

**Mitigation Monitoring and Reporting Program
for the
24493 Clawiter Road Industrial Building Project
Initial Study/Mitigated Negative Declaration
City of Hayward, Alameda County, California**

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PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts a Mitigated Negative Declaration (MND) in conjunction with a project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation.

The Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the 24493 Clawiter Road Industrial Building Project concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the lead agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the MND.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

Table 1: 24493 Clawiter Road Industrial Building Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.3 Air Quality					
<p>MM AIR-1 Implement Air Pollution Control Measures During construction, the following air pollution control measures shall be implemented:</p> <ul style="list-style-type: none"> Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour. All roadways, driveways, and sidewalks shall be paved as soon as possible. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. A publicly visible sign shall be posted with the telephone number and person to contact both at the City of Hayward and at the office of the General Contractor regarding dust 	<p>Incorporation into project construction documents</p> <p>On-site inspection</p> <p>Submittal of proof of implementation during construction</p>	<p>Prior to construction</p> <p>During construction</p> <p>During construction</p>	<p>City of Hayward Development Services Department- Planning Division and Building Division</p>		

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complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.					
2.4 Biological Resources					
<p>MM BIO -1 Nesting Birds Construction activities that occur during the nesting season (generally February 1 to August 31) would disturb nesting sites for birds protected by the Migratory Bird Treaty Act (MBTA) and the Fish and Game Code, if present. No action is necessary if no active nests are found or if construction occurs during the nonbreeding season.</p> <p>Implementation of the following avoidance and minimization measures would minimize impacts to raptors and other protected nesting birds:</p> <ul style="list-style-type: none"> • To prevent impacts to the Fish and Game Code and/or MBTA-protected birds, nesting raptors, and their nests, removal of trees shall be limited to only those necessary to construct the proposed project. • If possible, construction work (including tree and vegetation removal) should occur outside the nesting season (generally between February 1 and August 31). If construction (including tree and vegetation removal) cannot be conducted outside the nesting season, pre-construction surveys shall be conducted not less than 7 days before the start of work to verify the absence of active nests. • If an active nest of a special-status bird species is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. 	Qualified Biologist's pre-construction survey and submittal of survey documents; on-site monitoring by the qualified Biologist if survey finds passerine birds or raptor species	Prior to ground disturbance during nesting season (February 1 through August 31)	City of Hayward Development Services Department- Planning Division and Building Division;		

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<ul style="list-style-type: none"> For nests of all species protected under Fish and Game Code, construction activities shall be restricted as necessary to avoid disturbance of the nest until the young have left the nest, or the agencies deem disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and an appropriate radius around an active migratory bird nest depending on the species and disturbance level) or alteration of the construction schedule. A qualified Biologist shall provide appropriate protection buffer sizes and locations, and the applicant shall physically mark the protection buffers using signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. 					
<p>MM BIO-2 Roosting Bats Potential direct and indirect impacts could occur to roosting bats during the construction of the proposed project due to the removal of potential roosting habitat. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals. Implementation of the following avoidance and minimization measures would minimize impacts to roosting bats.</p> <p>A qualified Wildlife Biologist shall conduct a survey for special-status bats during the appropriate time of day to</p>	<p>Qualified Biologist’s pre-construction bat survey and submittal of survey documents</p> <p>Qualified Biologist’s installation of exclusion devices if survey finds bat species</p> <p>Qualified Biologist must verify that exclusion methods have</p>	<p>No less than 7 days and no more than 14 days prior to construction</p> <p>Prior to construction</p> <p>7 to 10 days after installation of exclusion devices;</p>	<p>City of Hayward Development Services Department-Planning Division and Building Division;</p>		

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<p>maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (e.g., Anabat).</p> <p>Visual surveys will include trees within 100 feet of project construction activities. Not more than 2 weeks prior to building demolition, the applicants for development on the project parcel shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present, the applicant in coordination with the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on nonvolant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).</p>	successfully prevented bats from returning	prior to construction			

<p>MM BIO-3 Tree Preservation The following methods shall be used to preserve the three remaining “Protected” trees:</p> <ul style="list-style-type: none"> • Establish a Tree projection zone for each tree to be preserved. Tree Protection Zone should be identified by the Consulting Arborist based on the species tolerances, tree condition, trunk diameters, and the nature and proximity of the proposed disturbances. • Street tree No. 143 should have Tree Protection Zone fencing installed around the edges of its tree basin. • European olives No. 142 and 144 should have Tree Protection Zone fencing installed that the edges of their driplines. • Provide supplemental irrigation prior to and during the demolition and construction phases. • Any changes to the plans affecting the trees should be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plan, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans. • Plan for tree preservation by designing adequate space around trees to be preserved. This is the Tree Protection Zone. No grading, excavation construction or storage of materials should occur within that zone. Route underground services including utilities, sub-drains, water or sewer around the Tree Protection Zone. • Irrigation systems must be designed so that no trenching severs roots larger than 1-inch in diameter within the Tree Protection Zone. • Tree Preservation Guidelines prepared by the Consulting Arborist, which include specification for tree protection during demolition and construction, should be included on all plans. • Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. • Do not lime the subsoil within 50 feet of any tree identified for preservation. Lime is toxic to tree roots. 	<p>Incorporation into project construction documents; on-site inspection of site by project Arborist</p>	<p>Prior to construction; during construction; during operation</p>	<p>City of Hayward Development Services Department- Planning Division and Building Division; USFWS and/or CDFW (as appropriate;</p>		
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<ul style="list-style-type: none"> As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundation, footings and pavement on expansive soils near trees should be designed to withstand differential displacement. Ensure adequate but not excessive water is supplied to trees; in most cases occasional irrigation will be required. Avoid directing runoff toward trees. <p>The applicant shall comply with all other recommendations from the Arborist's report.</p>					
2.5 Cultural Resources and Tribal Cultural Resources					
MM CUL-1 Inadvertent Discovery of Cultural Resources In the event that significant cultural resources are discovered during construction activities, operations shall stop within a 100-foot radius of the find and an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The lead agency shall require the standard inadvertent discovery clause to be included on the grading plans to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The qualified Archaeologist shall make recommendations to the lead agency concerning appropriate measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines, Section 15064.5. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.	Inclusion of discovery clause in all construction contracts Qualified Archaeologist's on-site inspection(s) and submittal of documents City notification if historical or archeological materials are encountered Provision of Section 15064.5 permit(s) and copy of DPR 523 forms; Qualified Archaeologist's submittal of findings and documentation	Before construction After grubbing and clearing, but prior to grading or trenching during ground disturbance as needed During construction During construction	City of Hayward Planning Division;		

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<p>MM CUL-2 Accidental Discovery of Human Remains In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. During the course of project development, if there is accidental discovery or recognition of any human remains, the following steps shall be taken: Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</p> <ul style="list-style-type: none"> • There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for appropriate treatment and disposition of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. • Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: 	<p>Inclusion of discovery clause in all construction contracts</p> <p>City notification if human remains encountered</p> <p>County Coroner contacts NAHC and submits NAHC correspondence to County.</p>	<p>Prior to construction</p> <p>During construction</p> <p>During construction</p>	<p>City of Hayward Planning Division; Alameda County Coroner's Bureau if necessary;</p>		

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<p>-The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.</p> <p>-The descendant identified fails to make a recommendation.</p> <p>-The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</p> <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</p> <p>When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project site, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.</p>					
<p>2.7 Geology and Soils</p>					
<p>MM GEO-1 California Building Code Compliance Prior to issuance of building permits for any structure on the project site, the applicant shall prepare and submit building plans to the City of Hayward for review and approval that demonstrate compliance with the latest adopted edition of the California Building Standards Code and with all recommendations included in the design-level geotechnical report. These standards include seismic design requirements</p>	<p>Submission of building plans, approval of plans by City</p>	<p>Prior to issuance of building permits</p>	<p>City of Hayward Development Services Department- Planning Division and Building Division</p>		

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and soil engineering requirements to address liquefaction potential.					
<p>MM GEO-2 Inadvertent Discovery Construction workers shall be trained prior to beginning construction to recognized fossil bones and teeth and know how to proceed should any be encountered. The training shall be conducted by a qualified Paleontologist. In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 15-foot radius of the find shall be temporarily halted or diverted. The applicant shall retain a qualified Paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The Paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Hayward Director of Development Services for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the plan.</p>	<p>Inclusion of discovery clause in all project documents.</p> <p>Construction worker training conducted by a qualified Paleontologist</p> <p>Examination by qualified Paleontologist in event of fossils or fossil-bearing deposits discovery</p> <p>Determination of procedures by appropriate agencies or excavation plan prepared by qualified Paleontologist</p>	<p>Prior to project approval</p> <p>Prior to ground-disturbing activities</p> <p>During construction activities; in event of discovery</p> <p>Prior to continuation of construction</p>	<p>City of Hayward Development Services Department- Planning Division and Building Division;</p>		
2.9 Hazards and Hazardous Materials					
<p>MM HAZ-1 Site Management Plan A Site Management Plan (SMP) shall be prepared prior to and earthwork on the site. The SMP would outline precautionary steps to be taken during demolition, construction, grading or</p>	<p>Submission and approval of SMP with project documents to the Fire Department, Hazardous</p>	<p>Prior to project approval</p>	<p>City of Hayward Fire Department, Hazardous Material</p>		

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other intrusive activities at the site, including excavation, trenching and backfilling, and utility repair. An SMP will provide groundwater management actions for dewatering or excavations below the water table. This must be completed prior to grading or building.	Materials Unit for review and approval prior to issuance of a building permit.		Unit; Public Works-Engineering		
MM HAZ-2 Excavation Limits Excavations should be limited to depths above 9 feet below ground surface (BGS) to avoid exposure to and handling of potentially impacted groundwater.	Incorporation into project construction documents	Prior to project approval	City of Hayward Public works-Engineering;		
MM HAZ-3 Sub Slab Venting System and Engineered Vapor Barrier A passive sub-slab venting system with and engineered vapor barrier shall be installed to prevent soil vapor from entering the proposed building.	An approved plan by the Regional Water Quality Control board must be submitted with project construction documents	Prior to project approval	City of Hayward Development Services Department-Planning Division and Building Division;		
2.10 Hydrology and Water Quality					
MM HYD-1 Storm Water Pollution Prevention Plan Prior to issuance of demolition permits for the proposed project, the City of Hayward shall verify that the applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges (e.g., chemicals) are identified and either eliminated, controlled, or treated; (3) site Best Management Plans (BMPs) are effective and result in the reduction or elimination of pollutants in	Submittal of SWPPP with project documents	Prior to issuance of demolition permits	Public Works-Engineering		

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stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMP Manual.					