

RESOLUTION NO. 2009-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH PILGRIM HAVEN PROJECT (07-GPA-01, 07-Z-01, 07-D-02 AND 07-UP-01 323 & 373 PINE LANE) FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED, AND ADOPTING MITIGATION MEASURES AND APPROVING A MITIGATION MONITORING PROGRAM FOR THE PROJECT

WHEREAS, all required public notices and public hearings were duly given and duly held according to law; and

WHEREAS, the City Council intends to approve a final environmental impact report (Final EIR) for the Pilgrim Haven project (07-GPA-01, 07-Z-01, 07-D-02 AND 07-UP-01) located at 323 & 373 Pine Lane, referred herein as the "Project"; and

WHEREAS, such Project was the subject of a Final EIR, prepared by the City of Los Altos as the lead agency in compliance with the requirements of the California Environmental Quality Act of 1970, as amended (CEQA); and

WHEREAS, duly noticed public hearing on the Draft EIR was held before the Planning Commission on September 18, 2008; and

WHEREAS, public hearings on the Project and the Final EIR were held before the Planning Commission on May 21 and 27, 2009, wherein the Planning Commission recommended certification of the Final EIR and approval of the Project; and

WHEREAS, duly notice public hearings were held before the City Council on the Project and Final EIR were held on July 9, 2009, August 3 and 11, 2009; and

WHEREAS, CEQA requires that in the approval of a project for which a Final EIR has been prepared, the decision-making body shall review said Final EIR and make certain findings regarding the significant effects on the environment identified in said Final EIR; and

WHEREAS, the City Council of the City of Los Altos is the decision-making body for the Project; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision is based is the office of the City Clerk; and

WHEREAS, on August 3, 2009, the City Council certified that as the decision-making body, it has reviewed and considered the information contained in the Final EIR, which is comprised of the Draft EIR dated August 2008 and the Final EIR dated April 2009, and other information in the record, prior to acting upon or approving the Project, and found that the Final EIR has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City of Los Altos as lead agency for the Project; and

WHEREAS, on August 11, 2009, the City Council reviewed and considered the Addendum dated August 5, 2009, prepared for the Project, and adopted written findings, including a Statement of Overriding Considerations pursuant to CEQA regarding the unavoidable significant effects on the environment identified in said Final EIR for the Project.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY make the following findings with respect to the significant effects on the environment of the Project as identified in the Final EIR.

I. FINDINGS OF SIGNIFICANT ENVIRONMENTAL IMPACT

The Final EIR for the Project concluded that it would result in the following significant environmental impacts, but that all of these impacts could be mitigated to a less than significant level with the adoption of mitigation measures:

1. Traffic and transportation impact from exporting soil from the site during construction;
2. Air quality impact from construction;
3. Cultural resource impact from the potential for discovery of archaeological resources during construction;
4. Biological resource impact from the removal of up to 134 trees, 38 of which are protected;
5. Hydrology and drainage impacts from an increase in the rate and amount of storm water and from construction activities; and
6. Hazardous materials impacts during construction from the removal of pesticide contaminated soil and from demolition that may involve lead-based paint or asbestos containing materials.

The City finds that by incorporating into the Project all the mitigation measures outlined in the Mitigation Monitoring and Reporting Program (MMRP), all the above listed impacts are substantially lessened, reducing them to a less than significant level.

Even after mitigation, there is one significant and unavoidable impact of the Project, short-term construction noise. The Final EIR concludes that the short-term construction noise impact is significant not because of the volume of noise (that has been mitigated to a less than significant level by including in the Project those measures related to construction noise as identified in the MMRP), but only because the construction activity will last longer than one year in a residential neighborhood. There are no long-term noise impacts related to this Project once it has been completed. For the reasons set forth in the Statement of Overriding Considerations below, the City finds that there are economic, legal, social, technological and other benefits of the Project that override the significant short-term construction noise impact.

II. STATEMENT OF INFEASIBILITY

A. Findings Concerning Additional Mitigation

The Final EIR concludes that the short-term significant unavoidable construction noise impact is not as a result of the noise levels, but the length of construction. The Final EIR indicates that any construction in a residential area which lasts more than 12 months will result in such an impact. There is no additional mitigation that can be imposed to reduce the length of construction. Even the one phase alternative, discussed in more detail below, is anticipated to take 26 months to construct and it takes approximately 12 months to construct a single family home. The City hereby finds that there are no additional feasible mitigation measures that could be imposed to reduce the length of construction to less than 12 months and eliminate the significant unavoidable short-term construction noise impact.

II. FINDINGS CONCERNING PROJECT ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6(d), the Final EIR identifies and evaluates the comparative merits of alternatives to the Project, which could eliminate any significant adverse environmental impacts of the Project or reduce them to a level of insignificance. These alternatives are evaluated in the Final EIR even if they would impede to some degree the attainment of Project objectives or would be more costly.

A. Findings Concerning Project Alternatives

An EIR must describe a range of reasonable alternatives to the Project, or the location of the Project, which would feasibly obtain most of the basic objectives of the Project, but would avoid or substantially lessen any of the significant environmental effects of the Project, and evaluate the comparative merits of the alternatives. Even if a Project alternative will avoid or substantially lessen any of the significant environmental effects of the Project, the decision-maker may reject the alternative if it determines that specific considerations make the alternative infeasible. The City finds that the alternatives identified in the Final EIR as environmentally superior are infeasible for the reasons described below.

1. No Project Alternative (No Development)

Under this alternative, the site would remain developed with the existing Pilgrim Haven community and the Spagnoli property would continue to be used by Pilgrim Haven for storage and parking. This no Project alternative would avoid all the environmental impacts of the Project, but would not provide any of the benefits associated with the Project. This alternative would also not address the parking concerns of the surrounding neighborhood who have expressed a desire for more parking on Pilgrim Haven's site.

This no Project alternative would fail to satisfy the following Project objectives:

- Improve this long established and well-respected continuing care community.
- Provide care and services that meet today's standards.
- Change the residential unit mix to provide more and larger independent living units.
- Provide larger and more community spaces, modern fitness facilities, internet capability and dining options.
- Provide specialized memory support, which cannot be provided in the existing community.
- Create a state of the art nursing facility.

Based on the foregoing, the City finds that this alternative is not a feasible alternative to the Project and that the Project is preferable to this alternative based on the overriding considerations set forth below.

2. No Project Alternative (Development Under Existing Zoning)

Under this alternative, the site would remain developed with the existing Pilgrim Haven community and the Spagnoli property would be developed with 4 to 5 residences in accordance with its current residential General Plan and zoning designation. This alternative would have similar noise, air quality, cultural resource, biological resource, hazardous materials and water quality impacts during and after construction, but would reduce the significant and unavoidable short-term construction noise impact to a less than significant level by reducing construction time to approximately 12 months. This alternative would not address the parking concerns of the surrounding neighborhood who have expressed a desire for more parking on Pilgrim Haven's site.

This no Project alternative would fail to satisfy the following Project objectives:

- Improve this long established and well-respected continuing care community.
- Provide care and services that meet today's standards.
- Change the residential unit mix to provide more and larger independent living units.
- Provide larger and more community spaces, modern fitness facilities, internet capability and dining options.

- Provide specialized memory support, which cannot be provided in the existing community.
- Create a state of the art nursing facility.

Based on the foregoing, the City finds that this alternative is not a feasible alternative to the Project and that the Project is preferable to this alternative based on the overriding considerations set forth below.

3. Reduced Density Alternative

The reduced density alternative would redevelop with existing Pilgrim Haven community on both the existing site and the Spagnoli property consistent with the Zoning Code for Public and Community Facilities uses. Therefore, lot coverage would be no more than 30% and no building would be more than two stories with a maximum of 30 feet in height. This would result in approximately 51 fewer units or a total of 130 units on-site, which is 23 fewer units than the existing community. This alternative would not avoid or reduce to a less than significant level any of the impacts identified with the Project, including the short-term construction noise impact. The Final EIR identifies this alternative as environmentally superior only because it is estimated to take 36 rather than 42 months to complete. Since the Final EIR was completed, the Project has reduced its construction time to 36 months making this reduced density alternative equal in terms of environmental impact.

Lastly, although this reduced density alternative would provide the three levels of care and memory support, it would not meet Los Altos General Plan Housing Element No. Goal 6, which seeks to increase housing opportunities for the Los Altos' senior population. It would actually reduce available senior housing in the community by 23 units. With fewer units, Pilgrim Haven could not provide BMR units and there would be no increase in housing opportunities for low income seniors.

Based on the foregoing, the City finds that this alternative is not a feasible alternative to the Project and that the Project is preferable to this alternative based on the overriding considerations set forth below.

4. One Phase Alternative

The one phase alternative would be identical to the proposed Project except that the site would be redeveloped in one phase of construction that would take approximately 26 months to complete. It would result in identical impacts to the Project, including the significant and unavoidable short-term construction noise impact. In order to construct the Project in one phase, Pilgrim Haven residents would have to be relocated off-site to several different facilities at Pilgrim Haven's expense.

This alternative would not allow existing Pilgrim Haven residents to remain on-site during construction, which is one of the objectives of the proposed Project. Keeping residents on-site with familiar family, friends and care-givers has social and health benefits to Pilgrim Haven's residents. In addition, it will be costly and not physically possible to locate alternative places for all Pilgrim Haven's residents to move.

Based on the foregoing, the City finds that this alternative is not a feasible alternative to the Project and that the Project is preferable to this alternative based on the overriding considerations set forth below.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

After review of the entire administrative record, including the Final EIR, the staff report, and the oral and written testimony and evidence presented at public hearings, the City Council finds, pursuant to CEQA Section 21081 (b) and CEQA Guidelines Section 15093, that specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse environmental impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project's benefits.

Pilgrim Haven Expansion and Redevelopment

The City Council further finds that, in the event it is determined that the mitigation measures identified in the Final EIR above do not reduce the significant environmental impacts identified and analyzed in the Final EIR to a less-than-significant level, the benefits described below outweigh any and all potential adverse impacts of the Project.

The City Council adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project. The City Council finds that each of the benefits set forth below in this Statement of Overriding Considerations constitutes a separate and independent ground for finding that the benefits of the Project outweigh the risks of its potential significant adverse environmental impacts. The benefits of the Project, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Project, are as follows:

1. Provides additional senior housing opportunities. The Project will further the goals and objectives of the Los Altos General Plan. Specifically, it meets Housing Element Goal No. 6, which seeks to increase housing opportunities for the Los Altos' senior population. The Project will add 28 additional units to the community, thereby numerically providing more housing opportunities for Los Altos seniors. The Project will add memory support to aid those seniors living with Alzheimer's or dementia, thereby adding variety to the housing opportunities for Los Altos' seniors. The Project will also provide 16 Below Market Rate (BMR) units for low-income seniors, thereby increasing the opportunity for seniors with different income levels to have access to high-quality continuing care. Additionally, Pilgrim Haven has indicated it will give priority to filling all the units in its continuing care retirement community with Los Altos residents and secondly with those seniors who have close relatives residing in Los Altos. As a result, the Project is targeted to increase housing opportunities specifically for the Los Altos' senior population.
2. Improves Pilgrim Haven's neighborhood compatibility. The Project meets and furthers the goal of Los Altos General Plan Land Use Element Policy 1.4, which encourages continued efforts to improve the parking, aesthetics and neighborhood compatibility of Pilgrim Haven. The Project provides 172 parking spaces, which is 81 more than currently exist on the site and 55 more than the 117 required by the Los Altos Municipal Code. Parking capacity is increased from 0.59 to 0.95 spaces per unit. This reduces the likelihood that people will park on surrounding streets and, therefore, improves Pilgrim Haven's neighborhood compatibility. The underground parking garage minimizes the number of cars visibly parked on-site. As a result, aesthetics and neighborhood compatibility are improved. The Project increases building setbacks from those in the existing community and makes Pilgrim Haven's buildings less visible to persons on Pine Lane or Los Avenue. The increased setbacks improve aesthetics and neighborhood compatibility. The three-story building, which is within the 30 foot height limitation, is located at the rear of the independent living building and will not noticeably intrude on Pine Lane, Los Altos Avenue or the Santa Rita School. The three-story building is similar in height to four existing buildings (one of which will remain) along the Santa Rita School property line. As the three-story building is set farther back than the existing buildings of similar height, the Project improves the aesthetics and compatibility with the neighboring school. Much of the existing landscaping will remain in place to screen the community. Evergreen trees will be added to enhance the existing landscaping screening. Two rows of the apricot orchard will be preserved and enhanced along Los Altos Avenue. Overall, there will be 112 net new trees added to the site. All of these Project elements enhance the residential feel and neighborhood compatibility of Pilgrim Haven.
3. Provides three levels of modern high-quality continuing care. The Project will modernize the aging community, enabling Pilgrim Haven to continue providing three levels of high-quality care (independent living, assisted living and skilled nursing) and to add memory support. The modern buildings will provide state of the art health care and will be more energy efficient than existing buildings. Although the phasing creates a longer

overall construction timeline, it benefits the seniors who already reside at Pilgrim Haven in that it allows them to remain in their homes rather than go through the stress of a move.

4. Provides community benefits. The Project will provide substantial pedestrian improvements along Pine Lane and Los Altos Avenue including, but not limited to, a new sidewalk with street trees along Los Altos Avenue from the corner of Pine Lane to Santa Rita Elementary School and new crosswalks across Guadalupe and from Guadalupe to Pine Lane. This will significantly improve the walkability of the neighborhood.

V. **ADOPTION OF THE MITIGATION/MONITORING PROGRAM**

The City Council hereby adopts the mitigation measures set forth in the Final EIR, the Mitigation Monitoring Program attached hereto as Exhibit "A," incorporated herein by this reference.

I HEREBY CERTIFY that the forgoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a special meeting thereof held on the 11th day of August 2009, by the following vote:

AYES: CARPENTER, BECKER, SATTERLEE
NOES: PACKARD, CASAS
ABSENT: NONE


Megan Satterlee, MAYOR

Attest:


Susan Kitchens, CITY CLERK

August 25, 2009

EXHIBIT A

**MITIGATION MONITORING AND REPORTING
PROGRAM**

Pilgrim Haven Redevelopment and Expansion

April 2009

PREFACE

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program 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.

On _____, the Environmental Impact Report was certified for the Pilgrim Haven Expansion and Redevelopment project. The Final Environmental Impact Report concluded that the implementation of the project could result in significant effects on the environment; therefore, mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program outlines these measures and how, when, and by whom they will be implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM
PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
TRANSPORTATION AND TRAFFIC				
<p>Impact TRA-1: Exporting soil from the site during project construction would generate a substantial number of truck trips, which could impact traffic operations in the project area.</p>	<p>MM TRA-1.1 The project applicant shall prepare a Construction Traffic Management Plan (CTMP). The (CTMP) shall be reviewed and approved by the Los Altos Community Development Director. The CTMP will coordinate truck traffic to and from the project site with Santa Rita Elementary School to ensure that truck traffic is not scheduled during student drop-off and pick-up times. For example, all trucks shall be restricted from traveling through the school traffic areas (Pine Lane, Los Altos Avenue and West Portola Avenue) between the hours of 8 AM and 9 AM and 2 PM and 3 PM. The CTMP would also identify the following:</p> <ul style="list-style-type: none"> • Details regarding construction vehicle parking on-site (e.g., where the vehicles will park and if it is necessary to shuttle CCRC employees and/or construction workers to and from the site). • The specific construction truck route to and from the project site. • The need for any tree trimming and techniques to avoid tree damage from trucks. • The need for flagpeople at intersections, driveways, or other locations off-site. • Details for street sweeping. • Details regarding shuttle service to and from the Pilgrim Haven CCRC, if it is necessary to avoid on-street parking in the surrounding neighborhood during project construction. • Damage to City streets as a result of truck traffic shall 	<p>Prior to issuance of a grading permit, the developer shall ensure this measure are implemented.</p>	<p>All measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

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Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	be repaired by the project contractor at no expense to the City.			
	<p>MM TRA-1.2 The project shall implement the following measures to enhance pedestrian facilities in the project area during and after construction of the proposed project:</p> <ul style="list-style-type: none"> • Construction vehicle ingress and egress to the project site will be from Pine Lane to avoid conflict with the existing sidewalk along the site's Los Altos Avenue frontage. Construction vehicles would enter and exit the project site from Pine Avenue during all phases of construction. • The sidewalk along the site's Los Altos Avenue frontage would be improved to include a wider sidewalk and a landscape strip between the street and the sidewalk • Crosswalks would be provided on the south and east legs of the Guadalupe Drive and Pine Lane intersection. • A sidewalk would be installed on the north side of Pine Lane between Los Altos Avenue and the proposed crosswalk across Pine Lane at Guadalupe Drive. • The project would reimburse the Los Altos School District for the provision of a crossing guard at the intersection of Los Altos Avenue and Pine Lane during the heavy construction periods of the proposed project. 	During construction the developer shall ensure these measures are implemented.	All measures shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Director
NOISE				
Impact NOI-1: Construction activities would substantially increase short-term	MM NOI-1.1 Prior to the start of construction of Phase I, the developer shall construct the proposed eight-foot tall concrete masonry unit (CMU) wall along the Spagnoli Court property lines.	Prior to the onset of Phase I construction, the developer shall ensure this measure is implemented.	This measure shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Director

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PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
noise levels for sensitive receptors in the project area.				
	<p>MM NOI-1.2 The developer shall implement the following measures to reduce noise generated during demolition, site excavation, grading, and construction activities. The following measures shall be printed on all construction documents, contracts, and project plans:</p> <ul style="list-style-type: none"> • During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition. The construction contractors shall post signs prohibiting unnecessary idling of internal combustion engines. • "Quiet" models of air compressors and other stationary noise sources shall be utilized where such technology exists. • The construction contractors shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. The construction contractors shall also locate equipment staging in areas as far away as possible distance from noise-sensitive receptors nearest the project site during all project construction. 	During construction the developer shall ensure these measures are implemented.	These measures shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Direct

**MITIGATION MONITORING AND REPORTING PROGRAM
PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>MM NOI-1.3 The contractors shall designate a "noise disturbance coordinator" who will be present at the site during construction and responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g. beginning work too early, bad muffler) and</p>	<p>Prior to the onset of construction, the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
	<p>institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator will be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.</p> <p>MM NOI-1.4 During all project construction, the construction contractors shall limit all noise-producing construction-related activities to the hours of 7:00 a.m. to 5:30 p.m. on weekdays and 9:00 a.m. to 3:00 p.m. on Saturdays. All noise-producing construction activity shall be completely restricted on all Sundays and City-observed holidays. The acceptable hours of construction apply to deliveries of materials and equipment, arrival of workers, start-up and closing down, and departure activities on the project site.</p> <p>MM NOI-1.5 The developer shall construct a temporary soundwall along the Santa Rita Elementary School property line. The temporary soundwall would be eight feet tall and constructed of 0.5-inch plywood, which would provide a five to 10 dBA noise reduction.</p> <p>MM NOI-1.6 Prior to each phase of construction, the developer shall construct a temporary soundwall between</p>	<p>During construction the developer shall ensure this measure is implemented.</p> <p>Prior to the onset of construction, the developer shall ensure this measure is implemented.</p> <p>Prior to each phase of construction, the developer</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction</p>	<p>Los Altos Community Development Director</p> <p>Los Altos Community Development Director</p> <p>Los Altos Community Development Director</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	the area under construction and the existing residences on the Pilgrim Haven site. The temporary soundwall would be eight feet tall and constructed of 0.5-inch plywood, which would provide a five to 10 dBA noise reduction.	shall ensure this measure is implemented.	documents, contracts, and plans.	
	<p>MM NOI-1.7 Use manually adjustable or self-adjusting back-up alarms to increase or decrease the volume of based on background noise levels. Installation and use of the back-up alarms shall be consistent with OSHA regulations.</p> <p>MM NOI-1.8 Construction shall be planned and organized so that vehicles, machines and equipment are NOT operated in reverse to the extent feasible.</p> <p>MM NOI-1.9 The Operator shall always attempt to park the vehicle in such a manner as to eliminate the need for reversing, when feasible.</p> <p>MM NOI-1.10 When feasible, back-up alarms shall be turned off and competent construction personnel will be used to direct the vehicle along its intended path of travel in accordance with OSHA regulations.</p> <p>MM NOI-1.11 Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures.</p> <p>MM NOI-1.12 Notify all adjacent land uses of the</p>	<p>During construction the developer shall ensure this measure is implemented.</p> <p>During construction the developer shall ensure this measure is implemented.</p> <p>During construction the developer shall ensure this measure is implemented.</p> <p>During construction the developer shall ensure this measure is implemented.</p> <p>During construction the developer shall ensure this measure is implemented.</p> <p>Prior to the onset of</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed</p>	<p>Los Altos Communi Development Directo</p> <p>Los Altos Community Development Director</p> <p>Los Altos Community Development Director</p> <p>Los Altos Communit Development Direct</p> <p>Los Altos Community Development Director</p> <p>Los Altos Community</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	construction schedule in writing at the beginning of each phase of construction.	construction, the developer shall ensure this measure is implemented.	on all construction documents, contracts, and plans.	Development Director
	MM NOI-1.13 Construction noise would be held to a minimum every Friday morning from 8:20 AM to 9:00 AM when outdoor assemblies are held in the Santa Rita Elementary School amphitheater.	During construction the developer shall ensure this measure is implemented.	This measure shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Direct

AIR QUALITY

Impact AQ-1: Air quality impacts resulting from project construction would substantially affect nearby sensitive receptors.	MM AQ-1.1 Prior to the onset of demolition/construction activities, chain link construction fencing with a wind screen (e.g., PVC slats) shall be installed around the construction site.	Prior to the onset of demolition/construction, the developer shall ensure this measure is implemented.	This measure shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Director
	MM AQ-1.2 The developer shall implement the following measures, which would reduce dust generation to a less than significant level during demolition of existing structures. These measures shall be printed on all construction documents, contracts, and project plans: <ul style="list-style-type: none"> • Watering will be used to control dust generation during demolition of structures and break-up of pavement. • All trucks hauling demolition debris from the site will be covered. • Dust-proof chutes to load debris into trucks will be used whenever feasible. 	During construction the developer shall ensure these measures are implemented.	These measures shall be printed on all construction documents, contracts, and plans.	Los Altos Community Development Director

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	<p>MM AQ-1.3 The developer shall implement the following measures, which would reduce dust generation during construction to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily and more often during windy periods; active areas 	<p>During construction the developer shall ensure these measures are implemented.</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
	<p>adjacent to existing land uses shall be kept damp at all times, or shall be treated with non toxic stabilizers or dust palliatives.</p> <ul style="list-style-type: none"> • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff related impacts to water quality. • Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. • 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 traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to 			

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Impact(s)	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<p>prevent silt runoff to public roadways.</p> <ul style="list-style-type: none"> • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the project site. • Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas. • Suspend excavation and grading activities when instantaneous wind gusts exceed 25 mph; and • Limit the area subject to excavation grading, and other construction activity at any one time. 			

CULTURAL RESOURCES

<p>Impact CUL-1: Archaeological resources may be discovered during construction of the proposed project.</p>	<p>MM CUL-1.1 In the event of the discovery of unanticipated buried prehistoric or historic era cultural materials during project construction, work will halt within 30 feet of the discovery until it has been inspected by a qualified archaeologist. If it appears that additional construction related earthmoving will affect a potentially significant resource, the archaeologist shall submit a plan for the evaluation of the resource to the Los Altos Planning Department for approval. Evaluation normally takes the form of limited hand excavation of the suspected cultural deposit to determine if it contains information and/or materials that make it eligible for placement on the California Register of Historic Resources (CRHR).</p>	<p>During construction the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
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PILGRIM HAVEN EXPANSION AND REDEVELOPMENT**

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	<p>If it is determined that construction activity will impact an eligible resource, a plan for mitigation of impacts to the resource shall be submitted to the Los Altos Planning Department for approval before work is allowed to recommence in the zone designated as archaeologically sensitive. Mitigation can take the form of additional hand excavation coupled with limited hand excavation to ensure that significant archaeological materials and information are retrieved for analysis and report preparation as required by CEQA.</p>			
	<p>MM CUL-1.2 If human remains are discovered during construction, construction activities that could disturb the remains and any associated artifacts would halt and the project sponsor will contact the local Coroner's Office and the Native American Heritage Commission (NAHC). The NAHC would then name a Most Likely Descendant (MLD) to advise the project sponsor on the manner of exposure and removal of burials and associated grave goods, and to help designate a place for the reburial of these materials.</p>	<p>During construction the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
BIOLOGICAL RESOURCES				
<p>Impact BIO-1: Construction of the proposed project could result in potential disturbance to active raptor nests.</p>	<p>MM BIO 1.1 In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement the following measures:</p> <ul style="list-style-type: none"> • Pre-construction surveys shall be completed by a qualified ornithologist to identify active nests that may be disturbed during project implementation. All potential nesting areas (trees, tall shrubs) shall be surveyed no more than 30 days prior to tree removal or pruning, if the activity will occur within the breeding 	<p>Prior to the onset of construction, the developer shall ensure these measures are implemented.</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

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	<p>season (February – August). If more than 30 days pass between the completion of the preconstruction survey and the initiation of construction activities, the preconstruction survey shall be completed again and repeated at 30 day intervals until construction activities are initiated.</p> <ul style="list-style-type: none"> • If an active nest is observed, tree removal and pruning shall be postponed until all the young have fledged. An exclusion zone shall be established around the nest site, in consultation with the California Department of Fish and Game (CDFG). Exclusion zones for active passerine (songbirds) nests shall have a 50-foot radius centered on the nest tree or shrub. • Active nests shall be monitored weekly until the young 			
	<p>fledge. No construction activities, parking, staging, material storage, or other disturbance shall be allowed within the exclusion zones until the young have fledged from the nest.</p>			
<p>Impact BIO-2: Construction of the proposed project would result in the removal of up to 134 trees, 38 of which are protected trees, and could result in impacts to the trees to be retained.</p>	<p>MM BIO-2.1 The project shall implement the following measures to reduce impacts associated with tree removal:</p> <ul style="list-style-type: none"> • In accordance with the City of Los Altos Tree Protection Ordinance, a tree removal permit shall be obtained for the 38 protected trees proposed to be removed as part of the project. • All healthy, mature trees will be incorporated into the proposed project to the greatest extent feasible. • Each tree removed by the proposed project on the project site will be replaced by one 15-gallon minimum sized specimen, incorporated into the site landscaping. <p>MM BIO-2.2 The project will implement the following</p>	<p>Prior to the onset of construction, the developer shall ensure these measures are implemented.</p> <p>During construction the</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p> <p>These measures shall be</p>	<p>Los Altos Community Development Director</p> <p>Los Altos Community</p>

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	<p>tree protection measures during construction to protect the trees to be retained on the project site:</p> <ul style="list-style-type: none"> • Trees within areas where construction activity may take place shall be enclosed in a tree protection zone (TPZ) to prevent damage to the tree and its growing environment. A TPZ shall be set around the tree at a distance greater than the dripline of the tree. The absolute minimum clearance zone of a TPZ would be a radial dimension of six inches for each inch of trunk diameter. The fence shall be chain link, a minimum of five feet in height with posts set into the ground. The fencing shall be installed before any construction activities begin and shall not be removed until all construction activities in the vicinity of the tree is completed. • TPZs would be set up surrounding the orchard area to prevent tree damage and soil compaction. • Debris or materials shall not be placed within the TPZ around the dripline or leaning against the trunk. There shall be no heavy machinery passing through or parked within the TPZ. If it is necessary for heavy machinery to operate within the dripline, then a layer of mulch or pea gravel of at least four inches in depth shall be placed beneath the dripline and a ¾ inch layer of plywood shall be placed on the mulch. The plywood and mulch will reduce compaction of the soil within the dripline. • The existing grade level around a tree shall normally be maintained out to the dripline of the tree. Alternate grade levels may be approved by the City of Los Altos Community Development Director. • Drain wells shall be installed whenever impervious surfaces will be placed over the root system of a tree 	<p>developer shall ensure these measures are implemented.</p>	<p>printed on all construction documents, contracts, and plans.</p>	<p>Development Director</p>

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	<p>(the root system generally extends to the outermost edges of the branches).</p> <ul style="list-style-type: none"> • Tree canopies shall be trimmed, as necessary, to reduce the hazard of accidental limb failure. Branch removal for this purpose should consider removing dead, crossed and/or malformed limbs. All branches to be removed should be pruned back to an appropriately- sized lateral or to the trunk by following proper pruning guidelines. A professional tree company with certified arborists shall be retained to do the above described work. • Trees that have been damaged by construction shall be repaired in accordance with accepted arboriculture methods. • No signs, wires, or any other object shall be attached to the tree. (Ord. 07-314 § 2 (part); prior code § 10.2.26513) 			

HYDROLOGY AND DRAINAGE

<p>Impact HYD-1: The proposed project would increase the rate and amount of stormwater runoff from the site, which could degrade water quality downstream of the project site.</p>	<p>MM HYD-1.1 The proposed project shall comply with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), as well as the City of Los Altos' ordinances, policies, processes, and other local, state, and federal requirements. Specifically, the project shall comply with provision C.3 of the National Pollution Discharge Elimination System (NPDES) permit, which provides enhanced performance standards for the management of stormwater for new development. The project will implement Best Management Practices (BMPs) for reducing the volume of</p>	<p>Prior to the onset of construction, the developer shall ensure these measures are implemented.</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
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	<p>runoff and pollution in runoff to the maximum extent practicable. These BMPs may include source control measures, site design elements, and post-construction treatment measures such as the following:</p> <ul style="list-style-type: none"> • Vegetated swales and flow-through areas. • Bioretention areas or basins. • Disconnected downspouts that are directed into landscape areas. • Minimization of impervious surfaces and increased use of permeable pavement. • Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay" to discourage illegal dumping. • Location and design of trash enclosures (all shall be covered) and materials handling areas. • Use effective, site-specific erosion and sediment control methods during post-construction periods. 			
<p>Impact HYD-2: Construction activities would contaminate runoff from the project site.</p>	<p>MM HYD-2.1 The proposed project will file a Notice of Intent (NOI) with the State of California Water Resource Quality Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of construction. The project's SWPPP shall include measures for:</p> <ul style="list-style-type: none"> • Soil stabilization, • Sediment control, • Sediment tracking control, • Wind erosion control, and • Non-storm water management and waste management 	<p>Prior to the onset of construction, the developer shall ensure these measures are implemented.</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

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	<p>and disposal control.</p> <p>MM HYD-2.2 The developer shall implement Best Management Practices (BMPs) for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during demolitions, site excavation, grading, and construction. All measures shall be included in the project's SWPPP and printed on all construction documents, contracts, and project plans.</p> <ul style="list-style-type: none"> • Restrict grading to the dry season or meet City requirements for grading during the rainy season. • Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed. • Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Cover stockpiles with secure plastic sheeting or tarp. • Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area. • Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater. • Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the 	<p>Prior to the onset of construction, the developer shall ensure these measures are implemented.</p>	<p>These measures shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

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	project area from sedimentation with filter fabric and sand or gravel bags.			
HAZARDOUS MATERIALS				
<p>Impact HAZ-1: Construction of the proposed project has the potential to create a significant hazard to the environment, construction workers and/or the public, due to the presence of pesticide contaminated soil on a portion of the Spagnoli property.</p>	<p>MM HAZ-1.1 The top two feet of soil from the garden area in the northwest corner of the Spagnoli property shall be handled, transported, and disposed of separately from other soil excavated at the site in accordance with local, state, and federal laws.</p> <p>MM HAZ-1.2 Confirmation samples will be collected to verify that the contaminated soil has been removed and that the property is suitable for unrestricted use.</p>	<p>Prior to the onset of construction, the developer shall ensure this measure is implemented.</p> <p>Prior to the onset of construction, the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p> <p>Los Altos Community Development Director</p>
<p>Impact HAZ-2: Demolition of the proposed project could expose construction workers and sensitive receptors, including the existing adjacent elementary school,</p>	<p>MM HAZ-2.1 In conformance with local, state, and federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition. The surveys shall be completed prior to demolition of these structures.</p> <p>MM HAZ-2.2 A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially</p>	<p>Prior to the onset of demolition, the developer shall ensure this measure is implemented.</p> <p>Prior to the onset of demolition, the developer</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p> <p>This measure shall be printed on all construction</p>	<p>Los Altos Community Development Director</p> <p>Los Altos Community Development Director</p>

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lead-based paint and/or ACMs.	<p>friable asbestos-containing materials, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition or renovation that may disturb the materials.</p> <p>All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.</p> <p>MM HAZ-2.3 During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p>	<p>shall ensure this measure is implemented.</p> <p>During demolition the developer shall ensure this measure is implemented.</p>	<p>documents, contracts, and plans.</p> <p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>
	<p>MM HAZ-2.4 Hazardous waste shall be appropriately managed, labeled, transported, and disposed of in accordance with local, state, and/or federal requirements by trained workers.</p>	<p>During demolition the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

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	<p>MM HAZ-2.5 Santa Rita Elementary School personnel shall be notified prior to hazardous material abatement activities at the project site. These demolition/construction activities would be completed during non-school days to the extent feasible, and conditions at the adjacent school site would be monitored. If it is determined that the school site was exposed to asbestos or lead, the site would be remediated according to local, state, and federal law.</p>	<p>Prior to hazardous materials abatement, the developer shall ensure this measure is implemented.</p>	<p>This measure shall be printed on all construction documents, contracts, and plans.</p>	<p>Los Altos Community Development Director</p>

SOURCE: Los Altos, Pilgrim Haven Expansion and Redevelopment FEIR, April 2009.