTS	No mitigation required.	LTS
CUL-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource	S	Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided	LTS
CUL-3: Cause a Disturbance of Human Remains, including Remains Interred Outside of Dedicated Cemeteries	S	Mitigation Measure CUL 3.1: Avoid Disturbances of Human Remains, including Remains interred Outside of Dedicated Cemeteries Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided	LTS

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
CUL-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource, as Defined in PRC Section 21074	S	Mitigation Measure CUL 2.1: Preconstruction Cultural Resources Awareness Training Mitigation Measure CUL 2.2: Prepare a Monitoring and Unanticipated Discoveries Plan Mitigation Measure CUL 2.3: Prepare a Data Recovery and Treatment Plan for Historical Resources That Cannot Be Avoided Mitigation Measure CUL 3.1: Avoid Disturbances of Human Remains, including Remains interred Outside of Dedicated Cemeteries	LTS
<b>3.7 Geology, Soils and Seismicity</b>			
GEO-1: Adverse Effects from Rupture of a Known Earthquake Fault, Seismic Ground Shaking, Liquefaction, Subsidence, Soil, Instability, Landslides, or Expansive Soils	LTS	No mitigation required.	LTS
GEO-2: Result in Substantial Erosion or Loss of Topsoil	LTS	No mitigation required.	LTS
GEO-3: Destruction of Unique Paleontological Resources during Construction	S	Mitigation Measure GEO 3.1: Prepare and Implement a Paleontological Mitigation and Monitoring Plan	LTS
<b>3.8 Greenhouse Gas Emissions and Energy Use</b>			
GHG/EN-1: Direct or Indirect Construction-Generated GHG Emissions that may have a Significant Effect on the Environment	LTS	No mitigation required.	LTS
GHG/EN-2: Conflict with any Applicable Plan, Policy, or Regulations of an Agency Adopted for the Purpose of Reducing GHG emissions	LTS	No mitigation required.	LTS
GHG/EN-3: Unnecessary, Wasteful, or Inefficient Consumption of Energy	LTS	No mitigation required.	LTS
GHG/EN-4: Conflict with an Applicable Plan to Improve Energy Efficiency or Promote Renewable Energy	LTS	No mitigation required.	LTS
<b>3.9 Hazards and Hazardous Materials</b>			
HAZ-1: Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials	LTS	No mitigation required.	LTS
HAZ-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment	S	Mitigation Measure HAZ 2.1: Ensure Worker Safety in Areas with Elevated Concentrations of Lead Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan	LTS

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
HAZ-3: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials within 0.25 mile of Existing or Proposed Schools	S	Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan	LTS
HAZ-4: Be Located on a Site Which is included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5	S	Mitigation Measure HAZ 2.2: Develop and Implement a Hazardous Materials Management Plan	LTS
HAZ-5: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	NI	No mitigation required.	NI
HAZ-6: Create a significant hazard to construction workers or the public through exposure to Valley Fever during Construction Activities	LTS	No mitigation required.	LTS
<b>3.10 Hydrology and Water Quality</b>			
HWQ-1: Violate any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Ground Water Quality	LTS	No mitigation required.	LTS
HWQ-2: Substantially Decrease Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such that the Project May Impede Sustainable Groundwater Management of the Basin	LTS	No mitigation required.	LTS
HWQ-3: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River or Through the Addition of Impervious Surfaces, in a Manner Which Would Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Offsite	LTS	No mitigation required.	LTS
HWQ-4: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River in a Manner that Creates or Contributes Runoff Water Which Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff	LTS	No mitigation required.	LTS
HWQ-5: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River in a Manner that Impedes or Redirects Flood Flows	LTS	No mitigation required.	LTS

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
HWQ-6: Substantially Alter the Existing Drainage Pattern of the Site or Area, Including Through the Alteration of the Course of a Stream or River or Through the Addition of Impervious Surfaces, in a Manner Which Would Result in Substantial Erosion or Siltation On- or Offsite	LTS	No mitigation required.	LTS
HWQ-7: Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan	LTS	No mitigation required.	LTS
<b>3.11 Land Use and Planning</b>			
LUP-1: Cause a Significant Environmental Impact Not Analyzed Elsewhere in this EIR Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect	LTS	No mitigation required.	LTS
<b>3.12 Noise and Vibration</b>			
NOI-1: Substantial Temporary Construction-Related Increase in Noise Levels in Excess of FTA and City of San José Standards	S	Mitigation Measure NOI 1.1: Develop and Implement a Construction Noise Control Plan Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving Mitigation Measure NOI 1.3: Use of Temporary Sound Barriers Mitigation Measure NOI 1.4: Establish Construction Noise Coordinator	SU
NOI-2: Generate Excessive Ground Vibration or Groundborne Noise Levels from Construction Activities	S	Mitigation Measure NOI 1.2: Use Alternative Impact Equipment for Pile Driving Mitigation Measure NOI 2.1: Implement Alternative Construction Methods to Reduce Vibration Mitigation Measure NOI 2.2: Develop and Implement a Vibration Control Plan	LTS
NOI-3: Result in Long-Term Substantial Increases in Noise that Exceed FTA Noise Standards	LTS	No mitigation required.	LTS
<b>3.13 Recreation</b>			
REC-1: Increase in Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities Such that Substantial Physical Deterioration of the Facilities Would Occur or be Accelerated	LTS	No mitigation required.	LTS

Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<b>3.14 Transportation and Traffic</b>			
TR-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities	LTS	No mitigation required.	LTS
TR-2: Conflict with CEQA Guidelines Section 15064.3(b) during Construction	LTS	No mitigation required.	LTS
TR-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Use	LTS	No mitigation required.	LTS
TR-4: Result in Inadequate Emergency Access	S	Mitigation Measure TR 4.1: Implement a Traffic Safety Plan and Coordinate with Local Emergency Service Providers	LTS
<b>3.15 Utilities and Service Systems</b>			
UTL-1: Require or Result in the Relocation or Construction of Existing or New Utility Infrastructure Which Could Cause Significant Environmental Effects	LTS	No mitigation required.	LTS
UTL-2: Lack Sufficient Water Supplies to Serve the Project and Reasonably Foreseeable Future Development During Normal, Dry, and Multiple Dry Years	LTS	No mitigation required.	LTS
UTL-3: Generate Solid Waste Potentially Exceeding Permitted Capacity of Local Landfills or Fail to Comply with Statutes and Regulations Related to Reducing Solid Waste	LTS	No mitigation required.	LTS

NI = No Impact

B = Beneficial      LTS = Less than Significant

S = Significant      PS = Potentially Significant

SU = Significant and Unavoidable

## ES.7. Project Alternatives

Chapter 5, “Alternative,” presents the alternatives analysis for the CCFPP. It sets forth the objectives of the project, summarizes the project’s significant environmental impacts, describes the range of alternatives considered, compares the impacts of the alternatives evaluated to the impacts of the project, and discusses the alternatives considered but eliminated from further analysis.

The CEQA Guidelines, Section 15126.6, state that an EIR must describe and evaluate a reasonable range of alternatives to the project that would feasibly attain most of the project’s basic objectives and avoid or substantially lessen any significant adverse effects of the project. An EIR is not required to consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The CEQA Guidelines further state that a “no project” alternative shall also be evaluated.

The EIR discusses several alternatives that were considered but eliminated from further analysis, including an Alternative with Replacement of Charcot Avenue Bridge, Alternative with Vegetative Berm at edge of William Street Park, Alternative with Berms Around Large Parcels of Land Upstream to Create Storage and Reduce Anderson Dam Peak Flows, and an Alternative with Floodwalls in Backyards of All Frequently Flooded Properties. These alternatives were eliminated from further analysis because either they were not substantially different from one of the considered alternatives, failed to meet most of the basic project objectives, would be infeasible to implement or operate, and/or would not avoid or lessen one or more significant environmental impacts.

The two alternatives that were considered in detail, the No Project Alternative and Alternative 1, are summarized below.

### No Project Alternative

The CEQA Guidelines Section 15126.6(e) requires that EIRs include an evaluation of the No Project Alternative to provide decision-makers the information necessary to compare the relative impacts of approving the project and not approving the project. The No Project Alternative is defined as a continuation of existing conditions, as well as conditions that are reasonably expected to occur in the event that the proposed project is not approved and implemented.

Under the No Project Alternative, the CCFPP would not proceed, and existing environmental conditions and Valley Water operations would be maintained. Under the No Project Alternative, Valley Water would not construct the flood risk reduction improvements described in Chapter 2, “Project Description,” along the various reaches of Coyote Creek. As a result, flooding within areas along Coyote Creek would occur in the future to some extent when flows reach levels equivalent to those of the 2017 flood event – a 20-year flood event. The No Project Alternative would fail to achieve all of the project objectives related to flood risk reduction, and the community would continue to experience flooding in the future.

However, the No Project Alternative would avoid all direct construction-related significant impacts, including significant and unavoidable adverse impacts, of the proposed project because no construction would occur, and the entirety of the project area would be unchanged by project construction. Although the No Project Alternative would result in fewer direct

significant impacts, the No Project Alternative would not achieve the benefits of the project's reduction in flood risk or meet most of the project's objectives. Without the project and with the increasing threat of more frequent flooding from climate change, if a flood event occurred that would not have otherwise occurred with the project, there could be substantial indirect environmental and other impacts to the local area flooded.

## **Alternative 1 – Elevating or Acquiring Three Residential Properties Along Brookwood Avenue Instead of Constructing Floodwalls**

Alternative 1 would include implementation of the project with the exception of the construction of a floodwall in Reach 7. Instead of constructing this floodwall, Alternative 1 would consist of Valley Water elevating or acquiring three properties located along Brookwood Avenue along the east bank of Coyote Creek in Reach 7. These properties are listed below:

- 311 Brookwood Avenue - elevate by 8 feet or demolish and restore,
- 315 Brookwood Avenue - elevate by 8 feet or demolish and restore, and
- 321 Brookwood Avenue - elevate by 7 feet or demolish and restore.

Alternative 1 would include implementing one of two scenarios: 1) raising the three properties above the 20-year flood elevation by 7 or 8 feet; or 2) acquiring the properties, demolishing the residences, and restoring riparian habitat on the sites.

~~This alternative would avoid the impacts of the project related to construction of the floodwalls on the three properties specified above, that would include accessing these properties via a temporary creek crossing that would require the construction of a cofferdam. Under Alternative 1, the three properties would be accessed from Brookwood Avenue; therefore, the creek crossing, and cofferdam proposed for construction of the project would no longer be required.~~ Alternative 1 would reduce the amount of tree removal required along the ~~western~~ eastern bank of Coyote Creek because construction impacts would be limited to the residential properties, which have direct access from Brookwood Avenue. Although Alternative 1 would not require as much tree removal ~~and would not require creek crossing or use of a cofferdam,~~ similar construction-related impacts would occur in the same general project area.

Alternative 1 would be logistically and economically challenging due to the disruption of current residents, length of construction, real estate acquisitions, regulatory permitting beyond schedule limitations required to meet project objectives, and cost to acquire and maintain the three properties in perpetuity. However, Alternative 1 is potentially feasible and would achieve most of the project's objectives associated with reducing flood risk to homes, schools, businesses, and transportation. Alternative 1 would not meet the project's objective of "project completion before the ADSRP Stage 2 Diversion is in operation."

Overall, Alternative 1 would lessen ~~some project impacts related to water quality,~~ biological resources, and noise and vibration, although it would not avoid or substantially lessen any significant impacts compared to the project. Nevertheless, Alternative 1 is considered the environmentally superior alternative because it would reduce some project impacts related to ~~water quality,~~ biological resources, and noise and vibration. Alternative 1 does, however, have the disadvantages of increased costs and inability to meet the project's schedule objective.

## **ES.8. Areas of Known Controversy and Issues to be Resolved**

Pursuant to CEQA Guidelines Sections 15123(b)(2) and (3), the EIR Executive Summary is required to include areas of controversy, including those raised by agencies and the public, and issues to be resolved. Based on comments made during the 30-day public review period in response to information published in the Notice of Preparation (NOP) and in scoping meeting public comments, areas of controversy were identified for the project regarding construction around parks and recreational facilities and impacts on biological resources.

Issues to be resolved include the choice among alternatives, and how to mitigate the project's significant environmental impacts.

## **ES.9. Public Review and Final EIR<sup>2</sup>**

Valley Water has issued a Notice of Availability to provide agencies and the public with formal notification that the Draft EIR is available for review and comment. The Notice of Availability, Draft EIR and selected appendices are available at the following website: [www.valleywater.org/public-review-documents](http://www.valleywater.org/public-review-documents). The Draft EIR and all appendices are also available for review at the following locations:

### **Santa Clara Valley Water District**

5750 Almaden Expressway  
San José, CA 95118-3686  
(408) 630-3055

### **City of San José**

200 E Santa Clara Street  
San José, CA 95113

### **City of San José Library**

East San José Carnegie Library  
1102 E Santa Clara St, San José, CA 95116

The Draft EIR can be reviewed on any Valley Water business day between the hours of 7:30 a.m. and 5:00 p.m., Monday through Thursday, at the Valley Water Main Campus, located at 5750 Almaden Expressway, San José, CA 95118. Please contact Mr. Andrew Martin at (408) 630-2160 to arrange a date and time for review.

Valley Water is circulating this Draft EIR for a 45-day public review and comment period, and will host a public meeting during this period, to be announced in the Notice of Availability and on the project website.

Written comments concerning this Draft EIR should be mailed or emailed during this review period and should be directed to the name and address listed below. Please submit your written comments at the earliest possible date, but no later than 5:00 p.m. on August 26, 2024. A public

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<sup>2</sup> No changes were made to this section as part of the Revised Draft EIR. Please refer to Chapter 1, "Introduction," of the Final EIR for further updated information on the EIR process.

meeting for the Draft EIR is scheduled for July 25, 2024, from 6:30 p.m. to 7:30 p.m. at the Roosevelt Community Center, located at 901 E. Santa Clara Street, San José.

Andrew Martin, Environmental Planner  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San José, CA 95118-3686  
(408) 630-2160

[CCFPPcomments@valleywater.org](mailto:CCFPPcomments@valleywater.org)

Subject line: CCFPP Draft EIR Comments

All written comments received on the adequacy of this Draft EIR during the public review period will be addressed in a “response-to-comments” chapter in the Final EIR, which, together with the Draft EIR, will constitute the entirety of the Final EIR. The Final EIR will also present any changes to the Draft EIR resulting from public and agency comments, and Valley Water staff-initiated changes.

Prior to any decision on the project, the Valley Water Board of Directors (Board) will review the Final EIR and consider certifying the document at a regularly scheduled Board meeting. Upon EIR certification, Valley Water may proceed with project approval actions. Approval of the project would be preceded by written findings for each significant environmental effect identified in the EIR (CEQA Guidelines Section 15091), and if necessary, a statement of overriding considerations (CEQA Guidelines Section 15093). At the time that CEQA findings are adopted, the Board would also adopt a mitigation monitoring and reporting program for adopted mitigation measures.

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# **INCOMING BOARD CORRESPONDENCE**

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-25-0027	02/06/25	02/06/25	All	HARRY TRAN	Email from Harry Tran to the board, dated 02/05/25, emailing to advocate the implementation of water conservation technologies on a larger scale.	Refer to Staff	Baker	Struve	02/14/25	-	n/a	02/20/25
C-25-0029	02/06/25	02/06/25	Ballard	JEFFREY HARE	Email from Jeffrey Hare to Director Ballard, dated 02/06/25, requesting an update on the status of the Water District properties located on Arroyo Way.	Refer to Staff	Hakes	Infante	02/14/25	-	n/a	02/20/25

**From:** [Tran, Harry](#)  
**To:** [Board of Directors](#)  
**Subject:** Water Conservation Technologies  
**Date:** Wednesday, February 5, 2025 11:11:39 PM

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Hello, Santa Clara Valley Water District's Board of Directors,

My name is Harry Tran, a senior at Yerba Buena High School and I'm emailing to advocate the implementation of water conservation technologies on a larger scale. For example, enforcing newly constructed buildings to be designed with technology such as greywater systems and rainwater harvesting through a city ordinance.

I want to learn about the board's thoughts concerning this matter. I also want to know about current/future solutions to the water conservation issue in the county. As climate change continues to affect our world, I believe that using water conservation technologies will become a precedent in the future. Other countries such as Australia and Japan have already implemented such systems in their water conservation strategies.

Will Santa Clara Valley ever use greywater systems or are there important issues that disable their implementation like budget issues or the "yuck" factor (the influence of instinctive responses against something, in this case, recycled water)?

Respectfully,  
Harry Tran

**From:** [Néstor De la O Vargas](#)  
**To:** [Board of Directors](#); [Linh Hoang](#); [Meghan Azralon](#)  
**Subject:** 2 Upcoming KCCB Cleanups  
**Date:** Thursday, February 6, 2025 8:18:02 AM  
**Attachments:** [250301-Cleanup-IG Post.png](#)  
[250315-Cleanup-IG Post.png](#)

---

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Hello,

Keep Coyote Creek is hosting two cleanups in a few weeks in March. More information is provided below.

\*\*\*\*\*

**Smiling Faces, Happy Places! - Creek and Trail Cleanup**

**Location: TBD**

**Sat, Mar 1st**

**9AM to 12PM**

Join Keep Coyote Creek Beautiful for a community cleanup event. Meet new people; improve a neighborhood park; build community around a shared sense of service.

Free litter kits!

Groups Welcome

Community service hours available.

RSVP: <https://250301-cleanup.eventbrite.com/?aff=vw>

\*\*\*\*\*

**When the Litter Gets Tough, the Tough Get Cleanups! - Creek and Trail Cleanup**

**Location: TBD**

**Sat Mar 15th**

**9AM to 12PM**

Join Keep Coyote Creek Beautiful for a community cleanup event. Meet new people; improve a neighborhood park; build community around a shared sense of service.

Free litter kits!

Groups Welcome

Community service hours available.

RSVP: <https://250315-cleanup.eventbrite.com/?aff=vw>

Sincerely,

Néstor De la O Vargas  
Event Assistant  
Keep Coyote Creek Beautiful  
408.660.3339  
[KeepCoyoteCreekBeautiful.org](http://KeepCoyoteCreekBeautiful.org)

# Smiling Faces, Happy Places!

Coyote Creek & Trail Cleanup

**MARCH 1ST** 😊 **9AM-12PM**

Zero Discrimination Day



RSVP  
AT  KEEP COYOTE CREEK BEAUTIFUL

SAN JOSE  
**PARKS, RECREATION &  
NEIGHBORHOOD SERVICES**  
Building Community Through Fun



[WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG](http://WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG)

COYOTE CREEK CLEANUP LOCATION PROVIDED AT REGISTRATION

WHEN **LITTER** GETS  
THE **LITTER** TOUGH

THE TOUGH GET

**CLEANUPS!**

**MARCH 15TH | 9AM-12PM**

RSVP  
AT  KEEP COYOTE CREEK BEAUTIFUL

SAN JOSE  
PARKS, RECREATION &  
NEIGHBORHOOD SERVICES  
Building Community Through Fun



**WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG**



# Coyote Creek Cleanup

MARCH 15TH: 9AM-12PM

SAN JOSE  
PARKS, RECREATION &  
NEIGHBORHOOD SERVICES  
Building Community Through Fun





# Coyote Creek Cleanup

MARCH 1ST: 9AM-12PM

SAN JOSE  
PARKS, RECREATION &  
NEIGHBORHOOD SERVICES  
Building Community Through Fun



**From:** [Candice Kwok-Smith](#)  
**To:** [Board of Directors](#)  
**Subject:** Fw: Request for Status Update - Arroyo Way Properties  
**Date:** Saturday, February 8, 2025 10:44:40 AM

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Hi Adelina,

Please see the Board Correspondence for Director Ballard. Please assign to Lisa Bankosh and Chris Hakes.

Thanks,  
Candice

---

**From:** Jeffrey Hare <[REDACTED]>  
**Sent:** Thursday, February 6, 2025 12:35 PM  
**To:** Shiloh Ballard <SBallard@valleywater.org>  
**Cc:** Arroyo Way <[REDACTED]>  
**Subject:** Request for Status Update - Arroyo Way Properties

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Director Ballard

This email is a request for an update on the status of the Water District properties located on Arroyo Way (120, 150, 166 and 180). As you may know, the acquisition of these properties and the ensuing construction under Phase I of the FOCP has dragged on for most of the past two years, leaving the other property owners and residents dealing with the challenges of construction, dust, cyclone fencing, porta-potties, and occasional trespassers and alarms. We have learned that the Water District is about to transfer the control of this project to the Real Estate Division for disposition of the properties, and we would like to know what is going to take place. I am copying our Arroyo Way neighbors to allow you an opportunity to "reply to all" as a convenient way to reach the rest of the neighbors.

It was our understanding that when the Water District acquired these properties, the plan was to construct the flood wall, then take steps to sell or rent them. District Staff made it clear that having the homes occupied was the most effective way to ensure that the properties would not be subject to potential encampment issues, trespassers, etc. However, we have not been provided any update or clarification of the District's plans, and with the imminent conclusion of the construction, we feel it is the right time to have a meeting and get the details. Over the past two days, we've experienced a burglar alarm at one of the houses, and a trespasser camping out in another. Creative Security responded to both incidents, but it illustrates the need to continue these patrols, at a minimum.

Other concerns involve the restoration and maintenance of the landscaping, which for the most part has been destroyed or only minimally maintained, in sharp contrast to the dedicated efforts of the previous owners. For most of the past two years, my view of a beautifully maintained vista of a hand-trimmed, sculpted 20+ foot high juniper hedge has been replaced by a cyclone fence and porta-potty sitting on the

street surrounded by orange cones. The roofs of at least two of the houses are littered with leaves and needles - a clear fire hazard when it's not raining, which is most of the time.

So, please help us find out what steps we need to take to get answers about what the District plans to do with these properties.

Thank you very much,  
Jeffrey Hare

[JeffreyHare](#) [REDACTED]  
[REDACTED] (Cell)

**From:** [Fred Weber](#)  
**To:** [Board of Directors](#)  
**Subject:** Re: Permitting Request Status  
**Date:** Tuesday, February 11, 2025 6:43:49 AM

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**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Dear Mr. Santos,

Thank you for getting back to me and for the thorough response and as suspected, the continued delay has been with PG&E. As I am sure you are aware, I did get this update from Shree Dharasker last week. At the time I wrote you, I did not know her name or contact information and the only eMail I could find was yours. I was able to finally get her name from our PG&E representative and I eMailed her right away. She responded back quickly, although with the bad news about the unpermitted guy wire.

As I mentioned previously, Lisa was most helpful in person and Shree was also very prompt in getting back to me and obviously reviewing our permit request. Please thank them both again for me and thank you. We really appreciate Valley Water's understanding at our sense of urgency.

Maybe our paths will cross at a future creek clean-up or local event. Thank you.

Respectfully,

Fred Weber

On Feb 10, 2025, at 5:36 PM, Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)> wrote:

**Sent on Behalf of Vice Chair Santos:**

Dear Fred Weber,

Thank you for your inquiry and your participation in our creek clean-up program. On December 30, 2024, PG&E submitted an encroachment permit application to the Valley Water, requesting temporary vehicular access on Valley Water property to replace an electric pole in your backyard at [REDACTED] Sandia Avenue. Valley Water staff reviewed the application and requested clarification regarding the scope of work from PG&E on January 10, 2025. PG&E's contractor responded on January 25, 2025. Upon further review and a field visit on February 4, 2025, staff determined that PG&E has an unpermitted guy line and anchor on Valley Water's maintenance road extending from the

existing pole in your yard that will need to be removed as part of the work to replace the pole. This was communicated to PG&E the same day.

Once PG&E submits revised plans for removal of the guy line and anchor from Valley Water right of way, Valley Water will be able to issue a permit to PG&E to replace the pole. The person you met with on January 24, 2025 was Lisa Brancatelli, an engineer in our Community Projects Review Unit. However, she is not the engineer working on the review of your project. For questions regarding the progress of PG&E's permit request, please contact Shree Dharasker at (408) 630-3037 or at [sdharasker@valleywater.org](mailto:sdharasker@valleywater.org) at any time.

Valley Water staff understands your urgency to get electric service for your new ADU and will review PG&E's materials in an expedited manner.

Stay safe and healthy,

<image001.jpg>

Richard Santos  
Vice Chair, District 3

C-25-0026

-----Original Message-----

From: Fred Weber [REDACTED] On Behalf Of Fred Weber

Sent: Friday, January 31, 2025 11:16 AM

To: Richard Santos <[rsantos@valleywater.org](mailto:rsantos@valleywater.org)>

Subject: Permitting Request Status

\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\*

Dear Mr. Richard Santos:

As a resident of [REDACTED] Sandia Ave. and a participant in our creek clean-up program, I'm writing to see if you can help with determining the status of an encroachment permit that has been applied for by PG&E, in order to upgrade our electric to our property to service our new construction ADU. I am pretty sure the hold-up is not with the Valley Water staff handling this request, but with PG&E's slowness in getting the required information to facilitate a fast review and turn-around of the permit.

In that regard, I am trying to gather as much information on our request, in order to shake the trees with PG&E. Our ADU is complete and fully furnished, but we don't have any electricity and have delayed our move for the last 3 weeks.

Two weeks ago I visited the Valley Water District office in person and was able to talk directly to a person that knew of our permit request and talked directly to a colleague

that was handling the request. She was very helpful and provided some information that was required by PG&E, but I did not ask for her name or the name of the person overseeing this permit request. So I don't have their name or contact information, which is why I am reaching out to you. I am hoping that you can help or at least provide me with contact information for the person handling the request for our property.

There has not been any progress, that I have known about, over these last two weeks. If the delay is with PG&E and the Water District is still waiting on required details, I want to take that direct information to top management at PG&E and get our project completed. Each day of delay keeps us from moving in and I am sure you can imagine has caused us undo costs and stress.

Thank you so much for any information you can provide to me or the contact information of the team member handling or permit request.

Respectfully,

Fred Weber

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# **OUTGOING BOARD CORRESPONDENCE**

**From:** [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)  
**To:** [Heather Williams](#); [John Bourgeois](#); [Lisa Bankosh](#)  
**Cc:** [Board of Directors](#); [Max Overland](#)  
**Subject:** FW: Permitting Request Status  
**Date:** Monday, February 10, 2025 5:38:06 PM

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Good afternoon,

C-25-0026 has been approved, sent and closed.

Thanks,  
Candice

---

**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Monday, February 10, 2025 5:37 PM  
**To:** [REDACTED]  
**Subject:** Re: Permitting Request Status

**Sent on Behalf of Vice Chair Santos:**


Dear Fred Weber,

Thank you for your inquiry and your participation in our creek clean-up program. On December 30, 2024, PG&E submitted an encroachment permit application to the Valley Water, requesting temporary vehicular access on Valley Water property to replace an electric pole in your backyard at [REDACTED] Sandia Avenue. Valley Water staff reviewed the application and requested clarification regarding the scope of work from PG&E on January 10, 2025. PG&E's contractor responded on January 25, 2025. Upon further review and a field visit on February 4, 2025, staff determined that PG&E has an unpermitted guy line and anchor on Valley Water's maintenance road extending from the existing pole in your yard that will need to be removed as part of the work to replace the pole. This was communicated to PG&E the same day.

Once PG&E submits revised plans for removal of the guy line and anchor from Valley Water right of way, Valley Water will be able to issue a permit to PG&E to replace the pole. The person you met with on January 24, 2025 was Lisa Brancatelli, an engineer in our Community Projects Review Unit. However, she is not the engineer working on the review of your project. For questions regarding the progress of PG&E's permit request, please contact Shree Dharasker at (408) 630-3037 or at [sdharasker@valleywater.org](mailto:sdharasker@valleywater.org) at any time.

Valley Water staff understands your urgency to get electric service for your new ADU and will review PG&E's materials in an expedited manner.

Stay safe and healthy,



Richard Santos  
Vice Chair, District 3

C-25-0026

-----Original Message-----

From: Fred Weber [REDACTED] > On Behalf Of Fred Weber

Sent: Friday, January 31, 2025 11:16 AM

To: Richard Santos <[rsantos@valleywater.org](mailto:rsantos@valleywater.org)>

Subject: Permitting Request Status

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Dear Mr. Richard Santos:

As a resident of [REDACTED] Sandia Ave. and a participant in our creek clean-up program, I'm writing to see if you can help with determining the status of an encroachment permit that has been applied for by PG&E, in order to upgrade our electric to our property to service our new construction ADU. I am pretty sure the hold-up is not with the Valley Water staff handling this request, but with PG&E's slowness in getting the required information to facilitate a fast review and turn-around of the permit.

In that regard, I am trying to gather as much information on our request, in order to shake the trees with PG&E. Our ADU is complete and fully furnished, but we don't have any electricity and have delayed our move for the last 3 weeks.

Two weeks ago I visited the Valley Water District office in person and was able to talk directly to a person that knew of our permit request and talked directly to a colleague that was handling the request. She was very helpful and provided some information that was required by PG&E, but I did not ask for her name or the name of the person overseeing this permit request. So I don't have their name or contact information, which is why I am reaching out to you. I am hoping that you can help or at least provide me with contact information for the person handling the request for our property.

There has not been any progress, that I have known about, over these last two weeks. If the delay is with PG&E and the Water District is still waiting on required details, I want to take that direct information to top management at PG&E and get our project completed. Each day of delay keeps us from moving in and I am sure you can imagine has caused us undo costs and stress.

Thank you so much for any information you can provide to me or the contact information of the team member handling or permit request.

Respectfully,

Fred Weber

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]