MITIGATION MONITORING OR REPORTING PROGRAM

2ND AND WALPERT RESIDENTIAL PROJECT

CITY OF HAYWARD

December 2015

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or 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 or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or 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 OR REPORTING PROGRAM 2ND AND WALPERT RESIDENTIAL PROJECT				
Impact	**Mitigation**	**Timeframe for Implementation**	**Responsibility for Implementation**	**Oversight of Implementation**
AIR QUALITY				
Impact AQ-1: Construction of the proposed project could result in a significant impact related to construction dust. **(Significant Impact)**	**MM AQ-1:** During any construction period ground disturbance, the contractor shall implement 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 five 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	During all phases of construction.	Project Applicant	City Engineer; Department of Public Works - Engineering

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	points. • 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.			
Impact AQ-2: Toxic air contaminant (TAC) emissions during construction of the proposed project would result in significant risks and hazards to nearby sensitive receptors. **(Significant**	**MM AQ-2:** During any construction, the contractor shall implement the following: • All mobile (e.g., wheeled or tracked) diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. • All portable diesel-powered off-road equipment (e.g., generators, cement pumps, welders, and compressors) larger than 50 horsepower and operating on the site for more than two days	During all phases of construction	Project Applicant	City Engineer; Department of Public Works - Engineering

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Impact)	continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. • The project shall minimize the number of hours that equipment will operate, including the use of idling restrictions of five minutes. Alternatively, the construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to a less than significant level. An Alternative Measures Air Quality Analysis shall be submitted to and approved by the Planning Division.			

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Impact AQ-3: Grading and construction activities on the project site could result in the generation of asbestos-containing dust. **(Significant Impact)**	**MM AQ 3.1:** Prior to issuance of a grading permit, the project applicant shall complete soil sampling on the areas of the site to be disturbed during construction activities and submit the results to the City Engineering Division. Sampling should be completed to at least the depth of planned excavation on the site. Should the soil sampling reveal the presence of NOA, the project applicant shall implement mitigation measures MM AQ-3.2 and MM AQ-3.3, described below. **MM AQ-3.2:** The project applicant shall prepare an Asbestos Dust Mitigation Plan and submit the plan to BAAQMD and the City's Engineering Division for review and approval prior to issuance of a grading permit. The plan must describe dust control measures during grading as well as long term dust control measures. The plan shall include, at a minimum, the following measures, which shall be included as conditions on the grading permit: • Track-out prevention and control measures; • Active stockpiles shall be adequately wetted or covered with tarps; • Control for disturbed surface areas and storage piles that remain inactive for more than seven days; • Control for traffic on unpaved roads, parking lots, and staging areas;	Prior to issuance of grading permit Prior to issuance of grading permit	Project Applicant Project Applicant	City Engineer; Department of Public Works - Engineering; and, Hayward Fire/Hazardous Materials Department City Engineer; Department of Public Works - Engineering; and, Hayward Fire/Hazardous Materials Department City Engineer; Department of Public Works - Engineering; and, Hayward Fire/Hazardous Materials Department

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	• Control for earthmoving activities; and, • Control for off-site transport. **MM AQ-3.3:** Disturbed surfaces with NOA exceeding the BAAQMD threshold concentration of 0.25 percent shall be stabilized using one or more of the following methods, and shall be reflected in the Asbestos Dust Mitigation Plan: • Establishment of a vegetative cover; • Placement of at least three inches of non-asbestos-containing material; • Paving; • Any other measure deemed sufficient to prevent wind speeds of 10 miles per hour or greater from causing visible dust emission.	During all phases of Construction	Project Applicant	

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BIOLOGICAL RESOURCES				
Impact BIO-1: Construction of the proposed project could result in significant impacts to special status plant, bird, and bat species. **(Significant Impact)**	**MM BIO-1.1:** Prior to issuance of a grading permit, protocol-level rare plant surveys for western leatherwood and Diablo helianthella shall be completed between January and June for all areas mapped as riparian or non-native grassland in the 2014 Biological Resources Assessment completed for the site. If special status plant species are observed on the site, they shall be avoided during construction activities, if possible. If avoidance is not possible, or if altered hydrologic conditions will affect the species, measures such as transplanting individuals to suitable undisturbed habitat and/or preservation of existing off-site populations shall be developed in consultation with the California Department of Fish and Wildlife (CDFW). **MM BIO 1-2:** To avoid disturbance to breeding birds, tree and brush clearing shall be completed between September 1 and February 1. If this is not feasible, a qualified biologist shall complete surveys for breeding birds within 14 days of commencement of tree and brush clearing activities. During this survey, the biologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the biologist, in consultation with California Department of Fish and Wildlife (CDFW), will determine	Prior to issuance of grading permit between January and June Between September 1 and February 1 or within 14 days of commencement of tree and brush clearing activities	Project Applicant Project Applicant	Planning Division - Director of Department of Development Services; California Department of Fish and Wildlife Planning Division - Director of Department of Development Services; California Department of Fish and Wildlife

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	the extent of a construction-free buffer zone to be established around the nest, dependent on the particular species of nesting bird, to ensure that raptor or migratory bird nests will not be disturbed during project construction until the nest is vacated. **MM BIO-1.3:** To avoid and limit disturbance of bats, work that disturbs trees, rock outcrops, buildings, and other structures should be completed between September and March, if feasible. A qualified biologist shall complete surveys for bats within 14 days of commencement of activities causing disturbance, as outlined below. *Building Surveys (All Year):* Any demolition of buildings at all times of the year shall be preceded by a preconstruction survey within 14 days of demolition. An internal entrance survey shall be performed by a qualified bat biologist to determine if buildings currently or previously supported roosting bats. If bats are determined to be present, appropriate methods shall be used to exclude bats from the building. Such methods may include installation of one way "valves" to allow bats to exit, but not allow them to reenter the building. *Maternity Roosting Season Preconstruction Surveys* (April 1 through August 31): Ultrasonic acoustic surveys and/or other site appropriate survey method shall be	Within 14 days of commencement of construction/demolition Activities	Project Applicant	Planning Division - Director of Department of Development Services

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	performed to determine the presence or absence of bats utilizing the project site as roosting or foraging habitat during the maternity roosting season. If special-status bat species are detected during surveys, appropriate species and roost specific mitigation measures will be implemented. Such measures may include postponing removal of trees, snags or structures until the end of the maternity roosting season or construction of species appropriate roosting habitat within, or adjacent to the project site.			
Impact BIO-2: Construction activities could result in impacts to riparian habitat or other sensitive natural communities.	**MM BIO 2-1:** • All access, staging, and work areas shall be delineated with orange construction fencing, or similar, and all work activities shall be limited to these areas. • All access, staging, and work areas shall be the minimum size necessary to conduct the work. • All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum projects into the	During all phases of construction	Project Applicant	City Engineer; Department of Public Works - Engineering

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	project site. No other debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete or washings thereof, or other construction related materials or shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into the basin or other aquatic features. All such debris and waste shall be picked up daily and shall be properly disposed of at an appropriate facility. • Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work. • Areas of ground disturbances shall be revegetated using an appropriate erosion control mix (for both sensitive and non-sensitive habitats) or will be covered by with rock, wood chips, or other suitable erosion control materials as appropriate (for non-sensitive habitats only). • Appropriate erosion control measures shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows. • Stockpiles of soil or other materials that can be blown by wind shall be covered when not in active use. • All trucks hauling soil, sand, and other loose materials shall be covered.			

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	MM BIO 2-2: Best management practices and stormwater pollution prevention measures such as silt fencing and wattles shall be implemented to avoid temporary and permanent impacts to Ward Creek (federally protected non-wetland waters).	During all phases of construction	Project Applicant	City Engineer; Department of Public Works - Engineering
	MM BIO 2-3: Exclusion and/or silt fencing shall be placed outside the dripline of all riparian vegetation that will be preserved. This fencing shall remain in place for the duration of construction.	During all phases of construction	Project Applicant	City Engineer; Department of Public Works - Engineering
Impact BIO-3: Development of the proposed project would result in significant impacts to protected trees. **(Significant Impact)**	**MM BIO-3.1:** 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 issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all "protected trees," as defined in the	Prior to issuance of grading permit; during all phases of construction	Project Applicant	City of Hayward Landscape Architect; Director of Department of Development Services

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	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. **MM BIO-3.2:** The project applicant shall implement all tree protection measures recommended in the Arborist Report prepared for the project, which include the following: • All construction activity (grading, filling, paving, landscaping etc.) shall respect the root protection zone (RPZ) around all trees within the vicinity of the project area. The RPZ should be a distance of 1.0 times the dripline radius measured from the trunk of the tree. Exceptions to this standard could be considered on a case-by-case basis, provided that it is • Demonstrated that an encroachment into the RPZ will not affect the root system or the health of the tree, and is authorized by a certified Arborist or comparable specialist. • Temporary protective fencing shall be installed around the dripline of existing trees prior to commencement of any construction activity conducted within 25' of the tree canopy. The fence shall be clearly marked to prevent inadvertent encroachment by heavy machinery. Fence type shall	During all phases of construction	Project Applicant	City of Hayward Landscape Architect; Director of Department of Development Services

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	be developed based on consulting arborist's recommendation, and the fence detail shall be included in the landscape plan. • Drainage will not be allowed to pond around the base of any tree. • An Arborist or Tree Specialist shall be retained to perform any necessary pruning of trees during construction activity. • Should any utility lines encroach within the tree protection zone, a single, shared utility conduit shall be used where possible to avoid negative impact to trees. • Roots exposed, as a result of construction activities shall be covered with wet burlap to avoid desiccation, and should be buried as soon as practicable. • Construction materials or heavy equipment shall not be stored within the root protection zone. • Only a Certified Arborist or Tree Specialist will make specific recommendations as to where any existing trees can safely tolerate some level of fill within the drip line. • Trenches which are required within the root protection zone of existing native trees shall be bored (tunneled) under the root(s) using an auger or drill, rather than trenched, to avoid root disturbance.			

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	• Construction materials shall be properly stored away from existing trees to avoid spillage or damage to trees. **MM BIO-3.3**: Grading at southwestern corner near detention basin and pathway shall be reshaped and pull away from the line of existing trees. Major and minor grading shall not encroach into the largest (ID 1684) and the second largest (ID 1687) Quercus agrifolia with one hundred inches and forty inches in trunk diameter, respectively.	During all phases of construction	Project Applicant	City Engineer; Department of Public Works - Engineering
CULTURAL RESOURCES				
Impact CUL – 1: Although unlikely, the project could result in significant impacts to buried archeological resources.	**MM CUL-1:** In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.515126.4 of the California Environmental Quality	During all ground disturbing activities related to project construction.	Project Applicant	Planning Division - Director of Department of Development Services; Native American Heritage Commission (for human remains)

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	Act. Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented. These standard measures would be conditions of approval should the project be approved; thus this impact would be less than significant with mitigation incorporated in the project.			
GEOLOGY AND SOILS				
Impact GEO-1: There is a potential for earthquake-induced landslides to occur on the Ward Creek embankment, located on the southern portion of the project site. **(Significant Impact)**	**MM GEO-1:** The project proponent shall have a qualified geotechnical professional complete a design-level geotechnical investigation to address the geologic hazards identified on the site. The investigation shall be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center (SCEC report). The investigation shall identify the specific design features that will be required for the future development on-site, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. Field exploration shall concentrate on obtaining engineering parameters of the site soils for determining site specific bearing capacity, settlement, and liquefaction potential. The geotechnical investigation shall be reviewed	Prior to issuance of a grading permit or Public Works Clearance	Project Applicant	City Engineer; Department of Public Works - Engineering

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	and approved by the City Engineer prior to issuance of a grading permit or Public Works Clearance. Examples of measures to be included in the design-level geotechnical investigation include the following: <u>Slope Stability</u>: • The maximum inclination of cut and fill slopes shall not be steeper than 2H:1V (horizontal to vertical) unless retained by a retaining wall. Flatter slopes may be required in localized areas. • The uninterrupted height of the slope must not exceed 25 feet in elevation between six-foot wide drained benches. • A keyway shall be excavated at least five feet into the underlying competent bearing soil or bedrock at the toe of the proposed fill. The bottom of the keyway should have a minimum width of 20 feet and should be sloped a minimum of two percent downward into the keyway heel for drainage into a subdrain system installed to collect migrating water. • Irrigation of the slope areas shall be kept to a minimum. Subdrains may be necessary to remove excess surface and subsurface water. • Grading plans shall show locations of keyways,			

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	subdrains, and colluvium and fill removals. Grading plan details shall include geogrid type, strength, vertical spacing, and length, subdrain details, and keying and benching details. Expansive Soils: • In areas where the expansive silty clay is at or near final grade, the project shall sub-excavate to three feet and replace soils with one of the following: (1) import fill that is nonexpansive or has a low expansion potential and the approval of our geotechnical engineer, or (2) on-site select material approved by our geotechnical engineer or the engineer's representative.			
Impact GEO-2: The project would be located on expansive soils. **(Significant Impact)**	Implementation of Mitigation Measure MM GEO-1, described above, would reduce potential impacts related to expansive soils to a less than significant level.	Prior to issuance of a grading permit or Public Works Clearance	Project Applicant	City Engineer; Department of Public Works - Engineering

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NOISE				
Impact NOI-1: Proposed residences directly adjacent to 2nd Street and Walper Street could be exposed to interior noise levels in excess of City standards. **(Significant Impact)**	**MM NOI-1.1:** Provision of forced-air mechanical ventilation for interior spaces in all units adjacent to 2nd and Walpert Streets, so that windows could be kept closed at the occupant's discretion to control noise. **MM NOI-1.2:** Provision of sound rated windows and doors to maintain noise levels at acceptable levels at the residential facades nearest 2nd and Walpert Streets. Preliminary calculations made based on the data contained in the conceptual site plan indicates that sound-rated windows and doors with a sound transmission class (STC) rating of STC 27 to 30 would be sufficient to control noise and achieve the 45 dBA L_{dn} interior noise standard at residential facades with line-of-sight to these roadways. **MM NOI-1.3:** Project-specific acoustical analyses shall be completed as required by the City of Hayward to confirm that interior noise levels will be reduced to 45 dBA L_{dn} or lower. The specific determination of which noise insulation treatments described in mitigation measures MM NOI-1.1 and MM NOI-1.2 are necessary shall be conducted	Prior to occupancy Prior to occupancy Prior to issuance of building permits.	Project Applicant Project Applicant Project Applicant	Planning Division - Director of Department of Development Services Planning Division - Director of Department of Development Services Planning Division - Director of Department of

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	on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the Planning Division along with the building plans and shall be approved prior to issuance of building permits.			Development Services

SOURCE: City of Hayward, **2nd and Walpert Residential Project Initial Study**, December 2015.