

MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED  
TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS  
AND PERMITEES

FOR THE

TIBURCIO VASQUEZ HEALTH CENTER  
ALAMEDA COUNTY, CALIFORNIA

**MM-AES-1:** Prior to submittal of plans to the Building Inspection Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the medical office building and associated parking lot that are designed to minimize glare and light spillover to adjacent properties,.

The County shall ensure that final design plans include light fixtures that are downcasting and low mounted to reduce light trespass onto adjacent properties. An exterior lighting and illumination plan will be required to show lumens on the lot and adjacent properties; lighting onsite shall not exceed by more than five (5) percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the medical building.

**MM-AIR-1** During construction activities, the following air pollution control measures identified in the BAAQMD CEQA Guidelines shall be implemented:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
- Suspend excavation and grading activity when sustained winds exceed 25 mph.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

**MM BIO-1**

Pursuant to the Migratory Bird Treaty Act and California Department of Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside of the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. Construction generally occurs during the dry season in the spring and summer months (during nesting season) to avoid inclement weather. If construction is planned during the nesting season (between February and August), the Applicant shall conduct pre-construction presence/absence surveys to determine if any birds are nesting within or adjacent to the project site. A write-up regarding the survey findings shall be submitted to the County for approval prior to construction.

A qualified biologist shall conduct a pre-construction survey for nesting migratory birds within all suitable habitat on the project site, and within 250 feet of the project site. The pre-construction survey shall be conducted within 15-days of the beginning of project related activities if construction occurs within the nesting season. If an active nest is discovered during the pre-construction survey, the survey will propose species-specific mitigation measures to be utilized during construction including but limited to the incorporation of appropriate buffers during construction. No construction activities shall encroach within the identified buffer. If construction activities must occur within the buffer with the active nest, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.

**MM CUL-1**

It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried historic resources. In the event that buried historic resources are discovered during construction, operations shall stop within

50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Historic resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

**MM CUL-2**

It is always possible that ground-disturbing activities during construction may uncover previously unknown, archaeological resources. In the event that archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to, excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

**MM CUL-3**

In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

**MM CUL-4**

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human 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 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 PRC Section 5097.98.
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - 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.

**MM-GEO-1**

Subject to to review and approval by the County Public Works Agency, the following construction treatments are identified to address the potential for liquefaction: In order to increase the rigidity of the foundation, the continuous footings shall be reinforced either with two No. 5 rebars both top and bottom, or with stiffened grade beams with the same reinforcing. Floor slabs shall also be reinforced using No. 4 reinforcing bars 18 inch on center running in both

directions with the slab securely connected to perimeter foundations using No. 5 rebars at 24-inch intervals.

**MM-GEO-2** The Applicant shall address the related risks of differentials settlement and expansive soils by designing the foundations, structural bearing walls and beams, and underground utility connections to include the appropriate features. Design features include but are not limited to tying isolated column footings to concrete flatwork slabs, compacting subgrade soils to meet appropriate water-content guidelines, use of capillary breems and/or vapor barriers and similar measures. Pavement areas shall be designed to withstand severe seismic disruption, with appropriate compaction, site preparation, grading, drainage, utility trenching, pipe bedding, and concrete work. The contractor shall enable the authors of the geotechnical engineering study to review the final project plans prior to construction and report to the Department of Public Works on the adequacy of the plans.

**MM-HAZ-1** Prior to the issuance of building permits, the Applicant shall prepare a hazardous waste plan that identifies disposal methods in compliance with applicable federal, state, county, regulations including the Department of Toxic Substances Control (DTSC) regulations pertaining to hazardous waste. The hazardous waste plan shall be prepared pursuant to CUPA guidelines. Additionally, prior to the issuance or building permits, the Applicant shall prepare a hazardous material transportation program.

**MM-LU-1** The applicant shall apply for a Conditional Use Permit (CUP) from the County. The CUP will include a special study to analyze the following findings:

- Is the granting of the Use Permit necessary to allow development to occur?
- Does the project result in significant positive Economic Development impacts such as: increase sales tax and/or property tax revenue; or provide living wage jobs; or provide a needed service or product not available nearby in the corridor; or include local hiring practices and/or apprenticeship program?
- Are there project amenities and exceptional design features integrated into the project to support ACBD Specific Plan sustainability goals?
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- Does the project promote the goals and land use objections of the Eden Area General Plan regarding primary and secondary uses?
- Has the project been the subject of adequate environmental analysis pursuant to the California Environmental Quality Act?

**MM-USS-1**

In order to ensure compliance with the Urban Water Management Planning Act the project applicant shall submit building plans to the East Bay Municipal Utility District for review and approval that identify and include the following indoor and outdoor water conservation measures:

- Separate metering of domestic water.
- Low-flow or ultra-low-flow toilets and urinals.
- Faucet aerators or low-flow faucets in bathrooms.
- Plans depicting details of irrigation and plants used for landscaping

I, Cliff Sherwood, as the authorized agent on behalf of the Tiburcio Vasquez Health Center, hereby acknowledge and agree to incorporate the above listed mitigation measures into the project description.

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Cliff Sherwood

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Date