

Public Notice
Notice of Exemption



To: Santa Clara County
Clerk-Recorder's Office, Business Division
70 West Hedding Street, First Floor, East Wing
San Jose, CA 95110

From: Valley Water
5750 Almaden Expressway
San Jose CA 95118-3686
Telephone (408) 265 2600

Project Title: Real Property Easement Exchange with Apple Incorporated

Project Location-Specific: One Apple Park Way

Project Location-City: Cupertino

Project Location-County: Santa Clara

Project Purpose: Valley Water and Apple will modify an existing easement located immediately west of North Tantau Avenue and Calabazas Creek in Cupertino.

Name of Public Agency Approving Project: Valley Water

Name of Agency or Person Carrying Out Project: Valley Water

Exempt Status: (check one)

- Ministerial [§21080(b)(1); 15268];
- Declared Emergency [§21080(b)(3); 15269(a)];
- Emergency Project [§21080(b)(c); 15269(b)(c)];
- Categorical Exemptions [§15305]
- Statutory Exemptions

Reasons Why Project is Exempt: The Project is limited to a minor adjustment to an existing Valley Water easement and would not result in a physical change to the environment. No ground disturbance, new construction, or expansion of use would occur at the location where the easement exchange would occur. The parcel has an average slope of less than 20 percent. There is no reportable soil or groundwater contamination within or around the area that would be subject to the easement exchange. Valley Water's periodic maintenance activities in Calabazas Creek would continue, with the easement allowing for equipment and vehicle access as necessary. Therefore, because the Project would not result in a change to land use or density on the subject parcel, the Project is eligible for a categorical exemption pursuant to CEQA Guidelines §15305.

The Project does not include any factors that would preempt the Project's eligibility for a categorical exemption per CEQA Guidelines §15300.2, as described below.

CEQA Guidelines §15305 establishes the Class 5 CE for Minor Alterations to Land Use Limitations:

"Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act."

Description of Project: Valley Water currently possesses easement rights to approximately 30,013 square feet on, over, under and upon real property located immediately west of North Tantau Avenue in Cupertino on the eastern portion of Assessor's Parcel Number (APN) 316-06-064. Apple owns fee title on APN 316-06-064, which shows Valley Water's existing easement for Calabazas Creek that bisects the site. The Apple Park redevelopment created a new driveway off North Tantau to access Apple facilities. The parties agree that Valley Water's easement should be realigned to the new driveway which is wider than the existing easement, and provides better access to the creek via the ramp located just north of Interstate 280. Apple proposes the Real Property Easement Exchange (Easement Exchange) to execute these changes. Execution of the Easement Exchange would result in dedication of a new, slightly larger easement of 30,279 square feet. Valley Water would continue to use the easement to access Calabazas Creek for periodic stream maintenance activities as necessary.

Lead Agency: Valley Water
Contact Person: Nick Mascarello

Area Code/Telephone/Extension:
(408) 630-3147

Signature:  643D70E1BE374AB...

Date: 1/24/2025

Title: Nick Mascarello
Associate Environmental Planner

cc: CEQA Administrative Record