

**Addendum  
to the  
Mitigated Negative Declaration  
(State Clearinghouse No. 2017072041)**

For

**Cunningham Flood Detention Facility Certification Project  
Project Number 40264011**

May 2018

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

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## Acronyms and Abbreviations

AMMs	Avoidance and Minimization Measures
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CEQA	California Environmental Quality Act
District	Santa Clara Valley Water District
EIR	Environmental Impact Report
LCP	Lake Cunningham Park
MND	Mitigated Negative Declaration
ND	Negative Declaration
NPDES	National Pollutant Discharge Elimination System
PVC	Polyvinyl Chloride
SWPPP	Storm Water Pollution Prevention Plan
TCR	Tribal Cultural Resource
VHP	Santa Clara Valley Habitat Plan

## 1. Background

The Santa Clara Valley Water District (District) has prepared this addendum to fulfill the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*). The District is the CEQA lead agency for the Cunningham Flood Detention Facility Certification Project (Project) and for any needed investigation or data collection to support it.

The District adopted a Mitigated Negative Declaration (MND) (SCH#2017072041), on January 9, 2018, evaluating impacts of the proposed project including raising of the existing Lower Silver Creek levee, the construction of an up to 4-foot high concrete floodwall, chain-link fence replacement, relocation of the existing trash compactor and green waste collection area (waste collection facility), trail regrading, and construction of a new pedestrian pathway. Since the MND was adopted, the City of San Jose made a request to include a trench drain and sanitary sewer line connection (sewer lateral) to capture and drain waste water generated at the proposed waste collection facility. The installation of the trench drain, and sewer lateral are considered modifications to the 2018 MND project description. The installation of a trench drain, and sewer lateral are considered minor technical changes or additions to the project and do not conflict with the purpose and need identified in the adopted MND to ensure flood detention capability of Lake Cunningham Park (LCP) and provide the FEMA required 3 feet of freeboard.

This addendum is intended to address changes to the proposed project associated with the installation of a trench drain and sewer lateral and amend the 2018 MND. This addendum has been prepared to document proposed minor changes to the project and evaluate the potential environmental impacts of those changes. All proposed activities would occur within LCP. Details about the environmental setting can be found in the 2018 MND, cited above.

## 2. CEQA Considerations

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

Section 15164 of the CEQA Guidelines states: An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent Environmental Impact Report (EIR) or Negative Declaration (ND) have occurred (§ 15164(b)).

An addendum need not be circulated for public review, but CEQA requires the District to consider the addendum, together with the certified 2018 MND, prior to making a decision on the project.

## 3. Description of Proposed Changes to the Project

Proposed project changes include: installation of a trench drain at the waste collection facility and a sewer lateral connecting the trench drain to an existing sewer line and associated construction activities.

***Construction of a Trench Drain at the Proposed Trash Compactor and Green Waste Collection Area (Waste Collection Facility)***

The Project Description would be changed to add the installation of a trench drain within the concrete pad of the new waste collection facility. The trench drain would run parallel to Park Road within the concrete driveway of the waste collection facility. The trench drain would be approximately 24 feet long, 8 inches deep, and 12 inches wide. A trench approximately 14 inches deep would be excavated, and the trench drain would be installed and leveled sloping to the northwest to convey captured waste water towards the sewer lateral. Upon completion of the trench drain installation, concrete would be poured around the drain during construction of the waste collection facility. Following construction, the drain would be covered with a metal grate to prevent solid waste from entering the drain and create a flush surface with the concrete pad. The proposed waste collection facility evaluated in the 2018 MND included the pouring of approximately 2,000 square feet of concrete and the placement of about 150 cubic yards of fill to level the site. The trench drain would be installed within the footprint of the proposed waste collection facility which was evaluated in the 2018 MND. Therefore, this addendum evaluates potential adverse effects primarily resulting from the minor excavation activities necessary to install the trench drain.

***Construction of the Sewer Lateral***

The Project Description would be expanded to include the installation of a sewer lateral. The sewer lateral would be approximately 80 feet long and would consist of a 4-inch polyvinyl chloride (PVC) pipe. The proposed sewer lateral would be gravity fed and would include a minimum slope of 2% to convey captured waste water towards an existing sewer line to the west. The existing 6-inch sanitary sewer line is located across Park Road and underneath an existing parking lot within LCP. Construction of the sewer lateral would include cutting through the existing asphalt at Park Road and parking lot and excavating to a depth of approximately 3 feet below the surface. A layer of sand would be placed within the trench to create a flat surface/bedding to place the 4-inch PVC pipe on. Once the pipe has been installed, excavated material would be backfilled, and the asphalt surface would be repaved. The 2018 MND evaluated excavation activities within LCP associated with the raising of the Lower Silver Creek levee, the floodwall portion of the project along Flint Creek, and trail regrading along the Lake Cunningham shoreline. Proposed excavation methods would be consistent with the 2018 MND evaluation. Therefore, this addendum evaluates potential adverse effects primarily resulting from the additional proposed excavation activities.

### ***Equipment***

Proposed activities would use equipment evaluated in the 2018 MND and no additional equipment would be needed.

### ***Schedule***

All construction activities associated with the installation of the trench drain and sewer lateral would occur concurrently with the construction of the new waste collection facility. Construction activities would be conducted Monday through Friday between 7 am and 7 pm and 8 am to 5 pm on Saturday, as needed, consistent with the 2018 MND.

### ***Access***

Access to the trench drain installation and sewer lateral construction sites would be accomplished via the existing Park Road, as discussed in the 2018 MND.

### ***Best Management Practices***

The proposed changes to the project description incorporate District Best Management Practices (BMPs), identified and summarized in Table 2.5 in the 2018 MND; no additional BMPs are proposed.

## **4. Environmental Analysis**

This section evaluates the potential for the proposed installation of a trench drain and sewer lateral to result in new or substantially more severe significant impacts on the environment that were not addressed in the 2018 MND, or that trigger the new information standards stated in CEQA Guidelines Section 15162. The purpose of this review is to evaluate the “changed conditions” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in changes to potential environmental impacts.

Only those resource areas that have the potential to be affected by project changes are discussed below. The construction of the trench drain and sewer lateral would involve minor excavation and resurfacing activities at the project site within LCP. Therefore, the proposed changes to the project would not affect the 2018 MND analysis of agricultural resources, hazardous and hazardous materials, land use and planning, mineral resources, population and housing, public services, and transportation and traffic impacts.

### **AESTHETICS**

The construction of the sewer lateral and trench drain would include additional minor excavation and paving activities similar to those described in the 2018 MND. Construction of the trench drain and sewer lateral would result in temporary visual impacts to the existing visual character of LCP due to staging of construction equipment, stockpiled material, and protective fencing. However, construction would last one to two weeks at most. Therefore, construction of the trench drain and sewer lateral would not substantially increase construction time and would not result in a new significant impact to aesthetics.

The trench drain would be installed level with the concrete driveway of the waste collection facility. The sewer lateral would be installed underground, and the site would be restored to existing

conditions. Construction of the sewer lateral and trench drain would not require vegetation removal or removal of additional trees. Aside from the temporary visual impacts due to construction, described above, the existing visual character and quality of LCP would remain unchanged. Such impacts would not substantially degrade the site's visual character or quality and would be considered less than significant. Proposed changes would have no impact on scenic vistas or impact views from a designated scenic highway. Construction of the sewer lateral and trench drain would not result in any significant impacts to aesthetics beyond those identified in the 2018 MND, or a substantial increase in the severity of significant impacts, and no new mitigation measures would be required.

## **AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

The proposed construction activities would use equipment evaluated in the 2018 MND and no additional equipment would be needed. Construction of the sewer lateral and trench drain would be short-term and would take only one to two weeks to complete. As the construction of the sewer lateral would not require the use of additional equipment and would be short-term lasting only one to two weeks, construction of the trench drain and sewer lateral would not be anticipated to substantially increase project emissions. Upon completion of construction, the trench drain and sewer lateral would not require any operational activities or emissions.

Consistent with the findings in the 2018 MND, the installation of the trench drain and sewer lateral are not anticipated to substantially increase project emissions and would not result in the project exceeding emissions thresholds established by the BAAQMD. Therefore, the impact from the changed project would continue to be less than significant, and no new significant or substantially worse impacts would occur.

## **BIOLOGICAL RESOURCES**

As discussed in the 2018 MND, the proposed waste collection facility is located to the south of the Ruby Creek outfall at a vacant area vegetated with grass and low ground cover. The site is located adjacent to Park Road, outside of the Ruby Creek riparian corridor. As discussed in Section 3 above, the proposed trench drain would be installed within the footprint of the waste collection facility which was analyzed in the 2018 MND. Therefore, installation of the trench drain would not result in any new or substantially worse significant impacts to biological resources beyond those identified in the 2018 MND.

Construction of the sewer lateral would be located on paved roadway at Park Road and the adjacent parking lot in the eastern portion of LCP. As such, no sensitive biological resources are known to be onsite. Furthermore, compliance with the requirements of the Santa Clara Valley Habitat Plan (VHP) conditions (including payment of impact fees and adherence to conditions to avoid and minimize impacts), as well as AMMs to be implemented as part of the proposed project, would maintain impacts to VHP-covered species at less-than-significant levels. Therefore, construction of the trench drain and sewer lateral would not result in any new significant impacts to biological resources beyond those identified in the 2018 MND, or a substantial increase in the severity of a significant impact, and no new mitigation measures would be required.

## **CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

As indicated in the 2018 MND, the project area is completely within the area disturbed during construction of Lake Cunningham during the 1970s. The original construction of LCP required approximately 1.7 million cubic yards of excavation. Excavated material was redistributed around LCP to create the existing topography. Excavation activities associated with the construction of the trench drain and sewer lateral would occur in areas previously disturbed. Based on searches of state and local historic registries and filed investigations, no resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources are present in the project area. Thus, the potential for encountering unknown cultural resources or tribal cultural resources would remain low, consistent with the 2018 MND. Therefore, construction activities associated with the installation of a sewer lateral and trench drain would not result in any new significant impacts on cultural resources and tribal cultural resources beyond those identified in the 2018 MND, or a substantial increase of the severity of a significant impact, and no new mitigation measures would be required.

Consistent with the 2018 MND, Mitigation Measures TCR-1 and TCR-2 will minimize potentially significant impacts from the destruction or other substantial adverse change caused by accidental discovery of undocumented TCRs. Implementation of Mitigation Measures TCR-1 and TCR-2 will reduce impacts on TCRs to less than significant.

## **GEOLOGY AND SOILS**

The construction of the sewer lateral and trench drain would include additional minor excavation and paving activities similar to those described in the 2018 MND. Impacts to geology and soils from the construction of the sewer lateral and trench drain would be identical to those evaluated in the 2018 MND. Exposed soils would be handled in accordance with the BMPs listed in the 2018 MND and an approved Storm Water Pollution Prevention Plan, which contain standard operating procedures and practices to control erosion (see Hydrology and Water Quality section below). Therefore, the modified project would not result in any new significant impacts to geology and soils beyond those identified in the 2018 MND, or a substantial increase in the severity of a significant impact, and no new mitigation measures would be required.

## **HYDROLOGY AND WATER QUALITY**

Construction activities including excavation would temporarily disturb the Project area and could result in erosion if not properly controlled and repaired. In compliance with the NPDES General Permit, a Storm Water Pollution Prevention Plan would be prepared and implemented with construction. In addition, District BMPs and VHP AMMs and Condition 3 are incorporated into the project description. With implementation of the SWPPP, BMPs, and AMMs, impacts to water quality would be less than significant, consistent with the 2018 MND.

The trench drain would capture waste water generated at the waste collection facility, which would be conveyed through the proposed sewer lateral to an existing sanitary sewer line. Waste water capture would provide a minor benefit to water quality at LCP. Installation of the trench drain would not substantially alter the existing drainage pattern of the site, which could potentially result in additional erosion or siltation, or flooding on- or off-site. Therefore, the construction of the sewer lateral and trench drain would not result in any new significant impacts to hydrology and water quality beyond those identified in the 2018 MND, or a substantial increase in the severity of a significant impact, and no new mitigation measures would be required.



## **NOISE**

The proposed construction of the sewer lateral and trench drain would result in construction noise originating from excavation and resurfacing activities in the eastern portion of LCP. Proposed construction activities would use the same equipment and methods, in the same vicinity, as previously evaluated in the 2018 MND. Also, construction of the sewer lateral and trench drain would be short-term lasting one to two weeks. As the construction of the sewer lateral would not require the use of additional equipment and would be short-term, construction activities would not be anticipated to substantially increase project construction noise. Therefore, no new significant noise impacts beyond those identified in the 2018 MND, or a substantial increase in the severity of a significant impact, and no new mitigation measures would be required.

## **RECREATION**

The proposed trench drain and sewer lateral construction would result in temporary closure of a portion of Park Road and a parking lot within LCP. Lake Cunningham Park would remain open during construction activities and other facilities and parking lots not directly affected by construction and staging would remain in use, with fencing and signage provided to ensure that park users remain safely outside the construction area. The disruption to use would be temporary, and there would be no impact related to a need for new or expanded facilities during construction. Upon completion of construction of the sewer lateral and trench drain, the asphalt surface of the parking lot and Park Road would be repaved and restored to existing conditions, providing the same level of access to park users as compared to existing condition. Therefore, construction activities associated with the installation of a sewer later and trench drain would not result in any new significant impacts on recreational resources beyond those identified in the 2018 MND, or a substantial increase of the severity of a significant impact, and no new mitigation measures would be required.

## **UTILITIES AND SERVICE SYSTEMS**

The 2018 MND stated that “The proposed project would not result in the need for new, relocated, upgraded, or expanded water or wastewater facilities and would result in a less than significant impact.” While the trench drain and sewer lateral could be considered new water or wastewater treatment facilities, as discussed above, the trench drain and sewer lateral would be constructed within the project footprint analyzed in the 2018 MND and would not cause significant environmental effects. The impact relating to construction of new or expansion of existing facilities would remain less than significant as concluded in the 2018 MND.

In addition, the trench drain and sewer lateral would capture waste water generated at the waste collection facility, which will occupy approximately 2,000 square feet. A 6-inch concrete curb will be constructed along three sides of the waste collection facility, and therefore, the trench drain would not capture waste water from the surrounding area. Given the small area of the waste collection facility, only a small amount of waste water would be generated on an infrequent basis during precipitation events and routine cleaning. Waste water would be conveyed to an existing sewer line to the west and ultimately conveyed to the City of San Jose’s sanitary sewer system. The small amount of waste water generated would be negligible, and the City’s sanitary sewer system would continue to have adequate capacity. As such, the construction of the trench drain and sewer lateral would not result in any new significant environmental impacts beyond those identified in the 2018 MND, or a substantial increase of the severity of a significant impact, and no new mitigation measures would be required.

## **5. Conclusion**

Based on review of the proposed addition of a trench drain and sewer lateral into the project and associated construction activities, none of the situations described in CEQA Guidelines §15162 apply. Based on the above analysis, installation of a trench drain and sewer lateral will not create new significant environmental impacts or substantially increase in the severity of significant impacts when compared to the impacts disclosed in the 2018 MND. 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.

## **6. References**

George S. Nolte and Associates. *Hydraulic Operations Summary For Lake Cunningham Park*.  
September 1976.

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