



MITIGATED NEGATIVE DECLARATION

The Director of Public Works Department has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Washington Community Swim Center Reconstruction

PROJECT DESCRIPTION: The City proposes to redevelop the existing pool facility, including demolition of the existing swimming pool, pool deck, and existing structures. The project would include a new sport pool with teaching area, a multi-purpose building, a locker room building, a pool equipment and park maintenance building, a main entry plaza, a splash pad, partially shaded outdoor seating areas and a picnic area. Access to the new pool equipment building for servicing will be provided from the existing parking lot. Relocation of the existing horseshoe pits within Washington Park will be considered.

PROJECT LOCATION & ASSESSORS PARCEL NO: The project would be located in the existing Washington Park, at 255 South Pastoria Avenue in Sunnyvale, California.

APPLICANT CONTACT INFORMATION AND CUSTODIAN OF DOCUMENTS:
Nathan Scribner, P.E., Senior Engineer, Sunnyvale Public Works Department, P.O. Box 3707, Sunnyvale, CA 94088-3707. Phone (408) 730-2783.

FINDING

The Director of Public Works Department finds on the basis of the whole record the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level. This Final Mitigated Negative Declaration reflects the City's independent judgment and analysis.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** -The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** -The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY** -The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** - Due to the presence of potential migratory bird nesting habitat in the vicinity of the project area, the mitigation measure below will be implemented to reduce impacts to migratory birds during construction to a less than significant level.

- Construction activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, construction activities shall be commenced prior to the start of nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31.
- If it is not possible to schedule the start of construction activities between September 1 and January 31, a qualified ornithologist shall be contracted to conduct a preconstruction survey for nesting raptors and other migratory breeding birds within on-site trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. Between February 1 and April 30, pre-construction surveys shall be completed no more than 7 days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If construction has commenced prior to February 1, construction activities must be continuously maintained on the site through August 31 in order to deter bird nesting on or adjacent to the site during the construction period. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.
- If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for non-raptors) to be established around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the breeding season has ended and/or a qualified ornithologist has determined that the nest is no longer active.

v. **CULTURAL RESOURCES** - Project implementation could result in significant impacts to buried cultural resources, if encountered. The following mitigation measures will be implemented to reduce impacts to cultural resources to a less than significant level.

- In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits during construction, 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.
- 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, the City 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.

- 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 final building and occupancy 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.

VI. GEOLOGY AND SOILS -The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS - Demolition of the existing structure on the project site could expose construction workers or residents in the vicinity of the project site to harmful levels of Asbestos Containing Materials (ACMs) or lead. The following mitigation measures will be implemented to reduce impacts from ACMs and Lead Based Paint to a less than significant level.

- The project shall conform to the following regulatory programs and to implement the following measures to reduce impacts due to the presence of ACMs and/or lead-based paint:
 - In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.
 - Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
 - All potentially friable ACMs shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.
 - A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
 - Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements.

VIII. HYDROLOGY AND WATER QUALITY -The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING -The project will not have a significant impact on this resource, therefore no mitigation is required.

- X. MINERAL RESOURCES -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. POPULATION AND HOUSING -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC -The project will not have a significant impact on *this* resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS -The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE -The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on April 11, 2019, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

_____, Director
Public Works Department

Circulated on: March 22, 2019

Adopted on: _____, 2019