

Usha Chatwani

From: Melissa Stone on behalf of Board of Directors
Sent: Monday, February 11, 2019 9:44 AM
To: Melanie Richardson; Ngoc Nguyen
Cc: Usha Chatwani; Liz Bettencourt; Patricia Medina
Subject: Board Correspondence C-19-0024 (Harrison)

Approved, sent and closed.

From: Melissa Stone On Behalf Of Board of Directors
Sent: Monday, February 11, 2019 9:40 AM
To: 'diane@dianesdreamdestinations.biz' <diane@dianesdreamdestinations.biz>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Intel Bridge or Freedom Bridge

Sent on behalf of Director Keegan

Dear Ms. Harrison,

Thank you for your email dated January 29, 2019, regarding Intel's Freedom Bridge spanning San Tomas Aquino Creek. The Santa Clara Valley Water District (District) is responsible for maintaining creeks and levees in their original condition, so that they carry storm water and flood flows as designed, thus reducing the risk of flooding in neighboring communities. The District encourages partnerships with other public entities to support trails and public access, but they must be properly planned and permitted and meet specific requirements so that the creek's integrity remains intact.

We appreciate the fact that many people have come to enjoy the convenience of this bridge and that they would like the bridge to remain in place. However, there are several reasons this bridge and its associated structures cannot remain: 1) It does not have proper access ramps to comply with requirements of the Americans with Disabilities Act; 2) It is not fully available for public use; 3) It is structurally deficient; and 4) It could potentially exacerbate flooding.

As you may or may not know, this bridge was originally permitted by the District and constructed by Intel Corporation in the late 1990s as a temporary access point for a planned development on the west side of the creek. Intel sold the property on the west side in 2016, so the use of the bridge and other constructed improvements are no longer necessary. Nevertheless, the temporary bridge has remained in operation under a lease agreement between the District and Intel Corporation. In an effort to collaborate with efforts to rectify the problems with the Freedom Bridge, the District has extended Intel's lease for several years in the hopes that the issues could be rectified.

In 2017, the District gave Intel an 18-month lease extension to allow adequate time for the City of Santa Clara (City) to complete the Creek Trail Network Study and the development plans that would have assessed the need for a bridge to serve the public. Subsequently, the City decided to assess the need for a bridge crossing in their Bike Master Plan Study and Freedom Circle Specific Plan. Since this adds additional years of uncertainty, the District can no longer wait and must terminate the lease in September 2019. Intel must therefore remove the bridge and restore the levee to its original condition. The extension gives Intel sufficient time to acquire the necessary permits, develop plans and implement the removal of the bridge and restoration of the levee to its original condition.

While the existing bridge must be removed by September 2019, I remain open to any proposal to build a replacement bridge, as long as it meets bridge requirements. I was disappointed that despite the time and effort undertaken, it has not yet been possible to identify a replacement, but I hope that the City can develop viable alternatives in the future. In the meanwhile, the District remains dedicated to keeping residents and businesses safe through its flood protection programs.

Sincerely,



Barbara Keegan
Director, District 2

C-19-0024

From: diane@dianesdreamdestinations.biz [mailto:diane@dianesdreamdestinations.biz]
Sent: Tuesday, January 29, 2019 1:53 PM
To: Board of Directors <board@valleywater.org>; Communications Unit <CRU@valleywater.org>
Subject: Intel Bridge or Freedom Bridge

Dear Water District Board Members,

I wasn't sure which email to use. Councilmember Teresa O'Neill told me that our representative is Barbara Keegan, but when I went on your site, I didn't see any individual contact information, so I'm sending this to all of you.

Please allow that bridge over the San Tomas Aquino Creek to remain in place. It is used by hundreds of people a day for commuting and lunch hour recreation. While 99% of the users are probably Intel employees, it also provides public access to their popular technology museum. I do not work at Intel, but I have occasionally stopped there for a short break to enjoy a snack bar while looking at the ducks from the bridge. I'm also a member of the Santa Clara Bicycle & Pedestrian Advisory Committee, so my interests are for all bicyclists and pedestrians, not just myself.

Perhaps you can work out a deal with Intel, since it is principally used by their employees, to maintain it and bring it up to standards required by the water district. That would be a much happier outcome than to have it destroyed and bring sadness and disappointment to so many. Working to save the bridge will also cast the water board in a much more favorable light with trail users and bridge users and the Intel Corporation than will working to destroy it.

Thank you for your consideration.

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051
408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

File: 24482
San Tomas Aquino Creek

November 16, 2018

Mr. Jason Bagley
Government Affairs Manager
Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95054

Subject: Lease Agreement for Pedestrian Bridge (Freedom Bridge) Crossing of San
Tomas Aquino Creek

Dear Mr. Bagley:

This letter is to inform Intel of the Santa Clara Valley Water District's (District) need to terminate the Pedestrian Bridge Lease Agreement between the District and Intel for the bridge crossing of San Tomas Aquino Creek and to summarize our discussions over the last few years.

The District last extended the lease agreement for a period of 18 months from March 14, 2017 through September 14, 2018. This extension was granted to allow the City of Santa Clara (City) time to complete the Creek Trail Network study and the development plans that would determine the final disposition of the bridge. During this time, however, development plans have changed, and the City has decided to include the bridge in the Bike Master Plan Study and Freedom Circle Specific Plan to determine its necessity and final location to serve the public.

The District fully supports pedestrian and bicycle trails in the County and has partnered with many cities and the County to bring trail projects to the community. We have provided grant funding, allowed use of our maintenance roads to facilitate trails, and made a valiant effort to allow the Freedom Bridge to remain in place until final bridge locations were determined. However, during a recent meeting with the City on September 19, 2018, we learned that these studies will not be completed for another 2 years, and the implementation of the identified alternatives might take another couple of years. This temporary bridge, permitted in 1997 is not ADA compliant, is not fully available for public use, is structurally deficient, and could potentially exacerbate flooding.

Given these factors and the potential safety issues this presents to members of the community, the District has made the decision to terminate the lease agreement. Per the terms of the lease agreement and encroachment permit, the bridge must be removed, and the levee restored. All the existing improvements that need to be removed are listed on the attachment included with the letter (Attachment 1).

We acknowledge that relocation of the fiber optics line prior to its removal and removal of the bridge and other structures within the levee prism will require some time for Intel to prepare plans, secure permits, and facilitate construction. In addition, we understand that construction within the creek banks cannot occur until April 2019; therefore, we hereby extend the lease for another 12 months, until September 14, 2019, which includes the 90-days' notice to terminate

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the lease. Per the terms of the lease agreement, the required 90-days' notice to terminate the lease will be provided, at a later date.

Please send us the plans addressing the removal of the bridge and other structures constructed within the District right of way along with your plan of action. We are available to meet if you have any additional questions. I can be reached by email at uchatwani@valleywater.org or by phone at (408) 630-2731.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager
Community Projects Review Unit

Enclosure: Attachment 1

cc: Craig Mobeck, City of Santa Clara (cmobeck@santacclaraca.gov)

Director B. Keegan, N. Camacho, M. Richardson, R. Callender, R. Gibson, S. Tippetts,
S. Turner, U. Chatwani

Attachment 1

List of improvements to be removed and restored for the Freedom Bridge

- The bridge, including the foundation, stairs, vaults within the levee prism, and the gate must all be removed.
- The fiber optics cables that were attached to the bridge and excavated into the levee need to be removed.
- The levee must be restored to its original grade.
- The drainage remediation measures outlined in Intel's 2005 Drainage Study or alternative measures to address District's concerns relative to the structural integrity of the levee due to erosion or ponding in the swale at the outboard toe of the levee must be addressed.
- A site visit by our staff on September 28, 2018 revealed that several flower pots with a sophisticated mechanism to hold them are attached on both sides of the bridge, without our review and issuance of a permit. These should be removed immediately

All the above work elements will need to be shown on the plans with details and a District permit must be obtained for the work.

October 7, 2015

Ms. Eileen Ovrahim
Intel Corporation
CA Corporate Services
2200 Mission College Blvd.
Santa Clara CA 95054
eileen.ovrahim@intel.com

Subject: Lease Agreement for Pedestrian Bridge crossing of San Tomas Creek

Dear Ms. Ovrahim:

This is to inform Intel of the Santa Clara Valley Water District (District) pending intent to terminate the Pedestrian Bridge Lease Agreement between the District and Intel for the bridge crossing of San Tomas Creek and to summarize our discussions over the last few months.

Termination of the lease agreement will require that the bridge be removed. We acknowledge that removal of the bridge will require some time for Intel to identify funds, prepare plans, secure permits and facilitate construction. In recognizing the scope of activity to facilitate removal and the expiration of the lease on September 14, 2015, we recently extended the lease until September 14, 2016 with the understanding that Intel will proceed with measures to complete the removal in a timely manner. The required 90 days notice to terminate the lease will be provided at a later date.

Summary

A summary of the events relative to the bridge follows. Copies of select documents are attached. Additional referenced documents can be provided upon request.

- The bridge was originally permitted in 1997 as a temporary structure for access from the west side of the creek to facilitate construction of Intel's campus on the east side. The permit expired in May 1998.
- A request for a one year extension was received in March 1998. District staff met on site in April 1998 to review construction activities noting concerns with grading and drainage around the levee toe. These concerns were reiterated by letter of January 1999.
- In March 2000, Intel agreed to address levee and drainage concerns with the SC14 building construction. A permit for continued use and 3 year lease agreement were soon thereafter issued.
- In 2005, a permit was issued to repair and retrofit the bridge with continued assurance that the drainage issues would be addressed including preparation of a focused drainage study of the area. The drainage study was completed in December 2005.
- District staff provided comments on the study and alternatives in April 2006. No further response was received.

The bridge was allowed to remain beyond the initial term to accommodate Intel's pending development of the west side campus. With the pending sale of Intel's property on the west side

Ms. Eileen Ovrahim
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October 7, 2015

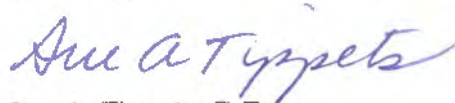
both the original temporary access needs and any campus connection purpose are no longer valid. Further the connection points, i.e. the lack of access ramps to the levee, the steepened side slope of the levee and the stairs on the levee do not meet requirements for access to a levee. Although the lease may be terminated without cause, it is for the reasons stated that we decline to renew the license.

Per terms of the lease agreement and encroachment permit, the bridge must be removed and the levee restored. We also request that the drainage remediation measures along the east side of the creek identified in the study be implemented. It is unfortunate that Intel will no longer be able to address concerns on the west side.

The levee must be restored to its original grade and the bridge, including the foundation, stairs and gate must be removed. The elements of work will need to be shown on a drawing and a District permit must be obtained for the work. The application was sent to you previously and is available on the District's web site under the Business / Permits links.

I may be reached by email at stippets@valleywater.org or by phone at (408) 630-2253.

Sincerely,



Sue A. Tippets, P.E.
Engineering Manager
Community Projects Review Unit
Enclosures: Permits

Cc: L. Lee, C. Elias, D. Mody, J. Villarreal S. Turner, B. Grimaldo, U. Chatwani, S. Tippets,
File

24482_57981st10-07

File: 24482
San Tomas Aquino Creek

April 26, 2006

Mr. Bruce Calitri
Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95052-8199

Subject: SC-12/Levee Drainage Analysis, Intel SC-12 Site

Dear Mr. Calitri:

The Santa Clara Valley Water District (District) staff reviewed the subject drainage study dated December 7, 2005, prepared by Weiss Associates, submitted to us in our meeting on December 15, 2005. I apologize for the delay in response.

The study was prepared to evaluate alternatives to address the District's concerns relative to the structural integrity of the levee due to erosion or ponding in the swale at the outboard toe of the levee. The swale was created as a result of the development of the Intel SC-12 building and parking lot adjacent to San Tomas Aquino Creek easterly levee and is within District property. Following are our comments.

- The analysis does not discuss saturated levee toe and how that might impact levee stability. Continuation of water ponding may saturate the levee foundation and eventually create a seepage flow under the levee.
- One of the findings of the study is that accumulated water in the swale could reach a maximum elevation of 25.08 feet causing puddles with a maximum depth of 10 inches over 400 feet of the 824 feet length of the drainage area. This is based on the assumption that the parking lot storm drainage system is operational; therefore, the ponding is due to rains during storm events. The study does not include a discussion of the impacts if the storm drains are not operating.

In an effort to mitigate the potential risk to our levee safety, the District prefers Alternative 3, which involves placement of compacted fill in the drainage swale along the levee toe and grading it such that the stormwater drains away from the levee and into the parking lot drainage system. It may also be possible to regrade the swale such that water can drain away from the levee toe and into a V-ditch located within the Intel property for discharge into the storm drain system.

Mr. Bruce Calitri
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April 26, 2006

The District appreciates your willingness and efforts to solve this drainage concern. Please provide plans showing the proposed grading to eliminate the drainage concern. If you have any questions or comments, please call me at (408) 265-2607, extension 2731. Please reference District File No. 24482 on any further correspondence regarding this project.

Sincerely,



Usha Chatwani, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc: Mr. Scott Bourne, P.E.
Weiss Associates
5801 Christie Avenue, Suite 600
Emeryville, CA 94608-1939

B. Goldie, S. Tippetts, U. Chatwani, M. Khan, R. Bramer, E. Hayes, File (2)

UC:mf
0425b-pl.doc

Santa Clara Valley Water District



5750 ALMADEN EXPRESSWAY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
WWW.SCVWD.DIST.CA.US

AN EQUAL OPPORTUNITY EMPLOYER

January 4, 1999

Mr. Steven Hill
Intel Corporation
P.O. Box 58119
Santa Clara, CA 95052-8119

Dear Mr. Hill:

Subject: Extension of Permit 97219

The Santa Clara Valley Water District (District) received your request to extend the subject permit on April 2, 1998. Mr. Scott Katric of my staff met with Mr. Rick Leisinger, your construction manager, on April 24, 1998, to discuss issues relative to the bridge and site construction. In addition to the permit obtained for the temporary bridge construction, a District permit was also required for the project construction adjacent to the District's levee and easement. Our site visit revealed a variety of conditions of concern to us.

Site grades were elevated to the limits of the District's easement leaving a swale between the parking lot and the toe of the levee. The grading will allow for ponding of water within this depressed area, as a drain inlet was not apparent during our field visit. Our preferred method of treating this area is to place fill up to the levee as this improves the levee stability and does not allow for saturation of the soil at the outboard toe of the levee.

Our site visit in April also revealed considerable disturbance of the soil at the base of the levee wherein it is not clear if the levee grades have been altered, excavated, or properly compacted. The placement of the tubular power poles at the toe of the levee also raises concerns relative to levee impacts and options for future levee modification or repairs.

The existing levee is not high enough to provide 1 percent flood protection with adequate freeboard, and recent studies cause us some concern with its stability. As such, activities as witnessed on site raise concerns with respect to the District's flood protection responsibility. We request that documentation be provided addressing the site grading activities, the pole placement, and the landscaping and drainage issues discussed.

We request that consideration be given to the placement of fill within the swale between the parking lot and the levee toe to remedy our drainage and ponding concerns, particularly in light of ordinance violations incurred by the unpermitted construction activities and our gracious allowance of the temporary bridge across the creek to facilitate the site construction.

District Permit 97219 expired on May 9, 1998. The insurance coverage by the permittee, Swinerton and Walberg Company, also expired effective August 1, 1998. Use of District property and/or the bridge is therefore in violation of Ordinance 83-2 and the terms of the permit issued for such use.

We look forward to your attention to the issues discussed herein. An extension of the permit and reissuance in Intel's name is required. Please provide the additional insured endorsement and certificate of insurance for the contractor as described in Permit Condition 6.

I can be reached at (408) 265-2607, extension 2253.

Sincerely,

A handwritten signature in cursive script that reads "Sue A. Tippetts".

Sue A. Tippetts, P.E.
Supervising Engineer
Community Projects Review Unit

cc: Mr. Ramon Santos
Public Works Department
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050