Mitigation Monitoring and Reporting Program

La Playa Commons
Residential Project

CITY OF
HAYWARD
HEART OF THE BAY

October 2021

MITIGATION MONITORING AND REPORTING PROGRAM
La Playa Commons Residential Project

Impacts	Mitigation and/or Avoidance Measure(s)	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
Air Quality				
Impact AIR-3: Project construction would result in increased cancer risks exceeding the Bay Area Air Quality Management District's (BAAQMD) single-source threshold for nearby sensitive receptors.	**MM AIR-3.1:** All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement. Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.	The 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 Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services
Biological Resources				
Impact BIO-1: The project may disturb nesting birds on and	**MM BIO-1.1:** Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the	The project applicant and contractors shall be	All measures shall be printed on all construction	Director of Development Services

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adjacent to the site during construction.	breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 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 biologist or ornithologist 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. 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 trees and issuance of a grading permit or demolition permit.	responsible for implementing the mitigation measures prior to project construction.	documents, contracts, and project plans and the survey results shall be reviewed by the Director of Development Services prior to tree removal and the issuance of demolition, grading, and building permits.	

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Cultural Resources				
Impact CUL-2: Construction of the proposed project could result in significant impacts to unknown archaeological resources, if present on-site.	**MM CUL-2.1:** 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's Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City's 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.	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 Director of Development Services prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-2.1, -2.2 shall be submitted to the City by a qualified paleontologist/archaeologist as appropriate.	Director of Development Services

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	MM CUL-2.2: 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 certificate of occupancy. 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.	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 Director of Development Services prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM CUL-2.1, -2.2 shall be submitted to the City by a qualified paleontologist/archaeologist as appropriate.	Director of Development Services

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Impact CUL-3: Construction of the proposed project could result in significant impacts to buried human remains, if present on-site.	**MM CUL-3.1:** If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's 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 Code section	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 Planning Manager prior to the issuance of permits.	City Planning Manager and County Coroner

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	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.			
Geology and Soils				
Impact GEO-6: Construction of the proposed project could result in significant impacts to paleontological resources or geological features, if present on-site.	**MM GEO-6.1:** 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 shall be 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.	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 Planning Manager prior to the issuance of permits. In the event of a discovery during construction, a report documenting implementation of MM GEO-6.1 shall be submitted to the	City Planning Manager

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			City by a qualified paleontologist as appropriate.	
Noise				
Impact NOI-1.1: During project construction, individual pieces of equipment would potentially exceed 83 dBA at a distance of 25 feet, the City's 86 dBA threshold would potentially be exceeded anywhere outside the project site, and ambient noise levels at surrounding land uses would be exceeded by five dBA or more for a period of more than one year, the temporary construction noise impact would be considered significant	**MM NOI-1.1:** The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls: • Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds); • Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; • Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within	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 Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services

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and would require mitigation.	temporary sheds, incorporate insulation barriers, or include other measures. • Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. • Unnecessary idling of internal combustion engines shall be strictly prohibited. • 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. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Noise from construction workers' radios shall be controlled to a point where they are not			

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	audible at existing residences bordering the project site. • Where feasible, temporary power service from local utility companies shall be used instead of portable generators. • Crane shall be located as far from adjoining noise-sensitive receptors as possible. • During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible. • Nail guns shall be substituted for manual hammering, where feasible. • The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft^2 (e.g., such as ¾" plywood). • Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and			

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	local residential neighborhoods shall be avoided as much as possible. • During interior construction, the exterior windows facing noise-sensitive receptors shall be closed. • During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors. • The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • A "disturbance coordinator" shall be designated to 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			

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	be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to adjacent neighbors regarding the construction schedule.			
Impact NOI-2.1: Project construction would generate vibration levels exceeding the threshold of 0.3 in/sec PPV at structures within 20 feet of the site.	**MM NOI-2.1:** The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings: • Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers. • Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-rigs shall be avoided within 20 feet of existing commercial or residential buildings.	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 Director of Development Services prior to the issuance of demolition, grading, and building permits.	Director of Development Services

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	• Construction and demolition activities shall not involve clam shell dropping operations.			
Transportation				
Impact TRN-2.1: The project daily vehicle miles travelled (VMT) would be 18.41, which is above the threshold of 17.51. Therefore, transportation demand management (TDM) measures are necessary to reduce the VMT impact. The minimum percent reduction for the project daily VMT necessary to reduce the VMT impact to a less-than-significant level would be 4.89 percent.	**MM TRN-2.1:** The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners' Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, $9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbursement program as a mitigation for reducing the project vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program	The project applicant and the future HOA shall be responsible for implementing the mitigation measures during project operation.	The program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM	Director of Development Services

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	requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.		program requirements shall be included in the CC&Rs for the HOA.	

Source: *1000 La Playa Drive Residential Initial Study/Mitigated Negative Declaration.* October 2021.