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**MITIGATION MONITORING AND REPORT PROGRAM**

Downtown Specific Plan

City Council Resolution 2012-31 – September 10, 2012

No.	Impact	Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency	Verified Implementation
AQ-2	The DSP could locate sensitive receptors within 250 feet of SR 24, which would expose sensitive receptors to unhealthy levels of TACs and PM <sub>2.5</sub> emitted by vehicle traffic on SR 24. This would result in a significant impact.	<p>The following measures shall be utilized in site planning and building designs to reduce freeway TAC and PM<sub>2.5</sub> exposure:</p> <ul style="list-style-type: none"> <li>• Use site planning to buffer new sensitive receptors from freeway emissions. The screening analysis prepared for the DSP indicates the buffer shall be 250 feet from the edge of the nearest travel lane. Site specific modeling for projects proposed within 250 feet of the freeway may refine this buffer to be less.</li> <li>• New development of sensitive receptors located within 250 feet of the freeway shall require site specific analysis to determine the level of DPM and PM<sub>2.5</sub> exposure. This analysis shall be conducted following accepted procedures for reducing exposure to DPM and PM<sub>2.5</sub> emissions. If the site specific analysis reveal significant exposures, as cancer risk greater than 10 in one million or annual PM<sub>2.5</sub> concentrations above 0.3 µg/m<sup>3</sup>, then additional measures listed below shall be required.</li> </ul>	Project Sponsors	Submittal of application/Prior to hearings	City of Lafayette Planning and Building Division	Site plan review	Once	City of Lafayette Planning and Building Div.  Initials: _____ Date: _____
			City of Lafayette Planning and Building Division	Submittal of application/ Environmental review	City of Lafayette Planning and Building Division	Certification of CEQA document	Once	Initials: _____ Date: _____

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		<ul style="list-style-type: none"> <li>Install indoor air filtration systems that would effectively reduce particulate levels to a less-than-significant level. Appropriate design information and an analysis would need to be submitted to the City showing that indoor exposures where people spend most of their time would be reduced so that PM<sub>2.5</sub> levels would not exceed 0.3 µg/m<sup>3</sup> and lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances). Appropriately designed systems. These systems would have to be maintained (e.g. filters changed on a prescribed basis) and residences would have to be equipped with low-air infiltration windows and sealed doors to prevent air contamination.</li> </ul>	Project Sponsors	Building permit application/plan review, prior to issuance of building permit and during building inspection	City of Lafayette Planning and Building Division	Plan review/ Building inspection	Twice	Initials: _____ Date: _____
		<ul style="list-style-type: none"> <li>New residents shall be informed of the health effects from exposure to DPM and PM<sub>2.5</sub> from State Route 24 traffic through rental agreements or real property disclosures statements. This would inform residents of the need to reduce exposures by closing windows and doors and maintaining filtration systems.</li> </ul>	Project Sponsors	Prior to issuance of occupancy permit	City of Lafayette Planning and Building Division	Review rental agreements and/or deed restrictions	Once	Initials: _____ Date: _____
		<ul style="list-style-type: none"> <li>Provide plantings of trees, consistent with the <i>Trees of Lafayette</i>, along the Plan Area boundary closest to SR 24 where feasible.</li> </ul>	Project Sponsors	Submittal of landscape plans/ Prior to issuance of building permit	City Planning and Building Division	Review landscape plans/ Site inspection	Twice	Initials: _____ Date: _____

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AQ-3	New restaurants could be a source of odors that result in complaints from new or existing residences. This would be a potentially significant impact.	The City shall require plans for restaurants in mixed-use buildings and adjacent to residential buildings to include kitchen exhaust vents in accordance with accepted engineering practice, and shall install exhaust filtration systems or other accepted methods of odor reduction.	Project Sponsors	Building permit application/Prior to issuance of building permit	City of Lafayette Planning and Building Division	Plan review/ Inspection	Twice	Initials: _____ Date: _____
BIO-1	Proposed development associated with implementation of the Plan could result in the direct loss or temporary construction disturbance to nesting raptors and other migratory birds. This would be considered a potentially significant impact.	<p>Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps:</p> <ul style="list-style-type: none"> <li>If construction is proposed adjacent to areas of well-developed riparian woodlands during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 30 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site and in the vicinity of proposed construction.</li> <li>If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September to February), construction may proceed with no restrictions.</li> <li>If bird nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no-</li> </ul>	Project Sponsors	Demolition/ Grading Permit Application/Prior to issuance of grading or demolition permit	City of Lafayette Planning and Building Division	As recommended in biological survey	As recommended in biological survey	Initials: _____ Date: _____  Initials: _____ Date: _____  Initials: _____ Date: _____

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		<p>disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFG, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.</p> <ul style="list-style-type: none"> <li>• A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.</li> </ul>						Initials: _____ Date: _____
CULT-1	<p>Development under the Plan could result in adverse changes to buildings or structures that could be historical resources for the purposes of CEQA, but that have yet to be formally identified as eligible.</p>	<p>On a project-by-project basis, buildings and structures over 50 years of age that would be affected by future development shall be evaluated to determine if they are historical resources as defined by CEQA. This evaluation shall be carried out by a professional who meets the Secretary of the Interior's Standards for Architectural History, and the results of the evaluation shall be submitted as</p>	<p>City of Lafayette Planning and Building Division</p>	<p>Application submittal/CEQA review</p>	<p>City of Lafayette Planning and Building Division</p>	<p>Review and certification of CEQA document</p>	<p>Once</p>	Initials: _____ Date: _____

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		<p>a Historic Architectural Assessment Report to the City of Lafayette. Once the report is reviewed and approved by the City, a copy of the report shall be submitted to the Central California Information Center (CCIC).</p> <p>CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant.</p> <p>Therefore, if under the project-by-project review described above a structure is determined to be a historical resource as defined by CEQA, the Secretary of the Interior's guidelines referenced above shall be followed for demolition, rehabilitation, and/or alternation projects. In addition, Historic American Building Survey/Historic American Engineering Record (HABS/HAER) style documentation of the resource shall be prepared. The level of documentation shall be that described in HABS documentation level II, which includes, at a minimum, measured drawings such as as-builts or original design plans, historic photographs, if available, and current large-format photographs of significant architectural design features, and a written history and</p>						

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CULT-2	Construction could potentially disrupt or damage as-yet undiscovered paleontological sources.	<p>description. The documentation shall be submitted to the City of Lafayette and the CCIC.</p> <p>If paleontological resources are encountered during grading or excavation, all construction activities within 50 feet must stop and the City shall be notified. A qualified archeologist shall inspect the findings within 24 hours of discovery. Cultural resources shall be recorded on California Division of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed development could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, project applicants shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by a project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement. Under CEQA Guidelines, when preservation in place is not</p>	Project Contractor	During construction	City of Lafayette Planning and Building Division	Site inspection	As recommended in archeologist's report	Initials: _____ Date: _____



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		feasible, data recovery through excavation shall be conducted with a data recovery plan in place. Therefore, when considering these possible mitigations, the City shall have a preference for preservation in place.						
NOI-1a	Future residential units in the DSP Area may be exposed to outdoor noise levels in excess of 55 dBA Ldn and indoor levels in excess of 45 dBA Ldn. Future commercial uses along Mount Diablo Boulevard and adjacent to SR 24 may be exposed to outdoor noise levels in excess of 70 dBA Ldn. These levels would exceed City and State established land use compatibility thresholds. In addition, new residential uses proposed adjacent to existing and proposed noise-generating uses, including commercial uses could be exposed to “excessive noise.”	<p>In areas where new residential development would be exposed to an Ldn of greater than 55 dBA, site-specific noise studies shall be conducted to determine the area of impact and to present appropriate mitigation measures to achieve 40-45 dBA interior noise levels, which may include the following:</p> <ul style="list-style-type: none"> <li>• Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.</li> <li>• Provide mechanical ventilation satisfactory to the City in all residential units proposed along roadways or in areas where noise levels could exceed 60 dBA Ldn so that windows can remain closed at the choice of the occupants to maintain interior noise levels below 45 dBA Ldn. At senior housing and residential care facilities the allowable interior noise level shall be below 40 dBA Ldn.</li> <li>• Install sound-rated windows and construction methods to provide the requisite noise control for residential units proposed along roadways or in areas where noise</li> </ul>	City of Lafayette Planning and Building Division	Prior to start of construction.	City of Lafayette Planning and Building Division	Implementation of project-specific mitigation measures	Once, during CEQA review and certification	Initials: _____ Date: _____
								Initials: _____ Date: _____
								Initials: _____ Date: _____

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		<ul style="list-style-type: none"> <li>levels could exceed 70 dBA Ldn.</li> <li>A project sponsor shall be responsible for conducting site specific noise studies and shall be required to implement identified mitigation measures in the project design as a Condition of Approval for the project.</li> </ul>						Initials: _____ Date: _____
NOI-1b		<ul style="list-style-type: none"> <li>Provide options in the Design Standards and Guidelines for mitigating impacts at noise sensitive commercial uses within 100 feet of Mount Diablo Blvd., Moraga Road or SR 24 to protect these uses from high roadway noise levels.</li> <li>Mechanical ventilation shall be provided in all noise sensitive commercial uses (e.g. offices) adjoining Mount Diablo Boulevard, Moraga Road, or SR 24. Sound-rated windows and construction methods may also be necessary if noise sensitive indoor uses are proposed in these areas.</li> </ul>	City of Lafayette Planning and Building Division	<ul style="list-style-type: none"> <li>Prior to adoption of the Design Guidelines</li> <li>Prior to start of construction.</li> </ul>	City of Lafayette Planning and Building Division	<ul style="list-style-type: none"> <li>N/A</li> <li>Implementation of project-specific mitigation measures</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> <li>Once, during CEQA review and certification</li> </ul>	Initials: _____ Date: _____
NOI-1c		Limit exterior noise levels in noise sensitive outdoor use areas resulting from non-transportation noise sources to those contained in Sections 5-205 and 2-207 of the Municipal Code (see Tables 4.9-5 and 4.9-7). Meeting these noise performance standards would be the responsibility of the developer of the proposed use and not the responsibility of the existing use. In areas where new residential development would be located adjacent to noise generating uses, site-specific noise studies shall be conducted to determine the area of	City of Lafayette Planning and Building Division	Prior to start of construction.	City of Lafayette Planning and Building Division	Implementation of project-specific mitigation measures	Once, during CEQA review and certification	Initials: _____ Date: _____

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		impact and to present appropriate mitigation measures, which would include the measures recommended in Mitigation Measure NOI-1a.						
<b>NOI-3a</b>	Although construction noise would be localized to the individual construction sites, businesses and residences throughout the DSP Area would be intermittently exposed to high levels of noise throughout the multi-year construction period. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.	Implement the provisions of Section 5-207(e) and 5-208(d) of the Municipal Code as they apply to allowable construction hours and sound levels.	Project Contractor	Prior to issuance of permits	City of Lafayette Planning and Building Division	Report review / Site inspection	Periodic, throughout construction	Initials: _____ Date: _____
<b>NOI-3b</b>		Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, shall be required to reduce noise from construction activities: <ul style="list-style-type: none"> <li>• Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.</li> <li>• Utilize “quiet” models of air compressors and other stationary noise sources where such technology exists.</li> <li>• Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</li> </ul>	Project Contractor	During construction	City of Lafayette Planning and Building Division	Site inspection	Periodic, throughout construction	Initials: _____ Date: _____  Initials: _____ Date: _____  Initials: _____ Date: _____  Initials: _____ Date: _____

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		<ul style="list-style-type: none"> <li>• Prohibit unnecessary idling of internal combustion engines (i.e., in excess of five minutes).</li> <li>• Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.</li> <li>• Construct solid plywood fences around construction sites adjacent to businesses, residences, or noise-sensitive land uses.</li> <li>• Erect a temporary noise control blanket barrier, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.</li> <li>• Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.</li> <li>• Ensure that construction activities, including the loading and unloading of materials and truck movements, are limited to the hours specified in the Noise Ordinance.</li> <li>• Notify businesses, residences, and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the</li> </ul>						<p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p>

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		noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.						
<b>NOI-3c</b>		The City shall adopt the mitigation measures identified in Mitigation Measure NOI-3b (above) in Chapter 5-2 (Noise) of the Lafayette Municipal Code Health and Sanitation Ordinance to help facilitate the control of construction noise within the city.	City of Lafayette Planning and Building Division	Subsequent to DSP adoption	City of Lafayette Planning and Building Division	N/A	N/A	Initials: _____ Date: _____
<b>NOI-4a</b>	Structures in the vicinity of development allowed in the DSP Area could be exposed to construction-related vibration during the excavation and foundation work associated with projects implementing the DSP.	The following measures, in addition to the best practices specified in Mitigation Measure NOI-3, are recommended to reduce vibration from construction activities: <ul style="list-style-type: none"> <li>Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.</li> <li>Avoid using vibratory rollers and tampers near sensitive areas.</li> </ul>	Project Contractor	Building permit application/Prior to issuance of building permit	City of Lafayette Planning and Building Division	Plan review	Once	Initials: _____ Date: _____  Initials: _____ Date: _____
<b>NOI-4b</b>		In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures to achieve 0.08 in/sec PPV for historic structures and 0.20 in/sec PPV for all other buildings. Mitigation Measures may include the following: <ul style="list-style-type: none"> <li>Identify sites that would include vibration compaction activities such as pile driving and have the potential to generate ground-</li> </ul>	Project Sponsors	Project application/CEQA review	City of Lafayette Planning and Building Division	Certification of CEQA document	Once	Initials: _____ Date: _____

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		<p>borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. This task shall be conducted by a qualified structural engineer.</p> <ul style="list-style-type: none"> <li>• Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits.</li> <li>• At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.</li> <li>• When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.</li> <li>• Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or</li> </ul>						<p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p> <p>Initials: _____ Date: _____</p>

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		compensation where damage has occurred as a result of construction activities.						
PH-1	Increases in dwelling units, residents, and jobs under the DSP would exceed regional growth projections.	The City shall ensure that planning for infrastructure and services is adequately addressed by monitoring development in the DSP Area. As development occurs under the DSP, issuance of building permits shall be conditioned on the long-term availability of infrastructure and public services adequate to serve the project.	City of Lafayette Planning and Building Division	Building permit application/Prior to issuance of building permit	City of Lafayette Planning and Building Division	Plan review	Once	Initials: _____ Date: _____
PS-1	Buildout of the DSP would increase the volume of calls for fire and emergency services in the DSP Area and exacerbate response times.	In compliance with California Government Code Section 66000 et seq., the Central Contra Costa Fire Protection District should calculate and assess an impact fee on new commercial and residential development in the DSP Area. This impact fee should be sufficient to accommodate new development without further compromising the delivery of fire services in the DSP Area. The City shall support the imposition and implementation of such a fee.	Central Contra Costa Fire Protection District; City of Lafayette Planning and Building Division	Building permit application/Prior to issuance of building permit	City of Lafayette Planning and Building Division	Plan review	Once	Initials: _____ Date: _____
PS-2	Buildout of the DSP would bring new residents to downtown Lafayette and could result in enrollment beyond the student capacity of public schools serving the DSP Area.	In compliance with California Government Code Section 66000 et seq., the Lafayette School District should calculate and assess an impact fee on new residential development in the DSP Area. This impact fee should be sufficient to allow for construction or expansion of school facilities as required to accommodate increased enrollment resulting from buildout of the DSP. The City shall support the imposition and implementation of such a fee.	Lafayette School District; City of Lafayette Planning and Building Division	Lafayette School District imposed such a fee on April 11, 2012.	City of Lafayette Planning and Building Division	Plan review	Once	Initials: _____ Date: _____

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TRAF-5	Buildout of the DSP would result in increases in traffic volumes such that the intersection of Oak Hill Road and the SR 24 eastbound off-ramp would deteriorate from LOS D to LOS F for the stop-controlled eastbound traffic on the off-ramp in the PM peak hour.	Based on a preliminary signal warrant analysis (Peak Hour Volume Warrant), a traffic signal shall be installed at the intersection of Oak Hill Road/ SR 24 eastbound off-ramp. The City shall monitor the intersection and install the traffic signal at such time as signal warrants are met. The Lamorinda Nexus Study shall be revised to include this improvement.	City of Lafayette Engineering Division; Lamorinda Program Management Committee	Periodic monitoring	City of Lafayette Engineering Division	Signal warrant analysis	As determined by City	Initials: _____ Date: _____
TRAF-6	Buildout of the DSP would result in increases in traffic volumes such that the all-way stop-controlled intersection of Deer Hill Road and Happy Valley Road would deteriorate from LOS D to LOS E in the mid-day peak hour.	Install a traffic signal when determined necessary by the City, but no later than when either mid-day or PM peak hour operations deteriorate to LOS E. The Lamorinda Nexus Study shall be revised to include this improvement.	City of Lafayette Engineering Division; Lamorinda Program Management Committee	Periodic monitoring	City of Lafayette Engineering Division	Traffic counts/ model runs	As determined by City	Initials: _____ Date: _____
TRAF-7	Buildout of the DSP would result in increases in traffic volumes such that the delay at the intersection of Deer Hill Road and Oak Hill Road would increase. This intersection would operate at LOS E under cumulative 2030 No Project conditions, but the delay would deteriorate enough to create a significant impact during the PM peak period.	A traffic signal shall be installed at the intersection of Deer Hill Road and Oak Hill Road when warranted. The City shall monitor this intersection and install a traffic signal when warrants are met. Signalization of this intersection is already contemplated in the Lamorinda Nexus Study, and as such, the related impacts would already be mitigated.	City of Lafayette Engineering Division	Periodic monitoring	City of Lafayette Engineering Division	Traffic counts/ model runs	As determined by City	Initials: _____ Date: _____



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TRAF-8	Buildout of the DSP would result in increases in traffic volumes such that the delay at the intersection of First Street and the SR 24 eastbound on-ramp would increase. This intersection would operate at LOS F for southbound traffic turning left onto the freeway on-ramp under cumulative 2030 No Project conditions, but the delay deteriorates enough to create a significant impact during the PM peak period.	Install a traffic signal to protect southbound left turns when PM peak hour operations deteriorate to LOS F for the left turn movement. The Lamorinda Nexus Study shall be revised to include this improvement.	The City of Lafayette Engineering Division; Lamorinda Program Management Committee	Periodic monitoring	City of Lafayette Engineering Division	Traffic counts/model runs	As determined by City	Initials: _____ Date: _____
TRAF-11	Buildout of the Plan would be expected to add more than 3 percent to the peak hour average ridership at the BART Station during peak hours. Because the peak hour average ridership would increase by more than 3 percent, BART may need to add fare gates at the Station if the average waiting times at existing fare gates would exceed one minute.	Monitor waiting times at the fare gates at the BART station, and at such time that average waiting times exceed one minute, install additional fare gates, if BART concurs that installation of additional fare gates is warranted at such time. The City will collaborate with BART on monitoring fare gate waiting times by providing regular reports to BART on new development projects in the Plan Area. The City will also collaborate with BART as needed on strategies and funding to address this potential impact as determined by BART, because no single development project by itself is likely to trigger the need for additional fare gates.	City of Lafayette Engineering Division; BART	Subsequent to issuance of occupancy permits for projects in the DSP Area	City of Lafayette Engineering Division	Passenger counts at BART station	As required by BART and City	Initials: _____ Date: _____