

Public Notice
Notice of Exemption



To: Santa Clara County
Clerk-Recorder's Office
110 West Tasman Drive, First Floor
San Jose, CA 95134

From: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose CA 95118-3686
Telephone (408) 265 2600

Project Title: South Babb Creek Flood Mitigation Project

Project Location—Specific: The project site is located in Santa Clara Valley Water District right of way near two apartment buildings located at 2950 Story Road in San Jose, CA.

Project Location-City: San Jose

Project Location-County: Santa Clara County

Project Purpose: The purpose of the project is to reduce the risk of flooding to the apartment buildings during a 100-year flood event.

Name of Public Agency Approving Project: Santa Clara Valley Water District

Name of Agency or Person Carrying Out Project: Santa Clara Valley Water District

Exempt Status: (check one)

- Ministerial [§ 21080(b)(1); 15268];
- Declared Emergency [§ 21080(b)(3); 15269(a)];
- Emergency Project [§ 21080(b)(c); 15269(b)(c)];
- Categorical Exemptions [§15301, Existing Facilities, and §15304, Minor Alterations to Land]
- Statutory Exemptions [n/a].

Reasons Why Project is Exempt: The project would consist of modifications to an existing floodwall and maintenance path in Valley Water right of way. The floodwall modifications would include sawing holes through the existing floodwall and installing flap gates on the outboard side of the floodwall to convey stormwater, resulting in minor alterations to the floodwall structure and no expansion of its current use. Therefore, the project would meet the requirements of §15301 and is categorically exempt from the requirements of the California Environmental Quality Act (CEQA).

Additionally, two stormwater troughs would be built within the existing footprint of a Valley Water maintenance path on the inboard side of the floodwall, requiring minor grading, excavation, and backfilling in a previously developed area with no trees. Because the project would consist of minor alterations in the condition of land and would not result in the removal of healthy, mature, scenic trees, it would meet the requirements of §15304 and is categorically exempt from CEQA.

CEQA Guidelines §15301 states that:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use;” and

CEQA Guidelines §15304 states that:

“Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:... a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist;... (f) Minor trenching and backfilling where the surface is restored.”

None of the conditions noted under the CEQA Guidelines §15300.2 would occur.

Description of Project: Santa Clara Valley Water District (Valley Water) proposes to implement the project, which would involve minor modifications to an existing floodwall and to the adjacent Valley Water maintenance access path.

The main components of the project would include the following:

- Construction of two concrete cast-in-place troughs on the inboard side of the existing floodwall, including a 68-foot-long trough near the apartment buildings and a 202-foot-long trough near the single-family homes on the south side of the apartment complex parking lot;
- Sawcutting of 45 18-inch x 18-inch drainage openings through the floodwall between existing pairs of soldier piles to facilitate passive drainage from the troughs to the creek; and,
- Installation of fabricated stainless steel top-hinged flap gates over all drainage holes on the outboard side of the floodwalls to ensure one-way flow.

The construction limits for the project would include the affected floodwall sections and maintenance path, as well areas for construction staging and access within the apartment complex parking lot on the inboard (east) side of the floodwall, and construction staging and access areas along the existing Valley Water maintenance road on the outboard (west) side of the floodwall.

During construction, the apartment complex parking lot would remain open to residents. Activities would be phased to minimize impacts to parking. All construction equipment and vehicles would be parked within the project work areas.

Construction would occur in one season and would last for approximately 12 weeks, with the initial phase of construction expected to start in May 2025.

Up to 20 construction personnel would be present onsite at any given time. Worker parking would occur in the staging area at the Modification B site, along the maintenance road, and on neighborhood streets, where permitted, within close proximity of the site.

Once the project is operational, Valley Water O&M staff or approved contractors would be responsible for maintaining the project improvements. Typical maintenance activities would include clearing debris or other obstructions from the trough grating and performing periodic testing, repair, or replacement of the flap gates.

Lead Agency: Santa Clara Valley Water District
Contact Person: Andrew Martin

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Signature:  F50621C92C084AE...

Date: 3/14/2025

Title: Andrew Martin, Environmental Planner

cc: CEQA Administrative Record