CITY OF WALNUT CREEK
RESOLUTION NO. 09-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
APPROVING A GENERAL PLAN AMENDMENT FOR THE
BROADWAY PLAZA RETAIL PROJECT
(Y09-001)

The City Council of the City of Walnut Creek hereby resolves as follows:

SECTION 1. FINDINGS.

1. On September 16, 2008, the Walnut Creek City Council approved the original Broadway Plaza Retail Project ("Original Project") proposed by The Macerich Company ("Macerich"). The Original Project proposed to demolish approximately 43,865 square feet of existing retail uses and a 41-space parking lot and replace them with a new building of approximately 107,100 square feet with a maximum height of 50 feet.

2. In approving the Original Project, the City took the following actions:
   a. On September 16, 2008, the City Council: a) certified the environmental impact report (SCH # 2008-03-2066) for the Broadway Plaza Retail Project ("Broadway Plaza EIR") and adopted a Mitigation Monitoring and Reporting Program (Resolution No. 08-41); b) approved general plan amendments to increase the allowable floor area ratio ("FAR") from 0.75 to 2.0 and to increase the height limit for the Broadway Plaza Retail Project (Resolution 08-42).
   b. On September 25, 2008, the Planning Commission approved Resolution No. 3478 approving a conditional use permit that allowed a reduction in the parking requirement for the Original Project and a customer valet program pursuant to the City’s Municipal Code. Following an appeal filed by the Macerich Company in order to involve the City Council in consideration of the conditional use permit, the City Council on October 7, 2008 approved the conditional use permit.
   c. On October 7, 2008, the City Council adopted an ordinance amending the Zoning Map to increase the height limit over a portion of the project site from 35’ to 50’ (Ordinance No. 2072).

3. On December 16, 2008, following the certification of a referendum petition and at the request of the applicant, the City Council repealed the general plan amendments increasing the FAR from 0.75 to 2.0 and increasing the maximum height limit to 50’ over a portion of the site.

4. On January 7, 2009, Macerich submitted applications to revise the proposed project, seeking approvals for a significantly smaller expansion of the Broadway Plaza shopping center than the Original Project. This smaller project proposes to demolish approximately 43,865 square feet of existing retail uses and a 41-space surface parking lot and to replace them with up to 92,000 square feet of new retail space that Macerich intends to use for a third high-end retail anchor tenant (an increase of up to 48,135 net new square feet of development on the project site) with a maximum height of 35 feet (the "Revised Project"). The Revised Project would meet the standard parking requirements of the City’s Municipal Code.
5. The approvals Macerich seeks for the Revised Project include the following:

a. A General Plan Amendment increasing the maximum floor area ratio on the site from 0.75 to 1.75 ("General Plan Amendment");

b. Amendment to the Zoning Map to reduce the maximum building height from 35' over the northern two-thirds of the site and 50' over the southern one-third of the site to 35' over the entire site ("Zoning Map Amendment");

c. Approval of a Conditional Use Permit ("CUP") to allow: (i) implementation of an attendant operated lift system on the first level of the 5-story South Main Street Parking Garage exclusively for employees of Broadway Plaza tenants; (ii) implementation of tandem parking with attendant assistance on the fifth level of the 5-story South Main Street Parking Garage exclusively for employees of Broadway Plaza tenants; and (iii) use of a maximum of forty-five (45) off-site parking spaces at 200 Pringle Avenue between 5:00 p.m. on Fridays and 11:00 p.m. on Sundays as well as holidays to substitute for the attendant tandem program on the fifth level of the South Main Street Parking Garage; and

d. A Development Agreement By and Between the City of Walnut Creek and Macerich Northwestern Associates ("Development Agreement") that would, among other things, obligate Macerich to meet the City’s parking requirements and to fulfill additional obligations to provide funding to the City to enhance transit, transportation and parking opportunities in the Broadway Plaza and Traditional Downtown areas, providing additional bicycle parking spaces, and installing computerized parking space counters at the five-level parking structure and the two-level parking structure.

6. Pursuant to separate applications filed by Neiman Marcus, the Design Review Commission is reviewing plans for the proposed new department store building to be developed on the site.

7. On February 26, 2009; March 12, 2009; and April 2, 2009, the Planning Commission held public hearings to review and consider the General Plan Amendment, Zoning Map Amendment, CUP, and Development Agreement.

8. On April 2, 2009, the Planning Commission adopted Resolution 3499, made certain findings contained therein, and made a recommendation that the City Council approve the requested General Plan Amendment, Zoning Map Amendment, and Development Agreement, subject to certain conditions of approval.

9. On April 21, 2009, the Walnut Creek City Council conducted a public hearing regarding the Revised Project, and continued that hearing to May 5, 2009. On May 5, 2009, the Walnut Creek City Council conducted a public hearing on the Revised Project, closed the public hearing, and continued consideration of the project to May 19, 2009.

10. The findings contained in Resolution No. 08-41 certifying the Broadway Plaza EIR are hereby adopted and incorporated herein. As required under the California Environmental Quality Act ("CEQA"), the City Council has reviewed and considered the Broadway Plaza EIR together with all comments related to the EIR, all information submitted following certification of the EIR, the Addendum to the Broadway Plaza EIR and all other information submitted prior to
this action. The City Council hereby finds that no supplemental or subsequent EIR in connection with approval of the Revised Project is required because:

a. No substantial changes are proposed as part of the Revised Project which would require major revisions of the Broadway Plaza EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. No substantial changes with respect to the circumstances under which the Revised Project is undertaken have occurred which will require major revisions of the Broadway Plaza EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

c. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Broadway Plaza EIR was certified as complete that shows any of the following:

   (1) The Revised Project will have one or more significant effects not discussed in the previous EIR;

   (2) Significant effects previously examined will be substantially more severe than shown in the Broadway Plaza EIR;

   (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Revised Project, but the project proponents decline to adopt the mitigation measure or alternative; or

   (4) Mitigation measures or alternatives which are considerably different from those analyzed in the Broadway Plaza EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

11. The Addendum to the Broadway Plaza EIR prepared by City staff pursuant to CEQA Guidelines section 15164 to document the basis for the conclusion that no supplemental or subsequent environmental review is required is Attachment 11 to the April 21, 2009 Agenda Report. Under CEQA, for the whole of the Revised Project of which this General Plan Amendment is a part, the Council determines that no supplemental or subsequent EIR is required and adopts the determinations of the Addendum. The Council adopts the reasoning and analyses in the Addendum, in the Ordinance Approving the Development Agreement By and Between the City of Walnut Creek and Macerich Northwestern Associates for the Broadway Plaza Retail Project, in the Ordinance Amending the Zoning Map to Reduce the Height Limit for the Broadway Plaza Retail Project, in the Resolution Approving a Conditional Use Permit To Allow the Parking Program For the Broadway Plaza Retail Project, and the reasoning and analyses provided by staff and provided by the applicant.

12. The requested increase in FAR from 0.75 to 1.75 for the project site is consistent with the surrounding area and will result in an internally consistent General Plan.
13. The health, safety, welfare, and general prosperity of the residents of the City of Walnut Creek will be benefited by the General Plan Amendment.

14. The General Plan Amendment would allow for demolition of approximately 43,865 square feet of existing retail and a 41-space surface parking lot and development of a 92,000 square foot two-story retail store that Macerich intends to use for a third high end anchor tenant, as proposed pursuant to the Revised Project. The Revised Project includes circulation improvements that were designed to accommodate the larger Original Project and thus are more than is needed to offset the impacts of the Revised Project. Accordingly, the Revised Project maintains or improves the correlation between the General Plan land use and circulation elements.

15. The General Plan land use designation for the site is Pedestrian Retail, which allows for FARs of 0.75 to 2.0.

16. The traditional downtown area, to the immediate north of the project site, has an FAR of 2.0. This amendment would provide a transitional density connecting the 2.0 FAR immediately north of the site to the surrounding areas to the east, south and west, which currently have FARs of 0.75 and 0.85.

17. Anchor retailers require higher FARs than in-line stores. Within Broadway Plaza, the existing anchor stores (Nordstrom, Macy's and the former I. Magnin store) were constructed at an FAR of 2.0 or more. The proposed Neiman Marcus store to be included within the Revised Project will therefore be consistent or less intensive than these existing anchor stores.

18. The increased development planned on the Macerich property would also further the following General Plan goals and policies related to promoting Walnut Creek as a regional destination, expanding specialty retail, providing a balance of local- and regional-serving retail, encouraging the vitality of the Pedestrian Retail District, supporting infill and redevelopment, and strengthening the identity of the area for pedestrian-oriented shopping for local residents and regional shoppers.

**Goal 2:** Sustain the community’s quality of life with a vigorous and diverse economy.

**Policy 2.1:** Promote Walnut Creek as a regional destination.

**Action 2.1.2:** Support a balanced expansion of specialty retail in the downtown.

**Goal 6:** Focus development in the Pedestrian Retail District on retail and restaurants, and expand the area’s potential to host art and cultural events.

**Policy 6.1:** Retain and encourage a balance of local- and regional-serving retail businesses in the Core Area.

**Policy 6.2:** Focus development in the Pedestrian Retail District on retail and restaurants, and expand the area’s potential to host arts and cultural events.

**Action 6.2.1:** In the Pedestrian Retail District, require pedestrian-oriented uses at street level.

**Action 6.2.2:** Promote building layouts and designs that create pedestrian interest and encourage people to “park once and walk.”

**Policy 6.4:** Encourage the overall vitality of the Core Area south of Mt. Diablo Boulevard.
Goal 12: Make more efficient use of the regional and subregional transportation system.

Policy 12.2: Support infill and redevelopment in existing urban areas.

Goal 20: Reinforce the urban design and character of the Pedestrian Retail District as a gathering place for local residents as well as a regional retail destination.

Policy 20.1: Strengthen the identity of the Pedestrian Retail District as a pedestrian-oriented shopping destination for local residents and regional shoppers.

19. There is approximately 495,384 square feet of future commercial development that would be permitted pursuant to the City’s Growth Limitation Program and has not yet been allocated or approved. Thus, the approval of the 48,135 square feet of net new commercial development proposed by the Revised Project is consistent the Growth Limitation Program and implements the General Plan’s program for balancing land uses and avoiding impacts that could otherwise result from unrestricted commercial growth.

20. The City Council has considered the effect of the General Plan Amendment on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources and determined that the project achieves an appropriate balance.

21. The City Council considered comments made during the Council hearings on the Original Project and reviewed materials submitted for Planning Commission hearings on the Original Project. Council Members also had conversations with citizens and area residents during the processing of the project, during the time signatures were being collected on the referendum petition pertaining to the Original Project, and up until the time the City Council repealed the prior general plan amendments. Many of the persons making these comments indicated that they had signed the referendum petition. This evidence and these statements indicate that the most common bases for opposition to the Original Project were the following:

   a. Increasing maximum height on the project site from two stories to three stories;
   b. Increasing the store size to a floor-area-ratio (FAR) of 2.0;
   c. A 20% reduction in parking during the weekdays;
   d. Subjecting Broadway Plaza customers to the expense and effort of valet parking their cars;
   e. Perceived favoritism towards Macerich/Neiman Marcus in not providing additional new physical space for parking.

22. The City Council finds that the Revised Project addresses each of these bases for opposition:

   a. The height is not increased to three stories; instead it remains at two stories;
   b. The FAR will be increased to only 1.75, which is less than the buildings across Mt. Diablo Boulevard and Broadway Plaza street to the east;
c. There is no longer any reduction in parking during the weekdays;

d. There is no longer any valet parking for customers; all customer parking remains self-parking;

e. Macerich is providing additional new physical space for parking by placing double height lifts on the first level of the five-level garage for employees only and through off-site parking on weekends and holidays for employees only.

SECTION 2. DECISION.

Based on the findings set forth above, the City Council hereby:

1. Amends General Plan 2025, Chapter 4, Built Environment, Figure 8 to change the FAR of the 1.59-acre site (including both Macerich and Giordano parcels) from 0.75 to 1.75 as shown on Exhibit A (General Plan Amendment Area to Increase Floor Area Ratio From 0.75 to 1.75), attached hereto and incorporated herein.

2. The City Council, as part of its environmental findings for the Original Project, required that the mitigation measures identified in the Broadway Plaza EIR be imposed and applied as conditions of approval at such time as additional permit approvals are sought as part of the project. The mitigation measures identified in the Mitigation Monitoring and Reporting Program adopted by the City Council on September 16, 2008 are hereby incorporated by reference as conditions of the approvals recommended by this Resolution and attached hereto as Exhibit B, with the modification to measure TRAF-6 noted below.

3. The applicant previously agreed to Mitigation Measure TRAF-6 relating to the customer valet program that was proposed as part of the Original Project, even though that mitigation measure was not required to address a significant impact. Mitigation Measure TRAF-6, modified as necessary to apply to the employee-only attendant program that is part of the Revised Project, is hereby made a condition of the approvals recommended by this resolution. Mitigation Measure TRAF-6 therefore provides that: “The valet program will be operated in such a way as to ensure that vehicles do not block traffic while waiting to use the program. If vehicles were to start to queue out onto the street when the parking facility is full, the applicant shall post signs signaling employees not to attempt to enter the garage, or perform other measures satisfactory to the Planning Manager to ensure that employees waiting for parking spaces when the garage is full do not block traffic.”

4. The Community Development Director is hereby directed to make the change to General Plan, Chapter 4, Built Environment, Figure 8 as shown on Exhibit A, attached hereto and incorporated herein.

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 19th day of May 2009, by the following called vote:

AYES: Councilmembers: Rainey, Rajan, Silva, Simmons, Mayor Skrel
Walnut Creek City Council

Resolution 09-19

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Gary Skrec
Mayor of the City of Walnut Creek

Attest:

Suzie Guijosa
Deputy City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 09-19, duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 19th day of May 2009.

Suzie Guijosa
Deputy City Clerk of the City of Walnut Creek
MACERICH – GENERAL PLAN AMENDMENT AREA
TO INCREASE THE FLOOR AREA RATIO FROM 0.75 TO 1.75
## Mitigation Monitoring and Reporting Program for the Broadway Plaza Retail Project

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Party Responsible for Implementation</th>
<th>Implementation Timing</th>
<th>Agency Responsible for Monitoring</th>
<th>Monitoring Action</th>
<th>Monitoring Frequency</th>
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<tr>
<td><strong>TRAFFIC AND CIRCULATION</strong></td>
<td>Traffic Engineering and Transportation</td>
<td>Prior to issuing building permit</td>
<td>Traffic Engineering and Transportation</td>
<td>Verification of improvement</td>
<td>Once</td>
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<td>Mitigation Measure TRAF-1 and TRAF-3: At S. Broadway and Broadway Plaza North garage access, prohibit eastbound through and left-turn movements from the Broadway Plaza garage by installing a channelized island, signage, re-striping and/or other device deemed appropriate by the City. Such improvements would be made, to the extent appropriate, at the garage driveway so that it would not impede the movements of other approaches. The existing marked crosswalks on the south side of the intersection should be moved to the north side in order to minimize conflicts between pedestrians and vehicles. This mitigation measure would minimize average vehicle delays and improve the intersection operation to an acceptable level. Bulb-outs and all the necessary sidewalks and drainage improvements should be installed to shorten the crossing distance for pedestrians. Marked crosswalks should also be provided across the north and south legs of the intersections.</td>
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<td>Mitigation Measure TRAF-2, TRAF-4 and TRAF-5: At S. Broadway and Broadway Plaza South garage access, install an actuated and interconnected traffic signal to facilitate turns into and out of the Broadway Plaza garage. With the addition of the traffic signal, the intersection would operate at acceptable level. Bulb-outs and all the necessary sidewalks and drainage improvements should be installed at all corners of the intersection to shorten the crossing distance for pedestrians and ensure signal visibility. The existing marked crosswalks on the north side of the intersection should be removed in order to minimize conflicts between pedestrians and vehicles. The intersection shall include a pedestrian crossing of Broadway on the south side.</td>
<td>Traffic Engineering and Transportation</td>
<td>Prior to issuing building permit</td>
<td>Traffic Engineering and Transportation</td>
<td>Verification of improvement</td>
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<td>Mitigation Measure TRAP-6: The valet program will be operated in such a way as to ensure that vehicles do not block traffic while waiting to use the program. Information evaluated for the EIR indicates that the applicant can feasibly attain this performance standard. If vehicles were to start to queue out into the street when the parking facility is full, the applicant shall post signs signaling drivers not to attempt to enter the garage, or perform other measures satisfactory to the Community Development Director to ensure that patrons waiting for parking spaces when the garage is full do not block traffic.</td>
<td>Project contractor</td>
<td>Prior to issuing Conditional Use Permit During operation</td>
<td>Community Development</td>
<td>Review of contract specifications</td>
<td>Ongoing site inspections In response to complaints</td>
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**CULTURAL RESOURCES**

| Mitigation Measure CULT-1 and CULT-2 and CULT-4: If evidence of archaeological artifacts is discovered during construction, all operations within the area at and adjacent to the discovered site shall be halted until a qualified archaeologist determines the extent and significance of the finds and recommends appropriate mitigation measures and those measures are implemented. | Project Contractor | During construction, upon discovery of subsurface cultural materials | Building Division | Review Contract Specifications Check that appropriate monitoring and reporting is carried out | Weekly, during subsurface construction activities, if cultural resources are found |

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Mitigation Measures

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<td>CULT-3 and CULT-4: If human remains are discovered during construction, the measures specified in Section 15064.5(o)(1) of the CEQA Guidelines shall be followed, which are as follows:</td>
<td>Project Contractor</td>
<td>During construction, upon discovery of subsurface cultural materials</td>
<td>Building Division</td>
<td>Check that appropriate monitoring and reporting is carried out</td>
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1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
   - The Contra Costa County coroner is contacted to determine that no investigation of the death is required, and
   - If the coroner determines the remains to be Native American:
     a. The Coroner shall contact the Native American Heritage Commission within 24 hours;
     b. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American;
     c. The most likely descendent 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
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<td>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:</td>
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<td>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;</td>
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<td>b. The descendent identified fails to make a recommendation; or</td>
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<td>c. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</td>
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**GEOLOGY**

Mitigation Measure GEO-1: Design features as recommended by the applicant's geotechnical engineering consultant shall be incorporated into the project construction to avoid the effects of liquefaction on the project.

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<thead>
<tr>
<th>Project Developer</th>
<th>Prior to issuance of building permit</th>
<th>Building Division</th>
<th>Review and approval of development plans</th>
<th>During development application review and as required by inspection process during construction</th>
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**AIR QUALITY**
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<tr>
<td><strong>Mitigation Measure AQ-1</strong>: Implement control measures for remediation- and construction-related air emissions. Each project sponsor is responsible for ensuring that the contractor reduces particulate emissions by complying with BAAQMD. The project sponsor and contractor shall implement the following control measures based on BAAQMD guidelines.</td>
<td>Project Contractor</td>
<td>Prior to approval of demolition and grading permit</td>
<td>Building Division</td>
<td>Review contract specifications</td>
<td>Weekly during construction and in response to complaints</td>
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<td>♦ Cover all trucks hauling construction and demolition debris, including soil, sand and other loose materials from the site</td>
<td>Throughout construction</td>
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<td>Ongoing site inspections</td>
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<td>♦ Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving and other site preparation activities.</td>
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<td>♦ Use watering to control dust generation during demolition of structures or break-up of pavement.</td>
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<td>♦ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas.</td>
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<td>♦ Sweep daily (with water sweepers or vacuum/street sweepers) all roads, paved areas and staging areas at the site.</td>
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<td>• Provide daily clean up (with a vacuum/street sweeper) if visible mud and dirt is carried onto adjacent public streets.</td>
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<td>• Renovation, demolition activities, removal or disturbances of any material that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations as well as other applicable rules and regulations of other agencies.</td>
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<td>• Properly maintain all construction equipment.</td>
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<td>• Reduce equipment idling time</td>
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<td>• Apply soil stabilizers to previously graded portions of the site inactive for more than ten days, or cover or seed these areas.</td>
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<td>• Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.</td>
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<td>• Limit traffic speeds on unpaved roads to 15 mph.</td>
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<td>• Replant vegetation in disturbed areas as quickly as possible.</td>
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<td>• Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Essentially any diesel construction equipment that produces dark emissions for three continuous minutes is out of compliance with this measure.</td>
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Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency
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* The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
* Clear signage should be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site and away from residences.
* Properly tune and maintain equipment for low emissions.
* The applicant shall ensure that during renovation and demolition activities, removal or disturbance of any materials contains asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

**NOISE**

**Mitigation Measure NOI-1:** City's Municipal Code, Section 4, Article 2, addresses excessive, unreasonable, and prolonged noise; including building construction and repair. The Municipal Code prohibits the erection, construction, demolition, alteration or repair of any building, structure or the excavation of any earth, fill, streets or highways outside of the hours between 7:00 a.m. and 6:00 p.m. on weekdays which are not holidays, or those precise hours of operation enumerated in individual building and grading permits.

The following quiet construction methods would be implemented to minimize construction noise impacts:
Mitigation Measures

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- When necessary, temporary noise control blanket barriers should surround pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes should be pre-drilled or a similar non-invasive method should be used to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures be warranted to correct the problem be implemented. conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.