



# Santa Clara Valley Water District

**File No.:** 18-0989

**Agenda Date:** 12/11/2018

**Item No.:** 6.2.

---

## BOARD AGENDA MEMORANDUM

### SUBJECT:

Joint Use Agreement with the City of Palo Alto for the Highway 101 Pedestrian/Bicycle Bridge Overcrossing and Adobe Creek Reach Trail Project, (Palo Alto) (District 7).

### RECOMMENDATION:

- A. Consider the potential environmental effects of the project as discussed in the Initial Study and Mitigated Negative Declaration prepared by the City of Palo Alto;
- B. Adopt the Resolution MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO USE THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION PREPARED BY THE LEAD AGENCY TO GRANT APPROVAL OF A JOINT USE AGREEMENT WITH THE CITY OF PALO ALTO; and
- C. Approve and authorize the Chief Executive Officer to execute the Joint Use Agreement between the City of Palo Alto and the Santa Clara Valley Water District.

### SUMMARY:

The City of Palo Alto (City) proposes to construct the Highway 101 Pedestrian/Bicycle Overpass Project at Adobe Creek to replace the existing seasonal Benjamin Lefkowitz Underpass that is available only half the year (on average) due to seasonal flooding and extend a new Class I trail connecting East Meadow Drive to the Baylands (Attachment 1). The new overpass will provide year-round connectivity between residential and commercial properties west of Highway 101 and the Palo Alto Baylands Nature Preserve (Baylands), East Bayshore Business Park, and the regional Bay Trail network of multi-use trails east of Highway 101. The City has held numerous public meetings during the planning and design of the project.

As a result of the planning and design by the City of proposed public recreational improvements within the District's right of way, City and District staff have negotiated a new Joint Use Agreement (JUA), which staff recommends the Board approve. The new JUA (Attachment 2) will replace the existing JUA for the current Benjamin Lefkowitz Underpass and expand it to include a trail extension to East Meadow Drive. The JUA is consistent with the Board Resolution 74-38 declaring its policy on joint use of District facilities. The JUA will allow the use of District property for 25 years with an automatic renewal for an additional 25 years. The JUA may be terminated by either party with at least 360 days prior written notice; however, the termination would not apply to the new pedestrian bridge over Adobe Creek due to its connection to the Highway 101 overpass.

**FINANCIAL IMPACT:**

The trail improvements are coincident with the District's maintenance access roads, so will not significantly hinder normal District activities and are compatible with the District's use of the property. The Joint Use Agreement allocates to the City, responsibility for all costs associated with the public recreational use including trail surface maintenance, detours, vegetation management, litter and graffiti removal.

**CEQA:**

Findings required by CEQA are included in the attached resolution for construction and operation of the project. In addition to allowing the City to construct and maintain those improvements constructed for the Project, the JUA also provides that the City will be responsible for trash and graffiti removal and vegetation management on the District Property, and the District will be responsible for performing routine maintenance on the District Property for flood protection and water resource management purposes. These activities are exempt from CEQA review pursuant to one or more provisions in the CEQA guidelines including but are not limited to Sections 15301 and 15304. Section 15301 exempts activities consisting of operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographic features." Section 15304 exempts activities consisting 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." In addition, the routine maintenance activities to be undertaken by the District would fall within the work categories specified in the District's Stream Maintenance Program (SMP) and the impacts of such activities were evaluated in the SMP's EIR.

**ATTACHMENTS:**

- Attachment 1: Map
- Attachment 2: Resolution
- Attachment 3: Mitigated Negative Declaration
- Attachment 4: Joint Use Agreement

**UNCLASSIFIED MANAGER:**

Melanie Richardson, 408-630-2035