

Appendix L

Mitigation Monitoring and Reporting Program

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Mitigation Measure (MM)	Implementing Responsibility	Monitoring Responsibility	Timing*	Verification of Compliance (Initials/Date)
<i>Aesthetics</i>				
<p>AQ — 1: Prior to issuing construction permits, the City of Union City shall specify on all grading, building, and other construction permits for the project, implementation of the following Basic Construction Mitigation Measures:</p> <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 off-site 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 roads 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 the California Code of Regulations). 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 checked by a certified visible emissions evaluator. 	City of Union City	City of Union City	Prior to and During Construction	

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<ul style="list-style-type: none"> 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. 				
Biological Resources				
<p>BIO — 1: Prior to any ground-disturbing or vegetation clearing and grubbing activities occurring during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities. The survey area shall include suitable raptor nesting habitat within 300 feet of the limits of disturbance (inaccessible areas outside of the project site can be surveyed from the site or from public roads using binoculars or spotting scopes). If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:</p> <ul style="list-style-type: none"> A suitable buffer (e.g., 300 feet for raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted. 	City of Union City/Qualified Biologist	City of Union City	Prior to and During Construction	

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BIO – 2: Prior to removal of existing trees in the project site, the applicant shall obtain a tree permit from the Union City Public Works Division. Replacement trees shall be planted if required as a condition of the tree removal permit.	Applicant	City of Union City	Prior to Construction	
Cultural Resources				
CUL – 1: The City of Union City shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant’s responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.	City of Union City and Contractor	City of Union City and Contractor	Prior to and During Construction	
CUL – 2: In the event that cultural resources are exposed during ground-disturbing activities, construction activities should be halted in the immediate vicinity of the discovery. If the site cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards should then be retained to evaluate the find’s significance under the California Environmental Quality Act (CEQA). If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the City of Union City.	City of Union City and Contractor	City of Union City and Contractor	During Construction	

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<p>CUL – 3: The discovery of human remains is always a possibility during a project. If such an event did occur, the specific procedures outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, must be followed:</p> <ol style="list-style-type: none"> 1. All excavation activities within 60 feet of the remains will immediately stop, and the area will be protected with flagging or by posting a monitor or construction worker to ensure that no additional disturbance occurs. 2. The project owner or their authorized representative will contact the Alameda County Coroner. 3. The coroner will have two working days to examine the remains after being notified in accordance with HSC 7050.5. If the coroner determines that the remains are Native American and are not subject to the coroner’s authority, the coroner will notify NAHC of the discovery within 24 hours. 4. The Native American Heritage Commission will immediately notify the Most Likely Descendant, who will have 48 hours after being granted access to the location of the remains to inspect them and make recommendations for their treatment. Work will be suspended in the area of the find until the City approves the proposed treatment of human remains. 	<p>City of Union City and Contractor</p>	<p>City of Union City and Contractor</p>	<p>During Construction</p>	

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<i>Geology and Soils</i>				
GEO – 1: Recommendations identified in the geotechnical engineering investigation and other geotechnical studies for the project shall be applied to the final design of the proposed project, as applicable and as considered by the project engineer.	City of Union City and Applicant	City of Union City and Applicant	Final Design	
GEO – 2: If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology.	City of Union City and Contractor	City of Union City and Contractor	During Construction	
<i>Hazards and Hazardous Materials</i>				
HAZ - 1: The City of Union City shall ensure that grading plans, other improvement plans and building permits include a statement specifying that if hazardous materials contamination is discovered or suspected during construction activities, then all work shall stop immediately until the Union City Environmental Programs Division has determined an appropriate course of action. Such actions may include, but would not be limited to, site investigation, human health and environmental risk assessment, implementation of a health and safety plan, and remediation and/or site management controls. Any site investigation and recommendations for mitigation, as necessary, shall be completed by a qualified professional and submitted to the City.	City of Union City and Contractor	City of Union City and Contractor	Prior to and During Construction	

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<p>Construction workers shall receive on-site training regarding the potential for previously unknown and/or residual soil or groundwater contamination to be present. Training shall be conducted by a qualified professional in hazardous materials handling. The training shall identify the appropriate steps to be taken by the contractor upon discovery of potentially contaminated material.</p> <p>In the event previously unknown and/or residual contaminated soil, groundwater, or subsurface features are encountered, work on-site shall cease immediately, and the applicant's contractor and/or qualified professional shall notify the Union City Planning and Environmental Programs Divisions.</p> <p>Applicant shall make all required reports to regulatory agencies in the event that possible contamination is discovered. The Union City Environmental Programs Division shall be responsible for assessing the degree of compliance and the effectiveness of risk mitigation efforts required by regulatory agencies, and reporting to the planning Division whether risks have been satisfactorily abated in accordance with the requirements of this measure.</p> <p>Activities that involve soil disturbance or that intercept groundwater shall not resume on the site until the Union City Environmental Programs Division has determined further work would not pose an unacceptable human health or environmental risk, based on documentation developed by the applicant's qualified professional and provided to the Union City Environmental Programs Division.</p>				

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Hydrology and Water Quality				
<p>WQ – 1: Prior to issuance of a grading permit, the project applicant shall submit a Stormwater Control Plan (SCP) for review and approval by the Union City Public Works Department. The SCP shall be implemented throughout project construction. The SCP shall describe construction stormwater best management practices (BMPs) that will be implemented to minimize the migration of sediments off-site. Typical construction BMPs can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosion-reduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds. The applicant shall also demonstrate that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the site, in compliance with the Municipal Regional Stormwater Permit or the applicant will be subject to payment of in-lieu fees.</p> <p>The applicant shall execute and implement an operations and maintenance agreement (O&M) with the City of Union City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. The requirements stipulated in the O&M agreement shall apply to current and all future owners of the project. Prior to issuance of the certificate of occupancy, the applicant</p>	<p>City of Union City and Applicant</p>	<p>City of Union City</p>	<p>Prior to Construction</p>	

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shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the requirements stipulated in the O&M agreement.				
WQ – 2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur unless approved erosion control measures are in place.	City of Union City and Contractor	City of Union City and Contractor	Construction	
<i>Transportation/Traffic</i>				
TRANS-1 Prior to the City of Union City and the City of Hayward issuing encroachment permits for the utility relocation and median improvements on Whipple Road, the Contractor shall prepare and submit to both Cities for approval a traffic control plan consistent with the requirements of the City in which the traffic control activities will occur during construction. In all instances, traffic flow through Whipple Road and Amaral Street shall be maintained for the duration of construction.	City of Union City and Contractor	City of Union City and Contractor	Prior to Encroachment Permits and During Construction	