
4.0 LIST OF MITIGATION MEASURES

AIR QUALITY (SUBSECTION 3.3)

MM AQ-1

Prior to the issuance of grading or building permits, the City of Hayward shall ensure that the BAAQMD Basic Construction Mitigation Measures are noted on the construction documents. These Basic Construction Mitigation Measures include the following:

- 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 miles per hour (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 reducing the maximum idling time to 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.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted 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 BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Timing/Implementation: Prior to issuance of Building Permits and during grading and construction

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, Inspections, and Building Division

MM AQ-2

Prior to the issuance of grading or building permits, the project applicant or the applicant's designated contractor shall provide to the City of Hayward a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet average of at least 71 percent reduction in diesel

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PM emissions compared to the current statewide construction fleet emissions target, by one or more of the following methods:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, the EPA particulate matter emissions standards for Tier 4 engines or equivalent; and/or
- The use of equipment that includes CARB-certified Level 3 diesel particulate filters or alternatively fueled equipment (i.e., non-diesel); and/or
- Other added exhaust devices, or a combination of measures, provided that these measures are approved by the City and are demonstrated to achieve the fleet average minimum 71 percent reduction in diesel PM emissions.

Timing/Implementation: *Prior to issuance of Building Permits and during grading and construction*

Enforcement/Monitoring: *City of Hayward Planning Division, Public Works Department – Engineering Division, Inspections, and Building Division*

BIOLOGICAL RESOURCES (SUBSECTION 3.4)**MM BIO-1**

Preconstruction roost assessment survey: A qualified biologist shall conduct a roost assessment survey of the existing buildings on the project site. The survey shall assess use of the structure for roosting as well as for the potential presence of bats. If the biologist finds no evidence of or potential to support bat roosting, no further measures are required. If evidence of bat roosting is present, the additional measures described below shall be implemented:

1. Work activities outside the maternity roosting season: If evidence of bat roosting is discovered during the preconstruction roost assessment and demolition is planned during the period from August 1 through February 28 (outside the bat maternity roosting season), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the structures. After sufficient time to allow bats to escape and a follow-up survey to determine if bats have vacated the roost, demolition may continue and impacts to special-status bat species will be avoided.
2. Work activities during the maternity roosting season: If the preconstruction roost assessment discovers evidence of bat roosting in buildings during the maternity roosting season (March 1 through July 31) and determines maternity roosting bats are present, demolition of maternity roost structures shall be avoided during the maternity roosting season or until a qualified biologist determines the roost has been vacated.

Timing/Implementation: *No more than 14 days prior to construction*

Enforcement/Monitoring: *City of Hayward Planning Division and Building Division*

MM BIO-2 Preconstruction nesting bird survey: If ground disturbance or removal of vegetation occurs during the breeding bird season (February 1 through August 15), preconstruction surveys shall be performed by a qualified biologist no more than 14 days prior to commencement of such activities to determine the presence and location of nesting bird species. If active nests are present, establishment of temporary no-work buffers around active nests will prevent adverse impacts to nesting birds. The appropriate buffer distance shall be determined by a qualified biologist, depending on species, surrounding vegetation, and topography. Once active nests become inactive, such as when young fledge the nest or the nest is subject to predation, work may continue in the buffer area and no adverse impact to birds will result.

Timing/Implementation: No more than 14 days prior to grading and/or construction activities

Enforcement/Monitoring: City of Hayward Planning Division and Building Division

MM BIO-3 In order to satisfy the requirements of the Hayward Tree Protection Ordinance, a tree removal and cutting permit application shall be submitted to the City of Hayward. The findings, information, and tree appraisals of the arborist's report dated June 20, 2017 (see Appendix D of Appendix BIO) shall be included with the permit application. All protected trees identified in the arborist's report that would be removed as a result of the project shall be replaced at a one-to-one ratio with like-size, like-kind trees or an equal value tree or trees, or other acceptable mitigation per the determination of the City's Landscape Architect. All required measures and conditions of approval included in the permit, including replacement of like-size, like-kind trees or an equal value tree or trees or acceptable mitigation, shall be implemented.

Timing/Implementation: Prior to issuance of grading permits and during construction

Enforcement/Monitoring: City of Hayward Planning Division and Building Division; Public Works – Engineering Division, Inspections

CULTURAL RESOURCES (SUBSECTION 3.5)

MM CUL-1 If prehistoric or historic-period archaeological deposits or paleontological resources are discovered during project construction activities, all work within 25 feet of the discovery shall be redirected and the archaeologist/paleontologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits and paleontological resources should be avoided by project activities, but if such impacts cannot be avoided, the deposits shall be evaluated for their California Register eligibility. If the deposits are not California Register-eligible, no further protection of the finds is necessary. If the deposits are California Register-eligible, they shall be protected from project-related impacts or such impacts mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of paleontological resources and archaeological deposits, recording the

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resource, preparing a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Timing/Implementation: *During grading and construction*

Enforcement/Monitoring: *City of Hayward Planning Division, Public Works Department – Engineering Division, and Building Division*

MM CUL-2

Any human remains encountered during project ground-disturbing activities shall be treated in accordance with California Health and Safety Code Section 7050.5. The project applicant shall inform its contractor(s) of the project area's sensitivity for human remains and verify that the following directive has been included in the appropriate contract documents:

If human remains are encountered during project activities, the project applicant or its contractor shall comply with the requirements of California Health and Safety Code Section 7050.5. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Alameda County coroner has determined the manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel/construction workers shall not collect or move any human remains and 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 to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods within 48 hours of being allowed access to the site.

Timing/Implementation: *During grading and construction*

Enforcement/Monitoring: *City of Hayward Planning Division, Public Works Department – Engineering Division, and Building Division*

HAZARDOUS AND MATERIALS (SUBSECTION 3.8)**MM HAZ-1**

Prior to demolition of existing structures on the project site, asbestos-containing materials and lead-based paint surveys shall be conducted to determine the presence of hazardous building materials and results of those surveys shall be provided prior to the issuance of demolition or building permits. Should asbestos-containing materials, lead-based paint, or other hazardous substance-containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable state and federal regulations, including the BAAQMD rule related to asbestos.

Timing/Implementation: *Prior to issuance of building permits*

Enforcement/Monitoring: City of Hayward Planning Division and Building Division

HYDROLOGY AND WATER QUALITY (SUBSECTION 3.9)

MM HYD-1 Flooding Impacts. Prior to construction in a 100-year floodplain area, project developers shall do one of the following:

1. Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area by increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that floodwaters would not be increased on any surrounding sites, to the satisfaction of City staff.
2. Comply with Hayward Municipal Code Section 9-4.110, General Construction Standards, which establishes minimum health and safety standards for construction in a flood hazard area.
3. Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area (South Hayward BART/Mission Boulevard Form-Based Code EIR mitigation measure Hyd-3; Concept Design Plan EIR mitigation measure 4.4-2).

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: City of Hayward Planning Division, Public Works Department – Engineering Division, and Building Division

NOISE (SUBSECTION 3.12)

MM NOI-1 The project applicant shall demonstrate to the City that any proposed HVAC systems for buildings in the project do not produce noise in excess of L_{max} 60 dB measured at a property line adjacent to off-site and new proposed project residential uses or noise in excess of L_{max} 70 dB measured at a property line adjacent to off-site and new proposed project commercial or industrial uses. Acceptable demonstration would be one or more of the following:

1. Provide manufacturers specifications for the proposed HVAC systems that indicate the systems would not produce noise in excess of L_{max} 60 dB measured at a distance of 3 feet for systems near residential property lines or noise in excess of L_{max} 70 dB measured at a distance of 3 feet for systems near commercial or industrial property lines.
2. If manufacturers specifications are not available, provide site plans that indicate the following minimum setback distance for HVAC systems from property lines (assuming that a residential system would produce a noise of L_{max} 75 dB measured at a distance of 3 feet and a commercial HVAC system would produce a noise of L_{max} 90 dB measured at a distance of 3 feet):

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- For residential HVAC systems operating during nighttime hours and located adjacent to residential uses, HVAC systems shall be set back a minimum of 20 feet from property lines or 10 feet with adequate noise shielding.
- For commercial HVAC systems operating during daytime hours only and located adjacent to residential, commercial, or industrial property lines, equipment shall be set back a minimum of 35 feet from property lines or 20 feet with adequate noise shielding.

Adequate shielding is a sound enclosure or solid barrier constructed of solid material with no gaps that, at a minimum, would block the line of sight between the HVAC system and potential sensitive receptor locations on adjacent property (e.g., a person standing at a window, a person standing outside, a person standing on a balcony or deck).

3. Provide a noise study prepared by a qualified acoustical professional for specific building sites and with specific equipment specifications that demonstrates the noise produced by building mechanical equipment would not produce noise in excess of the standards specified in Municipal Code Section 4-1.03.1.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: City of Hayward Planning Division and Building Division

MM NOI-2

Project plans shall include specifications for any building mechanical equipment mounted at grade level within 10 feet of a sensitive use property line (e.g., residences, schools, hospitals, elder-care facilities) to require vibration isolation per ASHRAE guidelines.

Timing/Implementation: Prior to issuance of building permits

Enforcement/Monitoring: City of Hayward Planning Division

MM NOI-3

Heavy equipment, including bulldozers and haul trucks, shall be restricted from operating within 25 feet of existing structures to the extent feasible. Within 50 feet of existing structures, only nonvibratory soil and pavement compaction methods shall be used.

A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction vibration. Neighboring property owners within 200 feet of construction activity shall be notified in writing of the contact information for the construction liaison.

Timing/Implementation: Prior to issuance of grading or demolition permits and during construction

Enforcement/Monitoring: City of Hayward Planning Division and Public Works Department – Engineering Division

MM NOI-4

The project applicant shall ensure through contract specifications that construction noise and vibration abatement practices are implemented by contractors to minimize construction noise and vibration levels. Contract specifications shall be included in the construction document, which shall be reviewed by the City of Hayward prior to issuance of a demolition or grading permit. The construction noise and vibration abatement practices shall include the following:

- In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
- If noise-generating construction activities must occur within 50 feet of a noise-sensitive property line (e.g., residences, schools, hospitals, elder-care facilities) and would generate a noise level greater than 86 dB, a noise barrier is to be installed between the source and the neighboring property to reduce noise. The barrier shall be minimum of 8 feet high and continuous, with no gaps or holes.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- Stationary noise sources and staging areas shall be located as far away as is feasible from existing noise-sensitive receivers. Locating stationary noise sources near existing roadways away from adjacent properties is preferred. If located otherwise, stationary noise sources are to be enclosed or shielded from neighboring noise-sensitive properties with noise barriers to the extent feasible.
- Electric air compressors and similar power tools shall be used rather than diesel equipment, where feasible.
- Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields, where feasible.
- Construction vehicle routes shall be selected to avoid quieter residential streets where possible.
- A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Neighboring property owners within 200 feet of construction activity shall be notified in writing of the contact information for the construction liaison.

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Timing/Implementation: *Prior to issuance of grading or demolition permits and during construction*

Enforcement/Monitoring: *City Hayward Planning Division and Public Works Department Engineering Division*

TRANSPORTATION/TRAFFIC (SUBSECTION 3.16)

MM TRA-1 Under Background plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Huntwood Avenue (#3), which would continue to operate at LOS F during the PM peak hour with an increased delay of 6.7 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve the intersection operations with an increase in delay of less than 5.0 seconds during the PM peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-2 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Industrial Parkway (#1), which would continue to operate at LOS F during the AM and PM peak hours with an increased delay of 7.4–8.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the AM peak hour and to LOS E during the PM peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-3 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Dixon Street (#2), which would continue to operate at LOS F during the AM and PM peak hours with an increased delay of 14.3–18.2 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the AM peak hour and to LOS D during the PM peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-4 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Huntwood Avenue (#3), which would continue to operate at LOS F during the AM and PM peak hours with an increased delay of 8.0–8.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the AM and PM peak hours.

Timing/Implementation: Applicant to provide funding to address signal timing prior to issuance of building permits

Enforcement/Monitoring: Building Division and Public Works Department, Engineering and Transportation Division

MM TRA-5 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Industrial Parkway and Industrial Parkway Southwest (#4), which would continue to operate at LOS F during the AM and PM peak hours with an increased delay of 5.7–10.4 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the AM and PM peak hours.

Timing/Implementation: Applicant to provide funding to address signal timing prior to issuance of building permits

Enforcement/Monitoring: Building Division and Public Works Department, Engineering and Transportation Division

MM TRA-6 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Valle Vista Avenue (#5), which would continue to operate at LOS F during the AM peak hour with an increased delay of 23.8 seconds, which is above the 5.0-second threshold for intersections already operating at a deficient level of service. Widening and restriping the eastbound approach to one left-only lane and one right turn lane would improve the operations at the Mission Boulevard/Valle Vista Avenue intersection to LOS E in the AM peak hour and LOS B in the PM peak hour. The developer's fair share of the improvement cost is 17 percent for Cumulative plus Project conditions and 51 percent for Background plus Project conditions. **Appendix TIA** illustrates the fair-share calculations.

Timing/Implementation: Applicant to provide funding to address intersection improvement prior to issuance of building permits

Enforcement/Monitoring: Building Division and Public Works Department, Engineering and Transportation Division

MM TRA-7 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Mission Boulevard and Tennyson Road (#6) during the AM peak hour. An adjustment in traffic signal cycle and green time allocation (splits) would improve the intersection operations, with an increase in delay of less than 5.0 seconds during the AM peak hour.

4.0 LIST OF MITIGATION MEASURES

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-8 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Tennyson Road and Dixon Street (#7), which would continue to operate at LOS F during the PM peak hour with an increased delay of 5.3 seconds. This impact would be mitigated by an adjustment in traffic signal cycle and green time allocation (splits), which would improve intersection operations, with an increase in delay of less than 5.0 seconds during the PM peak hour.

Timing/Implementation: *Applicant to provide funding to address signal timing prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

MM TRA-9 Under Cumulative plus Project Conditions, there would be a significant impact at the intersection of Dixon Street and Valle Vista Avenue (#8), which would continue to operate at LOS F during the AM and PM peak hours with an increased delay of 21.3–29.7 seconds. The installation of a traffic signal would improve operations to an acceptable level of service during both peak hours. As a result of the mitigation measure, intersection conditions would improve to LOS B with 15.4 seconds of delay in the AM peak hour and LOS C with 29.8 seconds of delay in the PM peak hour. The developer's fair share of the improvement cost is 5 percent for Cumulative plus Project Conditions and 28 percent for Background plus Project conditions. **Appendix TIA** illustrates the fair-share calculations.

Timing/Implementation: *Applicant to provide funding to address intersection improvement prior to issuance of building permits*

Enforcement/Monitoring: *Building Division and Public Works Department, Engineering and Transportation Division*

TRIBAL CULTURAL RESOURCES (SUBSECTION 3.17)

MM TCR-1 If tribal cultural resources are discovered during project construction activities, all work within 25 feet of the discovery shall be redirected and the tribal monitor shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to tribal cultural resources should be avoided by project activities, but if such impacts cannot be avoided, the resources shall be evaluated for their California Register eligibility. If the tribal cultural resource is not California Register-eligible, no further protection of the find is necessary. If the tribal cultural resource is California Register-eligible, it shall be protected from project-related impacts or such impacts mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis, recording the resource,

preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Timing/Implementation: *During project construction.*

Enforcement/Monitoring: *City of Hayward Planning Division and Public Works Department.*

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