

**Mitigation Monitoring and Reporting Program  
for the  
17338 Langton Way Digital Billboard Project  
Initial Study/Mitigated Negative Declaration  
Alameda County, California**

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## **PREFACE**

Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, Alameda County (lead agency) hereby finds that the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) will reduce or avoid the potentially significant impacts of the proposed project to the extent feasible for the reasons described in the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) and administrative record. The lead agency intends for each of the mitigation measures to be adopted as recommended in the Draft IS/MND. In the event of any inconsistencies between the mitigation measures set forth in the Draft IS/MND and the MMRP, the MMRP shall control.

This MMRP does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.



**Table 1: 17338 Langton Way Digital Billboard Project Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<b>3.2 Aesthetics</b>					
<b>MM AES-1:</b> The new digital billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.	Review of project plans	Prior to issuance of permits	Alameda County Planning Department		
<b>MM AES-2:</b> The signage operational lighting parameters shall be provided to Alameda County Planning Department for review and approval prior to regular operation of the light-emitting diode (LED) billboard, and shall be implemented by the applicant to ensure that no residents or drivers will be adversely affected or impacted by trespass glare lighting.	Review of project plans	Prior to operation	Alameda County Planning Department		
<b>3.2 Air Quality</b>					
<b>MM AQ-1:</b> All off-road construction equipment greater than 50 horsepower must be equipped with engines meeting the United States Environmental Protection Agency (EPA) Tier III emission standard.	On-site inspection	During construction	Grading and Building Inspection Departments		
<b>3.3 Biological Resources</b>					
<b>MM BIO-1: Migratory Birds</b> <ul style="list-style-type: none"> <li>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 through August.</li> <li>If it is not possible to schedule billboard removal between September and January, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 7 days prior to the initiation of demolition activities to verify the absence of active nests.</li> </ul>	Confirm requested timing for construction	Prior to construction	Alameda County Planning Department; Qualified Biologist		

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<ul style="list-style-type: none"> <li>If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species) or alteration of the construction schedule.</li> </ul> <p>A qualified Biologist shall determine an appropriately sized buffer around the active nest depending on the species. The applicant shall implement the buffer using environmentally sensitive area fencing, pin flags, and or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.</p>					
<p><b>3.4 Cultural Resources and Tribal Cultural Resources</b></p>					
<p><b>MM CUL-1:</b> In the event a significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for Archaeology has evaluated the situation. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation</p>	<p>Review of construction specifications; on-site inspection/monitoring; provision of Section 15064.5 permit(s); review of data recovery plan</p>	<p>During construction and earthwork activities or in the event resources are found</p>	<p>Alameda County Planning Department; Qualified Archaeologist; project applicant; construction contractor</p>		

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<p>(DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified Archaeologist. Significant cultural resources include stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. The Archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to Alameda County, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), if required.</p>					
<p><b>MM CUL-2:</b> In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the</li> </ol>	<p>Review of NAHC correspondence; on-site inspection/monitoring by City and applicant; County notification if human remains encountered County Coroner contacts NAHC and submits NAHC correspondence to County</p>	<p>Prior to construction and earthwork activities and in the event human remains are found during site disturbance/ construction; during construction</p>	<p>Alameda County Planning Department; Project applicant; construction contractor; Alameda County Office of the Sheriff; Coroner’s Division; NAHC</p>		

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<p>landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p> <p>2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> <li>• The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC.</li> <li>• The descendant identified fails to make a recommendation.</li> <li>• The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> <li>• Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</li> <li>• When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.</li> </ul>					



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<b>3.6 Geology and Soils</b>					
<p><b>MM GEO-1:</b> In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find 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 activities can resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the County of Alameda for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the plan.</p>	<p>Project contractor shall notify a qualified paleontologist to examine the discovery; on-site inspection</p>	<p>Prior to issuance of grading permit; during construction activities</p>	<p>Alameda County Planning Department; County Geologist; project applicant; construction contractor</p>		
<b>3.8 Hazards and Hazardous Materials</b>					
<p><b>MM HAZ-1:</b> The following measures shall be implemented during billboard removal activities to reduce potential impacts to construction workers associated with lead-based paint or other hazardous building materials (e.g., Universal Wastes):</p> <ul style="list-style-type: none"> <li>In conformance with State and local laws, including California Health and Safety Code Section 19827.5, a visual inspection and possible sampling shall be completed prior to the removal of the billboard structures to determine the presence of asbestos, lead-based paint, or other hazardous building materials.</li> </ul>	<p>Qualified licensed professional to remove and dispose of materials; on-site inspection</p>	<p>During construction/billboard removal activities; during construction</p>	<p>Alameda County Planning Department; project applicant; qualified licensed professional</p>		

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<ul style="list-style-type: none"> <li>• If this assessment finds presence of such materials, the applicant shall create and implement a health and safety plan to ensure workers are not exposed to contaminants in excess of Occupational Safety and Health Administration (OSHA) and other applicable State and federal standards and associated risks associated with hazardous materials during demolition, renovation of affected structures, transport, and disposal.</li> <li>• During billboard removal activities, all materials containing lead-based paint shall be removed in accordance with California Occupational Safety and Health Administration (Cal/OSHA) Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control.</li> <li>• During billboard removal activities, all materials containing asbestos shall be handled and removed by qualified professionals in accordance with applicable regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2; Title 22, California Code of Regulations, Section 66261.24; Title 8, California Code of Regulations, Section 1532.1; and Title 40, Code of Federal Regulations, Part 745.</li> <li>• Any debris or soil containing asbestos, lead-based paint, or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.</li> </ul>					
<p><b>MM HAZ-2:</b> The soil excavated from the site will be placed in roll-off bins and additional sampling will be conducted (at a rate of one composite sample per 250 cubic yards) to develop a waste profile for special handling and disposal, unless a licensed receiving facility accepts the soil without further testing. Prior to disposal, additional sampling of groundwater extracted during dewatering activities will be completed to develop a waste profile for special handling and disposal. If contamination in excess of regulatory levels is detected, soil</p>	Soil and groundwater testing	During construction and earthwork activities	Alameda County Environmental Health Agency; Alameda County Waste Management Authority.		

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<p>materials and groundwater will be disposed of in accordance with State regulations for hazardous waste.</p> <p>Soil and other hazardous materials removed from the site shall be characterized and disposed of according to the Alameda County Waste Management Authority. Contaminated soil and groundwater that exceeds regulatory thresholds shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State, and federal laws. If soil or groundwater to be removed from the site is found to be contaminated, it shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p>					
<b>3.13 Noise</b>					
<p><b>MM NOI-1:</b> Implementation of the following multi-part mitigation measure is required to ensure reduction of potential construction period noise impacts:</p> <ul style="list-style-type: none"> <li>• Limit construction activities on the project site to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and to 8:00 a.m. to 5:00 p.m. Saturday and Sunday. Construction shall not occur on holidays.</li> <li>• The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers that are in good condition and appropriate for the equipment.</li> <li>• The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.</li> <li>• The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>• At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable</li> </ul>	Record in contract specifications; periodic on-site inspection and monitoring	During construction	Alameda County Sheriff; Alameda County Building Inspection; Alameda County Planning Department		

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<p>from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.</p> <ul style="list-style-type: none"> <li>• The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.</li> <li>• Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</li> </ul>					