

5 Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6(a)(1) requires that a Lead Agency adopt a Mitigation Monitoring and Reporting Program (MMRP) before approving a project in order to mitigate or avoid significant impacts that have been identified in an Environmental Impact Report (EIR). The purpose of the MMRP is to ensure that the required mitigation measures identified in the EIR are implemented as part of the overall project development process. In addition to ensuring implementation of mitigation measures, the MMRP provides guidance to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs. The MMRP must be adopted when the City Council makes a final decision on the project.

The following table summarizes the mitigation measures identified in the Final EIR for the 2040 Union City General Plan. Specifically, the table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring conditions; and the agency or party responsible for ensuring that the monitoring is performed. A pencil symbol (✎) next to a mitigation measure denotes that the measure is to add or amend a 2040 General Plan policy. Once completed, all monitoring actions will be reported in writing to or by the City, which will maintain mitigation monitoring records for the proposed project.

Mitigation Measure	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Air Quality							
<p>MM AQ-1 Health Risk Assessment While BAAQMD recommends that a Lead Agency quantify the existing and added health risks to new sensitive receptors or for new sources, the 2040 General Plan does not include a policy that would reduce potential health risks for new sensitive receptors from exposure to TACs and PM_{2.5}. Therefore, the Lead Agency must implement Bay Area Air Quality Management District (BAAQMD) CEQA <i>Air Quality Guidelines</i> and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRAs) for new residential development and other sensitive receptors. HRAs would be required as defined in the BAAQMD CEQA <i>Air Quality Guidelines</i>, when new residential development and other sensitive receptors are proposed to be built within 1,000 feet of sources of toxic air contaminants, including freeways and roadways with over 10,000 vehicle trips per day.</p>	<p>Conduct HRAs for new residential development and other sensitive receptors.</p> <p>If necessary, implement all measures in the HRA, such as air filtration systems by including them in the development plan.</p>	<p>During permitting review of new residential development and other sensitive receptors.</p>	<p>Once during plan review and once prior to operation</p>	<p>Planning Division</p>			
Biological Resources							
<p>MM BIO-1 Nesting Bird Protection Policy Add the following policy to the 2040 General Plan Resource Conservation Element as Policy RC-2.10: <i>The City shall require project applicants to retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) prior to all new development that may remove any trees or vegetation that may provide suitable nesting habitat for migratory birds or other special-status bird species. If nests are found the qualified biologist(s) shall identify</i></p>	<p>Verify that the policy has been added to the 2040 General Plan Update</p>	<p>Prior to approval of the 2040 General Plan Update</p>	<p>Once</p>	<p>Planning Division</p>			

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<i>appropriate avoidance measures, and these measures shall be incorporated into the project and implemented accordingly.</i>							
Cultural Resources							
<p>MM CR-1 Cultural Resources Study Implementation Program</p> <p>Add the following Implementation Program to the 2040 General Plan Resource Conservation Element: <i>If a project requires activities that have the potential to impact cultural resources, the City shall require the applicant to applicant retain a qualified archaeologist meeting the Secretary of the Interior’s (SOI) Professional Qualification Standards (PQS) in archaeology and/or an architectural historian meeting the SOI PQS standards in architectural history to complete a Phase 1 cultural resources inventory of the project site (NPS 1983). A Phase 1 cultural resources inventory should include a pedestrian survey of the project site and sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research should include a records search conducted at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search conducted with the Native American Heritage Commission (NAHC). The technical report documenting the Phase 1 cultural resources inventory shall include recommendations to avoid or reduce impacts to cultural resources. These recommendations shall be implemented and incorporated in the project.</i></p>	Verify that the Implementation Program has been added to the 2040 General Plan Update	Prior to approval of the 2040 General Plan Update	Once	Planning Division			
Geology & Soils							

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<p>MM GOE-1 Protection of Paleontological Resources</p> <p>Incorporate the following policy into the 2040 General Plan Update:</p> <p><i>Require avoidance and/or mitigation for potential impacts to paleontological resources for any development in Union City that occurs within high sensitivity geologic units, whether they are mapped at the surface or occur at the subsurface. High sensitivity geology units include Great Valley Sequence (Panoche and Knoxville Formations), Monterey Group (Claremont Shale and Hambre Sandstone), Briones Formation, Orinda Formation, and Pleistocene age alluvial fan and fluvial deposits. When paleontological resources are uncovered during site excavation, grading, or construction activities, work on the site will be suspended until the significance of the fossils can be determined by a qualified paleontologist. If significant resources are determined to exist, the paleontologist shall make recommendations for protection or recovery of the resource.</i></p> <p><i>The City shall require the following specific requirements for projects that could disturb geologic units with high paleontological sensitivity:</i></p> <ul style="list-style-type: none"> ▪ Retain a Qualified Paleontologist to Prepare a PMMP. Prior to initial ground disturbance in previously undisturbed strata of geologic units with high sensitivity, as shown on Figure 4.6-3, the project applicant shall retain a Qualified Paleontologist, as defined by the SVP (2010), to direct all mitigation measures related to 	<p>Verify that the policy has been added to the 2040 General Plan Update</p>	<p>Prior to approval of the 2040 General Plan Update</p>	<p>Once</p>	<p>Planning Division</p>			

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<i>paleontological resources and design a Paleontological Mitigation and Monitoring Program (PMMP) for the project. The PMMP shall include measures for a preconstruction survey, a training program for construction personnel, paleontological monitoring, fossil salvage, curation, and final reporting, as applicable.</i>							
Greenhouse Gas Emissions & Climate Change							
<p>MM GHG-1 Update to Climate Action Plan</p> <p>In accordance with Implementation Program RC-7.A of the 2040 General Plan, the City of Union City shall update its Climate Action Plan (CAP). The updated CAP shall contain goals, policies and programs to achieve GHG reduction targets for Union City and future development in the City consistent with SB 32 and demonstrate a trajectory towards meeting the reduction target in Executive Order S-3-05. Implementation measures in the updated CAP may include but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ Develop and adopt Zero Net Energy requirements for new residential and non-residential development ▪ Develop and adopt a building electrification ordinance ▪ Implement VMT reduction measures such as improvements to public transit, full buildout of the Pedestrian and Bicycle Master Plan, and incentivization of transit-oriented development ▪ Expand charging infrastructure for electric vehicles ▪ Implement carbon sequestration by expanding the urban forest, participating in 	Update the Union City Climate Action Plan (CAP) to achieve GHG reduction targets for Union City and future development in the City consistent with Senate Bill 32 and Executive Order S-3-05	Prior to approval of the Climate Action Plan Update	Once	Planning Division			

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soil-based or compost application sequestration initiatives, supporting regional open space protection, and/or incentivizing rooftop gardens <ul style="list-style-type: none"> ▪ Purchase carbon offsets from a validated source ▪ Policies and measures included in the California’s 2017 Climate Change Scoping Plan such as mobile source strategies for increasing clean transit options and zero emissions vehicles by providing vehicle charging stations. 							
Noise							
MM N-1 Construction Noise Reduction For projects involving impact pile-drivers that are located within 400 feet of noise-sensitive receptors, projects involving sonic pile-drivers that are located within 200 feet of construction, and projects without pile-driving that are located within 175 feet from noise-sensitive receptors, the following mitigation would be required: <ul style="list-style-type: none"> • Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors. • Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. • Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise 	Inspect project site to ensure noise reduction measures are being implemented.	During project construction	Periodically during project construction	Planning Division			

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<p>levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</p> <ul style="list-style-type: none"> Additional Noise Attenuation Techniques. During the clearing, earth moving, grading, and foundation/conditioning phases of construction, temporary sound barriers shall be installed and maintained between the construction site and the sensitive receptors. Temporary sound barriers shall consist of sound blankets affixed to construction fencing or temporary solid walls along all sides of the construction site boundary facing potentially sensitive receptors. 							