No.	Page #; paragraph	Comment	Suggested Resolution
1.	1-2; 1st para	The description of the project as a development with a base density of 36.3 du/ac but also indicating the project will have 38.6 du/ac and 465 du's may be confusing.	Clarify in FEIR - Should state that the project is 465 du's and has a gross density of 35.4 including the SFPUC ROW or 38.6 net density not including the SFPUC ROW.
2.	1-3; last paragraph	The paragraph should state that no additional comments were received during the NOP that requested additional analysis on the scoped out issue areas.	Clarify in FEIR
3.	2-13: MM Bio 2	Raintree provided information on trees in June.	Clarify in FEIR
4.	2-22; MM Trans 9	The project has emergency access; should state that it currently meets standards	Clarify in FEIR
5.	3-1	Description of Raintree site as 2 parcels plus MWD ROW confuses the project—it includes all three projects. Should clarify	Clarify in FEIR
6.	3-11	Corrections to change Initial study references to EIR. 2nd paragraph, 2nd sentence--parking numbers are not correct—there are a total of 790 spaces. This total meets SMC requirements.	Clarify in FEIR
7.	3-19	Parking numbers not correct--there are 400 spaces on Parcel A and 390 spaces on Parcel B, which totals to 790 spaces.	Clarify in FEIR
8.	3-21	Total trees is incorrect—should be 113 surveyed of which 104 are on site. Clarification: 33 trees remain, 44 are removed, 27 may be removed or relocated if feasible. 9 other trees are included in the study as potentially removed but are on the Caltrans ROW	Clarify in FEIR
9.	4.1-9	Elevations have been prepared counter to 1st para and should state in 2nd para that the project is compatible with surroundings due to compliance with ex. standards and design guidelines	Clarify in FEIR
10.	4.1-10	Should add statements about dated designs of ex. buildings and that project complies with dev standards and arch. Treatments	Clarify in FEIR
11.	4.2-16	Table 4.2-4 is incorrect—title should be BAAQMD Significance Thresholds	Clarify in FEIR

B25-13

12.	4.2-21	Under Trip Gen rates, should describe why higher density has lower ADT/DU – ITE	Clarify in FEIR
13.	4.2-31 – 33	Figures show sites in meters and not in feet but text describes feet	Clarify in FEIR
14.	4.2-39	Under #5, the description is confusing and does not indicate requirement.#2 seems to be the requirement -- MERV 13	Clarify in FEIR to state specific requirement—item 2 requires MERV 13 or higher, which sufficiently mitigates the impact
15.	4.3-8	Need to address findings in ordinance. Valuation was provided to City	Clarify in FEIR
16.	4.4-7	Explain lower ADT/DU—ITE allows lower rate	Clarify to city in discussion/meeting
17.	4.5-4	Add statement that Raintree site will not be impacted	Clarify in FEIR
18.	4.5-12; MM Haz 3	Is the analytical data referenced available?	Send this MM to the haz mat consultant to request info
19.	4.6-5	Please provide Futures Study	Please provide Futures Study Received
20.	4.7-24	MM Noise 5 what noise suppression devices?	Please provide examples of such devices
21.	4.9-2	JWC greenbelt does not bisect site. Along Weddell	Clarify in FEIR

B25-13

LETTER B25
Allen Matkins

B25-1 The requested Draft EIR text changes are made as follows on pages 1-1 and 2-1 of the Draft EIR:

The overall project includes all of the following components for both the Sares Regis project and the Raintree project.

- *General Plan amendments ~~for the two sites~~ for the Sares Regis project and Parcel B of the Raintree project.*
- *Rezonings ~~for the two sites~~ for the Sares Regis project and Parcel B of the Raintree project.*
- *Special Development Permits.*
- *Potential Vesting Tentative Maps.*
- *Potential modifications to the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.*
- *Potential San Francisco Public Utilities Commission (SFPUC) approval of improvements to the John W. Christian Greenbelt.*

It should be noted that the Draft EIR analysis addresses the two projects individually, and the cumulative impacts of the two projects together.

The following sentence is also added for clarification on pages 1-1 and 2-1 of the Draft EIR:

While the "project" is defined as the two development projects ~~combined~~ to be studied in the same EIR, separate development applications will be processed for each project and decisions on the General Plan amendments and rezonings ~~could be~~are completely independent of each other. For this reason, the EIR addresses the projects individually and when appropriate, the impacts of the two projects together are also addressed in the cumulative analysis.

B25-2 The following change to the text is made on Draft EIR page 1-2 at the end of the second paragraph:

….throughout this EIR. Neither applicant proposes the level of development that would be allowed under the Full Buildout Scenario.

B25-3 Please refer to Response to Comment B25-1 regarding text changes.

B25-4 Draft EIR page 2-17, Table 2-1 is corrected as follows: the "~~S~~" is changed to "*LTS*" in the second column under Impact HAZARDS-5 to be consistent with the text in Chapter 4.5, page 4.5-14.

HAZARDS-5: Operation of the projects would require the use of hazardous materials, which could be released due to improper use, storage, handling, or disposal, creating a potential hazard to public health or the environment.	~~S~~ *LTS*	*HAZARDS-5: No mitigation would be necessary.*	*LTS*

B25-5 The requested text change of adding the sentence "This measure would reduce the impact to a less-than-significant level" has been added to the end of every mitigation measure where this was not already done and where the initials "LTS" were used in the Summary table (Table 2-1). The text change for the mitigation measures are shown in the Mitigation Monitoring and Reporting Program table found in Chapter IV of this EIR.

B25-6 The last sentence of the third paragraph on page 3-1 of the Draft EIR is changed to read as follows:

> *Currently, ~~T~~three driveways on East Weddell Drive provide access to the Raintree site.*

B25-7 Please refer to Response to Comment B25-1 regarding text changes.

B25-8 The fifth paragraph on Draft EIR page 3-21 is amended as follows:

> *The Raintree project would include landscaping for the ~~dual purpose~~ purposes of aesthetic enhancement, driveway sight distance, and stormwater management. Turf would generally be minimized in favor of groundcover, shrubs, and shade trees. The landscaped setback along East Weddell Drive would be maintained and would enhance sight distance from the Raintree project driveway on East Weddell Drive across from Kiel Court. Landscaping would incorporate….*

B25-9 The comment suggests revision of Impact GHG-1 on Draft EIR page 4.4-12 to state "[ ] BAAQMD's suggested best management practices may include, but are not limited to: …"

Comment noted. The text has been revised. See **Appendix C** of this document, which contains the revised Section 4.4, Greenhouse Gas Emissions. The revised text appears on pages 4.4-13 and 4.4-14 of revised Section 4.4.

B25-10 Comment noted. The requested change is not considered necessary because the Draft EIR text (pages 4.7-14 through 4.7-18) already makes it clear that the impact would be significant and that the mitigation would reduce the impact to a less-than-significant level.

B25-11 While it is true that all identified impacts would be reduced to less-than-significant levels, CEQA still requires the evaluation of alternatives that may further reduce a project's potential impacts. Alternatives are not only required when there are significant and unavoidable impacts. To clarify this point, the first paragraph on Draft EIR page 5-1 is changed as follows:

> *…attain most of the objectives of the project. The Guidelines further require that the discussion focus on alternatives capable of avoiding or substantially lessening any of the significant effects of the project, including the "No Project" Alternative. ~~Furthermore,~~ As provided in this EIR, all potentially significant effects have been mitigated to less-than-significant levels. However, the EIR evaluates a Mitigated Alternative that is intended to further reduce some of the identified impacts, especially as related to air quality. The CEQA Guidelines also provide that if the environmentally superior alternative is….*

B25-12 Not all of the requested text changes have been made because it is the lead agency's decision about selecting the project or an alternative. The following new text is added to the bottom of page 5-5 of the Draft EIR:

> *…of the proposed project as discussed above. Under the Mitigated Alternative, rather than the project's proposed residential uses, the Sares Regis site would include office uses and the Raintree site would include industrial, office, or commercial uses. The project objectives expressly provide that the Sares Regis and Raintree sites be redeveloped for residential uses. Some of the project objectives that would not be satisfied by the Mitigated Alternative include the following.*
>
> *For the Sares Regis site:*
>
> - *Provide desirable apartment homes for people who work or live in the City of Sunnyvale.*
> - *Replace a vacant industrial building in an underutilized industrial area with a vibrant apartment community.*
> - *Locate higher density housing with easy access to transportation corridors, rail transit stations, bus corridor stops, commercial services, and jobs.*
> - *Enhance the high quality character of the residential neighborhood.*
>
> *For the Raintree site:*
>
> - *Redevelop the site with an attractive, desirable residential community at a density that results in a community for those working and living in Sunnyvale.*
> - *Develop a residential community at a density appropriate for the site's close proximity to mass transit and infrastructure.*
> - *Develop a residential community at a density that can support the public improvements proposed within the SFPUC right-of-way parcel, which help implement the General Plan Open Space sub-element's Key Initiative #2 and Policy LT-8.*
> - *Increase the City's stock of affordable housing units at a level that is economically viable for the project.*
> - *Assist the City with satisfying its Regional Housing Needs Allocation for market rate and affordable housing units.*

B25-13 Some but not all of the requested changes have been made in response to these editorial comments.

The following text is added to the end of the first paragraph on page 1-2 of the Draft EIR:

> *…on the 12.04-acre site. If the San Francisco Public Utilities Commission (SFPUC) right-of-way acreage is not included, the Raintree site would have a net density of 38.6 du/ac.*

No changes to the text on page 1-3 of the Draft EIR are considered necessary. The NOP comment letters are addressed throughout the Draft EIR. No text changes to Mitigation Measure BIO-2 are considered necessary.

Mitigation Measure TRANSPORTATION-9 does not require changing. This measure does not deal with existing conditions, but with future project-related conditions.

On page 3-1, the first paragraph is changed as follows:

> *….12.04 acres, and a third parcel that contains the San Francisco Public Utilities Commission (SFPUC) right-of way (1.1 acres). ~~A 1.1 acre parcel that is owned by the San Francisco Public Utilities Commission (SFPUC)for the Hetch Hetchy right-of-way separates Parcel A from Parcel B~~*

On page 3-11, the second paragraph is changed as follows:

> *A total of approximately ~~811~~ 790 parking spaces….*

On page 3-19, the third paragraph is changed as follows:

> *Parcel A would include approximately 400 ~~413~~ parking spaces….. Parcel B would include a three-story parking structure with 390 ~~398~~ parking spaces…*

On page 3-21, the sixth paragraph is changed as follows:

> *….~~44~~ 27 on-site trees are likely to be relocated if feasible, and 44 trees would be removed for project construction. Nine (9) additional trees within the Caltrans right-of-way (ROW) may also be removed. The trees currently on the site….*

At the time of preparation of the Draft EIR, elevations were not available and thus were not evaluated in the Draft EIR. Thus, the requested changes to pages 4.1-9 and 4.1-10 are not considered necessary.

The commenter states that, on Draft EIR page 4.2-16, "Table 4.2-4 is incorrect – title should be BAAQMD Significance Thresholds." The title of Table 4.2-4 has been corrected; please refer to page 4.2-16 in the revised Section 4.2, Air Quality, in **Appendix B** of this document.

The commenter states that, on Draft EIR page 4.2-21, "under Trip Gen rates, should describe why higher density has lower ADT/DU – ITE." Trip generation rates are based on ITE equations for multi-family residences and are dependent on the size of the project. Please refer to page 4.2-23 in the revised Section 4.2, Air Quality, in **Appendix B** of this document.

The commenter states that, on Draft EIR pages 4.2-31 through 4.2-33, "figures show sites in meters and not in feet, but text describes feet." The text is revised to include values in meters; please refer to pages 4.2-31, 4.2-37, and 4.2-42 through 4.2-44 in the revised Section 4.2, Air Quality, in **Appendix B** of this document.

The commenter states that, on Draft EIR page 4.2-39, "under #5, the description is confusing and does not indicate requirement. #2 seems to be the requirement – MERV13." The following text change is made to Mitigation Measure AIR-4, item 5 (see Section 4.2, Air Quality, in **Appendix B** of this document, page 4.2-45):

In summary, residential units where excess cancer risk is 10 to 25.0 chances per million would require MERV13 or higher filtration and residences with higher excess cancer risk would require MERV16 filters to mitigate levels to less-than-significant levels. Mitigating for excess cancer risk would mitigate significant annual $PM_{2.5}$ concentrations to less-than-significant levels. Figures 4.2-4 and 4.2-5 show the unmitigated exposure that can be used as a guide to identify the level of mitigation required.

The comment regarding page 4.3-8 does not require text changes for the Draft EIR as the valuation that was provided to the City would not change the identified impact or mitigation measure.

The comments regarding clarifications and changes for pages 4.4-7 and 4.5-4 are not clear and thus no changes to the text of the Draft EIR have been made.

The comment regarding page 4.5-12 does not address any needed changes to the Draft EIR.

The City provided a copy of the Futures Study to the applicant.

The comment regarding page 4.7-24 requested examples of noise suppression devices. These include mufflers for internal combustion engines.

The comment about the John W. Christian Greenbelt is not clear. The greenbelt is shown correctly in Figure 3-14 of the Draft EIR.

SARES | REGIS

LETTER B26

October 23, 2013

Mr. Ryan Kuchenig
City of Sunnyvale – Community Development Department
456 W. Olive Avenue
Sunnyvale, CA 94086

Re: Comments on Draft Environmental Impact Report for East Weddell Residential Projects SCH#2013052010

Dear Ryan:

On behalf of the entire Sares Regis team, I would like to thank you, the City of Sunnyvale, and all parties involved in preparing the Draft EIR. We look forward to working with the City and the community to bring our 610/630 East Weddell community to fruition.

We appreciate the thoroughness of the draft EIR, and just want to point out some fine points as they relate to analysis of the 610/630 East Weddell Drive project. Note that all impacts are reduced to a Less Than Significant level with mitigation measures that are included in the Draft EIR – No impacts are unavoidable.

Our comments:

1. Section 1.1 Project Background – List of Approvals

   Please clarify that all of the approvals listed on page 1-1 apply to both projects – Sares Regis and Raintree as follows: **B26-1**

   i. The overall project includes <u>all of</u> the following components <u>for both the Sares Regis project and the Raintree project</u>:

      1. General Plan amendments for two sites.
      2. Rezoning for [] <u>three</u> sites.
      3. Special Development Permits.
      4. Potential Vesting Tentative Maps.
      5. <u>Potential</u> modifications to the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.
      6. <u>Potential</u> San Francisco Public Utilities Commission (SFPUC) approval of improvements to the John W. Christian Greenbelt.

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901 Mariners Island Boulevard, 7th Floor, San Mateo, California 94404
T: 650-378-2800 F: 650-570-2233

twenty 20 years of building excellence

While the "project" is defined as the two development projects combined, Sares Regis and Raintree will file separate development applications and decisions on these applications [] will be independent of each other.

2. Neither Raintree nor Sares Regis is proposing the level of development described in the "Full Buildout Scenario." The final paragraph of Section 1.1 should conclude with the following sentence: Neither applicant proposes development under the Full Buildout Scenario. B26-2

Project Description – These comments apply to the Sares Regis Site

3. Page 3-5 states the SFPUC right of way contains "a" below–ground transmission pipeline. Actually, two pipelines are contained within this right of way. B26-3

4. Page 3-8 states "the building will be less than 55 feet tall with one tower element that may reach 55 feet tall." The proposed project may include one or two tower elements. B26-4

5. Page 3-8 states that there will be "A total of 331 parking spaces," and later in this paragraph it describes "Fifty-two bicycle parking spaces." It is more accurate to state that the community will contain a *minimum* of 331 vehicle parking spaces and a *minimum* of 52 bicycle parking spaces. B26-5

6. The "Affordable Housing and Green Bonuses" section references that the level of affordability within the community may be modified if a density reduction is required. The level of affordability may also be revised based on the final number of units included in the project as required by the State Density Bonus Law. B26-6

7. The Transportation Demand Measures (TDM) associated with the Sares Regis site, as described on page 3-16, are voluntary elements to be included in our property management program. They are not required as part of the Green Building Program. B26-7

8. The guest suite referenced in the project description on pages 3-8 and 3-18 may or may not be included in the proposed project. B26-8

9. Although we do not propose the "full buildout" scenario, the garage in this scenario would be 5 stories not 4 stories, as stated on page 3-19. B26-9

10. Page 4.5-2 states that the Sares Regis site is subject to a Voluntary Assessment (rather than a Voluntary Cleanup Program) with DTSC to provide review of the environmental conditions of the property. Based on this, we request refinements to Mitigation Measure HAZARDS-2 on page 4.5-11 to reflect our agreement with DTSC. The first sentence of Mitigation Measure HAZARDS-2 should be revised to state: "Occupancy permits for the Sares Regis site shall be contingent upon B26-10

the site receiving confirmation from DTSC that the conditions of the site are acceptable for multi-family residential site development." B26-10

Alternatives Section

11. Regarding alternatives, all of the significant impacts associated with the Sares Regis project are reduced to Less Than Significant by incorporating the mitigation measures included in the Draft EIR. This is the prescribed standard for the proposed project under CEQA- CEQA does not require one to evaluate choosing a feasible alternative or overriding the impacts based on the benefits of the project if the project results in Less Than Significant impacts. Evaluating an alternative in the Draft EIR is not required since the project results in Less Than Significant impacts. B26-11

12. On p. 5-9 under "Air Quality", the air quality impacts of Alternative 2 (R-3 zoning – smaller project) are described as similar to the Applicant Proposed Scenario (R-4 zoning). It goes on to state that there would be fewer sensitive receptors subject to TAC emissions from Highway 101. However, construction of a project with a lower number of housing units under Alternative 2 may require a different building layout on the site or different construction type. For instance, the proposed project puts the housing in the middle of the site away from the freeway and Fair Oaks and puts the garage all along the adjacent streets, creating a greater distance from housing and lowering the impact of auto emissions on residents. Therefore, depending on the design of an Alternative 2 project, the proposed Sares Regis project actually may mitigate the air quality impacts to a greater extent than that of the lower density alternative. B26-12

    i. Alternative 2 also may limit the viability of the affordable housing units due to the economics attendant to the reduced scale of the project. B26-13

13. As to the "environmentally superior alternative" discussed on p. 5-15, that "mitigated alternative" proposes solely office uses on the Sares Regis site. Sares Regis proposes a new residential community, and will not be building a commercial center. There is no reason to defer to this alternative because all of the significant impacts identified in connection with the R-4 zoning residential application are mitigated to Less Than Significant effects. In addition, the Sares Regis project's objectives would not be met as follows: B26-14

    i. <u>Provide desirable apartment homes for people who work or live in the City of Sunnyvale.</u>

    ii. <u>Replace a vacant industrial building in an underutilized industrial area with a vibrant apartment community.</u>

iii. Locate higher density housing with easy access to transportation corridors, rail transit stations, bus corridor stops, commercial services, and jobs.

iv. Enhance the high quality character of the residential neighborhood. B25-14

v. Create a sustainable residential community featuring a distinctive and attractive building with landscaping appropriate for this location.

As an overall comment, it is interesting to note that the Sares Regis site now has an approximately 63,000SF older vacant industrial building on it, in conformance with the site's zoning and general plan designations. Should it be able to be occupied for industrial use, that would be a permitted use that would generally not require environmental review, and mitigation measures would not be imposed. It seems that at least there should be some acknowledgement and credit given for the former trips and emissions associated with that use, in considering this project. B25-15

Thank you for the opportunity to comment on the Draft EIR. We look forward to working with you on this project. Please contact me at or kbusch@srgnc.com with any questions.

Sincerely,

Ken Busch
Vice President
Sares-Regis Group of Northern California

LETTER B26
Sares Regis Group of Northern California, LLC

B26-1 Refer to Response to Comment B25-1.

B26-2 Refer to Response to Comment B25-2.

B26-3 On Draft EIR page 3-5, the second paragraph is changed as follows:

The right-of-way contains two ~~a~~ below-ground transmission pipelines….

B26-4 The first paragraph on Draft EIR page 3-8 is changed as follows:

The majority of the building would be less than 55 feet tall with one or two tower element(s) that may reach 55 feet.

B26-5 On Draft EIR page 3-8, the fourth paragraph is changed as follows:

A ~~total of 331~~ minimum of 348 vehicle parking spaces……A minimum of f~~F~~ifty-two bicycle parking spaces….

B26-6 The following text is added to the end of the third paragraph on Draft EIR page 3-15:

…number of affordable units may not be provided. The level of affordability may also be revised based on the final number of units included in the project as required by the State density bonus law.

B26-7 TDM is not required for the project. TDM plans are typically required for higher-density industrial developments. The project would be subject to a parking management plan.

B26-8 On Draft EIR page 3-18, the sixth bulleted item in the first paragraph is changed as follows:

Guest suites for overnight visitors (optional).

On page 3-8, the second paragraph is changed as follows:

… resident storage, outdoor barbecue area, guest suites (optional), and a pet wash area.

B26-9 The first paragraph on Draft EIR page 3-19 is changed as follows:

…except that the parking structure would be five ~~four~~ stories in height….

B26-10 The comment notes that the Sares Regis site is subject to a Voluntary Assessment Agreement with the Department of Toxic Substances Control (DTSC) as part of the DTSC Voluntary Cleanup Program, and requests an amendment to the text of Mitigation Measure HAZARDS-2 to clarify that "case closure" under the Voluntary Cleanup Program would constitute receiving a certification from

DTSC that the hazardous materials conditions at the site are acceptable for the proposed multi-family residential development.

In response to this comment, the following text change is made to clarify Mitigation Measure HAZARDS-2 on page 4.5-11 of the Draft EIR:

> *Occupancy permits for the Sares Regis site shall be contingent upon the site receiving ~~closure with~~ certification from DTSC that hazardous materials conditions at the Sares Regis site are acceptable for the proposed project ~~in the Voluntary Cleanup Program~~. Currently, remedial action is expected to be limited to excavation and off-site disposal of a small volume of soil. Under Voluntary Cleanup Program guidelines, DTSC shall review the remedial action using its Exemption Evaluation Checklist to determine if any additional CEQA review may be required to evaluate potential impacts related to the remedial action.*

B26-11 While it is true that the project would not result in any significant, unavoidable impacts, alternatives to the project must still be considered in order to comply with Section 15126.6 of the CEQA Guidelines. This section of the CEQA Guidelines states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." The alternatives were selected to address some of the identified significant impacts that would occur prior to mitigation.

B26-12 The comment states that, depending on the design of an Alternative 2 project, the proposed Sares Regis project actually may mitigate air quality impacts to a greater extent than the lower-density Alternative 2 would.

Comment noted. It is possible that the design of development under Alternative 2 (R-3 Zoning Alternative) would affect residents' exposure to air emissions. However, it would be speculative to assume that the air quality impact due to development design would be greater or less than that of the project. Overall, the air quality impacts of Alternative 2 would be expected to be similar to but slightly less than those of the project, for the reasons described in the Draft EIR (page 5-9).

B26-13 Comment noted. The issue of housing affordability is not an environmental issue requiring analysis in the EIR; thus, this topic was not discussed in Chapter 5 of the Draft EIR.

B26-14 The fact that the Mitigated Alternative would not meet all of the identified objectives for the projects is addressed on pages 5-14 and 5-15 of the Draft EIR. See also Response to Comment B25-12.

B26-15 TJKM collected traffic counts of motor vehicles, bicycles, and pedestrians at the study intersections in the East Weddell Residential Projects vicinity in November 2012 and March 2013 during typical weekday AM and PM commute peak periods (7:00 to 9:00 AM and 4:00 to 6:00 PM). At the time these traffic counts were collected, the Sares Regis site was vacant. Consequently, no credit could be taken with regard to vehicle trips generated by the previous industrial use on this site. Similarly, no air emissions associated with the previous vehicle trips from the Sares Regis site would need to be evaluated.

LETTER B27

Subject: Fwd: 610-630 E. Weddell Drive (Sares-Regis project)
From: Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>
Date: 10/23/2013 11:10 AM
To: Amy Skewes-Cox <amysc@rtasc.com>, Trudi Ryan <tryan@sunnyvale.ca.gov>

Hello Ryan

Regarding the Sares-Regis project 610-630 E. Weddel Drive. I've read the article by Alicia Wilson.

Comparing 500 vs 600 E Weddell developments, the Sares-Regis project will easily be the better of two living environments, and living in the area holds all the answers to that debate... I live on Lakehaven Terrace and my buddy for over 30 years lives on Munich Terrace.

Here is my feedback about 600 E. Weddell, and I'll touch on 3 topics, what is exciting, concerning, and frightening - then my requests.

A) What's exciting
+ having the apartments will help to encourage a steady flow of young families and will bring improvements to the schools by attracting more students.
- I lived on Remington next to Sunnyvale Middle and as the school improved my apartment neighbor population changed from majority BMR and Section 8 to young families. (Teenagers a different story and different problems)

B27-1

+ more neighbors means improved services and survival of needed shops
- like Tasman Light Rail, Fresh and Easy, and Specialties... enough said there.

+ hoping for a more bicycle and pedestrian friendly area.
- Trail to the Sunnyvale baylands, like Stevens Creek Trail in Mountain View/Sunnyvale/Cupertino.
- I walk along Lawrence everyday to Tasman Square - it's not comfortable.
- The walk along Fair Oaks to my buddy's place could be safer.
- Using Tasman - between Fair Oaks and Lawrence at dawn and dusk is the best way to get hurt on a bike.

B) What's concerning me: Parking Management (parking that's it - seriously)
+ parking on Lakehaven Dr and Terrace is tough
- trespassers park on Lakehaven Terrace for 1-4 hours on a daily basis. I am concerned we will become accidental overflow parking for 600 E. Weddell.
- Solution close the walking path

LETTER B27

C) frightening
+ Pressurized Gas Line
- I am scared that poor construction methods will blow-up our community.

+ Even more Dog Feces.
- the green belt is a Dog Toilet, our property is part of that toilet system.
- - More people, more dogs, more feces.
- - I am starting to find large piles in the paved walking paths, because the grassy edges are full.

+ peaceful neighborhood will be lost
- Noise
- - noisey car exhaust systems echoing from an elevated parking garage
- - multiple car alarms echoing from an elevated parking garage (you only need 1 to spoil the peace)
- - - Solution keep parking far from Lakehaven Terrace. - very far and in a contained closed wall building.
- - Sounds, like Low Frequency Bass Signal from the apartments will enter my home... (like the concerts at Shoreline)
- - - I don't believe the police will actually hunt down which unit is producing the noise.

- Litter
- - More Scavengers hunting for cans and bottles will enter our property
- - - at least 2-3 times a month our garbage cans are toppled and contents scattered (I clean it up pretty often)
- - - Solution close the walking path that these folks use to enter the property
- - More people will have Midnight Picnics at the Hetch Hetchy system and toss even more bottles and cans over the fence into our property.
- - even more teenagers and vagrants will hang-out on our property drinking and littering - sometimes using our cars as picnic benches
- - - Solution Close the walking path

- Privacy
I enjoy this place because of it's park-like setting, and there are no buildings looking into the setting.
I am frightened to lose the peace that comes with privacy.

Requests:
1) Please close the walking path, as it will cut down on the unwanted effects from uninvited visitors accessing our Lakehaven setting and using it as their own.

2) Please improve the greenbelt walking path area near the Hetch Hetchy system and the concrete structures that attract partiers who litter our property by tossing bottles and cans over the fence. And please do not install a taller fence which will challenge them to toss even more.

3) Please work with the developer/architects to design a beautiful and thoughtful setting with structures that improve the lives of surrounding neighbors. Especially please design them to eliminate noise and privacy intrusion.

4) Please provide me with civilized methods of settling problems during construction, and for the

B27-1

LETTER B27

Fwd: 610-630 E. Weddell Drive (Sares-Regis project)

many years I will live with the property managers as my neighbor. **B27-1**

LETTER B27
Anonymous

B27-1 These comments address the merits of the project rather than the Draft EIR, and therefore no response is necessary under CEQA.

LETTER B28

Jeni Pfeiffer
Secretary of Livable Neighborhoods of South Bay
10275 N De Anza Blvd,
Cupertino, CA 95014
byjeni@yahoo.com

Re: East Weddell DEIR Comments_2

It is inadvisable and unconscionable, at this time, to rezone the Sares Regis and Raintree Sites, located at 520-592 E. Weddell Ave. and 610 – 630 E. Weddell Ave, Sunnyvale, from commercial to high density residential, given the existing contaminated soil conditions located in a geological liquefaction and FEMA Flood Hazard Zone area that was not disclosed in the East Weddell Projects DEIR. Additionally, there has been limited notification and inadequate disclosure to the nearby residents to warn them of the following significant hazardous impacts.

The East Weddell Projects Draft Environmental Impact Report (DEIR) states (and not limited to):

- Arsenic was identified at concentrations up to 4.77 milligrams per kilogram (mg/kg), which is above the ESL, but the report noted that this concentration was consistent with naturally occurring concentrations of arsenic in the site vicinity (WEST, 2012).
- Arsenic was identified in soils up to 52 mg/kg, which is above the ESL for residential soils of 0.39 mg/kg, and above the naturally occurring background level, which the report stated was 11 mg/kg (Treadwell & Rollo, 2012)
- Regulatory agencies do not typically require there mediation of constituents below concentrations that are naturally occurring, as these concentrations are considered to be background for the area

B28-1

To justify the levels of arsenic exceeding ESL for residential soils thereby increasing the baseline does not minimize the investigation report that concluded that arsenic and vanadium in soils may present a potential risk to future occupants at the project site and could require remediation (Treadwell & Rollo, 2012) and should be considered inhumane.

This is a dangerous site to build 670 apartment buildings and should not be rezoned to accommodate such usage. Arsenic, a known human carcinogen, is notoriously poisonous to multicellular life, and is a common n-type dopant in semiconductor electronic devices, and the optoelectronic compound gallium arsenide is the most common semiconductor in use after doped silicon. This DEIR does not state the cause of the high levels of arsenic, and proposes to "sweep into a background level" thus exceeding advisable levels acceptable for residential usage.

How can you claim the arsenic is "natural" when the area has, indeed, been in use by

commercial computer companies? And in fact, registered 610 East Weddell Drive, formerly Analog Devices, for example. This is **not** "a natural condition" causing justification to raise advisable levels to be classified as "background conditions" and is inacceptable.

Described under "Environmental Setting" the soils at the Raintree site contained arsenic at concentrations up to 52 mg/kg and vanadium at concentrations up to 200 mg/kg. These concentrations are above screening levels for residential land uses, and could potentially pose a risk to construction workers and future residents, who may come into direct contact with those soils. Arsenic is a known human carcinogen (ATSDR, 2007a). Vanadium is associated with lung, gastrointestinal, and neurological effects and is possibly carcinogenic to humans (ATSDR, 2012)

The DEIR recommends as mitigation measure, the placement of a cap consisting of pavement or a layer of clean soils and implementation of an operation and maintenance plan to ensure that the cap is maintained and no maintenance take place affecting the affected soils without proper health and safety precautions.

Have you noticed huge, deep, long cracks in concrete driveways or patios, where one side "depresses and sinks" 4"- 6" lower than it's adjoining side? This is a common occurrence in liquefaction areas near the bay such as in Milpitas, Alviso, some areas of Sunnyvale when the ground is settling and shifting. B28-1

To "cap" does not reasonably seem logical to contain, indefinitely, hazardous toxins that could be dislodged when the soil shifts due to liquefaction. Not only was the geological and soils category omitted from this DEIR, neither is consideration for rising sea levels, as this is near the bay.

Another metal, vanadium, was identified at concentrations up to 200 mg/kg, above the ESL of 16 mg/kg and the background concentration of up to 129 mg/kg (Treadwell & Rollo, 2012). This is "off the charts" and the mitigation proposed is inadequate.

The groundwater contained petroleum hydrocarbons in the diesel and motor oil range at concentrations of up to 4.6 milligrams per liter (mg/L), above the ESLs of 0.1 mg/L for groundwater that is a potential drinking water source.

These are serious contaminants, which place the nearby homeowners, residents, workers and renters at serious health risks. This site **should not** be considered for residential building until the soils has been cleaned up, the notification area has been extended beyond Tasman, and an adequate Environmental Impact Report completed after the soil is free from hazardous contaminates.

LETTER B28
Jeni Pfeiffer

B28-1 The comment expresses concerns that contamination identified at the project sites would create a hazard for future residents. The comment specifically identifies arsenic and vanadium in soils and petroleum hydrocarbons in groundwater as potential issues. The comment suggests that some of the arsenic in soils identified as "background" levels could have resulted from releases of gallium arsenide from semiconductor manufacturing. The comment further suggests that liquefaction could render potential remedial options, such as a cap over contaminated soils, ineffective.

The background concentrations of arsenic and vanadium cited in the environmental investigations and the Draft EIR are based on studies of uncontaminated sites in the region and are understood to reflect the concentrations of metals that are naturally occurring in area soils as a result of regional geology. Since these metals are not present as a result of human activity or hazardous material releases and are present at similar concentrations in soils throughout the area, regulatory agencies do not typically require the remediation of soils to levels below background concentrations.

Please refer to Response to Comment B6-1, which outlines how the mitigation measures in Section 4.5, Hazards and Hazardous Materials, of the Draft EIR are designed to mitigate contamination at the site to a less-than-significant level. Please also refer to Response to Comment B17-2 regarding potential liquefaction hazards at the project sites. Also note that Mitigation Measure HAZARDS-1, addressing contamination at the Raintree project site, would require that an Operations and Maintenance Program be implemented for any institutional control or engineering control implemented as a remedial measure. This would require periodic inspections of a physical barrier, such as a cap, placed over contaminated soils, and repairs if necessary. This would serve to ensure that remedial actions protect future workers and residents throughout the life of the project. Similar measures would be required by regulatory agencies as part of the Voluntary Cleanup Program, as discussed in Mitigation Measure HAZARDS-2, addressing contamination at the Sares Regis project site. No additional mitigation is necessary to address the potential hazardous materials concerns identified in this comment.

LETTER B29

Ryan Kuchenig <rkuchenig@sunnyvale.ca.gov>

520-592 E. Weddell & 610 - 630 E. Weddell questions

Carol Kaylene <caroltk3@yahoo.com> Wed, Oct 2, 2013 at 11:25 PM
Reply-To: Carol Kaylene <caroltk3@yahoo.com>
To: "rkuchenig@sunnyvale.ca.gov" <rkuchenig@sunnyvale.ca.gov>

Hi Again, Ryan,

I thought another question:

1. Could the city encourage individually owned condos be built instead of apartments?

This way there would be more personal ownership in our city. Otherwise, we just have hundreds of more renters living in Sunnyvale, that don't have a personal stake in what becomes of our city. **B29-1**

Thanks Again,
Carol Eyring
Sunnyvale Home Owner

From: Carol Kaylene <caroltk3@yahoo.com>
To: "rkuchenig@sunnyvale.ca.gov" <rkuchenig@sunnyvale.ca.gov>
Sent: Wednesday, October 2, 2013 11:02 PM
Subject: 520-592 E. Weddell & 610 - 630 E. Weddell questions

[Quoted text hidden]

LETTER B29
Carol Eyring

B29-1 This letter addresses the merits of the project rather than the Draft EIR, and therefore no response is necessary under CEQA.

C. COMMENTS RECEIVED AT OCTOBER 21, 2013 PLANNING COMMISSION PUBLIC HEARING

LETTER C1

APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
October 21, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086

Study Session
NONE

8:00 PM - Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Maria Dohadwala; Vice Chair Russell W. Melton Commissioner Gustav Larsson; Commissioner Glenn Hendricks; and Commissioner Ken Olevson.

Members Absent: Commissioner Bo Chang (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Ryan Kuchenig, Associate Planner; and Recording Secretary, Cristina Pfeffer.

SCHEDULED PRESENTATION - None.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS
Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

1.A. Approval of Minutes: October 14, 2013

ACTION: Vice Chair Melton moved to approve the items on the Consent Calendar. Comm. Larsson seconded. Motion carried, 5-0 with Commissioner Chang absent.

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

LETTER C1

PUBLIC HEARINGS/GENERAL BUSINESS

2.	**FILE #:**	**2013-7240**
	Location:	**520-592 & 610-630 East Weddell Avenue** (APNs: Various)
	Proposed Project:	**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT** The purpose of the meeting will be to gather public input on the Draft Environmental Impact Report (DEIR) for the East Weddell Residential Projects, which includes projects by two developers (Sares-Regis and Raintree Partners) on separate sites. The projects include General Plan Amendments from Industrial to High Residential High Density for the two parcels located adjacent to U.S. Highway 101 and Rezoning applications of each site to High Density Residential / Planned Development (R-4/PD). The projects also include Special Development Permits for 465 apartment units on a 12.04 acre site (two parcels) and a 205 apartment units on a 4.04 acre site (one parcel). Additional information is available online at *EastWeddell.inSunnyvale.com*
	Environmental Review:	Draft Environmental Impact Report (DEIR)
	Staff Contact:	Ryan Kuchenig, (408) 730-7431, *rkuchenig@sunnyvale.ca.gov*
	Note:	No action will be taken at this meeting. This public hearing is an opportunity for the public to provide comments on the DEIR. Written comments may be submitted until 5:00 p.m. on Wednesday, October 23, 2013.

Ryan Kuchenig, Associate Planner, presented information on the proposed project, and noted that the purpose of the public hearing is not for the Planning Commission to make a recommendation or decision, but rather to gather public input regarding the E. Weddell Draft EIR. Mr. Kuchenig said all written and oral comments will be included in the Final Subsequent Environmental Impact Report (SEIR), and that the project will be brought back before the Planning Commission for action on December 2, 2013.

Chair Dohadwala opened the public hearing.

Joseph Coelho, a Sunnyvale resident, presented illustrations from the DEIR with outlines of his suggestions. He said he uses the green belt often and thinks Planning should look at it as an alternative transportation corridor as there will be more high density coming up on the north side of town. He said page 62 of the report shows a public pathway but access appears to be private at the corner of Weddell and Fair Oaks, which he sees as a problem because the current green belt is not contiguous and the on-street portion is Weddell Avenue which he thinks is subpar because the bike lane is narrow and includes a gutter, there is tree debris in the street and people regularly

C-1

take the curve faster than they should. He said with hundreds or thousands more vehicle trips daily along Weddell, he thinks it is important for Planning and Traffic to consider a green belt that is contiguous and to come up with a way to move forward with that in conjunction with upcoming projects. He said he wishes these projects were medium density, but as they are high density which increases traffic, he suggests something like a cycle track on the east side of Weddell with blocked right turns on red because cyclists and pedestrians cross there. He also suggested the possibility of a bike and pedestrian bridge similar to the one at Borregas that crosses highways 101 and 237. He said he wonders if these developments may prevent these suggestions in the future, and said this might be something to consider when looking at boundaries, fencing and right-of-ways with developments. He said the green belt is a great amenity for the area, and he thinks developers see the green belt and trail system as amenities. **C-1**

Bessie Jane Carter, a Sunnyvale resident who lives in the mobile home park on Weddell, said she does not think the traffic coming out of the park onto Fair Oaks was reviewed. She said the traffic is a nightmare. She said that the road planned for on Weddell comes in where residents of the mobile home park go in, and she can envision head-on collisions. She said going onto Fair Oaks from highway 101, a yield sign does not cut it as people do not know what "yield" means, and suggested installing a traffic light that makes drivers stop before they come onto Fair Oaks because it is dangerous. **C-2**

Chair Dohadwala closed the public hearing.

Vice Chair Melton commented on the nomenclature of the draft EIR. He said in chapter four there is a sentence describing what the particular impact is and there is a code in parentheses citing "S" for "significant," which is the way he likes to see it. He said at the conclusion of the potential mitigations it says "the combination of the above measures would reduce this potential impact to a less than significant level," and next to that sentence in parentheses it says "LTS" which is another example of how he likes to see it coded. He said he found other examples where the impact score was not listed which demonstrates inconsistent nomenclature. He said there was another example where after the mitigation, it was not specified that the mitigations would take care of the impact; rather it just listed in parentheses "LTS." He requested the consultant go through the different mitigations shown in chapter four with a fine-tooth and make sure the nomenclature is synchronized throughout. Vice Chair Melton said he is not a California Environmental Quality Act (CEQA) expert and will leave it to others to determine the feasibility of an alternative he would like to suggest. He said he would call it the Public Safety/Public Service alternative which could have impacts on air quality, greenhouse gas emissions, land use and planning, noise, public service and transportation. He said the alternative would include lowering the speed limit on Fair Oaks to 35 miles per hour, re-signalizing or reworking the signal at Weddell and Fair Oaks for greater pedestrian and bike safety, potentially including islands and/or sanctuaries and lastly, to have the Fremont Union High School District (FUHSD) reopen Sunnyvale High School as a public high school. **C-3**

Comm. Hendricks said he would like to make a comment similar to the comments he made on the draft EIR last week having to do with the full build-out pages. He said **C-4**

those pages would be easier for everyone to read by highlighting the differences from the baseline and what is different from page A to the corresponding page. C-4

Trudi Ryan, Planning Officer, said the comment period closes at 5:00 p.m. on Wednesday, October 23 and written comments will be accepted up until that point. She said all comments will then be reviewed by City staff and consultants and responses to comments and modifications to the draft EIR will be prepared.

3. Standing Item Potential Study Issues (2015)

No potential study issues were discussed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

  Vice Chair Melton requested to staff provide any update to the Balanced Growth Profile (BGP) in light of upcoming large commercial development projects. **Ms. Ryan** said staff will be preparing items where there is a proposed General Plan Amendment, Rezoning or a Use Permit for additional Floor Area Ratio. She said there is an item on the Council agenda tomorrow night that a Councilmember requested for an updated BGP, which would be emailed to all Commissioners.

- STAFF ORAL COMMENTS

  City Council Meeting Report

  Ms. Ryan, Planning Officer, provided information on City Council actions and upcoming items.

INFORMATION ONLY ITEMS – None.

ADJOURNMENT

With no further business, the Planning Commission meeting adjourned at 8:20 p.m.

COMMENTS RECEIVED AT OCTOBER 21, 2013 PLANNING COMMISSION PUBLIC HEARING

C-1 The comment from Joseph Coelho included a PowerPoint slide presentation that is included as **Appendix E** of this document. Mr. Coelho's comments address potential future improvements for bicyclists and pedestrians such as cycle tracks and bicycle/pedestrian bridges. The potential need for these improvements is not directly related to the projects, and the feasibility of the improvements is subject to City review. These potential improvements may be considered by City staff but would not require any revisions to the Draft EIR.

The comment refers to page 62, but there is no such page in the Draft EIR. Impact TRANSPORTATION-11 on Draft EIR page 4.10-62 addresses potential impacts related to bicycle facilities. Figure 3-7 on page 3-17 of the Draft EIR shows the proposed bicycle and pedestrian paths on the Sares Regis site and Figure 3-8 on page 3-20 of the Draft EIR shows the proposed private and public pedestrian and bicycle paths on the Raintree site. Figure 3-8 shows a public path connecting the interior portions of the Raintree site to East Weddell Drive in two locations.

C-2 Please refer to Responses to Comments B12-1, B15-1, and B15-2, which address traffic and other concerns related to the existing mobile home park on North Fair Oaks Avenue.

C-3 It is true that not all mitigation measures end with a statement saying that the measure would reduce the impact to a less-than-significant level. Rather, the Draft EIR relies on the use of the "LTS" symbol at the end of the mitigation measures. The statement mentioned by the commenter is usually added when there are multiple measures for one impact and it is important to note that the combination of the measures would reduce the impact to a less-than-significant level. In response to this comment, however, the statement has been added to all of the mitigation measures as shown in Chapter IV of this document in the Mitigation Monitoring and Reporting Program table.

An additional alternative could be considered in the EIR, but the issues identified by the commenter do not necessarily relate to specific impacts that were identified in the Draft EIR. These are issues that the City may want to consider as conditions of approval for the projects.

C-4 The Commissioner's request was to compare traffic level of service (LOS) of Existing (Baseline) Conditions without project with future year Background and Cumulative Conditions (also without project). Consistent with established VTA and City traffic impact analysis (TIA) guidelines, the intersection LOS tables in the EIR compare LOS without project to LOS with project for each analysis year (e.g. Baseline without project vs. Baseline with project; Background without project vs. Background with project). This method addresses the primary concern of VTA and City staff, which is the differential impact of proposed project traffic on the corresponding no project condition. It should be noted that the TIA guidelines do not require comparison of LOS across no project conditions from different analysis years.

Chapter III
DRAFT EIR TEXT CHANGES AND ERRATA

♦ ♦ ♦

This chapter lists changes to the text of the Draft EIR made in response to comments received, as well as errata identified by the EIR authors. New text is shown with underlining, and removed text is shown with ~~strikeout~~.

Because there were so many text changes made to Draft EIR Section 4.2, Air Quality, and Section 4.4, Greenhouse Gas Emissions, these two sections have been included in their entirety in **Appendix B** and **Appendix C** of this document, respectively.

A. CHANGES TO DRAFT EIR CHAPTER 1, INTRODUCTION

The following text change is made on page 1-1 of the Draft EIR:

> The overall project includes all of the following components for both the Sares Regis project and the Raintree project:
> - General Plan amendments ~~for the two sites~~.
> - Rezonings ~~for the two sites~~.
> - Special Development Permits.
> - Potential Vesting Tentative Maps.
> - Potential modifications to the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.
> - Potential San Francisco Public Utilities Commission (SFPUC) approval of improvements to the John W. Christian Greenbelt.

The following change is made on page 1-1 of the Draft EIR:

> While the "project" is defined as the two development projects ~~combined~~ to be studied in the same EIR, separate development applications will be processed for each project and decisions on the General Plan amendments and rezonings ~~could be~~are completely independent of each other. For this reason, the EIR addresses the projects individually and when appropriate, the impacts of the two projects together are also addressed in the cumulative analysis.

The following change is made to the end of the first paragraph on page 1-2 of the Draft EIR:

> …on the 12.04-acre site. If the San Francisco Public Utilities Commission (SFPUC) right-of-way acreage is not included, the Raintree site would have a net density of 38.6 du/ac.

The following change is made to the second paragraph on page 1-2 of the Draft EIR:

> ….throughout this EIR. Neither applicant proposes the level of development that would be allowed under the Full Buildout Scenario.

B. CHANGES TO DRAFT EIR CHAPTER 2, SUMMARY

The following change is made on page 2-1 of the Draft EIR:

> The overall project includes all of the following components for both the Sares Regis project and the Raintree project:
> - General Plan amendments ~~for the two sites~~ for the Sares Regis project and Parcel B of the Raintree project.
> - Rezonings ~~for the two sites~~ for the Sares Regis project and Parcel B of the Raintree site.
> - Special Development Permits.
> - Potential Vesting Tentative Maps.
> - Potential modifications to the Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan.
> - Potential San Francisco Public Utilities Commission (SFPUC) approval of improvements to the John W. Christian Greenbelt.

The following change is made on page 2-1 of the Draft EIR:

> While the "project" is defined as the two development projects ~~combined~~ to be studied in the same EIR, separate development applications will be processed for each project and decisions on the General Plan amendments and rezonings ~~could be~~are completely independent of each other. For this reason, the EIR addresses the projects individually and when appropriate, the impacts of the two projects together are also addressed in the cumulative analysis.

The following change is made to Table 2-1 is made on page 2-17 of the Draft EIR:

HAZARDS-5: Operation of the projects would require the use of hazardous materials, which could be released due to improper use, storage, handling, or disposal, creating a potential hazard to public health or the environment.	~~S~~ LTS	HAZARDS-5: No mitigation would be necessary.	LTS

C. CHANGES TO DRAFT EIR CHAPTER 3, PROJECT DESCRIPTION

The following change is made to the first paragraph on page 3-1 of the DEIR:

> ….12.04 acres, and a third parcel that contains the San Francisco Public Utilities Commission (SFPUC) right-of way (1.1 acres). ~~A 1.1 acre parcel that is owned by the San Francisco Public Utilities Commission (SFPUC)for the Hetch Hetchy right-of-way separates Parcel A from Parcel B~~

The following change is made to the last sentence of the third paragraph on page 3-1 of the Draft EIR:

Currently, ~~T~~three driveways on East Weddell Drive provide access to the Raintree site.

The following changes are made to Tables 3-2A and 3-2B on page 3-4 of the Draft EIR:

Table 3-2A SUMMARY OF PROPOSED GENERAL PLAN AMENDMENTS AND REZONINGS FOR APPLICANT PROPOSED BUILDOUT SCENARIOS

Project	Existing General Plan Designation	Studied General Plan Designation	Existing Zoning	Studied Zoning
Sares Regis	Industrial	RHI (Residential High Density) (27-45 du/ac)	M-S/PD (Industrial and Service/Planned Development)	R-4/PD (High Density Residential/Planned Development)
Raintree Parcel A (North)	ITR (Industrial to Residential Medium to High Density)	NO CHANGE	M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/ Medium Density Residential/ Planned Development	~~R-4/PD (High Density Residential/Planned Development)~~ No change
Raintree Parcel B (South)	Industrial	RHI (Residential High Density) (27-45 du/ac)	M-S/POA (Industrial and Service/Place of Assembly)	R-4/PD (High Density Residential/Planned Development)

Note: du = dwelling units per acre.
Source: City of Sunnyvale, 2013.

Table 3-2B SUMMARY OF PROPOSED GENERAL PLAN AMENDMENTS AND REZONINGS FOR FULL BUILDOUT SCENARIO

Project	Existing General Plan Designation	Studied General Plan Designation	Existing Zoning	Studied Zoning
Sares Regis	Industrial	RVH (Residential Very High Density) (45-65 du/ac)	M-S/PD (Industrial and Service/ Planned Development)	R-5 Very High Density Residential
Raintree Parcel A (North)	ITR (Industrial to Residential Medium to High Density)	NO CHANGE	M-S/ITR/R-3/PD (Industrial and Service/Industrial-to-Residential/Medium Density Residential/Planned Development	~~R-4 High Density Residential~~ No change
Raintree Parcel B (South)	Industrial	RVH (Residential Very High Density)(45-65 du/ac)	M-S/POA (Industrial and Service/Place of Assembly)	R-5 Very High Density Residential

Note: du/ac = dwelling units per acre.
Source: City of Sunnyvale, 2013.

The following change is made to the second paragraph on page 3-5 of the Draft EIR:

The right-of-way contains two ~~a~~ below-ground transmission pipelines….

The following change is made to the first paragraph on page 3-8 of the Draft EIR:

> The majority of the building would be less than 55 feet tall with one or two tower element(s) that may reach 55 feet.

The following change is made to the second paragraph on page 3-8 of the Draft EIR:

> … resident storage, outdoor barbecue area, guest suites (optional), and a pet wash area.

The following change is made to the third paragraph on page 3-8 of the Draft EIR:

> ~~A sound wall may be required along portions of the south and west boundary of the property but this has not yet been determined.~~

The following change is made to the fourth paragraph on page 3-8 of the DEIR:

> A ~~total of 331~~ minimum of 348 vehicle parking spaces……A minimum of f~~F~~ifty-two bicycle parking spaces….

The following change is made to the second paragraph on page 3-11:

> A total of approximately ~~811~~ 790 parking spaces….

The following change is made to the third paragraph on page 3-15 of the Draft EIR:

> …number of affordable units may not be provided. The level of affordability may also be revised based on the final number of units included in the project as required by the State density bonus law.

The following change is made to the fourth paragraph of page 3-16 of the Draft EIR:

> Approximately ~~331~~ 348 parking spaces would be provided in the parking garage.

The following text change is made to the first paragraph on page 3-19 of the Draft EIR:

> Circulation and parking under the Full Buildout Scenario would be similar to the Applicant Proposed Scenario, except that the parking structure would be five ~~four~~ stories in height and a total of ~~419~~ 436 on-site parking spaces would be provided.

The following text change is made to the third paragraph of page 3-19 of the Draft EIR:

> Parcel A would include approximately ~~413~~ 400 spaces, with ~~259~~ 256 of those spaces in a three-story parking garage. A total of ~~92~~ 93 parking spaces would be provided in carports and ~~62~~ 51 spaces would be surface parking. Parcel B would include a three-story parking structure with ~~398~~ 390 parking spaces that would serve the four-story residential building on Parcel B. A total of 790 parking spaces would be provided for the Raintree site under the Applicant Proposed Scenario.

The following change is made to the last paragraph on page 3-19 of the Draft EIR:

> …..parking structure would be five stories in height and a total of ~~1,188~~ 1,154 on-site parking spaces would be provided.

The following change is made to the fifth paragraph on page 3-21 of the Draft EIR:

> The Raintree project would include landscaping for the ~~dual purpose~~ purposes of aesthetic enhancement, driveway sight distance, and stormwater management. Turf would generally be minimized in favor of groundcover, shrubs, and shade trees. The landscaped setback along East Weddell Drive would be maintained and would enhance sight distance from the Raintree project driveway on East Weddell Drive across from Kiel Court. Landscaping would incorporate….

The following change is made to the sixth paragraph on page 3-21 of the Draft EIR:

> ….~~44~~ 27 on-site trees are likely to be relocated if feasible, and 44 trees would be removed for project construction. Nine (9) additional trees within the Caltrans right-of-way (ROW) may also be removed. The trees currently on the site….

D. CHANGES TO DRAFT EIR SECTION 4.2, AIR QUALITY

Please refer to the revised Section 4.2, Air Quality, in **Appendix B** of this document.

E. CHANGES TO DRAFT EIR SECTION 4.4, GREENHOUSE GAS EMISSIONS

Please refer to the revised Section 4.4, Greenhouse Gas Emissions, in **Appendix C** of this document.

F. CHANGES TO DRAFT EIR SECTION 4.5, HAZARDS AND HAZARDOUS MATERIALS

The following change is made to page 4.5-3 of the Draft EIR:

> Soils contained petroleum hydrocarbons and pesticides at low concentrations, below ESLs for residential land uses, with the exception of one soil sample which contained DDE, an organochlorine pesticide, at 1.8 mg/kg, slightly above the ESL for residential land use of 1.7 mg/kg. Therefore, using the ESLs as screening criteria, no additional review or remediation is required.

The following change is made to the end of the first paragraph on page 4.5-5 of the Draft EIR:

> ….distance away. All of the residences at the Raintree site would be located more than 750 feet west of the transmission line right-of-way and would have lower EMF exposures from that source than the Sares Regis residences.

The following change is made to Mitigation Measure HAZARDS-2 on page 4.5-11 of the Draft EIR:

> Occupancy permits for the Sares Regis site shall be contingent upon the site receiving ~~closure with~~ certification from DTSC that hazardous materials conditions at the Sares Regis site are acceptable for the proposed project ~~in the Voluntary Cleanup Program~~. Currently, remedial action is expected to be limited to excavation and off-site disposal of a small volume of soil. Under Voluntary Cleanup Program guidelines, DTSC shall review the remedial action using its Exemption Evaluation Checklist to determine if any additional CEQA review may be required to evaluate potential impacts related to the remedial action.

G. CHANGES TO DRAFT EIR SECTION 4.10, TRANSPORTATION

The following text change is made to page 4.10-61 of the Draft EIR:

> …For the Raintree site, new public sidewalk facilities would be provided along the northern, southern, and western project frontages…

H. CHANGES TO DRAFT EIR SECTION 4.11, UTILITIES AND SERVICE SYSTEMS

The following text change is made to page 4.11-10 of the Draft EIR:

> The impact of construction of the upsized sewer main would not be significant for the following reasons: 1) construction would take place within the right-of-way of North Fair Oaks Avenue; 2) construction noise and air emissions would be short term and would not result in significant air quality or noise impacts; 3) traffic impacts would be mitigated by a City-initiated traffic plan to route traffic as needed during construction; 4) potential erosion impacts related to excavation and spoils management would be less than significant due to the limited area and extent of excavation required ~~covered under the project's SWPPP~~; and 5) no other impacts related to biological, hydrological or other topics would result. Construction of the wastewater facilities would not have any specific significant environmental impacts requiring mitigation.

I. CHANGES TO DRAFT EIR CHAPTER 5, ALTERNATIVES

The following change is made on page 5-1 of the Draft EIR:

> …attain most of the objectives of the project. The Guidelines further require that the discussion focus on alternatives capable of avoiding or substantially lessening any of the significant effects of

the project, including the "No Project" Alternative. ~~Furthermore,~~ As provided in this EIR, all potentially significant effects have been mitigated to less-than-significant levels. However, the EIR evaluates a Mitigated Alternative that is intended to further reduce some of the identified impacts, especially as related to air quality. The CEQA Guidelines also provide that if the environmentally superior alternative is….

The following change is made to the bottom of page 5-5 of the Draft EIR:

…of the proposed project as discussed above. Under the Mitigated Alternative, rather than the project's proposed residential uses, the Sares Regis site would include office uses and the Raintree site would include industrial, office, or commercial uses. The project objectives expressly provide that the Sares Regis and Raintree sites be redeveloped for residential uses. Some of the project objectives that would not be satisfied by the Mitigated Alternative include the following.

For the Sares Regis site:

- Provide desirable apartment homes for people who work or live in the City of Sunnyvale.
- Replace a vacant industrial building in an underutilized industrial area with a vibrant apartment community.
- Locate higher density housing with easy access to transportation corridors, rail transit stations, bus corridor stops, commercial services, and jobs.
- Enhance the high quality character of the residential neighborhood.

For the Raintree site:

- Redevelop the site with an attractive, desirable residential community at a density that results in a community for those working and living in Sunnyvale.
- Develop a residential community at a density appropriate for the site's close proximity to mass transit and infrastructure.
- Develop a residential community at a density that can support the public improvements proposed within the SFPUC right-of-way parcel, which help implement the General Plan Open Space sub-element's Key Initiative #2 and Policy LT-8.8.
- Increase the City's stock of affordable housing units at a level that is economically viable for the project.
- Assist the City with satisfying its Regional Housing Needs Allocation for market rate and affordable housing units.

J. ERRATA

The following statement was added to the end of a number of mitigation measures to clarify when the impact was reduced to a less-than-significant level.

This measure would reduce the *[topic name added]* impact to a less-than-significant level.

The above statement was added for the following mitigation measures:

- AESTHETICS-1
- AIR-2
- AIR-5
- BIO-1
- BIO-2
- HAZARDS 1, 2, 3 AND 4
- TRANSPORTATION-10 AND -11

Chapter IV
MITIGATION MONITORING AND REPORTING PROGRAM

♦ ♦ ♦

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

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

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

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

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

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

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
AIR QUALTY						
AIR-1: No mitigation would be necessary.						
AIR-2: When construction information is available for the Full Buildout Scenarios, a complete air emissions analysis for construction emissions shall be completed by the project applicants to address annual and average daily construction emissions of reactive organic gases (ROG), nitrogen oxides (NO_X), coarse particulate matter (PM_{10}) exhaust, and fine particulate matter ($PM_{2.5}$) exhaust during construction of the Sares Regis and Raintree projects. Average daily emissions shall be computed from total emissions. Total emissions shall be the sum of the annual emissions. If predicted average daily emissions would exceed the Bay Area Air Quality Management District (BAAQMD) thresholds, the applicants shall identify mitigation measures that would reduce construction-related emissions to below the BAAQMD thresholds. Such measures may include: ▪ Phasing of the project to reduce daily emissions; ▪ Use of newer or retrofitted construction equipment that has low emission rates; ▪ Use of alternatively fueled equipment; and modification of construction techniques to avoid use of diesel-powered equipment. Compliance with thresholds shall be verified by the City prior to issuance of any building permits. This measure would reduce the air quality impact to a less-than-significant level.	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of building permits.			
AIR-3: No mitigation would be necessary.						
AIR-4: The two projects shall include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new residences. 1. Design buildings and sites to limit exposure from sources of TAC and fine particulate matter ($PM_{2.5}$) emissions. The site layout shall locate windows and air intakes as far as possible from Highway 101 traffic lanes and provide additional tree plantings along the highway edge to maintain a uniform and continuous vegetative barrier per Bay Area Air Quality Management District (BAAQMD) recommended plantings. Any modifications to the site design shall incorporate buffers between residences and the freeway. 2. Install air filtration in residential or other buildings that would include sensitive	Applicants (working with air pollutant consultant)	Sunnyvale Community Development Department and Sunnyvale Building Division	At time of review of building permit applications and prior to issuance of occupancy permits.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
receptors that have predicted $PM_{2.5}$ concentrations above 0.3 micrograms per cubic meter (µg/m^3) or excess lifetime cancer risk of 10.0 per million or greater. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards (Department of Public Health, City and County of San Francisco, 2008): ▪ A MERV13 or higher rating ; ▪ At least one air exchange(s) per hour of fresh outside filtered air; ▪ At least four air exchange(s) per hour recirculation; and ▪ At least 0.25 air exchange(s) per hour in unfiltered infiltration. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual $PM_{2.5}$ exposures are predicted. Subsequent studies could be conducted to identify the ongoing need for the ventilation systems as future information becomes available.						
3. Ensure that the lease agreement and other property documents (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed; and (4) provide information regarding the ventilation/filtration systems and importance of keeping windows and doors closed to maximize the efficiency of the system..						
4. Consider phasing developments located within 101 meters (330 feet) of Highway 101 to avoid significant excess cancer risks and required installation of filtered ventilation systems (described above). Note that new United States Environmental Protection Agency (U.S. EPA) engines standards combined with California Air Resources Board (CARB) rules and regulations will reduce on-road emissions of diesel particulate matter (DPM) and $PM_{2.5}$ substantially, especially after 2014. Any effects of phasing the project shall be verified by an authorized air pollutant consultant approved by the City.						
5. Require that prior to building occupancy, an authorized air pollutant consultant						

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
approved by the City shall verify the installation of all necessary measures to reduce toxic air contaminant (TAC) exposure.						
A properly maintained vegetative barrier could reduce particulate concentrations, including DPM, by an estimated 30 percent. Combined with the vegetation barrier along the freeway, a properly installed and operated ventilation system with MERV13 air filters may reduce $PM_{2.5}$ concentrations from DPM mobile and stationary sources by approximately 70 percent indoors when compared to outdoors. A ventilation system with MERV16 filters could achieve reductions of 90 percent. The air intake for these units should be located as far away as possible from Highway 101. The overall effectiveness calculations take into consideration time spent outside and the outdoor exposure of each affected unit. The U.S. EPA reports that people, on average, spend 90 percent of their time indoors (US EPA 2001). The overall effectiveness calculations should take into effect time spent outdoors. Assuming 2 hours of outdoor exposure plus 1 hour of open windows (calculated as outdoor exposure) per day, the overall effectiveness of filtration systems would be about 60 percent for MERV13 systems and about 80 percent for MERV16 systems.						
A ventilation system with MERV13 filtration would be necessary to reduce cancer risk to less-than-significant levels for areas where cancer risk is between 10 and 25.0 per million. A more efficient filtration system would be required for cancer risks that exceed 25.0 per million. A ventilation system with MERV16 filters would result in cancer risk of less than 10 per million where outdoor cancer risk is predicted to be 50.0 per million or less. A system with MERV14 or MERV15 could also be used, but those systems were not evaluated.						
$PM_{2.5}$ concentrations would also be reduced with the ventilation system that uses a MERV13 filter or greater. Maximum annual PM2.5 concentrations of 0.75µg/m3 or less could be mitigated using ventilation systems with MERV13 filters.						
In summary, residential units where excess cancer risk is 10 to 25.0 chances per million would require MERV13 or higher filtration and residences with higher excess cancer risk would require MERV16 filters to mitigate levels to less-than-significant levels. Mitigating for excess cancer risk would mitigate significant annual $PM_{2.5}$ concentrations to less- than- significant levels. Figures 4.2-4 and 4.2-5 show the unmitigated exposure that can be used as a guide to identify the level of mitigation						

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
required. The above measures would reduce the potential air quality impact to a less-than-significant level.						
AIR-5a: The projects shall include the following measures recommended by the Bay Area Air Quality Management District (BAAQMD) (i.e., Best Management Practices) to reduce construction dust and on-site construction exhaust emissions by 5 percent: 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. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 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. 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. 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. 8. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Sunnyvale regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management Air District's phone number shall also be visible to ensure compliance with applicable regulations. 9. A plan shall be developed demonstrating that the off-road equipment to be used in project construction would achieve an additional 50-percent reduction in exhaust particulate matter emissions, compared to similar equipment based on CARB	Applicants and contractors	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of grading and/or building permits (review contract specifications).			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
OFFROAD statewide average emission factors for the projected year of use. Based on the construction plans presented for this project, a feasible method to achieve this objective would be the following: ▪ All diesel-powered air compressors, welders, forklifts (including rough terrain forklifts), paint spray rigs, and all types of cranes, forklifts or aerial lifts (man lifts, boom lifts, etc.) used during all construction phases shall meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions or substituted with alternatively fueled equipment (e.g., LPG fuel). ▪ All other off-road construction equipment used on the site shall, on a fleet-wide average, meet U.S. EPA Tier 2 emission standards. ▪ Portable diesel generators operating for more than two days shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or non-diesel generators (or diesel generators using bio-diesel fuel) may be used when grid power electricity is not feasible. The above measures, which apply to both project-specific and cumulative impacts, shall be included in contract specifications for both projects. The mitigation measures listed above, applied to the Raintree Applicant Proposed Scenario and the Sares Regis Applicant Proposed Scenario, would reduce the child excess cancer risk from each of the projects as well as the combination of the two projects to below 9.9 per million. Construction emissions with Mitigation Measure AIR-5a were computed using the CalEEMod model. These emissions were input to the ISCST3 dispersion model to predict mitigated DPM and $PM_{2.5}$ concentrations and the corresponding excess cancer risks. As a result, the maximum excess child cancer risk would be reduced to 7.0 chances per million for the Sares Regis Applicant Proposed Scenario and 6.8 chances per million for the Raintree Applicant Proposed Scenario. Since construction techniques, equipment usage, and schedules have not been identified for the Full Buildout Scenarios, Mitigation Measure AIR-5b is included below.						
AIR-5b: When construction information is available for the Full Buildout Scenario, a complete air emissions analysis for construction emissions shall be completed by the project applicants to address health risk impacts (i.e., excess cancer risk, annual $PM_{2.5}$ concentration and Hazard Index) during construction of the Sares Regis and Raintree	Applicants	Sunnyvale Community Development	Prior to issuance of building permits.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
projects. If predicted excess cancer risk, annual $PM_{2.5}$ concentration or Hazard Index exceed the BAAQMD thresholds, the applicants shall identify mitigation measures that would reduce construction-related health risks to below the BAAQMD thresholds. Such measures may include: ▪ Use of newer or retrofitted construction equipment that has low emission rates; ▪ Use of alternatively fueled equipment; and ▪ Modification of construction techniques to avoid use of diesel-powered equipment. Compliance with thresholds shall be verified by the City prior to issuance of any building permits. The above measures would reduce the air quality impact to a less-than-significant level.		Department				
AIR-6: No mitigation would be necessary.						
AIR-7: The projects would be required to comply with Mitigation Measures AIR-4 and AIR-5; no additional mitigation would be necessary.	See AIR-4 and AIR-5					
BIOLOGICAL RESOURCES						
BIO-1: Tree removal and building demolition shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Wildlife Code. This shall be accomplished by preferably scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts to nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), then a preconstruction nesting survey shall be conducted. The preconstruction nesting survey shall include the following: ▪ A qualified biologist (Biologist) shall conduct a pre-construction nesting bird (both passerine and raptor) survey within seven days prior to tree removal and/or building demolition. ▪ If no nesting birds are observed, no further action is required and tree removal and construction activities shall occur within seven days of the survey to prevent take of individual birds that could begin nesting after the survey. ▪ Another nest survey shall be conducted if more than seven days elapse between the	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to removal of any on-site trees; verify completion of study prior to issuance of grading permit; verify restrictions for construction activities at time of site visits.			

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

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

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

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

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
Maintenance Program would be subject to review and approval by regulatory oversight agencies. This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.						
HAZARDS-2: Occupancy permits for the Sares Regis site shall be contingent upon the site receiving certification from DTSC that hazardous materials conditions at the Sares Regis site are acceptable for the proposed project. Currently, remedial action is expected to be limited to excavation and off-site disposal of a small volume of soil. Under Voluntary Cleanup Program guidelines, DTSC shall review the remedial action using its Exemption Evaluation Checklist to determine if any additional CEQA review may be required to evaluate potential impacts related to the remedial action. This measure would reduce the hazards and hazardous materials impact to a less-than-significant level.	Sares Regis Applicant (working with DTSC)	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of occupancy permit.			
HAZARDS-3: Construction at the project sites shall be conducted under a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall summarize soil and groundwater analytical data collected on the project sites during past investigations and during site investigation and remediation activities described in Mitigation Measure HAZARDS-1 for the Raintree site; delineate areas of known soil and groundwater contamination, if applicable; and identify soil and groundwater management options for excavated soil and groundwater, in compliance with local, state, and federal statutes and regulations. The CRMP shall: (1) Provide procedures for evaluating, handling, storing, testing, and disposing of soil and groundwater during project excavation and dewatering activities, respectively. (2) Require the preparation of a project-specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation.	Applicants	Sunnyvale Community Development Department	Review and approval of CRMP prior to issuance of grading, demolition, or building permits.			

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

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

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
HAZARDS-6: No mitigation would be necessary.						
HAZARDS-7: No mitigation would be necessary.						
LAND USE AND PLANNING						
LAND-1: No mitigation would be necessary. Refer to other sections of the EIR as related to potential environmental impacts, specifically air quality and noise.						
NOISE						
NOISE-1: The following mitigation measures shall be included in each project to reduce the impact to a less-than-significant level: ▪ When refining the project's site plan, continue to locate common outdoor use areas away from roadways and shield noise-sensitive outdoor spaces with buildings whenever possible. ▪ Incorporate building design and treatments to ensure compliance with State of California and City of Sunnyvale noise standards. A project-specific acoustical analysis shall be required by the City of Sunnyvale to ensure that the design of the project incorporates controls so that interior noise levels would be reduced to 45 dBA DNL or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all residential units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and doors and building facade treatments) may be required for many residential units facing adjacent roadways. These treatments may include sound-rated windows and doors, sound rated wall constructions, and acoustical caulking. Pursuant to the State Building Code, the results of the analysis, including a description of the necessary noise control measures, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA DNL or lower. ▪ A qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior and exterior noise levels and ensure compliance with City of Sunnyvale policies and State of California noise	Applicants (working with acoustical consultant)	Sunnyvale Community Development Department	During design review and during final building permit applications.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
regulations. The above measures would reduce the potential noise impact to a less-than-significant level.						
NOISE-2: No mitigation would be necessary.						
NOISE-3: No mitigation would be necessary.						
NOISE-4: No mitigation would be necessary.						
NOISE-5: To mitigate potential short-term construction noise impacts, each project shall be required to comply with the following: 1. Project construction operations shall be required to use available noise suppression devices and techniques and to limit construction hours per the Sunnyvale Municipal Code. 2. A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as practical: ▪ Use "quiet" models of air compressors and other stationary noise sources where technology exists. ▪ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. ▪ Locate all stationary noise-generating equipment, such as air compressors, portable power generators, and crushing/recycling operations, near U.S. Highway 101 and as far away as possible from adjacent land uses. ▪ Locate staging areas and construction material areas as far away as possible from adjacent land uses. ▪ Prohibit all unnecessary idling of internal combustion engines. ▪ Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator	Applicants and Contractors	Sunnyvale Community Development Department and Building Division	Review plan prior to issuance of grading or building permit; review contract specifications.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. ▪ Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The potential short-term noise impacts associated with construction would be mitigated by the above measures implemented during all phases of construction activity to minimize the exposure of neighboring properties, and in combination with the limitations on hours set forth in the Sunnyvale Municipal Code. The impact would be mitigated to a less-than-significant level with the implementation of the above measures.						
NOISE-6: No mitigation would be necessary.						
PUBLIC SERVICES						
SERVICES-1: The environmental impact would be less than significant, and no mitigation is necessary.						
SERVICES-2: The environmental impact would be less than significant, and no mitigation is necessary.						
SERVICES-3: The environmental impact would be less than significant, and no mitigation is necessary. As a condition of project approval, the project applicants would be required to pay standard school impact fees. As provided by state law, the payment of these fees is deemed to fully mitigate the impacts of new development on school services.	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	At time of building permit application.			
RECREATION						
REC-1: As a condition of project approval, each project shall be required to comply with applicable City of Sunnyvale parkland dedication and in-lieu fee requirements. Compliance with these requirements would ensure that the impact of each project on existing parks and demand for new parkland would be reduced to a less-than-significant level.	Applicants	Sunnyvale Community Development Department	At time of building permit application.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
REC-2: Each project shall comply with Mitigation Measure REC-1 and all other applicable mitigation measures identified in this EIR. Compliance with these measures would ensure that the impact of recreational facilities included in each project would be reduced to a less-than-significant level.	See REC-1					
TRANSPORTATION						
TRANSPORTATION-1: No mitigation measures would be necessary under Baseline-Plus Project Conditions.						
TRANSPORTATION-2: No mitigation measures would be necessary under Baseline-Plus Project Conditions.						
TRANSPORTATION-3: No mitigation measures would be necessary under Baseline-Plus Project Conditions.						
TRANSPORTATION-4: No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
TRANSPORTATION-5: No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
TRANSPORTATION-6: No mitigation measures would be necessary under Baseline-Plus-Project Conditions.						
TRANSPORTATION-7: No mitigation measures would be necessary under Background-Plus-Project Conditions.						
TRANSPORTATION-8: No mitigation measures would be necessary under the Cumulative-Plus-Project Conditions.						

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
TRANSPORTATION-9: Both project sites shall be designed to incorporate emergency vehicle access that meets City emergency access standards as described in the City of Sunnyvale Department of Public Safety Fire Prevention Unit's Requirements for Fire Department Vehicle Access and is approved by the City Fire Marshal. This mitigation would reduce the impact on emergency access to a less-than-significant level.	Applicants	Sunnyvale Community Development Department, working with Sunnyvale Department of Public Safety	During site plan review.			
TRANSPORTATION-10: Both project sites shall be designed to integrate improvements with existing pedestrian facilities to accommodate potential increases in pedestrian activity. If the SFPUC does not approve the proposed pedestrian improvements, the site plans for both projects shall be adjusted to maximize pedestrian use near the SFPUC right-of-way (ROW), and this shall occur prior to issuance of any building permits. This measure would reduce the transportation impact to a less-than-significant level.	Applicants	Sunnyvale Community Development Department and City Traffic Engineer	Prior to issuance of building permits.			
TRANSPORTATION-11: Both project sites shall be designed to integrate with existing bicycle facilities to accommodate potential increases in bicycle activity. On-site facilities for bicycles shall be consistent with VTA and City of Sunnyvale guidelines for such facilities, including parking and storage on both project sites. If the SFPUC does not approve the proposed bicycle improvements, the site plan for the Raintree site shall be adjusted to maximize bicycle use near the SFPUC right-of-way, and this shall occur prior to issuance of any building permits. This measure would reduce the transportation impact to a less-than-significant level.	Applicants	Sunnyvale Community Development Department and City Traffic Engineer	Prior to issuance of building permits.			
TRANSPORTATION-12: No mitigation measures would be necessary.						
TRANSPORTATION-13: Each project applicant shall prepare a construction truck traffic program for approval by the City of Sunnyvale. The program shall recommend city-designated truck routes and avoids AM and PM commute peak periods (7:00-9:00 AM and 4:00-6:00 PM) in order to avoid impacts on the local roadway system and also to avoid residential neighborhoods. This program shall be integrated into contract specifications. With implementation of this program, each project would result in a less than significant impact.	Applicants	Sunnyvale Community Development Department and City Traffic Engineer	Review and approval of contract specifications prior to issuance of building permits.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
TRANSPORTATION-14: No mitigation measures would be necessary.						
UTILITIES AND SERVICE SYSTEMS						
UTIL-1: The impact would be less than significant, and no mitigation is necessary.						
UTIL-2: The impact would be less than significant, and no mitigation is necessary.						
UTIL-3: As part of the proposed projects, the project applicants shall replace the existing 8-inch sewer main in North Fair Oaks Avenue with a 10-inch main, in accordance with City of Sunnyvale Department of Public Works requirements. This measure would reduce the impact to a less-than-significant level.	Applicants (likely to be via funding mechanism with the City)	Sunnyvale Public Works Department	Prior to issuance of occupancy permit.			
UTIL-4: The impact would be less than significant, and no mitigation is necessary.						
UTIL-5: The impact would be less than significant, and no mitigation is necessary.						
UTIL-6: Each project applicant shall prepare a Waste Management Plan for City approval. The Waste Management Plan shall include provisions for deconstructing existing buildings to facilitate salvaging their reusable components, recycling demolition wastes, reusing or recycling unused construction materials, and ensuring that residents participate in the multi-family recycling service provided by the City to the project after it is occupied. The Waste Management Plan shall describe the projected quantities of waste generated during demolition and construction; indicate how much of those materials will be reused, recycled, or otherwise diverted from landfills; and indicate where un-recycled materials will be disposed. The Waste Management Plan shall also describe where and how post-occupancy discarded materials will be stored and moved to collection points and how residents and project staff (e.g., maintenance workers) will be informed and motivated, on an ongoing basis, to handle discarded materials to support the City's diversion goals. Upon completion of each project, each project applicant shall document implementation of the Waste Management Plan by providing the City with a report summarizing the waste type, quantity, disposition (e.g., recycled or landfilled), and the facility used. This measure would reduce the impact to a less-than-significant level.	Applicants	Sunnyvale Community Development Department and Sunnyvale Building Division	Prior to issuance of demolition permit.			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
MEASURES IDENTIFIED IN INITIAL STUDY FOR EAST WEDDELL RESIDENTIAL PROJECTS (MAY 2013)						
CULTURAL-1: Each project applicant shall retain a qualified archaeologist to monitor project ground-disturbing activities. Prior to project ground-disturbing activities, the archaeologist shall prepare a Monitoring Plan for the project. The Monitoring Plan shall describe the specific methods and procedures that will be used in the event that archaeological deposits are identified. Archaeological monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, mitigation is not necessary. If the deposits are eligible, adverse effects on the deposits shall be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the City of Sunnyvale and the Northwest Information Center at Sonoma State University upon completion of the resource assessment.	Applicants and Contractors	Sunnyvale Community Development Department	Review and approval of Monitoring Plan prior to issuance of grading permit. Review and approval of assessment report, if applicable, prior to issuance of building permit.			
CULTURAL-2: On each project site, should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist shall be contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found the resources are to be significant, and project activities cannot avoid the resources, adverse effects on paleontological resources shall be mitigated. Mitigation may include monitoring, recording of the fossil locality, data recovery	Applicants and Contractors	Sunnyvale Community Development Department	Review of contract specifications prior to issuance of grading permit. Review and approval of			

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

Mitigation Measure	Party Responsible for Ensuring Implementation	Party Responsible for Monitoring	Monitoring Timing	Compliance Verification		
				Initial	Date	Project/ Comments
and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Sunnyvale for review. If paleontological materials are recovered, the report shall also be submitted to a paleontological repository, such as the University of California Museum of Paleontology. Each project applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources. The City shall verify that the following directive has been included in the appropriate construction documents: "The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction and a paleontologist is not on-site, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, ground sloth, dire wolf, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks."			assessment report, if applicable, prior to issuance of building permit.			
GEO-1: For each project, prior to the issuance of any grading or construction permits, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The investigation shall verify that the project plans comply with CBC and City requirements and incorporate the recommendations for design contained in preliminary geotechnical reports. All design measures, recommendations, design criteria, and specifications set forth in the design-level geotechnical investigation shall be implemented as a condition of project approval.	Applicants	Sunnyvale Community Development Department, Sunnyvale City Engineer, and Sunnyvale Building Division	Prior to issuance of grading or building permit.			