

Mitigation Monitoring and Reporting Program

City of Cupertino

Parks and Recreation System Master Plan



February 2020

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation, Monitoring and Reporting Program (MMRP) has been prepared pursuant to the CEQA Guidelines, which state:

“When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects” (§15074(d)) and;

“The Lead Agency may choose whether its program will monitor mitigation, report on mitigation, or both. “Reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. “Monitoring” is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both.” (§15097 (c))

The table beginning on the next page list the impacts, mitigation measures, and timing of the mitigation measure (when the measure will be implemented) related to the Cupertino Parks and Recreation System Master Plan Project. All of the mitigation measures listed here will be implemented by the City, or by the City’s appointees.

According to CEQA Guidelines section 15126.4 (a) (2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” Therefore, all mitigation measures as listed in this MMRP will be adopted by the City of Cupertino when the project is approved.

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Impact	Mitigation Measure	Implementation and Timing	Monitoring Responsibility
Impact AES-1: Park projects that include night lighting could cause light and glare impacts to sensitive adjacent land uses.	Mitigation Measure AES-1. New exterior lighting in proximity to adjacent property will be shielded as necessary to ensure that exterior light sources do not create a significant light or glare impact on an adjacent land use. A lighting plan that addresses potential light and glare impacts shall be prepared for projects that include new night lighting in proximity to adjacent private properties.	Implementation: The City shall implement this measure during the design of park projects that include night lighting. Timing: Project design phase.	Monitoring: The lighting plan shall be approved by the City Project Manager and kept on file with the MMRP.
Impact BIO-1: Future park projects could impact special-status species, sensitive communities, wetlands and wildlife corridors, as defined by state and federal law.	Mitigation Measure BIO-1: The Capital Improvement Program ("CIP") for Parks and Recreation improvements shall be reviewed annually by staff to identify projects that could potentially affect special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or native wildlife nursery sites. Any such projects shall be reviewed by a professional in field biology. The biological professional shall: <ul style="list-style-type: none"> a) Research the potential occurrence of special-status species and sensitive communities in the areas affected by CIP projects by reviewing the California Natural Diversity Database, California Native Plant Society Inventory, IPaC, or other appropriate databases, by contacting resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife, and/or NOAA Fisheries Service, or other appropriate methods. b) For each CIP project approved for funding that could impact special-status species, sensitive natural communities, wetlands, wildlife corridors, 	Implementation: Measure BIO-1 shall be completed by, or overseen by, a qualified professional with expertise in field biology, biological impact assessment, and resource agency permits. The results shall be documented in field records, consultation notes, and reports, as determined appropriate by the professional or as required by resource agency permits obtained for the project.	Monitoring: Site-specific monitoring as indicated by the qualified professional with project specific review. Proof that the mitigation measure has been implemented will be provided through biological documentation for each project that requires biological review.

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	<p>and/or nursery sites during construction or as a result of the proposed use, including maintenance, prior to the start of construction identify all resource agency permits required for the project and ensure that the project is modified as necessary to minimize effects on biological resources and avoid impacts.</p> <p>c) For each CIP project that could have a significant impact on special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or nursery sites, specify measures to avoid impacts or to reduce impacts to a less-than-significant level that will be implemented as part of the project. Indicate the timing of when the measures would be implemented (e.g., prior to construction activities, during construction, post-construction etc.). These measures may include actions such as the following currently accepted measures:</p> <ol style="list-style-type: none"> 1. Pre-construction surveys for special-status plant and animal species, nesting birds, and roosting bats in the correct season and using CNPS, CDFW and/or other accepted protocols, as appropriate, to identify if the species are present and would be impacted by the project. 2. Wildlife exclusion fencing to prevent species, such as protected amphibians and reptiles, from entering the work site. Regular fence inspections to assure that species are not trapped and to maintain the integrity of the fence. 	<p>Timing: Staff will review the adopted CIP each year after funding is approved to determine if the funded projects need to be reviewed by a qualified professional. Project-specific timing for each measure to be implemented would be identified by the qualified professional when the project's scope and design is adequately defined to allow determination of appropriate measures, and before finalizing the design for bidding or construction</p>	

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	<ul style="list-style-type: none">3. Clear delineation of the work area and/or protected areas in the field to prevent construction activities from extending beyond required work areas and into nearby natural areas that contain sensitive species habitat or sensitive natural communities or wetlands. Environmentally sensitive areas may also be delineated on construction drawings for certain projects.4. Silt fencing or other erosion control measures to protect water quality downstream of the project and the biological resources that rely on suitable water quality.5. Worker environmental awareness training provided by a qualified professional (typically a biologist) prior to the start of any project activities that affect the physical environment to educate workers about the presence of environmentally sensitive areas, what species may be present, what laws protect the species, and what to do if a special-status species is encountered.6. Construction site sanitation to dispose of food and beverage waste and associated wrappers or containers to minimize site attractiveness to wildlife during construction.7. Wildlife protection measures, such as minimizing the use of monofilament netting which can ensnare reptiles and		

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	<p>amphibians, covering trenches near suitable habitat so that species are not trapped and unable to hide from a predator, and/or daily pre-construction sweeps to verify special-status species are not present in the work area.</p> <p>8. Actions to take if special-status species are discovered, such as establishment of buffer zones or other measures acceptable to resource agencies to protect the individual species.</p>		
<p>Impact CULT-1: Park projects involving ground moving activity below the existing topsoil layer may disturb unknown prehistoric or historic cultural resources during project construction.</p>	<p>Mitigation Measure CULT-1: Upon discovery of possible buried prehistoric or historic cultural materials, work within 25 feet of the find must be halted and the City must be notified. The City shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards to review and evaluate the find. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential prehistorical or historical resources or unique archaeological resources that have been exposed.</p>	<p>Implementation: The City shall implement this measure in the event archaeological resources are unearthed.</p> <p>Timing: During all earth disturbing phases of project construction.</p>	<p>Monitoring: An archaeological report, if appropriate, will be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.</p>

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	<p>If the discovery is determined to be a unique archaeological or historical resource, and if avoidance of the resource is not possible, the archaeologist shall inform the City of the necessary plans for treatment of the find(s) and mitigation of impacts. The City shall insure that the treatment program is completed. The work shall be performed by the archaeologist and shall result in a detailed technical report that must be filed with the Northwest Information Center, Sonoma State University. Construction in the immediate vicinity of the find must not recommence until treatment has been completed.</p> <p>Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.98 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The County Medical Examiner/Coroner will be notified and will determine whether the remains are Native American. If the Coroner determines the remains are Native American and are not subject to his or her authority, he or she will notify the California Native American Heritage Commission, which will attempt to identify descendants of the deceased Native American(s).</p> <p>In anticipation of additional discoveries during construction, Archaeological Sensitivity Training shall be carried out by a qualified archaeologist for all personnel who will engage in ground</p>		

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	<p>moving activities on the site prior to resuming construction.</p> <p>If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resource Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist.</p> <p>The City shall coordinate with the archaeologist to develop an appropriate treatment plan for any resources that are discovered. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. If appropriate, the archaeologist may introduce archaeological monitoring on all or part of the site. An archaeological report shall be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.</p> <p>The City shall ensure that appropriate construction conditions are included in any contract that has the potential for ground disturbing operations. All excavation contracts for the project shall contain provisions for stopping work in the vicinity of a find exposing archaeological resources during subsurface construction.</p>		