MITIGATION MONITORING OR REPORTING PROGRAM

STEELWAVE INDUSTRIAL PARK REZONING

CITY OF HAYWARD

May 2017

PREFACE

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 Addendum prepared for the Steelwave Rezoning Project 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 Addendum concluded that the impacts from implementation of the project would be less than significant, nor does it include any mitigation measures that were already accomplished or determined to be not applicable to the proposed development as detailed in the Addendum.

	MITIGATION MONITORING OR REPORTING PROGRAM STEELWAVE INDUSTRIAL PARK				
Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation	
AESTHETICS		<u> </u>	<u> </u>		
Impact 3.1.4-1: The project includes light industrial uses as opposed to office uses and would be of a smaller scale than envisioned in the Specific Plan and related Mitigated Negative Declaration (MND); however, the project could result in adverse impacts on visual character.	Mitigation Measure 3.1.4-1: The planning and design of the projects for buildout of the Specific Plan areas should conform to the provisions of the Development Guidelines chapter of the Specific Plan. Conformance review would occur with each development decision utilizing the Development Guidelines criteria within the Specific Plan. Conformance review would occur with the City of Hayward's project review process prior to the issuance of grading and construction permits. [Mitigation Measure completed through the Planning Entitlement Phase. Planning staff reviewed the proposed development as part of the Rezoning entitlement and determined that the proposed project is consistent with the South of Route 92 Development Guidelines.]	Planning Entitlement Phase.	Project Applicant.	Development Services Department - Planning Division.	
Impact 3.1.4-5: The project would introduce new sources of	Mitigation Measure 3.1.4-5: Night lighting along public streets, in business park and industrial areas, and in the Sports Park, should be focused downward and/or shielded to avoid glare and point sources of light	Lighting plan shall be submitted and approved prior to	Project Applicant.	Development Services Department – Building and	

light and glare related to development of a currently vacant lot.	interfering with the vision of residents and motorists on local roadways. Lighting elements should be recessed within the fixtures to prevent glare. A specialist in lighting decision should be consulted to determine light source locations, light intensities and type of light source.	issuance of building permits.		Planning Divisions.
AIR QUALITY				
Impact III-1 and 3.2.4-1: Construction of the proposed project could result in a significant impact related to construction dust.	 Mitigation Measure III-1: Dust emissions from construction-related activities can be greatly reduced by implementing control measures. The BAAQMD has developed feasible control measures for construction emissions of PM₁₀. With these measures implemented the impacts are expected to be reduced to a less than significant level. The following measures, pertinent to Mitigation Measure 3.2.4-1 of the1997 Plan EIR, shall be incorporated into all construction contract documents and implemented. Basic Control Measures Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer). Pave, apply water three times daily, or apply (nonstick) soil stabilizers on all unpaved access roads, parking areas and staging areas. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas. 	During all phases of construction of future phases.	Construction contractor.	City Engineer; Department of Public Works - Engineering

• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer. Enhanced Control Measures (sites greater than four acres): All "Basic" control measures listed above. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). • Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) • Limit traffic speeds on unpaved roads to 15 mph. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. Replant vegetation in disturbed areas as quickly as possible. Additional Control Measures for large construction sites, located near sensitive receptors that may warrant additional emissions reductions: Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. Limit the area subject to excavation, grading and

other construction activity at any one time.

BIOLOGICAL I	The following is in addition to the measures recommended by BAAQMD: Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.			
Impact IV.2 and 3.2.3-5: There is potential habitat for burrowing owl on the undeveloped site.	 Mitigation Measure IV.2: The following steps clarify Mitigation Measure 3.2.3-5, identified in the earlier 1997 Plan EIR. A preconstruction survey will be conducted within 30 days prior to the beginning of construction/grading activities of all suitable burrowing owl habitat within the project area and the adjacent 250-foot buffer in accordance with CDFW protocol (Burrowing Owl Consortium 1993). The first step of this protocol is to map potential burrowing owl burrow sites. If no burrowing owl sites are present during the mapping procedure, then no further mitigation is required. If burrowing owl burrows are identified through the preconstruction surveys, protective measures will be required as a CEQA mitigation measure to ensure impacts would be less than significant. These would include such avoidance actions as the following: 	Prior to and during grading and construction phases of the project.	Applicant and construction contractor.	City of Hayward Planning Division and Public Works Department

If any owls are present in areas scheduled for disturbance or degradation (e.g., grading) or within 50 meters (160 feet) of a permanent project feature, and nesting is not occurring, owls are to be passively relocated by a qualified biologist per CDFW-approved relocation as described in the burrowing owl guidelines. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows. If any owls are present within 50 meters (160 feet) of a temporary project disturbance areas (i.e., parking areas) then active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify additional losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young). If additional losses occur then the qualified biologist/monitor has the authority to stop construction and consult with CDFG to determine further mitigation. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation. If any owls are nesting in areas scheduled for disturbance or degradation, nest(s) should be avoided from February 1 through August 31 by a minimum of a 75-meter (250-foot) buffer or until fledging has occurred. Following fledging, owls may be passively relocated as described in the burrowing owl guidelines (CBOC 1993). Active burrows shall be monitored by a qualified biologist(s)/monitor(s) throughout construction to identify additional losses from nest abandonment. One alternate natural or artificial burrow should be provided for each burrow that will be excavated in

the project impact zone. The project area should be

	monitored daily for one week to confirm owl use of			
	alternate burrows before excavating burrows in the immediate impact zone.			
	 Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. 			
Impact IV.4: The project site contains trees and shrubs that provide suitable habitat for nesting birds protected by the Migratory Bird Treaty Act.	Mitigation Measure IV.4: If proposed construction activities are planned to occur during the nesting season for avian species (typically March 1 through August 31), the Applicant shall retain a qualified biologist to conduct a focused survey for nesting raptors and migratory birds within 100 feet of the construction area no more than 30 days prior to ground disturbance or tree removal. If active nests are located during preconstruction surveys, USFWS and/or CDFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a biologist deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG). Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius around the nest of 100 feet for raptors and 50 feet for migratory birds. No action is necessary if construction will occur during the nonbreeding season (generally September 1 through February 28). Reference to this requirement, the MBTA, and Section 3503.5 of the California Fish and Game Code shall be included in the construction specifications. Such measures will reduce these potential impacts to a less than significant level.	Prior to any grading and construction phases of the project	Applicant and construction contractor.	City of Hayward Planning Division

CULTURAL RE	SOURCES			
Impact V-1: There is potential that the proposed project could result in excavation of unknown buried cultural resources and damage to or disturbance of important archaeological or historical resources.	Mitigation Measure V-1: If prehistoric or historic cultural resources are inadvertently discovered during any ground-disturbing activities, all work in the area shall stop immediately and the City shall be notified of the discovery. No work shall be done in the area of the find and within 100 feet of the find until a professional archaeologist can determine whether the resource(s) is significant. If necessary, the archaeologist shall develop mitigation measures consistent with the State CEQA Guidelines in consultation with the appropriate state agency and, if applicable, a representative from the Native American Heritage List. A mitigation plan shall be submitted to the City for approval. Mitigation in accordance with this plan shall be implemented before any work is done in the area of the resource find. Therefore, impacts to archaeological resources are considered less than significant.	During all grading and construction phases of the project.	Applicant and construction contractor.	City of Hayward Planning Division and Public Works Department.
Impact V-2: The project has the potential to uncover fossils during excavation activities.	Mitigation Measure V-2: If fossils or other paleontological resources are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.	During all grading and construction phases of the project.	Applicant and construction contractor.	City of Hayward Planning Division and Public Works Department
GEOLOGY AND	SOILS			
Impact 3.2.1-1: Development in the South of Route 92 Specific Plan Area may be susceptible to	Mitigation Measure 3.2.1-1: Incorporate current seismic-restraint criteria in the design of excavations, foundations and structures for the project, using updated guidelines from the latest adopted edition of the California Building Standards Code, as appropriate. The minimum seismic- resistant design standards for all proposed facilities shall conform to the California Building Standards Code seismic design criteria and	Prior to issuance of building permits.	Project Applicant	City of Hayward Building Division.

strong ground shaking.	applicable portions of the City's policies and ordinances.			
Impact 3.2.1-2: Development in the South of Route 92 Specific Plan Area may be susceptible to strong ground shaking.	Mitigation Measure 3.2.1-2: Incorporate seismic-restraint criteria in the design of excavations, foundations, and structures of the project.	Prior to issuance of building permits.	Project Applicant	City of Hayward Building Division.
Impact 3.2.1-3: Potentially expansive clay soils are present in the project vicinity that may expose buildings to structural damage if left unabated.	Mitigation Measure 3.2.1-3: Require site-specific soil suitability analysis and stabilization procedures and design criteria for foundations, as recommended by a California-registered soil engineer during the design phase of the Specific Plan area.	Prior to issuance of building permits.	Project Applicant	Department of Public Works – Engineering.
Impact 3.2.1-4: During project construction, there is potential for surface water to carry sediment from onsite erosion into the	Mitigation Measure 3.2.1-4: If grading or construction are to occur during the wet season, require an erosion and sediment transport control plan to be prepared for the grading and construction period of the project in accordance with the criteria contained in the Final EIR.	Prior to issuance of building permits.	Project Applicant	Department of Public Works – Engineering.

stormwater				
system and local				
waterways.				
HYDROLOGY A	AND WATER QUALITY			
Impact 3.2.2-1:	Mitigation Measure 3.2.2-1: Incorporate runoff control	Prior to issuance of	Project applicant.	Development
The proposed	design in the drainage collection system for the project as	building permits.		Services
project would	specified in the EIR.			Department –
result in higher				Building and
surface run-off				Planning
than currently				Divisions.
leaves the area,				
which could				
potentially				
impact the				
capacity of Old				
Alameda Creek.				
Impact 3.2.2-2:	Mitigation Measure 3.2.2-2: The 1997 Plan EIR	During all grading	Project applicant and	Department of
Construction	previously proposed Mitigation Measure 3.2.2-2, which	and construction	construction	Public Works –
and operation	would reduce erosion impacts to a less than significant	phases.	contractor.	Engineering.
activities that	level:			
occur pursuant	(a) Construction should be scheduled for the dry season,			
to the South of	if possible.			
Route 92	F			
Specific Plan	(b) The project will be subject to an NPDES permit from			
Amendment	the RWQCB. This permit requires that the applicant			
project have the	develop a Storm Water Pollution Prevention Plan.			
potential to	The permit requirements of the Regional Board			
result in	would be satisfied prior to granting of a building			
	permit by the City of Hayward.			

polluted runoff entering downstream runoff.	(c) A soil erosion and sedimentation control plan would be submitted to the City of Hayward by the applicant for individual development sites proposed under the Specific Plan prior to grading. This plan may include, but would not be limited to, the erosion control methods outlined in Mitigation Measure 3.2.1-4 (soil erosion control).			
Impact 3.2.2-4: Excavation would occur within areas of high groundwater levels, which may require dewatering.	Mitigation Measure 3.2.2-4: Project construction sites within the Specific Plan area in areas of high groundwater shall submit a geotechnical report which designates specific groundwater conditions and subdrain requirements and incorporates them in the project design.	Prior to issuance of building permits.	Project applicant.	Development Services Department – Building and Planning Divisions.
Impact VIII-1: Construction and operation activities that occur pursuant to the South of Route 92 Specific Plan Amendment project have the potential to result in polluted runoff entering downstream runoff.	 Mitigation Measure VIII-1: The 1997 Plan EIR proposed Mitigation Measure 3.2.2-1, which would incorporate runoff control design in the drainage collection system for the project. Implementation of this previously proposed mitigation measure would reduce the impact to a less than significant level. (a) The project engineer would perform detailed, site-specific hydrologic and hydraulic analyses for the proposed development areas, to validate the drainage calculations for the Specific Plan Area as a whole. The analyses would be in conformance with City of Hayward and Alameda County Flood Control and Water Conservation District (ACFCWCD) standards for the 100-year storm, would quantify the proposed development area's increased stormwater runoff volumes, and would quantify the effect on the 	Prior to issuance of building permits.	Project applicant.	Development Services Department – Planning Division and Department of Public Works - Engineering.

	capacity of the existing drainage facilities, including the levees along Old Alameda Creek.	
(b	b) The proposed additions to the storm-drainage system would be designed to accommodate the anticipated flows from the Specific Plan Area. The project engineer would include facilities in the storm-drain infrastructure that would avoid increasing the risk of offsite flooding or increasing the area of offsite 100-year floodplains. Such facilities could include detention or storage structures.	
(c	e) Facilities to accommodate the additional volume of stormwater runoff would be designed, reviewed, and incorporated into development prior to completion of the permitting process for this project. Specific structural mitigation measures that could be included in the facilities include detention basins, energy reducers, and oversized pipes and catch-basins that could act as temporary storage facilities for stormwater runoff.	
	In addition, the following mitigation would be required to comply with new Alameda County C.3 Stormwater Regulations for project operations:	
	100 percent of annual average stormwater runoff from the site would be treated per the standards in the most recent version of the California Stormwater Best Management Practice New Development and Redevelopment Handbook. [This mitigation measure has been revised to comply with current C.3 Stormwater Regulations, which now require 100 percent capture of stormwater runoff.]	

	Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to effect some treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. The specifications of the StormFilter® by Stormwater Management, Inc. adequately meet the requirements of the Regional Water Quality Control Board (RWQCB) for a "box-in-ground" filtering system. A filtering system with similar specifications may be used based on the size of the project site, if landscape-based stormwater treatment measures cannot effect the required level of treatment. Roofs shall be designed with down-spouting into landscaped areas, bubbleups, or trenches. Driveways shall be curbed into landscaping so runoff drains first into the landscaping. Permeable pavers and pavement shall be utilized to construct the development, where appropriate. Any one or combination of these suggested RWQCB treatment measures will potentially meet RWQCB			
NOISE				
Impact XI-1 & 3.2.5-1: Construction noise associated with buildout of the South of 92	Mitigation Measure XI-1 (Mitigation Measure 3.2.5-1): Short-term Increases in Ambient Noise Levels. Construction noise would be temporary, but the following mitigation measure from the 1997 Specific Plan EIR would reduce this impact to less than significant:	During all grading and construction phases of the project.	Project Applicant and construction contractor.	Development Services Department – Planning Division and Department of Public Works.

Specific Plan Amendment would represent a short-term increase in ambient noise levels.	 To minimize construction noise impacts upon nearby residents, limit construction hours to between 7:00 AM and 7:00 PM on weekdays. Any work outside of these hours including work on weekends, should require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences. Construction equipment should be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. The contractor shall locate stationary noise sources away from residents in developed areas and require use of acoustic shielding with such equipment when feasible and appropriate. In addition to 1997 EIR Mitigation Measure 3.2.5-1, the following shall apply during construction activities: Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations, When not in use, motorized construction equipment shall not be left idling. 			
Impact XI-2: Residential and commercial uses proposed by the South of 92 Specific Plan Amendment have the	Mitigation Measure XI-2: Long-term Increases in Ambient Noise Levels – Stationary Sources. Proposed Residential Land Uses: Residential dwellings shall be equipped with central heating and air conditioning systems to allow closure of windows during inclement weather conditions.	Project designed to attenuate noise from long term operation. Limitation on hours included as condition of approval for project operation.	Project Applicant	Development Services Department – Planning Division.

potential to expose nearby sensitive receptors to unacceptable noise levels due to ongoing operations.	 Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be low-noise rated. Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be shielded from direct line-of-sight to adjacent residential dwellings. Shielding may include (but is not limited to) the use of wood fencing, provided no visible air gaps are detectable between individual panels. Use of tongue-and- groove or over-lapping panels is recommended. 		
	Residential dwellings shall be insulated to exceed Title 24 standards.		
	Proposed Commercial Land Uses:		
	 Material deliveries, landscape maintenance, waste- collection activities, and the operation of noise- generating stationary equipment, such as solid-waste compactors and compressors (excluding heating, ventilation, and air conditioning (HVAC) units), shall be limited to between the hours of 7:00 a.m. and 10:00 p.m. 		
	• The City shall require an acoustical assessment to be performed prior to construction of proposed commercial land uses. Where acoustical analysis determines that stationary source noise levels would exceed applicable City noise standards, the City shall require the implementation of noise attenuation measures sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses. Such measure may include, but are not limited to, the		

PUBLIC SERVI	incorporation of setbacks, sound barriers, berms, or equipment enclosures. Implementation of these measures would reduce Longterm noise impacts from stationary sources to a less than significant level. CES			
Impact 3.1.7-1(b): New development and uses on a currently vacant site could impact police protection services.	Mitigation Measure 3.1.7-1(b): Project plans should be submitted to the Police Department for comment on feasible design measures that would increase safety and reduce the demand for police services. [Rezoning and development application routed to Hayward Police Department and Hayward Fire Department and all comments/conditions of approval incorporated into project approval.]	Prior to Project Approval.	Development Services Department – Planning Division; Hayward Police Department.	Development Services Department – Planning Division; Hayward Police Department.
Impact 3.1.7-2: New development and uses on a currently vacant site could impact fire protection services.	Mitigation Measure 3.1.7-2: All nonresidential structures will be equipped with appropriate automatic fire extinguishing sprinkler systems. Signalized intersections leading to the project will be equipped with traffic preemption emitters and the Department will purchase an appropriate firefighting apparatus and equipment. The project sponsor will fund these capital costs. Additional emergency access will be developed. [Portions of this mitigation measure do not directly apply to the proposed project, although the proposed project would be required to demonstrate compliance with the latest adopted edition of the California Fire Code].	Prior to submittal of building permits.	Project applicant.	Hayward Fire Department.

TRANSPORTATION/TRAFFIC							
Impact XV-3a: There could be traffic related impacts to current residents and users of the area during construction.	 Mitigation Measure XV-3a: Transportation Management Plan: The project sponsor(s) shall develop and implement a Transportation Management Plan (TMP) to minimize the transportation-related effects to local residents during construction. Key implementation measures of the plan shall include: Coordinate the timing and route selection for movement of heavy equipment and truck traffic on major streets within the project vicinity with the Public Works Department to minimize traffic and physical road impacts. Coordinate construction activities with City officials to minimize disruption to local traffic. 	Prior to and during construction and grading activities	Construction contractor.	City of Hayward – Public Works Department, Engineering and Transportation Division			
Impact XV-3b: Long term operation of commercial and light industrial uses could impact nearby intersections and traffic.	 Mitigation Measure XV-3b: Transportation Management Plan: The project sponsor(s) shall develop and implement a Transportation Management Plan (TMP) to be included in the lease agreements to minimize the transportation-related effects to local residents during implementation. Key implementation measures of the plan shall include: Electrification of loading docks for commercial businesses to limit idling of trucks that produce diesel emissions to reduce particulate matter and NOx to the surrounding residences. Business Park occupants shall be required to have a Transportation Management Demand Plan that includes one or more of the following: bike lockers, 	Prior to occupancy of business and commercial firms.	Project Applicant.	Development Services Department – Planning Division.			

	showers, carpool assistance, transit subsidies (e.g., \$175 per month). • Larger retail businesses shall be required to offer delivery services to customers within a 3-mile radius.						
UTILITIES AND SERVICE SYSTEMS							
Impact 3.1.7-4: Development of new uses would result in waste generation that could have an impact on nearby landfills.	Mitigation Measure 3.1.7-4: The implementation of existing recycling program at the City and County level would be expected to reduce this potential impact to insignificance.	Trash enclosures included in project design; Trash and recycling service shall be part of ongoing operations.	Project Applicant.	City of Hayward Department of Public Utilities & Environmental Services.			

SOURCES:

Steelwave Industrial Park Addendum, 2017.

South of Route 92 Specific Plan Amendment (Legacy Eden Shore) Project Initial Study/Mitigated Negative Declaration, 2007.

South of Route 92 General Plan Amendment Program Environmental Impact Report, 1997.