
MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines, Section 15091(d), requires public agencies, as part of the certification of an environmental impact report, to adopt a mitigation monitoring and reporting program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented. The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Lincoln Landing Project (project) in the City of Hayward (City). The MMRP is intended to be used by City staff and mitigation monitoring personnel during implementation of the project.

The MMRP will provide for monitoring of construction activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to City staff. The MMRP consists of the components described below.

COMPLIANCE CHECKLIST

The table below contains a compliance-monitoring checklist that identifies the newly adopted mitigation measures, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING PLAN

MM Number	Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
MM BIO-1a	<p>Preconstruction Surveys for Migratory Birds and Raptors. If clearing and/or construction activities occur during the migratory bird and raptor nesting season (February 1–September 1), preconstruction surveys for active nest sites shall be conducted by a qualified biologist, within 14 days prior to initiation of construction activities. The qualified biologist shall survey the construction zone and a 200-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.</p> <p>If active nest(s) in trees or structures are identified during the preconstruction survey, a qualified biologist shall monitor the nest(s) to determine when the young have fledged. Monthly monitoring reports, documenting nest status, shall be submitted to the City Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and to the Migratory Bird Treaty Act shall be included in the construction specifications.</p>	Prior to construction	City of Hayward Planning Division	
MM BIO-1b	<p>Surveys of Potential Bat Roosts. Prior to demolition of structures on the project site, a qualified wildlife biologist shall conduct preconstruction surveys. If bats are identified as present on the site, bats shall be absent or flushed from roost locations prior to demolition of buildings. If flushing of bats from buildings is necessary, it shall be done by a qualified biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided</p>	Prior to demolition of structures	City of Hayward Planning Division	

MITIGATION MONITORING AND REPORTING PROGRAM

	until the biologist determines that breeding is complete and young are reared.			
MM CUL-2	In the event an archaeological resource is encountered during project construction activities, the construction contractor shall halt construction within 25 feet of the find and immediately notify the City of Hayward. The City shall notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with Public Resources Code Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the find and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The City and the project applicant shall consider the recommendations of the qualified archaeologist and consult and agree upon implementation of a measure or measures that the City, the qualified archaeologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project applicant, the qualified project archaeologist, and the City, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.	During ground-disturbing activities	City of Hayward Planning Division	
MM CUL-5	In the event any paleontological resources (i.e., fossils) are uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the City of Hayward shall be immediately notified. A qualified paleontologist shall be retained to evaluate the find and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The City and the project applicant shall consider the qualified paleontologist's recommendations and consult and agree upon implementation of a measure or measures that the City, the qualified paleontologist, and the project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an	During ground-disturbing activities	City of Hayward Planning Division	

MITIGATION MONITORING AND REPORTING PROGRAM

	agreement has been reached by the project applicant, qualified paleontologist, and the City as to the appropriate preservation or mitigation measures.			
MM HAZ-2a	Prior to development of the project site, all impacted soils shall be removed as described in the Phase I and II Environmental Site Assessment and Tank Removal Report prepared for the project site by Applied Water Resources Corporation dated April 2015. Additionally, a qualified environmental professional shall be present to observe the building demolition and soil excavation and grading to oversee the removal of the impacted soil and in the event additional impacted areas are encountered when the buildings and other current improvements are removed.	All removal and monitoring shall occur prior to issuance of a building permit and throughout project demolition and grading, if additional impacted areas are encountered.	City of Hayward Planning Division; and Hayward Fire Department, Hazardous Materials Division.	
MM HAZ-2b	A survey for asbestos-containing building materials, lead-based paint, polychlorinated biphenyl, or other potentially hazardous building materials shall be conducted prior to initiation of demolition of any existing structures on the project site. If hazardous building materials are present at levels that require special handling and/or disposal, removal of the materials shall be completed by qualified professionals in accordance with applicable laws and regulations (including Bay Area Air Quality Management District requirements) prior to any activity that would involve demolition.	Prior to issuance of a building permit	City of Hayward Planning Division; and Hayward Fire Department, Hazardous Materials Division.	
MM HAZ-6	Prior to the issuance of a grading permit for the proposed project, a Construction Traffic Control Plan (CTCP) shall be submitted for review and approval by the City of Hayward Public Works–Engineering and Transportation Department. The CTCP shall include a schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel at all times. The CTCP shall be circulated to emergency service providers prior to any street closure or construction. All traffic control measures shall conform to Caltrans standards, as applicable.	Prior to issuance of grading permits	City of Hayward Public Works–Engineering and Transportation Department	
MM 3.1.2	The applicant shall submit a detailed Transportation Demand Management Plan (TDM Plan) to the City’s Public Works – Engineering and Transportation Division with planned measures such as shuttle service, transit passes, on-site car sharing programs, unbundled parking costs, bicycle racks and lockers, on-site bicycle	TDM due prior to issuance of a Certificate of Occupancy; status	City of Hayward Public Works–Engineering and Transportation	

MITIGATION MONITORING AND REPORTING PROGRAM

	<p>and pedestrian amenities, shared parking, on-site bike share program and identification of an on-site Transportation Demand Management Coordinator.</p> <p>The TDM Plan shall describe each measure in detail and identify how it pertains to the residential and/or commercial uses of the development; include operational details of the individual measure; identify a funding source; and specify the individual and/or entity responsible for implementation and ongoing operation of the measure. The TDM Plan shall be submitted to and approved by the City prior to issuance of a Certificate of Occupancy for the development.</p> <p>The property managers shall submit a memorandum on the status of each measure included in the TDM Plan to the City’s Public Works – Engineering and Transportation Division on an annual basis for the first five years of operation and then on a modified schedule, as determined by the Planning Director and City Engineer. The TDM Plan may also include goals and/or limits to each measure, provided the overall Plan achieves a minimum nine percent reduction in projected vehicle trips as demonstrated in the annual memo on TDM Measure status. Prior to any modifications to the approved TDM Plan, the property manager(s) shall submit a revised Plan to the City’s Public Works Engineering and Transportation Division for review and approval.</p>	<p>reports submitted annually during project operation for the first five years of operation and then on a modified schedule, as determined by the Development Services Director and City Engineer.</p>	<p>Department; Planning Division</p>	
<p>MM 3.1.4</p>	<p>The proposed site plan shall be modified to eliminate the limited-access driveway on City Center Drive and recess the north curb line by 10 to 12 feet to accommodate a westbound right turn deceleration lane for the full-access driveway on City Center Drive to accommodate additional project traffic. The modified full-access driveway shall be designed consistent with City of Hayward access standards. Construction of a roundabout should be considered.</p>	<p>Prior to approval of improvement plans</p>	<p>City of Hayward Public Works– Engineering and Transportation Department; City of Hayward Planning Division</p>	
<p>MM 3.1.5</p>	<p>Continuous sidewalks consistent with City of Hayward standards and ADA requirements shall be provided along the project frontage. In addition, the proposed pedestrian crossings at parking lot drive aisles shall be enhanced with high-visibility treatments, corner bulb-outs, and signage. These improvements shall meet ADA requirements and include direct travel paths from the parking areas to retail and apartment buildings.</p>	<p>Prior to approval of improvement plans</p>	<p>City of Hayward Public Works– Engineering and Transportation Department; City of Hayward Planning Division</p>	