CALENDAR ITEM

C37

MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the State Lands Commission by a vote of 3 to 0 at its 11/15/94 meeting.

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11/15/94
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Jones

CONSISTENCY DETERMINATION CONCERNING LEGISLATIVE TIDELANDS GRANT TO THE CITY OF ANTIOCH CHAPTER 1067, STATUTES OF 1989

GRANTEE:

City of Antioch
City Hall
Third and H Streets
Antioch, California 94509

AREA, TYPE LAND AND LOCATION:

Granted tide and submerged lands within the City of Antioch, Contra Costa County.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing fees have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to Chapter 1067, Statutes of 1989, the City of Antioch was granted, in trust, all the right, title and interest of the State of California in and to certain tidelands and submerged lands, whether filled or unfilled, within the City of Antioch (City), hereinafter referred to as "trust lands". Among other things, the granting statute requires that the uses of the trust lands shall be in conformity with a Trust Lands Use Plan which shall be submitted to the State Lands Commission on or before January 1, 1994. Any subsequent use of the trust lands shall be consistent with the Trust Lands Use Plan as approved by the Commission.

The statute requires that the Trust Lands Use Plan shall consist of any plan, program, or other document which includes all of the following:

a. A general description of the type of uses planned or proposed for the trust lands. The location of these land uses shown on a map or aerial photograph.

b. The projected statewide benefit to be derived from the planned or proposed uses of the trust lands, including, but not limited to, the financial benefit and the furtherance of those purposes set forth in Section 1.

c. The proposed method of financing the planned or proposed uses of the trust lands, including estimated capital costs, annual operating costs, and anticipated annual trust revenues.

d. An estimated timetable for implementation of the Trust Lands Use Plan or any phase thereof.

e. A description of how the trustee proposes to protect and preserve natural and manmade resources in connection with the use of the trust lands.

2. The City prepared the Antioch Urban Waterfront Restoration Plan and a Draft Environmental Impact Report in 1991 for the plan. The DEIR was circulated for public and agency review in 1991 and the Final EIR was certified by the City on August 27, 1991. A Mitigation Monitoring and Reporting Program was prepared and approved as part of the approval of the EIR.

3. In accordance with the above-cited provision of the granting statute, staff has reviewed the Antioch Urban Waterfront Restoration Plan, the Draft and Final EIR's, and the Mitigation Monitoring and Reporting Program and has found that the uses proposed and discussed therein are consistent with the public trust and the requirements of the granting statute.

EXHIBITS:

A. Site Map
B. Location Map
C. Resolution of the City Council of the City of Antioch

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF ANTIOCH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C" ATTACHED HERETO.

3. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH SECTION 15093 OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.

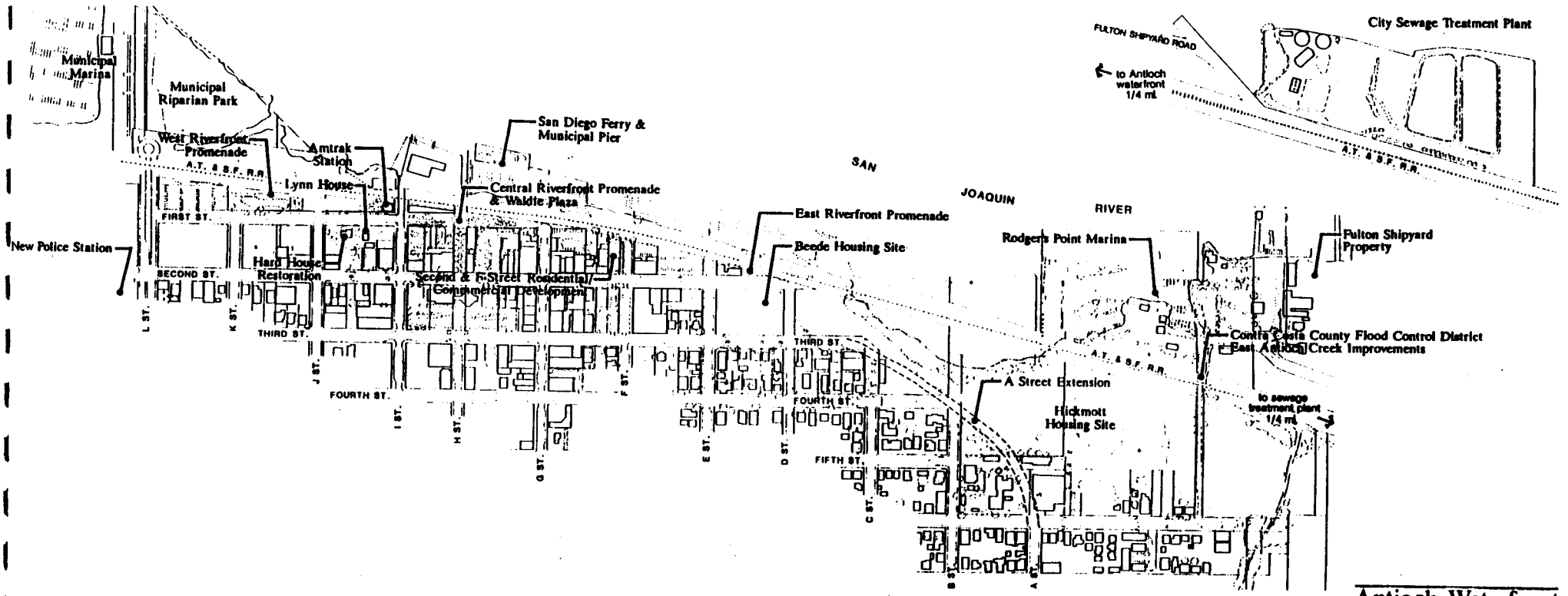
4. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO.

5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

6. MAKE THE FOLLOWING CONSISTENCY DETERMINATIONS, PURSUANT TO CHAPTER 1067, STATUTES OF 1989, AS TO THE TRUST LANDS USE PLAN AS IDENTIFIED BY THE CITY OF ANTIOCH (CITY) AS THE "ANTIOCH URBAN WATERFRONT RESTORATION PLAN":

   A. THAT SAID "ANTIOCH URBAN WATERFRONT RESTORATION PLAN", ADOPTED BY THE CITY IN 1991, MEETS THE REQUIREMENTS OF THE TRUST LANDS USE PLAN AS DEFINED WITHIN CHAPTER 1067, STATUTES OF 1989, AS SET FORTH IN SAID STATUTE UNDER SECTION 2(C) (1 THROUGH 5), AND THAT THE USES PROVIDED FOR THEREIN ARE CONSISTENT WITH THE PUBLIC TRUST.

   B. THAT THE IMPLEMENTATION OF THE TRUST LANDS USE PLAN IDENTIFIED AS THE "ANTIOCH URBAN WATERFRONT RESTORATION PLAN" IS IN THE BEST INTERESTS OF THE STATE.



Antioch Waterfront Restoration Plan

City of Antioch, California

Figure 9

OTHER PLANS AND PROJECTS

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MINUTE PAGE EXHIBIT 3709 "A"

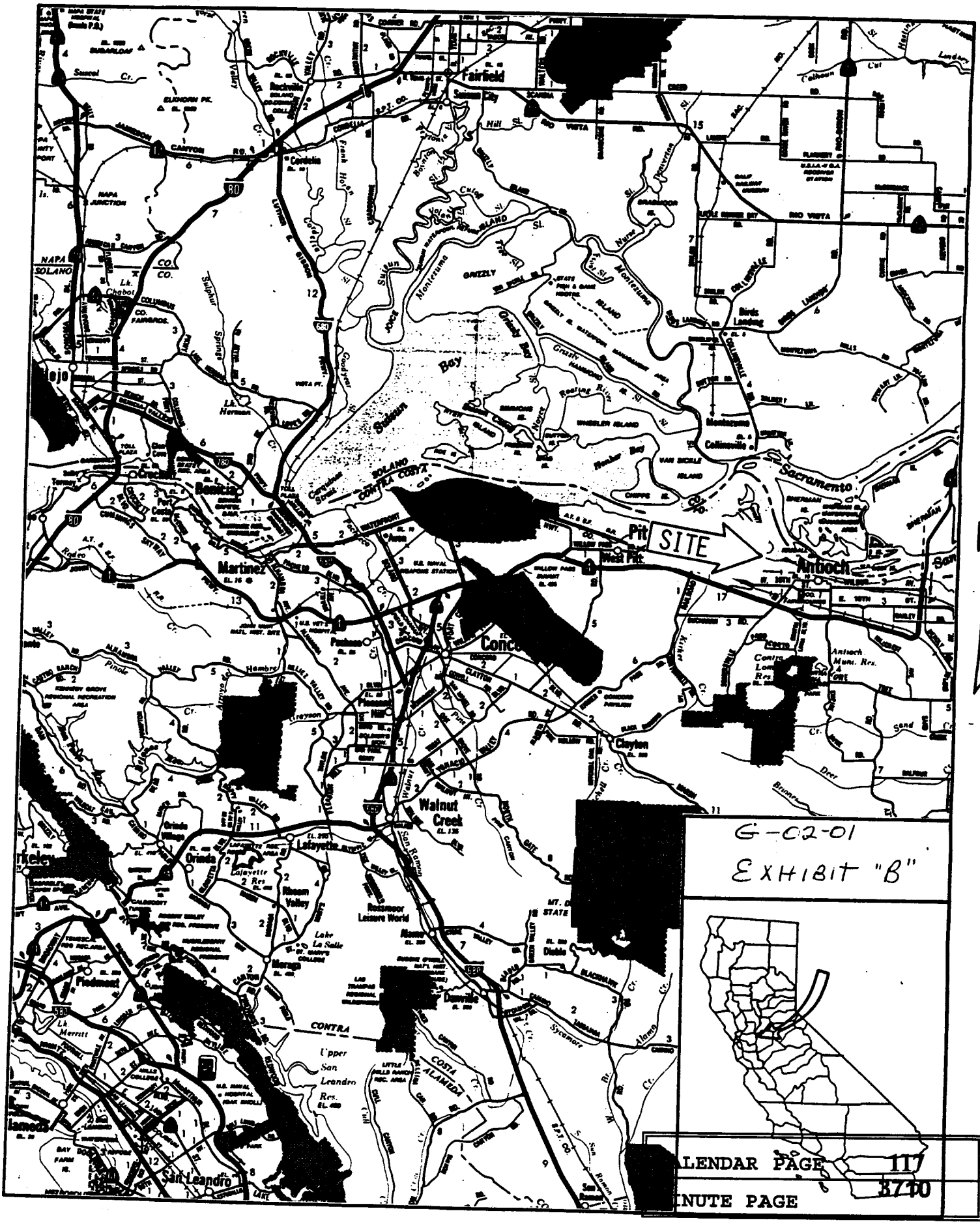

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EXHIBIT "B"

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
LAND USE				
Business and property owners and operators on leased property may be displaced or relocated as the Plan is implemented.	1. Notify owners and lessees as soon as specific plans are proposed. 2. In accordance with the City's Redevelopment Plan: See E-2	**Verification.** Have owners and lessees been notified?	City Planning Department/ Redevelopment Agency	At submittal of a specific project for plan review.
Private property is proposed for conversion to public access and recreation.	2. Provide fair compensation for private land secured for public use.	**Verification.** Have appraisals been properly prepared, negotiations properly conducted?	City Planning Department/ Redevelopment Agency	Prior to implementation of improvement projects.
Safety issues result from the conflict between the railroad mainline and public access to the waterfront.	3. Ensure that the three proposed grade-separated pedestrian crossings and the grade-separated vehicular crossing are built.	a. **Site Plan Review.** Are the grade-separated crossings shown on the plans?	City Planning Department Public Works Department	Prior to issuance of a Building Permit for major new development north of the railroad
		b. **Site Inspection.** Are the grade-separated crossings being built per plans and specifications?	Public Works Department	Prior to issuance of a Certificate of Completion.
		c. Develop an implementation schedule and incorporate funding sources with Capital Investment Plan budget.		

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Exhibit C.

Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
	4. Install continuous minimum 6' high tubular steel barrier fencing to separate waterfront paths and linear parks from the railroad.	a. **Site Plan Review.** Is a continuous barrier fence shown on the plans? Does it meet the criteria?	City Planning Department Public Works Department	Prior to issuance of a Building Permit
		b. **Site Inspection.** Is the barrier fence installed per approved plans?	Public Works Department	Prior to issuance of a Certificate of Completion
	5. Post warning and trespassing signs with language and locations agreed upon by the Public Works Department, ATSF Railroad, and Public Utilities Commission.	a. **Site Plan Review.** Are signs shown on the plans? Has language on signs been approved by parties named? Have locations been approved by partics named?	City Planning Department Public Works Department	Prior to issuance of a Building Permit
		b. **Site Inspection.** Have the signs been installed with design and at locations shown on approved plans?	Public Works Department	Prior to issuance of a Certificate of Completion
	6. Initiate efforts to require AT & Sf Railroad to adhere to a reduced speed through the downtown area.	a. **Verification.** Document request and action taken to obtain reduced train speed.	City Attorney's Office	Upon adoption of the Waterfront Plan

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
CULTURAL RESOURCES				
Improvement of the Rodger's Point site could disturb archaeological remains, if significant remains exist.	7. Conduct Phase II archaeological investigations as recommended in Rodger's Point EIR (Planktonics, David Chavez, 1982)	a. Retain qualified archaeologist b. Review and respond to report findings in future planning.	City Planning Department	Prior to construction activity or preparation of construction documents for Rodger's Point.
TRAFFIC/CIRCULATION				
Safety of access/circulation across the railroad (see Land Use Impacts and Mitigations)				
Cumulative traffic impacts on intersection levels of service in downtown area will be below acceptable condition (LOS D)	8. Provide 1 left turn lane and one through/right turn lane on the eastbound approach and on the westbound approach of 10th Street at G Street. Loss of parking not required with couplet.	a. **Plan Review.** Review Capital Improvement Programs and/or private development project conditions and plans. Are additional lanes budgeted or conditioned?	City Public Works Department	As part of normal City Capital Improvement Program or as part of Waterfront Restoration Plan phasing or other major downtown projects - approximately 10-year timeframe.
		b. **Site Inspection.** Have the additional lanes been properly installed?	City Public Works Department	Prior to issuance of a Certificate of Completion

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
	9. Provide 1 left turn lane and one through/right turn lane on the westbound approach of 10th Street at L Street. Loss of parking not required with couplet.	a. **Plan Review.** Review Capital Improvement Programs and/or private development project conditions and plans. Are additional lanes budgeted or conditioned?	City Public Works Department	As part of normal City Capital Improvement Program or as part of Waterfront Restoration Plan phasing or other major downtown projects - approximately 10-year timeframe.
		b. **Site Inspection.** Have the additional lanes been properly installed?	City Public Works Department	Prior to issuance of a Certificate of Completion
Traffic control signs may be needed at some intersections where additional traffic is proposed.	10. Provide stop signs on J Street at Second Street, First Street at I Street, and the southwest bound approach of the Rodger's Point connector road at the A Street Extension.	a. **Plan Review.** Review improvement plans for West Waterfront Area and the Cannery Cove/A Street Extension. Are stop signs included?	City Public Works Department	At time of design development drawing review for public or private improvements in this area.
		b. **Site Inspection.** Have the stop signs been properly installed?	City Public Works Department	Prior to issuance of a Certificate of Completion or Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
The Hickmott Cannery Site housing project may straddle the proposed A Street Extension, creating an unsafe access/egress situation.	11. If the Hickmott housing project is designed to straddle the A Street Extension, any access to the project area southwest of the A Street Extension should be designed to form an intersection with the proposed connector road to Rodger's Point.	a. **Plan Review.** Review improvement plans for the Hickmott Housing Project and/or the A Street Extension. Is the access to this portion of the site aligned with the Rodger's Point connector?	City Public Works Department	At time of design development drawing review for public or private improvements in this area.
		b. **Site Inspection.** Has the access been constructed per the plans?	City Public Works Department	Prior to issuance of a Certificate of Completion or Occupancy
The project will increase traffic using the substandard width crossing and pavement section of Fulton Shipyard Road.	12. Fulton Shipyard Road should be widened to provide at least a 24-foot wide paved section from Wilbur Avenue to the Rodger's Point Marina, including the crossing at the AT&SF tracks.	a. **Plan Review.** Review City Capital Improvement Plans and/or conditions of approval and improvement plans for public and private improvements along this road. Do they include provisions for road widening?	City Public Works Department	As part of normal City Capital Improvement Program or as part of public or private improvement projects.
		b. **Site Inspection.** Has the road and crossing been widened per the plan?	City Public Works Department	Prior to issuance of a Certificate of Completion

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
PUBLIC SERVICES				
Fire Protection				
The project will result in additional demands on Fire District equipment.	13. Fire hydrants with fire flows approved by the Fire District shall be provided for all improvements, including the linear park boardwalks and overlooks, as required, for commercial developments. Approved automatic sprinklers for all buildings will be provided.	a. **Site and Building Plan Review.** Are hydrants, automatic fire sprinklers, and other fire safety measures included in the project as required by the Riverview Fire Protection District?	Riverview Fire Protection District	Prior to issuance of a Building Permit
		b. **Site Inspection.** Have fire safety features been installed as required?	Riverview Fire Protection District	Prior to issuance of a Certificate of Occupancy
	14. Structures in the G Street Wharf and Rodger's Point Marina areas shall comply with the development access requirements of the Riverview Fire District.	a. **Site and Building Plan Review.** Have the access requirements of the Riverview Fire District been incorporated in the plans?	Riverview Fire Protection District	Prior to issuance of a Building Permit
		b. **Site Inspection.** Has fire access been installed per the approved plans?	Riverview Fire Protection District	Prior to issuance of a Certificate of Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Fire protection will cost extra money.	15. Assist with the cost in 2 ways: • Finance capital improvements through the Fire Facilities Element Fee. • Finance additional staffing through a benefit assessment fee for those properties that receive fire protection services.	**Verification.** Has the Fire Facilities Element Fee been made a part of project conditions of approval for private projects? Has a benefit assessment district been formed?	City Planning Department/ Redevelopment Agency	Prior to planning approval or issuance of a Building Permit
Utilities				
The project will generate additional wastewater flows but these will be within the current capacity of the Delta Diablo Services District. Nonetheless, conservation measures should be employed.	16. Receive a DDSD permit and comply with any conditions required.	**Verification.** Has a DDS permit been issued? Have all requirements been met?	City Planning Department City Public Works Dept.	Before issuance of a Building Permit
	17. Install low flow plumbing fixtures throughout the project.	**Building Plan Review.** Have low flow fixtures been designated on the plans?	City Public Works Dept.	Before issuance of a Building Permit
		Site Inspection. Have the low flow fixtures been installed per the plan?	City Public Works Dept.	Before issuance of a Certification of Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Utilities extended to the G Street Wharf could be harmed by differential soil settlement.	18. Suspend piping and conduit under the boardwalk.	**Construction Plan Review.** Are pipes and conduits designed to be hung under the board walk? Do they meet all code requirements. **Site Review.** Are pipes and conduits installed per plans?	City Public Works Dept.	Before issuance of a Building Permit
Solid Waste				
The project could contribute to a cumulative demand in sanitary landfill site.	19. Provide approved recycling bins in trash disposal areas of the project's commercial, retail, and open space developments.	**Site Plan Review.** Are recycling bins provided on the plans? Do they meet projected needs? Do they comply with City standards regarding location, size, configuration, and screening?	City Planning Department City Public Works Dept.	Before issuance of a Building Permit
		Site Review. Have the recycling bins been provided per approved plans?	City Public Works Dept.	Before issuance of a Certificate of Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Security	20. Provide security lighting that meets the City standard for lighting public spaces at all major public access areas, including the Riverwalk.	a. **Site Plan Review.** Is security lighting, that meets the standard, shown on the plan? Plans must show light location, fixture, mounting height, footcandle diagram, and lamp type.	City Planning Department City Public Works Dept.	Before issuance of a Building Permit
		b. **Site Review.** Has security lighting been installed as shown on approved plans?	City Public Works Dept.	Before issuance of a Certificate of Completion
WETLAND VEGETATION AND WILDLIFE				
Fill and shoreline stabilization required to construct the path in the "Riverwalk" section from C to F Streets reduces wetland habitat.	21. The Designers developing the precise plan for the Riverwalk improvements shall select from alternatives of rip-rap, open cell flexible revetment systems, and any other technologically feasible solutions based on site soil condition and properties of proposed fill. The appropriate material will provide the best compromise in protection, economy and habitat restoration opportunity.	**Site Plan Review.** Has a thorough evaluation of alternatives on which to base a decision been presented?	City Planning Department City Public Works Dept.	Before issuance of a Building Permit

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Construction of the pedestrian underpass at the east end of Cannery Cove requires grading and filling.	22. The Designers developing the precise plan for the pedestrian underpass shall implement, if possible on the basis of soils reports, a double sheet piling retaining wall or other means to reduce grading and filling.	**Site Plan Review.** Has the Engineer presented a pedestrian underpass solution which minimizes fill?	City Public Works Department, Corps of	Prior to issuance of a Corps Permit
Existing and restored wetland areas may be exposed to intrusion by people.	23. Post interpretive signs and regulations. Preserve existing and plant new barrier plants (e.g. Blackberry) around the perimeter of these areas. These plants should achieve an impenetrable barrier 3½ feet high and 6 feet deep within one year from the installation of planting. Place a minimum 5-foot high fencing along major access points. Enforce regulations against entry into these areas.	a. **Site Plan Review.** Does the plan show location of interpretive signs and regulations? Does the plan show barrier plantings of a size and spacing that they will achieve the required result within 1 year? Are major access points shown with fencing at a minimum of 5 feet high? **Verification.** Has the Police Department, Parks Department and private maintenance and security personnel been informed of regulations and the need to enforce them?	City Planning Department City Planning Department	Before issuance of a Building Permit Before issuance of a Certificate of Completion

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
The Antioch Riverfront Promenade Extension will eliminate areas of existing wetlands 5 A-6 2 A-3	24. Provide restored wetlands to replace the wetland habitat and/or modify the project to reduce the wetland impact.	a. **Plan Preparation.** Review the preliminary improvement plans. Choose an alternative which most appropriately mitigates the wetland impacts and balances the needs for public access and habitat preservation.	City Planning Department, Public Works Department	Prior to the preparation of final draft plans or application of Corps Permit
		b. **Plan Review.** Does the plan as prepared implement the most acceptable mitigation alternative?	U.S. Army Corps of Engineers	Prior to issuance of Corps Permit or Building Permit
		c. **Site Inspection.** Has the Promenade been constructed per the plans? Have the appropriate mitigations been included?	City Public Works Department, Corps of Engineers	Prior to issuance of a Certificate of Completion

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
The G Street Wharf and Marina will impact habitat for fish and other aquatic organisms.	25. Marina Design Requirements: a. Arrange marina slips so that shallow draft boats are inboard and deeper draft boats are outboard, to minimize dredging. b. Provide floating breakwaters to reduce fill and avoid interruption of water flow. c. Prepare a long-range dredging and disposal plan. d. Provide easy boater access to trash receptacles, waste containers and pump-out station. e. Provide short stanchions for lights on floats and direct away from water to avoid attracting fish. f. Provide oil spill prevention, containment and clean-up equipment on site for easy mobilization.	a. **Design Development.** Have necessary features been incorporated into the plans for the Marina? b. **Construction Drawing Review.** Have the features been fully described and detailed in the construction documents?	Marina Engineers, City Planning and Public Works Departments City Public Works Department, Corps of Engineers	During plan preparation Prior to application for Corps of Engineers Permit/Prior to issuance of permit

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Surface run-off from developed facilities may flow into wetland areas.	26. All surface flow from parking lots, buildings, landscaped areas, and other developed facilities should be conducted away from wetland areas to storm drainage facilities with grease and oil traps.	a. Design Development. Have conceptual grading plans been developed which show that surface flow from developed facilities is conducted away from wetland areas?	Site Designer, City Planning and Public Works Departments	During plan preparation
		b. Construction Drawing Review. Do plans show drainage swales and drainage structures which conduct water from developed facilities away from wetland areas and include the necessary traps?	Public Works Department	Before issuance of a Building Permit
		c. Site Inspection. Has drainage been installed per the approved plans?	Public Works Department	Before issuance of a Certificate of Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
NOISE				
Passing trains produce a noise level which exceeds 86 dBA in some outdoor use areas.	27. Prior to completion of precise plans, a qualified acoustical consultant shall prepare a detailed acoustical analysis for all project structures. Recommendations from the report shall be incorporated into the project design, as feasible. The acoustical study shall address construction specifications necessary to control interim noise levels to a CNEL of 45 dB for structures in the G Street Wharf, Rodger's Point, and historic theme area. • Methods, if any, for controlling outdoor noise in areas exposed to passing trains, and advise on the hazard to the public from this noise.	a. **Acoustical study and site plan review.** Does acoustical analysis adequately respond to the issues identified? Are recommendations of acoustical analysis reflected in building plans? b. **Site Inspection.** Have acoustical mitigations been carried out?	Planning Director (Planning Section Building Inspection Section) Building Inspection Section, Mitigation Monitoring Consultant	Prior to issuance of a building permit for structures Prior to issuance of a Certificate of Occupancy

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
Construction activities will result in temporary increases in noise levels which could adversely affect nearby businesses.	28. Noise controls should be used on all construction equipment where feasible.	Site Inspection. Have any complaints been made? Does equipment have noise controls?	Public Works Department	Periodically for duration of construction period.

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
GEOTECHNIC IMPACTS				
The site contains unstable foundation soils which will require deep foundations supported in denser soils below deposits of bay mud and peaty soils. In some areas, shallow groundwater, surficial fill and bay mud may create problems associated with dewatering, stability, and settlement during construction and during the design life of the proposed pedestrian and vehicular undercrossings. Fill at the edge of the railroad embankment may result in large-magnitude, long-term settlement and reduced stability of the railroad embankment.	29. For each phase of the work a geotechnical engineer shall be retained to make investigations and recommendations on grading and excavation activities, foundation supports, retaining structures, pavement design and any other proposed features which could be affected by soils and geology. Investigations should include exploration boring to maximum depths of about 80 feet to explore subsurface conditions, including off-shore conditions; lab testing to measure undrained shear strength, compressibility, and other pertinent soil engineering properties of samples obtained during exploration, and engineering analyses to prepare conclusions and recommendations about	**Verification.** Has a geotechnical engineer been retained? Do grading and foundation plans incorporate the recommendations of the geotechnical engineer? Has the geotechnical engineer reviewed the final grading and foundation plans and approved any modifications? Have the grading and foundation plans been reviewed and approved by the City's Geotechnic Section? Have the geotechnic consultants approved final grading and foundation plans?	City Public Works Department	Prior to issuance of a Grading or Building Permit

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
	geotechnical aspects of project design including settlements, vertical and lateral pile foundation capacities, shallow bearing capacity, lateral earth pressures, slope protection design and grading. The geotechnical consultants will inspect the final grading and foundation plans to see that their recommendations have been included before final grading and building permits are issued.			

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Impact (finding)	Mitigation	Monitoring Action	Responsibility	Timing
	30. During grading and construction for foundations and pavement, the geotechnical consultant will provide weekly on-site observations as necessary, together with field and laboratory testing, to ensure compliance of conditions of approval for all plans, specifications and soil compaction. The geotechnical consultant will be required to be on site to observe all footing excavations for proper fill materials, depth and clean out. All observations will be combined into a final compliance report which will be reviewed by the Geotechnical Section of the Department of Public Works.	**Verification.** Has a final compliance report been filed and reviewed by the Geotechnical Section of the Department of Public Works?		

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