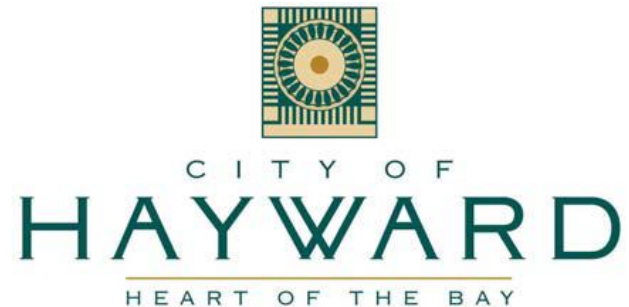


Mitigation Monitoring and Reporting Program

24765 Hesperian Boulevard Residential Project



May 2018

MITIGATION MONITORING AND REPORTING PROGRAM
24765 Hesperian Boulevard Residential Project

Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Air Quality				
<p>Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of respirable particulate matter (PM₁₀ and PM_{2.5}).</p>	<p>SM AQ-1.1: The project shall implement the following standard dust control measures during all phases of construction on the project site:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or 	<p>The 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 Chief Building Official, City Engineer or designee prior to the issuance of demolition, grading, and building permits.</p>	<p>Chief Building Official, City Engineer or designee</p>

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<p>Project construction would generate toxic air contaminants (TACs) that could affect nearby sensitive receptors.</p>	<p>reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. <p>SM AQ-1.2: The project shall use Tier 2 off-road diesel equipment to construct the project and thereby avoid exposing nearby residents and students to unhealthy levels of TACs.</p>			

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<p>In accordance with the City’s Community Risk Reduction Plan, the project will install MERV 13 filters to reduce the exposure of project residents to TACs</p>	<p>SM AQ-1.3: The applicant shall install MERV 13 filters to reduce the exposure of project residents to vehicular exhaust TACs from Hesperian Boulevard and other stationary TAC sources in the vicinity.</p>			
Biological Resources				
<p>Impact BIO-1: The project may disturb nesting birds on and adjacent to the site during construction.</p> <p>Less Than Significant Impact with Mitigation</p>	<p>MM BIO-1.1: In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:</p> <ul style="list-style-type: none"> • Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than seven (7) days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. • If an active nest is found in an area that would be disturbed by construction, the ornithologist 	<p>Nesting surveys shall be completed no more than seven (7) days prior to project construction during the breeding season (February 1 to August 31).</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans and the nesting survey report shall be reviewed by the Director of Development Services, Planning Division or designee prior to tree removal and the issuance of</p>	<p>Director of Development Services, Planning Division or designee</p>

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	<p>shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.</p> <ul style="list-style-type: none"> The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of any trees and the issuance of a grading permit or demolition permit. 		demolition, grading, and building permits, and any recommendations from the biologist to protect nesting activity must be implemented during construction.	
<p>Impact BIO-2: Development of the proposed project would result in significant impacts to protected trees.</p> <p>Less Than Significant Impact with Mitigation</p>	<p>MM BIO-2.1: All applicable requirements shall be followed and all permits obtained as required by the City's Tree Ordinance (HMC Chapter 10, Article 15). Per that ordinance, every effort shall be made to preserve the character of the area and the more valuable tree specimens on site to the greatest extent practicable. Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of any grading,</p>	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and final landscape plans shall be reviewed by the	Director of Development Services

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	trenching, encroachment, demolition, or building permit for development. 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 specify the species of all replacement trees.		Planning Division Landscape Architect or designee prior to the issuance of any grading, trenching, encroachment, demolition, or building permit for development. The project applicant shall pay applicable replacement values as specified in the arborist report and provide replacement trees and final landscape plan.	
Impact BIO – 3: Trees #61 and #62 that would be preserved with the project on Lot 13 could decline over time due to	MM BIO – 3.1: The project applicant shall implement all tree protection measures recommended in the Arborist Report prepared for the project for the two on-site to be preserved, which include the following:	The project applicant and contractors shall be responsible for implementing the	All measures shall be printed on all construction documents, contracts, and	Planning Division Landscape Architect or designee

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<p>poor care or be damaged by improper construction.</p> <p>Less Than Significant Impact with Mitigation</p>	<p><u>Design Measures</u></p> <ul style="list-style-type: none"> • A Tree Protection Zone shall be established around each tree to be preserved, as measured from the trunk of each tree. No grading, excavation, construction or storage of materials shall occur within that zone. • Include trees to be preserved and Tree Protection Zones on all construction plans. • Project plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, site plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans. • No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone. • Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone. • As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings, and placements on 	<p>mitigation measures during all phases of construction.</p>	<p>project plans and final landscape plans shall be reviewed by the Planning Division Landscape Architect or designee prior to the issuance of any grading, trenching, encroachment, demolition, or building permit for development.</p>	

	<p>expansive soils near trees should be designed to withstand differential displacement.</p> <p><u>Pre-Construction Treatments</u></p> <ul style="list-style-type: none"> • Fence all trees to be retained prior to demolition, grubbing or grading. Tree protection fencing should be placed at the edge of the Tree Protection Zone. Fences shall be six (6) feet chain link or equivalent as approved by the Consulting Arborist. Fences are to remain until all grading and construction is completed. • 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 Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning and adhere to the most recent editions of the American National Standard for Tree Care Operations and Pruning. The Consulting Arborist will provide pruning specifications prior to site demolition. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage. • Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction contractors. The qualified arborist shall remove the tree in a manner that 			
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	<p>causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12-inches below ground surface.</p> <p><u>Protection Measures During Construction</u></p> <ul style="list-style-type: none"> • Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures. • All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved. • Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist. • Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist. • Construction trailers, traffic and storage areas must remain outside fenced areas at all times. • Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist. • If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. 			
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**MITIGATION MONITORING AND REPORTING PROGRAM
24765 Hesperian Boulevard Residential Project**

Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> • No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone. • Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel. • All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks April through October is typical). Each irrigation shall wet the soil within the tree protection zone to a depth of 24”. 			
	<p>MM BIO – 3.2: The future homeowner of Lot 13 shall follow the instructions of the Homeowner Guide, which would be included on the title of the property, for the coast live oaks (#61 and #62) to determine responsibilities, conditions and construction restrictions that will ensure long-term success of the protected oak trees that are to remain with the project.</p>	<p>Once construction is complete, and Lot 13 is occupied, the future owners/residents of Lot 13 are responsible for the health of Trees #61 and #62 on an ongoing basis while the tree exists.</p>	<p>The future owners/residents of Lot 13 must adhere to the instructions of the Homeowner’s Guide to Protecting and Maintaining Mature Coast Live Oaks on Acorn</p>	<p>City Landscape Architect – Planning Division</p>

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			Street, Lot 13 prepared in February 2018.	
Cultural Resources				
During excavation and grading activities associated with construction of the project, a remote possibility exists that buried archaeological resources may be discovered	SM CUL-1.1: <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 Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. 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.	The project applicant and contractors shall be responsible for implementing the mitigation measures during all phases of construction.	All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed by the Chief Building Official or designee; and the Planning Division prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of	Chief Building Official

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	<p>SM CUL-1.2: <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 (“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>SM CUL-1.1, -1.2, -1.3, and -1.4 shall be submitted to the City by a qualified paleontologist/archaeologist as appropriate.</p>	

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	<p>SM CUL-1.3: <i>Report of Archaeological Resources.</i> If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.</p> <p>SM CUL-1.4: <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</p>			

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	<p>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 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.</p>			
Hazards and Hazardous Materials				
<p>Impact HAZ-1: Contaminated soil on-site may be encountered during grading and excavation activities on the property.</p>	<p>MM HAZ – 1.1: <i>Field Monitoring.</i> ENGEO shall provide as-needed testing and observation services during excavation work. Soil encountered during construction activities will be observed for discoloration/ staining or olfactory evidence of contaminant impacts. In addition, a Photoionization Detector (PID) will be available for use as necessary</p>	<p>The project applicant and contractors shall be responsible for implementing the mitigation measures during all</p>	<p>All measures shall be printed on all construction documents, contracts, and project plans and shall be reviewed</p>	<p>Fire Marshall or designee</p>

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<p>Less Than Significant Impact with Mitigation</p>	<p>to further screen soils for potential contaminants, as well as check ambient air during the excavation work. If considered necessary, the locations of air monitoring will be field-adjusted based on potential access and safety limitations, but will commonly include the excavation area, along with the perimeter of the excavation. PID readings will generally be taken whenever suspect material is encountered.</p> <p>MM HAZ – 1.2: <i>Health and Safety Plan.</i> The initial Personnel Protection Equipment (PPE) will be Level D (modified) which includes safety glasses, hard hat, steel-toed boots, gloves, hearing protection and high visibility vests. In the unlikely event significant unforeseen environmental conditions are discovered, work will stop and City of Hayward will be contacted.</p> <p>MM HAZ – 1.3: <i>Soil Excavation and Stockpile Management.</i> Impacted soils will be excavated, stockpiled onsite, covered with 10-mil plastic sheeting and secured to prevent dust or runoff during storm events. Appropriate dust control and stormwater best management practices (BMPs) will be implemented during the soil mitigation activities. For disposal, soil is determined to be non-hazardous or hazardous based</p>	<p>phases of construction.</p>	<p>by the Chief Building Official and Hayward Fire Department - Hazardous Materials Division or designee prior to the issuance of demolition, grading, and building permits.</p>	

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	<p>on the soluble threshold limit concentrations (STLC). The soil stockpiles will be profiled in accordance with the relevant regulations and the receiving facility's requirements. The specific laboratory profile will be determined at the completion of the excavation activities based on the requirements of the offsite landfill or receiving facility; however, it is anticipated as a minimum, the stockpile samples will be analyzed for CAM 17 Metals.</p> <p>MM HAZ- 1.4: <i>Confirmation Sampling.</i> Where the currently known lead impacted soil is identified, the soil will be removed with discrete soil samples recovered from the base and from each of the sidewalls of the excavation for laboratory testing to check for lead. If the confirmation samples report concentrations exceeding applicable residential screening levels according to the DTSC or RWQCB standards, additional material will be excavated with subsequent confirmation sampling and testing. The process will continue until concentrations are below residential screening levels. Soil samples will be retrieved using a hand sampler with two-inch by six-inch stainless steel liners. During sampling, retrieved soils will be screened for visual and olfactory</p>			

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	<p>evidence of impact as well as with a photoionization detector (PID). The sample liners will be sealed using Teflon® sheets secured by tight-fitting plastic end caps. Upon collection, a label will be placed on the sample including a unique sample number, sample location, time/date collected, and the sampler’s identification. The soil samples will be placed in an ice-cooled chest and submitted under documented chain-of-custody to a State-certified testing laboratory.</p> <p>MM HAZ- 1.5: Submittal of Confirmation Letter shall be prepared by a qualified professional confirming that the sampling was conducted as directed in the above MM HAZ-1.4 and that soil remediation is complete.</p>		<p>The Confirmation Letter shall be provided to the City for review/approval prior to issuance of a building permit.</p>	
Hydrology and Water Quality				
<p>Impact HYD – 1: The project site has a water supply well on-site which could result in long-term</p>	<p>MM HYD – 1.1: The on-site well shall be abandoned with oversight from the Alameda County Public Works district. A well destruction permit shall be obtained from the ACPW and the well</p>	<p>The project applicant and contractors shall be responsible for</p>	<p>The well destruction permit and evidence of proper well</p>	<p>Alameda County Public Works District and City of Hayward Director</p>

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<p>contribution of pollutants in the groundwater if improperly abandoned.</p> <p>Less Than Significant Impact with Mitigation</p>	<p>decommissioned prior to the issuance of building permits.</p>	<p>implementing the mitigation measures prior to the issuance of grading permits.</p>	<p>abandonment shall be provided to the City’s Planning Manager prior to issuance of a grading permit.</p>	<p>of Development Services</p>
Noise				
<p>Impact NV-1.1: The proposed project could lead to temporary ambient noise impacts related to construction.</p> <p>Less Than Significant Impact with Mitigation</p>	<p>SM NV – 1.1: The project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:</p> <ul style="list-style-type: none"> • Limit construction activity to the hours identified in the City’s Noise Ordinance (10:00 am to 6:00 pm on Sundays and holidays and 7:00 am to 7:00 pm on all other days). • Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses, to the greatest extent possible. • Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition. • Prohibit and post signs prohibiting unnecessary idling of internal combustion engines. 	<p>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 City Engineer or Chief Building Official or designees prior to the issuance of demolition, grading, and building permits.</p>	<p>City Engineer or designee; Chief Building Official or designee through inspections.</p>

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	<ul style="list-style-type: none"> • Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses. • Utilize “quiet” air compressors and other stationary equipment where feasible and available. • Designate a noise disturbance coordinator who would respond to neighborhood complaints about construction noise by determining the cause of the noise complaints and require implementation of reasonable measures to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site. • The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem. • The construction contractor shall send advance notice to neighborhood residents within 300 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site. 			

Source: *24765 Hesperian Boulevard Residential Project Initial Study*. April 2018.