

Board of Trustees Agenda Item

Board Meeting Date: June 20, 2011

Title of Item: Public Hearing: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Sunken Garden Portion of the Combined Site Improvements Project at De Anza College

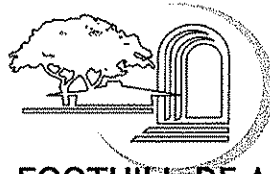
Background and Analysis:

The District's consultant, Placemakers, was requested to prepare a California Environmental Quality Act (CEQA) study for the DeAnza College campus' Sunken Garden area - as it was incorporated into the design and construction aspects of the upcoming Combined Site Improvements project. 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 the College 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 their Administrative Initial Study / Mitigated Negative Declaration and Mitigation Monitoring Program. 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.

The attached Mitigated Negative Declaration is provided for a public review of the findings and to discuss the Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program. Following the Public Hearing, action by the Board of Trustees is anticipated. 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: Conduct a Public Hearing regarding the attached Mitigated Negative Declaration for the Combined Site Improvements project.

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



**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, 2011 on 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 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.