



COUNCIL AGENDA: 04-10-07

ITEM: 8.1

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
Darryl Von Raesfeld  
Larry D. Lisenbee

**SUBJECT:** SEE BELOW

**DATE:** 03-21-07

Approved

Date

3/26/07

**COUNCIL DISTRICTS:** 2 and 9

**SUBJECT: RELOCATION OF FIRE STATION NO. 12 AND FIRE STATION NO. 17,  
ADOPTION OF APPROPRIATION ORDINANCE AMENDMENTS AND APPROVAL  
OF FIRST AMENDMENTS TO CONSULTANT AGREEMENTS**

## RECOMMENDATION

- a. Report on bids and award of contract for the New Fire Station No. 12 and New Fire Station No. 17 projects to the low bidder, D. L. Falk Construction Company, Inc., to include the base bid and Add Alternates Nos. 1, 2, and 3 in the amount of \$6,795,729, and approval of a contingency in the amount of \$340,000.
- b. Adoption of the following 2006-2007 Appropriation Ordinance Amendments in the Neighborhood Security Bond Fund (Fund 475):
  1. Increase the Fire Station 12 - Relocation (Calero) appropriation by \$750,000;
  2. Increase the Fire Station 17 - Relocation (Cambrian) appropriation by \$750,000; and
  3. Decrease the Fire Training Center appropriation by \$1,500,000.
- c. Adoption of the following 2006-2007 Appropriation Ordinance Amendments in the Construction & Property Conveyance Tax Fund: Fire Protection Purposes (Fund 392):
  1. Establish a Fire Station 17 - Relocation (Cambrian) appropriation to the Fire Department in the amount of \$379,000;
  2. Increase the Fire Station 12 - Relocation (Calero) appropriation by \$380,000; and
  3. Decrease the Fire Bond Project Reserve by \$759,000.
- d. Consent to the request of the second low bidder, Swenson and Associates, Construction Company to be relieved of their bid for Fire Stations Nos. 12 and 17, due to a mathematical error in calculating its bid amount.

- e. Approval of the first amendment to the agreement with Don Dommer Associates, Inc. to increase the agreement compensation by the amount of \$51,670 from \$296,259 to \$347,929 and to extend the term of the agreement from January 31, 2008 to October 1, 2008.
- f. Approval of the first amendment to the agreement with Banducci Associates Architects to increase the agreement compensation by the amount of \$38,080 from \$308,475 to \$346,555 and to extend the term of the agreement from May 1, 2007 to October 1, 2008.
- g. Adoption of a resolution approving the Relocated Fire Station No. 12 Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

### **OUTCOME**

Approval of this construction contract to D.L Falk Construction Company, Inc. will enable the New Fire Station No. 12 and 17 projects to go forward. Approval of the five percent contingencies will provide funding for any unanticipated work necessary for the proper completion or construction of the projects. Approval of the Appropriation Ordinance amendments will provide sufficient funding to award the contract and manage the project through construction. Approval of the amendments to the two architectural consulting agreements will provide sufficient funds and contract terms necessary to secure services through to completion of the construction of the subject projects.

### **EXECUTIVE SUMMARY**

Due to adverse bidding conditions in the summer and fall of 2006, leading to the Council rejection of high bids for the Fire Station 17 project in September 2006, the plans for the Fire Station 12 and Fire Station 17 projects were bundled into a single contract package for bidding in early 2007 with the goal of receiving improved bid results. Bids were received on February 27, 2007 for the Relocation of Fire Station Nos. 12 and 17, and staff recommends the award of a construction contract to the low bidder, D.L. Falk Company, Inc., for \$6,795,729 inclusive of add alternate Nos. 1 through 3. Additional work was required of the design consultants for each project to merge the bid documents for a single contract. Therefore the respective agreements for the design services with Don Dommer Associates, Inc. and Banducci Associates Architects will need to be amended in order to restore the construction phase services, increasing the amount of compensation collectively by \$89,750.

An appropriation of additional funds is required to fund the full estimated cost of the two projects and the additional consultant services. Staff recommends adoption of appropriation ordinance amendments in the Construction and Property Conveyance Tax Fund: Fire Protection Purposes and the Neighborhood Security Fund to increase the total project budget by \$2,259,000 to allow award of the construction contract with incorporation of all Add Alternates such as

concrete driveways in lieu of asphalt, emergency generators and fuel storage tanks, as well as landscaping and irrigation systems.

## **BACKGROUND**

In March 2002, San José voters passed the Neighborhood Security Bond Act that approved the issuance of \$159 million in General Obligation bonds to fund the construction of various public safety facilities. A portion of the items funded under the Bond Act is the construction of four new fire stations to replace four existing stations. Fire Station No. 12 is the second replacement station and will be located on a portion of a parcel located at 5912 Cahalan Avenue adjacent to the Santa Teresa Catholic Church. The proposed station will replace the existing Fire Station 12, currently located at 502 Calero Avenue, a little less than one mile from the proposed fire station (map attached). Fire Station No. 17, the third replacement station, will be located at 5170 Coniston Way at the northeast corner of Blossom Hill Road and Coniston Way (map attached). This relocated fire station will replace the existing station currently located at 1494 Ridgewood Drive near the intersection of Dent Avenue and Kooser Road.

The proposed fire stations have similar design programs of approximately 6,400 square feet to meet the new public safety programming requirements for firefighter operations and have been designed as two-story, single company stations with two apparatus bays each. The new design program improves the ratio of space usage between the living and work areas while providing for gender privacy and ADA accessibility of public areas. The proposed stations will include offices, four bunkrooms, dining room, kitchen, day room, exercise room, turnout room and storage rooms. They have also been designed to meet the additional requirements of an "Essential Services Facility" as defined by Section 16007 of the California Health and Safety Code.

On August 10, 2006, bids were received for Fire Station No. 17. On average, the bids were 38% over the Engineer's Estimate. On September 5, 2006, Council rejected all bids, and directed staff to re-evaluate the Fire Station 17 project for re-bidding. Further review of the one company fire station program and design elements by staff demonstrated that no significant extraneous building or site elements existed in the program. In response to the need to reduce costs without major scope reductions or significant re-engineering, staff took the following steps:

- ***Constructability Review of Fire Station No. 17:*** Staff performed an additional constructability review of the plans as well as an underground survey of both Blossom Hill Road and Coniston Way. These measures revealed potential cost savings in delivery of the utilities to the site and then staff made corresponding adjustments to the plans.
- ***"Bundled" Stations 12 and 17 together as one project:*** Staff has estimated that one contractor for both projects would be able to deliver a cost reduction by gaining efficiencies in the delivery cost. As both buildings were of similar size and construction, portions of the two buildings were standardized to increase constructability, potentially

reducing costs. These elements include roofing material, windows, exterior components, casework and interior finishes. The total construction time frame was also extended to allow greater flexibility in managing the contract trades between the sites.

- **Add Alternate Strategy:** To further increase the likelihood of an awardable construction contract with available funds, staff included three significant Add Alternate scope items common to both Fire Station Nos. 12 and 17. The base bid scopes for each station were reduced by replacing the standard concrete driveways with asphalt, removal of all landscape planting and irrigation systems and lastly by removal of the above-ground diesel fuel storage tank and emergency generator. These items were then structured as three add-alternates with an estimated combined value for both stations at \$767,000. Because these items all have significant operational, maintenance and/or aesthetic impacts on these projects, staff is recommending them for award and has identified sufficient funding.

The Engineer's Estimates for the three Add Alternate bid items for this bundled package are as follows:

<u>Add Alternates Description</u>	<u>Engineer's Estimate</u>
1. Provide irrigation and planting (both stations)	\$160,000
2. Provide concrete driveways in lieu of asphalt (both stations)	\$ 67,000
3. Provide emergency generators and fuel tanks (both stations)	\$540,000

Construction is scheduled to begin in May 2007 with completion in summer 2008.

**ANALYSIS**

*Construction Contract Bid Results:*

Bids were opened on February 27, 2007 with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Add Alternates</u>	<u>Variance Amount</u>	<u>Over/(Under) Percent</u>
Zolman Development (San Carlos)	\$7,550,000	\$570,000	\$1,253,000	18
Gonsalves & Stronck Construction Co., Inc. (San Carlos)	7,144,777	669,000	\$946,777	14
BRCO Constructors (Loomis)	6,890,000	845,000	\$868,000	13
Swenson Associates (Campbell)	6,880,000	711,000	\$724,000	11
D. L. Falk Construction (Hayward)	6,183,000	612,729	(\$71,271)	-1
<b>Engineer's Estimate</b>	<b>6,100,000</b>	<b>767,000</b>		

<u>Contractor</u>	Add Alt <u>No. 1</u>	Add Alt <u>No. 2</u>	Add Alt <u>No. 3</u>
Zolman Development	\$100,000	\$100,000	\$370,000
Gonsalves and Stronck Construction, Company, Inc.	107,000	87,000	475,000
BRCO Constructors, Inc.	110,000	85,000	650,000
Swenson Associates, Inc.	140,000	96,000	475,000
D.L. Falk, Construction	109,460	98,955	404,314
<b>Engineer's Estimate</b>	<b>160,000</b>	<b>67,000</b>	<b>540,000</b>

The Engineer's Estimate for this bundled construction contract, inclusive of all Add Alternates, is \$6,867,000, which is greater than current combined construction budget of \$5,178,000 for the two projects. The current combined budget was based on estimates developed in early 2006, which have since been further impacted by the sharp increase in construction costs, as previously reported to the City Council on January 30, 2007. To award this construction contract with or without all of the Add Alternates in the current fiscal year, additional funds beyond that currently budgeted are required. In order to offset these higher costs, a reduction in the Fire Training Center appropriation is recommended to help fully fund the Fire Station No. 12 and 17 projects.

In December 2006, installation of over an acre of asphalt resurfacing was completed at the existing Fire Training Center. Even with the above recommended reduction, sufficient funding will still be available to complete the remaining planned minor retrofits and remodeling to the existing Fire Training Center.

Given that the cumulative value of the Add Alternates' bids is favorable, staff recommends award of these elements in order to gain the value for the long-term operation and maintenance of the facility and, with the generator, to include this required element of an essential facility. Staff recommends a reduction to the Fire Bond Project reserve in order to fund the cost of including the Add Alternates in this project. Taking the above recommended adjustments into account, staff will propose a balanced Public Safety Capital Program as part of the upcoming 2008-2012 Proposed Capital Improvement Program, which will include recommendations that will minimize the impact of escalated construction costs on project delivery.

The low bid submitted by D.L. Falk Construction Company, Inc. is one percent below the Engineer's Estimate. Staff considers the bid reasonable for the work involved in the project. The net total benefit of re-bidding and bundling is estimated to be approximately \$125,000. Staff is recommending that all of the Add Alternates be awarded at this time due to the favorable pricing, the increased costs anticipated in implementing them at a later date, the availability of the required funding in current year appropriations, and the near and long term functional, maintenance, and aesthetic benefits of implementing them in the current contract.

Council policy provides for a contingency of ten percent for new building construction. Staff however recommends a construction contingency of five percent to allow sufficient funds to be allocated toward the balance of the Public Safety Bond capital program.

The second low bidder, Swenson and Associates Construction Company, Inc., has requested the City consent to relieving them of their bid due to a clerical error in the calculations for one of the major portions of the work. Swenson has provided adequate documentation to this effect; staff therefore recommends that Swenson be relieved of its bid.

*Consultant Agreement Amendments:*

Amendments to the existing consultant agreements for architectural design services with both Don Dommer Associates, Inc. (hereinafter "DDA") and Banducci Associates Architects (hereinafter "BAA") have been prepared for Council consideration. DDA is the consultant for Fire Station No. 12, and BAA is the consultant for Fire Station No. 17. To achieve the construction efficiencies for both projects, staff engaged both consultants to make revisions to their respective plans and specifications to bundle the two projects into a single construction contract package. In order to accomplish the bundling in time for an early 2007 bid and as provided for in Appendix D of each existing agreement, this additional work was authorized by shifting fees within the respective agreements to compensate for the new work. While this action allowed the change in scope of services to be accomplished efficiently, it de-funded the upcoming construction support services of each consultant. The recommended amendments will add compensation to each agreement that will restore those necessary services during construction. Staff further recommends an additional \$15,000 for DDA, and \$8,300 for BAA for tasks that may arise during construction for the Relocation of Fire Station Nos. 12 and 17 projects. The total additional fees for each consultant are reflected in the table below.

<u>Don Dommer Associates, Inc.</u>		<u>Banducci Associates Architects</u>	
Agreement	\$ 296,259	Agreement	\$ 308,475
First Amendment	51,670	First Amendment	38,080
<b>TOTAL</b>	<b>\$ 347,929</b>	<b>TOTAL</b>	<b>\$ 346,555</b>

In addition, the amendments extend both contract terms to October 1, 2008 to compensate for the additional construction timeline as required by the bundled contract.

**POLICY ALTERNATIVES**

**Alternative #1:** Reject all bids and direct staff to revise the design of the proposed Fire Station Nos. 12 and 17 to reduced costs to within current funding levels.

**Pros:** Reduce overall costs and preserve funding for the remainder of the Safety Bond Capital Program.

**Cons:** Scope reductions required to meet existing funding level will require elimination or deferral of major functional elements of the fire stations such as concrete paving, the second apparatus bay and emergency generators, and will incur significant additional design and management costs. The schedule for projects would also be delayed an additional six to nine months, thereby incurring increased construction escalation costs.

**Reason for not recommending:** The required reductions in scope would adversely impact long term maintenance costs while limiting the functionality of the station. Schedule delays will cause additional construction cost escalation thereby requiring even greater scope reductions.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item meets Criteria 1. To comply with City policy and to generate interest among subcontractors, this project was listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects were provided to various contractor organizations and builder's exchanges.

In August of 2004, as part of the land acquisition process for Fire Station Nos. 12 and 17, letters were distributed to property owners within a 1,000-foot radius of the proposed new sites as well as the existing respective stations, soliciting input from the community on the relocations.

In addition, during the design phase, staff held separate public meetings to solicit community input regarding the design of each of the relocated fire stations. Meeting notices and flyers were posted at nearby public facilities and mailed to residents and neighborhood associations within 1,000 foot distance of each project site.

This memorandum will be posted on the City's Internet website for the April 10, 2007 Council agenda.

**COORDINATION**

This project and memorandum have been coordinated with the City Attorney's Office and the Departments of Planning, Building and Code Enforcement and General Services.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with the Council approved Budget Strategy to continue with capital investments that spur construction spending in our local economy.

**COST SUMMARY/IMPLICATIONS**

1. COST OF RECOMMENDATION/PROJECT: \*

Project Delivery	\$ 2,650,000	
Construction	6,795,729	
Contingency	340,000	
<b>TOTAL PROJECT COSTS</b>	<b>\$ 9,785,729</b>	
Prior Year Expenditures	1,344,655	**
<b>REMAINING PROJECT COSTS</b>	<b>\$ 8,441,074</b>	

\* Combined total for both projects

\*\* A total of \$1,344,655 was expended from 2002-2003 thru 2005-2006 for project delivery costs for Fire Station Nos. 12 and 17 combined.

2. COST ELEMENTS:

a. ELEMENTS OF CONSTRUCTION CONTRACT: \$6,795,729  
 This is a Lump Sum Contract.

b. ELEMENTS OF AGREEMENTS: *	ORIGINAL	AMENDMENTS	
Program Review / Design Scoping	25,905	0	
Schematic Design	38,855	0	
Design Development	84,255	0	
Construction Documents	264,478	0	
Bidding and Award	9,505	66,450	
Construction Administration	104,005	0	
Record Documents / Project Closeout	10,072	0	
Additional Services	67,659	23,300	
<b>TOTAL ORIGINAL AGREEMENTS:</b>	<b>\$604,734</b>	<b>\$89,750</b>	**
<b>TOTAL ORIGINAL PLUS AMENDMENTS:</b>		<b>\$ 694,484</b>	

\* Combined total for both agreements

\*\* Amendment Breakdown: \$51,670 (Don Dommer Associates Inc)  
 \$38,080 (Banducci Associates Architects)

3. SOURCE OF FUNDING: 475 – Neighborhood Security Bond Fund  
 392 – Construction and Property Conveyance Tax Fund:  
 Fire Protection Purposes
4. OPERATING COSTS: The relocated Fire Stations 12 and 17 will have a combined annual operating and maintenance impact of \$38,400 starting in 2008-2009. Augmentations to annual budgets will be submitted through the budget process in that year, subject to approval by the City Council.

**BUDGET REFERENCE**

Fund No.	Appn. No.	Appn. Name	RC No.	Total Appn.	Amt. For Contracts		2006-2007 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
<b><u>Remaining Project Costs</u></b>				\$ 8,441,074				
<b><u>Current Funding Available</u></b>								
475	4545	Fire Station 12-Relocation (Calero)	122865	\$ 2,871,000	\$ 2,282,365 \$ 38,080	(Falk) (Dommer)	V-841	10/17/06 Ord. No.27888
392	4545	Fire Station 12-Relocation (Calero)	TBD	\$ 143,000	\$ 143,000	(Falk)	V-841	
475	4807	Fire Station 17 – Relocation (Cambrian)	128965	\$ 3,116,000	\$ 2,370,364 \$ 51,670	(Falk) (Banducci)	V-842	10/17/06 Ord. No.27888
<b>Total Current Funding Available</b>				<b>\$ 6,130,000</b>	<b>\$ 4,885,479</b>			
<b>Funding in future years of CIP*</b>				\$ 53,000				
<b><u>Recommended Budget Actions</u></b>								
475	4549	Fire Training Center		\$1,500,000**	\$ 1,500,000	(Falk)	V-850	10/17/06 Ord. No.27888
392	7083	Fire Bond Project Reserve		\$ 759,000***	\$ 500,000	(Falk)	V-890	N/A
<b>Total Funding for Project</b>				<b>\$ 8,442,000</b>	<b>\$ 6,885,479</b>			

\* A total of \$53,000 is currently programmed in 2007-2008 as part of the 2007-2011 Adopted Capital Improvement Program.

\*\* The Fire Training Center appropriation in the Neighborhood Security Bond Fund totals \$2,653,000. Out of this amount, a total of \$1.5 million is proposed to be reallocated toward the award of the Fire Station Nos. 12 and 17 projects.

\*\*\* The Fire Bond Project Reserve in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes currently totals \$768,000. Of this amount, a total of \$759,000 is proposed to be reallocated toward the Fire Station Nos. 12 and 17 projects.

HONORABLE MAYOR AND CITY COUNCIL

03-21-07

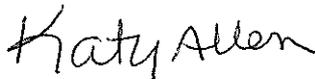
**Subject: Relocation of Fire Station No. 12 and Fire Station No. 17, Approval of First Amendments to Consultant Agreements and Adoption of Appropriation Ordinance Amendments**

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**CEQA**

Fire Station No. 12: Mitigated Negative Declaration, PP05-071: Planning has issued a mitigated negative declaration for this project. The mitigated negative declaration identifies a number of mitigations that need to be implemented in order to address environmental impacts. These mitigation measures and their manner of implementation are identified in the Mitigation Monitoring and Reporting Program for the project. These mitigations have been incorporated into the project design and the construction documents. As part of today's action, staff is requesting Council to approve these mitigations and their manner of implementation, as set forth in the Mitigation Monitoring and Reporting Program, and direct the implementation of these mitigations as part of the project.

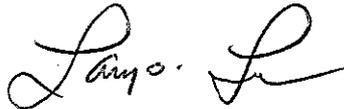
Fire Station No. 17: Exempt, PP05-275



KATY ALLEN  
Director, Public Works Department



DARRYL VON RAESFELD  
Chief, Fire Department

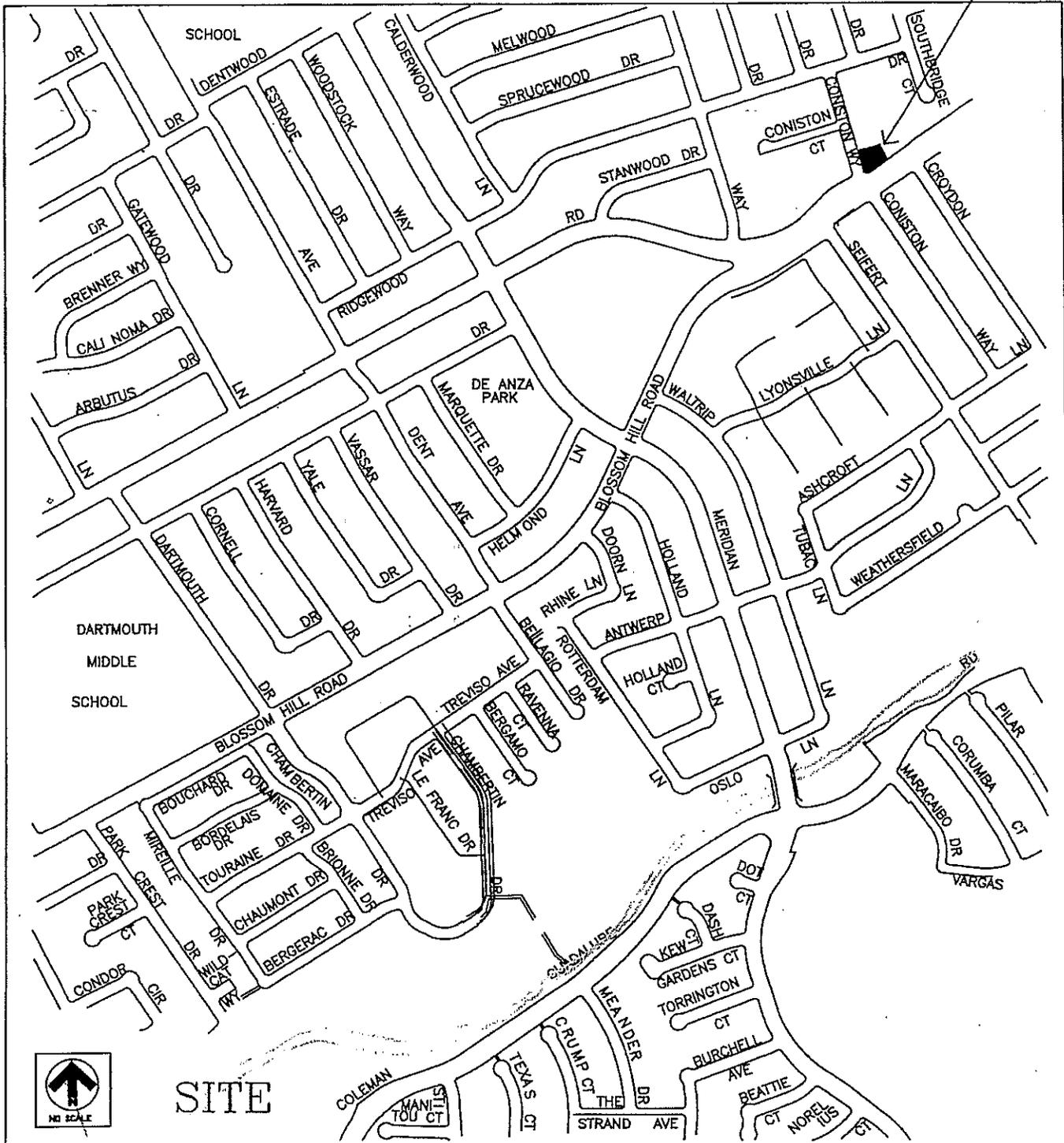


LARRY D. LISENBEE  
Budget Director

For questions please contact DAVE SYKES, ASSISTANT DIRECTOR, PUBLIC WORKS DEPARTMENT, at (408) 535-8300.

KJ:fm:lw  
Attachments  
Fire Station No. 12 and 17 supplemental

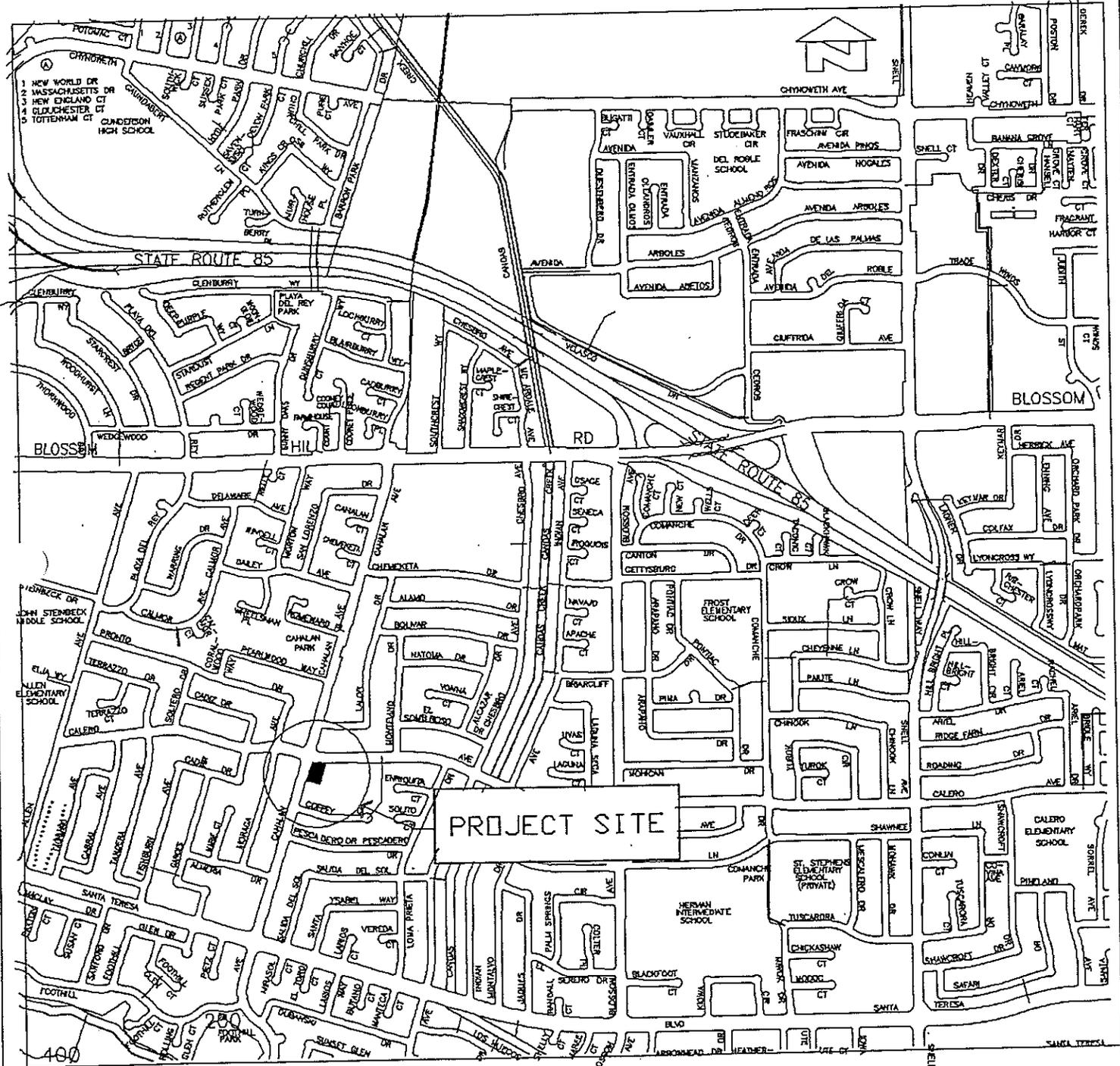
# FIRE STATION NO. 17



SITE

# FIRE STATION NO. 17 LOCATION MAP

N.T.S.



**FIRE STATION # 12**  
**LOCATION MAP**  
 NOT TO SCALE



POSTED ON APR 19 2005 THROUGH 5-9-05  
IN THE OFFICE OF THE COUNTY CLERK-RECORDER  
BRENDA DAVIS, COUNTY CLERK LAURA RIVAS  
BY \_\_\_\_\_ DEPUTY  
*Department of Planning, Building and Code Enforcement*  
STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

**Project File Number, Description, and Location:** Public Project File No. PP05-071, Fire Station No. 12. The project consists of acquisition of a 0.6-acre site and development of an approximately 6,200-square-foot, two-story fire station, plus related parking spaces, driveways, landscaping, and emergency back-up generator for use during power interruptions (City of San Jose, property owner/applicant). Council District: 10. The project location consists of a portion of an existing church-owned property at the southeast corner of Cahalan Avenue and Calero Avenue (see location map, attached). Note: No changes to the remainder of the church property are currently proposed.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location does not contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on Tuesday, May 10, 2005, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on Wednesday, April 20, 2005 and ends on Tuesday, May 10, 2005.

A public hearing on the project described above is tentatively scheduled for Tuesday, May 17, 2005 at 7:00 PM in the City of San Jose Council Chambers, 801 N. First Street, San Jose 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. on Mondays, Wednesdays, and Fridays, and 10:00 a.m. to 5:00 on Tuesdays and Thursdays at:

- City of San Jose Department of Planning, Building, and Code Enforcement  
801 N. First Street (City Hall), Room 400, San Jose 95110

The documents are also available at:

- Dr. Martin Luther King, Jr. main library (150 E. San Fernando Street, San Jose 95112)
- Pearl Avenue branch library (4270 Pearl Avenue, San Jose 95136)
- On the internet at <http://www.sanjoseca.gov/planning/eir/MND.htm>

Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City ordinance. For additional information, please contact Darren McBain in the Department of Planning, Building, and Code Enforcement's Environmental Review Team at (408) 277-8567, or e-mail [darren.mc Bain@sanjoseca.gov](mailto:darren.mc Bain@sanjoseca.gov)

For general information about the Fire Station No. 12 project, its operations, and anticipated timeline for completion, please contact Ruben Alvarez in the City Facilities Architectural Services Division of the Department of Public Works, (408) 277-4777 or e-mail [ruben.alvarez@sanjoseca.gov](mailto:ruben.alvarez@sanjoseca.gov)

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Deputy

Circulated on: 4/20/05

**ENDORSED**

APR 19 2005

BRENDA DAVIS, County Clerk-Recorder  
Santa Clara County

By Deputy  
LAURA RIVAS

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING THE FIRE STATION NO. 12 PROJECT, FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San Jose prepared an Initial Study and adopted a Mitigated Negative Declaration for the Fire Station No. 12 Project (Planning File No. PP05-071) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

**WHEREAS**, the Fire Station No. 12 Project ("Project") analyzed under the Initial Study/Mitigated Negative Declaration consisted of acquisition of a 0.6-acre site and development of an approximately 6,200-square-foot, two-story fire station, plus related parking spaces, driveways, landscaping, and emergency back-up generator for use during power interruptions. The project site is located at the Southeast Corner of Cahalan Avenue and Calero Avenue; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the 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 environment 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

**WHEREAS**, the City of San Jose is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project; 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 the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

**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 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 as lead agency for the Project. The City Council designates the Director of Public Works at the Director's Office at 200 East Santa Clara Street Tower 3, San Jose CA 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby approve construction of the Project (Planning File No. PP05-071) and adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street Tower 3, San Jose CA 95113 and (2) available for inspection by any interested person.

ADOPTED this            day of           , 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

---

Chuck Reed  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

**MITIGATION MONITORING AND REPORTING PROGRAM**

**FILE NO. PP05-071**

**FIRE STATION 12**

**CITY OF SAN JOSE**

**August 2006**

**FIRE STATION #12  
MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation/Timing	Timeframe and Responsibility for Implementation	Method of Compliance
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**Air Quality**

<p>Construction of the project would result in significant short-term air quality (dust) impacts. Implementation of the attached mitigation measures would reduce these impacts to a less-than-significant level.</p>	<p>In order to minimize PM<sub>10</sub> emissions, the project proponents shall implement the following measures during construction:</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.</li> <li>▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>▪ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>▪ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.</li> <li>▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</li> </ul>	<p>To be implemented during the grading and construction phases by the construction superintendent.</p>	<p>Director of Public Works shall ensure that all dust control measures are printed on construction documents, plans, and contracts, and are implemented during construction.</p>
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**Biological Resources**

<p>The project would result in the removal of up to eleven trees for the site, six of which are ordinance-size (greater than 56" in circumference).</p>	<p>All trees to be removed from the site shall be replaced in accordance with the City's standards, and an approved landscaping plan shall be implemented. In addition, the</p>	<p>To be implemented during the site design and construction phases by the Director of Public Works</p>	<p>Director of Public Works shall ensure that the tree replacement and protection requirements are printed on construction documents, plans,</p>
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	<p>project shall employ measures to protect existing trees, as set forth in the text of the MND. The following measures shall be implemented to protect trees to remain on the project site:</p> <p><u>Pre-construction measures:</u></p> <ol style="list-style-type: none"> <li>1. The construction superintendent shall meet with the City Arborist or a consulting arborist prior to beginning work to discuss work procedures and tree protection.</li> <li>2. Fence all trees to be retained to completely enclose a tree protection zone prior to demolition, grubbing or grading. Fences shall be 6-foot chain link or equivalent as approved by the consulting arborist. Fences are to remain until all grading and construction is completed.</li> <li>3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.</li> </ol> <p><u>Measures during construction:</u></p> <ol style="list-style-type: none"> <li>1. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.</li> <li>2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.</li> </ol>		<p>and contracts, and are implemented during construction.</p>

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	<p>3. Supplemental irrigation shall be applied as determined by the consulting arborist.</p> <p>4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.</p> <p>5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.</p> <p>6. Any additional tree pruning needed for clearance during construction must be performed or supervised by the consulting arborist and not by construction personnel.</p> <p>7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.</p>		
<p>Construction of the project, including tree removal and/or site grading activities could result in raptor nest abandonment and loss of nestling raptors or eggs, if present.</p>	<p>Construction should be scheduled between Oct-Dec. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active nests that may be disturbed. Between Jan-Apr, pre-construction surveys shall be conducted no more than 14 days prior to construction. Between May-Aug, pre-construction surveys shall be conducted no more than 30 days prior to construction. The ornithologist shall inspect all trees in and adjacent to the</p>	<p>To be implemented during the project scheduling and construction phases by the Director of Public Works</p>	<p>Environmental Principal Planner and Director of Planning, Building and Code Enforcement shall ensure that any necessary pre-construction surveys are completed and appropriate measures implemented to protect raptors.</p>

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	<p>construction area for raptor nests. If an active raptor nest may be disturbed by construction, the ornithologist shall, in consultation with CDFG, designate a construction-free buffer zone (typically 250' around the nest). The applicant shall submit a report of the results of the survey to the City's Environmental Principal Planner prior to the issuance of any grading or building permit.</p>		
<b>Cultural Resources</b>			
<p>No archaeological resources are known to be present on the site. However, the project could uncover unknown buried cultural resources during construction.</p>	<p>In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code. A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy.</p> <p>In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains, and the County Coroner notified. If the remains are Native American, the Native American Heritage Commission (NAHC) shall be notified.</p>	<p>To be implemented, if necessary, by the Director of Planning, Building and Code Enforcement, Director of Public Works, County Coroner during construction</p>	<p>The Director of Public Works shall coordinate with the Director of Planning, Building and Code Enforcement to ensure cultural resource mitigation is designed and implemented. The County Coroner shall notify the NAHC if human remains are encountered that may be Native American.</p>

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<b>Geology</b>			
<p>The proposed development would be subject to significant soil and seismic hazards.</p>	<p>The proponent shall prepare a formal geotechnical investigation for the project prior to completion of final design. The geotechnical investigation will be reviewed and approved by the Public Works Department prior to construction of the project, and the results of this investigation incorporated into final project design prior to the issuance of any grading or building permit.</p>	<p>To be implemented by the Director of Public Works prior to final design of the facility.</p>	<p>Director of Public Works shall review the geotechnical analysis and coordinate with the City Geologist to ensure implementation of the recommended design measures.</p>

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<b>Hydrology &amp; Water Quality</b>			
<p>Development of the fire station could result in increased storm water pollution during construction that could impact water quality.</p>	<p>Site specific post-construction BMPs shall be included in the final project design in accordance with provision C.3 of the City of San Jose's NPDES permit and all other local, state, and federal requirements. <u>Such measures should include the following:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Restrict grading to the dry season or meet City requirements for grading during the rainy season;</u></li> <li>▪ <u>Use BMPs to retain sediment on the project site;</u></li> <li>▪ <u>Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains;</u></li> <li>▪ <u>Provide temporary cover of disturbed surfaces to help control erosion during construction;</u></li> <li>▪ <u>Provide permanent cover to stabilize the disturbed surfaces after construction;</u></li> <li>▪ <u>Comply with the City's NPDES permit requirements, ordinances, and policies related to storm water management, the SWRCB's General Permit for Discharges of Storm Water associated with Construction Activity, and all other applicable local, state, and federal requirements;</u></li> <li>▪ <u>Construct grass-lined swales where feasible;</u></li> <li>▪ <u>Install downspouts that are disconnected from the sanitary sewer system;</u></li> <li>▪ <u>Increase landscaping; and</u></li> <li>▪ <u>Stencil inlets with the message "No dumping -- Flows to Bay."</u></li> </ul>	<p>To be implemented by the Director of Public Works prior to final site design and during construction and operation of the facility</p>	<p>Director of Public Works shall review and approve the erosion control plan and ensure that future development complies with NPDES and RWQCB requirements.</p>

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<b>Noise</b>			
Noise from the fire station could occasionally create nuisances at adjacent residential uses, particularly those in close proximity to the site.	At the final design phase, a project-specific acoustical analysis will be conducted to determine noise generated by activities at the fire station site (e.g., testing, generator use) and identify appropriate attenuation measures to be implemented by the project, where possible, to maintain noise levels at adjacent residences at acceptable levels (typically 55 dBA DNL at the residential property line). The generator would require environmental review upon final project design to evaluate noise and air quality specifications and attenuation measures.	To be implemented by the Environmental Principal Planner and Director of Public Works prior to final site design.	The Director of Public Works shall coordinate with the Environmental Principal Planner, Director of Planning, Building and Code Enforcement to ensure that the necessary noise attenuation measures from the acoustical analysis are incorporated into the design of the project.
Existing noise in the project area could impact fire station staff that occupy the station during 24-hour shifts.	At the final design phase, a project-specific acoustical analysis will be conducted to determine existing noise levels and identify appropriate attenuation measures to assure that interior noise levels do not exceed 45 dBA DNL. Building noise attenuation measures typically include provision of forced-air mechanical ventilation to allow windows to be kept closed to control noise, as well as use of sound-rated windows and doors, sound-rated wall construction, and acoustical caulking.	To be implemented by the Director of Public Works during preparation of construction drawings for the proposed building	Director of Public Works shall ensure that the necessary noise attenuation measures are incorporated into the design of the building