

MITIGATION MONITORING and REPORTING PROGRAM
McLaren Data Center Project
City File No. PLN2016-12246 / CEQ2016-01023

This Mitigation Monitoring and Reporting Program (MMRP) incorporates the mitigation measures included in the Mitigated Negative Declaration (MND) prepared for the McLaren Data Center Project (“project”) by the California Energy Commission (CEC-800-2018-003-CMF, State Clearinghouse #2018062057) in November 2018. As the agency with local approval authority over the project, the City of Santa Clara has adopted this MMRP and assumed responsibility for monitoring implementation of the mitigation measures included in the MND.

Mitigation and Avoidance Measures	Action	Implementing Party	Monitoring Party	Timing ¹
AIR QUALITY				
AIR-1.1: <i>Implement BAAQMD Basic Construction Mitigation Measures to Reduce Construction-Related Emissions.</i> The project applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by BAAQMD, which would reduce fugitive dust emissions to a less-than-significant level. Emission reduction measures shall include, at a minimum, the following measures. Additional measures may be identified by BAAQMD or contractor as appropriate. <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered. • 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. • All vehicle speeds on unpaved surfaces shall be limited to 15 mph. • 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. • 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. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be 	Project sponsor to provide to City applicable provisions of construction contracts requiring the use of BAAQMD basic construction mitigation measures to reduce construction-related dust and exhaust emissions.	Project sponsor/ project contractor	City Planning & Inspection Division	Prior to issuance of a grading permit

¹ Where the timing of an action is specified as taking place before a permit is issued, that action must be taken with respect to the action underlying the permit, except where otherwise specifically noted.

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<p>checked by a certified visible emissions evaluator.</p> <ul style="list-style-type: none"> A publicly visible sign shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 				
BIOLOGICAL RESOURCES				
<p>BIO-1.1: The following measures shall be implemented prior to and during ground disturbance and preliminary grading activities at the project site.</p> <ul style="list-style-type: none"> Avoidance of Nesting Bird Season. To the extent feasible, construction shall be scheduled outside the avian nesting season to avoid impacts on nesting birds (including raptors) protected under the MBTA and CFGC. The nesting season for birds in Santa Clara County generally extends from January 1 through September 1. Pre-construction/Pre-disturbance Surveys for Nesting Birds. If construction activities cannot be scheduled outside of the nesting season noted above, pre-construction surveys for nesting birds shall be completed by a qualified biologist to identify any active nests that could be disturbed during project implementation. Surveys shall be completed no more than 7 days prior to the initiation of ground disturbance and preliminary grading. During this survey, the biologist shall inspect the volunteer shrubs along the eastern perimeter of the project site. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist shall determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50 to 100 feet for other species), to ensure that no nests of species protected by the MBTA and CFGC will be disturbed during project construction. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the Director of Community Development prior to the start of ground disturbance, grading, and/or tree removal activities. 	Project sponsor to provide to City applicable provisions of construction contracts including schedule. If construction will occur in the nesting season, project sponsor to submit to City pre-construction surveys.	Project sponsor/ project contractor/ qualified biologist	City Planning & Inspection Division	Prior to and during ground disturbance and preliminary grading activities.
CULTURAL RESOURCES				
<p>CR-1.1: A Secretary of the Interior-qualified archaeologist and a Native American cultural resources monitor shall be on site to monitor grading of native soil once all</p>	Archaeologist and Native American	Project sponsor/	Director of Community	Prior to issuance of a

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<p>pavement is removed from the project site. The project applicant shall submit the name and qualifications of the selected archeologist and Native American monitor to the Director of Community Development prior to the issuance of a grading permit. Preference in selecting Native American monitors shall be given with:</p> <ol style="list-style-type: none"> 1. Traditional ties to the area being monitored. 2. Knowledge of local historic and prehistoric Native American village sites. 3. Knowledge and understanding of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq. 4. Ability to effectively communicate the requirements of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq. 5. Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation. 6. Ability to travel to project sites within traditional tribal territory. 7. Knowledge and understanding of Title 14, California Code of Regulations, Section 15064.5. 8. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding CEQA mitigation provisions. 9. Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory. 10. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation. <p>After removal of pavement and prior to grading, the archaeologist shall conduct a pedestrian survey over the exposed soils to determine if any surface archaeological manifestations are present. The archaeologist will monitor full-time all grading and ground disturbing activities in native soils associated with construction of the proposed project. If the archaeologist and Native American monitor believe that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and summarizing the monitoring results shall be provided to the Director of Community Development prior. Department of Recreation 523 forms shall be submitted along with the report for any cultural resources encountered over 50 years old.</p>	<p>monitor(retained by the project sponsor) to monitor grading and ground disturbing activities after removal of pavement. Project sponsor shall provide name and qualifications of archaeologist and Native American monitor prior to issuance of a grading permit.</p>	<p>qualified archaeologist/ Native American monitor</p>	<p>Development</p>	<p>grading permit</p>
<p>CR-1.2: In the event that prehistoric or historic resources are encountered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped, the Director of Community Development shall be notified, and a Secretary of</p>	<p>Archaeologist and Native American monitor (retained by the project</p>	<p>Project sponsor/ qualified</p>	<p>Director of Community Development</p>	<p>During construction</p>

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the Interior-qualified archaeologist shall examine the find and record the site, including field notes, measurements, and photography for a Department of Parks and Recreation 523 Primary Record form. The archaeologist shall make a recommendation regarding eligibility for the California Register of Historical Resources, data recovery, curation, or other appropriate mitigation. Ground disturbance within the 50-foot radius can resume once these steps are taken and the Director of Community Development has concurred with the recommendations. Within 30 days of the completion of construction or cultural resources monitoring, whichever comes first, a report of findings documenting cultural resource finds, recommendations, data recovery efforts, and other pertinent information gleaned during cultural resources monitoring shall then be submitted to the Director of Community Development. Once finalized, this report shall be submitted to the Northwest Information Center at Sonoma State University.	sponsor) shall make recommendations and report of findings, if necessary.	archaeologist/Native American monitor		
CR-1.3: In the event that human remains are discovered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. All actions taken under this mitigation measure shall comply with Health and Safety Code 7050.5 (b).	County Coroner make determination of remains. If remains are to be Native American, Coroner shall notify NAHC to identify descendants to make recommendations regarding proper burial.	Project sponsor/project contractor	County Coroner/NAHC	During construction
CR-1.4: Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program training to all existing and any new employees. This training should include: a discussion of applicable laws and penalties under the laws; samples or visual aids of artifacts that could be encountered in the project vicinity, including what those artifacts may look like partially buried, or wholly buried and freshly exposed; and instructions regarding halt to work in the vicinity of any potential cultural resources discovery, and notify the city-approved archaeologist and Native American cultural resources monitor.	Project sponsor/project contractor to provide a Worker Environmental Awareness Program training to all workers.	Project sponsor/project contractor	City Planning & Inspection Division	Prior to, and during, ground disturbing activities
CR-2.1: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and shall follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and	Paleontologist (retained by the project sponsor) shall develop and implement an excavation and salvage plan, if necessary.	Project sponsor/qualified paleontologist	City Planning & Inspection Division	Prior to the start of any subsurface excavations

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notifying a qualified paleontologist, who shall evaluate its significance.				
<p>If a fossil is found and determined by the qualified paleontologist to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in these areas shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall then be deposited in a scientific institution with paleontological collections. A final Paleontological Mitigation Plan Report shall be prepared that outlines the results of the mitigation program. The City shall be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.</p>				
GEOLOGY AND SOILS				
GEO-1.1: All excavation and grading work shall be scheduled in dry weather months, or the construction sites shall be weatherized to withstand or avoid erosion.	Project sponsor to submit to City applicable provisions of construction contracts including applicable requirements.	Project sponsor/ project contractor	City Planning & Inspection Division	During construction
GEO-1.2: Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.	Project sponsor to submit to City applicable provisions of construction contracts including applicable requirements.	Project sponsor/ project contractor	City Planning & Inspection Division	During construction
GEO-1.3: Vegetation in disturbed areas shall be replanted as quickly as possible.	Project sponsor to submit to City applicable provisions of construction contracts including applicable requirements.	Project sponsor/ project contractor	City Planning & Inspection Division	During construction
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1.1: In accordance with federal, state, and local regulations, ACM and ACCM	Asbestos abatement	Project	City Planning	Prior to

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must be removed by a licensed asbestos abatement contractor from the structures prior to renovation/demolition.	contractor to remove ACM and ACCM	sponsor/ licensed asbestos abatement contractor	& Inspection Division	renovation/ demolition
HAZ-1.2: Disturbance to unidentified suspect ACMs not mentioned in this report should be avoided until a certified asbestos building inspector can survey and assess the disposition of such materials.	Certified asbestos building inspector to survey and assess the disposition of unidentified suspect ACMs.	Project sponsor/ certified asbestos building inspector	City Planning & Inspection Division	Prior to renovation/ demolition
HAZ-1.3: During demolition activities, all building materials containing LBP should be performed by a contractor who has the experience and expertise in LBP abatement, handling, and disposal. Construction work where an employee may be occupationally exposed to lead in any amount must comply with 29 CFR 1926.62 (8 CCR 1532.1 in California). Additionally, lead containing waste must be characterized and profiled for proper disposal according to applicable federal, State and local regulations.	Contractor to perform LBP abatement, handling, and disposal.	Project sponsor/project contractor	City Planning & Inspection Division	During demolition activities
HYDROLOGY AND WATER QUALITY				
HYDRO-1.1: Prior to construction of the project, the City shall require the project applicant and/or contractors for the project to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the project applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for: <ul style="list-style-type: none"> • Soil stabilization practices, • Sediment control practices, • Sediment tracking control practices, • Wind erosion control practices, and • Non-storm water management and waste management and disposal control practices. 	Project sponsor to submit SWPPP and NOI to State of California Water Resource Quality Control Board.	Project sponsor/ project contractor	Department of Public Works	Prior to construction

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HYDRO-1.2: Prior to issuance of a grading permit, the project applicant and/or contractors shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the Department of Public Works. The project applicant and/or contractors shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.	Project sponsor to submit NOI and Erosion Control Plan to the Department of Public Works.	Project sponsor/ project contractor	Department of Public Works	Prior to issuance of grading permit
HYDRO-1.3: The project shall comply with City of Santa Clara ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.	Project sponsor to comply with City of Santa Clara ordinances and maintain adjacent streets free of dirt and mud.	Project sponsor/ project contractor	Department of Public Works	During construction
HYDRO-1.4: The project shall comply with the municipal NPDES permit issued to the City of Santa Clara.	Project sponsor to comply with the municipal NPDES permit issued to the City.	Project sponsor/ project contractor	Department of Public Works	During construction
HYDRO-2.1: When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction shall 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.	Project sponsor shall file a NOT with the San Francisco Bay RWQCB and the City.	Project sponsor	Department of Public Works	Upon completion of construction
HYDRO-2.2: All post-construction Treatment Control Measures (TCMs) shall be installed, operated, and maintained by qualified personnel. On-site inlets shall be cleaned out a minimum of once per year, prior to the wet season.	Project sponsor to install, operate, and maintain TCMs and clean out on-site inlets.	Project sponsor/ project contractor	Department of Public Works	During operation
HYDRO-2.3: 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.	Project sponsor to keep a maintenance and inspection schedule and record.	Project sponsor/ project contractor	Department of Public Works	During operation
NOISE				
NOI-1.1: The project applicant shall prepare and implement measures to ensure that	Project sponsor to	Project sponsor	Director of	Prior to

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<p>outdoor mechanical equipment does not generate noise levels in excess of the City's applicable noise standard for the applicable zoning category (i.e. 75 dBA noise standard at the nearest heavy industrial uses, 65 dBA at the nearest commercial land uses, and 55 dBA at the nearest residential land uses). All sound, noise, or vibration measurements shall be taken at the closest point to the noise or vibration source on the adjacent real property, or on any other property, affected by the noise or vibration. Measures included in this noise control plan that could help to accomplish this standard include, but are not limited to:</p> <ul style="list-style-type: none"> • Installing sound enclosures or barriers around noise-generating mechanical equipment (including but not limited to emergency generators and pumps). The generators may need to be fully enclosed to meet the applicable noise standards. • Reducing the number of generators tested at once. • Utilizing mufflers to reduce noise from mechanical equipment, and • Utilizing quieter equipment (e.g. smaller, quieter generators) that meets this standard. <p>Prior to the issuance of an occupancy permit, the project applicant shall prepare a report, identifying measures that shall be implemented to ensure that exterior noise levels from mechanical equipment comply with the City's noise standards, to the satisfaction of the Director of Community Development.</p>	<p>submit report identifying measures that will be implemented to ensure that exterior noise levels from mechanical equipment will comply with the City's noise standards (i.e. 75 dBA noise standard at the nearest heavy industrial uses, 65 dBA at the nearest commercial land uses, and 55 dBA at the nearest residential land uses).</p>		Community Development	issuance of occupancy permit

TRIBAL CULTURAL RESOURCES

<p>TCR-1.1: A Secretary of the Interior-qualified archaeologist and a Native American cultural resources monitor shall be on site to monitor grading of native soil once all pavement is removed from the project site. The project applicant shall submit the name and qualifications of the selected archaeologist and Native American monitor to the Director of Community Development prior to the issuance of a grading permit. Preference in selecting Native American monitors shall be given to Native Americans with:</p> <ul style="list-style-type: none"> • Traditional ties to the area being monitored. • Knowledge of local historic and prehistoric Native American village sites. • Knowledge and understanding of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq. • Ability to effectively communicate the requirements of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq. • Ability to work with law enforcement officials and the Native American 	<p>Archaeologist and Native American monitor (retained by the project sponsor) to monitor grading and ground disturbing activities after removal of pavement. Project sponsor shall provide name and qualifications of archaeologist and Native American monitor prior to issuance of a grading permit.</p>	<p>Project sponsor/qualified archaeologist/Native American monitor</p>	<p>Director of Community Development</p>	<p>Prior to issuance of a grading permit</p>
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<p>Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.</p> <ul style="list-style-type: none"> • Ability to travel to project sites within traditional tribal territory. • Knowledge and understanding of Title 14, California Code of Regulations, Section 15064.5. • Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding CEQA mitigation provisions. • Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory. • Knowledge and understanding of archaeological practices, including the phases of archaeological investigation. <p>After removal of pavement and prior to grading, the archaeologist shall conduct a pedestrian survey over the exposed soils to determine if any surface archaeological manifestations are present. The archaeologist shall monitor full-time all grading and ground disturbing activities in native soils associated with construction of the proposed project. If the archaeologist and Native American monitor believe that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and a summary of monitoring results shall be provided to the Director of Community Development. Department of Recreation 523 forms shall be submitted along with the report for any cultural resources encountered over 50 years old.</p> <p>TCR-1.2: In the event that prehistoric or historic resources are encountered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped, the Director of Community Development shall be notified, and a Secretary of the Interior-qualified archaeologist shall examine the find, and record the site, including the field notes, measurements, and photography for a Department of Recreation 523 Primary Record form. The archaeologist, in consultation with the Native American monitor, shall make a recommendation regarding eligibility for the California Register of Historical Resources, a determination if the resource is also a tribal cultural resource, data recovery, curation, or other appropriate mitigation. Ground disturbance within the 50-foot radius can resume once these steps are taken and the Director of Community Development has concurred with the recommendations. Within 30 days of the completion of construction or cultural resources monitoring, whichever comes first, a report of findings documenting any cultural resource finds, recommendations, data recovery efforts, and other pertinent information gleaned during cultural resources monitoring shall be submitted to the</p>	Archaeologist or Native American Monitor (retained by the project sponsor) shall make recommendations and report of findings, if necessary.	Project sponsor/qualified archaeologist/Native American monitor	Director of Community Development	During Construction

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Director of Community Development. Once finalized, this report shall be submitted to the Northwest Information Center at Sonoma State University.				
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TCR-1.4: Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program training to all existing and any new employees. This training should include: a discussion of applicable laws and penalties under the laws; samples or visual aids of artifacts that could be encountered in the project vicinity, including what those artifacts may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery.	Project sponsor/ project contractor to provide a Worker Environmental Awareness Program training to all workers.	Project sponsor/ project contractor	City Planning & Inspection Division	Prior to, and during, ground disturbing activities.