

**Staff Comments on Requested Modifications to the
Mitigation Monitoring and Reporting Program (MMRP)**

Requested Mitigation Measure per Adams Broadwell Joseph Cardozo Letters	Staff Comments
<p><u>AIR - 2a: 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:</u></p> <ul style="list-style-type: none"> • <u>The Projects shall each be designed to be more than 15 percent more energy efficient than the 2008 Title 24 energy requirements.</u> • <u>The Projects shall each obtain a minimum of 110 points on the Green Point Rated Checklists (Multifamily New Home 2008 2.2.2)</u> • <u>Energy-efficient windows, EnergyStar appliances, energy-efficient lighting, and energy efficient HVAC systems shall be installed.</u> • <u>Only natural gas fireplaces shall be installed.</u> • <u>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.</u> • <u>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.</u> 	<p>This recommended mitigation is already included as part of the Project Description. Staff does not find this addition to the MMRP necessary. When a development project is considered, staff will include these items as recommended Conditions of Approval.</p>

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<p>AIR-4a - #3: 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 (<u>including documentation regarding the necessity for proper maintenance</u>) and importance of keeping windows and doors closed to maximize the efficiency of the system.</p>	<p>The added underlined language reinforces the requirement for documentation to include the need for proper maintenance. The mitigation already describes that the required information include maintenance provisions.</p>
<p>AIR 4a - #4: 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 PM2.5 substantially, especially after 2014. Any effects of phasing the project shall be verified by an authorized air pollutant consultant approved by the City. <u>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.</u></p>	<p>Staff finds that the added language is not necessary as verification from an authorized air pollution consultant is already included in the measure and that possible updated standards, with consideration of project phasing, would be considered in the analysis.</p>
<p>HAZARDS-2: Occupancy permits for the Sares Regis site shall be contingent upon the site receiving <u>written</u> 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. This measure would reduce the hazards and hazardous materials impact to a less-than significant level.</p>	<p>The underlined language reinforces that such certification be provided in written form. Staff does not find this added word is necessary as it is a staff protocol to obtain decisions and determinations from other agencies in writing to appropriately document the information.</p>

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UTIL-3: 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. <u>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.</u> This measure would reduce the impact to a less-than-significant level.	The underlined language is unnecessary as SWPPP documentation is already required through the current permitting process.