

RESOLUTION NO. 5143-17

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
APPROVING SITE DEVELOPMENT REVIEW, SD-17-003 AND USE PERMIT, UP-17-005 FOR THE DEVELOPMENT OF A 3.5 ACRE PARCEL (CURRENTLY CITY-OWNED PARKING LOT) WITH UP TO 443 MULTI-FAMILY MARKET RATE RESIDENTIAL UNITS (INCLUDING 11 RESIDENTIAL LOFTS AND 13 LIVE/WORK UNITS), ± 5,088 SQUARE FEET RETAIL SPACE, A SIX-LEVEL PARKING STRUCTURE, AND RELATED SITE IMPROVEMENTS AT 34302 11th STREET (APN 87-340-2)**

WHEREAS, Windflower Properties, LLC., as applicant, has submitted applications for Site Development Review (SD-17-003) for the development of a 3.5 acre parcel (currently City-owned parking lot) with up to 443 multi-family market rate residential units (including 11 residential lofts and 13 live/work units), ± 5,088 square feet retail space, a six-level parking structure, and related site improvements (APN 87-340-2); and

WHEREAS, the applicant is also requesting Use Permit (UP-17-005) approval for high density residential uses and live/work units, a building height greater than 65 feet, and a development modification related to storage space,

WHEREAS, the project site has a General Plan and Zoning designation of CSMU (Station Mixed Use Commercial); and

WHEREAS, the project plans are labeled Exhibit A, attached hereto and made a part hereof; and

WHEREAS, it has been determined that pursuant to Section 15162 and 15168 of the CEQA Guidelines, the proposed Windflower project is within the scope of the project and analysis in the Station District Mixed-use Development Project EIR (certified in November 2010 City Council Resolution 4072-10). All adopted mitigation measures continue to apply to the project and no further analysis is required. Also, no new information of substantial importance has been discovered requiring revisions to the impacts, mitigation measures or alternatives that were provided in the EIR. Finally, there have not been any substantial changes with respect to City policies or requirements that would require additional environmental analysis, which determined that the project would not result in any significant environmental impacts with the incorporation of mitigation measures.; and

WHEREAS, pursuant to Section 65353 of the Government code, the Planning Commission held a duly noticed public hearing on the project on October 19, 2017; and

WHEREAS, the Planning Commission recommended approval of the project, by Resolution number 11-17, dated October 19, 2017 and incorporated herein by reference, on a 5-0 vote with minor modifications to the conditions of approval; and

WHEREAS, subsequent to the Planning Commission public hearing, the applicant, Fei Tsen of Windflower Properties, requested several minor changes and clarifications to the recommended conditions of approval, as follows:

2. The approvals for SD-17-003 and UP-17-005 shall expire one (1) year from the City Council approval date, unless building permits have been issued and actual physical construction has commenced and been diligently pursued to completion, or unless a one (1) year extension is granted per Union City Municipal Code.
16. The applicant shall provide factory processed color finishes, such as baked enamel, on all exterior metal surfaces, unless otherwise approved by City staff. The City requires no-rust metal or no-rust coatings, unless otherwise approved by City staff.
23. The plans submitted for building permit issuance shall comply with CalGreen requirements including the provision of a service panel and conduit adequate to provide 40 amp charger service to 8 3 percent of the total parking spaces.
48. All restaurant facilities shall be equipped with ~~the most current technology~~ filtering devices sufficient to minimize odors and fumes emanating from such uses. The filtering devices shall be identified on the plans submitted for issuance of building permits, and shall be subject to the approval of the Chief Building Official.
54. Soils reports shall be provided for ~~each building the site.~~ The proposed building foundation design shall be reviewed by ~~either~~ the Geotechnical Engineer ~~or Civil Engineer~~ who prepared the soils investigation. A letter shall be provided to the Building Division that is stamped and signed by the engineer that verifies the foundation designs for each building have ~~has~~ been reviewed and found to be in conformance with the soil report requirements.
71. The applicant and/or property owner shall construct any proposed facilities, such as sidewalks, to match those that currently exist in the vicinity of the proposed development with regard to grade and design, including the brick banded sidewalk along 11th Street. ~~The existing architectural grade sidewalks consist of colored concrete that has been sand-blasted and sawcut with a 2'x2' grid pattern.~~
82. The applicant/property owner shall repave any street which is trenched to install utilities, such as Cheeves Way, Berger Way, Galliano Way and 11th St. The limits of paving will be determined by the City Engineer. ~~and may extend along the frontages of the entire block from intersection to intersection.~~
111. The applicant/property owner shall install a fire pump ~~(diesel), and~~ fire pump room ~~(if necessary and required), and~~ sprinkler/ standpipe system in accordance with California Fire Code and the NFPA standard for its design.

145. Plans submitted for building permit issuance shall show the provision of “video doorbells” or similar security measures in residential units with ground floor public access in all of the residential units. Design shall be subject to review and approval by the Police Department.

These changes are incorporated in the Conditions of Approval that follow; and

WHEREAS, a duly advertised public hearing was held before the City Council of the City of Union City on November 14, 2017 to consider the project.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED, that the City Council of the City of Union City does hereby find as follows:

CEQA

1. That the proposed project is within the scope of the previously certified EIR and that the EIR adequately describes the project for the purposes of CEQA. Also, no new information of substantial importance has been discovered requiring revisions to the impacts, mitigation measures or alternatives that were provided in the EIR. Finally, there have not been any substantial changes with respect to City policies or requirements that would require additional environmental analysis. Thus, pursuant to Section 15162 and 15168 of the CEQA Guidelines, the proposed Windflower Block 2 project is within the scope of the project and analysis in the November 2010 EIR and no further analysis is required. Mitigation measures that were part of the certified EIR are included as conditions of approval for this project (Conditions 146 through 166); and

Site Development Review

2. That approval of this project is consistent with General Plan policies guiding development in the Station District and included in the Economic Development Element, Land Use Element and Community Design Element to ensure development that takes advantage of transit, high-quality appearance and harmony between existing and new uses, while avoiding monotony in style, height and mass. The project is also consistent with the Decoto Industrial Park Study Area (DIPSA) as a mixed use, high density multifamily residential development with ground floor retail opportunities which will enhance the market base and create activity and vitality on a more than 8 hour a day basis.
3. The approval of this project with proposed conditions is consistent with the purpose of Title 18, which seeks to promote the public health, safety and the general welfare of the people; protect the character, and maintain the stability, of the surrounding residential and business areas; and to promote orderly and beneficial development. The project, with

conditions, is also consistent with the applicable requirements of the CSMU Zoning District, except for a variation to the development standards pursuant to a Use Permit as requested.

4. That approval of this project, with conditions, is consistent with the purpose of Site Development Review, which seeks to promote orderly, attractive and harmonious development, and the stability of land values. The project will enhance the Station District in conformance with other developed structures in the Station Commercial Mixed Use district.

Use Permit

5. That the proposed deviations to the height standards, high density residential uses and live/work units and a reduction in on-site storage are in accordance with the objectives of Title 18 and the purposes of the CSMU District. The proposed deviations would allow the project, with conditions, to be consistent with the purpose of Title 18, which seeks to promote the public health, safety, and the general welfare of the people; protect the character, and maintain the stability of the surrounding residential and business areas; and to promote orderly and beneficial development.
6. That the proposed mixed use development, live/work units, and increased building height will produce an environment of stable and desirable character consistent with the objectives of Title 18;
7. That the mixed-use development, live/work units, and increased building height will not result in a development that generates more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;
8. That the proposed project has been designed to complement and harmonize with the character of the surrounding Station District;

BE IT FURTHER RESOLVED that the City Council of the City of Union City hereby approves Site Development Review SD-17-003 and Use Permit UP-17-005 as set forth in Exhibit A, based upon the following conditions of approval:

Planning

1. All actual site improvements shall be made and maintained with strict adherence to plans marked Exhibit A, except as they may be modified by other conditions of approval listed below.
2. The approvals for SD-17-003 and UP-17-005 shall expire one (1) year from the City Council approval date, unless building permits have been issued and actual physical construction has commenced and been diligently pursued to completion, or unless a one (1) year extension is granted per Union City Municipal Code. .

3. The applicant and/or property owner's failure to adhere to any of the conditions of approval shall be cause for revocation of the Use Permit.
4. Prior to the issuance of building permits, the applicant and/or property owner shall submit any required funds to make all City deposit accounts current.
5. The applicant and /or property owner shall include an annotated copy of the approved City Council Resolution within each set of detailed construction plans submitted for plan check review. Notations to the plans shall be made to clearly indicate how all conditions of approval will be or have been complied with. Construction plans shall not be accepted without the annotated final conditions of approval included as a note sheet with each set of plans.
6. In compliance with the executed Disposition and Development Agreement, dated June 13, 2017, the following conditions of approval apply to the project:
 - (a) Scope of Development - The project will include the construction of: (i) approximately 443 units of market rate rental housing; (ii) common areas and facilities including a courtyard; and (iii) ground floor retail space in an amount of square footage that meets the minimum requirements of the Station District Plan.
 - (b) Parking Requirement - The project shall include at least one parking space per residential unit. There will be no parking requirement for the retail component of the project.
 - (c) Exemption for Inclusionary Housing Requirements. The project is not subject to the City's inclusionary affordable housing requirements because the affordable housing requirement that would be applicable to the development of Block 2 has already been satisfied by the construction of the affordable housing development, Station Center, within the Station District.
 - (d) Clean Water Regulations. – City and the developer will collaborate to ensure that the project design will facilitate compliance with State of California Clean Water regulations.
 - (e) LEED Gold Standard – The project shall be design to a minimum LEED Gold standard certification. (Approval of SD-17-003 does not make a determination on the LEED status of the project; but the building plan check construction drawings shall demonstrate LEED Gold compliance and construction.)
7. The applicant and/or property owner shall be responsible for the payment of all City fees as set forth in the Master Fee Schedule in effect at the time such fees are due and payable, except as otherwise modified by the executed Disposition and Development Agreement for the project, dated June 13, 2017.
8. The applicant and/or property owner shall pay the Capital Facilities Fee in effect at the time of building permit issuance.

9. The applicant and/or property owner shall pay a Park Facilities Fee in effect at the time of building permit issuance.
10. The applicant and/or property owner shall pay a Bedroom Tax in effect at the time of building permit issuance.
11. The applicant and/or property owner shall comply with the Art in Public Places Program. If the City Council approves the concept of a "Public Art" screen for the Cheeves Way elevation of the garage, the applicant shall work with City staff to develop an acceptable design which will be subsequently reviewed and approved by the Public Art Board and the City Council prior to submittal for building permit issuance. Any required in-lieu fees shall be paid prior to building permit issuance.
12. The applicant and/or property owner shall pay the General Plan Cost Recovery Fee in effect at the time of building permit issuance.
13. The applicant and/or property owner shall be responsible for the knowledge of, and the payment of, all third party fees.
14. Prior to issuance of building permits, the applicant and/or property owner shall submit Maintenance Standards for review and approval by the Economic and Community Development Department, to ensure on-site maintenance and standards for the development's common areas, as well as those private unit areas that can be seen from the public right-of-way (balconies, for example). The Maintenance Standards shall also include contracting services with a professional management company for the day-to-day management of the development. The Maintenance Standards shall be filed with the County Recorder, and shall include, but shall not be limited to the following:
 - (a) Maintenance of all common areas and common improvements within the entire project (i.e. trees, landscaping, irrigation systems, perimeter walls, common area amenities, pool, resident storage areas, service areas, mechanical and electrical rooms, fire pump rooms, oil-water separators, stairs and elevators, garage aisles, laundry areas, etc.).
 - (b) Enforcement of "No Parking" areas in the garage.
 - (c) Maintenance of all fences and gates.
 - (d) Maintenance of landscaping in the public right-of-way fronting the project site.
 - (e) Where not covered by a landscape and lighting district, maintenance of all storm water pollution prevention measures.
 - (f) In the event the public right-of-way landscaping is not maintained to the satisfaction of the City, the City may, at its option, maintain the landscaping and charge the applicant and/or property owner, its heirs or successors, for the services performed.

- (g) The retail spaces on 11th Street shall be restricted to retail commercial uses, notwithstanding the provisions of the Disposition and Development Agreement (dated June 13, 2017).
 - (h) The applicant and/or property owner or manager shall not further restrict the non-residential uses in the live/work units, provided the uses are consistent with the Zoning Ordinance.
 - (i) Any graffiti appearing on the site shall be removed by the applicant or owner within forty-eight hours after discovery. If not removed in a timely manner, the City may, at its option, remove the graffiti and charge the applicant for the services performed.
 - (j) There shall be no outdoor display, outdoor storage or sale of products or supplies, placement of any item or installation of outdoor seating by an occupant of the live/work units, except when an Administrative Use Permit has been obtained. Live/work units along 11th Street that are used solely for residential purposes shall not place furniture or any other items outside.
 - (k) The applicant and/or property management shall ensure that all stoops and balconies are kept clutter-free at all times and are not used by occupants for storage or laundry-drying purposes. Bicycles and recreational equipment shall be stored in the areas dedicated for residential storage purposes.
 - (l) Interior windows treatments shall be consistent in type and color throughout the development, except the retail spaces on 11th Street.
 - (m) Maintenance of any trellis vines shall include regular pruning to cut away and remove dead and dying plant material at least on an annual basis.
15. The applicant/property owner shall submit exterior material and color schemes for review and approval by the Economic and Community Development Department prior to the issuance of building permits. The final color palette shall be approved by City staff and shall be generally consistent with Exhibit A. Materials shall be coordinated with the City's Graffiti Action Team, to simplify graffiti removal on-site. The color samples shall be full-size brush-outs as opposed to paint chips. Prior to the painting of the buildings, brush-outs of the approved colors shall be painted on the building for final approval. Any future amendments or changes to the approved painting schemes shall be submitted to the Economic and Community Development Department for approval prior to the repainting of any buildings or structures on the site.
16. The applicant shall provide factory processed color finishes, such as baked enamel, on all exterior metal surfaces, unless otherwise approved by City staff. The City requires no-rust metal or no-rust coatings, unless otherwise approved by City staff.
17. Should an architectural/green screen be required on the garage, the design and landscaping details of the garage façade along Cheeves Way shall be submitted to the

Economic and Community Development Department prior to the issuance of building permits, for review and approval, and shall address the following:

- a. In order to ensure screening of cars in the upper stories of the garage on the Cheeves Way elevation and provide an attractive garage façade, the applicant/property owner shall provide City staff with design options for architectural screening in addition to the green screen and shall work with City staff to achieve a solution for effective and attractive screening prior to building permit issuance.
- b. Because this elevation is highly visible from the adjacent lands to the northeast zoned Research and Development Campus (RDC) property, the garage façade design shall detail railings, finishes, trellis structures, etc. All metal trellising structures shall have a non-rusting finish and shall be designed to withstand the weather and the weight of the plant materials for the life of the project. Any exterior trellising and treatment shall also be reviewed and approved by the Building Division and the Fire Department.

Any future repairs or replacement of the trellis structures requires review and approval by the Economic and Community Development Department, the Building Division and the Fire Department.

18. The floors of any open air corridors shall be finished with a durable, weather-resistant material. The flooring material shall be subject to review and approval by the Economic and Community Development Department.
19. Heating and air conditioning shall be provided for each unit. Air conditioning units shall not be visible from the public right-of-way or adjacent properties. Individual window or wall air conditioning units shall not be allowed.
20. The applicant and/or property owner shall screen all meters, telecommunications equipment, roof equipment and appurtenant structures from public view including from Decoto Road due to the visual prominence of this building and proximity to this major thoroughfare, and shall maintain said screen(s). A detail of such screening shall be shown on the plans submitted for issuance of building permits along with a line-of-sight drawing demonstrating compliance with this condition. Prior to issuance of the Certificate of Occupancy, a final inspection by Planning is required to ensure conformance with this condition.
21. The applicant and/or property owner shall be responsible for ensuring that all contractors and subcontractors have obtained a valid City of Union City business license for the duration of the project.
22. Plans submitted for building permit issuance shall include details regarding the mail room meeting USPS standards.

23. The plans submitted for building permit issuance shall comply with CalGreen requirements including the provision of a service panel and conduit adequate to provide 40 amp charger service to 3 percent of the total parking spaces.
24. Trash, recycled materials and organics shall be picked up as needed. No outdoor storage of debris outside of the trash rooms is permitted.
25. If the applicant and/or property owner elects to construct the seven-story option for Building A, the applicant/developer shall work with City staff to further enhance the building elevations, prior to building permit issuance.
26. The applicant and/or property owner shall work with City staff to develop an acceptable design for the screen between the garage walkways and the cars in the garage prior to building permit issuance. The screen should extend from floor to ceiling of the walkways and should provide a visual barrier to block direct view of the parking decks.
27. The applicant and/or property owner shall submit to City Economic and Community Development staff a marketing plan for the live/work units that will market the units to commercial users.
28. Plans for the live/work units submitted for building permit issuance shall show the second-level loft of the live/work units not to exceed 18 feet or 55 percent over the first level.
29. Prior to issuance of building permits, plans for the consolidation of two or more live/work or flex loft units either at the time of original construction or future modification shall be submitted to the Economic and Community Development Department for review and approval.
30. GrassPave or any similar material shall not be used in any area used for Fire vehicle access or parking, and shall be eliminated from the Public Plaza design shown on Sheet L102. Plans submitted for building and grading permit issuance shall be updated accordingly.
31. Plans submitted for building permit issuance shall show retail commercial spaces located on either end of Building A designed to accommodate restaurant uses. Plans shall demonstrate that the building has been designed to accommodate necessary improvements including, but not limited to, adequate area for interior venting for exhaust and filtration systems and adequate area and infrastructure for oil/grease separator.
32. Plans submitted for building permit issuance shall show the provision of a climate-controlled Fiber/Telecommunications Room (TR) to house the fiber optic equipment that will serve the existing and proposed developments along 11th Street. The applicant and/or property owner shall design the room to have a sufficient amount of power, openings and empty conduits to be used for this purpose. The applicant and/or property owner will also provide any additional conduits or other facilities/equipment to provide fiber optic network to each proposed unit within the development and its common areas. It is estimated that 1.5in or 2 in conduits serving each of the buildings from the TR room

would be required as well as three (3) dedicated 220 v. circuits each consisting of 50 amps in the TR room to power optic equipment will be sufficient.

33. Plans submitted for building permit issuance shall detail compliance with the bicycle parking standards listed in Chapter 18.28 Off-Street Parking and Loading, and Chapter 18.38, Station Mixed Use Commercial. Ten (10) percent of the required bicycle parking demand shall be provided in areas accessible by the general public and shall not be located within any of the City's right-of-way areas. Prior to final occupancy, the applicant and/or property owner shall install bicycle parking in conformance with the approved building permit plan-set. For the residential bicycle parking, the applicant/property owner shall install racks with arm locks.

Landscaping

34. Prior to the issuance of building permits, the applicant and/or property owner shall submit a landscape package, which includes detailed planting and irrigation plans. Landscape package shall be consistent with Chapter 18.112, Water Efficient Landscape, of the Municipal Code and the Landscape Standards Policy Statement. Landscape package shall be subject to review and approval by the City's consulting Landscape Architect. Additional fees for consultant's review and inspection are required to be paid with building permit fees. A final inspection of the installed landscaping and irrigation shall be completed prior to issuance of the first Certificate of Occupancy. The applicant/property owner shall be responsible for maintaining all irrigation and landscaping and shall replace any dead or dying vegetation for the life of the project.
 - a. Planting plan shall show any trees planted within 10 feet of any paved area to include a root control barrier and deep watering sleeve. Design shall be subject to review and approval by the City Arborist.
 - b. The landscape package shall show the location of the backflow prevention devices and required landscape screening.
 - c. The landscape package shall be revised to ensure compatibility with the existing landscape palette for the Station District within the areas of the project that interface with the public realm, to the satisfaction of City staff.
 - d. Should a green/architectural screen be required, the landscape package shall propose plant species that will sufficiently screen the garage structure and landscape materials planted at a density to ensure coverage within five (5) years. Trellis vines shall be maintained with regular pruning to cut away and remove dead and dying plant material at least on an annual basis.
35. The applicant and/or property owner shall provide a certificate of deposit in the amount of 50% of the estimated installation cost of the landscaping, up to \$10,000.00, in order to insure installation of the planting shown on the approved landscape plan. The applicant shall enter into a private landscape maintenance contract for the maintenance of the required landscaping for a minimum period of two years after installation. The required certificate of deposit shall be submitted to the Economic and Community Development Department prior to the issuance of building permits. The project landscaping shall be completed, pursuant to the above-stated requirements, prior to issuance of the first Certificate of Occupancy for the buildings.

Utilities

36. The applicant and/or property owner shall subsurface all new transformers, switching boxes, and similar appurtenances, or shall screen them by locating them at the rear of the site in an enclosure with walls matching the material and color of the nearest building unless an alternate location is approved through the site development review process or as indicated below. The enclosure shall include gates of heavy gauge corrugated steel and shall be surrounded by trees, shrubs and climbing vines. The applicant and/or property owner shall arrange the location and treatment of the appurtenances with the gas, electric and communication providers prior to issuance of building permits. A detail of the transformer screening shall be included on the plans submitted for issuance of building permits. No above-ground utility equipment is permitted on 11th Street, Berger Way or Galliano Way.
37. The applicant and/or property owner shall screen all meters, telecommunications equipment, and appurtenant structures from public view. A detail of such screening shall be shown on the plans submitted for issuance of building permits.
38. The applicant and /or property owner shall, at developer's expense and in conjunction with the City's CATV franchise, provide for the complete pre-wiring of the proposed development for the purpose of receiving CATV service from the City's CATV franchise. This shall not prevent the developer from providing other telecommunications service such as MATV or SMATV provided that the distribution of the signal is by a separate wiring system.
39. The applicant and/or property owner shall grant an easement to the Alameda County Water District to allow the installation of all backflow prevention devices. The device shall be screened from public view by landscaping or other approved methods in the area in which the device is located. Landscaping shall blend with existing landscaping and, if necessary, landscaping shall be added in other areas, as required for symmetry. The Alameda County Water District shall sign any plans for screening to ensure conformance with their requirements.

Site Improvements and Public Amenities

40. Prior to the issuance of the first sign permit for any part of the development, the applicant and/or property owner shall submit a comprehensive sign plan for the project, including the retail space and the live/work units, in conformance with the requirements of Section 18.30 et seq. of the Zoning Ordinance.

Building Division

41. The applicant and/or property owner shall apply for and take out all required building and fire permits prior to beginning any on-site work. Plans submitted to the City Building Division and Alameda County Fire Department shall demonstrate compliance with all code requirements, local ordinances and State building regulations where applicable.

42. Any construction shall fully comply with the Uniform Building Codes (UBC) in effect at the time of building permit issuance.
43. The applicant and/or property owner shall design and construct the project to a minimum LEED Gold standard.
44. The applicant and/or property owner shall provide to the Building Division an eight and a half inch by eleven inch addressed site plan of the complex prior to the issuance of building permits.
45. The buildings and site shall be designed or modified to be accessible to persons with physical disabilities, in accordance with California State Disabled Access Regulations.
46. The public portion of the live/work lofts shall be designed to commercial occupancy standards, including ADA standards.
47. The applicant and/or property owner shall provide detailed construction plans (working drawings) and calculations to the Building Division for plan review prior to issuance of a building permit. Plans and supporting documents shall be prepared by a state-licensed architect or engineer. Upon completion of the plan check, all applicable fees shall be paid and a building permit issued prior to commencement of any actual construction work on-site.
48. All restaurant facilities shall be equipped with filtering devices sufficient to minimize odors and fumes emanating from such uses. The filtering devices shall be identified on the plans submitted for issuance of building permits, and shall be subject to the approval of the Chief Building Official.
49. Field Testing and Certification shall be done under the supervision of a professional engineer experienced (licensed) in the design and testing of acoustical systems and barriers. Test results, which demonstrate that minimum sound insulation requirements have been met, shall be submitted to the Building Official for review and approval, prior to the issuance of a Certificate of Occupancy.
50. During construction, the applicant and/or property owner shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.
51. The applicant and/or property owner shall comply with the Construction and Demolition Ordinance 576-01 to divert recyclable debris away from landfills. The applicant shall submit a completed Construction and Demolition Waste Management Plan with their application for a construction or demolition permit.
52. The applicant and/or property owner shall not locate construction debris boxes within the public right-of-way (ROW), driveways or on adjacent private properties.

53. The applicant and/or property owner(s) shall remove any graffiti appearing on the site within forty-eight (48) hours after discovery. If not removed in a timely manner, the City may, at its option, remove the graffiti and charge the property owner a fee for the services performed.
54. Soils reports shall be provided for the site. The proposed building foundation design shall be reviewed by the Geotechnical Engineer who prepared the soils investigation. A letter shall be provided to the Building Division that is stamped and signed by the engineer that verifies the foundation designs for each building have been reviewed and found to be in conformance with the soil report requirements.
55. Prior to requesting a foundation inspection from the City, the Geotechnical Engineer or Civil engineer who prepared the soil investigation shall provide a field report in writing which shall state that the building pad was prepared and compacted in accordance with the soil report and specification, and that the foundation and/or pier excavation, depth, backfill materials and drainage, substantially conforms with the soil report and approved plans.
56. Prior to issuance of a building permit, the applicant and/or property owner shall submit to the Building Division a site survey to establish the location of all property lines on the project site and pad elevation. A state-licensed civil engineer or surveyor shall prepare the site survey. If required by the Chief Building Official, the property lines shall be properly marked in the field prior to the first building inspection.
57. Prior to final inspection for the building, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report in writing stating the completed pad, foundation, finished grading, drainage and associated site work substantially conforms to the approved plans, specification and investigation.
58. All outdoor fireplaces, BBQs, fire pits, etc., shall be gas burning only.
59. Prior to issuance of building permits, the applicant and/or property owner shall submit to the Building Division a CD or flash drive with PDF files of the site plan, floor plans, and elevations from the approved building permit set.

Public Works

60. The applicant and/or property owner shall comply with the laws, regulations and permit requirements of Federal, State, local, or regional agencies including, but not limited to: the California Air Resources Board (CARB), Bay Area Air Quality Management District (BAAQMD), California Regional Water Quality Control Board (RWQCB), California Department of Toxic Substances Control (DTSC), Union Sanitary District (USD), Alameda County Water District (ACWD), Alameda County Flood Control & Water Conservation District (ACFC&WCD), Alameda County Clean Water Program (ACCWP), and Pacific Gas & Electric (PG&E).
61. The applicant and/or property owner shall secure an Encroachment Permit from the Public Works Department for all work in the public right-of-way such as driveways,

ramps, sidewalks, trenching and to monitor traffic control.. The applicant shall be responsible for any required repairs or in-kind replacements associated with the development, including paving, trenching, curbs and gutters, sidewalks, street lights, or installation of same where not existing, as determined by the City Engineer. The fee for this permit will be based upon the estimated time spent by the Public Works inspector to monitor these activities.

62. The applicant and/or property owner shall provide structural paving sections adequate to accommodate the loads from fire vehicles and truck traffic at the private access and parking areas.
63. The applicant and/or property owner shall install all new utility lines underground. No new overhead services to the property or overhead extensions of main lines will be permitted.
64. The applicant and/or property owner shall provide drainage facilities to carry storm water runoff in the area to be developed. The applicant shall submit a drainage plan, including hydrologic and hydraulic calculations to the City Engineer for review and approval.
65. The applicant and/or property owner shall submit a grading plan to the Public Works Department and obtain a grading permit prior to proceeding with any grading operations. The grading permit fee and associated Bond will be based upon the amount of cubic yards of dirt estimated to be moved (cut plus fill).
66. Plans submitted for grading permit issuance shall indicate the curb cuts for the trash/recycling/organics bins and the location, type and length of any necessary curb painting for the passenger loading/bin pickup locations, loading/unloading areas for transit, paratransit, patrons and commercial drop areas consistent with the approved plans. Plans shall also include location and details of required signage prohibiting passenger loading at times when the bins are scheduled for pickup. The applicant/developer is responsible for installation of these signs prior to issuance of certificate of occupancy.
67. The applicant and/or property owner shall provide access/public utility easements for the development to the satisfaction of the City Attorney and the Director of Public Works.
68. The applicant and/or property owner shall design all public and exterior private improvements to be in accordance and compliance with the Americans with Disabilities Act.
69. The applicant and/or property owner shall ensure that any public street lights that are in conflict with proposed driveways, are relocated at least 5 ft. from proposed driveways, in accordance with City Standards.
70. The applicant and/or property owner shall paint the curbs red for a distance of 30 feet in both directions from all proposed driveways.

71. The applicant and/or property owner shall construct any proposed facilities, such as sidewalks, to match those that currently exist in the vicinity of the proposed development with regard to grade and design, including the brick banded sidewalk along 11th Street.
72. The applicant and/or property owner shall ensure that the vegetative swale (bio-treatment areas) that runs along the entire east side of Cheeves Way is kept clean of debris and any impacts from construction. Prior to issuance of the last Certificate of Occupancy, City shall inspect the area and require a general cleanup as well as the replacement of any impacted facilities, such as the biotreatment soils, vegetation or trees, etc.
73. The applicant shall pay all Public Works Department fees such as Plan Check & Inspection fees, Traffic Signalization fee, Grading Permit Fee (and associated bonds), Encroachment Permit fee and tree replacement in-lieu fees, etc.
74. Prior to building permit issuance, the applicant/property owner shall pay their fair-share contribution towards the cost of the rail safety improvements identified in the *Draft Traffic Analysis and Timing Memorandum for Decoto Road/11th Street Traffic Analysis and Decoto Road Traffic Signal Timing Study*, by Kimley Horn, dated April 22, 2016.
75. The applicant/property owner shall provide a detailed breakdown of the engineer's cost estimate for all 'Civil' construction including grading, storm drainage facilities, Stormwater treatment facilities, concrete and landscaping. The Plan Check & Inspection Fees which will be based upon this estimate and shall be paid prior to the issuance of the Grading Permit.
76. The applicant/property owner shall pay a Traffic Signalization fee (traffic impact fee) of \$619,314 for the 443 multi-family units at the rate of \$1,398/ unit and \$633 for the 5,088 sf of commercial retail space assessed at the rate of \$5,419 acre for a total fee of \$619,947. These fees shall be paid prior to the issuance of the grading permit.
77. The applicant/property owner shall contact the Alameda County Water District, Engineering Department, at (510) 659-1970 to determine water service and permit requirements and Union Sanitary District at (510) 477-7500 to determine sewer service and permit requirements.
78. The applicant/property owner shall install an oil-water separator (OWS) to capture the drainage from the garage prior to releasing it to the Union Sanitary Districts system, as approved by USD. The OWS shall be located on private property and placed outside the garage and in close proximity to a road so it could be serviced by a maintenance vehicle without any hindrance. Location shall be shown on plans submitted for building and grading permit issuance. It shall be the applicant's responsibility to get approval from USD to connect to their system prior to the approval of the Plans by the City.
79. The applicant/property owner shall provide street trees and irrigation system along all public streets. The proposed species will be approved by the City. Planting easements shall be provided if necessary.

80. Existing trees along 11th Street shall be protected during construction. Tree protection details shall be shown on plans submitted for building permit issuance.
81. Applicant/property owner shall protect existing improvements such as pavement, sidewalk (architectural grade sidewalk consists of colored concrete which has been sandblasted and saw-cut), curb & gutter, street lights and street trees, etc. from damage during construction activity or equipment. Construction equipment shall not be allowed to be driven over the curb & gutter or sidewalk. Any damaged areas, including pre-existing damage or cracks, shall be replaced in kind, as required by the City Engineer, prior to finaling the grading permit.
82. The applicant/property owner shall repave any street which is trenched to install utilities, such as Cheeves Way, Berger Way, Galliano Way and 11th St. The limits of paving will be determined by the City Engineer.
83. The applicant/property owner shall ensure that the project complies with the most current requirements of the Alameda County Clean Water Program as detailed in the California Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater Permit (MRP 2.0), Order R2-2015-0049, NPDES Permit No. CAS612008, dated November 19, 2015.
84. The applicant/property owner shall file a Notice of Intent (NOI) for this project with the RWQCB prior to the issuance of a Grading Permit by the City, as required by the MRP.
85. All current or future owners of the properties will annually file the required Annual Report documenting the storm water measures undertaken during each year, as required in the O&M Agreement.
86. The applicant/property owner shall complete an updated Stormwater Requirements Checklist that responds to the City's comments of 9/7/17 and submit to City staff for review prior to grading permit issuance.
87. Prior to issuance of a grading permit, the applicant/property owner shall submit calculations to support any claimed Low Impact Development (LID) treatment reduction credits that are allowed for Special Project, such as for transit-oriented development (TOD) projects, as detailed under C.3.e.ii.(5) of the MRP. The applicant shall pay an in-lieu fee or provide off-site treatment for any area that can't be treated onsite.
88. The applicant/property owner shall install a full trash capture device, as approved by the City Engineer, at all on-site storm drain inlets or catch basins located in the parking lots and at public catch basins connected to the development in order to prevent trash from entering the public storm drainage system. The applicant/owner shall clean and maintain the device as needed, but at least once before the start of the rainy season (October 15) and once at the end (April 15).
89. The applicant/property owner shall not limit pedestrian or vehicular access along existing public streets during construction. Any obstruction or closing of any portion of public

roadway shall be by separate Encroachment Permits on a case-by-case basis for specific times and durations, as allowed by the City Engineer.

90. Prior to issuance of a grading permit, the applicant/property owner shall submit traffic control plans for any proposed street or lane closures, such as for lifting the modular units into place during construction.
91. Prior to issuance of a grading permit, the applicant/property owner shall designate stockpiling and staging areas that are approved by the City.
92. The applicant/property owner shall enter into a Right of Entry Agreement if any of the City's properties, such as Lot 1 or public Streets such as Cheeves Way, Berger Way or Galliano Way is proposed to be utilized as staging areas. The conditions agreed upon in the Agreement, including repaving of streets, repair or replacement of impacted public facilities, shall be complied with in order for the project to be accepted by the City.
93. The applicant/property owner shall ensure that all construction traffic enters and exits the site from Cheeves Way, at its intersection with Decoto Road. Eleventh St. (11th St.) shall not be used for construction traffic to minimize impact to existing residential and BART traffic. Construction traffic will only be able to approach the site by making a right-turn from Decoto Road onto Cheeves Way and exit the site by making a right-turn from Cheeves Way onto Decoto Road (right-in and right-out). However, City Engineer may make exception to this requirement for certain activities that require access to or from 11th Street when specific request is made for defined time periods.

Stormwater Post-Construction Best Management Practices

94. The applicant/property owner shall ensure that all condensate drainage is routed to sanitary sewer. This shall include, but is not limited to, chiller and HVAC condensate, cooling tower and boiler discharges, air compressor condensate, de-ionized water softening units, etc. Compressor air or liquid lines contaminated with oil/hydrocarbons shall drain to sanitary sewer. These activities shall be clearly delineated in the plans and specifications submitted for building permits.
95. The applicant/property owner shall ensure that all metal roofs, including galvanized roofs, shall be coated and/or treated to minimize run-off of metallic materials and salts. Lead and copper materials or solders shall not be used.
96. The applicant/property owner shall ensure that all paved outdoor storage, staging, or lay down areas are designed to limit the potential for storm water runoff to contact pollutants. Bulk materials stored outdoors shall be covered.
97. The applicant/property owner shall ensure that landscaping shall be designed with efficient irrigation practices to reduce runoff, promote surface infiltration, and to minimize the need for fertilizers and pesticides. All landscaping shall be properly maintained.
98. The applicant/property owner shall ensure that sidewalks, parking lots, driveways and other paved areas under private ownership/management shall be regularly swept to

prevent the accumulation of litter and debris. If water is used, it shall be collected, along with any debris before entering the storm drain system. Discharge of wash waters from parking lots, sidewalks, etc. to the sanitary sewer system requires the approval of the Union Sanitary District.

99. The property owner shall be responsible for cleaning storm drains and catch basins that are located on private property at least three times each year, once prior to the rainy season (before October 1st), once in January, and once in May. The Public Works Department may require additional cleaning as warranted. Maintenance and cleaning records shall be maintained at the site.
100. The property owner shall enter into a storm water treatment measures maintenance agreement with the City of Union City assuring both the responsibility for the post-construction operation and maintenance (O&M) of the treatment measure and the access by public agency personnel strictly for the purpose of O&M verification. This maintenance agreement shall be recorded by the property owner at the Alameda County Recorder's Office. An O&M Plan and an annual Inspection Report for storm water treatment measures shall be provided for review and approval by the Public Works Department, Environmental Programs Division in compliance with the California RWQCB Order R2-2015-0049 NPDES Permit No. CAS612008, Section C.3.h.
101. The applicant/property owner shall ensure that loading areas shall be designed to minimize run-on or runoff from the area. In addition, Best Management Practices (BMP's) including, but not limited to: a regular program of sweeping, litter control and spill clean-up, shall be implemented to prevent potential storm water pollution.
102. The applicant/property owner shall ensure that the design of any Stormwater quality treatment measures incorporated in the project must include the treatment control design guidance for vector control (Alameda Countywide Clean water Program's Vector Control Plan).
103. The applicant/property owner shall ensure that if applicable, permanent vehicle/equipment wash areas shall incorporate the following requirements:
 - A. Wash area(s) shall be covered and drain to the sanitary sewer through an approved connection.
 - B. Designed to prevent discharge to the storm drain system, (i.e., no run-on, runoff or over-spray from the area).
 - C. Signage shall be provided that indicates that all washing activities shall be conducted in the designated area (s).

In addition to these requirements, Union Sanitary District review and approval is required prior to the issuance of building permits.

Stormwater "During Construction" Best Management Practices

104. The following best management practices relating to construction site controls shall be implemented during construction activities. These best management practices shall be shown as notes on the approved grading and building permit plan sets:
- A. The applicant/property owner shall ensure compliance with the best management practices by making sure that all contractors, subcontractors and suppliers are aware of all storm water pollution prevention measures and their implementation requirements.
 - B. The applicant shall ensure that concrete/gunite supply trucks or concrete/plaster and finishing operations discharge washout water into a designated cleanout area, designed to prevent pollutants from entering the storm water and/or sanitary sewer system.
 - C. The applicant/property owner shall ensure that discharge restrictions shall also apply to the operation of general construction machinery including masonry cutting equipment, and the washing of tools, brushes, containers, etc. These operations shall not be performed in the street, gutter, or where pollutants can enter the storm water system. Failure to comply with the approved construction requirements will result in the issuance of correction notices, citations, or project stop work orders.
 - D. The applicant/property owner shall minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall commence unless approved erosion control measures are in place.
 - E. The applicant/property owner shall install filter materials (sand bags, filter fabric, straw wattle, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - 1. Start of the rainy season (October 1st);
 - 2. Site dewatering activities;
 - 3. Street washing activities; and
 - 4. Saw cutting asphalt or concrete.Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filtered particles shall be disposed of in an appropriate manner based upon constituents.
 - F. The applicant/property owner shall gather all construction debris on a regular basis and place in a dumpster or other container, which is emptied or removed at a minimum on a weekly basis. When appropriate, tarps shall be used on the ground to collect falling debris, paint over-spray, etc. that could contribute to storm water pollution.
 - G. The applicant/property owner shall ensure that trash enclosures and/or recycling containers, paved outdoor storage, staging, or lay down areas shall be designed and constructed to prevent pollutants from entering storm drain system.
 - H. The applicant/property owner shall ensure the availability of a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential of becoming a pollutant and/or being discharged to the storm drain system.

- I. The applicant/property owner shall ensure that dirt, gravel, debris and green waste shall be removed from the sidewalk, street pavement, and storm drains adjoining the project site. These areas shall be broom swept on a daily basis. Caked on mud or dirt shall be scraped before sweeping. During wet weather, the applicant/property owner should avoid excavation and other activities that lead to pollutants entering storm water such as driving vehicles on unpaved areas, etc.
- J. The applicant/property owner shall ensure that outdoor washing or pressure washing shall be managed to prevent pollutants from getting into storm water and/or into the storm drain system.
- K. The applicant/property owner shall ensure that On-site storm drain inlets shall be labeled "No Dumping - Drains to Bay" using a stencil approved by the Public Works Department.

Fire Department

- 105. The applicant/property owner shall apply for and take out all required building and fire permits prior to beginning any on-site work. Plans submitted to the City Building Division and Alameda County Fire Department shall demonstrate compliance with all code requirements, local ordinances and State building regulations where applicable.
- 106. The applicant/property owner shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage (200 feet for buildings protected by a fire sprinkler system). This access shall be provided before any construction or combustible storage shall be allowed.
- 107. The applicant/property owner shall install Fire department connections (FDC's) located on the main/public street side of the building, wherever possible, and shall be within 100-feet of a public hydrant.
- 108. Fire department connections shall be located on the main street (front lobby) side of each building of a complex, as well as, having one main FDC that feeds the entire site at the main/public street for the complex.
- 109. Fire department connections shall be so located that fire apparatus and hose connected to the hydrant will not obstruct access to the building for other fire apparatus. To clarify, this means the hydrant and FDC shall be on the same side of the street and that the standard minimum road width shall be at least 26-feet in width for the area of the FDC and its affiliated hydrant to allow other fire apparatus to pass after hooked up.
- 110. The applicant/property owner shall install an automatic sprinkler system in the building for fire protection purposes. Water flow and control valves shall be monitored by a central alarm monitoring system.
- 111. The applicant/property owner shall install a fire pump and fire pump room (if necessary and required), and sprinkler/standpipe system in accordance with California Fire Code and the NFPA standard for its design.
- 112. Emergency evacuation plans are required for Group A, B, E, H, I, R-1, R-2, R-4, High Rise Buildings, Group M with an occupant load >500 or >100 above or below the level of

discharge, Covered Malls > 50,000 ft², underground buildings and buildings with an atrium and having a Group A, E or M occupancy.

113. In buildings regulated by the State Fire Marshal (A, E, H, I, R-1, R-2 and R-4 Occupancies) which are over two stories in height or which do not have a straight-run stairway between floors, at least one elevator shall be installed which is designed to accommodate an ambulance gurney or stretcher (minimum 42 inch side-slide door and minimum 80 inch by 54 inch cab interior). All elevators in newly constructed buildings shall be provided with Phase 1 emergency recall operation and Phase 2 emergency in-car operation. In buildings with sprinklered hoist ways or elevator machine rooms, automatic shunt trip capability (with notification at the Fire Alarm Control Unit and inside the elevator car) shall be provided.
114. The applicant/property owner shall provide an exit analysis plan.
115. All exterior doors shall have paved access walkways connecting them to required fire apparatus access roads and shall be equipped with hardware (key locks) allowing emergency ingress into the building.
116. A level ladder staging area shall be provided outside all required emergency egress windows above the first floor. Planters, pool fences and or other ornamental decorative structures will not delay or impede the deployment of use of ground ladders used for emergency operations. Guard posts are required for hydrants, tanks, generators and gas meters.
117. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified with permanent and durable signage for the use of the Fire Department. Fire Command Centers in High and Mid-Rise buildings shall comply with the requirements of their respective Standards.
118. Emergency Responder Building Radio System: New buildings over 25,000 sf in area or four stories in height shall be equipped with an In-Building Public Safety Radio System designed and installed per the Fire Department Standard.
119. Buildings or tenant spaces containing battery rooms shall comply with special spill control, ventilation, signage, and separation and alarm requirements.
120. The applicant/property owner shall install a Fire Alarm system per the requirements of the fire code/ordinance. The system shall be monitored. Upon completion an "UL" serial numbered certificate shall be provided at no cost to the Fire Dept.
121. Grease-laden vapors from commercial cooking equipment shall be exhausted by a Type 1 hood with 1-hour rated exhaust ducting, constructed per the Mechanical Code. Type 1 hoods shall be protected by a Fixed Extinguishing System, designed, installed and interconnected to the fire alarm system.

122. Plans, specifications, equipment lists and calculations for the required sprinkler system shall be submitted to the Fire Department for review and approval prior to installation. A separate plan review fee will be collected prior to review of these plans.
123. Prior to installation, plans and specifications for the underground fire service line shall be submitted to the Fire Authority for review and approval.
124. The applicant/property owner shall provide a site plan for approval of fire hydrant locations, post indicator valves, back flow prevention as required by the Fire Department.
125. The applicant/property owner shall comply with Union City code requirements for installation of fire retardant roof coverings.
126. The applicant/property owner shall provide all weather surface (75k lbs paved) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage shall be allowed.
127. The applicant/property owner shall provide apparatus access a minimum 26 feet wide for buildings over 30 feet tall.
128. The applicant/property owner shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials.
129. The applicant/property owner shall have a key box (Knox brand) located outside of building/gate, and provide keys to the Fire Department so that they may gain access.
130. The applicant/property owner shall pay applicable fees for fire equipment as required by the City at the time of issuance of building permits.
131. At the time of building permit issuance, the applicant/property owner shall pay the Fire Equipment Acquisition Fee of \$1.40 per square foot of occupiable space above the second story where there is a separate interior or exterior entrance for individual dwelling units on the third story and above.

Environmental Programs

132. Pool and hot tub chemicals may require a permit from the Union City Environmental Programs Division for chemical storage, use or handling. Prior to issuance of a Temporary Certificate of Occupancy or a Certificate of Occupancy, contractor/owner/applicant shall contact the Union City Environmental Programs Division at Environmental@UnionCity.org and shall complete all required submittals, including Facility, Inventory, and Plans, in the California Environmental reporting System (CERS).

Police Department

133. Prior to building permit issuance, the applicant/property owner shall submit a photometric/lighting plan that reflects a minimum of .50 candle lighting level at all common entry points, including but not limited to, lobbies, stairwells, pedestrian access gates, and courtyard access corridors and a minimum of 1.0 candle lighting level in parking areas, including the garage entries. The lighting plan shall include proposed lighting levels (in foot candles) and exterior fixture design and shall be reviewed and approved by the Economic and Community Development Department and Police Department.
134. The applicant/property owner shall use solid core wood doors for all exterior man doors for the residential units. When allowed by code, all such doors shall have a bolt lock with minimum 1" throw. Out-swinging exterior man doors for the residential units must also be equipped with strike plate guards and non-removable hinge pins. Plans submitted for building permit issuance shall document compliance with this condition.
135. The interior of the parking garage (walls, ceilings and pillars) shall be painted white for security purposes. Details shall be shown on the plans submitted for building permit issuance.
136. Speed humps shall be added to the parking garage drive aisles. Details shall be shown on the plans submitted for building permit issuance.
137. Railings and carports on the top floors of the buildings shall be deigned to deter climbing. Details shall be shown on the plans submitted for building permit issuance.
138. Each entrance (garage gate, garage pedestrian doors, courtyard gates and lobby doors) shall have key pads for use by the Police Department only.
139. The property owner or landlord shall participate in the Crime Free program.
140. The applicant/property owner shall install a repeater system on the roof, to the satisfaction of the Police Department. Details shall be shown on the plans submitted for building permit issuance.
141. The applicant/property owner shall equip primary entrance and exterior doors with minimum 180-degree door viewers. Details shall be shown on the plans submitted for building permit issuance.
142. Plans submitted for building permit issuance, shall indicate the location and type of the security cameras on site, in particular for the parking garage. Specification sheets and an operational description shall be included. The applicant/property owner shall integrate the design of the security system into the design of the building.
143. The applicant/property owner shall ensure that any exterior roof access ladders be equipped with a locked anti-climbing device. Details shall be shown on the plans submitted for building permit issuance.

144. The applicant/property owner shall provide illuminated addressing on the forward most portion of each residence with 4" high illuminated numerals and painted addressing on curbs. Numeral color shall be contrasting to background color. Plans submitted for building permits issuance shall document compliance with this condition.
145. Plans submitted for building permit issuance shall show the provision of "video doorbells" or similar security measures in residential units with ground floor public access. Design shall be subject to review and approval by the Police Department.

NOVEMBER 2010 EIR MITIGATION MEASURES

146. Mitigation Measure AES-4: To Reduce Light and Glare - The applicant/property owner shall implement the following measures to reduce the levels of light and glare that may be received by viewers in the area surrounding the project site:
- (a) Lighting fixtures shall be fitted with glare shields to minimize overflow of lighting onto adjacent properties;
 - (b) On the first level of built structures that front 11th Street, incorporate shielding in the design of exterior light fixtures and avoid dark or mirrored glass, therefore reducing resultant glare impacts; and
 - (c) Prepare and submit a lighting plan to the Union City Economic and Community Development Department for review and approval that reflects a minimum of 0.50 candle lighting level at all doors and windows, and a minimum of 1.0 candle lighting level in parking areas.

*Mitigation Measure AES-4 update, as of November, 2017:
 This mitigation measure is required.*

147. Mitigation Measure AIR-2: Dust and Vehicle Emission Control Measures – The construction contractor shall implement feasible control measures presented in Table 3.2-5 of the EIR [replicated below] to control dust emissions during construction. Implementation of these measures would reduce impacts from PM₁₀ and construction vehicle exhaust emissions to a less-than-significant level.

Table 3.2-5
BAAQMD Feasible Control Measures for Construction Emissions of PM₁₀ (from the 2010 EIR for the "Station District Mixed-use Development")
<i>Basic Control Measures¹</i>
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.

Table 3.2-5
BAAQMD Feasible Control Measures for Construction Emissions of PM₁₀ (from the 2010 EIR for the "Station District Mixed-use Development")
Pave, apply water three times daily, or apply (nontoxic) 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.
Enhanced Control Measures²
Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., 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.
Optional Control Measures³
Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving site.
Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
Limit the area subject to excavation, grading and other construction activity at any one time.
Notes: ¹ Should be implemented at all construction sites. ² Should be implemented at construction sites greater than four acres in area. ³ Strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.

*Mitigation Measure air-2 update, as of November, 2017:
 This mitigation measure is required.*

148. Mitigation Measure CUL-1: Stop Work if Buried Resources are Discovered - If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered inadvertently during ground disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with Alameda County and other appropriate agencies.

*Mitigation Measure CUL-1 update, as of November, 2017:
This mitigation measure is required.*

149. Mitigation Measure CUL-2: Comply with State Laws Relating to Native American Remains - If human remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (a) The Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required; and
 - (b) If the remains are of Native American origin and the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, 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, or NAHC is unable to identify a descendent or the descendent fails to make a recommendation within 24 hours after being notified by the NAHC.

*Mitigation Measure CUL-2 update, as of November, 2017:
This mitigation measure is required.*

150. Mitigation Measure HAZ-1a: Follow the Alameda County Fire Department and Other Guidelines for Storage and Handling of Hazardous Materials and Union City Environmental Programs - To minimize the potential for an accidental release of hazardous materials, the City shall require that contractors transport, store, and handle hazardous materials required for construction in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the Alameda County Fire Department and Union City Environmental Programs during the duration of project.

*Mitigation Measure HAZ-1a update, as of November, 2017:
This mitigation measure is required.*

151. Mitigation Measure HAZ-1b: Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Disposal at an Approved Facility - In the event of a release or threatened release of hazardous materials, the contractor shall notify the Alameda County Fire Department, the Union City Environmental Programs Division, the Alameda County Water District (ACWD), and the State Warning Center if the release is significant and could have off-site impacts. The contractor shall immediately control the source of the leak and contain the spill. If required by the Alameda County Fire Department, Union City Environmental Programs Division or other regulatory agencies, contaminated soils will be excavated and disposed of offsite at a facility approved to accept such soils.

If there are any releases of hazardous materials that impact soil at depths of three feet or deeper or if any subsurface contamination is discovered during construction activities, ACWD must also be notified immediately and investigation or remediation of soil and groundwater contamination must be coordinated with ACWD.

*Mitigation Measure HAZ-1b update, as of November, 2017:
This mitigation measure is required.*

152. Mitigation Measure HAZ-1c: Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions During Construction Activities - Prior to beginning construction, the City will require the Applicant to develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the project vicinity prior to the beginning of project. These programs shall include an operation and maintenance plan, a site-specific Health and Safety plan, and a fire prevention plan, in addition to the Storm Water Pollution Prevention Plan (SWPPP) required for storm water impacts. In addition, the City will require the Applicant to develop a Hazardous Materials Business Plan (HMBP) that discloses basic information on the type, quantity, and health risks of hazardous materials stored, used, or disposed of (as defined by Chapter 6.95 of the Health and Safety Code). The programs are required by law and shall require approval by several responsible agencies. Required approvals are as follows:

- (a) The SWPPP shall be approved by the Union City Department of Public Works;
- (b) The site-specific safety plan and the operations and maintenance plan shall be approved by Union City Environmental Programs Division;
- (c) The fire safety plan shall be approved by the Alameda County Fire Department; and
- (d) The HMBP shall be approved by the Union City Environmental Programs Division.

Finally, the City shall require the Applicant and its designated contractors to comply with Article 79 (Flammable and Combustible Liquids) and Article 80 (Hazardous Materials) of the California Fire Code that regulate the safe storage, dispensing and handling of flammable and combustible liquids, and the storage, use and handling of hazardous materials.

*Mitigation Measure HAZ-1c update, as of November, 2017:
The above referenced Article numbers in the California Fire Code (CFC) are defunct. The project shall comply with the current CFC standards for "Flammable and Combustible Liquids" and "Hazardous Materials". This mitigation measure is required.*

153. Mitigation Measure HAZ-2a: Develop and Implement a Site-Specific Emergency Response Plan for the Project - The Applicant shall develop an Emergency Response Plan for the project to address the contingency of fire, explosion or other hazardous release at the

adjacent Air Liquide facility. The Plan will be reviewed and shall be approved by the Alameda County Fire Department prior to occupancy of the residential or commercial space. The plan shall include the following:

- (a) Risk Characterization - A description of the potential risks to residents and commercial users associated with worst-case and less than worst-case scenarios at the adjacent facility;
- (b) Alarm and Notification system - The project shall have an alarm and public announcement system in the residential and commercial areas in order to inform the residents and workers of potential hazardous events. In the event of a fire, explosion or the release of hazardous material from the Air Liquide facility, the City shall require Air Liquide to notify the City, which will allow the City to inform the residents and commercial tenants. The City has a "reverse 911" system set up to provide calls to residents during emergency events including Intermodal Station residents in the event of a situation at Air Liquide. The Emergency Response Plan shall require public posting of this notification process within the residential and commercial areas of the Project;
- (c) Evacuation routes and safe assembly areas - The Plan shall identify evacuation routes and safe assembly areas for residents/commercial users of the Project in the event of fire or explosion; and
- (d) The Plan shall be provided to all Project residents and commercial tenants.

*Mitigation Measure HAZ-2a update, as of November, 2017:
The Air Liquide facility is no longer in operation (as of January 2017) and therefore, this mitigation measure is not required.*

154. Mitigation Measure HAZ-2b: Require Safety Glass for Portions of the Project at Risk of Overpressure Greater than 1 psi - As blast-related overpressure may result in shattering of windows in buildings facing the Air Liquide facility, the City shall require the Applicant to evaluate the specific overpressure possible on the north side of the project and to provide safety glass windows to reduce the potential risk of window shatter wherever windows could be exposed to overpressure of 1 psi or greater. The blast radius shall be calculated based on the most recent inventory of hazardous materials for the Air Liquide facility on file with the City and using current USEPA Risk Management Program guidance. The evaluation of potential overpressure shall be submitted to the Alameda County Fire Department and Union City Environmental Programs Division along with proposed safety glass treatments in the application for a building permit. The City shall require safety glass to be incorporated when the project has the potential to cause glass shatter due to overpressure greater than 1 psi.

*Mitigation Measure HAZ-2b update, as of November, 2017:
The Air Liquide facility is no longer in operation (as of January 2017) and therefore, this mitigation measure is not required.*

155. Mitigation Measure HAZ-4: Conduct Soil Vapor Sampling, Human Health Risk Assessment, and Install Impermeable Layer if Necessary – Prior to the issuance of the first building permit for the project, the City shall require the Applicant to assess the potential human health risks associated with the potential intrusion of vapor related to the contaminated groundwater plume that is presumed to be present at depth below the project site and, if necessary take measures to avoid substantial exposure to such soil vapor as follows:

- (a) A soil vapor sampling investigation shall be conducted of the project site to identify the levels of VOCs found in the contaminated groundwater plumes that may be present in soil vapor. The work plan for the investigation shall be provided to the City for approval prior to sampling. A sampling report shall be provided to the City upon completion.
- (b) A human health risk assessment (in accordance with state and federal standards for human health risk assessments) shall be conducted that will examine all potential exposure pathways for exposure to elevated soil vapor VOC concentrations and determine whether residents, employees, or visitors to the project site would be exposed to unacceptable risks related to the contaminated groundwater plume. The risk assessment shall be provided to the City for review.

If the City determines, based on the review of the risk assessment, that an unacceptable exposure would occur to any site users, then the Applicant shall design and install an impermeable layer to be placed beneath all site foundations sufficient to prevent the intrusion of soil vapor into overlying indoor spaces.

*Mitigation Measure HAZ-4 update, as of November, 2017:
This mitigation measure is required.*

156. Mitigation Measure HAZ-6: Provide an Evacuation Route through the Project Site - The Applicant will provide an evacuation route for all residential units on the project site to evacuate in case of a natural disaster or other hazard before any residents move in. The City shall include this requirement in its conditions of approval for the proposed development. The proposed evacuation route will be reviewed and approved by the Alameda County Fire Department prior to final project approvals.

*Mitigation Measure HAZ-6 update, as of November, 2017:
This mitigation measure is required.*

157. Mitigation Measure HYD-1a: Comply with NPDES Requirements - The City will require the project contractors to obtain coverage under the General Construction Permit before the onset of any construction activities, where the disturbed area is 1 acre or greater in size. A SWPPP will be developed by a qualified engineer or erosion control specialist in accordance with the San Francisco Bay RWQCB requirements for NPDES compliance and implemented prior to the issuance of any grading permit before construction. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the San Francisco Bay RWQCB.

Compliance and coverage with the Storm Water Management Program and the General Construction Permit will require controls of pollutant discharges that utilize BMPs and technology to reduce erosion and sediments to meet water quality standards. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater and other nonpoint-source runoff. Measures range from source control, such as reduced surface disturbance, to the treatment of polluted runoff, such as detention basins.

BMPs to be implemented as part of the Storm Water Management Program and General Construction Permit (and SWPPP) may include the following practices:

- (a) Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed to control erosion from disturbed areas;
- (b) Use a dry detention basin (which is typically dry except after a major rainstorm, when it will temporarily fill with stormwater), designed to decrease runoff during storm events, prevent flooding, and allow for off-peak discharge. Basin features will include maintenance schedules for the periodic removal of sediments, excessive vegetation, and debris that may clog basin inlets and outlets;
- (c) Cover, or apply nontoxic soil stabilizers to, inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways;
- (d) Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways;
- (e) Ensure that no earth or organic material will be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water;
- (f) Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete, solvents and adhesives, thinners, paints, fuels, sawdust, dirt, gasoline, asphalt and concrete saw slurry, and heavily chlorinated water; and
- (g) Ensure that grass or other vegetative cover will be established on the construction site as soon as possible after disturbance.

The City, its contractors, or applicants for specific development projects within the Project, will select a combination of BMPs that is expected to minimize runoff flows and remove contaminants from stormwater discharges. The final selection of BMPs will be subject to approval by the RWQCB. The City will verify that an NOI has been filed with the SWRCB and that a SWPPP has been developed before allowing construction to begin. The City will perform inspections of the construction area, to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance. If

necessary, the City will require that additional BMPs be designed and implemented if those originally constructed do not achieve the identified performance standard.

Mitigation Measure HYD-1a update, as of November, 2017: This mitigation measure is required.

158. Mitigation Measure HYD-1b: Clean Paved Areas with Street Sweeping Equipment - To minimize the amount of pollutants entering the storm drain system during construction, project roadways and other paved areas will be cleaned regularly using street-sweeping equipment. Additionally, litter and debris that may accumulate on the streets of the project site will be regularly collected and properly disposed of. These activities will be the responsibility of the developer or its contractors, subject to review by the City.

Mitigation Measure HYD-1b update, as of November, 2017: This mitigation measure is required.

159. Mitigation Measure HYD-2: Implement a Spill Prevention and Control Program - As part of requiring compliance with the NPDES General Construction Permit, the City will require that project contractors develop and implement a spill prevention and control program to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities. The NPDES General Construction Permit requires the spill prevention and control program. The program will be completed before any construction activities begin.

The City will review and approve the spill prevention and control program before the onset of construction activities. The City will inspect the construction area routinely to verify that the measures specified in the spill prevention and control program are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.

The federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that:

- (a) Violates applicable water quality standards;
- (b) Causes a film or sheen upon or discoloration of the water surface or adjoining shoreline, or
- (c) Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If a spill is reportable, the contractor will notify the City's Fire Department and the State Department of Toxic Substances Control (DTSC), which has a spill response and cleanup ordinances to govern emergency spill response. A written description of reportable releases must be submitted to the San Francisco Bay RWQCB and the DTSC. This submittal must include a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.

If there are any releases of hazardous materials that impact soil at depths of three feet or deeper or if any subsurface contamination is discovered during construction activities, ACWD must also be notified immediately and investigation or remediation of soil and groundwater contamination must be coordinated with ACWD.

*Mitigation Measure HYD-2 update, as of January 27,
2015: This mitigation measure is required.*

160. Mitigation Measure HYD-3: Conduct Geology Study and Implement Provisions for Dewatering – The Applicant shall conduct a Geology Study (or update existing technical reports that cover the Project site) to determine if any portion of the parking garage that is underground will impact the hydrogeology or the water quality of the aquifer. The study should determine the depth to groundwater and make recommendations on how clay layers will be maintained.

Based on preliminary information (see ACWD 2010), it is expected that groundwater will not be encountered. However, if groundwater is encountered, dewatering effluent will be discharged to the ACFCWCD drainage system. Before discharging any substance that could reach surface waters, the Applicant's contractors will obtain an NPDES permit and WDRs from the San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the RWQCB's General Construction Permit or General Dewatering Permit is possible. As part of the permit, the contractors will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. In addition, ACWD regulates the installation and destruction of dewatering wells, and requires permits for installation and destruction of dewatering wells. At this time in the project's design phase, the location and amount of dewatering wells needed for the project is not known.

However, before any drilling, the City or its contractor will obtain a drilling permit from ACWD Engineering Department. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work. As a performance standard, these measures will be selected to achieve the maximum sediment removal and represent the best available technology (BAT) that is economically achievable. Implemented measures may include the retention of dewatering effluent until particulate matter has settled before it is discharged, the use of infiltration areas, and other BMPs. The final selection of water quality control measures will be subject to review by the City.

The City will verify that coverage under the appropriate NPDES permit has been obtained before allowing dewatering activities to begin. The City or its agent will perform routine inspections of the construction area to verify that the water quality control measures are properly implemented and maintained. The City will notify the contractors immediately if there is a noncompliance issue and will require compliance.

As a performance standard, the measures will maintain basin plan standards for turbidity, as follows:

- (a) Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases will not exceed 1 NTU.
- (b) Where natural turbidity is between 5 and 50 NTUs, increases will not exceed 20 percent.
- (c) Where natural turbidity is between 50 and 100 NTUs, increases will not exceed 10 NTUs.
- (d) Where natural turbidity is greater than 100 NTUs, increases will not exceed 10 percent.

Where the Proposed Project has potential to result in elevated turbidity, monitoring will be performed at least twice daily at upstream and downstream locations to determine whether the standards outlined above have been met. In the event that they are not being met, the turbidity-generating activities will cease until turbidity is within the identified limits, and construction methods or turbidity control measures will be modified to ensure that turbidity limits continue to be met.

*Mitigation Measure HYD-3 update, as of November, 2017:
This mitigation measure is required.*

161. Mitigation Measure HYD-4: Incorporate Site-Specific Water Quality Treatment Devices into Site Drainage Plan and Implement Best Management Practices - Before the beginning of the construction phase, the project developer shall determine the adequate storm drain capacity needed for the Proposed project so onsite flooding does not occur. This could be done with a Location Hydraulic Study that uses the Rational Method to calculate flows from the Proposed Project from an increase in the impervious surface. In addition, the Study should also use a HEC-RAS model to determine if the outfall to which the storm drain ends has sufficient capacity to handle the additional flow.

To reduce or eliminate water quality effects from polluted runoff from the project, the developer or Applicant will incorporate stormwater treatment devices into the site design per C.3 provisions and implement multiple BMPs in areas with a potential to drain into storm drainage systems or surface waters. BMPs may include the following practices and methods of treatment:

- (a) Paved project roadways and parking areas will be cleaned regularly using street sweeping equipment. Additionally, litter and debris that may accumulate on the project site will be regularly collected and properly disposed of. These measures will be carried out at least monthly if construction occurs during the rainy season (October–April);
- (b) Dry detention basins, which are typically dry except after a major rainstorm when they temporarily fill with stormwater, will be created and designed to decrease runoff during storm events, prevent flooding, and allow for off-peak discharge. Basin features will include maintenance schedules for the periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets;

- (c) Grass buffer strips, high infiltration substrates, tree box filters, and grassy swales will be used where feasible throughout the project site to reduce runoff, serve as biofilters, and provide initial stormwater treatment. This type of treatment will apply particularly to parking lots;
- (d) Physical devices will be placed at outlets of pipes and channels to reduce the velocity or the energy of exiting water. Outlet protection helps to prevent scour and minimize the potential for downstream erosion by reducing the velocity or energy of concentrated stormwater flows;
- (e) Methods of treatment that could be used in combination to provide additional stormwater treatment include use of permeable pavers, planters, vegetated roofs, rain barrels and cisterns, vegetated filter strips, infiltration trenches, bioretention cells, and grassed swales.

The project developer shall select a combination of BMPs that is expected to remove contaminants from stormwater discharges. The final selection and design of BMPs will provide maximum contaminant removal, represent the best available technology that is economically achievable, and explicitly identify the expected level of effectiveness at contaminant removal.

The City will conduct inspections following the construction to ensure that all identified BMPs have been properly installed. The project will adopt a regular maintenance and monitoring schedule to ensure that these BMPs function properly during project operations. If necessary, the City will require that additional BMPs be designed and implemented if those originally constructed do not achieve the identified performance standard.

As a performance standard, measures to be implemented will be designed to meet C.3 requirements to ensure no net increase in off-site flow velocities. All flow from the project will be captured and treated per the requirements of Provision C.3.

*Mitigation Measure HYD-4 update, as of November, 2017:
This mitigation measure is required.*

162. Mitigation Measure NOI-1: Employ Measures to Reduce Transportation Noise Levels to Comply with Applicable Noise Standards - The Applicant shall employ measures to reduce transportation noise to levels that comply with applicable noise standards (i.e. 60 dBA CNEL for exterior areas of new single and multi-family residential uses, 65 dBA CNEL for exterior areas of offices, commercial, and professional uses, 45 dBA CNEL for interior areas of residential uses, and maximum noise levels within bedrooms during train passbys of 55 dBA Lmax.) The Applicant shall retain a qualified acoustical consultant to prepare a report describing design level noise-reducing treatments to be implemented. The report shall be submitted to the City for review and approval prior to issuance of the project building permits.

Measures that can be implemented to achieve compliance with applicable noise standards include but are not limited to the following:

- (a) Locate noise-sensitive outdoor use areas away from adjacent noise sources;
- (b) Shield noise-sensitive spaces with building or noise barriers whenever possible (i.e. construct outdoor use areas as courtyard areas);
- (c) Include the provision of forced-air mechanical ventilation for all units, so that windows could be kept closed at the occupant's discretion to control noise;
- (d) Implement special building construction techniques at residential uses where necessary. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The specific determination of what treatments are necessary shall be conducted on a unit-by-unit basis.

*Mitigation Measure NOI-1 update, as of November, 2017:
 This mitigation measure is required.*

163. Mitigation Measure NOI-4: Employ Measures to Reduce Construction Noise to Comply with Applicable Construction Noise Standards - The construction contractor shall employ measures to reduce construction noise such that noise from construction activity does not violate applicable construction noise standards. Measures that can be implemented to reduce construction noise to acceptable levels include but are not limited to:

- (a) Limiting all construction activities, including loading and unloading of materials and on-site truck movements, to the hours between 8:00 a.m. and 8:00 p.m. Monday through Friday, 9:00 am to 8:00 pm on Saturdays, 10:00 am to 6:00 pm on Sundays and holidays, and to the provisions listed in Section 9.40.053 of the Union City Municipal Code;
- (b) Using available noise suppression devices and techniques, including:
 - (i) Equipping all internal combustion engine-driven equipment with mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features that are in good operating condition and appropriate for the equipment.
 - (ii) Utilizing "quiet" models of air compressors and other stationary noise sources where such technology exists.
 - (iii) Utilizing electrically powered equipment instead of pneumatic or internal combustion powered equipment, where feasible.
 - (iv) Using of noise-producing signals, including horns, whistles, alarms, and bells, for safety warning purposes only.
 - (v) Locating stationary noise-generating equipment, construction parking, and maintenance areas as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near the construction project area.
 - (vi) Prohibiting unnecessary idling of internal combustion engines (i.e., in excess of five minutes).
 - (vii) Placing temporary barriers or enclosure around stationary noise generating equipment when located near noise sensitive areas.

- (viii) Ensuring that project-related public address or music systems are not audible at any adjacent receptor.
- (ix) Notifying adjacent residents in advance of construction work.

Mitigation Measure NOI-4 update, as of November, 2017:

This mitigation measure is required.

164. Mitigation Measure TRA-1: Develop and Implement a Traffic Control Plan - The construction contractor will mitigate the Proposed Project's construction related traffic impacts by developing and implementing a Traffic Control Plan as part of the overall Construction Management Plan, in accordance with City policies. The Traffic Control Plan will be implemented throughout the course of project construction, and will include the following elements:

- (a) Communication plan to notify transit providers, emergency service providers, residences, and businesses located in the project vicinity of the construction plans;
- (b) Identify roadway segments or intersections that are at, or approaching, LOS that exceeds local standards, and provide for construction-generated traffic to avoid these locations at the peak periods, either by traveling different routes or by traveling at non-peak times of day;
- (c) Restrict delivery of construction materials to between the hours of 8:00 a.m. and 3:00 p.m. to avoid more congested morning and evening hours;
- (d) Require that written notification be provided to contractors regarding appropriate routes to and from the construction site, and the weight and speed limits on local roads used to access the construction site;
- (e) Contain an access and circulation plan for use by emergency vehicles when lane closures and/or detours are in effect. If lane closures occur, provide advance notice to local fire and police departments to ensure that alternative evacuation and emergency routes are designed to maintain response times;
- (f) Provide for adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period;
- (g) Require traffic controls on roadways adjacent to the project, including flag persons wearing bright orange or red vests and using a *Stop/Slow* paddle to control oncoming traffic. Construction warning signs should be posted in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices (Federal Highway Administration 2001), in advance of the construction area and at any intersection that provides access to the construction area; and

- (h) Specify that a sign be posted at all active construction areas giving the name and telephone number or e-mail address of the City staff person designated to receive complaints regarding construction traffic.

*Mitigation Measure TRA-1 update, as of November, 2017:
This mitigation measure is required.*

- 165. Mitigation Measure TRA-5: Roadway Improvements for Decoto Road/11th Street Intersection - Extend the length of the southbound left-turn pocket on Decoto Road (approaching 11th Street), relocating the Decoto Road median and eliminating the northbound left-turn pocket from Decoto Road to westbound 10th; and install a northbound right-turn lane on Decoto Road, approaching Cheeves Way. The City will install the improvements but the Proposed Project will be required to pay its fair share similar to the Avalon Bay and Mid-Peninsula Housing projects. Despite implementation of this measure, this impact would remain significant and unavoidable at Decoto Road/11th Street Avenue.

*Mitigation Measure TRA-5 update, as of November, 2017:
This mitigation measure is not required. The roadway improvements have been completed by the City with the Transit Oriented Development grant. No fair share payment is required.*

- 166. Mitigation Measure TRA-13: Rail Safety Assessment and Improvements - The City, in cooperation with the Applicant, Capitol Corridor, Union Pacific, BART, and CPUC shall require the implementation of the following:

Mitigation Measure TRA-13 (a through f) update, as of November, 2017: This mitigation measure is not required. The below listed mitigation measures (a through f) have been completed by the City with the Transit Oriented Development grant.

- (a) Prior to issuance of building permits for Phase 1, the City shall complete a Safety Diagnostic of the Niles Subdivision and Oakland Subdivision crossings at Decoto Road, in cooperation with CPUC. The purpose of the Safety Diagnostic is to identify current safety conditions and needs so that advance planning can be performed for necessary rail safety improvements. This would allow for any necessary rail safety improvements to be implemented prior to the generation of new residents, employees, and visitors. The Safety Diagnostic shall examine the condition of existing facilities and the need for additional signage, signalization, crossing roadway conditions, and sidewalk conditions.
- (b) Detectable warning treatments and sidewalk improvements necessary to manage pedestrian crossing safety (as determined in the Safety Diagnostic) shall be installed, relative to the two railroad crossings, along Decoto Road. The detectable warning treatment will involve signages along each sidewalk approaching the railroad crossings in the project vicinity. These improvements shall be required prior to occupancy of the Project.

- (c) Prior to occupancy of the Project, the City shall install DO NOT STOP ON TRACKS and KEEP CLEAR or diagonal hatch markings at the two track crossings to discourage vehicles from stopping on the tracks.
- (d) Fencing, wall or other suitable barrier shall be placed adjacent to the northern edge of the Oakland Subdivision between Decoto Road and the ACWD Line M facility with exception of the areas of the Intermodal Station. Fencing or other suitable barriers shall be of design and sufficient height to substantially deter ingress into the railway right of way. This improvement shall be required prior to occupancy of the Project.
- (e) Fencing shall be installed on Cheeves Way along the south side of the Niles Subdivision right-of-way to channelize pedestrians along the appropriate path prior to occupancy of the Project.
- (f) Signage (in accordance with the Manual on Uniform Traffic Control Devices) shall be added to westbound 11th street indicating that the road ahead (Decoto Road) has railway crossings in both north and southbound directions. This improvement shall be required prior to occupancy of the Proposed Project.
- (g) Signage shall be added to westbound Cheeves Way indicating that the road ahead (Decoto Road) has railway crossing in the northbound direction. An additional flashing light signal pair (railroad warning device) shall be installed to directly face the right turn from Cheeves Way on to Decoto Road, if the intersection is within 100 feet of the existing warning device. These improvements shall be required prior to occupancy of the Proposed Project.

Mitigation Measure TRA-13(g) update, as of November, 2017: This mitigation measure is not required. The intersection of Cheeves Way and Decoto Road is greater than 100 feet from the existing warning device for the nearby rail line. No further mitigation is required.

- (h) Basic rail safety information packets shall be provided to residents and commercial users of the Proposed Project making them aware of the basic precautionary steps they can take to minimize risks when crossing the local railroads on Decoto Road.

Mitigation Measure TRA-13(h) update, as of November, 2017: This mitigation measure is required.

- (i) Prior to issuance of building permits for Phase 1, a queuing analysis shall be conducted to analyze queuing related to the two railroad crossings on Decoto Road and will consist of the following three steps:
 - (i) Data Collection: A 12-hour continuous video log will be collected for the subject crossing on two days (Tuesday and Thursday of the same week). The time period of the logs will cover both the AM and PM peak periods and the time between these peak periods (6 a.m. to 6 p.m.), however if in

proximity to a shopping or nightlife area, the PM peak could be (6 p.m. to 8 p.m.). From the video logs the following data will be extracted; a) the number of crossing activations and the times of activation; b) the duration of crossing activation (time the crossing arms are down); c) the type of activity causing the activation (freight, passenger, other); d) the length of the vehicular queues that extend toward the track from the intersection during the AM and PM peak hours for roadway traffic; and e) the length of the vehicular queues on the roadway approaches to the crossing during the AM and PM peak hours for roadway traffic.

- (ii) The collected data shall be used to perform the following analysis: a) number of activations, duration of activations, and length of queues during the AM and PM peak hours; b) effects of the existing activations and queues on adjacent intersections; c) potential impact of the proposed project's trips (existing and cumulative) to the likelihood of vehicles stopping on the tracks (whether queue extends from the intersection to or beyond the track); d) potential impact of the proposed project's trips (existing and cumulative) to the length of the vehicular queues on the roadway approaches to the crossing.
- (iii) Measures to address queuing that result in unsafe conditions relative to the rail lines shall be identified including changes in signal timing, and/or other improvements. The timing for such improvements relative to changes in traffic over time shall be identified so that the City can adopt an implementation schedule for necessary measures.

Mitigation Measure TRA-13 (i through iii) update, as of November, 2017: This study required by this mitigation measure has been completed and therefore this mitigation measure is not required.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 14th day of November, 2017 by the following vote:

AYES:	Councilmembers Duncan, Ellis, Singh, Vice Mayor Gacoscos, Mayor Dutra-Vernaci
NOES:	None
ABSENT:	None
ABSTAIN:	None

CAROL DUTRA-VERNACI

Mayor

ATTEST:

ANNA M. BROWN

Attachment 5

City Council Resolution No. 5143 -17
Site Development Review (SD-17-003), Use Permit (UP-17-005)
Block 2 Development, 34302 11th Street
Page 40 of 40

City Clerk

APPROVED AS TO FORM:



KRISTOPHER J. KOKOTAYLO
City Attorney