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**RESOLUTION NO. 2014-85**

**A RESOLUTION OF THE ALBANY CITY COUNCIL, CITY OF ALBANY,  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ADOPTING THE INITIAL  
STUDY-MITIGATED NEGATIVE DECLARATION FOR THE DEVELOPMENT  
OF PIERCE STREET PARK**

**WHEREAS**, on March 21, 2011, the City Council of the City of Albany approved resolution 2011-17 authorizing the purchase 4.5 acres of surplus property of the Pierce Street property site from the State of California Department of Transportation and identifying the public uses of the property;

**WHEREAS**, in June 2011, escrow closed on the transaction of the property;

**WHEREAS**, on October 15, 2012, the City Council of the City of Albany provided direction to staff to prepare a design for the construction of a new neighborhood park on the 700 block of Pierce Street;

**WHEREAS**, on April 1, 2013, the City Council of the City of Albany received a presentation on a phased approach to construction of the proposed park;

**WHEREAS**, on July 15, 2013, the City Council of the City of Albany provided direction to staff to prepare a design for the first phase of construction of the proposed park;

**WHEREAS**, on November 4, 2013, the City Council of the City of Albany reviewed and provided direction on the 35% complete design plans for the first phase of the proposed park;

1           **WHEREAS**, on December 16, 2013, the City Council of the City of Albany  
2 reviewed and provided direction on the proposed location of pedestrian cross-walk across  
3 Pierce Street;  
4

5           **WHEREAS**, on April 21, 2014, the City Council of the City of Albany reviewed  
6 and provided direction on the 65% complete design plans for the first phase of the  
7 proposed park;  
8

9           **WHEREAS**, the proposed park is defined as a “project” under the California  
10 Environmental Quality Act (CEQA) and is thus subject to environmental review; and  
11

12           **WHEREAS**, the City retained the consulting firm of Urban Planning Partners to  
13 prepare an Initial Study of the proposed park; and  
14

15           **WHEREAS**, the Initial Study-Mitigated Negative Declaration (IS-MND) was  
16 made available to the public on August 6, 2014 at Albany City Hall and on the City’s  
17 website; and  
18

19           **WHEREAS**, the public comment period was held from August 6, 2014 to  
20 September 5, 2014; and  
21

22           **WHEREAS**, the City provided public notice of the availability of the IS-MND  
23 for public review and posted copies of the document on the City of Albany website for  
24 over 30 days; and  
25

26           **WHEREAS**, the Albany City Council held a duly noticed public hearing to  
27 receive comments on the Initial Study-Mitigated Negative Declaration (IS-MND) on June  
28 12, 2012; and  
29

1  
2           **WHEREAS**, the City Council held a public hearing and considered all public  
3 comments received, the presentation by City staff and consultants, the staff report, and all  
4 other pertinent documents regarding the proposed request; and

5  
6           **NOW THEREFORE, BE IT RESOLVED THAT THE ALBANY CITY**  
7 **COUNCIL MAKES THE FOLLOWING FINDINGS:**

8                   a. The City Council has reviewed the record for the Pierce Street  
9 Park, including the Initial Study, all written and oral comments and the written  
10 responses thereto;

11  
12                   b. The documents and materials that constitute the record of  
13 proceedings shall be maintained with the City of Albany Community  
14 Development Department, 1000 San Pablo Avenue, Albany, CA 94706.

15  
16                   c. The Mitigated Negative Declaration identifies all potentially  
17 significant adverse environmental impacts and feasible mitigation measures or  
18 standard conditions of approval that would reduce these impacts to a less-  
19 than-significant level. All of the mitigation measures identified in the  
20 Mitigated Negative Declaration, including those in the Mitigation Monitoring  
21 and Reporting Program, will be adopted and implemented as Conditions of  
22 Approval for the project. The City Council finds that on the basis of the whole  
23 record before it, there is no substantial evidence that the Project, as mitigated  
24 in the Mitigated Negative Declaration, will have a significant impact on the  
25 environment;

26                   d. During the preparation of the Initial Study Checklist, it was  
27 determined that the Project would have no impact or have less-than-significant  
28 impact on the following environment factors: Agricultural Resources,  
29 Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and

1 Planning, Mineral Resources, Noise, Population and Housing, Public  
2 Services, Recreation, Transportation/Traffic, and Utilities/Services Systems;

3  
4 e. During the preparation of the Initial Study Checklist, it was  
5 determined that the Project would have a potentially significant impact on one  
6 or more of the following environmental factors: Aesthetics, Air Quality,  
7 Biological Resources, Cultural Resources, Hazards and Hazardous Materials,  
8 and Geology and Soils;

9  
10 f. Consistent with CEQA Statutes and CEQA Guidelines, the  
11 Mitigated Negative Declaration contains a full and complete explanation as to  
12 how the potentially significant impact on these environmental factors are  
13 reduced to less-than-significant impact level by the incorporation of the  
14 required mitigation measures set forth in the Mitigation Monitoring and  
15 Reporting Program attached hereto as Exhibit A and incorporated herein;

16 g. The Mitigated Negative Declaration constitutes an adequate,  
17 accurate, objective and complete document prepared, published, circulated  
18 and reviewed in accordance with the requirements of CEQA and the City  
19 CEQA Guidelines;

20 h. The City Council has reviewed and considered the information  
21 contained within the Mitigated Negative Declaration prior to acting on the  
22 proposed Project, and that the Mitigated Negative Declaration reflects the  
23 independent judgment and analysis of the City;

24  
25 i. Based on the independent judgment of the City Council, finds that  
26 the Mitigated Negative Declaration, supported by the Mitigation Monitoring  
27 Program, is the appropriate document to comply fully with the requirements  
28 of the California Environmental Quality Act; and  
29

1 j. The monitoring and reporting of CEQA mitigation measures in  
2 connection with the Project will be conducted in accordance with the  
3 Mitigation Monitoring and Reporting Program incorporated into the  
4 Conditions of Approval for the Project. Adoption of the Mitigation  
5 Monitoring and Reporting Plan will constitute fulfillment of the monitoring  
6 and reporting requirement set forth in § 21081.6 of CEQA. All proposed  
7 mitigation measures are capable of being fully implemented by the Project  
8 sponsor

9  
10 **NOW THEREFORE BE IT RESOLVED**, that the Albany City Council adopts  
11 the Mitigated Negative Declaration for the development of Pierce Street Park and the  
12 Mitigation Monitoring and Reporting Program contained as Exhibit A and Response to  
13 Comments as Exhibit B.

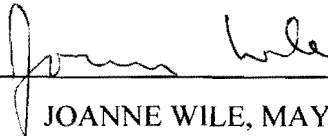
14 **PASSED, APPROVED AND ADOPTED** this 15th day of September, 2014 by  
15 the following vote:

16 AYES- *Members Atkinson, Barnes, Nason, Vice Mayor Maass, Mayor Wile*

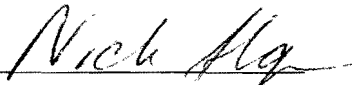
17  
18 NOES-

19  
20 ABSENT-

21  
22 ABSTENTION-

23  
24   
25 \_\_\_\_\_  
26 JOANNE WILE, MAYOR

27 ATTEST:

28   
29 \_\_\_\_\_  
30 NICOLE ALMAGUER, CITY CLERK

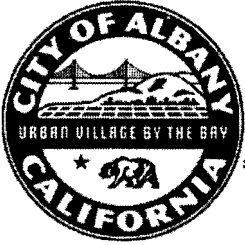
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**EXHIBIT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(MMRP)**

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**EXHIBIT B**  
**RESPONSE TO COMMENTS**

*(Forthcoming if comments received)*



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • www.albanyca.org

**RESOLUTION NO. 2014-85**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 15th day of September, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Nason, Vice Mayor Maass, Mayor Wile

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 16th  
day of September, 2014.

Eileen Harrington  
DEPUTY CITY CLERK



## MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study Checklist (IS) prepared for the Pierce Street Park project in the City of Albany (City). This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS and identifies mitigation monitoring requirements.

The MMRP table below presents the mitigation measures identified in the Pierce Street Park IS necessary to mitigate potentially significant impacts. Each mitigation measure is numbered according to the topical section to which it pertains in the IS. As an example, Mitigation Measure AES-1 is the first mitigation measure identified in the IS in Section I: Aesthetics.

The first column of the MMRP table identifies the Mitigation Measure. The second column identifies the monitoring schedule or timing, while the third column names the party responsible for monitoring the required action. The fourth column, “Monitoring Procedure,” outlines the steps for monitoring the action identified in the mitigation measure. The fifth and sixth columns deal with reporting and provide spaces for comments and dates and initials. These last columns will be used by the City to ensure that individual mitigation measures have been monitored.



| Mitigation Monitoring and Reporting Program  |   |  |  |           |               |
|--|---|--|--|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring   |  |  | Reporting |               |
|  | Monitoring Schedule   | Monitoring Responsibility  | Monitoring Procedure   | Comments  | Date/Initials |
| <b>I. AESTHETICS</b>   |   |  |  |           |               |
| <p><u>Mitigation Measure AES-1</u>: Prior to issuance of a building permit, an exterior lighting plan including fixture and standard design, coverage and intensity, shall be reviewed and approved by the Community Development Director. In its review of the lighting plan, the City shall ensure that any outdoor night lighting proposed for the project is directed downward and shielded to prevent light spill onto surrounding properties, sky glow, and glare. The City shall ensure that the lighting plan conforms to the performance standards provided under Section 20.36 of the Zoning Code.</p>   | <ul style="list-style-type: none"> <li>Prior to issuance of a building permit.</li> </ul>                         | <ul style="list-style-type: none"> <li>City of Albany Community Development Director.</li> </ul> | <ul style="list-style-type: none"> <li>Review exterior lighting plan for conformance with the Zoning Code and performance standards set forth in mitigation measures.</li> </ul> |           |               |
| <b>III. AIR QUALITY</b>  |   |  |  |           |               |
| <p><u>Mitigation Measure AQ-1</u>: The construction contractor shall institute a dust control program, which shall be submitted to the City and approved prior to any construction activity. Elements of the dust and emissions control program shall include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> <li>All exposed surfaces (i.e., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall have such loads covered.</li> <li>All visible mud or dirt tracked 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 shall be prohibited.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>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.</li> <li>All construction equipment shall be maintained and properly tuned in</li> </ul> | <ul style="list-style-type: none"> <li>Ongoing throughout grading, trenching, and construction period.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Building Division.</li> </ul>              | <ul style="list-style-type: none"> <li>Make regular visits to the project site to ensure that all dust-control and emissions mitigation measures are implemented.</li> </ul>     |           |               |

| Mitigation Monitoring and Reporting Program  |   |   |  |           |               |
|--|---|---|--|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring   |   |  | Reporting |               |
|  | Monitoring Schedule   | Monitoring Responsibility   | Monitoring Procedure   | Comments  | Date/Initials |
| <p>accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none"> <li>A publicly visible sign shall be posted listing the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>   |   |   |  |           |               |
| <b>IV. BIOLOGICAL RESOURCES</b>  |   |   |  |           |               |
| <p><u>Mitigation Measure BIO-1:</u> Implementation of the following two-part mitigation measure would ensure that potential impacts to the above-described special-status and common native bird species would be reduced to a less-than-significant level:</p> <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> <p><u>BIO-1b:</u> 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</p> | <ul style="list-style-type: none"> <li>No more than 30 days prior to initiation of tree pruning, tree removal, ground disturbing activities, or construction activities, if construction takes place between February and August.</li> <li>If active nesting encountered, prior to initiation of grading in the nest-setback zone.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Building Division and qualified biologist.</li> </ul> | <ul style="list-style-type: none"> <li>If nesting birds are identified, review annual report and verify compliance with BIO-1b protection measures.</li> </ul> |           |               |

| Mitigation Monitoring and Reporting Program  |   |   |   |           |               |
|--|---|---|---|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring   |   |   | Reporting |               |
|  | Monitoring Schedule   | Monitoring Responsibility   | Monitoring Procedure  | Comments  | Date/Initials |
| 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>Mitigation Measure BIO-2: Implementation of the following three-part mitigation measure would ensure that potential impacts to burrowing owls are reduced to a less-than-significant level.</p> <p><u>BIO-2a:</u> 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 preconstruction surveys shall be conducted at 21-day intervals until construction is initiated.</p> <p><u>BIO-2b:</u> 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> <p><u>BIO-2c:</u> 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 Staff Report on Burrowing Owl Mitigation 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</p> | <ul style="list-style-type: none"> <li>No more than 21 days prior to initiation of ground disturbing activities, including clearing and grubbing.</li> <li>If burrows are discovered, prior to initiation of ground-disturbing activities in the burrow-setback area.</li> <li>If burrows cannot be avoided, relocation would occur prior to initiation of ground-disturbing activities.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Building Division and qualified biologist.</li> </ul> | <ul style="list-style-type: none"> <li>Review pre-construction surveys and verify compliance with BIO-2a buffer area requirements.</li> <li>If burrows cannot be avoided, coordinate with CDF to obtain authorization for passive relocation and any additional mitigation required.</li> </ul> |           |               |

| Mitigation Monitoring and Reporting Program  |  |  |   |           |               |
|--|--|--|---|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring  |  |   | Reporting |               |
|  | Monitoring Schedule  | Monitoring Responsibility  | Monitoring Procedure  | Comments  | Date/Initials |
| wintering habitat and/or displacement of wintering owls.   |  |  |   |           |               |
| <u>Mitigation Measure BIO-3</u> : The City shall submit the preliminary jurisdictional delineation (Appendix B) to the U.S. Army Corps of Engineers for verification prior to construction of the proposed path.   | <ul style="list-style-type: none"> <li>Prior to construction.</li> </ul>                             | <ul style="list-style-type: none"> <li>City of Albany Planning Division and wetland consultant</li> </ul>                    | <ul style="list-style-type: none"> <li>Coordinate with Army Corps preliminary jurisdictional delineation (Appendix B) to Army Corps</li> </ul>  |           |               |
| <u>Mitigation Measure BIO-4</u> : The City Arborist shall perform fieldwork that includes detailing the number of trees to be removed or affected and preserved within the project site. The results of this fieldwork 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. The findings of the City Arborist's field work and associated recommendations shall be incorporated into the design and implemented as a condition of building permit approval.  | <ul style="list-style-type: none"> <li>Prior to issuance of building permit.</li> </ul>              | <ul style="list-style-type: none"> <li>City Arborist</li> <li>City of Albany Planning Division</li> </ul>                    | <ul style="list-style-type: none"> <li>Conduct fieldwork and prepare recommendations</li> <li>Incorporate recommendations as a condition of building permit approval.</li> </ul>  |           |               |
| <b>V. CULTURAL RESOURCES</b>   |  |  |   |           |               |
| <u>Mitigation Measure CULT-1</u> : 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 Community Development Director. 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 CEQA Guidelines 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 | <ul style="list-style-type: none"> <li>Ongoing throughout subsurface construction period.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Community Development Director and qualified archaeologist.</li> </ul> | <ul style="list-style-type: none"> <li>If an archaeological resource is encountered, evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and make recommendations about the treatment of the deposit, as warranted.</li> </ul> |           |               |

| Mitigation Monitoring and Reporting Program  |  |  |  |           |               |
|--|--|--|--|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring  |  |  | Reporting |               |
|  | Monitoring Schedule  | Monitoring Responsibility  | Monitoring Procedure   | Comments  | Date/Initials |
| archaeological data recovery excavation. If data recovery excavation is warranted, CEQA Guidelines 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).   |  |  |  |           |               |
| <u>Mitigation Measure CULT-2:</u> 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. 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. | <ul style="list-style-type: none"> <li>Ongoing throughout subsurface construction period.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Planning Division and qualified paleontologist.</li> </ul> | <ul style="list-style-type: none"> <li>Review report documenting methods and findings for treatment of paleontological resources discovered.</li> </ul>  |           |               |
| <u>Mitigation Measure CULT-3:</u> 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 to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.   | <ul style="list-style-type: none"> <li>Ongoing throughout subsurface construction period.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Planning Division and qualified archaeologist.</li> </ul>  | <ul style="list-style-type: none"> <li>Review report documenting methods, results, and recommendations for treatment of human remains and any associated cultural materials discovered.</li> </ul> |           |               |

| Mitigation Monitoring and Reporting Program  |   |   |  |           |               |
|--|---|---|--|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring   |   |  | Reporting |               |
|  | Monitoring Schedule   | Monitoring Responsibility   | Monitoring Procedure   | Comments  | Date/Initials |
| 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 Most Likely Descendant. The report shall be submitted to the City of Albany and the Northwest Information Center   |   |   |  |           |               |
| <b>VI. GEOLOGY AND SOILS</b>   |   |   |  |           |               |
| <u>Mitigation Measure GEO-1</u> : Prior to the issuance of any site-specific grading permits, a project-specific geotechnical investigation, in compliance with City of Albany requirements, shall be prepared by a licensed professional and submitted to the City for review and confirmation that the proposed improvements fully comply with City requirements. The investigation shall determine the project's geotechnical conditions, including seismic shaking and liquefaction hazard, landslides, lateral spreading, expansive soil and unstable soils hazards, and measures to address these hazards. It shall also include recommendations for the foundations for the bathrooms, for pavement, grading, and other earthwork, and for protecting the Caltrans Embankment Confining System and associated drainage during construction. All design measures, recommendations, design criteria, and specifications set forth in the design-level geotechnical investigation shall be implemented as a condition of project approval. | <ul style="list-style-type: none"> <li>Prior to the issuance of any site-specific grading permits.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Building Division.</li> </ul> | <ul style="list-style-type: none"> <li>Verify compliance with City requirements and with GEO-1 stipulations, including protection of the Caltrans embankment.</li> </ul> |           |               |



| Mitigation Monitoring and Reporting Program  |  |   |  |           |               |
|--|--|---|--|-----------|---------------|
| Mitigation Measure   | Mitigation Monitoring  |   |  | Reporting |               |
|  | Monitoring Schedule  | Monitoring Responsibility   | Monitoring Procedure   | Comments  | Date/Initials |
| <b>VIII. HAZARDS</b>   |  |   |  |           |               |
| Mitigation Measure HAZ-1: As a condition of approval for any grading and construction permits at the project site, the applicant shall provide a soil management plan, prepared by a qualified environmental professional, and submit to the City Building Division for review and approval. The soil management plan shall be implemented during any earthmoving activities at the project site and shall include a site-specific health and safety plan for construction workers, a dust control plan, a soil management plan to manage, characterize, and dispose of soils in the event that contamination is encountered, and an air monitoring plan protective of construction workers, the nearby public, and the environment. | <ul style="list-style-type: none"> <li>Prior to approval of grading and construction permits.</li> </ul> | <ul style="list-style-type: none"> <li>City of Albany Building Division.</li> </ul> | <ul style="list-style-type: none"> <li>Review soil management plan, including health and safety plan, dust control plan to verify consistency with building requirements.</li> </ul> |           |               |

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**EXHIBIT B**  
**RESPONSE TO COMMENTS**

*No Comments Received*