



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch  
Jim Shannon

**SUBJECT:** SEE BELOW

**DATE:** May 28, 2024

Approved

Date

6/6/24

**COUNCIL DISTRICT: 7**

**SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR CONSTRUCTION  
OF THE 9162 - FIRE STATION NO. 32 NEW (2018 MEASURE T) RE-BID  
III PROJECT**

## RECOMMENDATION

- (a) Adopt a resolution adopting the Initial Study/Mitigated Declaration for the Fire Station No. 32 Project, File No. ER-22-068, and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act.
- (b) Report on bids and award of the contract for the construction of 9162 - Fire Station No. 32 New (2018 Measure T) Re-Bid III Project to the lowest responsive bidder Gonsalves & Stronck Construction Company, Inc., for the base bid and the Bid Alternate No. 2 in the amount of \$12,867,777 and approval of a 10% contingency in the amount of \$1,286,778.
- (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:
  - (1) Increase the Measure T – New Fire Station 32 appropriation to the Public Works Department by \$3,016,000; and
  - (2) Decrease the Measure T – Program Reserve (Public Safety) by \$3,016,000.
- (d) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station No. 32, which is estimated to exceed \$100,000 annually in the General Fund shall be made available in the applicable year of the cost impact.

## **SUMMARY AND OUTCOME**

This memorandum summarizes the bids received and requests award of a contract for the construction of the 9162 - Fire Station No. 32 New (2018 Measure T) Re-Bid III Project (Project). Award of the contract to Gonsalves & Stronck Construction Company, Inc. will enable the construction of Fire Station No. 32 at 1138 Olinder Court and Felipe Avenue in south-central San José. (**Attachment A**— Location Map - 9162 Fire Station No.32 New (2018 Measure T) Re-Bid III Project). The Project adds a new fire station which will improve services to the neighborhood.

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 and certification language will provide the adequate funding to construct the Project and to operate the new facility beginning in 2025-2026.

## **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 \$650.0 million 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.

In addition, as directed by City Council on February 12, 2019 relative to Item 3.4: *Measure T – Building a Sustainable Future* and the *Climate Smart San José Plan Semi-Annual Update* 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 the second new fire station to be initiated under the voter-approved Measure T Bond.

The Project scope consists of a new dual-company, one-story building, with two apparatus bays, a private office, an open office area, a kitchen with dining and a living room area, and nine dormitories with hall bathrooms, a workout room, and other building support rooms, of approximately 7,676 square feet. The facility will be located at 1138 Olinder Court, at the intersection of Felipe Avenue in south-central San José. The fire station is located one block away from the Story Road corridor. Fire Station No. 32 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.

Two Bid Alternates were also considered for inclusion in the Project:

- Bid Alternate No. 1: Photovoltaic Battery Energy Storage System; and,
- Bid Alternate No. 2: Photovoltaic Panels and Supporting Structural Frame.

Construction is scheduled to begin in August 2024 with completion in March 2026.

The Project has been advertised three times:

- (1) Original procurement (April/May 2023): Four bids were received, although one was subsequently withdrawn in accordance with Section 2-1.095 of the City's Standard Specifications because the bidder made a material error in the amount of its bid. Of the remaining three bids, two were deemed non-responsive – one bidder failed to meet the City's experience requirements and another did not use the correct Schedule of Quantities as updated via addendum. With only one remaining responsive bid, the Public Works Department decided to re-bid in order to pursue additional competition.
- (2) Re-Bid procurement (June/July 2023): Two bids were received, although one was subsequently withdrawn in accordance with Section 2-1.095 of the City's Standard Specifications because the bidder made a material error in the amount of its bid. With only one remaining responsive bid, the Public Works Department decided to re-bid in order to pursue additional competition.
- (3) Re-Bid II procurement (September/November 2023): Three bids were received and all were deemed responsive. After issuing the Notice of Intent to Award the contract to the low bidder, the Public Works Department received a protest regarding the low bidder's eligibility to participate in the procurement based on language in the City's Standard Specifications prohibiting bidders who had previously withdrawn their bid from participating in the re-bid process. The same prohibition would have applied to the third bidder as well, functionally leaving the City with a single bid. The City Attorney's Office recommended rejecting all bids, removing the language from the Standard Specifications, and proceeding with another re-bid.

**ANALYSIS**

Bids were opened on April 25, 2024, with the following results.

<b><u>Contractor</u></b>	<b><u>Base Bid</u></b>	<b><u>Bid Alternate Total</u></b>	<b><u>Total Bid</u></b>	<b><u>Variance Amount</u></b>	<b><u>Over/ (Under) Percent</u></b>
<b>Engineer's Estimate</b>	<b>\$12,500,000</b>	<b>\$476,000</b>	<b>\$12,976,000</b>	-	-
Gonsalves & Stronck Construction Co., Inc. (San Carlos)	\$12,467,777	\$1,100,000	\$13,567,777	\$591,777	4
W.E. Lyons Construction, Co. (Walnut Creek)	\$13,041,820	\$663,620	\$13,705,440	\$729,440	5

*Bid Alternates*

<b><u>Contractor</u></b>	<b><u>Bid Alternate No. 1</u></b>	<b><u>Bid Alternate No. 2</u></b>	<b><u>Total Bid Alternate</u></b>
<b>Engineer's Estimate</b>	<b>\$140,000</b>	<b>\$336,000</b>	<b>\$476,000</b>
Gonsalves & Stronck Construction Co., Inc. (San Carlos)	\$700,000	400,000	1,100,000
W.E. Lyons Construction, Co. (Walnut Creek)	\$377,760	\$285,860	\$663,620

Staff recommends awarding Bid Alternate No. 2 along with the base bid for the Project. The Bid Alternate provides additional energy savings and energy resiliency, with the addition of a solar panel system on the roof of the building. At the same time, the fire station 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. Staff does not recommend awarding Bid Alternate No. 1. The bid amount came in much higher than the Engineer's Estimate and is not a necessary need for the Project.

The bid submitted by Gonsalves & Stronck Construction Company, Inc. is approximately 1% below the Engineer's Estimate. A thorough bid analysis was performed that determined the low bid submitted by Gonsalves & Stronck Construction Company, Inc. is considered acceptable for the work involved in the Project and current market conditions.

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 Gonsalves & Stronck Construction Company, Inc.

Gonsalves & Stronck Construction Company, Inc., has been involved in several City capital improvement projects and exhibited satisfactory performance. It has successfully completed the construction of Fire Stations Nos. 1, 33, 34, and most recently Fire Station No. 37 for the City of San José.

#### *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.

#### *Wage Theft Prevention Policy Check*

The Office of Equality Assurance reviewed bidders for compliance with the City's Wage Theft Prevention Policy on April 25, 2024 and again on May 14, 2024. No wage theft issues were identified.

#### *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: H.L. Murphy (San José) will be performing finish concrete work valued at approximately \$100,000. RSM (San José) will be performing exterior building work valued at approximately \$200,000. Lincoln Glass (San José) will be performing glazing work valued at approximately \$200,000. Elco Electric (San José) will be performing electrical work valued at approximately \$2,000,000. European Pavers (San José) will be performing site work valued at approximately \$100,000.

#### *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 that will reduce energy consumption and provides additional energy savings and energy resiliency. At the same time, the building has implemented zero net carbon features that eliminate 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 LEED Silver rating from the U.S. Green Building Council.

## **EVALUATION AND FOLLOW-UP**

Approval of this recommendation will enable the Project to move forward into the construction phase. No subsequent City Council action on this issue is expected.

## **COST SUMMARY/IMPLICATIONS**

All Project costs are funded through the Public Safety and Infrastructure Bond Fund (Fund 498); the total Project costs and construction contract budget are outlined below. Construction is scheduled to begin in late summer 2024 with completion in spring 2026.

In 2008, the City Council approved a set of Budget Principles that included a requirement (Budget Principle #8) 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, the operations and maintenance costs impacting the General Fund for this Project were included as Committed Additions in the 2025-2029 Five Year Forecast. The annual operations and maintenance costs are preliminarily estimated at approximately \$12.1 million for this dual-company fire station; a partial year amount of \$5.8 million is forecasted for 2025-2026. Further one-time funding of \$4.8 million has been allocated for fixtures, furnishings, and equipment that are not bond-eligible expenses. Staff does not anticipate a degradation of basic neighborhood services, especially given the essential service nature of the facilities, and recommends City Council certification of this Project.

### 1. TOTAL COST OF PROJECT:

Project Delivery*	\$7,436,291
Phase 1 demolition construction cost	502,154
Construction	12,867,777
Contingency	1,286,778
<b>TOTAL PROJECT COSTS</b>	<b>\$22,093,000</b>
Prior Years' Expenditures and Encumbrances through June 30, 2023*:	5,872,504
<b>TOTAL REMAINING PROJECT COSTS</b>	<b>\$16,220,496</b>

\*Project Delivery includes property acquisition, Phase 1 demolition work, and public art.

### 2. COST ELEMENTS OF CONTRACT:

General Requirements	\$2,300,000
Allowances	100,000

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Vapor intrusion mitigation system	78,000
Existing conditions, concrete, masonry, metals, wood, plastics, composites, thermal and moisture protection, openings, finishes, specialties, equipment, furnishings, fire suppression, plumbing, mechanical, electrical, generator, communications, electronic safety and security earthwork, exterior improvements, and utilities.	9,989,777

Bid Alternate No. 2: Photovoltaic panels on roof	400,000
<b>TOTAL BID AMOUNT</b>	<b>\$12,867,777</b>

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining Project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Current Total Appn	Rec. Budget Action	Amt. for Contract	2023-2024 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
498	415A	Measure T – New Fire Station 32	\$12,833,375*	\$3,016,000	\$12,867,777	783	10/17/2023, Ord. No. 30966
498	8575	Measure T – Program Reserve (Public Safety)	\$8,568,112	(\$3,016,000)	N/A	808	11/07/2023, Ord. No. 30972

\* Assumes City Council approval to add \$3.0 million for this Project, which was included in the Approval of Various Budget Actions for Fiscal Year 2023-2024 memorandum on June 18, 2024, to ensure there is sufficient funding for this Project. The appropriation will increase to a total of \$12.8 million.

**COORDINATION**

This memorandum and the related documents have been coordinated with the City Attorney's Office, Fire Department, and Planning, Building, and Code Enforcement Department.

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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 Planning, Building, and Code Enforcement Department 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 June 18, 2024 City Council Meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

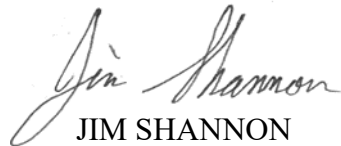
Mitigated Negative Declaration for the Fire Station No. 32 Project, File No. ER-22-068 (**Attachment B**-Mitigation Monitoring and Reporting Program-ER-22-068).

### **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, Deputy Director of Public Works, at [sal.kumar@sanjoseca.gov](mailto:sal.kumar@sanjoseca.gov)

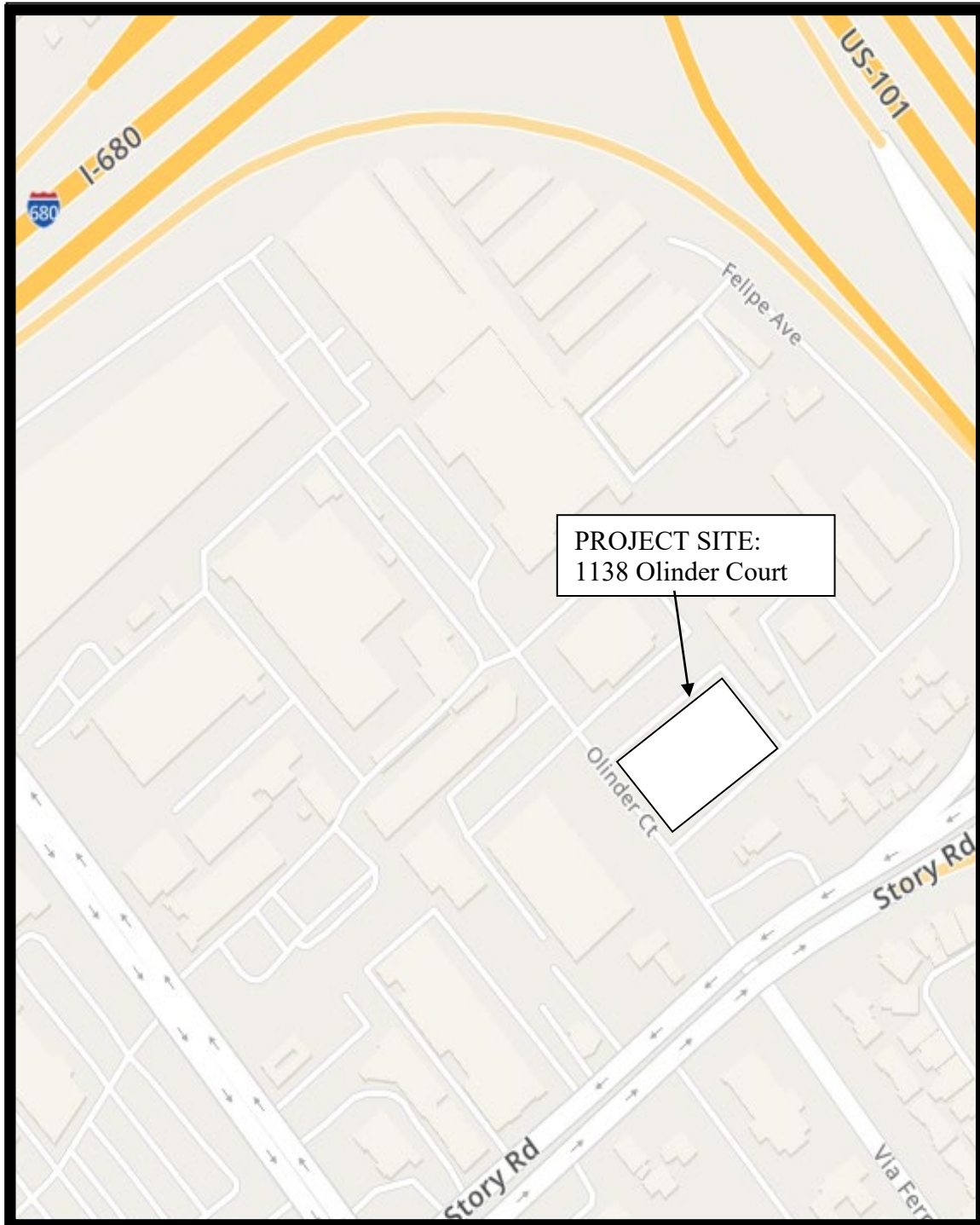
### **ATTACHMENTS:**

Attachment A - Location Map – 9162 – Fire Station No. 32 New (2018 Measure T) Re-Bid III Project

Attachment B - Mitigation Monitoring and Reporting Program – ER-22-068



Attachment A  
**Location Map**  
**9162 -FIRE STATION NO. 32 New (2018 Measure T) Re-Bid III**  
**Project**



**FIRE STATION NO. 32 NEW**  
NOT TO SCALE



## **MITIGATION MONITORING AND REPORTING PROGRAM**

### **New Fire Station No. 32 Project File No. ER22-068**

**May 2023**



# 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 (MMRP) 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 Planning, Building, and Code Enforcement or the Director's designee, the designee is understood to be other staff member(s) of the Department of Planning, Building and Code Enforcement.

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the New Fire Station No. 32 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.

The City of San José hereby agrees to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an Initial Study/Addendum for the proposed project. The City understands that these mitigation measures or substantially similar measures will be adopted as conditions of approval to avoid or significantly reduce potential environmental impacts to a less than significant level, where feasible.

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]
<b>AIR QUALITY</b>					
<b>Impact AIR-1:</b> Cancer risk from construction activities would be 20.0 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.					
<p><b>Mitigation Measure AIR-1: Tier 4 Engines.</b> 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:</p> <ul style="list-style-type: none"> <li>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 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</li> </ul>	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.	Prior to the start of construction activities	Director of Public Works or the Director's designee	Review and approve construction operations plan	Prior to the start of construction activities

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<p>or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement</p> <ul style="list-style-type: none"> <li>• Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.</li> </ul> <p>Off-road equipment descriptions and information shall be provided, including, but not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.</p> <p>Prior to the start of any construction activities, the Project proponent shall submit the construction operations plan and records of compliance to the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Implementation of Mitigation Measure AIR-1 using construction equipment meeting Tier 4 interim engine</p>					

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standards would reduce on-site diesel exhaust emissions from construction equipment by an average of 95 percent and avoid or reduce the potential environmental impact stated above to a less than significant level.					
<b>BIOLOGICAL RESOURCES</b>					
<b>Impact BIO-1:</b> Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.					
<b>Mitigation Measure BIO-1: Nesting Bird Protection Measures.</b> <ul style="list-style-type: none"> <li>• <b>Avoidance:</b> To the extent possible, the project proponent shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, 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.</li> <li>• <b>Nesting Bird Surveys:</b> If construction activities cannot be scheduled between</li> </ul>	Contract a qualified biologist to conduct preconstruction surveys for nesting birds. If active nests are identified, establish no-disturbance buffer zones around each nest, monitor construction activities near suitable habitat, when applicable, and implement the additional requirements in Mitigation Measure BIO-1.	Pre-construction nesting surveys 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.	Director of Public Works or the Director's designee	Confirm receipt of executed contract with a qualified biologist to perform pre-construction surveys prior to the start of any construction activities. Receive and review survey documentation, as well as monitoring	Executed contract with qualified biologist must be submitted prior to the start of any construction activities. Within 14 days prior to the start of vegetation removal, tree trimming and

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<p>September 1st and January 31st (inclusive), pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active nests are not disturbed by construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.</p> <ul style="list-style-type: none"> <li>• <b>Buffer Zone:</b> If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent</li> </ul>		<p>Also during and after construction work if active nests are identified.</p>		<p>reports and a final report if active nests are identified.</p>	<p>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.</p>

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<p>of a construction-free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for other 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 two days or more 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.</p> <ul style="list-style-type: none"> <li>• <b>Reporting:</b> Prior to any construction activities, the ornithologist/biologist shall submit a report indicating the results of the surveys 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.</li> </ul>					



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Implementation of Mitigation Measure MM BIO-1 will avoid or reduce the potential environmental impact stated above to a less than significant level by ensuring that nesting birds on the project site, and immediately adjacent to the project site, are identified and buffer zones are established around trees with nests to protect nests from construction activities if construction cannot avoid the nesting season.					
<b>CULTURAL RESOURCES</b>					
<b>Impact CUL-1:</b> Project ground disturbing activities could result in a substantial adverse change in the significance of an unrecorded archaeological resource.					
<b>Mitigation Measure CUL-1: Cultural Resources Awareness Training.</b>  Prior to the start of construction activities, the project proponent shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally	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.	Submit training documents for review and approval prior to start of construction activities. Submit confirmation training conducted prior to start of construction activities.	Director of Public Works or the Director’s designee	Review and approve training documents. Prior to construction, receive documentation to confirm training conducted.	Prior to the start of construction activities.

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<p>affiliated with the geographic area as described in Public Resources Code Section 21080.3.</p> <p>Implementation of Mitigation Measure MM CUL-1 will avoid or reduce the potential environmental impact stated above to a less than significant level by ensuring that construction workers are trained to identify any potential cultural resources, and that all ground disturbing activities are monitored by a qualified archaeologist and a Native American Monitor.</p>					
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
<b>Impact HAZ-1:</b> Development of the proposed project could potentially expose construction workers and the public to soil, soil vapor and/ or groundwater contamination from former onsite underground storage tank (USTs) or an off-site leaking underground storage tank (LUST) source during the demolition and construction phases of the project, and future site occupants to soil vapor contamination after construction.					
<b>Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.</b>  Prior to the commencement of construction activities, the City shall enter into an agreement with the Santa Clara County Department of Environmental Health (SCDEH) under their Site	Enter into an agreement with the Santa Clara County Department of Environmental under their Site Cleanup Program and perform additional soil, soil gas	Submit the Plan, vapor intrusion mitigation measures, and evidence of regulatory oversight for	Director of Public Works, or the Director's designee, and the Environmental Compliance Officer in the City of San	Review the Plan, vapor intrusion mitigation measures, and evidence of regulatory oversight.	Prior to the start of any construction activities.

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<p>Cleanup Program. The 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 former onsite underground storage tank (USTs) and an off-site leaking underground storage tank (LUST). 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 &amp; Safety Plan (HASP) and must establish remedial measures and/or soil management practices (including sampling protocols) to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during demolition/construction, dust control measures, and waste management. A management survey and test pit investigation shall also be performed to identify the potential presence of buried metallic objects, such as USTs or piping.</p>	<p>and/or groundwater sampling and testing to adequately define the known and suspected contamination from past uses of concern.</p> <p>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 Public Works or the Director's designee.</p>	<p>review and approval prior to the commencement of construction activities.</p>	<p>José's Environmental Services Department</p>		

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<p>Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures (VIMS) to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.</p> <p>The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p> <p>Implementation of Mitigation Measure HAZ-1 and the City’s Standard Project Conditions, potential impacts from upset or accidental hazardous material releases during or after project construction or due to being located on a Hazardous Waste and Substances Site List (“Cortese List”) site would be reduced to a less than significant level.</p>					

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<b>NOISE</b>					
<b>Impact NOI-1:</b> Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction.					
<p><b>Mitigation Measure NOI-1: Construction Phasing.</b></p> <p>Prior to the start of construction activities, 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.</p> <ul style="list-style-type: none"> <li>Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.</li> </ul>	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.	<p>Submit construction noise logistics plan for review prior to the start of construction activities.</p> <p>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</p>	Director of Public Works, or the Director's designee	Review and approve construction noise logistics plan. Prior to construction, receive documentation to confirm noise disturbance coordinator is in place.	Prior to start of construction activities.

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<ul style="list-style-type: none"> <li>Equip all internal combustion–driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>Prohibit unnecessary idling of internal combustion engines.</li> <li>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.</li> <li>Utilize “quiet” air compressors and other stationary noise sources where technology exists.</li> <li>Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</li> <li>Notify all adjacent businesses, residences, and other noise-sensitive</li> </ul>		impacts on neighboring residents and other uses.			

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<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>					

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<p>notice sent to neighbors regarding the construction schedule.</p> <ul style="list-style-type: none"> <li>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</li> </ul>					



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<p>performance standards, imposed by the City to limit noise impacts.</p> <p>Implementation of Mitigation Measure NOI-1 will reduce potential construction noise impacts near sensitive receptors to below the City noise ordinance standard (Title 20, Part 3, Section 20.100.450 of the City's Municipal Code) .</p>					

**Source:** Initial Study for the New Fire Station No. 32 Project, May 2023.