

# ATTACHMENT 4

## RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS APRIL 28, 2014

### Planning Application 2013-7081

610 – 630 E. Weddell Drive

**Special Development Permit** for the construction of a four-story building consisting of 205 residential apartment units

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

**GC-2. PERMIT EXPIRATION:**

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

## GC-3. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

## GC-4. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

## GC-5. ON-SITE AMENITIES:

Swimming pools, pool equipment structures, play equipment and other accessory utility buildings, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors. [COA] [PLANNING]

## GC-6. AFFORDABLE RENTAL UNITS DEVELOPER AGREEMENT:

The Developer/Owner shall sign and submit to the City for recording a "Density Bonus Developer and Regulatory Agreement and Declaration of Restrictive Covenants" in a form provided by the City to secure the affordability restrictions applicable to the project. This agreement must be recorded before issuance of a building permit or recordation of a final map, whichever occurs first. [COA] [HOUSING]

## GC-7. BELOW MARKET RATE PROGRAM/CONDO CONVERSION:

Any future conversion of this apartment project into 8 or more condominium units for sale to individual home buyers will require compliance with SMC 19.67, Below Market Rate Ownership Housing, including the requirement to enter into a BMR Developer Agreement to provide BMR units, as well as compliance with SMC 19.70, regarding condominium conversion. [SDR] [PLANNING]

## GC-8. RECREATION FACILITIES:

The recreation facilities (community room) shall be installed in connection with the first residential building permit and included on the building permit plans for the first phase. [COA] [PLANNING]

## GC-9. STORMWATER MANAGEMENT PLAN:

Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed "Stormwater Management Plan Data Form", and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

## GC-10. REVISIONS TO DEVELOPMENT PERMIT PLANS:

Final sidewalk design, street cross sections, locations of utility connections and streetlight locations shown on the plans titled "SITE DEVELOPMENT PERMIT PROJECT #2013-7081" dated April 23, 2014 shall be revised based upon the project conditions stipulated herein during the plan check process. [COA] [PUBLIC WORKS]

## GC-11. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. [SDR] [PUBLIC WORKS]

## GC-12. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way or public utility easements, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

## GC-13. PUBLIC IMPROVEMENTS:

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works.

The developer is required to complete the installation all public improvements and other improvements as deemed necessary by the Director of Public Works, prior to building occupancy or to the satisfaction of the Director of Public Works. [COA] [PUBLIC WORKS]

## GC-14. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the East Weddell Residential Projects Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING]  
**MITIGATION MEASURE**

## GC-15. TEMPORARY TRAILERS:

Temporary sales/rental/marketing trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development through an MPP. Plans for temporary trailers (excluding construction trailers) shall include the following:

- a) Trailers shall be placed on the premises not sooner than the date of final project approval by the City and shall be removed no later than 30 days after the final building is finished;
- b) Trailer entrances shall be oriented toward the nearest building;
- c) Area lighting shall be provided in the vicinity of temporary trailers. [COA] [PLANNING]

## GC-16. AFFORDABLE UNITS

The project is required to provide 11% of the base units under the allowable density of the site for “very low” income residents as defined by state law.

- a) A total of 16 units shall be provided on site, based on the density of 36 units per acre. [COA] [PLANNING]

**PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

## PS-1. REVIEW OF FINAL DESIGN:

Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit. Architectural plans shall clearly demonstrate the level of architectural detail indicated on the plans and as communicated to staff. This includes architectural elements and quality exterior materials implied in the plans. [COA] [PLANNING]

- a) Final design of the south elevation of the parking garage and the south elevation of the residential units visible from the top deck of the parking garage shall be enhanced through use of color,

materials, and/or texture. Further improvements shall include the installation of vegetated green screens.

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. BMR STANDARD PERMIT CONDITION:

The developer shall complete a "BMR Standard Conditions Form" provided by the Housing Division and submit it with a site plan to the Housing Division for review before submitting building permit applications for the project. The site plan must describe the number, type, size and location of each unit on the site. This information will be used to complete the Developer Agreement. [SDR] [HOUSING/BMR Administrative Guidelines]

**BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval and Mitigation Measures in the Mitigation Monitoring and Reporting Program (MMRP) included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded

document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-6. SOLID WASTE DISPOSAL PLAN AND RECYCLING DESIGN PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for multi-family residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-7. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-8. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$136,159.95, prior to issuance of a Building Permit. Actual fee will be based on the adopted fee resolution in place at the time of fee payment. (SMC 3.50). [SDR] [PLANNING]
- b) PARK IN-LIEU - Pay Park In-lieu fees estimated at \$3,578,815.55, prior to approval of a Building Permit. Affordable units are exempt from park in-lieu fee requirements. Fee is based on acreage requirement in effect at determination of a complete application (June 27, 2013) and land value in place at the time of building permit application submittal. Partial credit may be granted by the

Director of Public Works for on-site trails open to the public. (SMC 19.74). [SDR] [PLANNING] [SDR] [PLANNING]

- c) SENSE OF PLACE FEE - Prior to issuance of a building permit, provide a cash contribution towards sense of place improvements at the dollar amount, per unit, established in the fee resolution. Credit may be given for off-site improvements included in the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan (Sense of Place Plan), subject to the approval of the Director of Community Development. [PLANNING] [COA]

BP-9. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architecture or landscaping features. [PLANNING] [COA]

BP-10. LANDSCAPE PLAN:

Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit (MPP). The landscape plan shall include the following elements:

- a) Trees located at the northwest corner of the property (located closest to the El Dorado Mobile Home Park) shall be a minimum 36-inch box size. A taller growing tree species shall be considered at this location to provide further screening.
- b) All areas not required for parking, driveways or structures shall be landscaped.
- c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.
- e) Ten percent (10%) shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- f) Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

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- h) Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
  - i) Provide details for common area furnishing including tables, benches, grills, trash receptacles, etc. Common area furnishings shall be secured to the ground to prevent them from being moved (excepting recycling and solid waste containers located within approved enclosures).
  - j) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- BP-11. LANDSCAPE MAINTENANCE PLAN:  
Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]
- BP-12 TREE PROTECTION PLAN:  
Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:
- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
  - b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
  - d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]
- BP-13. STORMWATER MANAGEMENT CALCULATIONS:  
Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

## BP-14. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development and third party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]

## BP-15. STORMWATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:

Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]

## BP-16. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.

- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]
- BP-17. CITY STREET TREES:  
The landscape plan shall including street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]
- BP-18. EXTERIOR LIGHTING PLAN:  
Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- a) Sodium vapor (or illumination with an equivalent energy savings).
  - b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
  - c) Provide photocells for on/off control of all security and area lights.
  - d) All exterior security lights shall be equipped with vandal resistant covers.
  - e) Wall packs shall not extend above the roof of the building.
  - f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]
- BP-19. PHOTOMETRIC PLAN:  
Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]
- BP-20. PARKING MANAGEMENT PLAN (RESIDENTIAL MULTI-FAMILY):  
A Parking Management Plan is subject to review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:
- a) A clear definition of “guest” as proposed by the property manager/homeowner’s association and subject to review and approval by the Director of Community Development.
  - b) The property manager/homeowner’s association may specify that 25% to 75% of unassigned spaces be reserved for guest use only.
  - c) Clearly indicate that the property manager shall not rent unassigned spaces, except that a nominal fee may be charged for parking management.

- d) Tenants shall use their assigned parking space prior to using unassigned parking spaces.
- e) Prohibit tenants from parking RV's, trailers, or boats in assigned spaces.
- f) Notify potential residents that only one parking space is assigned per unit. [PLANNING] [COA]

BP-21. GREEN BUILDING:

The building permit plans shall demonstrate the project is designed to achieve a minimum of 110 points on BuildItGreen's GreenPoint Rated Checklist. Building permit applications are subject to the Green Building Program in place at the time of Building Permit submittal. The GreenPoint Rated Checklist shall be included on plans. A letter of verification by a Green Point Rater shall be provided that indicates the project has achieved the minimum points prior to occupancy/final inspection. The project receives a 5% density bonus based on a density of 36 dwelling units allowed for the project site and is counted separately from the requested state density bonus. [SDR] [PLANNING/BUILDING]

BP-22. BICYCLE SPACES:

Provide a minimum of 52 secured bicycle parking spaces. Bicycle parking shall be dispersed in several common areas throughout the site in well-lighted areas and in close proximity to building entrances. [COA] [PLANNING/TRANSPORTATION]

BP-23. NOISE REDUCTION:

Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures" in the approved environmental document and all plans shall be wet-stamped and signed by the consultant. [COA] [PLANNING] **Mitigation Measure**

BP-24. CUL-DE-SAC REQUIREMENTS:

The developer shall vacate the existing street easement as recorded under 8716 O.R. 58, prior to encroachment permit or building permit issuance, whichever occur first.

As part of the vacation process, developer shall:

- a. Dedicate a Public Pedestrian and Vehicular Access Easement for the new cul-de-sac area, with maintenance provisions for perpetual maintenance of certain surface improvements (walkways, decorative paved areas, etc.);
- b. Dedicate an 18 foot wide Public Water Line Easement to accommodate the existing public water facilities; and
- c. The subject Easement shall be accepted by the City and be recorded prior to any building occupancy. [COA] [PUBLIC WORKS]

- BP-25. BUILDING PERMIT ISSUANCE:  
No building permit issuance prior to quitclaim of existing PG&E easement (BK. J091 PG. 59), unless otherwise approved by the Director of Community Development and the Director of Public Works. [COA] [PLANNING/PUBLIC WORKS]
- BP-26. FIRE HYDRANTS  
Hydrants are required every 300 feet along all emergency vehicle access roads. Provide an additional hydrant on the north side of the main entrance. A fire hydrant shall be located within 50 feet of the emergency vehicle access road on the south end of the complex [COA] [PUBLIC SAFETY]
- BP-27. STANDPIPES  
Additional Class I standpipes shall be added throughout each building area and garage so that the most remote portion of the floor is not more than 130 feet from a hose connection measured along the path of travel and so that a standpipe is located on each side of each horizontal separation and at the entrance from each exit passageways to other areas of the building. [COA] [PUBLIC SAFETY]
- BP-28. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:  
To mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the City, per City's "Waste & Recycling Reporting Form" (electronic copy available) or a similar chart approved by the City. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the Department of Environmental Services, Solid Waste Division both periodically and at project completion [COA][ENVIRONMENTAL SERVICES]

**EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.**

- EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:  
A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]
- EP-2. UTILITY CONNECTION:

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- This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]
- EP-3. UTILITY CONNECTION TO THE MAIN:  
All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, unless otherwise approved by the Director of Public Works. All storm drain lateral connecting to the main shall be with a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. [SDR] [PUBLIC WORKS]
- EP-4. EXISTING UTILITY ABANDONMENT:  
Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]
- EP-5. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:  
Developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]
- EP-6. DRY UTILITIES:  
Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility constructions. [SDR] [PUBLIC WORKS]
- EP-7. WET UTILITIES:  
a. Sanitary Sewer. Install a new sanitary sewer (SS) manhole at the property line. The City shall maintain the SS line within the Weddell street right-of-way. The owner shall maintain the SS line within the new cul-de-sac area and on the private property. Remove and/or abandon all unused SS lines per City's abandonment requirements.

- b. Storm Drain. Install a new 24" storm drain (SD) curb inlet just outside the property line within the Weddell street right-of-way to intercept all public surface runoff. All surface runoff within the entire new cul-de-sac area on private property shall be directed towards a private inlet. Re-grade the street at the property line to create a grade break (high point) to separate the public and private surface runoff.
  - i. Extension of the existing SD line and PUE may be needed during the plan check process.
  - ii. The City shall maintain the SD line within Weddell public right-of-way and within the existing 18' PUE. The owner shall maintain the SD line within the new cul-de-sac area and on the private property. Remove and/or abandon all unused SD lines per City's abandonment requirements.
- c. Water. All new water lines within the new cul-de-sac area shall be private water facilities maintained by the property owner. [COA] [PUBLIC WORKS]

EP-8. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-9. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:

Provide separate fire and domestic service lines. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]

EP-10. WATER METER:

Install a new radio-read water meter . For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-11. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.

Install new backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable.

Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code. [SDR] [PUBLIC WORKS]

EP-12. SANITARY SEWER ANALYSIS:

Submit a focused sanitary sewer analysis identifying the overall project impact to the City's existing sanitary sewer main(s). This includes, but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans.

[COA] [PUBLIC WORKS]

EP-13. SANITARY SEWER MAIN ALONG NORTH FAIR OAKS AVENUE:

Based upon the sanitary sewer analysis dated August 16, 2013 prepared by Kier & Wright Civil Engineers & Surveyors, Inc., and the Mitigation Measure UTIL-3 as part of the Environmental Impact Report (EIR) for the East Weddell Residential Projects, the developer shall replace existing 8" VCP sanitary sewer main along North Fair Oaks Avenue with a 10" VCP pipe. The limits of pipe replacement shall be from manhole #206 to manhole #211 (including a section of corrugated pipe material within an existing storm drain manhole number #106 on City's utility maps) as shown on City's utility block map no. 508. Developer shall submit improvement plans and updated analysis for the cumulative peak flow impact to the new pipe during the off-site improvement plan check process.

Developer may obtain reimbursement from the developer at 520 East Weddell Drive with a separate private agreement, which City is not a part. The completion and acceptance date of this work is subject to review by the Director of Public Works. [SDR] [PUBLIC WORKS]

EP-14. SEWER CLEANOUT:

Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

- EP-15. SANITARY SEWER MANHOLE:  
Install new sewer manhole at the property line to be used for the project. [SDR] [PUBLIC WORKS]
- EP-16. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:  
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Director of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-17. UTILITY METER/VAULT:  
All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]
- EP-18. STREETLIGHTS:  
Relocate existing street light pole at the cul-de-sac to just outside of the property line. The exact location shall be determined during the off-site improvement plan check process. Remove the existing HPS street light fixture and replace with new Cree LED fixture. Replace all existing public streetlight conduits, wires and pull boxes with new ones per City's current standards.
- Submit separate streetlight plans concurrently with the off-site improvement plan review to include installation of new conduits, existing and/or new locations of power source connection conductors, pull boxes, and any other streetlight equipment as required to be installed by Developer per latest City standard details and specifications and National Electrical Code. [SDR] [PUBLIC WORKS]
- EP-19. PUBLIC SIDEWALK AND DRIVEWAY APPROACH IMPROVEMENTS:  
Applicant shall install a new 10' wide public sidewalk from the project site to the existing public sidewalk north of the project site along the east side of Weddell Drive per City standard detail 9C. Provide a sidewalk transition as needed to connect/conform to the new PG&E driveway and to connect/conform to the new cul-de-sac. Reconstruct the existing PG&E driveway approach to match City standard detail 6C-1. Replace the existing driveway approach fronting the City and County of San Francisco (SFPUC) property. Final sidewalk design shall be reviewed and approved during off-site improvement plan review and be subject to approval by the Director of Public Works. [COA] [PUBLIC WORKS]
- EP-20. TRAFFIC CONTROL PLAN:  
Submit a traffic control plan with the off-site improvement plans for review and approval. All construction related materials, equipment,

and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-21. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site including, but not limited to, any street pavement as a result of project construction to City's satisfaction by the Director of Public Works. [COA] [PUBLIC WORKS]

EP-22. APPROVAL FROM OTHER AGENCIES:

This project requires approval from Santa Clara Valley Water District (SCVWD) prior to building permit. [COA] [PUBLIC WORKS]

EP-23. PUBLIC ACCESS EASEMENT

- a) Provide a public access easement for a minimum 10-foot wide bicycle and pedestrian path ("Pedestrian Path") along the north property line and connecting to East Weddell Drive.
- b) Improve the public access easement area in accordance with the draft plans. Final design of bicycle and pedestrian improvements within the easement is subject to approval by the Director of Community Development and Director of Public Works.
- c) The City will provide a credit of 25% of the land area of a ten foot wide easement toward the park dedication requirement (SMC Chapter 19.74) for this project.

EP-24. APPROVAL FROM SAN FRANCISCO PUBLIC UTILITY COMMISSION (SFPUC) FOR GREENBELT IMPROVEMENTS:

Prior to any installation of any landscape improvements within the City's SFPUC permit area, the developer and the City will cooperate and use diligent efforts to obtain the necessary approvals from SFPUC under the terms of the City's existing Land Use Permit with SFPUC. If, despite diligent efforts by the developer, SFPUC does not approve the proposed greenbelt improvements within 12 months of the date of issuance of the first building permit for the project, the developer is relieved of this obligation. [COA] [PUBLIC WORKS]

EP-25. APPROVAL FROM PG&E FOR GREENBELT IMPROVEMENTS:

Prior to any installation any landscape improvements within the Pacific Gas & Electric Company (PG&E) letter of permission area, the developer and the City will cooperate and use diligent efforts to obtain the necessary approvals from Pacific Gas & Electric Company (PG&E) under the terms of the City's existing PG&E letter of permission for the Hetch Hetchy Bike Path. If, despite diligent efforts by the developer, PG&E does not approve the proposed improvements within 12 months of the date of issuance of the first building permit for the

- project, the developer is relieved of this obligation. [COA] [PUBLIC WORKS]
- EP-26. UTILITY COMPANY APPROVAL:  
Obtain approval letters from various utility companies in regards to any existing or new easements associated with the project. [COA] [PUBLIC WORKS]
- EP-27. RECORD DRAWINGS:  
Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]
- EP-28. EMERGENCY VEHICLE ACCESS EASEMENT:  
Developer shall dedicate appropriate emergency vehicle ingress-egress access easement over the cul-de-sac surface parking areas, excepting areas for parking stalls and loading areas, in accordance with the Fire Access Diagram as shown on Sheet A1.02 of the Site Development Permit Plans #2013-7081 dated April 23, 2014, with maintenance provisions for surface improvements. The developer shall dedicate the subject easement prior to building issuance and be accepted prior to encroachment permit sign-off and prior to any building occupancy. [COA][PUBLIC SAFETY/PUBLIC WORKS]
- EP-29. PUBLIC WORKS DEVELOPMENT FEES:  
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to any permit issuance. Pay incremental sewer connection fee of \$427,407.37 and water connection fee of \$72,243.00 prior to building permit issuance. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]
- EP-30. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:  
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-31. OFF-SITE IMPROVEMENT COST ESTIMATE:  
Provide an engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]
- EP-32. N. FAIR OAKS AVENUE & E. WEDDELL DRIVE INTERSECTION  
a) An enhanced pedestrian crossing at the intersection N. Fair Oaks Avenue and E. Weddell Drive shall be installed. Subject to Caltrans approval, the improvements shall include a pedestrian countdown signal and enhanced crosswalk striping. Development costs and

responsibilities may be shared with the developer of 520-550 E Weddell Drive.

- b) Credit toward the Tasman Crossing Sense of Place fee will be given for the improvement. [COA] [PLANNING/PUBLIC WORKS]

**PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to certificate of occupancy. [COA] [PLANNING]

PF-2. PARKING LOT STRIPING:

All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)

PF-3. BMR RENTAL UNITS DEED RECORDATION:

The Developer/Owner or its successor shall endorse a Deed of Trust to secure the BMR restrictions to be recorded on the property prior to issuance of a Certificate of Occupancy by the City of Sunnyvale Building Division. The Deed of Trust and a preliminary title report shall be submitted to the Housing Officer for execution, approval of the City Attorney and recordation with the Santa Clara County Records Office. Proof of such recordation shall be deemed a condition precedent to occupancy of any residential unit within a development. [COA] [HOUSING]

PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans prior to any building occupancy. [COA] [PUBLIC WORKS]

**DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is

completed and either final occupancy has been granted. [SDR]  
[PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

DC-3. ENVIRONMENTAL MITIGATION MEASURES:

The project applicant and contractor shall maintain all construction equipment, debris and run-off prevention in compliance with the approved MMRP. [COA] [PLANNING] MITIGATION MEASURE

DC-4. FIRE ACCESS:

Prior to any combustible construction or materials on-site, provide fire access drives and operational on-site fire protection systems if applicable (Chapter 14 CFC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

**AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.**

AT-1. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-2. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-3. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

AT-4. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

- AT-5. **PARKING MANAGEMENT:**  
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-6. **PARKING LOT MAINTENANCE:**  
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Maintain all parking lot striping and marking.
  - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
  - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
  - e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
- AT-7. **OFF-STREET PARKING:**  
Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]
- AT-8. **PARKING GARAGE MAINTENANCE:**  
The parking lot shall be maintained as follows:
- a) Parking spaces shall be maintained at all times so as to allow for parking of vehicles.
  - b) Clearly mark all assigned, guest, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
  - c) Maintain all parking garage striping and marking.
  - d) Maintain parking garage lighting to ensure that the parking garage is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]
- AT-9. **RECREATIONAL VEHICLE STORAGE PROHIBITED:**  
Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises. [COA] [PLANNING]
- AT-10. **STORMWATER BMP MAINTENANCE:**  
The project applicant, owner, or landlord, must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]

AT-11. STORMWATER BMP RIGHT OF ENTRY:

The project applicant, owner, landlord, or HOA, shall provide access to the extent allowable by law for representatives of city, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the storm water treatment best management practices contained in the approved Storm Water Management Plan.[SDR] [PLANNING]

AT-12 SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services for residential uses shall be maintained under a master account held by the applicant, owner or landlord. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [ENVIRONMENTAL SERVICES]

Exhibit 1 - Mitigation Monitoring and Reporting Program follows on next page.

## Chapter IV MITIGATION MONITORING AND REPORTING PROGRAM



This Mitigation Monitoring and Reporting Program (see Table 4-1) has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of a mitigation monitoring program when mitigation measures are required to avoid significant impacts. The monitoring program is intended to ensure compliance during implementation of the project.

This Mitigation Monitoring and Reporting Program has been formulated based upon the findings of the Draft EIR and the comments received on the Draft EIR and addressed herein. The Mitigation Monitoring and Reporting Program identifies mitigation measures recommended in the EIR to avoid or reduce identified impacts and specifies the agencies/party responsible for implementation and monitoring. Mitigation measures identified in the Initial Study are also included in the MMRP.

The first column identifies the mitigation measure. The second column entitled "Party Responsible for Ensuring Implementation" refers to the person(s) who will undertake the mitigation measures. The third column entitled "Party Responsible for Monitoring" refers to the person/agency responsible for ensuring that the mitigation measure has been implemented and recorded. The fourth column entitled "Monitoring Timing" identifies when and/or for how long the monitoring shall occur.

For the East Weddell Residential Projects, many of the mitigation measures will be overseen by the City of Sunnyvale Planning Department and Public Works Department.

TABLE 4-1 **MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<b>AESTHETICS</b>						
<u>AESTHETICS-1:</u> The applicants for both projects shall incorporate the following specifications into all construction contracts for the proposed projects: Construction staging areas and the storage of large equipment shall be located in the interior of the project sites as much as possible, and whenever feasible away from East Weddell Drive. Construction staging areas shall be on-site and shall remain clear of trash, weeds, and debris. Construction fencing shall be placed around the sites and shall include green fabric screening to screen portions of the site from view. The fencing shall be located at the northern and western edges of the Raintree site and the northern and eastern edges of the Sares Regis site. This measure would reduce the aesthetics impact to a less-than-significant level.						
	Applicants	Sunnyvale Community Development Department	At time of contract specifications.			
<u>AESTHETICS-2:</u> No mitigation would be necessary.						
<u>AESTHETICS-3:</u> The applicants for both projects shall incorporate the following specifications into the proposed projects: All lighting shall be shielded so that lighting is cast downward and “spillover” is minimized. Lighting for exterior locations shall be designed primarily for public safety and shall not result in unnecessary glare for nearby residences. Whenever possible, lighting for pathways shall be low path lighting. All garage lighting shall be shielded to minimize spillover to adjacent areas and roadways. The overall lighting design approach shall be to provide 1-foot candle of light on all parking lots and major pathways, while ½-foot candle could be provided at minor pedestrian paths. Over-lighting shall be prevented and full-cut off fixtures shall be used to minimize light pollution and trespass. The combination of the above measures would reduce this potential impact to a less-than-significant level.						
	Applicants	Sunnyvale Building Division	At time of review of final drawings.			
<b>AIR QUALTY</b>						
<u>AIR-1:</u> No mitigation would be necessary.						

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p><u>AIR - 2a:</u> The operational emissions associated with the Sares Regis and Raintree Applicant Proposed Project and Full Buildout Scenarios are less than significant. However, the following measures are included in the project description and contribute toward reducing operational emissions. Therefore, these measures are also included in the MMRP as a condition of approval of the project:</p> <ul style="list-style-type: none"> <li>▪ The Projects shall each be designed to be more than 15 percent more energy-efficient than the 2008 Title 24 energy requirements.</li> <li>▪ The Projects shall each obtain a minimum of 110 points on the Green Point Rated Checklist (<a href="#">Multifamily New Home 2008 Version 2.2.1</a>)</li> <li>▪ Energy-efficient windows, EnergyStar appliances, energy-efficient lighting, and energy efficient HVAC systems shall be installed.</li> <li>▪ Only natural gas fireplaces shall be installed.</li> <li>▪ The Projects shall each provide preferential parking locations for EVs, partial ZEVs, hybrids and CNG vehicles subject to restrictions as reasonably determined by the Developer.</li> <li>▪ The Projects shall each contain electric car charging stations and shall pre-wire 12.5 percent of the parking spaces for potential electric charging stations.</li> </ul>	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of building permits.			
<p><u>AIR-2b:</u> When construction information is available for the Full Buildout Scenarios, a complete air emissions analysis for construction emissions shall be completed by the project applicants to address annual and average daily construction emissions of reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), coarse particulate matter (PM<sub>10</sub>) exhaust, and fine particulate matter (PM<sub>2.5</sub>) exhaust during construction of the Sares Regis and Raintree projects. Average daily emissions shall be computed from total emissions. Total emissions shall be the sum of the annual emissions. If predicted average daily emissions would exceed the Bay Area Air Quality Management District (BAAQMD) thresholds, the applicants shall identify mitigation measures that would reduce construction-related emissions to below the BAAQMD thresholds. Such measures may include:</p> <p>Phasing of the project to reduce daily emissions;</p> <p>Use of newer or retrofitted construction equipment that has low emission rates;</p> <p>Use of alternatively fueled equipment; and modification of construction techniques to avoid use of diesel-powered equipment.</p> <p>Compliance with thresholds shall be verified by the City prior to issuance of any building permits. This measure would reduce the air quality impact to a less-than-significant level.</p>	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of building permits.			
<p><u>AIR-3:</u> No mitigation would be necessary.</p>						

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p><u>AIR-4:</u> The two projects shall include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new residences.</p> <p>Design buildings and sites to limit exposure from sources of TAC and fine particulate matter (PM<sub>2.5</sub>) emissions. The site layout shall locate windows and air intakes as far as possible from Highway 101 traffic lanes and provide additional tree plantings along the highway edge to maintain a uniform and continuous vegetative barrier per Bay Area Air Quality Management District (BAAQMD) recommended plantings. Any modifications to the site design shall incorporate buffers between residences and the freeway.</p> <p>Install air filtration in residential or other buildings that would include sensitive receptors that have predicted PM<sub>2.5</sub> concentrations above 0.3 micrograms per cubic meter (µg/m<sup>3</sup>) or excess lifetime cancer risk of 10.0 per million or greater. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards (Department of Public Health, City and County of San Francisco, 2008):</p> <ul style="list-style-type: none"> <li>A MERV13 or higher rating ;</li> <li>At least one air exchange(s) per hour of fresh outside filtered air;</li> <li>At least four air exchange(s) per hour recirculation; and</li> <li>At least 0.25 air exchange(s) per hour in unfiltered infiltration.</li> </ul> <p>As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM<sub>2.5</sub> exposures are predicted. Subsequent studies could be conducted to identify the ongoing need for the ventilation systems as future information becomes available.</p> <p>Ensure that the lease agreement and other property documents (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed; and (4) provide information regarding the ventilation/filtration systems (including documentation regarding the necessity for proper maintenance) and importance of keeping windows and doors closed to maximize the efficiency of the system..</p>	<p>Applicants (working with air pollutant consultant)</p>	<p>Sunnyvale Community Development Department and Sunnyvale Building Division</p>	<p>At time of review of building permit applications and prior to issuance of occupancy permits.</p>			

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>Consider phasing developments located within 101 meters (330 feet) of Highway 101 to avoid significant excess cancer risks and required installation of filtered ventilation systems (described above). Note that new United States Environmental Protection Agency (U.S. EPA) engines standards combined with California Air Resources Board (CARB) rules and regulations will reduce on-road emissions of diesel particulate matter (DPM) and PM<sub>2.5</sub> substantially, especially after 2014. Any effects of phasing the project shall be verified by an authorized air pollutant consultant approved by the City. Future phases may be exempt from the requirement to include air filtration systems in accordance with (2) above if an updated health risk assessment prepared by a qualified air pollutant consultant has first verified that the filtered ventilation systems are no longer necessary to reduce toxic air contaminant exposure from nearby roadways to below a level of significance; and the City has concurred with this finding.</p> <p>Require that prior to building occupancy, an authorized air pollutant consultant approved by the City shall verify the installation of all necessary measures to reduce toxic air contaminant (TAC) exposure.</p> <p>A properly maintained vegetative barrier could reduce particulate concentrations, including DPM, by an estimated 30 percent. Combined with the vegetation barrier along the freeway, a properly installed and operated ventilation system with MERV13 air filters may reduce PM<sub>2.5</sub> concentrations from DPM mobile and stationary sources by approximately 70 percent indoors when compared to outdoors. A ventilation system with MERV16 filters could achieve reductions of 90 percent. The air intake for these units should be located as far away as possible from Highway 101. The overall effectiveness calculations take into consideration time spent outside and the outdoor exposure of each affected unit. The U.S. EPA reports that people, on average, spend 90 percent of their time indoors (US EPA 2001). The overall effectiveness calculations should take into effect time spent outdoors. Assuming 2 hours of outdoor exposure plus 1 hour of open windows (calculated as outdoor exposure) per day, the overall effectiveness of filtration systems would be about 60 percent for MERV13 systems and about 80 percent for MERV16 systems.</p> <p>A ventilation system with MERV13 filtration would be necessary to reduce cancer risk to less-than-significant levels for areas where cancer risk is between 10 and 25.0 per million. A more efficient filtration system would be required for cancer risks that exceed 25.0 per million. A ventilation system with MERV16 filters would result in cancer risk of less than 10 per million where outdoor cancer risk is predicted to be</p>						

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>50.0 per million or less. A system with MERV14 or MERV15 could also be used, but those systems were not evaluated.</p> <p>PM<sub>2.5</sub> concentrations would also be reduced with the ventilation system that uses a MERV13 filter or greater. Maximum annual PM<sub>2.5</sub> concentrations of 0.75µg/m<sup>3</sup> or less could be mitigated using ventilation systems with MERV13 filters.</p> <p>In summary, residential units where excess cancer risk is 10 to 25.0 chances per million would require MERV13 or higher filtration and residences with higher excess cancer risk would require MERV16 filters to mitigate levels to less-than-significant levels.</p> <p>Mitigating for excess cancer risk would mitigate significant annual PM<sub>2.5</sub> concentrations to less- than- significant levels. Figures 4.2-4 and 4.2-5 show the unmitigated exposure that can be used as a guide to identify the level of mitigation required.</p> <p>The above measures would reduce the potential air quality impact to a less-than-significant level.</p>						
<p><u>AIR-5a</u>: The projects shall include the following measures recommended by the Bay Area Air Quality Management District (BAAQMD) (i.e., Best Management Practices) to reduce construction dust and on-site construction exhaust emissions by 5 percent:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> </ol> <p>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</p> <p>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</p> <p>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]).</p> <p>Clear signage shall be provided for construction workers at all access points.</p>	<p>Applicants and contractors</p>	<p>Sunnyvale Community Development Department and Sunnyvale Building Division</p>	<p>Prior to issuance of grading and/or building permits (review contract specifications).</p>			

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>A publicly visible sign shall be posted with the telephone number and person to contact at the City of Sunnyvale regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>A plan shall be developed demonstrating that the off-road equipment to be used in project construction would achieve an additional 50-percent reduction in exhaust particulate matter emissions, compared to similar equipment based on CARB OFFROAD statewide average emission factors for the projected year of use. Based on the construction plans presented for this project, a feasible method to achieve this objective would be the following:</p> <p style="padding-left: 20px;">All diesel-powered air compressors, welders, forklifts (including rough terrain forklifts), paint spray rigs, and all types of cranes, forklifts or aerial lifts (man lifts, boom lifts, etc.) used during all construction phases shall meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions or substituted with alternatively fueled equipment (e.g., LPG fuel).</p> <p style="padding-left: 20px;">All other off-road construction equipment used on the site shall, on a fleet-wide average, meet U.S. EPA Tier 2 emission standards.</p> <p style="padding-left: 20px;">Portable diesel generators operating for more than two days shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or non-diesel generators (or diesel generators using bio-diesel fuel) may be used when grid power electricity is not feasible.</p> <p>The above measures, which apply to both project-specific and cumulative impacts, shall be included in contract specifications for both projects.</p> <p>The mitigation measures listed above, applied to the Raintree Applicant Proposed Scenario and the Sares Regis Applicant Proposed Scenario, would reduce the child excess cancer risk from each of the projects as well as the combination of the two projects to below 9.9 per million.</p> <p>Construction emissions with Mitigation Measure AIR-5a were computed using the CalEEMod model. These emissions were input to the ISCST3 dispersion model to predict mitigated DPM and PM<sub>2.5</sub> concentrations and the corresponding excess cancer risks. As a result, the maximum excess child cancer risk would be reduced to 7.0 chances per million</p>						

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>for the Sares Regis Applicant Proposed Scenario and 6.8 chances per million for the Raintree Applicant Proposed Scenario.</p> <p>Since construction techniques, equipment usage, and schedules have not been identified for the Full Buildout Scenarios, Mitigation Measure AIR-5b is included below.</p> <p><u>AIR-5b</u>: When construction information is available for the Full Buildout Scenario, a complete air emissions analysis for construction emissions shall be completed by the project applicants to address health risk impacts (i.e., excess cancer risk, annual PM<sub>2.5</sub> concentration and Hazard Index) during construction of the Sares Regis and Raintree projects. If predicted excess cancer risk, annual PM<sub>2.5</sub> concentration or Hazard Index exceed the BAAQMD thresholds, the applicants shall identify mitigation measures that would reduce construction-related health risks to below the BAAQMD thresholds. Such measures may include:</p> <ul style="list-style-type: none"> <li>Use of newer or retrofitted construction equipment that has low emission rates;</li> <li>Use of alternatively fueled equipment; and</li> <li>Modification of construction techniques to avoid use of diesel-powered equipment.</li> </ul> <p>Compliance with thresholds shall be verified by the City prior to issuance of any building permits. The above measures would reduce the air quality impact to a less-than-significant level.</p>	Applicants	Sunnyvale Community Development Department	Prior to issuance of building permits.			
<p><u>AIR-6</u>: No mitigation would be necessary.</p>						
<p><u>AIR-7</u>: The projects would be required to comply with Mitigation Measures AIR-4 and AIR-5; no additional mitigation would be necessary.</p>	See AIR-4 and AIR-5					
<b>BIOLOGICAL RESOURCES</b>						
<p><u>BIO-1</u>: Tree removal and building demolition shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Wildlife Code. This shall be accomplished by preferably scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts to nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), then a preconstruction nesting survey shall be conducted. The preconstruction nesting survey shall include the following:</p> <p>A qualified biologist (Biologist) shall conduct a pre-construction nesting bird (both</p>	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to removal of any on-site trees; verify completion of study prior to issuance of grading permit; verify restrictions for construction activities at time of			

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**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>passerine and raptor) survey within seven days prior to tree removal and/or building demolition.</p> <p>If no nesting birds are observed, no further action is required and tree removal and construction activities shall occur within seven days of the survey to prevent take of individual birds that could begin nesting after the survey.</p> <p>Another nest survey shall be conducted if more than seven days elapse between the initial nest search and the beginning of tree removal and construction activities.</p> <p>If any active nests are encountered, the Biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged. Buffer zones vary depending on the species (i.e., typically 75 to 100 feet for passerines and 300 feet for raptors) and other factors such as on-going disturbance in the vicinity of the nest location. If necessary, the dimensions of the buffer zone shall be determined in consultation with the California Department of Fish and Wildlife (CDFW).</p> <p>Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone.</p> <p>No restrictions on grading or construction activities outside the prescribed buffer zone are required once the zone has been identified and delineated in the field and workers have been properly trained to avoid the buffer zone area.</p> <p>Construction activities shall be restricted from the buffer zone until the Biologist has determined that young birds have fledged and the buffer zone is no longer needed.</p> <p>A survey report of findings verifying that any young have fledged shall be submitted by the Biologist for review and approval by the City of Sunnyvale Planning Division prior to initiation of any tree removal or other construction activities within the buffer zone. Following approval by the City, tree removal and construction within the nest-buffer zone may proceed.</p> <p>This measure would reduce the biological resources impact to a less-than-significant level.</p>			<p>site visits.</p>			
<p><u>BIO-2</u>: The proposed projects shall comply with the City's Tree Preservation Ordinance. As necessary, additional information shall be provided by the applicants regarding valuation of trees to be preserved and tree preservation guidelines during and after construction. Further review shall be provided to demonstrate adequate replacement</p>	<p>Applicants</p>	<p>Sunnyvale Community Development Department</p>	<p>Prior to issuance of grading and/or building permit.</p>			

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>plantings, establish an appropriate bond value for trees to be protected, and determine whether soil mitigation and other requirements are necessary.</p> <p>This measure would reduce the biological resources impact to a less-than-significant level.</p>						
<b>GREENHOUSE GAS EMISSIONS</b>						
<u>GHG-1</u> : No mitigation would be necessary.						
<u>GHG-2</u> : No mitigation would be necessary.						
<b>HAZARDS AND HAZARDOUS MATERIALS</b>						
<p><u>HAZARDS-1</u>: Regulatory oversight shall be initiated to develop and implement measures to eliminate potential health risks related to soils containing elevated levels of arsenic and/or vanadium at the Raintree site. This oversight may be provided by Santa Clara County Department of Environmental Health (SCDEH), the Regional Water Quality Control Board (RWQCB), or Department of Toxic Substances Control (DTSC) and may require the project applicant to submit an application to the State Site Designation Committee for assignment of an appropriate local or state oversight agency. As a condition of approval for construction, demolition, or grading permits, the applicant shall incorporate measures to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than <math>1 \times 10^{-6}</math> (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as otherwise required by a regulatory oversight agency. The evaluation of risk would be subject to review and/or approval by regulatory oversight agencies. These agencies could also require additional site investigation to more fully delineate the extent of contaminants of concern at the site.</p> <p>The potential risks to human health in excess of these goals must be reduced either by remediation of the contaminated soils (e.g., excavation and off-site disposal) and/or implementation of institutional controls and engineering controls (IC/EC). If extensive on-site excavation and/or soil off-haul is determined to be the appropriate response action, additional CEQA review may be required to evaluate potential impacts related to air quality, noise, and traffic and to recommend mitigation measures, as necessary. IC/EC may include the use of a Construction Risk Management Plan (for mitigating exposures during construction and maintenance of the project), placement of new fill or pavement over contaminated soils, and/or deed restrictions. If IC/EC are implemented, an Operations and Maintenance Program must be prepared and implemented to ensure that the measures</p>	<p>Raintree Applicant (working with listed state and regional agencies)</p>	<p>Sunnyvale Community Development (to ensure compliance with regulatory agencies)</p>	<p>Prior to issuance of grading permit.</p>			

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>adopted are maintained throughout the life of the project. The Operations and Maintenance Program would be subject to review and approval by regulatory oversight agencies.</p> <p>This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.</p>						
<p><u>HAZARDS-2:</u> Occupancy permits for the Sares Regis site shall be contingent upon the site receiving written certification from DTSC that hazardous materials conditions at the Sares Regis site are acceptable for the proposed project. Currently, remedial action is expected to be limited to excavation and off-site disposal of a small volume of soil. Under Voluntary Cleanup Program guidelines, DTSC shall review the remedial action using its Exemption Evaluation Checklist to determine if any additional CEQA review may be required to evaluate potential impacts related to the remedial action.</p> <p>This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.</p>	Sares Regis Applicant (working with DTSC)	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of occupancy permit.			
<p><u>HAZARDS-3:</u> Construction at the project sites shall be conducted under a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall summarize soil and groundwater analytical data collected on the project sites during past investigations and during site investigation and remediation activities described in Mitigation Measure HAZARDS-1 for the Raintree site; delineate areas of known soil and groundwater contamination, if applicable; and identify soil and groundwater management options for excavated soil and groundwater, in compliance with local, state, and federal statutes and regulations.</p> <p>The CRMP shall:</p> <ol style="list-style-type: none"> <li>(1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively.</li> <li>(2) Require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation.</li> <li>(3) Require the preparation of a contingency plan that shall be applied should previously</li> </ol>	Applicants	Sunnyvale Community Development Department	Review and approval of CRMP prior to issuance of grading, demolition, or building permits.			

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**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>unknown hazardous materials be encountered during construction activities. The contingency plan shall include provisions that require collection of soil and/or groundwater samples in the newly discovered affected area by a qualified environmental professional prior to further work, as appropriate. The analytical results of the sampling shall be reviewed by the qualified environmental professional and submitted to the appropriate regulatory agency. The environmental professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under the oversight of the City or regulatory agency, as appropriate</p> <p>(4) Designate personnel responsible for implementation of the CRMP.</p> <p>The CRMP shall be submitted to the City of Sunnyvale for review and approval prior to the issuance of construction and demolition permits.</p> <p>This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.</p>						
<p><u>HAZARDS-4</u>: Hazardous building materials surveys shall be conducted by a qualified and licensed professional for all structures that were not previously inspected or abated and that are proposed for demolition or renovation at the project sites. Lead-based paint shall be included in all hazardous material surveys. All loose and peeling lead-based paint and asbestos-containing materials (ACM) shall be abated by certified contractor(s) in accordance with local, state, and federal requirements. All other hazardous materials, such as "universal wastes," shall be removed from buildings prior to demolition in accordance with Division of Occupational Safety and Health (DOSH) regulations. The completion of the abatement activities shall be documented by a qualified environmental professional(s) and submitted to the City of Sunnyvale prior to the issuance of construction and demolition permits.</p> <p>This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.</p>	Applicants	Sunnyvale Building Division	Prior to issuance of grading or demolition permits.			
<p><u>HAZARDS-5</u>: No mitigation would be necessary.</p>						
<p><u>HAZARDS-6</u>: No mitigation would be necessary.</p>						
<p><u>HAZARDS-7</u>: No mitigation would be necessary.</p>						

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<b>LAND USE AND PLANNING</b>						
<u>LAND-1:</u> No mitigation would be necessary. Refer to other sections of the EIR as related to potential environmental impacts, specifically air quality and noise.						
<b>NOISE</b>						
<u>NOISE-1:</u> The following mitigation measures shall be included in each project to reduce the impact to a less-than-significant level:						
When refining the project’s site plan, continue to locate common outdoor use areas away from roadways and shield noise-sensitive outdoor spaces with buildings whenever possible.						
Incorporate building design and treatments to ensure compliance with State of California and City of Sunnyvale noise standards. A project-specific acoustical analysis shall be required by the City of Sunnyvale to ensure that the design of the project incorporates controls so that interior noise levels would be reduced to 45 dBA DNL or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all residential units, so that windows could be kept closed at the occupant’s discretion to control noise. Special building construction techniques (e.g., sound-rated windows and doors and building facade treatments) may be required for many residential units facing adjacent roadways. These treatments may include sound-rated windows and doors, sound rated wall constructions, and acoustical caulking. Pursuant to the State Building Code, the results of the analysis, including a description of the necessary noise control measures, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA DNL or lower.						
	Applicants (working with acoustical consultant)	Sunnyvale Community Development Department		During design review and during final building permit applications.		
A qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior and exterior noise levels and ensure compliance with City of Sunnyvale policies and State of California noise regulations.						
The above measures would reduce the potential noise impact to a less-than-significant level.						
<u>NOISE-2:</u> No mitigation would be necessary.						

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**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<u>NOISE-3</u> : No mitigation would be necessary.						
<u>NOISE-4</u> : No mitigation would be necessary.						
<u>NOISE-5</u> : To mitigate potential short-term construction noise impacts, each project shall be required to comply with the following:						
<p>1. Project construction operations shall be required to use available noise suppression devices and techniques and to limit construction hours per the Sunnyvale Municipal Code.</p> <p>A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as practical:</p> <p style="padding-left: 20px;">Use "quiet" models of air compressors and other stationary noise sources where technology exists.</p> <p style="padding-left: 20px;">Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</p> <p style="padding-left: 20px;">Locate all stationary noise-generating equipment, such as air compressors, portable power generators, and crushing/recycling operations, near U.S. Highway 101 and as far away as possible from adjacent land uses.</p> <p style="padding-left: 20px;">Locate staging areas and construction material areas as far away as possible from adjacent land uses.</p> <p style="padding-left: 20px;">Prohibit all unnecessary idling of internal combustion engines.</p> <p style="padding-left: 20px;">Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented.</p> <p style="padding-left: 20px;">Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p>	<p>Applicants and Contractors</p>	<p>Sunnyvale Community Development Department and Building Division</p>	<p>Review plan prior to issuance of grading or building permit; review contract specifications.</p>			
The potential short-term noise impacts associated with construction would be mitigated by						

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**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>the above measures implemented during all phases of construction activity to minimize the exposure of neighboring properties, and in combination with the limitations on hours set forth in the Sunnyvale Municipal Code. The impact would be mitigated to a less-than-significant level with the implementation of the above measures.</p>						
<u>NOISE-6</u> : No mitigation would be necessary.						
<b>PUBLIC SERVICES</b>						
<u>SERVICES-1</u> : The environmental impact would be less than significant, and no mitigation is necessary.						
<u>SERVICES-2</u> : The environmental impact would be less than significant, and no mitigation is necessary.						
<p><u>SERVICES-3</u>: The environmental impact would be less than significant, and no mitigation is necessary. As a condition of project approval, the project applicants would be required to pay standard school impact fees. As provided by state law, the payment of these fees is deemed to fully mitigate the impacts of new development on school services.</p>	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	At time of building permit application.			
<b>RECREATION</b>						
<p><u>REC-1</u>: As a condition of project approval, each project shall be required to comply with applicable City of Sunnyvale parkland dedication and in-lieu fee requirements. Compliance with these requirements would ensure that the impact of each project on existing parks and demand for new parkland would be reduced to a less-than-significant level.</p>	Applicants	Sunnyvale Community Development Department	At time of building permit application.			
<p><u>REC-2</u>: Each project shall comply with Mitigation Measure REC-1 and all other applicable mitigation measures identified in this EIR. Compliance with these measures would ensure that the impact of recreational facilities included in each project would be reduced to a less-than-significant level.</p>	See REC-1					
<b>TRANSPORTATION</b>						
<u>TRANSPORTATION-1</u> : No mitigation measures would be necessary under Baseline-Plus Project Conditions.						

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<u>TRANSPORTATION-2</u> : No mitigation measures would be necessary under Baseline-Plus Project Conditions.						
<u>TRANSPORTATION-3</u> : No mitigation measures would be necessary under Baseline-Plus Project Conditions.						
<u>TRANSPORTATION-4</u> : No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
<u>TRANSPORTATION-5</u> : No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
<u>TRANSPORTATION-6</u> : No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
<u>TRANSPORTATION-7</u> : No mitigation measures would be necessary under Background-Plus-Project Conditions.						
<u>TRANSPORTATION-8</u> : No mitigation measures would be necessary under the Cumulative-Plus-Project Conditions.						
<u>TRANSPORTATION-9</u> : Both project sites shall be designed to incorporate emergency vehicle access that meets City emergency access standards as described in the City of Sunnyvale Department of Public Safety Fire Prevention Unit's Requirements for Fire Department Vehicle Access and is approved by the City Fire Marshal. This mitigation would reduce the impact on emergency access to a less-than-significant level.	Applicants	Sunnyvale Community Development Department, working with Sunnyvale Department of Public Safety	During site plan review.			
<u>TRANSPORTATION-10</u> : Both project sites shall be designed to integrate improvements with existing pedestrian facilities to accommodate potential increases in pedestrian activity. If the SFPUC does not approve the proposed pedestrian improvements, the site plans for both projects shall be adjusted to maximize pedestrian use near the SFPUC right-of-way (ROW), and this shall occur prior to issuance of any building permits. This measure would reduce the transportation impact to a less-than-significant level.	Applicants	Sunnyvale Community Development Department and City Traffic Engineer	Prior to issuance of building permits.			
<u>TRANSPORTATION-11</u> : Both project sites shall be designed to integrate with existing bicycle facilities to accommodate potential increases in bicycle activity. On-site facilities for	Applicants	Sunnyvale Community	Prior to issuance of building permits.			

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
bicycles shall be consistent with VTA and City of Sunnyvale guidelines for such facilities, including parking and storage on both project sites. If the SFPUC does not approve the proposed bicycle improvements, the site plan for the Raintree site shall be adjusted to maximize bicycle use near the SFPUC right-of-way, and this shall occur prior to issuance of any building permits.  This measure would reduce the transportation impact to a less-than-significant level.						Development Department and City Traffic Engineer
<u>TRANSPORTATION-12</u> : No mitigation measures would be necessary.						
<u>TRANSPORTATION-13</u> : Each project applicant shall prepare a construction truck traffic program for approval by the City of Sunnyvale. The program shall recommend city-designated truck routes and avoids AM and PM commute peak periods (7:00-9:00 AM and 4:00-6:00 PM) in order to avoid impacts on the local roadway system and also to avoid residential neighborhoods. This program shall be integrated into contract specifications. With implementation of this program, each project would result in a less than significant impact.	Applicants	Sunnyvale Community Development Department and City Traffic Engineer	Review and approval of contract specifications prior to issuance of building permits.			
<u>TRANSPORTATION-14</u> : No mitigation measures would be necessary.						
<b>UTILITIES AND SERVICE SYSTEMS</b>						
<u>UTIL-1</u> : The impact would be less than significant, and no mitigation is necessary.						
<u>UTIL-2</u> : The impact would be less than significant, and no mitigation is necessary.						
<u>UTIL-3</u> : As part of the proposed projects, the project applicants shall replace the existing 8-inch sewer main in North Fair Oaks Avenue with a 10-inch main, in accordance with City of Sunnyvale Department of Public Works requirements. A Storm Water Pollution Prevention Plan ("SWPPP") shall be prepared to address potential erosion and contamination impacts from the North Fair Oaks Avenue sewer replacement activities. This measure would reduce the impact to a less-than-significant level.	Applicants (likely to be via funding mechanism with the City)	Sunnyvale Public Works Department	Prior to issuance of occupancy permit.			
<u>UTIL-4</u> : The impact would be less than significant, and no mitigation is necessary.						
<u>UTIL-5</u> : The impact would be less than significant, and no mitigation is necessary.						
<u>UTIL-6</u> : Each project applicant shall prepare a Waste Management Plan for City approval. The Waste Management Plan shall include provisions for deconstructing existing buildings to facilitate salvaging their reusable components, recycling demolition wastes, reusing or	Applicants	Sunnyvale Community Development	Prior to issuance of demolition permit.			

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**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>recycling unused construction materials, and ensuring that residents participate in the multi-family recycling service provided by the City to the project after it is occupied. The Waste Management Plan shall describe the projected quantities of waste generated during demolition and construction; indicate how much of those materials will be reused, recycled, or otherwise diverted from landfills; and indicate where un-recycled materials will be disposed. The Waste Management Plan shall also describe where and how post-occupancy discarded materials will be stored and moved to collection points and how residents and project staff (e.g., maintenance workers) will be informed and motivated, on an ongoing basis, to handle discarded materials to support the City's diversion goals. Upon completion of each project, each project applicant shall document implementation of the Waste Management Plan by providing the City with a report summarizing the waste type, quantity, disposition (e.g., recycled or landfilled), and the facility used. This measure would reduce the impact to a less-than-significant level.</p>		<p>Department and Sunnyvale Building Division</p>				
<b>MEASURES IDENTIFIED IN INITIAL STUDY FOR EAST WEDDELL RESIDENTIAL PROJECTS (MAY 2013)</b>						
<p><u>CULTURAL-1:</u> Each project applicant shall retain a qualified archaeologist to monitor project ground-disturbing activities. Prior to project ground-disturbing activities, the archaeologist shall prepare a Monitoring Plan for the project. The Monitoring Plan shall describe the specific methods and procedures that will be used in the event that archaeological deposits are identified. Archaeological monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered.</p> <p>If archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, mitigation is not necessary. If the deposits are eligible, adverse effects on the deposits shall be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and</p>	<p>Applicants and Contractors</p>	<p>Sunnyvale Community Development Department</p>				<p>Review and approval of Monitoring Plan prior to issuance of grading permit. Review and approval of assessment report, if applicable, prior to issuance of building permit.</p>

# EXHIBIT 1

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
<p>associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the City of Sunnyvale and the Northwest Information Center at Sonoma State University upon completion of the resource assessment.</p>						
<p><u>CULTURAL-2</u>: On each project site, should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist shall be contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found the resources are to be significant, and project activities cannot avoid the resources, adverse effects on paleontological resources shall be mitigated. Mitigation may include monitoring, recording of the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Sunnyvale for review. If paleontological materials are recovered, the report shall also be submitted to a paleontological repository, such as the University of California Museum of Paleontology.</p> <p>Each project applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources. The City shall verify that the following directive has been included in the appropriate construction documents:</p> <p>“The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction and a paleontologist is not on-site, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, ground sloth, dire wolf, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.”</p>	<p>Applicants and Contractors</p>	<p>Sunnyvale Community Development Department</p>	<p>Review of contract specifications prior to issuance of grading permit. Review and approval of assessment report, if applicable, prior to issuance of building permit.</p>			

**EXHIBIT 1**

**TABLE 4-1 MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
GEO-1: For each project, prior to the issuance of any grading or construction permits, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The investigation shall verify that the project plans comply with CBC and City requirements and incorporate the recommendations for design contained in preliminary geotechnical reports. All design measures, recommendations, design criteria, and specifications set forth in the design-level geotechnical investigation shall be implemented as a condition of project approval.	Applicants	Sunnyvale Community Development Department, Sunnyvale City Engineer, and Sunnyvale Building Division	Prior to issuance of grading or building permit.			