



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Loesch
Jim Shannon

SUBJECT: SEE BELOW

DATE: July 28, 2023

Approved

Date

8/3/23

COUNCIL DISTRICT: 3

**SUBJECT: ACTIONS RELATED TO THE 9157 - FIRE STATION NO. 8 -
RELOCATION (2018 MEASURE T) PROJECT**

RECOMMENDATION

- (a) Adopt a Resolution adopting the Fire Station No. 8 Relocation Project Initial Study/Mitigated Negative Declaration (File No. ER22-063) and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Report on bids and award of a contract for the construction of 9157 - Fire Station No. 8 Relocation Project to the lowest responsive, responsible bidder D.L. Falk Construction, Inc., for the base bid in the amount of \$10,526,000, and approve a 10% contingency in the amount of \$1,052,600.
- (c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund (498):
 - (1) Increase the Measure T – Fire Station 8 Relocation appropriation in the amount of \$1,687,000;
 - (2) Decrease the Measure T – Program Reserve (Public Safety) appropriation by \$1,687,000.
- (d) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station 8, which is estimated to exceed \$100,000 annually in the General Fund once the project is complete, will not require a decrease in existing basic neighborhood services.

SUMMARY AND OUTCOME

This memorandum summarizes the bids received and requests award of a construction contract for the 9157 – Fire Station No. 8 - Relocation (2018 Measure T) Project (Project). The relocated Fire Station No. 8 is to be located at 601 E. Santa Clara Street, at the intersection with 13th Street in Downtown San José (See Attachment A). The Project replaces an existing Fire Station No. 8 adjacent to Coyote Creek and Santa Clara Street. Relocation is required to improve facility quality and meet current fire station standards.

Approval of the contract with D.L. Falk Construction, Inc. will enable the Project to proceed into construction. Approval of a 10% contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the Project.

Adoption of the resolution enables construction activities to proceed in accordance with the adopted Mitigated Monitoring and Reporting plan for the Project. Adoption of the appropriation ordinance amendments will provide adequate funding for the Project and certification in accordance with City Council Budget Principle #8 demonstrates that funding for the entire cost of the project, including the ongoing operations and maintenance costs, will not require a decrease in existing basic neighborhood services.

BACKGROUND

On November 6, 2018, 70% of San José voters approved ballot Measure T - The Disaster Preparedness, Public Safety and Infrastructure Bond. The measure authorizes the City of San José to issue up to \$650,000,000 in general obligation bonds for infrastructure projects. The Bond provides \$175 million for Public Safety projects that included three new fire stations (Nos. 32, 36, 37), two relocated fire stations (Nos. 8 and 23), and a number of other critical public safety projects. The current status of Public Safety projects is presented in Attachment D.

In addition, as directed by Council on February 12, 2019, relative to Item 3.4: *Measure T – Building a Sustainable Future*¹ and the *Climate Smart San José Plan Semi-Annual Update*² and presented to the Transportation and Environment Committee on October 7, 2019, Measure T buildings will incorporate Zero Net Carbon technologies and will be evaluated for backup-ready systems to support the City’s resiliency goals.

The Project is located on a 15,000 square foot site purchased by the City in 2021. The Project consists of the new single-company, two-story building, with one apparatus bay. In addition, the new building includes a private office, an open office area, a kitchen with dining and a living room area, and four dormitories, with hall bathrooms, a workout room and other building support rooms, of approximately 5,900 square feet.

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=3847489&GUID=DCF04188-1A48-4F02-B12D-24873EAD82E5>

² <https://sanjose.legistar.com/View.aspx?M=A&ID=709896&GUID=2F80CB01-7C46-4850-AF24-F2E8A34D1A02>

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The new Fire Station No. 8 is being designed as an “Essential Services Facility” in accordance with the California Essential Services Buildings Seismic Safety Act of 1986, and the 2016 Critical Operations Power Systems - California Electrical Code Section 708. Future plans of the existing Fire Station No. 8 building at Santa Clara Street and 17th Street will be evaluated upon vacancy.

Three Bid Alternates were also considered for inclusion in the project:

Bid Alternate No. 1: The Fire Station Alerting System Equipment, including installation.

Bid Alternate No. 2: Alternate fiber cement exterior wall panel layout.

Bid Alternate No. 3: A nine-foot tall Ameristar Echelon II ornamental aluminum fence in lieu of custom steel picket fence.

Construction is scheduled to begin in September 2023 with completion in January 2025.

ANALYSIS

Bids were opened on June 1, 2023, with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Bid Alt. Total</u>	<u>Total Bid</u>	<u>Variance Amount to Base Bid</u>	<u>Base Bid Over/(Under) Percent</u>
Engineers Estimate	\$9,050,000	\$90,400	\$9,140,400	-	-
D.L. Falk Construction (Hayward)	\$10,526,000	\$333,500	\$10,859,500	\$1,476,000	16
Midstate Construction (Petaluma) <i>(non-responsive)</i>	\$11,837,341	\$269,000	\$12,106,341	\$2,787,341	31
Zovich and Sons (Brentwood)	\$12,165,854	\$430,000	\$12,595,855	\$3,115,855	34

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The bid results of the bid alternates are as follows:

<u>Contractor</u>	<u>Bid Alternate No. 1</u>	<u>Bid Alternate No. 2</u>	<u>Bid Alternate No. 3</u>
Engineers Estimate	\$78,700	\$18,900	(\$7,200)
D.L. Falk Construction (Hayward)	\$123,500	\$130,000	\$80,000
Midstate Construction (Petaluma) (non-responsive)	\$156,000	\$168,000	(\$55,000)
Zovich and Sons (Brentwood)	\$210,000	\$120,000	\$100,000

The bid submitted by Midstate Construction was deemed non-responsive for failing to provide the specific bidder’s experience information required by the City.

Staff recommends awarding the Base Bid only and not the Bid Alternates for the project. This is due to bids received for the Bid Alternates are much higher than expected. The Bid Alternate No. 1 may be acquired later through a Department Purchase Order agreement with a licensed vendor and Bid Alternates No. 2 and No. 3 are material refinements to the project, and not necessarily a need.

The Base Bid submitted by D.L. Falk Construction is approximately 16% above the Engineer’s Estimate. A thorough bid analysis was performed by the design consultant and City staff that determined the low bid submitted by D. L. Falk is considered acceptable for the work involved in the project and current market conditions. The higher than estimated bid can be attributed to the general contractor’s assumed risk of the following items:

- Significant material/supply chain shortages and price fluctuations which have impacted construction schedules and material/construction costs.
- Constantly changing escalation and inflation trends of construction costs have been significant in recent months and corresponding trends and future predictions are frequently changing.
- Construction industry continues to experience shortages of skilled laborers, particularly in the specialty trades of electrical, mechanical, and plumbing.

The complexity of the project (i.e., specific project scope, utilizing multiple trades at the same time, etc.), construction duration, and current market conditions present an increased risk to the project. Staff will monitor and adjust its cost estimating tools to reflect market changes and will continue tracking inflations in pricing for future projects. Staff recommends awarding the project to D.L. Falk Construction.

D.L. Falk Construction last worked on City project in 2009 and had completed the construction of Fire Stations 12 and 17. During both projects, the City successfully worked with D. L. Falk Construction on project issues and reached resolution at project completion. As part of this procurement, staff conducted a reference check on a fire station project completed by D.L. Falk in 2021 for Coastside Fire Protection District in Half Moon Bay and the contractor received a favorable reference for its performance on that project.

Contingency

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings. The standard 10% contingency is appropriate for this project.

Project Labor Agreement Applicability

The City's Project Labor Agreement is applicable to this project because the Engineer's Estimate is over \$1.22 million.

Local and Small Business Analysis

The recommended contractor is not a local or a small business enterprise. However, several local business enterprises are listed as subcontractors on this project: Rodriguez Sheet Metal (San José) will be performing metal roofing, siding, metal flashing and trim work valued at approximately \$300,000; Rick Slater Construction (San José) will be performing fiber cement siding work valued at approximately \$500,000; O.C. McDonald (San José) will be performing plumbing work valued at approximately \$787,000; and Duran & Venables (Milpitas) will be performing grading and paving work valued at approximately \$700,000.

Climate Smart San José Analysis

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The new fire station building design incorporates a photovoltaic panel system on the roof which will reduce energy consumption and provides additional energy savings and energy resiliency. At the same time, the building has implemented Zero Net Carbon features, which eliminates the use of natural gas to the building. The project also meets Cal Green and City Reach Code requirements, and designed to achieve at least a minimum of Leadership in Energy and Energy Design Silver rating from the U.S. Green Building Council.

EVALUATION AND FOLLOW-UP

No additional follow up action with the City Council is expected at this time.

COST SUMMARY/IMPLICATIONS

In 2008, the City Council approved a set of Budget Principles that included a requirement (Budget Principle #8³) that: capital improvement projects shall not proceed for projects with annual operating and maintenance costs exceeding \$100,000 in the General Fund without City Council certification that funding will be made available in the applicable year of the cost impact. Certification shall demonstrate that funding for the entire cost of the project, including the operations and maintenance costs, will not require a decrease in existing basic neighborhood services. While the final amount will be further analyzed prior to inclusion in future budgets operating and maintenance costs impacting the General Fund for this facility will cost approximately \$175,000 on an annualized basis. Though a significant amount, the 2024-2028 Five-Year General Fund Forecast already incorporates these estimated ongoing costs and staff does not anticipate a degradation of basic neighborhood services, especially given the essential service nature of the facilities. Staff recommends City Council certification of this project.

The majority of the project costs are funded through the Public Safety and Infrastructure Bond Fund, with \$36,000 allocated in the General Fund for Capital Program and Public Works Department Support Service Costs that are ineligible to be paid using bond funds. The total cost of the project is outlined below.

1. TOTAL COST OF PROJECT:

Project Delivery*	\$9,150,906
Construction	10,526,000
Contingency	1,052,600
TOTAL PROJECT COSTS	\$20,729,506
Prior Years' Expenditures and Encumbrances through June 30, 2023*:	7,028,506
TOTAL REMAINING PROJECT COSTS	\$13,701,000
Remaining Available Budget	\$12,014,000
Additional Funding Needed	\$1,687,000

*Project Delivery includes property acquisition and Phase 1 demo work.

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

General Requirements	\$745,600
Vapor Intrusion Mitigation System	85,000
Concrete, Thermal and Moisture Protection, Metal, Wood and Plastics, Openings, Finishes, Specialties Equipment, Elevator, Earthwork, Ext. Improvements and Site Utilities	6,443,700
Fire Suppression	75,000

³ See Page 38 of the City Manager's Transmittal Message of the 2023-2024 Proposed Operating Budget: <https://www.sanjoseca.gov/home/showpublisheddocument/97235/638194085691200000>

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Plumbing System	787,460
Mechanical System	421,500
Electrical and Generator System	1,600,000
Communications, Electronic, and Safety and Security	252,000
TOTAL BID AMOUNT	\$10,526,000

Additional funding of \$1.7 million is necessary to ensure sufficient funding for the Project, with a corresponding decrease to the Public Safety Program Reserve. A total of \$7.0 million is allocated in the Public Safety Program Reserve for potential overages pending bid results for the remaining Public Safety projects; any remaining amounts could then be applied toward the design and construction of Fire Station 23. See Attachment D for the timeline for the award and construction of the remaining projects, such as the Police Training and Academy, Police Air Support Unit Hangar, Fire Station 32, and 911 Call Center Renovation, which are estimated to open bids in the next three months.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Current Total Appn	Rec. Budget Action	Amt. for Contract	2023-2024 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
498	414Z	Measure T – Fire Station 8 Relocation	\$12,014,000	\$1,687,000	\$10,526,000	586	6/20/2023, Ord. No. 30933
498	8575	Measure T – Program Reserve (Public Safety)	\$6,950,000	(\$1,687,000)	0	611	6/20/2023, Ord. No. 30933

*The 2023-2024 Adopted Capital Budget was approved on June 13, 2023 and adopted on June 20, 2023 by the City Council.

COORDINATION

The project and memorandum have been coordinated with the City Attorney’s Office, Fire Department and Planning, Building, and Code Enforcement.

HONORABLE MAYOR AND CITY COUNCIL

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PUBLIC OUTREACH

Nearby residents were invited by mail to attend a community outreach meeting for this facility held in September 2021. The Department of Planning, Building and Code Enforcement Draft of the Initial Study was also circulated for public review and comment.

This memorandum will be posted on the City's Council Agenda website for the August 15, 2023 Council Meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Mitigated Negative Declaration for the Fire Station No. 8 Project. File No. ER-22-063 (See Attachments B and C).

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

MATT LOESCH
Director, Public Works



JIM SHANNON
Budget Director

For questions, please contact Sal Kumar, Interim Deputy Director, at Sal.kumar@sanjoseca.gov or (408) 793-5307.

ATTACHMENTS:

Attachment A - Location Map

Attachment B - Resolution

Attachment C - Mitigation Monitoring and Reporting Program – ER-22-063

Attachment D - Public Safety Projects Schedule

Attachment A Location Map



FIRE STATION NO. 8 – RELOCATION
NOT TO SCALE



Attachment B

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE FIRE STATION NO. 8 RELOCATION PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Fire Station No. 8 Relocation Project under Planning File No. ER22-063 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Fire Station No. 8 Relocation Project (the “Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Public Project Permit to construct a new a single-company, two-story fire station with a single apparatus bay for San José Fire Department (SJFD) Fire Station No. 8 at 601 E Santa Clara Street and relocate the uses from its current location at 802 E Santa Clara Street to the new building. The Project site is located approximately 0.25 mile west of Coyote Creek, 0.22 mile west of Roosevelt Park, 0.6 mile northeast of San José State University, 1.3 miles southeast of Guadalupe River Park, and 4.5 miles southeast of Norman Y. Mineta International Airport (Assessor’s Parcel Number 467-15-010); and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the

environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the “Mitigation Monitoring and Reporting Program”); and

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and on-line and are, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby incorporate the foregoing recitals by reference into the body of this Resolution.

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/ Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No. ER22-063). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

**Fire Station No. 8 Relocation Project
File No. ER22-063**

**CITY OF SAN JOSE
July 2022**



P R E F A C E

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation. In instances in which the mitigation, monitoring, compliance, or other responsibility is assigned to the Director of the Planning, Building, and Code Enforcement or the Director's designee, the designee is understood to be other staff member(s) of the Planning, Building and Code Enforcement Department.

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Fire Station No. 8 Relocation Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented. This document does not discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study and MND for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

Project Proponent's Signature _____

Date _____

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance Or Mitigation Action [What]	Timing of Compliance [When]	Monitoring Reporting Responsibility [Who will review]	Actions/Reports [What will be reviewed]	Monitoring Timing or Schedule [How often]
AIR QUALITY					
Impact AIR-1: Cancer risk from construction activities and operations would be 39.6 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.					
<p>Mitigation Measure AIR-1: Tier 4 Engines.</p> <p><i>Prior to the start of construction activities, the project proponent shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). Specifically, this plan shall include, but is not limited to, the measures identified below:</i></p> <ul style="list-style-type: none"> <i>All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet</i> 	<p><i>Prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of DPM.</i></p>	<p><i>Prior to the start of construction activities</i></p>	<p><i>Director of Planning, Building and Code Enforcement or the Director's designee</i></p>	<p><i>Review and approve construction operations plan</i></p>	<p><i>Prior to the start of construction activities</i></p>

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
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<p><i>U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent. Exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement</i></p> <ul style="list-style-type: none"> <i>Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.</i> 					
BIOLOGICAL RESOURCES					
Impact BIO-1: Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.					
<p>Mitigation Measure BIO-1: Nesting Bird Protection Measures.</p> <ul style="list-style-type: none"> <i>Avoidance: To the extent possible, construction activities that may encounter nesting birds (e.g., tree removal) should be performed outside of the nesting season. For most birds,</i> 	<p><i>Contract a qualified biologist to conduct preconstruction surveys for nesting birds. If active nests are identified, establish no-disturbance buffer zones around each nest,</i></p>	<p><i>Pre-construction nesting surveys within 14 days prior to the start of vegetation removal, tree trimming and removal, ground</i></p>	<p><i>Director of Planning, Building and Code Enforcement or the Director's designee</i></p>	<p><i>Confirm receipt of executed contract with a qualified biologist to perform pre-construction surveys prior to</i></p>	<p><i>Executed contract with qualified biologist must be submitted prior to issuance of permits</i></p>

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<p><i>including most raptors in the San Francisco Bay area, this period extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.</i></p> <ul style="list-style-type: none"> <i>Nesting Bird Surveys: For construction activities that are initiated during the nesting season, pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active nests are not disturbed by construction. This survey shall be completed no more than 14 days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction area for nests.</i> <i>Buffer Zone: If an active nest is found sufficiently close to work areas to be disturbed by construction, the biologist</i> 	<p><i>monitor construction activities near suitable habitat, when applicable, and implement the additional requirements in Mitigation Measure BIO-1.</i></p>	<p><i>disturbance, and demolition or after any construction breaks of 14 days or more.</i></p> <p><i>Also during and after construction work if active nests are identified.</i></p>		<p><i>issuance of permits for construction activities. Receive and review survey documentation, as well as monitoring reports and a final report if active nests are identified.</i></p>	<p><i>for construction activities. Within 14 days prior to the start of vegetation removal, tree trimming and removal, ground disturbance, and demolition or after any construction breaks of 14 days or more. Also during and after construction work if active nests are identified.</i></p>

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<p><i>shall determine the extent of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for passerine birds) to ensure that nests are not be disturbed during construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or if the nesting season ends. If construction ceases for 14 days or more during the early part of the breeding season (February 1st through April 30th, inclusive) or for 30 days or more during the late part of the breeding season (May 1st through August 31st, inclusive), then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may have been established during the pause in construction.</i></p> <ul style="list-style-type: none"> <i>Reporting: Prior to any site disturbance, such as tree removal, or the issuance of</i> 					

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<p><i>any grading, building or demolition permits (whichever occurs first), the biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.</i></p>					
CULTURAL RESOURCES					
<p>Impact CUL-1: Project ground disturbing activities could result in a substantial adverse change in the significance of an archaeological resource.</p>					
<p>Mitigation Measure CUL-1: Cultural Resources Awareness Training.</p> <p><i>Prior to issuance of any grading or building permits, a Secretary of the Interior (SOIS)-qualified archaeologist and a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 shall</i></p>	<p><i>A Secretary of the Interior—qualified archaeologist and a culturally affiliated Native American representative shall conduct a training program for all construction and field personnel</i></p>	<p><i>Submit training documents for review and approval prior to issuance of any grading or building permits. Submit confirmation training conducted prior</i></p>	<p><i>Director of Planning Building and Code Enforcement or the Director's designee</i></p>	<p><i>Review and approve training documents. Prior to construction, receive documentation to confirm training conducted</i></p>	<p><i>Prior to the issuance of any grading or building permits activities. Review documentation construction training completed</i></p>

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<p><i>conduct a training program for all construction and field personnel involved in ground disturbance. On-site personnel shall attend a mandatory pre-project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before they begin project work. The project proponent shall submit a copy of the training documents to the Director of Planning Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any grading or building permits. Documentation confirming the training sessions conducted shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior start of construction activities.</i></p>		<p><i>to start of construction activities.</i></p>			<p><i>prior to start of construction activities.</i></p>
HAZARDS AND HAZARDOUS MATERIALS					
<p>Impact HAZ-1: Development of the proposed project could potentially expose construction works and the public to soil, soil vapor and/ or groundwater contamination from an off-site source during the demolition and construction phases of the project, and future site occupants to soil vapor contamination after construction.</p>					

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<p>Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.</p> <p><i>Prior to issuance of any demolition or grading permits, the City of San Jose shall enter into an agreement with the Santa Clara County Department of Environmental under their Site Cleanup Program. The project proponent shall meet with the SCCDEH and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASP) and must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during construction, dust control measures, and waste</i></p>	<p><i>Enter into an agreement with the Santa Clara County Department of Environmental under their Site Cleanup Program and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past uses of concern.</i></p> <p><i>Retain a qualified professional to prepare and submit a SMP or equivalent document, and vapor intrusion mitigation measures. The document and evidence of regulatory oversight shall be submitted to ESD and the Director of PBCE or</i></p>	<p><i>Submit the Plan, vapor intrusion mitigation measures, and evidence of regulatory oversight for review and approval prior to issuance of any grading permits or permits for any ground-disturbing and/or construction activities.</i></p>	<p><i>Director of the City of San José Planning, Building, and Code Enforcement Department, or the Director’s designee, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department</i></p>	<p><i>Review the Plan, vapor intrusion mitigation measures, and evidence of regulatory oversight and confirm its attachment to relevant grading and/or demolition permits.</i></p>	<p><i>Prior to the issuance of grading or demolition permits.</i></p>

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<p><i>management. The SMP would also provide measures if areas of unexpected contamination or subsurface structures are encountered. Corrective actions in the SMP that could be considered include limited soil removal around the former LUST area, in-situ enhanced bioremediation or chemical oxidation, monitored natural attenuation, or a combination of one or more of these. Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.</i></p> <p><i>The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement Department, or the Director’s designee, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</i></p>	<p><i>the Director’s designee and attached as a condition of the grading permit.</i></p>				

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NOISE					
Impact NOI-1: Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction.					
<p>Mitigation Measure NOI-1: Construction Phasing.</p> <p><i>Prior to the issuance of any grading or demolition permits, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</i></p> <ul style="list-style-type: none"> • <i>Construct solid plywood fences around ground level construction sites adjacent</i> 	<p><i>Submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator.</i></p>	<p><i>Submit construction noise logistics plan for review prior to the issuance of any grading or demolition permits.</i></p> <p><i>The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction</i></p>	<p><i>Director of Planning, Building and Code Enforcement, or the Director's designee</i></p>	<p><i>Review and approve construction noise logistics plan. Prior to construction, receive documentation to confirm noise disturbance coordinator is in place.</i></p>	<p><i>Prior to the issuance of any grading or demolition permits.</i></p> <p><i>Review noise disturbance coordinator documentation prior to start of construction activities.</i></p>

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<p><i>to operational businesses, residences, or other noise-sensitive land uses.</i></p> <ul style="list-style-type: none"> • <i>Equip all internal combustion-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</i> • <i>Prohibit unnecessary idling of internal combustion engines.</i> • <i>Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining noise-sensitive land uses.</i> • <i>Utilize “quiet” air compressors and other stationary noise sources where technology exists.</i> • <i>Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</i> 		<p><i>and implemented during construction to reduce noise impacts on neighboring residents and other uses.</i></p>			

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<ul style="list-style-type: none"> • <i>Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule in writing and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.</i> • <i>If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.</i> • <i>Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the</i> 					

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<p><i>notice sent to neighbors regarding the construction schedule.</i></p> <ul style="list-style-type: none"> <i>Limit construction hours to 7 a.m. to 7 p.m., Monday through Friday for any on site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. Because it is anticipated that certain construction activities (such as continuous pours of concrete foundations) may require work outside normally permitted construction hours (e.g., overnight), the project's Planned Development Permit would allow for such construction activities, subject to conditions of approval, including</i> 					

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<i>performance standards, imposed by the City to limit noise impacts.</i>					

Source: Initial Study for the Fire Station No. 8 Relocation Project, July 2022.

Attachment D
Public Safety Projects Schedule

Public Safety Projects	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
Fire Station No. 8 - Relocated										
Fire Station No. 32 - New										
Fire Station No. 23 - Relocated										
Fire Station No. 36 - New										
911 Call Center Renovation - Upgraded/New										
Police Training and Academy - New/Relocated from South Substation										
Police Air Support Unit Hangar - New at Airport										

- SCOPING/CEQA/PROPERTY ACQUISITION:** Consultant Selection, Programming/Feasibility and Environmental Studies
- DESIGN:** Consultant Selection, Design, Review, Permitting
- AWARD AND CONSTRUCTION:** Advertise, Bid Opening, Council Award & Contract Execution, Construction
- ESTIMATES:** Including refined cost estimates throughout design and final est (1 = initial estimate, 2 = 50% estimate, 3 = 95% estimate, 4 = final estimate/VE)
- BID OPENING:** Final project cost will be determined
- ESTIMATED CONSTRUCTION START DATE**