

# Mitigation Monitoring and Reporting Program

## **480/490 South Mathilda Avenue Office Project**



June 2022

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

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

The project proposes to demolish the existing improvements on-site and construct an approximately 127,886 square-foot, four-story office building over two levels of below ground parking. This document contains the MMRP and identifies mitigation measures for the proposed project.

## MITIGATION MONITORING AND REPORTING PROGRAM

<b>Mitigation Monitoring and Reporting Program</b> 480/490 South Mathilda Avenue Office Project File #'s 2021-7280 and 2021-7281				
Impact	Mitigation Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<b>AIR QUALITY</b>				
<p><b>Impact AQ-1:</b> The project would not conflict with or obstruct implementation of the applicable air quality plan with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM AQ-1.1:</b> The project shall implement the below BAAQMD-recommended BMPs to control dust, particulate matter, and diesel emissions during construction. This list of measures shall be incorporated into the approved building plan set.</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.</li> </ol>	<p>Prior to issuance of demolition and grading permits, applicant is responsible for incorporating the measures to control dust, particulate matter, and diesel emissions included in this mitigation measure into building plan set. The City is responsible for reviewing the building plan set for compliance.</p> <p>During construction, applicant and its contractors are responsible for implementing the measures identified</p>	<p>All measures to control dust, particulate matter, and diesel emissions during construction listed in this mitigation measure shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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	<ol style="list-style-type: none"> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	in the mitigation measure.		
<p><b>Impact AQ-3:</b> The project would not expose sensitive receptors to substantial pollutant concentrations with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM AQ-3.1:</b> The project shall implement the below measures to control diesel particulate matter emissions during construction. This list of measures shall be incorporated into the approved building plan set.</p> <ol style="list-style-type: none"> <li>1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for NOx and PM, if feasible, otherwise,</li> <li>2. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 85 percent reduction in particulate matter exhaust; alternatively (or in combination)</li> </ol>	<p>Prior to issuance of demolition and grading permits, applicant is responsible for incorporating the measures to control diesel particulate matter emissions into building plan set. The City is responsible for reviewing the building plan set for compliance.</p> <p>During construction, applicant and its contractors are</p>	All measures to control dust, particulate matter, and diesel emissions during construction listed in this mitigation measure shall be printed on all construction documents, contracts, and project plans.	Community Development Director

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	<ol style="list-style-type: none"> <li>3. Use of alternatively-fueled equipment with lower NOx emissions that meet the NOx and PM reduction requirements above.</li> <li>4. Diesel engines, whether for off-road equipment or on-road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit.</li> <li>5. All on-road heavy-duty diesel trucks with a gross vehicle weight rating of 33,000 pounds or greater (EMFAC Category HDDT) used at the project site (such as haul trucks, water trucks, dump trucks, and concrete trucks) shall be model year 2010 or newer.</li> <li>6. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.</li> <li>7. Enforce idling limit of two minutes unless subject to State law exemptions (e.g., safety issues).</li> </ol>	<p>responsible for implementing the diesel particulate matter control measures identified in the mitigation measure.</p>		
<b>BIOLOGICAL RESOURCES</b>				
<p><b>Impact BIO-1:</b> The project would not have a substantial effect, either directly or through habitat modifications, on any</p>	<p><b>MM BIO-1.1:</b> When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.</p>	<p>Applicant is responsible for ensuring construction activities avoid the</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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<p>special status species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.</p> <p>A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.</p>	<p>nesting season to the extent feasible.</p> <p>Applicant is responsible for ensuring pre-construction surveys are completed (as described in mitigation measure MM BIO-1.1) if construction and tree removal occur between September and January. Any construction buffer zone must be implemented and maintained during construction activities.</p> <p>Prior to the start of grading or tree removal, applicants are responsible for submitting a final report of nesting birds to the City.</p>	<p>A final report of nesting birds, including any protection measures shall be submitted by the applicant to the City.</p>	
<b>CULTURAL RESOURCES</b>				

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<p><b>Impact CR-2:</b> The project would not cause a substantial change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 1564.5 with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p> <p><b>Impact TCR-1:</b> The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) with mitigation incorporated.</p>	<p><b>MM CR-2.1:</b> Prior to ground-disturbing activities, a qualified archaeologist will provide cultural resources training to all contractors and employees involved in trenching and excavation. The training will inform participants how to recognize archaeological artifacts and deposits, and discuss their obligations under the law and the project mitigation measures.</p> <p><b>MM CR-2.2:</b> A qualified archaeologist shall monitor the demolition of the building foundations and any other below surface disturbances, such as but not limited to, grading, excavation, roadway improvements, and utility connections and improvements. If any cultural resources are identified, all activity in the vicinity of such resources shall stop until a research design and treatment plan is prepared to address those types of resources encountered and such plan is approved by the City. Any cultural resources identified shall be evaluated to determine if these resources would qualify for the NRHP or CRHR. If no resources are found during excavation work, the implementation of mitigation measures MM CR-2.3 would ensure any resources discovered during construction are adequately protected.</p>	<p>Prior to ground-disturbing activities, applicant is responsible for having a qualified archeologist provide a cultural resources training to all contractors as described in mitigation measure MM CR-2.1.</p> <p>During demolition of the building foundations and any other below surface disturbances, applicant is responsible for having a qualified archaeologist and all contractors implement mitigation measure MM CR-2.2.</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p> <p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p> <p>Community Development Director</p>

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<p><b>Less than Significant Impact with Mitigation Incorporated</b></p> <p><b>Impact TCR-2:</b> The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM CR-2.3:</b> In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, all activity within a 50-foot radius of the find shall be stopped until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Preservation in place is the preferred treatment of an archeological resource. When preservation in place of an archeological resource is not feasible, data recovery, in accord with a data recovery plan prepared and adopted by the City, is the appropriate mitigation. Construction and potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete.</p>	<p>If archaeological deposits are found, applicant and its contractor are responsible for implementing mitigation measure MM CR-2.3 at the time of discovery.</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>
<p><b>Impact CR-3:</b> The project would not disturb any human</p>	<p><b>MM CR-3.1:</b> In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped.</p>	<p>If human remains are found, applicant and its contractor are</p>	<p>All mitigation measures shall be printed on all</p>	<p>Community Development Director</p>



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<p>remains, including those interred outside of dedicated cemeteries with mitigation incorporated.</p> <p><b>Less than Significant Cumulative Impact with Mitigation Incorporated</b></p>	<p>The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the NAHC immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5 of the CEQA Guidelines.</p>	<p>responsible for implementing mitigation measure MM CR-3.1 at the time of discovery.</p>	<p>construction documents, contracts, and project plans.</p>	
<b>GEOLOGY AND SOILS</b>				
<p><b>Impact GEO-6:</b> The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM GEO-6.1:</b> Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the Sunnyvale Community Development Director notified immediately. A qualified paleontologist shall evaluate the find and prescribe measures to preserve the find. Work may proceed on other parts of the project site while measures to preserve the paleontological resources or geologic features are implemented. One such measure would be a buffer that would be established by the qualified paleontologist. This buffer would preserve the area immediately surrounding the discovered resource while allowing work to happen beyond the buffer. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology shall also be submitted to the City.</p>	<p>If paleontological resources or unique geologic features are found, applicant and its contractor are responsible for implementing mitigation measure MM GEO-6.1 at the time of discovery.</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<p><b>Impact HAZ-2:</b> The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-2.1:</b> A Site Management Plan (SMP) and Health Safety Plan (HSP) shall be prepared and implemented for construction-related earthwork activities under the proposed project. The purpose of the SMP and HSP is to establish appropriate management practices for handling impacted soil or other materials that may potentially be encountered during construction activities. The SMP shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.</p> <p>To evaluate potential impacts associated with prior agricultural use, the soil profiling shall include (but not be limited to) the collection of shallow soil samples (upper one-foot) and analyses for agricultural pesticide chemicals (i.e., arsenic and chlorinated pesticides and herbicides).</p>	<p>Prior to construction-related earthwork activities, applicant is responsible for submitting a Site Management Plan and Health and Safety Plan to the City for review. The City is responsible for reviewing the Site Management Plan and Health and Safety Plan for compliance.</p> <p>Prior to construction-related earthwork activities, applicant and its contractors are responsible for implementing a soil sampling and testing to evaluate the impacts associated with prior agricultural uses as</p>	<p>The Site Management Plan and Health and Safety Plan shall be prepared and include the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.</p> <p>Documentation of soil sampling and profiling.</p>	<p>Community Development Director</p> <p>Community Development Director</p>

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	<p>If there are no contaminants identified that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP does not need to be submitted to an oversight agency and only submitted to the City prior to construction earthwork activities. If contaminants are identified at concentrations exceeding applicable screening levels, the SMP and planned remedial measures shall be reviewed and approved by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH), and the HSP and approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.</p>	<p>identified in the mitigation measure.</p> <p>If no contaminants identified exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP shall be submitted to the City prior to construction earthwork activities.</p> <p>If contaminants are identified at concentrations exceeding applicable screening levels, the SMP and planned remedial measures shall be reviewed and approved by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH), and the HSP and approved SMP shall be submitted to the City prior to the issuance of a permit</p>	<p>Documentation of soil sampling and profiling and required remediation measures approved by the City and/or oversight agency.</p>	<p>Community Development Director</p>

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	<p><b>MM HAZ-2.2:</b> All hydraulic fluids within the elevator equipment shall be removed and properly disposed of prior to demolition.</p> <p>During removal of the equipment with hydraulic fluids, contractors shall observe for staining and spilled oil. If stains and/or spills are observed, an Environmental Professional shall be retained to collect soil samples for laboratory analysis in accordance with commonly accepted environmental protocols. If contaminants are identified at concentrations exceeding applicable screening levels published by the RWQCB, DTSC and/or EPA, appropriate mitigation measures shall be incorporated into the demolition permit. Approval by an appropriate regulatory agency (i.e., RWQCB, DTSC or DEH) shall be obtained prior to conducting earthwork activities in the vicinity of the impacted soil.</p>	<p>for grading and excavation.</p> <p>Prior to demolition activities, all hydraulic fluids within the elevator equipment shall be removed and properly disposed of as described in mitigation measure MM CR-2.1.</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>
	<p><b>MM HAZ-2.3:</b> Prior to the issuance of a demolition permit, an asbestos survey shall be completed for existing buildings on-site prior to demolition in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.</p>	<p>Prior to issuance of demolition permit, applicant is responsible for having asbestos surveys completed pursuant to mitigation measure MM HAZ-2.3.</p>	<p>All mitigation measures required shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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	<p><b>MM HAZ-2.4:</b> Prior to the issuance of a demolition permit, a lead-based paint survey shall be completed for the existing buildings on-site in accordance with the Cal/OSHA guidelines. If lead-based paint is bonded to the building materials, the removal of lead-based paint is not required. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training and air monitoring and dust control. Any debris containing lead shall be disposed appropriately.</p>	<p>Prior to issuance of demolition permit, applicant is responsible for having lead-based paint surveys completed pursuant to mitigation measure MM HAZ-2.4.</p>	<p>All mitigation measures required shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>
<b>NOISE AND VIBRATION</b>				
<p><b>Impact NOI-1:</b> The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies with mitigation incorporated.</p>	<p><b>MM NOI-1.1:</b> Consistent with mitigation measure MM 3.6.3 of the 2017 LUTE EIR, the project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City prior to issuance of demolition permit. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:</p> <ul style="list-style-type: none"> <li>• Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).</li> </ul>	<p>Prior to issuance of the demolition permit, the applicant is responsible for preparing a noise control plan pursuant to mitigation measure MM NOI-1.1 and submitting the plans to the City for review and approval.</p> <p>During construction, applicant and its contractors shall be responsible for</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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<p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<ul style="list-style-type: none"> <li>• Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.</li> <li>• Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.</li> <li>• Unnecessary idling of internal combustion engines should be strictly prohibited.</li> <li>• Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible as determined by the City, from residential receptors.</li> <li>• Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>• Where feasible, temporary power service from local utility companies shall be used instead of portable generators.</li> <li>• Locate cranes as far from adjoining noise-sensitive receptors as possible.</li> </ul>	<p>implementing the measures in the noise control plan.</p>		

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	<ul style="list-style-type: none"> <li>• During final grading, substitute graders for bulldozers where feasible as determined by the City. Wheeled heavy equipment are quieter than track equipment and should be used where feasible, as determined by the City.</li> </ul>			
<p><b>Impact NOI-2.1:</b> The project would not result in generation of excessive groundborne vibration or groundborne noise levels with mitigation incorporated.</p> <p><b>Less than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM NOI-2.1:</b> The following additional vibration controls shall be implemented as part of the Noise Control Plan required by the 2017 LUTE EIR mitigation measure MM 3.6.3:</p> <ul style="list-style-type: none"> <li>• Comply with the construction noise ordinance to limit hours of exposure. The City’s Municipal Code allows construction activities between the hours 7:00 AM and 6:00 PM on weekdays and between 8:00 AM and 5:00 PM on Saturdays. Construction activity is not permitted on Sundays or federal holidays when the City offices are closed.</li> <li>• Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences adjoining the site.</li> <li>• Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of residences adjoining the site.</li> </ul>	<p>Prior to the issuance of the demolition permit, the applicant is responsible for preparing a noise control plan pursuant to mitigation measure MM NOI-2.1 and submitting the plans to the City for review and approval.</p> <p>During construction, applicants and their contractors shall be responsible for implementing the measures in the noise control plan.</p>	<p>All mitigation measures shall be printed on all construction documents, contracts, and project plans.</p>	<p>Community Development Director</p>

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	<ul style="list-style-type: none"> <li>The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care.</li> </ul>			

Sources:

City of Sunnyvale. *480/490 South Mathilda Avenue Office Project Initial Study*. June 2022.