



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Scott P. Johnson

SUBJECT: SEE BELOW

DATE: January 24, 2011

Approved

Date

2/3/11

COUNCIL DISTRICT: Citywide

**SUBJECT: APPROVAL OF CONDUIT FINANCING FOR ROCKETSHIP FOUR
PUBLIC SCHOOL -- TEFRA HEARING**

RECOMMENDATION

- a. Hold a Tax Equity and Fiscal Responsibility Act ("TEFRA") Hearing for the issuance of \$11,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Communities Development Authority ("CSCDA") for the benefit of Launchpad Development Company for the construction of Rocketship Four Public School Project to be located at 1200 Lucretia Avenue, San José, CA.
- b. Adopt a resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Rocketship Four Public School Project, originally adopted by the Rocketship Four Elementary School Board on January 10, 2011.
- c. Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds, by the CSCDA in an aggregate principal amount not to exceed \$11,000,000 on behalf of Launchpad Development Company for the financing of the construction of Rocketship Four Public School to be located at 1200 Lucretia Avenue, San José, CA.

OUTCOME

Approval of this recommendation will allow the Rocketship Four Public School Project to move forward with their current financing plan.

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BACKGROUND

Launchpad Development Company (the "Borrower"), a California nonprofit corporation, has requested that the CSCDA participate in the issuance of Tax-Exempt revenue bonds in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds"). Proceeds of the Bonds are to be made available to finance the acquisition, construction, improvement and equipping of Rocketship Four Public School (the "Project"), located at 1200 Lucretia Avenue, San José, CA.

The proposed Project consists of the construction of a K-5 public elementary school. The school would be designed with a capacity for 500 students attending kindergarten through fifth grade. The school building would be two stories and about 25 feet to the top of the elevator equipment. The building would contain approximately 21,364 square feet and would include 16 full-sized classrooms and one smaller special classroom, multi-purpose room, administration space, two girls and two boys restrooms, and two staff restrooms. A 4,630 square-foot play area would be located adjacent to the east side of the school building. A lunch area would be located on the north side of the school building. Access to the Project site would be off Owsley Avenue. A paved parking area would contain 25 parking spaces (24 standard spaces and one handicapped space). As with all construction projects, the details of the Project provided above are subject to change.

CSCDA was established in 1988 under the California Government Code as a statewide Joint Powers Authority to provide local governments and private industry access to tax-exempt low-interest financing to achieve public benefit goals. The City is a member of CSCDA pursuant to the amended and restated joint exercise of powers agreement relating to CSCDA ("JPA Agreement"). Pursuant to the JPA Agreement, the City, as the jurisdiction in which the proposed Project is located, must conduct the hearing and provide its approval or disapproval of the proposed Project.

Pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), where a project is to be financed by the sale of certain tax exempt bonds, a noticed public hearing must be held by the City Council to receive public comment on the proposed issuance of bonds and the location and nature of the facilities to be financed.

ANALYSIS

The federal tax law, known as the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requires that projects funded with qualified tax-exempt private activity bond proceeds be approved by the City Council after a noticed public hearing, called a "TEFRA hearing." A qualified private activity bond is a bond issued to fund a project for a private entity but meets certain requirements under the Internal Revenue Code in order for the interest received by the bondholder to be excluded from gross income for federal income tax purposes. These hearings provide interested individuals or parties the opportunity to comment on any matters related to such potential bond issues, including the nature and location of the project.

The TEFRA Hearing is scheduled to be held as part of the action items on the February 15, 2011 Council Agenda and serves as a method of notifying the community of CSCDA's intent to approve and issue tax-exempt private activity bonds for the Project. The City, as a member of CSCDA, is one of the applicable elected representatives required to approve the issuance of the Bonds by CSCDA under the Internal Revenue Code and under the terms of the Joint Powers Agreement establishing CSCDA. The public hearing notice will be published in the *San Jose Mercury News* on or about February 1, 2011, announcing the time and location of the public hearing.

Federal tax law limits the types of projects that may be funded with tax-exempt bond proceeds since the interest earned on such bonds is exempt from federal taxation. Pursuant to the Internal Revenue Code, the issuance of the Bonds by CSCDA requires the City's approval because the Project is located within the territorial limits of the City. In order for the interest on the Bonds to be excluded from the gross income of the owner of the Bonds (i.e. tax-exempt), an "applicable elected representative" of the government unit must approve the issuance of the Bonds after the TEFRA hearing. The City Council's approval of the issuance of the Bonds and the use of the proceeds serves to meet the applicable Internal Revenue Code requirements. The City Council's approval is not approval of the Project for any other purpose.

PUBLIC OUTREACH

The TEFRA hearing to be held as part of the action items on the February 15, 2011 Council Agenda is a method of notifying the community of CSCDA's intent to issue tax-exempt private activity bonds for the Project. The public hearing notice will be published on or about February 1, 2011 in the *San Jose Mercury News*, announcing the time and location of the public hearing.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

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COORDINATION

This memorandum has been prepared by the Finance Department in coordination with the City Attorney's Office and the Department of Planning, Building and Code Enforcement (PBCE).

COST IMPLICATIONS

The TEFRA hearing will have no fiscal impact on the City as there are no City funds in this project. The Bonds, issued by CSCDA, will be secured solely by the Project's revenues.

CEQA

The Rocketship Four Elementary School Board prepared an Initial Study and Mitigated Declaration for the construction of the Rocketship Four School in November 2010. The Rocketship Four School Board adopted the Mitigated Negative Declaration and approved the project on January 10, 2011. The resolutions from the Rocketship Board adopting the mitigated negative declaration and approving the project are attached. The Initial Study and Mitigated negative declaration are available on the internet at: http://www.rsed.org/downloads/lle_4-ceqa_mnd_and_initial_study-11.4.10.pdf. PBCE staff has reviewed the Initial Study and Mitigated Negative Declaration and determined that the Initial Study and Mitigated Negative Declaration have been prepared in compliance with CEQA. Council approval of a resolution adopting the Mitigated Negative Declaration would provide environmental clearance for Council's actions relating to this project.

/s/

SCOTT P. JOHNSON

Director, Finance Department

For questions please contact Arn Andrews, Treasury Division Manager, at (408) 535-7041.

Resolution No. 2011-1
Before the Rocketship Education Board
Santa Clara County, California

ADOPTION OF THE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY FOR THE ROCKETSHIP FOUR PUBLIC SCHOOL, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Rocketship Four Public School Board ("Board") proposes to construct a K-5 public elementary school on a vacant lot located at 1200 Lucretia Avenue, San Jose, California and construction of the school will comprise a factory built two-story building totaling approximately 21,364 square feet with a capacity of 500 students; and

WHEREAS, Rocketship Four Elementary School Board is the lead agency for the Project, and has caused to be prepared the Mitigated Negative Declaration/Initial Study ("MND/IS", SCH No. 2010112026) for the Project, which was available for review from November 9, 2010 through December 9, 2010; and

WHEREAS, the MND/IS for the Project was prepared pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA "Guidelines"); and

WHEREAS, pursuant to California Public Resources Section 21082.1 the Board has independently reviewed and analyzed the information contained in: (1) the MND/IS and (2) Mitigation Monitoring and Reporting Program ("MMRP"), (collectively the "MND/IS") and the conclusions of the MND/IS reflect the independent judgment of the Board; and

WHEREAS, Rocketship Four Elementary School Board posted a Notice of Circulation of the MND/IS on the District website; and

WHEREAS, Rocketship Four Elementary School Board caused the Notice of Circulation to be mailed to the occupants and owners of the property within 300 feet of the Project site; and

WHEREAS, 2 comment letters on the MND/IS were received from the public and reviewing public agencies during the 30-day public review period from November 9, 2010 through December 9, 2010 and staff has addressed these comments; and

WHEREAS, all actions required to be taken by applicable law relating to the preparation, circulation, and review of the MND/IS have been taken; and

WHEREAS, the CEQA Findings of Fact included as Exhibit "1," attached hereto and incorporated herein, identify the following impacts: the Project will not result in any significant impacts for the topical areas of Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems, therefore, no mitigation is required for these areas; and significant impacts will be reduced to a less-than-significant level with incorporation of the recommended mitigation measures for all of the identified significant effects for the topical areas of Air Quality, Geology

and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise; and

WHEREAS, the Board has reviewed and considered the Final MND/IS and MMRP with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED by the Rocketship Four Elementary School Board meeting held on January 10, 2011, the following:

SECTION 1:

That the above recitals are true and correct.

SECTION 2

The MND/IS for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

SECTION 3

The Board hereby certifies that Rocketship Four Elementary School Board is the lead agency for the Project, that the Board, as the governing board of the lead agency, has reviewed and considered the MND/IS and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board finds that the MND/IS reflects the independent judgment and analysis of the Board.

SECTION 4:

The Board hereby makes and adopts the CEQA Findings of Fact and mitigation measures set forth in Exhibit "1."

SECTION 5:

A Mitigation Monitoring and Reporting Program (MMRP) have been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or reduce to a less-than-significant level the significant effects identified in the MND/IS. The Board hereby adopts the MMRP, as set forth in Exhibit "2."

SECTION 6:

These actions having been taken and findings having been made, the Board hereby approves, certifies, and adopts the MND/IS for the Project.

SECTION 7:

The MND/IS is on file and available at the administrative office of Launchpad Development Four, LLC, 420 Florence Street, Suite 300, Palo Alto, CA 94301.

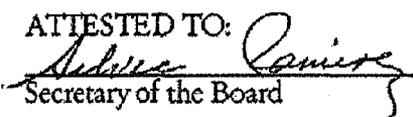
PASSED AND ADOPTED by the Rocketship Four Elementary School Board on this 10th day of January, 2011, by the following vote:

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 0



President of the Rocketship Four
Elementary School Board

ATTESTED TO:



Secretary of the Board

EXHIBIT 1

**FINDINGS FOR THE
ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT**

State Clearinghouse No: 2010112026

REQUIRED FINDINGS

CEQA requires that, prior to approval of a project, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the Mitigated Negative Declaration/Initial Study (MND). The MND identified several significant or potentially significant effects on the environment. The Rocketship Education Board's findings with respect to each of these significant or potentially significant environmental effects are presented below.

It is anticipated that the Rocketship Education Board will adopt the MND and Mitigation Monitoring and Reporting Program (MMRP) and approve the Project in conjunction with its adoption of this document. With these actions in place, all the Project environmental effects will be reduced to Less-Than-Significant.

The findings for the proposed Project are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the MND and other information incorporated into these documents by reference.

**SECTION 1.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE
SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT**

**1.1 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT DO NOT REQUIRE
FINDINGS**

Environmental effects that the MND found to be Less-Than-Significant without mitigation do not require findings under CEQA. These effects include the following:

- Project Impacts on Aesthetics
- Project Impacts on Agricultural Resources
- Project Impacts on Biological Resources
- Project Impacts on Cultural Resources
- Project Impacts on Land Use and Planning
- Project Impacts on Mineral Resources
- Project Impacts on Population and Housing
- Project Impacts on Public Services
- Project Impacts on Recreation
- Project Impacts on Transportation and Traffic
- Project Impacts on Utilities and Service Systems

1.2 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT REQUIRE FINDINGS

The environmental effects that were found by the Mitigated Negative Declaration/Initial Study (MND) to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the Rocketship Education Board must make findings with respect to each of these significant effects. The Rocketship Education Board's findings, and the evidence in support of those findings, are detailed below.

The Project would result in short-term air pollution emissions as a result of construction activities.

EFFECT: Construction activities may temporarily expose sensitive receptors (schools, day care centers, hospitals and convalescent homes) located within a 1,000-foot radius of the Project site to airborne particulates and fugitive dust.

MITIGATION: Mitigation Measure 3.1 identified in the MND will substantially lessen temporary construction related air emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure 3.1 identified in the MND will reduce construction-related air quality impacts to a less-than-significant level (Initial Study pages 22 through 26).

Strong ground shaking may be expected at the Project site during the design lifetime of the proposed Project.

EFFECT: The Project site is located within the seismically active Bay Area and as such, the Project buildings may be exposed to a significant seismic event over the life of the buildings that could result in structural damage to school facilities.

MITIGATION: Mitigation Measure 6.1 identified in the MND specifies that the design recommendations included in the geotechnical report prepared for the Project be implemented. Project buildings will be designed to meet current code requirements to avoid substantial damage to buildings during a seismic event

FINDING: Implementation of Mitigation Measure 6.1 will reduce the potential for structural damage to school facilities to a less-than-significant level (Initial Study pages 33 through 35).

The Project would generate Greenhouse gas emissions during construction.

EFFECT: Construction activities may temporarily generate greenhouse gas emissions.

MITIGATION: Mitigation Measure 7.1 identified in the MND will reduce construction-related greenhouse gas emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure 7.1 will reduce greenhouse gas emissions during construction activities to a less-than-significant level (Initial Study pages 39 through 41).

The Project site contains limited amounts of hazardous materials.

EFFECT: Soil sampling and chemical analysis determined that lead and motor oil are present in subsurface soil and polychlorinated biphenyls (PCBBs) are located at the base of an existing power pole located at the southeastern corner of the Project site.

MITIGATION: Mitigation Measures 8.1 and 8.2 identified in the MND will remove the hazardous materials from the Project site and safely transport them to an approved landfill site.

FINDING: Mitigation Measures 8.1 and 8.2 will remove the hazardous materials and eliminate the potential for exposure to hazardous materials on-site (Initial Study page 42).

Project development has the potential to increase surface runoff which could result in flooding on- or off-site.

EFFECT: Project development would result in the conversion of about 84 percent of the Project site to impervious surface. This increase would result in minor changes in surface drainage patterns and would increase the amount of runoff generated from the Project site, but this increase would have limited potential to cause flooding on- or off-site.

MITIGATION: Mitigation Measures 9.1 through 9.3 identified in the MND will minimize flooding impacts on- and off-site and ensure that improvements would not significantly affect local flood levels or redirect floodwaters and not adversely affect the municipal storm drain system.

FINDING: Implementation of Mitigation Measures 9.1 through 9.3 will reduce potential flooding impacts to a less-than-significant level (Initial Study pages 52 through 53).

During Project construction there is the potential for siltation and erosion impacts.

EFFECT: Project construction activities would include grading and excavation that would temporarily disturb surface soils resulting in the exposure of soil to runoff, potentially causing erosion and entrainment of sediment in the runoff. Additionally, there is the potential for chemical releases such as fuel, oils, paints and solvents which could be transported to nearby surface waterways potentially reducing the quality of the receiving waters.

MITIGATION: Mitigation Measures 9.1 through 9.3 identified in the MND will substantially lessen the total amount of temporary surface runoff erosion and downstream siltation and potential for chemical release during Project construction activities.

FINDING: Implementation of Mitigation Measures 9.1 through 9.3 will reduce potentially significant water quality impacts caused by construction activities to a less-than-significant level (Initial Study pages 49 through 50).

Buildout of the Project in conjunction with future projects would incrementally contribute to a cumulative increase in the total amount of surface runoff erosion and water quality impacts.

EFFECT: The Project would incrementally contribute to a cumulative increase in the total amount of surface runoff erosion and water quality impacts. However, this increase would not be cumulatively considerable.

MITIGATION: Mitigation Measures 9.1 through 9.3 identified in the MND will establish Best Management Practices to manage this incremental increase that would contribute to cumulative water quality impacts.

FINDING: Implementation of Mitigation Measures 9.1 through 9.3 will reduce the Project's minor contribution to cumulative water quality impacts to a less-than-significant level (Initial Study pages 49 through 53).

During Project construction there is the potential for a substantial temporary increase in ambient noise levels in the Project vicinity.

EFFECT: Project construction activities would be loud enough to temporarily interfere with speech communication outdoors and indoors with the windows open.

MITIGATION: Mitigation Measure 12.1 identified in the MND will reduce temporary construction noise to acceptable levels.

FINDING: Implementation of Mitigation Measure 12.1 will reduce significant temporary construction noise to a less-than-significant level (Initial Study pages 68 through 69).

EXHIBIT 2

**MITIGATION MONITORING AND REPORTING PROGRAM
ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT**

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

Prepared for
Rocketship Four Elementary

Prepared by
PLACEMAKERS
1500 Park Avenue – Loft #310
Emeryville, California 94608

December 16, 2010

1.0 INTRODUCTION

1.1 Background

Public Resources Code section 21081.6(a) requires all public agencies to adopt monitoring or reporting programs when they approve projects subject to Environmental Impact Reports (EIRs), Mitigated Negative Declarations or Negative Declarations that identify significant impacts. The reporting or monitoring program must be adopted when a public agency makes its findings for EIRs, Mitigated Negative Declarations or Negative Declarations so that the program can be made a condition of project approval in order to mitigate significant effects on the environment. The program must be designed to ensure compliance during project implementation to mitigate or avoid significant environmental effects.

1.2 Purpose

This Mitigation Monitoring and Reporting Program Checklist is designed to serve as a tool for the evaluation of Project compliance with mitigation measures identified in the Mitigated Negative Declaration/Initial Study for the Rocketship Four Public School Project. This document will be used by Rocketship Four Elementary to verify inclusion of required project design features and implementation of mitigation measures. The Checklist serves as a summary so Rocketship Four Elementary, other public agencies and the community can easily determine which measures have been complied with.

2.0 MITIGATION MONITORING PROGRAM CHECKLIST

The Mitigation Monitoring and Reporting Program Checklist is proposed for monitoring the implementation of the mitigation measures contained in the Rocketship Four Public School Mitigated Negative Declaration/Initial Study and listed in the attached checklist. District should implement the monitoring program as follows:

- Launchpad Development Four, LLC is responsible for coordination of the monitoring and reporting program including the monitoring checklist.
- Each responsible individual or agency will be responsible for determining whether the applicable mitigation measures contained within the checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a completed checklist to.

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/Special instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings							
6.1 The Project sponsor shall implement the design recommendations included in the <i>Geotechnical Engineer Investigation and Geologic Hazards Evaluation Report</i> prepared by BAGG Engineers.	One-time	Project Civil Engineer Project Architect	Launchpad Development Four, LLC Division of State Architect (DSA)	Final site and building drawings	DSA review of final site plan and building drawings.		
9.1 The Project drainage plan shall be in compliance with the Phase II NPDES Statewide General Permit for Stormwater Discharges Associated with Municipal Activities. The drainage plan shall be designed to ensure that stormwater flows generated by the Project are controlled by implementation of appropriate drainage and stormwater management/treatment measures. Drainage and associated landscape improvements shall be constructed in accordance with the approved drainage plan. The drainage plan shall provide approved stormwater management/treatment (C.3) methods.	One-time	Project Civil Engineer Project Landscape Architect	Launchpad Development Four, LLC	Drainage Plan Landscape Plan	The recommendations contained in the Drainage Plan should be incorporated into the final grading plan, site plan and building drawings as appropriate.		
Prior to Project Construction/During Project Construction							
3.1 According to the 2010 BAAQMD Guidelines, implementation of the following <i>Basic Construction Mitigation Measures</i> would reduce construction period impacts to a less-than-significant level. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.	On-going during Project construction activities.	Project General Contractor	Launchpad Development Four, LLC	Weekly site visits. Posted signs that identify a contact (including name and telephone number) to report problems with dust and soil material on adjacent streets.			

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
Prior to Project Construction/During Project Construction - continued							
<p>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>							

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction/During Project Construction - continued							
<p>7.1 To reduce Project-generated GHG emissions (2010 Guidelines) for construction-related activities the following best management practices should be implemented to the extent feasible:</p> <ul style="list-style-type: none"> • Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet; • Use local (within 100 miles) building materials of at least 10 percent; and • Recycle at least 50 percent of construction waste or demolition materials. 	On-going during project construction activities.	Project General Contractor	Launchpad Development Four, LLC	Mitigation measure should be incorporated into construction specifications.			
8.1 The Project Sponsor shall retain a qualified contractor to remove soils contaminated with lead, PCBs and motor oil to an approved landfill site. Transport shall be undertaken in accordance with state and federal standards.	On-going throughout removal of contaminated soils.	Qualified Contractor	Launchpad Development Four, LLC	Documentation showing proof contaminated soils removed from site were transported to approved landfill site.			
8.2 To prevent potential exposure to naturally occurring asbestos, areas of the Project site that will not be paved or covered with buildings, such as play areas and landscaped areas, shall be covered with a geo-textile fabric and clean imported fill material placed above the fabric. A monitoring plan shall be developed and implemented for the life of the school to ensure maintenance of the sealed and capped surfaces.	One-time during installation of geo-textile fabric and covering with clean imported fill.	Qualified Contractor	Project General Contractor	<p>Construction specifications outlining procedures for sealing and capping areas exposed to naturally occurring asbestos.</p> <p>Inspection of geotextile fabric installation and clean cover by Project General</p>			

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Project Construction/During Project Construction - continued							
	On-going monitoring of sealed and capped surfaces.	Rocketship Four Elementary	Rocketship Four Elementary	Contractor to confirm installation is completed per specifications. Annual inspection of sealed and capped surfaces. This inspection should be incorporated into the school's on-going maintenance procedures.			
9.2 Launchpad Development Four LLC shall ensure identification and implementation of a program of stormwater management BMPs and shall implement an erosion control plan. BMPs include scheduling of project construction activities, prohibitions of certain practices, establishment of appropriate maintenance procedures, implementation of source control measures and other management practices to prevent or reduce the pollution of downstream waters during construction and post-construction during operation.	On-going during construction activities	Project Civil Engineer Project General Contractor	Launchpad Development Four, LLC	Weekly site visits during construction activities. Stormwater management BMPs should be listed in construction specifications.			
9.3 The Stormwater Pollution Prevention Plan (SWPPP) shall be approved by the RWQCB prior to construction and shall be implemented by Launchpad Development Four LLC and their contractor(s) in accordance with State NPDES requirements.	One-time	Project General Contractor	Project General Contractor	SWPPP submitted to RWQCB for review/approval prior to start of construction.			

**ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special Instructions	Initials	Date
<p>12.1 Prepare a construction noise control plan that includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • Equipment and trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). • Stationary noise sources shall be located as far from adjacent receptors as possible and shall be muffled and enclosed within temporary sheds, incorporate insulation barriers or other measures to the extent feasible. • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about ten dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of five dBA. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible. • Extreme noise generating activities (greater than 90 dBA) shall not be allowed on weekends and Federal holidays. 	On-going during construction activities.	Project General Contractor	Launchpad Development Four, LLC	<p>Construction noise control plan.</p> <p>Posted signs that identify a contact (including name and telephone number) to report problems with noise.</p> <p>Weekly site visits during construction activities.</p>			

Resolution No. 2011-2
Before the Rocketship Education Board
Santa Clara County, California

APPROVAL OF THE ROCKETSHIP FOUR PUBLIC SCHOOL PROJECT

WHEREAS, on January 10, 2011, following a duly noticed public hearing thereon, the Rocketship Four Elementary School Board adopted Resolution No. 2011-1 certifying the adequacy of the Mitigated Negative Declaration/Initial Study ("MND/IS") prepared for the Rocketship Four Public School Project ("Project"), adopting findings pursuant to the California Environmental Quality Act ("CEQA"), and approving the Mitigation Monitoring and Reporting Program ("MMRP"); and

WHEREAS, approval of the Project and construction of the improvements described in the Project, will advance the public health, safety and welfare and further Rocketship Four Elementary School's statutory public education purposes;

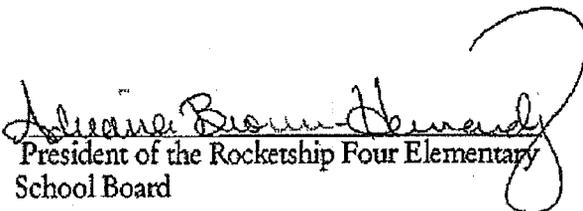
NOW, THEREFORE, BE IT RESOLVED by the Rocketship Four Elementary School Board as follows:

SECTION 1

The Rocketship Four Elementary School Board hereby approves the Project, consisting of program facilities, which are further described in the MND/IS and in Resolution No. 2011-1, and authorizes and directs staff to implement the Project in a manner consistent with the terms hereof.

PASSED AND ADOPTED by the Rocketship Four Elementary School Board on this 10th day of January, 2011, by the following vote:

AYES:	<u>3</u>
NOES:	<u>0</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>


Adriane Brown-Howard
President of the Rocketship Four Elementary
School Board

ATTESTED TO:


Secretary of the Board