Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration (IS-MND) for the Gading II Residential 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 Final 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.

Mitigation Measure TCR-1 includes a minor revision made as a result of the responses to comments on the Draft IS-MND.

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						
If project construction activities occur between February 15 and August 31, 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. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird 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 reproductive harm 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 reproductive 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. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. 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.	Verify that if initial ground disturbing activities occurs between February 15 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 in the buffer as appropriate.	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			

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				Initial	Date	Comments
BIO-2: Tree Replacement						
As required by the HMC, the applicant shall replace removed protected trees with like-size, like-kind trees or an equal value tree, or implement alternative forms of mitigation as determined by the City's Landscape Architect. The City's Landscape Architect shall review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of building permit.	Review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees	Once prior to issuance of building permit	City of Hayward Landscape Architect			
BIO-3: Tree Preservation Measures						
As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2. **Design Measures** 1. Include trunk locations and tag numbers on all plans. 2. Use only herbicides safe for use around trees and labeled for that use, even below pavement. 3. Design irrigation systems so that no trenching will occur within the Tree Protection Zone. **Pre-construction and Demolition Measures** 1. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc. 2. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone. 3. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist. 4. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground. 5. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified	Verify adherence to tree preservation measures	Periodically during construction	City of Hayward Planning Division			

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Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification. 6. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests. **Tree Protection During Construction** 1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures. 2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. 3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. 4. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist. 5. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel. 6. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.						
BIO-4: Tree Replacement and Maintenance						
Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.	Verify replacement trees are properly planted and maintained	Once after tree planting, and periodically thereafter	City of Hayward Planning Division, City of Hayward Landscape Architect			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Cultural Resources						
CUL-1: Unanticipated Discovery of Cultural Resources						
If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially 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			
Geology and Soils						
GEO-1: Geotechnical Considerations						
The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by ENGEO in July 2017 (Appendix B). Recommendations include but are not limited to the following topic areas: ▪ Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement) ▪ Building code seismic design ▪ Foundation design ▪ Pavement design ▪ Drainage ▪ Stormwater bioretention areas In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.	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 Planning Division			

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Tribal Cultural Resources						
TCR-1: Tribal Cultural Resources Spot-Checking						
Initial project-related ground-disturbing activities shall be spot-checked by a qualified archaeological monitor or by an appropriate Native American representative. Spot-checking shall occur on the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Each spot-checking visit shall include screening of representative soil samples through 1/8-inch mesh. If archaeological resources are encountered, spot-checking shall be increased to full-time monitoring and, if identified resources are of Native American origin, a Native American monitor shall be retained for the duration of the project. Archaeological spot-checking may be reduced or halted at the discretion of the monitor as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading.	Verify spot-checking is occurring Verify that in the event that archeological resources are encountered during project construction, monitoring is increased to full time and that a Native American monitor is used if resources are of Native American origin	On the first day of ground disturbance, when ground-disturbance moves to a new location on the project site, and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock)	City of Hayward Planning Division			
TCR-2: Unanticipated Discovery of Tribal Cultural Resources						
In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in 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 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 archeologist and the appropriate Native American tribal representative.	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			