

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Aesthetics				

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Air Quality				
The project would generate air pollutant emissions during construction. The project would result in short-term air quality impacts during construction, associated primarily with the increase in suspended particulates, or dust. Construction activities, including site clearing and soil disturbance, could generate dust emissions and locally elevated levels of particulates (i.e., PM10) downwind of construction activities.	In order to minimize PM10 emissions during construction, the project contractor shall implement the following dust control measures: <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily. ▪ 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 time daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. ▪ Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. ▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 	Department of Public Works, City Facilities and Architectural Services	Include the identified dust control measures in contract specifications and documents.	Implement dust control measures during the entire construction period.

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Biological Resources				
<p>Results of the biological study indicate that the project site contains potential burrowing owl habitat. The proposed project could result in impacts to burrowing owls, if they are present within or adjacent to the project area at the time of construction. With implementation of the following measures, potential impacts to burrowing owls will be reduced to less-than-significant levels.</p>	<p>1. A qualified biologist shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to commencement of project activities. If burrowing owls are observed within the project area or areas adjacent to it during the breeding season (February 1 to August 31), a 250-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until all young have fledged and are able to feed on their own, as determined by monitoring surveys conducted by a qualified biologist. Breeding burrowing owls and their young should not be relocated</p> <p>2. If burrowing owls are observed within the project area or areas adjacent to it during the non-breeding season (September to January), a 50 meter/160-foot buffer zone shall be established around the occupied burrow(s) and construction delayed in that buffer zone until the owls have vacated the occupied burrow, as determined by monitoring conducted by a qualified biologist. If this is not practical, obtain a Memorandum of Understanding (MOU) from the California Department of Fish and Game to allow passive relocation of non-breeding burrowing owls. Passive relocation usually involves placing a “one-way” door on the occupied burrow to allow the owl to escape, but not reenter the burrow, and monitoring of the burrow by a qualified biologist for one week to ensure that the owl has vacated the burrow.</p>	<p>Department of Public Works, City Facilities and Architectural Services</p>	<p>The project proponent shall retain a qualified biologist to conduct the burrowing owl survey and monitoring and, if required, coordination with the California Department of Fish and Game. The results of the biologist’s survey/monitoring (and relocation plan if required) shall be documented and a report shall be submitted to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement.</p> <p>The Environmental Principal Planner in the Department of Planning, Building and Code Enforcement shall be notified immediately if burrowing owls are found during the survey.</p>	<p>Surveys and/or monitoring shall be conducted no more than 30 days prior to the onset of construction.</p> <p>Immediately notify the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement if burrowing owls are found during the survey.</p>

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Cultural Resources				
<p>The potential for archaeological materials on the project site is considered low, since the site has been substantially disturbed by development of the park and adjacent streets. However, it is possible that construction of the project could potentially uncover buried archaeological resources. This represents a potentially significant impact that would be mitigated to a less-than-significant level with the identified measures.</p>	<p>1. In the event that human remains and/or cultural materials are found during construction, all project-related construction shall cease within a 50-foot radius 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.</p> <p>2. 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.</p> <p>3. A final report shall be submitted to the City's Environmental Principal Planner when mitigation is completed. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.</p>	<p>Department of Public Works, City Facilities and Architectural Services</p>	<p>Include the identified mitigation measures in the project specifications and documents.</p> <p>A final report shall be submitted to the City's Environmental Principal Planner when mitigation, if required, is completed.</p>	<p>The identified mitigation shall apply during all earth moving activities.</p> <p>A final report shall be submitted to the City's Environmental Principal Planner when mitigation, if required, is completed.</p>

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Geology and Soils				

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Hazards and Hazardous Materials				

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Hydrology and Water Quality				
<p>Construction activities on the project site may result in an increase in erosion affecting the quality of storm water runoff. Grading and pavement removal activities would loosen soils and increase the release of sediment into Silver Creek. Implementation of the identified mitigation measures will reduce this impact to less-than-significant levels.</p>	<p>The project proponent shall obtain and comply with the NPDES General Construction Activity Storm Water Permit administered by the RWQCB. Prior to construction grading, the applicant shall file a Notice of Intent (NOI) in accordance with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize pre- and post-construction runoff. The SWPPP shall be submitted to the San Jose Environmental Services Division and Public Works Department and include the following measures:</p> <p>Other post-construction source controls and BMPs include the following:</p>	<p>Department of Public Works, City Facilities and Architectural Services</p>	<p>Include the identified water quality protection measures in contract specifications and documents; submit documentation verifying compliance with the identified mitigation measures to the Environmental Principal Planner prior to project completion.</p>	<p>Implement water quality mitigation measures during project construction; maintain landscaping and drainage facilities after project completion.</p> <p>File the Notice of Intent and Notice of Termination as specified in the mitigation measures.</p>

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Land Use and Planning				

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Noise				
<p>Construction of the proposed project would temporarily increase noise levels at residences along Cunningham Avenue in the project area. These residences are as close as about 30 feet from the project alignment. Construction noise represents a potentially significant impact that would be reduced to a less-than-significant level with implementation of the identified mitigation.</p>	<p>During construction, the contractor shall implement the following measures to minimize construction noise nuisance impacts:</p> <ol style="list-style-type: none"> 1. For work occurring within 500 feet of a residence, work hours shall be limited to between 7 am to 7 pm Monday through Friday, and from Saturdays from 9 am to 5 pm. No Sunday construction shall be allowed; 2. Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained, including trucks used to haul materials; 3. Install superior intake and exhaust mufflers and engine enclosure panels wherever possible on gas diesel or pneumatic impact machines; 4. Eliminate unnecessary idling of machines when not in use; 5. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses. The setback distance would be determined in the field based on changing construction conditions. 	<p>Department of Public Works, City Facilities and Architectural Services and project contractor.</p>	<p>Include the identified noise control measures in contract specifications and documents.</p>	<p>Implement noise control measures during the entire construction period.</p>

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Transportation and Traffic				