

Mitigation Monitoring and Reporting Program

The Initial Study-Mitigated Negative Declaration (IS-MND) for the 3636 Enterprise Avenue 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.

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Air Quality						
AQ-1a: Tier 4 Construction Equipment						
Off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) shall meet the California Air Resources Board’s Tier 4 Final emissions standards for certified engines or cleaner off-road heavy-duty diesel engines. Documentation of Tier 4 equipment for project construction shall be submitted to the City prior to the issuance of a grading permit.	Verify that all diesel-fueled construction equipment greater than 50 hp meets Tier 4 standards for the during of project construction.	Prior to issuance of building permit issuance, then as needed during construction activities	City of Hayward Planning Division & Public Works Engineering/ Inspections			
AQ-1b: Low VOC-Paint						
Paint used for the project, such as exterior paint for the building, shall contain between zero and 10 milligrams per liter of volatile organic compounds. Paints and architectural coatings containing volatile organic compounds in concentrations exceeding 10 milligrams per liter shall not be used for the project.	Verify that all exterior paints contain between zero to 10 milligrams per liter of VOCs.	Prior to issuance of building permit issuance, then as needed during construction activities	City of Hayward Planning Division & Public Works Engineering/ Inspections			
Biological Resources						
BIO-1: Rare Plant Preconstruction Survey						
Prior to issuance of a grading permit, a qualified botanist will conduct a protocol-level rare plant survey during the blooming period for Congdon’s tarplant (June through October). The botanist will also map any sensitive natural communities that may be present on the project site, such as alkali heath marsh. A report detailing the results of the survey will be submitted to the City within 30 days of completion. If Congdon’s tarplant or other rare plant species are detected within the project site and project design cannot be altered to avoid impacts, the applicant shall conduct habitat restoration and enhancement in nearby rare plant habitat at a minimum of 1:1 ratio. Nearby habitat for purposes of this mitigation shall consist of habitat in Alameda County, including within incorporated cities. Details of the restoration and enhancement shall be included in a biological resources mitigation and monitoring plan as described in Mitigation Measure BIO-5.	Verify that a qualified biologist has prepared a pre-construction survey during June through October. If Congdon’s tarplant or other rare plant species are detected within the project site, project design shall be altered or the applicant shall conduct habitat restoration and	Prior to the issuance of grading permit; as needed during construction to verify buffers established and work is avoiding buffer zones.	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
	enhancement at a minimum 1:1 ratio.					
BIO-2: Nesting Bird Avoidance and Minimization Efforts						
<p>Project construction shall be conducted outside of the nesting season to the extent feasible (September 1 to January 31). If vegetation removal, grading, or initial ground-disturbing activities are conducted during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasslands, shrubs, trees, snags and open ground. The existing radio towers on-site could also be used for nesting birds, and therefore shall also be included in the survey for active nests. The survey shall include the entire project site and up to a 300-foot buffer of the project site for raptor nests and a 250-foot buffer of the project site for western snowy plover nests.</p> <p>If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the biologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the contractor. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 300 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest. The biologist shall submit a report of the preconstruction nesting bird survey to the City to document compliance within 14 days of its completion.</p>	Verify that if initial ground disturbing activities occurs between September 1 through January 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.	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 & Public Works Engineering/ Inspections			
BIO-3: Salt Marsh Harvest Mouse Avoidance						
To avoid impacts to salt marsh harvest mice that may enter the site from adjacent suitable habitat, a pre-activity clearance survey shall be conducted by a qualified biologist immediately prior to vegetation clearing activities, focused on the project site within 100 feet of adjacent marsh habitat to the southwest. The qualified biologist shall monitor vegetation clearing activities, which shall be conducted using hand-tools within 100 feet of suitable salt marsh harvest mouse habitat. Following vegetation clearing activities, silt fencing shall be installed at the southern edge of the project site to exclude mice from active construction areas. The fence shall be of suitable material to avoid wildlife entanglement and frequent tearing. The bottom edge of the silt fence	Verify that a qualified biologist has conducted a pre-activity clearance survey immediately prior to vegetation clearing activities. Verify that silt fencing has been established and	Immediately prior to vegetation clearing activities; daily during construction to inspect and maintain the fence to repair tears and holes	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
shall be buried 6 inches below ground. Stakes to support the silt fence shall be installed on the project site side of the fence to discourage wildlife from climbing into the site. The construction contractor shall inspect and maintain the fence daily to repair tears and holes.	work is avoided in in the buffer as appropriate.					
BIO-4: Artificial Light Impact Reduction						
Impacts from lighting elements used during construction or installed as part of the development project shall be minimized to the greatest extent possible through use of shields, dimming technology, or angling lighting down and away from adjacent sensitive wildlife habitat. The lighting plan shall be prepared by the applicant and reviewed by the City to ensure sufficient efforts have been made to reduce impacts to wildlife.	Verify that sufficient efforts have been made to reduce lighting impacts to wildlife.	Once prior to approval of grading permit.	City of Hayward Planning Division & Public Works Engineering/ Inspections			
BIO-5: Habitat Restoration/Enhancement Plan						
<p>Prior to issuance of a grading permit, the project applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP) for review and approval by the City. Where the project applicant cannot avoid impacts to Congdon’s tarplant, sensitive natural communities, or jurisdictional habitat (e.g., seasonal wetlands, alkali heath marsh), impacts shall be offset through habitat restoration and/or enhancement at a minimum ratio of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. A qualified biologist shall develop the HREP pursuant to the requirements listed below.</p> <p>The HREP shall include, at a minimum, the following components:</p> <ol style="list-style-type: none"> Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type); Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved); Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site); Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates); 	Verify that a qualified biologist has prepared a Habitat Restoration/Enhancement Plan (HREP). Where the project applicant cannot avoid impacts to Congdon’s tarplant, sensitive natural communities, or jurisdictional habitat verify that habitat restoration and/or enhancement at a minimum ratio of 1:1 is conducted in accordance with the HREP and in coordination with regulatory agencies.	Prior to the issuance of a grading permit.	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (the plan will include activities, responsible parties, and schedule); f. Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports; g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type; h. An adaptive management program and remedial measures to address negative impacts to restoration efforts; i. Notification of completion of compensatory mitigation and agency confirmation; and j. Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). 						
BIO-6: Jurisdictional Delineation and Permit						
<p>Prior to project construction, the project applicant shall direct a qualified biologist to delineate those areas on the project site that are under the jurisdiction of USACE and RWQCB. The qualified biologist shall submit the jurisdictional delineation to the City, USACE, and/or RWQCB, as appropriate, for review and approval. If the project cannot be designed to avoid impacts to jurisdictional resources, the project applicant shall obtain appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency. Examples of mitigation measures could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Compensatory mitigation ▪ Establishing or creating new wetlands off-site ▪ Purchasing credits with an established wetland mitigation bank 	<p>Verify that a qualified biologist submitted the jurisdictional delineation to the City, USACE, and/or RWQCB. If the project would impact jurisdictional resources, verify the project applicant has obtained appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency.</p>	<p>Once before construction to review delineation.</p>	<p>City of Hayward Planning Division & Public Works Engineering/ Inspections</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Cultural Resources						
CR-1: Worker Environmental Awareness Program						
A qualified archaeologist shall be retained to conduct a worker environmental awareness program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Verify that a qualified archaeologist conducted WEAP training to all construction personnel.	Prior to the start of any ground disturbing activities.	City of Hayward Planning Division & Public Works Engineering/ Inspections			
CR-2: 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 archaeological 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						
All existing improvements not to be reused for the current development, including all foundations, flat work, pavements, utilities, and other improvements shall be demolished and removed from the site. <ul style="list-style-type: none"> ▪ The site shall be stripped of all surface vegetation, as well as existing surface and subsurface improvements that are to be removed within the proposed development area. Surface vegetation and topsoil shall be stripped to a sufficient depth to remove all material greater than three percent organic content by weight. ▪ All fills shall be completely removed within building areas into a lateral distance of at least five feet beyond the building footprint or to a lateral 	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			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>distance equal to filled depth below the perimeter footing, whichever is greater.</p> <ul style="list-style-type: none"> ▪ After site clearing and demolition is complete, and prior to backfilling any excavations resulting from fill removal or demolition, the excavation subgrade and subgrade within areas to receive additional site fills, slabs-on-grade and or pavements shall be scarified to a depth of six inches, moisture conditioned, and compacted in accordance with the compaction section detailed further in Appendix GEO. ▪ Utility lines constructed within public right of way shall be trenched, bedded and shaded, and backfilled in accordance with the local or governing jurisdictional requirements. Utility lines on the project site shall be constructed in accordance with the requirements outlined in Appendix GEO. ▪ Ponding shall not be allowed adjacent to the building foundation, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least two percent towards suitable discharge facilities; landscape areas shall slope at least three percent towards suitable discharge facilities. Roof runoff should be directed away from the proposed building in closed conduits, to approved infiltration facilities, or onto hardscape surfaces that drain to suitable facilities. Retention, detention or infiltration facility shall be spaced at least 10 feet from the proposed building, and preferably at least five feet from slabs-on-grade or pavement. ▪ Since the near-surface soils are moderately to highly expansive, the amount of surface water infiltrating these soils near foundations and exterior slab-on-grade shall be reduced. This shall typically be achieved by: <ul style="list-style-type: none"> ○ Using drip irrigation ○ Avoiding open planting within three feet of the perimeter building or near the top of existing slopes ○ Regulating the amount of water distributed to lawns or planters by using irrigation timers ○ Selecting landscape with little to no watering, especially in near foundations ○ Other similar measures or techniques developed by a civil or geotechnical engineer and specific to the project site conditions and proposed project design. 						
GEO-2: Unanticipated Discovery of Paleontological Resources						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
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			
Greenhouse Gas Emissions						
GHG-1: Greenhouse Gas Reduction Plan						
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 CO2e per year or less. Potential options include, but would not be limited to:	Review and approve the GHGRP for compliance with the measure.	Prior to issuance of building permit issuance.	City of Hayward Planning Division, Building Division & Public Works Environmental Services and Transportation Divisions			
<ul style="list-style-type: none"> ▪ 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 Bay Community or PG&E’s Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program. ▪ 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). ▪ Install water-efficient fixtures such low flow toilets and faucets. ▪ Implement a zero-waste program or other feasible waste-reduction measures. <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 up to 50 percent of the total necessary GHG emission:</p>						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▪ 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 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. ▪ 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 CO₂e 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. 						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> The project’s total requisite emission reduction over the project’s lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets. 						
<p>PLAN REQUIREMENTS AND TIMING</p> <p>Upon identifying a potential tenant, the applicant shall submit to Development Services Planning & Building Divisions and Public Works – Environmental Services & 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_{2e} per year or shall incorporate all 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.</p> <p>MONITORING</p> <p>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.</p> <p>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.</p>						

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
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 the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). At a minimum, vinyl flooring inside of the radio transmitter building shall be sampled and tested for ACMs. Documentation of the survey shall be provided to the City prior to commencement of demolition activities.</p> <p>All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition 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. 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 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.</p>	Verify that a pre-demolition survey and sampling was conducted to test for ACMs in accordance with BAAQMD regulations.	Prior to demolition of the on-site radio transmitter building.	City of Hayward Fire Department Hazardous Materials Division & Planning Division			
HAZ-2: Soil and Groundwater Vapor Management Plan						
<p>The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a Soil and Groundwater Vapor Management Plan (SSVMP) prior to construction. The SSVMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils, groundwater, groundwater vapor, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The SSVMP shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the offsite migration of contaminants from the site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Stockpile management including stormwater pollution prevention and the installation of Best Management Practices (BMPs) ▪ Proper disposal procedures of contaminated materials ▪ Monitoring and reporting ▪ A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities 	Review and approve Construction Soil and Groundwater Vapor Management Plan.	Prior to issuance of grading permit.	City of Hayward Fire Department Hazardous Materials Division & Public Works Engineering Division/Inspections & Planning Division			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>with the requirements and procedures for employee protection. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction</p> <p>The SSVMP shall be submitted to the City prior to the commencement of demolition and construction. The City may also request the applicant submit the SSVMP to the San Francisco Bay RWQCB, at which time the applicant shall submit to the RWQCB. Otherwise, the City shall provide the SSVMP to the RWQCB after receipt from the applicant. The San Francisco Bay RWQCB and the City shall review and approve the SSVMP prior to demolition and grading (construction) and the project applicant shall review and implement the SSVMP prior to demolition and grading (construction). The demolition permit and grading permit and building permit needed for the project shall not be granted or issued until the SSVMP is approved by both the City and the San Francisco Bay RWQCB. If groundwater is encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified environmental consultant shall be contacted immediately to evaluate the situation. Work may continue on other parts of the project while impacted groundwater investigation and/or remediation takes place.</p>						
HAZ-3: Groundwater Vapor Mitigation System						
<p>The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a vapor mitigation system design for the proposed project.</p> <p>The plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Design specifications ▪ Material specifications ▪ Installation requirements ▪ Monitoring requirements ▪ The project applicant shall design and implement engineering measures or institutional controls (e.g., soil/groundwater vapor barrier) to prevent potential vapor intrusion into the proposed building in accordance with the measures included in the DTSC’s Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011). ▪ Engineering measures or institutional controls shall be submitted to the City’s Building Division and Planning Division prior to the issuance of any grading or building permits. Said engineering measures and institutional 	<p>Review and approve the Groundwater Vapor Mitigation System design.</p>	<p>Prior to issuance of grading permit.</p>	<p>City of Hayward Fire Department Hazardous Materials Division & Public Works Engineering Division/Inspections & Planning Division</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>controls shall be peer reviewed by a qualified third-party contractor hired by the City at the project applicant’s expense to confirm such measures and controls comply with applicable regulations. Consultation with the DTSC or a local cleanup agency may be required to confirm the appropriateness of the measures and controls.</p> <ul style="list-style-type: none"> ▪ The project applicant and/or contractor shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning. Written verification shall be submitted to the City. ▪ The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC’s Vapor Intrusion Guidance Document – Final (October 2011). ▪ The project applicant and contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil and groundwater vapors from migrating to indoor air. ▪ The San Francisco Bay RWQCB and the City shall review and approve the Vapor Mitigation System Design prior to construction. The project applicant shall review the Vapor Mitigation System Design and install the system during construction. 						
Hydrology and Water Quality						
HWQ-1 Interior Storage Requirement						
<p>All chemicals or other products determined, designated, or otherwise categorized by the State of California as a hazardous material shall not be stored in spaces exterior to the proposed building in quantities exceeding 20 gallons. Storage of hazardous materials in quantities of 20 gallons or more shall be stored in the interior of the proposed building. If safety requirements prevent the storage of materials indoors, the materials shall be stored in a space providing secondary containment in the event of a spill and the space shall be constructed to prevent infiltration of flood waters based on the 100-year flood elevation published by the Federal Emergency Management Agency.</p>	<p>Verify all hazardous materials exceeding quantities of 20 gallons are stored in the interior of the building or that outside storage areas have secondary containment.</p>	<p>Prior to issuance of occupancy permit and then periodically during operation at the City’s discretion.</p>	<p>City of Hayward Fire Department Hazardous Materials Division & Planning Division</p>			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
Transportation						
TRA-1: VMT Reduction						
The project applicant and/or operator of the facility shall implement a rideshare program, provide employees with promotions and a marketing program encouraging transit use and cycling, and provide transit subsidies for 100 percent of project employees. The rideshare program shall include subsidies for employees who participate in carpool and vanpool programs and provision of prime parking, such as close to the building entrance, for carpool or vanpool vehicles.	Verify that building plans incorporate all VMT reduction strategies.	Prior to issuance of occupancy permit and then periodically during operation.	City of Hayward Public Works – Transportation Division and Planning Division			
TRA-2: Pedestrian and Bicycle Safety						
The project applicant shall install signage on the project site where each proposed driveway would cross the new proposed sidewalk along Enterprise Drive. The applicant shall coordinate with the City of Hayward on the specific design and location of the signs; at a minimum, the signage shall alert drivers and truck operators that they are approaching a pedestrian sidewalk and bicycle use area and to use appropriate caution to avoid accidental collisions.	Verify that building plans incorporate all pedestrian and bicycle safety design features.	Prior to issuance of occupancy permit and then periodically during operation.	City of Hayward Public Works – Transportation Division and Planning Division			
Tribal Cultural Resources						
TCR-1: Archaeological and Native American Monitoring						
The applicant shall provide written notice in advance of commencement of ground disturbing activities including demolition, site preparation, grading or excavation to a Native American tribal representative from the Lone Band of Miwok Indians. The notice shall include an invitation for the tribal representative to be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Should the Native American tribal representative fail to reply to the invitation or decide that their presence is not required, or necessary, ground-disturbing activities may continue in their absence. 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 present.	Verify that a written notice was provided to a Native American tribal representative from the Lone Band of Miwok Indians which includes that they be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Verify that in	Prior to the start of ground disturbing activities including demolition, site preparation, grading or excavation; then as needed during construction activities; work must stop immediately if	City of Hayward Planning Division & Public Works Engineering/ Inspections			

Mitigation Measure/ Condition of Approval	Monitoring and Reporting Actions	Monitoring Timing	Monitoring Responsibility	Compliance Verification		
				Initial	Date	Comments
<p>If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American tribes. 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). Examples of treatment could include recovery of the resource or resources and curation.</p>	<p>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>resources are discovered, and consultation initiated as soon as practical</p>				
TCR-2: Unanticipated Discovery of Tribal Cultural Resources						
<p>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 shall 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 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 appropriate Native American tribal representative(s).</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 Planning Division & Public Works Engineering/ Inspections</p>			