

Mitigation Monitoring and Reporting Program

The Environmental Impact Report (EIR) for the 4150 Point Eden Way Industrial Development Project identifies the mitigation measures required to reduce the environmental impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of making findings or adopting a mitigated negative declaration.

The mitigation monitoring table lists the identified mitigation measures for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Hayward departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

The first column identifies mitigation measures that were identified in the Final EIR, including within the Initial Study that is an appendix to the EIR. The second column, entitled "Action Required," refers to the monitoring action that must be taken to ensure the mitigation measure's implementation. The third column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, "Responsible Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The "Compliance Verification" column is where the Responsible Agency verifies that the measures have been implemented.

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Biological Resources						
BIO-1a: SWHM and SMWS Habitat Fencing						
<p>Prior to ground disturbing activities adjacent to potential SMHM and SMWS habitat, temporary exclusion barriers and/or fencing shall be installed to exclude individuals of these species from areas of active construction. The design of the exclusion barriers and fencing shall be approved by a qualified biologist and shall be installed in the presence of a qualified biological monitor. The fence will be made of a material that does not allow SMHM or SMWS to pass through, and the bottom shall be buried to a depth of a minimum of four inches so that these species cannot crawl under the fence. All support for the exclusion fencing shall be placed on the inside of the project footprint. Additionally, removal of marsh or associated ruderal vegetation shall be completed using only hand tools and in the presence of a biological monitor. The barriers and/or fencing shall remain in place for the duration of construction of the project.</p>	<p>Grading permit application shall identify location and type of temporary exclusion barriers and/or fencing and shall include note that the facilities were approved by a biologist and installed under supervision of a qualified biological monitor. Verify that a qualified biological monitor is present when marsh or associated ruderal vegetation is removed, and removal is with hand tools.</p>	<p>Prior to construction and the periodically during the duration of construction activities</p>	<p>City of Hayward Planning Division (barrier and fencing design) and City of Hayward Public Works Engineering Division and Building Division (field verification)</p>			
BIO-1b: Qualified Biological Monitor						
<p>A qualified biological monitor shall be present during wildlife exclusion fence installation and removal, and during all vegetation clearing and initial ground disturbance which take place in marsh habitats of the former salt ponds and the vegetation adjacent to marsh habitats. The monitor will have demonstrated experience in biological construction monitoring and knowledge of the biology of the special-status species that may be found in the project site, including SMHM and SMWS. The monitor(s) shall have the authority to halt construction, if necessary, if noncompliance actions occur. If a federal or State listed species is observed at any time during construction, work shall not be initiated or shall be stopped immediately until the animal leaves the vicinity of the work area of its own volition. If the animal in question does not leave the work area, work shall not be reinitiated until the qualified biological monitor has contacted the appropriate agency to discuss on how to proceed with work activities. The biological monitor shall direct the contractor on how to proceed accordingly.</p> <p>The biological monitor(s) shall be the contact person for any employee or contractor</p>	<p>Prior to issuance of grading permits applicant shall verify that a qualified biological monitor will be present during wildlife fence installation and removal, and during all vegetation clearing and initial ground disturbance within salt ponds and marsh habitat. If a special-status species is</p>	<p>Prior to construction of the wildlife exclusion fence; weekly site visits to provide guidance and ensure compliance with permit conditions</p>	<p>City of Hayward Public Works Engineering Division and Building Division</p>			

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>who might inadvertently kill or injure a special-status species or anyone who finds a dead, injured, or entrapped special-status species. Following fence installation, vegetation removal in potential habitat areas, and initial ground disturbance in potential habitat areas, the biologist shall train an onsite monitor to continue to document compliance. The biologist shall conduct weekly site checks to provide guidance for fence maintenance, provide environmental sensitivity training, and document compliance with permit conditions.</p>	<p>observed at any time, verify construction has halted until documentation from the appropriate agency is received. Verify environmental sensitivity training and document permit compliance.</p>					
BIO-1c: Worker Environmental Awareness Program Training						
<p>The biological monitor shall provide an endangered species training program to all personnel involved in project construction. At a minimum, the employee education program shall consist of a brief presentation by persons knowledgeable about the biology of sensitive species with potential to occur in the project footprint, and about their legislative protection to explain concerns to contractors and their employees involved with implementation of the project. The program shall include a description of the species and their habitat needs, any reports of occurrences in the area; an explanation of the status of these species and their protection under State and federal legislation; and a list of measures being taken to reduce impacts to these species during construction.</p>	<p>Prior to issuance of grading permits, applicant shall verify that all personnel involved in project construction undergo endangered species training.</p>	<p>Prior to construction and on an as-needed basis after personnel training</p>	<p>City of Hayward Public Works Engineering Division and Building Division</p>			
BIO-1d: Burrowing Owl Pre-Construction Surveys and Avoidance						
<p>A qualified biologist shall conduct pre-construction clearance surveys prior to ground disturbance activities within suitable natural habitats and ruderal areas throughout the eastern component of the project site to confirm the presence/absence of active burrowing owl burrows. The surveys shall be consistent with the recommended survey methodology provided by CDFW (2012). Clearance surveys shall be conducted within 30 days prior to construction and ground disturbance activities. If no burrowing owls are observed, no further actions are required. If burrowing owls are detected during the pre-construction clearance surveys, the following measures shall apply:</p> <ul style="list-style-type: none"> ▪ Avoidance buffers during the breeding and non-breeding season shall be implemented in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993) minimization mitigation measures. ▪ If avoidance of burrowing owls is not feasible, then additional measures such as passive relocation during the nonbreeding season and construction buffers of 200 feet during the breeding season shall be implemented, in consultation with 	<p>Materials submitted to the Planning Division prior to issuance of grading permits shall verify that a qualified biologist conducts a pre-construction clearance and if owls are observed that avoidance buffers are implemented, or passive relocation and construction buffers are established. Verify that a Burrowing Owl</p>	<p>30 days prior to construction and then as needed during construction to verify avoidance buffers are maintained.</p>	<p>City of Hayward Planning Division</p>			

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
CDFW. In addition, a Burrowing Owl Exclusion Plan and Mitigation and Monitoring Plan shall be developed by a qualified biologist in accordance with the CDFW (2012) and Burrowing Owl Consortium (1993).	Exclusion Plan and Mitigation and Monitoring Plan is developed and implemented is owl avoidance is not feasible.					
BIO-1e: Nesting Bird Avoidance and Pre-Construction Surveys						
<p>Project activities, such as vegetation removal, grading, or initial ground-disturbance, shall be conducted between September 1 and January 31 to the greatest extent feasible. If project activities must be conducted during the nesting season (February 1 to August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to vegetation removal or initial ground disturbance. Additional nesting surveys shall be conducted if project construction activities cease for more than 14 days during this period. The survey shall include the project site plus a 200-foot buffer around the eastern component of the project site if feasible, and a 500-foot buffer for California least tern, western snowy plover, and black skimmer, if feasible, to identify the location and status of any nests that could potentially be affected either directly or indirectly by project activities. A survey of the western component of the project site shall be optional and not required because no ground disturbance or construction activities are proposed in the western component of the project site.</p> <p>If active nests are identified during the nesting bird survey, an appropriate avoidance buffer shall be established within which no work activity will be allowed which would impact these nests. The avoidance buffer would be established by the qualified biologist on a case-by-case basis based on the species and site conditions. In no cases shall the buffer be smaller than 50 feet for passerine bird species and 250 feet for raptor species. The buffer for California least tern, western snowy plover, and black skimmer shall be at least 600 feet or otherwise determined by CDFW and USFWS. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. Buffers shall be delineated by orange construction fencing that defines the buffer where it intersects the project site.</p> <p>If a California least tern, western snowy plover, or black skimmer nest is found within 500 feet of the project site, USFWS and CDFW will be immediately notified. USFWS and CDFW shall be consulted on appropriate avoidance and minimization methods, which would likely include work restrictions within 500 feet of the nest, biological</p>	Verify that if initial ground disturbing activities occurs between February 1 and August 31, a qualified biologist shall prepare a pre-construction survey two weeks prior to start of construction and shall be submitted to the Planning Division. If active nests are discovered, verify that buffers have been established and work is avoided in in the buffer as appropriate. Verify that USFWS and CDFW are consulted if California least tern, western snowy plover, or black skimmer are found and that recommendations of the agencies are implemented.	Once before construction to review pre-construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of Hayward Planning Division and Public Works Engineering (inspections)			

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>monitoring for activity within the nest' line-of-sight, etc. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and the nest is inactive. The qualified biologist shall confirm that breeding/nesting is completed, and young have fledged the nest prior to removal of the buffer.</p>						
BIO-1f: Special-Status Bat Avoidance and Pre-Construction Surveys						
<p>To avoid impacts to roosting special-status bats, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.</p>	<p>Verify that a qualified biologist has conducted focused surveys and submitted to Planning Division. If bats or signs of roosting bats are observed, verify that qualified biologist has prepared recommendations and that recommendations are included on the building permit plans and implemented.</p>	<p>Once before construction before to review pre-construction surveys; as needed during construction to verify implementation.</p>	<p>City of Hayward Planning Division (surveys) and City of Hayward Building Division (field verification)</p>			
BIO-1g: Trash Removal						
<p>During construction of the project, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in solid, closed containers (trash cans) and removed at the end of each workday from the project site to eliminate an attraction to predators of special-status species.</p>	<p>Verify that all food-related trash be disposed of in solid containers and removed from the project site</p>	<p>As needed during project construction.</p>	<p>City of Hayward Building Division</p>			
BIO-1h: Public Access Exclusion Fencing						
<p>Access by all project construction personnel into the Eden Landing Ecological Reserve shall be prohibited. Upon completion of the development project a permanent fence shall be installed on the eastern component of the project site to prevent access from the San Francisco Bay Trail relocated segment and the new industrial development into the adjacent salt ponds and associated marsh habitats to the west. In addition, signs shall be posted stating that public access into the salt ponds and associated marsh habitat is strictly prohibited owing to the sensitivity of the habitat and to ensure the continued use of this habitat by special-status species.</p>	<p>Verify the construction of a permanent fence and signage. Fence shall be included on improvement plans and reviewed and approved by Planning Division and the East Bay Regional</p>	<p>Once after project construction is complete.</p>	<p>City of Hayward Building Division</p>			

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Park District						
BIO-3: Protected Wetlands Mitigation Credits						
To compensate for impacts to approximately 0.97 acre of waters of the U.S., the project applicant shall purchase wetland mitigation credits at a minimum of 1:1 mitigation ratio from an approved mitigation bank with a Service Area that covers the project site. The San Francisco Bay Wetland Mitigation Bank currently has "Tidal Wetland and Other Waters Creation" credits available for purchase. Either the U.S. Army Corps of Engineers or the CDFW may adjust the mitigation ratio and the applicant shall comply, but in no case shall the mitigation ratio be less than 1:1.	Verify the applicant purchases wetland credits at a minimum of 1:1 mitigation ratio. Evidence of such purchase shall be submitted to the Planning Division.	Prior to issuing a Certificate of Occupancy.	City of Hayward Planning Division			
Cultural Resources						
CUL-1a: Building Recordation						
Archival documentation of as-built and as-found condition shall be prepared for the Oliver Brothers Salt Company prior to demolition. Prior to issuance of demolition permits, the City of Hayward shall ensure that documentation of the buildings and structures proposed for demolition is completed that follows the general guidelines of Historic American Building Survey (HABS)-level III documentation. The documentation shall include high resolution digital photographic recordation, a historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified professional who meets the standards for history, architectural history, or architecture as set forth by the Secretary of the Interior’s Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the Hayward Library and/or Hayward Area Historical Society to make it available for current and future generations. Archival copies of the documentation shall be submitted to the City of Hayward where it shall be available to local researchers.	Verify that the referenced buildings are documented prior to demolition using general guidelines of HABS Level III documentation. Verify copy of documentation is provided to City Planning Division and offered to Hayward Historic Society and local library.	Prior to issuing demolition permits.	City of Hayward Planning Division			
CUL-1b: Interpretive Display						
An interpretive display shall be developed and installed on site to commemorate the history of the Oliver Brothers Salt Company. The display may include historic photographs, drawings, and text to convey the history of the site and the significance of salt processing in Alameda County. The display shall be reviewed and approved by the City prior to installation at a site to be chosen by the City. The installation shall occur prior to issuance of a Certificate of Occupancy.	Verify installation of an interpretative display that is approved by the City. Applicant shall include display information, text, design	Prior to issuing a Certificate of Occupancy.	City of Hayward Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
	and display on building permits.					
CUL-2: Unanticipated Discovery of Archaeological Resources						
In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a Native American representative should also be contacted to participate in the evaluation of the find. If necessary, as determined by the archaeologist in consultation with the City, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the modified project, additional work, such as data recovery excavation, may be warranted to mitigate impacts to archaeological resources.	Verify that if archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical.	City of Hayward Building Division (field compliance) and City of Hayward Planning Division (actions in the event of encountering resources)			
Geology and Soils						
GEO-1: Geotechnical Considerations						
The project applicant shall implement all measures and recommendations set forth in the Geotechnical Engineering Services Report prepared by Professional Services Industries, Inc., an Intertek company, in January 2018 (included as Appendix D and on file with the City of Hayward). This measure shall be implemented for development on the eastern component of the project site. Recommendations include but are not limited to the following topic areas:	Verify that building plans for the eastern component of the site incorporate all design and construction criteria specified in the 2018 geotechnical report. All recommendations should be included in the grading and improvement plans and building permit plans, as appropriate.	Once prior to approval of grading permit; periodically on-site during grading and construction; once after the installation of roof gutters.	City of Hayward Building Division			
<ul style="list-style-type: none"> ▪ Engineered fill material required at this site shall not contain rocks greater than 3-inches in diameter or greater than 30 percent retained on the ¾-inch sieve, and shall not contain more than 3 percent (by weight) of organic matter or other unsuitable material. The expansion index for the material shall not exceed 50. ▪ Engineered fill shall be compacted to at least 90 percent of the maximum dry density as determined by the modified Proctor (ASTM D1557). The moisture content of engineered fill shall be maintained at approximately 2 percent above or below the material’s optimum moisture content as determined by the same index during compaction. ▪ Engineered fill shall be placed in maximum lifts of 8-inches of loose material. Each lift of engineered fill shall be tested by a PSI soils technician, working under 						

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>the direction of a licensed geotechnical engineer, prior to placement of subsequent lifts.</p> <ul style="list-style-type: none"> Properly compacted engineered fill shall extend horizontally outward beyond the exterior perimeter of the foundations a distance equal to the height of fill or 5 feet, whichever is greater, prior to substantial sloping. Permanent cut or fill slopes shall not exceed 2 Horizontal to 1 Vertical (2H:1V). Excavations extending below a 1H:1V plane extending down from any adjacent footings shall be shored for safety. Utilities trenches within the building, pavement, and sidewalk areas shall be backfilled with granular engineered fill such as sand, sand and gravel, fragmental rock, or recycled concrete of up to 2 inches maximum size with less than 5 percent passing the No. 200 sieve (washed analysis). Granular backfill shall be placed in lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D 1557. Compaction by jetting or flooding shall not be permitted. To ensure precipitation is conveyed away from structural foundation, continuous roof gutters shall be installed on the proposed industrial building. The roof drains shall be connected to a tight-line pipe leading to storm drain facilities. Pavement surfaces and open space areas shall be sloped such that surface water runoff is collected and routed to suitable discharge points. Ground surfaces adjacent the building shall be sloped to facilitate positive drainage away from the building. Landscaped or planted areas shall not be placed within 10 feet of the footings of the proposed building. 						
Hazards and Hazardous Materials						
HAZ-1: Project Demolition Activities						
<p>In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP). Documentation of the survey shall be provided to the City prior to commencement of demolition activities.</p> <p>During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.</p> <p>All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines</p>	<p>Verify that inspection or survey for ACMs and LBP is performed. Verify that if present, ACMs and LBP is removed and disposed of pursuant to specified regulatory requirements. Applicant is responsible for providing confirmation of inspection prior to</p>	<p>Prior to the demolition of onsite buildings.</p>	<p>City of Hayward Building Division and/or Hayward Fire Department – Hazardous Materials Division</p>			

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.</p> <p>A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.</p> <p>Based on Cal/OSHA rules and regulations, the following conditions shall be implemented to limit impacts to construction workers:</p> <ul style="list-style-type: none"> ▪ Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint. ▪ During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control. ▪ Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed. 	<p>issuance of demolition permit.</p>					
HAZ-2a: Implementation of the RMP						
<p>The project shall implement the appropriate handling procedures and worker health and safety measures during excavating or dewatering activities, as well as the use of an engineered vapor barrier as described in the site-specific RMP developed for the project in 2014. The RMP is an appendix to the Phase I ESA. The Phase I ESA is included as Appendix D to this EIR. Measures included in the RMP to control potential hazardous contamination and exposure include, but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ Construction contractors shall implement dust control mitigation measures during construction activities at the project site to minimize the generation of dust. Examples of dust control measures that shall be implemented include limiting construction vehicles speeds to 5 miles per hour when on-site; routinely applying water to exposed soils while performing excavation activities; and, covering soil stockpiles with plastic sheets at the end of each workday. Additional dust control measures shall be implemented by the selected contractor, as necessary, especially if windy conditions persist during site grading and excavation. These measures may include moisture, conditioning the soil, using 	<p>Verify all applicable handling procedures and safety measures as outlined in the RMP are implemented.</p>	<p>During the duration of construction.</p>	<p>City of Hayward Building Division and/or Engineering Division (inspections)</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>dust suppressants, or covering the exposed soil and stockpiles with weighted plastic sheeting to prevent exposure of the soil.</p> <ul style="list-style-type: none"> ▪ To prevent or minimize construction equipment from tracking polluted spoils off the site onto roadways, construction equipment that contacts soils deeper than 5-feet below ground surface shall be decontaminated prior to leaving the site. Decontamination methods shall include brushing and/or vacuuming to remove loose dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are inadequate, methods such as steam cleaning, high pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Decontamination activities shall be performed in an on-site decontamination facility established by the contractor. ▪ All project construction workers performing construction activities at depths below 5-feet below ground surface in the restricted areas shall adhere to decontamination procedures when exiting the area. Decontamination measures shall include: (a) vacuuming the surface of coveralls, head covers, and footwear to remove accumulated soil particles and changing into other clean clothes if practical; (b) vacuuming or washing small tools, hand tools, or personal equipment to remove accumulated soil particles; and, (c) placing work clothes and personal equipment in sealed plastic bags or other suitable containers for transportation or on-site storage. ▪ In the event that disturbed soil appears to contain contaminants of potential concern (COPCs), such as odors, staining, and/or discoloration, work should halt in that area and an environmental professional (EP), such as a geologist, engineer, industrial hygienist, or environmental health specialist with expertise in these matters, shall be called to the site to oversee the work and determine safe construction and soil handling procedures. Additionally, if contaminated soil is encountered, the project applicant shall coordinate with the San Francisco Bay Regional Water Quality Control Board and the Alameda County Water District to determine adequate and proper remediation and handling actions. ▪ The EP shall be present on-site during excavations greater than 5-feet below ground surface in the restricted areas to observe field conditions and measure hydrocarbon vapors using a hand held photoionization detector (PID). If PID readings are measured in a specific area showing concentrations in excess of construction worker screening levels published by the Regional Water Quality Control Board (RWQCB), construction activities in that area shall halt until appropriate risk mitigation measures are implemented. If necessary, HAZWOPER trained personnel shall be called to the site to complete the construction activities in that area. 						

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▪ Soil excavated from deeper than 5-feet below ground surface in the restricted area shall only be reused on-site as backfill after sampling and analysis soil proves the soil is acceptable to remain on site. Commercial ESLs or concentration limits established in the San Francisco Bay Regional Water Quality Control Board document titled <i>Characterization and Reuse of Petroleum Hydrocarbon Impacted Soil and Inert Waste</i> (2006), whichever is lowest shall be used as the threshold to determine if soils may remain on site or require off-site disposal. All appropriate regulatory sampling methods, holding times, and detection limits shall be followed. ▪ A health and safety plan shall be developed and implemented for project construction that incorporates measures and procedures to minimize direct contact by construction workers with site groundwater, particularly in the restricted areas. The health and safety plan shall be approved by either the City or the RWQCB, or both as applicable, prior to excavation activities. ▪ If groundwater is encountered within the former remediation area during construction of the project, as shown on Figure 4 of the RMP, an EP shall be called to the site to determine safe handling procedures. The groundwater shall be pumped into appropriate containers and samples shall be obtained for chemical analysis of the COPCs in accordance with a site sampling plan and the requirements of the waste disposal facility to which the material is sent. The project applicant shall coordinate with the Regional Water Quality Control Board and the Alameda County Water District if possible contaminated groundwater is encountered. If water sample analytical results indicate the water is free of all detectable concentrations of COPCs, such water can be re-used at the site if deemed appropriate by Alameda County and the RWQCB. If water sample analytical results indicate the water contains concentrations of COPCs above appropriate RWQCB screening levels, such water shall not be re-used at the site. The contractor and the EP shall elect to: (a) treat the groundwater on-site to render it free of detectable concentrations of COPCs (e.g. by activated carbon filtration); or, (b) transport the groundwater to a local treatment or disposal facility for appropriate handling. ▪ The proposed industrial building shall be constructed on top of a minimum of a 5-foot bioattenuation zone within the restricted areas. This bioattenuation zone shall consist of a minimum of 5-feet of soil above the anticipated shallowest groundwater elevation, and the soil shall not contain total petroleum hydrocarbons greater than 100 parts per million. ▪ An engineered vapor barrier shall be employed to further protect against possible vapor intrusion of COPCs into the proposed industrial building. The vapor barrier shall be designed to meet the needs of building. Vapor barriers are 						

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
generally constructed using membranes constructed with high-density polyethylene (HDPE) or other polyolefin-based resins. The vapor barrier shall be resistant to VOCs. The vapor barrier shall meet the American Society for Testing and Materials (ASTM) guideline for a vapor barrier and have a permeance rating of 0.1 perms or less. The thickness and strength of the vapor barrier shall be based on the needs for the building, but the architect and contractor shall use a material strong enough to easily withstand the building construction and other building considerations. The selected vapor barrier shall be approved by the RWQCB prior to installation.						
HAZ-2b: Bioretention Design Coordination						
The project applicant shall consult with the City on location and/or design of the on-site bioretention basins to ensure protection of the groundwater basin, which may include, but is not limited to, locating the basins outside of the restricted areas or use of a liner in the detention basin. The final design and location of the on-site bioretention basins shall demonstrate that groundwater would be protected from contamination.	Bioretention design and location design shall be included on the improvement plans and other plans as necessary. Verify that design and location protects groundwater.	Prior to construction.	City of Hayward Public Works – Engineering			
HAZ-2c: Displacement Pier Design and Construction						
The project applicant shall retain a geotechnical engineer to design the displacement piers for support of the building foundation. The displacement piers shall be designed in a way to prevent creating a preferential pathway between shallow groundwater at approximately 5 feet below ground surface and deeper groundwater. The displacement pier design developed by the geotechnical engineer shall be incorporated into project plans prior to commencement of construction. This mitigation measure shall apply to all displacement piers within the restricted areas or the larger area where benzene concentrations exceed ESLs, as shown in Figure 4.3-2 of the EIR. Additionally, air-jetting shall not be used to create the holes for the displacement piers within the restricted areas to avoid bringing subsurface soils to the ground surface.	Verify that displacement pier design is approved by a geotechnical engineer and incorporated into project plans. Verify that air jetting is not used within the restricted areas. Details shall be included on building permit plans and reviewed and approved by Building and/or Engineering staff as appropriate.	Prior to construction and during construction, as needed, to confirm air jetting is avoided in restricted areas.	City of Hayward Public Works – Engineering/Building Division			
Transportation						

City of Hayward
4150 Point Eden Way Industrial Development Project

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
TR-1: Travel Demand Management						
<p>The project applicant shall implement at least one of the measures described below:</p> <ul style="list-style-type: none"> ▪ Voluntary Employer Commute Program: The project applicant shall encourage alternative modes of transportation through a program that may include elements such as: a carpool or vanpool program, subsidized or discounted transit passes, bike amenities, commute trip-reduction marketing, and preferential parking permit program. ▪ Employer Carpool Program: The project applicant shall encourage carpooling by providing ride matching assistance to employees, providing priority parking for carshare vehicles, and providing incentives for carpooling. <p>The applicant shall provide to the City documentation that at least one of the above measures is implemented. Documentation shall be provided annually.</p>	<p>Verify that either a voluntary employee commute program or an employer carpool program is implemented. Applicant is responsible to reporting to City.</p>	<p>Once annually commencing with building occupancy.</p>	<p>City of Hayward Public Works – Engineering and Transportation Division.</p>			
Tribal Cultural Resources						
TCR-1: Unanticipated Discovery of Tribal Cultural Resources						
<p>In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.</p>	<p>Verify that in the event that cultural artifacts of Native American origin are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.</p>	<p>As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical.</p>	<p>City of Hayward Building Division (field compliance) and City of Hayward Planning Division (actions in the event of encountering resources)</p>			