FOOTHILL-DE ANZA
Community College District

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION for the DE ANZA COLLEGE SUNKEN GARDEN PROJECT

Foothill-De Anza Community College District will hold a public hearing at the Board of Trustees meeting on June 20, 2011on the proposed project and will review and may approve a Mitigated Negative Declaration on it. The meeting will be held at 6:00 p.m. in the Campus Center, Conference Rooms A & B at De Anza Community College, 21250 Stevens Creek Boulevard, Cupertino, CA 95014. The public review period for the project begins on May 12, 2011 and ends on June 10, 2011. The public may submit written comments on the Mitigated Negative Declaration up until June 10, 2011 by 5:00 p.m. to Tom Armstrong, Director, Bond Program Management Planning, Design & Construction De Anza College, 12345 El Monte Road, Los Altos Hills, CA 94022 or by emailing Tom Armstrong at armstrongtom@fhda.edu or calling 408-864-8289.

Finding: The Project will not have a significant effect on the environment based on the Initial Study prepared according to CEQA Guidelines. Mitigations have been incorporated into the project to reduce all potentially significant impacts to a less-than-significant level.

Project Title: De Anza College Sunken Garden Project

Project Location: De Anza College, 21250 Stevens Creek Boulevard, Cupertino, CA 95014

Project Sponsor's Name and Address: De Anza College
21250 Stevens Creek Boulevard
Cupertino, CA 95014

Project Description: The project consists of improvements to the sunken garden located on the De Anza College campus. The proposed improvements would occur in two phases: Phase 1 - remove vines from the walls and balustrades; replace the asphalt pavement with scored concrete pavement; replace the existing accessibility ramp with a new ramp; install new lawn, trees and other plantings; install a new irrigation system; upgrade the existing fountain pump and add filtering and water treatment; and install new benches, lighting and trash receptacles. Phase 2 - remove the center section of the south wall and install a new wall section that would line up with the remaining south walls and balustrades

Submittal of Public Comments: Please direct written comments to Mr. Tom Armstrong, Director, Bond Program Management Planning, Design & Construction De Anza College, 12345 El Monte Road, Los Altos Hills, CA 94022. **Written comments must be received by 5:00 p.m. on June 10, 2011.**

Anyone interested in the project may review the Mitigated Negative Declaration, Initial Study and other pertinent material at the Foothill-De Anza Community College District office located at Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022. The Mitigated Negative Declaration and Initial Study are also available on the Foothill-De Anza Community College District website at www.fhda.edu.

MITIGATED NEGATIVE DECLARATION

DE ANZA COLLEGE SUNKEN GARGEN PROJECT

PROJECT DESCRIPTION

The proposed project consists of improvements to the sunken garden located on the De Anza College campus. The proposed improvements would occur in two phases: Phase 1 - remove vines from the walls and balustrades; replace the asphalt pavement with scored concrete pavement; replace the existing accessibility ramp with a new ramp; install new lawn, trees and other plantings; install a new irrigation system; upgrade the existing fountain pump and add filtering and water treatment; and install new benches, lighting and trash receptacles. Phase 2 - remove the center section of the south wall and install a new wall section that would line up with the remaining south walls and balustrades.

Project construction for Phase 1 would begin in summer of 2011 and would be completed in fall of 2011. Construction hours would be from 7:00 a.m. to 6:00 p.m. Monday through Friday.

Project construction for Phase 2 is contingent on securing future funding and therefore is unknown at this time.

PROJECT LOCATION

De Anza College
21250 Stevens Creek Boulevard
Cupertino, CA 95014

PROJECT SPONSOR

De Anza College
21250 Stevens Creek Boulevard
Cupertino, CA 95014

FINDING

The project will not have a significant effect on the environment based on the Initial Study prepared according to CEQA Guidelines. Mitigations have been incorporated into the project to reduce the identified potentially significant impacts to a less-than-significant level.

POTENTIALLY SIGNIFICANT IMPACT

The attached Initial Study indicates that the project could adversely affect the environment. The following potentially significant impacts were identified and are presented below.

MITIGATION MEASURES

In the interest of reducing the potential impact to the point where the net effect of the project is insignificant, mitigation measures are recommended. A discussion of the potential impacts of interest and the associated mitigation measures is provided below.

AIR QUALITY

Impact: The project would result in short-term air pollution emissions as a result of construction activities.

Mitigation Measure:

3.1 According to the 2010 BAAQMD Guidelines, implementation of the following *Basic Construction Mitigation Measures* would reduce construction period impacts to a less-than-significant level.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

CULTURAL RESOURCES

Historic Architectural Resources

Impact: The proposed rehabilitation of the sunken garden could result in potentially significant impacts to the remaining significant historic elements of the sunken garden which include the three historic vases, the balustrades, and the four historic benches.

Mitigation Measure:

5.1 *Historic Resources*. Because there have been many changes to the sunken garden, and because the sunken garden presently is able to convey its historical significance solely on the basis of its remaining fragments: three (3) vases, four (4) benches and what remains of the original balustrades, the proposed project shall include the following measures to protect and rehabilitate the remaining historic resources:

- Best management practices require that the three (3) vases, four (4) benches and the balustrades be accorded appropriate protection during all phases of project construction.

- An accredited historic materials conservator shall be retained prior to construction activities to conduct and complete a survey of the existing conditions of the three (3) vases, the four (4) benches, and the balustrades. During the removal of vines, the accredited historic materials conservator shall be on-site to monitor vine removal. Recommendations made by the on-site monitor shall be implemented.

- Because the four (4) benches have remained undisturbed at their present locations since their initial installation at the end of the 19th century, on-site monitoring by an accredited historic materials conservator shall be required during the removal of existing paving materials and installation of new paving materials. Recommendations made by the on-site monitor shall be implemented.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

Impact: The introduction of new or replacement features that represent potential distractions to the remaining historic resources is considered a potentially significant impact.

Mitigation Measure:

5.2 *New and Replacement Features*. The following guidelines for the installation of new furniture, fixtures and other objects within the sunken garden shall be implemented:

- The design of new or replacement features shall be minimalist in character; i.e. the design should not suggest or emulate styles or motifs from other periods. For example, light fixtures whose design conveys "Main Street America" only confuses or unintentionally invites comparison with the much different historic setting of the sunken garden.

- The new or replacement features shall appear to be lightweight; i.e. not bulky, heavy or oversized. For example, new benches or other types of seating should not read as massive or heavy objects.

- The new or replacement features shall avoid dark colors, e.g. forest green, royal blue, and shall employ materials and finishes that are basic, unassuming and refined in appearance, e.g. brushed metal. Objects possessing shiny or reflective surfaces shall be avoided, e.g. plastic or petroleum-based trash and recycle receptacles.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

Archaeological Resources

Impact: With the removal of the center section of the south wall during Phase 2 construction activities, if these construction activities extend outside of the existing footprint of the sunken garden or require extensive excavation within the sunken garden area there is the potential that unknown archaeological resources could be disturbed.

Mitigation Measure:

5.3 In the event that any of the archaeological materials identified below are discovered during project construction, work shall be halted in the area of the find and a qualified professional archaeologist shall be contacted for further review and recommendations.

> *Historic Materials*: concentrations of historical materials associated with dump sites, filled in wells and/or privy pits, sheet scatters of historic debris associated with the original construction of "Le Petit Trianon"; and any architectural features associated with the construction of the garden or adjacent structures.
>
> *Prehistoric Materials*: darker than surrounding soils of a friable nature showing concentrations of stone, bone or shellfish; evidence of fires (ash, charcoal, fire affected earth); artifacts of stone, bone or shellfish; evidence of Native American structures (fire pits, cache pits, house floors); and any burials, either human or animal.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

GREENHOUSE GAS EMISSIONS

Impact: The project would generate greenhouse gas emissions during construction activities.

Mitigation Measure:

7.1 To reduce project-generated GHG emissions (2010 Guidelines) for construction-related activities, the following best management practices should be implemented to the extent feasible:

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
- Use local (within 100 miles) building materials of at least 10 percent; and
- Recycle at least 50 percent of construction waste or demolition materials.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

NOISE

Impact: During project construction, surrounding college facilities such as the Library and Learning Center West would experience a temporary increase in noise levels which could affect students and staff utilizing campus facilities surrounding the sunken garden.

12.1 Project contractors shall limit construction activities as follows:

- Equipment and truck use shall utilize the best available noise control techniques (e.g., improved mufflers, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.

- Impact tools (e.g., jack hammers, pavement breakers) shall use an exhaust muffler on the compressed air exhaust.

Residual Impact: Less-than-significant with implementation of the recommended mitigation measure.

ENVIRONMENTAL REVIEW – INITIAL STUDY

1. **Project Title:** De Anza College Sunken Garden Project

2. **Lead Agency Name and Address:** Foothill- De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

3. **Contact Person and Phone Number:** Tom Armstrong, Director
Bond Program Management,
Planning, Design & Construction
408-864-8289

4. **Project Location:** De Anza College
21250 Stevens Creek Boulevard
Cupertino, CA 95014
APN: 359-01-002 and -004

5. **Project Sponsor's Name and Address:** De Anza College
21250 Stevens Creek Boulevard
Cupertino, CA 95014

6. **General Plan Designation:** Public Facility

7. **Zoning Designation:** Public Building (BA)

8. **Description of Project:**

Project Location

The proposed project is located on the De Anza College campus. De Anza College is located at 21250 Stevens Creek Boulevard, Cupertino, California. Access to the campus is provided at Stevens Creek Boulevard (north entrance), Stelling Road (east entrance), and McClellan Road (south entrance). Two freeways are located within the project vicinity: Highway 85 is located directly west and adjacent to the campus and Interstate 280 is located about 0.75 mile north of the campus. **Figure 1** shows the Project location.

Project Site Characteristics

Existing Conditions. The sunken garden is located on the central portion of the campus (see **Figure 2**). The project site comprises about 30,000 square feet (0.7 acre) and includes the garden, surrounding walls and balustrades and stairs located at the west, north and east ends of the garden. A ramp, providing access to the garden for persons with disabilities, is located at the northwest corner of the sunken garden. At the southern part of the garden, a fountain and sculpture is flanked on the west and east by a total of four lawn areas. Two historic benches are located on the north side of the fountain and two historic benches are located on the south side of the fountain. At the northern part of the garden there are

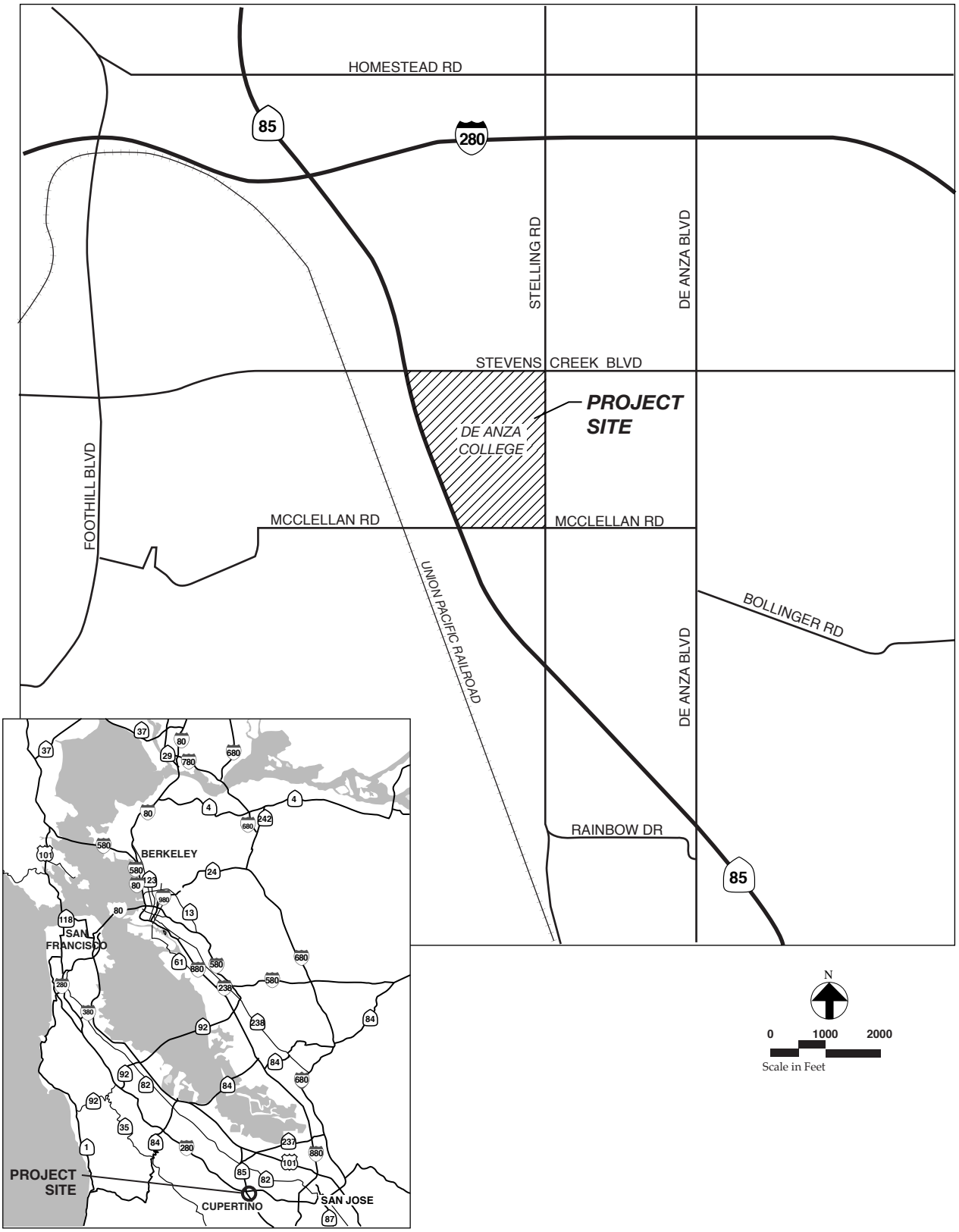


Figure 1
Project and Regional Location

Source: DeAnza College

Figure 2
Campus Map

two lawn areas and two planted areas. Benches are located along all four garden walls. Trees are formally arranged across the garden area. The sunken garden walkways are paved in asphalt.

The sunken garden has a very gentle slope to it. The grades adjacent to the sunken garden are about three to four feet below grade at the northern end of the garden (fronting the Flint Center) to about eight feet below grade at the southern end of the garden (fronting the Library).

Historic Background. The sunken garden, a house (le petit Trianon) and two cottages were designed by Willis Polk and completed in 1895 on what is now De Anza College. In 1975, le petit Trianon was moved from its original location (north of the sunken garden) to the west of the sunken garden and currently houses the California History Center. In 1991 the original fountain was reconstructed, eliminating the scalloped shaped pool and replacing this pool with a wider rectilinear shaped pool and sculpture. In 2006, the west and east balustrades were repaired (Architectural Resources Group, Inc 2010). See **Section 5 Cultural Resources** for a discussion of historic architectural resources.

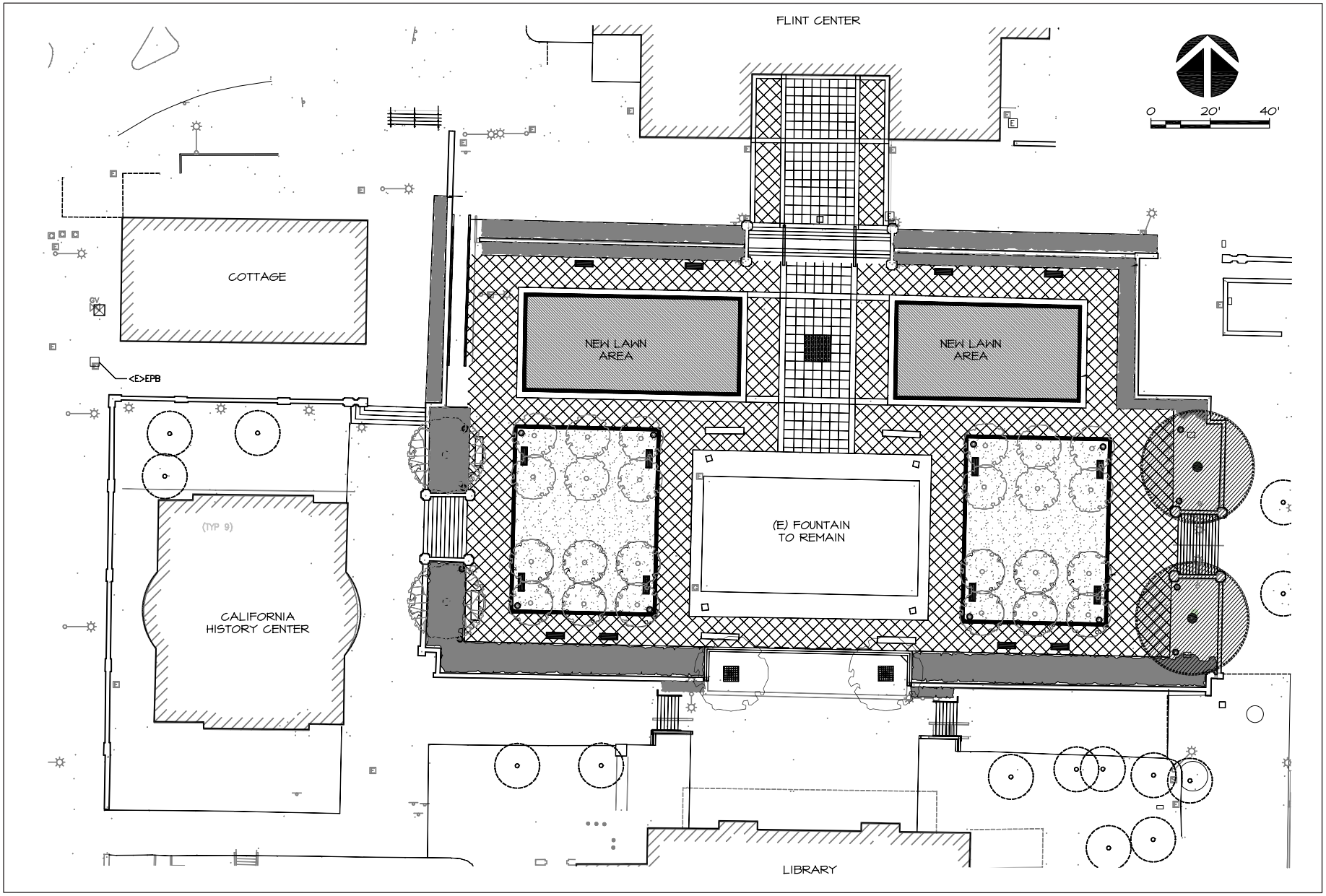
Proposed Project Characteristics

The proposed project consists of two phases: Phase 1 would remove vines from the walls and balustrades; replace the asphalt pavement with scored concrete pavement; replace the existing accessibility ramp with a new ramp; install new lawn, trees and other plantings; install a new irrigation system; upgrade the existing fountain pump and add filtering and water treatment; and install new benches, lighting and trash receptacles. Phase 2 would remove the center section of the south wall and install a new wall section that would line up with the remaining south walls and balustrades. Project Phases 1 and 2 are described below. **Figure 3** shows the **Project Site Plan**.

Phase 1

Protect Precast Concrete Balustrades. The vines covering the walls and balustrades would be removed. Vine removal would be done manually and would include careful removal of all plant material, tendrils and roots – no sawing, hammering or physical damage to the balustrades would be allowed. Once the vines are removed, the balustrades would be catalogued and loose pieces of the balustrades would be removed and placed in storage. The balustrades would be protected in place during construction activities. In place protection would be adequately secured to maintain a safe environment for the historic elements and personnel. No protection would be attached directly to the historic elements. In the event of any damage, the contractor would notify the construction manager immediately.

The proposed project does not include repair of the balustrades. At such time that De Anza College moves forward with any necessary repair of the balustrades, two primary repair methods are proposed: patching of damaged pieces and selective replacement of pieces that are either missing or severely damaged. In 2006 when the east and west balustrades were repaired, precast molds of the balustrade pieces were made and these molds have been retained by De Anza College for use in any future repair of the balustrades.



SOURCE: Joni L. Janecki & Associates

Figure 3
Project Site Plan

Protect Historic Vases. The three (3) existing historic vases located on the balustrade's south wall would be protected in place during construction activities. The historic vases would be protected as described under "Protect Precast Concrete Balustrades" above.

Protect Historic Benches. The four historic benches located on the north and south sides of the fountain would be protected in place. Historic elements would be protected as described under "Protect Precast Concrete Balustrades" above.

Removal of Pavement, Ramp and Trees and Plantings. The existing asphalt pavement and the concrete ramp and railings would be removed. All trees except for the mature oaks located on the east side of the sunken garden and the Crepe Myrtle trees located on the south side of the sunken garden would be removed. All shrubs would be removed. During construction activities, the existing fountain and sculpture would be protected in place.

Installation of New Irrigation System. The main line pipe of the new irrigation system would be connected to an existing six-inch campus irrigation main line located near the northwest corner of the garden. A new irrigation controller, which monitors water use and interconnects to the on-site weather station to maximize efficiency, would be installed. The proposed project would result in similar or reduced water use to irrigate the sunken garden plantings in comparison with the current irrigation of the sunken garden.

Upgrades to Existing Fountain. The fountain would be upgraded with a new water pump and a filtering and water treatment system. These mechanical system upgrades would be placed in the existing underground vault located directly west of the fountain.

Installation of New Paving. The proposed paving would consist of scored gray and colored concrete. The new concrete paving would be extended from the garden's north stairway to the entrance of the Flint Center which fronts onto the sunken garden. A nine-foot-by-nine-foot historic marker would be installed in the new concrete paving between the two new lawn areas north of the fountain. A recycled granite cobble band would be installed as an edge around the two new lawn areas and two new planted areas.

Installation of New Accessible Ramp. A new ramp providing access to persons with disabilities would be constructed at the same location as the removed ramp. The new ramp would be constructed to meet current ADA requirements. The new ramp would be similar in appearance to the existing ramp. It would be approximately six feet in width and constructed of concrete. Painted metal handrails would be installed on either side of the ramp. The paint color has not been determined. The ramp would be approximately fifty-one (51') feet in length.

Installation of New Landscaping. The proposed project would modify the existing landscaping in the sunken garden. The mature oak trees located at the east end of the garden and the existing Crepe Myrtle

trees located at the south end of the garden would be retained. A Coast Live Oak would be planted on either side of the west stairway. Approximately nineteen (19) trees would be removed. Of the trees to be removed, two are listed in good condition and the remaining seventeen (17) trees are listed in fair to poor condition. The two existing lawn areas located at the south part of the sunken garden would be removed and replaced with two planted areas containing twelve (12) Callery Pear trees per planted area. Loose gravel would be installed at the base of the trees and compacted gravel would be installed within a central pathway bisecting each of the planted areas. The two existing lawn areas and planters located at the north part of the sunken garden would be removed and reconfigured as two larger lawn areas. California native shrubs would be planted along the north, east and south walls of the sunken garden.

Lighting. Four (4) black metal "historic" style lights of approximately thirteen (13') feet in height and with banner arms would be installed along the north wall of the sunken garden. Four (4) black metal "historic" style lights of approximately thirteen (13') feet in height would be installed in the sunken garden to light the walkway between the Flint Center stairway to the north and the fountain itself for general site lighting. In-grade up-lighting would be installed within the two planted tree areas and at the east and west ends of the sunken garden, lighting the oak trees.

Furniture. In addition to the four historic benches that would be protected in place, new "historic style" benches would be located in the planted areas and within the sunken garden along the north and south balustrades. "Story" panels would be attached by mechanical fasteners to the center section of the existing south wall. New trash and recycle receptacles would be located in the garden.

Phase 2

Phase 2 is not funded at this time and therefore it is unknown when Phase 2 would be implemented.

Removal Existing Story Panels. The Story panels installed at the center section of the south wall during Phase 1 would be removed and stored for later re-installation in the same area.

Removal of Center Section of South Wall. The sixty (60') foot-long center section of the south wall, which was constructed following the removal of the sunken garden's entire semi-circular balustrade, would be removed. The balustrades and vases would be protected in place during the removal of the center wall section.

Removal of Center Section of South Wall Landscaping. The limited groundcover landscaping at the center section of the south wall would be removed as well as the two (2) existing Crepe Myrtle trees. New tree planters would be located on the balcony of the Library with two new trees planted to mimic the same location of the former Crepe Myrtles but on a higher level.

Installation of New South Wall Section. A new concrete wall section would be installed between and align with the south walls and balustrades. Upon completion of the installation of the new south wall

section, the Story panels would be reattached by mechanical fasteners. The balustrades and vases would be protected in place during the installation of the new center wall section.

Proposed Project Construction Activities for Phase 1

Project construction would begin in summer of 2011 and would be completed in fall of 2011, a total of about two months. Construction hours would be from 7:00 a.m. to 6:00 p.m. Monday through Friday. Project construction activities are presented in **Table 1**.

TABLE 1: PROJECT CONSTRUCTION ACTIVITIES

Activity	Duration	Equipment
Removal of Existing Pavement	1 week	Small bobcat, 10-wheel dump truck
Earthwork	2 weeks	Small bobcat, backhoe, compactor, 10-wheel dump truck
Underground Utilities	2 weeks	Small bobcat, backhoe, compactor, 10-wheel dump truck
Site Concrete Work	1 week	Four concrete trucks, concrete pump
Paving Work	2 weeks	Asphalt truck with paving equipment, hand work

Project grading would be limited to the existing sunken garden footprint and generally maintained at the existing sunken garden depth. Minor amounts of native soil in the existing landscaped areas would be off hauled and a minor amount of improved soil and soil amendments would be hauled to the site for landscaping purposes. Construction truck trips are estimated at a total number of forty (40) truck trips, with a peak of four (4) truck trips per day. Construction trucks would be utilized primarily to deliver building materials and remove debris. To the extent feasible, construction debris and surplus construction materials would be recycled.

Proposed construction activities would require an estimated total of thirty (30) construction workers over the entire construction period, with a peak of ten (10) construction workers on a daily basis. Construction workers would park in designated areas on the campus close to the sunken garden site. The project would prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the State Construction General Permit that will specify the use of appropriate best management practices (BMPs) for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction. Best management practices would include perimeter straw waddles at all disturbed grading areas, inlet protection at all new and existing inlets subject to potential sediment flow, and designated protected concrete washout areas.

Proposed Construction Activities for Phase 2

As stated above, the timeline for construction of Phase 2 is unknown. However, given the very limited construction activities that would take place during Phase 2, i.e., the removal of a center section of the south wall and the installation of a new wall section, it is anticipated that the construction period and number of construction workers and construction equipment would be significantly less than for Phase 1.

9. **Surrounding Land Uses and Setting:**

The sunken garden site is located at the central part of the De Anza College campus and is surrounded by existing college facilities. Off-campus, development consists of predominantly residential development to the south and east, Highway 85 to the west and predominantly commercial and retail development to the north.

10. **Other public agencies whose approval is required:**

- Division of the State Architect (DSA) for the disabled access, portion of the project.

References

Architectural Resources Group, Inc *2010 Sunken Garden Site Assessment and Historic Documentation*, Draft, May 2010.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a potentially significant impact as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural and Forestry Resources	☒ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Geology and Soils
☒ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☒ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

5.6.11
Date

Tom ARMStrong
Printed Name

Director, Bond Projects - DeAnza
Title

DISCUSSION OF ENVIRONMENTAL FACTORS

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

The proposed project would not affect any scenic vista. The project site is located in the central part of the De Anza College campus. The rehabilitated sunken garden would not obstruct any existing scenic views available from the campus or obstruct any scenic views available from locations off the campus.

b) Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway?

The De Anza College campus is not within a scenic highway (City of Cupertino 2005). The project site does not contain rock outcroppings or historic buildings. Approximately 19 trees, most in fair to poor condition, would be removed from the sunken garden, but these trees would be replaced with twenty-six (26) new trees. The existing sunken garden contains historic elements including balustrades, four (4) benches and three (3) vases. These historic elements could be adversely affected, however, mitigation measures are identified that would reduce potentially significant impacts to a less-than-significant level(see **Section 5 Cultural Resources**). The proposed project would result in less-than significant impacts to scenic resources.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The proposed project would not substantially degrade the existing visual character or quality of the project site or surrounding campus area. The project would improve the visual appearance of the sunken garden by replacing worn asphalt with new scored grey and colored concrete, replacing trees in poor condition with new trees, and installing lighting and new benches compatible with the historic character of the sunken garden.

d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The proposed project would introduce new lighting at the sunken garden. The lighting would consist of four (4) light standards along the north wall of the sunken garden replacing existing older fixtures, four (4) light standards in the sunken garden between the Flint stairway to the north and the fountain for improved site lighting, and in-grade lighting at the two (2) planted tree areas and west and east ends of the garden, up-lighting the oak trees. This lighting would illuminate the sunken garden and pedestrian pathway to the north of the sunken garden. The new lighting would not intrude upon nearby residences which are located more than a quarter mile from the sunken garden.

Mitigation Measures

None required.

References

City of Cupertino. 2005 *City of Cupertino General Plan 2000 – 2020.* Adopted November 15, 2005. www.cupertino.org/index.aspx?page=709.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL AND FORESTRY RESOURCES (cont.)				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps and prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The project site is not identified as prime farmland, unique farmland or farmland of statewide importance. The site is an existing sunken garden located at the central part of the De Anza College campus. The site is not used for any agricultural purposes and would therefore not result in the conversion of any agricultural land.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The De Anza College campus is not under a Williamson Act contract. The De Anza College campus is zoned Public Building (BA) and is surrounded by urban development including commercial and residential uses.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The project site is not zoned as forest land and does not contain forest land. The campus is zoned Public Building (BA).

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The project site does not contain forest land. See **Criterion c** above.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The proposed project would not cause the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. See **Criteria a through d** above.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) Would the proposed project conflict with or obstruct implementation of the applicable air quality plan?

The proposed project would not result in an increase in vehicle trips at De Anza College and therefore would not cause an increase in long term air pollution emissions. Consequently, the project would not conflict with the 2010 Clean Air Plan (BAAQMD 2010a).

b) Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Project Construction. The 2010 BAAQMD CEQA Guidelines (BAQMD 2010b) identify screening criteria which provide a Lead Agency with a conservative indication of whether a proposed project would result in the generation of construction-related criteria pollutants and/or precursors that exceed the

thresholds of significance. If a project meets all three screening criteria identified below, the project is not considered by BAAQMD to generate significant construction-related criteria air pollutants and/or precursors:

1. The project is below the applicable screen level size – a garden is not listed in Table 3-1 of the 2010 BAAQMD CEQA Guidelines.

2. All Basic Construction Mitigation Measures would be included in the project design and implementation during construction – (see **Mitigation Measure 3.1**).

3. Construction-related activities would not include any of the following:
    - Demolition;
    - Simultaneous occurrence of more than two construction phases;
    - Simultaneous construction of more than one land use type;
    - Extensive site preparation; or
    - Extensive material transport.

The proposed project would meet all three screening criteria and with implementation of **Mitigation Measure 3.1**, construction-related air quality impacts would be reduced to a less than significant level.

Project Operation. The proposed project is the rehabilitation of an existing sunken garden located on the De Anza College campus; the sunken garden would not generate air pollution emissions.

c) Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

The proposed project would not generate significant construction-related air pollution emissions and would not generate any operational air pollution emissions (see **Criterion b** above). Based on the 2010 BAAQMD CEQA Guidelines, the proposed project is expected to have less-than-significant cumulative air quality impacts.

d) Would the proposed project expose sensitive receptors to substantial pollutant concentrations?

Land uses such as schools (K-12), children's day centers, hospitals and convalescent homes are considered to be more sensitive than the general public to poor air quality because the population groups associated with these uses are more susceptible to respiratory distress. There are no sensitive receptors located within a 1,000 foot radius (as per BAAQMD standards) of the sunken garden.

As discussed in **Criterion b** above, project construction activities would generate less-than-significant construction-related criteria air pollutant and/or precursors (with implementation **of Mitigation Measure 3.1**) and therefore would not expose sensitive receptors to substantial pollutant concentrations.

e) Would the proposed project create objectionable odors affecting a substantial number of people?

Some objectionable odors may be generated from the operation of diesel-powered construction equipment during the two-month construction period. However, these odors would be short term. On average, air movement in this area is from the west and northwest. Under most meteorological conditions encountered at the project site, these odors would likely be diluted sufficiently in odor-free air and would not be perceived by individual receptors in surrounding areas, including the nearest sensitive receptor (locations discussed in **Criterion d**). Therefore, any objectionable odors due to diesel-powered construction equipment at the project site are considered to be less-than-significant.

Mitigation Measure

3.1 According to the 2010 BAAQMD Guidelines, implementation of the following *Basic Construction Mitigation Measures* would reduce construction period impacts to a less-than-significant level.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

References

Bay Area Air Quality Management District (BAAQMD). 2010a. *Clean Air Plan*. Adopted September 15, 2010.

———. 2010b. California Environmental Quality Act (CEQA) Air Quality Guidelines. June 2010.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The proposed project would not have a substantial adverse effect on any species identified as candidate, sensitive or special status by the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS) or local plans, policies and regulations. The project site contains an existing sunken garden that is surrounded by the De Anza College campus.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site does not contain riparian habitat or sensitive natural communities. See **Criterion a** above.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site does not contain federally protected wetlands. See **Criteria a** and **b** above.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project would not interfere with the movement of native resident or migratory fish or wildlife species. The project site is located on the De Anza College campus, which is surrounded by residential and commercial development.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project is located on the De Anza College campus and is not subject to City of Cupertino policies or ordinances. The project would remove approximately nineteen (19) trees located in the sunken garden. A Coast Live Oak tree would be planted on either side of the west stairway and twenty-four (24) Callery Pear trees would be located in the sunken garden for a total of twenty-six (26) new trees planted. The existing oak trees located on either side of the east stairway and the existing crepe myrtle trees located at the southern portion of the sunken garden would be retained.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is not within the boundaries of any conservation plan, and would not conflict with any habitat conservation plan or natural community conservation plans.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

A historic resources investigation was undertaken by Thomas Rex Hardy, AIA, Historical Architect and Robert Bruce Anderson, Urban Conservation & Urban Design to determine potential impacts to historic resources at the sunken garden site (see **Appendix A**). Mr. Hardy and Mr. Anderson inspected the sunken garden and immediate setting on January 11, 2001, and Mr. Anderson conducted a second inspection on March 30, 2011.

The sunken garden was part of the 70-acre vineyard estate started by Charles Baldwin in 1887. San Francisco architect Willis Polk was retained to design a French Neo-Classical country estate inspired by the work of the French landscape architect, Le Notre, and the buildings at Versailles. Polk's design for the Baldwin estate consisted of a new main house, later named "Le Petit Trianon"; sunken gardens with a large fountain and perimeter balustrade; two small cottages, one serving ranch headquarters and the other as living quarters for servants; and stables. Existing structures on the estate included a Victorian farmhouse, barn and wine cellar which were incorporated into the ca. 1902 site plan.

Surviving structures include "Le Petit Trianon", which was relocated in 1975 to a new site to the west of the sunken garden and today houses the California History Center; a portion of the sunken garden's perimeter cement balustrade, three (3) vases and four (4) benches; and the wine cellar, which is a two-level structure known today as the Baldwin Winery building and houses De Anza College offices and services.

"Le Petit Trianon" was listed in the National Register of Historic Places in 1972. In 1992, the State Office of Historic Preservation concurred with a finding of James Williams, then Executive Director of the California History Center, that a historic district consisting of the estate's two cottages, the original site of "Le Petit Trianon", and the remaining cement balustrade of the Baldwin estate was eligible for listing in the National Register of Historic Places. However, subsequent to the State's concurrence with

Mr. Williams finding, the original site of "Le Petit Trianon" now contains the Flint Center and one of the estate's two cottages have come down. The remaining "East Cottage" restoration is almost complete, having undergone a complete historic renovation & reconstruction program.

Because the estate's original site of "Le Petit Trianon" and one of the two original estate cottages no longer exist, and therefore could not be considered as contributors to a historic district, it is highly unlikely that the sunken garden, as it presently exists, would meet the criteria of the California or National Register as a bona fide contributor to a historic district.

The proposed rehabilitation of the sunken garden could result in potentially significant impacts to the remaining significant historic elements of the sunken garden which include the three (3) historic vases, the balustrades, and the four (4) historic benches. This is considered a potentially significant impact. With implementation of **Mitigation Measure 5.1,** potentially significant impacts to the three (3) historic vases, the balustrades and the four (4) historic benches would be reduced to a less-than-significant level.

The proposed project would introduce new features into the sunken garden including paving, an accessible ramp, landscaping, "historic style" lights, in-grade up-lighting, "historic style" benches, "story" panels, and trash and recycle receptacles. Because the sunken garden presently is able to convey its historical significance solely on the basis of its remaining fragments, namely, three (3) vases, four (4) benches and what's left of the original balustrades, it becomes more important that the proposed improvements do not introduce new features whose presence will become a distraction from, or compete for attention with, the historic resources. The introduction of new or replacement features that represent potential distractions to the remaining historic resources is considered a potentially significant impact. With implementation of **Mitigation Measure 5.2**, potentially significant impacts to the overall historic integrity of the remaining significant historic elements of the sunken garden would be reduced to a less-than-significant impact.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

An archaeological investigation was undertaken by Holman & Associates to determine potential impacts on buried or obscured archaeological resources (see **Appendix B**). A visual inspection of the sunken garden area was conducted by Miley Holman on January 11, 2011. Due to the extensive amount of asphalt pavement in the sunken garden, soils are visible only at the base of planted trees and at locations along the walls where imported vegetation has not completely covered the ground. Where visible, the soils are a mixture of imported topsoil and native clays.

Most of the proposed improvements would not have an adverse affect on buried or obscured archaeological resources because the sunken garden was excavated into the original elevations of the former estate lands, digging through and removing the developed topsoils, which might have contained prehistoric cultural resources in the past. Additionally, this part of Cupertino has a low potential for containing prehistoric archaeological resources, and a low to moderate potential for containing historic archaeological resources. However, with the removal of the center section of the south wall during Phase 2 construction activities, if these construction activities extend outside of the existing footprint of the

sunken garden or require extensive excavation within the sunken garden area there is the potential that unknown archaeological resources could be disturbed and this is considered a potentially significant impact. With implementation of **Mitigation Measure 5.3**, potential significant impacts to unknown archaeological resources would be reduced to a less than significant level.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic formation?

The sunken garden site and the entire De Anza College campus has undergone extensive site disturbance over the years (see **Criterion b** above). The project site does not contain paleontological resources or unique geologic formations.

d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

There are no human remains known to be present at the project site and the potential for their presence is very low.

Mitigation Measures

Historic Architectural Resources

5.1 *Historic Resources*. Because there have been many changes to the sunken garden, and because the sunken garden presently is able to convey its historical significance solely on the basis of its remaining fragments: three (3) vases, four (4) benches and what remains of the original balustrades, the proposed project shall include the following measures to protect and rehabilitate the remaining historic resources:

- Best management practices require that the three (3) vases, four (4) benches and the balustrades be accorded appropriate protection during all phases of project construction.

- An accredited historic materials conservator shall be retained prior to construction activities to conduct and complete a survey of the existing conditions of the three (3) vases, the four (4) benches, and the balustrades. During the removal of vines, the accredited historic materials conservator shall be on-site to monitor vine removal. Recommendations made by the on-site monitor shall be implemented.

- Because the four (4) benches have remained undisturbed at their present locations since their initial installation at the end of the 19th century, on-site monitoring by an accredited historic materials conservator shall be required during the removal of existing paving materials and installation of new paving materials. Recommendations made by the on-site monitor shall be implemented.

5.2 *New and Replacement Features*. The following guidelines for the installation of new furniture, fixtures and other objects within the sunken garden shall be implemented:

- The design of new or replacement features shall be minimalist in character; i.e. the design should not suggest or emulate styles or motifs from other periods. For example, light fixtures whose design conveys "Main Street America" only confuses or unintentionally invites comparison with the much different historic setting of the sunken garden.

- The new or replacement features shall appear to be lightweight; i.e. not bulky, heavy or oversized. For example, new benches or other types of seating should not read as massive or heavy objects.

- The new or replacement features shall avoid dark colors, e.g. forest green, royal blue, and shall employ materials and finishes that are basic, unassuming and refined in appearance, e.g. brushed metal. Objects possessing shiny or reflective surfaces shall be avoided, e.g. plastic or petroleum-based trash and recycle receptacles.

Archaeological Resources

5.3 In the event that any of the archaeological materials identified below are discovered during project construction, work shall be halted in the area of the find and a qualified professional archaeologist shall be contacted for further review and recommendations.

Historic Materials: concentrations of historical materials associated with dump sites, filled in wells and/or privy pits, sheet scatters of historic debris associated with the original construction of "Le Petit Trianon"; and any architectural features associated with the construction of the garden or adjacent structures.

Prehistoric Materials: darker than surrounding soils of a friable nature showing concentrations of stone, bone or shellfish; evidence of fires (ash, charcoal, fire affected earth); artifacts of stone, bone or shellfish; evidence of Native American structures (fire pits, cache pits, house floors); and any burials, either human or animal.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a know fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit of soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS (cont.)				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

a) Would the project expose people or structures to potential substantial adverse affects, including the risk of loss, injury, or death?

(i) There are no known active faults within the De Anza College campus; therefore the sunken garden would not be subject to impacts involving fault rupture (Foothill De Anza Community College District 2002).

(ii) The campus would be subjected to ground shaking in the event of a major earthquake on any of the faults in the region (Foothill De Anza Community College District 2002). The proposed project must comply with the latest version of the Uniform Building Code and Division of the State Architect requirements. These requirements would reduce potential impacts due to seismic shaking to a less-than-significant level.

(iii) Geotechnical investigations conducted at the northwest and southeast parts of the De Anza College campus found that these sites are underlain by predominantly non-saturated, medium dense to very dense gravelly clayey to silty sands to a depth of a least 20 feet (Foothill De Anza Community College District 2002). A more recent geotechnical investigation conducted to the west of the sunken garden (the site of the Mediated Learning Center) found this site to be underlain by predominantly non-saturated, medium dense to very dense gravelly clayey to silty sands to a depth of at least 45 feet. Based on this evidence, and the uniform topography of the campus, the likelihood of soil liquefaction during strong ground shaking at the project site is low (Cleary Consultants, Inc. 2008).

(iv) The De Anza College campus is essentially flat and the project site is excavated three (3') to eight (8') feet below surrounding grades. Given the lack of relief surrounding the sunken garden, there is no significant landslide or slope instability risk.

b) Would the project result in substantial soil erosion or the loss of topsoil?

The proposed improvements to the sunken garden would require minimal grading and construction activities would be short-term, about two (2) months. Because the project site is located from about three

(3') to eight (8') feet below surrounding grades, soil disturbance would be contained within the garden walls and soil erosion would not be expected.

c) Would the project be located on a geologic unit of soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or-offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

Geotechnical investigations conducted in the northwest and southeast parts of the campus concluded that because of the flat topography and the predominantly dense condition of the subsurface soils, soil densification, lateral spreading and ground cracking are considered unlikely (Foothill-De Anza Community College District 2002).

d) Would the project be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?

The geotechnical investigation prepared for the Flint Center Parking Structure (northwest of the sunken garden) found that the near surface clayey sand to sandy clay materials have a moderate expansion potential; and the geotechnical investigation prepared for the Instructional Facility C (southeast part of campus) found that the near surface clayey to silty sand materials have a low expansion potential (Foothill-De Anza Community College District 2002). The proposed project must comply with the latest version of the Uniform Building Code and Division of the State Architect requirements, related impacts associated with expansive soil would be less-than-significant.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The project consists of the rehabilitation of the existing sunken garden; it does not require waste water disposal service.

Mitigation Measures

None required.

References

Cleary Consultants, Inc. 2008. *Mediated Learning Center, De Anza Community College, Preliminary Geotechnical Recommendations*. August 19, 2008.

Foothill De Anza Community College District. 2002. *De Anza College Facilities Master Plan*. Prepared by Impact Sciences, Inc. March 27, 2002.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

a) Would the proposed project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The 2010 BAAQMD CEQA Guidelines does not have an adopted threshold of significance for construction-related greenhouse gas emissions (GHG) although the 2010 BAAQMD CEQA Guidelines recommend that the Lead Agency quantify and disclose GHG emissions that would occur during project construction, and make a determination on the significance of these construction-related GHG emission impacts in relation to meeting GHG reduction goals. As discussed in **Section 3 Air Quality**, **Criterion b**, the project would result in less-than significant air quality impacts with mitigation. The proposed rehabilitation of the sunken garden would result in very limited construction activities within the confines of the sunken garden which is approximately 30,000 square feet in size. GHG from construction activities would be short-term and would be expected to generate a less-than-significant impact.

To further reduce GHG impacts due to project construction, both the 2010 BAAQMD CEQA Guidelines and the California Air Pollution Controls Officers Association (CAPCOA) document *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA 2010) recommend implementation of mitigations identified in **Mitigation Measure 7.1**.

The proposed rehabilitation of the sunken garden would not generate operational GHG. There would be no increase in vehicle trips on campus due to the proposed project and the new irrigation system, fountain upgrades and lighting would be more energy efficient than the existing facilities.

b) Would the proposed project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed in **Criterion a** above, the proposed project would have a less-than-significant impact on climate change. The proposed project would not conflict with applicable plans, programs, policies and regulations including the City of Cupertino General Plan (2005), Bay Area Climate Change Compact, as well as the statewide AB 32 Scoping Plan. As discussed in the **Project Description**, the proposed project would replace nineteen (19) existing trees located in the sunken garden, most of which are in fair to poor condition with twenty-six (26) new trees and would replacing existing shrubs with new California

native shrubs. With implementation of **Mitigation Measure 7.1**, project-generated GHG would be further reduced.

Mitigation Measure

7.1 To further reduce project-generated GHG emissions for construction-related activities the following best management practices should be implemented to the extent feasible:

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
- Use local (within 100 miles) building materials of at least 10 percent; and
- Recycle at least 50 percent of construction waste or demolition materials.

References

Bay Area Air Quality Management District (BAAQMD). 2010. *California Environmental Quality Act (CEQA) Air Quality Guidelines*. June 2010.

California Air Pollution Controls Officers Association (CAPCOA). 2010. *Quantifying Greenhouse Gas Mitigation Measures.* August 2010.

City of Cupertino. 2005 *City of Cupertino General Plan 2000 – 2020.* Adopted November 15, 2005. www.cupertino.org/index.aspx?page=709.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

8. HAZARDS AND HAZARDOUS MATERIALS (cont.)	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

a) Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

The proposed project is the rehabilitation of the existing sunken garden located on the De Anza College campus. Construction debris removed from the project site and transported off the campus would not contain hazardous materials.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed project would not involve the use of hazardous materials. Therefore, it would not involve any reasonably foreseeable upset or accident involving the release of hazardous materials into the environment.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The proposed project is the rehabilitation of the existing sunken garden located on the De Anza College campus. The project would not emit hazardous emissions or cause to be handled any hazardous materials, substances or waste.

d) Would the project be located on a site for which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project is not included on the Department of Toxic Substance Control's site cleanup list (DTSC 2011) as per Government Code Section 65962.5.

e) Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The De Anza College campus is not located within two (2) miles of a public airport. The closest public airport is San Jose International Airport, located about seven (7) miles northeast of the campus (Google Maps 2011). The campus is not located within the Airport Land Use Plan boundaries for San Jose International Airport.

f) Would the project be within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The De Anza College campus is not located within two (2) miles of a private airstrip (Google Maps 2011).

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would not interfere with De Anza College or City of Cupertino emergency response or evacuation plans.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located on the central part of the De Anza College campus in Cupertino; the project is not adjacent to any wildland areas. The project would not expose humans or structures to wildland fires.

Mitigation Measures

None required.

References

California Department of Toxic Substances Control. 2010. *DTSC's Hazardous Waste and Substances Site List (Cortese List)*. Available at: www.dtsc.ca.gov. Viewed on March 7, 2011.

Google Maps. Viewed on March 7, 2011.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY (cont.)				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) Would the project violate any water quality standards or waste discharge requirements?

The proposed project would not result in potential violations of water quality standards. The State NPDES stormwater permitting program regulates stormwater quality from construction sites. The State Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and the use of appropriate best management practices (BMPs) for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Construction General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). This permit went into effect July 1, 2010 and replaces Order No. 99-08-DWQ. The proposed project would disturb less than one acre (0.7 acre) and therefore would not

require coverage under Construction General Permit Order 2009-0009-DWQ. As discussed in the **Project Description**, a SWPPP will be prepared for the project.

The project would comply with water quality standards and the potential for an accidental chemical release is considered a less-than-significant impact.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)

The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater table. With the proposed project, impervious surface would be similar to or slightly less than with existing conditions.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

The project would not substantially alter the existing drainage pattern of the site or area. Currently, existing inlets within the sunken garden collect stormwater runoff which is conveyed to the campus storm drain system. The proposed project would retain the existing number and location of existing inlets located in the sunken garden. During construction activities, inlets would be protected to prevent sediment and chemical releases from entering the inlets as specified in the SWPPP. The proposed project would not result in substantial erosion or siltation on- or off-site.

d) Would the project substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

There has been no reported problems associated with flooding within the sunken garden during storm events. With project completion, impervious surface would be similar or slightly less than with existing conditions; and there would not be an increase in stormwater runoff due to the project. The proposed project would not result in flooding on- or off-site. See **Criteria b** and **c** above.

e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not result in an increase in site runoff. See **Criteria b through d** above.

f) Would the project otherwise substantially degrade water quality?

The overall water quality of the local receiving waters is not expected to be substantially degraded as a result of the project. See **Criteria b through e** above.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

There is no housing proposed on the project site.

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

De Anza College is not within a 100-year flood hazard area (Foothill-De Anza Community College District 2002).

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

De Anza College is not within a dam inundation area (Foothill-De Anza Community College District 2002).

j) Would the project expose the site to inundation by seiche, tsunami, or mudflow?

The De Anza College campus would not be exposed to inundation by seiche, tsunami or mudflow (Foothill-De Anza Community College District 2002).

Mitigation Measures

None required.

References

Foothill-De Anza Community College District. 2002. *De Anza College Facilities Master Plan Draft Environmental Impact Report*. Prepared by Impact Sciences, Inc. March 27, 2002.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) Would the project physically divide an established community?

The project consists of the rehabilitation of the existing sunken garden on the De Anza College campus. The project would not physically divide the existing college campus or surrounding neighborhood.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project is exempt from City of Cupertino land use controls; however, the project would not conflict with the City of Cupertino General Plan (City of Cupertino 2005).

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The project would not conflict with any applicable habitat conservation or natural community conservation plans.

Mitigation Measures

None required.

References

City of Cupertino. 2005. *City of Cupertino General Plan 2000 – 2020*. Adopted November 15, 2005. www.cupertino.org/index.aspx?page=709.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The De Anza College campus is designated Public Facility by the Cupertino General Plan. The proposed project would not adversely affect any mineral resources of value to the state or region.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

See **Criterion a** above. The project would not adversely affect any locally-important mineral resources.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan, specific plan, noise ordinance or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan, specific plan, noise ordinance or applicable standards of other agencies?

De Anza College is not governed by the local noise standards as they are exempt from local land use regulations and, therefore, would not be subject to the City of Cupertino noise ordinance. The District's Addendum to the Environmental Impact Report for the De Anza College 2007 Facilities Master Plan, Christopher A. Joseph, March 2008 defines acceptable work hours and noise restrictions.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The type of equipment used during project construction activities (see **Table 1** in the **Project Description**) would not generate excessive groundborne vibration or groundborne noise levels for surrounding college facilities and is considered to be less-than significant. The nearest residences are located approximately one-quarter mile from the project site and would not be exposed to excessive groundborne vibration or noise levels.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Upon completion of construction activities associated with the rehabilitation of the sunken garden, there would be no change in ambient noise levels at the sunken garden.

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

While project construction activities would be short-term (about two months) and would require a limited amount construction equipment (see **Table 1** in the **Project Description**), surrounding college facilities such as the Library and Learning Center West, would experience a temporary increase in noise levels which could affect students and staff utilizing campus facilities surrounding the sunken garden. This is considered a potentially significant impact. With implementation of **Mitigation Measure 12.1**, potentially significant construction noise impacts would be reduced to a less than significant level. The nearest residences are located more than one-quarter mile from the project site and project construction noise would be imperceptible at nearby residences.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The De Anza College campus is not located within the San Jose International Airport land use plan or within two (2) miles of this airport or other public airports.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The De Anza College campus is not located within the vicinity of a private airstrip.

Mitigation Measures

12.1 Project contractors shall limit construction activities as follows:

- Equipment and truck use shall utilize the best available noise control techniques (e.g., improved mufflers, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.
- Impact tools (e.g., jack hammers, pavement breakers) shall use an exhaust muffler on the compressed air exhaust.

References

Foothill-De Anza Community College District. 2008. *Addendum to the De Anza College 2007 Facilities Master Plan Draft Environmental Impact Report.* Prepared by Christopher A. Joseph. March 2008.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

The project would rehabilitate the existing sunken garden located on the De Anza College campus. The project would not induce substantial population growth either directly or indirectly.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The proposed project site contains the existing sunken garden. The project would not displace any existing housing.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project would not displace any people. See **Criterion b** above.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Discussion

a) Fire protection?

The proposed project would not adversely affect fire protection services.

b) Police protection?

The proposed project would not adversely affect police protection services.

c) Schools?

The proposed project would not result in any direct or indirect increase in the residential population of the area; therefore, there would be no impact on K-12 schools.

d) Parks?

The proposed project would not result in any direct or indirect increase in the residential population of the area; therefore, there would be no increase in demand for parkland.

e) Other public facilities?

The project would not adversely affect other public facilities.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project would not result in a direct or indirect increase in the student population on the De Anza College campus. Therefore, the project would not cause an increase in the use of neighborhood and regional parks.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

The sunken garden rehabilitation would not include recreational facilities.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/CIRCULATION. Would the proposal result in:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/CIRCULATION (cont.)				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Discussion

a) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The proposed project would not result in an increase in vehicle trips at the De Anza College campus; therefore it would not conflict with any applicable transportation plans, policies or standards.

b) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The proposed project would not cause an increase in vehicle trips and; therefore would not conflict with applicable congestion management plans.

c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed project would not affect existing air traffic patterns.

d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project design would not substantially increase hazards on the campus.

e) Result in inadequate emergency access?

The proposed project would not affect emergency access on the De Anza College campus.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The proposed project would install a new accessibility ramp consistent with current ADA standards.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The proposed project is the rehabilitation of the existing sunken garden and would not generate wastewater. The project would not affect wastewater treatment requirements.

b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed project is the rehabilitation of the existing sunken garden and would not affect water or wastewater treatment facilities.

c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed project is the rehabilitation of the existing sunken garden and would not require the expansion of existing storm water drainage facilities on the campus or off campus.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The proposed project would install a new irrigation system in the sunken garden that would be more efficient than the existing irrigation system. Irrigation water consumption would be similar or less than with existing conditions.

e) Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project would not generate wastewater and therefore would not affect the ability of Cupertino Sanitary District to serve its existing commitments.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

During project construction, construction waste would be recycled, as feasible. The remaining small amount of construction waste is not anticipated to adversely affect landfill capacity.

g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The project would comply with federal, state and local statutes and regulations related to solid waste.

Mitigation Measures

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The proposed project would not degrade the quality of the environment or adversely affect biological resources. The project has the potential to adversely affect historic architectural resources and archaeological resources. This is considered a significant impact.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

The Project would not result in significant cumulative impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The Project would result in the following potentially significant impacts: air quality (during construction); cultural resources including historic architectural resources and archaeological resources (during construction); greenhouse gas emissions (during construction); and noise (during construction). With implementation of the recommended mitigation measures identified in this Initial Study, potentially significant impacts would be reduced to a less than significant level.

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De Anza College
21250 Stevens Creek Blvd.
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San Jose, CA 95110

San Francisco Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

State Clearinghouse
1400 Tenth Street, Suite 222
Sacramento, CA 95814

APPENDIX A

SUNKEN GARDEN SIGNIFICANT HISTORIC RESOURCES AND POTENTIAL PROJECT IMPACTS

Significant Historic Resources
and
Potential Project Impacts

Rehabilitation of

Sunken Garden

at

De Anza College

Prepared for

Placemakers
Land Use and Environmental Planning

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Thomas Rex Hardy, AIA
Historical Architect
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Urban Conservation & Urban Design

San Francisco

April 2011

Contents

Report Summary

This report has a twofold purpose: first, to identify and describe existing significant historic resources of the Sunken Garden, which is located at De Anza College in Cupertino, California; and second, to evaluate the potential impact of a proposed rehabilitation project at the Sunken Garden on the integrity of its historically-significant resources, per applicable provisions of the California Environmental Quality Act (CEQA). An adverse impact on the integrity of the Sunken Garden's historic resources would impair or diminish their ability to convey their historical significance.

The proposed rehabilitation project consists of proposed improvements to an area of the De Anza College campus that commonly is referred to and recognized historically as the Sunken Garden. Historic resources of the Sunken Garden remain today as but fragments from their original design and installation within the country vineyard estate of Charles and Ella Baldwin, founded in 1887 and referred to as "Beaulieu". These remaining fragments at the Sunken Garden include portions of the balustrade, three vases, and four benches.

The proposed rehabilitation project specifically calls for the following interventions and landscape improvements:

- Protection and preservation of the historic balustrades, vases and benches;
- Removal of existing asphalt pavement, to be replaced with installation of scored concrete pavement, granite cobble bands, compacted crushed gravel, and other paving materials;

- Removal of an existing accessibility ramp, to be replaced with installation of a rebuilt, code-compliant accessibility ramp;
- Removal of the existing turf, bushes and other plant materials, to be replaced with installation of new turf areas, shade-tolerant native plant materials, and "orchard" trees;
- Protection and preservation of an existing oak trees, and installation of additional oak trees;
- Installation of a new irrigation system;
- Removal of existing non-historic benches and trash receptacles, to be replaced with installation of contemporary benches and trash receptacles;
- Installation of new light fixtures for walkways and up-lighting of "orchard" and oak trees;
- Installation of new signage and interpretive tile pavers; and
- Retention and upgrading of the existing non-historic fountain
- Reconfiguration of a portion of the Sunken Garden's south wall, resulting in a slight encroachment into the garden

For this project to rehabilitate the Sunken Garden, The Foothill-De Anza Community College District retained the services of Joni L. Janecki & Associates, Inc., Santa Cruz, and Architectural Resources Group, Inc., San Francisco.

Because there have been so many changes to date in the lifetime of the Sunken Garden, and because the Sunken Garden presently is able to convey its historical significance solely on the basis of its remaining fragments, namely, three vases, four benches and what's left of the original balustrades, it becomes even more important that the proposed improvements do not introduce new features

whose presence will become a distraction from, or compete for attention with, the historic resources. Accordingly, the report provides guidelines regarding the introduction and installation of new and replacement features in addition to measures specifically geared to the protection and rehabilitation of the Sunken Garden's remaining historic resources.

So long as the historic resources of the Sunken Garden are preserved and protected consistent with the guidelines and measures as itemized above, the proposed project to rehabilitate the Sunken Garden can be considered as mitigated to a level of less than a significant impact with respect to historic resources pursuant to Section 15064.5 (b) (3) of Article 5 of the Guidelines for the California Environmental Quality Act.

Methodology

This report was prepared by Robert Bruce Anderson and Thomas Rex Hardy, AIA. Mr. Anderson is an urban designer and conservationist who specializes in the application and interpretation of design standards and guidelines with respect to historic properties and cultural landscapes. Mr. Hardy is a registered architect in the State of California, whose practice focuses on the design, materials and adaptive use of historic structures. Mr. Anderson and Mr. Hardy meet The Secretary of the Interior's Professional Qualifications Standards for Historic Architecture, Historic Preservation Planning and/or Architectural History per the Code of Federal Regulations, 36 CFR Part 61.

Mr. Anderson and Mr. Hardy initially inspected the Sunken Garden and its immediate setting, located on the campus of De Anza College, Cupertino, California, on January 11, 2011. Mr. Anderson conducted a brief site visit and second inspection on March 30, 2011. Meetings were conducted with Patricia Jeffery of Placemakers and senior staff of De Anza College on January 11, 2011, and with Stephen Farneth and Adria Oswald of Architectural Resources Group, Inc., on January 17, 2011. Consultations by telephone occurred with Mary Hardy, an architectural conservator, and with Molly Lambert, owner of Architectural Conservation, Inc.

The historic, black-and-white photographs contained in this report appeared in a 1902 issue of *House and Garden*. All of the contemporary photographs that appear in this report were taken in January and March, 2011, by the report's authors.

As described in greater detail in the next section of this report, under the heading **Project Description**, the primary intent or objective of this project is rehabilitation and adaptive use of the Sunken Garden at De Anza College. Accordingly, the methodology employed in this report consists of the following principal tasks: 1) an identification and description of character-defining features or elements present in

the Sunken Garden possessing historical significance; 2) a review of proposed landscape improvements whose realization potentially could alter or otherwise impact character-defining features of the Sunken Garden that possess historical significance; and 3) an evaluation of the potential impact of proposed improvements on the integrity of the Sunken Garden's historically-significant resources, per applicable statutory provisions of the California Environmental Quality Act (CEQA). An adverse impact on the integrity of the Sunken Garden's historic resources would impair or diminish their ability to convey their historical significance.

The methodology of this report is expressly responsive to Section 15064.5, Article 5, of CEQA Guidelines, "Determining the Significance of Impacts on Historical and Unique Archeological Resources". Accordingly, this evaluates potential impact(s) of the proposed project's rehabilitation of the Sunken Garden upon its existing historic resources as directed by paragraph (b) (3) of Section 15064.5: "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource".

Project Description

This project consists of a series of actions and numerous improvements that are intended to rehabilitate an existing landscaped area at De Anza College in Cupertino, California, an area of the campus that is commonly referred to and recognized historically as the Sunken Garden. As indicated elsewhere in this report, in a section that is entitled **Resource Descriptions**, character-defining historic resources of the Sunken Garden remain today as but fragments from their original installation within the vineyard estate of Charles and Ella Baldwin, founded in 1887 and referred to by the Baldwins as "Beaulieu". These remaining fragments from the historic Sunken Garden include portions of the balustrade, three vases, and four benches.

In addition to providing specific measures designed to protect and preserve the historically-significant fragments of the Sunken Garden as listed above, this rehabilitation project also consists of realizing extensive changes to the existing design and other character-defining features of the Sunken Garden. For this rehabilitation project, The Foothill-De Anza Community College District retained the services of Joni L. Janecki & Associates, Inc., Santa Cruz, and Architectural Resources Group, Inc., San Francisco.

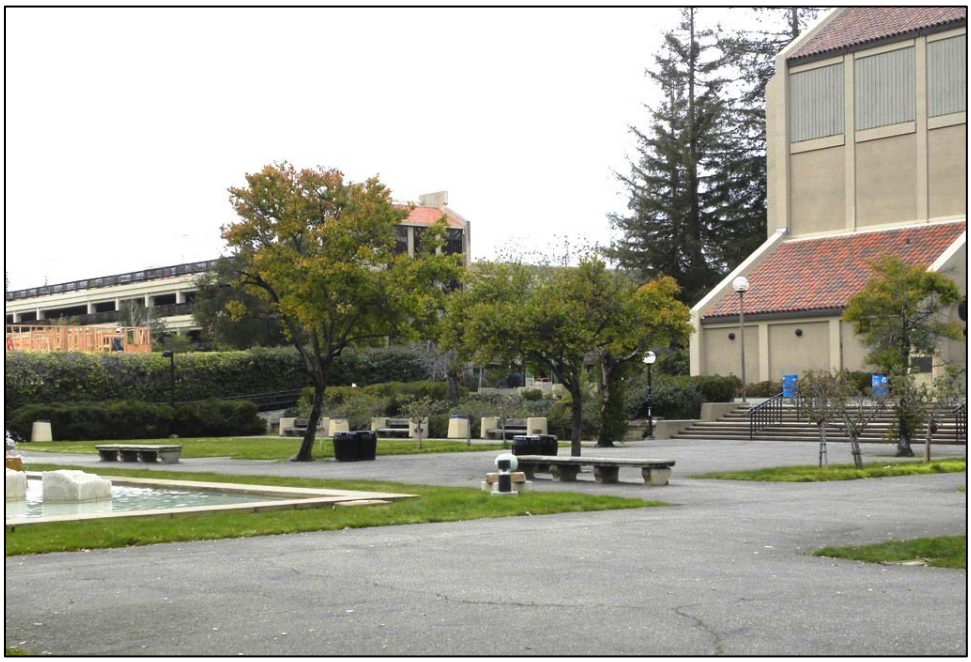
As delineated by these two design firms and their consultants, the project's scope of work for rehabilitation of the Sunken Garden can be summarized as follows:

- Protection and preservation of the historic balustrades, vases and benches
- Removal of the existing asphalt pavement, to be replaced with installation of scored concrete pavement, granite cobble bands, compacted crushed gravel, and other paving materials
- Removal of the existing accessibility ramp, to be replaced with installation of a rebuilt, code-compliant accessibility ramp

- Removal of the existing turf, bushes and other plant materials, to be replaced with installation of new turf areas, shade-tolerant native plant materials, and "orchard" trees
- Protection and preservation of the existing oak trees, and installation of additional oak trees
- Installation of a new irrigation system
- Removal of the existing non-historic benches and trash receptacles, to be replaced with installation of contemporary benches and trash receptacles
- Installation of new light fixtures for walkways and up-lighting of "orchard" and oak trees
- Installation of new signage and interpretive tile pavers
- Retention and upgrading of the existing non-historic fountain
- Reconfiguration of a portion of the Sunken Garden's south wall, resulting in a slight encroachment into the garden

Above:
Sunken Garden, looking west toward relocated Le Petit Trianon. Two historic benches are visible. Note the rectangular fountain and contemporary sculptural elements.

Below:
Sunken Garden, looking northwest. Flint Center is on the right, with pair of historic benches in foreground.



Resource Description

Contextual Overview

The subject historic resource of this report, a landscaped area now commonly referred to as the Sunken Garden, originally was constructed as part of the 70-acre vineyard estate that was started by Charles Baldwin in 1887. This section of the report presents an overview of the Sunken Garden's historical development and brief descriptions of its character-defining features.

In 1886, Baldwin retained the San Francisco architect, Willis Polk, to design a French Neo-Classical country estate in Cupertino inspired by work of the French landscape architect, Le Nôtre, and the buildings at Versailles. Polk's design for the Baldwin estate consisted of a new main house, later named "Le Petit Trianon"; sunken gardens with a large fountain and perimeter balustrade; two small cottages, one serving as ranch headquarters and the other as living quarters for servants; and stables. Polk's ca. 1902 site plan incorporated existing structures of Baldwin's vineyard estate, consisting of a Victorian farmhouse, a barn, and a wine cellar.

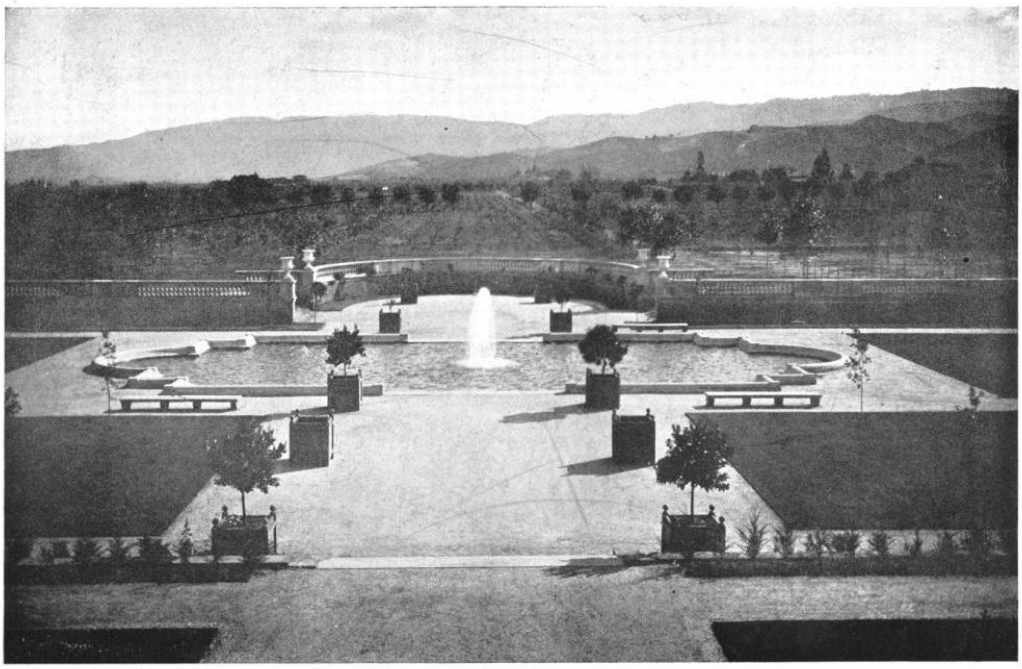
Surviving original structures from Polk's ca. 1902 site plan include "Le Petit Trianon", which today houses the California History Center; a portion of the Sunken Garden's perimeter cement balustrade, three vases, and four benches; and the wine cellar, which is a two-level structure known today as the winery building. In preparation of this report, research and consulted sources did not identify an architect and/or builder of the winery structure.

"Le Petit Trianon" was listed in the National Register of Historic Places in 1972. In 1992, the State Office of Historic Preservation concurred with a finding of James Williams, then Executive Director of the California History Center and Foundation, that

a historic district consisting of the estate's two cottages, the original site of "Le Petit Trianon", and the remaining cement balustrade of the Baldwin estate was eligible for listing in the National Register of Historic Places. However, subsequent to the State Office's 1992 letter stating its concurrence with Mr. Williams finding, the estate's two cottages have come down.

In 2006, the cottage which originally had served as ranch headquarters, designed by Willis Polk and often referred to in source materials as Cottage No. 2 or the West Cottage, was demolished as part of the College's plan to improve campus traffic circulation. In 2010, the cottage which originally had served as servants quarters, also designed by Willis Polk and often referred to as Cottage No. 1 or the East Cottage, experienced a structural failure and completely collapsed when undergoing rehabilitation for planned adaptive use. It presently is undergoing reconstruction.

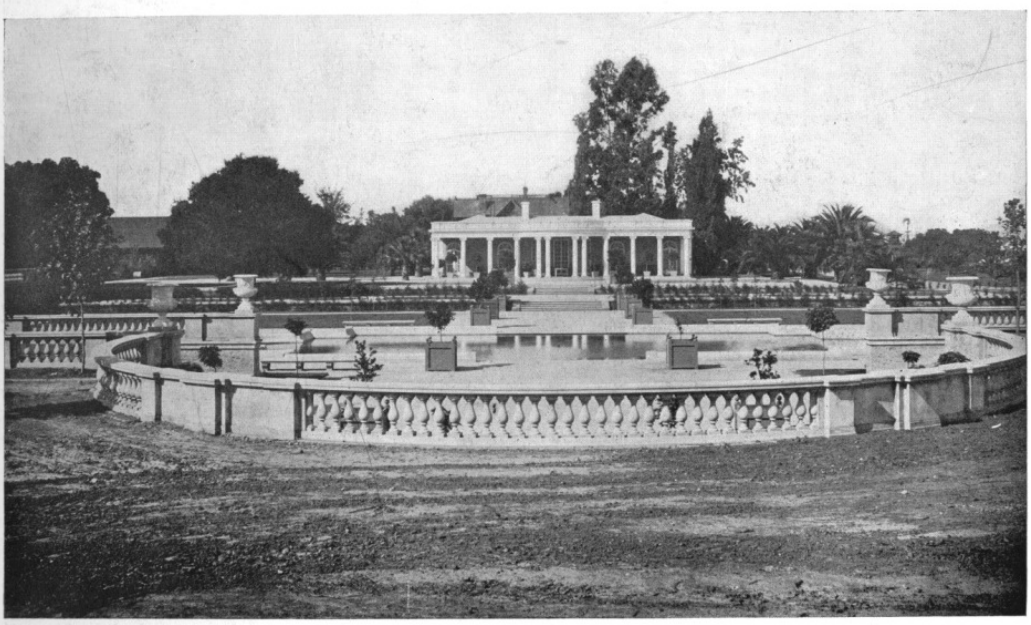
In the following sections, character-defining features of the Sunken Garden are described and illustrated in detail, in terms of their historical development and the fragments that still exist. Based upon a review of historic photographs, the Sunken Garden, since its original design and construction, has experienced numerous substantial alterations and changes. Just as the two original estate cottages no longer exist, and therefore could not be considered as contributors to a historic district per eligibility criteria of either the California Register of Historical Register or the National Register of Historic Places, it is highly unlikely that the Sunken Garden, as it presently exists, would meet eligibility criteria of the California or National Register as a bona fide contributor to a historic district.



THE POOL

ABOVE:
The historic Sunken Garden looking south, 1902.

BELOW:
The historic Sunken Garden looking north to Le Petit Trianon, 1902. Note the four historic vases, and semi-circular balustrade in foreground.



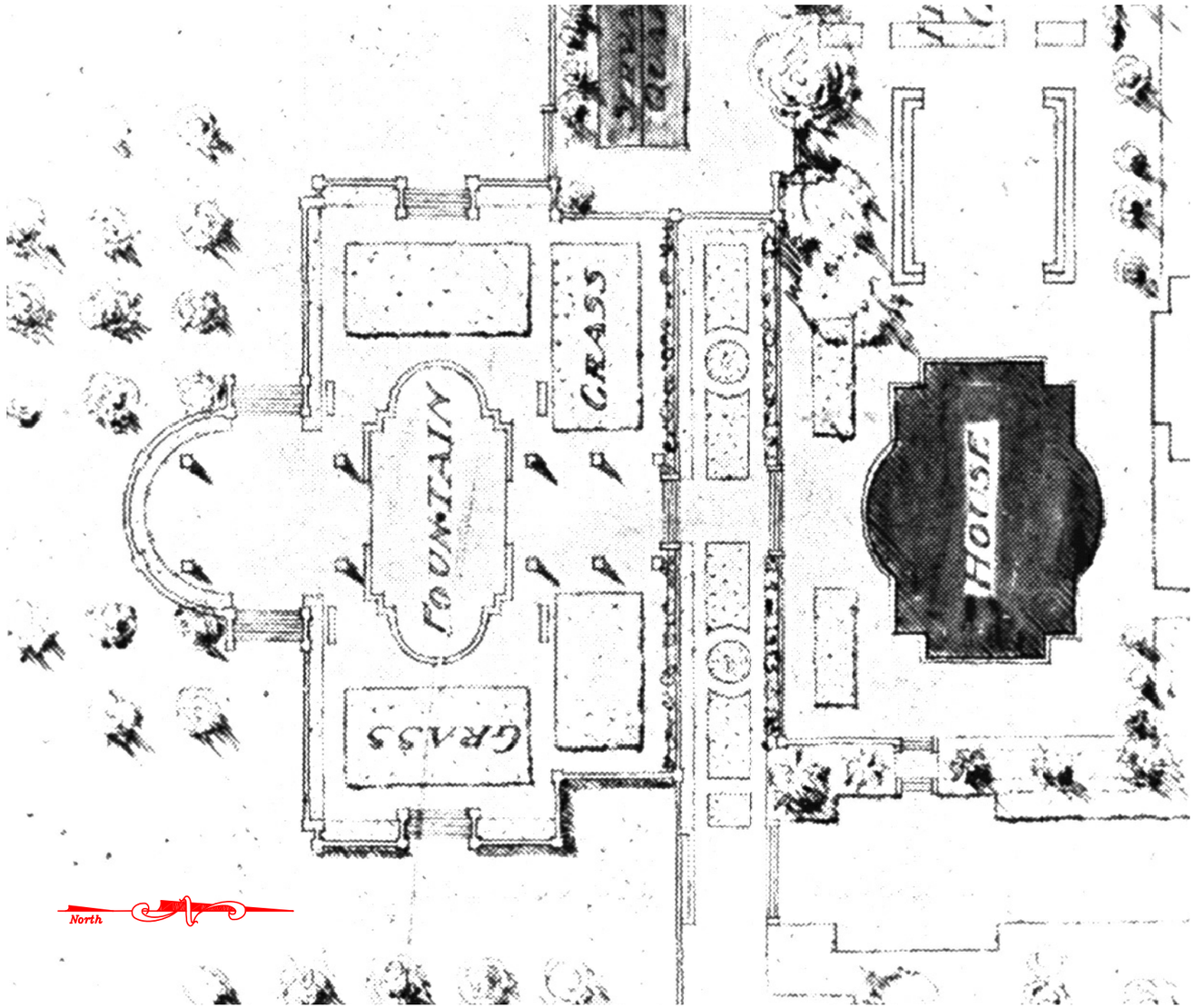
THE HOUSE ACROSS THE SUNKEN GARDEN

HISTORICAL DEVELOPMENT

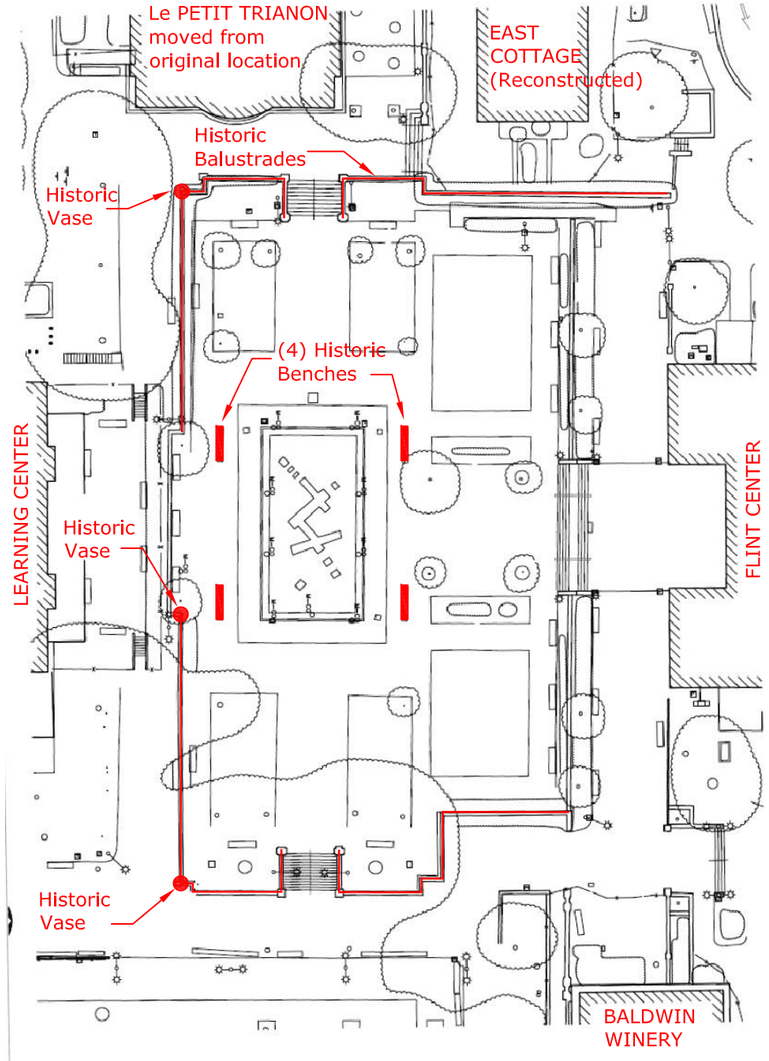
A 1902 rendering, entitled The Plan for "Beaulieu", identifies character-defining features of the Charles and Ellen Baldwin country estate and vineyards. Perhaps most noteworthy is the relative importance of the Sunken Garden in relation to all of the other features illustrated in the referenced rendering, especially if compared to its significantly lower relative importance in today's setting. As measured both by its size and by its predominant position vis-à-vis Le Petit Trianon, its importance at the time of original construction was second to none.

Photographs that appeared in a 1902 article in *House and Garden* article are highly informative as to the Sunken Garden's original character-defining features. The photos also illustrate the bold contrast offered by the Sunken Garden's classical design and elements to the estate's domestic gardens, orchards and countryside vineyards. Both the *House and Garden* photos and the 1902 rendering make unmistakably clear the huge transformation that has occurred with the Sunken Garden's setting.

Beyond the dramatic transformation in setting, it also is instructive to compare the original design and plan of the Sunken Garden with today's design and plan. (See Figure 1). Although Willis Polk's name commonly is associated with, if not directly linked to, design of the Sunken Garden, the California History Center has compiled names, events, ownership and construction dates of Beaulieu that suggests that the design plan for the Sunken Garden quite plausibly was a creation of Bruce Porter, a landscape architect and close colleague of Willis Polk. In further support of that plausibility, it is noteworthy that Filoli, William Bourn's Woodside country estate, was designed by Willis Polk, and includes a sunken garden designed by Bruce Porter. Additional archival research, which is beyond the scope of this report, quite possibly could provide a definitive answer regarding the actual designer of the Sunken Garden.

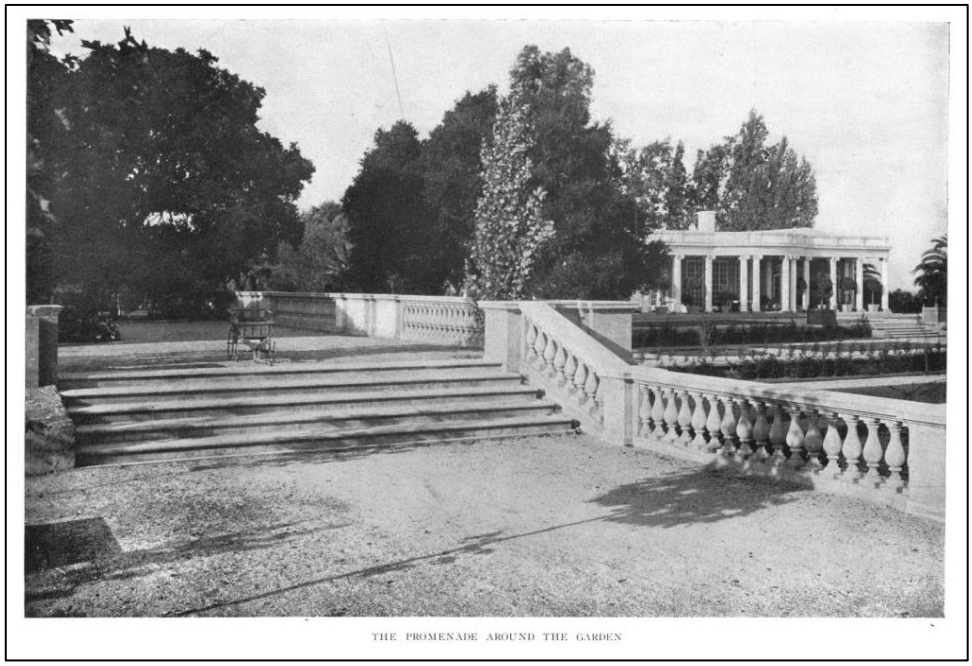


HISTORIC PLAN 1902



EXISTING 2011

Figure 1



THE PROMENADE AROUND THE GARDEN

ABOVE:
Historic steps and balustrades, looking towards Le Petit Trianon, 1902.

BELOW:
Historic sunken garden looking northeast, showing historic fountain configuration, balustrades with spherical finials, and original location of Le Petit Trianon, 1902.

What matters most about the plan design and installation of features that characterized the Sunken Garden originally is not so much determining who the actual designer was but rather the source of inspiration and influence for the garden's design. That source apparently was André Le Nôtre, French landscape architect (1613-1700) and gardener to Louis XIV, the Sun King. Le Nôtre was highly regarded by Louis XIV, who commissioned him to prepare sketches and drawings for the design of gardens at Versailles and the Tuileries. It can be assumed, based upon the Baldwins' love of French culture, that Willis Polk's inspiration for the design of Le Petit Trianon at Beaulieu was the actual Le Petit Trianon that is located at Versailles, although what was built was not a literal copy or reproduction of the latter. In a similar vein, and therefore not surprisingly, both historic and contemporary photographs of the gardens at Versailles clearly indicate that those gardens served as the inspirational source for design of the Sunken Garden at Beaulieu, the Baldwins' historic country estate.

Historic photographs available from the California History Center also are informative as to the numerous and significant changes that have occurred to the Sunken Garden subsequent to its original design and character-defining features and improvements. These photographs appear to indicate that the significant changes to the historic plan and design of the Sunken Garden began to occur with sale of the subject property to the Foothill College District circa 1959. Prior to acquisition by the Foothill College District and groundbreaking for De Anza Community College in 1965, prior owners subsequent to the Baldwins appear to have made only cosmetic changes, such as installation of new plant materials.

The most significant changes to the historic plan and design of the Sunken Garden occurred with removal of the entire semi-circular balustrade on the garden's south edge; removal of the fountain's classically-inspired curb profile and configuration, which was replaced with a minimalist, rectangular curb profile and configuration; and

removal of the fountain's central water feature, which was replaced in 1991 with a sculptural feature, entitled "La Vita é una Fontana".

Additional changes to the Sunken Garden have included installation of contemporary light fixtures, benches and trash containers; code-required accessible ramp, environmental graphics, and railings for steps located at the garden's west, north and east edges; and non-historic plant materials. Some original features have been lost, damaged or perhaps moved to other locations, while others have suffered from lack of maintenance or repair.

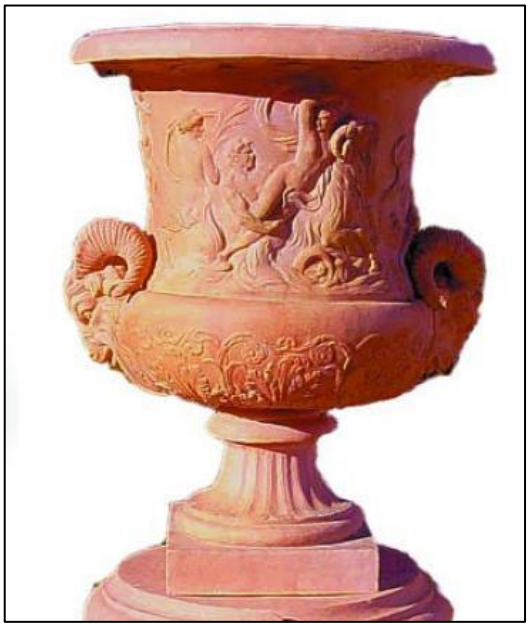
REMAINING SIGNIFICANT HISTORIC ELEMENTS

Given both the age of the Sunken Garden and all of the changes that have occurred to this historic resource since its initial construction in 1895, it is understandable that what remains of its significant character-defining features can only be regarded as but fragments. Three such features or elements are the subject of this section.

VASES

The three vases that exist in today's Sunken Garden originally surmounted pedestals of the semi-circular balustrade that once existed on the south edge of the garden. There was a fourth vase as part of the original installation; its existence or whereabouts is unknown. The three historic vases presently are located on the existing balustrade's south wall. The source and location of their fabrication are unknown.

The vases are just over three feet tall, and are composed of cast stone with ornamental sculptural relief depicting a scene from classical mythology. The subject of the scene is Amphitrite, who was the wife of Poseidon, the mother of Triton, and a goddess of the sea.



TOP LEFT:
Original carved marble vase by François Girardon in the Musée du Louvre. "Vase du triomphe d'Amphitrite". Commissioned by the King's builders in1683 and placed in the parks of Versailles and St. Cloud.

TOP RIGHT:
Reproduction cast stone "Grand Vase sur Socle aux Béliers" (on pedestal with rams). 1.70 m high, available today (1600 Eur) from Atelier Fricat, France.

LOWER RIGHT:
Existing historic cast stone vase in the De Anza Sunken Garden, relocated from original location on the semi-circular balustrade.

AMPHITRITE

In one story, Amphitrite spent most of the time singing and dancing with her sisters. One day, Poseidon, god of the sea, saw her and fell in love with her. Being a shy girl, Amphitrite fled and hid in the Atlantic Ocean. Poseidon tried to find her and directed all the marine creatures to search for her. A dolphin, Delphinus, found her and he convinced her to return to Poseidon and to marry him. A grateful Poseidon turned the dolphin into a constellation. In some sources, it was Amphitrite who turned Scylla into a six-headed monster in a rage of jealousy by poisoning the water in which she bathed, to avenge her betrayal by Poseidon.

Amphitrite was a common subject for ancient works of art, including the "Triumph of Neptune and Amphitrite" by Nicolas Poussin (1594 –1665). 1634. Oil on canvas. The Philadelphia Museum of Art. Philadelphia, Pennsylvania.

Amphitrite usually is represented in artwork with her husband, Poseidon, together with many real and imaginary sea creatures. This popular imagery is readily available today in various media in galleries and on eBay.

FRANÇOIS GIRARDON

The source of the design as represented on the vases in the Sunken Garden was the French sculptor, François Girardon (b. 1628 Troyes, France, d. 1715 Paris), who produced models for the casting of sculpture and who oversaw the sculptors working at Versailles. He was entrusted with a vast quantity of work at Versailles, and is considered as one of the most eminent sculptors in France during the latter part of the

17th century. His work helped to spread the French classical style, which was emulated throughout Europe and eventually in other parts of the world.

The carved marble original of the reproduction vases at the Sunken Garden is called "The Triumph of Amphitrite", and resides in Le Musee du Louvre. Reproduction copies are available today from garden statuary suppliers all over the world.

BALUSTRADES

The balustrades of the Sunken Garden are its most visually-prominent historic resource still in existence, certainly much more so than the three vases, as described above, and the four historic benches, to be described below. Unlike both the vases and the benches, certain segments of the balustrades have been repaired and/or replaced in recent years. At the same time, other segments clearly are in need of repair and/or replacement, and individual components of the balustrades are altogether missing in many places.

The balustrades of the Sunken Garden consist of the following components: a lower rail, the balusters, an upper rail cap, and a pedestal with a spherical finial. Portions of the balustrades are original, while certain portions or segments have been replaced. The profile of the original baluster appears to be of the Doric order, whereas profiles of replacement balusters seem to more closely resemble the Tuscan order. Of greatest concern at this time is the condition of the original balustrades, large portions of which are heavily overgrown with vines and other organic plant materials.

Upper Right:
Steps and balustrades at west end of Sunken Garden. Balusters and top rail are cast concrete replacements of original balustrade.

Middle Right:
Cast stone baluster in dire condition. Note biological growth and intrusion of vines, as well as split, cracked, and spalled balusters. Deterioration at this level will accelerate over time.

Lower Right:
The historic integrity of the balustrades has been compromised by inappropriate placement of contemporary signage and non-historic objects, such as this over-scaled planter.

Upper Right:
Pedestal of balustrade retains scars from missing spherical finial.

Middle Right:
Pedestal of balustrade is barely visible due to overgrown plant material. Such growth must be removed with utmost care, under the direction and guidance of a materials conservator, to avoid damaging the historic material of the balustrade.

Lower Right:
Short section of balustrade in obvious need of repair and replacement.

Benches

The 1902 historic plan of the Sunken Garden, as well as the 1902 historic photos, clearly indicate the presence of four benches. One pair is positioned at the east and west corners of the fountain on its south side, while the other pair is positioned at the east and west corners of the fountain on its north side. The symmetry of each pair is retained on a north-south axis as well, as the two west-corner benches are positioned directly opposite each other, as are the two east-corner benches. The symmetry of the original placement of the four benches is unchanged after all these years.

The historic benches were fabricated of cast concrete with steel reinforcing. Similar to the vases, the four historic benches clearly are in need of repair and rehabilitation.

Right:
Historic cast concrete bench, one of the four original benches. Edges and ends are cracked, spalled, and damaged by impact.

Upper Right:
Top of bench surface reveals rusted steel reinforcing element, which has expanded to crack and spall the concrete. Biological growth also is apparent. Both situations will worsen over time without proper treatment.

Lower Right:
Contemporary furnishings, such as the benches and trash containers pictured here, have a negative impact on the feeling and setting of the Sunken Garden.

Potential Project Impacts

The three vases, the balustrades and the four benches are but remaining fragments of what once was the historic, classically-inspired Sunken Garden. As such, these fragments now continue to exist as standalone objects, absent the Sunken Garden's historic setting and its other historically-significant, character-defining features. It is in this context that this report identifies potential impacts of the proposed project to rehabilitate the Sunken Garden.

The proposed rehabilitation project calls for retention and protection of the balustrade and four benches; presumably, it also calls for retention and protection of the three vases (as components of the balustrade), even though it does not specifically refer to this character-defining historic resource. The proposed project calls for numerous other improvements, e.g., installation of new benches and trash containers, to replace existing non-historic benches and trash containers; installation of new lighting fixtures; installation of new plant materials and paving surfaces, to replace existing plant materials and landscaped areas; an upgrading of the existing accessible ramp; and installation of new environmental graphics.

New and Replacement Features

Introducing new features into an established setting, such as the Sunken Garden, always has the potential of further diluting or diminishing the existing character of that setting. However, introducing new features into an established setting also offers the possibility of replacing existing non-historic features, often regarded as being inappropriate and intrusive, with features that are regarded as being more appropriate and less obtrusive. The proposed improvements for the Sunken Garden, which include the introduction of new elements as described above, therefore present an opportunity to effect a positive change in the garden's existing setting.

Because there have been so many changes to date in the lifetime of the Sunken Garden, and because the Sunken Garden presently is able to convey its historical significance solely on the basis of its remaining fragments, namely, three vases, four benches and what's left of the original balustrades, it becomes even more important that the proposed improvements do not introduce new features whose presence will become a distraction from, or compete for attention with, the historic resources.
The installation of new furniture, fixtures and other objects within the Sunken Garden can minimize the possibility of, if not altogether avoid, creating an adverse impact on it historic resources if the following guidelines are respected:

- The design of new or replacement features should be minimalist in character, that is, the design should not suggest, let alone emulate, styles or motifs from other periods. For example, light fixtures whose design brings to mind light fixtures whose provenance is Main Street America only confuses or unintentionally invites comparison with a much different kind of historic environment or setting.
- The new or replacement features should appear to be lightweight, that is, not bulky, heavy or oversized. For example, new benches or other types of seating should not read as massive or heavy objects.
- The new or replacement features should avoid use of dark colors, e.g., forest green, royal blue, and should employ materials and finishes that are basic, unassuming and refined in appearance, e.g., brushed metal. Objects possessing shiny or reflective surfaces are to be avoided, e.g., plastic or petroleum-based trash containers.

Historic Resources

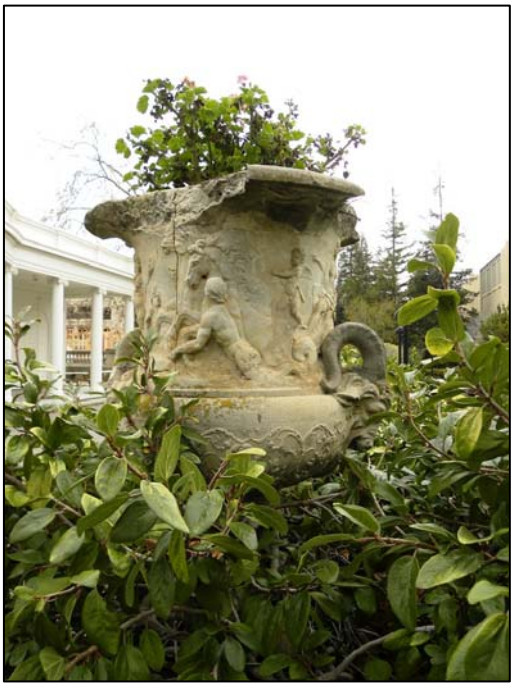
Because there have been so many changes to date in the lifetime of the Sunken Garden, and because the Sunken Garden presently is able to convey its historical significance solely on the basis of its remaining fragments, namely, three vases, four benches and what's left of the original balustrades, it is imperative that the proposed project include measures specifically geared to protection and rehabilitation of these remaining

historic resources. Accordingly, the following measures need to be honored in order to avoid even the possibility of the project creating an adverse impact upon the historic resources:

- Best management practice unquestionably dictates that the three vases, the four benches and the balustrades be accorded appropriate protection during all phases of project construction.
- The project scope of work needs to incorporate retention of an accredited historic materials conservator to conduct and complete a survey of existing conditions of the three vases, the four benches and the balustrades.
- Prior to any vine removal from the three vases and the balustrades, evaluation of their condition is mandatory. This measure is necessary in order to avoid accidental damage, failure or collapse of these historically-significant resources. As part of conducting this evaluation, the accredited historic materials conservator needs to be present on-site for testing and monitoring at the outset of the vine removal.
- Because the four benches have remained undisturbed as their present locations since their initial installation at the end of the 19th century, removal of existing paving materials as well as installation of new or replacement paving materials requires on-site monitoring and possibly other measures, as warranted and recommended, by an accredited historic materials conservator.

So long as the historic resources of the Sunken Garden are preserved and protected consistent with the guidelines and measures as itemized above, the proposed project to rehabilitate the Sunken Garden can be considered as mitigated to a level of less than a significant impact with respect to historic resources pursuant to Section 15064.5 (b) (3) of Article 5 of the Guidelines for the California Environmental Quality Act.

Upper Right:
The condition and extent of whatever survives under this plant material will remain unknown until removed under the guidance and direction of a materials conservator.



Middle left:
One of the three historic vases showing the original ornamental detail. Severe damage to the rim of the vase also is apparent.

Lower Right:
Extreme plant growth conceals this historic vase. The three historic vases were relocated to their present locations when the semi-circular balustrade was demolished.

Upper Right:
This historic vase is not only smothered by invasive plant material, but exhibits staining and damage from biological growth in the cast concrete. Such growth will cause long-term damage, without proper assessment and treatment.

Lower Right:
Extreme plant growth conceals the base of this historic vase.

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APPENDIX B
CULTURAL RESOURCES STUDY OF SUNKEN GARDEN

holman & ASSOCIATES
Archaeological Consultants
"SINCE THE BEGINNING"
3615 FOLSOM ST. SAN FRANCISCO, CALIFORNIA 94110 415/550-7286

Patricia Jeffery
PLACEMAKERS
1500 Park Avenue Loft #310
Emeryville, CA 94608

March 1, 2011

Dear Ms. Jeffery:

RE: CULTURAL RESOURCE STUDY OF THE SUNKEN GARDENS PROJECT, DE ANZA COLLEGE, CUPERTINO, SANTA CLARA COUNTY, CALIFORNIA

At your request I have completed a cultural resources study for the above referenced sunken gardens project located at De Anza College in Cupertino, Santa Clara County, California. No evidence of historic and/or prehistoric archaeological materials was found. This report summarizes my findings to date. The architectural and landscape features of the existing sunken garden project are the subject of separate studies.

PROJECT DESCRIPTION

According to a project description obtained from your office, the project consists of two phases, affecting the existing garden location in the center of the campus: phase I will stabilize the walls and balustrades, replace the concrete pavement, replace the existing accessibility ramp with a new one, install new lawn, trees and other plantings, install a new irrigation system, install new benches, lighting and signage. Phase 2 will remove the center portion of the south garden wall and construct a new wall which would extend into the garden area and line up with the shrub planting along the south wall. Additionally, the existing stairs providing access to the library would be replaced with wider stairs.

Most of the above improvements will not have a potential affect on buried or obscured archaeological resources, other than those which remove existing walls or cause excavation extending outside of the existing footprint of the garden, exposing what was original ground surface when le petit Trianon was built in 1895.

ARCHIVAL RESEARCH

An updated archaeological literature review was conducted by this author in person at the Northwest Information Center (NWIC) located in Rohnert Park on January 25, 2011 (NWIC file

no. 10-0684). A review of the files revealed no recorded historic and/or prehistoric archaeological resources inside the gardens or within a quarter mile of it; no previous archaeological survey of the area had been accomplished. The only other archaeological survey inside the campus grounds was done by this author in2005 for the On Campus Circulation Project/Loop Road Realignment at the Cottages, located on the western edge of the gardens. This survey did not record any new archaeological resources.

FIELD SURVEY

A visual inspection of the sunken gardens project area was conducted by this author on January 11, 2011. Thanks to the large amount of concrete inside the project area, soils are visible only around the trees planted in the bottom of the garden and at locations along the retaining walls where imported vegetation hasn't completely covered the ground. Where visible the soils are a mixture of imported topsoil and the native clays, either of the excavated lower elevations of the garden or of the areas where the walls were built.

FINDINGS

No evidence of historic and/or prehistoric archaeological materials were seen in the limited areas where soils are visible. This is not unexpected for two reasons: the first is that this part of Cupertino has a low potential for containing prehistoric archaeological resources, and a low to moderate potential for containing historic archaeological resources. Up to the time of the completion of the house and sunken garden, this area was agricultural, and did not contain any structures until le petit Trianon itself was built. Secondly, and most important, the gardens themselves were excavated into the original elevations of the former farm lands, digging through and removing the developed topsoils which might have contained prehistoric cultural resources in the past.

It is the opinion of this author that there is a very low potential that future earthmoving activities associated with this project will uncover buried or obscured historic or prehistoric resources. The only potential for discovering materials of either type will be when the existing walls come down, exposing what should be the original topsoils of the surrounding area. In the event that any of the following materials are encountered when the walls and/or new ramps and stairs into the garden are excavated, work should be halted in the immediate area until a qualified archaeologist has been retained to inspect the find. If it appears that further earthmoving will affect potentially significant resources, a plan for the evaluation and mitigation of impacts to the resource should be submitted to the college for approval before work is allowed to recommence inside areas designated as archaeologically sensitive by the project archaeologist.

Mitigation can take the form of data retrieval through hand excavation to remove for analysis any materials of historic or prehistoric significance, coupled with archaeological monitoring of all subsequent earthmoving inside areas deemed archaeologically sensitive in order to record and/or remove significant materials for analysis. Monitoring also serves to identify and

therefore to limit damage to human remains and associated grave goods, often found in Native American villages and camp sites.

Work should be halted if the following materials are identified:

Historic materials:

concentrations of historical materials associated with dump sites, filled in wells and/or privy pits, sheet scatters of historic debris associated with the original construction of le petit Trianon, and an architectural features associated with the construction of the gardens or adjacent structures.

Prehistoric materials:

darker than surrounding soils of a friable nature showing concentrations of stone, bone or shellfish, evidence of fires (ash, charcoal, fire affected earth), artifacts of stone, bone or shellfish, evidence of Native American structures (fire pits, cache pits, house floors) and any burials, either human or animal.

In the event that human remains are discovered, it is the responsibility of the project sponsor to contact the County Coroner's Office and the Native American Heritage Commission (NAHC). It is the responsibility of the NAHC to name a Most Likely Descendant (MLD), who will represent Tribal interests by making recommendations to the project sponsor regarding the method of exposure, removal and re-internment of all human remains and associated grave goods.

Sincerely,

Miley Paul Holman
Holman & Associates

References

Holman, Miley
2005 ARCHEOLOGICAL LITERATURE REVIEW AND FIELD INSPECTION OF THE DE ANZA COLLEGE ON-CAMPUS CIRCULATION PROJECT/LOOP ROAD REALIGNMENT AT THE COTTAGES, CUPERTINO, SANTA CLARA COUNTY, CALIFORNIA. On file, Holman & Associates.

DE ANZA COLLEGE SUNKEN GARDEN PROJECT

CUPERTINO, SANTA CLARA COUNTY, CALIFORNIA
CUPERTINO U.S.G.S. MAP