



MEMORANDUM

FC 14 (01-02-07)

TO: Melanie Richardson

FROM: Usha Chatwani

SUBJECT: Arcadia Development/Evergreen Circle
Easement Quitclaim – Recommendation to
Waive the Requirement for a HSLA

DATE: August 2, 2017

This is a recommendation to waive the requirement to perform a Hazardous Substance Liability Assessment (HSLA) for the easement quitclaim to the Arcadia Development Co.

Project Background:

DeNova Homes, Inc. and Arcadia Development Co. are proposing to develop 250 residential dwelling units, 315,000 square feet of retail, a public softball complex, and related infrastructure (public and private streets and related utilities) within the 80 acres vacant parcels in the City of San Jose (APN 670-29-020, 670-29-017, 670-29-002, & 670-20-071). In 1979, the Santa Clara Valley Water District (District) obtained two easements to operate and maintain 2,730 feet of Lower Silver Creek (LSC) contained in a 72-inch diameter cast-in-place pipe located within the proposed development. With the development of the parcels, 1,060 feet of LSC will be removed and 1,170 feet of LSC will be constructed and realigned outside the District's easement and within a public street. The operation and maintenance of the realigned portion of the creek will require further discussions with the City of San Jose.

On April 2, 2014, the developer's consultant, AEI Consultants, conducted a Phase I Environmental Site Assessment. Since then, no improvements or changes to the properties have occurred and there are no Recognized Environmental Conditions or Controlled Recognized Environmental Conditions identified in the environmental sampling report.

Recommendation:

It is recommended that the requirement to perform a HSLA prior to the quitclaim of the easement be waived. This recommendation is based on the following findings and assumptions:

1. The Phase I Environmental Site Assessment was completed in April 2014. A new HSLA will not likely generate new information since the site use has remained unchanged.
2. Conducting additional environmental sampling for a HSLA for this quitclaim would not provide added value and would incur unnecessary cost to the District.
3. Any real estate transaction agreement will include appropriate indemnification language stating that the District shall not be held liable for any pre-existing subsurface contamination and for any associated cleanup of the site.

If you have any questions or need additional information, please call Mr. Kevin Thai at extension 3157.

Usha Chatwani, P.E.
CPRU Engineering Unit Manager
Watersheds Stewardship & Planning Division

Date

CONCUR:

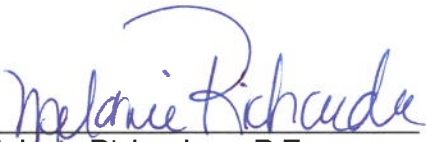


Uday V. Mandlekar, P.E.
Senior Engineer
Water Utility Capital Division

08/03/2017

Date

APPROVED BY:



Melanie Richardson, P.E.
Interim Chief Operating Officer
Watersheds

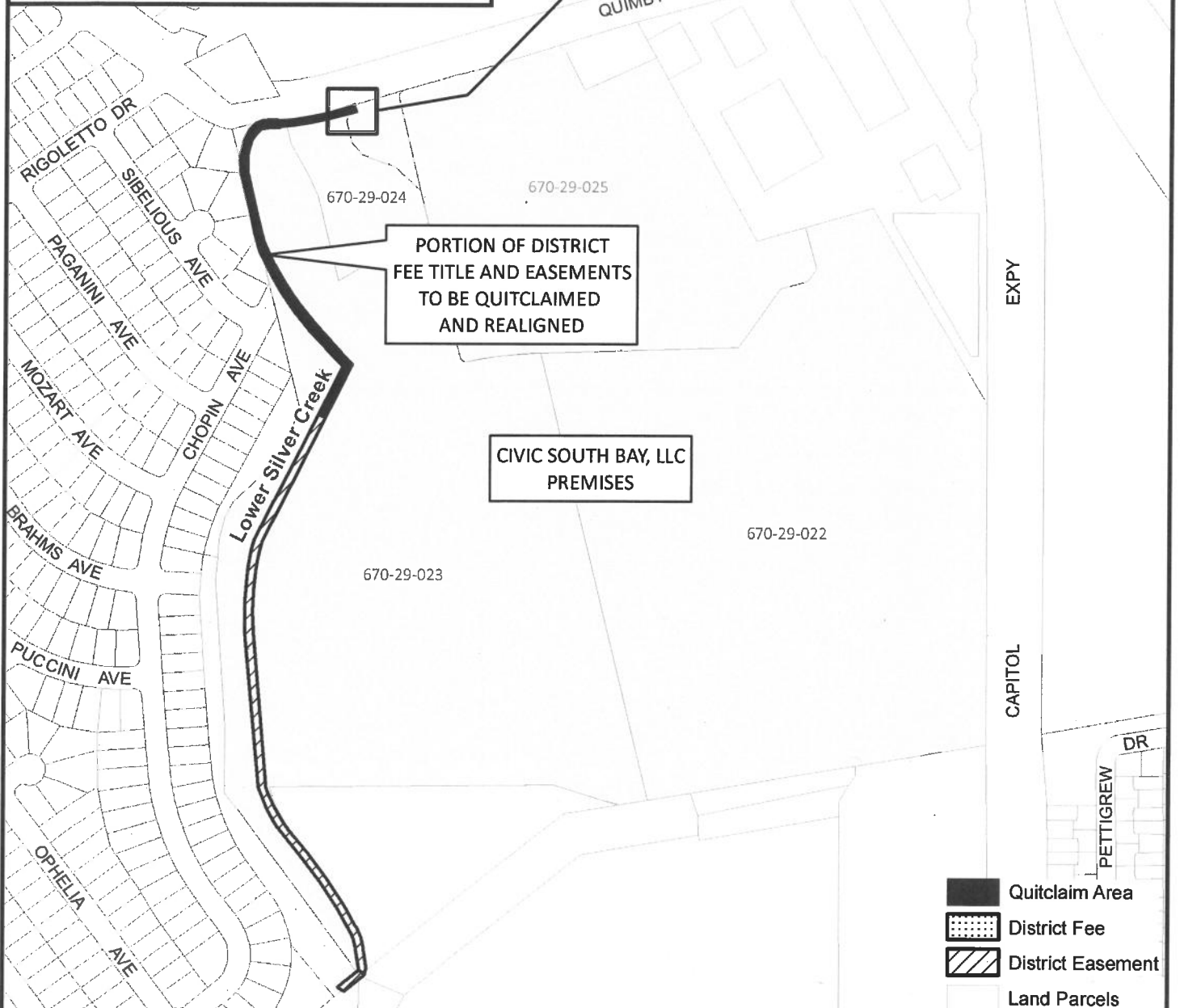
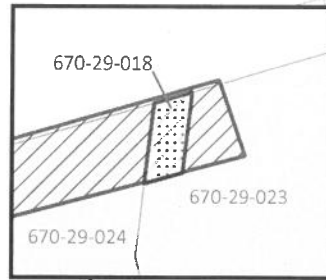
8-7-17

Date

Enclosure: Site Map, Realignment Map, Phase I Environmental Site Assessment

cc: M. Richardson, U. Mandlekar, S. Turner, B. Magleby, J. Aranda, U. Chatwani, S. Yung, K. Thai, File

SANTA CLARA COUNTY



COYOTE WATERSHED

Santa Clara Valley
Water District

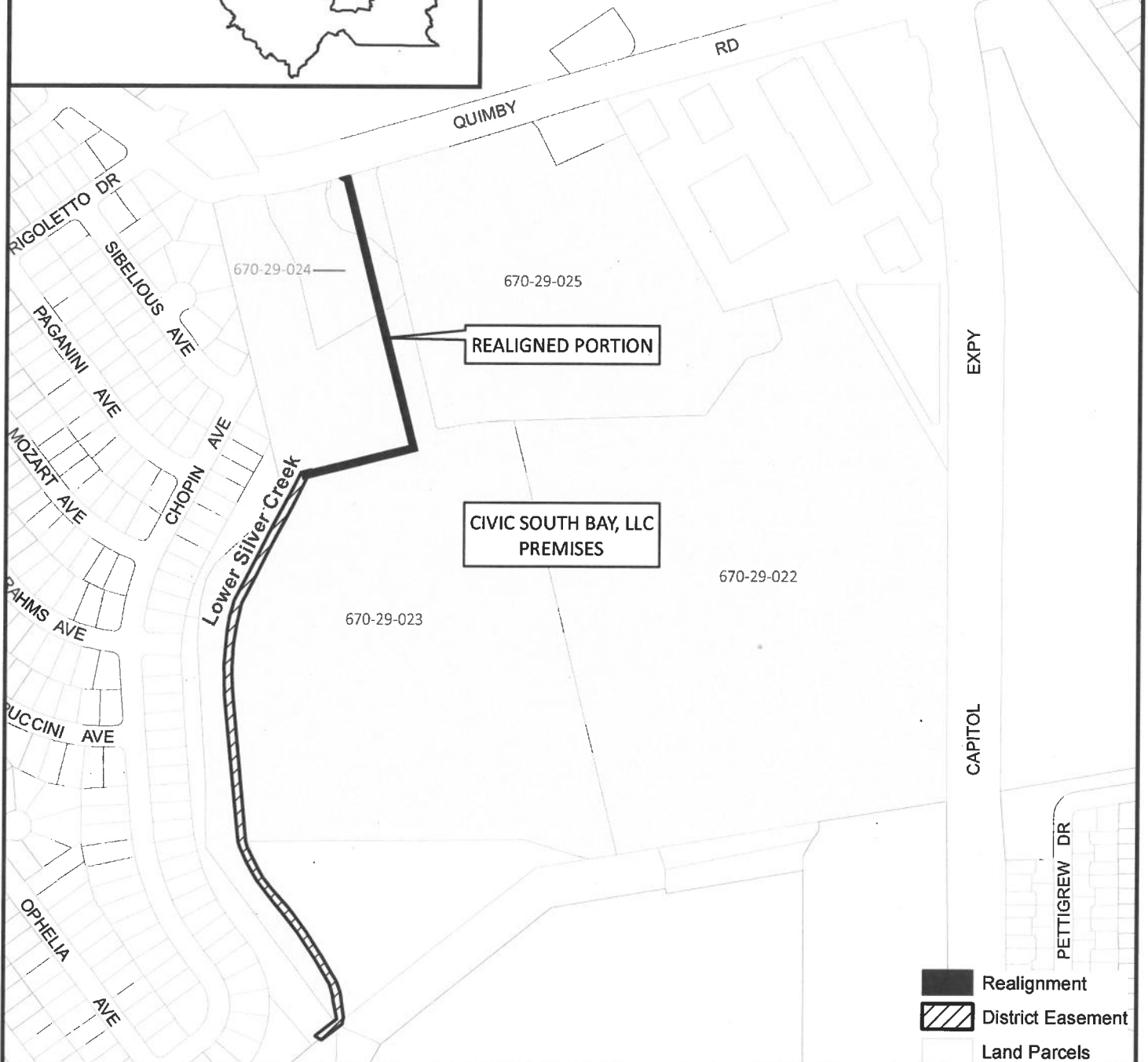
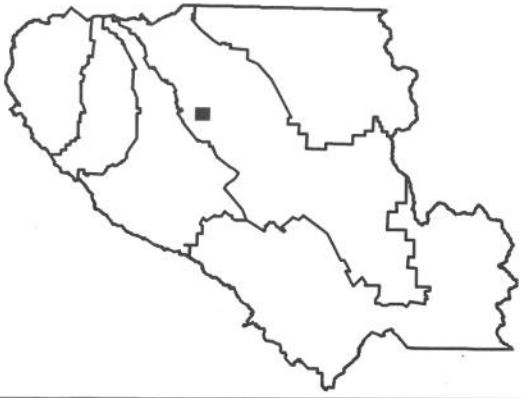


QUITCLAIM OF DISTRICT FEE TITLE & EASEMENTS TO CIVIC SOUTH BAY, LLC EXHIBIT A

LOWER SILVER CREEK

FILE NO.	23187
APNs	670-29-018, 023
	670-29-024
R.E.FILE NO.	4026-92.1, 4026-93.1
DATE	10/18/17

SANTA CLARA COUNTY



COYOTE WATERSHED

Santa Clara Valley
Water District



DISTRICT FEE TITLE & EASEMENT REALIGNMENT EXHIBIT B

LOWER SILVER CREEK

FILE NO.	23187
APNs	670-29-0018, 023
	670-29-024
R.E.FILE NO.	4026-92.1, 4026-93.1
DATE	10/18/17