BROADWAY PLAZA
Long Range Master Plan
Response to Comments and Final EIR
State Clearinghouse #2011112011

Prepared for
City of Walnut Creek

October 2013
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CHAPTER 1
Introduction

1.1 CEQA Background
An Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the City of Walnut Creek) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of a project. On March 21, 2012, the City of Walnut Creek (City), as Lead Agency, released a Notice of Release and Availability of Draft Environmental Impact Report (EIR) for the Broadway Plaza Long-Range Master Plan project (Project) (Project Application No. Y11-053). The 47-day public review and comment period on the Draft EIR began on Thursday, March 22, 2012 and ended on Monday, May 7, 2012.

Subsequent to the public review and comment period on the Draft EIR, the Project Applicant, Macerich Northwestern, proposed a “Refined Project Alternative.” On May 20, 2013, the City issued a Notice of Release and Availability of the “Recirculated Chapter 5A: Refined Project Alternative” document for public review and to solicit public comment because there were aspects of the Refined Project Alternative that were not discussed in the Draft EIR. The 45-day public comment period on the Recirculated Chapter 5A started on Monday, May 20, 2013, and ended on Friday, July 5, 2013. Recirculated

This document responds to all public comments received by the City on the Draft EIR and its Recirculated Chapter 5A within the public review and comment periods specified above for each of these documents.

1.2 Final EIR Context
This Responses to Comments document, together with the Draft EIR and its Appendices, and the Recirculated Chapter 5A and its Appendices, constitute the Final EIR (or FEIR) for the Broadway Plaza Long Range Master Plan. Due to its length, the text of the Draft EIR is not included with this Response to Comments document; however, it is included by reference as part of the Final EIR.

The City, as Lead Agency, will make decisions on certification of this EIR, approval of a Mitigation Monitoring and Reporting Plan (MMRP), and approval of the project or any alternative. The Walnut Creek City Council will consider the Final EIR before approving or denying the Broadway Plaza Long Range Master Plan. Before the Lead Agency may approve the Project, it must certify that the Final EIR adequately discloses the environmental effects of the Project under consideration, that the Final EIR has been completed in conformance with the California Environmental Quality
Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City’s determination that the Final EIR adequately evaluates the environmental impacts that could be associated with the Project and the alternatives.

The City of Walnut Creek has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies the following (and which also applies to Draft and Final EIRs):

“The Final EIR shall consist of:

(a) The Draft EIR or a revision of the draft.
(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
(d) The response of the Lead Agency to significant environmental points raised in the review and consultation process.
(e) Any other information added by the Lead Agency.”

This Final EIR incorporates comments from public agencies and the general public and contains the Lead Agency’s responses to those comments.

1.3 New Information in the Final EIR

If significant new information is added to an EIR after a notice of public review has been given, but before final certification of the EIR, the Lead Agency must issue a new notice and re-circulate the Draft EIR for further comments and consultation. None of the corrections or clarifications to the Draft EIR or its Recirculated Chapter 5A identified in this document constitutes significant new information pursuant to Section 15088.5 of the CEQA Guidelines.

Specifically, the new information, corrections or clarifications presented in this document do not disclose that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5)
Therefore, further re-circulation of the Draft EIR, all or in part, is not required. The information presented in the Draft EIR, its Recirculated Chapter 5A, and this document support this determination.

1.4 Organization of this Final EIR

Following this introductory chapter, this Final EIR is organized as described below.

- Chapter 2, *Further Refinements to the Project and the Refined Project Alternative*, describes additional refinements to the Project and the Refined Project Alternative that have been prepared since both the Draft EIR and Recirculated Chapter 5A of the Draft EIR were published, and confirms that the refinements are within the ranges of potential development studied in this EIR.

- Chapter 3, *Modifications to the Draft EIR and the Recirculated Chapter 5A*, contains text changes to the Draft EIR initiated by the Lead Agency or resulting from public comments received on the Draft EIR or the Recirculated Chapter 5A.

- Chapter 4, *Commenters on the Draft EIR and the Recirculated Chapter 5A*, lists all agencies, organizations and individuals that submitted written comments on the Draft EIR and the Recirculated Chapter 5A during the respective public review and comment periods for these documents, and/or that commented at the Planning Commission Public Hearing on the Draft EIR.

- Chapter 5, *Master Response to Recurring Comments*, contains a master response to recurring comments received on the Draft EIR and the Recirculated Chapter 5A.

- Chapter 6, *Responses to Written Comments Received on the Draft EIR and Recirculated Chapter 5A*, contains each of the written comment received, and presents individual responses to the specific comments raised in each correspondence.

Appendices to this document follow Chapter 7.
CHAPTER 2
Further Refinements to the Project and the Refined Project Alternative

2.1 Background and Conclusions for Further Refinements

After the Draft EIR was published, Macerich presented further detail regarding the Project and the Refined Project Alternative. The Project and alternatives remain as described in Draft EIR Chapters 3 and 5 and Re-circulated Chapter 5A (the latter is referred to throughout as “Chapter 5A”). This chapter describes details that supplement those descriptions and confirms that the supplemental details are within the ranges of potential development studied in this EIR.

The additional detail Macerich presented for the Project remains at a fairly conceptual level (as presented in the Draft EIR). Those refinements include a preliminary draft of Design Guidelines that depict and describe possible configurations, designs and treatments for the Project. These proposals illustrate potential development and do not offer concrete development plans. The potential development is consistent with, and falls within the range of, potential development studied in this EIR.

For the Refined Project Alternative that is addressed in Chapter 5A, Macerich has presented more specific details about the current plans for the proposed development. Macerich has proposed a complete draft zoning ordinance and complete draft design guidelines, both of which provide additional potential detail about the Refined Project Alternative. These details may change throughout the processing of the Refined Project Alternative, and this EIR accordingly continues to evaluate all potential development proposed by the Project and all of the alternatives as they are described in the Draft EIR (including Chapter 5A). However, the further refinements of the Project and the Refined Project Alternative have also been evaluated. The further refinements propose development that falls within the envelopes of development studied in this EIR and/or propose minimal additions that do not substantially affect the physical impacts of the Refined Project Alternative. Accordingly, additional analysis is not required to address the impacts of these further refinements.
2.2 Further Potential Details of the Refined Project Alternative

The draft zoning ordinance and design guidelines for the Refined Project Alternative offer more precise development patterns. Figure 2-1 identifies general building locations and building heights for the Refined Project Alternative (from the draft zoning ordinance proposed by Macerich). Figure 2-2 and Figure 2-3 show, respectively, the proposed site plan and phasing plan for the Refined Project Alternative (from the draft Design Guidelines proposed by Macerich).

The additional draft details of the Refined Project Alternative, as proposed by Macerich, are as follows:

2.2.1 Proposed Site Plan – Public Spaces

Public Spaces include Broadway Plaza Street, a public right-of-way, which will be enhanced to create an intimate, walkable and pedestrian-focused street by narrowing the travel lanes, expanding the sidewalks and improving landscaping and paving. Pedestrian walks, paseos and public gathering areas are enhanced in a network of pedestrian only spaces, which are the primary form of circulation within Broadway Plaza. Broadway Lane will be an expanded pedestrian-only space that is in a similar location to its current placement. The corridor generally follows the route of the underground culvert and will be paved and landscaped with water features, seating and free standing kiosk areas.

The existing Fountain Plaza will be enhanced with new landscape, paving and finishes. A second plaza, “The Piazza”, will be located north of the Macy’s Store and include a large multi-use space with informal outdoor seating, dining, landscaping and other amenities.

Pedestrian corridors will strengthen Broadway Plaza’s connections to the surrounding downtown streets and the adjacent downtown. Existing trail and bicycle routes, as well as transit-friendly points of access, will be enhanced to optimize multi-modal access to Broadway Plaza.

A new two-way bridge is proposed to replace the existing one-way bridge spanning San Ramon Creek to the south of Macy’s and connecting through Capwell Lane. The bridge will create a better connection for pedestrians and cyclists from Newell Avenue to Broadway Plaza Street. A new meandering sidewalk and landscaped areas will feature native plants and will replace the diagonal parking located along the edge of the Creek at Capwell Lane.

2.2.2 Proposed Site Plan – Buildings

Neiman Marcus, a newly-built department store, and Nordstrom, a recently-renovated department store, frame the north end of the site along Mt. Diablo Boulevard. No work on these buildings is currently planned.
Figure 2-1
Proposed Buildings and Heights - Refined Project Alternative
Figure 2-2

Proposed Site Plan - Refined Project Alternative

SOURCE: Macerich Northwestern

Broadway Plaza Long Range Master Plan EIR . 211723
**OVERVIEW - Introduction**

**BROADWAY PLAZA PLANNED DEVELOPMENT DISTRICT**

**DESIGN GUIDELINES DATED SEPTEMBER 23, 2013**

**GARAGE D**

**2 LEVELS ABOVE AND ONE BELOW**

**PHASE 1 - Facade Improvements**

**PHASE 2 - Landscape/Hardscape**

**FUTURE PHASES**

Additional S.F. of space on site to max net new 300k S.F. including possible anchor store at Building 7/Building G location and/or ongoing facade renovations.

**Garage A**

**Future expansion**

**Figure 1.4 - Phasing Plan**

Broadway Plaza Long Range Master Plan EIR . 211723

**SOURCE: Macerich Northwestern**

**Figure 2-3**

Proposed Phasing Plan - Refined Project Alternative
2. Further Refinements to the Project and the Refined Project Alternative

The Macy’s Women’s store will expand with a two-story addition to the south of the existing building. The existing Macy’s Men’s store will be demolished and replaced with two new retail buildings which are shown as Buildings 6 and 7 on FEIR Figures 2-1 and 2-2. Building 6 will be one or two stories in height, and Building 7 will be one, two or three stories in height.

A new vehicular driveway for access to Garage A will be located between Buildings 6 and 7. Building 7 may be expanded to the area where Stanford’s restaurant (Building G on EIR Figure 2-2) is located. The remainder of in-line retail buildings (C1, C2, D1, D2, E1, E2 on FEIR Figure 2-2), will remain and be updated with new exterior façade renovations.

2.2.3 Public Corridors

The Refined Project Alternative would include linear pedestrian passageways with clear circulation, providing plaza destinations at the end of the passages and modulation of building heights along and at the ends of passages to create a functional, welcoming, comfortable and attractive environment, with ample public spaces that can be enjoyed by shoppers, visitors and members of the Walnut Creek community. To this end, a variety of corridors and public spaces, each with their own unique characteristics, will be provided within Broadway Plaza. See FEIR Figure 2-2. The main circulation and pedestrian zones are summarized below:

- **Zone 1 - Broadway Plaza Street.** Broadway Plaza Street is a public right of way that runs through the project in a north/south direction and is the heart of the plaza, connecting key buildings and spaces. The existing street alignment will be kept, but many enhancements will be made to the street in order to improve the overall pedestrian experience, including additional trees, wider sidewalks and raised crosswalks.

- **Zone 2 - Broadway Lane.** Broadway Lane is a north-south pedestrian-only passage way linking Nordstrom to Macy’s. Enhancements will include new paving, added trees and fountains, and more continuous retail along its edges, particularly along the east side. Raised planters and small fountains will frame seating areas, and the added height of buildings will contribute to an enhanced sense of shade. Trees, shade, benches and the sound of running water will create the feel of an inviting oasis, protected from vehicular traffic.

- **Zone 3 - Nordstrom Paseo.** Nordstrom Paseo, running along the southern edge of the Nordstrom building in an east-west direction, will continue to be an intimate pedestrian corridor, although it will be widened from its current width to create a more generous pedestrian experience and to allow for outdoor seating.

- **Zone 4 - Las Trampas Paseo.** Las Trampas Paseo is a new pedestrian corridor to be provided at the current Macy’s Men’s location that would allow vehicular access to the five-level parking garage from Broadway Plaza Street, and allow pedestrian access from South Main Street to Broadway Plaza Street.

- **Zone 5 - Macy’s Paseo.** Macy’s Paseo, running along the northern edge of Macy’s Department Store, will be widened and will open up into a new event piazza. Macy’s Paseo will connect two important new areas of the project: the new vertical circulation improvements at the new vehicular entrance to the garage at South Broadway, and the new Las Trampas Paseo corridor described above.
• **Zone 6 - The Promenade Shops Paseos.** The Promenade Shops Paseos connect the promenade fountain and Broadway Plaza Street with South Main Street. Although building façades will be upgraded and improved in this area, the basic layout of the paseos will remain as is, with improvements to paving where necessary for consistency with the remodeled portion of the Center.

• **Zone 7 - South Broadway and Newell Avenue Frontage.** Improvements at the South Broadway and Newell Avenue frontages will create an appealing landscape buffer to help screen the new parking garage and to provide stormwater treatment functions. Pedestrian and bicycle paths will also be provided.

• **Zone 8 - Creek Walk.** Garage and vehicular access will be set back from the creek to allow for a landscaped buffer zone. Connections from this area to Broadway Plaza Street will be strengthened by means of a new bridge, new sidewalks and new crosswalks. Plant material along the creek walk area will include native shrubs and grasses, perennials, and retention of native trees.

2.2.4 Parking

The Refined Project Alternative will substantially replace and expand the existing parking facilities resulting in a net increase of spaces sufficient to meet all parking requirements on site. Two garages along the east side of the site will be reconstructed to provide additional parking and more efficient parking layouts.

Garage A is an existing 5 level garage that is accessed off South Main Street and Botelho Drive. If the need arises in future phases, levels 4 and 5 of Garage A could be expanded over Building C2 and Building 6. (Note: there is no Garage B in the Refined Project Alternative, as the public street will remain open and so no underground garage is proposed in the center of the site.)

Garage C will replace the current Nordstrom Garage; this garage will provide parking spaces on an underground level and on levels 2 and 3 above a ground floor level of retail shops along South Broadway. Two vehicular access points will be provided along South Broadway with a main drop off where Garage C and D are aligned.

The existing Macy’s Garage will be replaced by a new Garage D, adjacent to and south of Garage C. The new garage will be a 4-level facility with one level below ground, one level at grade and two levels above grade. Garage access will be located along South Broadway and Newell Avenue (via the existing Capwell Lane / Maria Lane intersection).

**Parking Management System**

A parking management system will be implemented to enhance the customer experience in the garages. In addition to parking counters at each entrance showing the number of available spaces, the proposed system is expected to have real-time space availability indicators at each parking space in the facility.

LED Dynamic signage could indicate space availability for each garage level, zone, and parking aisle, ADA parking locations and parking count available, nested parking (preferred parking).
locations, valet parking locations and the number of available, general use spaces along defined aisles. LED Dynamic signage may be strategically located at the entry plazas, transitions between levels and at the end of drive aisles. Parking space occupancy would be shown by color-coded LED status light indicators, indicating full or available parking spaces of various types.

2.2.5 Construction and Phasing Plan, and Offsite Improvements

The Refined Project Alternative is currently proposed in three phases, as illustrated in Figure 2-3. During Phase 1, buildings east of Broadway Plaza Street, excepting Macy’s and Nordstrom, will be demolished and replaced with new retail buildings. The phasing plan for the Refined Project Alternative also proposes demolition and redevelopment of the Nordstrom and Macy’s garages (which would be replaced with Garages C and D) during Phase 1, over two periods of about eleven months each, outside the winter holiday period. This demolition and construction would result in parking shortfalls for customers and employees that are currently estimated to range from about 300 spaces during one of these periods to approximately 1100 spaces during the other period.

These shortfalls would be offset or reduced by decreased demand for parking during construction, an onsite valet customer parking program that would use the existing facilities more efficiently, off-site employee parking within reasonable walking or transit distance of the Project Site, and a transportation demand management program. Additional parking would be provided for construction workers that would be located in existing onsite parking facilities, onsite construction zones, or offsite locations within reasonable walking or transit distance of the Project Site. The temporary parking plan must be approved by the City based upon a determination that sufficient spaces will be provided in locations that allow reasonable access without creating significant traffic hazards.

Phase 2 includes the possible demolition of the Macy’s Men’s store and the retail building immediately north of that store, to be replaced by Buildings 6 and 7. This development may, however, be deferred until Phase 3. Phase 3 would encompass the remaining buildout and could include the expansion of Garage A eastward over retail buildings.

Offsite improvements would include widening of Newell Avenue, including a new bicycle path along the Newell Avenue frontage. Signal modifications would be required to ensure smooth traffic flow at Newell Avenue / Capwell Lane. Other improvements include new crosswalk pavements / markings at all major crosswalks surrounding the Project Site. In addition, the draft Development Agreement addresses the possibility that Macerich will fund or perform a limited portion of the City’s ongoing maintenance and repair of the City’s culverts located immediately north of the Project Site.
CHAPTER 3
Modifications to the Draft EIR and the Re-Circulated Chapter 5A

3.1 Overview

This chapter presents all the modifications required to the Draft EIR. The changes are either initiated by City of Walnut Creek (Lead Agency) staff or in response to public comments received on the Draft EIR. Changes include corrections and modifications to information presented in the Draft EIR and/or the Re-circulated Chapter 5A to ensure accuracy and clarity. Throughout this chapter, newly added text is shown in double underline format, and deleted text is shown in double strikeout format. The source of each change is noted in brackets following each change. Changes are listed generally in the order in which they would appear in the Draft EIR and then in the Re-circulated Chapter 5A.

A revised Draft EIR Table 2-1, Summary of Impacts and Mitigation Measures and Residual Impacts, (Table 2-1Rev) shows the revised text of all impact statements and mitigation measures and is presented at the end of this chapter, starting on page 3-26.

3.2 Modifications to the Draft EIR

Chapter 2, Summary

1) The following text starting on page 2-2 of the Draft EIR is revised as follows to reflect the elimination of the significant and unavoidable impact previously identified in the Draft EIR:

This EIR identifies the following significant and unavoidable impacts with the Project, by scenario:

Maximum Commercial Scenario

Significant and Potentially Unavoidable Air Quality Impact

- Impact AIR-3: The Project would expose persons to substantial levels of TACs, during short term construction activities, which may lead to adverse health effects.

Significant and Unavoidable Greenhouse Gases and Climate Change Impact

- Impact GHG-1: Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change.
Significant and Potentially Unavoidable Noise Impact

- **Impact NOI-2**: Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, if constructed simultaneously with the Project, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels.

Significant and Unavoidable Noise Impact

- **Impact NOI-1**: Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project.

Maximum Mixed-Use Scenario

Significant and Potentially Unavoidable Air Quality Impact

- **Impact AIR-3**: The Project would expose persons to substantial levels of TACs during short-term construction activities, which may lead to adverse health effects.

Significant and Unavoidable Greenhouse Gases and Climate Change Impact

- **Impact GHG-1**: Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change.

Significant and Unavoidable Noise Impact

- **Impact NOI-2**: Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, if constructed simultaneously with the Project, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels.

Significant and Unavoidable Noise Impact

- **Impact NOI-1**: Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project.

2.3 Alternatives

Chapter 5, *Alternatives*, of this EIR analyzes the following alternatives to the Project:

- Alternative 1, Reduced Development Alternative – No Macy’s
- Alternative 2, Reduced Development Alternative – 96,000 Square-Foot Expansion
- Alternative 3, No Project Alternative
Alternative 2, the Reduced Development Alternative—96,000 Square-foot Expansion, is identified as the environmentally superior alternative because it would avoid and/or substantially reduce significant impacts of the Project to the greatest extent compared to the other alternatives, although all significant and unavoidable impacts identified with the Project would continue to occur with Alternative 2. Specifically, Alternative 2 would reduce exposure of persons to substantial levels of Toxic Air Contaminants during construction activities to level that is less than significant with mitigation, compared to the Project, which would result in a significant and potentially unavoidable impact (Impact AIR-3, GHG-1, NOI-1 and NOI-2). All other impacts resulting with the Project would continue to occur with Alternative 2, but also be reduced in degree. However, because the alternative would develop substantially less net new development and result in less new population on site, the less-than-significant effects identified for all other topics, would also occur to a lesser degree than would occur with the Project.

[City-initiated and Comment Letter GG]

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Section 4.2, Air Quality

2) The text of page 4.2-1 is revised to add the following paragraphs as the end of the introduction, immediately preceding section 4.2.1:

Additional information was submitted to the City by the applicant’s consultant, ENVIRON. That analysis extended only to the impacts identified as significant and unavoidable in the Draft EIR and Chapter 5A, and did not re-evaluate impacts that were already reported as less than significant. ENVIRON’s air quality analysis was accordingly limited to health risk impacts of the Project and the Refined Project Alternative associated with residential infants and children, but not the already less than significant impacts to school children or residential adults, or other air quality impacts.

The City’s consultants have peer-reviewed the ENVIRON analyses and determined that they factor in detailed Project and Refined Project Alternative construction information that was not yet available from the Project Sponsor at the time of publication, as well as refined modeling assumptions that are appropriate. The text of the Draft EIR and Chapter 5A has accordingly been modified to reflect the conclusions in ENVIRON’s analysis. As noted, the modifications extend only to the health risk assessment performed for residential infants and children. The remainder of the impacts are based upon the original Draft EIR assumptions, which, even though they are conservative and may overstate impacts, still result in less than significant impacts.
3) The following text on page 4.2-15 of the Draft EIR is revised as follows:

**Short-term Emissions of Criteria Pollutants**

**Impact AIR-1:** Activities associated with demolition, site preparation, and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions (Criteria 1 and 2). (Potentially Significant)

For either the Maximum Commercial and/or the Maximum Mixed-Use scenarios of the Project, construction emissions would be relatively short-term but could still cause adverse effects on local air quality. As described in Chapter 3, *Project Description*, construction activities (including demolition of existing structures) would occur approximately from 2014 to 2016 (three years assumed), with demolition and grading projected to occur January through November-December of 2014.

In the revised analysis of health risks associated with air emissions for the Refined Project Alternative, which was prepared by ENVIRON and peer-reviewed by the City, Garage D demolition and construction was projected for 2014, while Garage C demolition and construction was projected for 2015. (See page 2 of 2013 ENVIRON letter.) Recent information from Macerich has further refined the construction plan to indicate that the order of demolition may change such that demolition and redevelopment of the Nordstrom and Macy’s garages (which would be replaced with Garages C and D) might occur over two periods of about eleven months each, outside the winter holiday period. This potential refinement to the construction schedule does not affect the results of the health risk analysis, since the cancer risk adjustment factors (CRAFs) which account for an “anticipated special sensitivity to carcinogens” of infants and children will not change during 2014 and 2015 for the hypothetical residential infant evaluated in the analysis.

[City-initiated and Comment Letter GG]

4) The following text on page 4.2-14 of the Draft EIR is revised as follows:

The HRA was conducted in accordance with technical guidelines developed by federal, state, and regional agencies, including California EPA, California OEHHA *Air Toxics Hot Spots Program Guidance* (OEHHA, 2003, 2009), and the BAAQMD’s *Health Risk Screening Analysis Guidelines* (BAAQMD, 2005, 2010).

As stated above, construction emissions were estimated using the California Air Resource Board (ARB) *2011 In-use Off-Road Inventory Model and associated load factors*. The HRA included other tailored assumptions relative to the onsite and offsite residential child, including refined Cancer Risk Adjustment Factors (CRAFs), construction haul-truck trip lengths, and construction schedule relative to when new
onsite residents occupy the Project Site for the Maximum Mixed-Use Scenario. The assumptions are discussed in detail in the assessment below and in Appendix C.1.

The HRA is based on estimated TAC emissions from the project and the length of time those living, working, and recreating in the vicinity of the Project Site could be exposed to TAC emissions. Actual exposures are not measured, but rather are modeled using sophisticated software that uses local meteorology and topography to predict the dispersion of TACs from their source and the resulting concentrations at receptors. The models tend to be conservative, both in terms of the estimated exposure, and the toxic effects of the substances to which people are exposed; thus, the models tend to overestimate the adverse health effect.

For this project, the HRA focused on the health impacts on the new residences as part of the Maximum Mixed-Use scenario and the existing residences, hospitals, and schools for the Maximum Commercial and the Maximum Mixed-Use scenarios. The methodology, calculations, and supporting data for the HRA are included in Appendix C.1.

[City-initiated and Comment Letter GG]

5) The following text is revised starting on Draft EIR page 4.2-22 as follows:

**Toxic Air Contaminants – Project Construction**

Impact AIR-1: The Project would expose persons to substantial levels of TACs, during short-term construction activities, which may lead to adverse health effects (Criterion 4). *(Less than Significant and Potentially Unavoidable)*

Project construction activities would produce DPM and PM2.5 emissions due to combustion equipment such as loaders, backhoes, and cranes, as well as haul truck trips. These emissions could result in elevated concentrations of DPM and PM2.5 at nearby receptors. These elevated concentrations could lead to an increase in the risk of cancer or other health impacts. Screening tables of the BAAQMD for assessing increased cancer risk, health indices and PM2.5 concentrations from construction activities indicated a potentially significant impact for all three of these risk and hazard categories given the size of the proposed development scenarios and the proximity of sensitive receptors. Consequently, further air modeling analysis was performed.*

**The modeling analysis assumed implementation of Mitigation Measure AIR-1a (Construction Emission Controls), 2b regarding the use of off-road diesel equipment with engines fitted with a Level 3 Verified Diesel Emissions Control (VDEC). AIR-3b sets CARB's recommended minimum standard for off-road diesel equipment, but a Project-specific construction plan, including equipment specifications, phasing, intensity, and duration, was not considered in the modeling analysis. Rather, the modeling**
3. Modifications to the Draft EIR and the Re-circulated Chapter 5A

**Broadway Plaza Long Range Master Plan**

**3-6 ESA / 211723**

**Responses to Comments and Final EIR October 2013**

The analysis assumed-and the BAAQMD default exposure assumptions. As mentioned previously, for the assessment of on-site and offsite residential child in particular (the maximally-impacted sensitive receptors), other tailored assumptions or “measures” were factored in as follows. The analysis of health impacts was conducted based on two sets of project assumptions - or “tiers” - that are imbedded in the analysis and, as applicable, the Project would be committed to adhere to:

**Tier 1 Measures**

- CRAFs adjusted to correspond to the Project’s assumed three year construction schedule (a 2.5 year construction schedule was also evaluated but is not reported here because the actual construction could not likely occur in less than three years).

- Use of ARB 2011 In-use Off-Road Inventory Model and associated load factors.

- Default construction vehicle trip lengths of 20 miles, 12.4 miles, and 7.3 miles for haul trucks, worker vehicles, and vendor vehicles, respectively, scaled to 2.55 mile road length of roadways closest to the Project Site.

**Tier 2 Measures**

- Tier 1 Measures (above).

- Project-specific number of operational days for off-road construction equipment (detailed in Appendix C.1a, Table 2), rather than the CalEEMod default for certain off-road equipment.

Only the residential child population was evaluated for construction health impacts because it is expected that the residential child will be the maximally-impacted population for the following reasons: (1) the residential adult population which will potentially be co-located with the residential child population has a lower breathing rate, and a lower CRAF, both of which will result in lower exposure; and (2) the high school student population is further away from the construction activity, and has a lower CRAF, both of which will result in lower impact.

**Maximum Commercial Scenario.** A summary of the health impacts related to construction of the Maximum Commercial Scenario is found in Table 4.2-7. As shown in Table 4.2-7, the maximum cancer risk for an existing residence adult and residential-child (located to the east of the Project Site and along the delivery/haul route) during construction would be 7.0 per million with the Tier 1 Measures, and 4.8 per million with the Tier 2 Measures, 1.6 and 17.6 persons per million, respectively. The maximum cancer risk for the nearest school (Las Lomas High School) receptor would be 0.5 persons per million. Thus, the cancer risk due to construction activities alone is below the BAAQMD threshold of 10 per million and would be less than significant and potentially unavoidable with mitigation.
TABLE 4.2-7
CONSTRUCTION-RELATED HEALTH IMPACTS – MAXIMUM COMMERCIAL SCENARIO

<table>
<thead>
<tr>
<th>Receptor Type</th>
<th>Cancer Risk (persons per million)</th>
<th>Chronic Impact</th>
<th>Acute Impact</th>
<th>PM2.5 Concentration (µg/m³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Childrenc</td>
<td>0.46</td>
<td>0.01</td>
<td>0.06</td>
<td>0.04</td>
</tr>
<tr>
<td>Existing Offsite Residences (adult/child)d</td>
<td>1.55/17.6</td>
<td>0.02</td>
<td>0.07</td>
<td>0.12</td>
</tr>
<tr>
<td>Tier 1 Measures</td>
<td>7.0</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Tier 2 Measures</td>
<td>4.8</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>BAAQMD Significance Criteria</td>
<td></td>
<td></td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td>Significant Impact?</td>
<td>Yes/No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

a Detailed assumptions and methodology of the HRA are included in Appendix C.C.1.
b Three-year construction schedule is assumed. With a 2.5-year construction schedule, the Existing Residence-child cancer risk would be 7.7 with Tier 1 Measures and 5.1 with Tier 2 Measures.
c Health impact at school child receptor was not updated from the DEIR because the impact was much lower than the corresponding threshold and was not expected to exceed the threshold upon revision.
d Chronic and acute non-cancer impact and PM$_{2.5}$ concentration were not updated from the DEIR because the impact was much lower than the corresponding threshold and was not expected to exceed the threshold upon revision.

The chronic health index (HI) would be less than 0.1 at all receptors. The chronic HI would be below the BAAQMD threshold of 1 and the impact of Project construction would be less than significant with respect to chronic health hazards. The acute HI would be less than 0.6 at all receptors. The acute HI would be below the BAAQMD threshold of 1 and the impact of Project construction would be less than significant with respect to acute health hazards.

The maximum annual PM$_{2.5}$ concentrations as a result of Project construction would be 0.04 and 0.12 µg/m³ for the nearest school and the existing residences, respectively. The construction-related annual PM$_{2.5}$ concentration is below the BAAQMD threshold of 0.3 µg/m³, and hence is considered less than significant.

Maximum Mixed-Use Scenario. A summary of the health impacts related to construction of the Maximum Mixed-Use Scenario are found in Table 4.2-8. The following results incorporate use of off-road diesel equipment with engines fitted with a Level 3 Verified Diesel Emissions Control (VDEC) as well as Mitigation Measure AIR-1a.

As shown in Table 4.2-8, the maximum cancer risk for the existing new residential adult and residence-children at the Project Site (assuming overlap of Project construction and new residence habitation for one year) would be 2.4 and 26.6 persons per million, respectively. The maximum cancer risk for an existing residence adult and residence child (located to the east of the Project Site and along the delivery/haul route) during construction would be 6.8 per million with the
Tier 1 Measures, and 4.6 per million with the Tier 2 Measures1.4 and 16.3 persons per million, respectively. The maximum cancer risk for the nearest school (Las Lomas High School) receptor would be 0.5 persons per million. Thus, the cancer risk due to construction activities alone is below the BAAQMD threshold of 10 per million and would be considered significant and unavoidable.

**TABLE 4.2-8**

<table>
<thead>
<tr>
<th>Receptor Type</th>
<th>Cancer Risk (persons per million)</th>
<th>Chronic Impact</th>
<th>Acute Impact</th>
<th>PM2.5 Concentration (µg/m³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Residence (adult/child)</td>
<td>2.36/26.6</td>
<td>0.06</td>
<td>0.07</td>
<td>0.20</td>
</tr>
<tr>
<td>School Childrend</td>
<td>0.42</td>
<td>0.01</td>
<td>0.06</td>
<td>0.04</td>
</tr>
<tr>
<td>New Onsite Residence (child)b</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 1 Measures</td>
<td>7.0-10.0</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Tier 2 Measures</td>
<td>4.0-10.0</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Existing Offsite Residence (adult/child)d</td>
<td>1.4/18.3</td>
<td>0.02</td>
<td>0.07</td>
<td>0.11</td>
</tr>
<tr>
<td>Tier 1 Measures</td>
<td>6.8</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Tier 2 Measures</td>
<td>4.6</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

BAAQMD Significance Criteria

<table>
<thead>
<tr>
<th>Significant Impact?</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
</table>

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Because the Maximum Mixed-Use Scenario includes residential uses, the maximum cancer risk for a new onsite residential child that could occupy the Project before construction is completed was also assessed with the assumptions outlined below. The cancer risk for a new residential child shown in Table 4.2-8 would be below 10 per million if onsite receptors would (1) locate within the central portion of the Project Site (generally Parcels 1 North, 4, 7, and 8, as shown in Appendix C.1a, Figure 1), (2) be on the second floor or higher, and (3) not occupy the Project site until construction within the Parcels of the central portion of the Project (generally Parcels 1 North, 4, 7, and 8) is substantially completed.

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1 Health impact at school child receptor was not updated from the DEIR because the impact was much lower than the corresponding threshold and was not expected to exceed the threshold upon revision.
If construction of the remaining parcels (Parcels 1 south, 2, 3, 7A, and 9) occurs concurrently, implementation of the Tier 2 measures above would ensure acceptable risk levels to all onsite receptors (see Appendix C.1a, Figures 2 through 5). If construction of only Parcel 1 South and 7A are built together, and no residences are occupied on Parcel 8 during any subsequent construction, implementation of Tier 1 Measures above would be adequate to ensure acceptable risk levels to all onsite receptors (see Appendix C.1a, Figures 6 through 9).

The chronic HI would be less than 0.1 at all receptors. The chronic HI would be below the BAAQMD threshold of 1 and the impact of Project construction would be less than significant with respect to chronic health hazards. The acute HI would be less than 0.1 at all receptors. The acute HI would be below the BAAQMD threshold of 1 and the impact of Project construction would be less than significant with respect to acute health hazards.

The maximum annual PM2.5 concentrations as a result of Project construction would be 0.30, 0.04, and 0.11 µg/m³ for the new residence at the Project Site, the nearest school, and the existing residences, respectively. The construction-related annual PM2.5 concentration would not exceed the BAAQMD threshold of 0.3 µg/m³, and hence is considered less than significant, because, as stated above, the modeling analysis assumed implementation of Mitigation Measure AIR-1a, MM AIR-3a is necessary, as listed below.

**Mitigation Measures**

**Mitigation Measure AIR-3a:** Implement Mitigation Measure AIR-1a (Construction Emission Controls).

**Mitigation Measure AIR-3b:** Clean Diesel Engines for Construction Equipment. The Project Applicants shall ensure that construction contract specifications include a requirement that all off-road construction equipment used for Project improvements be equipped with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent. This measure is included in the risks calculated in Tables 4.2-7 and 4.2-8.

**Mitigation Measure AIR-3c:** Restrict Haul Truck Routes. Haul truck contractors exporting excavated soil shall be restricted from using Mt. Diablo Boulevard as a condition of contract. Emissions from haul trucks account for approximately 27 percent of the increased cancer risk and the majority of this increase would be from trucks travelling on Mt. Diablo Boulevard. Therefore, restricting haul trucks from using Mt. Diablo Boulevard to the extent feasible would further reduce the increased cancer risk.

**Mitigation Measure AIR-3d:** Delayed Occupancy of Residential Units. Exposure of occupants of new residential units proposed under the Maximum Mixed-Use Scenario to significant increased cancer risks from construction-related emissions shall be avoided by delaying occupancy until after the completion of demolition and excavation activities, unless the Project Applicants perform a new Health Risk
Assessment prior to the issuance of a building permit for the residential units, demonstrating that the health risk to Project residents from the remaining demolition and excavation activities would be less than significant.

**Mitigation Measure AIR-3e: Construction Plan.** Prior to the issuance of any demolition or construction permits, the Project Applicants shall prepare and provide to the City for City approval a written construction plan to minimize exposure of sensitive receptors to health risks. Such a plan shall include sufficient information as to the type, location, and duration and intensity of use of equipment so as to demonstrate that no significant health risk impacts will result during Project demolition and construction.

**Significance after Mitigation:** Because the required construction plan identified in Mitigation Measure AIR-3e has not yet been prepared, and the reductions associated with the implementation of Mitigation Measure AIR-3e have not been calculated or applied, at this time, this impact is considered Significant and Potentially Unavoidable.

**Mitigation:** None required.

[City-initiated and Comment Letter GG]

6) The following footnote revision is made to Tables 4.6-9 through 4.6-12 starting on Draft EIR page 4.6-28 of the Draft EIR as follows:

   a Detailed assumptions and methodology of the HRA are included in Appendix C.1.

[City-initiated and Comment Letter GG]

7) The following reference is added to the bottom of page 4.2-31, triggered by the new reference added to page 4.2-14 of the Draft EIR (see revision #4, above):

Section 4.6, Greenhouse Gases and Climate

8) Mitigation Measure GHG-1 on page 4.6-14 of the Draft EIR is hereby amended to read as follows:

Mitigation Measure GHG-1: This measure applies to the Project and all alternatives except the No Project alternative. The applicant shall submit for review and approval to the City of Walnut Creek a Greenhouse Gases Emissions Reduction Plan (GHG plan) containing strategies to increase energy efficiency and reduce GHG emissions from the Project to the greatest extent feasible. The applicant shall implement the approved GHG plan. The GHG plan shall include strategies that exceed those already identified in the Project Description, or required by law in effect as of the March 2012 publication of the Draft EIR, and shall particularly include strategies that reduce emissions generated by motor vehicle emissions (which represent the most significant contribution to total Project GHG emissions). The following strategies were assumed in the mitigated scenario for calculation of GHG emissions after mitigation for the Maximum Commercial Scenario in Table 4.6-2 of the Draft EIR:

- Provide a ride sharing program for which 50 percent of employees are eligible;
- Exceed the current Title 24 energy saving requirements in effect on the March 2012 DEIR publication date by 20 percent;
- Use electrically powered landscape equipment;
- Install low-flow bathroom faucets and toilets; and
- Use water efficient irrigation systems and landscaping.

The same strategies were assumed in the mitigated scenario for the Maximum Mixed-Use Scenario in Table 4.6-3 but also included:

- Install low-flow kitchen faucets and showers; and
- Install energy efficient appliances (washing machines, refrigerators, dishwashers, and fans)

The GHG plan shall also include, but is not limited to, adopting feasible and appropriate greenhouse gas emissions reductions strategies as set forth in the “Community Wide Reduction Measures” section of the City of Walnut Creek Climate Action Plan, which was anticipated to be adopted prior to Project approval. The GHG plan for the Project and for the Refined Project Alternative shall include, at a minimum, the following requirements:

1. Obtain LEED certification for all of Macerich’s new construction (landlord core and shell).
2. **Install solar panels designed to generate a minimum of 100 KVA, up to the maximum that can feasibly be used to credit or power Macerich’s energy needs at Broadway Plaza.**

3. **Exceed 2008 Title 24 energy savings by 20%. The 2013 Building Energy Efficiency Standards (which take effect January 1, 2014) are 30 percent more efficient for nonresidential construction and 25 percent more efficient for residential construction than the 2008 Title 24 standards that were in effect when the Draft EIR was published in 2012. Accordingly, any construction that occurs January 1, 2014 or later will automatically exceed this requirement.**

4. **Develop and implement a Transportation Demand Management Program for employees that may include but not be limited to the following measures:**
   
a. **Organize mall tenants around ridesharing, and hold meetings of tenants with invited speakers to share rideshare information and news.**
   b. **Provide a ride sharing program for which at least 50 percent of all employees are eligible.**
   c. **Organize rideshare events and offer promotions to employees and customers.**
   d. **Hold contests and events to recognize “green” mall tenants and employees who rideshare.**
   e. **Provide regular rideshare news for mall employees via newsletter, social media, etc.**
   f. **Pro-actively ridematch mall employees with carpool, vanpool and bike/walk buddies.**
   g. **Sell transit passes at the Concierge Center.**
   h. **Assist smaller tenants and their employees with developing ways to reduce emissions.**
   i. **Partner with the city on transit programs involving all downtown employees, such as carpool matching and events.**
   j. **Provide a guaranteed ride home in the event of an emergency for Macerich employees who rideshare.**
   k. **Install bicycle lockers and showers in locations available to all employees.**

5. **Glazing on all external windows must be high performance type, dual-pane, insulating low-E coated glass with thermally broken frames.**

6. **Encourage tenants to adopt measures to limit their consumption of natural resources, such as waterless urinals, high performance HVAC systems, low-flow bathroom faucets and toilets, and high efficiency lighting.**

7. **Install a parking management system that reduces time spent reaching parking spaces by allowing customers to ascertain more easily whether, when and where parking spaces are available.**
8. **Install charging stations, and reserve parking spaces for low- and no-emissions vehicles and carpools/vanpools.**

9. **Provide information to customers and employees via signs, handouts and website content about bus options, BART options (including the free shuttle), bicycle amenities (parking spaces, bicycle lanes and shower), and the Iron Horse Trail.**

10. **Install a bicycle path along the north side of Newell from Broadway to the driveway entrance across from Maria Lane.**

11. **Develop a site design that highlights pedestrian pathways and includes a creek walk. In connection with the Refined Project Alternative, construct wider sidewalks and raised crosswalks along Broadway Plaza Street.**

12. **Install low-flow bathroom faucets and toilets in all bathrooms Macerich constructs or substantially remodeled.**

13. **Use water efficient irrigation systems and landscaping.**

14. **Use electric-powered landscaping equipment, with the exception of lawnmowers and other heavy equipment that either cannot be operated efficiently without gas-powered engines, or which is not feasibly available.**

15. **Plant trees that will shade buildings (especially on the east and west sides), and require awnings along the west side of the building that faces the highest degree of exposure to afternoon sun (designated as Building 1 in the proposed zoning ordinance for the Refined Project Alternative).**

[City-initiated and Comment Letter GG]

9) The text on page 4.6-17 of the Draft EIR is hereby amended to read as follows:

Project GHG emissions are not anticipated to conflict with the goals targeted by the City of Walnut Creek, which is currently in the process of adopting as set forth in the Climate Action Plan adopted in April 2012. The Climate Action Plan strives for a 15 percent reduction in GHGs in year 2020 compared to a baseline of 2005. By implementing infill uses and committing to sustainable development and greenhouse gas emission strategies\(^\text{1}\), implementation of either scenario or the Refined Project Alternative would be consistent with Transportation and Land Use goals expressed within the Climate Action Plan (CAP). The CAP looks to reductions targets, but does not adopt specific emissions limits or project-specific requirements. As such, assuming there are no substantial changes made to the Climate Action Plan before it is adopted by the City Council, there are no anticipated conflicts between the Project, Alternatives, or Refined Project Alternative as proposed and the goals of the Climate Action Plan.

\(^\text{1}\) Garrett Newland, Vice-President of Development, letter to Kenneth Nodder, September 6, 2013.
Some of the policies and programs from the CAP that could be furthered by the Project Scenarios and Refined Project Alternative include:

- **EU3.2A: Urban Forestry – Continue to implement the City’s Tree Preservation Ordinance.** The City will require replacement and enhancement of street trees and other landscaping at the Project Site, increasing tree cover, shading east and west walls of structures.

- **EU4.1D: Water Conservation – Implement mandatory CALGreen standards for water efficiency in new development.** The City will require compliance with water efficiency standards, which will apply to the new development, thereby replacing fixtures in about 300,000 square feet of existing buildings to be replaced and landscaping irrigation in several acres of landscaping.

- **TLU1.1A: Low-Emission Vehicle Facilities – Amend the Zoning Ordinance to require and encourage the provision of charging stations and designated parking spaces for clean fuel, low-emitting, and carpool/vanpool vehicles and TLU1.1B: Low-Emission Vehicle Facilities – Conduct a feasibility study to investigate the provision of on-street charging station spaces in the public right-of-way.** The Project and Refined Project Alternative will provide electric vehicle charging stations in its private, but publicly-accessible parking garages and will provide designated parking spaces as part of a TDM program.

- **TLU1.2B: Transportation Demand Management (TDM) – Develop policy to allow use of public parking garages and public parking lots for car share use.** The Project Scenarios and Refined Project Alternative will provide car share spaces in its private, but publicly-accessible garages.

- **TLU1.3D: Traffic Calming – Revise Improvement Standards and Zoning Ordinance regulations to both require and encourage pedestrian and bicycle-friendly traffic calming measures.** The Project Scenarios and Refined Project Alternative will provide reduced street widths, widened sidewalks, raised pedestrian crossings, a creek-walk, and other pedestrian and bicycle-friendly improvements throughout the site and connecting to the surrounding downtown.

- **TLU3.3B: Bicycle Parking – Expand the number of bicycle racks and lockers in parking garages, employment centers, shopping centers, transit stations and the Core Area to meet future demands.** The Project Scenarios and Refined Project Alternative would increase the availability of public bicycle parking distributed throughout the site, and provide lockers and showers for employees.

- **Other measures and programs as described in a project-specific TDM program to be implemented during construction, and other LEED-related measures for site development, demolition, construction and operation of the site and new development.**
Section 4.13, Transportation and Circulation

10) The following text is added to page 4.13-56 of the Draft EIR, reflecting additional documentation of the freeway mainline analysis conducted for the Draft EIR:

Under Cumulative conditions, the proposed Maximum Commercial Scenario and the Mixed Use Scenario would add traffic to the congested I-680 segment south of Rudgear Road, which would already operate at LOS F without the addition of project traffic in the northbound direction in the PM peak hour and in the southbound direction in both AM and PM peak hour. The project would also add traffic to the SR 4 segment west of I-680, which would already operate at LOS F without the addition of project traffic in the westbound direction in the AM peak hour and in the eastbound direction in the PM peak hour. The freeway mainline volumes and the number of trips added by the project are summarized in the table below. Where the freeway segment would operate at LOS F, as indicated by highlighted cells in the table, the percentage of mainline traffic is also shown for the trips added by the project.

<table>
<thead>
<tr>
<th>TABLE 4.13-18A</th>
<th>FREEWAY SEGMENT VOLUMES – CUMULATIVE CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Dir</td>
</tr>
<tr>
<td></td>
<td>AM Peak</td>
</tr>
<tr>
<td>I-680 South of</td>
<td>NB</td>
</tr>
<tr>
<td>Rudgear Road</td>
<td>SB</td>
</tr>
<tr>
<td>SR-24 West of I-</td>
<td>WB</td>
</tr>
<tr>
<td>680</td>
<td>EB</td>
</tr>
</tbody>
</table>

As shown, the project would add between 0.07 percent and 1 percent of the total mainline traffic on the affected I-680 and SR 24 directional segments or between 8 and 88 trips on the segments in any given peak hour. This small volume would not exceed the project impact thresholds. While this small increase may contribute to cumulative impacts, such small increase is well within the normal traffic fluctuation on the freeway and thus not perceptible. While the project’s impact on the freeway is not considered to be significant, the City of Walnut Creek and TRANSPAC would coordinate and support the Subregional Transportation Mitigation Program to help address transportation concerns affecting the Central County region.

1 This maximum increase of 1% in freeway traffic volumes compares to a 5% increase (0.05 increase in v/c ratio) necessary to trigger a significant contribution to local intersections operating at an unacceptable level.
Chapter 5, Alternatives

11) The following text on page 5-4 of the Draft EIR is revised as follows:

**Significant Impacts**

To determine alternatives that would avoid or lessen any of the identified significant environmental effects of the Project, the significant impacts must be considered. Impacts that are not mitigated to less-than-significant levels are considered “significant and unavoidable” (“SU”). The SU impacts identified for the Project are listed below.

**Maximum Commercial Scenario**

**Significant and Potentially Unavoidable Air Quality Impact**

- **Impact AIR-3:** The Project would expose persons to substantial levels of TACs, during short term construction activities, which may lead to adverse health effects.

**Significant and Unavoidable Greenhouse Gases and Climate Change Impact**

- **Impact GHG-1:** Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change.

**Significant and Potentially Unavoidable Noise Impact**

- **Impact NOI-2:** Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, if constructed simultaneously with the Project, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels.

**Significant and Unavoidable Noise Impact**

- **Impact NOI-1:** Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project.

**Maximum Mixed-Use Scenario**

**Significant and Potentially Unavoidable Air Quality Impact**

- **Impact AIR-3:** The Project would expose persons to substantial levels of TACs, during short term construction activities, which may lead to adverse health effects.

**Significant and Unavoidable Greenhouse Gases and Climate Change Impact**

- **Impact GHG-1:** Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change.
Significant and Potentially Unavoidable Noise Impact

- Impact NOI-2: Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, if constructed simultaneously with the Project, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels.

Significant and Unavoidable Noise Impact

- Impact NOI-1: Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project.

[City-initiated and Comment Letter GG]

12) The following text starting on page 5-12 of the Draft EIR is revised as follows:

As can be seen from the data in Table 5-3, unmitigated construction-related emissions (Impact AIR-1) would exceed the BAAQMD threshold for NOx for this scenario. The main contributors of NOx during construction are on road haul trucks to export excavated materials and off-road diesel equipment used in demolition and excavation. TAC cancer risk is considered potentially significant for this alternative before mitigation. Implementation of Mitigation Measures AIR-1a, 1b, and AIR-1c described for the Project would reduce emissions for this alternative. Toxic Air Contaminants (TACs) cancer risk associated with construction (Impact AIR-3) of the Reduced Development Alternative—No Macy’s could also be potentially significant after mitigation. This alternative would also implement Mitigation Measures AIR-3a, 3b, 3c, 3d, and 3e. In the absence of a construction plan, as required under Mitigation Measure AIR-3e, it is unknown whether the impact can be reduced to a level of less than significant. However, like the Project, this Alternative would have construction related cancer risk, chronic and acute health risk, as well as PM2.5 concentrations, that would be less than significant. Although TAC cancer risk is considered potentially significant for this alternative, overall emissions would be less than the Project during construction. Therefore, similar to the Project, Impact AIR-1 would be less than significant with mitigation and Impact AIR-3 would remain significant and potentially unavoidable for the Maximum Commercial scenario under Alternative 1.

[City-initiated and Comment Letter GG]
13) The following text starting on page 5-14 of the Draft EIR is revised as follows:

As can be seen from the data in Table 5-5, unmitigated construction-related emissions would exceed the BAAQMD threshold for NOx for this scenario. The main contributors of NOx during construction are on-road haul trucks to export excavated materials and off-road diesel equipment used in demolition and excavation. Implementation of Mitigation Measures AIR-1a, AIR-1b, and AIR-1c described for the Project would reduce emissions for this alternative. TAC cancer risk associated with construction (Impact AIR-3) of the Reduced Development Alternative—No Macy’s is anticipated to be potentially significant after implementation of Mitigation Measures AIR-3a, AIR-3b, AIR-3c, AIR-3d, and AIR-3e. In the absence of a construction plan, as required under Mitigation Measure AIR-3e, it is unknown whether the impact can be reduced to a level of less than significant. However, like the Project, chronic and acute health risk, as well as PM2.5 concentrations, would be less than significant. Therefore, like the Project, Impact AIR-1 would be less than significant with mitigation and Impact AIR-3 would remain significant and potentially unavoidable for the Maximum Mixed-Use scenario under Alternative 1.

[City-initiated and Comment Letter GG]

14) The following text starting on page 5-24 of the Draft EIR revised as follows:

As can be seen from the data in Table 5-9, unmitigated construction-related emissions (Impact AIR-1) would exceed the BAAQMD threshold for NOx. The main contributors of NOx during construction are on-road truck trip to haul excavated materials and off-road diesel equipment used for demolition and grading activities. Implementation of Mitigation Measures AIR-1a, AIR-1b, and AIR-1c described for the Project would reduce emissions for this alternative. Diesel particulate matter emissions associated with construction of this alternative would be substantially lower than those estimated for the Project and would have a proportionate reduction in increased cancer risk. Consequently, TAC cancer risk associated with construction (Impact AIR-2) of this alternative is anticipated to be less than significant after mitigation. Like the Project, chronic and acute health risk, as well as PM2.5 concentrations would be less than significant. Like the Project, Impact AIR-1 for Alternative 2 would be less than significant with mitigation. Unlike the Project, Impact AIR-3 under Alternative 2 would be less than significant with mitigation.

[City-initiated and Comment Letter GG]
15) The following text starting on page 5-31 of the Draft EIR revised as follows:

As can be seen from the data in Table 5-12, unmitigated construction-related emissions (Impact AIR-1) would be below BAAQMD thresholds for ROG, NOx, PM10 and PM2.5. Unmitigated diesel particulate matter emissions from construction (Impact AIR-3) under this alternative are estimated to be far lower than those estimated for the Project and continue for one year rather than 30 to 36 months. Consequently, TAC cancer risk associated with construction of this alternative is anticipated to be less than significant and no mitigation would be required. Like the Project, chronic and acute health risk, as well as PM2.5 concentrations would be less than significant. Like the Project, Impact AIR-1 for the No Project alternative would be less than significant. ** Unlike the Project, Impact AIR-3 for Alternative 3 would be less than significant. **

[City-initiated and Comment Letter GG]

16) The following text starting on page 5-36 of the Draft EIR revised as follows:

**Cumulative Conditions**

Intersection operations under Cumulative conditions are presented in Table 5-17. Alternative 4 would contribute to the already substandard operation at the intersection of Broadway and Mount Diablo Boulevard during the p.m. peak hour and cause the v/c to increase by 0.05; thereby exceeding the significance threshold.

This is a new significant impact not identified in Section 4.13, Transportation and Circulation. This cumulative impact was addressed in the General Plan EIR Impact TRAF 4, which includes the Broadway and Mount Diablo Boulevard intersection along with a number of other intersections. The General Plan EIR stated that “the opportunities to improve these intersections are limited due primarily to right-of-way constraints as well as the desire to maintain the pedestrian oriented nature of the Core Area…this would be considered a significant and unavoidable impact.” However, under this Reduced Parking Alternative, **Therefore, the project’s contribution to the cumulative impacts at this intersection would be considered significant and unavoidable.**

[City-initiated]
17) The following text starting on page 5-44 of the Draft EIR revised as follows:

### 5.5.1 Assessment of Environmentally Superior Alternative

Alternative 3, the No Project Alternative, has the fewest significant impacts and reduces significant air quality, greenhouse gases and noise impacts that were identified with the Project to less than significant levels (Impacts AIR-3, GHG-1, NOI-1 and NOI-2). Section 15126.6(e)(2) of the CEQA Guidelines requires that if the No Project Alternative is identified as the environmentally superior alternative, then the EIR shall identify another alternative as the environmentally superior alternative.

Alternative 2, the Reduced Development Alternative-96,000 Square-foot Expansion, is considered the environmentally superior alternative because it would avoid and/or substantially reduce significant impacts of the Project to the greatest extent compared to the other action alternative. Specifically, with Alternative 2, would reduce exposure of persons to substantial levels of Toxic Air Contaminants during construction activities to a level that is less than significant with mitigation, compared to the Project, which would result in a significant and potentially unavoidable impact (Impact AIR-3). All other impacts resulting with the Project would continue to occur with Alternative 2. However, because the alternative would develop substantially less net new development and result in no less new population on site, the less-than-significant effects identified for all other topics, would also occur to a lesser degree than would occur with the Project.

[City-initiated and Comment Letter GG]

18) Table 5-18 on page 5-44 of the Draft EIR is revised as shown on the following page.
## TABLE 5-18 REV
### SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

<table>
<thead>
<tr>
<th>NOTE: Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.</th>
<th>Proposed Project</th>
<th>Alternative 1 Reduced Project (No Macys)</th>
<th>Alternative 2 Reduced Development (96,000 sf)</th>
<th>Alternative 3 No Project</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Commercial</td>
<td>Maximum Mixed-Use</td>
<td>Maximum Commercial</td>
<td>Maximum Mixed-Use</td>
<td>Maximum Commercial</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact AIR-1: Activities associated with demolition, site preparation, and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions (Criteria 1 and 2).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact AIR-2: Operation of the Project would result in increased long-term emissions of criteria pollutants (Criteria 1 and 2).</td>
<td>LSM</td>
<td>LSM</td>
<td>LS</td>
<td>LSM</td>
<td>LS</td>
</tr>
<tr>
<td>Impact AIR-3: The Project would expose persons to substantial levels of TACs, during short-term construction activities, which may lead to adverse health effects (Criteria 4).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LS</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact AIR-4: The Project, together with anticipated cumulative development in the Bay Area Air Basin, would contribute to regional criteria pollutants (Criterion 3).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td><strong>Biological Resources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact BIO-1: The Project could negatively impact special-status wildlife species (Criterion 1).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact BIO-2: The Project would not impact sensitive natural communities recognized by CDFG, such as riparian woodland or freshwater wetland (Criterion 2).</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
</tr>
<tr>
<td>Impact BIO-2 (5A): The Refined Project Alternative could impact sensitive natural communities recognized by California Department of Fish and Wildlife (CDFW), such as riparian woodland or freshwater wetland (Criterion 2).</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Impact BIO-3: The Project would not impact jurisdictional waters, including wetlands and other waters of the U.S. within San Ramon Creek (Criterion 3).</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
<td>LS</td>
</tr>
</tbody>
</table>

**Legend**
- **LS** Less than significant or negligible impact; no mitigation required
- **LSM** Less than significant impact, after mitigation
- **S** Significant impact, mitigation required to lower impact to less than significant level
- **PS** Significant impact, mitigation measures may be able to reduce impact to less-than-significant level
- **SU** Significant and unavoidable adverse impact, after mitigation
- **N** No impact
- **Δ** Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; Changes from proposed project impact determination shown in bold.
### TABLE 5-18 REV
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

**NOTE:** Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.

<table>
<thead>
<tr>
<th>Impact (Cont.)</th>
<th>Proposed Project</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact BIO-3 (5A): The Refined Project Alternative could impact jurisdictional waters, including wetlands and other waters of the U.S. within San Ramon Creek (Criterion 3).</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Impact BIO-4: The Project would not impact movement of wildlife species, active wildlife corridors, or wildlife nursery sites (Criterion 4).</td>
<td>LS</td>
<td>LS</td>
<td>LS§</td>
<td>LS§</td>
<td>LS§</td>
</tr>
</tbody>
</table>

**Cultural Resources**

<table>
<thead>
<tr>
<th>Impact (Criterion 2).</th>
<th>Proposed Project</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact CUL-1: The Project could result in a substantial adverse change in the significance of a historical resource (Criterion 1).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM§</td>
<td>LSM§</td>
<td>LSM§</td>
</tr>
<tr>
<td>Impact CUL-2: The Project could result in a substantial adverse change in the significance of a unique archaeological resource (Criterion 2).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM§</td>
<td>LSM§</td>
<td>LSM§</td>
</tr>
<tr>
<td>Impact CUL-3: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Criterion 3).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM§</td>
<td>LSM§</td>
<td>LSM§</td>
</tr>
<tr>
<td>Impact CUL-4: The Project could disturb human remains (Criterion 4).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM§</td>
<td>LSM§</td>
<td>LSM§</td>
</tr>
<tr>
<td>Impact CUL-5: The Project, combined with cumulative development, including past, present, and reasonably foreseeable future development, could result in a significant adverse cumulative cultural resources impact.</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM§</td>
<td>LSM§</td>
<td>LSM§</td>
</tr>
</tbody>
</table>

**Greenhouse Gases and Climate Change**

<table>
<thead>
<tr>
<th>Impact (Criterion 1).</th>
<th>Proposed Project</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact GHG-1: Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change (Criterion 1).</td>
<td>SU</td>
<td>SU</td>
<td>SU§</td>
<td>SU§</td>
<td>SU§</td>
</tr>
<tr>
<td>Impact GHG-2: The Project would not conflict with an applicable plan, policy, or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions (Criterion 2).</td>
<td>LS</td>
<td>LS</td>
<td>LS§</td>
<td>LS§</td>
<td>LS§</td>
</tr>
</tbody>
</table>

**Legend**

- LS: Less than significant or negligible impact; no mitigation required
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- SU: Significant and unavoidable adverse impact, after mitigation
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### TABLE 5-18 REV
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

**NOTE:** Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Proposed Project</th>
<th>Alternative 1 Reduced Project (No Macys)</th>
<th>Alternative 2 Reduced Development (96,000 sf)</th>
<th>Alternative 3 No Project</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazards and Hazardous Materials</strong></td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact HAZ-1: The Project could encounter contamination from past releases of</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>hazardous materials in the area of the Project Site, such as from underground</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>fuel storage tanks, could potentially expose residents or workers to hazardous</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>materials or wastes (Criteria 1 and 4).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td><strong>Noise and Vibration</strong></td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>Impact NOI-1: Construction activities of the Project would expose people to</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>noise levels in excess of standards established in General Plan 2025 (Criterion 1).</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>Impact NOI-2: Traffic generated by the Project, in combination with traffic</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>from past, present, existing, approved, pending and reasonably foreseeable</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>future projects, could substantially increase traffic noise levels in the Project</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>Area; and construction and operational noise levels in combination with traffic</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>from past, present, existing, approved, pending and reasonably foreseeable</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>future projects, could increase ambient noise levels if reasonably foreseeable</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td>future projects are constructed simultaneously with the Project.</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>SU</td>
<td>LS</td>
</tr>
<tr>
<td><strong>Transportation and Circulation</strong></td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact TRA-1: The Project, under both scenarios, could substantially increase</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>hazards due to a design feature or incompatible uses (Criterion 4).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact TRA-2: Remediation, demolition and construction activities associated with</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>the Project, under both scenarios, would result in temporary circulation impacts</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>on the street system (Criteria 1, 4, and 6).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
<tr>
<td>Impact TRA-5A: The Refined Project Alternative could substantially increase</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>LSM</td>
</tr>
<tr>
<td>hazards due to a design feature or incompatible uses (Criterion 4).</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>LSM</td>
</tr>
</tbody>
</table>

**Legend**

- **LS**: Less than significant or negligible impact; no mitigation required
- **LSM**: Less than significant impact, after mitigation
- **S**: Significant impact, mitigation required to lower impact to less than significant level
- **PS**: Significant impact, mitigation measures may be able to reduce impact to less-than-significant level
- **SU**: Significant and unavoidable adverse impact, after mitigation
- **N**: No impact
- **NS**: Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; Changes from proposed project impact determination shown in bold.
TABLE 5-18 REV
SUMMARY COMPARISON OF IMPACTS: PROJECT AND ALTERNATIVES

<table>
<thead>
<tr>
<th>Utilities and Service Systems</th>
<th>Proposed Project</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Refined Project Alternative (from Chapter 5A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Maximum</td>
<td>Maximum</td>
<td>Maximum</td>
<td>Maximum Development (96,000 sf)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial</td>
<td>Mixed-Use</td>
<td>Commercial</td>
<td>No Project</td>
</tr>
<tr>
<td>Impact UTIL-1: The Project would result in temporary adverse effects on solid waste landfill capacity (Criterion 6).</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
<td>LSM</td>
</tr>
</tbody>
</table>

NOTE: Significance levels shown in the table reflect levels of significance after mitigation and indicate maximum impact during buildout and operation, unless otherwise specified.

Legend
LS Less than significant or negligible impact; no mitigation required
LSM Less than significant impact, after mitigation
S Significant impact, mitigation required to lower impact to less than significant level
PS Significant impact, mitigation measures may be able to reduce impact to less-than-significant level
SU Significant and unavoidable adverse impact, after mitigation
N No impact
◊◊ Impact is more severe or less severe than project impact, after mitigation, but with no change in impact determination; Changes from proposed project impact determination shown in bold.
Chapter 6, Impact Overview and Growth Inducement

19) The following text starting on page 6-1 of the Draft EIR revised as follows:

**Significant, Unavoidable and Cumulative Environmental Impacts**

A significant and unavoidable impact would result if a project reaches or exceeds the defined threshold of significance and no feasible mitigation measure is available to reduce the significant impact to a less-than-significant level. The Project would result in the following significant and unavoidable (SU) impacts or cumulative impacts, as identified in Chapter 4 of this EIR.

**SU Air Quality Impacts**

*Maximum Commercial Scenario*

**Significant and Potentially Unavoidable Air Quality Impact**

- **Impact AIR-3:** The Project would expose persons to substantial levels of TACs, during short term construction activities, which may lead to adverse health effects.

**Significant and Unavoidable Greenhouse Gases and Climate Change Impact**

- **Impact GHG-1:** Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change.

**Significant and Potentially Unavoidable Noise Impact**

- **Impact NOI-2:** Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, if constructed simultaneously with the Project, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels.

**Significant and Unavoidable Noise Impact**

- **Impact NOI-1:** Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project.

*Maximum Mixed-Use Scenario*

**Significant and Potentially Unavoidable Air Quality Impact**

- **Impact AIR-3:** The Project would expose persons to substantial levels of TACs, during short term construction activities, which may lead to adverse health effects.
3. Modifications to the Draft EIR and the Re-circulated Chapter 5A

Significant and Unavoidable Greenhouse Gases and Climate Change Impact

- **Impact GHG-1:** Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change

Significant and Potentially Unavoidable Noise Impact

- **Impact NOI-2:** Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, *if constructed simultaneously with the Project*, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels

Significant and Unavoidable Noise Impact

- **Impact NOI-1:** Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project

[City-initiated and Comment Letter GG]

### 3.3 Modifications to the Re-Circulated Chapter 5A

**Section 5A.4, Impacts Already Studied in the EIR**

1) The following text regarding construction-related health risk, starting on page 4-1 of the Re-Circulated Chapter 5A is revised as follows:

**Air Quality**

The operational and construction emissions of the Refined Project Alternative would be the same as those of the Maximum Commercial Scenario of the Project, but relocated within the Project Site. Specifically, the Refined Project Alternative, compared to the Project, proposes to relocate the heavy excavation work required for construction of an underground garage from Garage B in the center of the Project Site to Garage D at the corner of Newell and Broadway. Garage D is located closer to sensitive receptors than is Garage B.

The relocation does not affect the air quality emissions analysis, which evaluates contributions to emissions throughout the Bay Area. The health risk assessment conducted for construction of the proposed Project in the Draft EIR applied a Project-specific conservative set of assumptions because specific detail, in terms of timing of the construction phases and the type, specifications, and location of on-road and off-road equipment, was not available. Consequently, construction emissions and construction areas were modeled specifically on the potential locations as a large area source inclusive of all project construction areas, and
construction equipment was assumed to be located anywhere within those designated areas. The construction areas are shown in Appendix C.1a, Figure 10, and the modeled receptors are shown in Appendix C.1a, Figure 11. Therefore, construction-related impacts of all other modeling and assumptions described for the Project were applied to the Refined Project Alternative and would be similar to the Maximum Commercial scenario analyzed in the Draft EIR in terms of construction equipment assumptions.

Because the analysis in Impact AIR-3 (Construction Health Risk) of the Draft EIR already assumed this activity could occur anywhere within the Project Site, the potential construction health risk impacts of the Refined Project Alternative are captured within the risk estimates presented in Table 5A.4-1 Section 4.2 in Table 4.2.7 of the Draft EIR for the Maximum Commercial scenario, and would represent a potentially-less-than-significant impact. Mitigation Measures AIR-3a through AIR-3e that are identified in the Draft EIR would apply to the Refined Project Alternative, and as identified for the Maximum Commercial scenario, the impact would be conservatively considered to be significant and potentially unavoidable because the construction plan required by Mitigation Measure AIR-3e has not yet been prepared.

**TABLE 5A.4-1**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Cancer Risk (persons per million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refined Project Alternative</td>
<td>9.06</td>
</tr>
</tbody>
</table>

*BAAQMD Significance Criteria*  
Significant Impact? No

a Detailed assumptions and methodology of the HRA are included in Appendix C.1.

b Three-year construction schedule is assumed. With a 2.5-year construction schedule, the Existing Residence-child cancer risk would be 9.14. Assumes Tier 2 Measures.

**SOURCE:** ENVIRON, 2013.

[City-initiated and Comment Letter GG]
3.4 Revised Summary Table of Impacts, Mitigation Measures and Residual Impacts

Table 2-1 on page 2-5 of the Draft EIR is revised as shown on the following page and incorporates impacts and mitigation measures specific to the Refined Project Alternative addressed in Chapter 5A.
### TABLE 2-1 REV

**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measures</th>
<th>Level of Significance after application of Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
<td><strong>Mitigation Measure AIR-1a: Construction Emission Controls.</strong> During construction, the Project Applicant shall require the construction contractor to implement the measures that are specified under BAAQMD’s basic and additional construction mitigation procedures. These include:</td>
<td></td>
</tr>
</tbody>
</table>
| Impact AIR-1: Activities associated with demolition, site preparation, and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. | - **Basic Control Measures.** These measures are required for all construction projects in the BAAQMD jurisdiction:  
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.  
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.  
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.  
  - All vehicle speeds on unpaved roads shall be limited to 15 mph. Signage with this speed restriction shall be imposed where appropriate and applicable.  
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.  
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.  
  - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. | Less than Significant. |
### TABLE 2-1 REV (Continued)
**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

<table>
<thead>
<tr>
<th>Environmental Impact</th>
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<tbody>
<tr>
<td><strong>Air Quality (cont.)</strong></td>
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<tr>
<td>Impact AIR-1 (cont.)</td>
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<td></td>
<td><strong>Additional Control Measures.</strong> Since unmitigated construction emissions would exceed the BAAQMD thresholds, the Project Applicants and their contractors shall implement the following additional control measures during project construction:</td>
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<td></td>
<td>– Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.</td>
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<td></td>
<td>– The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</td>
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<td></td>
<td>– Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.</td>
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<td></td>
<td>Require all contractors to use equipment that meets CARB’s most recent certification standard for off-road heavy duty diesel engines.</td>
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<td></td>
<td><strong>Mitigation Measure AIR-1b: Demolition Controls.</strong> Demolition and disposal of any asbestos containing building material would be in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD’s regulations.</td>
<td></td>
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</tbody>
</table>
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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<tr>
<td><strong>Air Quality (cont.)</strong></td>
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<tr>
<td>Impact AIR-1 (cont.)</td>
<td>Mitigation Measure AIR-1c: Off-road Demolition and Grading Equipment Emission Controls. Emission of NOx associated with demolition and grading activities would exceed BAAQMD significance thresholds without mitigation. Excavators engaged in demolition and grading activities shall be equipped with Tier 4 engines. All other off-road construction equipment engaged in demolition and grading activities shall be equipped with Tier 3 or better engines.</td>
<td>Less than Significant.</td>
</tr>
<tr>
<td>Impact AIR-2: Operation of the Project would result in increased long-term emissions of criteria pollutants (Criteria 1 and 2).</td>
<td>Mitigation Measure AIR-2a: Operational NOx Emission Reduction – Maximum Commercial Scenario. The Project Applicant shall implement a voluntary commute trip reduction program with employers to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as car-pooling, taking transit, walking, and biking. The program may include, but is not limited to, a ride-sharing program for which 50 percent or greater of Project employees are eligible, carpooling encouragement, preferential carpooling parking, a transportation coordinator, and ride matching assistance. Mitigation Measure AIR-2b: Operational Emission Controls – Maximum Mixed-Use Scenario. Natural gas-only fireplace hearths. Wood burning fireplaces shall not be installed in proposed residential units. If fireplaces are to be included in the design of residential units, these hearths shall be designed for natural gas combustion only.</td>
<td>Less than Significant.</td>
</tr>
<tr>
<td>Impact AIR-3: The Project would expose persons to substantial levels of TACs, during short-term construction activities, which may lead to adverse health effects (Criterion 4).</td>
<td>Mitigation Measure AIR-3a: Implement Mitigation Measure AIR-1a (Construction Emission Controls). Mitigation Measure AIR-3b: Clean Diesel Engines for Construction Equipment. The Project Applicants shall ensure that construction contract specifications include a requirement that all off-road construction equipment used for Project improvements be equipped with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent. This measure is included in the risks calculated in Tables 4.2-7 and 4.2-8</td>
<td>Significant and Potentially Unavoidable.</td>
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</table>
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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<tr>
<td><strong>Air Quality (cont.)</strong></td>
<td><strong>Mitigation Measure AIR-3c: Restrict Haul Truck Routes.</strong> Haul truck contractors exporting excavated soil shall be restricted from using Mt. Diablo Boulevard as a condition of contract. Emissions from haul trucks account for approximately 27 percent of the increased cancer risk and the majority of this increase would be from trucks travelling on Mt. Diablo Boulevard. Therefore, restricting haul trucks from using Mount Diablo Boulevard to the extent feasible would further reduce the increased cancer risk. <strong>Mitigation Measure AIR-3d: Delayed Occupancy of Residential Units.</strong> Exposure of occupants of new residential units proposed under the Maximum Mixed Use Scenario to significant increased cancer risks from construction-related emissions shall be avoided by delaying occupancy until after the completion of demolition and excavation activities, unless the Applicant performs a new Health Risk Assessment prior to the issuance of a building permit for the residential units, demonstrating that the health risk to Project residents from the remaining demolition and excavation activities would be less than significant. <strong>Mitigation Measure AIR-3e: Construction Plan.</strong> Prior to the issuance of any demolition or construction permits, Project Applicant shall prepare and provide to the City for City approval a written construction plan to minimize exposure of sensitive receptors to health risks. Such a plan shall include sufficient information as to the type, location, and duration and intensity of use of equipment so as to demonstrate that no significant health risk impacts will result during Project demolition and construction.</td>
<td>Less than Significant.</td>
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<tr>
<td><strong>Impact AIR-4:</strong> The Project, together with anticipated cumulative development in the Bay Area Air Basin, would contribute to regional criteria pollutants (Criterion 3).</td>
<td><strong>Mitigation Measure AIR-4: Implement Mitigation Measures AIR-1a, AIR-1c, AIR-2a, and AIR-2b.</strong></td>
<td>Less than Significant.</td>
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</table>
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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<tbody>
<tr>
<td><strong>Biological Resources</strong></td>
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</table>
| Impact BIO-1: The Project could negatively impact special-status wildlife species (Criterion 1). | **Mitigation Measure BIO-1:** The Project Applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:  
   - If construction activities for the Project occur only during the non-breeding season, between August 31 and February 1, no surveys shall be required.  
   - During the breeding bird season (February 1 through August 31) a qualified biologist shall survey the Project Site for nesting passerine birds not more than 14 days prior to any tree removal, grading, excavation or project construction. Surveys shall include all line-of-sight trees and all vegetation within 250 feet of construction activities.  
   - If nesting passerine birds are found, the qualified biologist shall recommend measures necessary to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success, which may include construction buffer areas or seasonal avoidance.  
   - Based on the results of the surveys, avoidance procedures shall be adopted, as recommended by the qualified biologist. | Less than Significant. |
| Impact BIO-2 (5A): The Refined Project Alternative could impact sensitive natural communities recognized by California Department of Fish and Wildlife (CDFW), such as riparian woodland or freshwater wetland (Criterion 2). | **Mitigation Measure BIO-2 (5A) (Riparian Habitat):** If Macy’s expands in a southerly direction and the existing one-lane bridge is replaced, mitigation for the loss of 0.15 acres of riparian habitat will be accomplished through the enhancement of approximately 0.45 acre and 250 linear feet of moderate quality riparian and instream habitat between Newell Avenue and the proposed bridge replacement site. The enhancement effort will include the following components:  
   1. Removal of trash and debris from the riparian corridor;  
   2. Removal of invasive species (ivy/Himalayan blackberry, and any other invasive species present);  
   3. Planting native riparian trees and shrubs in this reach to enhance riparian and instream habitat functions and values. At a minimum, the number of native trees and shrubs planted will be equal to or greater than the number of native trees and shrubs removed from the riparian habitat as part of the Refined Project Alternative. | Less than Significant if Macy’s is expanded southward and the one-lane bridge is replaced; No Impact if Macy’s is expanded eastward and the one-lane bridge is not replaced. |
### TABLE 2-1 REV (Continued)
**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

<table>
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<tr>
<td><strong>Biological Resources (cont.)</strong></td>
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<tr>
<td>Impact BIO-2 (5A) (cont.)</td>
<td><strong>In support of the project permitting process the project proponent shall prepare a Riparian Enhancement and Monitoring Plan that shall be submitted to the City and to CDFW, RWQCB, and the Corps as appropriate. The Plan shall include, but not be limited to, the following elements:</strong></td>
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<tr>
<td></td>
<td>1. <strong>Enhancement goals</strong></td>
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<td></td>
<td>2. <strong>Enhancement methods (e.g. invasive plant removal, native planting, plant palette, etc.)</strong></td>
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<td>3. <strong>Monitoring methods (e.g. photodocumentation, percent survival for installed plants):</strong></td>
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<td>- The monitoring period for installed plants shall be 5 years</td>
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<td>4. <strong>Performance standards, including but not limited to, the following:</strong></td>
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<td>- 80 percent survival of installed plants in Year 5</td>
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<td></td>
<td>- Site maintained with less than 10 percent cover of invasive species</td>
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<td></td>
<td>- Site maintained free of trash and debris</td>
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<td>5. <strong>Financial assurances for the 5-year monitoring period as well as ongoing maintenance of the enhancement site in perpetuity</strong></td>
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<td></td>
<td>If the Refined Project Alternative is implemented with the easterly expansion of Macy’s and the one-lane bridge is not replaced, this Mitigation Measure shall neither be necessary nor required.</td>
<td></td>
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</tbody>
</table>

**Impact BIO-3 (5A):** The Refined Project Alternative could impact jurisdictional waters, including wetlands and other waters of the U.S. within San Ramon Creek (Criterion 3).

**Mitigation Measure BIO-3 (5A) (Wetlands and Other Waters):** Same as Mitigation Measure BIO-2 (5A).

**Level of Significance after application of Mitigation:** Less than Significant.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Cultural Resources</td>
<td></td>
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<tr>
<td>Impact CUL-1: The Project could result in a substantial adverse change in the significance of a historical resource (Criterion 1).</td>
<td>Mitigation Measure CUL-1: If prehistoric or historic-period archaeological resources are encountered during earth-moving activities, all construction activities within 50 feet must stop and the City shall be notified. A qualified archaeologist shall inspect the findings within 24 hours of discovery. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed development could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Additionally, in accordance with Public Resource Code Section 5097.993, the Project Applicant shall inform project personnel that the collection of any Native American artifact is prohibited by law.</td>
<td>Less than Significant.</td>
</tr>
<tr>
<td>Impact CUL-2: The Project could result in a substantial adverse change in the significance of a unique archaeological resource (Criterion 2).</td>
<td>Mitigation Measure CUL-2: Implement Mitigation Measure CUL-1.</td>
<td>Less than Significant.</td>
</tr>
<tr>
<td>Impact CUL-3: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Criterion 3).</td>
<td>Mitigation Measure CUL-3: A qualified paleontologist shall be present during all excavation of previously-undisturbed soils that a qualified geologist has determined are unlikely to consist of highly weathered bedrock. If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work within at least 25 feet of the find. The paleontologist shall evaluate the resource and prepare a proposed mitigation plan in conformance with SVP guidelines (1995). The proposed mitigation plan, which shall be reviewed and approved by the City, may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. The applicant shall implement the recommendations of the paleontologist before construction activities can resume at the site where the paleontological resources were discovered.</td>
<td>Less than Significant.</td>
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</thead>
<tbody>
<tr>
<td><strong>Impact CUL-4</strong>: The Project could disturb human remains (Criterion 4).</td>
<td>Mitigation Measure CUL-4: If human remains are discovered during construction, the measures specified in Section 15064.5(e)(1) of the CEQA Guidelines shall be followed, which are as follows: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Contra Costa County coroner is contacted to determine that no investigation of the death is required, and b. If the coroner determines the remains to be Native American: i. The Coroner shall contact the NAHC within 24 hours; ii. The NAHC shall identify the person or persons it believes to be most likely descended from the deceased Native American; iii. The most likely descendent (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or; 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: a. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 24 hours after being notified by the Commission; b. The MLD identified fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the NAHC fails to provide measures acceptable to the landowner.</td>
<td>Less than Significant.</td>
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</table>
### TABLE 2-1 REV (Continued)
**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

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<td><strong>Cultural Resources (cont.)</strong></td>
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<tr>
<td><strong>Impact CUL-5:</strong> The Project, combined with cumulative development, including past, present, and reasonably foreseeable future development, could result in a significant adverse cumulative cultural resources impact.</td>
<td><strong>Mitigation Measure CUL-5:</strong> Implement Mitigation Measures CUL-1, CUL-2, CUL-3 and CUL-4.</td>
<td>Less than Significant.</td>
</tr>
<tr>
<td><strong>Greenhouse Gases and Climate Change</strong></td>
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</tbody>
</table>
| **Impact GHG-1:** Construction and operation of the Project would result in a cumulatively considerable contribution towards global climate change (Criterion 1). | **Mitigation Measure GHG-1:** The applicant shall submit for review and approval to the City of Walnut Creek a Greenhouse Gases Emissions Reduction Plan (GHG plan) containing strategies to increase energy efficiency and reduce GHG emissions from the Project to the greatest extent feasible. The applicant shall implement the approved GHG plan. The GHG plan shall include strategies that exceed those already identified in the Project Description, or required by law *in effect as of the March 2012 publication of the Draft EIR*, and shall particularly include strategies that reduce emissions generated by motor vehicle emissions (which represent the most significant contribution to total Project GHG emissions). The following strategies were assumed in the mitigated scenario for calculation of GHG emissions after mitigation for the Maximum Commercial Scenario in Table 4.6-2:  
  - Provide a ride sharing program for which 50 percent of employees are eligible;  
  - Exceed the Title 24 energy saving requirements *in effect on the March 2012 DEIR publication date* by 20 percent;  
  - Use electrically powered landscape equipment;  
  - Install low-flow bathroom faucets and toilets; and  
  - Use Water efficient irrigation systems and landscaping.  
The same strategies were assumed in the mitigated scenario for the Maximum Mixed-Use Scenario in Table 4.6-3 but also included:  
  - Install low-flow kitchen faucets and showers; and  
  - Install energy efficient appliances (washing machines, refrigerators, dishwashers and fans) | Significant and Unavoidable. |
TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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**Greenhouse Gases and Climate Change (cont.)**

Impact GHG-1 (cont.)

The GHG plan **shall** may also include, but is not limited to, adopting feasible and appropriate greenhouse gas emissions reductions strategies as set forth in the “Community Wide Reduction Measures” section of the City of Walnut Creek Climate Action Plan, which is anticipated to be adopted prior to Project approval. The GHG plan for the Project and for the Refined Project Alternative shall include, at a minimum, the following requirements:

1. Obtain LEED certification for all of Macerich’s new construction (landlord core and shell).
2. Install solar panels designed to generate a minimum of 100 KVA, up to the maximum that can feasibly be used to credit or power Macerich’s energy needs at Broadway Plaza.
3. Exceed 2008 Title 24 energy savings by 20%. The 2013 Building Energy Efficiency Standards (which take effect January 1, 2014) are 30 percent more efficient for nonresidential construction and 25 percent more efficient for residential construction than the 2008 Title 24 standards that were in effect when the Draft EIR was published in 2012. Accordingly, any construction that occurs January 1, 2014 or later will automatically exceed this requirement.
4. Develop and implement a Transportation Demand Management Program for employees that may include but not be limited to the following measures:
   a. Organize mall tenants around ridesharing, and hold meetings of tenants with invited speakers to share rideshare information and news.
   b. Provide a ride sharing program for which at least 50 percent of all employees are eligible.
   c. Organize rideshare events and offer promotions to employees and customers.
   d. Hold contests and events to recognize “green” mall tenants and employees who rideshare.
   e. Provide regular rideshare news for mall employees via newsletter, social media, etc.
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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<tr>
<td>Greenhouse Gases and Climate Change (cont.)</td>
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<tr>
<td>Impact GHG-1 (cont.)</td>
<td><strong>f.</strong> Pro-actively ridematch mall employees with carpool, vanpool and bike/walk buddies.</td>
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<td></td>
<td><strong>g.</strong> Sell transit passes at the Concierge Center.</td>
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<td></td>
<td><strong>h.</strong> Assist smaller tenants and their employees with developing ways to reduce emissions.</td>
</tr>
<tr>
<td></td>
<td><strong>i.</strong> Partner with the city on transit programs involving all downtown employees, such as carpool matching and events.</td>
</tr>
<tr>
<td></td>
<td><strong>j.</strong> Provide a guaranteed ride home in the event of an emergency for Macerich employees who rideshare.</td>
</tr>
<tr>
<td></td>
<td><strong>k.</strong> Install bicycle lockers and showers in locations available to all employees.</td>
</tr>
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<td></td>
<td><strong>5.</strong> Glazing on all external windows of must be high performance type, dual-pane, insulating low-E coated glass with thermally broken frames.</td>
</tr>
<tr>
<td></td>
<td><strong>6.</strong> Encourage tenants to adopt measures to limit their consumption of natural resources, such as waterless urinals, high performance HVAC systems, low-flow bathroom faucets and toilets, and high efficiency lighting.</td>
</tr>
<tr>
<td></td>
<td><strong>7.</strong> Install a parking management system that reduces time spent reaching parking spaces by allowing customers to ascertain more easily whether, when and where parking spaces are available.</td>
</tr>
<tr>
<td></td>
<td><strong>8.</strong> Install charging stations, and reserve parking spaces for low- and no-emissions vehicles and carpools/vanpools.</td>
</tr>
<tr>
<td></td>
<td><strong>9.</strong> Provide information to customers and employees via signs, handouts and website content about bus options, BART options (including the free shuttle), bicycle amenities (parking spaces, bicycle lanes and shower), and the Iron Horse Trail.</td>
</tr>
<tr>
<td></td>
<td><strong>10.</strong> Install a bicycle path along the north side of Newell from Broadway to the driveway entrance across from Maria Lane.</td>
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<td></td>
<td><strong>11.</strong> Develop a site design that highlights pedestrian pathways and includes a creek walk. In connection with the Refined Project Alternative, construct wider sidewalks and raised crosswalks along Broadway Plaza Street.</td>
</tr>
<tr>
<td></td>
<td><strong>12.</strong> Install low-flow bathroom faucets and toilets in all bathrooms Macerich constructs or substantially remodeled.</td>
</tr>
</tbody>
</table>
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measures</th>
<th>Level of Significance after application of Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Greenhouse Gases and Climate Change (cont.)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact GHG-1 (cont.)</td>
<td>13. Use water efficient irrigation systems and landscaping; 14. Use electric-powered landscaping equipment, with the exception of lawn mowers and other heavy equipment that either cannot be operated efficiently without gas-powered engines, or which is not feasibly available, 15. Plant trees that will shade buildings (especially on the east and west sides), and require awnings along the west side of the building that faces the highest degree of exposure to afternoon sun (designated as Building 1 in the proposed zoning ordinance for the Refined Project Alternative).</td>
<td></td>
</tr>
<tr>
<td><strong>Hazards and Hazardous Materials</strong></td>
<td></td>
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</tr>
<tr>
<td>Impact HAZ-1: The Project could encounter contamination from past releases of hazardous materials in the area of the Project Site, such as from underground fuel storage tanks, could potentially expose residents or workers to hazardous materials or wastes (Criteria 1 and 4).</td>
<td><strong>Mitigation Measure HAZ-1a:</strong> Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities and notification of the Contra Costa County Hazardous Materials Division. Soils suspected of contamination through visual observation or from observed odors, shall be segregated from other soils and placed on and covered by plastic sheeting and characterized for potential contamination in accordance with direction received from the Contra Costa County Hazardous Materials Division. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional and approved by Contra Costa County Environmental Health Division (Hazardous Materials Program).  <strong>Mitigation Measure HAZ-1b:</strong> Any groundwater generated during construction dewatering shall be contained and profiled in accordance with Regional Water Quality Control Board (RWQCB) or Central Contra Costa Sanitary District (CCCSD) requirements depending on whether water will be discharged to storm sewer or sanitary sewer. Any water that does not meet permitted requirements by these two agencies shall be transported offsite for disposal at an appropriate facility, or treated, if necessary to meet applicable standards, prior to discharge in accordance with approval from the RWQCB or CCCSD.</td>
<td>Less than Significant.</td>
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</table>
### TABLE 2-1 REV (Continued)

#### SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measures</th>
<th>Level of Significance after application of Mitigation</th>
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<tbody>
<tr>
<td><strong>Noise and Vibration</strong></td>
<td><strong>Mitigation Measure NOI-1a</strong>: To address potential nuisance impacts of Project construction, construction contractors shall implement the following:</td>
<td>Significant and Unavoidable.</td>
</tr>
</tbody>
</table>
| **Impact NOI-1**: Construction activities for the Project would expose people to a substantial increase in the ambient noise levels in the vicinity of the Project (Criteria 1 and 4). | • Signs shall be posted at all construction site entrances to the property upon commencement of Project construction, for the purposes of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the applicable construction sites, of the basic requirements of the Municipal Code and Mitigation Measures NOI-1a through NOI-1b.  
• Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.  
• An onsite complaint and enforcement manager shall respond to and track complaints and questions related to noise. | |
| | **Mitigation Measure NOI-1b**: To reduce daytime noise impacts due to construction of the Project, the applicant shall require construction contractors to implement the following measures: | |
| | • Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).  
• Impact tools (e.g., jack hammers, pavement breakers, etc.) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.  
• Stationary construction noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed when feasible. | |

Broadway Plaza Long Range Master Plan
Responses to Comments and Final EIR

3-41
### TABLE 2-1 REV (Continued)

**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

<table>
<thead>
<tr>
<th>Environmental Impact</th>
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</thead>
<tbody>
<tr>
<td><strong>Noise and Vibration (cont.)</strong></td>
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</tr>
<tr>
<td><strong>Impact NOI-2</strong>: Traffic generated by the Project, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could substantially increase traffic noise levels in the Project Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels. If reasonably foreseeable future projects are constructed simultaneously with the Project, a significant cumulative noise impact could occur.</td>
<td>Mitigation Measures NOI-1a and NOI-1b.</td>
<td>Less than Significant.</td>
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<td></td>
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<td>Significant and Potentially Unavoidable.</td>
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<tr>
<td><strong>Transportation and Circulation</strong></td>
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<tr>
<td><strong>Impact TRA-1</strong>: The Project, under both scenarios, could substantially increase hazards due to a design feature or incompatible uses (Criterion 4).</td>
<td>Mitigation Measure TRA-1: Prior to issuance of any permit for the Project, the Project Applicant shall submit design plans that are consistent with applicable City standards.</td>
<td>Less than Significant.</td>
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</table>
| **Impact TRA-2**: Remediation, demolition and construction activities associated with the Project, under both scenarios, would result in temporary circulation impacts on the street system (Criteria 1, 4, and 6). | Mitigation Measure TRA-2: The Project Applicant and/or its contractor(s) shall prepare and implement a traffic control plan to reduce construction related traffic impacts on the roadways at, and near the work site, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. The Project Applicant and/or its contractor(s) shall coordinate development and implementation of this plan with jurisdictional agencies (e.g., City of Walnut Creek departments, Contra Costa County Transit Authority, Contra Costa Fire Protection Districts, etc.), as appropriate. To the extent applicable, the traffic control plan shall conform to Part 6 (Temporary Traffic Control) of the *California Manual on Uniform Traffic Control Devices* (Caltrans, 2010b), and shall include, but not be limited to, the following elements:  
  - Circulation and detour plans to minimize impacts on local road circulation during road and lane closures. Flaggers and/or signage shall be used to guide vehicles through and/or around the construction zone.  
  - Identifying truck routes designated by Contra Costa County and City of Walnut Creek. Haul routes that minimize truck traffic on local roadways shall be utilized to the extent possible. | Less than Significant. |
### TABLE 2-1 REV (Continued)
**SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS**

<table>
<thead>
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<tbody>
<tr>
<td>Transportation and Circulation (cont.)</td>
<td>- Providing sufficient-sized staging areas for trucks accessing construction zones to minimize disruption of access to adjacent public right-of-ways.</td>
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<td>- Controlling and monitoring construction vehicle movement through the enforcement of standard construction specifications by on-site inspectors.</td>
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<td></td>
<td>- Scheduling truck trips outside the peak morning and evening commute hours to the extent possible.</td>
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<tr>
<td>Impact TRA-2 (cont.)</td>
<td>- Limiting the duration of road and lane closures to the extent possible. Maintaining pedestrian and bicycle access and circulation during Project construction where safe to do so. If construction activities encroach on a bicycle routes or multi-use paths, advance warning signs (e.g., “Bicyclists Allowed Use of Full Lane” and/or “Share the Road”) shall be posted that indicate the presence of such users.</td>
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<td></td>
<td>- Identifying detours for bicycles and pedestrians, where applicable, in all areas where maintaining pedestrian and bicycle access and circulation during Project construction cannot be safely done.</td>
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<td></td>
<td>- Storing all equipment and materials in designated contractor staging areas on or adjacent to the worksite, such that traffic obstruction is minimized.</td>
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<td></td>
<td>- Implementing roadside safety protocols. Advance “Road Work Ahead” warning and speed control signs (including those informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be posted to reduce speeds and provide safe traffic flow through the work zone.</td>
<td></td>
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<tr>
<td></td>
<td>- Providing advance notification to administrators of police and fire stations (including fire protection agencies), ambulance service providers, and recreational facility managers of the timing, location, and duration of construction activities and the locations of detours and lane closures, where applicable. Maintain access for emergency vehicles within, and/or adjacent to, roadways affected by construction activities at all times.</td>
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</table>
### TABLE 2-1 REV (Continued)
SUMMARY OF IMPACTS, MITIGATION MEASURES, AND RESIDUAL IMPACTS

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<tbody>
<tr>
<td><strong>Transportation and Circulation (cont.)</strong></td>
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</tr>
</tbody>
</table>
| Impact TRA-2 (cont.) | - Repairing and restoring affected roadway rights-of-way to their original condition after construction is completed.  
- A copy of the traffic control plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways. | |
| Impact TRA-5A: The Refined Project Alternative could substantially increase hazards due to a design feature or incompatible uses (Criterion 4). | **Baseline plus Project Conditions**  
**Mitigation Measure TRA-5A.1:** Prior to issuance of any permit for the Project, the Applicant shall submit design plans that are consistent with City standards. In addition, the Project shall improve and update to current standards the traffic signal at Maria Lane and Newell to include a protected-permitted phasing for Newell Avenue at Maria Lane.  
**Near-Term Cumulative plus Project Conditions**  
**Mitigation Measure TRA-5A.2:** Prior to issuance of any permit for the Project, the Applicant shall submit design plans that are consistent with City standards. In addition, the Project shall improve and update to current standards the traffic signal at Maria Lane and Newell to include a protected-permitted phasing for Newell Avenue at Maria Lane.  
**Cumulative plus Project Conditions**  
**Mitigation Measure TRA-5A.3:** Implement Mitigation Measure TRA-5A.1. | Less than Significant. |
<p>| <strong>Utilities and Service Systems</strong> | | |
| Impact UTIL-1: The Project would result in temporary adverse effects on solid waste landfill capacity (Criterion 6). | <strong>Mitigation Measure UTIL-1:</strong> <em>Waste Management Plan.</em> The Project Applicant and/or construction contractor shall prepare a waste management plan identifying the types of debris that shall be generated by the Project and the manner in which those waste streams shall be handled. In accordance with the priorities of the Waste Management Act of 1989 (AB 989), the plan shall emphasize source reduction measures followed by recycling and composting methods to reduce the amount of waste being disposed of in landfills. The plan shall specify that 100 percent of inert solids (such as asphalt, brick, concrete, dirt, fines, sand, soil, and stone) must be diverted from disposal, and that 50 percent of all other non-inert | Less than Significant. |</p>
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measures</th>
<th>Level of Significance after application of Mitigation</th>
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</thead>
<tbody>
<tr>
<td>Utilities and Service Systems (cont.)</td>
<td>materials (wood, metal, cardboard, green waste, gypsum, fixtures, etc.) must be diverted from landfills. In addition, in order to ensure that construction waste generated by the Project does not significantly reduce the capacity of local landfills, the Project Applicant shall require contractors not to exclusively dispose of construction waste at the Acme Landfill. The plan shall be reviewed by the City of Walnut Creek, and, upon project completion, the contractor shall submit receipts to the City of Walnut Creek documenting that the stated waste reuse, recycling, and disposal goals have been met.</td>
<td></td>
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</tbody>
</table>
CHAPTER 4
Commenters on the Draft EIR and the Re-Circulated Chapter 5A

4.1 Agencies, Organizations and Individuals Commenting in Writing

The following lists correspondence received from public agencies, organizations, and individuals, generally in the order it was received by the City of Walnut Creek. Within each chronological listing, correspondence is listed alphabetically.

<table>
<thead>
<tr>
<th>Designator</th>
<th>Agency</th>
<th>2012 Correspondence Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Contra Costa Health Services</td>
<td>April 19, 2012</td>
</tr>
<tr>
<td>B</td>
<td>East Bay Municipal Utility District</td>
<td>April 23, 2012</td>
</tr>
<tr>
<td>C</td>
<td>East Bay Regional Park District</td>
<td>May 3, 2012</td>
</tr>
<tr>
<td>D</td>
<td>California Department of Transportation</td>
<td>May 7, 2012</td>
</tr>
<tr>
<td>E</td>
<td>Contra Costa County Flood Control and Water Conservation District</td>
<td>May 7, 2012*</td>
</tr>
<tr>
<td>F</td>
<td>Contra Costa County Fire Protection District</td>
<td>May 7, 2012*</td>
</tr>
<tr>
<td>G</td>
<td>Parkmead Community Association</td>
<td>May 7, 2012*</td>
</tr>
<tr>
<td>H</td>
<td>California State Clearinghouse</td>
<td>May 10, 2012</td>
</tr>
<tr>
<td>I</td>
<td>California State Clearinghouse</td>
<td>May 11, 2012</td>
</tr>
</tbody>
</table>

* Date of correspondence

<table>
<thead>
<tr>
<th>Designator</th>
<th>Signatory Name</th>
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<tbody>
<tr>
<td>J</td>
<td>Nandini Batra</td>
<td>March 22, 2012</td>
</tr>
<tr>
<td>K</td>
<td>Deborah Burstyn</td>
<td>March 23, 2012</td>
</tr>
<tr>
<td>L</td>
<td>Don Gaube</td>
<td>March 26, 2012</td>
</tr>
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</table>
## INDIVIDUALS

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>M</td>
<td>Margaret Nicholas</td>
<td>March 26, 2012</td>
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<tr>
<td>N</td>
<td>Joseph Giordano</td>
<td>March 28, 2012</td>
</tr>
<tr>
<td>O</td>
<td>Charlotte Darius</td>
<td>March 29, 2012</td>
</tr>
<tr>
<td>P</td>
<td>Jim Mills</td>
<td>April 2, 2012</td>
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<tr>
<td>Q</td>
<td>Gwen Regalia</td>
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<tr>
<td>R</td>
<td>JoAnn Hanna</td>
<td>April 18, 2012</td>
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<tr>
<td>S</td>
<td>JoAnn Hanna</td>
<td>April 21, 2012</td>
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<tr>
<td>T</td>
<td>Barney Wong</td>
<td>April 26, 2012</td>
</tr>
<tr>
<td>U</td>
<td>Janet Luhmann</td>
<td>May 6, 2012</td>
</tr>
<tr>
<td>V</td>
<td>Ken Rice</td>
<td>May 6, 2012</td>
</tr>
<tr>
<td>W</td>
<td>Pete Johnson and Susan Neyer</td>
<td>May 7, 2012</td>
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<td>X</td>
<td>Carol Mason</td>
<td>May 7, 2012</td>
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<tr>
<td>Y</td>
<td>Min Hou</td>
<td>May 7, 2012</td>
</tr>
<tr>
<td>Z</td>
<td>Lucille Eichelberger</td>
<td>May 8, 2012</td>
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## PUBLIC AGENCIES, ORGANIZATIONS AND INDIVIDUALS

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<td>BB</td>
<td>Contra Costa Health Services</td>
<td>June 3, 2013</td>
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<td>CC</td>
<td>California Department of Highway Patrol (received under Letter DD cover)</td>
<td>July 9, 2013</td>
</tr>
<tr>
<td>DD</td>
<td>California State Clearinghouse</td>
<td>July 9, 2013</td>
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<tr>
<td>EE</td>
<td>Friends of the Creek</td>
<td>July 5, 2013</td>
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<td>FF</td>
<td>Citizens Advocating Rational Development (CARD)</td>
<td>July 5, 2013</td>
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<tr>
<td>GG</td>
<td>Perkins Cole</td>
<td>June 11, 2013</td>
</tr>
<tr>
<td>HH</td>
<td>Sheila Deegan</td>
<td>July 2, 2013</td>
</tr>
</tbody>
</table>
CHAPTER 5
Master Response to Recurring Comments

Two recurring topics emerged from comments received on the Draft EIR and the Recirculated Chapter 5A. Although not required by CEQA, this chapter presents Master Responses, the intent of which is to avoid repetition and give a single, comprehensive response to the recurring comments pertaining to the Project’s proposed vacation of Broadway Plaza Street (Section 5.1) and potential aesthetics effects (Section 5.2).

Responses to the individual comments in Chapter 6 (Responses to Written Comments Received on the Draft EIR and the Recirculated Chapter 5A) refer the reader to the Master Response in this chapter.

5.1 Broadway Plaza Street Master Response

5.1.1 Proposed Vacation of Broadway Plaza Street with the Project and Alternative 1 (No Macy’s Alternative)

As described on Draft EIR pages 3-11 and 4.13-1, the Project Site contains Broadway Plaza Street, a two-lane public road that is owned in fee by the City. The street has approximately 63 metered on-street parking spaces, one commercial loading space, and one pedestrian loading space. Broadway Plaza Street generally runs north/south approximately 1,000 feet, provides service access to Neiman Marcus and Macy’s and has limited connections for automobiles to access the five-story parking garage along South Main Street and/or the Macy’s parking garage. It is signalized at the south end where it terminates at South Main Street. Its northern end terminates at Mt. Diablo Boulevard, with a stop sign and right-only turns into and out of Broadway Plaza Street. A crosswalk, with in-ground lighting triggered by pedestrians, extends north across Mt. Diablo Boulevard to Broadway Pointe, another commercial complex.

The Project and Alternative 1 propose vacation of most of Broadway Plaza Street, to allow for additional development potential as well as a more pedestrian-friendly configuration of the Project Site. There is no proposal to vacate all of Broadway Plaza Street, vacate in a manner that would eliminate access from Broadway Plaza Street to property not owned by Macerich or Macy’s, vacate any portion of South Broadway along the Project’s eastern border, or vacate any other public streets.

The Project and Alternative 1 propose a new central underground parking garage, Garage B, which would be located in the middle of the Project Site. Garage B would have up to approximately
650 parking spaces underground, and vehicular access would be provided off of South Main Street via the remaining portion of Broadway Plaza Street, new cul-de-sac that would be located at the south end of that remaining portion and a ramp to the underground garage. (See Draft EIR Figure 3-4.)

Because detailed plans of the proposed cul-de-sacs on Broadway Plaza Street have not yet been designed, Mitigation Measure TRA-1 was identified to ensure the roadway design would be consistent with applicable City standards and thus not result in significant traffic safety hazards impacts.

Broadway Plaza Street would not be vacated and would instead be left open with Alternative 2 (Reduced Development), the Relocated Parking Alternative, and the Extra Parking Alternative. Under these alternatives, the full street would remain a public right of way, and existing underground utility services within Broadway Plaza Street would remain in their present locations. Since Garage B would not be constructed, Broadway Plaza Street would not provide a primary access to that garage, but other garages would be constructed with access from other points around the site. Because these alternatives propose only conceptual levels of development that have not been designed, it is possible that there would be minor or cosmetic changes to Broadway Plaza Street; they would not significantly affect parking or its usability.

Under the No Project alternative, there would be no changes to Broadway Plaza Street.

Under the Refined Project Alternative, the street would not be vacated. The street would be narrowed slightly and additional pedestrian amenities would be included. The full street would remain a public right of way with two-way vehicular traffic and on-street parking. Existing underground utility services within Broadway Plaza Street would remain in their present locations. Because Garage B would not be constructed, Broadway Plaza would not be a primary access to that garage as it would with the Project.

5.1.2 Responses to Various Comments Received

Public comments raised various concerns about the Project’s proposed vacation of Broadway Plaza Street. Those that recurred pertain to increased traffic congestion and loss of Project “vibrancy” gained through ground-level activity, visual access, and through-streets – urban design considerations.

Traffic Congestion. The traffic analysis presented in Draft EIR Section 4.13, Transportation and Circulation, factors in the Project’s partial closure of Broadway Plaza Street. The traffic analysis of Alternative 1, beginning on page 5-18 of the Draft EIR, similarly factors in the partial closure of Broadway Plaza Street. While the Project and Alternative 1 would contribute new vehicle trips to area roadways, neither would have contributions at levels that would result in significant adverse impacts under the applicable CEQA significance thresholds (see Draft EIR pages 4.13-37, 4.13-45 and 4.13-52 for Baseline plus Project, Near Term Cumulative plus Project, and Cumulative plus Project conditions, respectively; see Draft EIR pages 5-18 to 5-19 and Table 5-18 regarding the comparative impacts of Alternative 1).
Further, the Draft EIR included a “Relocated Parking Alternative” that studied the impact of leaving Broadway Plaza Street open (associated with elimination of Garage B from the Project). As discussed starting on Draft EIR page 5-36, the trip assignment on the roadway network would be different under the alternative due to the change in garage access (and Broadway Plaza Street remaining open). In that discussion, and shown in Draft EIR Tables 5-15 and 5-16, the alternative with Broadway Plaza open would not result in significant impacts at the study intersections in the Baseline and Near Term Cumulative conditions; however, the Relocated Parking Alternative with Broadway Plaza open would contribute to the already substandard operation at the intersection of Broadway and Mount Diablo Boulevard under Cumulative conditions during the p.m. peak hour and cause the v/c ratio to increase by 0.05, thereby exceeding the threshold for a cumulatively considerable contribution to a cumulative impact. This cumulatively considerable contribution would not occur with the proposed Project with Broadway Plaza Street closed. Therefore, the contribution of the Relocated Parking Alternative to the cumulative impacts at this intersection would be considered cumulatively considerable, and the cumulative impact significant and unavoidable.

The Refined Project Alternative configures parking spaces in different locations than the Relocated Parking Alternative. (See the Draft EIR, Chapter 5A, pages 3-6 to 3-7.) As explained in DEIR section 5A.5.2 (pages 5-9 to 5-13), the Refined Project Alternative, like the Project, does not result in any significant traffic impacts and makes no considerable contributions toward significant cumulative impacts.

**Urban Design.** Comments raised concerns about the aesthetic impacts of closing Broadway Plaza street. Some comments expressed concern about a “walled off” shopping center or a “canyon” experience. A conceptual visual simulation along Broadway Plaza street with the Project is shown in Draft EIR Figure 4.1-4 on Draft EIR page 4.1-9, which depicts that maximum potential massing/height of buildings without any depiction of doors, windows, or other details that would occur along the new pedestrian plaza. Visual aspects of Alternative 1 would be similar, except that Macy’s would not expanded.

The Project and Alternative 1 propose zoning-level, conceptual projects and do not seek approval of specific buildings or site plans. Accordingly, there are no specific buildings or site plans to analyze. However, the City’s design review of the Project will assess the suitability of the proposed massing and relative scale and character of the eventual building designs, and ensure that any approved development will be compatible with surrounding uses and will meet Walnut Creek’s high aesthetic standards.

Further discussion of aesthetic impacts is provided in the following Section 5.2.

**Free Trolley.** Some commenters questioned the desirability of closing Broadway Plaza Street in light of its current use by the Free Ride Trolley. As noted on page 4.13-45 of the Draft EIR, the Project would provide transit opportunities to replace the public transit route that would be displaced due to the vacation of Broadway Plaza Street. Specifically, the Project would provide in-kind transit opportunities in terms of transit visibility, its proximity to commercial uses, the visual and physical quality of transit stops, and ease of transit use, and would maintain existing
headways. Alternative 1 differs from the Project only in its elimination of the Macy’s portion of the proposed redevelopment, and therefore would also provide these replacement transit stops. Accordingly, there would be no significant impacts to public transit opportunities if the street were closed to through traffic.

**ADA Access.** A comment raised concern that the closure of Broadway Plaza Street would remove the existing convenient location to park or drop off passengers who have mobility concerns. However, the Project and Alternative 1 would comply with all design requirements and standards for accessibility, including ADA-related standards and requirements. These requirements would be enforced during design review and as requirements for issuance of building permits.

### 5.2 Aesthetics Master Response

The Draft EIR addressed the aesthetic impacts of the Project and alternatives. The potential effects of the physical size of the potential development that would occur with the Project are assessed in Draft EIR Section 4.1, Aesthetics Resources. As determined in that analysis, supported by massing photo simulations in Draft EIR Figures 4.1-2 through 4.1-6 (starting after Draft EIR page 4.1-5), the Project would not adversely affect existing scenic vistas (see discussion starting on Draft EIR page 4.1-5), or visual character or visual quality (see discussion starting on Draft EIR page 4.1-12).

**Conceptual Massing.** The visual simulations present conceptual massing. They do not depict final design details that are fundamental to visual character and quality and thus do not depict specific proposed development. Photo simulations following Draft EIR page 4.1-5 depict from specific public vantage points how, under worst case conditions (most intensive massing/heights), the Project could affect existing scenic resources. Compliance with the General Plan’s aesthetic policies and height limitations, and the requirements for subsequent Design Review approvals will ensure that there would be no development of plain, solid blocks of buildings with no articulation or decoration, and that aesthetic impacts are less than significant. The General Plan recognizes key scenic resources as views of Mount Diablo and associated hillsides. Vantage points (shown in Draft EIR Figure 4.1-1) were carefully selected with these resources in mind.

**No Specific Development Plans.** There are no specific development plans evaluated in the Draft EIR because no specific building treatments have been identified. The Project and alternatives are proposed as conceptual master plans. As noted in the Draft EIR, page 3-14, “The targeted area for new development/redevelopment is on Parcels 1, 4, 5, 6, 7, 7A and 8. However, new square footage may be added anywhere within the Project Site subject to the proposed FAR limits and all other existing development regulations including height limits.” As indicated on Draft EIR page 3-14, any development would be configured in buildings that would comply with the current height limitations of the General Plan, and potential residential uses would be located on floors above the commercial uses. Residential parking would be included in Garage B in a gated area for reserved residential parking.
The merits of a specific design will be addressed in greater detail when a specific site plan and architecture is presented to City decision-makers. The current draft of the proposed zoning ordinance and design guidelines submitted by Macerich for the Refined Project Alternative present additional detail that will be reviewed for approval by the City Council and, if approved, guide the design of buildout of the Refined Project Alternative. (See Chapter 2 of this Final EIR for a description of the further detail proposed for the Refined Project Alternative.)

**Location of Development.** The Project and all alternatives (except the Refined Project Alternative) propose development anywhere on the Project Site except the San Ramon Creek culvert between the existing Macy’s store and Newell Avenue. The EIR accordingly addresses the impacts of development anywhere it may occur on the Project Site.

The Refined Project Alternative addressed in Chapter 5A adds the potential for development over the San Ramon Creek culvert by proposing a potential southern expansion of Macy’s and the replacement of the existing narrow bridge on the Project Site. Chapter 5A evaluated the additional impacts from this potential development.

**Building Height.** The buildings that could be developed would be limited to the existing General Plan building height limits depicted in Draft EIR Figures 3-2, 3-3 and 3-4. They would increase existing development by as much as approximately 35 to 50 feet, and would therefore create a noticeable change. However, the change is not considered significantly adverse, primarily because no designated or notable scenic resources are obscured from public vantage points, and because the design review process would ensure compatible, aesthetically pleasing development. As stated on Draft EIR pages 4.1-5 and 4.1-12, the less-than-significant impact determination is also found since “although new structures may be added that would change the view at street level, views across the Project Site from scenic corridors and public open space would be maintained and would remain substantially similar to existing conditions.” While the assessment of visual resources and changes thereto are fairly subjective and are further limited by the print photography format of the comparative simulation exhibits, the analysis in the Draft EIR demonstrates that these resources would not be adversely affected (see Scenic Vistas impact discussion starting on Draft EIR page 4.1-5).

**No Blight.** Comments further suggest potential adverse conditions of vagrancy, littering and loitering as a result of street closure. These concerns are misplaced. The term “vacation” refers to the process by which public entities relinquish public rights of way, and does not indicate that there will be vacant lots or abandoned properties. The Project and Alternative 1 propose to vacate most of Broadway Plaza Street to replace it with pedestrian-friendly amenities and buildings that, as noted above, would be subject to design review. Further, it is highly speculative that blight would occur anywhere at Broadway Plaza or that the Project Applicants or high-end retailers in the shopping center would permit this type of detrimental and avoidable transition to occur with the Project or any alternative. The fact that the existing center does not generate blight is a strong indication that blight would not occur with an expanded center.

**No “Walled Off Mall.”** Neither the Project nor any of the alternatives propose a closed-off mall. Application of design guidelines would ensure adequate visual, pedestrian and vehicular access to
the site. Design review requirements would ensure that the Project and alternatives maintain Walnut Creek’s high aesthetic standards and are compatible with surroundings, creating no significant aesthetic impacts.

All of these circumstances ensure that the aesthetics of the Project and all alternatives will be compatible with surroundings, will be of high quality, will retain a degree of openness, charm and appeal, and will be in keeping with General Plan policies. Accordingly, aesthetic impacts will be less than significant.
CHAPTER 6

Responses to Written Comments Received on the Draft EIR and the Recirculated Chapter 5A

This chapter includes copies of the written comments received on the Draft EIR and the Recirculated Chapter 5A. Specific responses to the individual comments in each correspondence follow each letter or email.

Each correspondence is identified by an alphabetical designator (e.g., “B”). Specific comments within each correspondence are identified by an alphanumeric designator that reflects the alphabetic designator and the numeric sequence of the specific comment within the correspondence (e.g., “B-1” for the first comment in Individual Comment Letter B).

The comment number and verbatim text of the comments are presented before each response for ease of reference. In instances where comments in a letter present similar points, a “Master Response” is provided prior to responses that address specific points.

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Project and the alternatives on the environment pursuant to CEQA. Unless specifically noted otherwise, all responses pertain to the impacts of the Project and to impacts of all alternatives. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. These comments will be presented to decisionmakers as part of this EIR, for their consideration. Where comments have triggered changes to the Draft EIR or the Recirculated Chapter 5A, these changes appear as part of the specific response and are consolidated in Chapter 3 (Modifications to the Draft EIR and the Recirculated Chapter 5A), where they are listed in the order that the revision would appear in the Draft EIR document.
April 16, 2012

Kenneth Nodder, Senior Planner
City of Walnut Creek
Community Development Department
1666 N. Main St.
Walnut Creek, CA 94596

RE: Broadway Plaza Long Range Master Plan (Y11-053)
State Clearinghouse No. 2011112011

Dear Mr. Nodder:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.

2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

3. A health permit is required for retail food facilities. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students).

   Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for
the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.

5. Retail food facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.

These comments do not limit an applicant’s obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely

Joseph G. Doser, R.E.H.S.
Supervising Environmental Health Specialist

cc: Ed Diaz, Environmental Health Specialist II
    Roberto Rodriguez, Supervising Environmental Health Specialist

JGD:lj
Letter A Responses – Contra Costa Health Services (CCHS)

Comment A-1: 1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.

A-1: The Project Applicants will comply with all applicable regulations and requirements of CCHS, which is a requirement of law and therefore not a mitigation measure. The need to meet the requirements for such permits will help ensure that there are no significant impacts from the Project or alternatives.

Comment A-2: 2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

A-2: As stated on Draft EIR page 4-5.15, there are no known wells or septic tanks in the Project site. See response to comment A-1.

Comment A-3: 3. A health permit is required for retail food facilities. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students).

A-3: See response to comment A-1.

Comment A-4: Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

A-4: See response to comment A-1.

Comment A-5: 4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.

A-5: See response to comment A-1.

Comment A-6: 5. Retail food facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.

A-6: See response to comment A-1.
April 20, 2012

Kenneth Nodder, Senior Planner
City of Walnut Creek
Community Development Department Planning Division
1666 North Main Street
Walnut Creek, CA 94596

Re: Notice of Release / Availability of Draft Environmental Impact Report for Broadway Plaza Long-Range Master Plan

Dear Mr. Nodder:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Broadway Plaza Master Plan Project (Project) located in the City of Walnut Creek (City). EBMUD has the following comments.

GENERAL

EBMUD owns and operates the following underground water pipelines that either traverse the project site or are located within the project boundaries:

1. A 24-inch water transmission pipeline located off South Broadway to the east of the existing two-story parking structure that is proposed to be demolished as part of the Project. EBMUD has an existing rental agreement (i.e., easement) with Strong Capital I Funding for this transmission pipeline.

2. 8-inch, 10-inch and 12-inch water mains located in EBMUD right-of-way (R/W) No. 1536 within Broadway Plaza (between South Main Street and Mt. Diablo Boulevard) that is proposed to be vacant and converted to a pedestrian only parkway as part of the Project.

3. A 6-inch water main and a 30-inch water transmission pipelines located in EBMUD R/Ws No. 1088 and No.1097 along Newell Avenue between South Main Street and South Broadway Boulevard.

These pipelines provide continuous service to EBMUD customers in the area and the integrity of these pipelines needs to be maintained at all times. No buildings and/or structures are allowed to be constructed on top of EBMUD’s water mains. The project sponsor should be aware that any proposed construction activity in EBMUD R/Ws would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or R/Ws, at the project sponsor’s expense. A copy of EBMUD’s Engineering Standard Practice relating to water main design criteria (ESP512.1) is enclosed to this response.
WATER SERVICE

EBMUD’s Leland Pressure Zone, with a service elevation between 50 and 250 feet, serves the existing Broadway Plaza area. If additional water service is needed, the project sponsor should contact EBMUD’s New Business Office and request a water service estimate to determine costs and conditions for providing additional water service to the new developments when the development plans are completed. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant’s expense.

WATER CONSERVATION

The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor’s expense.
Ken Nodder, Senior Planner  
April 20, 2012  
Page 3

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

William R. Kirkpatrick  
Manager of Water Distribution Planning

Enclosure

cc:  The Macerich Company  
401 Wilshire Boulevard, Suite 700  
Santa Monica, CA 90401
Letter B Responses – East Bay Municipal Utility District

Comment B-1: EBMUD owns and operates the following underground water pipelines that either traverse the project site or are located within the project boundaries:

1. A 24-inch water transmission pipeline located off South Broadway to the east of the existing two-story parking structure that is proposed to be demolished as part of the Project. EBMUD has an existing rental agreement (i.e., easement) with Strong Capital I Funding for this transmission pipeline.

2. 8-inch, 10-inch and 12-inch water mains located in EBMUD right-of-way (R/W) No. 1536 within Broadway Plaza (between South Main Street and Mt. Diablo Boulevard) that is proposed to be vacant and converted to a pedestrian only parkway as part of the Project.

3. A 6-inch water main and a 30-inch water transmission pipelines located in EBMUD R/Ws No. 1088 and No. 1097 along Newell Avenue between South Main Street and South Broadway Boulevard.

These pipelines provide continuous service to EBMUD customers in the area and the integrity of these pipelines needs to be maintained at all times. No buildings and/or structures are allowed to be constructed on top of EBMUD’s water mains. The project sponsor should be aware that any proposed construction activity in EBMUD R/Ws, would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or R/Ws, at the project sponsor's expense. A copy of EBMUD’s Engineering Standard Practice relating to water main design criteria (ESP512.1) is enclosed to this response.

B-1: The comment identifies underground water pipelines located within or across the Project Site and that must be maintained in continuous service. The Project Applicants would adhere to all standard requirements outlined in EBMUD’s Engineering Standard Practice relating to construction activities and relocated infrastructure when finalizing development plans for the proposed Project and during construction. These are standard requirements and therefore not mitigation measures.

Comment B-2: EBMUD's Leland Pressure Zone, with a service elevation between 50 and 250 feet, serves the existing Broadway Plaza area. If additional water service is needed, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing additional water service to the new developments when the development plans are completed. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

B-2: As described on Draft EIR pages 4.14-11 and 4.14-12, EBMUD has adequate capacity to serve the proposed Project and alternatives. No additional water service needs are projected, though additional or replacement water connections may be possible. If new connections are needed, the Project Applicants would contact EBMUD and would include the appropriate lead times into the development schedule.
Comment B-3: The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

B-3: The Project Applicants would comply with all EBMUD standard requirements for service. These are standard requirements and therefore not mitigation measures. As discussed starting on Draft EIR page 4.7-13, the potential for encountering contamination at the Project Site at levels that would adversely affect the public or the environment is low. However, the potential for the Project to encounter and/or release underground hazardous wastes exists and with implementation of Mitigation Measures HAZ-1a and HAZ-1b would be reduced to less than significant. As further discussed there, if contamination is found to be present, all activities shall be conducted according to a site specific health and safety plan prepared by a licensed professional and approved by Contra Costa County Environmental Health Division (Hazardous Materials Program). EBMUD’s standard practices as reflected in this comment will help ensure that impacts will be less than significant.

Comment B-4: The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

B-4: The Project Applicants would comply with all EBMUD standard requirements for service, including adherence to applicable water-efficiency measures. These are standard requirements and therefore not mitigation measures. As discussed on Draft EIR page 3-18, the Project’s green design elements include efficient design criteria to result in a more efficient use of energy while specifically reducing water demand.
The alternatives include similar green design elements. Further, the Project and alternatives except the No Project Alternative would implement greenhouse gas (GHG) emissions Impact GHG-1 (Draft EIR page 4.6-14), which specifies the requirement for the Project to use water efficient irrigation systems and landscaping.
May 3, 2012

Dear Mr. Nodder:

East Bay Regional Park District appreciates the opportunity to comment on the draft environmental impact report for the Broadway Plaza Long Range Master Plan. The District operates the Iron Horse Regional Trail, a major non-motorized transportation facility serving Contra Costa and Alameda Counties, immediately adjacent to Broadway Plaza. The proposed net increase in Broadway Plaza’s square footage of 400,000 square feet, and the addition of up to 200 residential units will increase traffic, add additional greenhouse gasses to the atmosphere, and add a significant number of new users to the trail. The developers of Broadway Plaza should be required to mitigate these impacts in several ways. First, they should be required to improve safe access to the Iron Horse Trail, especially at the intersection of Broadway and Newell. Second, they should implement signage, educational materials and other incentives to encourage shoppers and residents to walk or bike to and from Broadway Plaza, thereby reducing the impacts and greenhouse gasses generated by increased automobile use. Third, the developers should be required to provide a funding mechanism to assist the Park District in dealing with increased maintenance demands caused by an increase in trail users.

Please feel free to contact me if you have any questions regarding these comments.

Yours truly,

Jim Townsend

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**Jim Townsend**

**Manager | Trails Development Programs**

**East Bay Regional Park District**

2950 Peralta Oaks Court, Oakland, CA 94605

Tel: 510-544-2602 | Fax: 510-569-1417

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6-11
Letter C Response – East Bay Regional Park District

Comment C-1: The proposed net increase in Broadway Plaza’s square footage of 400,000 square feet, and the addition of up to 200 residential units will increase traffic, add additional greenhouse gasses to the atmosphere, and add a significant number of new users to the trail. The developers of Broadway Plaza should be required to mitigate these impacts in several ways. First, they should be required to improve safe access to the Iron Horse Trail, especially at the intersection of Broadway and Newell.

C-1: The Project and alternatives would result in increased development which would generate increased traffic and related GHG emissions, as the comment states and as demonstrated in the Draft EIR analyses. The comment presumes further that the Project will also add a “significant number of trail users to the [Iron Horse] trail,” which would result in adverse impacts, including impairment of safe access to the trail, particularly at the intersection of Broadway and Newell Avenue.

The Draft EIR recognizes the Iron Horse Regional Trail as a Class I bicycle/pedestrian path located directly east of the Project site. Moreover, the analysis on Draft EIR page 4.13-44 recognizes the potential for the Project to generate increased pedestrian and bicycle trips around the Project site, and determines that that increase in the context of the Project would not create unsafe conditions, including with the increased traffic the Project would generate on Newell Avenue. As discussed on Draft EIR page 4.13-44, bicycle amenities and design considerations, such as bike thru lanes at the intersection of Newell Avenue and Main Street, would be provided along designated bike routes which would offer added benefits to bicyclists. Pedestrian facilities throughout the Project area, including at Newell Avenue and South Broadway, currently include raised concrete sidewalks, marked crosswalks at all intersections, pedestrian signals, and countdown timers to indicate how much time is allotted for pedestrians to cross the roadway; these facilities would remain.

Overall, the Project would not adversely change existing bicycle or pedestrian facilities or hinder the implementation of new proposed facilities that would provide access for pedestrians and bicyclists to the Project Site, as well as Iron Horse Trail and other nearby facilities. In fact, these facilities encourage walking and biking throughout the Project area, including to and from Iron Horse Trail, thus potentially reducing GHG emissions. (Also see Response to Comment C-2.)

Comment C-2: Second, they should implement signage, educational materials and other incentives to encourage shoppers and residents to walk or bike to and from Broadway Plaza, thereby reducing the impacts and greenhouse gasses generated by increased automobile use.

C-2: The comment proposes improvements that it suggests would reduce the Project’s GHG emissions by encouraging shoppers and residents to walk/bike to/from
Broadway Plaza. The Project would implement Mitigation Measure GHG-1 (Draft EIR page 4.6-14), which includes measures to reduce vehicle trips associated with the Project. These measures will include signage for the Project and the Refined Project Alternative. See responses to comments HH-30 and HH-31.

**Comment C-3:** Third, the developers should be required to provide a funding mechanism to assist the Park District in dealing with increased maintenance demands caused by an increase in trail users.

C-3: On Draft EIR page 4.12-12, the analysis identifies that the increased population resulting with the Project would not increase the use of existing recreation parks or other recreational facilities such that substantial physical deterioration of such facilities would occur or be accelerated. The same result occurs for the alternatives. The City’s experience has been that pedestrians and bicycles do not exert enough force on pavement to have an effect on pavement failure rate. Instead, bicycle and pedestrian trails usually require maintenance and repair as a result of tree roots, use of the trial by maintenance vehicles and equipment, extreme temperature changes, and shrinkage or expansion of the underlying soils. Because the additional pedestrian and bicycle traffic will not substantially alter the need for maintenance or repair, no mitigation measure is required. However, the City may consider the comment’s suggestions as conditions of approval for the Project.
May 7, 2012

Mr. Kenneth Nodder
Community Development Department
City of Walnut Creek
1666 North Main Street, 2nd Floor
Walnut Creek, CA 94596

Dear Mr. Nodder:

Broadway Plaza Long Range Master Plan – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Broadway Plaza Long Range Master Plan. The following comments are based on the DEIR.

Traffic Forecasting

Table 4.13-9 on page 4.13-26 indicates that under the Maximum Commercial Scenario, the project will generate 180 AM and 893 PM peak hour trips, while under the Maximum Mixed Use Scenario, the project will generate 120 AM and 596 PM peak hour trips. However, using the trip generation rates from the Institute of Transportation Engineer (ITE) Trip Generation 8th Edition, the Maximum Commercial Scenario will generate 300 AM and 1,119 PM peak hour trips, while the Maximum Mixed Use Scenario will generate 200 AM and 1,119 PM peak hour trips. Please revise the report to reflect rates found in the ITE Trip Generation 8th Edition or provide an explanation for the difference.

Project Geometry Diagrams

Please provide Project Geometry Diagrams that shows turning movements at the intersections under 2030 Cumulative, Cumulative plus Maximum Commercial Scenario, and Cumulative plus Maximum Mixed Use Scenario for our review.

Traffic Distribution

Please provide a diagram that clearly defines the trip distribution for the proposed project. An example is attached to this letter.

Table 4.13-10 on page 4.13-27 indicates that the distribution from Interstate (I) 680 South through Olympic Boulevard is one percent, South Main Street is 17 percent, and Rudgear Road is two percent. However, it is unclear whether this distribution originates from the south of the project area or from southbound I-680, north of the project site. Further, Figure 4.13-2b indicates that there are no trips at Intersection #32 (I-680 off-ramp/South Main Street). Please explain the discrepancy between the distributions through and at South Main Street/I-680 as indicated on
Table 4.13-10 and Figure 4.13-2b.

In addition, Table 4.13-10 indicates that seven percent of project traffic will access the site from I-680 North via Olympic Boulevard. Using this percentage, the DEIR shows 13 AM and 63 PM peak hour trips at Intersection #16 (I-680 Southbound ramp/Olympic Boulevard). However, Figure 4.13-2b shows only eight AM and 31 PM Peak hour trips. Please explain this discrepancy.

**Operations**
The DEIR considers many impacts as “imperceptible” impacts compared to existing peak hour volumes. However, Caltrans believes these impacts are quantifiable and must be evaluated. Any incremental impacts, especially for facilities that already operate at level-of-service F, will further exacerbate operations on these facilities and impacts should be fully mitigated. Please discuss the project’s fair-share contribution for impacts to State facilities including information on the amount, funding source(s) and payment schedule.

The I-680/North Main Street ramps do not appear in the analysis. Please modify the study to include these intersections.

**Construction Impacts**
Page 3-20, the DEIR states that heavy equipment transport would avoid peak traffic periods. Please identify temporary long term construction impacts to State facilities or include specific mitigation measures to avoid peak traffic periods in the traffic analysis.

Table 3-3 on page 3-21, states that the project will generate 12,350 off-haul/export truck trips but, does not quantify on-haul/import trips. Please include on-haul truck volumes in the DEIR.

Mitigation Measure TRA-2 indicates that a Traffic Control Plan (TCP) will be prepared prior to construction of the project. Please provide a draft of this TCP for Caltrans Review.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

GARY ARNOLD
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Attachment: Sample Traffic Distribution Diagram
Mr. Kenneth Nodder/City of Walnut Creek
May 7, 2012
Page 3

Attachment: Sample Traffic Distribution Diagram
Letter D Responses – California Department of Transportation

Comment D-1: Table 4.13-9 on page 4 indicates that under the Maximum Commercial Scenario, the project will generate 180 AM and 893 PM peak hour trips, while under the Maximum Mixed Use Scenario, the project will generate 120 AM and 596 PM peak hour trips. However, using the trip generation rates from the Institute of Transportation Engineer (ITE) Trip Generation 8th Edition, the Maximum Commercial Scenario will generate 300 AM and 1,119 PM peak hour trips, while the Maximum Mixed Use Scenario will generate 200 AM and 1,119 PM peak hour trips. Please revise the report to reflect rates found in the ITE Trip Generation 8th Edition or provide an explanation for the difference.

D-1: As stated on Page 4.13-25 of the DEIR, the number of trips generated by the proposed project’s commercial and residential land uses was calculated based on regression equations for Shopping Center and Apartment land use categories, respectively, from the Institute of Transportation Engineers’ (ITE) Trip Generation, 8th edition (2008). ITE’s Trip Generation provides one of the largest sources of trip generation data and is the most commonly used reference for trip generation calculation. Its companion ITE publication, Trip Generation Handbook, 2nd edition (2004), provides guidance on the use of data presented in Trip Generation.

Trips generated by a project may be calculated based on average trip rates or regression equations provided in Trip Generation. The commenter states trip generation numbers that result from calculations based on average trip rates. The City determined to use regression equations. Following the recommended procedure for selecting between average rates and equations in the Handbook, regression equations are preferred for both the project’s commercial and residential land uses. Therefore, the equations were used for both land uses in the analysis. For the same reasons, these equations were used for the alternatives as well.

The Project and alternatives propose an expansion of the existing Broadway Plaza Shopping Center. It is reasonable to expect some visitors of the existing Broadway Plaza shops and restaurants would also visit shops and restaurants resulting from the Project and alternatives. Therefore, in calculating the trip generation for the commercial use, the Shopping Center is considered as a whole. The following steps were used in order to take into consideration the internal trips among shops, restaurants and other uses between the Project and the rest of Broadway Plaza:

- Use the Shopping Center regression equations to calculate the number of trips generation based on one million square feet of rentable space, which is the approximate site of Broadway Plaza Shopping Center.
- Calculate average trip rates based on results from Step 1.
Calculate the trip generation of the Project’s commercial land use (300,000 square feet for the Maximum Commercial option and 200,000 square feet for the Mixed Use option) using the average trip rates determined in Step 2. The results are shown in Table 4.13-9 of the DEIR.

The analysis is also conservative because it did not take into account the potential reductions for commercial pass-by trips. Pass-by trips are trips that are “passing the site on an adjacent street or roadway that offers direct access to the generator.” The pass-by trips would not add new traffic to the adjacent streets, but would be added to the turning movements at the shopping center driveways. According to ITE, pass-by percentages for shopping centers larger than one million square feet range from 17 to 34 percent and are based on surveys of three East Coast shopping centers that were conducted in the 1980s.1 While the existing traffic counts reflect the pass-by reduction for the existing commercial uses in downtown, the potential pass-by reductions for the Project’s net expansion of commercial land uses were not included.

For the Project’s Mixed Use Option, the analysis captured the reduction of potential trips due to internal trip making between residential and commercial land uses of the Project based on procedures prescribed in the Trip Generation Handbook. These internal trips tend to be made on foot and would therefore not contribute traffic to the roadway system. While it is reasonable to expect such trips to occur between existing downtown residential land use and the Project’s commercial uses and vice versa, reductions were not taken for these trips.

Similar calculations were performed for the alternatives, and a similarly conservative methodology was used to project trip generation for the alternatives.

Comment D-2: Please provide Project Geometry Diagrams that shows turning movements at the intersections under 2030 Cumulative, Cumulative plus Maximum Commercial Scenario, and Cumulative plus Maximum Mixed Use Scenario for our review.

D-2: Turning movement diagrams for the all cumulative scenarios are provided at the end of these responses to Letter D, starting on page 6-23.

Comment D-3: Please provide a diagram that clearly defines the trip distribution for the proposed project. An example is attached to this letter.

Table 4.13-10 on page 4; 13-27 indicates that the distribution from Interstate (1) 680 South through Olympic Boulevard is one percent, South Main Street is 17 percent; and Rudgear Road is two percent. However, it is unclear whether this distribution originates from the south of the project area or from southbound I-680, site. Further; Figure 4.13-2b indicates that there are no trips at Intersection #32 (I-680 off-ramp/South Main Street). Please explain the discrepancy.

between the distribution through and at South Main Street/I-680 as indicated on Table 4.13-10 and Figure 4.13-2b.

D-3: Since the distribution in Table 4.13-10 on page 4.13-27 is non-directional, it refers to “south of the project area”. For example, “I-680 South via Olympic Boulevard” means trips that would be distributed to and from I-680 south of the project area using the Olympic Boulevard ramps.

Intersection #32 in Figure 4.13-2b shows that there would not be any project-generated traffic exiting southbound I-680 using the South Main Street off-ramp. It was projected that traffic bound for the Project or any of the alternatives would have used an off-ramp located further north, such as the Olympic Boulevard off-ramp, because a northern off-ramp would provide shorter routes to Broadway Plaza than the South Main Street off-ramp. Since the trip distribution in Table 4.13-10 refers to the percentage of trips to/from the south using I-680 and Figure 4.13-2b shows the actual project trips that would use the I-680 southbound off-ramp at South Main Street, they are two different pieces of information. Therefore, there is no discrepancy.

The Project Trip Distribution Percentages diagram for the project is included at the end of these responses to Letter D, on page 6-23.

Comment D-4: In addition, Table 4.13-10 indicates that seven percent of project traffic will access the site from I-680 North via Olympic Boulevard. Using this percentage, the DEIR shows 13 AM and 63 PM peak hour trips at Intersection #16 (I-580 Southbound ramp/Olympic Boulevard). However, Figure 4.13-2b shows only eight AM and 31 PM Peak hour trips. Please explain this discrepancy.

D-4: Similar to the response for Comment D-3, “I-680 North via Olympic Boulevard” in Table 4.13-10 indicates the percentage of project trips that would travel to/from areas north of the project area using I-680 which would be accessed through the on/off ramps at Olympic Boulevard. Intersection #16 shows 8 trips in the AM peak hour and 31 trips in the PM peak hour traveling from the north to Broadway Plaza using the southbound off-ramp at Olympic Boulevard and Intersection #17 shows 5 trips in the AM peak hour and 32 trips in the PM peak hour traveling from Broadway Plaza heading towards the north using the northbound on-ramp at Olympic Boulevard. The sum of these two sets of trips equals to the seven percent or 13 trips in the AM peak hour and 63 trips in the PM peak hour. Similar distribution calculations were made for the alternatives.

Comment D-5: The DEIR considers many as “imperceptible” impacts compared to existing peak hour volumes. However, Caltrans believes these impacts are quantifiable and must be evaluated. Any incremental impacts, especially for facilities that already operate at level-of-service F, will further exacerbate operations on these facilities and impacts should be fully mitigated. Please discuss the project’s fair-share contribution for impacts to State facilities including information on the amount, funding source(s) and payment schedule.
D-5 Under Cumulative conditions, the proposed Maximum Commercial Scenario and the Mixed Use Scenario would add traffic to the congested I-680 segment south of Rudgear Road, which would already operate at LOS F without the addition of project traffic in the northbound direction in the PM peak hour and in the southbound direction in both AM and PM peak hour. The project would also add traffic to the SR 4 segment west of I-680, which would already operate at LOS F without the addition of project traffic in the westbound direction in the AM peak hour and in the eastbound direction in the PM peak hour. The freeway mainline volumes and the number of trips added by the project are summarized in the table below. Where the freeway segment would operate at LOS F, as indicated by highlighted cells in the table, the percentage of mainline traffic is also shown for the trips added by the project.

### TABLE 4.13-18A
FREEWAY SEGMENT VOLUMES – CUMULATIVE CONDITIONS

<table>
<thead>
<tr>
<th>Location</th>
<th>Dir</th>
<th>No Project Scenario AM</th>
<th>PM</th>
<th>Max Retail Scenario AM</th>
<th>PM</th>
<th>Difference AM</th>
<th>%</th>
<th>Mixed Use Scenario AM</th>
<th>PM</th>
<th>Difference AM</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-680 South of Rudgear Road</td>
<td>NB</td>
<td>8198</td>
<td>8926</td>
<td>8220</td>
<td>9014</td>
<td>+22 or 0.3%</td>
<td>8216</td>
<td>+18 or 0.2%</td>
<td>8996</td>
<td>+18 or 0.2%</td>
<td>8996</td>
</tr>
<tr>
<td></td>
<td>SB</td>
<td>9027</td>
<td>9453</td>
<td>9041</td>
<td>9548</td>
<td>+14 or 0.2%</td>
<td>9054</td>
<td>+27 or 0.3%</td>
<td>9518</td>
<td>+65 or 0.7%</td>
<td>9518</td>
</tr>
<tr>
<td>SR-24 West of I-680</td>
<td>WB</td>
<td>10769</td>
<td>9138</td>
<td>10777</td>
<td>9195</td>
<td>+8 or 0.07%</td>
<td>10783</td>
<td>+14 or 0.1%</td>
<td>9176</td>
<td>+38 or 0.4%</td>
<td>9176</td>
</tr>
<tr>
<td></td>
<td>EB</td>
<td>8535</td>
<td>11452</td>
<td>8548</td>
<td>11504</td>
<td>+13 or 0.2%</td>
<td>8545</td>
<td>+10 or 0.1%</td>
<td>11492</td>
<td>+40 or 0.3%</td>
<td>11492</td>
</tr>
</tbody>
</table>

As shown, the project would add between 0.07 percent and one percent of the total mainline traffic on the affected I-680 and SR 24 directional segments or between 8 and 88 trips on the segments in any given peak hour. This small volume would not exceed the project impact thresholds. While this small increase may contribute to cumulative impacts, such small increase is well within the normal traffic fluctuation on the freeway and thus not perceptible. While the project’s impact on the freeway is not considered to be significant, the City of Walnut Creek and TRANSPAC would coordinate and support the Subregional Transportation Mitigation Program to help address transportation concerns affecting the Central County region.

The Refined Project Alternative, because it proposes the same amount of development as the Project, would produce the same numbers and percentages. The numbers and percentages for the other alternatives would be correspondingly lower.

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2 This maximum increase of 1% in freeway traffic volumes compares to a 5% increase (0.05 increase in v/c ratio) necessary to trigger a significant contribution to local intersections operating at an unacceptable level.
Comment D-6: The I-680 North Main Street ramps do not appear in the analysis. Please modify the study to include these intersections.

D-6: The I-680/North Main Street ramps were not selected for analysis for a number of reasons. First, the ramps would most likely be used by project trips that are traveling to/from the north. Therefore, only the southbound off-ramp intersection and the northbound on-ramp intersection could potentially be affected by the proposed Project or alternatives. The southbound off-ramp intersection is a loop ramp not under any traffic control and where existing traffic has its own receiving lanes to merge onto. Therefore, the Project would have no conflict. The northbound on-ramp intersection (the intersection of Penniman Way and Lawrence Way) provides one-way northbound operations with the two-way minor street serving a small volume of traffic from the driveway of one of the City’s maintenance facilities besides the on-ramp traffic. It was determined and further verified by the trip distribution that the two primary movements, northbound through and eastbound left-turn, would not result in any conflict at this signalized location. Further, this on-ramp would only serve as a secondary access to northbound I-680 for project traffic due to its distance from the project site.

Comment D-7: Page 3-20, the DEIR states that heavy equipment transport would avoid peak traffic periods. Please identify temporary long term construction impacts to State facilities or include specific mitigation measures to avoid peak traffic periods in the traffic analysis.

D-7: As discussed under Impact TRA-2 on Page 4.13-59, travel routes for employees, demolition export and material import would be determined in consultation with the City and scheduled to avoid peak traffic period. As a mitigation measure (Mitigation Measure TRA-2, which would apply to the Project and all alternatives except the No Project Alternative), the applicant or its contractor(s) are required to prepare a traffic control plan that conform to the California MUTCD Part 6 to reduce construction related impact on the roadways, including State facilities. Specific measures will be discussed in the traffic control plan, and would be required to meet the performance standard of avoiding the peak traffic period.

Comment D-7: Table 3-3 on page 3-21, states that the project will generate 12,350 off-haul export truck trips but, does not quantify on-haul/import trips. Please include on-haul truck volumes in the DEIR.

D-8: According to Table 4.13-9, the Maximum Mixed Use Scenario will generate 208 AM, 648 PM, and 5,508 daily new external trips. The Maximum Commercial Scenario will generate 180 AM, 893 PM, and 9,100 daily new external trips.

Page 4.13-58 of the DEIR notes that during the construction phase the project will generate an average of 247 daily truck trips during a 5 month demolition period. This was estimated to be the highest level of workday truck activity for the entire project which also surpasses the peak delivery import of 200 truck trips per day once
construction begins. The 247 export trips (and 200 import trips) will be spread out over the course of the day and represents a fraction of the new trips to be generated by the expansion scenarios. In addition, the demolition of the retail square footage would correspondingly reduce the number of shopping trips generated by those commercial spaces; thus, further reducing the traffic during construction. Because the traffic associated with the completed expansion project is significantly greater than created during the construction phase, additional construction impacts are not anticipated.

Comment D-9: Mitigation Measure TRA-2 indicates that a Traffic Control Plan (TCP) will be prepared prior to construction of the project. Please provide a draft of this TCP for Caltrans Review.

D-9: The comment is noted. A copy of the traffic control plan will be provided to Caltrans when it is available.

Figures referenced in responses to comments D-3 and D-4 are presented on the following pages.
Dowling Associates, Inc.

Broadway Plaza Long Range Master Plan
Transportation Impact Analysis
Existing Geometry and Peak Hour Volumes
AM(PM)

34(12)  AM(PM) Peak Hour Volumes
Traffic Signal
All-Way Stop Sign
Free Movement
Stop Sign
Right Turn Overlap

Not to Scale
Free Movement

S California Blvd/Bonanza St

Boulevard Wy/ Mt. Diablo Blvd

Oakland Blvd/ Mt. Diablo Blvd

Alpine Rd/ Mt. Diablo Blvd

Bonanza St/ Mt. Diablo Blvd

Baseline Geometry and Peak Hour Volumes

AM(PM)

AM(PM)

Baseline Geometry and Peak Hour Volumes

I-680 SB Ramps/ Olympic Blvd

I-680 NB Ramps/ Olympic Blvd

Alpine Rd/ Olympic Blvd

S California Blvd/ Olympic Blvd

Locust St/ Olympic Blvd

I-680 SB Ramps/ Olympic Blvd

I-680 NB Ramps/ Olympic Blvd

Alpine Rd/ Olympic Blvd

S California Blvd/ Olympic Blvd

Locust St/ Olympic Blvd

S Main St/ Olympic Blvd

S California Blvd/ Botelho Dr

S Main St/ Botelho Dr

S Broadway/ N Driveway Entrance

S Main St/ Broadway Plaza st

Boulevard Wy/ Mt. Diablo Blvd

Oakland Blvd/ Mt. Diablo Blvd

Alpine Rd/ Mt. Diablo Blvd

Bonanza St/ Mt. Diablo Blvd

Baseline Geometry and Peak Hour Volumes

AM(PM)

AM(PM)

Baseline Geometry and Peak Hour Volumes

California Blvd/ Mt. Diablo Blvd

Locust St/ Mt. Diablo Blvd

Main St/ Mt. Diablo Blvd

Broadway Plaza st/ Mt. Diablo Blvd

Broadway/ Mt. Diablo Blvd

California Blvd/ Mt. Diablo Blvd

Locust St/ Mt. Diablo Blvd

Main St/ Mt. Diablo Blvd

Broadway Plaza st/ Mt. Diablo Blvd

Broadway/ Mt. Diablo Blvd

Legend

34(12) AM(PM) Peak Hour Volumes

Traffic Signal

All-Way Stop Sign

Free Movement

Stop Sign

Right Turn Overlap

Not to Scale
Transportation Impact Analysis - Max Commercial

AM (PM) Peak Hour Volumes

Baseline + Project Geometry and Peak Hour Volumes

AM (PM)

California Blvd/Bonanza St

Boulevard Wy/Mt. Diablo Blvd

Oakland Blvd/Mt Diablo Blvd

Alpine Rd/Mt Diablo Blvd

Bonanza St/Mt Diablo Blvd

California Blvd/Mt Diablo Blvd

Locust St/Mt Diablo Blvd

Main St/Mt Diablo Blvd

Broadway Plaza st/Mt Diablo Blvd

Broadway/Mt Diablo Blvd

I-680 SB Ramps/Olympic Blvd

I-680 NB Ramps/Olympic Blvd

Alpine Rd/Olympic Blvd

S California Blvd/Olympic Blvd

Locust St/Olympic Blvd

S Main St/Olympic Blvd

S California Blvd/Botelho Dr

S Main St/Botelho Dr

S Broadway/N Driveway Entrance

S Main St/Broadway Plaza st

Dowling Associates, Inc.

Broadway Plaza Long Range Master Plan

Transportation Impact Analysis - Max Commercial

Baseline + Project Geometry and Peak Hour Volumes

AM (PM)
Baseline + Project Geometry and Peak Hour Volumes

Broadway Plaza Long Range Master Plan
Transportation Impact Analysis - Max Mixed Use

AM(PM) Peak Hour Volumes

Traffic Signal
All-Way Stop Sign
Free Movement
Stop Sign
Right Turn Overlap

Not to Scale

Legend

34(12) AM(PM) Peak Hour Volumes

Dowling Associates, Inc.

6-29
Baseline + Project Geometry and Peak Hour Volumes (cont.)

AM(PM) Peak Hour Volumes

Traffic Signal

All-Way Stop Sign

Free Movement

Stop Sign

Right Turn Overlap

Not to Scale

Broadway Plaza Long Range Master Plan
Transportation Impact Analysis - Max Mixed Use
Broadway Plaza Long Range Master Plan
Transportation Impact Analysis
Near-Term Cumulative Geometry and Peak Hour Volumes
AM(AM)
Near-Term Cumulative Geometry and Peak Hour Volumes (cont.)

AM(PM) Peak Hour Volumes

LEGEND

- Traffic Signal
- All-Way Stop Sign
- Free Movement
- Right Turn Overlap

Broadway Plaza Long Range Master Plan Transportation Impact Analysis

6-32
Near-Term Cumulative + Project Geometry and Peak Hour Volumes (cont.)

AM(PM)

Broadway Plaza Long Range Master Plan
Transportation Impact Analysis - Max Commercial

LEGEND

34(12) AM(PM) Peak Hour Volumes

Traffic Signal

All-Way Stop Sign

Free Movement

Stop Sign

Right Turn Overlap

Not to Scale
Transportation Impact Analysis - Max Commercial
Broadway Plaza Long Range Master Plan
Cumulative + Project Geometry and Peak Hour Volumes
AM(PM)

Legend
- AM(PM) Peak Hour Volumes
- Traffic Signal
- All-Way Stop Sign
- Free Movement
- Stop Sign
- Right Turn Overlap

Not to Scale
Broadway Plaza Long Range Master Plan
Transportation Impact Analysis

Project Trip Distribution Percentages
May 7, 2012

Kenneth Nodder  
Senior Planner  
City of Walnut Creek  
Community Development Department  
1666 North Main Street, 2nd Floor  
Walnut Creek, CA 94596

**Subject:** Broadway Plaza Long-Range Master Plan  
**Draft Environmental Impact Report**

**Our File:** Broadway Plaza Master Plan,  
3049-06 183-380-002,-008

Dear Mr. Nodder:

We appreciate the opportunity to review the Draft Environmental Impact Report (Draft EIR) for the Broadway Plaza Long-Range Master Plan Project (Project) dated March 2012, and submit the following comments:

1. The Draft EIR did not include a discussion of the potential impacts of the Project to the San Ramon Creek and the Las Trampas Creek culverts, which are located underneath the Broadway Plaza Shopping Center. Damage to these culvert facilities could pose risks to public safety and the environment.

2. We recommend that the City require the applicant, Macerich Northwestern, to submit an engineering report that evaluates the impacts of the construction of new structures and the various activities related to the proposed alternatives of the Project on the two culverts.

   The engineering report should propose mitigation measures for adverse impacts. We request that engineering report be included in the environmental document.

The San Ramon Creek and the Las Trampas Creek culvert have been in operation since at least the mid-1960s. We recommend that the applicant commission a structural evaluation of the condition of the existing culvert structures to determine if there are areas of concerns before the start of
construction. The results of the structural evaluation should be included in the engineering report.

3. The preferred Project Alternative (both the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario), the No Macy’s Alternative and the 96,000 square-foot Expansion Alternative did not provide exhibits that show where the new buildings for the additional commercial floor areas and the residential units are proposed. We request that the Draft EIR include exhibits that show the location of the new buildings. The City should extend the review period for the Draft EIR to allow interested parties to review and submit comments on the development layout.

4. Section 3.2, page 3-2, Project Overview – The preferred alternative for the Project proposes a net increase of 300,000 gross square feet of commercial space or a net increase of up to 400,000 gross square feet of mixed commercial and residential uses. The net increase in the floor area would mean that higher building structures will be constructed at the Project site.

As a mitigation measure, an engineering report should be required to provide an assessment of the potential loading of the higher buildings, the excavation and placement of foundation for these buildings on the culverts (San Ramon Creek and Las Trampas Creek).

The significant impacts should be discussed and addressed in the appropriate sections of the environmental document or the engineering report.

5. Section 3.3.5.1, page 3-13, Range of Development Types and Uses – The preferred Project Alternative as well as No Macy’s Alternative and the 96,000 square-foot Expansion Alternative did not consider that the San Ramon Creek and Las Trampas Creek culverts are relatively old structures. Both drainage facilities have been in service since at least the mid-1960s. Although the Draft EIR did not include a conceptual layout that shows where the additional commercial floor areas and residential units are proposed, we can assume that some of the new buildings will be constructed near if not above the culverts.

Construction of new buildings, garages and other improvements in close proximity to the culverts will make future repair and replacement of the culvert structures very costly, if not impractical. The improvements proposed by the different alternatives of the Project would pose additional obstruction or totally eliminate repair and reconstruction options on the culverts in the future. We consider may be a significant impact to the culvert.
We request that the applicant address this Project impact in the appropriate sections of the environmental document.

The applicant, the City and the FC District should address the impacts of the Project on the future costs of repairing and replacing the San Ramon Creek culvert. We recommend, as one of the mitigation measures for the impacts of the Project, that the applicant enter into an agreement with the City of Walnut Creek and the FC District to provide funding for the repair, replacement and maintenance costs of the culvert.

6. Figure 3-4, page 3-8, Below Grade Parking Map – The different alternatives for the Project including the Relocated Parking Alternative and the Extra Parking Alternative (discussed in Section 5.4.4), included garages with below-grade parking features. Garage B is a below-grade garage between the San Ramon Creek and the Las Trampas Creek culverts. Garage C is a multi-level garage with underground parking level on the east side of San Ramon Creek culvert. The excavation for the foundation, the walls and the underground levels of these garages could affect the structural integrity of the culverts, the existing drainage material and the soil backfill around the culverts.

The engineering report should evaluate the impacts of the construction of these new garage structures on both culverts (San Ramon Creek and Las Trampas Creek).

The Project impacts should be addressed in the appropriate sections of the environmental document.

7. Section 3.3.5.9, page 3-19, Demolition and Construction - The demolition activities, the staging of cranes, demolition excavators and heavy equipment, the storage of materials, the vehicle and truck movements, the placement of formwork/falsework and parking could adversely affect the culverts.

The engineering report should recommend ways to protect the culvert structures during these activities and propose means to mitigate the adverse impacts. During the expansion of the Nordstrom Store, the applicant installed survey points along the San Ramon Creek culvert to monitor its movement. Nordstrom also provided structural calculations to substantiate the minimum safe distance from the culvert where a crane could be positioned without impacting the culvert structure. We recommend that as one of the mitigation measures for the demolition and construction activities of this Project, the applicant should implement similar measures.
8. Section 3.5, page 3-23, Potential Public Agency Approval – Please clarify in this section that the U.S. Army Corps of Engineers, Sacramento District will perform technical review of the proposed activities of this Project that could affect the San Ramon Creek culvert. This office of the Corps of Engineers is a separate unit from the Corps’ Regulatory Branch. The review process may take as much as 1 year to complete.

9. Section 3.5, page 3-23, Potential Public Agency Approval - We request that the environmental document state that the FC District will require the applicant to apply for a Flood Control encroachment permit and obtain the approval of the U. S. Army Corps of Engineers, Sacramento District for improvements and activities that may affect the San Ramon Creek culvert and the easement areas for this drainage structure. Further, the environmental document should state that the FC District will not issue the encroachment permit until the Corps of Engineers have issued a formal approval for the project.

10. Section 3.5, page 3-23, Potential Public Agency Approval – There is a possibility that the FC District, the City and the applicant may need to execute a right of way transaction involving the San Ramon Creek culvert. To avoid preparing a separate CEQA document for such land transaction in the future, please include a statement in the Draft EIR document indicating the FC District, the City of Walnut Creek and the applicant, Macerich, may need to enter into a right of way agreement for San Ramon Creek culvert.

11. Section 4.3, Figure 4.3-1, Project Site Location and Sensitive Habitats – Tice Creek shown be shown in the figure, including the Tice Creek culvert, since it is discussed on page 4.3-2 and 4.3-3.

12. Section 4.3, page 4.3-14, U.S. Army Corps of Engineers – In 1971 the Real Estate Investment Trust, granted an easement for the San Ramon Creek to the Flood Control District at Broadway Plaza for the maintenance and operations of the federal project culvert. The easement requires that all future work that may impact the federal project be approved by FC District and the Corps. Since the proposed expansion of Broadway Plaza will require work above and adjacent to the culvert we recommend that you add a discussion of the need for Corps approval under Section 14 of the Rivers and Harbors Act (Section 33 U.S.C. 408) and Corps Regulation 33 C.F.R. 208.10.

13. Section 4.3, page 4.3-17 – Creek Restoration and Trails Master Plan – In guideline 5, the DEIR discusses improving fish passage throughout the creek corridor. How will this implemented with the Broadway Plaza expansion? Guideline 6 discusses preserving existing flood capacity while providing for
improved riparian habitat. The DEIR should discuss how this project will preserve existing flood capacity.

14. Section 4.10, page 4.10-1, Chapter on Noise and Vibration – Impacts and vibration from the demolition activities, from the truck and equipment movements at the Project site, and from other construction activities could damage the culverts. We envision that several activities, if not properly monitored, could cause problems. Some examples are presented below:
   a. Recurring impacts from concrete rubble (from the structures being demolished) falling directly on top of the culverts.
   b. Vibration from the demolition excavators (identified in Section 3.3.5.9, page 3-20) and other vibratory equipment, operating near the culverts, could cause incremental settlement of the backfill around the culverts.
   c. Vibration from the repeated loading/dumping of concrete rubble on the beds of the 18-wheel dump trucks. Table 3-3 on page 3-21 listed an estimated 247,000 yards of demolition materials and about 12,400 truck trips.
   d. Sudden offloading/dropping of construction materials (such as the delivery of rebar, gravel and sand) on the ground.

We request that the engineering report review the effects of vibration and impacts from the different construction activities and propose measures to protect the culverts. The applicant may need to cordon off and provide setback distances from the breadth of the culverts for all construction activities. Applicant may need to install temporary bridges across the culvert to soften the vibration for truck and equipment crossings. Areas, away from the culverts, for loading concrete rubbles onto dump trucks and off hauling materials deliveries may need to be designated and monitored.

The vibration impacts and proposed protection measures for the culverts should be included in the environmental document.

15. Chapter 4.6, page 4.6-1, Greenhouse Gases and Climate Change – The Draft EIR should evaluate whether the trapped gases within the San Ramon Creek and Las Trampas Creek culverts could pose potential health issues or risks on the Project site. The findings of the evaluation should be included in the environmental document.

From time to time, storm runoff through the culverts could carry materials that give out objectionable odors, and the environmental document should identify
who will be responsible for responding to complaints from the residents and store owners.

16. Currently, access for the inspection of San Ramon Creek culvert is very limited. We believe that the same is true for Las Trampas Creek culvert. We request that the applicant include features for this Project that would provide additional access points and improve existing access for inspection of the culverts.

17. Section 5.4.4, Non-CEQA Alternatives, page 5-35, Relocated Parking Alternative and the Extra Parking Alternative – We do not agree that the Relocated Parking Alternative and Extra Parking Alternative have no CEQA implications, as indicated in this section of the Draft EIR. The expansion of Garage C and the addition of an underground parking level for Garage D would mean that additional excavation and loading next to the San Ramon Creek culvert will occur.

The engineering report should address the effects of the expansion and the placement of underground parking levels for Garage C and Garage D on the San Ramon Creek culvert.

18. We are concerned about a possible conflict between the time table for this Project, and the review schedule by the technical unit of the U.S. Army Corps of Engineers. If construction will begin in 2013, we do not believe the review by the Corps will be completed by then due to the complex nature of the Project. Unfortunately, without approval from the Corps of Engineers for all of these activities, the District will not be able to issue the encroachment permit to the Project.

19. We met with Macerich representatives in December 2011, and have informed them that the review process by the technical group of the Corps of Engineers for the features of the Project that could affect San Ramon Creek box culvert will be long. We foresee structural analysis requirements from the Corps in view of the proposed construction of garages adjacent to the culvert and the taller buildings near or above the culvert structure. The Corps will also examine the planned construction activities and the proposed protection measures and monitoring activities to safeguard the culvert.

A possible solution to obviate this long review is to request the Corps to de-authorize the San Ramon Creek culvert as a federal flood control project through the Corps’ Selective Project Deauthorization process. The FC District’s rights over San Ramon Creek culvert can be turned over to the City of Walnut Creek through this process. An arrangement where the City of Walnut Creek assumes FC
District’s rights over the San Ramon Creek culvert, and maintenance is handled by Macerich, would be acceptable to the FC District.

The arrangement to allow the City to assume the FC District’s rights, and Macerich to assume maintenance should be considered as one of the mitigation measures for the impacts of the Project on the San Ramon Creek culvert.

20. The flows through the San Ramon Creek culvert have been reduced since the construction of the San Ramon Creek Bypass on the east side of South Broadway. However, the culvert still serves as the overflow facility and currently carries about 200 cfs flow diversion for San Ramon Creek Bypass. These flows may need to be maintained for riparian habitat.

Thank you for allowing us to submit comments on this Project, and we welcome continued cooperation. If you have any questions, please contact me at (925) 313-2283 or mcons@pw.cccounty.us.

Sincerely,

[Signature]

Mario Consolacion
Senior Engineering Technician
Contra Costa County Flood Control & Water Conservation District

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c: Mitch Avalon, Chief Deputy Director
   Mike Carlson, Flood Control
   Tim Jensen, Flood Control
   Teri E. Rie, Flood Control
   Garrett Newland, Macerich
      11411 N. Tatum Blvd.
      Phoenix, AZ 85028
Letter E Responses – Contra Costa County Flood Control and Water Conservation District

Comment E-1: 1. The Draft EIR did not include a discussion of the potential impacts of the Project to the San Ramon Creek and the Las Trampas Creek culverts, which are located underneath the Broadway Plaza Shopping Center. Damage to these culvert facilities could pose risks to public safety and the environment.

E-1: The Project Site includes various portions of the San Ramon Creek and Las Trampas Creek culverts. Of these culvert segments, only a 1,000-foot segment of the San Ramon Creek Culvert on Macerich’s property, immediately north of Macy’s and south of Mt. Diablo Boulevard, is subject to the commenter’s inspection, maintenance and repair obligations.

All of the culverts, except the 1,000-foot segment under the commenter’s jurisdiction, are under the oversight of the City of Walnut Creek, which will continue to oversee any work that may impact the culverts in accordance with applicable law and standard industry practices. Under standard practices, a detailed engineering report will be required prior to the issuance of grading or building permits to ensure that the proposed work will not create or exacerbate any structural problems. As explained in Section 4.5 of the Draft EIR (Geology, Soils and Seismicity), the analysis and proposed work must be conducted pursuant to applicable law and industry standards (such as industry standard geotechnical practices and seismic structure design according to the requirements found in the most recent version of the California Building Code, which exceeds the requirements of the Uniform Building Code or International Building Code). The engineering report will analyze construction activities that may occur, such as additional loading and settlement. The report will document the existing improvements located above and adjacent to the culvert, particularly the San Ramon Creek culvert.

To make explicit that the work and analysis encompasses the structural integrity of the culverts, and to ensure that the report addresses the factors mentioned by the commenter, conditions of approval would apply to the Project and all of the alternatives except the No Project Alternative as part of any demolition, building or site development permit issued by the City. Such a report will assure an adequate level of protection when it can address the final engineering details of the work proposed. It is not feasible to have the report prepared before completion of this EIR, since the details of the work that will be conducted are not established until project approval is granted.

Further protection of the culverts is likely to result from a maintenance agreement that is being pursued. The commenter has been engaged in processes to de-federalize the 1,000-foot segment referenced above. That segment was constructed by the US Army Corps of Engineers in the 1970s as part of the federally-funded Walnut Creek Flood Control Project. The purpose of the federal project was and is to accommodate the
100-year design storm. Later, the Army Corps, with local cooperation, constructed the San Ramon Bypass to accommodate the 100-year design storm. Because the San Ramon Bypass rerouted flows from the 100-year design storm around the portion of San Ramon Creek that contains the 1,000-foot segment, the bypass rendered the 1,000-foot segment unnecessary to federal flood control purposes. Accordingly, the commenter, with cooperation and assistance from the City of Walnut Creek and Macerich, has been pursuing processes to remove the 1,000-foot segment from Army Corps oversight and maintenance jurisdiction. Should these processes prove successful, and regardless whether the Broadway Plaza Long Range Master Plan is approved or not, the commenter has indicated that would release its easement over the 1,000-foot segment and the City would assume oversight responsibilities. In that event, and as a condition of the release of the easement, a maintenance agreement would be signed by Macerich and would require that all the culverts on Macerich’s property (including the 1,000-foot segment) be inspected and maintained to ensure, at a minimum, that the culverts would not reach a rating of 3 or worse, as determined by a licensed structural engineer in accordance with the culvert condition rating system set forth in Appendix C to California Department of Transportation Design Information Bulletin 83-02. The culvert on Macy’s property is not subject to oversight by the commenter or the Army Corps. However, should Macy’s or Macerich pursue work in or over the culvert on that parcel, the City will require a similar maintenance agreement for that segment.

**Comment E-2:** 2. We recommend that the City require the applicant, Macerich Northwestern, to submit an engineering report that evaluates the impacts of the construction of new structures and the various activities related to the proposed alternatives of the Project on the two culverts.

The engineering report should propose mitigation measures for adverse impacts. We request that engineering report be included in the environmental document.

The San Ramon Creek and the Las Trampas Creek culvert have been in operation since at least the mid-1960s. We recommend that the applicant commission a structural evaluation of the condition of the existing culvert structures to determine if there are areas of concerns before the start of construction. The results of the structural evaluation should be included in the engineering report.

E-2: See response to comment E-1.

**Comment E-3:** 3. The preferred Project Alternative (both the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario), the No Macy’s Alternative and the 96,000 square-foot Expansion Alternative did not provide exhibits that show where the new buildings for the additional commercial floor areas and the residential units are proposed. We request that the Draft EIR include exhibits that show the location of the new buildings. The City should extend the review period for the Draft EIR to allow interested parties to review and submit comments on the development layout.

E-3: See Master Response 5.2 in Chapter 5 of this Final EIR.
6. Responses to Written Comments Received on the Draft EIR and the Recirculated Chapter 5A

Comment E-4: 4. Section 3.2, page 3-2, Project Overview -The preferred alternative for the Project proposes a net increase of 300,000 gross square feet of commercial space or a net increase of up to 400,000 gross square feet of mixed commercial and residential uses. The net increase in the floor area would mean that higher building structures will be constructed at the Project site.

As a mitigation measure, an engineering report should be required to provide an assessment of the potential loading of the higher buildings, the excavation and placement of foundation for these buildings on the culverts (San Ramon Creek and Las Trampas Creek).

The significant impacts should be discussed and addressed in the appropriate sections of the environmental document or the engineering report.

E-4: See response to comment E-1.

Comment E-5: 5. Section 3.3.5.1, page 3-13, Range of Development Types and Uses -The preferred Project Alternative as well as No Macy's Alternative and the 96,000 square-foot Expansion Alternative did not consider that the San Ramon Creek and Las Trampas Creek culverts are relatively old structures. Both drainage facilities have been in service since at least the mid-1960s. Although the Draft EIR did not include a conceptual layout that shows where the additional commercial floor areas and residential units are proposed, we can assume that some of the new buildings will be constructed near if not above the culverts.

Construction of new buildings, garages and other improvements in close proximity to the culverts will make future repair and replacement of the culvert structures very costly, if not impractical. The improvements proposed by the different alternatives of the Project would pose additional obstruction or totally eliminate repair and reconstruction options on the culverts in the future. We consider may be a significant impact to the culvert.

We request that the applicant address this Project impact in the appropriate sections of the environmental document.

The applicant, the City and the FC District should address the impacts of the Project on the future costs of repairing and replacing the San Ramon Creek culvert. We recommend, as one of the mitigation measures for the impacts of the Project, that the applicant enter into an agreement with the City of Walnut Creek and the FC District to provide funding for the repair, replacement and maintenance costs of the culvert.

E-5: The open portions of these culverts are accessible from the Project Site. The Refined Project Alternative addressed in Chapter 5A proposes to move the point of access to the underground portion of the San Ramon Creek culvert from its current location to a point slightly upstream, at the location of the existing narrow bridge on the Project Site. This modification will effect a change in the access location only, and will not affect the type or ease of access. There are currently no plans for either the Project or any of the other alternatives to change any other access points.
The cost of making repairs is not a physical impact on the environment. Standard permit review and conditions of approval will ensure there are no significant impacts to the 1,000-foot segment of the San Ramon Creek Culvert that is currently under the commenter’s jurisdiction, or to any other culvert segments. No further mitigation is necessary. See also response to comment E-1.

**Comment E-6:** 6. Figure 3-4, page 3-8, Below Grade Parking Map - The different alternatives for the Project including the Relocated Parking Alternative and the Extra Parking Alternative (discussed in Section 5.4.4), included garages with below-grade parking features. Garage B is a below-grade garage between the San Ramon Creek and the Las Trampas Creek culverts. Garage C is a multi-level garage with underground parking level on the east side of San Ramon Creek culvert. The excavation for the foundation, the walls and the underground levels of these garages could affect the structural integrity of the culverts, the existing drainage material and the soil backfill around the culverts.

The engineering report should evaluate the impacts of the construction of these new garage structures on both culverts (San Ramon Creek and Las Trampas Creek).

The Project impacts should be addressed in the appropriate sections of the environmental document.

E-6: See response to comment E-1.

**Comment E-7:** 7. Section 3.3.5.9, page 3-19, Demolition and Construction - The demolition activities, the staging of cranes, demolition excavators and heavy equipment, the storage of materials, the vehicle and truck movements, the placement of formwork/falsework and parking could adversely affect the culverts.

The engineering report should recommend ways to protect the culvert structures during these activities and propose means to mitigate the adverse impacts. During the expansion of the Nordstrom Store, the applicant installed survey points along the San Ramon Creek culvert to monitor its movement. Nordstrom also provided structural calculations to substantiate the minimum safe distance from the culvert where a crane could be positioned without impacting the culvert structure. We recommend that as one of the mitigation measures for the demolition and construction activities of this Project, the applicant should implement similar measures.

E-7: See response to comment E-1.

**Comment E-8:** 8. Section 3.5, page 3-23, Potential Public Agency Approval - Please clarify in this section that the U.S. Army Corps of Engineers, Sacramento District will perform technical review of the proposed activities of this Project that could affect the San Ramon Creek culvert. This office of the Corps of Engineers is a separate unit from the Corps’ Regulatory Branch. The review process may take as much as 1 year to complete.

E-8: Please see page 3-23 of the Draft EIR, which acknowledges: “Review and approval of engineering work near the culverts. The US Army Corps of Engineers may require
review and approval of engineering aspects of the work near the culverts.” The commenter’s estimate of the length of the review process is acknowledged. Such review and approval would not be required if the 1,000-foot segment of culvert is de-federalized and the commenter relinquishes its easement. See response to comment E-1.

**Comment E-9:** 9. Section 3.5, page 3-23, Potential Public Agency Approval -We request that the environmental document state that the FC District will require the applicant to apply for a Flood Control encroachment permit and obtain the approval of the U. S. Army Corps of Engineers, Sacramento District for improvements and activities that may affect the San Ramon Creek culvert and the easement areas for this drainage structure. Further, the environmental document should state that the FC District will not issue the encroachment permit until the Corps of Engineers have issued a formal approval for the project

E-9: See Response to Comment E-8. The Draft EIR already states at page 3-23 “Approval of construction work near the area of the culverts may be required from County Flood Control . . .” It is acknowledged that this approval may take the form of an encroachment permit and/or a right of way transaction. The nature of these approvals does not affect the nature or extent of physical impacts studied in this EIR. Such review and approval would not be required if the 1,000-foot segment of culvert is de-federalized and the commenter relinquishes its easement. See response to comment E-1.

**Comment E-10:** 10. Section 3.5, page 3-23, Potential Public Agency Approval -There is a possibility that the FC District, the City and the applicant may need to execute a right of way transaction involving the San Ramon Creek culvert. To avoid preparing a separate CEQA document for such land transaction in the future, please include a statement in the Draft EIR document indicating the FC District, the City of Walnut Creek and the applicant, Macerich, may need to enter into a right of way agreement for San Ramon Creek culvert.

E-10: See response to comment E-9.

**Comment E-11:** 11. Section 4.3, Figure 4.3-1, Project Site Location and Sensitive Habitats -Tice Creek shown be shown in the figure, including the Tice Creek culvert, since it is discussed on page 4.3-2 and 4.3-3.

E-11: The referenced pages of the Draft EIR state only that historically, Tice Creek was part of the confluence that formed Walnut Creek, and that today, Tice Creek merges with Las Trampas Creek before Las Trampas Creek reaches the Project Site. The Draft EIR discusses other waterways outside the Project Site, including Suisan Bay, Pacheco Creek, Carquinez Strait and the San Francisco Bay. Figure 4.3-1 does not extend to the area of Tice Creek or any of these other off-site waterways because Figure 4.3-1 is intended only to allow for an understanding of the impacts of the Project and the alternatives. Neither the Project nor any of the alternatives will impact Tice Creek.
Comment E-12: 12. Section 4.3, page 4.3-14, U.S. Army Corps of Engineers - In 1971 the Real Estate Investment Trust, granted an easement for the San Ramon Creek to the Flood Control District at Broadway Plaza for the maintenance and operations of the federal project culvert. The easement requires that all future work that may impact the federal project be approved by FC District and the Corps. Since the proposed expansion of Broadway Plaza will require work above and adjacent to the culvert we recommend that you add a discussion of the need for Corps approval under Section 14 of the Rivers and Harbors Act (Section 33 U.S.C. 408) and Corps Regulation 33 C.F.R. 208.10.

E-12: See response to comments E-1 and E-9.

Comment E-13: 13. Section 4.3, page 4.3-17 - Creek Restoration and Trails Master Plan - In guideline 5, the DEIR discusses improving fish passage throughout the creek corridor. How will this implemented with the Broadway Plaza expansion? Guideline 6 discusses preserving existing flood capacity while providing for improved riparian habitat. The DEIR should discuss how this project will preserve existing flood capacity.

E-13: The Project and alternatives will not cause an adverse impact to fish passage capabilities and so no mitigation is appropriate.

Also, the construction of new fish passage facilities is not appropriate or feasible at this time in this highly-urbanized area, which lies upstream of several areas that prevent or severely hinder fish passage. There is no evidence of funding for any downstream improvements, and there has been no such evidence for years, making it inappropriate to expend funding on fish passage improvements in the culverts on the Project Site. Also, the construction of fish passage facilities would require an extensive amount of work, which may create significant environmental and functional impacts that are not currently justified by the lack of benefits that work would provide. If the downstream communities ever construct the habitat improvements, the Project and its alternatives would not preclude the construction of the facilities discussed in the Master Plan.

Neither the Project nor any of the alternatives proposes to modify the existing flood capacity.

Comment E-14: 14. Section 4.10, page 4.10-1, Chapter on Noise and Vibration - Impacts and vibration from the demolition activities, from the truck and equipment movements at the Project site, and from other construction activities could damage the culverts.

We envision that several activities, if not properly monitored, could cause problems. Some examples are presented below:

a. Recurring impacts from concrete rubble (from the structures being demolished) falling directly on top of the culverts.
b. Vibration from the demolition excavators (identified in Section 3.3.5.9, page 3-20) and other vibratory equipment, operating near the culverts, could cause incremental settlement of the backfill around the culverts.

c. Vibration from the repeated loading/dumping of concrete rubble on the beds of the 18-wheel dump trucks. Table 3-3 on page 3-21 listed an estimated 247,000 yards of demolition materials and about 12,400 truck trips.

d. Sudden offloading/dropping of construction materials (such as the delivery of rebar, gravel and sand) on the ground.

We request that the engineering report review the effects of vibration and impacts from the different construction activities and propose measures to protect the culverts. The applicant may need to cordon off and provide setback distances from the breadth of the culverts for all construction activities. Applicant may need to install temporary bridges across the culvert to soften the vibration for truck and equipment crossings. Areas, away from the culverts, for loading concrete rubbles onto dump trucks and off hauling materials deliveries may need to be designated and monitored.

The vibration impacts and proposed protection measures for the culverts should be included in the environmental document.

E-14: See response to comment E-1.

**Comment E-15:** 15. Chapter 4.6, page 4.6-1, Greenhouse Gases and Climate Change - The Draft EIR should evaluate whether the trapped gases within the San Ramon Creek and Las Trampas Creek culverts could pose potential health issues or risks on the Project site. The findings of the evaluation should be included in the environmental document.

From time to time, storm runoff through the culverts could carry materials that give out objectionable odors, and the environmental document should identify who will be responsible for responding to complaints from the residents and store owners.

E-15: The Project and its alternatives are not projected to increase storm runoff, and therefore will not affect the likelihood that stormflows may carry materials with objectionable odors out of the culverts. To the extent the Project or alternatives would cause a change in the composition of storm runoff, the change would be beneficial; cleaner runoff would result due to current laws and regulations, making odors less likely. Even if the Project or its alternatives were to unexpectedly cause a release of gas currently trapped in one of the culverts, the impact would not be significant. The release would occur near the point where the culverts are already exposed to open air (at South Main Street for the Las Trampas culvert and at the southern edge of the existing Macy’s Women’s store for the San Ramon culvert), making the potential for trapped gasses that could cause odors not currently experienced on the Project Site low. Any release would be temporary and likely a one-time event. Accordingly, there will be no significant odor impacts from the Project or the alternatives.
**Comment E-16:** 16. Currently, access for the inspection of San Ramon Creek culvert is very limited. We believe that the same is true for Las Trampas Creek culvert. We request that the applicant include features for this Project that would provide additional access points and improve existing access for inspection of the culverts.

E-16: See response to comments E-1 and E-5. The commenter’s proposal would not address any impacts of the Project or the alternatives. The suggestion to include this requirement will be submitted to decisionmakers as part of this EIR for their consideration.

**Comment E-17:** 17. Section 5.4.4, Non-CEQA Alternatives, page 5-35, Relocated Parking Alternative and the Extra Parking Alternative - We do not agree that the Relocated Parking Alternative and Extra Parking Alternative have no CEQA implications, as indicated in this section of the Draft EIR. The expansion of Garage C and the addition of an underground parking level for Garage D would mean that additional excavation and loading next to the San Ramon Creek culvert will occur.

The engineering report should address the effects of the expansion and the placement of underground parking levels for Garage C and Garage D on the San Ramon Creek culvert.

E-17: See response to comment E-1.

**Comment E-18:** 18. We are concerned about a possible conflict between the time table for this Project, and the review schedule by the technical unit of the U.S. Army Corps of Engineers. If construction will begin in 2013, we do not believe the review by the Corps will be completed by then due to the complex nature of the Project. Unfortunately, without approval from the Corps of Engineers for all of these activities, the District will not be able to issue the encroachment permit to the Project.

E-18: See response to comment E-1 regarding the processes the commenter is currently undergoing regarding de-federalization of the 1,000-foot segment of the San Ramon Creek Culvert. The concern about scheduling constraints will be presented to decisionmakers as a comment on this EIR for their consideration.

**Comment E-19:** 19. We met with Macerich representatives in December 2011, and have informed them that the review process by the technical group of the Corps of Engineers for the features of the Project that could affect San Ramon Creek box culvert will be long. We foresee structural analysis requirements from the Corps in view of the proposed construction of garages adjacent to the culvert and the taller buildings near or above the culvert structure. The Corps will also examine the planned construction activities and the proposed protection measures and monitoring activities to safeguard the culvert.

A possible solution to obviate this long review is to request the Corps to de-authorize the San Ramon Creek culvert as a federal flood control project through the Corps’ Selective Project Deauthorization process. The FC District’s rights over San Ramon Creek culvert can be turned
over to the City of Walnut Creek through this process. An arrangement where the City of Walnut Creek assumes FC District's rights over the San Ramon Creek culvert, and maintenance is handled by Macerich, would be acceptable to the FC District.

The arrangement to allow the City to assume the FC District's rights, and Macerich to assume maintenance should be considered as one of the mitigation measures for the impacts of the Project on the San Ramon Creek culvert.

E-19: See response to comment E-1. Whether the commenter’s rights are turned over to the City of Walnut Creek does not affect the physical impacts of the Project or the alternatives.

Comment E-20: 20. The flows through the San Ramon Creek culvert have been reduced since the construction of the San Ramon Creek Bypass on the east side of South Broadway. However, the culvert still serves as the overflow facility and currently carries about 200 cfs flow diversion for San Ramon Creek Bypass. These flows may need to be maintained for riparian habitat.

E-20: Neither the Project nor any of the alternative propose any changes to the capacity of the culvert.
Dear Mr. Nodder:

The Fire District is in receipt of the draft EIR for the Broadway Plaza Long Range Master Plan. Upon review of this draft report, we have the following comments:

- The plan appears to meet the intent of Section 402 of the 2010 California Building Code for open malls.

- Construction type for all buildings and structures will need to be evaluated as the plan becomes more specific with regards to setbacks, side yards, desired use, and other factors that may affect the construction type of the buildings and structures within the open mall environment.

- The Fire District has faced, and continues to face, significant budget reductions due to property tax declines and other factors. This has resulted in the reduction in staffing at Station 1 in downtown Walnut Creek from two crews to one crew in 2011 and the reduction at Station 6 in downtown Concord from two crews to one crew in 2012. Future reductions in service are possible throughout the Fire District and will have an adverse impact on response times in all cities and communities served by the Fire District.

  o The proposed plan of eliminating Broadway Plaza (public street), or any other vehicular access through the center of the project, will have an adverse impact on total response times to fire and emergency medical incidents within the proposed mall.

  - Although the California Building Code (Sec. 402) does not require additional vehicular access within the mall itself, the Fire District is compelled to request that emergency vehicle access be made available through the center of the mall for the following reasons:
    - Rapid access of fire apparatus and ambulances to emergency medical calls within the mall.
    - Adequate access for aerial ladder truck apparatus for effective rooftop operations such as ventilation.
c With the addition of multi-story residential buildings the need for aerial ladder truck apparatus access becomes even more critical as the current plan lacks sufficient access to affect rescues at any level above two stories with ground ladders.

- The net effect of limiting fire apparatus/ambulance access through the center of the mall will result in already limited resources being unnecessarily committed to incidents within the mall due to excessive walking distances from access points. This places an undue burden on the overall response system within the Fire District.

- In addressing nationally recognized standards for fire suppression capabilities (NFPA 1710), minimum staffing of fire apparatus is 4 firefighters per apparatus – the Fire District is currently at 3 firefighters per apparatus.

  o The initial arriving fire crew should be deployed at the fire scene within 240 seconds, 90% of the time – the Fire District strives to achieve this result within 300 seconds, 90% of the time, but is already limited in its ability meet this standard and does so only 20% of the time, on average, due to increased call loads and limited resources.

  o Full alarm assignments have a 480 second (8 minute) response time standard to 90% of the incidents this includes all assigned units (3 engines, 2 ladder trucks, and 2 battalion chiefs) being at the scene of the fire within this timeframe.

  o For emergency medical calls NFPA 1710 recognizes the same 240 second response time standard to effectively provide care – this includes the time it takes from initial dispatch up to an including the time it takes to reach the patient and begin rendering care.

  o The three standards mentioned above would be unlikely to be met without vehicular access through the center of the proposed project.

Although the California Building Code and California Fire Code provide for increased fire protection system requirements (automatic fire sprinklers, standpipes, etc.) the lack of emergency vehicle access will create a more resource intensive operation due to walking in all necessary equipment to the fire scene from the public roadway.

The Fire District is concerned about the lack of emergency vehicle access through the open mall areas. Although the draft EIR states there is no need for additional Fire District facilities, given the proximity of Fire Station 1 to the proposed project, and categorizes the plan as having a "less than significant" impact
on fire protection and emergency medical services we feel there will be an impact on emergency response with a potential need for additional Fire District staffing to adequately respond to routine and complex fire or emergency medical incidents within the mall area based on the proposed design and lack of emergency vehicle access.

We look forward to working with the design team and City staff to address these concerns in a proactive manner.

Please contact me if you have any questions.

Sincerely,

Lewis T. Broschard III
Fire Marshal
925-941-3520

CC: Fire Chief
   Assistant Fire Chief Operations
   Assistant Fire Chief Support Services
   File
Letter F Response – Contra Costa County Fire Protection District

Comment F-1:

- The plan appears to meet the intent of Section 402 of the 2010 California Building Code for open malls.
- Construction type for all buildings and structures will need to be evaluated as the plan becomes more specific with regards to setbacks, side yards, desired use, and other factors that may affect the construction type of the buildings and structures within the open mall environment.

F-1: The comment addresses regulatory code requirements. The compliance of the Project and the alternatives with the applicable California Building Code will help ensure that impacts are less than significant. The Project Applicants would comply with all applicable regulations of the Building Code and construction requirements for the proposed buildings and structures.

Comment F-2:

- The Fire District has faced, and continues to face, significant budget reductions due to property tax declines and other factors. This has resulted in the reduction in staffing at Station 1 in downtown Walnut Creek from two crews to one crew in 2011 and the reduction at Station 6 in downtown Concord from two crews to one crew in 2012. Future reductions in service are possible throughout the Fire District and will have an adverse impact on response times in all cities and communities served by the Fire District.
  - The proposed plan of eliminating Broadway Plaza (public street), or any other vehicular access through the center of the project, will have an adverse impact on total response times to fire and emergency medical incidents within the proposed mall.
  
  o Although the California Building Code (Sec. 402) does not require additional vehicular access within the mall itself, the Fire District is compelled to request that emergency vehicle access be made available through the center of the mall for the following reasons:
    - Rapid access of fire apparatus and ambulances to emergency medical calls within the mall.
    - Adequate access for aerial ladder truck apparatus for effective rooftop operations such as ventilation.
      - With the addition of multi-story residential buildings the need for aerial ladder truck apparatus access becomes even more critical as the current plan lacks sufficient access to affect rescues at any level above two stories with ground ladders.
    - The net effect of limiting fire apparatus/ambulance access through the center of the mall will result in already limited resources being unnecessarily committed to incidents within the mall due to excessive walking distances from access points. This places an undue burden on the overall response system within the Fire District.
In addressing nationally recognized standards for fire suppression capabilities (NFPA 1710), minimum staffing of fire apparatus is 4 firefighters per apparatus - the Fire District is currently at 3 firefighters per apparatus.

- The initial arriving fire crew should be deployed at the fire scene within 240 seconds, 90% of the time - the Fire District strives to achieve this result within 300 seconds, 90% of the time, but is already limited in its ability meet this standard and does so only 20% of the time, on average, due to increased call loads and limited resources.

- Full alarm assignments have a 480 second (8 minute) response time standard to 90% of the incidents - this includes all assigned units (3 engines, 2 ladder trucks, and 2 battalion chiefs) being at the scene of the fire within this timeframe.

- For emergency medical calls NFPA 1710 recognizes the same 240 second response time standard to effectively provide care - this includes the time it takes from initial dispatch up to an including the time it takes to reach the patient and begin rendering care.

- The three standards mentioned above would be unlikely to be met without vehicular access through the center of the proposed project.

F-2: The comment outlines that there has been reduced staffing levels in fire stations near the Project site since 2011 due to significant budget reductions, with possible further reductions that will have an adverse impact on response times throughout the Fire District, specifically due to the proposal to eliminate Broadway Plaza Street or other vehicular access through the center of the Project.

As discussed on Draft EIR page 4.12-7, impacts related to fire protection services are considered significant only if they would result in the construction of new or altered facilities that would have an adverse physical effect on the environment. Neither the Project nor its alternatives would trigger the need for new or expanded governmental facilities. The economic factors identified by the commenter do not indicate otherwise. The comment does not specify any need for additional or expanded physical facilities.

With the proposed Project, closure of part of Broadway Plaza Street would not result in the need for new or expanded fire and emergency medical facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency medical response, as discussed starting on Draft EIR page 4.12-8. As explained on page 4.13-43 to 4.13-44 of the Draft EIR, the Project Applicants must submit building construction plans to the Fire Protection District and ensure adequate emergency apparatus access as required by applicable law and regulations, without requiring a walking distance that fails to meet these standards and thus would be considered excessive. The alternatives must also meet this regulatory requirement.
Comment F-3: Although the California Building Code and California Fire Code provide for increased fire protection system requirements (automatic fire sprinklers, standpipes, etc.) the lack of emergency vehicle access will create a more resource intensive operation due to walking in all necessary equipment to the fire scene from the public roadway.

The Fire District is concerned about the lack of emergency vehicle access through the open mall areas. Although the draft EIR states there is no need for additional Fire District facilities, given the proximity of Fire Station 1 to the proposed project, and categorizes the plan as having a "less than Significant" impact on fire protection and emergency medical services we feel there will be an impact on emergency response with a potential need for additional Fire District staffing to adequately respond to routine and complex fire or emergency medical incidents within the mall area based on the proposed design and lack of emergency vehicle access.

F-3: As specifically stated on Draft EIR page 4.12-9, the Project would provide fire sprinklers as required, and the District Fire Prevention Bureau would review the Project construction plans and inspect the construction work as it progresses to ensure that proposed buildings meet State and local Building and Fire Code requirements (Leach, 2011b). See response to comment F-2, above. The Project and the alternatives would meet the required dimensions for emergency vehicle access and fire suppression activities.
Kenneth Nodder
Senior Planner, City of Walnut Creek

Ref: Broadway Plaza Draft Environmental Impact Report

This is written on behalf of the Parkmead Community Association (PCA) in south Walnut Creek. We appreciate your efforts to keep us informed concerning the Long Range Master Plan for Broadway Plaza since it is close to our neighborhood and could have impacts on traffic.

The Transportation and Circulation section 4.13 is of particular interest to the PCA. The General Plan 2025 recognizes the Parkmead neighborhood interest in development near our residential neighborhood. We were involved in the reviewing the Trader Joe's and The Village@1500 Newell projects in recent years and appreciate the traffic mitigations made by the City on our behalf including signage and the return of the protected left-turn arrow at Newell and S. California.

We remain concerned about traffic increasing as Broadway Plaza grows in size in coming years. There is the potential for traffic increases on arterials S. Main to and from the I-680 exit as well as on Newell near S. California Blvd. Any increase on these streets impacts our entering and exiting our neighborhood on Newell Ave. and Lilac Dr. as well as increasing cut-through traffic in Parkmead. The Draft EIR concludes “Mitigation: None Required” through out. We know from experience that traffic studies will say there will be minimal or no increases while neighbors will say cut through traffic has increased. Its science versus anecdotal evidence and Parkmead resident opinion.

S. Main from I-680 northbound exit – the Draft EIR notes congestion here during the peak pm drive and we notice it as we enter and exit on Lilac at S. Main. It is our opinion that some of the traffic exits here during the pm rush hour to use surface streets to avoid freeway backups and that this could increase especially if a residential component is included in the Broadway Plaza plan.

Newell near S. California – the Draft EIR notes Level of Service E (going to F in the future) on Olympic (near CVS) at the northbound on ramp to 680. In our opinion this is already impacting Newell into Parkmead as cars cut through to avoid back ups getting onto Olympic west bound from S. California.

We hope that our concerns will be considered even if traffic studies and science do not show a problem. We will continue monitoring the planning process before city commissions and the City Council in the future.

Pete Johnson 933-4490
City and County Liaison
Parkmead Community Association
1701 Lilac Dr, Walnut Creek CA 94595
Letter G Response – Parkmead Community Association

Comment G-1: We appreciate the your efforts to keep us informed concerning the Long Range Master Plan for Broadway Plaza since it is close to our neighborhood and could have impacts on traffic. The Transportation and Circulation section 4.13 is of particular interest to the PCA. The General Plan 2025 recognizes the Parkmead neighborhood interest in development near our residential neighborhood. We were involved in the reviewing the Trader Joe’s and The Village@1500 Newell projects in recent years and appreciate the traffic mitigations made by the City on our behalf including signage and the return of the protected left-turn arrow at Newell and S. California.

G-1: The comment describes the commenter and its past involvement in projects. It does not address the adequacy of the EIR analysis or topics specific to CEQA. The comment is noted.

Comment G-2: We remain concerned about traffic increasing as Broadway Plaza grows in size in coming years. There is the potential for traffic increases on arterials S. Main to and from the I-680 exit as well as on Newell near S. California Blvd. Any increase on these streets impacts our entering and exiting our neighborhood on Newell Ave. and Lilac Dr. as well as increasing cut-through traffic in Parkmead. The Draft EIR concludes “Mitigation: None Required” throughout. We know from experience that traffic studies will say there will be minimal or no increases while neighbors will say cut through traffic has increased. Its science versus anecdotal evidence and Parkmead resident opinion.

G-2: The Draft EIR identifies “Mitigation: None Required” throughout the EIR where the analysis, which was conducted pursuant to standard Walnut Creek practices that embody methodologies commonly used in the industry (and that are described throughout the Draft EIR) finds that impacts would not exceed the applicable CEQA significance threshold, and thus would not warrant the application of mitigation measures. The methods and thresholds pertinent to assessing significant effects of traffic increases on nearby roadways as a result of the Project are described starting on Draft EIR page 4.13-23, and the impacts of the alternatives are described in Chapters 5 and 5A. Anecdotal evidence is not used in the City’s environmental analyses precisely because it is anecdotal and not based upon recognized evidence or methodologies. The City may consider adding conditions of approval to further reduce traffic.

Comment G-3: S. Main from I-680 northbound exit – the Draft EIR notes congestion here during the peak pm drive and we notice it as we enter and exit on Lilac at S. Main. It is our opinion that some of the traffic exits here during the pm rush hour to use surface streets to avoid freeway backups and that this could increase especially if a residential component is included in the Broadway Plaza plan.
G-3: See Response D-3 regarding the South Main Street off-ramp. The Olympic Boulevard off-ramp is a reasonable off-ramp option for Project-generated traffic from northbound I-680 to access Broadway Plaza. Traffic exiting at this location would not be considered cut-through traffic to avoid back-ups on the freeway. The traffic models take cut-through traffic into account.

Comment G-4: Newell near S. California – the Draft EIR notes Level of Service E (going to F in the future) on Olympic (near CVS) at the northbound on ramp to 680. In our opinion this is already impacting Newell into Parkmead as cars cut through to avoid back ups getting onto Olympic west bound from S. California.

G-4: Only five vehicles under the Maximum Commercial Scenario and 11 vehicles under the Maximum Mixed-Use Scenario in the AM peak hour, and 23 vehicles and 32 vehicles, respectively, in the PM peak hour would use the Olympic Boulevard on-ramp to access northbound I-680. The same or fewer vehicles would use this route for any of the alternatives. The street network provides a number of route options for these vehicles to travel westward, including Newell Avenue through the Parkmead neighborhood option.

The commenter is concerned that drivers on California Blvd. who want to head west will see a backup at the Olympic Blvd. onramp to I-680 north, and will use Newell Avenue through the Parkmead neighborhood instead of using Olympic Blvd. The following factors make it unlikely that the route would host such cut-through traffic: Newell has additional stop signs, narrow lanes and many driveways; this route would be used only for those traveling to the Parkmead neighborhood or to points west of the Newell/Olympic intersection; a long travel distance over local streets would be required to reach the freeway using this route while avoiding the Olympic/680 intersection; and this route would allow only westbound traffic (due to the fact that right turns from Olympic onto Newell are prevented by permanent physical barriers). There is no indication of a significant impact and thus mitigation is not appropriate.

The commenters’ concerns about traffic, accordingly, do not merit mitigation under CEQA. The comments will be presented to decision-makers as part of this EIR, for their consideration of the anecdotal and other issues the comments raise.
May 8, 2012

Ken Nodder  
City of Walnut Creek  
1666 N. Main Street  
Walnut Creek, CA 94596

Subject: Broadway Plaza Long Range Master Plan  
SCH#: 2011112011

Dear Ken Nodder:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 7, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse
The Broadway Plaza Long Range Master Plan Project includes a net increase of up to 300,000 gross sf of retail space, or a net increase of up to 400,000 gross sf of mixed retail and residential uses. It also anticipates demolition and reconstruction of ~200,000 sf of retail space, demolition of ~40,000 sf of unusable basement space that will not be replaced, and interior and exterior architectural improvements to the rest of the Broadway Plaza shopping center.
Letter H Response – California State Clearinghouse

Comment H-1: The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 7, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

H-1: This comment letter acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. No state agencies submitted comments as of the date of this comment letter. The comment letter is informational in nature, and no further response is required. (Also see Letter I in this chapter.)
May 10, 2012

Ken Nodder
City of Walnut Creek
1666 N. Main Street
Walnut Creek, CA 94596

Subject: Broadway Plaza Long Range Master Plan
SCH#: 201112011

Dear Ken Nodder:

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 7, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (201112011) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency
Letter I Response – California State Clearinghouse

Comment I-1: The enclosed comment(s) on your Draft EIR was (were) by the State Clearinghouse after the end of the state review period, which closed on May 7, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

I-1: This comment letter acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. This comment letter is informational in nature, and no further response is required. The State Clearinghouse also forwarded a comment letter on the Draft EIR that was submitted by Caltrans, which is presented in this Final EIR as Comment Letter D and responded to immediately following that letter.
From: Nandini Batra [mailto:batra.nandini@gmail.com]
Sent: Thursday, March 22, 2012 6:58 PM
To: Ken Nodder
Subject: proposed closure of Broadway Plaza street

Dear Mr. Nodder,

I am writing in response to an article in today's Contra Costa times regarding the possible closure of Broadway Plaza street. My family and I have been Walnut Creek residents since 1997 and live in the Northgate neighborhood. I am a physician at Kaiser Walnut Creek on North Main Street and Newell Ave. Over the years I have experienced the traffic congestion on Yganacio Valley Road get progressively worse. My morning commute of 5.5 miles takes 25 minutes. I often have to get to the hospital in an emergency and have the option of taking California Avenue or Broadway Plaza to Newell if I have to get to the emergency room, the latter is often faster. Closing Broadway Plaza Road will lead to more traffic congestion on the other routes in downtown and close down my commute route.

On a separate note, I am personally opposed to the over construction that has occurred in downtown Walnut Creek. It has become less and less appealing to go downtown due to parking issues and traffic.

I hope you will carefully consider all sides before approving another retail project that negatively impacts residents.

Sincerely,

Nandini Batra
Letter J Response – Nandini Batra

Comment J-1: I am writing in response to an article in today's Contra Costa times regarding the possible closure of Broadway Plaza street. My family and I have been Walnut Creek residents since 1997 and live in the Northgate neighborhood. I am a physician at Kaiser Walnut Creek on North Main Street and Newell Ave. Over the years I have experienced the traffic congestion on Ygnacio Valley Road get progressively worse. My morning commute of 3.5 miles takes 25 minutes. I often have to get to the hospital in an emergency and have the option of taking California Avenue or Broadway Plaza to Newell if I have to get to the emergency room, the latter is often faster. Closing Broadway Plaza Road will lead to more traffic congestion on the other routes in downtown and close down my commute route.

J-1: The comment raises concern that the possible closure of Broadway Plaza Street would lead to more traffic congestion on roadways in the downtown and specifically along California Avenue to Newell Avenue. See the Broadway Plaza Street Master Response in Chapter 5 of this Final EIR. See also response to comment J-2 below.

Comment J-2: On a separate note, I am personally opposed to the over construction that has occurred in downtown Walnut Creek. It has become less and less appealing to go downtown due to parking issues and traffic.

J-2: The comment does not address the adequacy of the EIR analysis or topics specific to CEQA. The comment is noted. However, the Project would not result in significant traffic impacts pursuant to CEQA, as analyzed in Draft EIR Section 4.13, Transportation and Circulation. Also, as discussed starting on Draft EIR page 4.13-62, the Project would generally provide parking to meet the parking requirements of the City of Walnut Creek Municipal Code for both the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario. The traffic impacts of the alternatives are detailed in Chapters 5 and 5A, and all impacts of those alternatives are less than significant (with the exception of the Relocated Parking Alternative’s contribution to a significant cumulative impact at the Mt. Diablo/Broadway intersection). Also see Response to Comment N-2 regarding residential parking.

Comment J-3: I hope you will carefully consider all sides before approving another retail project that negatively impacts residents.

J-3: The City will fully consider the information in this Final EIR as well as the merits of the Project prior to taking action on the EIR or the Project.

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3 The Code-required parking would be met for the Maximum Mixed-Use Scenario only if no variation in residential unit type is proposed and no shared parking allowances are applied given the mixed use nature of the Project.
Kenneth,
As part of the Broadway Plaza overhaul and upgrade, please consider adding overhead bridges across Mt. Diablo to provide relief to residents of the Lakewood/Walnut Heights area. When the flashing signal crosswalk was added between PF Chang's and H & M, it created an additional obstacles to those of us who rely on access to Highway 24 via Mt. Diablo Boulevard. Our alternative is to go out to Ygnacio which adds additional traffic load to that street. Now with all the shoppers ambling across, we must sit there and watch the traffic signal at Mt. Diablo and North Main change from green to red before we reach it. Thank you.

--
Deborah Burstyn
Writer/Editor/Content

(925) 286-3015

http://www.deborahburstyn.com/
http://www.linkedin.com/in/deborahburstyn
Twitter me @DeborahBurstyn or follow me at http://twitter.com/DeborahBurstyn
Letter K Response – Deborah Burstyn

Comment K-1: As part of the Broadway Plaza overhaul and upgrade, please consider adding overhead bridges across Mt. Diablo to provide relief to residents of the Lakewood/Walnut Heights area. When the flashing signal crosswalk was added between PF Chang’s and H & M, it created an additional obstacles to those of us who rely on access to Highway 24 via Mt. Diablo Boulevard. Our alternative is to go out to Ygnacio which adds additional traffic load to that street. Now with all the shoppers ambling across, we must sit there and watch the traffic signal at Mt. Diablo and North Main change from green to red before we reach it. Thank you.

K-1: The comment suggests the addition of overhead bridges across Mt. Diablo Boulevard, presumably for pedestrians, to reduce vehicular traffic obstacles (delays and long queues) approaching Mt. Diablo Boulevard and North Main Street. The analysis in Draft EIR Section 4.13, Transportation and Circulation, does not identify significant effects to pedestrians or intersection operations that warrant an overhead pedestrian bridge as mitigation. The alternatives likewise do not create significant impacts that would be mitigated by an overhead pedestrian bridge. However, the City may consider this suggestion as it considers the Final EIR and the Project.
Ken,

Thank you for making a copy of the EIR available. I picked up the document on Friday afternoon and reviewed it over the weekend. Quite frankly we have very serious concerns with this massive redevelopment and the potential devastating impact it will likely have on our project. Macerich is proposing to vacate a public street which provides the only access to our project. Macerich owns all of the property along Broadway Plaza Street except for the Macy’s parcel and our parcel. From the attached article it appears that Macerich and the City have cut a deal with Macy’s. It is inconceivable that we have not been brought into the discussions with the City and Macerich. If the project is allowed to proceed as envisioned, our business will be devastated during construction; we will completely lose the public street in front of our building and we will end up with a cul-de-sac in front of our building designed for delivery trucks to Broadway Plaza business. We have very grave concerns.

Thanks,
Don
Letter L Response – Don Gaube

Comment L-1: Thank you for making a copy of the EIR available. I picked up the document on Friday afternoon and reviewed it over the weekend. Quite frankly we have very serious concerns with this massive redevelopment and the potential devastating impact it will likely have on our project. Macerich is proposing to vacate a public street which provides the only access to our project. Macerich owns all of the property along Broadway Plaza Street except for the Macy’s parcel and our parcel.

L-1: Please see the Master Response 5.2 in Chapter 5 of this Final EIR for discussion of aesthetics.

Regarding Broadway Plaza Street vacation, as described on Draft EIR on page 3-19, the portion of Broadway Plaza Street in front of the parcel at the southeast corner of Broadway Plaza Street and South Main would maintain its public frontage and driveway access with the Project. Neither the Project nor Alternative 1 (the only other alternative that proposes street vacation) would close the portion of the street in front of this parcel. See the Broadway Plaza Street Master Response in Chapter 5 of this Final EIR. The noise, dust and other aspects of the redevelopment are also addressed in the EIR. The economic impacts to nearby businesses are not physical impacts of the Project or its alternatives.

Comment L-2: From the attached article it appears that Macerich and the City have cut a deal with Macy’s. It is inconceivable that we have not been brought into the discussions with the City and Macerich.

L-2: The comment presents a concern about not having been invited by the Project Sponsor and the City into discussions about the proposed Broadway Plaza Street closure. No “deal” has been reached between the City and any entity. The Council must consider this EIR, and determine whether it adequately evaluates the impacts of the project under consideration, before it could consider approval of the Project or any of the alternatives. The comment does not address the adequacy of the EIR analysis or topics specific to CEQA. The comment is noted and will be presented as part of this EIR to decisionmakers for their consideration.

Comment L-3: If the project is allowed to proceed as envisioned, our business will be devastated during construction; we will completely lose the public street in front of our building and we will end up with a cul-de-sac in front of our building designed for delivery trucks to Broadway Plaza business. We have very grave concerns.

L-3: See Response to Comment L-1.
From: Margaret Nicholas [mailto:mf nicholas@prodigy.net]
Sent: Monday, March 26, 2012 4:02 PM
To: Ken Nodder
Subject: broadway mall

I read the report in the CC Times about proposals to the shopping center. The subject came up in my recent quilt group meeting. All 12 of us were very concerned about the future proposals. The main factors being NO housing, and NO taking away the upper deck of the Macy's parking. We all much prefer and feel safer in an open air atmosphere for parking and at present its so easy to walk to any store, especially Macy's. I hope you will address these points.
Sincerely, Margaret Nicholas
939-1521
Letter M Response – Margaret Nicholas

Comment M-1: I read the report in the CC Times about proposals to the shopping center. The subject came up in my recent quilt group meeting. All 12 of us were very concerned about the future proposals.

M-1: The commenter’s opposition to housing on the Project Site will be presented to decisionmakers as part of this EIR. The comment addresses the merits of the Project and Alternative 1, and does not address the adequacy of this EIR or the physical impacts of the Project or alternatives on the environment.

Comment M-2: We all much prefer and feel safer in an open air atmosphere for parking and at present its so easy to walk to any store, especially Macy’s. I hope you will address these points.

M-2: The commenter’s preference for above-ground, unenclosed parking will be presented to decisionmakers as part of this EIR. The comment addresses the merits of underground parking, and does not address the adequacy of this EIR or the physical impacts of the Project or alternatives on the environment.

In addition, the Project and most of the alternatives propose new garages, the impacts of which are identified and mitigated in the Draft EIR. Moreover, the Project and alternatives would be required to meet the parking demand pursuant to the Walnut Creek Municipal Code and the Planned Development zoning for the project.
Hand Delivered to City Clerk
To: The Walnut Creek City Council
Re: Agenda 4b Meeting March 20, 2012

Ladies and Gentlemen:
I refer to the drawings and renderings presented to the Joint Design Review and Planning Commission meeting of March 7, 2012, and wish to make comment on these materials as they may reflect the general scope and character of Macerich’s proposed plans for expansion of the Broadway Plaza shopping center.

The Housing Element. I urge you to reject the argument that it is an essential element in the expansion plans. It may be because development lenders demand a significant housing element as a lenders’ safety net under non-recourse provisions of the financing contracts. In my opinion the basic negative in a housing element is, that no matter what the arrangements for housing-tenant parking are, there is a net loss of parking spaces available for shoppers, especially relative to the fixed amount of money Macerich is willing to spend on overall parking expansion. Even if Macerich makes the illusory promise and concession to increase the number of parking spaces to compensate for the loss of parking spaces to residential parking, you can bet that the amount of money involved will come out of the amount Macerich has budgeted for increased traffic mitigation and amelioration. On these grounds I urge you to say “no” to any form of a housing element.

Four Factors. I wish to briefly point out the following four factors that may have affected Macerich’s entrepreneurial judgment in proposing the expansion of the shopping center as reflected in the referenced drawings and renderings:

1) Extremely low rate of interest available for funding the expansion of the Broadway Plaza shopping center does indeed temp overbuilding,

2) The proposed expansion plans utilize generally prevailing non-recourse provisions radically changing the risk/reward ratio. The willingness of development lenders to lend on a non-recourse basis limits Macerich’s risk of loss from overbuilding the expansion of the shopping center, and thus encourages overbuilding. In addition, lenders find non-recourse lending desirable because a housing element increases value of the asset in the event of foreclosure.

3) The desire of Macerich to make a major expansion of GLA of the shopping center, not only to preserve and protect market share from encroachment, but also to preempt the loss of market share from the potential development of a competing regional shopping center in a nearby community, also tends toward gross overbuilding.
4) It is perfectly reasonable for Macerich to expand the marvelously successful Broadway Plaza shopping center that is relatively small at 777,000 sq. ft. GLA in comparison to Macerich’s portfolio of properties that contain twenty three Regional Centers each well over one million GLA in size. (See attach pages from Macerich’s SEC 10K report listing its portfolio of properties.)

It should be noted that those large Regional Shopping Centers are generally characterized by greater heights and bulks of buildings in contrast with the pedestrian friendly openness of Broadway Plaza’s broader lanes, walkways and fountain plazas. Your Design Review Commissioners were quite right in asking to see more specific drawings and renderings that would illustrate the new designs viewed at pedestrian level to better visualize the relative width of walkways and passageways and the relative appearance of towering three story wall surfaces. All of these matters are a reminder of the garden atmosphere and charming landscaping of the pedestrian friendly character of Broadway Plaza shopping center. I do not believe that some guy sitting in a high rise office building on Wilshire Blvd. in L.A. pouring over a spreadsheet should be the sole arbiter for the design of the shopping center in Walnut Creek. Note, how many “deeds in lieu of foreclosure” appear in the last three years of Macerich’s S.E.C. 10K reports.

I urge you to be cautious to avoid a Faustian bargain seeking on one hand the valid goal of maximum sales tax revenues of dominant market share but gambles and risks the dangers of losing the demonstrated success of a regional shopping center that emphasized openness and charming garden atmosphere and appealing seasonally colorful landscaping. That quality is the hallmark of suburban Northern California. In short, be careful not to degrade the goose that lays the golden egg.

Lastly, we would hope that in exchange for the City surrendering title to the public street, the full length of Broadway Plaza Street, that there be explicit contractual provision (so far unmentioned in your staff reports) regarding perpetual free public access to all of the parking areas of the expanded shopping center. It is my hope that in your guidance and policy statements you reassure the voting public that in exchange for deeding the full length of Broadway Plaza Street to Macerich you will make certain that all new parking in the shopping center will be free permanently to all members of the public with appropriate short term hourly time limits.

Respectfully submitted,

Joseph A. Giordano

Forty year co-owner of retail properties in downtown Walnut Creek
Associate, Stanford Institute for Economic Policy Research, at Stanford University.

mag attachments.
Letter N Response – Joseph Giordano

Comment N-1: The Housing Element. I urge you to reject the argument that it is an essential element in the expansion plans. It may be because development lenders demand a significant housing element as a lenders' safety net under non-recourse provisions of the financing contracts. In my opinion the basic negative in a housing element is, that no matter what the arrangements for housing-tenant parking are, there is a net loss of parking spaces available for shoppers, especially relative to the fixed amount of money Macerich is willing to spend on overall parking expansion. Even if Macerich makes the illusory promise and concession to increase the number of parking spaces to compensate for the loss of parking spaces to residential parking, you can bet that the amount of money involved will come out of the amount Macerich has budgeted for increased traffic mitigation and amelioration. On these grounds I urge you to say "no" to any form of a housing element.

N-1: See Response to Comment M-1 regarding residential uses. Also see Response to Comment J-2 regarding parking supply with residential uses under the Maximum Mixed-Use Scenario in particular. As discussed on Draft EIR page 4.13-63, a parking shortfall for residential uses would only occur if all of the 200 proposed units were two-bedroom and/or two-bedroom plus units (as opposed to a mix of studios, one-bedrooms and these larger units). As noted, the final project design shall comply with the parking ordinance, and thus must provide sufficient parking. Compliance with parking requirements cannot be “traded” for a refusal to comply with mitigation measures necessary to reduce significant impacts to less than significant levels.

Comment N-2: Four Factors. I wish to briefly point out the following four factors that may have affected Macerich’s entrepreneurial judgment in proposing the expansion of the shopping center as reflected in the referenced drawings and renderings:

1) Extremely low rate of interest available for funding the expansion of the Broadway Plaza shopping center does indeed tempt overbuilding.

2) The proposed expansion plans utilize generally prevailing non-recourse provisions radically changing the risk! reward ratio. The willingness of development lenders to lend on a non-recourse basis limits Macerich's risk of loss from overbuilding the expansion of the shopping center, and thus encourages overbuilding. In addition, lenders find non-recourse lending desirable because a housing element increases value of the asset in the event of foreclosure.

3) The desire of Macerich to make a major expansion of GLA of the shopping center, not only to preserve and protect market share from encroachment, but also to preempt the loss of market share from the potential development of a competing regional shopping center in a nearby community, also tends toward gross overbuilding.

4) It is perfectly reasonable for Macerich to expand the marvelously successful Broadway Plaza shopping center that is relatively small at 777,000 sq. ft. GLA in comparison to Macerich’s portfolio of properties that contain twenty three Regional Centers each well over one million GLA in size. (See attach pages from Macerich's SEC 10K report listing its portfolio of properties.)
N-2: The comments do not address the adequacy of the EIR analysis or topics specific to CEQA but provides opinions about the Project Sponsor’s business considerations for the Project. The comment is noted.

Comment N-3: It should be noted that those large Regional Shopping Centers are generally characterized by greater heights and bulks of buildings in contrast with the pedestrian friendly openness of Broadway Plaza’s broader lanes, walkways and fountain plazas. Your Design Review Commissioners were quite right in asking to see more specific drawings and renderings that would illustrate the new designs viewed at pedestrian level to better visualize the relative width of walkways and passageways and the relative appearance of towering three story wall surfaces. All of these matters are a reminder of the garden atmosphere and charming landscaping of the pedestrian friendly character of Broadway Plaza shopping center. I do not believe that some guy sitting in a high rise office building on Wilshire Blvd. in L.A. pouring over a spreadsheet should be the sole arbiter for the design of the shopping center in Walnut Creek. Note, how many "deeds in lieu of foreclosure" appear in the last three years of Mace rich's S.RC. 10K reports.

I urge you to be cautious to avoid a Faustian bargain seeking on one hand the valid goal of maximum sales tax revenues of dominant market share but gambles and risks the dangers of losing the demonstrated success of a regional shopping center that emphasized openness and charming garden atmosphere and appealing seasonally colorful landscaping. That quality is the hallmark of suburban Northern California. In short, be careful not to degrade the goose that lays the golden egg.

N-3: Please see Master Response 5.2 in Chapter 5 of this Final EIR.

Comment N-4: Lastly, we would hope that in exchange for the City surrendering title to the public street, the full length of Broadway Plaza Street, that there be explicit contractual provision (so far unmentioned in your staff reports) regarding perpetual free public access to all of the parking areas of the expanded shopping center. It is my hope that in your guidance and policy statements you reassure the voting public that in exchange for deeding the full length of Broadway Plaza Street to Macerich you will make certain that all new parking in the shopping center will be free permanently to all members of the public with appropriate short term hourly time limits.

N-4: The Project and Alternative 1 do not propose vacation of the full length of Broadway Plaza Street, but only the center portion. See the Broadway Plaza Street Master Response in Chapter 5 of this Final EIR The commenter’s suggestion regarding the merits of the Project and Alternative 1 will be presented to decisionmakers as part of this EIR for their consideration.
From: RJD214@aol.com [mailto:RJD214@aol.com]
Sent: Thursday, March 29, 2012 9:57 AM
To: Ken Nodder
Subject: Downtown

Mr. Nodder,
Please don't ruin our downtown by closing the street. Traffic is congested already. It sounds like Macerich is trying to make a walled city of our downtown. Also why would you even consider housing. We don't need more traffic or apts. I am definitely opposed to this idea.
Charlotte Darius
Letter O Response – Charlotte Darius

Comment O-1: Please don't ruin our downtown by closing the street. Traffic is congested already. It sounds like Macerich is trying to make a walled city of our downtown.

O-1: See the Master Response 5.1 in Chapter 5 of this Final EIR.

Comment O-2: Also why would you even consider housing. We don't need more traffic or apts. I am definitely opposed to this idea.

O-2: See Response to Comment M-1 regarding residential uses proposed.
From: Jim Mills [mailto:jimmills360@gmail.com]
Sent: Monday, April 02, 2012 7:28 PM
To: Ken Nodder
Subject: Broadway Plaza Expansion

Dear Mr. Nodder,

I understand from an article in the CC Times that you are collecting comments on the proposed expansion of Broadway Plaza.

I have only one concern regarding this project, and that pertains to the closing of the Broadway Plaza street to most vehicle traffic. I believe that closing the street would be a serious mistake. If one looks at such closures around the country, where streets have been converted into "pedestrian malls", they rarely maintain their vibrancy or achieve the amount of street-level activity that is promised. Instead, such malls seem to attract vagrancy, litter, and loitering, more often than higher rents. In fact, higher-end retailers often avoid such malls. The executives at MaceRich can look right down the street from their headquarters in Santa Monica, to the long-struggling 3rd Street Mall there, to see what I mean. These closed-off malls rarely work in the United States. I would urge you to ask MaceRich to cite specific examples where these sorts of projects have been successful, and to explain why this proposed closure would have the predicted positive results.

The Plaza street is one of the characteristics of Broadway Plaza that differentiate it from run-of-the-mill open air malls around the country. The street helps the center to feel like a downtown Walnut Creek street, rather than some laminated shopping mall concourse like one finds in Century City or dozens of other malls. In addition, the Plaza street offers a convenient place to park or drop off passengers who may have mobility concerns. It is a delightful street, with just the right amount of traffic and activity, and I usually make a point of walking down it whenever I visit that part of town.

Broadway Plaza represents a tremendous asset for our city, and MaceRich has done a terrific job developing it over the years. I would not want the City to do anything to undermine the shopping center or reduce its competitiveness as a retail destination. But closing the Plaza street is not necessary for this expansion project. I would rather see the City offer more flexibility on the surrounding parcels, in terms of use and density, if that is what MaceRich seeks, than see that street become an under-used pedestrian mall.

Thank you for taking the time to consider my comments.

Jim Mills
2930 Filbert Drive
Walnut Creek, CA 94598
Letter P Response – Jim Mills

Comment P-1: I have only one concern regarding this project, and that pertains to the closing of the Broadway Plaza Street to most vehicle traffic. I believe that closing the street would be a serious mistake. If one looks at such closures around the country, where streets have been converted into "pedestrian malls", they rarely maintain their vibrancy or achieve the amount of street-level activity that is promised. Instead, such malls seem to attract vagrancy, litter, and loitering, more often than higher rents. In fact, higher-end retailers often avoid such malls. The executives at MaceRich can look right down the street from their headquarters in Santa Monica, to the long struggling 3rd Street Mall there, to see what I mean. These closed-off malls rarely work in the United States. I would urge you to ask MaceRich to cite specific examples where these sorts of projects have been successful, and to explain why this proposed closure would have the predicted positive results.

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P-1: See the Master Response 5.1 in Chapter 5 of this Final EIR. The commenter makes an apparent reference to Santa Monica Place, a shopping center also operated by applicant Macerich. Santa Monica Place did not involve the closure of a street. To the contrary, once Third Street businesses started thriving, Macerich opened up the mall to continue the Third Street promenade into the center.
Hi Ken and Scott, I just wanted to pass this along to you for your information. Also, Ken, I had some questions about the EIR…are you around this afternoon? Thanks, Cindy Darling

Dear Cindy,

As you consider Mace Rich's request to expand Broadway Plaza, I hope you will reflect on what has made it an asset to the City of Walnut Creek.

The Center was constructed next to, and as an addition to, the existing downtown. Rather than a sea of asphalt with a walled island of concrete in the center, as most centers of its day (e.g. Sun Valley), it was an extension of the downtown. Broadway ran through the shopping center (over what is now Liberty Bell Plaza), until redevelopment placed it behind present-day Nordstroms and Macys. The connection, however, remained in front the stores from Mt. Diablo to South Main, and one could also turn right (present Plaza fountain) to exit onto Main by old Penny's. So there were 3 connecting points through the center to downtown -- by Nordstrom's to exit by old Crosby's and Stanford's, plus the street perpendicular to Nordstrom's to exit by Penny's (David M. Brian), and the Mt. Diablo Street exit. The Nordstroms end was later blocked, creating a horseshoe, which was filled in a few years ago (California Pizza Kitchen, etc.) That left the one street to connect to downtown.
Mace Rich now wants to close this street and turn all activity inside, creating a Medieval Walled City, with admission at 2 points only, apparently. No more seeing what's going on inside by slowly driving by. More than one city retail district has died by becoming pedestrian only (e.g. Fresno). It sounds wonderful, but practice in many places has proved to be different. Even Mace Rich's shopping center in Santa Monica closed streets, but has had to re-open them part of the time.

Could this street be moved and continue as a narrower connection with no parking? If it is essential that this last remaining connection be cut off, in order to re-model, then the very least that should be considered is that the trolley needs to traverse the entire center, not just pull in and retreat. This would remain the last remaining vestige on connection to the downtown.

My concern is that Broadway Plaza becomes a city unto itself, turning its back on the rest of downtown and choking off the vitality needed to keep a vibrant older district. The City has invested a great deal of time and treasure to get people to cross Mt. Diablo Blvd. and visit and shop in the original downtown. I would hate to see a ghost town emerge on Main and Locust as the new plaza sucks the life-blood from the area.

Before granting approval to this large and long lasting plan, please consider the negatives and look for a solution which maintains the connections that are so necessary to the survival and well being of the ENTIRE downtown.

Thank you, Gwen Regalia

934-6313
Letter Q Response – Gwen Regalia

**Comment Q-1:** The Center was constructed next to, and as an addition to, the existing downtown. Rather than a sea of asphalt with a walled island of concrete in the center, as most centers of its day (e.g. SunValley), it was an extension of the downtown. Broadway ran through the shopping center (over what is now Liberty Bell Plaza), until redevelopment placed it behind present-day Nordstrom and Macy's. The connection, however, remained in front the stores from Mt. Diablo to South Main, and one could also turn right (present Plaza fountain) to exit onto Main by old Penny's. So there were 3 connecting points through the center to downtown -- by Nordstrom's to exit by old Crosby's and Stanford's, plus the street perpendicular to Nordstrom's to exit by Penny's (David M. Brian), and the Mt. Diablo Street exit. The Nordstrom end was later blocked, creating a horseshoe, which was filled in a few years ago (California Pizza Kitchen, etc.) That left the one street to connect to downtown.

Q-1: The comment addresses previous circulation and development patterns, but does not raise issues regarding the physical impacts of the Project or alternatives on the environment. The comment will be presented to decisionmakers as part of this EIR for their consideration.

**Comment Q-2:** Mace Rich now wants to close this street and turn all activity inside, creating a Medieval Walled City, with admission at 2 points only, apparently. No more seeing what's going on inside by slowly driving by. More than one city retail district has died by becoming pedestrian only (e.g. Fresno). It sounds wonderful, but practice in many places has proved to be different. Even Mace Rich's shopping center in Santa Monica closed streets, but has had to re-open them part of the time.

Could this street be moved and continue as a narrower connection with no parking? If it is essential that this last remaining connection be cut off, in order to re-model, then the very least that should be considered is that the trolley needs to traverse the entire center, not just pull in and retreat. This would remain the last remaining vestige on connection to the downtown.

My concern is that Broadway Plaza becomes a city unto itself, turning is back on the rest of downtown and choking off the vitality needed to keep a vibrant older district. The City has invested a great deal of time and treasure to get people to cross Mt. Diablo Blvd. and visit and shop in the original downtown. I would hate to see a ghost town emerge on Main and Locust as the new plaza sucks the life-blood from the area.

Q-2: See the Master Response 5.1 in Chapter 5 of this Final EIR. There are no significant impacts of the Project or alternatives that would be mitigated by moving the street and making it narrower; however the Refined Project Alternative proposes to narrow Broadway Plaza Street to provide pedestrian amenities.
Comment Q-3: Before granting approval to this large and long lasting plan, please consider the negatives and look for a solution which maintains the connections that are so necessary to the survival and well being of the ENTIRE downtown.

Q-3: The City will consider the commenter’s information in this Final EIR as well as the merits of the Project prior to taking action on the EIR, the Project or any of the alternatives.
JoAnn Hanna
950 Trails End
Walnut Creek

Ken Nodder
Senior Planner
Community Development Department
1666 North Main Street

Re: Broadway Plaza Long Range Master Plan
EIR Response

Goals and Objectives

Mixed use, and its description Page 3-14, Paragraph 4 starting with “The Commercial Uses Proposed” conflict with project goals and objectives of the City as stated on Page 3-21, Section 3.4. Walnut Creek has been a high-end retail destination for at least 70 years. This designation is a category far removed from many other (or mixed) categories, i.e., convenience, neighborhood, etc. as example, do not mix well with high-end retail. This customer does not want to mix with the natives, their dogs, children, plumber, sister-in-law or car. They want easy traffic, convenient parking, and clever merchants with beautiful products, pleasant dining and little distraction.

The Plaza

Walnut Creek needs to keep its grid order. The plaza is a concept without real merit. Union Square is in San Francisco, as an example, does not serve the shoppers who provide a tax base to the city. It serves the lingerers and the loiterers. Black Hawk Shopping Center was founded with a central plaza theme and places for children to play. It has been a dismal failure. Saks even pulled out.

It’s my humble opinion that the purpose was the “Captive Customer” which is constant with past performances of the Broadway Plaza.

The housing element is a retail killer for ‘hi-end’ – great for selling a cup of coffee or a doughnut, but a failure in selling Prada or St. John.

Land Use & Planning

If the goal is pedestrian orientation and getting people to travel on foot, then the Broadway needs to get over its “fortress” look, its’ I’m just one big garage look,” and join the rest of the city. Newell Avenue looks like Commercial Lane thanks to Macys – No pedestrian entrance, the same with Broadway. The wide, “hotel type” entrance just exaggerates this vehicular concept. Nordstrom’s entrance needs warming up and Neimans needs a display window facing Pottery Barn + William Sonoma. There needs to be displays on both South Main and Broadway. Putting every display window inside does not encourage pedestrian use. People do not like walking past blank spaces. The color white is glaring and ugly in summer sun. That’s why the original Design Review Ordinance stressed pale umbers, siennas and naples yellow. To make people feel relaxed and happy, soft light is a must. The
present white of Neimans is shocking. There are not enough or high enough openings on South Main. Broadway faces the westerly sun and needs a cool and wide opening like the present one in front of Neiman's near Stanfords, or improve entrance and appearance and keep the existing street (keep grid).

Size

The present goal needs modification to keep in scale of the town and the fifty-foot height limit. Elimination of the housing element and removing the 12-foot screens from all building plan is a must. The 50' height limit should not be exceeded by screens. Most heating and cooling elements need to be in the basement or a ground level. They are too heavy for roofs. These screens violate the intent of the 50' ordinance.

I am concerned about the extent of demolition, which will take a year and 500 workmen every day. It's so inconsiderate of merchants. I am beginning to see the Macerich Company as the landlord from hell.

Thanks,

JoAnn Hanna
Letter R Response – JoAnn Hanna

Comment R-1: Mixed use, and its description Page 3-14, Paragraph 4 starting with "The Commercial Uses Proposed" conflict with project goals and objectives of the City as stated on Page 3-21, Section 3.4. Walnut Creek has been a high-end retail destination for at least 70 years. This designation is a category far removed from many other (or mixed) categories, i.e., convenience, neighborhood, etc. as example, do not mix well with high-end retail. This customer does not want to mix with the natives, their dogs, children, plumber, sister-in-law or car. They want easy traffic, convenient parking, and clever merchants with beautiful products, pleasant dining and little distraction.

R-1: The commenter’s claim that housing would not be consistent with the General Plan goals, policies and action items referenced on Draft EIR page 3-14 is noted and will be presented to decisionmakers as part of this EIR for their consideration. The Project and Alternative 1 propose General Plan Amendments to allow residential uses on the Project Site. If decisionmakers consider whether to approve the Project or Alternative 1, they will determine whether the residential uses are consistent with goals and policies to enhance shopping, site residents close to destinations to help keep the Pedestrian Retail District lively and walkable, support infill and redevelopment, encourage diverse housing options, and enhance and improve the vitality of Broadway Plaza, among other things.

The commenter’s suggestion that the Applicants’ customers do not want “to mix with the natives” and that business will suffer will be presented to decisionmakers as part of this EIR for their consideration. These comments do not address the physical impacts of the Project or alternatives on the environment.

Comment R-2: Walnut Creek needs to keep its grid order. The plaza is a concept without real merit. Union Square is in San Francisco, as an example, does not serve the shoppers who provide a tax base to the city. It serves the lingerers and the loiterers. Black Hawk Shopping Center was founded with a central plaza theme and places for children to play. It has been a dismal failure. Saks even pulled out.

It's my humble opinion that the purpose was the "Captive Customer" which is constant with past performances of the Broadway Plaza.

R-2: See the Master Response 5.1 in Chapter 5 of this Final EIR.

Comment R-3: The housing element is a retail killer for 'hi-end' -great for selling a cup of coffee or a doughnut, but a failure in selling Prada or St. John.

R-3: See responses to comments M-1 and R-1.

Comment R-4: If the goal is pedestrian orientation and getting people to travel on foot, then the Broadway needs to get over its "fortress" look, its" I'm just one big garage look," and join the rest of the city. Newell Avenue looks like Commercial Lane thanks to Macys -No pedestrian entrance, the same with Broadway. The wide, "hotel type" entrance just exaggerates this
6. Responses to Written Comments Received on the Draft EIR and the Recirculated Chapter 5A

vehicular concept. Nordstrom's entrance needs warming up and Neimans needs a display window facing Pottery Barn + William Sonoma. There needs to be displays on both South Main and Broadway. Putting every display window inside does not encourage pedestrian use. People do not like walking past blank spaces. The color white is glaring and ugly in summer sun. That's why the original Design Review Ordinance stressed pale umbers, siennas and naples yellow. To make people feel relaxed and happy, soft light is a must. The present white of Neimans is shocking. There are not enough or high enough openings on South Main. Broadway faces the westerly sun and needs a cool and wide opening like the present one in front of Neiman's near Stanfords, or improve entrance and appearance and keep the existing street (keep grid).

R-4: See response to comment P-1. The City will consider this information as it deliberates the design review of the Project.

Comment R-5: The present goal needs modification to keep in scale of the town and the fifty-foot height limit. Elimination of the housing element and removing the 12-foot screens from all building plan is a must. The 50' height limit should not be exceeded by screens. Most heating and cooling elements need to be in the basement or a ground level. They are too heavy for roofs. These screens violate the intent of the 50' ordinance.

R-5: As stated on Draft EIR page 3-4, the Project would conform to existing General Plan building height limits, which are generally more restrictive than the height limits established by Measure A. The City has consistently interpreted and applied its height limits to apply to buildings, and not heating, ventilating, and air-conditioning systems (HVAC) and other utility systems that are typically placed on large building rooftops (Section 10-2.1.303, Definitions, of the Municipal Code specifies an exception up to 12 feet above “top elevation” for these systems). Design review requirements would ensure that visual impacts will be less than significant. Consistent with the draft Broadway Plaza Planned Development District Design Guidelines, the Project would adequately screen from the view of any public frontage any rooftop equipment, and the screens would be well-designed and compatible with the building and site design. Further, pursuant to Building Code requirements, building rooftops would be structurally engineered to support these systems.

Comment R-6: I am concerned about the extent of demolition, which will take a year and 500 workmen every day. It's so inconsiderate of merchants. I am beginning to see the Macerich Company as the landlord from hell.

R-6: As stated on Draft EIR page 3-19, the analysis assumed a single phase for construction of the proposed Project to ensure a conservative analysis of environmental impacts. It is unlikely that all new construction associated with the Project would happen in a single phase, but the analysis covers this possibility. (See Chapter 2 for information currently proposed regarding construction phasing.) The Applicants propose to redevelop Broadway Plaza to keep it vibrant and current, which cannot happen without disruptive demolition and construction. The EIR evaluates the physical impacts of demolition and reconstruction.
Dear Ken,

Thought the enclosed was a gain analysis of the State and maybe social engineering.

Your goal appears to be the highest screening for modern heating and cooling on rooftops you probably already know this.

Cheers,

JoAnn Han
Government meddling in communities causes trouble

By Thomas Sowell

Apparently, the soaring national debt and the threat of a nuclear Iran are not enough to occupy the government's time, because the Obama administration is pushing to force Westchester County, N.Y., to create more low-income housing, to mix and match classes and races to fit the government's preconceptions.

Behind all this busy work for bureaucrats and ideologues is the idea that there is something wrong if a community does not have an even or random distribution of various kinds of people.

This arbitrary assumption is that the absence of evenness or randomness — whether in employment, housing or innumerable other situations — shows a "problem" that has to be "corrected."

No speck of evidence is considered necessary for this assumption to prevail at any level of government, including the Supreme Court of the United States. No one has to show the existence, much less the prevalence, of an even or random distribution of different segments of the population — in any country, anywhere in the world, or at any period of history.

Nothing is more common than for people to sort themselves out when it comes to residential housing, whether by class, race or other factors.

When there was a large Jewish population living on New York's Lower East Side a century ago, Jews did not live at random among themselves. Polish Jews had their neighborhoods, Romanian Jews theirs and so on. Meanwhile, German Jews lived uptown. In Chicago, when Eastern European Jews began moving into German Jewish neighborhoods, German Jews began moving out.

It was much the same story in Harlem or in other urban ghettos, where blacks did not live at random among themselves.

Landmark scholarly studies by E. Franklin Frazier in the 1930s showed in detail how different neighborhoods within the ghettos had people of different educational and income levels, with different male-female ratios and different ways of life living in different places.

There was nothing random about it. Within Chicago's black community, the delinquency rate ranged from more than 40 percent in some black neighborhoods to less than 2 percent in other black neighborhoods. People sort themselves out.

None of this was peculiar to blacks or Jews, or to the United States. When emigrants from Scotland went to Australia, the Scottish Highlanders settled separately from the Scottish lowlanders. So did emigrants from northern Italy and southern Italy.

Separate residential patterns that are visible to the naked eye, when the people are black and white, are also pervasive among people who physically all look alike.

Charles Murray's eye-opening new book, "Coming Apart," shows in detail how different segments of the white American population not only live separately from each other but have very different ways of life — and are growing increasingly remote from one another in beliefs and behavior.

None of this matters to politicians and ideologues who are hellbent to mix and match people according to their own preconceptions. Moreover, like many things that the government does, it does residential integration more crudely than when people sort themselves out.

Back in the days when Frazier was doing his scholarly studies of the composition and expansion of black ghettos, he found the most educated and cultured elements of the black communities living on the periphery of those communities.

It was these kinds of people who typically led the expansion of the black community into the surrounding white communities. By contrast, government programs often take dysfunctional families from high-crime ghetto neighborhoods and put them down in the midst of middle-class neighborhoods by subsidizing their housing.

Whether these middle-class neighborhoods are already either predominantly black or predominantly white, the residents often are outraged by the increased crime and other behavior problems inflicted on them by politicians and bureaucrats.

But their complaints usually fall on deaf ears. People convinced of their own superior wisdom and virtue have no time to spare for what other people want, whether in housing or health care or a whole range of other things.

Thomas Sowell is a senior fellow at the Hoover Institution, Stanford University.
Letter S Response – JoAnn Hanna

Comment S-1: Thought the enclosed was a fair analysis of the State and Macerich social engineering.

S-1: The comment does not address the adequacy of the EIR analysis or topics pertaining to CEQA but submits a newspaper article on the socio-economic integration of communities. The comment is noted.

Comment S-2: Four feet appears to be the highest screening for modern heating and cooling rooftops, you probably already know this.

S-2: The comment offers information about screening heights for modern rooftop heating and cooling equipment. See Response to Comment R-5.
From: Barney [mailto:barneydubyu@yahoo.com]
Sent: Thursday, April 26, 2012 11:12 AM
To: Ken Nodder
Subject: Broadway Plaza Long-Range Master Plan

Mr. Kenneth Nodder:

I am a long time resident of the condominium at 1201 Alta Vista Drive in Walnut Creek and hereby submit my comments on your draft EIR for the Broadway Plaza Long-Range Master Plan.

Our building sits on a hill on the north east corner of South Broadway and Mt. Diablo behind Wells Fargo Bank and would be directly affected by the proposed changes to the master plan.

While our homeowners' association generally supports the proposed changes to the master plan we are concerned about the traffic increases that this project will generate and the construction noise impacts associated with it.

Downtown Walnut Creek already sees a tremendous amount of traffic due to the success of Broadway Plaza and this project will only add more. In addition, any demolition work on existing structures should not be allowed to proceed after business hours, i.e., no night work.

Our condominium was significantly affected by night work on the Nordstrom project until we met with the project manager to address the noise impacts.

Mitigation for these significant adverse impacts needs to be clearly spelled out and committed to in your FEIR to make this project beneficial to all of us in Walnut Creek, not just merchants & business interests.

Thank you.

-- Barney Wong (925.942.3616)
Letter T Response – Barney Wong

Comment T-1: I am a long time resident of the condominium at 1201 Alta Vista Drive in Walnut Creek and hereby submit my comments on your draft EIR for the Broadway Plaza Long-Range Master Plan.

Our building sits on a hill on the north east corner of South Broadway and Mt. Diablo behind Wells Fargo Bank and would be directly affected by the proposed changes to the master plan.

While our homeowners' association generally supports the proposed changes to the master plan we are concerned about the traffic increases that this project will generate and the construction noise impacts associated with it.

Downtown Walnut Creek already sees a tremendous amount of traffic due to the success of Broadway Plaza and this project will only add more. In addition, any demolition work on existing structures should not be allowed to proceed after business hours, i.e., no night work.

Our condominium was significantly affected by night work on the Nordstrom project until we met with the project manager to address the noise impacts.

T-1: The comment states concern about traffic increases resulting from the Project. While the Project and alternatives would increase traffic on area roadways, they would not result in significant traffic impacts pursuant to CEQA, as analyzed in Draft EIR Section 4.13, Transportation and Circulation, Chapter 5 and Chapter 5A (with the exception of the Relocated Parking Alternative, which creates a considerable contribution to a significant impact at the Mt. Diablo/Broadway intersection).

The comment also states concern about construction noise impacts resulting from the Project. The potential construction noise effects of the Project and alternatives are addressed starting on Draft EIR page 4.10-11, and in Chapter 5 and 5A. As discussed there, the Project and all alternatives (except the No Project Alternative) would generate a substantial temporary increase in construction-related noise, which is considered a significant impact (Impact NOI-1). The Project and alternatives (except the No Project Alternative) would implement Mitigation Measures NOI-1a and NOI-1b on Draft EIR pages 4.10-13 and 4.10-14, which would reduce the impact, but not to less than significant levels. Moreover, the analysis recognizes on Draft EIR page 4.10-5 nearby sensitive noise receptors, including “several apartments and condominium projects on the hills east of South Broadway and one apartment complex approximately 650 feet northeast of the closest proposed construction,” in the area cited in the comment.

Construction activities during non-business hours may be permitted as outlined in Title 4, Chapter 6, Section 4.6-203 of the Walnut Creek Municipal Code and discussed on Draft EIR pages 4.10-8 and 4.10-9. The City Engineer would grant a
permit only if it is determined that the public health, safety and welfare would not be impaired by the permitted activities. Mitigation Measure NOI-1a requires that the Applicants identify an onsite complaint and enforcement manager to respond to and track complaints and questions related to noise, which should avoid the need to await a meeting with the project manager to address any problems.

Comment T-2: Mitigation for these significant adverse impacts needs to be clearly spelled out and committed to in your FEIR to make this project beneficial to all of us in Walnut Creek, not just merchants & business interests.

T-2: The Project and all alternatives except the No Project Alternative would implement Mitigation Measures NOI-1a and NOI-1b (see Draft EIR pages 4.10-13 and 4.10-14), and the City would enforce and monitor compliance of the mitigation measures in accordance with the Mitigation Measure Monitoring and Reporting Plan (MMRP) for the Project. (Also see Response to Comment T-1.)
Dear Mr. Nodder,

Your email was given in the Times as the contact for comments relating to plans for developing Broadway Plaza beyond its current state.

Having been aware of these plans since they were announced a while ago, I would like to express my 'no vote' for residential properties on any redevelopment that goes forward. While the idea regarding closure of the current road through the Mall to turn it into pedestrian/retail space seems reasonable and could make the Plaza a more user-friendly place to spend time (and money), the idea of housing in an already over-grid-locked neighborhood (with Whole Foods, High School, local, Broadway Plaza and commuter through traffic already producing regular paralysis and unpleasantness) would be disastrous for those of us who live in that corner of Walnut Creek.

I have been living off San Miguel since the early 90s and have since been forced to drive various rings around the downtown on my way from Hwy 24 just to get home from work, to change all my market habits to early mornings, and to generally avoid the downtown midday every day of the week. While all of the high end rental, condo and retail development may be good for property conglomerates and the city tax base it has already eroded the quality of life for many long-time residents. We adapt, but it is hard not to notice the regular weekend property abuse, trash, homeless encampments and other urban ills that have crept in over time.

I urge you to give extra weight to the opinions of the property-owning residents when you go forward. Walnut Creek is barely hanging on to its lovely small-town, civilized lifestyle. It is what made/makes it so attractive to visitors and vendors in the first place. Please consider the quality of life issues and avoid the more-is-better development that has hurt so many other East Bay communities.

Thank you for your consideration

Janet Luhmann
16 Adeline Dr
Walnut Creek 94596
Letter U Response – Janet Luhmann

Comment U-1: Your email was given in the Times as the contact for comments relating to plans for developing Broadway Plaza beyond its current state. Having been aware of these plans since they were announced awhile ago, I would like to express my 'no vote' for residential properties on any redevelopment that goes forward. While the idea regarding closure of the current road through the Mall to turn it into pedestrian/retail space seems reasonable and could make the Plaza a more user friendly place to spend time (and money), the idea of housing in an already over grid locked neighborhood (with Whole Foods, High School, local, Broadway Plaza and commuter through traffic already producing regular paralysis and unpleasantness) would be disastrous for those of us who live in that corner of Walnut Creek.

U-1: The comment opposes the residential component of the Project; see Response to Comment M-1 regarding residential uses proposed. The comment also opposes the closure of Broadway Plaza Street; see the Master Response 5.1 in Chapter 5 of this Final EIR.

Comment U-2: I have been living off San Miguel since the early 90s and have since been forced to drive various rings around the downtown on my way from Hwy 24 just to get home from work, to change all my market habits to early mornings, and to generally avoid the downtown midday every day of the week. While all of the high end rental, condo and retail development may be good for property conglomerates and the city tax base it has already eroded the quality of life for many longtime residents. We adapt, but it is hard not to notice the regular weekend property abuse, trash, homeless encampments and other urban ills that have crept in over time.

U-2: The comment laments the traffic congestion in downtown and how it has affected personal driving patterns, and raises other factors that have adversely affected residents’ quality of life. Regarding traffic effects overall, while the Project and alternatives would increase traffic on area roadways they (with the exception of the Relocated Parking Alternative) would not result in significant traffic impacts pursuant to CEQA, as analyzed in Draft EIR Section 4.13, Transportation and Circulation. There is no evidence that the Project or any alternatives would cause or exacerbate property abuse, trash, homeless encampment or other urban ills. See Master Response 5.2

Comment U-3: I urge you to give extra weight to the opinions of the property owning residents when you go forward. Walnut Creek is barely hanging on to its lovely small town, civilized lifestyle. It is what made/makes it so attractive to visitors and vendors in the first place. Please consider the quality of life issues and avoid the more is better development that has hurt so many other East Bay communities.

U-3: The comment does not address the adequacy of the EIR analysis or topics specific to CEQA but discusses the merits of the Project. The comment is noted. The City will consider this information as it deliberates the Project.
Dear Mr. Nodder:

We have reviewed the EIR (Environmental Impact Report) for Macerich Company's proposed mixed retail and residential re-development project for our city's (or THEIRS, it seems) Broadway Plaza referred to in Elisabeth Nardi's article in the May 5th issue of Contra Costa Times. A public response was said to be due by 4:00 p.m. on May 7. Although we have followed the Times daily for what seems like forever, we evidently missed any requests for response or attending City Council or Planning Commission meetings on the subject. While doing our best to scan on-line, we no doubt glossed over some important information contained in this monstrous but well written document. Nevertheless, we'll summarize below:

1. Housing. As apparently shared by some city council members, we can't visualize placing residential spaces in such a small area. Not practical due to units possibly taking away needed public parking space depending upon unit sizes. Also, would add to commute traffic. It would reduce commercial square footage by 50% and presumably cut city tax revenues while still allowing the owner rent or lease income. We still couldn't find on maps or in the dialog where either the housing units or parking for them were to be located.

2. Visual. The proposed commercial building characteristics bordered on unsightly but deemed "Less Than Significant". Looking at the before and after photos in Figures 4.1 - 4.2, .4,.5 &.6, we disagree since many of the buildings took away considerably from the skyline and natural pleasance. It is recommended that the promises of "retail signage, fenestration, articulation, awnings, ornamental detailing, landscaping, trees", etc. subject to design review be critically reviewed prior to any approval of the project.

3. Broadway Plaza Street. There was reference for the street in front of Nordstrom's to be transferred to private ownership. Whatever the reason for this in the plan of things, it should still remain the property of Walnut Creek (if in fact, it still is)!

Finally, we believe that some improvements to the Plaza could be made but not anything as large and time-taking as being proposed and certainly NOT to place housing units there. Traffic in our once nice town has already gotten out of hand in the quest to paint it over and increase revenue. It makes some of us who have lived here many years want to move and then, possibly only come to Walnut Creek to and goggle.

You and others have, however, done a good job in your preparation and we trust the above will be taken into consideration by the Commission and Council.

Ken & Claire Rice
1891 Glen View Drive
Walnut Creek, CA 94595
Letter V Response – Ken Rice

Comment V-1: We have reviewed the EIR (Environmental Impact Report) for Macerich Company’s proposed mixed retail and residential re-development project for our city’s (or THEIRS, it seems) Broadway Plaza referred to in Elisabeth Nardi’s article in the May 5th issue of Contra Costa Times. A public response was said to be due by 4:00 p.m. on May 7. Although we have followed the Times daily for what seems like forever, we evidently missed any requests for response or attending City Council or Planning Commission meetings on the subject. While doing our best to scan on-line, we no doubt glossed over some important information contained in this monstrous but well written document. Nevertheless, we’ll summarize below:

V-1: As indicated on page 1-1 of this Final EIR, on March 21, 2012, the City released a Notice of Release and Availability of Draft Environmental Impact Report (EIR) for the Project, and the public review and comment period for the Draft EIR began on Thursday, March 22, 2012 and ended Monday, May 7, 2012. See response to comment X-1 also.

Comment V-2: 1. Housing. As apparently shared by some city council members, we can’t visualize placing residential spaces in such a small area. Not practical due to units possibly taking away needed public parking space depending upon unit sizes. Also, would add to commute traffic. It would reduce commercial square footage by 50% and presumably cut city tax revenues while still allowing the owner rent or lease income.

V-2: The comment questions the feasibility of placing residential spaces on the Project Site given parking and traffic effects. See Response to Comment N-1 regarding proposed residential use and parking effects. Also, while the Project would increase traffic on area roadways, including the Maximum Mixed-Use Scenario which includes residential use, it would not result in significant traffic impacts pursuant to CEQA, as analyzed in Draft EIR Section 4.13, Transportation and Circulation.

Comment V-3: We still couldn't find on maps or in the dialog where either the housing units or parking for them were to be located.

V-3: The comment asks about maps or description of where the housing and related parking would be located. Please see Master Response 5.2. The Project and Alternative 1 (the only ones that propose residential uses) propose master plans, and as described on Draft EIR pages 3-1, 3-14, and 5-5 to 5-6 the EIR. The building locations and site design have not been developed and are not being presented for approval. As indicated on Draft EIR page 3-14, any development would be configured in buildings that would comply with the current height limitations of the General Plan, and residential uses would be located on floors above the commercial uses. Residential parking would be included in Garage B in a gated area for reserved residential parking. See Chapter 2 of this Final EIR for a description of the further details that have been developed for the Refined Project Alternative.
Comment V-4: 2. Visual. The proposed commercial building characteristics bordered on unsightly but deemed "Less Than Significant". Looking at the before and after photos in Figures 4.1 - 4.2, 4.5 & 6, we disagree since many of the buildings took away considerably from the skyline and natural pleasance. It is recommended that the promises of "retail signage, fenestration, articulation, awnings, ornamental detailing, landscaping, trees", etc. subject to design review be critically reviewed prior to any approval of the project.

V-4: Please see Master Response 5.2 in Chapter 5 of this Final EIR regarding aesthetics.

Comment V-5: 3. Broadway Plaza Street. There was reference for the street in front of Nordstrom's to be transferred to private ownership. Whatever the reason for this in the plan of things, it should still remain the property of Walnut Creek (if in fact, it still is!)

V-5: See the Master Response 5.1 in Chapter 5 of this Final EIR regarding traffic and other considerations of the project and alternatives.

Comment V-6: Finally, we believe that some improvements to the Plaza could be made but not anything as large and time-taking as being proposed and certainly NOT to place housing units there. Traffic in our once nice town has already gotten out of hand in the quest to paint it over and increase revenue. It makes some of us who have lived here many years want to move and then, possibly only come to Walnut Creek to and goggle.

V-6: The comment reiterates the concerns about residential use and related traffic effects addressed in Response to Comment V-2. The remaining comments do not address the adequacy of the EIR analysis or topics specific to CEQA. Those comments are noted.
1701 Lilac Drive  
Walnut Creek, CA 94595  
May 7, 2012

Kenneth Nodder  
Senior Planner

Ref: Broadway Plaza Draft Environmental Impact Report

We appreciate the public meetings held by Macerich and the City of Walnut Creek to present the Long Range Master Plan for Broadway Plaza. We attended several meetings and watched others on Walnut Creek TV. We have three points we would like to make:

1. Height limits – We are pleased that Macerich is not requesting any exceptions to the existing height limits.

2. Pedestrian friendly orientation – At the initial public meetings, we spoke in favor of closing Broadway Plaza Street and are pleased that Macerich has incorporated that concept. However, we are concerned that the area be kept as open as possible and not filled by more buildings, or creating a canyon feeling with walkways between tall buildings.

3. Residential use option – We are opposed to having a residential component in Broadway Plaza. The City is already adding a great number of residential units in the downtown area, including The Village @ 1500 Newell, adjacent to Broadway Plaza.

We will continue to participate in the review process in the coming months.

Pete Johnson and Susan Neyer
Letter W Response – Pete Johnson and Susan Neyer

Comment W-1: 1. Height limits – We are pleased that Macerich is not requesting any exceptions to the existing height limits.

W-1: The comment addresses the merits of the Project pertaining to height limits. The City will consider height prior to taking action on the Project or alternatives.

Comment W-2: 2. Pedestrian friendly orientation – At the initial public meetings, we spoke in favor of closing Broadway Plaza Street and are pleased that Macerich has incorporated that concept. However, we are concerned that the area be kept as open as possible and not filled by more buildings, or creating a canyon feeling with walkways between tall buildings.

W-2: See the Master Responses 5.1 and 5.2 in Chapter 5 of this Final EIR.

Comment W-3: 3. Residential use option – We are opposed to having a residential component in Broadway Plaza. The City is already adding a great number of residential units in the downtown area, including The Village @ 1500 Newell, adjacent to Broadway Plaza.

W-3: See Response to Comment M-1 regarding residential uses proposed.
From: carolesmas@aol.com
Sent: Monday, May 07, 2012 9:13 PM
To: Ken Nodder
Subject: Fwd: Broadway Plaza Input

IF this goes through, it's the last of several attempts.........copy of returned emails to follow....

😊 carolesmas@aol.com

-----Original Message-----
From: carolesmas <carolesmas@aol.com>
To: nodder <nodder@walnutcreek.org>
Sent: Mon, May 7, 2012 4:57 pm
Subject: Broadway Plaza Input

Dear Mr Nodder,

I am writing in response to the deadline created for input on the EIR for the Broadway Plaza project proposed by Macerich.

I am not certain exactly how much input the general public will be given on this project. I am appalled by the fact that I have seen so little publicity re this huge change to the general look of the city, the huge effect it will have on all those who shop or dine downtown, and the huge effect it may have on the creeks and environment. Why have there not been any of the architectural renderings in the newspapers so that people can see what is being proposed? Why are there not better means to notify the public of such major changes? I'm just not certain that the City does a very good job informing folks of projects that will have such a major impact on their lives, and ultimately on the way they are able to go about them.

Perhaps I am just not aware of the "process"....and this is just the beginning step? Perhaps after you have all decided that this is a great idea, and you have approved the basic concept.....then we will be given a voice? I am thinking of how many times the wonderful library idea was actually VOTED down.....and still the City managed to spend 43 Million of our dollars.... so, can you understand concerns as to if or when anyone will be able to actually have a say!!?

Now, for the project: I do not believe that you will find many people wanting to live over the shops in this center. It would be a difficult ordeal just to have to empty all your groceries into an elevator, and then get them to an apartment somewhere in the middle of the fortress.......then go out once again to walk the dog.......it doesn't make alot of sense, and seems like it would only work for single people, certainly not an atmosphere for children.

The drawings that have been presented are not at all 'shopper friendly'......they give the feeling of being in a huge maze. I originally thought the idea of vacating the street was great....much friendlier if you can simply run across to the shop you wanted to get to, instead of going all the way to a signal to wait for traffic. However, they are not just vacating the street, and giving us space....they are adding so many, many buildlings to the small space, that it becomes a massive concrete jungle, not a friendly space at all.
I believe the issue of construction debris and noise speaks for itself. No matter what a contractor tells you as to how he can mitigate all of that......it never works! It doesn't matter once the project is started, it simply has to be dealt with, and I believe people will get used to shopping elsewhere for a long, long time. I can tell you that wherever I go, people always laugh about how WC is "construction city"....there is ALWAYS something being torn up, or torn down and traffic is bad enough, but you can count on having to deal with detours every time you go downtown. That will just be one more reason to shop Stoneridge, or SF!! Thanks to BART, it's not such a bad idea!!

I am not an engineer, and cannot intelligently speak to the issue of underground parking and the derailing of the natural flow of the creek system. I just know, having lived on a creek here in the city since the 1970's, that when you "mess with Mother Nature", she has ways of getting even. :) I know the creeks have been diverted, and there is presently a culvert under Macy's, but I do not think you can count on the water levels staying constant in this part of Northern California.

I also would like to question the height limit.....I believe this project is in contradiction/violation of the General Plan, is it not? If 50 feet is the limit.....then that includes whatever screens, and/or appliances you may need to install on your roof! It does not state 50 feet PLUS......

There are myriad pedestrian issues to be considered!! This is NOT a pedestrian friendly project!!! I don't care what they say about all the trees, walkways, etc. It's NOT friendly to the rest of this city! Why are there no windows in Neiman Marcus that face Mt Diablo Blvd? Why is the sidewalk SO WHITE in front of NM that you cannot look at it on a sunny day!? Why are the colors of NM so outrageous, and out of touch with the General Plan of WC!? Looks like something that was created in the 70's, and is ready for "tear-down" status.....

To say that "transportation will only be impacted during construction" is just nonsense!! It will be impacted forever! You are considering eliminating a vital part of the traffic grid/plan of this City....in order to create a fortress-like center that will effectively turn it's back on the rest of the retail areas of WC. By not having Broadway as a part of traffic flow, you keep people from traveling North/South in this part of town....you send them around the entire fortress, but do not encourage them to go anywhere else to shop in WC.

I hope that those of you in charge of the future of WC really consider all of the issues........I know income and tax revenue is fueling all of this, but if people decide that you've made it too difficult to get there, and it's not fun once you do........you may build it, but they won't come.

Thank you for your consideration,
Sincerely,
Carole Mason
255 Northgate Rd
Walnut Creek, CA 94598
Letter X Response – Carol Mason

Comment X-1: I am not certain exactly how much input the general public will be given on this project. I am appalled by the fact that I have seen so little publicity re this huge change to the general look of the city, the huge effect it will have on all those who shop or dine downtown, and the huge effect it may have on the creeks and environment. Why have there not been any of the architectural renderings in the newspapers so that people can see what is being proposed? Why are there not better means to notify the public of such major changes? I'm just not certain that the City does a very good job informing folks of projects that will have such a major impact on their lives, and ultimately on the way they are able to go about them.

Perhaps I am just not aware of the "process"....and this is just the beginning step? Perhaps after you have all decided that this is a great idea, and you have approved the basic concept.....then we will be given a voice? I am thinking of how many times the wonderful library idea was actually VOTED down.....and still the City managed to spend 43 Million of our dollars.... so, can you understand concerns as to if or when anyone will be able to actually have a say!?

X-1: The comment states concern with the lack of notification to the public of this major Project. Macerich, one of the applicants, held numerous community feedback and input meetings in 2011, at which it presented various design concepts and elicited oral and written public opinion regarding potential expansion of Broadway Plaza. The City conducted numerous public hearings and workshops, all of which were noticed to the public as required by law. These meetings include the following:

- On November 1, 2011, the City Council held a Special Joint Meeting with members of the Planning, Design Review and Transportation Commissions.
- On November 29, 2011, the City Council held a follow-up Special Meeting where Macerich provided Council with feedback from its outreach workshops.
- On February 9 and March 7, 2012, joint meetings were held with the Planning Commission and Design Review Commission. Commissioners were presented with “fly-over” images of a massing model developed by the Applicants.
- On March 20, 2012, the City Council held a meeting for an update on the project and to discuss provisions for the Development Agreement and a request for vacation of the Broadway Plaza Street.
- On April 12, 2012, the Planning Commission held a study session for preliminary review of the Project.
- On April 13, 2012, Macerich requested that City processing be stayed until further notice, to allow Macerich to develop and propose another alternative.
- On February 19, 2013, the City Council held a study session at which Macerich presented a revised alternative and provided an update on Macerich’s next steps.
• On April 11, 2013 the Planning Commission held a study session to discuss various aspects of the Project and alternatives.

• On April 17, 2013 the Design Review Commission held a study session to discuss various aspects of the Project and alternatives.

• On April 18, 2013 the Transportation Commission held a study session to discuss various aspects of the Project and alternatives.


• On June 27, 2013 the Planning Commission held a study session on the proposed zoning ordinance and Design Guidelines for the Refined Project Alternative.

• On September 17, 2013 the City Council held a study session on the proposed Development Agreement for the Refined Project Alternative.

• On September 18, 2013, the Design Review Commission held a study session on the proposed Design Guidelines for the Refined Project Alternative.

• On September 19, 2013, the Transportation Commission held a study session on transportation-related issues in the Design Guidelines for the Refined Project Alternative.

• On September 26, 2013, the Planning Commission held a study session on the proposed zoning ordinance and Design Guidelines for the Refined Project Alternative.

In addition, and as described on Draft EIR page 1-3, on November 2, 2011, the City issued a Notice of Preparation (NOP) to announce its intent to prepare and distribute a Draft EIR for the Project. The NOP was distributed to governmental agencies, organizations, and persons interested in the Project.

As indicated on page 1-1 of this Final EIR, on March 21, 2012, the City released a Notice of Release and Availability of Draft Environmental Impact Report (EIR) for the Project, and the public review and comment period for the Draft EIR began on Thursday, March 22, 2012 and ended Monday, May 7, 2012. The Notice also advertised a public hearing on the Draft EIR on April 12, 2012. As also indicated on page 1-1 of this Final EIR, on May 20, 2013, the City issued a Notice of Release and Availability of the “Recirculated Chapter 5A: Refined Project Alternative” document for public review and to solicit public comment through Friday, July 5, 2013.

All CEQA notices and records of public meeting/hearing proceedings for the Project are available from the City and its website. As described on page 1-2 of this Final EIR, the remainder of the CEQA process for the Project is that the City will consider at a public hearing the information in this Final EIR to determine whether to certify the EIR, which it must do before it can consider whether to approve the Project or any alternatives.
Pursuant to the Ralph M. Brown Act (Government Code sections 54950 and following) all decisions of Commissions and the Council can be made only at regular or special public hearings, for which notice is required to be and was given. The City purchases advertising space in the Contra Costa Times to announce all public meetings and provide notice of the agendas for those meetings. Information about meetings and documents can also be obtained from the City’s website, which has agendas, staff reports with attachments, minutes, and live streaming video of council meetings. The City’s Community Development Department maintains a web page for current major projects, which has links for documents prepared and received in connection with major projects such as the Broadway Plaza Long Range Master Plan. Notices, agendas and staff reports for future hearings on the Project and alternatives may be obtained from these sources. There has not been and cannot be any approval of the basic concept or any aspect of the Project or alternatives prior to completion of the CEQA process, and decisions can be made only at public hearings.

**Comment X-2:** Now, for the project: I do not believe that you will find many people wanting to live over the shops in this center. It would be a difficult ordeal just to have to empty all your groceries into an elevator, and then get them to an apartment somewhere in the middle of the fortress......then go out once again to walk the dog......it doesn’t make alot of sense, and seems like it would only work for single people, certainly not an atmosphere for children.

X-2: The comment questions the desirability of apartment living. See Response to Comment M-1 regarding residential uses proposed. The commenters’ statements will be presented to decisionmakers as part of this EIR for their consideration.

**Comment X-3:** The drawings that have been presented are not at all 'shopper friendly'......they give the feeling of being in a huge maze. I originally thought the idea of vacating the street was great....much friendlier if you can simply run across to the shop you wanted to get to, instead of going all the way to a signal to wait for traffic. However, they are not just vacating the street, and giving us space....they are adding so many, many buildings to the small space, that it becomes a massive concrete jungle, not a friendly space at all.

X-3: The comment concerns the Broadway Plaza Street vacation and resulting urban design. See the Master Response 5.1 in Chapter 5 of this Final EIR. See responses to comment N-3 and P-1.

**Comment X-4:** I believe the issue of construction debris and noise speaks for itself. No matter what a contractor tells you as to how he can mitigate all of that.......it never works! It doesn't matter once the project is started, it simply has to be dealt with, and I believe people will get used to shopping elsewhere for a long, long time. I can tell you that wherever I go, people always laugh about how WC is "construction city"....there is ALWAYS something being torn up, or torn down and traffic is bad enough, but you can count on having to deal with detours every time you go downtown. That will just be one more reason to shop Stoneridge, or SF!! Thanks to BART, it's not such a bad idea!!
X-4: The construction noise analysis in the Draft EIR determined that noise impacts would be significant and unavoidable; see Response to Comment T-1.

Comment X-5: I am not an engineer, and cannot intelligently speak to the issue of underground parking and the derailing of the natural flow of the creek system. I just know, having lived on a creek here in the city since the 1970's, that when you "mess with Mother Nature", she has ways of getting even. :) I know the creeks have been diverted, and there is presently a culvert under Macy's, but I do not think you can count on the water levels staying constant in this part of Northern California.

X-5: The natural drainage through the project limits and immediate vicinity in downtown Walnut Creek has been substantially altered from its natural condition with the construction of the Las Trampas Creek, San Ramon Creek, and Walnut Creek culverts beginning in the 1950’s, and culminating with the construction of the San Ramon Bypass channel in the 1990’s. These projects improved the hydraulic capacity of the drainage network and provide 100-year flood protection to the project and other areas within downtown Walnut Creek. The proposed project will not alter the flow hydraulics of any of these important drainage facilities. Construction of a below grade parking garage does not materially affect the functioning of an adjacent culvert and will not adversely affect hydraulic capacity of the drainage system. Acknowledging that it is impossible to predict the future, all of the culverts were designed to Army Corps of Engineers flood protection standards.

There is no proposal to “derail the natural flow of the creek system.” The Refined Project Alternative would include development over a concreted portion of the San Ramon Creek Culvert, but it would not physically affect any portions of the culvert below the high water mark. Insofar as the comment regarding water levels is intended to reference the capacity of the storm drainage system to accommodate flows from the Project and alternatives, please see the discussion in section 4.8 of the Draft EIR (Hydrology) and Chapters 5 and 5A (addressing impacts of the alternatives). The Project and alternatives would not increase the amount of stormflows leaving the Project Site and thus would not adversely affect storm drainage capacity.

Comment X-6: I also would like to question the height limit.....I believe this project is in contradiction/violation of the General Plan, is it not? If 50 feet is the limit.....then that includes whatever screens, and/or appliances you may need to install on your roof! It does not state 50 feet PLUS.....

X-6: The comment questions the Project’s rooftop equipment screening, which the City does not include when determining compliance with the 50-foot height requirement. See Response to Comment R-5.

Comment X-7: There are myriad pedestrian issues to be considered!! This is NOT a pedestrian friendly project!!! I don't care what they say about all the trees, walkways, etc. It's NOT friendly to the rest of this city! Why are there no windows in Neiman Marcus that face Mt Diablo Blvd?
Why is the sidewalk SO WHITE in front of NM that you cannot look at it on a sunny day!? Why are the colors of NM so outrageous, and out of touch with the General Plan of WC!? Looks like something that was created in the 70's, and is ready for "tear-down" status.....

X-7: The commenter’s criticism of the aesthetics of the Neiman Marcus store and the sidewalk in front of it does not address physical impacts of the Project or alternatives. See also Response to Comment V-4.

Comment X-8: To say that "transportation will only be impacted during construction" is just nonsense!! It will be impacted forever! You are considering eliminating a vital part of the traffic grid/plan of this City ...in order to create a fortress-like center that will effectively turn it's back on the rest of the retail areas of WC. By not having Broadway as a part of traffic flow, you keep people from traveling North/South in this part of town....you send them around the entire fortress, but do not encourage them to go anywhere else to shop in WC.

X-8: The comment suggests that the Project will impact transportation beyond construction, particularly by removing Broadway Plaza Street from the traffic flow. Regarding traffic effects overall, while the Project would increase traffic on area roadways, the Project and alternatives (with the exception of the Relocated Parking Alternative) would not result in significant traffic impacts pursuant to CEQA, as analyzed in Draft EIR Section 4.13, Transportation and Circulation. Regarding the effects of closing Broadway Plaza Street on traffic, see the Master Response 5.1 in Chapter 5 of this Final EIR. Drivers would continue to be able to travel in a north-south direction on South Broadway, South Main, Locust Street and California Boulevard.

Comment X-9: I hope that those of you in charge of the future of WC really consider all of the issues.......I know income and tax revenue is fueling all of this, but if people decide that you've made it too difficult to get there, and it's not fun once you do.......you may build it, but they won't come.

X-9: The comment does not address the adequacy of the EIR analysis or topics specific to CEQA. The comment will be presented to decisionmakers as part of this EIR for their consideration.
From: Min Hou  
Sent: Monday, May 07, 2012 3:56 PM  
To: 'nodder@walnut-creek.org'  
Cc: Michael Keinath; 'MCooper@perkinscoie.com'  
Subject: Comments on Broadway Plaza DEIR

Dear Mr. Nodder,

On behalf of Macerich Northwestern Associates, ENVIRON is submitting comments on the DRAFT Environmental Impact Report (DEIR) for the Broadway Plaza Long-Range Master Plan. Please see attachment for the comment letter, associated tables, and figures. Please do not hesitate to contact me if you have any questions.

We appreciate your review.

Min Hou

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This message contains information that may be confidential, privileged or otherwise protected by law from disclosure. It is intended for the exclusive use of the Addressee(s). Unless you are the addressee or authorized agent of the addressee, you may not review, copy, distribute or disclose to anyone the message or any information contained within. If you have received this message in error, please contact the sender by electronic reply to email@environcorp.com and immediately delete all copies of the message.
Letter Y Response – Environ

Comment Y-1: On behalf of Macerich Northwestern Associates, ENVIRON is submitting comments on the DRAFT Environmental Impact Report (DEIR) for the Broadway Plaza Long-Range Master Plan. Please see attachment for the comment letter, associated tables, and figures. Please do not hesitate to contact me if you have any questions.

Y-1: The comment introduces ENVIRON’s May 7, 2012 analysis of the Project’s operational GHG emission and health risk impacts associated with construction, factoring in more detailed Project construction information that was not yet available from the Project Sponsor during the City’s preparation of the Draft EIR, as well as refined modeling assumptions. ENVIRON’s May 7, 2012 analysis letter was subsequently integrated (as Attachment A) with its subsequent March 22, 2013 analysis letter assessing the Refined Project Alternative and is presented in this Final EIR as “Letter GG.” Responses to the integrated analysis letters are comprehensively responded to following letter to avoid redundancy.
Mr. Kenneth Nodder, senior planner  
City of Walnut Creek Community Development Dept.  
Planning Division  
1666 N. Main Street  
Walnut Creek, CA  94596

Dear Mr. Nodder:

I am writing in response to the recent articles in the Contra Costa Times about possible changes in the Broadway Plaza area.

It is quite unclear to me why the city would think of making any changes in this part of the city. Housing at the mall seems particularly inappropriate and unnecessary. Surely there are still some other areas in Walnut Creek which would be a better choice for housing.

Parking in the downtown area is already a problem, especially with the new monster store, Neiman Marcus. I visited the store with a friend, had an excellent lunch in the cafe and then strolled through the store. There were no more than a handful of people there and we saw no one purchasing anything. I'm wondering how successful this store will be. And also wondering, seriously, how the proposed changes would improve the Plaza area. The fountain with its beautiful flowers is always a pleasant place to sit for a while and surely there are sufficient stores to serve all of us.

Construction would be, as it was while Neiman Marcus was being built, surely very intrusive and discouraging to shoppers.

I can think of no reasons for these proposed changes other than greed.

I hope the City Planning Division will give this very serious thought before making any changes.

Sincerely,

Lucille A. Eichelberger
Letter Z Response – Lucille Eichelberger

Comment Z-1: I am writing in response to the recent articles in the Contra Costa Times about possible changes in the Broadway Plaza area. It is unclear to me why the city would think of making any changes in this part of the city. Housing at the mall seems particularly inappropriate and unnecessary. Surely there are still some other areas in Walnut Creek which would be a better choice for housing.

Z-1: The comment questions the appropriateness of residential uses in the Project; see Response to Comment M-1 regarding residential uses proposed. The comment also suggests that there are other sites in the city that are more appropriate for housing. The City is considering the project application and request for environmental review for Broadway Plaza put forth by the Project Sponsor, which includes the potential for housing.

Comment Z-2: Parking in the downtown area is already a problem, especially with the new monster store, Neiman Marcus. I visited the store with a friend, had an excellent lunch in the café and strolled through the store. There were no more than a handful of people there and we saw no one purchasing anything. I’m wondering how successful this store will be. And also wondering, seriously, how the proposed changes would improve the Plaza area. The fountain with its beautiful flowers is always a pleasant place to sit for a while and surely there are sufficient stores to serve all of us.

Z-2: The comment states concern with the existing parking issue in the downtown area. Draft EIR page 4.13-61 describes the existing parking facilities and occupancy characteristics at Broadway Plaza and in the broader downtown area. The Project would alter the existing parking facilities at Broadway Plaza, through a combination of reconstruction and new construction, to result in a net increase of up to 1,058 spaces. The Project and alternatives would be required to meet City parking requirements established by ordinance reflective of regional shopping center demand.

The comment then addresses the merits and economic viability of the Project, specifically the proposal to add more stores. These comments do not address the adequacy of the EIR analysis or topics specific to CEQA.

Comment Z-3: Construction would be, as it was while Neiman Marcus was being built, surely very intrusive and discouraging to shoppers.

Z-3: The comment states that the Project’s construction activities would be “very intrusive and discouraging to shoppers.” The EIR thoroughly assessed the potential noise effects of the Project’s construction. See Response to Comment W-4 and Response to Comment T-1.
Comment Z-4: I can think of no reasons for these proposed changes other than greed. I hope the City Planning Division will give this very serious thought before making any changes.

Z-4: The comment does not address the adequacy of the EIR analysis or topics specific to CEQA but discusses the merits of the Project. The comment is noted. The City will consider this information as it deliberates the Project.
July 2, 2013

Mr. Kenneth Nodder
Community Development Department
City of Walnut Creek
1666 North Main Street, 2nd Floor
Walnut Creek, CA 94596

Dear Mr. Nodder:

Broadway Plaza Long-Range Master Plan – Revised Draft Environmental Impact Report (RDEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental document review process for the project referenced above. We have reviewed the RDEIR and have the following comments to offer.

As a reminder, please see Caltrans’ comments on the DEIR as stated in our letter, dated May 7, 2012. Caltrans remains concerned regarding this proposed project’s potentially significant impacts to Interstate (I)-680 and State Route (SR) 24. Regarding the RDEIR, Caltrans is concerned regarding the large scale of the proposed Refined Project Alternative. The Refined Project Alternative consists of a net increase of up to 300,000 gross square feet of commercial space, or a net increase of up to 400,000 gross square feet of mixed commercial and residential, and the reconstruction of approximately 200,000 square feet of commercial space, interior improvements and exterior improvements to the rest of Broadway Plaza.

Trip Generation
This size of this Refined Project Alternative could potentially generate 100 vehicles/hour or greater, significantly impacting AM and PM peak hour traffic on I-680 and SR 24. Therefore, Caltrans recommends the Refined Project Traffic Impact Analysis (TIA) submitted with the RDEIR include a trip generation table to address AM (PM) trip rates, the size of each individual land use and associated generated trips for Caltrans’ review.

Project Geometry Diagrams
The Synchro intersection report of the TIA includes AM (PM) baseline conditions and cumulative with and without project conditions. However, the TIA is not clear on the exact year of baseline and
cumulative conditions so should be clarified. Also, Caltrans recommends the TIA include turning movement traffic diagrams per studied intersection under Existing Conditions, 2035 Cumulative Conditions, Project Only Conditions, 2035 plus Project Conditions, so Caltrans can compare existing traffic to long-term 2035 impacted traffic.

Traffic Impact Fees
Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Interstate 680 and SR 24 are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and recreational traffic and are two of the most congested regional freeway facilities. The traffic generated by this proposed project, together with other projects in the vicinity, will have a cumulative significant regional impact to the already congested State Highway System. Therefore, Caltrans appreciates the City’s continuing work with TRANSPAC on the Subregional Transportation Mitigation Program to mitigate and plan for the impact of future growth on the regional transportation system.

Should you have any questions regarding this letter, please call Brian Brandert of my staff at (510) 286-5505.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)
Letter AA Response – California Department of Transportation

Comment AA-1: As a reminder, please see Caltrans’ comments on the DEIR as stated in our letter, dated May 7, 2012. Caltrans remains concerned regarding this proposed project’s potentially significant impacts to Interstate (I-)680 and State Route (SR) 24. Regarding the RDEIR, Caltrans is concerned regarding the large scale of the proposed Refined Project Alternative. The Refined Project Alternative consists of a net increase of up to 300,000 gross square feet of commercial space, or a net increase of up to 400,000 gross square feet of mixed commercial and residential, and the reconstruction of approximately 200,000 square feet of commercial space, interior improvements and exterior improvements to the rest of Broadway Plaza.

AA-1: The comment is introductory in nature and is noted. The Refined Project Alternative entails a net increase of up to 300,000 gross square feet of commercial uses. There would not be any residential uses under this Alternative, and this Alternative does not propose a 400,000 square-foot increase. Please see responses to Caltrans’ comment letter D, which address the Refined Project Alternative as well as the Project. The Refined Project Alternative proposes the same amount of development as the Project’s Maximum Commercial Scenario and would create similar traffic impacts.

Comment AA-2: This size of this Refined Project Alternative could potentially generate 100 vehicles/hour or greater, significantly impacting AM and J’M peak: hour traffic 011 1-680 and SR 24. Therefore, Caltrans recommends the Refined Project Traffic Impact Analysis (TIA) submitted with the RDEIR include a trip, generation table to address AM (PM) trip rates, the size of each individual land use and associated generated trips for Caltrans’ review.

AA-2: The trip generation of the Refined Project Alternative is the same as that of the Maximum Commercial Scenario presented in Table 4.13-9 on Page 4.13-26 of the DEIR.

Comment AA-3: The Synchro ’intersection report of the TIA includes AM (PM) baseline conditions and cumulative with and without project conditions. However, the TIA is not clear on the exact year of baseline and cumulative conditions so should be clarified. Also, Caltrans recommends the TIA include turning movement traffic diagrams per studied intersection under Existing Conditions, 2035 Cumulative Conditions, Project Only Conditions, 2035 plus Project Conditions, so Caltrans can compare existing traffic to long-term 2035 impacted traffic.

AA-3: The analysis scenarios are described on Page 4.13-28 of the DEIR. Baseline is defined as “existing conditions plus any completed projects between counts and May 2012.” Therefore, the associated traffic baseline year is 2012. Near-term cumulative is defined as “future conditions in which traffic generated by all developments that are pending or have been approved by the City, but have not yet been built, is added to the Baseline conditions.” No specific year is associated with this scenario.
Cumulative is defined as “future conditions including projected population and employment growth as well as planned transportation system improvements contained in the latest CCTA travel demand model for Year 2030.” Therefore, the associated year for the cumulative condition is 2030. Turning movement diagrams are shown in Chapter 3 of this Final EIR.

Comment AA-4: Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or-based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

AA-4: The project has not identified any significant impact that necessitates improvements. Therefore, there are no traffic impact fees specific to the Project or any alternative. The Project and all alternatives would be subject to the City’s standard traffic impact fees and local frontage improvement requirements. Because the Project and alternatives would not create significant impacts or contribute considerable to impacts on the State right-of-way, no mitigation is proposed.

Comment AA-5: Interstate 680 and SR 24 are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and recreational traffic and are two of the most congested regional freeway facilities. The traffic generated by this proposed project, together with other projects in the vicinity, will have a cumulative significant regional impact to the already congested State Highway System. Therefore, Caltrans appreciates the City's continuing work with TRANSP AC on the Subregional Transportation Mitigation Program to mitigate and plan for the impact of future growth on the regional transportation system.

AA-5: Neither the Project nor any of the alternatives will have a cumulatively considerable contribution to any cumulative regional impacts to the State Highway System. The comment is noted and will be presented to decisionmakers as part of this EIR for their consideration.
Good morning Kenneth:

Since the scope of the project is still broad, Contra Costa Environmental Health does not have any comments or recommended conditions of approval at this time. When more specific aspects of the project are proposed, we may have comments regarding issues related to CCEH (e.g., plan check requirements, permit requirements, etc.).

Joe Doser
Contra Costa Environmental Health
2120 Diamond Blvd., Suite 200
Concord, CA 94520
(925) 692-2535
Letter BB Response – Contra Costa Environmental Health (CCEH)

Comment BB-1: Since the scope of the project is still broad, Contra Costa Environmental Health does not have any comments or recommended conditions of approval at this time. When more specific aspects of the project are proposed, we may have comments regarding issues related to CCEH (e.g., plan check requirements, permit requirements, etc.).

BB-1: The comment states that it has no comments or recommended conditions of approval of the Project at this time. The comment is noted. The Project Applicants will comply with all applicable regulations of CCEH.
June 11, 2013

File Number: 320.12620.17274

Mr. Scott Morgan
State Clearing House
1400 Tenth Street, Room 121
Sacramento, CA 95814

Dear Mr. Morgan,

Thank you for the opportunity to review the “Notice of Completion” environmental document from the State Clearinghouse (SCH) regarding the Broadway Plaza Long Range Master Plan Project, SCH# 2011112011 within the city of Walnut Creek, in Contra Costa County. After a preliminary review, we believe that the project will not have an impact on the daily departmental operations of the California Highway Patrol-Contra Costa Area.

Any questions regarding this response may be directed to Lieutenant Steve Perea via e-mail at Sperea@chp.ca.gov or by telephone at (925) 646-4980

Sincerely,

J. L. FENNER, Captain
Commander
Contra Costa Area

RECEIVED
JUN 17 2013
STATE CLEARING HOUSE
Letter CC Response – California Highway Patrol

Comments CC-1: Thank you for the opportunity to review the “Notice of Completion” environmental document from the State Clearinghouse (SCH) regarding the Broadway Plaza Long Range Master Plan Project (SCH# 2011112011) within the city of Walnut Creek, in Contra Costa County. After a preliminary review, we believe that the project will not have an impact on the daily departmental operations of the California Highway Patrol-Contra Costa Area.

CC-1: The comment concludes that the Refined Project Alternative will not have an impact on daily departmental operations. The City will consider this information as it deliberates the Project.
July 5, 2013

Ken Nodder  
City of Walnut Creek  
1666 N. Main Street  
Walnut Creek, CA 94596

Subject: Broadway Plaza Long Range Master Plan  
SCH#: 2011112011

Dear Ken Nodder:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 3, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

[Signature]

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street  P.O. Box 3044  Sacramento, California 95812-3044  
(916) 445-0613  FAX (916) 323-3018  www.opr.ca.gov

6-132
Letter DD - SCH

State Clearinghouse Data Base

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<td>Walnut Creek, City of</td>
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<tr>
<td>Type</td>
<td>EIR</td>
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<td>Description</td>
<td>Note: Circulation of add'l Alternative Analysis</td>
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The Broadway Plaza Long Range Master Plan Project includes a net increase of up to 300,000 gross sf of commercial space, or a net increase of up to 400,000 gross sf of mixed commercial and residential uses. It also anticipates demolition and reconstruction of ~200,000 sf of commercial space, interior improvements, and exterior architectural improvements to the rest of the Broadway Plaza shopping center.

Lead Agency Contact

<table>
<thead>
<tr>
<th>Name</th>
<th>Ken Nodder</th>
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</thead>
<tbody>
<tr>
<td>Agency</td>
<td>City of Walnut Creek</td>
</tr>
<tr>
<td>Phone</td>
<td>(925) 943-5869 x2234</td>
</tr>
<tr>
<td>Fax</td>
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</tr>
<tr>
<td>Address</td>
<td>1656 N. Main Street</td>
</tr>
<tr>
<td>City</td>
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</tr>
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<td>State</td>
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<tr>
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Project Location

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<tr>
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<tr>
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<td></td>
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<tr>
<td>Lat/Long</td>
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<td>Cross Streets</td>
<td>Area bounded by Mt. Diablo Blvd., So. Broadway, Newell Ave., &amp; Main St.</td>
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<td>Section</td>
<td>Base</td>
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Proximity to:

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<td>Waterways</td>
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Project Issues

Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Other Issues; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies

Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Delta Stewardship Council

Date Received 05/20/2013  Start of Review 05/20/2013  End of Review 07/03/2013
Letter DD Response – California State Clearinghouse

Comment DD-1: The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report, please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 3, 2013, and the comments from the responding agency(ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that”

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forward for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

DD-1: This comment letter acknowledges that the City has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. The Clearinghouse submitted comments from the California Department of Transportation (Letter AA) and California Highway Patrol (Letter CC) which are presented and responded to in this chapter. The comment letter is informational in nature, and no further response is required.
Friends of the Creeks

July 5, 2013

Mr. Ken Nodder
Community Development Dept.
City of Walnut Creek
1666 No. Main St.
Walnut Creek, CA 94596

Dear Ken:

Re: Revised EIR for Broadway Plaza

Friends of the Creeks would prefer to see the new Macy's configured to the east to avoid covering any more of the creek. While the Creeks Master Plan did not specifically call for daylighting the creek, it was clearly within the intent – the plan has many provisions for improving habitat and more open creek channel is clearly the best improvement of all.

We had hoped this major reconfiguration of Broadway Plaza would provide an opportunity to make the creek an asset to the shopping center. Unfortunately it does not appear that this will happen, so it is doubly important not to lose anything. The habitat directly adjacent to the current Macy's does not look like much, but it does support a variety of creatures including egrets and if it were enhanced it would support more.

If Macy's redesign is allowed to encroach on this habitat, we expect appropriate mitigation.

We also note that the Design Guidelines are under review. For these, we request that the Master Plan is followed and native plants are used along the Creekwalk and in the bioswales as well as in the creek. We have submitted testimony on this both in conversations with Broadway Plaza personnel and at the DRC.

Sincerely,

Lesley Hunt, President
Letter EE Response – Friends of the Creeks

Comment EE-1: Friends of the Creeks would prefer to see the new Macy's configured to the east to avoid covering any more of the creek. While the Creeks Master Plan did not specifically call for daylighting the creek, it was clearly within the intent – the plan has many provisions for improving habitat and more open creek channel is clearly the best improvement of all. We had hoped this major reconfiguration of Broadway Plaza would provide an opportunity to make the creek an asset to the shopping center. Unfortunately it does not appear that this will happen, so it is doubly important not to lose anything. The habitat directly adjacent to the current Macy's does not look like much, but it does support a variety of creatures including egrets and if it were enhanced it would support more. If Macy's redesign is allowed to encroach on this habitat, we expect appropriate mitigation.

EE-1: The comment states the preference for the Macy’s to expand eastward rather than southward. That comment will be presented to decisionmakers as part of this EIR for their consideration.

See response to comment E-13 regarding fish passage.

As discussed on page 5-3 of the Recirculated Chapter 5A, given the limited extent of the riparian corridor and its location along the parking lot, the area provides reduced habitat values but still qualifies as regulated riparian vegetation. No special-status plant species were observed in the Study Area, and among those known to occur in the area most have no potential to occur. Also, no special-status wildlife species were observed in the Study Area, and no special-status wildlife species have a moderate or high potential to occur in the Study Area based on a lack of suitable habitat components.

Several new mitigation measures are identified throughout Section 5A.5 of the Recirculated Chapter 5A (starting on page 5-4, Impacts Requiring New or Modified Mitigation Measures) to address the potential effects of the southward expansion of Macy’s and work proposed in and around the culvert. These included Mitigation Measure BIO-2 (5A) and BIO-3 (5A) regarding Riparian Habitat and Wetlands and Other Waters, respectively and both would reduce potential effects to less than significant.

Comment EE-2: We also note that the Design Guidelines are under review. For these, we request that the Master Plan is followed and native plants are used along the Creekwalk and in the bioswales as well as in the creek. We have submitted testimony on this both in conversations with Broadway Plaza personnel and at the DRC.

EE-2: The Project and alternatives (other than the No Project alternative) would include native and drought tolerant plant materials in the locations presented. Only native plant species typical to riparian habitats in the region will be used for the creek restoration. The proposed plantings do not create significant impacts and therefore no further mitigation is required. These comments will be presented to decisionmakers as part of this EIR for their consideration.
City of Walnut Creek
1666 North Main Street
Walnut Creek, California 94596
Attention: Kenneth Nodder, Senior Planner
nodder@walnut-creek.org

Re: Broadway Plaza Long-Range Master Plan
(State Clearing House No: 2011112011)

Dear Mr. Nodder:

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Broadway Plaza Long-Range Master Plan, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical, and as the Broadway Plaza Long-Range
Master Plan includes a net increase of up to 400,000 gross square feet of mixed commercial and residential use floor area, in addition to the demolition and reconstruction of approximately 200,000 square feet of commercial space, interior improvements, and exterior architectural improvements to the rest of Broadway Plaza, this project will undoubtedly devour copious quantities of electrical energy, as well as other forms of energy.

WATER SUPPLY

The EIR (or DEIR — the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions. Although there is some discussion regarding water quality and water run-off water supply is barely mentioned and largely consists of assurances that ground water resources would not be depleted, without adequate analysis or quantification.

What the DEIR fails to do is:

1. Make reference to any urban water management plan;
2. Document wholesale water supplies;
3. Document Project demand;
4. Determine reasonably foreseeable development scenarios, both near-term and long-term;
5. Determine the water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the EBMUD service area);
6. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
7. Identify the likely yields of future water from the identified sources;
8. Determine cumulative demands on the water supply system;
9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
10. Identify the environmental impacts of developing future sources of water; and
11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.
For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project’s projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed.

4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the Project upon those same surrounding properties and the land uses which may or have occurred thereon.

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.
Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

Nick R. Green
President
Letter FF Response – Citizens Advocating Rational Development (CARD)

Comment FF-1: The undersigned represents Citizens Advocating Rational Development (“CARD”), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Broadway Plaza Long-Range Master Plan, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

FF-1: The comment is introductory and is noted. The comment, as with all the information presented in this Final EIR, is part of the public record for the Project.

Comment FF-2: The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical, and as the Broadway Plaza Long-Range Master Plan includes a net increase of up to 400,000 gross square feet of mixed commercial and residential use floor area, in addition to the demolition and reconstruction of approximately 200,000 square feet of commercial space, interior improvements, and exterior architectural improvements to the rest of Broadway Plaza, this project will undoubtedly devour copious quantities of electrical energy, as well as other forms of energy.

FF-2: The comment questions the commitment of the Project to saving energy. As discussed on Draft EIR pages 3-18 and 4.6-14 (within Mitigation Measure GHG-1), the Project would comply with Title 24, which contains green building design requirements and addresses energy conservation. The energy efficiency standards in Title 24 were amended recently (with the amendments to take effect January 1, 2014) to increase substantially the energy efficiencies of buildings. The Project and alternatives will be required to comply with these substantial new requirements as a matter of state law and regulation. Accordingly, it was not necessary for the EIR to impose these requirements. Also, efficient design criteria proposed for the Project are expected to result in a more efficient use of energy not only in the expanded areas, but also as a result of redevelopment of existing square footage in a manner that meets current energy efficiency requirements. See also responses to comment GG-3 regarding additional requirements included in Mitigation Measure GHG-1.

Comment FF-3: The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions. Although there is some discussion regarding water quality and water run-off water supply is barely mentioned and largely consists of assurances that ground water resources would not be depleted, without adequate analysis or quantification.
What the DEIR fails to do is:

1. Make reference to any urban water management plan;
2. Document wholesale water supplies;
3. Document Project demand;
4. Determine reasonably foreseeable development scenarios, both near-term and long-term;
5. Determine the water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the EBMUD service area);
6. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
7. Identify the likely yields of future water from the identified sources;
8. Determine cumulative demands on the water supply system;
9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
10. Identify the environmental impacts of developing future sources of water; and
11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

FF-3: The Draft EIR discusses water supply sources, water infrastructure, water demand and supply projections, and water treatment facilities in Section 4.14, Utilities and Service Systems. The proposed Project’s impacts to water supply have been evaluated in accordance with CEQA significance criteria identified on Draft EIR page 4.14-9. The water supply impacts of the alternatives, to the extent they differ from those of the Project, are discussed in Chapters 5 and 5A.

The California Urban Water Management Plan Act is described on Draft EIR page 4.14-8. The Act requires all urban water suppliers (including EBMUD) in California to prepare and adopt an Urban Water Management Plan (UWMP) and update it every 5 years. As stated on Draft EIR page 4.14-1, the Project Site and surroundings are within the EBMUD service area and UWMP.

The UWMP prepared by EBMUD addresses near- and long-term water supply sources, alternative sources, water conservation measures, and near- and long-term projected water use within its service area. Overall, as stated on Draft EIR page 4.14-2, EBMUD’s water supply is adequate to meet existing and projected demand through 2040 under normal conditions. However, customer rationing and supplemental water supplies would be required during a single dry year, the first two years of an assumed three-year drought, and in the third year of a three-year drought. As stated in EBMUD’s comment letter (Letter B) “Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation
are installed at the project sponsor's expense.” Because these water-efficiency measures are already required by regulation, it was not necessary for the EIR to impose these requirements as mitigation measures.

The cumulative impacts discussion starting on Draft EIR page 4.14-16 analyzes potential cumulative impacts of the Project on water supply, in combination with past, present, and reasonably foreseeable development. The cumulative projects considered in this analysis are described on Draft EIR page 4.14-16 and detailed in Appendix B to the Draft EIR. The cumulatively considerable impacts of the proposed Project together with the cumulative projects on water supply would be less than significant. In addition, the water demand projections used by EBMUD are derived from a land-use based demand forecast that reflects the City’s plans and policies and assumes the City’s expectations for future development, including the cumulative development scenario. No significant additional facilities or expansion needs beyond those already underway or planned would be required to serve this additional development.

The Project’s water demand is analyzed starting on Draft EIR page 4.14-11. Specifically the discussion assesses whether sufficient water supplies from existing entitlements and resources would be available to serve the proposed Project, and whether new or expanded entitlements would be necessary. The Maximum Commercial Scenario of the Project would generate an estimated additional demand for water of approximately 37,260 gallons per day (gpd); the Maximum Mixed-Use Scenario would generate an estimated additional demand for water of approximately 38,870 gpd.

EBMUD’s Walnut Creek water treatment plant is projected to have adequate capacity to serve the additional demand generated by the Project and alternatives. Neither the Project nor any alternative would require the expansion or construction of new water treatment or distribution facilities and the impact would be less than significant, as stated on Draft EIR page 4.14-12.

Comment FF-4: The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

FF-4: The EIR relies upon the BAAQMD thresholds to determine whether the contribution of the Project or any alternative relative to air quality, greenhouse gas emissions, global warming and climate change is of such an extent that it should be considered significant or cumulatively considerable. This analysis necessarily includes a determination whether there would be any considerable contribution to any significant effects on human life, agriculture, industry, sea level rising and other
consequences of global warming) The lead agency determines what thresholds of significance will apply to projects it reviews, including thresholds of significance for air quality and greenhouse gas-related impacts. In so doing, it “may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” State CEQA Guidelines Section 15064.7(c). Accordingly, the City, as lead agency, is to determine what thresholds it will use, and it may look to thresholds previously recommended by other public agencies in making that determination.

Several thresholds were available to the City to use in determining the significance of air quality and greenhouse gas emissions. The City could have performed its own an analysis of air quality and greenhouse emissions throughout the region and determined what threshold best served the City. However, it is impracticable for a single suburban City to take on the task of analyzing emissions throughout the air basin, and doing so would take years. The City could have looked to the thresholds recommended by air quality and pollution control districts other than BAAQMD, such as the South Coast Air Quality Management District, the Sacramento Metropolitan Air Quality Management District, or the San Joaquin Valley Air Pollution Control District. However, these other districts evaluate emissions projected within their jurisdictions based on their particular regional circumstances, land uses, weather, and projected development. Accordingly, the City does not consider their thresholds and guidance appropriate for a city within the San Francisco Bay Area, when other, Bay Area-specific thresholds are available.

The City could have selected one of the greenhouse gas thresholds proposed in the white paper published by the California Air Pollution Control Officers Association (CAPCOA) in 2009 entitled “CEQA & Climate Change - Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.” However, that white paper proposed numerous thresholds, which were justified largely on a differing policy bases rather than data, and which were proposed in 2009 before air districts had conducted more rigorous analyses to determine what thresholds were necessary to achieve California’s greenhouse gas emission goals. The City could have evaluated greenhouse gas emissions under a qualitative threshold, which relies upon professional judgment to determine whether any given project is part of the solution to the global climate change problem or instead contributes to the problem. For emissions other than greenhouse gases, the city also could have relied upon the thresholds the BAAQMD recommended in 1999. However, neither the CAPCOA nor the BAAQMD 1999 thresholds take advantage of the extensive quantitative analysis that has been conducted by the California Air Resources Board and the BAAQMD since 1999. Furthermore, the BAAQMD 2010 thresholds propose more stringent standards of significance and require additional analyses not included in the BAAQMD’s 1999 Guidelines.
On June 2, 2010, the BAAQMD Board of Directors adopted Resolution Number 2010-06, adopting the 2010 thresholds. By way of that resolution, BAAQMD expressly found that the proposed thresholds were supported by substantial evidence, as documented in a May 3, 2010 report, Proposed Thresholds of Significance. These scientific justifications for the significance thresholds developed by BAAQMD are described in Appendix D to its 2010 Guidelines. The BAAQMD 2010 Guidelines, prepared by BAAQMD staff with extensive expertise in the area, include robust and complete guidance to evaluate GHG emissions from projects and plans. Use of the BAAQMD 2010 Guidelines and thresholds provides a rigorous and conservative analysis of the air quality impacts of the Project and alternatives, and is supported by the evidence the BAAQMD relied upon, which the City finds persuasive.

As discussed on Draft EIR page 4.6-10, the thresholds BAAQMD adopted were called into question by an order issued March 5, 2012 in California Building Industry Association v. BAAQMD, Alameda Superior Court Case No. RGI0548693. The order required the BAAQMD thresholds to be subject to further environmental review. That judgment did not negate the substantial analysis and evidence supporting use of the 2010 thresholds, since the claims made in the case concerned the CEQA impacts of adopting the thresholds, i.e., how the thresholds would affect land use development patterns. The land use development effects of adopting the thresholds are not relevant to this Project, because the proposal to expand Broadway Plaza was not influenced by the BAAQMD Thresholds. On August 13, 2013, during preparation of this Final EIR, the California Court of Appeal reversed the Alameda County Superior Court judgment that invalidated the BAAQMD 2010 CEQA thresholds of significance.

For all these reasons, the use of the BAAQMD 2010 Guidelines and thresholds is a conservative and prudent approach applied in the Draft EIR that allows all potential air-related impacts to be evaluated and discussed.

Comment FF-5: 1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project’s projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed.
4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

FF-5: See response to comment FF-4 regarding the substantial evidence supporting the City’s determination to use the BAAQMD guidelines and thresholds. The comment also suggests that the EIR fails to adequately present the extent of how local emissions contribute to global warming and climate change. Draft EIR Section 4.6, Greenhouse Gases and Climate Change, recognizes the potential for local emissions to contribute to deteriorating air quality, GHG emissions and related global warming and climate change, and effects to water sources (through its effect on rainfall and snow pack).

Specifically, in the Environmental Setting starting on Draft EIR page 4.6-1, GHG causes, trends, concentrations and types (e.g., carbon dioxide, methane) are discussed, as are its effects on climate change. Under Global Climate Trends and Associated Impacts, is the discussion that changes have occurred in natural systems and a result of global warming: rising sea levels, shifting precipitation patterns (some areas becoming wetter and others drier), increased tropical cyclone activity in the North Atlantic, earlier peak runoff timing of many glacial and snow fed rivers. As the commenter notes, climate change can affect water supplies. EBMUD acknowledges this conclusion in its 2010 UWMP (which encompasses the Project Site). EBMUD has initiated the planning for climate change to ensure that it can continue to provide reliable, high quality water and wastewater services to its customers. In 2008, EBMUD incorporated climate change into its Strategic Plan and issued its first Climate Change Monitoring and Response Plan. It updated these plans in 2010. EBMUD has an ongoing interdisciplinary staff committee reviewing the evolving science of climate change, assessing potential water supply impacts and vulnerabilities, and developing strategies for adaptation and mitigation. Water service to the Project and alternatives would be benefitted by these plans and practices, and would be affected no differently than EBMUD’s other customers. (EBMUD’s 2010 UWMP indicates that EBMUD serves approximately 1.34 million people in a water system that stretches over a 332-square-mile area.) It would be speculative to claim that the Project or alternatives would cause or contribute considerably to significant water supply impacts in light of the effect of climate change on water supplies.

Also, the quantity of GHGs that it takes to ultimately result in climate change is not precisely known; the quantity is enormous, and no single project would be expected to measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or microclimate. Thus, on a project-level, it more reasonable and effective and conservative to evaluate the project’s individual GHG emissions and GHG efficiency. The Project’s GHG emissions have been evaluated to
be consistent with the BAAQMD 2010 Guidelines and Appendix G: Environmental Checklist of the State CEQA Guidelines for GHG emissions.

Regarding cumulative effects, Draft EIR page 4.6-13 discusses that there is no potential for this single Project to emit enough greenhouse gases to cause global warming or climate change. The impact of greenhouse gases is by its nature only cumulative in scope because the climate change is global. Thus, the Draft EIR does not present separate project-specific impact discussions for greenhouse gases. In addition, it is important to acknowledge that new development does not necessarily create entirely new GHG emissions. Since most of the persons who will visit or occupy new development would come from other locations where they were already causing such GHG emissions, new development tends to redistribute the location of emissions sources.

The Project is also evaluated on Draft EIR page 4.6-17 for consistency with plans and policies adopted for the purpose of reducing GHG emissions. As discussed there, the Project was not anticipated to conflict with the goals targeted by the City’s then-draft Climate Action Plan (CAP). After publication of the Draft EIR, the City adopted the CAP (with no substantive revisions to the draft), thus the Project remains consistent with that document.

In summary, the Draft EIR adequately discussed the potential effects and location of Project contributions to global climate change and increased GHG emissions.

**Comment FF-6:** The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the Project upon those same surrounding properties and the land uses which may or have occurred thereon.

FF-6: The comment asserts that the alternatives analysis in the Draft EIR fails to discuss the effects of the Project, or the absence of the Project, and the likely increase in development that the comment suggests will accompany the Project.

The comprehensive analysis of the Project is presented throughout Draft EIR Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. The analysis of alternatives to the Project presented in Draft EIR, Chapters 5 and 5A, in practicality, does not repeat or summarize that analysis, except as necessary to provide the reviewer a clear comparison of the characteristics of each alternative relative to the Project, and to understand the comparative environmental effects of each alternative to the Project.

The Draft EIR page 5-1 describes “Alternative 3: No Project Alternative,” which assumes existing conditions plus what would be reasonably expected to occur in the
foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. This is a reasonable no project scenario consistent with CEQA, as it is likely to expect that without the Project, there will still be growth and change on and around Broadway Plaza through 2030. The analysis of Alternative 3 starts on Draft EIR page 5-28. As described there, if the City denies the Project, it is likely that the Project Sponsor would pursue expansions on site pursuant to the existing General Plan and consistent with available infrastructure and community services. That constitutes a maximum expansion of 15,195 square feet parcels currently owned by the Project Sponsor, and approximately 36,567 square feet on the Macy’s-owned parcel. Given the substantially reduced development with Alternative 3 compared to the Project, Alternative 3 avoid all the significant impacts identified with the Project, as described starting on Draft EIR page 5-28, and summarized in Draft EIR Table 5-18, *Summary Comparison of Impacts*, on Draft EIR page 5-46.

The Draft EIR also provides an assessment of the likely increase in offsite development that will accompany the Project. CEQA addresses this potential as growth inducing effects, which are discussed starting on Draft EIR page 6-2. To summarize from the Draft EIR, the Maximum Commercial Scenario would result in an “indirect growth in population, as new commercial development would create new jobs resulting in an additional demand for housing. The additional jobs created by the Project would not otherwise occur in downtown Walnut Creek.” Regarding commercial retail shopping development, the Project would capture activity that would otherwise locate elsewhere in the East Bay, although commercial growth induced by the Project would not represent significant growth inducing impacts because the Project surrounding is the fully developed area of a downtown/business district served by existing transportation and transit systems as well as other infrastructure and utilities. The Refined Project Alternative, the Relocated Parking Alternative, and the Extra Parking Alternative propose the same extent of commercial development as the Project (Maximum Commercial Scenario) and would therefore have similar growth-inducing impacts. Alternative 1 (No Macy’s), Alternative 2 (96,000 Square-foot Expansion) and Alternative 3 (No Project 51,762 Square-Foot Expansion) would have similar, but proportionately reduced impacts.

The Project (Maximum Mixed-Use Scenario) and Alternative 1 (No Macy’s) including the potential for new residents in addition to jobs. The assessment supports that the Project and this alternative would be beneficial to the City and the growth inducement effects would not be significant. Thus, the Draft EIR appropriately and adequately assesses the potential increase in other development that could occur as a result of the Project and alternatives.
June 10, 2013

VIA FEDERAL EXPRESS

Kenneth W. Nodder
Senior Planner
City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

Re: Comments on EIR Chapter 5A
BROADWAY PLAZA LONG-RANGE MASTER PLAN
Application Yll-OS3 (SCH 2011112011)
Client-Matter No. 77328-0002

Dear Mr. Nodder:

On behalf of the Macerich Northwestern Associates, I submit the enclosed report as a comment on EIR Chapter 5A. The enclosed report, which was prepared by Environ International Corp., presents an analysis of certain air quality issues that is based upon more detailed construction information and more accurate modeling than the analysis set forth in Chapter 5A.

Specifically, the enclosed report reflects the following modifications to the EIR’s methodology:

- The offroad construction equipment emissions have been adjusted to include the 33% load factor reduction recommended by the California Air Resources Board. This load factor reduction recognizes that equipment operates at varying percentages of its maximum rated horsepower over the course of its normal operation.

- The Refined Project Alternative analysis accounts for more specific and detailed information about the number of operational days for some offroad equipment, as well as the tier level of and emission control of the equipment.

- The analysis conducted for the Refined Project Alternative assigns to the area near the Project Site only those emissions projected to occur within a few miles of the Project
Kenneth W. Nodder  
June 10, 2013  
Page 2

Site, rather than all emissions projected to occur over the entire 20-mile, 12.4-mile and 7.3-mile trips that haul trucks, worker vehicles and vendor vehicles are projected to take.

- Adjustments were made to the Age Sensitivity Factor, which accounts for the increased susceptibility of infants and children to carcinogens, as compared to adults. It was adjusted to match the ages the youngest possible receptors would be during the projected 3-year and 2.5-year construction schedules, rather than applying the highest Age Sensitivity Factor to the entire period.

These modifications, which represent a more accurate and refined analysis than is contained in the EIR, result in a determination that air quality health risk impacts will be less than significant. We request that the City revise the EIR analysis to comport with the Environ report, and we further request that the City agree with the conclusions Environ reached.

Thank you for your attention to this matter.

Very truly yours,

[Signature]

Marie A. Cooper  
MAC  
Enclosure

cc: (all via email, w/ enclosure)  
Garrett Newland  
Stephen Logan  
Cecily T. Barelay
March 22, 2013

Via Electronic Mail

Mr. George Milonopoulos  
Macerich Co.  
401 Wilshire Boulevard, Suite 700  
Santa Monica, CA  90401

Re: Air Quality and Analysis for the Broadway Plaza Long-Range Master Plan Refined Project Alternative

Dear Mr. Milonopoulos

ENVIROM previously reviewed the Air Quality and Greenhouse Gas (GHG) analyses in the Draft Environmental Impact Report (DEIR) for the Broadway Plaza Long-Range Master Plan (herein referred to as the "Project") prepared by Environmental Science Associates (ESA) and dated March 2012 (ESA 2012)¹, and submitted a comment letter to the City of Walnut Creek on May 7, 2012 (the 2012 Comment Letter, included as Attachment A). A copy of that letter is attached and incorporated here. Since then, we understand that a refined alternative (herein referred to as the "Refined Project Alternative") has been proposed that generally corresponds to, but is slightly different from, the "Relocated Parking Alternative" as described in the DEIR. We understand that this Refined Project Alternative will eliminate the central garage (Garage B), expand the current Garage D to accommodate additional 400 parking spaces with underground parking, and add 250 parking spaces in Garage A.² In addition, there will be no onsite residential units in this Alternative.

ENVIROM conducted an updated air quality analysis to evaluate the health impact associated with construction of this Alternative. This report summarizes the approach and results of the analysis. GHG emissions were not re-evaluated for this Alternative because GHGs create global and regional impacts that are not dependent upon the precise location of construction or land uses and it is not expected that the overall construction activity will change as a result of this Alternative. However, the operational GHG emissions will likely decrease due to removal of the onsite residential units in this Alternative.

**Emissions Calculations**

Because the "Refined Project Alternative" does not add additional retail or parking spaces, it just changes the location of them, we assumed that the total emissions from the offroad construction equipment for this Alternative would be approximately the same as the emissions for the Project Maximum Commercial Scenario using the refined equipment operational schedule presented in Table 1. However, under this Alternative the central garage (Garage B) is replaced by the additional parking spaces in Garages A and D, some offroad equipment activity associated with the central garage construction would shift spatially to Garages A and D. For example, the grading activity

² The Refined Project Alternative and the Relocated Parking Alternative slightly differ because the Relocated Parking Alternative will expand Garage D and possibly Garage C to accommodate the 650 parking spaces eliminated from Garage B while the Refined Project Alternative will shift 250 parking spaces to Garage A, in addition to the expansion of Garage D to accommodate 400 parking spaces.
presented in Table 2 will now primarily occur at Garages C and D.\(^3\) In addition, the construction schedule for each building varies. For example, Garage D is scheduled to be constructed in 2014, while Garage C is to be constructed in 2015.\(^4\)

As a result, the emissions presented in Table 1 were redistributed by construction area and year. Figure 10 presents construction areas under the "Refined Project Alternative", and Table 5 presents the offroad construction emissions by area and year.\(^5\)

For the same reasons, we project that the onroad construction emissions would be approximately the same as the emissions for the Project Maximum Commercial scenario using the scaled trip length presented in Table 3.

**Air Dispersion Modeling**
Consistent with the analysis conducted for the 2012 Comment Letter, an IS CST3 air dispersion model was conducted to estimate diesel particulate matter (DPM) concentrations at nearby sensitive receptors, including residential child, and residential adult.\(^6\) Please see the 2012 Comment Letter for a detailed description of that modeling. Modeled receptors are shown on Figure 11.

**Health Risk Assessment (HRA)**
Consistent with the analysis conducted for the 2012 Comment Letter, the estimated excess lifetime cancer risks were calculated for both a 3-year and a 2.5-year construction scenario. Both scenarios assumed a Cancer Risk Adjustment Factor (CRAF) of 10 for the first two years of construction, a CRAF of 4.75 for the third year of construction under the 3-year construction scenario and a CRAF of 6.5 under the 2.5-year construction scenario.\(^7\)

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\(^3\) Under the Refined Project Alternative, both Garages C and D will have underground parking, which requires grading activity. The addition of the parking spaces in Garage A does not require grading.

\(^4\) General construction schedule was conveyed to ENVIRON during a phone call between George Milonopoulos and Stephen Logan of Macerich and Michael Keimath and Min Hou of ENVIRON.

\(^5\) The construction emissions were not distributed to Garage A, because the addition of parking in Garage A is expected to have a much lower construction activity intensity (i.e., number of offroad construction equipment used per unit area) than other construction areas such as Garages C and D where demolition, grading, and construction will all occur. Because the other construction areas are all closer to the offsite sensitive receptors, this approach will yield more conservative health risks at the offsite maximally exposed individual sensitive receptor (MEISR).

\(^6\) Other types of sensitive receptors include child daycare centers, schools, and hospitals within 500 meters of the Project. The locations of such facilities were identified by conducting a search of the childcare centers from the California Department of Social Services, Community Care Licensing Division website (http://www.cdd.ca.gov/docs/ccl_search/ccl_search.aspx), a search of public and private schools from the California Department of Education, California School Directory website (http://www.cde.ca.gov/rr/sd/), and a search of health care facilities from the California Office of Statewide Health Planning and Development website (http://www.oshpca.gov/HID/Products/Listings.html), supplemented by a Google Map search. This search revealed that the only other sensitive receptors within 500 meters are Las Lomas High School and Kaiser Permanente Walnut Creek Hospital and associated surrounding medical offices, all of which are further from the Project than the residential child receptors and thus will be exposed to lower risks. Therefore these other sensitive receptors were not further evaluated.

\(^7\) Assuming that a pregnant woman reaches the third trimester when construction of the Project begins, the third year of construction only overlaps with the last three months of age two and nine months of age three. Therefore, the appropriate way to calculate the CRAF for the third year of construction is to apply an Age Sensitivity Factor of 10 for 3 months and an ASF of 3 for 9 months, which corresponds to an overall CRAF of 4.75. Similarly, for a 2.5-year construction, scenario, the six months of construction in year 3 overlaps with the last three months of age two and three months of age three. Therefore, the appropriate way to calculate the CRAF for the year 3 construction (6 months) is to apply an ASF of 10 for 3 months and an ASF of 3 for 3 months, which corresponds to an overall CRAF of 6.5 for year 3.
HRA Results

Existing Offsite Receptor

The analyses discussed above were used to estimate excess lifetime cancer risks for the existing offsite sensitive receptors. The HRA results are presented in Table 6, for the existing offsite maximally exposed individual sensitive receptor (MEISR).

Table 6 shows that the estimated excess lifetime cancer risks from the construction under the “Refined Project Alternative” are 9.06 in a million under the 3-year construction scenario, and 9.14 in a million under the 2.5-year construction scenario.

Conclusion from the HRA Results

The HRA results are presented in Table 6 for existing offsite receptors. As shown in Table 6, construction of the Refined Project Alternative results in an estimated excess lifetime cancer risk for MEISR below the Bay Area Air Quality Management District (BAAQMD) May 2011 CEQA significance threshold of 10 in one million. In addition, a comparison of the current estimated excess lifetime cancer risk for the MEISR in Table 6 to that presented in Table 4 shows that the cancer risks increased from 4.8 in a million (for the Project Maximum Commercial scenario) to 9.06 in a million for the 3-year construction scenario, and from 5.1 in a million (for the Project Maximum Commercial scenario) to 9.14 in a million for the 2.5-year construction scenario. The increase of the cancer risks was expected, because the construction activity under this Alternative will be closer to the MEISR than that under the Project Maximum Commercial scenario.

If you have any questions regarding the above comments, please contact Michael (415-796-1934) at your convenience.

Sincerely,

Michael Keinath, PE
Senior Manager

Shari Libicki, PhD
Principal

MKjn

cc: Stephen Logan, Macerich
Marie Cooper, Perkins Coie

Attachments:

Attachment A: Air Quality and Greenhouse Gas Analyses for the Broadway Plaza Long-Range Master Plan (2012 Comment Letter)

Attachment B: Tables (with Tables of 2012 Comment Letter Incorporated)

Attachment C: Figures (with Figures of 2012 Comment Letter Incorporated)
Attachment A
Air Quality and Greenhouse Gas Analyses for the Broadway Plaza Long-Range Master Plan (2012 Comment Letter)
May 7, 2012

Via Electronic Mail

Kenneth W. Nodder
City of Walnut Creek
1666 North Main Street
Walnut Creek, CA 94596

Re: Air Quality and Greenhouse Gas Analyses for the Broadway Plaza Long-Range Master Plan

Dear Mr. Nodder:

We have reviewed the Air Quality and Greenhouse Gas analyses in the Draft Environmental Impact Report (DEIR) for the Broadway Plaza Long-Range Master Plan (herein referred to as the "Project") prepared by Environmental Science Associates (ESA) and dated March 2012 (ESA 2012). Specifically, we have reviewed Section 4.2 Air Quality Impacts and Section 4.6 Greenhouse Gases and Climate Change, and the related appendices, Appendix C (Project Criteria Pollutant Emissions and Health Risk Assessment) and Appendix E (Greenhouse Gases Supplemental Information). Two Project scenarios were evaluated – the Maximum Mixed-Use and Maximum Commercial.

Overall, the DEIR is a well written and thorough document. We agree with the following major DEIR conclusions for Air Quality and Greenhouse Gases and Climate Change:

- After mitigation, the Project will have less than significant short-term construction and long-term operational emissions of criteria pollutants.
- Health impacts on existing and new sensitive receptors from Project operations will be less than significant.
- The Project will be a less-than-significant source of objectionable odors and carbon monoxide concentrations from traffic.

We have, however, obtained more detailed information from Macerich about the construction plans, and we believe that the default assumptions used in the DEIR resulted in an overly-conservative estimate of the health impacts associated with construction and operational greenhouse gas (GHG) emissions from the Project. In particular for the construction of the Project:

Emissions Calculations

- Emissions of the offroad construction equipment calculated by California Emissions Estimator Model (CalEEMod™) do not include the California Air Resources Board (ARB) recommended 33% load factor reduction. Therefore load factors and subsequent emissions were overestimated by approximately 33%.
- The size and extent of this particular Project make the number of operational days for some equipment assumed in CalEEMod™ unrealistically high.

Air Dispersion Modeling

- The default trip lengths used in CalEEMod™ for construction vehicles, including haul trucks, worker vehicles, and vendor vehicles are 20 miles, 12.4 miles, and 7.3 miles, respectively. However, all of the emissions from the entire lengths of all trips were modeled as being emitted within the 2.55-mile stretch of Mt. Diablo Boulevard and the freeway near the Project site. Concentrating the emissions calculated based on the default trip lengths to the 2.55-mile stretch of the roadway near the Project site is overly conservative.

- The entire construction site was modeled as one polygon area source. For the Maximum Mixed-Use scenario, future onsite residential receptors were placed within the construction source. Co-locating the source and onsite residential receptors created artificially high concentrations. We have evaluated a Project phasing that would allow residents on site while some construction is being completed.

Health Risk Analysis

- The DEIR applied a single Age Sensitivity Factor (ASF) to the residential child population for the entire construction period. However, the Project has a 2.5 to 3-year construction schedule. Applying the methodology recommended by the Bay Area Air Quality Management District (BAAQMD) and Cal/EPA Office of Environmental Health Hazard Assessment (Cal/EPA), in which ASFs are adjusted to correspond to that time period reveals less than significant risks.  

As discussed in more detail below, refinement of this analysis results in a less than significant excess lifetime cancer risk from construction for existing offsite sensitive receptors. The refinement of the analysis also decreases the estimated excess lifetime cancer risk for onsite residential receptors during construction of the remainder of the Project.

Similarly, the DEIR performed an analysis of GHG emissions using default and general assumptions. These default assumptions do not take account of factors specific to the Project, such as its location in a pedestrian-friendly suburban center with diverse land uses, its proximity to Bay Area Rapid Transit (BART) and local transit, or the free shuttle to BART. Also, the BAAQMD methodology provides an overly-conservative assessment of retail land uses, such as the Project, in that it includes the emissions caused by customers in the total Project emissions, but does not include the number of customers in arriving at the emissions per customer. Due to both these factors, the analysis likely overstates the Project’s contribution to climate change.

The remainder of this letter is divided into two sections to address each of the topics listed above in more detail: Construction-Related Health Impacts and Operational-Related Greenhouse Gas Emissions Impacts.

Construction-Related Health Impacts

Task 1. Emissions Calculations

CalEEMod™ which uses OFFROAD2007³ does not include the ARB recommended minimum 33% load factor reduction applicable to offroad construction equipment. ⁴ A load factor accounts

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for the fact that equipment operates at varying percentages of its maximum rated horsepower over the course of its normal operation. However OFFROAD2011, which replaces OFFROAD2007, incorporates appropriate load factor adjustments. ENVIRON refined the offroad construction emissions by using load factors from OFFROAD2011. Table 1 compares the mitigated diesel particulate matter (DPM) emissions from offroad construction equipment presented in the DEIR to the corresponding emissions after the OFFROAD2011 load factor adjustment.

In addition, the number of operational days for certain offroad equipment assumed in the CalEEMod run is high for this particular Project. ENVIRON obtained a refined construction schedule, including reduced days of operation for several pieces of equipment from Macerich and the construction contractor, Whiting-Turner Contracting Company. Table 2 shows the refined operational schedule for the offroad construction equipment. Table 1 also presents the mitigated DPM emissions from construction equipment using the refined operational schedule. As shown in Table 1, the refined equipment operational schedule, when including the load factor adjustment will reduce the DPM emissions by approximately 279 pounds (lbs) for the maximum commercial and 260 lbs the mixed-use scenario, compared to the original emissions presented in the DEIR. This reduction corresponds to a 61% emission reduction for the maximum commercial and a 59% reduction for the mixed-use scenario.

**Task 2. Air Dispersion Modeling**

The CalEEMod default trip lengths for haul trucks, worker vehicles, and vendor vehicles are 20 miles, 12.4 miles, and 7.3 miles. However, emissions from the longer length were characterized as occurring in the length of road, only 2.55 miles that were used to simulate roadway emissions for the Project. Therefore, concentrating the emissions calculated based on the default trip lengths into the 2.55-mile roadway is overly conservative. Table 3 compares the DPM and total organic gases (TOG) emissions from off-road construction vehicles presented in the DEIR and the corresponding emissions after the scaling using a trip length of 2.55 miles. The 2.55 mile road length captures the length of roadways closest to the Project site that will experience the higher concentrations of Project-related emissions, and accordingly represents the length of roadways that were modeled in the DEIR evaluation.

Additionally, the entire construction site was modeled as one polygon area source in the DEIR. For the Maximum Mixed-Use scenario, future onsite residential receptors were placed within the construction source. Co-locating the construction source and onsite residential receptors created very high concentrations. Figure 1 shows parcels at the Project. To determine if future onsite residents could potentially reside at the site before all construction was completed, ENVIRON evaluated a hypothetical scenario where all residents are located in the yellow area.

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4 In September 2010, the ARB announced that its methods used to estimate the load factor for offroad equipment were incorrect and led to an overestimate of emissions by a factor of approximately 33%. The slides (ARB 2010) from the ARB workshop discussing this issue are available at: http://www.arb.ca.gov/msprog/orcdiesel/documents/emissions_inventory_presentation_full_10_09_03.pdf


6 The DEIR emissions were extracted from the CalEEMod output, presented in Appendix C of the DEIR.

7 The refined operational schedule of offroad construction equipment for the Maximum Mixed-Use and Maximum Commercial scenarios was obtained from The Whiting-Turner Contracting Co., April 19, 2012.

8 The roadways in the vicinity of the Project that construction vehicles will use include Navell Avenue, South Broadway, South Main Street, Mt. Diablo Boulevard, and an approximately one-mile stretch of highway I-680 toward the San Ramon direction. Only these routes were modeled in the air dispersion modeling the DEIR was based upon.

9 See footnote 6.
depicted in Figure 1, and Parcels 1 (except for the south corner), 4, 7, and 8 were to be built first such that residents could move in before Parcels 1 (south corner), and 7A are constructed. In addition, it is also mentioned in the DEIR that future renovation and expansion to Parcels 2, 3, and 9 is possible. Based on the information above, ENVIRON conducted refined modeling to estimate excess lifetime cancer risks for the future onsite receptors resulting from construction emissions (including demolition and grading phases) of Parcels 1 (south corner) and 7A and from renovation and expansion emissions (not including major demolition or grading phases as these would be modifications of existing buildings) of Parcels 2, 3, and 9. Modeled sources and receptors are shown on Figure 1.

Task 3. Health Risk Assessment (HRA)
As discussed in Appendix C of the DEIR, the estimated excess lifetime cancer risks were adjusted using the ASFs recommended in the Cal/EPA OEHHA Technical Support Document (TSD) (Cal/EPA 2009)\(^\text{10}\) and the cancer risk adjustment factors (CRAFs) recommended by BAAQMD (BAAQMD 2010).\(^\text{11}\) This approach accounts for an "anticipated special sensitivity to carcinogens" of infants and children. Cancer risk estimates are weighted by a factor of 10 for exposures that occur from the third trimester of pregnancy to two years of age and by a factor of 3 for exposures that occur from two years through fifteen years of age. No weighting factor (i.e., an ASF of one, which is equivalent to no adjustment) is applied to ages sixteen to seventy years. The health risk calculation presented in Appendix C, however, applies a CRAF of 10 to the residential child population, for the entire construction period of three years. The exposure parameters are presented in Table 1 of the Appendix C and are overly conservative.

Assuming that a pregnant woman reaches the third trimester when construction of the Project begins, the third year of construction only overlaps with the last three months of age two and nine months of age three. Therefore, the appropriate way to calculate the CRAF for the third year of construction is to apply an ASF of 10 for 3 months and an ASF of 3 for 9 months, which corresponds to an overall CRAF of 4.75. Using the CRAF of 4.75 for the third year of construction significantly decreases the estimated excess lifetime cancer risks for the residential child population.

Similarly, for a 2.5-year construction, scenario, the six months of construction in year 3 overlaps with the last three months of age two and three months of age three. Therefore, the appropriate way to calculate the CRAF for the year 3 construction (6 months) is to apply an ASF of 10 for 3 months and an ASF of 3 for 3 months, which corresponds to an overall CRAF of 6.5 for year 3.

Task 4. Refined HRA Results
Existing Offsite Receptor
The refinements discussed above were used to estimate excess life cancer risks for the existing offsite sensitive receptors. Two tiers of the refined HRA results are presented in Table 4, for the existing offsite maximally exposed individual sensitive receptor (MEISR). Two construction periods of 3 years and 2.5 years were evaluated separately.

- For Tier 1, cancer risks were calculated incorporating the load factor adjustment, the ASF adjustment, and the scaled trip length.
- For Tier 2, cancer risks were calculated incorporating all the refinements in Tier 1, together with the refined operational schedule of the offroad construction equipment.

\(^{10}\) See footnote 2.
Note that only the residential child population was evaluated for construction and presented in Table 4, since the DEIR concluded that only this population type would be subjected to increases in cancer risks that were significant, as shown in Tables 4.2-7 and 4.2-8 of the DEIR. Risks to all other populations are lower than that of the residential child population.

Applying either the Tier 1 measures or the Tier 2 measures results in emissions below levels of significance. As shown in Table 1, the refined equipment operational schedule including the load factor adjustment will reduce the DPM emissions by approximately 279 lbs for the maximum commercial and 250 lbs the mixed-use scenario, compared to the original emissions presented in the DEIR. This reduction corresponds to a 61% emission reduction for the maximum commercial and a 59% reduction for the mixed-use scenario. This emission reduction shows that Tier 2 measures alone reduce the calculated cancer risks.

Table 4 shows that the adjusted cancer risks from the construction using the Tier 1 refinements discussed above are 6.8 in a million for the Maximum Mixed-Use scenario, and 7.0 in a million for the Maximum Commercial scenario under three-year construction. Table 4 shows that the adjusted cancer risks from the construction using Tier 1 refinements discussed above are 7.5 in a million for the Maximum Mixed-Use scenario, and 7.7 in a million for the Maximum Commercial scenario under 2.5-year construction scenario. Table 4 also shows that Tier 2 measures will further bring down the cancer risks to 4.6 in one million for the Maximum Mixed-Use scenario and 4.8 in one million for the scenario under three-year construction and will bring down the cancer risks to 4.9 in one million for the Maximum Mixed-Use scenario, and 5.1 in one million for the Maximum Commercial scenario under 2.5-year construction. All these numbers are below the significance threshold of 10 in one million.

Mitigation Measures AIR-3c of the DEIR restricted haul trucks from Mt. Diablo Boulevard. However, the emissions from haul trucks along Mt. Diablo Boulevard were included as part of this air dispersion modeling and health risk assessment. The risks reported above include these haul routes and are below significance thresholds. As such, assurance of implementation of either the Tier 1 measures or the Tier 2 measures should be substituted for mitigation measure AIR-3c of the DEIR, since measure AIR-3c is not necessary to ensure risks are less than significant.

**Future Onsite Receptor**

The refinements discussed above were used to estimate excess life cancer risks for the future onsite residential receptors. Figures 2 through 9 present the estimated excess lifetime cancer risks resulting from exposure of the future onsite receptors from the remaining construction after the occupancy of the onsite residents, assuming that onsite residences and any other sensitive receptors are located only in the yellow areas depicted in Figure 1 and that all sensitive receptors are located on the second floor or higher. Figures 2 through 6 suggest that if all parcels are built together, including Parcels 1 (south), 7A, 2, 3, and 9, the Tier 2 refinement discussed above will be needed to bring estimated risks to below levels of significance. Figures 6 through 9 indicate that if only Parcels 1 south and 7A are built together, the Tier 1 refinement discussed above is sufficient to prevent exceedance of acceptable levels of exposure, under the condition that no residents will be located within Parcel 8 during any subsequent construction activity. Note that only the residential child population was evaluated and presented in these figures, since only this population type yielded excessive cancer risks in the DEIR assessment, as shown in Table 4.2-8 of the DEIR. Risks to all other populations are lower than that of the residential child population. We agree that the modeling reflected in the DEIR demonstrates that after demolition and excavation is completed, residences could be located anywhere on the Project Site without excessive exposures.
Task 5. Conclusion from the Refined HRA Results

The refined HRA results presented in Table 4 and Figures 2 through 9, which reflect refinements of the analysis of estimated excess lifetime cancer risk results for a residential child at existing offsite receptors and future onsite receptors in Tables 4.2-7 and 4.2-8 of the DEIR. As shown in Table 4, the refined analysis results in less than significant excess lifetime cancer risk from construction for existing offsite sensitive receptors. As shown in Figures 2 through 9, the refined analysis also results in much lower excess lifetime cancer risk from construction conducted after the first date of occupancy for future onsite residential receptors that are located within the yellow area depicted in Figure 1.

Either Tier 1 refinement or Tier 2 refinement would result in less than significant impacts to offsite receptors. Tier 1 refinement, including the load factor adjustment, the ASF adjustment, and the scaled trip length, is consistent with the methodologies used in the HRA of the America's Cup and Transit Tower Project we have previously evaluated in coordination with ESA (ENVIRON 2011a, 2011b).12,13 Tier 2 refinement requires the Project contractor to make commitments on equipment use, and mitigation measures.

Exposure that would be experienced by onsite sensitive receptors could also be reduced to acceptable levels with the inclusion of Tier 1 and/or 2 refinements discussed above, provided sensitive receptor uses (such as residences and any day care facilities) comply with the following criteria: (1) they are located within the yellow area depicted in Figure 1; (2) they are located on the second floor or higher; and (3) no sensitive receptor use is occupied until construction of the yellow area is substantially completed. Demolition, excavation and construction elsewhere on the Project site (as described in the Project description) could then occur without causing excessive exposure to those sensitive receptors.

PM_{2.5} concentrations, chronic non-cancer impacts, and acute non-cancer impacts for all population types, and cancer risks for school children and residential adults are all within acceptable levels and below significance levels, and therefore were not evaluated in this review. However it is expected that the methods used in the refined HRA discussed in this report will reduce these health endpoints below the values presented in the DEIR.

Operational-Related Greenhouse Gas Mitigation Measures

As discussed above, the DEIR presents an assessment of the operational-related GHG emission impacts that does not take account of the particular attributes of the Project. While the DEIR assessment did evaluate reductions in GHG emissions due to Project commitments to energy and water efficient fixtures, additional traffic-related Project features were not fully accounted for, including dense and diverse land use types, proximity to jobs and suburban center, accessibility to public transit, and Project-sponsored free shuttles to the Walnut Creek BART station.14 These land use and traffic-related Project design features reduce vehicle trips to and from the Project, thereby reducing associated GHG emissions.

While the DEIR analysis captures the emissions the Project could generate, it likely overstates those emissions substantially. The project is located in a suburban area, presents infill

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14 We also note that for the Maximum Commercial scenario, the DEIR analysis incorporated the traffic/land use mitigation measure Increase Location Efficiency (Suburban Center) and the traffic/commute mitigation measure Provide Ride Sharing Programs (50% eligibility). However, the Project has free shuttles to BART rather than a ride-sharing program.
development, and thus likely experiences vehicle miles traveled (VMT) increases that are lower than the default estimates. The area surrounding the Project site is densely developed with a variety of types of land uses in a land use pattern that emphasizes a "park once" goal and encourages use of mass transit. The uses include not only other commercial and retail establishments, but also office and other job-housing uses, a hospital, parks and a school. The area is pedestrian and bicycle-friendly, and has numerous closely-spaces intersections. The Project is located close to BART and busses, and there is a free shuttle between BART and the Project site. These factors, while difficult to quantify, have been established as reducing substantially a Project's contribution to climate change.

Further affecting the analysis is the treatment of visitors in BAAQMD’s thresholds and methodology. The BAAQMD set CEQA Thresholds for Projects other than Stationary Sources as (1) Compliance with a Qualified GHG Reduction Strategy (such as a city Climate Action Plan), (2) less than 1,100 metric tonnes (MT) of GHG emissions per year for the Project, or (3) 4.6 MT GHG emissions per service population per year. The methodology for calculating the service population metric likely overstates the relative importance of a project's emissions for projects with significant visitor traffic, such as retail, hospitals and medical offices. The emissions caused by visitors are included in the total emissions such a project will cause, but do not include the number of customers in the "service population" by which the total emissions are divided to arrive at emissions per person. The BAAQMD thresholds and methodology represent some of the best available tools for analyzing the assessing greenhouse gas emissions. However, in terms of assessing a project's contribution towards climate change by measuring the amount of emissions per person, and by using a "service population" metric that excludes visitors, the BAAQMD thresholds and methodology overstate the amount of emissions per person affiliated with such a project.

If you have any questions regarding the above comments, please contact either Shari (415-796-1933) or Michael (415-796-1934) at your convenience.

Sincerely,

Shari Libicki, PhD
Principal

Michael Keinath, PE
Senior Manager

MK:py

cc:
Garrett Newland, Macerich
Marie Cooper, Perkins Coie

Attachments:
Tables
Figures

Attachment B
Tables
(With Tables of 2012 Comment Letter Incorporated)
Table 1
Comparison of Mitigated DPM Emissions from Construction Offroad Equipment
Broadway Plaza DEIR Review
Walnut Creek, CA

<table>
<thead>
<tr>
<th>Construction Year</th>
<th>Maximum Mixed-Use [tons/yr]</th>
<th>Maximum Commercial [tons/yr]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DEIR Values&lt;sub&gt;1&lt;/sub&gt;</td>
<td>After Load Factor Adjustment&lt;sub&gt;2&lt;/sub&gt;</td>
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<tr>
<td>2014</td>
<td>0.06</td>
<td>0.04</td>
</tr>
<tr>
<td>2015</td>
<td>0.05</td>
<td>0.04</td>
</tr>
<tr>
<td>2016&lt;sup&gt;5&lt;/sup&gt;</td>
<td>0.10</td>
<td>0.07</td>
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</table>

**Notes:**
1. Emissions were calculated by California Emissions Estimator Model (CaEEOM<sup>TM</sup>), and presented in the DEIR. Refer to Appendix C of the DEIR for CaEEOM<sup>TM</sup> outputs.
2. Since the 33% load factor reduction recommended by the California Air Resources Board (ARB 2010) was not incorporated in CaEEOM<sup>TM</sup> which utilizes OFFROAD2007, load factors for emissions calculations were obtained from OFFROAD2011. All other information is consistent with DEIR assumptions.
3. A refined equipment operational schedule was obtained by ENVIRON from Whiting-Turner Contracting Company and Macerich.
4. The refined equipment operational schedule will reduce the DPM emissions by approximately 279 lbs for the maximum commercial and 250 lbs the mixed-use scenario, compared to the original emissions presented in the DEIR. This reduction corresponds to a 61% emission reduction for the maximum commercial and a 59% reduction for the mixed-use scenario.
5. According to Whiting-Turner Contracting Company and Macerich, it is possible that the construction will be completed within the first half year of 2016. Therefore construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

**Abbreviations:**
ARB: California Air Resources Board  
CaEEOM<sup>TM</sup>: California Emissions Estimator Model  
DEIR: Draft Environmental Impact Report  
DPM: Diesel Particulate Matter  
yr: year

**Sources:**
1. CaEEOM<sup>TM</sup>. Available at: http://www.caleemod.com/  
2. ARB. 2010. Workshops on Information Regarding the Off-Road, Truck and Bus and Drayage Truck Regulations. September. Available at: http://www.arb.ca.gov/msprog/ordiesel/documents/emissions_inventory_presentation_full_10_09_03.pdf
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<th>Phase</th>
<th>Construction Period&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Equipment Type&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Quantity&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Modeled Days of Operation&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Modeled Daily Usage (hours)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>HorsePower&lt;sup&gt;5&lt;/sup&gt;</th>
<th>Load Factor&lt;sup&gt;6&lt;/sup&gt;</th>
<th>Engine Tier&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Emissions Control&lt;sup&gt;2&lt;/sup&gt;</th>
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<td>61.9</td>
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<td></td>
<td>Rubber Tired Dozers</td>
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<td>75</td>
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<td></td>
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<td>Tractors/Loaders/Backhoes</td>
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<td>7</td>
<td>75</td>
<td>0.3685</td>
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<td>Welders</td>
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<td>Pavers</td>
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<td>0.3417</td>
<td>Tier 3</td>
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Notes:
1. Refers to the time frame for each phase of construction. This was based on a series of emails forwarded from Whiting-Turner Contracting Company and Macerich, which states that construction occurs over a three year time frame. The phases of construction were spread within this three year time frame.
2. Equipment list, quantity, modeled daily usage hour, engine tier, emissions control and modeled days of operation were based on information received from Whiting-Turner Contracting Company and Macerich.
3. For those equipment that have different equipment quantities for the Maximum Mixed-Use and Maximum Commercial scenarios, a "1/" is used to distinguish the quantity between the two scenarios; the left value represents the quantity of the Maximum Mixed-Use scenario and the right value represents the quantity of the Maximum Commercial scenario.
4. The forklifts will operate for a total of 523 days; however, for 173 days the equipment will be operated on propane rather than diesel fuel. Also, the air compressor units will be operated for a total of 260 days; but for 140 days the equipment will be operated on electricity rather than diesel fuel. Propane combustion and electricity usage do not produce diesel particulate matter (DPM) which is the primary contributor to cancer risk from construction equipment operation. Therefore, for the purposes of this assessment, only risks from DPM were evaluated.
5. For welders, horsepower values were provided by Whiting-Turner Contracting Company. For all other equipment, default CAEEEMod™ values were used after approval by Whiting-Turner Contracting Company and Macerich.
6. The load factor shown here is from OFFROAD2011. If an equipment type was not available in OFFROAD 2011, ENVIRON used the load factor for "Other Construction Equipment" or "Other General Industrial Equipment".
7. According to Whiting-Turner Contracting Company and Macerich, it is possible that the construction will be completed within the first half year of 2016. Therefore construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

Abbreviations:
- CAEEEMod™ - California Emissions Estimator Model
- CARB - California Air Resource Board
- DPM - diesel particulate matter
- DPF - diesel particulate filter
- OFFROAD2011 - ARB Offroad Emissions Estimator Model

Sources:
1. CAEEEMod™. Available at: http://www.caeemod.com/
Table 3
Comparison of DPM and TOG Emissions from Construction Onroad Vehicles
Broadway Plaza DEIR Review
Walnut Creek, CA

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>DEIR Values¹</td>
<td>Scaled by Trip Length²</td>
<td>DEIR Values¹</td>
<td>Scaled by Trip Length²</td>
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<td>DPM³</td>
<td>Haul Truck</td>
<td>20</td>
<td>2.55</td>
<td>0.15</td>
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<td>Vendor Truck</td>
<td>7.3</td>
<td>2.55</td>
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<td>Worker</td>
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<td>2.55</td>
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<td>ROG³</td>
<td>Haul Truck</td>
<td>20</td>
<td>2.55</td>
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<td>Vendor Truck</td>
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<td>Worker</td>
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<td>TOG Total</td>
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<td>0.29</td>
<td>0.32</td>
<td>0.07</td>
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Notes:
1. Emissions were calculated by California Emissions Estimator Model (CaEEEmod™), and presented in DEIR. Refer to Appendix C of the DEIR for CaEEEmod™ outputs.
2. The emissions were scaled by dividing the DEIR values by default trip length and multiplying by the scaled trip length.
3. For the risk calculation shown in Table 4, the following conservative assumptions were made: all PM10 exhaust is DPM, all ROG from Haul Trucks is diesel ROG, all ROG from Vendor Trucks and Worker vehicles is gasoline ROG, and ROG emissions are exhaust rather than evaporative emissions.
4. ROG is converted to TOG using the conversion factor presented in USEPA (2010).
5. According to Whiting-Turner Contracting Company and Macerich, it is possible that the construction will be completed within the first half of 2015. Therefore construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

Abbreviations:
CaEEEmod™: California Emissions Estimator Model
DEIR: Draft Environmental Impact Report
DPM: Diesel Particulate Matter
PM10: particulate matter (less than 10 micron in diameter)
ROG: Reactive Organic Gases
TOG: Total Organic Gases
yr: year

Sources:
1. CaEEEmod™. Available at: http://www.caleemod.com/
Table 4
Updated Excess Lifetime Cancer Risks from Construction Activities - Existing Offsite MEISR
Broadway Plaza DEIR Review
Walnut Creek, CA

<table>
<thead>
<tr>
<th>Construction Schedule</th>
<th>Scenario</th>
<th>Cancer Risk [# in one million]$^{1,2}$</th>
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<tr>
<td></td>
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<td>Tier 1 - Load Factor, ASF Adjustment, and Scaled Trip Length</td>
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<td></td>
<td></td>
<td>From Offroad Emissions</td>
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<td>3-Year Construction</td>
<td>Maximum Mixed-Use</td>
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<td>Maximum Commercial</td>
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<td>BAAQMD Significance Criteria</td>
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<td>Significant Impact?</td>
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<td>2.5-Year Construction</td>
<td>Maximum Mixed-Use</td>
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<td>BAAQMD Significance Criteria</td>
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<td></td>
<td>Significant Impact?</td>
<td>Yes</td>
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Note:
1. Only residential child population was evaluated in this review, since this population type drives the health risks, as shown in Tables 4.2-7 and 4.2-8 of the DEIR.
2. Two scenarios - 3 years of construction and 2.5 years of construction were evaluated.

Abbreviations:
ASF: Age Sensitivity Factor
DEIR: Draft Environmental Impact Report
MEISR: Maximally Exposed Individual Sensitive Receptor
<table>
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**Notes:**
1. Total DPM emissions presented in this table (181.5 lb) were identical to the emissions calculated in the ENVIRON Comment Letter submitted to the City of Walnut Creek on May 7, 2012, as presented in Table 1 of the Letter for the Maximum Commercial Scenario under the Refined Equipment Operational Schedule.
2. The total DPM emissions were then assigned to different construction areas based on the development phasing plan, and construction schedule obtained by ENVIRON from Macerich. The construction areas are shown in Figure 10 of the report.

**Abbreviations:**
DPM: Diesel Particulate Matter
yr: year

**Sources:**
1. ENVIRON. 2012. Air Quality and Greenhouse Gas Analyses for the Broadway Plaza Long-Range Master Plan. Submitted to the City of Walnut Creek on May 7, 2012.
### Table 6
Excess Lifetime Cancer Risks from Construction Activities - Existing Offsite MEISR
Broadway Plaza Long-Range Master Plan Refined Project Alternative
Walnut Creek, CA

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**Note:**
1. Only residential child population was evaluated in this review, since this population type drives the health risks, as shown in Tables 4.2-7 and 4.2-8 of the DEIR.
2. Two scenarios - 3 years of construction and 2.5 years of construction were evaluated.

**Abbreviations:**
DEIR: Draft Environmental Impact Report
MEISR: Maximally Exposed Individual Sensitive Receptor
Legend
- Future Onsite Receptors
- Construction Areas after Residents Occupancy (Sources)
- Construction Areas before Residents Occupancy (Receptors)

Sources and Receptors for Refined Construction Modeling
Broadway Plaza DEIR Review
Walnut Creek, CA

Figure 1
Legend
If All Parcels Built Together (Tier 2 Refinement) - Third Floor Cancer Risk [# in one million]
• 3 - 10
• >10

Cancer Risks of Onsite Receptors from Refined Construction Modeling
Broadway Plaza DEIR Review
Walnut Creek, CA
Legend
If Parcels 7A and 1 South Built Together (Tier 1 Refinement) - Second Floor
Cancer Risk [# in one million]
- 2 - 10
- 10 - 18

Cancer Risks of Onsite Receptors from Refined Construction Modeling
Broadway Plaza DEIR Review
Walnut Creek, CA

Figure 6
Module Receptors
Broadway Plaza Long-Range Master Plan Refined Project Alternative
Walnut Creek, CA
Letter GG Response – Perkins Coie

**Master Comment GG-1 and GG-2:** On behalf of Macerich Northwestern Associates, I submit the enclosed report as a comment on the EIR Chapter 5A. The enclosed report, which was prepared by Environ International Corp., presents an analysis of certain air quality issues that is based upon more detailed construction information and more accurate modeling than the analysis set forth in the Chapter 5A.

Specifically, the enclosed report reflects the following modifications to the EIR’s methodology:

- The offroad construction equipment emissions have been adjusted to include the 33% load factor reduction recommended by the California Air Resources Board. This load factor reduction recognizes that equipment operates at varying percentages of its maximum rated horsepower over the course of its normal operation.

- The Refined Project Alternative analysis accounts for more specific and detailed information about the number of operational days for some offroad equipment, as well as the tier level of emissions control of the equipment.

- The analysis conducted for the Refined Project Alternative assigns to the area near the Project Site only those emissions projected to occur within a few miles of the Project Site, rather than all emissions projected to occur over the entire 20-mile, 12.4-mile and 7.3-mile trips that haul trucks, worker vehicles and vendor vehicles are projected to take.

- Adjustments were made to the Age Sensitivity Factor, which accounts for the increased susceptibility of infants and children to carcinogens, as compared to adults. It was adjusted to match the ages the youngest possible receptors would be during the projected 3-year and 2.5-year construction schedules, rather than applying the highest Age Sensitivity Factor to the entire period.

These modifications, which represent a more accurate and refined analysis than is contained in the EIR, result in a determination that air quality health risk impacts will be less than significant. We request that the City revise the EIR analysis to comport with the Environ report, and we further request that the City agree with the conclusions Environ reached.

GG-1: The comment introduces ENVIRON’s March 22, 2013 analysis letter assessing the Refined Project Alternative, and ENVIRON’s May 7, 2012 analysis (see Letter Y) of the Project’s operational GHG emission and health risk impacts associated with construction – in both cases factoring in more detailed Project construction information that was not yet available from the Project Sponsor during the City’s preparation of the Draft EIR, as well as refined modeling assumptions.

The City has carefully reviewed the analysis and the proposed Project inputs and modeling assumptions outlined in the ENVIRON analysis letters and concurs with the findings. In response, the Draft EIR and Recirculated Chapter 5A analyses regarding construction-related health impacts (Impact AIR-3) are revised accordingly; and the Draft EIR analysis regarding operational GHG emissions (Impact GHG-1) is revised.
accordingly. These revisions are presented in detail in Chapter 3 (Modifications to the Draft EIR and the Recirculated Chapter 5A) of this Final EIR. Supporting detail and background is provided in Appendix C.1 to this Final EIR, which is excerpted and updated from Appendix C (Air Quality) to the Draft EIR.

GG-2: As presented in the comment letter analysis, the revision to the construction-related health risk assessment reduces the estimated excess lifetime cancer risk for the Project to below the applicable threshold of 10 in one million. Thus, the impact would no longer be significant and unavoidable as reported in the Draft EIR, but would be less-than-significant. Although the revised analysis results in increased risk under the Refined Project Alternative (due to construction activity occurring closer to sensitive receptors), the risk is still now below the applicable threshold of 10 in one million, and therefore less than significant.

Note that this change to the previously-identified significant and unavoidable construction health risk impact (Impact AIR-3) triggers other text revisions in the Draft EIR, specifically Chapter 5, Alternatives, and Chapter 2, Summary. These revisions are also presented in Chapter 3 (Modifications to the Draft EIR and the Recirculated Chapter 5A) of this Final EIR.

Master Comment GG-3: ...The DEIR presents an assessment of the operational-related GHG emission impacts that does not take account of the particular attributes of the Project. While the DEIR assessment did evaluate reductions in GHG emissions due to Project commitment to energy and water efficient fixtures, additional traffic-related Project features were not fully accounted for, including dense and diverse land use types, proximity to jogs and suburban center, accessibility to public transit, and Project-sponsored free shuttles to the Walnut Creek BART station. These land use and traffic-related Project design features reduce vehicle trips to and from the Project, thereby reducing associated GHG emissions.

...Further affecting that analysis is the treatment of visitors in BAAQMD’s thresholds and methodology. The BAAQMD set CEQA Thresholds for Projects other than Stationary Sources as (1) Compliance with Qualified GHG Reduction Strategy (such as a city Climate Action Plan), (2) less than 1,100 metric tonnes (MT) of GHG emissions per year for the Project, or (3) 4.6 MT GHG emissions per service population per year. The methodology for calculating the service population metric likely overstates the relative importance of a project’s emissions for projects with significant visitor traffic, such as retail, hospitals and medical offices. The emissions caused by visitors are included in the total emissions such a project will cause, but do not include the number of customers in the “service population” by which the total emissions are divided to arrive at emissions per person. The BAAQMD thresholds and methodology represent some of the best available tools for analyzing the assessment greenhouse gas emissions. However, in terms of assessing a project’s contribution towards climate change by measuring the amount of emissions per person, and by using a “service population” metric that excludes visitors, the BAAQMD threshold and methodology overstate the amount to emissions per person affiliated with such a project.
GG-3: The comment explains the methodology BAAQMD recommends, which was used in this EIR, to assess per capita emissions. The comment indicates that impacts may be less significant than determined by the BAAQMD methodology. However, the City has determined to evaluate the significance of the contribution of the Project and alternatives to cumulative impact using that methodology. See response to comment FF-4.

The Draft EIR was published in March 2012, used the then–current (2008) version of Title 24, and imposed mitigation that requires energy efficiencies that exceeded those of the 2008 version of Title 24. Accordingly, the Draft EIR evaluated a measure to “Exceed current Title 24 energy saving requirements by 20 percent.” Since then, a new version of Title 24 energy efficiency standards (2013 Title 24) was adopted. As stated by the California Energy Commission, “The Energy Commission's 2013 Building Energy Efficiency Standards are 25 percent more efficient than previous standards for residential construction and 30 percent better for nonresidential construction. The Standards, which take effect on January 1, 2014, offer builders better windows, insulation, lighting, ventilation systems and other features that reduce energy consumption in homes and businesses.” Because these new standards take effect in 2014, any nonresidential development that occurs in 2014 or later will necessarily achieve a 30% increase in energy efficiency, and any residential development occurring after that date will achieve a 25% efficiency increase. These amounts exceed the 20% increase in efficiency studied as a potential mitigation strategy in the Draft EIR.

The applicant submitted another letter to the City on September 6, 2013 indicating what additional measures it had determined to implement as part of the Greenhouse Gases Emissions Reduction Plan (GHG plan) required by Mitigation Measure GHG-1 for the Refined Project Alternative. These measures will reduce or avoid the adverse contribution of the Project and alternatives to cumulative impacts, and therefore are imposed as part of Mitigation Measures GHG-1, as shown in Chapter 3 of this Final EIR.

While the factors listed above, and the factors noted in letter GG would reduce GHG emissions of the Project, potentially to levels that could be considered less than significant, the quantification of most is speculative, and the analysis in the Draft EIR is a conservative and prudent approach (see Response to Comment FF-4). The City accordingly determines not to adjust the GHG emission conclusions of the Draft EIR and determines that contributions from the Project and alternatives would be cumulatively considerable.
Thank you Walnut Creek — I feel honored to be able to input my public $4 worth re the remodel of Broadway Plaza outdoor mall.

I love fountains, I love tile. I think they go together. It makes shopping trips beautiful, interesting, relaxing!

Please consider several medium size fountains adorned with beautiful Catalina tile or Spanish tile, with flat areas to sit upon. Pure shopping heaven!

Sincerely,

Sheila Deegan

Ps. Sorry I do not have a computer.
Best Wishes for the Best Broadway Plaza!
Letter HH Response – Sheila Deegan

Comment HH-1: Thank you Walnut Creek – I feel honored to be able to input my 2 cents regarding the remodel of Broadway Plaza outdoor mall. I love the fountains. I love the tile. I think they go together. It makes shopping trips beautiful, interesting + relaxing. Please consider several medium size fountains adorned with Catalina tile or Spanish tile, with flat areas to sit upon. Pure shopping heaven.

HH-1: The comment does not address the adequacy of the EIR analysis or topics specific to CEQA but discusses the merits of the Project. The comment is noted. The City will consider this information as it deliberates the Project.
REVISED APPENDIX C.1
Air Quality Supplemental Information – Health Risk
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Health Risk Assessment

This Appendix C.1 is updated and expanded from the health risk portion of the Draft EIR (as depicted in double-underline/strike-out format) to encompass additional analysis conducted for the Final EIR. Section C.1a includes detailed tables and figures that pertain to the human health risk assessment (HRA) conducted for the Refined Project Alternative.

An HRA is accomplished in four steps; hazards identification, exposure assessment, toxicity assessment, and risk characterization. These steps cover the estimation of air emissions, the estimation of the air concentrations resulting from a dispersion analysis, the incorporation of the toxicity of the pollutants emitted, and the characterization of the risk based on exposure parameters such as breathing rate, age adjustment factors, and exposure duration; each depending on receptor type.

Terms and Definitions

As the practice of conducting a HRA is particularly complex and involves concepts that are not altogether familiar to most people, several terms and definitions are provided that are considered essential to the understanding of the approach, methodology and results:

Acute effect – a health effect (non-cancer) produced within a short period of time (few minutes to several days) following an exposure to toxic air contaminants (TAC).

Cancer risk – the probability of an individual contracting cancer from a lifetime (i.e., 70 year) exposure to TAC in the ambient air.

Chronic effect – a health effect (non-cancer) produced from a continuous exposure occurring over an extended period of time (weeks, months, years).

Hazard Index (HI) – the unitless ratio of an exposure level over the acceptable reference dose (RfC). The HI can be applied to multiple compounds in an additive manner.

Hazard Quotient (HQ) – the unitless ratio of an exposure level over the acceptable reference dose (RfC). The HQ is applied to individual compounds.

Toxic air contaminants (TAC) – any air pollutant that is capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). The current California list of TAC lists approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Human Health Effects - comprise disorders such as eye watering, respiratory or heart ailments, and other (i.e., non-cancer) related diseases.

Health Risk Assessment (HRA) – an analysis designed to predict the generation and dispersion of TAC in the outdoor environment, evaluate the potential for exposure of human populations, and to assess and quantify both the individual and population-wide health risks associated with those levels of exposure.

Incremental – under CEQA, the net difference (or change) in conditions or impacts when comparing the baseline to future year project conditions.
Maximum exposed individual (MEI) – an individual assumed to be located at the point where the highest concentrations of TAC, and therefore, health risks are predicted to occur.

Non-cancer risks – health risks such as eye watering, respiratory or heart ailments, and other non-cancer related diseases.

Receptors – the locations where potential health impacts or risks are predicted (schools, residences and work-sites).

**Hazards Identification**

TAC emissions associated with the project would occur from the following project activities:

- Off-road equipment and haul trucks during construction activities
- Motor vehicle operations along nearby roadways

Diesel exhaust is a complex mixture of numerous individual gaseous and particulate compounds emitted from diesel-fueled combustion engines. Diesel particulate matter (DPM), considered a surrogate for the mixture of compounds that make up diesel exhaust as a whole, is formed primarily through the incomplete combustion of diesel fuel. DPM is removed from the atmosphere through physical processes including atmospheric fall-out and washout by rain. Humans can be exposed to airborne DPM by deposition on water, soil, and vegetation; although the main pathway of exposure is inhalation.

In August 1998, the California Air Resource Board (CARB) identified DPM as a TAC. The CARB developed *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* and *Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines* and approved these documents on September 28, 2000. The documents represent proposals to reduce DPM emissions, with the goal of reducing emissions and the associated health risk by 75 percent in 2010 and by 85 percent in 2020. The program aimed to require the use of state-of-the-art catalyzed DPM filters and ultra-low-sulfur diesel fuel.

**Exposure Assessment**

Dispersion is the process by which atmospheric pollutants circulate due to wind and vertical stability. The results of a dispersion analysis are used to assess pollutant concentrations at or near an emission source. The results of this analysis allow predicted concentrations of pollutants to be compared directly to air quality standards and other criteria such as health risks.

**Dispersion Modeling Approach**

This section presents the methodology used for the dispersion modeling analysis. This section addresses all of the fundamental components of an air dispersion modeling analysis including:

- Model selection and options
- Receptor locations
- Meteorological data
- Source release characteristics
Model Selection and Options

The AERMOD (Version 11103) was used for most of the dispersion analysis, however ISCST3 (version 02035) was used analysis of Project construction impact on onsite receptors. AERMOD and ISCST3 are both US EPA developed dispersion models for general industrial sources. The models can simulate point, area, volume, and line sources and are recommended by the BAAQMD for this analysis based on the coverage of simple, intermediate, and complex terrain. They also predict both short-term and long-term (annual) average concentrations. The models were executed using the regulatory default options (stack-tip downwash, buoyancy-induced dispersion, and final plume rise), default wind speed profile categories, default potential temperature gradients, and no pollutant decay.

The selection of the appropriate dispersion coefficients depends on the land use within three kilometers (km) of the project site. The land use typing was based on the classification method defined by Auer (1978); using pertinent United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) topographic maps of the area. If the Auer land use types of heavy industrial, light-to-moderate industrial, commercial, and compact residential account for 50 percent or more of the total area, the US EPA Guideline on Air Quality Models recommends using urban dispersion coefficients; otherwise, the appropriate rural coefficients were used. Based on observation of the area surrounding the project site, rural (urban is only designated within dense city centers such as San Francisco) dispersion coefficients were applied in the analysis.

Receptors

Some receptors are considered more sensitive to air pollutants than others, because of preexisting health problems, proximity to the emissions source, or duration of exposure to air pollutants. Land uses such as primary and secondary schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because the very young, the old, and the infirm are more susceptible to respiratory infections and other air quality-related health problems than the general public. Residential areas are also considered sensitive to poor air quality because people in residential areas are often at home for extended periods. Recreational land uses are moderately sensitive to air pollution, because vigorous exercise associated with recreation places a high demand on respiratory system function.

The closest residential uses are approximately 250 feet east of the project site, on Holcomb Court. Additional residences are in the Alma Park neighborhood off of California Blvd, two blocks (more than 1,000 feet) west of the project site. There are several apartments and condominium projects on the hills east of South Broadway and one apartment complex approximately 650 feet northeast of the closest proposed construction. Las Lomas High School is located to the south and Kaiser Hospital is located to the southwest. Terrain elevations for receptor locations were used (i.e., complex terrain) based on available USGS information for the area. Receptors were placed
at a height of 1.8 meters (typical breathing height). Exhibit 1 displays the location of the receptors used in the HRA for the project in the Draft EIR. However, the HRA conducted for the Refined Project Analysis by ENVIRON used a receptor grid to represent on-site receptors (see Section C.1a of this appendix, below.

**Meteorological Data**

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features affecting pollutant movement and dispersal. Atmospheric conditions such as wind speed, wind direction, atmospheric stability, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants, and consequently affect air quality.

Hourly surface meteorological data and upper air meteorological data from Concord and Oakland, California, respectively, were provided by BAAQMD and used for the modeling analysis. Exhibit 2 provides the annual wind roses for the meteorological station. Wind directions are predominately from the south southwest and there is a low frequency of calm wind conditions.

**Source Release Characteristics**

Construction equipment was treated as an area source within the facility expansion area. The release height of the off-road equipment exhaust was 3.05 meters. Delivery trucks and employee trips were treated as a line source (i.e., volume sources placed at regular intervals) located along the access road. The delivery trucks were assigned a release height of 3.05 meters and an initial vertical dimension of 4.15 meters, which accounts for dispersion from the movement of vehicles.

Terrain elevations for emission source locations were used (i.e., complex terrain) based on available USGS DEM for the area. AERMAP (Version 11103) was used to develop the terrain elevations, although the project site is generally flat.

**Emission Estimates**

The emissions associated with the HRA were based on the air quality calculations using CalEEMod (version 2011.1.1) and the information within the project description and detailed further in Table 2 (in FEIR Appendix C1.a) regarding construction schedule and project operations. For construction health risk in particular, emissions of the off-road construction equipment was calculated by OFFROAD2011. Table 1 (in FEIR Appendix C1.a) shows the diesel particulate matter emission from off-road construction equipment assuming OFFROAD2011.

---

1 For the analysis of Project construction impact on onsite receptors conducted in ISCST3, the meteorological data from the BAAQMD Concord station was also used.

2 A series of area sources was used to represent various construction phases for analysis of Project construction impact on onsite receptors.
The CalEEMod default trip lengths for haul trucks, worker vehicles, and vendor vehicles are 20 miles, 12.4 miles, and 7.3 miles, respectively. As shown in Table 3, the total organic gases emissions from on-road construction vehicles scaled for a trip length of 2.55 miles. The 2.55-mile road length captures the length of the roadways closest to the Project Site that will potentially pose a health impact on the modeled receptors.

The flexibility inherent in the project does not necessarily permit a detailed projection of the development schedule or phasing. However, for construction health risk, the detailed development schedule and phasing and related assumptions in Table 3 are assumed to the best knowledge of the Project sponsor.  

---

3 This construction schedule and phasing was only used to develop appropriate cancer risk adjustment factor (CRAF); actual construction schedule may potentially be longer than what is assumed here, and therefore result in a smaller cancer risk.
Demolition and grading are projected to occur January through December 2014. Overall, the project would take 2½ to 3 years to complete, including demolition. Construction equipment and materials staging would be accommodated mostly on the Project Site. Up to four demolition excavators could be used to break down the existing structures on the Project Site. Up to two cranes would be assembled and used on the site during the construction phase.

The hours of the center would be similar to existing hours of Monday through Friday 10:00 a.m. to 9:00 p.m., Saturday 10:00 a.m. to 8:00 p.m. and Sunday 11:00 a.m. to 7:00 p.m. Residential portions of the project would be open 24/7.

**Dispersion Modeling Results**

Using AERMOD/ISCST3, the maximum 1-hour and average annual concentrations were determined for the emission sources of concern. These concentrations were estimated for a unit emission rate (1 gram per second) and adjusted based on the calculated project-related emission rate.

**Toxicity Assessment**

The HRA was conducted following methodologies in BAAQMD’s *Health Risk Screening Analysis Guidelines*\(^4\), the California Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Guidance*,\(^5\) and OEHHA’s *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures.*\(^6\)

The toxicity values used in this analysis were based on OEHHA guidance. These toxicity values are for carcinogenic effects and acute/chronic non-cancer health impacts. The primary pathway for exposures was assumed to be inhalation and carcinogenic and non-carcinogenic effects were evaluated separately. The incremental risks were determined for each emission source of TAC and summed to obtain an estimated total incremental carcinogenic health risk.

The 80th percentile adult breathing rate of 302 L/kg-day was used to determine cancer risks to adult residents from exposure to TAC emitted from the Project-generated motor vehicle operations along nearby roadways. The residential exposure frequency and duration was assumed to be 24 hour a day, 350 days per year and 70 years to the operational emissions. The 95th percentile breathing rate of 581 L/kg-day was used to determine cancer risk to child resident and school child from exposure to TAC emitted from the Project construction activities. The residential exposure frequency and duration was assumed to be 24 hours a day, 350 days a year, and 3 years to the construction emissions. Please note that for construction exposure, only the child resident receptor was evaluated as the adult resident will always be lower due to a lower breathing rate and cancer risk adjustment factor (CRAF), as discussed below. The school child exposure was assumed to be 10 hour a day.

---


180 days and 3 years to the construction emissions. The modeled TAC concentrations were used to represent the exposure concentrations in the air. The inhalation absorption factor was assumed to be 1.

Cancer risk estimates also incorporate age sensitivity factors (ASFs). This approach provides updated calculation procedures that factor in the increased susceptibility of infants and children to carcinogens as compared to adults. OEHHA recommends that cancer risks be weighted by a factor of 10 for exposures that occur from the third trimester of pregnancy to 2 years of age, and by a factor of 3 for exposures from 2 years through 15 years of age. Then a CRAF is calculated to weigh the ASFs by age group with the exposure duration in each age group.

Table 1 provides a summary of the risk assessment exposure parameters used in the analysis.

### Table 1

**HEALTH RISK ASSESSMENT EXPOSURE PARAMETERS**

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Breathing Rate (DBR)</th>
<th>Cancer Risk Adjustment Factor (CRAF)</th>
<th>Daily Exposure</th>
<th>Annual Exposure</th>
<th>Exposure Duration (ED)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operational Emissions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>302</td>
<td>1.7</td>
<td>24 hours</td>
<td>350 days</td>
<td>70 years</td>
</tr>
<tr>
<td>School</td>
<td>581</td>
<td>3</td>
<td>10 hours</td>
<td>180 days</td>
<td>9 years</td>
</tr>
<tr>
<td><strong>Construction Emissions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child</td>
<td>581</td>
<td>10 for the first two years and 4.75 for the third year</td>
<td>24 hours</td>
<td>350 days</td>
<td>3 years</td>
</tr>
<tr>
<td>School</td>
<td>581</td>
<td>3</td>
<td>10 hours</td>
<td>180 days</td>
<td>3 years</td>
</tr>
</tbody>
</table>

### Risk Characterization

Cancer risk is defined as the lifetime probability of developing cancer from exposure to carcinogenic substances. Cancer risks are expressed as the chance in one million of getting cancer (i.e., number of cancer cases among one million people exposed). The cancer risks are assumed to occur exclusively through the inhalation pathway. The cancer risk can be estimated by using the cancer potency factor (milligrams per kilogram of body weight per day [mg/kg-day]), the annual average concentration for the duration of exposure (microgram per cubic meter [µg/m³]), and the lifetime exposure adjustment.

Following guidelines established by OEHHA, the incremental cancer risks attributable to the project were calculated by applying exposure parameters to modeled TAC concentrations in order to determine the inhalation dose (mg/kg-day) or the amount of pollutants inhaled per body weight mass per day. The cancer risks occur exclusively through the inhalation pathway; therefore, the cancer risks can be estimated from the following equation:

\[
\text{Dose-inh} = \frac{C_{air} \times \text{DBR} \times A \times \text{CRAF} \times EF \times ED \times 10^{-6}}{\text{AT}}
\]

Where:

\[
\text{Dose-inh} = \text{Dose of the toxic substance through inhalation in mg/kg-day}
\]
Appendix C.1

Air Quality Supplemental Information – Health Risk

To determine incremental cancer risk, the estimated inhalation dose attributed to the project was multiplied by the cancer potency slope factor (cancer risk per mg/kg-day). The cancer potency slope factor is the upper bound on the increased cancer risk from a lifetime exposure to a pollutant. These slope factors are based on epidemiological studies and are different values for different pollutants. This allows the estimated inhalation dose to be equated to a cancer risk. Thus, if the inhalation dose (mg/kg-day) is estimated at 2.75 per million and the slope factor (mg/kg-day\(^{-1}\)) is 1.1; then the cancer risk is 3.0 per million persons.

Non-cancer adverse health impacts, acute (short-term) and chronic (long-term), are measured against a hazard index (HI), which is defined as the ratio of the predicted incremental exposure concentration from the project to a published reference exposure level (REL) that could cause adverse health effects as established by OEHHA. The ratio (referred to as the Hazard Quotient [HQ]) of each non-carcinogenic substance that affects a certain organ system is added to produce an overall HI for that organ system. The overall HI is calculated for each organ system. If the overall HI for the highest-impacted organ system is greater than one, then the impact is considered to be significant.

The HI is an expression used for the potential for non-cancer health effects. The relationship for the non-cancer health effects is given by the annual concentration (µg/m\(^3\)) and the REL (µg/m\(^3\)). The acute hazard index was determined using the “simple” concurrent maximum approach, which tends to be conservative (i.e., overpredicts).

The relationship for the non-cancer health effects is given by the following equation:

\[ HI = \frac{C}{REL} \]

where,

- **HI** = Hazard index; an expression of the potential for non-cancer health effects.
- **C** = Annual average concentration (µg/m\(^3\)) during the 70 year exposure period
- **REL** = The concentration at which no adverse health effects are anticipated.
The chronic REL for DPM was established by the California OEHHA\(^7\) as 5 \(\mu g/m^3\). There is no acute REL for DPM. However, diesel exhaust does contain acrolein and other compounds, which do have an acute REL. BAAQMD’s DPM speciation table (based on profile 4674 within the U.S. EPA Speciate 4.2\(^8\)) was used to assess the acute impacts. Acrolein emissions are approximately 1.3 percent of the total emissions. The acute REL for acrolein was established by the California OEHHA\(^9\) as 2.5 \(\mu g/m^3\).

**Cumulative Sources**

The BAAQMD’s CEQA Air Quality Guidelines include standards and methods for determining the significance of cumulative health risk impacts. The method for determining cumulative health risk requires the tallying of health risk from permitted sources and major roadways in the vicinity of a project (i.e., within a 1,000-foot radius of the source or new receptor), then adding the project impacts (in this case, construction activities) to determine whether the cumulative health risk thresholds are exceeded.

BAAQMD has developed a geo-referenced database of permitted emissions sources throughout the San Francisco Bay Area, and has developed the Stationary Source Risk & Hazard Analysis Tool (dated May 2011) for estimating cumulative health risks from permitted sources. Eight permitted sources are located within 1,000 feet of the fenceline of the proposed project. These sources are listed in Table 2.

<table>
<thead>
<tr>
<th>Site #</th>
<th>Facility Type</th>
<th>Address</th>
<th>Distance to Project (feet)</th>
<th>Adjustment Factor</th>
<th>Cancer Risk</th>
<th>Chronic Impact</th>
<th>PM2.5 Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>10016</td>
<td>Classic Cleaning</td>
<td>1350 Mt Diablo Blvd</td>
<td>500</td>
<td>0.17</td>
<td>15.0</td>
<td>0.040</td>
<td>0</td>
</tr>
<tr>
<td>19741</td>
<td>Nordstrom</td>
<td>1200 Broadway Plaza</td>
<td>125</td>
<td>0.64</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>G7639</td>
<td>Coast Service</td>
<td>1387 So California Blvd</td>
<td>960</td>
<td>0.114</td>
<td>9.426</td>
<td>0.013</td>
<td>-</td>
</tr>
<tr>
<td>G1735</td>
<td>Kaiser Shell</td>
<td>1599 Newell Avenue</td>
<td>985</td>
<td>0.104</td>
<td>12.120</td>
<td>0.017</td>
<td>-</td>
</tr>
<tr>
<td>G1729</td>
<td>Chevron Station</td>
<td>1700 Mt Diablo Boulevard</td>
<td>775</td>
<td>0.155</td>
<td>54.539</td>
<td>0.077</td>
<td>-</td>
</tr>
<tr>
<td>14452</td>
<td>Herald’s Cleaners</td>
<td>1525 Cypress Street</td>
<td>445</td>
<td>0.17</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>16262</td>
<td>Macy’s</td>
<td>1301 Broadway Plaza</td>
<td>0</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9254</td>
<td>Hosanna Cleaners</td>
<td>1280C Newell Ave</td>
<td>860</td>
<td>0.17</td>
<td>7.49</td>
<td>0.02</td>
<td>0</td>
</tr>
</tbody>
</table>

Information associated with these sources was provided and/or verified by BAAQMD.\(^{10}\) Information (cancer risks and chronic index) was adjusted for distance from source to receptor, based on BAAQMD’s Distance Adjustment Multiplier for Diesel Internal Combustion Engine

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\(^8\) Provides for a speciation faction of 1.3 percent of acrolein per DPM emission rate. http://www.epa.gov///.html.


\(^{10}\) Email from Andrea Gordon at BAAQMD on October 27, 2011 Stationary Source Inquiry Form Request- Broadway Plaza.
and the *Distance Adjustment Multiplier for Gasoline Dispensing Facilities*. The cancer risks for the dry cleaner stationary source were adjusted to reflect the regulation that Perchloroethylene (PCE) is prohibited from use in the US after 2023. That is, the BAAQMD data were adjusted to 17 percent (12 years of PCE usage over a 70 year lifetime) of the reported value. Table 2 provides the distance adjustment factors and the screening (unadjusted) cancer risk, hazard impacts, and the PM$_{2.5}$ concentrations. Table 3 provides the adjusted cancer risk, hazard impacts, and the PM$_{2.5}$ concentrations.

**Table 3**  
*CUMULATIVE HEALTH IMPACTS – PERMITTED SOURCES*  
*Adjusted Data*  
<table>
<thead>
<tr>
<th>Site #</th>
<th>Facility Type</th>
<th>Address</th>
<th>Cancer Risk</th>
<th>Chronic Impact</th>
<th>PM$_{2.5}$ Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>10016</td>
<td>Classic Cleaning</td>
<td>1350 Mt Diablo Blvd</td>
<td>2.57</td>
<td>0.04</td>
<td>0</td>
</tr>
<tr>
<td>19741</td>
<td>Nordstrom</td>
<td>1200 Broadway Plaza</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>G7639</td>
<td>Coast Service</td>
<td>1387 So California Blvd</td>
<td>1.07</td>
<td>0.00</td>
<td>0</td>
</tr>
<tr>
<td>G1735</td>
<td>Kaiser Shell</td>
<td>1599 Newell Avenue</td>
<td>1.26</td>
<td>0.002</td>
<td>0</td>
</tr>
<tr>
<td>G1729</td>
<td>Chevron Station</td>
<td>1700 Mt Diablo Boulevard</td>
<td>8.45</td>
<td>0.012</td>
<td>0</td>
</tr>
<tr>
<td>14452</td>
<td>Herald’s Cleaners</td>
<td>1525 Cypress Street</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>16262</td>
<td>Macy’s</td>
<td>1301 Broadway Plaza</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9254</td>
<td>Hosanna Cleaners</td>
<td>1280C Newell Ave</td>
<td>1.28</td>
<td>0.02</td>
<td>0</td>
</tr>
</tbody>
</table>

BAAQMD *CEQA Air Quality Guidelines* also require the inclusion of surface streets within 1,000 feet of the project with annual average daily traffic (AADT) of 10,000 or greater$^{11}$. Upon review the health impacts from Mt Diablo Blvd with 25,000 AADT and located within 100 feet of the project site was be included. Main Street with 15,064 AADT and located within 50 feet of the project site was included in the analysis. Newell Ave with 27,900 AADT and located within 50 feet of the project site was included in the analysis. Table 4 provides the cancer risk, hazard impacts, and the PM$_{2.5}$ concentrations for the nearby surface streets.

**Table 4**  
*CUMULATIVE HEALTH IMPACTS - ROADWAYS*  
<table>
<thead>
<tr>
<th>Roadway</th>
<th>Cancer Risk</th>
<th>Hazard Impact</th>
<th>PM$_{2.5}$ Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt Diablo Blvd</td>
<td>2.26</td>
<td>0.02</td>
<td>0.08</td>
</tr>
<tr>
<td>Main Street</td>
<td>2.33</td>
<td>0.02</td>
<td>0.08</td>
</tr>
<tr>
<td>Newell Ave</td>
<td>2.97</td>
<td>0.02</td>
<td>0.11</td>
</tr>
</tbody>
</table>

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$^{11}$ BAAQMD County Surface Street Screening Tables, May 2011 and CEHTP Traffic Linkage Service Demonstration, http://www.ehib.org/traffic_tool.jsp
SECTION C.1A
Detailed Tables and Figures for the Revised Project Alternative HRA
Table 1
Comparison of Mitigated DPM Emissions from Construction Offroad Equipment
Broadway Plaza DEIR Review
Walnut Creek, CA

<table>
<thead>
<tr>
<th>Construction Year</th>
<th>Maximum Mixed-Use [tons/yr]</th>
<th>Maximum Commercial [tons/yr]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DEIR Values¹</td>
<td>After Load Factor Adjustment²</td>
</tr>
<tr>
<td>2014</td>
<td>0.06</td>
<td>0.04</td>
</tr>
<tr>
<td>2015</td>
<td>0.05</td>
<td>0.04</td>
</tr>
<tr>
<td>2016⁵</td>
<td>0.10</td>
<td>0.07</td>
</tr>
</tbody>
</table>

Notes:
1. Emissions were calculated by California Emissions Estimator Model (CalEEMod™), and presented in the DEIR. Refer to Appendix C of the DEIR for CalEEMod™ outputs.
2. Since the 33% load factor reduction recommended by the California Air Resources Board (ARB 2010) was not incorporated in CalEEMod™ which utilizes OFFROAD2007, load factors for emissions calculations were obtained from OFFROAD2011. All other information is consistent with DEIR assumptions.
3. A refined equipment operational schedule was obtained by ENVIRON from Whiting-Turner Contracting Company and Macerich.
4. The refined equipment operational schedule will reduce the DPM emissions by approximately 279 lbs for the maximum commercial and 250 lbs the mixed-use scenario, compared to the original emissions presented in the DEIR. This reduction corresponds to a 61% emission reduction for the maximum commercial and a 59% reduction for the mixed-use scenario.
5. According to Whiting-Turner Contracting Company and Macerich, it is possible that the construction will be completed within the first half year of 2016. Therefore construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

Abbreviations:
ARB: California Air Resources Board
CalEEMod™: California Emissions Estimator Model
DEIR: Draft Environmental Impact Report
DPM: Diesel Particulate Matter
yr: year

Sources:
1. CalEEMod™. Available at: http://www.caleemod.com/
2. ARB. 2010. Workshops on Information Regarding the Off-Road, Truck and Bus and Drayage Truck Regulations. September. Available at: http://www.arb.ca.gov/msprog/ordiesel/documents/emissions_inventory_presentation_full_10_09_03.pdf
<table>
<thead>
<tr>
<th>Phase</th>
<th>Construction Period</th>
<th>Equipment Type</th>
<th>Quantity</th>
<th>Modeled Days of Operation</th>
<th>Modeled Daily Usage (hour)</th>
<th>HorsePower</th>
<th>Load Factor</th>
<th>Engine Tier</th>
<th>Emissions Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
<td>January 1, 2014 - May 30, 2014</td>
<td>Concrete/Industrial Saws</td>
<td>1</td>
<td>54</td>
<td>8</td>
<td>81</td>
<td>0.4515</td>
<td>Tier 3</td>
<td>None</td>
</tr>
<tr>
<td>Grading</td>
<td>May 31, 2014 - December 30, 2014</td>
<td>Excavators</td>
<td>3/4</td>
<td>108</td>
<td>8</td>
<td>157</td>
<td>0.3819</td>
<td>Tier 4</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rubber Tired Dozers</td>
<td>2</td>
<td>108</td>
<td>8</td>
<td>358</td>
<td>0.3953</td>
<td>Tier 4</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Graders</td>
<td>2</td>
<td>152</td>
<td>8</td>
<td>152</td>
<td>0.4015</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
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<tr>
<td></td>
<td></td>
<td>Rubber Tired Dozers</td>
<td>2</td>
<td>152</td>
<td>8</td>
<td>358</td>
<td>0.3953</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scapers</td>
<td>2</td>
<td>152</td>
<td>8</td>
<td>356</td>
<td>0.4824</td>
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<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tractors/Loaders/Backhoes</td>
<td>2</td>
<td>152</td>
<td>8</td>
<td>75</td>
<td>0.3655</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td>Building Construction</td>
<td>December 31, 2014 - December 31, 2016</td>
<td>Cranes</td>
<td>1/2</td>
<td>523</td>
<td>7</td>
<td>208</td>
<td>0.2981</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
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<tr>
<td></td>
<td></td>
<td>Forklifts</td>
<td>3</td>
<td>350</td>
<td>8</td>
<td>159</td>
<td>0.201</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Generator Sets</td>
<td>1</td>
<td>200</td>
<td>8</td>
<td>84</td>
<td>0.4154</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tractors/Loaders/Backhoes</td>
<td>3</td>
<td>523</td>
<td>7</td>
<td>75</td>
<td>0.3655</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Welders</td>
<td>1</td>
<td>150</td>
<td>8</td>
<td>49</td>
<td>0.3417</td>
<td>Tier 4</td>
<td>None</td>
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<td></td>
<td></td>
<td>Pavers</td>
<td>2</td>
<td>100</td>
<td>8</td>
<td>24</td>
<td>0.3417</td>
<td>Tier 3</td>
<td>None</td>
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<tr>
<td>Paving</td>
<td>January 4, 2016 - December 31, 2016</td>
<td>Paving Equipment</td>
<td>2</td>
<td>60</td>
<td>8</td>
<td>82</td>
<td>0.3551</td>
<td>Tier 3</td>
<td>Level 3 DPF</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>January 4, 2016 - December 31, 2016</td>
<td>Air Compressors</td>
<td>1</td>
<td>120</td>
<td>6</td>
<td>78</td>
<td>0.3417</td>
<td>Tier 3</td>
<td>None</td>
</tr>
</tbody>
</table>

Notes:
1. Refers to the time frame for each phase of construction. This was based on a series of communications from the contractor, which states that construction occurs over a three-year time frame. The phases of construction were spread within this three-year time frame.
2. Equipment list, quantity, modeled daily usage hour, engine tier, emissions control and modeled days of operation were based on information received from the contractor.
3. For those equipment that have different equipment quantities for the Maximum Mixed-Use and Maximum Commercial scenarios, a value is used to distinguish the quantity between the two scenarios; the left value represents the quantity of the Maximum Mixed-Use scenario and the right value represents the quantity of the Maximum Commercial scenario.
4. The forklifts will operate a total of 523 days; however, for 173 days the equipment will be operated on propane rather than diesel fuel. Also, the air compressor units will be operated for a total of 260 days, but for 140 days the equipment will be operated on electricity rather than diesel fuel. Propane combustion and electricity usage do not produce diesel particulate matter (DPM) which is the primary contributor to cancer risk from construction equipment operation. Therefore, for the purposes of this assessment, only risks from DPM were evaluated.
5. For welders, horsepower values were provided by the contractor. For all other equipment, default Caleemod™ values were used after approval by the contractor.
6. The load factor shown here is from OFFROAD2011. If an equipment type was not available in OFFROAD2011, ENVIRON used the load factor for "Other Construction Equipment" or "Other General Industrial Equipment".
7. According to the contractor, construction will be completed within the first half of 2016. Therefore, construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

Abbreviations:
Caleemod™ - California Emissions Estimator Model
crab - California Air Resources Board
DPM - diesel particulate matter
DPP - diesel particulate filter
OFFROAD2011 - ARB Offroad Emissions Estimator Model

Sources:
1. Caleemod™. Available at: http://www.caleemod.com/
### Table 3
Comparison of DPM and TOG Emissions from Construction Onroad Vehicles
Broadway Plaza DEIR Review
Walnut Creek, CA

<table>
<thead>
<tr>
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### Notes:
1. Emissions were calculated by California Emissions Estimator Model (CalEEMod™), and presented in DEIR. Refer to Appendix C of the DEIR for CalEEMod™ outputs.
2. The emissions were scaled by dividing the DEIR values by default trip length and multiplying by the scaled trip length.
3. For the risk calculation shown in Table 4, the following conservative assumptions were made: all PM10 exhaust is DPM, all ROG from Haul Trucks is diesel ROG, all ROG from Vendor Trucks and Worker vehicles is gasoline ROG, all ROG emissions are exhaust rather than evaporative emissions.
4. ROG is converted to TOG using the conversion factor presented in USEPA (2010).
5. According to Whiting-Turner Contracting Company and Macerich, it is possible that the construction will be completed within the first half year of 2015. Therefore construction of 3 years and 2.5 years were both evaluated, and results are presented in Table 4.

### Abbreviations:
- CalEEMod™: California Emissions Estimator Model
- DEIR: Draft Environmental Impact Report
- DPM: Diesel Particulate Matter
- PM10: particulate matter (less than 10 micron in diameter)
- ROG: Reactive Organic Gases
- TOG: Total Organic Gases
- yr: year

### Sources:
1. CalEEMod™. Available at: http://www.caleemod.com/
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**Note:**
1. Only residential child population was evaluated in this review, since this population type drives the health risks, as shown in Tables 4.2-7 and 4.2-8 of the DEIR.
2. Two scenarios - 3 years of construction and 2.5 years of construction were evaluated.

**Abbreviations:**
ASF: Age Sensitivity Factor
DEIR: Draft Environmental Impact Report
MEISR: Maximally Exposed Individual Sensitive Receptor
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**Notes:**
1. Total DPM emissions presented in this table (181.5 lb) were identical to the emissions calculated in the ENVIRON Comment Letter submitted to the City of Walnut Creek on May 7, 2012, as presented in Table 1 of the Letter for the Maximum Commercial Scenario under the Refined Equipment Operational Schedule.
2. The total DPM emissions were then assigned to different construction areas based on the development phasing plan, and construction schedule obtained by ENVIRON from Macerich. The construction areas are shown in Figure 10 of the report.

**Abbreviations:**
DPM: Diesel Particulate Matter
yr: year

**Sources:**
1. ENVIRON. 2012. Air Quality and Greenhouse Gas Analyses for the Broadway Plaza Long-Range Master Plan. Submitted to the City of Walnut Creek on May 7, 2012.
Table 6
Excess Lifetime Cancer Risks from Construction Activities - Existing Offsite MEISR
Broadway Plaza Long-Range Master Plan Refined Project Alternative
Walnut Creek, CA

<table>
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Note:
1. Only residential child population was evaluated in this review, since this population type drives the health risks, as shown in Tables 4.2-7 and 4.2-8 of the DEIR.
2. Two scenarios - 3 years of construction and 2.5 years of construction were evaluated.

Abbreviations:
DEIR: Draft Environmental Impact Report
MEISR: Maximally Exposed Individual Sensitive Receptor
Legend
If All Parcels Built Together (Tier 1 Refinement) - Third Floor Cancer Risk [# in one million]
- 6 - 10
- 10 - 13
Legend
If All Parcels Built Together (Tier 2 Refinement) - Second Floor Cancer Risk [# in one million]
- 4 - 10
- 10 - 12
Legend
If Parcels 7A and 1 South Built Together (Tier 2 Refinement) - Third Floor Cancer Risk [# in one million]
• 1 - 10
• >10

Cancer Risks of Onsite Receptors from Refined Construction Modeling
Broadway Plaza DEIR Review
Walnut Creek, CA