

**MITIGATION MONITORING OR REPORTING PROGRAM**  
**3000 Bowers Avenue Office Project**

<i>Impacts</i>	<i>Mitigation</i>	<i>Timeframe for Implementation</i>	<i>Responsibility for Implementation</i>	<i>Oversight of Implementation</i>
<b>Biology</b>				
<p><b>Impact BIO-1:</b> As mitigated, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.</p>	<p><b>MM BIO-1:</b> Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game Code shall not be disturbed during project construction.</p>	<p>Prior to the start of grading or tree removal.</p>	<p>Project applicant</p>	<p>Director of Community Development</p>

<b>MITIGATION MONITORING OR REPORTING PROGRAM</b> <b>3000 Bowers Avenue Office Project</b>				
<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
<b>Cultural Resources</b>				
<p><b>Impact CUL-2:</b> As mitigated, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.</p>	<p><b>MM CUL-2.1:</b> Prior to the commencement of any ground-disturbing activity on the project site, the project applicant shall retain a registered professional archaeologist and tribal monitors from Tamien Nation, as needed, to be present during all ground-disturbing activity associated with the project.</p> <ul style="list-style-type: none"> <li>a. A registered professional archaeologist and Tamien Nation shall be given five days' written notice prior to the start of any ground-disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing.</li> <li>b. Prior to any ground-disturbing activity on the project site, all project personnel shall receive mandatory tribal cultural resource sensitivity training from Tamien Nation.</li> <li>c. The registered professional archaeologist and tribal monitor shall be present during construction phases that involve ground-disturbing activities. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of existing structures or site improvements within the development area shown on the project plans.</li> </ul>	<p>Prior to and during ground-disturbing activities</p>	<p>Project applicant</p>	<p>Director of Community Development</p>

**MITIGATION MONITORING OR REPORTING PROGRAM**

**3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>d. The tribal monitor shall complete daily monitoring logs that will provide description of the day's activities, includes construction activities, locations, and any cultural materials identified. The daily monitoring logs shall be retained by Tamien Nation.</p> <p>e. Upon discovery of any archaeological resources and tribal cultural resources (TCRs), all ground-disturbing and construction activities within 50 feet of discovery shall cease on the project site until the find can be assessed to the satisfaction of the registered professional archaeologist and Tamien Nation. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives.</p> <p>f. At the discretion of Tamien Nation, soils that have been previously subject to excavations and were monitored by the tribal representative need not be monitored again if re-excavated or moved. The project applicant shall consult with the tribal monitor prior to any disturbance of previously excavated soils.</p> <p>g. Should Tamien Nation choose not to send a monitor for any of the above-referenced ground-disturbing activity, work may continue without the monitor, provided that the project applicant has given a minimum of five days' written notice to Tamien Nation. The project applicant shall document receipt of notification in writing.</p>			

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>h. At the completion of monitoring, Tamien Nation shall send an email notification to the City that monitoring has been completed.</p> <p><b>MM CUL-2.2:</b> The project applicant shall retain a qualified archaeologist and tribal monitors from Tamien Nation, as needed, to be present during all ground-disturbing activity associated with the project.</p> <p><b>MM CUL-2.3:</b> In the event that archaeological resources or TCRs are discovered on the project site and cannot be avoided, a detailed archaeological treatment plan shall be implemented.</p> <p>a. The treatment plan shall be developed by the on-call professional archaeologist in collaboration with and agreed upon by Tamien Nation to determine the most appropriate treatment measures to avoid, minimize, or mitigate any potential impacts. This shall include documentation of the resources and may include data recovery or other measures.</p> <p>b. Any treatment other than preservation in place must be approved by Tamien Nation and the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important</p>			

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>scientific data contained in resource. Data recovery shall be subject to approval by Tamien Nation.</p> <p>c. Tamien Nation shall determine the disposition of any TCR artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburial in close proximity of the finds without scientific study, allowing scientific study before reburial of the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by Tamien Nation. All curation fees and related expenses shall be paid by the project applicant.</p> <p>d. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site.</p> <p>e. Tamien Nation shall have sole discretion in determining if reburial within the cultural easement area is the desired method of disposition.</p>			

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>f. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the Native American Heritage Commission (NARC) on behalf of Tamien Nation.</p> <p><b>MM CUL-2.4:</b> If applicable, the project applicant shall, in consultation with Tamien Nation, incorporate into the Project design a commemorative plaque that acknowledges the traditional history of the land with respect to tribal communities.</p>			
<p><b>Impact CUL-3:</b> As mitigated, the project would not disturb any human remains, including those interred outside of dedicated cemeteries.</p>	<p><b>MM CUL-3.1:</b> In the event that human remains and/or grave goods are discovered or recognized during ground-disturbing activities or construction, all ground disturbance work shall cease within 50 feet of the discovery, and the tribal monitor shall immediately notify the construction supervisor. The construction supervisor shall ensure reasonable protection measures are taken to protect the discovery from disturbance</p>	<p>At the time a discovery is made</p>	<p>Project applicant</p>	<p>Director of Community Development</p>

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>(Assembly Bill [AB] 2641) and shall immediately notify the City and the Santa Clara County Medical Examiner-Coroner (per California Health and Safety Code Section 7050.5). If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NARC) immediately. Once the NARC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</p> <ul style="list-style-type: none"> <li>• Reburial shall be conducted within the cultural easement identified on the project plans, or on tribal or other lands that will not be disturbed in the future.</li> <li>• Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).</li> </ul>			
<b>Geology and Soils</b>				
<p><b>Impact GEO-2:</b> As mitigated, the project would not result in substantial erosion or the loss of topsoil.</p>	<p><b>MM GEO-2.1:</b> All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized<sup>1</sup> to withstand or avoid erosion.</p> <p><b>MM GEO-2.2:</b> Stockpiles and excavated soils would be covered with secured tarps or plastic sheeting.</p>	<p>During excavation and grading</p>	<p>Project applicant</p>	<p>Director of Community Development</p>

<sup>1</sup> Weatherized refers to measures that would protect exposed soils from rain and stormwater runoff.

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<b>MM GEO-2.3:</b> Vegetation in disturbed areas would be replanted as quickly as possible.	Post construction		
<b>Hazards and Hazardous Materials</b>				
<p><b>Impact HAZ-2:</b> As mitigated, the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	<p><b>MM HAZ-2.1:</b> The project applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH) regarding the next steps and appropriate actions. Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination.</p> <p>The project applicant shall enter SCCDEH Site Cleanup Program to address soil and soil vapor contamination.</p> <p>The project applicant shall provide the SCCDEH with the most recent Phase I ESA and supplemental investigation results. Any further investigation and/or remedial actions must be performed under regulatory oversight to mitigate the contamination.</p> <p><b>MM HAZ-2.2:</b> A Site Management Plan (SMP) shall be prepared by a qualified environmental professional and implemented during project construction activities. The SMP shall establish management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP shall include: a detailed discussion of the site background; preparation of a Health and Safety Plan</p>	Prior to and during demolition and excavation	Project applicant and contractors	<p>Director of Community Development and SCCDEH</p> <p>Santa Clara Fire Department</p>

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>(HSP) by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil is encountered during construction.</p> <p>The SMP and HSP shall characterize the soil and establish appropriate management practices for handling impacted soil that may be encountered during construction activities. The SMP shall evaluate potential disposal options if excess soil is generated that will require off-haul and describe methods for segregating impacted and non-impacted soil during excavation activities. The HSP shall establish soil management practices to ensure construction worker safety and the health of future workers, residents, and the environment.</p> <p>If groundwater dewatering is to be completed, the SMP shall describe methods for groundwater extraction. The SMP shall outline protocols for pumping groundwater into appropriate storage containers, as well as sampling and analysis. The SMP shall also establish appropriate disposal options for the groundwater.</p> <p><b>MM HAZ-2.3:</b> Prior to issuance of grading permits, a copy of the SMP shall be approved by the City's Planning Manager and the City's Fire Marshal.</p> <p><b>MM HAZ-2.4:</b> The SMP shall focus on soil removal of pesticide- and naphthalene impacted areas in the southeastern</p>			

**MITIGATION MONITORING OR REPORTING PROGRAM  
3000 Bowers Avenue Office Project**

<b>Impacts</b>	<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
	<p>corner of the site, former building footprint area (for the removal of pesticide-impacted soils) and former UST area (for the removal of naphthalene impact soils).</p> <p>Additional testing shall be completed in the areas containing elevated benzene in soil vapor following the removal hardscape and site grading activities associated with the proposed development. If concentrations are found to be below commercial environmental screening levels, then no further action would be recommended. If soil vapor concentrations remain elevated, soil remediation or installation of a vapor intrusion mitigation system would be warranted for the benzene-affected areas.</p> <p><b>MM HAZ-2.5:</b> Any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p>			

In addition to mitigation measures listed above, there are also other conditions of approval the project shall implement, including the following:

<b>CONDITIONS OF APPROVAL 3000 BOWERS AVENUE OFFICE PROJECT</b>
<b>Construction Particulate Matter and Dust Emissions: Best Management Practices</b>
<ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• 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.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>• 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.</li> <li>• Replant vegetation in disturbed areas as soon as possible after completion of construction.</li> <li>• 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 the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• 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.</li> <li>• Post a publicly visible sign with the telephone number of the on-site project superintendent to contact 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.</li> </ul>
<b>Best Management Practices: Construction Water Quality Impacts</b>
<ul style="list-style-type: none"> <li>• Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.</li> <li>• Earthmoving or other dust-producing activities shall be suspended during periods of high winds.</li> <li>• All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust, as necessary.</li> <li>• Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.</li> </ul>

**CONDITIONS OF APPROVAL  
3000 BOWERS AVENUE OFFICE PROJECT**

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, and staging areas adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

**Best Management Practices: Post-Construction Water Quality**

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Santa Clara. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.
- All post-construction Treatment Control Measures (TCMs) shall be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.
- The property owner/site manager shall keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.

**Transportation Demand Management Plan**

- |   |  |
|---|--|
| • On-site Transportation Coordinator                            | • Rideshare resources                            |
| • Provide transpo liation information packets for new employees | • Incentives for new vanpools                    |
| • "Online Kiosk": online transportation information center      | • Pre-tax benefit for employees (Clipper Direct) |
| • Bicycle parking   | • Emergency Ride Home Program                    |
| • Showers and changing rooms                                    | • Telecommute/Flexible Work Schedule             |
| • Biking Resources (maps and information)                       | • Employee mode share surveys                    |
| • Preferential parking for carpools and vanpools                | • Annual driveway counts                         |

**CONDITIONS OF APPROVAL**  
**3000 BOWERS AVENUE OFFICE PROJECT**

- Passenger loading zone for drop-off and pick-up
- On-site ride-matching assistance
- Annual reporting to City

**Driveway Design**

- The exit-only driveway (southern driveway) on Oakmead Village Court at the parking garage shall be widened to meet the City's minimum width requirement of 14 feet. Prior to issuance of a grading permit, the project applicant shall modify the 12-foot-wide exit-only driveway on Oakmead Village Court to 14 feet wide on the site plan, in accordance with the Santa Clara Municipal Code.

**Driver Sight Distance**

- The on-site landscaping along Oakmead Village Court between the two driveways shall be kept to a low height (three feet) to ensure a minimum of 200 feet of clear sight distance from the south driveway. The City requires that no visual obstructions over three feet in height are allowed within a driver's sight triangle near driveways.
- The curb segments adjacent to the project driveways on Oakmead Village Court shall be painted red for 15 feet to prohibit parking and ensure adequate sight distance for outbound traffic.

Sources: City of Santa Clara. *Draft Initial Study for the 3000 Bowers Avenue Office Project*. December 2021.