



PUBLIC WORKS DEPARTMENT
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DRAFT

CITY OF CUPERTINO MITIGATED NEGATIVE DECLARATION

As provided by the Environmental Assessment Procedure adopted by the City Council of the City of Cupertino on May 27, 1973, and amended on March 4, 1974, January 17, 1977, May 1, 1978, and July 7, 1980, the City of Cupertino City Council has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project implementation. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affect by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15382).

PROJECT INFORMATION AND LOCATION

Project Name: Cupertino Civic Center Master Plan
Applicant: City of Cupertino
Location: 10300 Torre Avenue, Cupertino

PROJECT DESCRIPTION

The proposed Civic Center Master Plan includes replacing the existing City Hall building with a new 40,000-square-foot City Hall building and expanding the existing library to include a new Program Room, as shown on Figure 3.3-1 in the attached Initial Study. The new City Hall building would be located on the northwest portion of the Civic Center site in the same general location of the existing City Hall building. The library would be expanded to the south onto an existing grass area. The existing Civic Center Community Hall building and turf field would remain unchanged.

FINDINGS OF DECISIONMAKING BODY

The City Council finds the project described is consistent with the General Plan and will not have a significant effect on the environment based on the analysis completed in the attached Initial Study. The applicant, before the public release of this draft Mitigated Negative Declaration (MND), has agreed to make project revisions that mitigate the project's effects to a less than significant level. The applicant agrees to implement the mitigation measures identified in the attached Initial Study and summarized below:

Biological Resources:

Impact BIO-1: The development of the proposed project could result in direct impacts to nesting birds, if present on or adjacent to the site at the time of construction.

MM BIO-1.1: Removal of trees on the project site should be scheduled between September and December (inclusive) to avoid the nesting season for birds and no additional surveys would be required.

MM BIO-1.2: If removal of the trees on-site is planned to take place between January and August (inclusive), a pre-construction survey for nesting birds shall be conducted by a qualified ornithologist to identify active nesting raptor or other bird nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Wildlife (CDFW), designate a construction-free buffer zone around the nest until the end of the nesting activity. Buffers for other birds shall be determined by the ornithologist.

MM BIO-1.3: A report summarizing the results of the pre-construction survey and any designated buffer zones or protection measures for tree nesting birds shall be submitted to the Public Works Director prior to the start of grading or tree removal.

Cultural Resources:

Impact CUL-1: Development of the proposed project could result in significant impacts to buried cultural resources, if encountered.

MM CUL-1.1: In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

MM CUL-1.2: In the event that human remains are found, all project-related construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM CUL-1.3: If cultural resources are encountered, a final report summarizing the discovery of cultural materials shall be submitted to the Director of Public Works prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented (e.g., monitoring and testing program), a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director Public Works.

Geology:

Impact GEO-1: The presence of expansive soils on-site would damage future buildings and improvements on-site unless mitigations are incorporated.

MM GEO-1.1: The project proposes to be constructed in accordance with standard practices in the California Building Code, as adopted by the City of Cupertino, to reduce expansive soil impacts to a less than significant level.

Hazards and Hazardous Materials:

Impact HAZ-1.1: Demolition of the existing City Hall building could expose construction workers, surrounding residences, and/or the environment to asbestos, lead-based paint and/or polychlorinated biphenyls.

MM HAZ-1.1 In conformance with local, state, and federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures prior to demolition.

MM HAZ-1.2 A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable asbestos-containing materials, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

MM HAZ-1.3 During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MM HAZ-1.4 Hazardous waste shall be appropriately managed, labeled, transported, and disposed of in accordance with local, state, and/or federal requirements by trained workers.

Noise and Vibration:

Impact NOI-1: Construction of the proposed project would result in a significant temporary noise impact.

MM NOI-1.1: Develop a construction noise mitigation plan including, but not limited to, the following controls:

- All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

- Unnecessary idling of internal combustion engines shall be prohibited.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate stationary noise sources as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) will be used. Any enclosure openings or venting will face away from sensitive receptors.
- Locate material stockpiles as well as maintenance/equipment staging and parking areas as far as feasible from residential receptors.
- Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.
- Designate a project liaison that will be responsible for responding to noise complaints during the construction phase. The name and phone number of the liaison will be conspicuously posted at construction areas and on all advanced notifications. This person will take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring will be presented at regular project meetings with the project contractor, and the liaison will coordinate with the contractor to modify any construction activities that generated excessive noise levels to the extent feasible.
- Require a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions.
- Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.

PUBLIC REVIEW PERIOD

The 30-day public circulation period for the Initial Study and draft MND began on May 15, 2015 and ended on June 15, 2015.

/s/ Timm Borden
Timm Borden
Director of Public Works