

6. Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Hamptons Redevelopment Project. The purpose of the MMRP is to ensure the implementation of project-specific 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 Cupertino 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 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>Mitigation Measure AQ-1a: The project’s construction contractor shall comply with the following Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) for reducing construction emissions of fugitive dust (PM₁₀ and PM_{2.5}):</p> <p>Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should 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 should be used whenever possible.</p> <p>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.</p> <p>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <ul style="list-style-type: none"> ▪ 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. ▪ 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. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour (mph). ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways 	Applicant	During construction	City of Cupertino Public Works Department	Plan Review and Approval	During scheduled construction site inspections

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<p>Mitigation Measure AQ-1b: During construction, the construction contractor(s) shall use construction equipment fitted with engines that meet the United States Environmental Protection Agency (US EPA)-Certified Tier 3 emissions standards for equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or their designee. The construction equipment list shall state the makes, models, and number of construction equipment onsite. Equipment shall properly service and maintain construction equipment in accordance with the manufacturer’s recommendations. The construction contractor shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule 2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for US EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.</p>	Applicant	During construction	City of Cupertino Public Works Department	Plan Review and Approval	During scheduled construction site inspections
<p>Mitigation Measure AQ-2: Implement Mitigation Measure AQ-1b.</p>	Applicant	During Construction	City of Cupertino Public Works Department	Plan Review Approval	During scheduled construction site inspections
BIOLOGICAL RESOURCES					
<p>Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction 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</p>	Applicant	Prior to construction During construction	Qualifying biologist in consultation with California Department of Fish and Wildlife as needed	Preconstruction Survey	Once for survey; ongoing if nesting birds identified and until they have left the nest

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<p>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 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 California Department of Fish and Wildlife. 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>					
CULTURAL RESOURCES					
<p>Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to</p>	Applicant	During construction	Consulting archeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed

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mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.					
Mitigation Measure CULT-2: 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 excavation plan shall be submitted to the City for review and approval prior to implementation.	Applicant	During construction	Consulting paleontologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed
Mitigation Measure CULT-3: Implement Mitigation Measure CULT-1.	Applicant	During construction	Consulting archeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed
GEOLOGY AND SOILS					
Mitigation Measure GEO-1: The project applicant shall adhere to the seismic design criteria for the maximum estimated ground shaking (i.e., peak ground acceleration of 0.58 gravity (g) as recommended in the recent 2015 geotechnical investigation for the proposed project.	Applicant	During construction	City of Cupertino Public Works Department	Plan Review and Approval	During scheduled construction site inspections

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Mitigation Measure GEO-2: Prior to issuing building permits, the City shall require the project applicant to consult with a corrosion protection engineer in order to develop specific recommendations regarding corrosion protection for buried metal pipe or buried metal pipe-fittings. The project applicant shall implement the recommendations during construction to be verified by the City's Building Department.	Applicant	Prior to construction During construction	City of Cupertino Public Works Department	Plan Review and Approval	During scheduled construction site inspections