

## Mitigation Monitoring and Reporting Program

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The Initial Study-Mitigated Negative Declaration (IS-MND) for the 25450-25550 Clawiter Road Industrial Project identifies the mitigation measures that will be implemented to reduce the 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 adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval 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 IS-MND. 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.

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Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Biological Resources						
BIO-1: Nesting Bird Avoidance and Minimization Efforts						
<p>If project construction activities occur during the nesting season (between February 1<sup>st</sup> and August 31<sup>st</sup>) a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.</p> <p>During construction, active nests identified during the preconstruction survey shall be monitored by the qualified biologist to determine if construction activities are causing disturbance to the birds and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause nest abandonment include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause nest failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above. The qualified biologist shall prepare a nest monitoring report at the time monitoring has been completed. The report will document the methods and results of the monitoring, and the final status of the nest (i.e., successful fledging of the nest, nest depredation, nest failure due to construction activity).</p>	<p>Verify that if initial ground disturbing activities occurs between February 1 and August 31, a qualified biologist has prepared a pre-construction survey two weeks prior to start of construction. If active nests are discovered, verify that buffers have been established and work is avoided in the buffer as appropriate.</p>	<p>Once before construction to review pre-construction survey; as needed during construction to verify buffers established and work is avoiding buffer zones.</p>	<p>City of Hayward Planning Division &amp; Public Works Engineering/Inspections</p>			

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Cultural Resources						
CR-1: Unanticipated Archaeological Resources						
If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to historical resources.	Verify that in the event that 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 Planning Division & Public Works Engineering/ Inspections			
Geology and Soils						
GEO-1: Geotechnical Considerations						
<p>The project applicant shall implement all measures and recommendations set forth in the Geotechnical Investigation prepared by Cornerstone Earth Group in August 2020 (on file with the City of Hayward). Recommendations include but are not limited to the following topic areas:</p> <ul style="list-style-type: none"><li>All fills shall be completely removed from within building areas and to a lateral distance of at least 5 feet beyond the building footprint or to a lateral distance equal to fill depth below the perimeter footing, whichever is greater. Fills extending into proposed pavement and flatwork areas may be left in place provided they are determined to be a low risk for future differential settlement and that the upper 12 to 18 inches of fill below pavement subgrade is re-worked and compacted as discussed in the Geotechnical Investigation.</li><li>All fills, and subgrade areas where fill, slabs-on-grade, and pavements are proposed, shall be placed in loose lifts 8 inches thick or less and compacted in accordance with ASTM D1557.</li><li>Proposed building foundations shall be designed to tolerate total and differential settlement due to static loads and liquefaction-induced settlement. Foundation spread footings shall bear entirely on natural, undisturbed soil, or engineered fill, and shall be at least 12 inches wide, and extend at least 24 inches below the lowest adjacent grade. Footing excavations shall be filled as soon as possible or be kept moist until concrete placement by regular sprinkling to prevent drying.</li></ul>	Verify that building plans incorporate all design and construction criteria specified in the geotechnical report	Once prior to approval of grading permit; periodically on site during grading and construction	City of Hayward Public Works Engineering Division & Planning Division – Development Review Specialist			

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<ul style="list-style-type: none"><li>Proposed slabs-on-grade shall be supported on at least 12 inches of non-expansive fill (NEF) to reduce the potential for slab damage due to soil heave. Industrial building slabs-on-grade shall be at least 6 inches thick and shall have a minimum compressive strength of 3,500 psi. The industrial building slabs shall also be supported on at least 6 inches of non-expansive, crushed granular base having an R-value of at least 50 and no more than 10 percent passing the No. 200 sieve, such as Class 2 aggregate base. Due to the high plasticity of the surficial soils, an additional 6 inches of non-expansive fill (NEF) shall underlie the upper granular base.</li><li>Ponding of water shall not be allowed adjacent to building foundations, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least 2 percent towards suitable discharge facilities; landscape areas shall slope at least 3 percent towards suitable discharge facilities. Roof runoff shall be directed away from building areas in closed conduits, to approved infiltration facilities, or on to hardscaped surfaces that drain to suitable facilities. Retention, detention or infiltration facilities shall be spaced at least 10 feet from buildings.</li><li>The project applicant shall retain a Geotechnical Engineer to provide geotechnical observation and testing during earthwork and foundation construction stages of the project. The Geotechnical Engineer shall be allowed to evaluate conditions differing from those encountered and described in the August 2020 Geotechnical Investigation prepared for the project by Cornerstone Earth Group, and may provide supplemental recommendations as necessary, which shall be incorporated into construction plans.</li></ul>						
GEO-2: Unanticipated Discovery of Paleontological Resources						
In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.	Verify that in the event that fossils 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 possible	City of Hayward Planning Division & Public Works Engineering/Inspections			

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Greenhouse Gas Emissions						
GHG-1: Greenhouse Gas Reduction Plan						
<p>The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project’s total remaining GHG emissions to 660 MT of CO<sub>2</sub>e per year or less. Potential options include, but would not be limited to:</p> <ul style="list-style-type: none"><li>▪ Use of all-electric appliance (i.e., elimination of natural gas service).</li><li>▪ Supply 100 percent of electricity from renewable energy resources. Options include opting into East Bay Community Energy Brilliant 100 or Renewable 100 plan (carbon-free energy or renewable), East By Community or PG&amp;E’s Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.</li><li>▪ Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements).</li><li>▪ Install water-efficient fixtures such low flow toilets and faucets.</li><li>▪ Implement a zero-waste program or other feasible waste-reduction measures.</li></ul> <p>After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve <u>up to</u> 50 percent of the total necessary GHG emission:</p> <ul style="list-style-type: none"><li>▪ Directly undertake or fund activities that reduce or sequester GHG emissions (“Direct Reduction Activities”) and retire the associated “GHG Mitigation Reduction Credits.” A “GHG Mitigation Reduction Credit” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB’s most recent <i>Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation</i> (CARB 2013). An “Approved Registry” is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April</li></ul>	<p>Review and approve the GHGRP for compliance with the measure.</p>	<p>Prior to issuance of building permit issuance.</p>	<p>City of Hayward Planning Division, Building Division &amp; Public Works Environmental Services and Transportation Divisions</p>			

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<p>2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.</p> <ul style="list-style-type: none"><li>Obtain and retire “Carbon Offsets.” “Carbon Offset” shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO<sub>2</sub>e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A “Carbon Offset” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB’s most recent <i>Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation</i> (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward’s preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.</li><li>The project’s total requisite emission reduction over the project’s lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.</li></ul>						
<p><b>PLAN REQUIREMENTS AND TIMING</b></p> <p>Upon identifying a potential tenant, the applicant shall submit to Development Services Planning &amp; Building Divisions and Public Works – Environmental Services &amp; Transportation Divisions the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements or business licenses. The GHGRP shall either reduce the project’s emissions to 660 MT CO<sub>2</sub>e per year or shall incorporate all</p>						

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feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase up to 50 percent carbon offsets. Development Services Planning & Building Divisions and Public Works – Environmental Services and Transportation Divisions, as appropriate, shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.						
<b>MONITORING</b> Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, annual reporting may be suspended until tenant turnover.						
Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.						
Hazards and Hazardous Materials						
HAZ-1a Regulatory Agency Subsurface Involvement - RWQB						
Since the project site is listed as an open RWQCB Cleanup Program Site, the RWQCB Cleanup case # RO0003469 shall continue to be utilized for agency oversight of assessment and remediation of this project site through completion of building demolition, subsurface demolition, and construction. The Alameda County Department of Environmental Health – Local Oversight Program (LOP) shall be the agency with oversight of the remediation. The applicant shall notify the Alameda County Department of Environmental Health – LOP of the following: <ul style="list-style-type: none"><li>Current development plan and modifications to the development plan</li><li>All former environmental documents completed for the project site, including this Initial Study document</li></ul>	Review and approve closure and agency approval documents.	Prior to issuance of grading permit.	City of Hayward Fire Department Hazardous Materials Division & Planning Division			

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<p>Upon notification of the information above, Alameda County Department of Environmental Health – LOP could require actions such as: development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure documents. Subsurface soil, soil vapor, and groundwater investigations, if required, shall be conducted in accordance with a sampling plan that must be reviewed and approved by the Alameda County Department of Environmental Health – LOP.</p> <p>The Alameda County Department of Environmental Health – LOP closure and agency approval documents shall be submitted and reviewed by the City of Hayward prior to issuance of grading permits.</p> <p>The Alameda County Department of Environmental Health – LOP may also determine that San Francisco Bay RWQCB or DTSC may be best suited to perform the lead agency duties for the assessment and/or remediation of this project site. Should the lead agency be transferred to RWQCB or DTSC, this and other mitigation measures will still apply to these agencies.</p>						
HAZ-1b: Construction Site Management Plan						
<p>The applicant shall develop and implement a Construction Site Management Plan (SMP) at the project site to address potential issues that may be encountered during redevelopment activities of the property involving subsurface work. The Construction SMP objectives shall include:</p> <ul style="list-style-type: none"><li>▪ Communicating information to project site construction workers about environmental conditions,</li><li>▪ Presenting measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or unexpected underground structures, and</li><li>▪ Presenting protocols for management of known contaminated soil or groundwater encountered during construction activities.</li></ul> <p>The Construction SMP identifies the project contacts, responsibilities, and notification requirements, and outlines the procedures for Health and Safety; Soil Management; Contingency Measures for Discovery of Unexpected Underground Structures; Erosion, Dust, and Odor Management; Groundwater Management; Waste Management; Stormwater Management; and Written Records and Reporting. The Construction SMP shall be reviewed and approved by the City of Hayward prior to issuance of the project grading permit.</p>	<p>Review and approve Construction SMP.</p>	<p>Prior to issuance of grading permit.</p>	<p>City of Hayward Fire Department Hazardous Materials Division &amp; Public Works Engineering Division/Inspections &amp; Planning Division</p>			



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HAZ-1c: Post-Construction Risk Management Plan						
<p>Following construction and during operation of the project site, the project applicant shall develop and implement a Construction Risk Management Plan (RMP). The RMP must be submitted to and approved by the Alameda County Department of Environmental Health – LOP. The RMP shall document the requirements for the long-term management of activities at the project site to mitigate potential risks and reduce/minimize exposure to construction workers, occupants, and other site users associated with residual chemical concentrations detected in soil, soil vapor, and groundwater that do not warrant active remediation.</p> <p>This RMP will be incorporated by reference in a Covenant and Environmental Restriction on Property (Land Use Covenant, or LUC), which will be recorded for the project site in the Official Records of Alameda County, California.</p> <p>The RMP will include requirements regarding the following:</p> <ol style="list-style-type: none"><li>1. <b>Land Use Expectation and Limitations</b> – future land use at the project site will be limited to industrial, commercial, and/or office space use</li><li>2. <b>Project Site Development and Occupancy Modifications</b> - modifications to the project site or subsurface work will be conducted in accordance with the Construction SMP, and any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Property Owner or its designee in accordance with applicable provisions of local, state and federal law</li><li>3. <b>Contingency Reporting</b> - if impacted soil or groundwater is encountered during site activities, Alameda County Department of Environmental Health – LOP will be notified and upon completion of subgrade work and offsite removal of soil and groundwater, a report will be prepared by the Environmental Consultant or its designee and submitted to Alameda County Department of Environmental Health – LOP</li><li>4. <b>Regulatory Access</b> - persons acting pursuant to Alameda County Department of Environmental Health – LOP orders, shall have reasonable access to the project site after giving reasonable notice to the Property Owner or Lessor for the purposes of inspection, surveillance, maintenance, or monitoring.</li></ol> <p>Specifically, for contingency reporting, the reports will be uploaded to the SWRCB GeoTracker website <a href="https://geotracker.waterboards.ca.gov">https://geotracker.waterboards.ca.gov</a>; and the reports will include the following information</p> <ul style="list-style-type: none"><li>▪ Brief letter documenting RWQCB notification and the scope of work completed;</li><li>▪ Photographs documenting the project site conditions; and</li></ul>	Review and approve RMP.	Prior to issuance of grading permit.	City of Hayward Fire Department Hazardous Materials Division & Planning Division			

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<ul style="list-style-type: none"><li>Recommendations for preventative and/or corrective repair needs that are identified to maintain compliance with the RMP.</li></ul>						
Transportation						
TRA-1: Pedestrian and Bicycle Safety						
<p>The project applicant shall incorporate the following measures or design features into the project:</p> <ul style="list-style-type: none"><li>Ensure that the south driveway on Clawiter Road is designed for pedestrian visibility safety (sidewalks clearly delineated, improved visibility by minimizing bushes and large signs).</li><li>Coordinate with the City of Hayward to install warning signage (such as caution signage for exiting vehicles) and continental crosswalks at the south driveway.</li><li>Coordinate with the City of Hayward to install signage (such as bikeway signage and caution signage) for vehicles entering or existing the project driveways.</li><li>Ensure the on-site bike sharrows are high-visibility and are accompanied by the appropriate signage.</li></ul>	Verify that building plans incorporate all pedestrian and bicycle safety design features	Prior to issuance of improvement plans	City of Hayward Public Works – Transportation Division and Planning Division			
Tribal Cultural Resources						
TCR-1: Unanticipated Discovery of Tribal Cultural Resources						
In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine 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 would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).	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	As needed during construction activities; work must stop immediately if resources are discovered, and consultation initiated as soon as practical	City of Hayward Planning Division & Public Works Engineering/ Inspections			