

**Peery Park Specific Plan EIR  
Mitigation Monitoring and Reporting Program  
For  
Mathilda Commons Project**



November 2016

## **P R E F A C E**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

To ensure the proposed project would not result in any new or more significant impacts than were previously identified, in the certified 2016 Peery Park Specific Plan Final EIR (SCH#2015062013), the applicant agrees to include and implement the mitigation measures contained herein. The mitigation measures were identified in the 2016 EIR and developed in conjunction with the preparation of the Environmental Checklist for Streamlined Review prepared for the project.

PPSP Mitigation Monitoring and Reporting Program as it applies to Mathilda Commons Project				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>AIR QUALITY</b>				
Construction activities would temporarily generate fugitive dust in the form of PM <sub>10</sub> and PM <sub>2.5</sub> .	<p><b>MM AQ-1. Fugitive Dust Plan.</b> The project shall comply with the following construction-related measures to reduce fugitive dust:</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> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. 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>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. 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> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13,</li> </ol>	<p>Prior to construction, the project applicant shall be responsible for printing these measures on all construction documents, contracts, and project plans.</p> <p>During construction, the project applicant and contractor shall be responsible for implementing these measures.</p>	All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits.	Community Development Director.

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	<p>Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. 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>8. 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.</p>			
Project construction activities would result in a significant community risk to nearby residents.	<ul style="list-style-type: none"> <li>• <b>MM AQ-1. Fugitive Dust Plan.</b> See above.</li> </ul>	See MM AQ-1 above.	See MM AQ-1 above.	See MM AQ-1 above.

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	<ul style="list-style-type: none"> <li>All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.</li> <li>All diesel-powered portable equipment (i.e., air compressors, plate compactors, and generators) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. Note that the construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.</li> </ul>	<p>Prior to issuance of grading and building permits, the project applicant shall submit the construction operations plan to the City for review and approval.</p> <p>Measures shall be implemented by the project contractor during grading and construction activities.</p>	<p>The project applicant shall submit a construction operations plan for review and approval by the Community Development Director. This plan shall demonstrate compliance with the measures.</p>	<p>Community Development Director.</p>

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<b>Biology</b>				
Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would constitute a significant impact.	<p>Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in</p>	<p>Construction activities shall avoid the nesting season to the extent feasible.</p> <p>Pre-construction surveys shall occur prior to the start of construction activities according to the timelines described in the mitigation measure. Any construction buffer zone must be implemented and maintained during construction activities.</p>	<p>Construction shall be scheduled to avoid the nesting season to the extent feasible.</p> <p>If construction cannot be avoided during nesting season, the project applicant shall retain a qualified ornithologist to complete pre-construction surveys pursuant to the mitigation measure.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted by the applicant to the Director of</p>	Community Development Director.

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	<p>consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that nests of bird species protected by the MBTA or State Code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>		Community Development prior to the start of grading or tree removal.	
The proposed project could result in the removal of up to 94 trees, 49 of which are protected trees.	The proposed project shall comply with the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94) and Urban Forest Management Plan (UFMP).	<p>Prior to issuance of grading permits, the project applicant shall submit the tree protection plan to the City for review and approval.</p> <p>Project contractors shall conform with the tree protection plan and City's Tree Preservation Ordinance during the construction.</p>	All tree protection and preservation measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director.

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<b>CULTURAL RESOURCES</b>				
There is a potential for unknown buried archaeological resources to be encountered during redevelopment of the project site.	<ul style="list-style-type: none"> <li>A Registered Professional Archaeologist (RPA) shall complete a visual inspection of the project site after the existing improvements on-site have been demolished and removed, exposing native soils. If during the visual inspection, evidence of potentially intact archaeological soils is discovered, further site clearing and/or grading in the area designated by the RPA as archaeologically sensitive shall be halted until the RPA has submitted a plan for the evaluation of the deposit (see Archaeological Data Recovery below) to the City of Sunnyvale for approval.</li> </ul>	After on-site improvements have been demolished and removed, the project applicant is responsible for having a RPA to implement this measure.	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>If prehistoric or historic archaeological materials are found, the project applicant and contractor are responsible for implementing MM CR-6 and MM CR-5.</p> <p>Archaeologist recommendations shall be submitted for review and approval by the Community Development</p>	Community Development Director.



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	<ul style="list-style-type: none"> <li><b>MM CR-6. Inadvertent Discoveries.</b> In the event of any inadvertently discovered prehistoric or historic-period archaeological resources during construction, the developer shall immediately cease all work within 50 feet of the discovery. The proponent shall immediately notify the City of Sunnyvale Planning and Community Development Department and shall retain a RPA to evaluate the significance of the discovery prior to resuming any activities that could impact the site. If the archaeologist determines that the find may qualify for listing in the California Register of Historic Resources (CRHR), the site shall be avoided or a data recovery plan shall be developed pursuant to MM CR-5. Any required testing or data recovery shall be directed by an RPA prior to construction being resumed in the affected area. Work shall not resume until authorization is received from the City.</li> </ul>	During disturbance activities, the project contractor shall implement MM CR-6 if needed.	Director.	
	<ul style="list-style-type: none"> <li><b>MM CR-5. Archaeological Data Recovery.</b> For projects that inadvertently discover buried prehistoric or historic-period archaeological resources, the City shall apply a program that combines resource identification, significance evaluation, and mitigation efforts into a single effort. This approach would combine the discovery of</li> </ul>	<p>Prior to issuance of building permits, the project applicant is responsible for having a RPA prepare a Treatment Plan.</p> <p>During construction</p>	All measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director.

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	<p>deposits (Phase 1), determination of significance and assessment of the project's impacts on those resources (Phase 2), and implementation of any necessary mitigation (Phase 3) into a single consolidated investigation. This approach must be driven by a Treatment Plan that sets forth explicit criteria for evaluating the significance of resources discovered during construction and identifies appropriate data recovery methods and procedures to mitigate project effects on significant resources. The Treatment Plan shall be prepared prior to issuance of building permits by a RPA who is familiar with urban historical resources, and at a minimum shall include:</p> <ul style="list-style-type: none"> <li>– A review of historic maps, photographs, and other pertinent documents to predict the locations of former buildings, structures, and other historical features and sensitive locations within and adjacent to the specific development area;</li> <li>– A context for evaluating resources that may be encountered during construction;</li> <li>– A research design outlining important prehistoric and historic-period themes and research questions relevant to the known or anticipated sites in the study</li> </ul>	activities, the project contractor shall be responsible for implementing MM CR-5 if needed.	<p>If prehistoric or historic archaeological materials are found, the project applicant and contractor are responsible for implementing MM CR-6 and MM CR-5.</p> <p>Archaeologist recommendations shall be submitted for review and approval by the Community Development Director.</p>	

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	<p>area;</p> <ul style="list-style-type: none"> <li>Specific and well-defined criteria for evaluating the significance of discovered remains; and</li> <li>Data requirements and the appropriate field and laboratory methods and procedures to be used to treat the effects of the project on significant resources.</li> <li>The Treatment Plan shall also provide for a final technical report on all cultural resource studies and for curation of artifacts and other recovered remains at a qualified curation facility, to be funded by the developer. To ensure compliance with City and state preservation laws, this plan shall be reviewed and approved by the Historic Landmarks Commission and the City of Sunnyvale Planning Division prior to issuance of building permits (Sunnyvale Planning Commission 2012).</li> </ul>			
There could be undiscovered paleontological resources on-site.	<ul style="list-style-type: none"> <li><b>MM CR-3. Paleontological Monitoring.</b> Construction activities involving excavation or other soil disturbance to a depth greater than six feet within the project area shall be required to retain a qualified Paleontological Monitor as defined by the Society for Vertebrate Paleontology (SVP) (2010) equipped with necessary tools and supplies to monitor all excavation, trenching, or other ground disturbance in excess of six feet</li> </ul>	During construction activities at a depth greater than six feet, the project applicant shall retain a qualified Paleontological Monitor to implement MM CR-3.	All measures shall be printed on all construction documents, contracts, and project plans.	Community Development Director.

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	<p>deep. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected if necessary. The Paleontological Monitor will periodically assess monitoring results in consultation with the Principal Paleontologist. If no (or few) significant fossils have been exposed, the Principal Paleontologist may determine that full-time monitoring is no longer necessary, and periodic spot checks or no further monitoring may be recommended. The City shall review and approve all such recommendations prior to their adoption and implementation.</p>			

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	<ul style="list-style-type: none"> <li><b>MM CR-4. Inadvertent Discovery of Fossils.</b> If fossils are discovered during excavation, the Paleontological Monitor will make a preliminary taxonomic identification using comparative manuals. The Principal Paleontologist or his/her designated representative will then inspect the discovery, determine whether further action is required, and recommend measures for further evaluation, fossil collection, or protection of the resource in place, as appropriate. Any subsequent work will be completed as quickly as possible to avoid damage to the fossils and delays in construction schedules. If the fossils are determined to be significant under CEQA, but can be avoided such that no further impacts will occur, the fossils and locality will be documented in the appropriate paleontological resource records and no further effort will be required. At a minimum, the paleontological staff will assign a unique field number to each specimen identified; photograph the specimen and its geographic and stratigraphic context along with a scale near the specimen and its field number clearly visible in close-ups; record the location</li> </ul>	During construction, the project contractor shall be responsible for implementing MM CR-4 if needed.		Community Development Director.

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	<p>using a global positioning system (GPS) with accuracy greater than one foot horizontally and vertically (if such equipment is not available at the site, use horizontal measurements and bearing(s) to nearby permanent features or accurately surveyed benchmarks, and vertical measurements by sighting level to point(s) of known elevation); record the field number and associated specimen data (identification by taxon and element, etc.) and corresponding geologic and geographic site data (location, elevation, etc.) in the field notes and in a daily monitoring report; stabilize and prepare all fossils for identification, and identify to lowest taxonomic level possible by paleontologists, qualified and experienced in the identification of that group of fossils; record on the outside of the container or bag the specimen number and taxonomic identification, if known. Breathable fabric bags will be used in packaging to avoid black mold.</p> <p>Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and</p>			

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	<p>stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to an accredited museum repository for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the project proponent.</p> <p>At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report will include a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produced fossils, then a copy of the report will also be submitted to the designated museum repository.</p>			
<b>GREENHOUSE GAS</b>				
The certified 2016 PPSP concluded that the buildout of the PPSP (which includes the development of the project) would result in significant and unavoidable	<ul style="list-style-type: none"> <li>• <b>MM AQ-1. Fugitive Dust Plan.</b> As described above.</li> <li>• <b>MM AQ-2. Construction-Related Emissions Reduction Plan.</b> New</li> </ul>	Prior to construction, the project applicant shall be responsible for printing these measures on all	All measures shall be printed on all construction documents, contracts, and	Community Development Director.

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greenhouse gas emissions.	<p>development and redevelopment within the Project shall comply with the following construction-related measures to reduce emissions generation:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour (mph).</li> <li>3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.</li> <li>4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> <li>5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</li> </ol>	<p>construction documents, contracts, and project plans.</p> <p>During construction, the project applicant and contractor shall be responsible for implementing these measures.</p>	<p>project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits.</p>	



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	<ol style="list-style-type: none"> <li>6. All trucks and equipment, including tires, shall be washed prior to the vehicle leaving the site.</li> <li>7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</li> <li>8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</li> <li>9. The idling time of diesel powered construction equipment shall be minimized to 2 minutes.</li> <li>10. The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet average of 20 percent NO<sub>x</sub> reduction and 45 percent particulate matter reduction compared to the most recent California ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate</li> </ol>			

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	<p>filters, and/or other options as such become available.</p> <p>11. Low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings) shall be used.</p> <p>12. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and particulate matter.</p> <p>13. All contractors shall be required to use equipment that meets California ARB's most recent certification standard for off-road heavy duty diesel engines.</p>			

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	<p><b>MM GHG-1:</b> The following measures shall be implemented to reduce impacts from vehicle emissions:</p> <ul style="list-style-type: none"> <li>To the greatest extent feasible, ensure new development within the Project area implements City programs to reduce GHG emissions, including requiring preparation of transportation demand management (TDM) plans for new development, which provide incentives to employees to carpool/vanpool, use public transportation, telecommute, walk, bike, as well as other approaches to reduce vehicle trips. Further, priority parking shall be assigned for car- and van-pooling employees, as supported by the City's TDM program requirements.</li> <li>Limit idling time for commercial vehicles, including delivery and construction vehicles.</li> </ul>	<p>Prior to issuance of grading or building permits, the project applicant shall prepare and implement a TDM program to reduce GHG emissions.</p> <p>During a construction and operations the project applicant is responsible for limiting truck idling time.</p>	<p>The project applicant shall submit a transportation demand management (TDM) plan for review and approval by the Community Development Director.</p>	<p>Community Development Director.</p>

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<b>HAZARD AND HAZARDOUS MATERIALS</b>				
Due to the age of the structures on-site, building materials may contain asbestos and/or lead-based paint.	<ul style="list-style-type: none"> <li><b>MM HAZ-1a. Asbestos-Containing Materials (ACMs), Lead-Based Paints (LBP), and polychlorinated biphenyls (PCBs).</b> Prior to issuance of any demolition permit, the applicant shall conduct a comprehensive survey of ACM, LBP, and PCBs. If such hazardous materials are found to be present, the applicant shall follow all applicable local, state, and federal codes and regulations, as well as applicable best management practices, related to the treatment, handling, and disposal of ACM, LBP, and PCBs to ensure public safety.</li> </ul>	<p>Prior to issuance of demolition permits the project applicant is responsible for having a survey of ACM, LBP, and PCBs completed.</p> <p>During demolition activities, the contractor shall follow all applicable regulations + best management practices related to ACM, LBP, and PCBs.</p>	The project applicant shall conduct and submit a comprehensive survey of ACM, LBP, and PCBs to the City for renewal and approval.	Community Development Director.
Construction workers and future tenants, therefore, could be impacted from contaminated groundwater and elevated levels of VOCs.	<ul style="list-style-type: none"> <li><b>MM HAZ-1b. Potential Onsite Hazardous Materials or Conditions.</b> The applicant shall prepare a project-specific hazardous materials management and/or safety plan prior to the start of any construction activity, which shall require: <ul style="list-style-type: none"> <li>Implementation of a Worker Health and Safety Plan (HASP) covering project construction workers and post-construction maintenance workers and groundskeepers who may be potentially exposed to hazardous materials. At a minimum, the HASP shall comply with state and federal worker safety</li> </ul> </li> </ul>	<p>Prior to the start of construction activity the project applicant is responsible for having a project-specific hazardous materials management plan and/or safety plan prepared and submitted to the City for approval.</p> <p>During construction the project contractor shall implement the</p>	<p>The project applicant shall submit a project-specific hazardous materials management and/or safety plan for review and approval by the Community Development Director.</p> <p>All measures shall</p>	Community Development Director.

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	<p>regulations and be protective of worker health consistent with state and federal guidelines. The HASP shall include measures such as training, signage, and personal protective equipment.</p> <ul style="list-style-type: none"> <li>– Prior to the start of any construction activity on properties with known contaminants of concern (COC) exceeding the lower of the then-current DTSC, Water Board, or U.S. EPA residential screening levels, the applicant shall coordinate work activities with an oversight agency and Responsible Parties (as designated by the oversight agency), including identifying conditions that could affect the implementation and monitoring of the approved remedy.</li> <li>– Implementation of a Site Management Plan (SMP) that includes health based goals, consistent with state and federal standards and guidance documents. The SMP shall include the following: <ul style="list-style-type: none"> <li>○ Site control procedures to control the flow of personnel, vehicles, and materials in and out of the site.</li> <li>○ Measures to minimize dust generation, storm water runoff and tracking of soil off-site as well as to</li> </ul> </li> </ul>	plans.	be printed on all construction documents, contracts, and project plans.	

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	<p>reduce the potential for the creation of preferential pathways (vertical or horizontal) for chemicals of potential concern detected in ground water beneath the site.</p> <ul style="list-style-type: none"> <li>○ If excavation dewatering is required, protocols to evaluate water quality and discharge/disposal alternatives shall be described.</li> <li>○ Protocols for conducting earthwork activities in areas where impacted soil, soil vapor, and/or groundwater are present or suspected. Worker training requirements, health and safety measures and soil handling procedures shall be described.</li> <li>○ Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.</li> <li>○ Procedures to provide notice to the City of Sunnyvale Fire Department for the removal of USTs and comply with the substantive City requirements should an UST or other underground structure be discovered on the project site, and address any associated soil impacts.</li> </ul>			

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	<ul style="list-style-type: none"> <li>To evaluate the presence of underground ferrous objects, a professional geophysicist shall perform a survey using magnetometer/ground penetrating radar of the site upon demolition of the existing structure at 615 North Mathilda Avenue. The purpose of the geophysical survey is to attempt to approximately locate buried metallic objects such as USTs and fuel transfer lines. If a geophysical anomaly is identified that appears to be caused by a UST or fuel transfer line, a backhoe shall be used to excavate an exploratory pit to evaluate the source of the anomaly. If a UST and/or fuel transfer line is located, it shall be removed per the requirements of the local Certified Unified Program Agency. Depending upon conditions encountered, soil and groundwater testing/remediation may be require.</li> </ul>			

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	<ul style="list-style-type: none"> <li>○ Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined.</li> <li>○ Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted.</li> <li>○ Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors.</li> <li>○ Protocols to evaluate if the residual contaminants would adversely impact the integrity of below ground utility lines and/or structures (e.g., the potential for corrosion).</li> <li>○ Methods to reduce soil vapor and ground water migration through trench backfill and utility conduits.</li> </ul>			



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	<ul style="list-style-type: none"> <li>○ Protocols to evaluate and mitigate, if required, VOC vapors prior to the start of any construction. If vapor intrusion of VOCs is identified as a Recognized Environmental Condition (REC – COCs exceeding the lower of the then-current DTSC, Water Board or US EPA residential screening levels), a Vapor Intrusion Mitigation Plan shall be prepared that will require the applicant to design the proposed occupied spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into buildings. At a minimum, this design shall include: 1) passive sub-slab ventilation with a vapor barrier and with the ability to convert the system from passive to active ventilation; 2) monitoring to ensure the long-term effectiveness of the remedy; and 3) the implementation of Institutional controls. Other</li> </ul>			

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	<p>designs would be acceptable if approved in writing by the overseeing regulatory agency. The applicant shall be required to submit the vapor intrusion remedial design and remedial action documents to an oversight agency for review and approval. Upon installation, the applicant shall provide a Vapor Intrusion Response Action Completion Report to an oversight agency for review and approval. The report shall document installation of the vapor control measures identified in the Vapor Intrusion Mitigation Plan, including plans and specifications, and shall include a long-term operation, maintenance and monitoring plan.</p> <ul style="list-style-type: none"> <li>– Obtain an oversight agency's written approval if contaminated soil with COC above residential screening levels is left in-place or re-used onsite; the written approval shall be provided to the City. At a minimum, if contaminated soil is left in-place, a deed restriction or</li> </ul>			

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	<p>land use covenant shall detail the location of these soils. This document shall include a surveyed map of these impacted soils; shall restrict future excavation in these areas; and shall require future excavation be conducted in these areas only upon written approval by an oversight agency.</p> <ul style="list-style-type: none"> <li>– Any soil, soil vapor and/or ground water remediation of the site during development activities shall require written approval by an oversight agency and shall meet all applicable federal, state and local laws, regulations and requirements.</li> <li>– At properties where hazardous materials are used or stored, a permit may be required for facility closure (i.e., demolition, removal, or abandonment) of any facility or portion of a facility. The applicant shall contact the Sunnyvale Fire Department and County Department of Environmental Health to determine facility closure requirements prior to building demolition or change in property use.</li> <li>– As the site is in an area under active regulatory agency oversight, the applicant and subsequent owners and occupants shall provide access to the</li> </ul>			

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	<p>site, including ongoing access to monitoring wells for monitoring and sampling purposes, and cooperate with the oversight agency and Responsible Parties during implementation of any subsequent investigation or remediation, if required. In addition, if vapor intrusion poses a human health risk, the applicant and subsequent property owners and occupants shall provide access for future indoor air vapor monitoring activities and shall not interfere with the implementation of remedies required by the oversight agency.</p>			

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<b>NOISE</b>				
To further reduce the project's mechanical equipment noise, the project shall comply with the City's Municipal Code that states mechanical equipment shall not exceed 45 dBA $L_{eq}$ .	<ul style="list-style-type: none"> <li>Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers, such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Alternate measures may include locating equipment in less noise-sensitive areas, such as the rooftop of the office buildings, away from the buildings' edges nearest the single-family residences, where feasible.</li> </ul>	<p>Prior to construction, the project applicant shall be responsible for implementing this measure and printing noise attenuation requirements on all construction documents, contracts, and project plans.</p> <p>During construction, the project applicant, and contractor shall be responsible for implementing the noise reduction measures</p>	The project applicant shall submit an acoustical analysis for review and approval by the Community Development Director. This plan shall demonstrate compliance with the Municipal Code for mechanical equipment.	Community Development Director.

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To further reduce construction-related noise, the project shall implement these measures, consistent with the PPSP EIR.	<ul style="list-style-type: none"> <li>Construction activities shall be conducted in accordance with the provisions of the City's General Plan and Municipal Code, which limits temporary construction work between the hours of 7:00 AM and 6:00 PM Monday through Friday and between 8:00 AM to 5:00 PM on Saturdays. Construction is prohibited on Sundays and all City-observed holidays.</li> <li><b>MM NOI-4a. Construction Noise Control Measure.</b> The applicant shall employ site-specific noise attenuation measures during project construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Sunnyvale Building Services Division to ensure that construction noise is consistent with the standards set forth in the City's Noise Ordinance. Measures specified in the Noise Control Plan and implemented during project construction shall include, at a minimum, the following noise control strategies: <ul style="list-style-type: none"> <li>Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine</li> </ul> </li> </ul>	<p>Prior to the construction, the project applicant shall be responsible for printing these measures on all construction documents, contracts, and project plans.</p> <p>During construction, the project applicant and contractor shall be responsible for, implementing these measures.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans.</p> <p>The Community Development project representative shall ensure that contractors implement the construction noise measures by monitoring the site.</p>	Community Development Director.

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	<p>enclosures, and acoustically attenuating shields or shrouds;</p> <ul style="list-style-type: none"> <li>– Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of five dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used; and</li> <li>– Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures. Any enclosure openings or venting shall face away from sensitive receptors.</li> <li>– Construct temporary noise barriers, where feasible, to screen stationary</li> </ul>			

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	<p>noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.</p> <ul style="list-style-type: none"> <li>– Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>– Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>– Unnecessary idling of internal combustion engines should be strictly prohibited.</li> <li>– Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>– Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> </ul>			



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	<ul style="list-style-type: none"> <li>– A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This measure would only be necessary if conflicts occurred which were irresolvable by proper scheduling.</li> <li>– Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.</li> <li>– Identify the schedule for major noise-generating construction activities and the procedure for coordination with nearby residential land uses so that construction activities can be scheduled to minimize noise disturbance.</li> <li>– Businesses, residences, or noise-sensitive land uses adjacent to the construction site shall be notified of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</li> </ul>			

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<b>TRANSPORTATION</b>				
The project would have a significant level of service impact under background plus project conditions at Mathilda Avenue and SR 237 Eastbound Ramps – AM and PM peak hours.	<ul style="list-style-type: none"> <li><b>MM T-2b. County of Santa Clara Expressway Plan 2040 Fee.</b> The August 2015 update of the County of Santa Clara Expressway Plan 2040 identifies a number of long-range intersection improvements, including at the intersections of Lawrence Expressway with Cabrillo Avenue, Benton Street, Homestead Road, and Pruneridge Avenue. These planned Tier 1 and Tier 3 projects would reduce potentially significant impacts to less than significant levels. Therefore, project applicants within the project area shall pay a fair share contribution towards the planned County of Santa Clara Expressway Plan 2040 improvements at these intersections.</li> </ul>	Prior to issuance of building permits, the fair-share fee shall be paid by the project applicant to the City.	Payment of fare share contribution fee to the City	Community Development Director
<p>The combined projects (including the proposed project) would result in significant impacts at the following two intersections under 2025 conditions:</p> <ul style="list-style-type: none"> <li>Mathilda Avenue and SR 237 Eastbound Ramps (#2) – PM peak hour</li> <li>Mary Avenue and Central Expressway (#15) – PM peak hour</li> </ul>	<ul style="list-style-type: none"> <li><b>MM T-2b. County of Santa Clara Expressway Plan 2040 Fee.</b> As described above.</li> <li><b>MM T-2a. Third Westbound Left-Turn Lane.</b> At the intersection of Mary Avenue with the Central Expressway a third westbound left-turn lane would mitigate project-related increases to vehicle delay and V/C ratio. This project is identified as a Tier 3 project as a part of the August 2015 update</li> </ul>	Prior to issuance of building permits, the fair-share fee shall be paid by the project applicant to the City.	Payment of fare share contribution fee to the City	Community Development Director

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	of the County of Santa Clara Expressway Plan 2040. The third westbound left-turn lane could be feasibly accommodated within the existing right-of-way with minimal secondary impacts to pedestrian and bicycle facilities. Therefore, project applicants within the project area shall pay a fair share contribution towards the planned third westbound left-turn lane at this intersection.			
Construction-related increases in traffic due to project construction would be short-term in nature and would incrementally contribute to road or intersection congestion over the planning horizon for the PPSP.	<ul style="list-style-type: none"> <li>• <b>MM T-1.</b> Future development occurring under the proposed Peery Park Specific Plan shall be required to prepare a Construction Impact Mitigation Plan for review and approval prior to issuance of a grading or building permit to address and manage traffic during construction and shall be designed to: <ul style="list-style-type: none"> <li>– Prevent traffic impacts on the surrounding roadway network</li> <li>– Minimize parking impacts both to public parking and access to private parking to the</li> <li>– greatest extent practicable</li> <li>– Ensure safety for both those constructing the project and the surrounding community</li> <li>– Prevent substantial truck traffic through residential neighborhoods</li> </ul> </li> </ul> <p>The Construction Impact Mitigation Plan</p>	Prior to issuance of grading or building permit, the project applicant is responsible for having a Construction Impact Mitigation Plan prepared and submitted to the City for approval.	The project applicant shall submit a Construction Impact Mitigation Plan for review and approval.	Community Development Director

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	<p>shall be subject to review and approval by the following City departments: Community Development, Public Works, and Public Safety to ensure that the Construction Impact Mitigation Plan has been designed in accordance with this mitigation measure. This review shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:</p> <p>Ongoing Requirements throughout the Duration of Construction</p> <ul style="list-style-type: none"> <li>– A detailed Construction Impact Mitigation Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Construction Impact Mitigation Plan shall include specific information regarding the project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such plans shall be reviewed and approved by the Community Development Department prior to commencement of construction and implemented in accordance with this approval.</li> </ul>			

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	<ul style="list-style-type: none"> <li>– Per Sunnyvale Municipal Code Section 16.08.030 work within the public right-of-way shall be performed between 7:00 AM and 6:00 PM Monday through Friday, and 8:00 AM to 5:00 PM on Saturday. With limited exceptions described in Sunnyvale Municipal Code Section 16.08.030, no construction work would be permitted on Sundays and national holidays that City offices are closed. Construction work includes, but is not limited to dirt and demolition material hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an afterhours construction permit.</li> <li>– Streets and equipment shall be cleaned in accordance with established Public Works requirements.</li> <li>– Trucks shall only travel on a City-approved construction route. Limited queuing may occur on the construction site itself.</li> <li>– Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be on-site, with a minimum amount of materials within a work area in the</li> </ul>			

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	<p>public right-of-way, subject to a current Use of Public Property Permit.</p> <ul style="list-style-type: none"> <li>Any requests for work before or after normal construction hours within the public right-of-way shall be subject to review and approval through the After Hours Permit process administered by the Building and Safety Division.</li> <li>Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.</li> </ul> <p>Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction</p> <ul style="list-style-type: none"> <li>The traveling public shall be advised of impending construction activities which may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, Hotline number, and implementation of an approved Construction Impact Mitigation Plan).</li> <li>A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way,</li> </ul>			

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	<p>detours, or any other work within the public right-of-way shall be obtained.</p> <ul style="list-style-type: none"> <li>– Timely notification of construction schedules shall be provided to all affected agencies (e.g., VTA, Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 500 feet.</li> <li>– Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.</li> <li>– Public Works Department approval of any haul routes for earth, concrete, or construction materials and equipment hauling shall be obtained.</li> </ul>			

## Sources:

- City of Sunnyvale. *Peery Park Specific Plan EIR*. Certified April 2016.
- City of Sunnyvale. *Environmental Checklist for Streamlined Review*. November 2016.