

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

DRAFT RESOLUTION

OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR A TENTATIVE MAP
APPLICATION TO ALLOW THE SUBDIVISION OF THREE PARCELS INTO
FIVE PARCELS – FOUR RESIDENTIAL AND ONE COMMON (PRIVATE ROAD)
LOACTED AT 10234 SCENIC BOULEVARD, APN#357-08-014 AND 357-08-047

SECTION I: PROJECT DESCRIPTION

Application No.: EA-2015-04
Applicant: Welkin International (Cai Xing Xie)
Location: 10234 Scenic Boulevard (APN 357-08-014, 357-08-047)

SECTION II: ENVIRONMENTAL REVIEW PROCESS

WHEREAS, Welkin International submitted an application to the City of Cupertino for a Tentative Map to allow the subdivision of three parcels into five parcels – four residential and one common (private road) and a Tree Removal Permit to allow the removal of seven (7) protected trees, and associated environmental review (“Project”); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.) (“CEQA”) together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (hereinafter, “CEQA Guidelines”), the City prepared an Initial Study and proposed Mitigated Negative Declaration for the Project (“IS/MND”); and

WHEREAS, the Project is additionally described in the September 2017 Public Review Draft of the “Scenic Subdivision Project Initial Study and Mitigated Negative Declaration” (“Draft IS/MND”); and

WHEREAS, on August 18, 2017 the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration; and

WHEREAS, on September 18, 2017 the Draft IS/MND for the project was distributed to responsible agencies and the public for review and comment for a 30-day period that ended October 18, 2017; and

WHEREAS, the IS/MND concluded that significant environmental effect on Air Quality, Biological Resources, Cultural Resources, Geology and Soils, and Noise would be avoided or reduced to less-than-significant levels by mitigation measures ("MM") identified in the IS/MND; and

WHEREAS, On October 19, 2017, prior to making any recommendations regarding the adoption of the Draft IS/MND, the City of Cupertino's Environmental Review Committee held a duly noticed public hearing to receive public testimony where it reviewed and considered the information contained in the Draft IS/MND, voted 4-0-0 to recommend that the Planning Commission accept that the Draft IS/MND has been prepared in compliance with CEQA, and adopt the Draft IS/MND (EA-2015-01) and mitigation measures with amendments made with their motion; and

WHEREAS, the comments received on the Draft IS/MND, along with responses to these comments, are included in the staff report, summarized;

WHEREAS, for all comments received following the close of the public review and comment period, responses have been provided with staff reports;

WHEREAS, the Planning Commission has independently reviewed and considered the Final IS/MND which comprises of the Draft IS/MND together with the comments and the responses to those comments prior to taking action on the Project;

WHEREAS, the comments received by the Planning Commission do not require major revisions to the Final IS/MND due to new or substantially more severe significant effects on the environment; and

WHEREAS, on November 14, 2017 prior to taking action on the Project, the Planning Commission held a duly noticed public hearing to receive staff's presentation and public testimony, and to further consider the information contained in the Final IS/MND, along with all staff reports, other pertinent documents, and all written and oral statements received prior to and at the public hearing;

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony, staff reports, public comments, and other evidence submitted in this matter, the Planning Commission:

1. Finds that the Final IS/MND for the Project has been completed in compliance with the CEQA and reflects the independent judgment and analysis of the City.
2. Finds that, on the basis of the whole record before it, there is no substantial evidence that the Project as proposed and mitigated will have a significant effect on the environment.
3. Adopts the Final Mitigated Negative Declaration (Final MND) for the Project.

4. Adopts the Mitigation Monitoring and Reporting Program for the Project, as amended, attached hereto as Exhibit EA-1, and incorporated herein by reference, which incorporates all the mitigation measures required under the Final MND.

The Planning Commission further makes the mitigation measures required conditions of approval of the Project to the extent they are within the responsibility and jurisdiction of the City as summarized below:

a. AIR QUALITY MITIGATION MEASURES

MM AIR-1: The project's construction contractor shall comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM10 and PM2.5:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Apply (non-toxic) soil stabilizers on, apply water twice daily (or as often as necessary to control dust) to, or pave all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas, and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways

MM AIR-2: During construction, the construction contractor(s) shall use construction equipment fitted with Tier 3 Engines with Level 3 Diesel Particulate Filters (DPF) that meet the United States EPA Certified Tier 3 emissions standards

for all equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule 2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF and EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.

b. BIOLOGICAL RESOURCES MITIGATION MEASURES

MM BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation

with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

c. CULTURAL RESOURCES MITIGATION MEASURES

MM CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

MM CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the City for review and approval prior to implementation.

MM CULT-3: Implementation Mitigation Measure CULT-1

d. NOISE MITIGATION MEASURES

MM NOISE-1: As required by the City of Cupertino's Municipal Code Section 10.48.053, construction activities shall not occur outside of the allowable hours of 7:00 a.m. to 8:00 p.m. Monday through Friday. Weekend construction shall not be conducted.

Additionally, the Construction Contractor shall implement the following measures:

- At least 30 days prior to commencement of demolition of any other construction activities, notification shall be given to all resident or businesses within 250 feet of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification shall also include the telephone number of the Construction Contractor's authorized representative to respond in the event of a noise complaint.
- Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the Construction Contractor's authorized representative to respond in the event of a noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the reporting party and the City of Cupertino's Community Development Director.
- All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- Where feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.
- All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.
- Post signs at the job site prohibiting unnecessary idling of internal combustion engines.
- The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.
- Minimize grade surface irregularities on construction sites.
- Erect a temporary noise barrier/curtain between the construction zone and all adjacent homes or other sensitive receptors that are within 125 feet of the

project site boundary. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a $\frac{3}{4}$ -inch-thick density or at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7.

MM NOISE-2: For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment within 100 feet of existing, off-site buildings, the following mitigation measures shall be implemented in close coordination with City staff so that alternative construction techniques are undertaken.

- The use of impact-driving pile installation or sonic/vibratory pile installation techniques shall be prohibited. The use of vibratory rollers shall be prohibited. Additionally, bulldozers with an operating weight larger than 25,000 pounds shall not be used closer than 30 feet to an adjacent structure.
- Prior to the start of construction activities, City Building Department staff shall meet with the construction contractor to discuss alternative methods to reduce vibration impacts for all construction activities that would occur within 100 feet of existing, off-site buildings. During the pre-construction meeting, the construction contractor shall identify construction methods not involving vibration-intensive equipment or activities. For example: drilled foundation caisson holes (also called auger-cast pile installation) would produce less vibration than impact- or sonic-driving pile installation methods.
- Prior to the start of construction activities, the constructor contractor shall document all reduced-vibration alternative methods identified in the pre-construction meeting on the construction drawings submitted during plan check for building permits. Further the constructor contractor shall implement these reduced-vibration alternative methods during excavation, grading, and construction for work conducted within 100 feet of off-site buildings.

MM NOISE-3: For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment, the following mitigation measures shall be implemented in close coordination with City staff so that alternative construction techniques are undertaken.

- Prior to the start of construction activities, the construction contractor shall document, to the extent feasible, the preconstruction baseline conditions by inspecting and reporting on the then-current foundation and structural condition of the offsite buildings and/or structures with ground-based

foundations (including pools, hot-tubs, and spas) within 50 feet of any construction site boundaries.

- During construction, if any vibration levels cause cosmetic or structural damage (including, but not limited to cracks in walls or ceilings [particularly around doors and windows], sticking/rubbing doors or openable windows, fallen or displaced ceiling tiles, and/or items displaced from shelving) to the off-site buildings within 50 feet of the project site, City staff shall immediately issue “stop-work” orders to the construction contractor to prevent further damage. Work shall not restart until the buildings are stabilized and/or preventive measures are implemented to relieve further damage to the building(s).

PASSED AND ADOPTED this 14th day of November, 2017, Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Benjamin Fu

Assist. Director of Community Development

Don Sun

Chair, Planning Commission

Mitigation Monitoring and Reporting Program

Scenic Blvd. Subdivision

10234 Scenic Blvd., APN# 357-08-014 and 357-08-047

November 2017

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AIR QUALITY				
Impact B – AIR Violate any air quality standard or contribute substantially to an existing or project air quality violation.	Mitigation Measure AIR-1: AIR-1: The project's construction contractor shall comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM ₁₀ and PM _{2.5} : <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Apply (non-toxic) soil stabilizers on, apply water twice daily (or as often as necessary to control dust) to, or pave all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas, and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. 	During construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. Replant vegetation in disturbed areas as quickly as possible. Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 			
Impact C – AIR Result in cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative standards for ozone precursors or other pollutants)	Mitigation Measure AIR-2: During construction, the construction contractor(s) shall use construction equipment fitted with Tier 3 Engines with Level 3 Diesel Particulate Filters (DPF) that meet the United States EPA Certified Tier 3 emissions standards for all equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule	During construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF and EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.			
BIOLOGICAL RESOURCES				
Impact A – BIO Have substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?	Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures	Prior to and during construction, applicant	Preconstruction survey	Qualifying biologist in consultation with California Department of Fish and wildlife as needed

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.			
CULTURAL RESOURCES				
Impact B- CULT Cause substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5	Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the	During construction, Applicant	Grading and/or building Plan review and approval	Consulting archaeologist and the City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.			
Impact C – CULT Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Mitigation Measure CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine	During construction, Applicant	Grading and/or building Plan review and approval	Consulting archaeologist and the City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the City for review and approval prior to implementation.			
Impact E- CULT The proposed project cause substantial adverse change in the significance of a tribal cultural resources as defined in Public Resources Code 21074?	Mitigation Measure CULT-3: Implementation Mitigation Measure CULT-1	During construction, Applicant	Grading and/or building Plan review and approval	Consulting archaeologist and the City of Cupertino Public Works Department
GEOLOGY AND SOILS				
IMPACT A – GEO Expose people or structures to potential substantial adverse effects, including the loss, injury or death involving landslides, mudslide or other similar hazards.	Mitigation Measure GEO-1: The proposed project shall be carried out in accordance with the recommendations contained in the geotechnical investigations done for the proposed project, included as Appendix A of this Initial Study.	Prior to construction and during construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
IMPACT C – GEO Be located on a geologic unit or soil that is instable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.				
NOISE MITIGATIONS				
IMPACT A - NOISE Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards.	Mitigation Measure NOISE-1: As required by the City of Cupertino's Municipal Code Section 10.48.053, construction activities shall not occur outside of the allowable hours of 7:00 a.m. to 8:00 p.m. Monday through Friday. Weekend construction shall not be conducted. Additionally, the Construction Contractor shall implement the following measures: <ul style="list-style-type: none"> At least 30 days prior to commencement of demolition of any other construction activities, notification shall be given to all resident or businesses within 250 feet of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification shall also include the telephone number of the Construction Contactor's authorized representative to respond in the event of a noise complaint. 	Prior to construction and during construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the Construction Contractor's authorized representative to respond in the event of a noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the reporting party and the City of Cupertino's Community Development Director. • All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer. • Where feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment. • All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines. • Post signs at the job site prohibiting unnecessary idling of internal combustion engines. • The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based 			

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>on the background noise level, or switch off back-up alarms and replace with human spotters.</p> <ul style="list-style-type: none"> Minimize grade surface irregularities on construction sites. Erect a temporary noise barrier/curtain between the construction zone and all adjacent homes or other sensitive receptors that are within 125 feet of the project site boundary. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick density or at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7. 			
<p>IMACT B – NOISE Expose people to or generate excessive ground borne noise levels</p>	<p>MM NOISE-2: For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment within 100 feet of existing, off-site buildings, the following mitigation measures shall be implemented in close coordination with City staff so that alternative construction techniques are undertaken.</p> <ul style="list-style-type: none"> The use of impact-driving pile installation or sonic/vibratory pile installation techniques shall be prohibited. The use of vibratory rollers shall be prohibited. Additionally, bulldozers with an operating weight larger 	Prior to construction and during construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>than 25,000 pounds shall not be used closer than 30 feet to an adjacent structure.</p> <ul style="list-style-type: none"> • Prior to the start of construction activities, City Building Department staff shall meet with the construction contractor to discuss alternative methods to reduce vibration impacts for all construction activities that would occur within 100 feet of existing, off-site buildings. During the pre-construction meeting, the construction contractor shall identify construction methods not involving vibration-intensive equipment or activities. For example: drilled foundation caisson holes (also called auger-cast pile installation) would produce less vibration than impact- or sonic-driving pile installation methods. • Prior to the start of construction activities, the constructor contractor shall document all reduced-vibration alternative methods identified in the pre-construction meeting on the construction drawings submitted during plan check for building permits. Further the constructor contractor shall implement these reduced-vibration alternative methods during excavation, grading, and construction for work conducted within 100 feet of off-site buildings. 			
IMACT B – NOISE Expose people to or generate excessive ground borne noise levels	MM NOISE-3: For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment, the following mitigation measures shall be implemented in close coordination with City staff so that alternative construction techniques are undertaken.	Prior to construction and during construction, Applicant	Grading and/or building Plan review and approval	City of Cupertino Public Works Department

Impact	Mitigation Measure	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • Prior to the start of construction activities, the construction contractor shall document, to the extent feasible, the preconstruction baseline conditions by inspecting and reporting on the then-current foundation and structural condition of the offsite buildings and/or structures with ground-based foundations (including pools, hot-tubs, and spas) within 50 feet of any construction site boundaries. • During construction, if any vibration levels cause cosmetic or structural damage (including, but not limited to cracks in walls or ceilings [particularly around doors and windows], sticking/rubbing doors or openable windows, fallen or displaced ceiling tiles, and/or items displaced from shelving) to the off-site buildings within 50 feet of the project site, City staff shall immediately issue “stop-work” orders to the construction contractor to prevent further damage. Work shall not restart until the buildings are stabilized and/or preventive measures are implemented to relieve further damage to the building(s). 			