

## ***Mitigation Monitoring and Reporting Program***

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This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the Campbell 1700 Dell Avenue Office Development, herein referred to as the “proposed project” or “project.” The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The City of Campbell must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

## MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM**

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<b>AIR QUALITY</b>					
<p>AQ-2: The project contractor shall comply with the following the Bay Area Air Quality Management District’s best management practices for reducing construction emissions of uncontrolled fugitive dust (coarse inhalable particulate matter [PM<sub>10</sub>] and fine inhalable particulate matter [PM<sub>2.5</sub>]):</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering shall be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water shall be used whenever possible.</li> <li>▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas, and staging areas at the construction site to control dust.</li> <li>▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.</li> <li>▪ Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.</li> </ul>	Project Applicant/ Construction Contractor	During Construction	City of Campbell Building Division	Review Construction Plans and Specifications/ Conduct Site Inspections	Prior to Site Work/ During Scheduled Construction Site Inspections

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<ul style="list-style-type: none"> <li>▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).</li> <li>▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.</li> <li>▪ Replant vegetation in disturbed areas as quickly as possible.</li> <li>▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways.</li> </ul> <p>The City of Campbell Building Division official or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.</p>					
AQ-3: Implement Mitigation Measures AQ-2 and AQ-4.				<i>See Mitigation Measures AQ-2 and AQ-4.</i>	
<p>AQ-4: The project applicant shall specify in the construction bid that the construction contractor(s) shall use construction equipment with fitted with Level 2 Diesel Particulate Filters (DPF) or higher emissions standards for all equipment of 50 horsepower or more. Level 2 DPFs are capable of reducing 50 percent of diesel exhaust and particulate emissions from off-road equipment.</p> <ul style="list-style-type: none"> <li>▪ Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Campbell Building Division, or its designee, clearly show the requirement for Level 2 DPF or higher emissions standards for construction equipment over 50 horsepower.</li> <li>▪ During construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the project site for verification by the City of Campbell Building Division or its designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site.</li> <li>▪ Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.</li> </ul>	Project Applicant/ Construction Contractor	Prior to and During Construction	City of Campbell Building Division	Review Construction Plans and Specifications/ Conduct Site Inspections	Prior to Site Work/ During Scheduled Construction Site Inspections

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<ul style="list-style-type: none"> <li>▪ The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.</li> </ul>					
<b>BIOLOGICAL RESOURCES</b>					
<p>BIO-4a: Prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys as follows. If tree removal would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds of protected bird species shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with CDFW. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.</p>	Project Applicant	Prior to Construction	City of Campbell Planning Division	Review and Confirm Survey	Once for Survey/ Ongoing if Nesting Birds Identified and Until They Have Left the Nest

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No surveys are required before vegetation disturbance between September 1 and January 31, that is, outside of the nesting season.					
BIO-4b: Prior to building construction, the project applicant shall submit a Bird Collision Reduction Plan (Plan) for City review and approval. The plan shall be peer reviewed by an independent consulting biologist, selected by the City given its technical nature. The Plan shall be written to minimize the potential risk of bird strikes with the new building on the site, and shall incorporate appropriate bird-safe design guidelines <sup>1</sup> and include specific Best Management Practice strategies to reduce bird strikes. The use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds, shall be avoided. To limit reflectivity and prevent exterior glass from attracting birds, the project shall preferably utilize low-reflectivity glass (7 percent reflectivity, 0 percent ultra-violet transmittance) and provide other non-attractive surface treatments as outlined below. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building’s glass surface, not just the lower levels, to minimize the risk of bird strikes. Interior light “pollution” shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize light spillage from the building and the Los Gatos Creek corridor. To further clarify, the following design elements and controls shall be incorporated into the proposed project to reduce the risk of bird strikes:	Project Applicant/ Construction Contractor	Prior to Issuance of Any Permits	City of Campbell Planning and Building Division	Select Consulting Biologist/Review Bird Collision Reduction Plan and Peer Review	Once

<sup>1</sup> Such as: San Francisco Planning Department, 2011, Standards for Bird-Safe Buildings, San Francisco, California. Adopted July 14.  
American Bird Conservancy, Bird-Friendly Building Design, <https://abcbirds.org/blog/truth-about-birds-and-glass-collisions/>, accessed August 12, 2019.  
City of Toronto, 2007, Bird-Friendly Development Guidelines. Green Development Standard, City Planning, Toronto, Ontario, Canada.  
New York City Audubon Society, 2007, Bird Safe Building Guidelines, New York, NY, <http://www.nycaudubon.org/pdf/BirdSafeBuildingGuidelines.pdf>, accessed August 12, 2019.

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<ul style="list-style-type: none"> <li>▪ No more than ten (10) percent of façade surface area shall have non-bird-safe glazing. Bird-safe glazing includes opaque glass, covering of clear glass surface with patterns, paned glass with fenestration patterns, and external screens over non-reflective glass.</li> <li>▪ Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 pm and sunrise. Alternatively, non-emergency interior and exterior lighting shall be shielded to minimize light from buildings that are visible to birds.</li> <li>▪ Glass skyways or walkways, freestanding glass walls, and transparent building corners shall not be allowed.</li> <li>▪ Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with green roofs.</li> <li>▪ All roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized.</li> </ul> <p>A draft of the Plan and modifications to the building design incorporating bird-safe design shall be completed and submitted as part of the Site and Architectural Review Committee and Planning Commission’s review process to allow for further comment and input.</p>	Project Applicant	Prior to Issuance of Building Permits	City of Campbell Planning and Building Division	Review Revised Site Plan and Landscaping Plans	Once
<p>BIO-5: The site, parking, circulation, and landscape plans in the September 9, 2019 plan submittal for the proposed project shall be revised and redesigned to provide a continuous buffer along the eastern edge of the site to protect the streamside habitat along Los Gatos Creek and provide greater conformance with the <i>Guidelines and Standards for Land Use Near Streams</i> of the Santa Clara Valley Water Resources Protection Collaborative. These shall include the following changes to the proposed project plans.</p> <ul style="list-style-type: none"> <li>▪ The design and selection of plant species used in this buffer area along the eastern edge of the site shall be selected in</li> </ul>					

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<p>consultation with staff from SCVWD to ensure compatibility with Guidelines and Standards for Land Use Near Streams.</p> <ul style="list-style-type: none"> <li>▪ Effective screening of nighttime lighting, including headlights from vehicles moving through the proposed parking lot, shall be provided as part of redesign and landscaping. Plantings installed in the proposed planting strip along the eastern edge of the site shall be chosen based on their ability to complement and screen the adjacent riparian habitat along the creek corridor by using plantings of tree, shrub and groundcover species.</li> <li>▪ The proposed planting strip along the eastern edge of the site shall be expanded where feasible from the current planting area shown in the revised Landscape Plan (dated August 27, 2019) to remove an additional parking stall (shown in Figure 5-3 of the Final EIR) in the southeastern corner of the site and expand the proposed tree and shrub plantings in the area to provide effective landscape screening at this critical location where the property line comes closest to the top of bank to Los Gatos Creek.</li> <li>▪ Any native species used in plantings on the site shall be of local genetic stock to prevent possible hybridization with native indigenous species growing along the adjacent Los Gatos Creek. At minimum, the planting area along the eastern edge of the site shall include scattered plantings of locally sourced native coast live oak, which would eventually serve to expand the tree canopy at the interface with the creek corridor as the trees mature.</li> <li>▪ The few existing trees along the eastern edge of the site shall be retained along this planting area given their importance for existing screening of the creek corridor. In consultation with SCVWD, consideration should be given to replacing the existing non-native shrubs along the eastern fence line with native species if locally sourced plantings are available.</li> </ul>					

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<b>CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES</b>					
CULT-2: If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the City and a licensed archeologist shall be contacted to evaluate the situation. A licensed archeologist shall be retained to inspect the discovery and make any necessary recommendations to evaluate the find under current CEQA guidelines prior to the submittal of a resource mitigation plan and monitoring program to the City for review and approval prior to the continuation of any on-site construction activity.	Construction Contractor	During Construction	City of Campbell Planning Division	Review and Confirm Recommendations	As Needed if Resources are Discovered and Recommendations are Made
CULT-3: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The project plan shall be submitted to the City for review and approval prior to implementation.	Construction Contractor	During Construction	City of Campbell Planning Division	Review and Confirm Recommendations	As Needed if Resources are Discovered and Recommendations are Made
CULT-4: In the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The City and the Santa Clara County Coroner's office	Construction Contractor	During Construction	City of Campbell Planning Division	Review and Confirm Recommendations	As Needed if Resources are Discovered and

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<p>shall be notified. If deemed prehistoric, the Coroner’s office would notify the Native American Heritage Commission who would identify a "Most Likely Descendant (MLD)." The archeological consultant and MLD, in conjunction with the project sponsor, shall formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner.</p>					<p>Recommendations are Made</p>
<p>CULT-5: Implement Mitigation Measures CULT-2 and CULT-4.</p>					<p><i>See Mitigations Measures CULT-2 and CULT-4.</i></p>
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p>					
<p>HAZ-1: Prior to the disturbance of any suspect asbestos-containing materials and/or lead-based paint, a certified consultant shall conduct a comprehensive survey to determine if the suspect materials are present. If such materials are identified, a licensed abatement contractor shall be consulted and demolition activities shall be conducted in compliance with abatement recommendations.</p>	<p>Licensed Asbestos Abatement Contractor</p>	<p>Prior to Issuance of a Demolition Permit</p>	<p>City of Campbell Building Division</p>	<p>Review and Confirm Survey/ Abatement Plan</p>	<p>Once to Review/ Confirm Findings of Survey or Abatement Plan if Needed</p>
<p><b>NOISE</b></p>					
<p>NOISE-1: The project sponsor shall incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor during the entire construction phase of the project:</p> <ul style="list-style-type: none"> <li>▪ The project sponsor and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan shall be included as part of the permit application drawing set and as part of the construction drawing set.</li> <li>▪ At least 21 days prior to the start of construction activities, all off-site businesses and residents within 300’ of the project site shall be notified of the planned construction activities.</li> </ul>	<p>Construction Contractor</p>	<p>Prior to Issuance of Any Construction Permits</p>	<p>City of Campbell Planning Division</p>	<p>Plan Review and Approval/ Site Inspections</p>	<p>Once for Plan Review/ During Scheduled Constructions Site Inspections</p>

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<p>The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.</p> <ul style="list-style-type: none"> <li>▪ At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.</li> <li>▪ During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.</li> <li>▪ Require the contractor to use impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.</li> <li>▪ During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary enclosures or insulation barriers to the extent feasible.</li> </ul>					

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<ul style="list-style-type: none"> <li>▪ Select haul routes that avoid the greatest amount of sensitive use areas.</li> <li>▪ Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.</li> <li>▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.</li> </ul>					
NOISE-4: Implement Mitigation Measure NOISE-1.				<i>See Mitigation Measure NOISE-1.</i>	
<b>TRANSPORTATION AND TRAFFIC</b>					
TRANS-1a: No feasible mitigation measures.				<i>No feasible mitigation measures.</i>	
TRANS-2: No feasible mitigation measures.				<i>No feasible mitigation measures.</i>	

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