

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
December 7, 2016**

Planning Application 2015-7302  
221 North Mathilda Avenue

**Resource Alteration Permit** to modify a Sunnyvale Heritage Resource for the former Mellow's Nursery site to allow alteration of the setting with redevelopment of the site with a three-story, office building with a four level parking structure. The project includes relocation, rehabilitation and adaptive reuse of the historic house on a reduced area of the site in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

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

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

<b>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</b>
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**GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:**

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

**GC-2. PERMIT EXPIRATION:**

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

GC-3. INDEMNITY:

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

GC-4. NOTICE OF FEE PROTEST:

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

GC-5. HISTORICAL PLAQUES:

The applicant shall install an historical plaque, commemorating historical significance of the former Mellow's Nursery site. The applicant shall work with an historic preservation architect to determine plaque size and detailing. [COA] [PLANNING]

GC-6. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the Peery Park Specific Plan Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Attachment 10. The applicant shall be responsible for addressing all required mitigations for each phase of the project. [COA] [PUBLIC WORKS/PLANNING]

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

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

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- A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. BLUEPRINT FOR A CLEAN BAY:  
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]
- BP-4. BEST MANAGEMENT PRACTICES:  
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:
- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
  - b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
  - c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
  - d) Covered trash, food waste, and compactor enclosures.
  - e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
    - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
    - ii) Dumpster drips from covered trash and food compactor enclosures.
    - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
    - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
    - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

<b>DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.</b>
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- DC-1. BLUEPRINT FOR A CLEAN BAY:  
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

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- a) Idling times will 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]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
  - b) Construction equipment must be maintained per manufacturer's specifications.
  - c) Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
    - i. Substitute electrified or hybrid equipment for diesel- and gasolinepowered equipment where practical.
    - ii. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
    - iii. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
    - iv. Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes.  
[COA] [PLANNING]

DC-3. DUST CONTROL

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects", shall be implemented.

**END OF CONDITIONS**

**6.0 Mitigation Monitoring And Reporting Program****6.0 MITIGATION MONITORING AND REPORTING PROGRAM**

The following Mitigation Monitoring and Reporting Program (MMRP) provides a summary of each Mitigation Measure (MM) for the proposed Peery Park Specific Plan (Project) and the monitoring implementation responsibility for each measure. The MMRP for the proposed Project will be in place through all phases of the proposed Project, including construction and operation.

**6.1 PURPOSE**

The purpose of the MMRP is to ensure that measures provided in the Environmental Impact Report (EIR) for the Project to minimize or avoid significant adverse effects are implemented. The MMRP can also act as a working guide to facilitate not only the implementation of mitigation measures, but also the monitoring, compliance, and reporting activities of the implementing agency and any monitors it may designate. In general, mitigation measures are implemented as policies or standards of the Project or as conditions of approval of development within the Project area and are enforceable as permit conditions.

**6.2 RESPONSIBILITIES**

The City of Sunnyvale (City) will act as the lead implementing agency and approve a program regarding reporting or monitoring for the implementation of approved mitigation measures for this Project to ensure that the adopted mitigation measures are implemented as defined in the EIR. For each MMRP activity, the City will either administer the activity or delegate it to staff, other City departments (e.g., Department of Public Works, etc.), consultants, or contractors. The City will also ensure that monitoring is documented as required and that deficiencies are promptly corrected. The designated environmental monitor depending on the provision specified below (e.g., staff planner, building inspector, project contractor, certified professionals, etc.) will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems. The City or its designee(s) will ensure that each person delegated any duties or responsibilities is qualified to monitor compliance. Some mitigation measures assign implementation and/or monitoring to a responsible agency or require coordination between the City and a responsible agency that has jurisdiction, such as the County of Santa Clara or the Valley Transportation Authority (VTA). Standards for successful mitigation of impacts are implicit in many mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely.

**6.3 MONITORING PROCEDURES**

Many of the monitoring procedures will be conducted during the construction phases of the projects developed within Peery Park. For each development project, the City or its designee(s) and the environmental monitor(s) are responsible for integrating the mitigation monitoring

## **6.0 Mitigation Monitoring And Reporting Program**

procedures into the construction processes for individual development projects in the Project area. To oversee the monitoring procedures and to ensure success, the environmental monitor assigned to a monitoring action must be on site during the applicable portion of construction that has the potential to create a significant environmental impact or other impact for which mitigation is required. The environmental monitor is responsible for ensuring that all procedures specified in the monitoring program are followed. Site visits and specified monitoring procedures performed by other individuals will be reported to the environmental monitor assigned to the relevant construction phase. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the environmental monitor to track all procedures required for each mitigation measure and to ensure compliance with the timing specified for the procedures. The environmental monitor will note any problems that may occur and take appropriate action as directed by the City to rectify the problem.

### **6.4 MONITORING TABLE**

For each mitigation measure, Table 6-1 identifies 1) the full text of the mitigation measure; 2) the implementation agency(s) that oversee the action(s); 3) applicable timing; 4) the entity responsible for monitoring the action and verifying compliance; and 5) the standard for successful implementation of the mitigation measure.

**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>Air Quality</b>			
<p><b>MM AQ-1: Fugitive Dust Plan.</b> New development and redevelopment within 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 offsite 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 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 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>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>8. A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. 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> </ol>	Prior to grading or issuance of demolition permit, whichever occurs first.	City of Sunnyvale and Applicants.	Community Development Department (Planning Division and Building Division).

## 6.0 Mitigation Monitoring And Reporting Program

**Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><b>MM AQ-2: Construction-Related Emissions Reduction Plan.</b> New 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> <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</li> </ol>	<p>Prior to grading or issuance of demolition permit, whichever occurs first.</p>	<p>City of Sunnyvale and Applicants.</p>	<p>Community Development Department (Planning Division and Building Division).</p>



**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
<p>products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate 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>			
<b>Cultural Resources</b>			
<b>MM CR-1: Historical Record of Property.</b> In the event of demolition, redevelopment, or alteration of Mellow's Nursery and Farm, a historical record including photographs and artifacts shall be incorporated into the Sunnyvale Heritage Park Museum. A qualified historian shall complete thorough photographic and historic documentation of Mellow's Nursery and Farm to be incorporated into historical records prior to any development.	Prior to any demolition, redevelopment or alteration to the Mellow's Nursery and Farm property.	Qualified historian per City of Sunnyvale approval.	Community Development Department (Planning Division).
<b>MM CR-2: Preservation and Relocation of the Mellow's Nursery House.</b> Future development of the Mellow's Nursery site shall consider preserving and relocating the historic house on site. If such action is feasible, a subsequent cultural resource evaluation shall be prepared to determine if the relocation and rehabilitation of the historic house on site retains its historic qualities and complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties.	Prior to any demolition, redevelopment or alteration to the Mellow's Nursery and Farm property.	City of Sunnyvale and Applicants	Historic Preservation Commission, Community Development Department (Planning Division).
<b>MM CR-3: Paleontological Monitoring.</b> Construction activities involving excavation or other soil disturbance to a depth greater than 6 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 6 feet 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	Prior to issuance of grading or building permits, during construction and upon completion of fieldwork.	Qualified Paleontological Monitor per City of Sunnyvale approval.	Community Development Department (Planning Division and Building Division).

## 6.0 Mitigation Monitoring And Reporting Program

Table 6-1. Mitigation Monitoring and Reporting Program (Continued)			
Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>collected if necessary.</p> <p>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>			
<p><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 using a global positioning system (GPS) with accuracy greater than 1 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</p>	<p>Prior to issuance of grading or building permits, during construction, and upon completion of fieldwork.</p>	<p>Qualified Paleontological Monitor per City of Sunnyvale approval.</p>	<p>Community Development Department (Planning Division).</p>

**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and 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>			
<p><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 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 Registered Professional Archaeologist (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</li> </ul>	Prior to issuance of grading or building permits, during disturbance activities.	Registered Professional Archaeologist familiar with urban historical resources, per City of Sunnyvale approval.	Community Development Department (Planning Division).

## 6.0 Mitigation Monitoring And Reporting Program

**Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>themes and research questions relevant to the known or anticipated sites in the study 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> </ul> <p>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).</p>			
<p><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 Registered Professional Archaeologist (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.</p>	<p>During disturbance activities, in the event of any inadvertently discovered archaeological resources during construction.</p>	<p>Applicants, Registered Professional Archaeologist per City approval.</p>	<p>Community Development Department (Planning Division), County Coroner, and Native American Heritage Commission.</p>
<b>Greenhouse Gas Emissions</b>			
<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,</li> </ul>	<p>Prior to issuance of grading or building permits, during construction, and during operation.</p>	<p>City of Sunnyvale and Applicants.</p>	<p>Department of Public Safety, Transportation, and Community Development Department (Planning Division)</p>

**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>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.</p> <ul style="list-style-type: none"> <li>Limit idling time for commercial vehicles, including delivery and construction vehicles.</li> </ul>			
<b>Hazards and Hazardous Materials</b>			
<p><b>MM HAZ-1: Phase I Environmental Site Assessment (Phase I ESA).</b> Prior to demolition, project applicants in the Project area shall prepare a Phase I ESA. Consistent with local, state and federal regulations, the Phase I ESA shall be subject to City review and address the following:</p> <p>a. <b>Asbestos-Containing Materials (ACM), Lead-Based Paints (LBP), and polychlorinated biphenyls (PCBs).</b> Prior to the 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.</p> <p>b. <b>Potential Onsite Hazardous Materials or Conditions.</b> A visual survey and reconnaissance-level investigation of the existing site shall be conducted to determine if there are any structures or features within or near the buildings that are used to store, contain, or dispose of hazardous materials. For any development within the Project area that has not been subject to a Phase I ESA or successful remediation efforts in the past, a Phase I ESA shall be performed to determine the likelihood of contaminants in areas beyond what has already been assessed in accordance with EPA ASTM Practice E 1527-05 as may be amended. If the Phase I ESA finds that contaminated soil or other hazardous materials are suspected to be present within the area, 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 each hazardous material. If the Phase I ESA finds contamination, the applicant shall prepare a Project-specific hazardous materials management and/or safety plan, which shall require:</p> <ul style="list-style-type: none"> <li>Implementation of a worker health and safety plan (HASP) covering project construction workers and post-construction maintenance</li> </ul>	<p>Prior to demolition or similar construction activities and issuance of associated permits; also ongoing through construction activities.</p>	<p>Applicants and City of Sunnyvale.</p>	<p>Community Development Department, (Building Division and Planning Division), Public Works Department, and Public Safety Department, Fire Prevention.</p>

## 6.0 Mitigation Monitoring And Reporting Program

**Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>workers and groundskeepers who may be potentially exposed to hazardous materials. At a minimum, the HASP shall comply with state and federal worker safety 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>The site management plan or similar response plan shall include health based goals, consistent with state and federal standards and guidance documents (taking into account the presence of naturally occurring constituents). These goals shall be achieved through one or more of the of the following or similar site management strategies or approaches: <ul style="list-style-type: none"> <li>Excavation or extraction of impacted soil or groundwater and disposal in accordance with applicable regulations;</li> <li>Implementation of effective engineering controls (e.g., barriers, caps, onsite encapsulation, mechanical ventilation);</li> <li>Onsite treatment of soil or groundwater; or</li> <li>Implementation of institutional controls (e.g., land use covenants prohibiting the use of groundwater);</li> </ul> </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> <li>Procedures for evaluating and discharging dewatering water; and</li> <li>Provisions to visually inspect for staining soil underlying existing buildings for potential unknown residual environmental constituents, to stop work in the vicinity of such discovery until notice to the oversight agency and appropriately credentialed environmental professional has been provided, and direction for further action received.</li> </ul>			
<b>Noise</b>			
<b>MM NOI-1: Additional Project Review.</b> The Project shall be subject to review by City staff to further assess impacts resulting from increases in ambient noise levels generated by Project construction and operation activities. The City staff	Prior to issuance of a development permit and during construction	City of Sunnyvale and Applicant	City-approved acoustical consultant, and Community Development

**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
shall determine whether additional analysis of noise-related impacts is required to adequately assess impacts resulting from Project construction and operation activities. During this review, City staff may propose additional measures appropriate to reduce potential noise related impacts, with regards to nearby sensitive land uses. To verify that acceptable noise levels are met and/or maintained, the Applicant shall retain a City-approved acoustical consultant to monitor noise during construction activities within close proximity to nearby sensitive receptors. Review of the Project shall be made by City staff prior to the issuance of a development permit.	activities.		Department (Planning Division).
<p><b>MM NOI-4a: Construction Noise Control Measures.</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:</p> <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 enclosures, and acoustically attenuating shields or shrouds;</li> <li>• Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or 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 5 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.</li> </ul>	Prior to issuance of grading or building permits and during construction activities.	Applicant.	Community Development Department (Building Division).
<p><b>MM NOI-4b: Pile Driving Noise-Reducing Techniques and Muffling Devices.</b> Noise-reducing pile-driving techniques shall be employed during Project</p>	Prior to and during construction activities.	Applicant.	Community Development Department (Building

## 6.0 Mitigation Monitoring And Reporting Program

Table 6-1. Mitigation Monitoring and Reporting Program (Continued)			
Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>construction. These techniques shall include:</p> <ul style="list-style-type: none"> <li>Installing intake and exhaust mufflers on pile-driving equipment;</li> <li>Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;</li> <li>Implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li>Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and</li> <li>At least 48 hours prior to pile-driving activities, the applicant shall notify building owners and occupants within 600 feet of the Project area of the dates, hours, and expected duration of such activities.</li> </ul>			Division).
<b>Transportation, Circulation, and Traffic</b>			
<p><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:</p> <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 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> <p>The Construction Impact Mitigation Plan 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</p>	Prior to issuance of grading or building permit and prior to construction.	Applicant and City of Sunnyvale.	Community Development Department (Planning Division), Public Works Department, and Public Safety Department.



**6.0 Mitigation Monitoring And Reporting Program****Table 6-1. Mitigation Monitoring and Reporting Program (Continued)**

Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>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> <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 after-hours 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 public right-of-way, subject to a current Use of Public Property Permit.</li> <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</li> </ul>			

## 6.0 Mitigation Monitoring And Reporting Program

Table 6-1. Mitigation Monitoring and Reporting Program (Continued)			
Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>determined necessary by the City.</p> <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, detours, or any other work within the public right-of-way shall be obtained.</li> <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>			
<p><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 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.</p>	Prior to issuance of a building permit.	City of Sunnyvale.	County of Santa Clara, City of Sunnyvale Public Works Department, and Community Development Department (Planning Division).
<p><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</p>	Prior to issuance of a building permit.	City of Sunnyvale.	County of Santa Clara, City of Sunnyvale

**6.0 Mitigation Monitoring And Reporting Program**

<b>Table 6-1. Mitigation Monitoring and Reporting Program (Continued)</b>			
<b>Mitigation Measure</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
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.			Community Development Department (Planning Division), and Public Works Department.
<b>MM T-3: Valley Transportation Authority (VTA) Valley Transportation Plan (VTP) 2040 Free.</b> The VTA's VTP 2040 identifies a number of long-term improvement projects, including freeway express lane projects along U.S. 101 between Cochran Road and Whipple Avenue and along SR 85. The existing HOV lanes along these segments are proposed to be converted to express lanes and a second express lane is proposed to be implemented in each direction. Therefore, project applicants within the Project area shall pay a fair share contribution towards the planned VTA VTP 2040 improvements.	Prior to issuance of a building permit.	City of Sunnyvale, Valley Transportation Authority.	City of Sunnyvale Community Development Department (Planning Division) and Public Works Department, Valley Transportation Authority.
<b>MM T-6a: Transportation Management Agency.</b> The City of Sunnyvale shall require individual property owner's to join a Transportation Management Association (TMA) to help facilitate TDM programs for tenants within the Project area.	Prior to issuance of a building permit.	City of Sunnyvale, Public Works Department, Community Development Department.	Community Development Department (Planning Division).
<b>MM T-6b: Transportation Impact Fee.</b> Project applicants in the Project area shall be required to pay a fair share transportation impact fee to the City that funds costs associated with the increased development to the Project area.	Prior to issuance of a building permit.	City of Sunnyvale, Public Works Department, Community Development Department.	City of Sunnyvale, Public Works Department, and Community Development Department (Planning Division).
<b>Hazards and Hazardous Materials</b>			
<b>MM UT-1: Peery Park Infrastructure Fee.</b> The City shall ensure adequate financing for funding of infrastructure improvements to serve the Project area. The PPIF shall be calculated prior to the approval of the first entitlements for a development within the Project area, following adoption of the Project. All agencies or developers responsible for new development within the Project area shall be conditioned to be subject to payment of its fair share of any impact fees identified under this program. The PPIF shall determine the costs of and establish a funding program for capital improvements to upgrade water delivery as needed to serve the demands of new land uses anticipated to occur under the Project. As part of the PPIF, a supplemental water system impact fee shall	Prior to the approval of the first entitlements for a development in the Project area and prior to planning approval for each project.	City of Sunnyvale.	City of Sunnyvale, Environmental Services Division, Public Works Department, and Community Development Department (Planning Division).

## 6.0 Mitigation Monitoring And Reporting Program

Table 6-1. Mitigation Monitoring and Reporting Program (Continued)			
Mitigation Measure	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>be established to assess developers their proportional cost of water line improvements to accommodate the planned development capacity in Peery Park. Each project will be required to prepare a hydraulic analysis to determine the required fire flow requirement for the site. As determined by the City, a developer would either pay an impact fee for its proportional share of the cost of Peery Park improvements, or be required to upgrade/replace specific water lines that serve the project site.</p> <p>The PPIF shall also:</p> <ul style="list-style-type: none"> <li>a. Identify the cost of improvements to or replacement of undersized water and wastewater lines within the Project area needed to serve the Project;</li> <li>b. Clearly apportion existing and projected demand on these facilities and costs between existing users, the City and proposed future development.</li> <li>c. Identify potential funding mechanisms for sewer and water line construction, including the equitable sharing of costs between new development, the City and existing users, including development impact fees, grants, assessments, etc.</li> <li>d. Identify the impact fees for all residential and non-residential development to ensure that development pays its fair share of public infrastructure costs; and</li> <li>e. Include a regular fee update schedule, consistent with the City's Capital Improvement Program.</li> </ul>			
<p><b>MM UT-2: Peery Park Infrastructure Fee:</b> In addition to the improvements to the water delivery system described in MM U-1, the City shall ensure adequate financing for funding of infrastructure improvements to the wastewater system. The PPIF shall determine the costs of and establish a funding program for capital improvements to wastewater conveyance as needed to serve the demands of new development occurring under the Project.</p>	Refer to MM UT-1.	City of Sunnyvale.	City of Sunnyvale, Public Works Department, and Community Development Department (Planning Division).