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## RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

# Fair Oaks Avenue Overhead Bridge Rehabilitation

SCH No. 2013042065



*Prepared for*  
The City of Sunnyvale



456 West Olive Ave.  
Sunnyvale, CA 94086

*Prepared by*  
 circlepoint®

1814 Franklin Street  
Oakland, CA 94612

**February 2015**

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## **1.0 INTRODUCTION**

This Response to Comments document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the Fair Oaks Avenue Overhead Bridge Rehabilitation Project (project) in the City of Sunnyvale (City). Accordingly, this document is provided for review and consideration for certification by the City as complete and adequate under the California Environmental Quality Act (CEQA).

### **1.1 PURPOSE OF THIS DOCUMENT**

The purpose of the Response to Comments document is to respond to all significant environmental issues raised in comments on the Draft EIR and to incorporate appropriate changes, additions, clarifications or corrections to the information presented in the Draft EIR (CEQA Guidelines § 15088). All written comments received during the public review period are included in this document. CEQA and its implementing regulation (“CEQA Guidelines”) require a lead agency to prepare and certify a Final EIR before it may approve a project for which a Draft EIR has been prepared.

### **1.2 PROJECT OVERVIEW**

The City proposes to rehabilitate the Fair Oaks Avenue Overhead Bridge (bridge). The bridge is located on Fair Oaks Avenue between Kifer Road and Evelyn Avenue. The bridge crosses over Hendy Avenue, the railroad tracks owned by the Peninsula Corridor Joint Powers Board (Caltrain), and through an apartment community. The project would rehabilitate the bridge to address several identified structural deficiencies while at the same time expanding bicycle and pedestrian amenities. The rehabilitated bridge would maintain its current automobile capacity - two travel lanes in each direction.

### 1.2.1 DISTRIBUTION OF THE DRAFT EIR

On September 29, 2014, the City released the Draft EIR on the project for public review and comment. The City made the Draft EIR available for public review online ([www.fairoaksbridge.com](http://www.fairoaksbridge.com)). The City also made paper copies available for public review at multiple physical locations throughout Sunnyvale (City Hall, the Sunnyvale Public Library, and the Sunnyvale Community Center). The 45-day public review period concluded on November 12, 2014.

The Draft EIR described the project and its environmental setting and identified potential direct, indirect, and cumulative environmental impacts related to construction and long-term use of the site as a bridge. The Draft EIR identified no significant unavoidable impacts of the project. As required by CEQA, the Draft EIR also evaluated alternatives to the project that could possibly avoid or lessen any of the identified environmental impacts of the project.

The City provided individual written notification of the availability of the Draft EIR to public agencies, adjacent property owners and occupants, and organizations that had demonstrated particular interest in the project. The City also notified the public at large through a display advertisement in the *Sunnyvale Sun* newspaper.

All comments received by the City during the public review period are considered part of the administrative record. Responses to all comments received are provided in this document (Chapter 2.0).

## 1.3 REQUIRED COMPONENTS OF THE FINAL EIR

CEQA Guidelines § 15132 require a Final EIR to consist of the following elements (this document comprises items b, c, d, and e):

- a) The Draft EIR or a revision of the Draft EIR;
- b) Comments and recommendations received on the Draft EIR during the public review period either verbatim or in summary;
- c) A list of persons, organizations, and public agencies that commented on the Draft EIR during the public review period;
- d) The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the lead agency.

Printed copies of this Response to Comments document contain digital copies of the Draft EIR. Copies of this document will be provided in either paper- or digital-format to all agencies, organizations, and individuals who provided comments on the Draft EIR.

This Response to Comments document includes the following components:

- **Chapter 1.0, Introduction.** This chapter provides an overview of contents included within the Response to Comments document.
- **Chapter 2.0, Response to Comments.** This chapter contains copies of the written comments received on the Draft EIR and individual responses to the comments.
- **Chapter 3.0, EIR Text Revisions.** This chapter contains text changes to the Draft EIR that reflect additions, corrections, and clarifications resulting from preparing responses to comments on the Draft EIR. These changes are incorporated as part of the Final EIR.
- **Chapter 4.0, Mitigation Monitoring and Reporting Program.** Pursuant to Section 15097 of the CEQA Guidelines, this chapter contains a Mitigation Monitoring and Reporting Program (MMRP). The MMRP includes all mitigation measures identified in the Draft EIR, the parties responsible for implementing and monitoring the measures, the timing of such measures, and any monitoring action necessary to ensure compliance.

## 1.4 EIR CERTIFICATION AND PROJECT APPROVAL PROCESS

The City Council will review the Final EIR for adequacy and will exercise its independent judgment regarding certification. Prior to approving a project, CEQA requires that the lead agency certify that:

1. The Final EIR has been completed in compliance with CEQA.
2. The City has reviewed and considered the information contained in the Final EIR.
3. The Final EIR reflects the City's independent judgment and analysis (CEQA Guidelines § 15190).

If the City certifies the Final EIR, responsible agencies may use the Final EIR in issuing any discretionary permits.

Certification of the Final EIR is distinct from approval or rejection of the project. The City Council will consider the merits of the project separately from its decision to certify the EIR.

As part of the approval of either the project or an alternative, the City must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially decreased through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the City, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (CEQA Guidelines, § 15091, subd. [a]). To ensure implementation of all adopted mitigation measures, the City must adopt a mitigation monitoring and reporting plan (CEQA Guidelines, § 15097). This is included within Chapter 4.0 of this document.

In addition, after all feasible mitigation measures are adopted, if some effects are still considered significant and unavoidable, the City must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the City's judgment, outweigh the significant environmental effects (CEQA Guidelines, § 15094). However, for the proposed project, all effects have been rendered to a less-than-significant level, so there are no outstanding significant and unavoidable effects. Therefore, there is no need for the City to adopt a Statement of Overriding Considerations.

If the City approves the project, a Notice of Determination (NOD) will be prepared and filed with the State Clearinghouse and the County Clerk. The NOD will include a description of the project, the date of approval, an indication of whether Findings and Statement of Overriding Considerations were prepared, and the address where the Final EIR and record of project approval are available for public review.

## **1.5 REQUIREMENTS FOR AND CONSIDERATION OF RECIRCULATION**

If significant new information is added to an EIR after the public review, the lead agency is required to recirculate the EIR or a portion of it for additional public review and comment (CEQA Guidelines, § 15088.5). "[N]ew information to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to



implement...[R]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies...or makes insignificant modification in...an adequate EIR” (Laurel Heights Improvement Association of San Francisco., Inc. v. Regents of the University of California (1993) 6 Cal. 4th 1112, 1129–1130).

Examples of significant new information requiring recirculation include information showing that:

1. A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant impacts of the Project, but the Project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (See CEQA Guidelines, § 15088.5, subd. [a]).

An EIR is adequate as long as it addresses all questions about significant environmental issues, and as long as the EIR, as a whole, reflects a good faith effort at full disclosure. “Recirculation is not required where the new information added to an EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR” (CEQA Guidelines § 15088.5[a]).

The City has reviewed the comments received on the Draft EIR and determined that recirculation of the Draft EIR is not necessary. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified that are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City and the applicant have declined to implement.

*Page intentionally left blank*

## 2.0 RESPONSE TO COMMENTS

This chapter lists the public agencies, private organizations, and individuals who provided comments on the Draft EIR, provides copies of such comments, and provides the City's responses. CEQA requires that responses to comments should be focused on addressing environmental issues raised by commenters during the review period (Pub. Res. Code Section 21091(d); CEQA Guidelines §15088(a), 15132). As lead agency under CEQA, the City has addressed suggestions regarding the adequacy and accuracy of the Draft EIR and otherwise responded to comments that were raised during the public review period (Pub. Res. Code §21091(d)).

The key purpose of reviewing a Draft EIR includes checking for accuracy, detecting omissions, and discovering public concerns (CEQA Guidelines §15200, 15204). Where the text of the Draft EIR has been revised in response to a comment or concern, the revised text is included as part of the response with revisions shown using the following conventions: text added to the draft EIR is shown in underline, and text deleted from the draft EIR is shown in ~~striketrough~~. Chapter 3.0 includes a comprehensive list of all proposed text changes.

### 2.1 LIST OF COMMENTERS

During the public review period, the City received three comment letters on the Draft EIR. **Table 2-1** summarizes the public agencies and individuals that provided a comment letter. Commenters are organized by type and in the order the letters were received.

Table 2-1 Index of Comments

Number	Date of Comment	Commenter
<b><i>State Agencies</i></b>		
S-1	11/12/2014	State of California, Office of Planning and Research
<b><i>Local Agencies</i></b>		
L-1	11/7/2014	Santa Clara Valley Transportation Authority
L-2	11/12/2014	Peninsula Corridor Joint Powers Board

## 2.2 RESPONSE TO COMMENTS

Comment letters are organized in the following order: state agencies and local agencies. An alpha-numeric indicator was assigned to each comment letter. The alpha indicator describes the commenter's organization (i.e., S = state agency, L = local agency) and the numeric indicator reflects the order the comment letter was received. Each individual comment (within a comment letter) is numbered to correspond to the alpha-numeric indicator (i.e., S-1.1, S-1.2, S-1.3, etc.). Accordingly, each response within this chapter corresponds to comment letter's alpha-numeric indicator. For example, Letter S-1, Comment S-1.1 is addressed in response S-1.1.



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



## Letter S-1

November 12, 2014

Richard Chen  
City of Sunnyvale Dept. of Public Works  
456 West Olive Avenue  
PO Box 3707  
Sunnyvale, CA 94088

Subject: Fair Oaks Overhead Bridge Rehabilitation  
SCH#: 2013042065

Dear Richard Chen:

S-1.1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 10, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

rec'd 11/14

# Document Details Report

## State Clearinghouse Data Base

**SCH#** 2013042065  
**Project Title** Fair Oaks Overhead Bridge Rehabilitation  
**Lead Agency** Sunnyvale, City of

**Type** EIR Draft EIR

**Description** The City of Sunnyvale (City) proposes to rehabilitate the Fair Oaks Overhead Bridge (bridge). The bridge is located on Fair Oaks Avenue between Kifer Road and Evelyn Avenue. The bridge crosses over Hendy Avenue, the railroad tracks owned by the Peninsula Corridor Joint Powers Board (Caltrain), and through an apartment community. The Fair Oaks Avenue Overhead Bridge Rehabilitation Project (project) would rehabilitate the bridge to address several identified structural deficiencies while at the same time expanding bicycle and pedestrian amenities. The rehabilitated bridge would maintain its current automobile capacity - two travel lanes in each direction.

### Lead Agency Contact

**Name** Richard Chen  
**Agency** City of Sunnyvale Dept. of Public Works  
**Phone** 408 730 7414 **Fax**  
**email**  
**Address** 456 West Olive Avenue  
 PO Box 3707  
**City** Sunnyvale **State** CA **Zip** 94088

### Project Location

**County** Santa Clara  
**City** Sunnyvale  
**Region**  
**Lat / Long** 37° 22' 31.3" N / 122° 1' 14" W  
**Cross Streets** South Fair Oaks Avenue between Kifer Road and Evelyn Avenue  
**Parcel No.**  
**Township** **Range** **Section** **Base**

### Proximity to:

**Highways** SR 82, 237  
**Airports** Moffett Federal Airfield  
**Railways** Caltrain  
**Waterways** No  
**Schools** several  
**Land Use** Major Street

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

**Date Received** 09/25/2014 **Start of Review** 09/25/2014 **End of Review** 11/10/2014

## **Responses to Comment Letter S-1: State of California, Governor's Office of Planning and Research**

S-1.1      The commenter indicated that the State Clearinghouse submitted the Draft EIR to selected state agencies for review and that no comments were received during the review period. The commenter acknowledges that the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA were met.

The City appreciates the confirmation that the Draft EIR was submitted to the appropriate state agencies for review and understands that no comments were received during the 45 day review period. No further response is necessary.

November 7, 2014

City of Sunnyvale  
Public Works Department  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Attention: Richard Chen

Subject: Fair Oaks Overhead Bridge Rehabilitation Project

Dear Mr. Chen:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for the rehabilitation of the Fair Oaks Avenue Overhead Bridge. We have the following comments.

**Bus Service**

VTA has seven existing bus stops within the project area. All of these bus stops are substandard and do not fully comply with ADA requirements. VTA is requesting that improvements are made at these bus stops. Additionally, VTA recommends one new bus stop in the project area.

**Proposed New Bus Stop**

**1) Southbound Fair Oaks Nearside Kifer :**

- a.) Bus stop location to be approximately 10' north of the crosswalk
- b.) Install minimum 8' wide by 55' long sidewalk (passenger pad) connected to the curb ramp
- c.) Install minimum 10' wide by 55' long PCC bus stop pavement
  - Consider a modified bus duckout to provide a 22' curb lane

**Bus Stop Improvements for Existing Bus Stops**

**2) Northbound Fair Oaks, Farside Kifer:**

- a.) Install minimum 8' wide by 55' long sidewalk (passenger pad)
- b.) Install minimum 10' wide by 55' long PCC bus stop pavement
  - Consider a modified bus duckout to provide a 22' curb lane

**3) Eastbound Kifer, Farside Fair Oaks:**

- a.) Install minimum 8' wide by 55' long sidewalk (passenger pad)

L-1.1

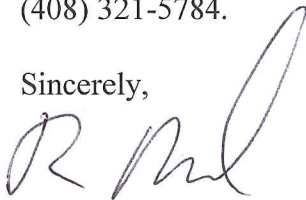


- 4) Westbound Evelyn, Nearside Fair Oaks:
- a.) Bus stop to be relocated from nearside Elm to between Elm & Fair Oaks
  - b.) Install minimum 8' wide by 55' long sidewalk (passenger pad)
  - c.) Replace existing damaged sidewalk between Elm & mobile home driveway
    - Construct ADA curb ramp at mobile home driveway
- 5) Eastbound Evelyn, Farside Fair Oaks:
- a.) Install minimum 8' wide by 55' long sidewalk (passenger pad)
- 6) Northbound Fair Oaks, Nearside Evelyn:
- a.) Bus stop to be relocated to be approximately 35' south of the crosswalk
  - b.) Install minimum 8' wide by 55' long sidewalk (passenger pad)
  - c.) Install minimum 10' wide by 55' long PCC bus stop pavement
  - d.) Remove existing curb ramp that is located on Fair Oaks, just south of the shopping center driveway to deter jaywalking
- 7) Southbound Fair Oaks, Farside Evelyn:
- a.) Bus stop to be relocated from farside Bryan to between Bryan & Evelyn
  - b.) Install minimum 8' wide by 55' long sidewalk (passenger pad)
  - c.) Install minimum 10' wide by 55' long PCC bus stop pavement
    - Consider a modified bus duckout to provide a 22' curb lane
- 8) Westbound Evelyn, Farside Deodar:
- a.) Install minimum 8' wide by 55' long sidewalk (passenger pad)

The enclosed attachments illustrate the locations for the requested improvements.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

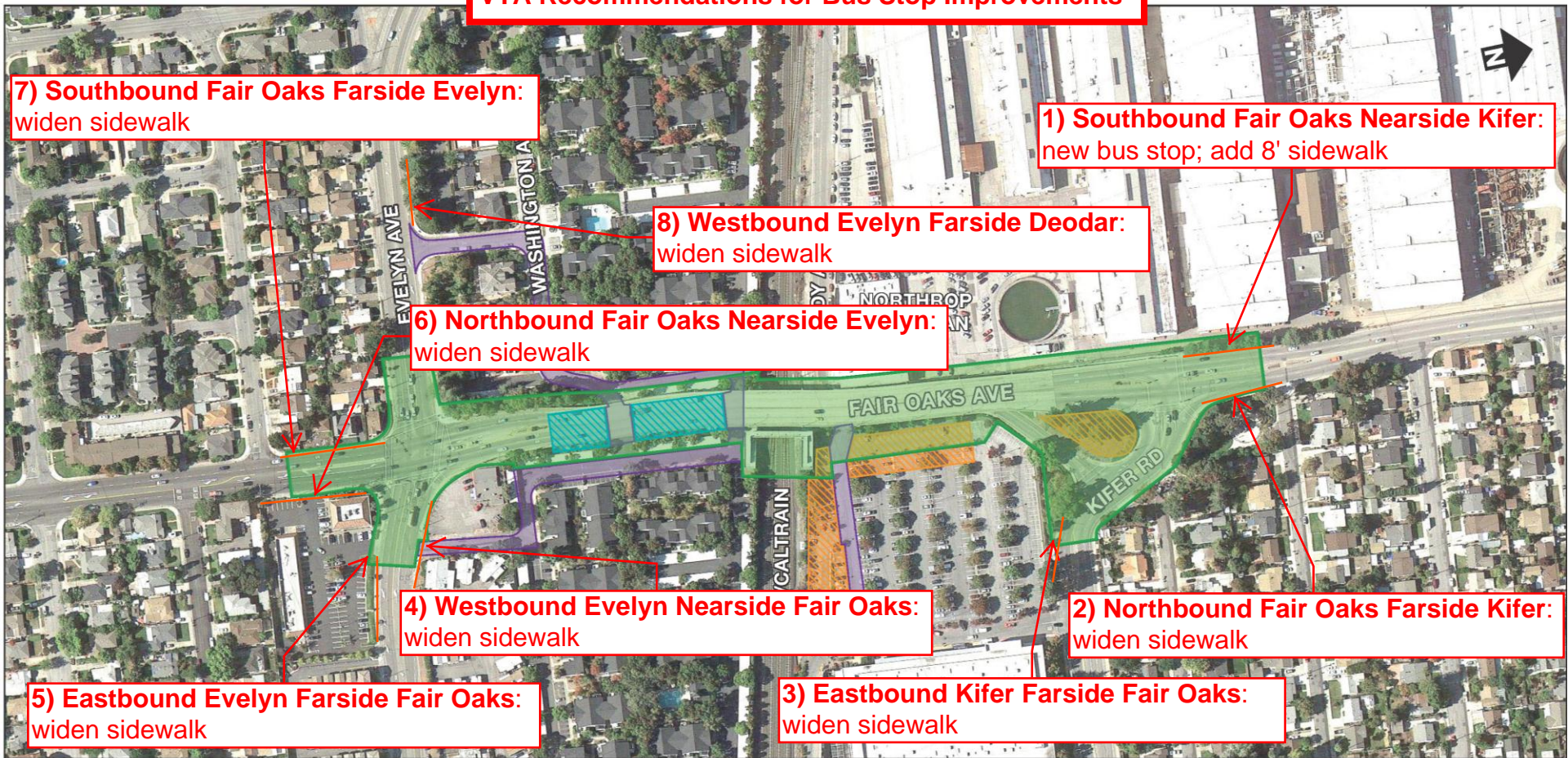
Sincerely,



Roy Molseed  
Senior Environmental Planner

Attachments  
SUI302

**VTA Recommendations for Bus Stop Improvements**



## LEGEND

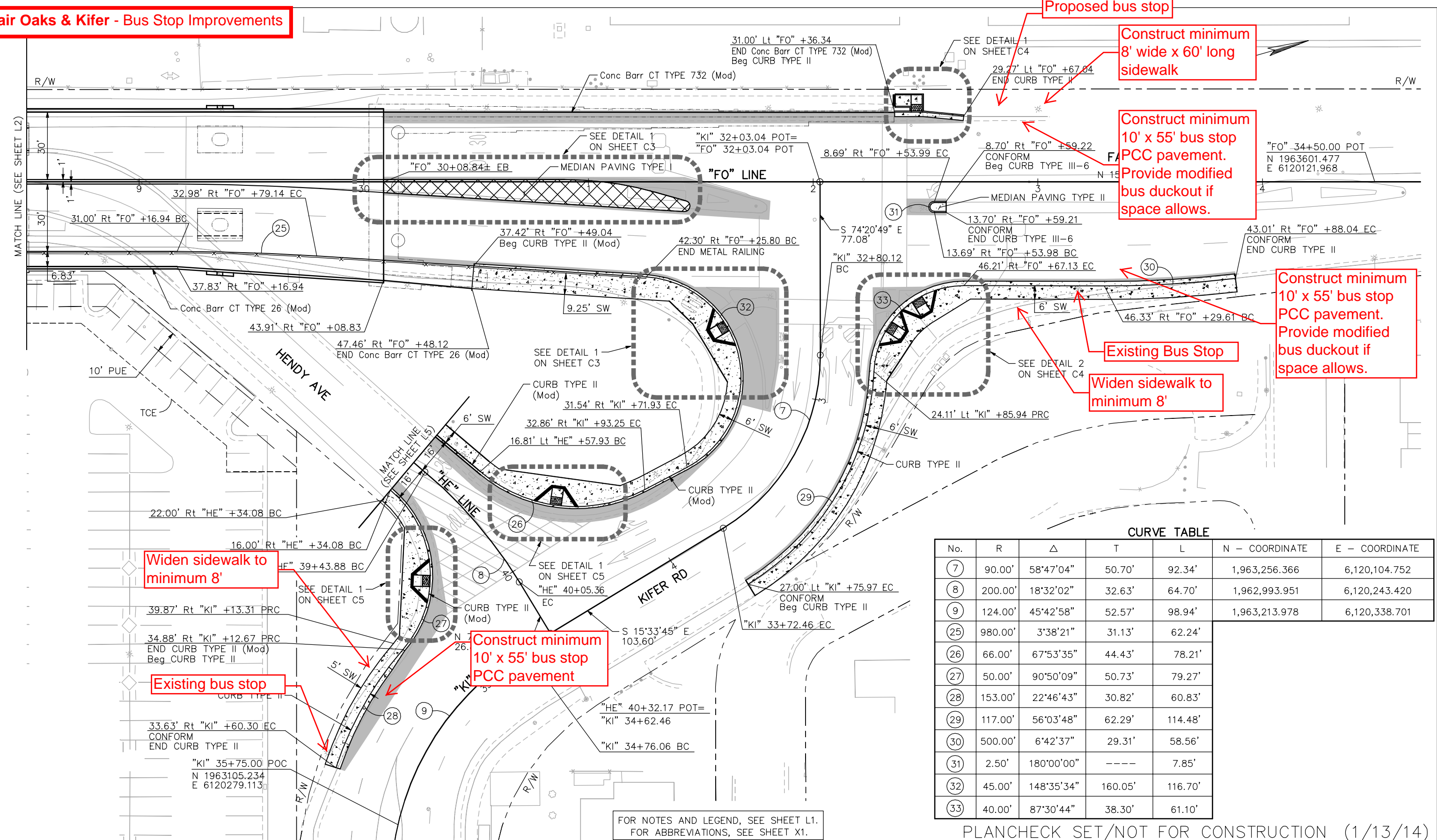
- Project Area
- Potential staging and construction lay down areas
- Under bridge staging and construction lay down areas
- Anticipated contractor access to lay down areas

Preliminary – Subject to Change





Fair Oaks & Kifer - Bus Stop Improvements



CURVE TABLE						
No.	R	Δ	T	L	N — COORDINATE	E — COORDINATE
(7)	90.00'	58°47'04"	50.70'	92.34'	1,963,256.366	6,120,104.752
(8)	200.00'	18°32'02"	32.63'	64.70'	1,962,993.951	6,120,243.420
(9)	124.00'	45°42'58"	52.57'	98.94'	1,963,213.978	6,120,338.701
(25)	980.00'	3°38'21"	31.13'	62.24'		
(26)	66.00'	67°53'35"	44.43'	78.21'		
(27)	50.00'	90°50'09"	50.73'	79.27'		
(28)	153.00'	22°46'43"	30.82'	60.83'		
(29)	117.00'	56°03'48"	62.29'	114.48'		
(30)	500.00'	6°42'37"	29.31'	58.56'		
(31)	2.50'	180°00'00"	----	7.85'		
(32)	45.00'	148°35'34"	160.05'	116.70'		
(33)	40.00'	87°30'44"	38.30'	61.10'		

PLANCHECK SET/NOT FOR CONSTRUCTION (1/13/14)

Rev.

Description

Date

**BIGGS CARDOSA ASSOCIATES INC**  
STRUCTURAL ENGINEERS  
  
865 The Alameda  
San Jose, California 95126  
408-296-5515

**BKR**

**Bkf**  
ENGINEERS / SURVEYORS / PLANNERS  
4670 WILLOW Rd. Suite 250  
PLEASANTON, CA 94588  
925-396-7700  
925-396-7799 (FAX)

REGISTERED PROFESSIONAL ENGINEER  
N.V. BERNARDI  
No. 45407  
Exp. 9/30/14  
CIVIL  
STATE OF CALIFORNIA

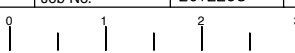
Scale 1"=20'  
Designed By: JDR  
Drawn By: AGL  
Checked By: GCS  
Consultant's Job No. 2012238

**FAIR OAKS AVENUE OVERHEAD (WIDEN)**  
  
**LAYOUT  
FAIR OAKS AVENUE  
SHEET 3 OF 3**

**CITY OF SUNNYVALE  
CALIFORNIA**

City of Sunnyvale  
Santa Clara County  
California  
  
Department of Public Works  
456 West Olive Avenue  
P.O. Box 3707  
Sunnyvale 94088-3707

City of Sunnyvale  
Project No. BC004132  
  
Drawing No.  
**L3 XX**



2012238(1)

Fair Oaks & Evelyn - Bus Stop Improvements

- 1. ALL CONSTRUCTION DETAILS SHALL CONFORM TO THE LATEST CITY OF SUNNYVALE STANDARDS AND SPECIFICATIONS, UNLESS OTHERWISE NOTED.
- 2. FOR HORIZONTAL ALIGNMENT LIMITS AND DETAILS OF RETAINING WALL, CONCRETE BARRIERS AND METAL RAILING, SEE S SHEETS.
- 3. FOR IMPROVEMENTS ON FAIR OAKS AVENUE OVERHEAD (WIDEN) SEE S SHEETS
- 4. SEE CONSTRUCTION DETAILS (C SHEETS) FOR GRADING AND ADDITIONAL CALLOUTS

Proposed bus stop relocation

Construct minimum 10' x 55' bus stop PCC pavement

Widen sidewalk to minimum 8' wide

Bus stop @ Deodar: widen sidewalk to minimum 8'

Construct minimum 10' x 55' bus stop PCC pavement

Existing bus stop to be relocated

Widen sidewalk to minimum 8' wide

Proposed bus stop relocation

Proposed bus stop relocation

Construct minimum 10' x 55' bus stop PCC pavement

Widen sidewalk to minimum 8' wide

Construct minimum 10' x 55' bus stop PCC pavement

Widen sidewalk to minimum 8' wide

Existing bus stop

Existing bus stop (to be relocated between Elm & Fair Oaks)

Replace damaged sidewalk to 8' wide minimum

Construct ADA ramp at mobile home driveway

FOR ABBREVIATIONS, SEE SHEET X1.

CURVE TABLE						
No.	R	Δ	T	L	N – COORDINATE	E – COORDINATE
①	1171.00'	8°40'03"	88.74'	177.14'	1,962,263.447	6,118,526.830
②	701.00'	8°49'07"	54.05'	107.89'	1,962,393.024	6,120,393.024
③	400.00'	20°15'58"	71.49'	141.48'	1,961,719.912	6,119,494.634
④	563.64'	8°33'41"	42.19'	84.22'	1,962,466.815	6,120,105.710
⑱	30.00'	109°28'09"	42.43'	57.32'		
⑲	50.00'	62°29'03"	30.33'	54.53'		
⑳	40.00'	89°38'31"	39.75'	62.58'		
				7.07'		
㉒	20.00'	108°27'14"	27.76'	37.86'		
				8°35'10"	53.82'	107.45'
㉔	544.00'	5°01'09"	23.84'	47.65'		

PLANCHECK SET/NOT FOR CONSTRUCTION (1/13/14)

Rev.

Description

Date

BIGGS CARDOSA ASSOCIATES INC

STRUCTURAL ENGINEERS

865 The Alameda  
San Jose, California 95126  
408-296-5515

Bkf

ENGINEERS / SURVEYORS / PLANNERS

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PLEASANTON, CA 94588  
925-396-7700  
925-396-7799 (FAX)

REGISTERED PROFESSIONAL ENGINEER

N.V. BERNARDI

No. 45407

Exp. 9/30/14

CIVIL

STATE OF CALIFORNIA

Scale

1"=20'

Designed By:

JDR

Drawn By:

AGL

Checked By:

GCS

Consultant's Job No.

2012238

FAIR OAKS AVENUE OVERHEAD (WIDEN)

LAYOUT  
FAIR OAKS AVENUE  
SHEET 1 OF 3

CITY OF SUNNYVALE  
CALIFORNIA

City of Sunnyvale  
Santa Clara County  
California

Department of Public Works  
456 West Olive Avenue  
P.O. Box 3707  
Sunnyvale 94088-3707

City of Sunnyvale  
Project No.  
BC004132

Drawing No.  
**L1** of **XX**

2012238 (2012238T1)

## **Responses to Comment Letter L-1: Santa Clara Valley Transportation Authority**

- L-1.1      The commenter states that several bus stops within and around the project area are substandard and do not fully comply with ADA requirements. The commenter is requesting that improvements and relocations are made at these stops, and that one new bus stop is constructed in the project area.

The City thanks the commenter for the comments on the Draft EIR as well as its earlier comments received during project scoping.

Project design has moved forward since the scoping period, and the City was unaware of the Santa Clara Valley Transportation Authority's (VTA) interest in improving bus amenity infrastructure in the area. The City is interested in possible future bus stop modifications in the project area, but they are not included as part of the current project as the project is focused on rehabilitation of the bridge to address identified issues with the bridge deck. The rehabilitation project is not expanding the capacity of the bridge; no long-term effects to bus operations are anticipated as a result of the project. Although the City sees no nexus between the project and the commenter's proposed bus facility modifications, the City will continue to work with VTA to identify potential funding sources for the possible future implementation of the proposed bus stop improvements as a separate project/separate undertaking.





## Letter L-2

BOARD OF DIRECTORS 2014

TOM NOLAN, CHAIR  
JERRY DEAL, VICE CHAIR  
JOSÉ CISNEROS  
MALIA COHEN  
ASH KALRA  
ARTHUR L. LLOYD  
ADRIENNE TISSIER  
PERRY WOODWARD  
KEN YEAGER

MICHAEL J. SCANLON  
EXECUTIVE DIRECTOR

November 12, 2014

Mr. Richard Chen  
City of Sunnyvale  
Department of Public Works  
456 West Olive Avenue  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Re: Fair Oaks Overhead Bridge Rehabilitation Project- Draft EIR Comments

Dear Mr. Chen,

The Peninsula Corridor Joint Powers Board (JPB) is pleased to submit comments to the Draft Environmental Impact Report (DEIR) for the proposed Fair Oaks Overhead Bridge (bridge) Rehabilitation project. The JPB owns and operates Caltrain, the commuter rail system providing services from San Francisco to south of San Jose at Gilroy.

The Fair Oaks overhead bridge crosses active Caltrain railroad tracks in the area between Evelyn Avenue and South Fair Oaks Avenue. The JPB would like to make the following corrections and recommendations to make sure the City of Sunnyvale has the most updated information and requirements.

L-2.1

- The Fair Oaks Avenue Bridge Rehabilitation DEIR makes reference to the existing pedestrian overcrossing providing insufficient clearance for future electrified Caltrain and California High Speed Rail systems (see section 2.5.1, 5.2.1, 5.3.2). These statements are inaccurate. The electrified overhead catenary system that will be built as part of the Peninsula Corridor Electrification Project and used by both Caltrain and High Speed Rail requires a maximum clearance of 23' and is compatible with the clearance provided by the existing POC. It is Caltrain staff's understanding that the DEIR's discussion of incompatibility was based on a now out of date input from the California High Speed Rail Authority that assumed a clearance requirement of 27.5'. This assumption is no longer accurate and Caltrain staff requests that any references to incompatibility between the Peninsula Corridor Electrification Project and the existing POC be corrected in the Final EIR.
- While the draft environmental document addresses Caltrain's vertical and horizontal clearance requirements, we recommend close coordination prior to bid preparation, on construction sequencing, staging and equipment movement. JPB has a third-party project review process that can be accessed for this coordination by contacting Anthony Quicho at [quichoa@samtrans.com](mailto:quichoa@samtrans.com). JPB Staff will also be available to discuss issues related to on-track safety envelope with the City of Sunnyvale.

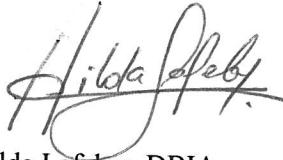
PENINSULA CORRIDOR JOINT POWERS BOARD

1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1206 650.508.6269

rec'd 11/14

Again, the JPB appreciates the opportunity to comment on this draft environmental document and looks forward to working with the City of Sunnyvale.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilda Lafebre". The signature is fluid and cursive, with a horizontal line crossing through the middle of the name.

Hilda Lafebre, DBIA  
Manager, Capital Project & Environmental Planning

cc: Marian Lee, Executive Officer Caltrain Modernization  
Sebastian Petty, Senior Planner

## **Responses to Comment Letter L-2: Peninsula Corridor Joint Powers Board**

- L-2.1      The commenter indicated concerns regarding the accuracy of statements in the Draft EIR regarding the sufficiency of vertical clearance beneath the existing pedestrian overcrossing (POC) for the Peninsula Corridor Electrification Project (PCEP). The commenter states that the systems require a maximum clearance of 23 feet and would therefore be compatible with the existing vertical clearance beneath the POC.

The City appreciates the clarification regarding clearance requirements. The Draft EIR stated that there were uncertainties regarding the height of the POC and future electrified system clearance requirements. The City has revised the document in several sections to indicate that the PCEP would not require demolition of the POC or any POC modification to increase vertical clearance.

This clarification does not result in any change to any environmental impact, nor does it introduce any new environmental impact. Further, no mitigation measure requires substantive change as a result of incorporating this clarification.

Please see Chapter 3.0 of this document for a complete list of locations where text was changed in response to this comment.



## 3.0 EIR TEXT REVISIONS

### 3.1 INTRODUCTION

This chapter summarizes the changes made to the text of the Fair Oaks Avenue Overhead Bridge Rehabilitation Project Draft EIR, owing to comments received during the public comment period and minor text revisions. The changes include additions, deletions, clarifications, and corrections to the information presented in the Draft EIR (CEQA Guidelines §15088). Responses to individual comments, including those that did not warrant a text update, are provided in **Chapter 2.0, Response to Comments**, of this Response to Comments document.

The text revisions are organized by chapter and page number, as the text appears in the Draft EIR.

- An explanation of the change, including a cross-reference to where it is located in the document, is described and presented in *italic text*.
- Strikethrough text (i.e., ~~striktthrough~~) indicates text removed from the Draft EIR.
- Underlined text (i.e., underlined) indicated text added to the Draft EIR.

### 3.2 TEXT REVISIONS

#### 3.2.1 CHAPTER 1.0, INTRODUCTION

*No changes were made to this section of the Draft EIR.*

### 3.2.2 CHAPTER 2.0, EXECUTIVE SUMMARY

*In response to Peninsula Corridor Joint Powers Board comment L-1, the following text was revised.*

*Chapter 2.0, Executive Summary, Page 2-3*

#### **2.5.2 Alternative 2: Reconstruction of Pedestrian Overcrossing**

This alternative was developed with the intent of reducing some project impacts while adhering to most basic project objectives. Alternative 2 would rehabilitate the bridge, but Alternative 2 would not include the minor bridge widening that allows for a new sidewalk and widened bike lanes. Instead, Alternative 2 would entail the separate reconstruction of the POC. If a sidewalk were not added to the bridge, reconstruction of the POC would be needed to maintain safe pedestrian access through the area. At present, the POC structure may be too low to accommodate anticipated improvements associated with the electrification of Caltrain (the Peninsula Corridor Electrification Project or PCEP) and/or the introduction of California High-Speed Rail (CHSR) service. In addition, the POC's access ramps currently do not meet standards set forth in the Americans with Disabilities Act (ADA). As such, the grade of the ramps would need to be reduced to achieve ADA compliance.

### 3.2.3 CHAPTER 3.0, PROJECT DESCRIPTION

*No changes were made to this section of the Draft EIR.*

### 3.2.4 CHAPTER 4.0, SETTINGS, IMPACTS, AND MITIGATION MEASURES

#### **4.1 Aesthetics**

*No changes were made to this section of the Draft EIR.*

#### **4.2 Air Quality**

*No changes were made to this section of the Draft EIR.*

#### **4.3 Biological Resources**

*No changes were made to this section of the Draft EIR.*

## **4.4 Cultural Resources**

*No changes were made to this section of the Draft EIR.*

## **4.5 Geology and Soils**

*No changes were made to this section of the Draft EIR.*

## **4.6 Greenhouse Gas Emissions and Energy**

*No changes were made to this section of the Draft EIR.*

## **4.7 Hazards and Hazardous Materials**

*No changes were made to this section of the Draft EIR.*

## **4.8 Noise**

*No changes were made to this section of the Draft EIR.*

## **4.9 Traffic and Circulation**

*No changes were made to this section of the Draft EIR.*

## **4.10 Utilities and Service Systems**

*No changes were made to this section of the Draft EIR.*

### **3.2.5 CHAPTER 5.0, ALTERNATIVES**

*In response to Peninsula Corridor Joint Powers Board comment L-1, the following text was revised.*

*Chapter 5.0, Alternatives, Page 5-4*

#### **5.2.1 Alternatives Selected for Further Analysis**

~~At present, the POC structure is likely too low to accommodate anticipated improvements associated with the pending electrification of Caltrain and the introduction of California High-Speed Rail (CHSR) service. The~~ In addition, the POC's access ramps are considered too steep to meet standards set forth in the Americans with Disabilities Act (ADA). Therefore, ~~in sum, the height of the deck of the POC would need to be raised, but the grade of the access ramps to the POC deck would need to be decreased in order to accommodate pending changes to the railroad while achieving~~ achieve ADA compliance.

*Chapter 5.0, Alternatives, Page 5-13***5.3.2 Alternative 2 – Reconstruction of Pedestrian Overcrossing**

Instead, Alternative 2 would entail the separate reconstruction of the separate, free-standing POC. The City previously understood that the existing POC structure would likely be too low to accommodate anticipated improvements (an electrified overhead catenary system) associated with the pending electrification of Caltrain and the introduction of California High-Speed Rail (CHSR) service. However, new information indicates that the electrified overhead catenary system would be compatible with the clearance provided by the existing POC structure. At present, the POC structure is too low to accommodate anticipated improvements associated with the electrification of Caltrain and the introduction of CHSR service. The new stand-alone POC would parallel the existing overhead structure providing pedestrian access full length between Evelyn Avenue and Kifer Road. ~~The new POC would be need to be raised above its current elevation by up to 5 feet in order to accommodate future Caltrain electrification and High Speed Rail.~~ The POC's pedestrian access ramps currently do not meet standards set forth in the ADA. As such, the grade of the ramps would need to be reduced to achieve ADA compliance. Improvements to the existing overhead structure would be limited to repairs and barrier and electrolier replacement only.

**3.2.6 CHAPTER 6.0, CUMULATIVE IMPACTS**

*No changes were made to this section of the Draft EIR.*

**3.2.7 CHAPTER 7.0, CEQA REQUIRED DISCUSSIONS**

*No changes were made to this section of the Draft EIR.*

### 3.2.8 CHAPTER 8.0, LIST OF PREPARERS

*The following changes were made due to staffing and/or title changes at the City of Sunnyvale.*

Table 8-1 List of Preparers of the Draft EIR

Preparer	Topic/Role	Contact
City of Sunnyvale	Lead Agency	Nasser Fakh, <del>Acting Assistant City Engineer</del>
		Manuel Pineda, <del>City Engineer</del>
		<u>Director of Public Works</u>
		<u>Craig Mobeck, City Engineer</u>
		Richard Chen, Civil Engineer
		Nathan Scribner, Senior Engineer

Source: Circlepoint, 2014.

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## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Section 21081.6 of the California Public Resources Code (and Section 15091(d) and 15097 of the State CEQA Guidelines) require that public agencies “shall adopt a reporting or monitoring program for changes made to the project or condition of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

A MMRP is required for the proposed Fair Oaks Overhead Bridge Rehabilitation project because the Draft EIR for the project identified potentially significant and adverse environmental impacts associated with project implementation. The Draft EIR identified a number of mitigation measures that would reduce all such impacts to less-than-significant levels.

This MMRP has been prepared to ensure that all required mitigation measures are implemented. The MMRP may be modified by the City during project implementation as necessary in response to changing conditions or other refinements. **Table 4-1** below identifies the mitigation measures, the responsible person/agency for ensuring implementation, timing, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR.

If the City of Sunnyvale moves to certify the Final EIR and approve the project, the City will also adopt this MMRP.

This MMRP will be kept on file at the City of Sunnyvale Public Works Division, 456 West Olive Avenue, Sunnyvale, California.

Table 4-1 Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
Air Quality					
Impact AQ-1: Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM10 and PM2.5. Once operational, the proposed project would not substantially increase emissions of air pollutants.	<p><b><u>Mitigation Measure AQ-1:</u></b> Include measures to control dust and exhaust during construction.</p> <p>During demolition or any construction ground disturbance, implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant. The contractor shall implement the following Best Management Practices that are required of all projects:</p> <ul style="list-style-type: none"><li>• 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><li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li><li>• 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.</li><li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li><li>• 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.</li></ul>	City of Sunnyvale’s selected contractor	During demolition, grading, and construction		



Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<ul style="list-style-type: none"> <li>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]). Clear signage shall be provided for construction workers at all access points.</li> <li>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.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>				
<b>Impact AQ-2:</b> Construction emissions would increase sensitive receptor exposure to pollutant concentrations for a temporary period of time. Once operational the project would not generate new air pollutant emissions.	<p><b><u>Mitigation Measure AQ-2:</u></b> Diesel-Powered Construction Equipment Selection</p> <p>Implement the following measures to minimize emissions from diesel equipment:</p> <ul style="list-style-type: none"> <li>All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent;</li> </ul>	City of Sunnyvale's selected contractor	During construction		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<ul style="list-style-type: none"> <li>All stationary pieces of construction equipment shall use best available control technology to reduce particulate matter or shall be gasoline- or alternative energy-powered;</li> <li>Minimize the number of hours that equipment will operate, including the use of idling restrictions; and</li> <li>Avoid staging equipment within 100 feet of adjacent residences.</li> </ul>				
<b>Biological Resources</b>					
<b>Impact BIO-1:</b> Project implementation would result in the removal, trimming, and possible damage to several existing trees within the vicinity of the project.	<p><b><u>Mitigation Measure BIO-1:</u></b> Prior to tree removal and construction activities, an International Society of Arboriculture (ISA) Certified Arborist will conduct a survey to evaluate the trees subject to removal. Trees to remain will be clearly identified as such on project plans. Such trees will be protected by erecting a fence around the trees, as specified by an arborist. This protective fencing will prevent the parking of vehicles and/or storage of equipment/materials within the dripline of the tree and must conform to the requirements of the City of Sunnyvale's city tree permit conditions. Any city tree that is to be removed or trimmed will require a permit per the requirements of Title 13 in the City of Sunnyvale's Municipal Code.</p>	City of Sunnyvale's selected contractor and Certified Arborist	Prior to tree removal; during construction activities		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
<p><b>Impact BIO-2:</b> Construction activities, demolition, and tree removal could have an adverse effect on special-status species including roosting bats that are potentially occupying the bridge, as well as to nesting birds through the incidental loss of eggs or nestlings.</p>	<p><b><u>Mitigation Measure BIO-2a:</u></b> In order to facilitate the implementation of measures to avoid impacts on roosting bats without constraining project work windows (i.e., to allow for the eviction of bats during the non-breeding season), a survey for roosting bats will be conducted by a qualified bat biologist prior to the breeding season (April 1st) in the year in which project disturbance is scheduled to occur. If a visual survey is not adequate to determine presence or absence of bats (i.e., in tree cavities), acoustic equipment will be used to determine occupancy. If no bats are found roosting, bat exclusion devices will be installed to prevent bats from taking up occupancy of the structure prior to the onset of the proposed activity.</p>	<p>City of Sunnyvale's selected contractor and Qualified Bat Biologist</p>	<p>Prior to bat breeding season (April 1<sup>st</sup>) in the year which project disturbance is scheduled to occur</p>		
	<p><b><u>Mitigation Measure BIO-2b:</u></b> If a day roost of bats is found in the bridge, the bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night to decrease the likelihood of predation (compared to eviction during the day). Eviction will occur between 1 September and 31 March, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. Eviction activities will be performed under the supervision of a qualified bat biologist.</p> <p>Following eviction, bat exclusion devices will be installed to prevent bats from taking up occupancy of the structure prior to the onset of the proposed activity.</p> <p>In some circumstances, it could be beneficial to allow roosting bats to continue using a roost while construction is occurring on or near the roost site. For example, if a roost is found in a portion of the bridge that will not be</p>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	heavily disturbed during construction, a qualified bat biologist (in consultation with the CDFW) will determine whether the bats will be evicted or whether they will remain in-place. If it is determined that the risks to bats from eviction (e.g., increased predation or exposure, or competition for roost sites) are greater than the risk of colony abandonment, then the bats will not be evicted.				
	<b><u>Mitigation Measure BIO-2c:</u></b> Because the survey described in Mitigation Measure BIO-2a will be conducted prior to the breeding season, several months could pass between the initial survey and the initiation of tree removal and project activities that could potentially result in disturbance of roosting bats. Therefore, a preconstruction survey for roosting bats, following the methods described above, will be conducted within the 15 days prior to the commencement of project activities in a given area to determine whether bats have occupied a roost in or near the project's work areas. If no active roosts are found, then no further action is warranted. In the event that a new roost (i.e., a roost that was not detected during the survey conducted under Mitigation Measure BIO-2a is detected, Mitigation Measures BIO-2b and BIO-2d will be implemented.	City of Sunnyvale's selected contractor and Qualified Bat Biologist	15 days prior to commencement of tree removal/ demolition activities		
	<b><u>Mitigation Measure BIO-2d:</u></b> If a maternity roost is detected during the pre-construction survey, and bats cannot be evicted prior to the onset of project activities, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer will be maintained from 1 April until the young are flying, typically after 31 August.	City of Sunnyvale's selected contractor and Qualified Bat Biologist	Prior to construction and from April 1 <sup>st</sup> until the young are flying, typically after August 31 <sup>st</sup>		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<p><b><u>Mitigation Measure BIO-2e:</u></b> A pre-construction survey for nesting birds will be conducted by a qualified ornithologist, to ensure that no active nests will be disturbed during project implementation. The survey will be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings, and the bridge) in and immediately adjacent to the impact areas for nests. These survey areas should include the project footprint and areas within 300 feet (for raptors) and 100 feet (for non-raptors) of project activity areas, as access permits. If an active nest is found within these survey areas, buffers of 300 feet for raptors and 100 feet for non-raptors will be established around the nests. No new activities (i.e., activities that were not already ongoing when the nest was established) are permitted within the buffer for as long as the nest is in active use. If, in the opinion of a qualified ornithologist, a reduced buffer can be established without risking nest abandonment or reduced reproductive success (e.g., due to the level of existing noise and other disturbance, screening structures or vegetation between the nest and project activities, or other reasons), the ornithologist will determine an appropriate buffer in consultation with the CDFW.</p>	City of Sunnyvale's selected contractor and Qualified Ornithologist	Seven days prior to construction activities		
	<p><b><u>Mitigation Measure BIO-2f:</u></b> To avoid potential impacts to nests during project implementation, potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project would be removed prior to the start of the nesting season (e.g., prior to 1 February). This will preclude the initiation of nests in this vegetation, and prevent the</p>	City of Sunnyvale's selected contractor and Qualified Ornithologist	Prior to nesting season (February 1 <sup>st</sup> )		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	potential delay of the project due to the presence of active nests in these substrates. Nest deterrence may also be implemented to prevent birds from nesting on the bridge or in other areas where nests may be disturbed by, or which may constrain, project activities. Nest deterrence may include removal of nest starts (incomplete nests that do not yet contain eggs or young) at frequent intervals and/or the installation of measures such as netting or material to plug weep holes that will prevent birds from accessing nest sites. If any such materials are installed, they must be installed very carefully to ensure that birds are not trapped within such materials (e.g., birds can become trapped behind improperly installed netting), and they must be monitored frequently to ensure that they are functioning properly.				
<b>Cultural Resources</b>					
<b>Impact CUL-1:</b> Construction activities could inadvertently damage previously unidentified archaeological resources on the project site.	<p><b><u>Mitigation Measure CUL-1:</u></b> Ground disturbing activities shall follow the protocols set forth in the project archaeological studies and investigations prepared by the City in cooperation with Caltrans. The following outlines the general protocol.</p> <p><b>Pre-Construction Training:</b> the City of Sunnyvale shall require that the project contractor provide documentation that all construction crews that will work on the project have undergone a training session to inform them of the potential for previously undiscovered archaeological resources within the project site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.</p>	City of Sunnyvale's selected contractor, Professional Archaeologist	Prior to and during any ground disturbing activities		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<p><b>Monitoring During Construction:</b> One or more monitors, including a qualified archaeologist and a Native American monitor, shall be present to monitor all ground disturbing activities.</p> <p><b>Discovery Plan:</b> In the event that any archaeological resources are encountered during any phase of project construction, the project contractor shall temporarily halt construction and/or grading activities within 25 feet of any find and adhere to the steps set forth in the Discovery Plan prepared by the City in cooperation with Caltrans.</p> <p>While prehistoric or historic cultural resources would ideally be avoided, if any such resources could not feasibly be avoided, they shall be evaluated for their potential historic significance in consultation with the City of Sunnyvale, Caltrans, and the California State Historic Preservation Officer. If the resources are found to be ineligible for any historic register, impacts to such resources would not be considered significant and avoidance would thus not be necessary. If the resources are found to be eligible to the CRHR, they shall be avoided if feasible.</p> <p>If avoidance is not feasible, project impacts will be mitigated in accordance with the recommendations of the Discovery Plan and the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C). As set forth in the Discovery Plan, work in the area of any find may be halted until the resource in question is appropriately evaluated.</p>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
<b>Impact CUL-2:</b> Construction activities could inadvertently damage paleontological resources beneath the ground surface of the project site.	<b><u>Mitigation Measure CUL-2:</u></b> In the event that paleontological resources are encountered during any phase of project construction, all soil-disturbing activity within 100 feet of the find shall be temporarily halted until a qualified paleontologist can assess the significance of the find and provide proper management recommendations. The City shall incorporate all feasible recommendations into the project.	City of Sunnyvale's selected contractor and Professional Paleontologist	During any soil-disturbing activity, if paleontological resources are encountered		
<b>Impact CUL-3:</b> Construction activities could inadvertently uncover human remains.	<p><b><u>Mitigation Measure CUL-3:</u></b> In accordance with California Public Resource Code Section 5097.98 and California Health and Safety Code 7050.5(b), should any human remains be found on the site at any time during pre-construction or construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be disturbed until:</p> <ul style="list-style-type: none"> <li>• The County Coroner in which the remains are discovered is contacted and determines that no investigation of the cause of death is required; and if the County Coroner determines the remains to be Native American then: <ul style="list-style-type: none"> <li>○ The coroner shall contact the Native American Heritage Commission within 24 hours;</li> <li>○ The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native American; and</li> </ul> </li> </ul>	City of Sunnyvale's selected contractor	During any ground-disturbing activities that may yield human remains		



Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<ul style="list-style-type: none"> <li>○ The most likely descendent may make recommendations to the City or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</li> <li>• The City or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the following conditions occur: <ul style="list-style-type: none"> <li>○ The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;</li> <li>○ The descendent identified fails to make a recommendation; or</li> <li>○ The City or their authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the City.</li> </ul> </li> </ul>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
Geology and Soils					
Impact GEO-1: Excavation would be required for the installation of new foundations and footing retrofits that could result in unstable subsurface soil conditions.	<p><b><u>Mitigation Measure GEO-1a:</u></b> Prior to construction, the City shall ensure that plans for constructing foundations have been reviewed by a qualified geotechnical engineer. Plans shall reflect the following:</p> <p><b><u>Mitigation Measure GEO-1b:</u></b> To account for subsurface soil variation and uncertainty, the subgrade of new footing foundations should be over-excavated approximately two to three feet and replaced with Class 2 aggregate base (AB). If soft and loose, saturated native soil deposits are encountered, deeper excavation would be required to expose firm native soils. The AB should be compacted to a minimum of 95 percent relative compaction (Caltrans standard). The exposed native soils should not be allowed to dry before placement of aggregate base and concrete.</p> <p><b><u>Mitigation Measure GEO-1c:</u></b> All grading and compaction operations should be performed in accordance with the project specifications and Section 19, Earthwork, of Caltrans Standard Specifications (2010).</p> <p><b><u>Mitigation Measure GEO-1d:</u></b> Any fill materials imported to the project site should be non-expansive, relatively granular material having a Plasticity Index (PI) of less than 15 and a minimum Sand Equivalent (SE) of 10. The maximum particle size of fill material should not be greater than 4 inches in largest dimension. It should also be non-corrosive, free of deleterious material and should be reviewed by the Geotechnical Engineer. In addition, it is recommended that the materials within three feet of the proposed pavement subgrade should have a minimum R-value of 15. The on-site soils may be used as engineered fill, provided they meet the above criteria.</p>	City of Sunnyvale’s selected contractor and qualified Geotechnical Engineer	Prior to and during grading and construction		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<b><u>Mitigation Measure GEO-1e:</u></b> Areas to receive fill should be clean of vegetation, shrubs, trees, and their roots greater than 1.5 inches in diameter. If soft or saturated soils are encountered during site grading, deeper excavation may be required to expose firm soils.				
Hazards and Hazardous Materials					
<b>Impact HAZ-1:</b> Excavation of soils and demolition of existing structures on the site could result in the release of lead, asbestos, and other contaminants.	<b><u>Mitigation Measure HAZ-1:</u></b> Because of the potential for exposure to hazardous materials and aerially deposited lead, the following measures shall be taken to avoid any potential adverse effects:  Prior to construction, a Phase II Environmental Site Assessment (ESA) shall be conducted by a licensed professional to determine the potential presence of metals, and organic compounds in soil and groundwater underlying the project site. In particular, the Phase II ESA shall test for contamination at Areas 1 & 3 of the project site, as identified in <b>Table 4.7-1</b> and <b>Figure 4.7-1</b> . If contaminants are identified in subsurface soils and/or groundwater of areas intended for excavation and construction, the Phase II ESA shall screen the identified contaminant concentrations relative to applicable environmental screening levels developed by the Regional Water Quality Control Board and the Department of Toxic Substances Control for residential use and construction worker health and safety. If contaminant concentrations are above the applicable screening levels, the Phase II report shall make requirements for remedial actions for the protection of public health and the environment. Given evidence of contamination in the areas that pile foundations are to be constructed at the Northrup	They City of Sunnyvale, and the City of Sunnyvale’s selected contractor	Prior to and during demolition, ground disturbance, and construction.		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
	<p>Grumman superfund site (Area 3), the groundwater shall be tested for PCBs and volatile organic compounds, including various isomers of di-chloro and tri-chloro benzenes. In the event that groundwater is found to be affected, health and safety provisions shall be put in place and waste management procedures to handle the contaminated water extracted during pile construction shall be developed.</p> <p>Where excavation that reaches groundwater (at expected depth of 20 feet), construction dewatering will be required. The contractor shall evaluate the subsurface conditions before selecting a dewatering method. Groundwater should be lowered to at least 2 feet below the bottom of excavation to provide workable condition. All dewatering systems shall be properly designed to prevent pumping soil fines with the discharge water. The contractor shall sample and test the groundwater for soil fines content from the discharge, as needed. If soil fines are pumped, the contractor shall revise dewatering operations. Otherwise, failure of shoring, partial instability of trench bottom resulting in intolerable ground settlement/movement of existing utilities and unsafe working conditions may occur. The contractor shall provide discharge sampling locations for each pump. The contractor is encouraged to perform their own investigation, test program, etc. prior to construction in order to satisfy their design requirements for an effective dewatering program. The contractor should confirm the design groundwater level (for shoring) prior to actual construction.</p>				

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	<p>If remedial actions are necessary to address hazardous materials in the soil and/or groundwater, the City shall consult with the appropriate regulatory agencies to ensure sufficient minimization of risk to human health and the environmental, both during and after construction, posed by soil contamination and/or groundwater contamination. The City shall obtain and submit written approval documentation for any remedial action, if required by a local, state, or federal environmental regulatory agency prior to project occupancy. Remedial actions may include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Soil and/or groundwater removal or treatment</li> <li>• Site-specific soil and groundwater management plan</li> <li>• Site-specific health and safety plan signed by a Certified Industrial Hygienist</li> <li>• Risk management plan</li> <li>• Disposal process including transport by a state-certified hazardous material hauler to a state-certified disposal/recycling facility licensed to accept/treat the identified waste.</li> </ul> <p>The City shall prepare a soil monitoring plan prior to the issuance of permits for demolition or construction and shall implement the plan during all phases of construction. Disturbed soils shall be monitored for visual evidence of contamination (e.g., staining or discoloration). Soil shall be monitored for the presence of VOCs using appropriate field instruments such as organic vapor measurement with photoionization detectors (PIDs) or flame ionization</p>				

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	<p>detectors. If the monitoring procedures indicate the possible presence of contaminated soil, a contaminated soil contingency plan shall be implemented that shall include procedures for segregation, sampling, and chemical analysis of soil. Contaminated soil shall be profiled for disposal and shall be transported with appropriate hazardous or non-hazardous waste manifests by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the type of waste indicated by the profiling process. The contaminated soil contingency plan shall be developed and in place during all construction activities. In the event that these processes generate any contaminated groundwater that must be disposed of outside of the dewatering/NPDES process, the groundwater shall be profiled, manifested, hauled, and disposed of in the same manner.</p> <p>The pavement markings on roadways in the project site (consisting of yellow paint and possibly thermoplastic stripes) shall also be addressed for safe and appropriate disposal.</p> <p>If repair, rehabilitation, or demolition of the Fair Oaks Avenue overhead structure is required, an asbestos containing materials (ACM) investigation shall be performed by an inspector certified by Asbestos Hazardous Response Act (AHERA) under Toxic Substance Control Act (TSCA) Title II and certified by Cal OSHA under State of California rules and regulations (California Code of Regulations, Section 1529). A lead based paint (LBP) investigation shall also be performed by a state certified contractor. This work shall be performed during the design phase. If hazardous materials are identified in the survey,</p>				

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	<p>they shall be removed from the site and properly disposed of in accordance with CAL/OSHA requirements:</p> <ul style="list-style-type: none"> <li>• Known or suspected asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with BAAQMD regulations and notification requirements.</li> <li>• Intact lead-based paint found to be secure (not flaking, peeling or cracked) may be discarded along with demolition debris during the demolition of the structure.</li> <li>• Loose and peeling paint shall be disposed of as state and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds.</li> <li>• Hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with local requirements.</li> <li>• The demolition and removal of materials potentially containing lead-based paint would be required to follow the CAL/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR).</li> <li>• Other hazardous materials associated with buildings, such as fluorescent lights and electrical switches, shall be disposed of in accordance with DTSC hazardous waste regulations.</li> </ul>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
				Action	Date Completed
Noise					
Impact NOI-1: Construction activities could temporarily expose persons to or generate noise levels in excess of standards established in the general plan and noise ordinance and would temporarily increase ambient noise levels in the project vicinity	<b>Mitigation Measure NOI-1a:</b> Require all construction equipment to conform to Section 14-8.02, Noise Control, of the latest Standard Specifications.	City of Sunnyvale’s selected contractor	Prior to and during construction		
	<b>Mitigation Measure NOI-1b:</b> Project construction operations shall be required to use available noise suppression devices and techniques. Per the Sunnyvale Municipal Code, construction activity is permitted between the hours of 7:00 AM and 6:00 PM daily Mondays through Fridays. Saturday hours of operation are between 8:00 AM and 5:00 PM. Unless expressly permitted in advance, no construction activity is allowed overnight, on Sundays, or on national holidays.				
	<b>Mitigation Measure NOI-1c:</b> Prior to the start of construction, the selected contractor shall prepare for City review and approval 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 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:				



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	<u>Noise Notification Measures</u>				
	<ul style="list-style-type: none"><li>Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.</li><li>The construction contractor shall designate a noise disturbance coordinator that will be responsible for responding to noise complaints during the construction phase. The name and phone number of the noise disturbance coordinator will be conspicuously posted at construction areas and on all advanced notifications.</li><li>The construction contractor shall develop a reporting program that documents complaints received, actions taken to resolve problems, and effectiveness of these actions.</li><li>The construction contractor shall hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</li></ul>				
	<u>Noise Control Measures</u>				
	<ul style="list-style-type: none"><li>All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</li></ul>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
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	<ul style="list-style-type: none"> <li>Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>The construction contractor shall locate stationary noise sources as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.</li> <li>The construction contractor shall locate material stockpiles and staging areas as well as maintenance/equipment staging and parking areas as far as feasible from residential receptors.</li> <li>The construction contractor shall construct temporary noise barriers to shield significant stationary noise sources (e.g., drill rig while constructing Abutment #1) from nearby receptors. Temporary noise barriers (e.g., solid plywood fences (minimum 8 feet in height) and/or acoustical blankets) could be erected, if necessary, outside the work area or along building facades facing the construction site.</li> </ul>				

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
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Traffic and Circulation					
Impact TRA-1: Construction activities could temporarily constrain transit, emergency access, as well as pedestrian and bicycle access through the work area.	<p><b><u>Mitigation Measure TRA-1:</u></b> Prior to the start of construction, the selected contractor shall prepare and submit for City review and approval a detailed (TCP). The objective of the TCP is to minimize traffic and circulation impacts that construction activities would have on the traveling public and emergency services. The TCP shall address and include, but not be limited to the following elements:</p> <ul style="list-style-type: none"><li>• Early consultation with the City’s emergency service Departments and other interested City Staff shall occur and the TCP shall incorporate their respective Department comments and requirements.</li><li>• The TCP shall address traffic impacts from staged construction, detours, and specific traffic handling concerns during construction of the project, including both roadway and rail traffic.</li><li>• Traffic control strategies that require action by the construction contractor should be presented in the detailed construction plans and should be considered part of the project.</li><li>• The TCP shall include the designation of a traffic coordinator who would respond to neighborhood questions and complaints related to traffic and circulation matters. A sign shall be clearly posted on-site with allowed construction hours and with contact information to direct project related questions or complaints related to traffic and circulation.</li></ul>	City of Sunnyvale’s selected contractor	Prior to start of construction		

Environmental Impacts	Mitigation Measures	Responsible Party	Timing	Completion of Implementation	
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	<ul style="list-style-type: none"> <li>The TCP shall include measures addressing the production and dissemination of public outreach materials and other documents, as necessary, to adequately notify and inform motorists, business community groups, local entities, emergency services, and other interested parties of any upcoming road closures and detours during the different Phases of construction.</li> </ul>				

Source: Circlepoint, 2014.