

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 17 -

**MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR APPROVAL OF REAL PROPERTY CONVEYANCE
ALONG LOWER SILVER CREEK**

WHEREAS, Civic South Bay, LLC ("Developer") is proposing to develop the Evergreen Circle Project which will provide approximately 315,000 square feet of retail commercial uses, 250 residential units, a public softball complex, and related infrastructure on approximately 80 acres of land located in the City of San José ("City") within an area commonly known as Evergreen; and

WHEREAS, Developer owns the land on which the proposed development is located; and

WHEREAS, the Santa Clara Valley Water District ("District") owns fee title property ("Fee") and two easements ("Easement"), attached as Exhibit A, to operate and maintain 2,730 feet of Lower Silver Creek which is contained in a 72-inch diameter cast-in-place pipe within the proposed development; and

WHEREAS, in order to develop the Evergreen Circle Project, Developer desires to remove 1,060 feet of the Lower Silver Creeks and realign 1,170 feet of Lower Silver Creek within the development; and

WHEREAS, in December 2006, pursuant to the California Environmental Quality Act ("CEQA"), the City certified a Final Environmental Impact Report ("EIR") for the Evergreen-East Hills Vision Strategy Project, which includes adoption of a revised Evergreen Development Policy; changes in General Plan land use designations and zonings on approximately 542 acres of land in Evergreen; and construction of various transportation and community amenity projects in the Evergreen-East Hills area; and

WHEREAS, in December 2008 the City certified a Supplemental EIR and approved revisions to the *Evergreen Development Policy*, which provided traffic allocations for future development in the area; and

WHEREAS, on December 16, 2014 the City approved the Evergreen Circle Project after considering the potential environmental impacts described in an Addendum to the Evergreen-East Hills Vision Strategy & Supplemental Environmental Impact Reports ("Addendum"); and

WHEREAS, the District as a Responsible Agency pursuant to CEQA must make certain findings prior to approving the conveyance of real property;

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of Santa Clara Valley Water District does hereby find:

1. The Board has reviewed and considered the environmental effects of the Project as shown in the EIR, Supplemental EIR, and Addendum prior to making a decision on the Project.
2. The EIR, Supplemental EIR, and Addendum are adequate for use by the District.
3. The Board adopts the Findings, attached hereto as Exhibit B, and incorporated herein by this reference, for approval of the proposed real property conveyance.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on November 28, 2017:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By _____
JOHN VARELA
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Directors