

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS ADOPTING A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR MILPITAS SENIOR CENTER AND ADOPTING THE MITIGATION MONITORING REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Redevelopment Agency of the City of Milpitas has initiated a proposed project to renovate, remodel and expand the existing Library building into the Milpitas Senior Center. These actions are collectively referred to as the “Project”; and

WHEREAS, the Project is consistent with the City of Milpitas General Plan; and

WHEREAS, the City completed an Initial Study on April, 2008 and determined that a Mitigated Negative Declaration (“MND”) would be required for the Project; and

WHEREAS, the City prepared a Draft MND dated May, 2008 which reflected the independent judgment of the City as to the potential environmental effects of the Project in accordance with the requirements of the California Environmental Quality Act (CEQA), and the CEQA Guidelines.

WHEREAS, the MND identified potentially significant impacts related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, transportation and traffic.

WHEREAS, the Initial Study/Mitigated Negative Declaration identified appropriate measures to mitigate the identified impacts to a level that is less than significant; and

WHEREAS, the Draft MND was circulated for a 30 day public review and comment period, from May 1, 2008 to June 6, 2008; and

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED by the Redevelopment Agency of the City of Milpitas that the Mitigated Negative Declaration was prepared, pursuant to the California Environmental Quality Act. According to the Initial Study/Mitigated Negative Declaration, the proposed Project would not have a significant impact on the environment with the incorporation of the mitigation measures included in the Mitigated Negative Declaration. Additionally, the evidence in the record as a whole indicates that the Project will not or cumulatively have an adverse effect on wildlife resources or habitat; and

BE IT FURTHER RESOLVED that the Redevelopment Agency of the City of Milpitas does hereby find the Mitigated Negative Declaration fully complies with the requirements of CEQA, the state CEQA Guidelines.

BE IT FURTHER RESOLVED that the Redevelopment Agency of the City of Milpitas does hereby find that proposed Project will not have a negative impact on the environment with the incorporation of the mitigation measures identified in the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED that the Redevelopment Agency of the City of Milpitas adopts the Mitigated Negative Declaration and the Mitigating Monitoring Program included in Exhibit A.

PASSED AND ADOPTED this _____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Jose S. Esteves, Chair

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel

**Mitigation Monitoring and Reporting Program for
Capital Improvement Program
Project 8176 - Milpitas Senior Center
2008042127**

Lead Agency

City of Milpitas
Public Works Department
and Engineering Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479
Contact: Julie Waldron
Phone: 408-586-3314

July 2008

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance Record (Printed Name/Signature/Date)
<p>Mitigation Measure 1: The City of Milpitas shall include the following control measures in the plans, specifications, and contract documents for the construction of all phases of the proposed project. The control measures shall be implemented during the duration of all proposed construction activities:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily or as needed. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily or as needed, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily if visible soil material is being carried onto adjacent public streets. • Hydroseed or apply (non toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). 	<p>City includes control measures in contract documents, specifications, and cost estimates</p> <p>Contractor implements all control measures</p> <p>City monitors construction site</p>	<p>City of Milpitas, Engineering Division</p> <p>Contractor</p> <p>City of Milpitas, Engineering Division</p>	<p>Prior to completion of contract documents, specifications, and cost estimates for each phase</p> <p>During construction</p> <p>During construction</p>	
<p>Mitigation Measure 2: To avoid disrupting the bird nesting season, the proposed project shall conduct any tree removal and trimming between September 1 and January 31. If this time period is not feasible, a qualified biologist shall be employed to conduct a nesting bird survey no more than one week prior to any tree removal (between February 1 and August 31). If nesting birds are found, the proposed project shall delay tree removal and trimming until the biologist has determined that nesting is complete and the young have fledged.</p>	<p>Tree removal and trimming occurs between September 1 and January 31, if this time period is not feasible City hires qualified biologist to conduct nesting bird surveys</p> <p>If protected nesting birds are found, tree removal and is trimming delayed until is nesting complete and young have fledged</p>	<p>City of Milpitas, Public Works Department</p> <p>City of Milpitas, Engineering Division Qualified biologist</p>	<p>Prior to tree removal and trimming</p> <p>Prior to tree removal and trimming</p>	

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<p>Mitigation Measure 3: Prior to the issuance of grading permits, the City of Milpitas shall retain a qualified archaeologist to train the construction crew on mechanisms used to identify cultural resources. In the event that culturally sensitive materials are encountered, the construction contractor shall stop work in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Milpitas. In the event that human remains are discovered, the County Coroner shall be contacted within 24 hours. If the remains are of Native American ancestry, the Coroner shall notify the Native American Heritage Commission, who shall appoint a most likely descendent to determine the proper treatment of the remains.</p>	<p>City hires a qualified archaeologist to train construction crew how to identify cultural resources</p> <p>Contractor stops work if archaeological resources are encountered</p> <p>Archaeologist evaluates find and develops mitigation if necessary</p> <p>City implements mitigation if necessary</p>	<p>City of Milpitas, Engineering Division</p> <p>Contractor</p> <p>Qualified Archaeologist</p> <p>City of Milpitas, Engineering Division, Qualified Archaeologist</p>	<p>Prior to issuance of grading permits</p> <p>During Construction</p> <p>During Construction</p> <p>During Construction</p>	
<p>Mitigation Measure 4: Prior to the approval of final construction plans and specifications for the project, a qualified soils, geotechnical, or civil engineer shall review and approve the design of the sidewalks/pathways and building foundations.</p>	<p>Qualified engineer reviews final construction plans and specifications for the project</p> <p>If changes are identified, City to include recommendations in final construction plans and specifications</p> <p>Qualified engineer re-reviews and approves final construction plans and specifications for the project</p>	<p>City of Milpitas, Engineering Division</p> <p>City of Milpitas, Engineering Division</p> <p>City of Milpitas, Engineering Division</p>	<p>Prior to approval of final construction plans and specifications for the project</p> <p>Prior to approval of final construction plans and specifications for the project</p> <p>Prior to approval of final construction plans and specifications for the project</p>	

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<p>Mitigation Measure 5: The proposed project shall implement best management practices (BMPs) for construction activities in conformance with the City's regulations and permit requirements. The BMPs shall include appropriate control measures to reduce the potential for erosion. The control measures shall be developed with the following objectives and basic strategy:</p> <ol style="list-style-type: none"> 1. Protect disturbed areas by minimizing the duration of exposure (e.g., cover disturbed areas with rolled plastic sheeting or other like material); 2. Control surface runoff (e.g., use sand bags) and maintain low runoff velocities; 3. Trap sediment onsite; and, 4. Minimize length and steepness of slopes. 	<p>City includes BMPs in contract documents, specifications, and cost estimates</p> <p>Contractor implements control measures</p> <p>City monitors construction site</p>	<p>City of Milpitas, Engineering Division</p> <p>Contractor</p> <p>City of Milpitas, Engineering Division</p>	<p>Prior to completion of contract documents, specifications, and cost estimates for each phase</p> <p>During construction</p> <p>During construction</p>	
<p>Mitigation Measure 6: Prior to renovation and remodeling activities, the Milpitas Library building shall be sampled as part of a lead hazard evaluation in compliance with the California Health and Safety Code. A Certified Lead-Related Construction Supervisor shall supervise the abatement and disposal if lead is found in the building. Lead shall be removed, transported, and disposed of in compliance with applicable state and federal laws.</p>	<p>Milpitas Library building sampled as part of a lead hazard evaluation</p> <p>Lead abatement and disposal, if necessary</p>	<p>City of Milpitas, Building and Safety</p> <p>Certified Lead-Related Construction Supervisor</p>	<p>Prior to renovation and remodeling activities</p> <p>Prior to renovation and remodeling activities</p>	
<p>Mitigation Measure 7: Prior to renovation and remodeling activities, the Milpitas Library building shall be sampled as part of an asbestos survey in compliance with the National Emissions Standards for Hazardous Air Pollutants. If asbestos is found in the structures, asbestos related work (including demolition) involving 100 square feet or more of asbestos-containing materials (ACM) shall be performed by a Licensed Asbestos Abatement Contractor under the supervision of a Certified Asbestos Consultant. Asbestos shall be removed, transported, and disposed of in compliance with</p>	<p>Milpitas Library building sampled as part of an asbestos survey</p> <p>Asbestos abatement, if necessary</p>	<p>City of Milpitas, Building and Safety</p> <p>Certified Asbestos Consultant</p>	<p>Prior to renovation and remodeling activities</p> <p>Prior to renovation and remodeling activities</p>	

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applicable state and federal laws.				
Mitigation Measure 8: Prior to renovation and remodeling activities, the Milpitas Library building shall be surveyed for fluorescent light ballasts. Since some fluorescent lighting ballasts contain PCB capacitors, there is the potential for PCBs to be located within site structures. The type of ballasts/capacitors shall be identified to determine the appropriate remedial activities (i.e., proper disposal if necessary).	Milpitas Library building surveyed for fluorescent light ballasts Fluorescent ballasts/capacitors remedial activities, if necessary	City of Milpitas, Engineering Division Registered Environmental Professional	Prior to renovation and remodeling activities Prior to renovation and remodeling activities	
Mitigation Measure 9: The proposed project shall implement BMPs for construction activities in conformance with the City's regulations and permit requirements. The BMPs shall include appropriate control measures to reduce any impacts on water quality in accordance with the City's C.3 Guidebook. Construction and post-construction stormwater quality controls shall include appropriate measures from documents such as the Santa Clara Urban Runoff Pollution Prevention Program's recommended BMPs for construction activities (as contained in the "Blueprint for a Clean Bay"), "Start at the Source-Design Guidance Manual for Stormwater Quality Protection," and the "California Storm Water Best Management Practice Handbook for Construction."	City includes BMPs in contract documents, specifications, and cost estimates Contractor implements control measures City monitors construction site	City of Milpitas, Engineering Division Contractor City of Milpitas, Engineering Division	Prior to completion of contract documents, specifications, and cost estimates for each phase During construction During construction	
Mitigation Measure 10: The City of Milpitas shall coordinate large evening events at the Civic Center held by the City Council, the Community Center, and the Senior Center to ensure that sufficient parking supply is available for the public. The following provides the different sizes of events that could occur at the same time during the evening period with out increasing the current parking supply available to the public:	City coordinates large evening events at the Senior Center with those at the Civic Center and the Community Center	City of Milpitas, Parks and Recreation Services Department	As parking demands warrant	

Mitigation Measure						Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance Record (Printed Name/Signature/Date)
		Senior Center Number of Attendees							
		50	100	150	185				
Combined Community Center and City Hall Number of Attendees	50	Yes	Yes	Yes	Yes				
	100	Yes	Yes	Yes	Yes				
	150	Yes	Yes	Yes	Yes				
	200	Yes	Yes	Yes	Yes				
	250	Yes	Yes	Yes	No				
	300	Yes	Yes	No	No				