

ATTACHMENT M

EXHIBIT B

DRAFT CONDITIONS OF APPROVAL

If the project is approved, staff recommends the following conditions of approval.

GENERAL

1. Approved Plans

- 1.1. The project approval is based upon the plans dated May 5, 2021 and the support materials and technical reports, except as modified by these conditions and as specific below:
- 1.2. The bike parking room shall have electrical outlets for the residents use for electric biking charging.

2. Affordable Housing

The BMR units be subject to an Affordable Housing Agreement approved as to form by the City Attorney, and that the units will be comparable to the market rate units in terms of design, construction, and materials.

- 2.1. The applicant shall offer the City seven (7) below market rate units as follows:
- 2.2. Two (2) one-bedroom unit at the moderate income level for sale at the ground and third level;
- 2.3. Two (2) two-bedroom units at the moderate income level for sale at the second level and third level;
- 2.4. Three (3) one-bedroom units at the very low income level for sale at the ground, second and fourth level.

3. Encroachment Permit

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.

4. Public Utilities

The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

5. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA).

6. Sewer Lateral

Any proposed sewer lateral connection shall be approved by the City Engineer.

7. Transportation Permit

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

8. NPDES

The project shall comply with the San Francisco Bay Region Municipal Regional Stormwater (MRP) National Pollutant Discharge Elimination System (NPDES) Permit No. CA S612008, Order R2-2015-0049, Provision C.3 dated November 19, 2015 and show that all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID). The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.

9. Encroachment Permit – City of Los Altos

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

10. Encroachment Permit or Access Agreement – County of Santa Clara

Prior to doing any work within the County of Santa Clara owned land (i.e. demolishing of existing structure(s) at rear of property), the Applicant shall obtain an encroachment permit or access agreement from the County of Santa Clara.

11. Encroachment Permit – Caltrans

Prior to any permanent work or temporary traffic control that encroaches onto Caltrans’ ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans’ ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

12. Public Utilities

The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

13. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA).

14. Municipal Regional Stormwater Permit

The project shall be in compliance with the City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015.

15. Diesel Generator Prohibition

Diesel powered electric generators are prohibited for any purpose in this project.

16. Indemnity and Hold Harmless

The applicant/property owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

PRIOR TO SUBMITTAL OF BUILDING PERMIT

17. Green Building Standards

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

18. Property Address

The applicant shall provide an address signage plan as required by the Building Official.

19. Water Efficient Landscape Plan

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations and include signed statements from the project's landscape professional and property owner.

20. Reach Codes

Building Permit Applications submitted on or after January 26, 2021 shall comply with specific amendments to the 2019 California Green Building Standards for Electric Vehicle Infrastructure and the 2019 California Energy Code as provided in Ordinances Nos. 2020-470A, 2020-470B, 2020-470C, and 2020-471 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code. The building design plans shall comply with the standards and the applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.

21. Climate Action Plan Checklist

The applicant shall implement and incorporate the best management practices (BMPs) into the plans as specified in the Climate Action Compliance Memo submitted on March 11, 2019.

22. California Water Service Upgrades

The applicant is responsible for contacting and coordinating with the California Water Service Company any water service improvements including but not limited to relocation of water meters, increasing water meter sizing or the installation of fire hydrants. The City recommends consulting with California Water Service Company as early as possible to avoid construction or inspection delays.

23. Pollution Prevention

The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

24. Storm Water Management Plan

The Applicant shall submit a Storm Water Management Plan (SWMP) in compliance with the MRP. The SWMP shall be reviewed and approved by a City approved third party consultant at the

Applicant's expense. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans.

25. Outdoor Condensing Unit Sound Rating

The Applicant shall show the location of any outdoor condensing unit(s) on the site plan including the model number of the unit(s) and nominal size (i.e. tonnage) of the unit. The Applicant Shall provide the manufacturer's specifications showing the sound rating for each unit. The condensing unit(s) must be located to comply with the City's Noise Control Ordinance (Chapter 6.16) and in compliance with the Planning Division setback provisions. The units shall be screened from view of the street.

26. Off-haul Excavated Soil

The grading plan shall show specific grading cut and/or fill quantities. Cross section details showing the existing and proposed grading through at least two perpendicular portions of the site or more shall be provided to fully characterize the site. A note on the grading plans shall state that all excess dirt shall be off hauled from the site and shall not be used as fill material unless approved by the Building and Planning Divisions.

27. Electric Vehicle Charging Station Infrastructure

The building's electrical service shall be designed to support the required load necessary for installation of electric vehicle changing stations in the underground parking garage.

28. Santa Clara County Fire Department Review

The project shall comply with all Santa Clara County Fire Department standards including but not limited to the comments and conditions provided in the Fire Department Development Review Comment letter dated October 7, 2021. A formal review of the building permit plans will be completed subsequent to submittal of a complete set of building permit design plans.

29. Complete Street Commission

- 29.1. Install a "STOP" sign and stop bar at the garage exit to advise motorists to STOP before exiting the driveway.
- 29.2. The outbound garage ramp shall have a maximum slope of 2 percent within 20 feet of the top of the ramp.
- 29.3. No parking shall be permitted along the El Camino Real Street frontage.
- 29.4. The truck loading space shall be no less than ten (10) feet wide by twenty-five (25) feet long.
- 29.5. The loading space shall be accessible from a public street, and it shall not interfere or conflict with the driveway for the below-grade parking garage.
- 29.6. Replace existing shelter with a new VTA standard shelter (17' Full Back with Ad panel) consistent with VTA direction.
- 29.7. Locate the shelter out of the sidewalk by pushing it into the landscaping; provide a 7'x25' shelter pad consistent with VTA direction. This will improve sight distance from the driveway entrance if the driveway is not relocated
- 29.8. Install a new bus pad 10'x75' minimum per VTA Standards (see attachment "VTA Bus Stop Passenger Fac Standards 2010 (37)")
- 29.9. Remove street tree and landscaping adjacent to bus stop areas consistent with VTA direction.

PRIOR TO FINAL MAP RECORDATION

30. Pedestrian Easement

The applicant shall dedicate the pedestrian easement to the City of Los Altos for use as public right-of-way as a public easement, 1' easement shall be dedicated along the portion of Los Altos Avenue and El Camino Real to allow for a 6' sidewalk installation along El Camino Real. Applicant shall submit documentation to the City for review and approval for the recordation of the public easement to the City of Los Altos.

31. Public Utility Dedication

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

32. Payment of Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees and map check fee plus deposit as required by the City of Los Altos Municipal Code.

PRIOR TO ISSUANCE OF BUILDING PERMIT

33. Final Map Recordation

The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

34. Performance Bonds

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of improvements) for the work in the public right-of-way. A separate cash deposit shall be submitted to match the cost estimate for the work within the public parking plaza, which includes replacement of the entire width of the driveway along the southeast frontage of the site. The deposit shall also include an additional six percent of the construction cost estimate to cover the City's administration costs.

35. Storm Water Filtration Systems

The applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

36. Grading and Drainage Plan

The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer.

37. Sewage Capacity Study

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the

applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer.

38. Construction Management Plan

The applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

39. Solid Waste Ordinance Compliance

The applicant shall be in compliance with the City’s adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs.

40. Solid Waste and Recyclables Disposal Plan

The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type, size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City’s sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure is designed to not drain into the enclosure. In addition, the applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

41. Sidewalk Lights

The applicant shall install new light fixture along El Camino Real in the vicinity of the existing bus stop, install new light in place of removed existing light. Applicant shall install new light fixture along Los Altos Avenue.

42. Operational Noise

Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City’s requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City’s 50 dBA eq residential noise limit at the shared property lines. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

PRIOR TO FINAL OCCUPANCY

43. Condominium Map

The applicant shall record the condominium map as required by the City Engineer.

44. Sidewalk in Public Right-of-Way

The applicant shall install a new sidewalk, vertical curb and gutter, and driveway approaches from property line to property line along the frontage of El Camino Real and Los Altos Avenue and as required by the City Engineer.

45. ADA ramps

The applicant shall update the existing ADA ramps at southeast and southwest corners of the intersection of Los Altos Ave and El Camino Real per current Caltrans Standards.

46. Public Infrastructure Repairs

The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of El Camino Real and full width of Los Altos Ave. if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within El Camino Real will require an applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

47. Storm Water Inlet

The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo.

48. Maintenance Bond

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

49. SWMP Certification

The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.

50. CONSTRUCTION NOISE

- 50.1. Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 6:00 p.m., in accordance with the City's Municipal Code. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.
- 50.2. Reduce the use of the concrete saw within 50 feet of any shared property line with adjacent residential uses shall be limited.
- 50.3. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- 50.4. Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.
- 50.5. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors (residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- 50.6. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- 50.7. A temporary noise control blanket barrier could be erected, if necessary, at the property line or along off-site building facades facing construction sites, if requested by the property owners. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- 50.8. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- 50.9. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to neighbors with the construction schedule.
- 50.10. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule

51. CONSTRUCTION VIBRATION MONITORING PLAN

- 51.1. A construction vibration-monitoring plan shall be implemented to document conditions at the structure located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:
 - 51.2. Identification of sensitivity to ground borne vibration of the structure located within 20 feet of construction.
 - 51.3. Performance of a photo survey, elevation survey, and crack monitoring survey for structures located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration-generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the exterior of said structure. Interior inspections would be subject to property owners’ permission.
 - 51.4. Conduct a post-construction survey on the structure where monitoring has indicated damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities.

- 51.5. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such a person shall be clearly posted on the construction site.
52. Maintain operable windows and glass doors of living spaces with a direct or side view of El Camino Real, i.e., those on the west, north or east façades on the outer periphery of the building. Noise controls are not required for the windows and glass doors of living spaces viewing directly into the common area. Provide some type of mechanical ventilation for all living spaces with a closed window requirement.
- 52.1. Install windows and glass doors rated minimum Sound Transmission Class (STC) 35 at the living spaces within 120 feet of the centerline of El Camino Real and with a direct or side view of the roadway.
- 52.2. Install windows and glass doors rated minimum STC 32 at the living spaces between 85 feet and 260 feet of the centerline of El Camino Real and with a direct or side view of the roadway.

53. NESTING SEASON

- 53.1. Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 31st). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.
- 53.2. If it is not possible to schedule construction activities between September 1st and January 31st, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct preconstruction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct preconstruction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.
- 53.3. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.
- 53.4. If construction activities are scheduled to start during the nesting season, all potential on-site nesting substrates (e.g., bushes, trees, grasses, and other vegetation) may be removed prior to the start of the nesting season (i.e., prior to February 1st).

54. TREE PROTECTION MEASURES

- 54.1. Identify a Tree Protection Zone (TPZ) for each tree to remain after project completion. A TPZ is defined by the jurisdiction in which the project is located to provide above-ground and root-zone protection for trees. In the absence of a specific local definition, the TPZ shall be a circle with a radius of 10 feet for every one foot of trunk diameter. No construction activity shall occur in the TPZ with the Project Arborist or City Arborist monitoring and signing off.
- 54.2. Supplemental watering is typically called for construction site stressed trees at 10 to 20 gallons per trunk diameter per month, particularly during hot weather. This is modified by the Project Arborist on-site with root zone inspections and monitoring as water demands will obviously be lower during cool, damp weather. Inspection should find soil between three inches and 18 inches below grade that are moist enough for roots to thrive. For the proposed project, none of the trees to remain on-site will have significant root zone soil on the project side of the fence. The neighbor's landscape maintenance personnel could be notified of additional watering requirements during construction in order to modify their irrigation to accommodate future weather anomalies (i.e. drought).
- 54.3. Approaching project commencement, when the foundations, driveways, and other hardscape features (including trenches) have been staked/located, then some pruning may likely be needed. Raising/clearance can be minimized for space to work. Root pruning along the lines within 15 feet on either side of mature trees' trunks can sever roots cleanly, reducing shock to these trees' systems. Root pruning prior to excavating for the basement parking can be done to avoid excessive root damage. This would be unreasonably necessary for the project if the contractor's excavator operator is skillful/observant enough to avoid tearing through roots larger than two inches in diameter.
- 54.4. All project tree work performed before, during, or after construction is to be done by WCISA Certified Tree Workers under the supervision of an ISA Certified Arborist (or equivalent, if they possess sufficient skill for approval by the Project Arborist). This includes all pruning, removals (including stump removals) within driplines of trees to be preserved, root pruning, and repair or remedial measures.
- 54.5. No parking or vehicle traffic over any root zones, unless using buffers approved by Project Arborist or City Arborist.
- 54.6. Monitor root zone moisture and maintain during time of construction.
- 54.7. Have an ISA Certified Arborist repair any damage promptly.
- 54.8. No pouring or storage of fuel, oil, chemicals, or hazardous materials under any trees' foliage canopies or future plant materials' root zone areas.
- 54.9. No grade changes under foliage crowns of trees to be preserved without prior Project Arborist approval. For instance, hand excavation and thinner base prep may be required in some root zone areas.
- 54.10. Any additional pruning required must be performed under arborist supervision – including root pruning – clean, smooth cuts with no breaking, scraping, shattering, or tearing of wood tissue and/or bark.
- 54.11. No storage of construction materials under any foliage canopy without prior Project Arborist or City Arborist approval.
- 54.12. No trenching within the critical root zone area. Consult Project Arborist before any trenching or root cutting beneath any preserved tree's foliage canopy. It is

best to route all trenching out from under trees' driplines. Often trenches in root zones must be hand excavated to leave roots intact.

- 54.13. No clean out of trucks, tools, or other equipment over any essential root zone. This debris shall be kept outside of any existing or future root zone.
- 54.14. No attachment of signs or other construction apparatus to preserved trees.

55. CULTURAL RESOURCES

- 55.1. The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.
- 55.2. In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development.
- 55.3. Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, 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 will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- 55.4. The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The applicant shall provide the Community Development Director with documentation showing the training has been completed by all required construction personnel prior to issuance of grading permits
- 55.5. If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.

56. HAZARDOUS MATERIAL MITIGATION

- 56.1. Prior to conducting earthwork activities at the site, soil sampling shall be performed to evaluate if agricultural chemicals (i.e. organochlorine pesticides and associated metals including lead and arsenic) are present.
- 56.2. Prior to redevelopment of the site, the USTs and associated piping and dispensers shall be removed. The removal activities shall be coordinated with the Santa Clara County Department of Environmental Health (DEH) and Fire Department. In accordance with the requirements of these agencies, soil quality below the USTs, piping and dispensers shall be evaluated via the collection of soil samples and laboratory analyses.
- 56.3. Prior to redevelopment of the site, each of the below-ground lift casings and any associated hydraulic fluid piping and reservoirs shall be removed and properly disposed. An environmental professional shall be retained to observe the removal activities and, if evidence of leakage is identified, soil sampling and laboratory analyses shall be conducted.
- 56.4. Facility closure shall be coordinated with the DEH and Fire Department to ensure that required closure activities are completed prior to redevelopment of the site.
- 56.5. The DEH shall be contacted to evaluate if any further mitigation measure will be required to facilitate residential development of the site. Any required mitigation measures shall be described in the Site Management Plan (refer to MM HAZ-2.6) or appropriate corrective action/risk management plan (i.e. remedial action plan [RAP], removal action workplan [RAW], etc.).
- 56.6. A Site Management Plan (SMP) and Health and Safety Plan (HSP) for the proposed demolition and redevelopment activities shall be prepared by an Environmental Professional. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater or other materials (such as the reported former oil-water separator) that may potentially be encountered during construction activities. The SMP also 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.
- 56.7. If the sampling recommended in the above measures identifies contaminants at concentrations exceeding applicable published residential screening levels, appropriate mitigation measures shall be implemented under oversight from an appropriate regulatory agency (i.e. DEH, Water Board or California Department of Toxic Substances Control [DTSC]). All sampling shall be performed by an Environmental Professional following commonly accepted sampling protocols.
- 56.8. Prior to issuance of a demolition permit, an asbestos survey shall be conducted and identified ACBM shall be managed and/or removed in accordance with BAAQMD

and NESHAP guidelines. Pursuant to BAAQMD regulations, a BAAQMD job number “J#” shall be applied for and obtained prior to demolition.

56.9. Universal wastes, lubrication fluids, refrigerants and other potentially hazardous building materials shall be removed before structural demolition begins. Before disposing of any demolition waste, the demolition contractor shall determine if the waste is hazardous and ensure proper disposal of waste materials.

56.10. The removal of lead-based paint is not required prior to building demolition if the paint is bonded to the building materials. However, 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, air monitoring and dust control, among others. Any debris containing lead shall be disposed appropriately.

57. CONSTRUCTION PHASE

57.1. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. Silt sacks shall also be installed at all catch basins.

57.2. Earthmoving or other dust-producing activities would be suspended during periods of high winds.

57.3. All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.

57.4. Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.

57.5. All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.

57.6. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

57.7. Vegetation in disturbed areas would be replanted as quickly as possible.

57.8. A construction entrance shall be installed and always maintained to prevent sediment tracking.

58. All post-construction treatment control measures shall be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.

59. The property owner/site manager shall keep a maintenance and inspection schedule and record to ensure the Treatment Control Measures continue to operate effectively for the life of the project. Include the maintenance plan in the CC&R's