

**RESOLUTION NO. 2018-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
MAKING FINDINGS, ADOPTING A MITIGATED NEGATIVE  
DECLARATION, AND A MITIGATION MONITORING AND REPORTING  
PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,  
AND APPROVING DESIGN REVIEW APPLICATION 18-D-03 FOR  
A NEW COMMUNITY CENTER AT 97 HILLVIEW AVENUE**

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Los Altos (“City”) is the lead agency for the proposed Los Altos Community Center project (“proposed Project”); and

**WHEREAS**, the proposed Project is comprised of, among other things: (i) demolition of the existing 30,362 square-foot community center and construction of a new one-story 24,500 square-foot community center building at the north end of the proposed Project site, located at 97 Hillview Avenue, Los Altos, CA 94022 (“proposed Project site”); (ii) provision of pedestrian pathways and crosswalks throughout the site to connect proposed parking lots and existing sidewalks to the new buildings, recreational facilities, and existing buildings surrounding the site; (iii) realignment of driveway connections to Hillview Road, with a total of two driveway connections (one primary and one secondary) replacing the four existing driveways; and

**WHEREAS**, the City initiated Design Review Application 18-D-03 (sometimes referred herein as the “Design Review”) to approve the architectural and site design of the proposed Project; and

**WHEREAS**, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to analyze whether the proposed Project may cause a potentially significant effect on the environment; and

**WHEREAS**, based on the information contained in the Initial Study, which concluded that the proposed Project could have potentially significant impacts but that those impacts could be reduced to less than significant levels with implementation of proposed mitigation measures, the City determined that a Mitigated Negative Declaration (“MND”) should be prepared for the proposed Project, and a MND was prepared pursuant to CEQA, a copy of which is attached hereto as Exhibit “A”; and

**WHEREAS**, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the City prepared a program for reporting on or monitoring the changes which it has either required in the proposed Project or made a condition of approval to mitigate or avoid potential significant environmental effects (the “Mitigation Monitoring and Reporting Program” or “MMRP”), a copy of which is attached hereto as Exhibit “B”; and

**WHEREAS**, the City properly distributed a Notice of Intent to Adopt a Mitigated MND, pursuant to State CEQA Guidelines section 15072; and

**WHEREAS**, the City provided copies of the Initial Study and MND to the public for a review and comment period beginning on June 29, 2018 and ending on July 18, 2018, pursuant to State CEQA Guidelines section 15073, during which time the City did not receive any comment letters; and

**WHEREAS**, during the public review and comment period, copies of the MND were available for review and inspection at the City of Los Altos City Hall, the Los Altos Library, and on the City's website; and

**WHEREAS**, the Design Review has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, the Complete Streets Commission held a public meeting on the Design Review on June 27, 2018 and voted to recommend approval, with recommendation guidance, to the Planning Commission and City Council; and

**WHEREAS**, on August 2, 2018, the Planning Commission conducted a duly-noticed public hearing at which members of the public were afforded an opportunity to comment upon the proposed Project, the Design Review, and the MND, and at the conclusion of the hearing, the Planning Commission recommended that the City Council adopt the MND and approve the Design Review and the proposed Project; and

**WHEREAS**, on July 18, 2018 the City gave public notice of the Planning Commission's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to property owners within a 500-foot radius; and

**WHEREAS**, on September 11, 2018, the City Council held a duly noticed public meeting as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the proposed Project, the Design Review, and the MND; and

**WHEREAS**, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the preparation of the MND, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project, as well as feasible mitigation measures, have been adequately evaluated; and

**WHEREAS**, the MND prepared in connection with the proposed Project sufficiently analyzes the feasible mitigation measures necessary to avoid or substantially lessen the proposed Project's potentially significant environmental impacts; and

**WHEREAS**, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including

but not limited to the Initial Study, MND, MMRP, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the MND reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the proposed Project; and

**WHEREAS**, no comments made in the public hearing conducted by the City Council, and no additional information submitted to the City Council, have produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review of the proposed Project under State CEQA Guidelines section 15073.5; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1. RECITALS.** The City Council hereby finds that the recitals set forth above are true and correct and are incorporated herein as substantive findings of this Resolution.

**SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** As the decision-making body for the proposed Project, the City Council has reviewed and considered the information contained in the MND, the Initial Study, the administrative record, and all other written and oral evidence presented to the City for the proposed Project, on file with the City and available for review at the Office of the City Clerk, located at 1 N. San Antonio Road, Los Altos, California 94022. Based on the City Council's independent review and analysis, the City Council finds that the MND, Initial Study, and administrative record contain a complete and accurate reporting of the environmental impacts associated with the proposed Project, and that the MND has been completed in compliance with CEQA.

**SECTION 3. FINDINGS ON ENVIRONMENTAL IMPACTS.** Based on the whole record before it, the City Council finds and determines that evidence in the administrative record, including, without limitation, the analysis and conclusions set forth in the staff reports, responses to comments, testimony provided at the proposed Project's public hearings, the Initial Study, the MND and the supporting technical studies, which include 1) Tree Survey by SBCA Tree Consulting (February 2018), 2) Phase I Environmental Site Assessment by Ninyo & Moore (September 2017), 3) Acoustical Analysis by WJV Acoustics, Inc (May, 2018), and 4) Traffic Analysis by Hexagon Transportation Consultants (June 2018), demonstrate that, with incorporation of the identified mitigation as set forth in the Mitigation Monitoring and Reporting Program (MMRP), the proposed Project will not have any potential significant environmental impacts. The City Council has considered all comments and other information submitted to the City in connection with the MND. The City Council further finds and determines that there is no substantial evidence in the administrative record supporting a fair argument that the proposed Project may have a significant environmental

impact. The City Council finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the proposed Project and reflects the independent judgment and analysis of the City.

**SECTION 4. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION.** The City hereby approves and adopts the MND, which is hereby attached to this Resolution as Exhibit “A”.

**SECTION 5. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM.** In accordance with Public Resources Code section 21081.6, the City Council hereby adopts the MMRP, which is hereby attached to this Resolution as Exhibit “B”. In the event of any inconsistencies between the mitigation measures as set forth in the MND and the MMRP, the MMRP shall control.

**SECTION 6. FINDINGS ON DESIGN REVIEW APPLICATION 18-D-03.** With regard to Design Review Application 18-D-03 for the proposed Project, the City Council finds, in accordance with Section 14.76.060 of the Los Altos Municipal Code, as follows:

- A. The proposed Project meets the goals, policies and objectives of the General Plan and the Zoning Ordinance design criteria adopted for the PCF District.
- B. The proposed Project has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design because it has incorporated design elements and materials from its surroundings while also creating a building with individual design integrity, it has a cohesive and integrated architectural and site design concept, and it is a one-story building that relates well to the nearby City buildings and single-family residences.
- C. The proposed Project mass is articulated to relate to the human scale, both horizontally and vertically, and the elevations have variation and depth, and avoid large blank wall surfaces because the building uses a variety of window and exterior wall materials to create visual interest and create a strong pedestrian scale relationship, and the layout of the building, which is focused around an interior courtyard space, creates multiple entry points, points of interest and a lot of variation along all of the building elevations.
- D. The proposed Project’s exterior materials and finishes – which include an architectural composition roofing shingle or a standing seam metal roof, stucco siding with fiber cement wall panels and natural wood accent walls, natural wood soffits and trellis, several natural stone site walls, and window glazing with aluminum frames – convey high quality, integrity, permanence and durability, and are used well to effectively define building elements such as base, body, parapets, bays, arcades and structural elements. The materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.
- E. The proposed Project’s landscaping is generous and inviting, with landscape and hardscape features designed to complement the building and parking areas, and to be integrated with the building architecture, the adjacent outdoor spaces and the Hillview streetscape. The landscaping includes the retention of many of the existing mature trees along the perimeter of the site as well as a substantial number of new

trees throughout the proposed Project site and along the proposed Project's Hillview frontage.

- F. The proposed Project's exterior signage will be designed to complement the building architecture in terms of style, materials, colors and proportions, will be consistent with the design concepts contained in the City's Wayfinding Sign Program, and will be compatible with the existing Civic Center signage.
- G. The proposed Project's mechanical equipment is mostly located within the building in mechanical rooms, with some mechanical equipment on the roof, which is screened from public view by placement within a rooftop equipment well with sound attenuating parapet walls that are designed to be consistent with the building architecture in form, material and detailing.
- H. The service and utility areas are enclosed within the building and screened from public view; and the trash enclosure, which is located in a detached structure along the eastern edge of the parking lot, is designed to be compatible with the building architecture in materials and detailing.

**SECTION 7. APPROVAL OF DESIGN REVIEW APPLICATION 18-D-03.** Having made the findings discussed herein, the City Council hereby approves Design Review Application 18-D-3.

**SECTION 8. NOTICE OF DETERMINATION.** The City Council hereby directs staff to prepare and file a Notice of Determination with the Santa Clara County Clerk within five (5) working days of the approval of the proposed Project.

**SECTION 9. LOCATION AND CUSTODIAN OF RECORDS.** The documents and materials associated with the proposed Project, the Design Review, and the MND that constitute the record of proceedings on which these findings are based are located at the Office of the City Clerk, located at 1 N. San Antonio Road, Los Altos, California 94022. The Custodian of Record is Jon Maginot.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 11<sup>th</sup> day of September, 2018 by the following vote:

AYES:	BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE



Jean Mordo, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK

## EXHIBIT A

### Mitigated Negative Declaration Los Altos Community Center In Compliance with the California Environmental Quality Act (CEQA)

<b>Lead Agency:</b>	City of Los Altos
<b>Project Proponent:</b>	City of Los Altos One North San Antonio Road, Los Altos, CA 94022
<b>Project Location:</b>	97 Hillview Avenue, Los Altos, CA 94022
<b>Project Description:</b>	The proposed project includes demolition of the existing 30,362 square-foot community center and construction of a new one-story 24,500 square-foot community center building at the north end of the project site. Pedestrian pathways and crosswalks would be provided throughout the site to connect the proposed parking lots and existing sidewalks to the new buildings, recreational facilities, and existing buildings surrounding the site. The driveway connections to Hillview Road would be realigned, with a total of two driveway connections (one primary and one secondary) replacing the four existing driveways.
<b>Public Review Period:</b>	Friday, June 29, 2018 at 8:00 am to Wednesday, July 18, 2018 at 5:00 pm
<b>Address Where Written Comments May Be Sent:</b>	Zachary Dahl, AICP, Planning Services Manager City of Los Altos, Community Development Department One North San Antonio Road, Los Altos, CA 94022
<b>Proposed Findings:</b>	<p>The City of Los Altos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.</p> <p>The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (City of Los Altos) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:</p>

## Mitigation Measures

### *Biological Resources*

BIO-1 Approximately 14 days prior to tree removal or structure disturbance activities, the City of Los Altos shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species are present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the City of Los Altos and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the City of Los Altos prior to demolition or grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

- a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone [or different size if determined in consultation with the California Department of Fish and Wildlife (CDFW)] shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
- b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any

trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

If needed, other methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

BIO-2 Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least two weeks and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to the start of construction, with the second survey conducted within 48 hours prior to the start of construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and



vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

## **EXHIBIT B**

### **MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Public Resources Code Section 21081.6, 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.

**EXHIBIT B**

<p align="center"><b>City of Los Altos Community Development Department Mitigation Monitoring and Reporting Plan</b> <i>pursuant to Public Resources Code Section 21081.6</i></p>	<p><b>Project Name:</b> Los Altos Community Center <b>File No:</b> CF-01002 <b>SCH#:</b> N/A <b>Approved by:</b> City Council</p> <p><b>Address:</b> 97 Hillview Avenue <b>Date:</b> September 11, 2018 <b>Resolution No.</b> 2018-35</p>
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Mitigation Measure Number	Mitigation Measure	Monitoring Actions	Party Responsible for Compliance	Timing	Verification of Compliance (name/date)
<b>Biological Resources</b>					
BIO-1	<p>Approximately 14 days prior to tree removal or structure disturbance activities, the City of Los Altos shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species</p>	<p>Retain qualified biologist</p> <p>Conduct survey</p>	<p>Public Works</p> <p>Public Works</p>	<p>Prior to construction start</p> <p>14 days prior to construction start</p>	

Mitigation Measure Number	Mitigation Measure	Monitoring Actions	Party Responsible for Compliance	Timing	Verification of Compliance (name/date)
	<p>level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the City of Los Altos and no further mitigation is required.</p> <p>If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the City of Los Altos prior to demolition or grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:</p> <p>a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below.</p>	<p>Mark potential roosting sites</p> <p>Letter report stating absence [compliance completed]</p> <p>Letter report stating exclusion and habitat replacement measures</p> <p>Eviction of bats</p> <p>Monitoring of bats and establishment of buffer area</p>	<p>Public Works</p> <p>Public Works</p> <p>Public Works</p> <p>Public Works</p> <p>Public Works</p>	<p>During survey</p> <p>Following survey if no roosting sites found</p> <p>Prior to demolition, grading, or tree removal</p> <p>May 1 to Oct 1</p> <p>Oct 2 to Apr 30</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone [or different size if determined in consultation with the California Department of Fish and Wildlife (CDFW)] shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.</p> <p>b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.</p>				

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>If needed, other methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.</p>				
BIO 2	<p>Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction.</p> <p>If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for</p>	<p>No mitigation required [compliance complete]</p> <p>Retain qualified biologist</p>	<p>Public Works</p> <p>Public Works</p>	<p>Construction start date Sept 16 to Jan 14</p> <p>For construction start or restart date Jan 15 to Sept 15</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>at least two weeks and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to the start of construction, with the second survey conducted within 48 hours prior to the start of construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities.</p>	<p>Conduct first survey</p> <p>Conduct second survey</p> <p>Letter report stating absence [compliance completed]</p> <p>Establish buffer</p> <p>Monitoring</p>	<p>Public Works</p> <p>Public Works</p> <p>Public Works</p> <p>Public Works</p> <p>Public Works</p>	<p>14 days prior to construction start.</p> <p>Within 48 hours of construction start</p> <p>Following survey if no nesting sites found</p> <p>Prior to construction start</p> <p>Daily</p>	

<i>Mitigation Measure Number</i>	<i>Mitigation Measure</i>	<i>Monitoring Actions</i>	<i>Party Responsible for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	<p>If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.</p>				