

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

Board of Trustees Agenda Item

Board Meeting Date: June 20, 2011

Title of Item: Adopt a Mitigated Negative Declaration (MND) for the Sunken Garden Project - a Portion of the Combined Site Improvements project at De Anza College

Background and Analysis:

The historic significance for the Sunken Garden began in 1895 with the completion of a house (Le Petit Trianon) and two cottages designed by Willis Polk on the site of what is now De Anza College. In 1975, Le Petit Trianon was moved from the 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 the pool with a wider rectilinear shaped pool and sculpture. Additionally in 2006, the west and east balustrades were repaired.

The current Combined Site Improvements Project consists of improvements across the De Anza College Campus - including the Sunken Garden area. The proposed improvements to the Sunken Garden area 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.

The District's consultant, Placemakers, was requested to prepare a California Environmental Quality Act (CEQA) study for the Sunken Garden area. The Historical resources component of the Sunken Garden area were not previously addressed in the 2002 Facilities Master Plan Environmental Impact Report (EIR), the 2005 Campus Entries EIR, the 2007 Facilities Master Plan - Addendum to the EIR, or the 2008 East Cottage and Old Bookstore CEQA study, therefore Placemakers has performed this CEQA study as it relates to historical renovation plans for the Sunken Garden portion of the campus facilities. The scope of the CEQA study included complete assessment and a public input and review process to address the project. Placemakers has performed their evaluations and prepared the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program for the Sunken Garden portion of the project. A public notice was posted at the Sunken Garden area, in the Library and at the Campus Center at De Anza College as well as at the District Maintenance facility and the District's Administrative building at Foothill College. The 30-day public review and comment period commenced on May 12, 2011 and closed on June 10, 2011 with no comments received.

This 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.

Recommendation: Charles Allen, Executive Director of Facilities, Operations and Construction Management recommends approval of the Mitigation Monitoring & Reporting Program (exhibit 2 to the Mitigated Negative Declaration), adoption of this Mitigated Negative Declaration (Resolution #2011-24), and approval of the Sunken Garden Project - a portion of the Combined Site Improvements project (Resolution #2011-25).

Submitted by:	Charles Allen x6150
Additional contact names:	Tom Armstrong x8289, Donna Jones-Dulin x8209
Is backup provided?	Yes

MITIGATED NEGATIVE DECLARATION

DE ANZA COLLEGE SUNKEN GARDEN 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 I would begin in summer of 2011 and would be completed in fall of 2011. Construction hours would be from 7:00a.m. to 6:00p.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.

EXHIBIT 1

FINDINGS FOR THE DE ANZA COLLEGE SUNKEN GARDEN PROJECT

State Clearinghouse No: _____

REQUIRED FINDINGS

CEQA requires that, prior to approval of a project, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the Mitigated Negative Declaration/Initial Study ("MND/IS"). The MND/IS identified several significant or potentially significant effects on the environment. The Foothill-De Anza Community College District Board of Trustees ("Board") findings with respect to each of these significant or potentially significant environmental effects are presented below.

It is anticipated that the Board will adopt the MND/IS and Mitigation Monitoring and Reporting Program ("MMRP") and approve the project in conjunction with its adoption of this document. With these actions in place, all the project environmental effects will be reduced to Less-Than-Significant.

The findings for the project are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the MND/IS and other information incorporated into these documents by reference.

SECTION 1.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT

1.1 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT DO NOT REQUIRE FINDINGS

Environmental effects that the MND/IS found to be Less-Than-Significant without mitigation do not require findings under CEQA. These effects include the following:

- Project Impacts on Aesthetics
- Project Impacts on Agricultural and Forestry Resources
- Project Impacts on Biological Resources
- Project Impacts on Geology and Soils
- Project Impacts on Hazards and Hazardous Materials
- Project Impacts on Hydrology and Water Quality
- Project Impacts on Land Use and Planning
- Project Impacts on Mineral Resources
- Project Impacts on Population and Housing
- Project Impacts on Public Services
- Project Impacts on Recreation
- Project Impacts on Transportation and Traffic

Project Impacts on Utilities and Service Systems

1.2 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT REQUIRE FINDINGS

The environmental effects that were found by the MND/IS to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the Board must make findings with respect to each of these significant effects. The Board's findings, and the evidence in support of those findings, are detailed below.

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

EFFECT: Construction activities may temporarily increase air pollution emissions such as airborne particulates and fugitive dust on the De Anza College campus.

MITIGATION: Mitigation Measure 3.1 identified in the MND/IS will substantially lessen temporary construction related air emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure 3.1 identified in the MND/IS will reduce construction-related air quality impacts to a less-than-significant level (Initial Study pages 13 through 15).

The project 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.

EFFECT: Construction activities could damage the three historic vases, the balustrades and the four historic benches.

MITIGATION: Mitigation Measure 5.1 identified in the MND/IS will protect the sunken garden's remaining significant historic resources during construction activities.

FINDING: Implementation of Mitigation Measure 5.1 identified in the MND/IS will protect the three historic vases, the balustrades and the four historic benches from damage during construction activities (Initial Study pages 18 through 20).

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

EFFECT: The historical significance of the sunken garden is based on its remaining fragments including the three historic vases, the balustrades and the four historic benches. The introduction of new features in the sunken garden including paving, an accessible ramp, landscaping, "historic style" benches, "story" panels, and trash and recycling receptacles have the potential to become a distraction from or compete for attention with the historic resources.

MITIGATION: Mitigation Measure 5.2 identified in the MND/IS will ensure that the new paving, accessible ramp, landscaping benches, "story" panels, and trash and recycling receptacles are compatible with the sunken garden historic resources.

FINDING: Implementation of Mitigation Measure 5.2 identified in the MND/IS will ensure that the new paving, accessible ramp, landscaping benches, “story” panels, and trash and recycling receptacles are compatible with the three historic vases, the balustrades and the four historic benches (Initial Study pages 18 through 21).

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.

EFFECT: During project construction, there is the potential for unknown archaeological resources to be disturbed and potentially damaged.

MITIGATION: Mitigation Measure 5.3 identified in the MND/IS will substantially lessen the potential for damage to unknown archaeological resources during construction activities.

FINDING: Implementation of Mitigation Measure 5.3 identified in the MND/IS will reduce construction-related damage to unknown archaeological resources to a less-than-significant level (Initial Study pages 18 through 21).

The project would generate greenhouse gas emissions during construction activities.

EFFECT: Construction activities may temporarily generate greenhouse gas emissions.

MITIGATION: Mitigation Measure 7.1 identified in the MND will reduce construction-related greenhouse gas emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure 7.1 will reduce greenhouse gas emissions during construction activities to a less-than-significant level (Initial Study pages 24 through 25).

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.

EFFECT: At times, project construction activities could be loud enough to temporarily interfere with speech communication outdoors near the sunken garden and indoors with windows open at the Library and Learning Center West.

MITIGATION: Mitigation Measure 12.1 identified in the MND will reduce temporary construction noise to acceptable levels.

FINDING: Implementation of Mitigation Measure 12.1 will reduce significant temporary construction noise to a less-than-significant level (Initial Study pages 32 through 33).

EXHIBIT 2

MITIGATION MONITORING AND REPORTING PROGRAM
DE ANZA COLLEGE SUNKEN GARDEN PROJECT

**DE ANZA COLLEGE SUNKEN GARDEN PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

Prepared for
Foothill-De Anza Community College District

Prepared by
PLACEMAKERS
1500 Park Avenue – Loft #310
Emeryville, California 94608

May 5, 2011

1.0 INTRODUCTION

1.1 Background

Public Resources Code section 21081.6(a) requires all public agencies to adopt monitoring or reporting programs when they approve projects subject to Environmental Impact Reports (EIRs), Mitigated Negative Declarations or Negative Declarations that identify significant impacts. The reporting or monitoring program must be adopted when a public agency makes its findings for EIRs, Mitigated Negative Declarations or Negative Declarations so that the program can be made a condition of project approval in order to mitigate significant effects on the environment. The program must be designed to ensure compliance during project implementation to mitigate or avoid significant environmental effects.

1.2 Purpose

This Mitigation Monitoring and Reporting Program Checklist is designed to serve as a tool for the evaluation of Project compliance with mitigation measures identified in the Mitigated Negative Declaration/Initial Study for the De Anza College Sunken Garden Project. This document will be used by Foothill-De Anza Community College District (District) to verify inclusion of required project design features and implementation of mitigation measures. The Checklist serves as a summary so the District, other public agencies and the community can easily determine which measures have been complied with.

2.0 MITIGATION MONITORING PROGRAM CHECKLIST

The Mitigation Monitoring and Reporting Program Checklist is proposed for monitoring the implementation of the mitigation measures contained in the De Anza College Sunken Garden Project Mitigated Negative Declaration/Initial Study and listed in the attached checklist. District should implement the monitoring program as follows:

- The District is responsible for coordination of the monitoring and reporting program including the monitoring checklist.
- Each responsible individual or agency will be responsible for determining whether the applicable mitigation measures contained within the checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a completed checklist to.

**DE ANZA COLLEGE SUNKEN GARDEN PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings							
<p>5.2 <i>New and Replacement Features.</i> The following guidelines for the installation of new furniture, fixtures and other objects within the sunken garden shall be implemented:</p> <ul style="list-style-type: none"> 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. 	One-time	Project Landscape Architect	<p>Foothill-De Anza Community College District</p> <p>Gilbane Company</p>	Furniture and lighting specifications and cut sheets.			

DE ANZA COLLEGE SUNKEN GARDEN PROJECT MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction/During Project Construction							
<p>3.1 According to the 2010 BAAQMD Guidelines, implementation of the following <i>Basic Construction Mitigation Measures</i> would reduce construction period impacts to a less-than-significant level.</p> <ol style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 mph. 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. 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. 	On-going during project construction activities.	Project general contractor	<p>Foothill-De Anza Community College District</p> <p>Gilbane Company</p>	<p>Weekly site visit.</p> <p>Posted signs that identify a contact (including name and telephone number) to report problems with dust and soil material on adjacent streets.</p>			

**DE ANZA COLLEGE SUNKEN GARDEN PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction/ During Project Construction - continued							
<p>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.</p> <p>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.</p>							
<p>5.1 <i>Historic Resources.</i> 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:</p> <ul style="list-style-type: none"> • 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 	<p>One-time for historic materials conservator to complete survey.</p> <p>On-going during removal of vines, removal of pavement and installation of new paving materials.</p>	Historic Materials Conservator	<p>Foothill-De Anza Community College District</p> <p>Gilbane Company</p>	<p>Historic Materials Survey Report</p> <p>Monitoring Report documenting the condition of the four historic benches during the removal of pavement and the installation of new paving materials around the benches.</p>			

**DE ANZA COLLEGE SUNKEN GARDEN PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
Prior to Project Construction/ During Project Construction - continued							
<p>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.</p> <ul style="list-style-type: none"> 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. 							
<p>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.</p> <p><i>Historic Materials:</i> 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.</p> <p><i>Prehistoric Materials:</i> darker than surrounding soils of a friable nature showing concentrations of stone, bone or shellfish; evidence of fires (ash, charcoal, fire affected</p>	On-going during construction activities.	General Contractor	Qualified Professional Archaeologist	Mitigation measure should be incorporated into construction specifications.			

**DE ANZA COLLEGE SUNKEN GARDEN PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
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.							
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: <ul style="list-style-type: none"> • 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. 	On-going during construction activities.	General Contractor	Foothill-De Anza Community College District Gilbane Company	Mitigation measure should be incorporated into construction specifications.			
12.1 Project contractors shall limit construction activities as follows: <ul style="list-style-type: none"> • 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. 	On-going during construction activities.	General Contractor	Foothill-De Anza Community College District Gilbane Company	Mitigation measure should be incorporated into construction specifications.			

**Foothill-De Anza Community College District Board of Trustees
Santa Clara County, California**

**ADOPTION OF THE MITIGATED NEGATIVE DECLARATION/INITIAL
STUDY FOR THE DE ANZA COLLEGE SUNKEN GARDEN PROJECT,
ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AND APPROVING THE MITIGATION
MONITORING AND REPORTING PROGRAM
Resolution #2011-24**

WHEREAS, the Foothill-De Anza Community College District Board of Trustees ("Board") proposes to rehabilitate the existing Sunken Garden in two phases: Phase 1 would remove vines from walls and balustrades, replace existing pavement with new pavement, replace existing accessibility ramp with new ramp, install new lawn, trees and plantings, install new irrigation system, upgrade existing fountain pump and water filtration, install new benches, lighting and trash receptacles; Phase 2 would remove center portion of south wall and install new wall section, located on the De Anza College campus at 21250 Stevens Creek Boulevard, Cupertino, CA (collectively the "Project"); and

WHEREAS, Foothill-De Anza Community College District ("District") is the Lead Agency for the Project, and has caused to be prepared the Mitigated Negative Declaration/Initial Study ("MND/IS", SCH No. _____) for the Project, which was available for review from May 12, 2011 through June 10, 2011; and

WHEREAS, the MND/IS for the Project was prepared pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA "Guidelines"); and

WHEREAS, pursuant to California Public Resources Section 21082.1 the Board has independently reviewed and analyzed the information contained in: (1) the MND/IS and (2) Mitigation Monitoring and Reporting Program ("MMRP"), (collectively the "MND/IS") and the conclusions of the MND/IS reflect the independent judgment of the Board; and

WHEREAS, the District posted a Notice of Circulation of the MND/IS on the District website; and

WHEREAS, the District posted a Notice of Circulation at the Sunken Garden, library, campus center, and plant services, the District office located at the Foothill College campus, 12345 El Monte Road, Los Altos Hills, CA, and plant services located at Foothill College; and

WHEREAS, no comment letters on the MND/IS were received from the public and reviewing public agencies during the public review period from May 12, 2011 through June 10, 2011 and staff has addressed these comments; and

WHEREAS, all actions required to be taken by applicable law relating to the preparation, circulation, and review of the MND/IS have been taken; and

WHEREAS, the CEQA Findings of Fact included as Exhibit "1," attached hereto and incorporated herein, identify the following impacts: the Project will not result in any significant impacts for the topical areas of Aesthetics, Agricultural and Forestry Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems, therefore, no mitigation is required for these areas; and significant impacts will be reduced to a less-than-significant level with incorporation of the recommended mitigation measures for all of the identified significant effects for the topical areas of Air Quality, Cultural Resources including Historic Architectural Resources and Archaeological Resources, Greenhouse Gas Emissions, and Noise; and

WHEREAS, the Board has reviewed and considered the Final MND/IS and MMRP with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED by the Foothill-De Anza Community College District Board of Trustees meeting held on June 20, 2011, as follows:

SECTION 1

That the above recitals are true and correct.

SECTION 2

The MND/IS for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

SECTION 3

The Board hereby certifies that the District is the lead agency for the Project, that the Board, as the governing board of the lead agency, has reviewed and considered the MND/IS and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board finds that the MND/IS reflects the independent judgment and analysis of the Board.

SECTION 4

The Board hereby makes and adopts the CEQA Findings of Fact and mitigation measures set forth in Exhibit "1."

SECTION 5

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or reduce to a less-than-significant level the significant effects identified in the MND/IS. The Board hereby adopts the MMRP, as set forth in Exhibit "2."

SECTION 6

These actions having been taken and findings having been made, the Board hereby approves, certifies, and adopts the MND/IS for the Project.

SECTION 7

The MND/IS is on file and available at the District office located at the Foothill College campus, 12345 El Monte Road, Los Altos Hills, CA, 94022.

PASSED AND ADOPTED by the Foothill-De Anza Community College District Board of Trustees on this 20th day of June, 2011, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

President
Foothill-De Anza Community College
Board of Trustees

ATTESTED TO:

Secretary to the Board

**Foothill-De Anza Community College District Board of Trustees
Santa Clara County, California**

**APPROVAL OF THE DE ANZA COLLEGE
SUNKEN GARDEN PROJECT
Resolution #2011-25**

WHEREAS, on June 20, 2011, following a duly noticed public hearing thereon, the Foothill-De Anza Community College District Board of Trustees adopted Resolution 2011-24 certifying the adequacy of the Mitigated Negative Declaration/Initial Study ("MND/IS") prepared for the De Anza College Sunken Garden Project ("Project"), adopting findings pursuant to the California Environmental Quality Act ("CEQA"), and approving the Mitigation Monitoring and Reporting Program ("MMRP"); and

WHEREAS, approval of the Project and construction of the improvements described in the Project will advance the public health, safety and welfare, and further Foothill-De Anza Community College District's statutory public education purposes;

NOW, THEREFORE, BE IT RESOLVED by the Foothill-De Anza Community College District Board of Trustees as follows:

SECTION 1

The Foothill-De Anza Community College District Board of Trustees hereby approves the Project, consisting of program facilities, which are further described in the MND/IS and in Resolution #2011-24, and authorizes and directs staff to implement the Project in a manner consistent with the terms hereof.

PASSED AND ADOPTED by the Foothill-De Anza Community College District Board of Trustees on this 20th day of June, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President
Foothill-De Anza Community College District
Board of Trustees

ATTESTED TO:

Secretary to the Board