

APPENDIX A MITIGATION MEASURES

Mitigation Measure BIO-1: Adequate measures to avoid inadvertent take of nesting birds protected under the Migratory Bird Treaty Act during the Project shall include at a minimum:

- If vegetation removal and initial Project activities are proposed during the nesting season (March through August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 14 days prior to the onset of vegetation removal or other Project work, in order to identify any active nests on the FMW Site and in the vicinity of proposed construction. The FMW Site shall be resurveyed to confirm that no new nests have been established if building demolition has not been completed or if Project activities have been delayed or curtailed for more than 14 days during the nesting season.
- If no active nests are identified during the pre-Project survey period, or if Project activities are initiated during the non-breeding season (September through February), vegetation removal and building demolition may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and other Project activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFW, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if Project activities are to be initiated on the remainder of the FMW Site.
- A report of findings shall be prepared by the qualified biologist and submitted to DTSC prior to initiation of demolition, excavation, or paving activities within the no-disturbance zone during the nesting season (March through August). The report shall either confirm absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and Project activities can proceed.

Mitigation Measure CULT-1: An Archaeological Monitoring Plan (Plan) shall be developed and implemented for the Project. The Plan shall require that a qualified archaeologist be present to monitor ground disturbing Project activities. The monitoring archaeologist shall have expertise in California prehistory as well as Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. Monitoring should occur after demolition of the building when soils beyond the building's footprint will be disturbed and when the concrete slabs are removed. Monitoring should continue during ground disturbing activities that occur after the slabs have been removed and during well-drilling and soil removal activities.

If intact archaeological deposits are encountered or other evidence of cultural resources (such as unusual amounts of bone or shell, artifacts, human remains, or architectural archaeological remains) all work within 25 feet of the deposit shall cease or be diverted until the deposit is evaluated. The monitoring archaeologist shall immediately notify the Successor Agency and DTSC of the encountered archaeological deposit.

The monitoring archaeologist shall conduct a preliminary assessment to make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit in accordance with CEQA guidelines and other established criteria. If it is determined that the identified archaeological deposit is not significant, the deposit may be removed and work in the area may resume. If it is determined that the archaeological deposit is significant, work affecting the deposit will be avoided. Within 10 calendar days, the monitoring archaeologist will submit to the Successor Agency and DTSC a preliminary assessment report describing the potential significance of the resource and recommendations regarding appropriate and feasible avoidance measures and/or other appropriate mitigation measures to preserve the status of the resource as a unique archaeological resource.

The presence of hazardous materials at the FMW site could interfere with avoidance of potential cultural resources encountered during excavation. If the Successor Agency, in consultation with the monitoring archaeologist, determines that a unique archaeological resource is present and that the resource could be adversely affected by the proposed remediation project, the Successor Agency shall consult with DTSC to determine how to avoid any significant adverse effects on the unique archaeological resource.

If the Successor Agency determines that avoidance of a unique archaeological resource is not feasible, DTSC shall direct the qualified archaeologist to develop and implement a plan to mitigate the effect of the Project on the qualities which make the resource unique. As specified in CEQA Guidelines (Section 15126.4 (b)), preservation of the archaeological resource in place is the preferred manner of mitigating potential impacts to the resource. If this is not possible, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information should be prepared and adopted prior to the disturbance of that resource. Any scientifically consequential information from the data recovery plan must be submitted to the appropriate California Historical Resources Information System information center. The Archaeological Monitoring Plan prepared by the Successor Agency to be implemented during the Project is appended to this IS/MND as Appendix G.

Mitigation Measure CULT-2: The Archaeological Monitoring Plan (Mitigation Measure CULT-1) (Appendix G) requires that if human remains are uncovered during work at the FMW Site, all work within 25 feet shall be redirected and the County Coroner notified immediately. At the same time, the monitoring archaeologist shall assess the situation and consult with agencies, as appropriate. Project workers should not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site within 48 hours of being granted access to the site and provide recommendations for the proper treatment of the remains and associated grave goods. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment. Work within 25 feet of the discovery may resume after the MLD has inspected the site, provided recommendations, and either the remains and associated grave goods are preserved in place or removed from the FMW Site by a qualified archaeologist in consultation with the MLD. Any remains and associated grave goods shall thereafter be reinterred at the FMW Site or other appropriate location in consultation with the MLD. The Successor Agency has also agreed to Nototomne Cultural Preservation's request to provide for tribal oversight during ground disturbing activities at the FMW Site. The Nototomne Cultural Preservation's representative performing monitoring activities shall have OSHA HAZWOPER certification.

Mitigation Measure HAZARDS-1: As a condition of approval, the Project RDIP shall include a Health and Safety Plan (HSP) prepared by a Certified Industrial Hygienist and reviewed by DTSC. The HSP shall include measures designed to protect remedial workers, the general public, and the environment from releases of hazardous materials that may occur during each phase of Project activities. The HSP shall include the use of Personal Protective Equipment (PPE) to address potential exposures to FMW Site contaminants for workers, in accordance with OSHA worker safety requirements. The HSP shall include training requirements, including requirements for remedial workers and on-site monitors/observers of remedial work to be trained in HAZWOPER in accordance with Title 8, Section 5192 of California Code of Regulations. The HSP shall include measures to minimize the potential for hazardous emissions that could affect off-site receptors, including BAAQMD dust control Best Management Practices. In addition, the Project RDIP will include a dust, vapor, and odor control plan and a perimeter air monitoring plan that will be reviewed and approved by DTSC. The perimeter air monitoring plan will develop human health risk-based airborne action levels for dust and COCs protective of off-site receptors, will describe air monitoring procedures, and will specify contingency measures to be undertaken if airborne action levels are exceeded. The dust, vapor, and odor control plan will specify measures to be undertaken to limit generation of dust, vapors, and

odors in accordance with airborne action levels specified in the perimeter air monitoring plan. The HSP shall include emergency response procedures for remedial site workers, as well as procedures for the investigation and safe removal of previously unknown sources of contamination, such as underground tanks, that may be encountered during remedial excavation activities. The HSP shall also include soil and groundwater management procedures designed to ensure handling of those materials in accordance with regulatory requirements and prevent migration of contaminants off-site through trackout, runoff, or dust.

Mitigation Measure HAZARDS-2: As a condition of approval, the Project RDIP shall include a Perimeter Air Monitoring Plan (Plan) for remedial activities to be reviewed by DTSC. The Plan shall require real time air monitoring at the perimeter of the FMW Site during earthmoving activities. The Plan shall establish health risk-based action levels for organic vapor and fugitive dust and the air monitor personnel designated in the Plan shall have the authority to stop work at the FMW Site if these action levels are exceeded. The Plan shall include remedial measures to be implemented in the event of action level exceedances, prior to the restart of work, such as a temporary work stoppage during windy conditions, additional dust and vapor control measures, the use of non-toxic VOC vapor suppressants, and/or tenting of excavation activities.

Mitigation Measure NOISE-1: At a minimum, the following measures shall be included in the RDIP and implemented to minimize potential noise impacts during the Project:

- The construction contractor shall designate a "Noise Disturbance Coordinator," who would be responsible for responding to any local complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of all noise complaints (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The Noise Disturbance Coordinator shall record all noise complaints received and actions taken in response. The Noise Disturbance Coordinator shall be trained to use a sound level meter and shall be available during all construction hours to respond to complaints.
- Signs shall be conspicuously posted at the FMW Site that include permitted construction days and hours consistent with Section 5-13.05 of the Noise Ordinance, and the name and telephone number of the Noise Disturbance Coordinator.
- All internal combustion engine-driven equipment shall be fitted with intake and exhaust mufflers that are in good condition in order that non-impact equipment generate a maximum noise level of 80 dBA when measured at a distance of 50 feet.
- Use of impact tools (e.g., hoe rams, jack hammers, pavement breakers, and rock drills) and similarly loud construction equipment shall be limited to weekdays (i.e. Monday through Friday) between the hours of 8:00 am to 5:00 pm, and shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used to lower noise levels from the exhaust by up to 10 dBA. External jackets on the tools themselves shall be used where feasible, to achieve a reduction of 5 dBA.
- Construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
- All stationary noise-generating equipment, such as air compressors, portable power generators, other thermal and MPE treatment system equipment (e.g. power control unit, blowers, cooling tower fans, pumps, air stripper), and on-site equipment staging areas, shall be located so as to maximize the distance between the equipment and the nearest receptors to the FMW Site or noise mitigation measures, such as noise reduction equipment, noise barriers, or partial enclosures, shall be designed and installed to limit noise from the equipment as measured at the nearest receptors at or below ambient noise levels in the vicinity of the FMW site (65 to 75 dBA).

- The entrance to the FMW Site shall be located so as to maximize the distance from the adjacent office buildings to the north of the FMW Site, to the extent feasible based on access conditions.
- Temporary noise barriers (such as plywood noise barriers or noise control blankets) or partial enclosures shall be constructed to provide acoustical shielding for outdoor construction areas, if practicable.
- Whenever feasible, temporary noise barriers or partial enclosures shall be constructed to provide acoustical shielding for stationary noise-generating equipment, such as air compressors and portable power generators.
- Whenever feasible, a noise barrier will be kept between heavy construction equipment that is in operation and the offices to the north. The noise barrier may be constructed from plywood and installed on top of a portable concrete K-Rail system to be able to move and/or adjust the wall location during construction activities. A sound blanket system hung on scaffolding, or other noise reduction materials that result in an equivalent or greater noise reduction than plywood, may also be used.
- If deemed necessary after implementation of other noise and vibration mitigation measures set forth herein and NOISE-3b, in order to minimize disturbances to occupants of the buildings immediately adjacent to the north, excavation activities and use of drill rigs in connection with installation of wells conducted within 50 feet of the buildings immediately adjacent to the north may be conducted on weekends between 9:00 am and 6:00 pm, or as otherwise determined, if approval is granted by the City Council pursuant to Chapter 13 of Title 5 of the City of Emeryville Municipal Code.

Mitigation Measure NOISE-2: Operation and maintenance of the equipment for thermal treatment with MPE and associated post-thermal activities shall be located at least 50 feet away from the adjoining office buildings to the north of the FMW Site. Further, said equipment shall be located within an insulated enclosure or other sufficient barrier designed and installed to limit noise from the equipment as measured at the nearest receptor at or below ambient noise levels in the vicinity of the FMW site (65 to 75 dBA).

Mitigation Measure NOISE-3a: The structural/geotechnical investigation conducted for the Project prior to completion of the RDIP shall include a structural evaluation of the buildings immediately north of the FMW Site (on APN 49-1319-1-6 and 49-1319-1-11), if access is granted by the respective property owners. The evaluation shall include a baseline survey of cracks and other pre-existing structural damage on adjoining buildings and determine a site-specific vibration performance standard (PPV in in/sec) for Project excavation activities to be protective of adjoining buildings. This performance standard will be incorporated into vibration monitoring for the project.

Mitigation Measure NOISE-3b: The following measures shall be included in the RDIP and implemented to minimize potential vibration impacts during excavation activities on the parking lot parcel (APN 49-1319-1-20) of the FMW site:

- Excavators and other equivalent equipment shall be operated to avoid scraping or hitting the foundation of adjacent buildings. If appropriate and subject to DTSC approval, the limits of excavation may exclude areas within close proximity of foundations of adjacent buildings.
- Rollers (e.g., sheepsfoot or smooth drum) shall not be used in vibratory mode within 25 feet of the commercial buildings to the north of the FMW Site.
- To the extent practical, large concrete subsurface obstacles uncovered on the parking lot parcel shall be dragged/moved at least 10 feet away from northern perimeter of the FMW Site to be broken down to avoid generating potentially excessive vibration near the adjacent commercial buildings to the north .
- Heavy construction equipment shall be operated to avoid the generation of high levels of vibration to the extent feasible.

- Vibration monitoring shall be performed during all earthmoving activities within the parking lot parcel. Should vibration (measured as PPV in in/sec) exceed the performance standard identified in the pre-construction structural survey (Mitigation Measure NOISE-3a), work shall be halted and alternative methods of construction implemented, if feasible. If vibration exceeding the performance standard is unavoidable, the nature and extent of the exceedance shall be logged. These logs shall be maintained as part of the Project record.

Mitigation Measure TRANS-1: As a condition of approval for the RDIP, a construction management plan shall be developed for the Project that includes:

- A set of comprehensive traffic control measures, including scheduling of trips to be staggered throughout the day with the last site arrivals prior to 4 p.m.; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes
- Use of driveway flaggers for inbound and outbound truck trips
- Permitted construction hours consistent with Section 5-13.05 of the Noise Ordinance
- Identification of parking areas for construction employees, site visitors, and inspectors
- Provisions for street sweeping to remove construction related debris on public streets
- Provision for pedestrian detour signage if temporary sidewalk closures are necessary; signage would need to be placed at the mid-block crossing under the Powell Street bridge and at the Horton Street and Stanford Avenue intersection.
- Provision for cyclist detour signage if temporary bicycle lane closures are necessary; signage would need to be placed at the Horton Street and Haruff Street intersection and at the Horton Street and Stanford Avenue intersection.

This is to acknowledge that we have agreed to incorporate the above mitigation measures as part of the FMW Site RAP Project.