

**Mitigation Monitoring and Reporting Program**

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**Carlos Bee Boulevard Residential Project**

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December 2019

# P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On \_\_\_\_\_, the City Council adopted the Mitigated Negative Declaration for the Carlos Bee Residential project (Application No. 201802159). The Initial Study concluded that the implementation of the project could result in significant impacts on the environment and mitigation measures will be incorporated into the proposed project at the time of future development. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant.

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Carlos Bee Boulevard Residential Project**

<b>Mitigation and/or Avoidance Measure(s)</b>	<b>Timeframe and Responsibility for Implementation</b>	<b>Method of Compliance</b>	<b>Oversight of Implementation</b>
<p><b>MM BIO-1:</b> If removal of the trees would take place between January and September, a pre-construction survey for nesting raptors or other migratory birds will be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys will be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys will be conducted no more than thirty days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area to be disturbed by these activities, and the ornithologist shall, in consultation with the CDFW, designate a construction-free buffer zone (typically 250 feet) around any occupied nests until the end of the nesting activity.</p>	<p>Between January and April, pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August, pre-construction surveys shall be conducted no more than thirty days prior to the initiation of construction activities or tree relocation or removal. If occupied nests are found, the construction-free buffer zone shall</p>	<p>The results of the pre-construction surveys shall be reviewed by the Landscape Architect prior to tree removal and/or initiation of construction activities.</p>	<p>City of Hayward Landscape Architect, Planning Division</p>

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	remain until the end of nesting activity.		
<p><b>MM BIO-5.1:</b> All protected trees removed from the site shall obtain a Tree Removal Permit per the City of Hayward Tree Preservation Ordinance (Municipal Code Chapter 10, Article 15). The removed trees would be required to be replaced at the quantities and species set forth in the Tree Preservation Ordinance. All removed trees would require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City’s Landscape Architect. The project shall adhere to the conditions of approval described in the City’s Tree Preservation Ordinance for the removal, replacement or maintenance of protected trees. Final landscape plans shall be reviewed and approved by the City’s Landscape Architect prior to issuance of any grading, trenching, or building permits. Final landscape plans shall clearly identify all “protected trees”, as defined in the Tree Preservation Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specific the species of all replacement trees.</p>	<p>Prior to removal of any trees and/or issuance of any grading, trenching, or building permits.</p>	<p>The project applicant shall obtain a Tree Removal Permit for the removal of protected trees. Final landscape plans shall be reviewed and approved by the City’s Landscape Architect.</p>	<p>City of Hayward Landscape Architect, Planning Division</p>

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<p><b>MM BIO-5.2:</b> The project applicant shall implement all tree protection measures as described below:</p> <p><i>Design Recommendations</i></p> <ol style="list-style-type: none"> <li>1. Any changes to the plans affecting the trees shall be reviewed by the Project Arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans.</li> <li>2. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. No grading, excavation, construction or storage of materials shall occur within this zone. Underground services, including utilities, sub-drains, water or sewer shall be routed around the TPZ.               <ol style="list-style-type: none"> <li>a. A fence shall be placed to encircle the group of Italian stone pine and blue gums #136-140 (refer to Figure 4.4-1);</li> <li>b. No fencing is required for trees #173-180;</li> <li>c. Off-site oak #185 will require additional fencing at the line of grading. Additionally, within the dripline no self-propelled equipment shall be used.</li> <li>d. Any other measures as required by the Landscape Architect.</li> </ol> </li> </ol>	<p>During all stages of construction.</p>	<p>All tree protection measures shall be printed on all construction documents, contracts, and project plans. An arborist shall be retained by the project applicant to ensure tree protection measures are implemented properly during construction which shall be inspected by the City’s Landscape Architect and Public Works – Engineering Inspectors</p>	<p>City of Hayward Landscape Architect, Planning Division and Public Works - Engineering</p>

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<p>3. Irrigation systems must be designed so that no trenching severs roots larger than one inch in diameter will occur within the TPZ.</p> <p>4. Tree Preservation Guidelines prepared by the Project Arborist, which include specifications for tree protection during demolition and construction, shall be included on all plans.</p> <p>5. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.</p> <p>6. The soil shall be not be limed within 50 feet of any tree. Lime is toxic to tree roots.</p> <p>7. Ensure adequate but not excessive water is supplied to trees; in most cases, occasional irrigation will be required. Avoid directing runoff towards trees.</p> <p><i>Pre-Construction Treatments and Recommendations</i></p> <p>1. The demolition and construction superintendents shall meet with the Project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.</p> <p>2. Prune trees to be preserved to clean the crown of dead branches one inch and larger in diameter, raise canopies as needed for construction activities. All pruning shall be done by a State of California</p>			

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<p>Licensed Tree Contractor (C/61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Project Arborist will provide pruning specifications prior to site demolition.</p> <p>3. Structures and underground features to be removed within the TPZ shall use equipment that will minimize damage to trees above and below ground, and operate from outside the TPZ. The Project Arborist shall be on-site during all operations within the TPZ to monitor demolition activity.</p> <p>4. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds, consistent with MM BIO-1 above. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys shall be conducted prior to tree work. Qualified biologists shall be involved in establishing work buffers for active nests.</p>			

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<p><i>Recommendations for Tree Protection during Construction</i></p> <ol style="list-style-type: none"> <li>1. Any approved grading, construction, demolition or other work within the TPZ shall be monitored by the Project Arborist.</li> <li>2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.</li> <li>3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Project Arborist.</li> <li>4. Construction trailers, traffic, and storage areas shall remain outside the TPZ at all times.</li> <li>5. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.</li> <li>6. If roots two inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist shall be consulted to evaluate effects on the health and stability of the tree and recommend treatment.</li> <li>7. Spoils from trenching, footing, utility or other excavation shall not be placed within the TPZ, neither temporarily nor permanently.</li> </ol>			



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<p>8. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TPZ. Any modifications shall be approved and monitored by the Project Arborist.</p> <p>9. All trees shall be irrigated on a schedule to be determined by the Project Arborist (every three to six weeks is typical). Each irrigation shall wet the soil within the TPZ to a depth of 30 inches.</p> <p>10. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.</p> <p>11. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.</p> <p>12. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by construction personnel.</p> <p>13. Trees that accumulate a sufficient quantity of dust on their leaves, limbs and trunk as judged by the Project Arborist shall be spray-washed at the direction of the Project Arborist.</p>			

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<p><i>Maintenance of Relocated Trees</i></p> <ol style="list-style-type: none"> <li>1. Irrigate. Until roots develop into the surrounding soil, the tree is dependent on water contained in the root ball itself. Plants should be irrigated before the root ball becomes dry, but not so frequently that it remains wet. Irrigation frequencies may range from every few days in hot, dry weather to every few weeks in cool weather. A soil probe should be used to check soil moisture and water applied as needed.</li> <li>2. Prune. Trees should be pruned following transplanting to remove broken or damaged branches. If bark has been damaged, cut off any torn bark or wood with a knife. Do not shape the wound or apply wound paint.</li> <li>3. Fertilize. Fertilizer should be applied if soil tests reveal deficiencies. Fall or late winter are the best times to apply fertilizer.</li> <li>4. Monitor for pests and diseases. Transplanted trees are under stress until new roots are established in the landscape, and they are more susceptible to attack by parasites. Borers and canker disease are the most common problems. Inspect transplants monthly to assess any developing problems and determine appropriate treatments.</li> </ol>			

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<p>5. Inspect anchor stakes or guys. Every three months check that the plant is not being damaged by hardware.</p> <p>6. Enlarge basin, replenish mulch. At the beginning of the second year, enlarge the watering basin by 50 percent and replenish wood chip mulch in basin.</p> <p><i>Maintenance of Impacted Trees</i>            Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability shall be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases; therefore, annual inspection for hazard potential is recommended.</p>			
<b>Cultural Resources</b>			
<p><b>MM CUL-1.1:</b> <i>Undiscovered Archaeological Resources.</i> If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity</p>	<p>During all phases of construction.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development</p>	<p>Director of Development Services or her designee in the Planning Division</p>

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<p>(“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.</p>		<p>Services or her designee prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-1.1 shall be submitted to the City by a qualified archaeologist as appropriate.</p>	

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<p><b>MM CUL-1.2:</b> <i>Human Remains.</i> If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager and the Alameda County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources</p>	<p>During all phases of construction.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services or her designee prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-1.2 shall be submitted to the City by a qualified archaeologist as appropriate.</p>	<p>Director of Development Services or her designee in the Planning Division</p>

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Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.			
<b>Geology and Soils</b>			
<p><b>MM GEO – 6:</b> <i>Unique Paleontological and/or Geologic Features and Reporting.</i> Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City’s Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology shall also be submitted to the City.</p>	During all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development Services or her designee prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM GEO-6 shall be submitted to the City by a qualified paleontologist as appropriate.	Director of Development Services or her designee in the Planning Division

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<b>Noise</b>			
<p><b>MM NOI-1.1:</b> The applicant shall develop a construction noise plan, including, but not limited to the following available controls:</p> <ul style="list-style-type: none"> <li>• In accordance with the Municipal Code, utilize the best commercially-reasonable available noise suppression devices and techniques during construction activities to reduce noise levels from individual devices or pieces of equipment to 83 dBA or less at a distance of 25 feet and 86 dBA at the property plane.</li> <li>• Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>• Unnecessary idling of internal combustion engines shall be strictly prohibited.</li> <li>• Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors,</li> </ul>	<p>The construction noise plan shall be prepared prior to grading permit issuance, and the project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Director of Development or her designee Services prior to the issuance of grading and building permits. Operational conditions shall be inspected and verified by Public Works – Engineering inspectors.</p>	<p>Director of Development Services or her designee; and Public Works – Engineering</p>

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<p>adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</p> <ul style="list-style-type: none"> <li>• Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>• Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>• Locate temporary material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</li> <li>• Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> </ul>			



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<ul style="list-style-type: none"> <li>• Notify in writing all adjacent business, residences, and other noise-sensitive land uses of the construction schedule.</li>   <li>• Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</li> </ul>			

Source: *Carlos Bee Boulevard Residential Project Initial Study*. November 2019.