



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
Albert Balagso  
Larry D. Lisenbee

**SUBJECT:** SEE BELOW

**DATE:** 04-25-07

Approved

Date

4/30/07

**COUNCIL DISTRICT:** 5

**SNI:** Mayfair

**SUBJECT: REPORT ON BIDS AND AWARD OF THE CONSTRUCTION CONTRACT FOR THE MAYFAIR COMMUNITY CENTER PROJECT AND ADOPTION OF APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE SERVICES FOR REDEVELOPMENT CAPITAL PROJECTS FUND (CITY-SIDE REDEVELOPMENT FUND) AND ADOPTION OF APPROPRIATION ORDINANCE AMENDMENTS IN THE SUBDIVISION PARK TRUST FUND AND THE CONSTRUCTION TAX AND PROPERTY CONVEYANCE TAX FUND: PARKS PURPOSES COUNCIL DISTRICT 5**

## RECOMMENDATION

- a. Report on bids and award of construction contract for the Mayfair Community Center Project in the amount of \$12,600,000, for the base bid and Add Alternate Nos. 1, 2, 3 and 4 to the low bidder, Zolman Construction, Inc. for the total amount of \$13,545,000, and approval of a contingency in the amount of \$1,355,000.
- b. Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  1. Increase the estimate for Earned Revenue by \$2,348,000; and
  2. Increase the appropriation to the Department of Public Works for the Mayfair Community Center appropriation (PSM #436, Amendment 1) in the amount of \$2,348,000.
- c. Adoption of the following appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
  1. Increase the Mayfair Community Center Satellite appropriation by \$130,000; and
  2. Decrease the Reserve: Future PDO/PIFO Projects by \$130,000.
- d. Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5 (Fund 382):

1. Decrease the Mayfair Community Center Satellite appropriation by \$679,000; and
  2. Increase the Ending Fund Balance by \$679,000.
- e. Adoption of a resolution incorporating the environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the Mayfair Community Center and Park Master Plan into the Mayfair Community Center Project and all other projects implemented pursuant to the Master Plan.

### **OUTCOME**

Award of a construction contract to Zolman Construction, Inc. will allow the construction of the new Mayfair Community Center, swimming pool, water feature play area, and playground to proceed, with scheduled completion in winter of 2008. Approval of a ten percent contingency will provide funding for any unanticipated work necessary for the completion of the project. Approval of the Appropriation Ordinance amendments in the Services for Redevelopment Capital Projects Fund, the Subdivision Park Trust Fund and the Council District 5 Construction and Property Conveyance Tax Fund will provide sufficient funding to award the project and provide savings in the amount of \$679,000 in the Council District 5 Construction and Property Conveyance Tax Fund.

### **EXECUTIVE SUMMARY**

The purpose of this memorandum is to report on bids received for the Mayfair Community Center project, a 21,000 square foot building and park master plan build out located within Mayfair Park. This community center and park will serve as the main recreational and educational facility for Council District 5.

### **BACKGROUND**

The Mayfair Community Center located at Mayfair Park is bound by King Road to the west, Alum Rock Avenue to the north, Silver Creek to the east and Highway 280 to the south (map attached). The existing site includes the current 6,400 square foot Mayfair Community Center, swimming pool and aged playground. The entire western half of the existing park is developed in community gardens which are very popular with the residents. In November 2000, the residents of San José approved and passed Measure P, the Safe Neighborhood Parks and Recreation Bond, which allocated funds to replace the existing center with a new 20,000-square foot facility and to relocate the swimming pool.

In December 2005, the proposed master plan was presented to and accepted by the community and on August 29, 2006 the Council approved the master plan. Master plan elements include a community center housing offices, banquet halls, commercial kitchen, classrooms, offices, computer room, lounge, fitness room, arts and crafts and a children's room. The site elements include a swimming pool, parking, playground and a water feature play area. The community gardens are preserved in their existing configuration, except for an unused portion in a fenced area to house the new skate park.

The community center facility is designed for Leadership in Energy and Environmental Design (LEED) certified level and will be registered with the U.S. Green Building Council (USGBC).

In addition to the base bid scope of work there are six Add Alternate bid items:

<u>Add Alternates Description</u>	<u>Engineer's Estimate</u>
1. Wet play area "spray ground" feature	\$501,703
2. Skate Park	381,971
3. "Skyfold" acoustic partition, or approved equal	182,332
4. Portable Audio Visual Equipment	29,781
5. Certified Wood	134,743
6. LEED Submission to USGBC	N/A

Construction is scheduled to begin in June 2007 with completion in winter 2008.

**ANALYSIS**

Bids were opened on March 22, 2007 with the following results.

<u>Contractor</u>	<u>Base Bid</u>	<u>Add Alts</u> 1 through 4	<u>Total</u>	<u>Variance</u> <u>Amount</u>	<u>Over/(Under)</u> <u>Percent</u>
BRCO Construction (Loomis)	\$15,000,000	\$1,290,000	\$16,290,000	\$1,592,754	11
Bogard Construction (Santa Cruz)	14,598,612	1,044,644	15,643,256	946,010	6
Midstate Construction (Petaluma)	14,134,000	1,291,000	15,425,000	727,754	5
Ralph Larsen & Sons (San Mateo)	13,738,000	1,220,000	14,958,000	260,754	2
John Plane Construction (Brisbane)	13,665,800	1,128,000	14,793,800	96,554	1
McCrary Construction (Belmont)	13,603,900	1,179,100	14,783,000	85,754	1
<b>Engineer's Estimate</b>	<b>13,601,459</b>	<b>1,095,787</b>	<b>14,697,246</b>	-	-
Zolman Construction (San Carlos)	12,600,000	945,000	13,545,000	(1,152,246)	(8)

<u>Contractor</u>	<u>Add Alt.</u> <u>No.1</u>	<u>Add Alt.</u> <u>No.2</u>	<u>Add Alt.</u> <u>No.3</u>	<u>Add</u> <u>Alt.</u> <u>No.4</u>	<u>Add</u> <u>Alt.</u> <u>No.5</u>	<u>Add</u> <u>Alt.</u> <u>No.6</u>
BRCO Construction	\$450,000	\$650,000	\$170,000	\$20,000	\$40,000	\$10,000
Bogard Construction	393,689	416,121	172,148	62,686	210,640	8,293
Midstate Construction	417,000	635,000	215,000	24,000	221,000	16,000
Ralph Larsen & Sons	460,000	580,000	150,000	30,000	80,000	20,000

John Plane Construction	380,000	560,000	165,000	23,000	205,000	55,000
McCrary Construction	390,300	614,800	151,800	22,200	202,700	5,000
Zolman Construction	392,000	354,000	157,000	42,000	191,235	12,000
<b>Engineer's Estimate</b>	<b>501,703</b>	<b>381,971</b>	<b>182,332</b>	<b>29,781</b>	<b>134,743</b>	<b>N/A</b>

The low bid submitted by Zolman Construction, Inc., is 8 percent under the Engineer's Estimate. Realizing the significant difference between the lowest bid and second low bid, Zolman Construction took the initiative to review their sub-contractor bids; after which they informed City that they would honor their bid proposal as it stands. In addition to the base bid, staff recommends award of Add Alternates 1 through 4 as part of the contract due to the favorable price for each submitted by the low bidder.

Council Policy provides for a standard contingency of ten percent on public works projects involving the construction of a building. Staff considers the standard contingency appropriate for this project.

This memorandum includes an appropriation request in the Services for Redevelopment Capital Projects Fund for a transfer of San Jose Redevelopment Agency funds in the amount of \$2,348,000. Also included are appropriation amendments in the Subdivision Park Trust Fund to increase the project budget by \$130,000 and decrease the Reserve: Future PDO/PIFO Projects accordingly. Funding is available in the reserve from interest earned on fee collections in previous years, which was never allocated (therefore, the funding was incorporated into the Reserve: Future PDO/PIO Projects). These actions, together with the receipt of more favorable bids than originally anticipated, provide \$679,000 in savings to the project budget. As part of this memorandum, it is recommended that these savings be realized in the Council District 5 Construction and Conveyance Tax Fund. Appropriation Ordinance amendments in the Fund are requested to return \$679,000 to the fund's Ending Fund Balance.

**POLICY ALTERNATIVES**

Not applicable.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- 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.
- 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.

This item meets Criteria 1. Per Council policy, due to the size of this project, general contractors were required to submit a prequalification package for approval prior to being eligible to submit

bids for construction. In February 2007, submittals were received, evaluated and determination notices were sent out to 14 qualified general contractors. 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 addition, staff held numerous community meetings to solicit community input regarding the design of the new community center. Meeting notices and flyers were posted at nearby public facilities and mailed to residents, NAC groups, and neighborhood associations within 2,000 foot distance of the community center site. This memorandum will be posted on the City's Internet website for the May 15, 2007, Council agenda.

### **COORDINATION**

This project and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Environmental Services, the San José Redevelopment Agency, General Services, the City Attorney's Office, and Council District 5 Office.

### **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 and with the Greenprint for Parks and Community Facilities and Programs.

### **COST SUMMARY/IMPLICATIONS**

1. COST OF PROJECT:

Project Delivery	\$5,595,142
Construction	13,545,000
Public Art	64,000
Contingency	1,355,000
<b>TOTAL PROJECT COSTS</b>	<b>\$20,559,142</b>
Prior Year Expenditures	(\$1,797,516)
<b>REMAINING PROJECT COSTS</b>	<b>\$18,761,626</b>

2. COST ELEMENTS OF CONSTRUCTION CONTRACT: \$ 13,545,000

This is a Lump Sum Contract.

3. SOURCE OF FUNDING: 471- Parks and Recreation Bond Projects Fund  
382 – Construction Tax and Property Conveyance Tax Fund:  
Parks Purposes Council District 5  
375 – Subdivision Park Trust Fund  
001 – General Fund  
450 – Services for Redevelopment Capital Projects Fund

4. OPERATING COSTS: The increased operating and maintenance costs associated with this project are estimated to be \$421,000 annually, starting in the Fall of 2008. This additional cost will be addressed during the 2008-2009 Operating Budget process.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2006-2007 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs				<b>\$18,761,626</b>			
<b>Current Funding Available</b>							
471	4529	Mayfair Community Center-Satellite	125445	\$11,072,000	10,480,000	V-786	10/17/2006, Ord. No. 27888
001	5033	Mayfair Summer Aquatics Program	TBD	\$379,000			
375	5878	Mayfair Community Center Satellite	TBD	\$2,546,000		V-663	03/20/07 Ord. No. 27997
382	5878	Mayfair Community Center Satellite	TBD	\$1,478,000	\$799,000		03/20/07 Ord. No. 27996
450	5293	Mayfair Community Center Satellite	14260X	\$12,000	\$12,000		02/13/07 Ord. No. 27973
<b>Total Funding Available</b>				<b>\$15,487,000</b>	<b>\$11,291,000</b>		
<b>Additional Funding Recommended*</b>							
450	5293	Mayfair Community Center		\$2,348,000	\$2,124,000		
375	5126	Mayfair Center Pools		\$130,000	\$130,000		
<b>Funds in Future Fiscal Years**</b>							
471	4529	Mayfair Community Center Satellite		\$1,476,000			
<b>TOTAL Funds Available*</b>				<b>\$19,441,000</b>	<b>\$13,545,000</b>		

\* This memorandum includes several requests for appropriation increases including recognizing \$2,348,000 from the San Jose Redevelopment Agency, and allocating \$130,000 from the Reserve: Future PDO/PIFO Projects (reserve totals \$21,783,163) for the Mayfair Community Center. Also included in this memorandum is a request in the Council District 5 Construction and Conveyance Tax Fund to reduce the appropriation by \$679,000 due to more favorable bids being received than originally anticipated. If this action is approved, the total funds available for the project would be reduced to \$18,762,000.

\*\* Additional funding totaling \$1,476,000 is allocated for the Mayfair Community Center project in 2007-2008 in the Parks and Recreation Bond Projects Fund.

**CEQA**

At its August 29, 2006 meeting, the City Council approved the Mayfair Community Center and Park Master Plan. At that same meeting, staff had intended also to have Council adopt a resolution incorporating the environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the Mayfair Community Center and Park Master Plan. However, because of an inadvertent oversight, the supporting documents necessary for the City Council to take such action were not provided to the Council.

Staff has now corrected this oversight and is seeking to have Council adopt a resolution incorporating the Mitigation Monitoring and Reporting Program for the Mayfair Community Center and Park Master Plan into the community center construction project and into all other projects implemented pursuant to the Master Plan. These mitigations include measures for eliminating environmental impacts on riparian habitat and nesting raptors, for tree removal and replacement, for on site archeologist and geotechnical investigation, for hazardous material removal, and for noise and storm water pollution prevention.

CEQA: Mitigated Negative Declaration, PP06-024



KATY ALLEN  
Director  
Public Works Department

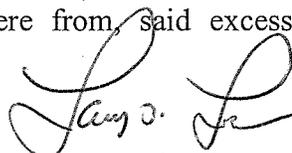


ALBERT BALAGSO  
Director  
Parks, Recreation and  
Neighborhood Services Department



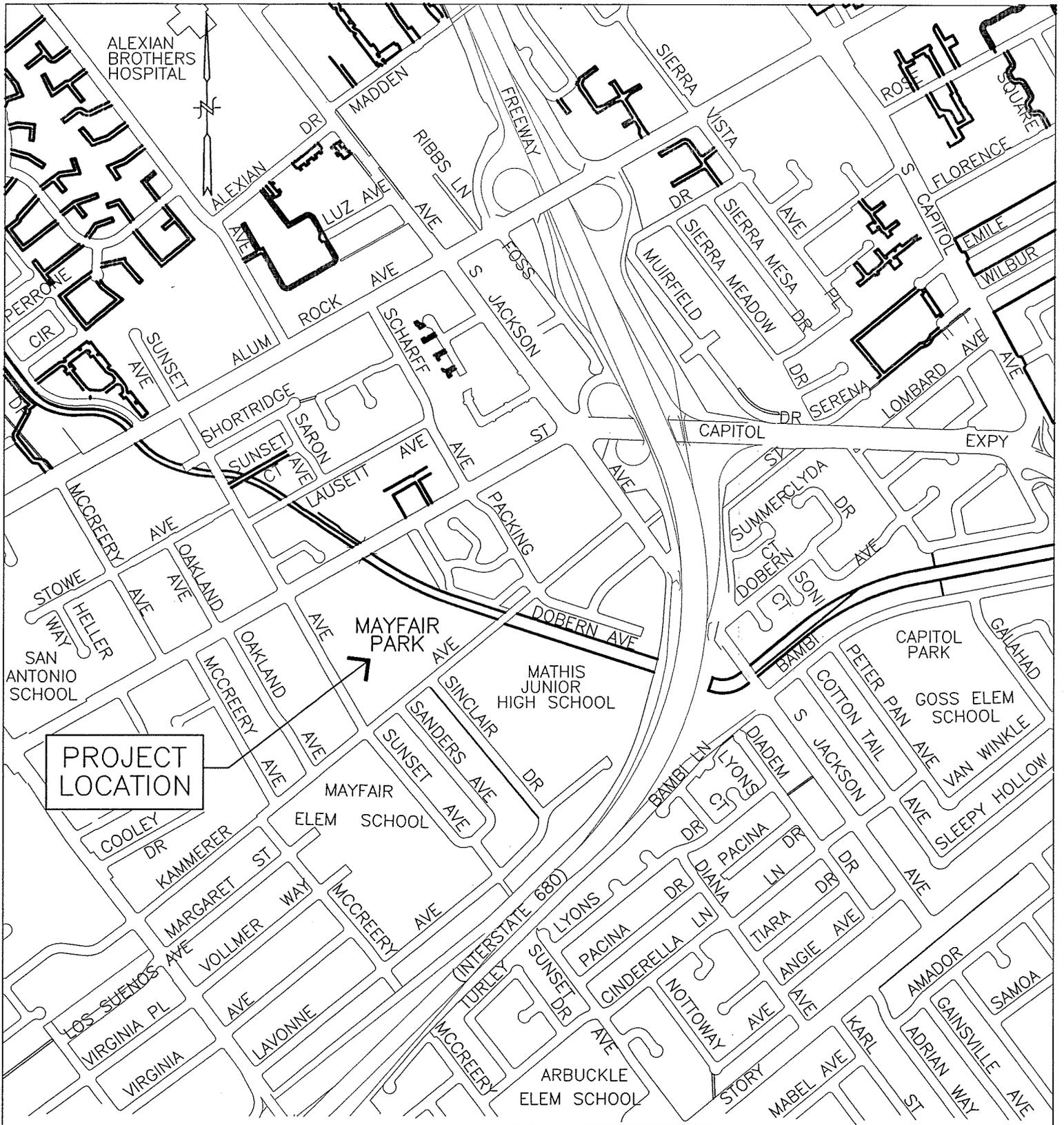
LARRY D. LISENBEE  
Budget Director

I hereby certify that there will be available for appropriation in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Capital Fund) in the Fiscal Year 2006-2007 monies in excess of those heretofore appropriated there from, said excess being at least \$2,348,000.



Larry D. Lisenbee  
Budget Director

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, DEPARTMENT OF PUBLIC WORKS, at 408-535-8300.



MAYFAIR COMMUNITY CENTER  
 LOCATION MAP  
 NO SCALE

**RESOLUTION NO. 73383**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING THE MAYFAIR COMMUNITY CENTER AND PARK MASTER PLAN 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 Mayfair Community Center and Park Master Plan Project (Planning File No. PP06-024) 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 Project ("Project") analyzed under the Initial Study/Mitigated Negative Declaration consisted of the development of a new community center, swimming pool, skatepark and additional physical improvements contained in the Master Plan on a 8.5-acre site located at 2039 Kammerer Ave, San José, California 95116; 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

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

**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 801 North First Street, Room 320, San Jose, California 95110, 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. PP06-024) 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 15th day of May, 2007, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, CMC  
City Clerk

California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

E-13685

**Project Title and Location; Name and Address of Project Proponent**

PP06-024, PP06-024 Mayfair Community Center - Located Mayfair Community Center. 2039 Kammerer Ave. , Attn: Mary Beth Carter, PRNS, Community Facilities Development Division, 170 W SAN CARLOS ST, SAN JOSE CA 95113, ,

**Project Description**

PP06-024 Mayfair Community Center: The project includes the construction of a new 20,000 square foot community center, new pool, pool house, play ground and picnic facilities. .

**Findings of Exemption**

The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

**Certification**

I hereby certify that the lead agency has made the above findings of fact and that based upon the Initial Study and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.4 of the California Department of Fish and Game Code.



Chief Planning Official

Title Senior Planner

Lead Agency City of San Jose

Date Oct 26, 2006

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
PP-06-024				
Indirect Impacts to Riparian Habitat	The City shall install a 25-foot wide vegetative buffer between the eastern side of the playground/pathway and the creek top-of-bank. The buffer shall be revegetated with native shrubs that are native to the Silver Creek watershed, including California Rose ( <i>Rosa californica</i> ), Flowering Currant ( <i>Ribes californica</i> ) and Coyote Brush ( <i>Baccharis pilularis</i> ). The buffer plantings shall be monitored and maintained over a five-year period to ensure a yearly survival rate of 80%.	City of San José,	Installation of vegetative buffer, site maintenance, including weed control, supplemental irrigation, replacement of facilities and other measures determined necessary for the project to meet the success criteria.	Installation of vegetative buffer concurrent with installation of playground improvements.
Potential Impacts to Nesting Raptors	No earlier than 30 days prior to commencement of demolition of existing structures, construction or tree removal, a qualified wildlife biologist shall conduct pre-construction surveys for nesting raptors to determine if they occur on the site. If raptors are nesting on the site, the City shall postpone tree removal and/or construction within 300 feet of the nest site until all young have fledged. The wildlife biologist shall submit documentation to the Environmental Principal Planner that the young have fledged prior to tree removal and/or construction work.	City of San José	A qualified wildlife biologist shall conduct pre-construction surveys for nesting raptors to determine if they occur on the site. The survey report shall be sent to the Environmental Principal Planner in the Department of Planning, Building and Code Enforcement upon completion.	No earlier than 30 days prior to commencement of demolition, grading, construction, or tree removal.

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance																							
Biological Resources (Landscape trees).	<p>Trees removed as part of the project will be replaced at approximately the following ratios, and shall be shown on a landscape plan submitted to the Environmental Principal Planner:</p> <table border="1" data-bbox="352 329 1287 894"> <thead> <tr> <th rowspan="2">Diameter of Tree to be Removed</th> <th colspan="3">Type of Tree to be Removed</th> <th rowspan="2">Minimum Size of Each Replacement Tree</th> </tr> <tr> <th>Native</th> <th>Non-Native</th> <th>Orchard</th> </tr> </thead> <tbody> <tr> <td>18 inches or greater</td> <td>5:1</td> <td>4:1</td> <td>3:1</td> <td>24-inch box</td> </tr> <tr> <td>12 - 18 inches</td> <td>3:1</td> <td>2:1</td> <td>none</td> <td>24-inch box</td> </tr> <tr> <td>less than 12 inches</td> <td>1:1</td> <td>1:1</td> <td>none</td> <td>15-gallon container</td> </tr> </tbody> </table> <p>x:x = tree replacement to tree loss ratio <b>Note:</b> Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</p> <p>An alternative site(s) may be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.</p>	Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Native	Non-Native	Orchard	18 inches or greater	5:1	4:1	3:1	24-inch box	12 - 18 inches	3:1	2:1	none	24-inch box	less than 12 inches	1:1	1:1	none	15-gallon container	City of San José	Installation of approved landscape plan. A final report shall be submitted to the Environmental Principal Planner stating how many mitigation trees were planted and where.	Concurrent with project construction. Final report shall be submitted within 30 days of project acceptance by the City of San José.
Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree																							
	Native	Non-Native	Orchard																								
18 inches or greater	5:1	4:1	3:1	24-inch box																							
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Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources (Landscape trees).	<p>Existing trees to be retained shall be safeguarded during construction through implementation of the following measures:</p> <ul style="list-style-type: none"> <li>✓ Damage to any tree during construction shall be reported by the person causing the damage and the contractor shall treat the tree for damage in the manner specified by the city arborist; and</li> <li>✓ No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and</li> <li>✓ Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and</li> <li>✓ Wires, signs and other similar items shall not be attached to trees; and</li> <li>✓ Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and</li> <li>✓ No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and</li> <li>✓ Barricades shall be constructed around the trunks of trees so as to prevent injury to trees making them susceptible to disease causing organisms; and</li> <li>✓ Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130).</li> </ul>	City of San José	Implementation of tree protection measures during construction. A final report shall be submitted to the Environmental Principal Planner stating if tree protection standards achieved the desired result.	Concurrent with project construction. Final report shall be submitted within 30 days of project acceptance by the City of San José.

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Cultural Resources	<p>On-site monitoring by an archeologist of earthmoving activities that will require the removal of surface soils to a depth of at least three feet.</p> <ul style="list-style-type: none"> <li>✓ If no resources are discovered, the archaeologist shall submit a report to the City’s Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.</li> <li>✓ In the event prehistoric or historic resources are encountered during earthmoving activities, all work within 50 feet of the find shall be halted and the Director of Planning, Building, and Code Enforcement shall be notified. A qualified professional archaeologist shall examine the find and make recommendations for collection, recordation, analysis, and reporting of any significant cultural materials. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the Environmental Principal Planner for consideration and approval.</li> <li>✓ In compliance with state law, in the event human remains are encountered during earthmoving activities, all work within 50 feet of the find will stop and the Santa Clara County Coroner’s office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the “Most Likely Descendent” (MLD). The City, in consultation with the MLD, would then prepare a plan for treatment, study and reinternment of the remains. All significant artifacts and samples recovered during construction would be catalogued and curated by a qualified archeologist and placed in an appropriate curation facility.</li> </ul>	City of San José	A qualified archeologist shall be present to on site during any earthmoving activities that will require the removal of surface soils to a depth of at least three feet.	Final report, as necessary, shall be submitted within 30 days of project acceptance by the City of San José.

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Geology and Soils	<p>A supplemental Geotechnical investigation shall be prepared during the design phase of the project when specific details regarding building type, leads, dimensions and other site development requirements have been more clearly defined. The supplemental investigation shall include additional subsurface exploration, laboratory testing and engineering analyses to check the preliminary conclusions made in the feasibility-level investigation.</p>	City of San José	Develop project specific design recommendations, which shall be implemented in project construction.	As noted.
Hazards and Hazardous Materials	<p>In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.</p> <p>All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.</p> <p>During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.</p>	City of San José	A qualified inspector shall determine the presence or absence of asbestos-containing material and/or lead-based paint in buildings to be demolished.	Determination shall be completed prior to the start of construction.