

Route 238 Bypass Land Use Study EIR Mitigation Monitoring and Reporting Program

May 2009

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Aesthetics/Views, Scenic Resources, Landforms and Visual Character. Mitigation Measure 4.1-1. Development projects submitted to either the City of Hayward or County of Alameda within the Project area shall be subject to design review to ensure:</p> <ul style="list-style-type: none"> a) Adherence to General Plan policies, Design Guidelines, Hillside Design Guidelines and applicable Neighborhood Plans to minimize the grading, appropriate siting of new roads and structures and planting of replacement vegetation to ensure that hillside development integrates into the existing appearance of hillside properties. b) Appropriate use of building material and colors to minimize reflection of windows and roofs to the community to the west. c) Design of future buildings within flatter portions of the Project area to include “stepping down” of taller buildings, appropriate siting of windows and balconies to maximize privacy and establishment of view corridors to nearby hills. 	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to approval of development projects in Project area</p>	

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<p>Aesthetics/Light and Glare Impacts. Mitigation Measure 4.1-2. Additional sources of light and glare would be added to the Project area under all three alternatives. New sources of lights would include street lights for new roadways, porch and yard lights for single family dwellings, balcony and deck lights in the upper levels of multi-story buildings and parking lots lights for commercial and office buildings. New light sources would be visible from vistas inside and outside the Project area.</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division & Public Works Department (projects within Hayward); Alameda County Planning Department & Public Works (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of building permits for development projects in Project area and/or prior to approval of road improvement plans and specifications that include new or replacement street lights</p>	
<p>Biological Resources/Impacts to Special-Status Plants Mitigation Measure 4.3-1. The following steps shall be taken to protect special-status plant species within the Project area. These steps shall be added as conditions of approval for individual development proposals for vacant or substantially vacant properties within the Project area and for any development proposal adjacent to any wetland area, creek or other body of water:</p> <p>a) Rare plant surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) for all areas that are not mapped as developed or disturbed/ruderal, including riparian forest, oak woodland, non-native annual grassland, coastal scrub, and wetland areas. Surveys should focus on those species with a moderate potential to occur in the Project area,</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of grading permits for development projects in Project area</p>	

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<p>and should include protocol-level surveys in February and May of riparian areas and other suitable habitats for western leatherwood and Diablo helianthella. General protocol-level rare plant surveys are necessary in early spring (February-April), late spring (May-June), and late summer (July-September) to determine the presence or absence of any other plant species with potential to occur in undeveloped habitats of the Project area.</p> <p>b) If species are identified, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.</p> <p>c) If avoidance is not feasible, as determined by the City of Hayward, rare plants or their seeds, shall be transplanted to a suitable alternative protected habitat. Such transplantation shall occur pursuant to permits and approvals from appropriate biological regulatory agencies. A monitoring program shall be established to ensure that transplanted species will thrive.</p>				
<p>Biological Resources/Impacts to Special-Status Wildlife Species. Mitigation Measure 4.3-2a. The following steps shall be taken to protect California red-legged frog species within the Project area:</p> <p>a) Protocol-level surveys shall be performed in all perennial creeks, reservoirs, and deep pools of</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within	Prior to issuance of grading permits for development projects in Project area	

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<p>water before development occurs in or near these areas within the Project area.</p> <p>b) If red-legged frogs are found, development activities shall avoid these areas and appropriate buffer areas established around such species. The size and location of any buffer shall be determined by a qualified biologist.</p> <p>c) If avoidance is not feasible, as determined by the City of Hayward, red-legged frogs shall be relocated to a suitable alternative protected habitat. Such relocation shall occur pursuant to permits and approvals from appropriate biological regulatory agencies. A monitoring program shall be established to ensure that relocated species will thrive.</p>		unincorporated Alameda County)		
<p>Biological Resources/Impacts to special-status wildlife species. Mitigation Measure 4.3-2b.</p> <p>Clearing of vegetation and the initiation of construction shall be restricted to the non-breeding season between September and January of each year. If these activities cannot be done in the non-breeding season, a qualified biologist (as approved by the City of Hayward) shall perform pre-construction bird surveys within 30 days of the onset of construction or clearing of vegetation. If nesting birds are discovered in the vicinity of a development site, a buffer area shall be established around the nest(s) until the nest is vacated. The size of the buffer would be dependent</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits for development projects in Project area	

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on the particular species of nesting bird and shall be determined by a qualified biologist.				
<p>Biological Resources/Impacts to Special-Status Wildlife Species. Mitigation Measure 4.3-2c. Pre-construction bat surveys shall be undertaken prior to grading, tree removal or other construction occurring between November 1 and August 31 of the year. Pre-construction bat surveys shall be undertaken by a qualified biologist (as approved by the City of Hayward) involve surveying trees, rock outcrops, bridges, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, the biologists shall conduct a minimum of three acoustic surveys between April and September under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, they should be excluded from occupied roosts in the presence of a qualified biologist during the fall prior to construction.</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits for development projects in Project area	
<p>Biological Resources/Impacts to Special-Status Wildlife Species. Mitigation Measure 4.3-2d.</p> <p>a) The Stormwater Pollution Prevention Plan prepared for individual development projects shall include specific measures to avoid sedimentation in San Lorenzo Creek and its tributaries.</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits for development projects in Project area	

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<p>b) A riparian corridor shall be created and preserved around San Lorenzo Creek to minimize impacts to steelhead. The precise location, width and activities within such corridors shall be approved by a qualified biologist approved by the City of Hayward.</p>		Alameda County)		
<p>Biological Resources/Impacts to wetlands and other waters. Mitigation Measure 4.3-3. The following steps shall be taken to protect wetlands and other waters of the U.S.</p> <p>a) The amendment to the Hayward General Plan shall include a policy or policies requiring retention of appropriate riparian and wildlife corridors adjacent to major creeks that flow through the Project area. The width of corridors shall be based on site-specific biological assessments of each creek.</p> <p>b) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters shall be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 <i>U.S. Army Corps of Engineers Wetlands Delineation Manual</i> and should be submitted to the Corps for verification prior to project development.</p> <p>c) Future development proposals within the Project</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward and General Plan Amendment); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits for development projects in Project area	

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<p>area should avoid development on and impacts on identified wetlands and other waters.</p> <p>d) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the Project area. If this is not possible, then an off-site mitigation area should be selected that is as close to the Project area as possible and acceptable to the resource agencies. Necessary state and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S.</p>				
<p>Biological Resources/Impacts to tree resources Mitigation Measure 4.3-4. Tree surveys shall be conducted by a certified arborist on all properties proposed for development and under the jurisdiction of the tree ordinances. Impacts to trees will require removal permits pursuant to the Hayward Tree Preservation Ordinance or the Alameda County Tree Ordinance in County rights-of-way. Replacement trees shall be provided based on the replacement value of protected trees that are removed.</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of grading permits for development projects, or removal of major trees</p>	

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<p>Cultural Resources/Impacts to Historic Resources. Mitigation Measure 4.4-1.</p> <p>a) Specific development proposals that involve any structure older than 45 years shall be reviewed by the Hayward Planning Division to ensure consistency with the City's Historic Preservation Program and applicable CEQA Guideline provisions. If substantial changes to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Preservation Program.</p> <p>b) Future construction adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, as determined by the Hayward Planning Division.</p>	Individual Project Developers	Hayward Planning Division	Prior to issuance of demolition permit for any structure 45 years old or older within Project area	
<p>Geology & Soils/Seismic fault rupture and fault creep Mitigation Measure 4.5-1. Site-specific geologic fault investigations shall be undertaken for all new individual development projects under any of the Alternatives within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace, as defined by state and local regulations. Additionally, all new dwellings, roads and utility lines shall be subject to site-specific geotechnical</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits for development projects within an identified Earthquake Fault Zone within Project area	

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<p>evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves. Implementation of these evaluations shall be required to ensure consistency with the Uniform Building Code and all other applicable seismic safety requirements.</p>				
<p>Geology & Soils/Seismic Ground Shaking. Mitigation Measure 4.5-2. Site-specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the Project area. Investigations shall be completed by a geotechnical engineer registered in California or equivalent as approved by the City. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the California Building Code and all other applicable seismic safety requirements.</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of grading permits for development projects within Project area</p>	
<p>Geology & Soils/Ground Failure and Landslides Mitigation Measure 4.5-3. Site-specific geotechnical investigations required as part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within</p>	<p>Prior to issuance of grading permits for development projects within Project area</p>	

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<p>construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels. Recommendations included within site-specific geotechnical investigations shall be incorporated into individual grading and building plans for future development.</p>		<p>unincorporated Alameda County)</p>		
<p>Hazards/Demolition and Hazardous Air Emissions Mitigation Measure 4.6-1a. Prior to commencement of demolition or deconstruction activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and deconstruction and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with State and Federal OSHA standards. Worker safety plans shall be included for all demolition or deconstruction plans.</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of demolition permits within Project area</p>	
<p>Hazards/Demolition and Hazardous Air Emissions. Mitigation Measure 4.6-1b. Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of</p>	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated</p>	<p>Prior to issuance of demolition permits within Project area</p>	

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<p>asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, a remediation plan shall be prepared to remediate any hazards to acceptable levels, including methods of removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic and Substances Control and Bay Area Air Quality Management District.</p>		Alameda County)		
<p>Hazards/Potential soil and groundwater contamination. Mitigation Measure 4.6-2. Prior to approval of building or demolition permits, project developer(s) shall prepare a Phase I environmental site analysis and, if warranted by such analysis as determined by the Hazardous Materials section of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed on a contaminated site until written clearances are obtained from appropriate regulatory agencies.</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of demolition or building permits, as applicable within Project area	

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<p>Hydrology/Drainage Impacts. Mitigation Measure 4.7-1. Site-specific drainage plans shall be prepared for all future construction within the Project area prior to approval of a grading permit, or a building permit in the event a grading permit is not required. Each report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. Each drainage plan shall be reviewed and approved by the Hayward Public Works Department staff and Alameda County Flood Control and Water Conservation District staff prior to approval of a grading or building permit.</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading or building permits, as applicable, within Project area	
<p>Hydrology/Flooding Impacts Mitigation Measure 4.7-2. Prior to construction within a 100-year flood hazard area, developers of site-specific projects shall either:</p> <p>a) Submit a hydrology and hydraulic study prepared by a California-registered civil engineer proposing to remove the site from the 100-year flood hazard area through increasing the topographic elevation of the site or similar steps to minimize flood hazards. The study shall demonstrate that flood waters would not be</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of grading permits within Project area	

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<p>increased on any surrounding sites, to the satisfaction of City staff.</p> <p>b) Comply with Section 9-4.110, General Construction Standards, of the Hayward Municipal Code, which establishes minimum health and safety standards for construction in a flood hazard area.</p> <p>c) Apply to the City for a Conditional Letter of Map Revision (CLOMR) to remove the site from the FEMA Flood Insurance Rate Map 100-year flood hazard area.</p>				
<p>Noise/ Land Use Noise Compatibility. Mitigation Measure 4.9-1. A site-specific noise study shall be performed for future individual development proposals within the Project area adjacent to major roadways or other noise sources, as determined by the Development Services Director to determine compatibility with the existing and future noise environment and applicable noise regulations. If noise levels exceed applicable standards, then noise reduction measures shall be incorporated into the project design to ensure consistency with local and state noise standards. Noise reduction measures could include but would not be limited to noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. The analysis must consider the following criteria and guidelines:</p> <ul style="list-style-type: none"> • General Plan Policies for Noise including 	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of grading or building permits, as applicable, within Project area</p>	

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<p>Appendix N of the General Plan which contains Noise Guidelines for Review of New Development)</p> <ul style="list-style-type: none"> General Plan EIR Mitigation Measure 7.3: Project-Specific Noise Analysis/Abatement State Building Code, Chapter 1207 (insulation from exterior noise in new residential construction). 				
<p>Noise/Traffic Noise Impacts. Mitigation Measure 4.9-2. Consistent with Mitigation Measure 7.4 of the City of Hayward General Plan Update EIR, an acoustical study shall be performed for each development proposal within the Project area under all of the Alternatives that has potential to significantly increase existing noise levels.</p> <p>If it is determined that a proposed development would result in a substantial increase in ambient noise levels along nearby roadways, the study shall identify and implement noise abatement measures which will reduce project-related noise effects to a level consistent with City and State standards. Such measures could include the installation of noise barriers such as berms or sound walls).</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)	Prior to issuance of building permits within Project area	
<p>Noise/Operational Noise Impacts. Mitigation Measure 4.9-3. Consistent with Mitigation Measure 7.2 of the City of Hayward General Plan Update EIR,</p>	Individual Project Developers	Hayward Planning Division (projects within Hayward);	Prior to issuance of building permits within Project area	

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<p>the City of Hayward shall review individual projects using the City's General Plan as guidance to determine whether or not an operational noise source would generate significant noise impacts. Noise reduction measures including but not limited to setbacks, site plan revisions, operational constraints, buffering, and sound insulation shall be incorporated into final development plans to reduce operational noise to a less than significant level.</p>		<p>Alameda County Planning Department (projects within unincorporated Alameda County)</p>		
<p>Noise/Construction Noise Impacts. Mitigation Measure 4.9-4. The City shall require reasonable construction practices for individual development projects within the Project area, consistent with Mitigation Measure 7.1 of the City of Hayward General Plan Update EIR. Measures should include but are not limited to the following:</p> <ul style="list-style-type: none"> • Requiring all equipment to have mufflers and be properly maintained; • Limiting the amount of time that equipment is allowed to stand idle with a running engine; • Shielding construction activity and equipment from nearby noise sensitive uses by appropriate construction phasing, using existing buildings and structures as noise shields, construction of temporary noise barriers and similar techniques; and • Providing advance notice to nearby residents of major noise activities. 	<p>Individual Project Developers</p>	<p>Hayward Planning Division (projects within Hayward); Alameda County Planning Department (projects within unincorporated Alameda County)</p>	<p>Prior to issuance of building permits within Project area</p>	

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<p>Population & Housing/Population Increase. Mitigation Measure 4.10-1. The City of Hayward shall consult with ABAG to ensure that final buildout populations for the project area are included in future regional population projections.</p>	City of Hayward & Association of Bay Area Governments	Hayward Planning Division	During next regional population update cycle	
<p>Public Services/Fire Services. Mitigation Measure 4.12-1. The City of Hayward and Alameda County shall prepare and adopt a mechanism to finance public safety staffing and improvements within the Project area prior to the construction of the first dwelling unit within the Project area. Such a mechanism may include a Community Facilities District or equivalent mechanism that will provide for adequate funding to meet City and County staffing, facility and equipment standards, as determined by each respective jurisdiction.</p>	City of Hayward and Alameda County	Hayward Planning Division and Alameda County Planning Department)	Prior to issuance of building permits within Project area	
<p>Public Services/Fire Services. Mitigation Measure 4.12-2. Approval of the proposed Project with any of the proposed Alternatives could represent a significant impact to the Hayward Police Department and Alameda County Sheriff Department, since the amount of future development and resulting calls for service may not be adequately served by existing department resources.</p>	City of Hayward and Alameda County	Hayward Planning Division and Alameda County Planning Department)	Prior to issuance of building permits within Project area	