

## MITIGATION MONITORING AND REPORTING PROGRAM

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project (proposed project). The MMRP, which is found in Table 1, lists mitigation measures recommended in the Final IS/MND (which includes the Draft IS/MND and Response to Comments) prepared for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City Council makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies the mitigation measure. The second column, entitled "Mitigation Responsibility," refers to the party responsible for implementing the mitigation measure. The third column, entitled "Monitoring/Reporting Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled "Monitoring Schedule," refers to when monitoring will occur to ensure that the mitigating action is completed.

Some mitigation measures only apply to development of Segment II of the proposed pathway, as noted. Unless otherwise noted under "Monitoring Schedule" all other mitigation measures apply to all elements of the project.

**Table 1: Draft Mitigation Monitoring and Reporting Program**

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<b>I. AESTHETICS</b>			
<p><u>AES-1:</u> The City shall develop a lighting plan for the proposed project that demonstrates that the project's light and glare impacts on adjacent freeway and residential uses are less than significant. The City shall finalize and approve the lighting plan prior to approving final construction drawings for the project.</p>	Project Engineer	City of Albany, Community Development Department	Prior to final construction plan approval
<b>III. AIR QUALITY</b>			
<p><u>AIR-1a:</u> The City shall require contractors to include the following emissions control measures in construction specifications for the project:</p> <ol style="list-style-type: none"> <li>1. Alternative powered construction equipment (i.e., CNG, biodiesel, electric) shall be utilized when feasible;</li> <li>2. Idling time of diesel powered construction equipment shall be limited to 3 minutes;</li> <li>3. Heavy-duty (&gt;50 horsepower) off-road vehicles shall achieve a project-wide fleet average of 40 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent CARB fleet average;</li> <li>4. Add-on control devices shall be used such as diesel oxidation catalysts or particulate filters;</li> <li>5. Construction equipment shall be located away from sensitive receptors, such as fresh air intakes to buildings, air conditioners and operable windows; and</li> <li>6. The operating hours of heavy duty equipment and/or the amount of equipment in use shall be minimized.</li> </ol>	Construction Contractor	City of Albany, Public Works Division	During grading and construction
<p><u>AIR-1b:</u> Consistent with guidance from the BAAQMD, the City shall require construction contractors to include the following dust control measures in construction specifications for the project.</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ol style="list-style-type: none"> <li>1. Water during break-up of pavement to control dust generation;</li> <li>2. Cover all trucks hauling demolition debris from the site; and</li> <li>3. Use dust-proof chutes to load debris into trucks whenever feasible.</li> </ol> <p><i>Construction.</i> The following controls shall be implemented during construction:</p> <ol style="list-style-type: none"> <li>1. Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> </ol>	Construction Contractor	City of Albany, Public Works Division	During grading and construction

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><i>AIR-1b Continued</i></p> <ol style="list-style-type: none"> <li>4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites;</li> <li>5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);</li> <li>7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)</li> <li>8. Limit traffic speeds on unpaved roads to 15 mph;</li> <li>9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>10. Replant vegetation in disturbed areas as quickly as possible;</li> <li>11. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;</li> <li>12. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph;</li> <li>13. Route any temporary haul roads to the soil stockpile area away from existing sensitive receptors to the extent feasible. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant;</li> <li>14. Utilize water sprays to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than 1 week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate blown dust generation; and</li> <li>15. All neighboring properties located within 500 feet of property lines of a construction area shall be provided with the name and phone number of a designated construction operation control coordinator who will respond to complaints within 24 hours by suspending all dust producing activities or providing additional personnel or equipment for dust control deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial action taken in response.</li> </ol> <p>According to the BAAQMD, if control measures of the type set forth above are implemented, then air pollution from emissions from construction activities would be considered less-than-significant.</p>			
<b>IV. BIOLOGICAL RESOURCES</b>			
<p><u>BIO-1a:</u> For construction activities occurring during the nesting season (February 1 through August 31), a qualified biologist shall conduct nesting bird surveys no more than 30 days prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate active nests on or immediately adjacent to the project site. If construction activities are delayed, additional preconstruction surveys, at 30 day intervals, shall be completed until construction is initiated.</p>	Project Biologist	City of Albany, Community Development Department	No more than 30 days prior to construction activities occurring between February 1 and August 31

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><b>BIO-1b:</b> If nesting birds are identified on the project site, the locations of active nests shall be mapped and protective measures implemented. Protective measures shall include establishment of clearly delineated (i.e., orange construction fencing) exclusion zones around each nest site. Each exclusion zone shall have a 300-foot radius centered on the nest tree for raptor nests and a 50-foot radius centered on the nest for other birds. Active nest sites shall be monitored periodically throughout the nesting season to identify any sign of disturbance. These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. Exclusion zones may be reduced in size, if in consultation with CDFG, a smaller exclusion zone is determined to adequately protect the active nest. Upon completion of construction activities, a report detailing the results of the preconstruction surveys and monitoring shall be prepared. The report shall be submitted to the City and CDFG by November 30 of each year during the construction period.</p>	Project Biologist/ Construction Contractor	City of Albany, Community Development Department/ California Department of Fish and Game	During grading and construction
<p><b>BIO-2a:</b> A qualified biologist shall conduct pre-construction surveys for burrowing owls prior to initiation of ground disturbing activities, including clearing and grubbing. Surveys shall conform to the survey protocol established by the California Burrowing Owl Consortium. Pre-construction surveys shall be conducted no more than 21 days prior to the initiation of construction activities. If construction activities are delayed, additional pre-construction surveys shall be conducted at 21-day intervals until construction is initiated.</p>	Project Biologist	City of Albany, Community Development Department	No more than 21 days prior to initiation of grading and construction ( <i>Segment II only</i> )
<p><b>BIO-2b:</b> If burrowing owls are found on the project site, they shall be avoided to the extent practicable. A clearly defined buffer area shall be established around each occupied burrowing owl burrow to be avoided. No disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season (September 1 through January 31) or within 75 meters (approximately 250 feet) during the breeding season (February 1 through August 31).</p>	Project Biologist/ Construction Contractor	City of Albany, Community Development Department	During grading and construction ( <i>Segment II only</i> )
<p><b>BIO-2c:</b> If occupied burrows cannot be avoided as described above, passive relocation techniques to relocate burrowing owls from the project site would be required during the non-breeding season (September 1 through January 31). Passive relocation activities shall be implemented according to the requirements of CDFG's <i>Staff Report on Burrowing Owl Mitigation</i> or current protocol established by CDFG. The City shall coordinate with CDFG to obtain authorization to conduct passive relocation activities and determine the need for additional mitigation to address loss of wintering habitat and/or displacement of wintering owls.</p>	Project Biologist	City of Albany, Community Development Department/ California Department of Fish and Game	Prior to initiation of grading and construction on the Caltrans property ( <i>Segment II only</i> )
<p><b>BIO-3a:</b> The City shall consult with the Corps to determine possible jurisdiction of the potential wetland features on the site. Unless otherwise exempted by the Corps through written documentation, a formal wetland delineation shall be conducted by the City and verified by the Corps prior to construction of the proposed path. The Corps-verified delineation map, depicting the locations and boundaries of jurisdictional features, shall be used by the City for final design of the path alignment. The path shall be designed to avoid fill and/or disturbance to all identified jurisdictional features from project construction, staging, access, and other activities.</p>	Project Biologist/ Project Engineer	City of Albany, Community Development Department	Prior to initiation of grading and construction on the Caltrans property ( <i>Segment II only</i> )

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><b>BIO-3b:</b> All construction work shall occur outside of potential jurisdictional areas as verified by the Corps. In areas where the proposed project is adjacent to jurisdictional areas, construction fencing shall be installed to protect the jurisdictional areas prior to any clearing, staging, or construction activities. All vehicles equipment and personnel shall be prohibited from encroaching into the fenced area. Fencing shall be properly maintained, and shall remain in place for the duration of the construction work in the designated areas and removed only upon completion of construction.</p>	Construction Contractor	City of Albany, Public Works Division	During grading and construction <i>(Segment II only)</i>
<p><b>BIO-3c:</b> In areas adjacent to potential jurisdictional areas, erosion and sediment control measures shall be installed. Such measures shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Hay bales, silt fences, organic mesh, or other appropriate erosion control measures shall be used to prevent erosion and sedimentation from impacting jurisdictional areas adjacent to the construction zone;</li> <li>• All fueling and maintenance of vehicles and other equipment, and staging areas shall be located at least 20 meters (65 feet) from any jurisdictional area. The construction contractor shall prepare plans for a prompt and effective response to any accidental spills;</li> <li>• Natural areas disturbed by project construction outside of the proposed path alignment, shall be revegetated with an assemblage of native vegetation and restored to preconstruction conditions, as appropriate.</li> </ul>	Construction Contractor	City of Albany, Public Works Division	During grading and construction <i>(Segment II only)</i>
<p><b>BIO-4:</b> An arborist report shall be prepared by a certified arborist detailing the number of trees to be removed or affected and preserved within the project site. This report shall form the basis for compliance with the City’s tree ordinance, including the appropriate tree replacement ratio to be implemented by the proposed project, if determined to be necessary.</p>	Project Arborist	City of Albany, Community Development Department	<i>Completed August 31, 2009</i>
<b>V. CULTURAL RESOURCES</b>			
<p><b>CULT-1:</b> Should an archaeological resource be encountered during project construction activities, the construction contractor shall halt construction in the vicinity of the find and immediately notify the City of Albany. Construction activities shall be redirected and a qualified archaeologist, in consultation with the City, shall: 1) evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and 2) make recommendations about the treatment of the deposit, as warranted. If the deposit does meet the CEQA definition of a historical or unique archaeological resource, then it shall be avoided to the extent feasible by project construction activities. If avoidance is not feasible, then adverse effects to the deposit shall be mitigated as specified in <i>CEQA Guidelines</i> section 15126.4(b) (for historic resources) or CEQA section 21083.2 (for unique archaeological resources). This mitigation may include, but is not limited to, a thorough recording of the resource on Department of Parks and Recreation Form 523 records, or archaeological data recovery excavation. If data recovery excavation is warranted, <i>CEQA Guidelines</i> section 15126.4(b)(3)(C), which requires a data recovery plan prior to data recovery excavation, shall be followed. If the significant identified resources are unique archaeological resources, mitigation of these resources shall be subject to the limitations on mitigation measures for archaeological resources identified in CEQA sections 21083.2(c) through 21083.2(f).</p>	Construction Contractor	City of Albany, Community Development Department	During grading and construction

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><b>CULT-2:</b> If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks.</p> <p>If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities to the extent feasible. If project activities cannot avoid the resources, the adverse effects shall be mitigated. In accordance with CEQA Guidelines Section 15126.4(b)(3), mitigation may include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of project activities, the final report shall document methods and findings of the mitigation and be submitted to the City of Albany and a suitable paleontological repository.</p>	Construction Contractor	City of Albany, Community Development Department	During grading and construction
<p><b>CULT-3:</b> If human remains are encountered during construction activities, work within 25 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the City of Albany and the Northwest Information Center.</p>	Construction Contractor	City of Albany, Community Development Department	During grading and construction
<b>VI. GEOLOGY AND SOILS</b>			
<p><b>GEO-1:</b> A site specific geotechnical report shall be prepared by a qualified and licensed geotechnical engineer under contract to the City. The report shall determine the proposed project's surface geotechnical conditions and address potential seismic hazards such as ground shaking, liquefaction, landslides, lateral spreading, and expansive soils. All mitigation recommendations, design criteria, and specifications set forth in the geotechnical report shall be implemented.</p>	Project Geotechnical Engineer	City of Albany, Public Works Division	Prior to final construction plan approval

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><u>HAZ-1:</u> Prior to earthworking and construction activities, the City shall use reasonable means to determine the presence of soil and/or groundwater contamination associated with the potential for aerially-deposited lead within site soils that are in proximity to the I-80 corridor (Segment II). Those reasonable means may consist of soil and/or groundwater sampling, and/or conducting a Phase I Environmental Site Assessment (ESA). A qualified environmental professional (e.g., Professional Geologist, Professional Engineer) shall complete this investigation with oversight from a regulatory agency (e.g., Alameda County Department of Environmental Health). Where the results of the studies indicate that soil and/or groundwater contamination is present, any necessary remediation and/or subsequent documentation shall be conducted in accordance with the recommendations of the Phase I ESA or soil sampling results. The findings of the investigation(s) shall be documented in a written report and shall be submitted to the regulatory oversight agency.</p>	Project Geologist/ Engineer	City of Albany, Community Development Department	Prior to grading and construction <i>(Segment II only)</i>
<b>VIII. HYDROLOGY AND WATER QUALITY</b>			
<p><u>HYDRO-1:</u> The project contractor shall comply with the City of Albany Municipal Code relating to grading projects, erosion control, and discharge regulations and requirements (Chapter XX, Section 15-4.7). In addition, the construction contractor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction of and life of the project. The SWPPP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the proposed project. The SWPPP shall include:</p> <ol style="list-style-type: none"> <li>1. Specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. Specific and detailed BMPs included in the SWPPP shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g. fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</li> <li>2. Specific BMPs designed to reduce erosion of exposed soil that may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the heavy rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMP's selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.</li> <li>3. A monitoring program to be implemented by the construction site supervisor that included both dry and wet weather inspections.</li> <li>4. Measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.</li> </ol>	Project Engineer/ Construction Contractor	City of Albany, Public Works Division	Prior to grading and construction

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><i>HYDRO-2 Continued</i></p> <p><u>HYDRO-2:</u> The City of Albany shall ensure that the proposed project drainage design meets all the requirements of the current Countywide NPDES Permit (NPDES Permit No. CAS0029831). The drainage plan shall include features and operational Best Management Practices to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all applicable portions of the completed development. In general, “passive,” low-maintenance BMPs (e.g., stormwater planters, grassy swales, pervious pavements) are preferred over active filtering or treatment systems.</p> <p>The final design team for the project shall review and incorporate as many concepts as practicable from <i>Start at the Source, Design Guidance Manual for Storm Water Quality Protection</i> and the California Storm water Quality Association’s <i>Storm Water Best Management Practice Handbook, Development and Redevelopment</i>, and the Alameda County Clean Water Program (ACCWP) technical guidelines. The City Public Works Department shall review and approve the drainage plan prior to project construction.</p>	Project Engineer	City of Albany, Public Works Division	Prior to grading and construction
<b>XV. TRAFFIC</b>			
<p><u>TRANS-1:</u> Prior to construction, the City shall develop a construction traffic management plan that specifies measures that would reduce impacts to motor vehicle, bicycle, pedestrian, and transit circulation. The construction traffic management plan shall include the following:</p> <ul style="list-style-type: none"> <li>• Disclosure of all planned construction activity (such as provisions for staging, grading, and trash removal) and duration.</li> <li>• Location of construction staging areas for materials, equipment, and vehicles.</li> <li>• Anticipated number of truck trips, truck routes, employees, and employee parking locations.</li> <li>• Identification of haul routes for movement of construction trucks and vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety, and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the City or construction contractor.</li> <li>• Notification procedures for adjacent property owners and public safety personnel regarding when major project-related deliveries, detours, and lane closures will occur.</li> <li>• Procedures for trash pick up, deliveries, and move-ins at the residential communities on the east side of Pierce Street during construction activities.</li> <li>• A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager.</li> </ul> <p>The measures outlined in the construction plans shall be devised to reduce circulation impacts during the construction period to the maximum extent possible.</p>	Construction Contractor/ City of Albany Public Works Division	City of Albany, Community Development Department	Prior to grading and construction

Source: LSA Associates, Inc., 2009.