

City Response to Neighbor Concerns About Waters Project Site Activities

The City first began hearing from neighbors that site activities related to the originally approved project were causing distress in late July 2020. The primary areas of concerns were noise, dust, dirt tracking, shaking, rodent control, and lack of communication with the applicant and the City. The City has received similar reports in response to the requested project modifications. The City immediately responded, and has continued to respond, in a number of ways, including but not limited to the following:

- Inspections
 - Immediately inspected the site, in coordination with Bay Area Air Quality Management District (BAAQMD) and the County's Vector Control District, to ensure proper compliance with Conditions of Approval (COAs) and Mitigation Measures (MMs), and assess whether any adjustments to site activities were needed.
 - BAAQMD has jurisdiction over dust control and determined the site was in compliance with applicable MMs
 - Vector Control conducted site visits with and without City staff, and also visited neighboring residences, verified compliance with the Vector Control Plan, and offered suggestions to neighbors
 - The City found that some adjustments to site operations were needed and a temporary sound barrier needed to be installed to shield neighbors from certain activities, and halted construction through a Stop-Work Order until outstanding issues were resolved
 - The Building Division began conducting site inspections 2-3 times per week, in addition to any required inspections, in order to ensure ongoing compliance with COAs and MMs and ensure any added measures/practices that could reduce project impacts are suggested to, and considered/implemented by, the applicant.
 - The Public Works Department began inspecting the site on a daily basis to ensure compliance with stormwater management requirements
 - On one occasion, Public Works issued a Notice of Violation for failure to comply with Storm Water Best Management Practices and the issues were rectified shortly thereafter
- Quality Assurance for Site Activities subject to Conditions of Approval (COAs), Mitigation Measures (MMs), and Best Management Practices (BMPs)
 - Required Pulte to adjust vehicle heights when picking up and dropping off haul loads
 - Required Pulte to switch to equipment using rubber tires instead of metal tires to decrease noise and vibration impacts
 - Required Pulte to disengage reverse when not backing up vehicles in order to reduce vehicle backup alert noise durations
 - In situations when it would not increase vibration, required Pulte to use smaller equipment in an effort to reduce noise and vibration
 - Required improvements to wheel cleaning area at site entry/exit to eliminate dirt tracking off-site
 - Required additional site watering for dust control
 - Required phasing plan and closely monitored site activities until a temporary noise barrier was installed
- Communications
 - Immediately reached out to Pulte to begin exploring solutions to address neighbor concerns; this conversation continues on a regular basis
 - Responded to neighbors in several emails with clarifying information about City requirements/authority, measures the City is taking to ensure compliance, and Pulte's responsibilities as the developer
 - Participated in an outreach meeting with Pulte and neighbors and provided information about roles, responsibilities, and expectations for future activities

- Appointed Building Official involvement as point of contact between residents and developer in order to ensure the consistent, clear, and complete sharing of information
 - Requested on several occasions that Pulte increase the clarity in upcoming work notifications, so that neighbors can understand how certain activities may impact their day
 - Staff has recently provided Pulte with a proposed mapped schedule solution that could help neighbors better understand upcoming activities and their potential effect on the closest neighbors
 - Requested on several occasions that Pulte provide further and clearer information to neighbors about how to handle potential future claims for damage—neighbors have repeatedly requested this information
- Coordination of Developer Led Efforts
 - Installed seismic monitoring devices to provide alerts when certain seismic levels are exceeded; there is no COA or MM addressing shaking and hired a vibration and dust control monitoring consultant
 - Relocated debris processing area to the middle of the site and the truck hauling route to the north side of the property away from the residents
 - Installed a temporary delineator restricting activity within 30 ft. of the adjacent properties to further mitigate potential impact to the adjacent neighbors
 - Added additional noise barrier to “good neighbor” fence
 - Installed fill material underground to reduce ground shaking
 - Offered adjacent property owners a structural analysis prior to construction to document, monitor, and assess any damage that may occur during construction phases
 - Offered escrow accounts (approximately \$20k per adjacent neighbor) to cover a variety of potential expenses related to construction impacts