



Santa Clara Valley Water District

File No.: 18-0269

Agenda Date: 5/22/2018

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

SUBJECT:

Amendment No. 1 to the Joint Use Agreement No. A38445 with City of Milpitas for Portions of Lower Penitencia Creek and Penitencia East Channel (Milpitas) (District 3).

RECOMMENDATION:

- A. Consider the CITY OF MILPITAS' 2008 FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE TRANSIT AREA SPECIFIC PLAN (TASP) and the OCTOBER 2013 ADDENDUM;
- B. Approve Amendment No. 1 to the Joint Use Agreement with City of Milpitas for Portions of Lower Penitencia Creek and Penitencia East Channel;
- C. Authorize the Chief Executive Officer to Execute Amendment No.1; and
- D. Authorize the Chair to Sign the Proposed Transmittal Letter to the City of Milpitas.

SUMMARY:

Background

The proposed Amendment to the Joint Use Agreement is applicable to the District property located in the City of Milpitas (City) and include the additional length of trail as shown in Exhibit A1 of the proposed amendment (Attachment 1).

On March 17, 2015, the City and the District entered into a 10-year Lease Agreement to allow for public recreational use of District owned property along Lower Penitencia Creek from Great Mall Parkway to Montague Expressway and along Penitencia East Channel from the confluence with Lower Penitencia Creek to about 250 feet east of McCandless Drive. This Amendment will extend the location limits to include approximately an additional 1,100 feet of the City's trail improvements along the Penitencia East Channel between Lundy Place and 250 east of McCandless Drive.

Pending the Board's consent of the recommended actions and review of the final plans, a District construction / encroachment permit can be issued for the proposed trail construction.

FINANCIAL IMPACT:

There is no financial impact associated with this Amendment.

CEQA:

The lands for recreational purposes were included and analyzed in the FEIR/TASP dated May 2008 and subsequent Addendums dated March 2013, October 2013, and February 2015 prepared by the City of Milpitas, the Lead Agency under the California Environmental Quality Act (CEQA). The Board considered the potential environmental effects of the Lower Penitencia Creek and Penitencia East Channel Trail Project discussed in the FEIR/TASP and Addendums (March 2013 and February 2015) and adopted a resolution making findings regarding the impacts identified on April 14, 2015. The October 2013 addendum that pertains to this approximately 1,100 additional feet of proposed trail segment was not considered by the Board on April 14, 2015. Accordingly as the Responsible Agency, the District must consider the environmental impacts of this proposed trail segment, as analyzed in the City's FEIR and the Addendum to the FEIR dated October 2013, prior to the approval of the Amendment to the Joint Use Agreement.

ATTACHMENTS:

- Attachment 1: Amendment No. 1
- Attachment 2: Transmittal Letter
- Attachment 3: Final Environmental Impact Report
- Attachment 4: Addendum

UNCLASSIFIED MANAGER:

Melanie Richardson, 408-630-2035