Permanente Creek Flood Protection Project

Fourth Addendum to the
Final Subsequent Environmental Impact Report

State Clearinghouse No. 2007052074

Project Number 26244001

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Acronyms and Abbreviations

BAAQMD	Bay Area Air Quality Management District
BMP	Best management practice
CEQA	California Environmental Quality Act
dBA	A-weighted decibels
District	Santa Clara Valley Water District
DPM	Diesel particulate matter
EIR	Environmental Impact Report
GHG	Greenhouse gas
L_{eq}	equivalent noise level
MMRP	Mitigation Monitoring and Reporting Program
NO_X	Nitrogen oxides
ROG	Reactive organic gases
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
USFWS	U.S. Fish and Wildlife Service
US	United State Highway

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 project includes construction of a 15-acre flood detention basin at Rancho San Antonio County Park, a 5-acre flood detention basin at McKelvey Park, wider and deeper concrete channels in select portions of Permanente and Hale Creeks, a floodwall along Permanente Creek from United States Highway 101 (US 101) to Charleston Road, an embankment along Permanente Creek from Charleston Road to Amphitheatre Parkway, and a raised levee from Amphitheatre Parkway to Shoreline Golf Course. A location map for the proposed project is presented in Figure 1. The proposed Permanente Creek Flood Protection Project elements were included in a Final Environmental Impact Report (EIR), certified June 2010 (Santa Clara Valley Water District 2010).

The City of Mountain View built a floodwall on the eastern bank of Permanente Creek between US 101 and Charleston Road in May 2011. The floodwall's environmental impacts were analyzed under a Mitigated Negative Declaration (MND) and subsequent Addendum, adopted by the City of Mountain View on June 30, 2009 and April 13, 2010, respectively.

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

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

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

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

This document is a fourth Addendum to the District's 2012 EIR. It includes analysis of the environmental impacts of raising the existing floodwall on the eastern side of Permanente Creek between US 101 and Charleston Road, built by the City of Mountain View in 2011. Details about the environmental setting can be found in the 2012 EIR, as well as the City of Mountain View's MND and Addendum.

2. CEQA Considerations

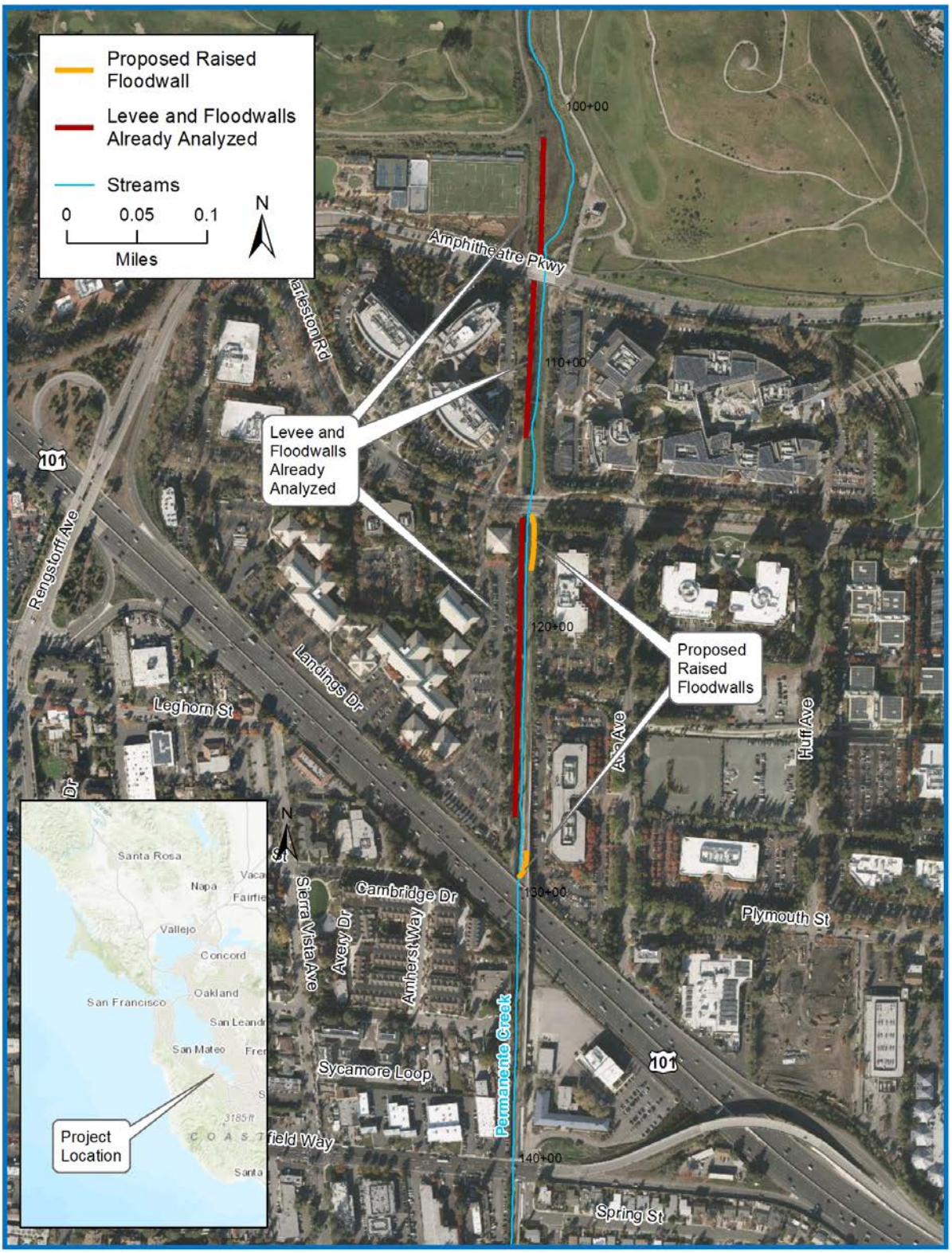
When there are changes to a project and the lead agency will be taking discretionary action, the California Environmental Quality Act (CEQA) (Public Resources Code §21000 *et seq.* and 14 California Code of Regulations §15000 *et seq.*) provides various levels of documentation to indicate that the lead 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.

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.

Figure 1: Project Location



3. Description of Proposed Changes to the Project

Based on revised hydrological model estimates, as clarified through further design work for the project, the District proposes to modify the floodwall and levee configuration at the northern end of the project. The District would increase the height of an existing flood wall on the eastern bank between US 101 and Charleston Road. The purpose of the project is to provide 100-year flood protection and accommodation of sea level rise with freeboard. East bank improvements include raising the existing US 101 bridge's wingwall and 200 feet of an existing floodwall by one foot just north of US 101; and raising 100 feet of an existing floodwall just south of Charleston Road by 0.6 feet. The floodwall foundation, which runs underneath an existing recreational path, would also need to be extended 1 to 2 feet to the outboard side of the levee crest to bear the additional pressure from the raised wall.

Pre-construction activities would begin in Summer 2018. The construction site would be accessed using the existing pedestrian trails from Charleston Road. Prior to on-site activities, qualified biologists would inspect the project area for sensitive species activity. Once cleared, the active area would be fenced off with chain link fencing to secure the site, and an on-site staging area would be set up. Tree protection zones would be installed around trees adjacent to the active area. Erosion control, source control, and material management best management practices (BMPs) would be installed consistent with an approved storm water pollution prevention plan (SWPPP). Once BMPs have been installed to effectively prevent storm water from leaving the site, the area would be cleared and grubbed.

Construction activities include installing a temporary recreational path detour, saw-cutting, excavation, and concrete pouring. The recreational path would depart from its existing course prior to the limits of construction, entering the Google parking lot just east of the project site. All pedestrian and bicycle traffic would be routed through this parking lot throughout construction. After removing the existing pavement from the recreational trail, the District would excavate approximately 142 CY of soil in a trench-like fashion from the outboard side of the levee to extend the floodwall footings. Forms for the work would be installed, and 30 CY of concrete would be poured. After the concrete adequately cures, the footing would be backfilled with approximately 100 CY of suitable material, compacted, and repaved. The top of the existing floodwall would be saw cut, dowels drilled and bonded, and 10 CY of concrete would be poured to raise the wall. Equipment used to raise the floodwall would include a saw, backhoe, dump truck, and compactor. Access to the trail from Charleston during construction would require a short pedestrian detour to the adjacent parking lot.

Upon completion of the floodwall work, the site would be restored and the existing levee crest and pedestrian trails repaired. Post-construction storm water control BMPs would be installed in compliance with the approved SWPPP. Construction BMPs would be removed, and construction materials removed from the site. The District anticipates construction would take approximately 1 month.

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

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 land use, agricultural resources, population and housing, public services, geology and soils, cultural and paleontological resources, hazardous materials and public health, mineral resources, or growth inducement and related impacts. These resource analyses remain unchanged from the 2012 EIR.

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

AESTHETICS

Consistent with the 2012 EIR, aesthetic impacts would be less than significant during construction of the proposed changes to the floodwall. Visual quality along the segment of Permanente Creek proposed for the floodwall construction is high, and some viewers (recreationists in particular) are expected to be sensitive to changes in visual quality. Construction activities and materials storage would create some visual disruption. These activities would be visible within the limited, tunnel-like vista views of the Santa Cruz Mountains that are available to recreationists using the Permanente Creek Trail. However, the District will require contractors to implement construction housekeeping measures to restrict visual disruption as much as possible, in accordance with Mitigation Measure AES1.1 (Provide Visual Screening for Affected Construction Area). With these measures in place, and in light of the comparatively short duration of construction, the aesthetic impacts of floodwall construction to the existing visual character and scenic vistas are evaluated as less than significant. No mitigation is required.

Consistent with the 2012 EIR, operational impacts would be less than significant with mitigation during operation of the proposed changes to the floodwall. Along the alignment from US 101 to Charleston Avenue, the height of visible new hardscape would vary, extending between 0.6 and 1.0 foot above the existing floodwall. The 3.4- to 5-foot-high floodwall segments would limit views at certain locations when viewers are approaching or are parked near the wall and are within their vehicles. These viewers would see the wall while in their vehicles and would have partially obstructed views once they exit their vehicles, because the ground plane (included 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 the wall and looks over it. The proposed heightened floodwalls would be in keeping with the tunnel-like vista views that are currently available from Permanente Creek Trail and would not obscure vista views. The proposed heightened floodwalls would match existing roughed design, in line with Mitigation Measure AES1.2 (Apply Aesthetic Design Treatments to Visible Structures). With these measures in place, and the aesthetic impacts of the heightened

floodwall to the existing visual character and scenic vistas are evaluated as less than significant. No new mitigation is required.

AIR QUALITY

As determined in the 2012 EIR, the proposed floodwall improvements would result in significant and unavoidable impacts. The analysis is based on project-level criteria pollutant thresholds to address both project-level and cumulative impacts. During construction, the floodwall component's daily emissions would exceed the threshold for nitrogen oxides (NO_X). With implementation of mitigation measures, NO_X emissions would still exceed the threshold. Therefore, the project's contribution to cumulative air quality impacts during construction is considered considerable, resulting in a significant and unavoidable cumulative impact related to NO_X.

Construction-related emissions were quantified using updated project assumptions to analyze whether the revisions would create new significant impacts or substantially increase the severity of previously identified significant impacts. The proposed modifications would slightly increase the volume of soil exported from the floodwall construction area and extend the duration of construction activities by one month. The maximum number of daily haul trips would remain the same, as would the types of equipment used. The excavated soil would be hauled to an approved landfill, requiring a minimal increase in haul trips for the proposed changes to floodwall work. The additional haul trips and extended construction period would not significantly increase criteria pollutant emissions relative to what was analyzed in the 2012 EIR.

Nearby land uses, recreational path users, could be adversely affected by dust and diesel particulate matter (DPM) generated during construction. However, because the proposed changes to the project design would involve a very small increase in the number of haul trips and construction duration, the health risk assessment for this portion of the project was considered less than significant, similar to the adopted project.

As with the adopted project, implementation of Mitigation Measures AQ2.1 (Implement Tailpipe Emissions Reductions 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) would reduce emissions for the modified project, but NO_X emissions would still exceed the significance threshold for project-level impacts. Consistent with the District findings of fact and statement of overriding considerations for the project (District 2012b), Mitigation Measure AQ2.2 employs all feasible NO_X emission reduction measures based on current-proven technology based on BAAQMD and California Air Resources Board requirements. Further measures to reduce or mitigate this impact are currently unavailable. Exceedance of this threshold would not change the findings of fact for the project, and the significant and unavoidable air impact would not be increased.

Therefore, the modified project would not result in any new significant air quality 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.

BIOLOGY

Impacts to biological resources are considered less than significant with mitigation for the proposed floodwall improvements. Four distinct biological resources are of concern in the

project vicinity: western pond turtle, migratory birds and raptors, instream habitat, and wetlands and waters.

Although western pond turtles have not been reported from Permanente Creek, the creek is within the species' range and suitable habitat is present in some reaches. While they are unlikely to be present in the floodwall alignment downstream of US 101 because of increasing water salinity in proximity to the Bay, they may use the upper portions of the site intermittently. The principal concerns regarding construction and maintenance-related disturbance of western pond turtles are disturbance during reproduction and/or loss of nests and young. The District would require implementation of Mitigation Measure BIO4.1 (Implement Survey and Avoidance Measures to Decrease Disturbance to Western Pond Turtles).

To avoid impacts to migratory birds and raptors, the District would employ Mitigation Measure BIO5.1 (Establish Buffer Zones for Nesting Raptors and Migratory Birds). The District also routinely requires the following BMPs that provide preventative protection for migratory birds and raptors (see Best Management Practices in Chapter 2 of the 2012 EIR):

- Prior to the start of construction activities that begin during the migratory bird nesting period (between January 15 and August 31 of any year), the District will retain a qualified wildlife biologist to conduct a survey for nesting raptors and migratory birds that could nest along the project corridor. Surveys will cover all suitable raptor and migratory bird nesting habitat that will be impacted directly or by disturbance, including habitat potentially used by ground-nesting migratory bird species.
- All migratory bird nesting surveys will be performed no more than 2 weeks (14 days) prior to any Project-related activity that could pose the potential to affect migratory birds. With the exception of raptor nests, inactive bird nests may be removed. No birds, nests with eggs, or nests with hatchlings will be disturbed. In addition, nesting bird preconstruction surveys will occur prior to ground disturbance, including site preparation.

Monitoring conducted by the City of Mountain View in Shoreline Regional Park from 2014 to 2016 identified one single western burrowing owl and one owl pair within a 250-foot buffer of the entire project area on the western bank of Permanente Creek, downstream of Amphitheatre Parkway. Five additional owl pairs, some with chicks, were observed within 492 feet (150 meters) of the entire project area on the east and west banks during some of those monitoring years, also downstream of Amphitheatre Parkway (Higgins pers. comm.). There are no known occurrences of burrowing owl adjacent to the work areas proposed in this Addendum, along Permanente Creek between US 101 and Charleston Road). These areas are approximately 950 feet south of suitable habitat, highly urbanized, and dominated by commercial properties and parking lots. A California Natural Diversity Database search conducted on April 25, 2018 found no known occurrences of burrowing owl with 150 meters of the new work areas. Burrowing owl occurrence upstream of Amphitheatre Parkway to Hwy 101 is unlikely as the area lacks open, low-growing grassland habitat preferred by the species. Therefore, no new impacts to burrowing owls or their habitat would occur.

Similar to the adopted project, construction- and maintenance-related ground disturbance could result in increased delivery of sediment into Permanente Creek depending on the location of the work. This has the potential to degrade habitat immediately adjacent to the work site, which receives direct sediment input, and could also degrade downstream habitat, to the extent that fine sediment is carried downstream. The areas of principal concern are those that support

habitat for native fish and amphibians, particularly the habitat that offers direct access to the Bay. High concentrations of suspended sediment can have both direct and indirect effects. The severity of these effects depends on the sediment concentration, duration of exposure, and sensitivity of the affected life stage. However, as identified in Chapter 2 of the 2012 EIR and in Impact HWR3 (see Chapter 4), the District routinely implements comprehensive BMPs to protect water quality. With the District's standard BMPs in place, impacts related to degradation of in-stream habitat during construction are expected to be less than significant. No mitigation is required.

The floodwall construction will occur at the top of the bank, upslope from in-channel areas that support emergent wetland vegetation. Construction activity is not expected to disturb these wetland areas, but if activity, foot traffic, and equipment are not adequately confined, there is some potential for disturbance or damage to substrate and vegetation. At worst, impacts could be significant, but implementation of Mitigation Measure BIO14.1 (Avoid and Protect Jurisdictional Wetlands During Construction) would ensure that impacts are reduced to a less than significant level.

Therefore, with the implementation of the above BMPs and Mitigation Measures, the modified project would not result in any new significant biological 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.

HYDROLOGY AND WATER QUALITY

As discussed in the 2012 EIR, activities required to construct the floodwalls, including site clearing, excavation, and demolition of existing facilities may have the potential to contribute to erosion and subsequent increased input of fine sediments into Permanente Creek. Additionally, hazardous materials such as gasoline, oils, grease, and lubricants from construction equipment could be accidentally released during construction. Accidental discharge of these materials to Permanente Creek could adversely affect water quality, endanger aquatic life, and/or result in violation of water quality standards.

The work areas for the new floodwalls installation would be too small to require a SWPPP, as the total area is under one acre. However, as discussed in Chapter 2 of the 2012 EIR (Project Description), the District has committed to implement the same types of erosion and sediment control and spill prevention measures for all work sites, regardless of whether an SWPPP is required under law. Therefore, the modified project would not result in any new significant hydrology or water quality 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.

NOISE

The proposed modifications to the construction schedule would result in one additional month of construction noise. Proposed modifications to the project are similar to the proposed construction of the west floodwall along the same stretch of Permanente Creek, including progressively moving along the floodwall reach resulting in short-term construction noise impacts. Equipment used to excavate and construct the floodwall would be the same as that used for construction of the original facility, including one excavator, one trencher, one backhoe, and concrete trucks, as well as heavy trucks (10 CY) to deliver materials and

equipment. Noise modeling assumed simultaneous and continuous operation of excavator, one backhoe, and one dump truck for a 1-hour period (See Chapter 9, Table 9-8).

Land uses along Permanente Creek downstream of US 101 include the Permanente Creek trail and light industry/high tech, commercial, and office buildings. The distance between the nearest office building and the proposed floodwall project is approximately 80 feet, translating to anticipated noise levels up to approximately 80 dBA L_{eq} at the nearest buildings. This is less than the applicable construction noise limit of 85 dBA for commercial areas. There would be no impact related to the violation of applicable standards at this site, and no additional mitigation is required. Floodwall construction would generate a small volume of excavated materials requiring haulage away from each of the alignments. This is expected to add about five additional truck trips per day on local streets. Based on the Federal Highway Administration's Traffic Noise Model, this would not noticeably increase ambient traffic noise levels. Noise impacts related to haul traffic would be less than significant, and no additional mitigation is required.

Construction activities may generate localized ground borne vibration at buildings adjacent to the construction site. Vibration from nonimpact construction activity and truck traffic is typically below the threshold of perception when the activity is more than about 50 feet from the receiver (Federal Transit Administration 2006). Because most of the project element would not involve high-impact equipment and the construction sites are more than 50 feet from the noise-sensitive land uses, this impact is expected to be less than significant. The same would be true for maintenance activities, since maintenance is expected to use only nonimpact equipment.

Consistent with the 2012 EIR, construction noise would be less than the most stringent applicable construction noise limit at the nearest sensitive receptors. Therefore, noise impacts under the proposed project modifications, as under the project, would continue to be less than significant. Although mitigation is not required for this site because of the less-than-significant impact conclusion, the following mitigation measures would be implemented and would reduce impacts further: Mitigation Measures NV1.1 (Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents), NV1.2 (Implement Work Site Noise Control Measures), and NV1.3 (Designate Noise and Air Quality Disturbance Coordinator to Address Resident Concerns). Therefore, the modified project would not result in any new significant noise 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.

RECREATION

The proposed modifications to the construction schedule would result in one additional month of impacts to recreational trails beyond what was outlined in the 2012 EIR. Construction of the proposed project would result in temporary loss of access to the east bank recreational path, which would be re-routed during the month-long construction. Pedestrian and bicycle access would remain open on the eastern side of Permanente Creek via a detour into the Google parking lot. Impacts related to temporary closure of the Permanente Creek Trail in the vicinity of floodwall construction are thus expected to be less than significant. The project is not anticipated to increase use of the trail following construction, and would thus not require expansion or addition of recreational facilities. Finally, because all affected recreational facilities would be restored to full use following construction of the floodwall, the project would have no long-term effect related to creation of a need for new or expanded park facilities. No mitigation is required. Therefore, the modified project would not result in any new significant impacts on

recreational resources beyond those identified in the 2012 EIR or a substantial increase of the severity of a significant impact, and no new mitigation measures would be required.

TRAFFIC AND TRANSPORTATION

Construction of floodwalls would take approximately one additional month beyond what was analyzed in the 2012 EIR. Similar to the west bank floodwall, the 300 feet of heightened floodwalls would be built progressively in sections. Minimal excavation work along levees is expected for the floodwall footing. While the 2012 EIR estimated that floodwall construction would require 600 CY of concrete and aggregate material, the proposed improvements would add 40 CY of concrete. Similarly, while the 2012 EIR estimated 1,000 CY of fill material needed, the proposed project would require 100 CY of suitable fill be trucked in, and 142 CY of excavated material be trucked out. Based on a typical capacity of 10 CY per truck, an average of five trucks per day, generating a total of five daily round trips, would be needed to haul away excavated soil and deliver materials and equipment to the site. A maximum of 10 construction workers per day, generating a total of 10 daily round trips, are expected to work at the site. Overall, the construction of the floodwalls and levee is projected to generate a maximum of 30 trips per day, with a maximum of 11 peak hour trips (See Chapter 8, Table 8-8).

Trucks and workers would access the project corridor via US 101, Shoreline Boulevard, Amphitheatre Parkway, and Charleston Road. The staging and parking area would be provided along the project corridor within District property.

Consistent with the evaluation of traffic impacts in the 2012 EIR, construction-related traffic is presumed to have the potential to significantly affect traffic flow on local roadways, particularly if numerous trips occur during the afternoon peak traffic periods. Construction of the modified project would be undertaken by using substantially the same numbers and types of construction equipment and the same number of construction workers as the adopted project. The project would generate a combined maximum of 30 vehicle trips per day on Amphitheatre Parkway, Charleston Road, Shoreline Boulevard, and US 101. The duration of construction would be increased by one month; however, construction-related impacts would still be considered temporary. As with the adopted project, implementation of Mitigation Measure TT1.1 (Require a Site-Specific Traffic Control Plan) would reduce potential traffic impacts to a less than significant level.

Based on the traffic level of service threshold, as defined by the Congestion Management Plan, the added vehicle trips under the project should not be more than 1% of the peak-hour freeway capacity (Santa Clara Valley Transportation Authority 2009). The proposed modifications would not increase the maximum number of peak-hour trips. Therefore, the project is not expected to significantly degrade the operation of regional highways or conflict with any applicable Congestion Management Plan. The modified project would not result in any new significant traffic 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 review of the Permanente Creek Flood Protection Project design modifications and updated information about construction, 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 beyond that identified in the certified 2012 EIR. 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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