

## **BIOLOGICAL RESOURCES**

**Impact BIO-1:** Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

**MM BIO-1.1:** Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1 through April 30, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate a construction-free buffer zone to be established around the nest. The buffer would ensure that raptor or migratory bird nests would not be disturbed during project construction.

Prior to the issuance of any grading or building permit for work occurring between February 1 –August 31, the project applicant shall submit a report indicating the results of the pre-construction survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement.

## **HAZARDS AND HAZARDOUS MATERIALS**

**Impact HAZ-1:** Construction activities associated with the proposed project could expose construction workers and/or nearby residents to contaminated soils from previous agricultural operations.

**MM HAZ-1.1.:** Prior to the issuance of any demolition or grading permit, the project applicant shall retain an environmental professional to collect shallow soil samples on the project site to determine whether organochlorine pesticides and metals (e.g., arsenic and lead) from previous agricultural operations are present on-site at concentrations above established residential environmental screening levels (ESLs). The results of soil sampling and testing shall be provided to the City's Supervising Planner of the Planning, Building and Code Enforcement Department and the Municipal Compliance Officer of the City of San José Environmental Services Department for review.

If pesticide contaminated soils are found in concentrations above regulatory ESLs, the applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH) or the Department of Toxic Substances Control (DTSC) under their Site Cleanup Plan (SCP). In addition, a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The plan and evidence of regulatory oversight (as well as the results of the soil sampling and testing) 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 Environmental Services Department.

## NOISE

**Impact NOI-1:** The mechanical equipment for the project has the potential to exceed 55 dBA DNL at adjacent single-family residences.

**MM NOI-1.1:** Prior to issuance of building permits, mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirements at the property line of nearby noise sensitive land uses. The applicant shall retain a qualified acoustical consultant to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise levels requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise sensitive areas (such as along the building facades farthest from the nearest residences) where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

**Impact NOI-2:** Construction of the project could exceed the vibration limit of 0.2 in/sec PPV at adjacent single-family residences.

**MM NOI-2.1:** Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), a qualified noise consultant shall review the final construction equipment list for the project to ensure the construction equipment would not exceed the 0.2 in/sec PPV thresholds for conventional construction buildings at the nearby properties. A project-specific vibration plan shall be prepared and include the project's planned vibration-generating construction activities (e.g., demolition, vibratory compaction), the potential project-specific vibration levels (given project-specific equipment and soil conditions, if known) at specific building locations that may be impacted by the vibration-generating work activities (generally buildings within 50 feet of the work area), and identify any necessary vibration control measures to reduce levels to 0.2 in/sec PPV or below. The project applicant shall submit a copy of the project-specific vibration plan to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval.

**Source:** City of San José. *3464 Ambum Avenue Residential Subdivision Project*. May 2024.