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**Addendum to the
210 Baypointe Residential Development Environmental Impact Report
SCH# 2022120253**

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Introduction

The Department of Toxic Substances Control (DTSC) approved a Removal Action Work Plan (RAW) for the 210 Baypointe Parkway project located at 210 Baypointe Parkway in the City of San Jose, CA (Project Site). The RAW was prepared to address and mitigate potential effects from contaminants in the soil at the Project Site. The RAW recommends removing impacted shallow soil and capping with clean soil and hardscape, plus adoption of a Land Use Covenant (LUC).

DTSC's approval of the RAW is considered a discretionary action and must comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. To meet the requirements of CEQA, DTSC in its capacity as a responsible agency has prepared an Addendum to the *210 Baypointe Residential Development Environmental Impact Report* (Baypointe EIR), State Clearinghouse No. 2022120253. This Addendum updates the project description from the prior environmental review to incorporate the recommended remedy selection from the RAW and addresses the potential for the proposed remedial activities to result in significant environmental impacts.

State CEQA Guidelines Section 15164 allows for the preparation of an addendum to a previously certified EIR to address minor changes to a project that will not meet the criteria for the preparation of a subsequent EIR or Negative Declaration as specified in Section 15162(a). This Addendum identifies and analyzes the potential environmental effects of the proposed remediation and concludes that the Project activities will not result in significant and unavoidable impacts to the environment. Based on the foregoing analysis, implementation of the proposed remedial activities identified in the RAW constitute minor changes to which the criteria of 15162(a) are not applicable, thus an Addendum is the appropriate CEQA document for approval of the RAW.

Background Information and Prior Environmental Review

The Project Site is a rectangular-shaped parcel measuring approximately 4.3 acres. The Site is currently improved with previously used paved parking and landscaped areas. Demolition of a commercial building on the site occurred in July 2025. The site is proposed for redevelopment, including construction of residential apartments and townhome condominiums.

The Site will be redeveloped with three-story townhouses, a seven-story apartment building, and a surface parking lot. The Baypointe project would develop the 42 townhouses on the 4.3-acre site in six buildings and one 292-unit, seven-story apartment building with a density of 77.7 units per acre. The Baypointe project would also develop a publicly accessible paseo that connects to Casa Verde Street which then connects to Baypointe Parkway. The Baypointe project would require a maximum excavation of six feet below the existing grade for utilities and elevator pits. Excavation of the site would require approximately 4,100 cubic feet of soil removal and 1,100 cubic feet of clean fill. The total construction period will occur over approximately 32 months with an estimated completion in 2026. The project is approved and fully entitled by the City of San Jose.

Preparation of the RAW for the Project Site was triggered by the detection of elevated levels of chemicals of concern (COCs) in soil during sampling activities, including arsenic, hexavalent chromium, lead, cobalt, and nickel. The COCs are most likely attributable to historical agricultural use of the site. The presence of these contaminants may impact future onsite residents. The RAW includes remedial action objectives which involve reducing potential exposure of future construction workers and residents to COCs, reducing the human health-based risks associated with COCs detected in onsite soil, and providing a permanent solution that reduces the toxicity and mobility of soil contaminants.

It is noted that the Baypointe EIR included discussion of soil testing due to the presence of historical agricultural activities on-site; the presence of COCs at the site; the applicability of statutes, regulations, and policies regarding hazardous materials; and supervision of site cleanup by DTSC. However, the prior environmental review for the Baypointe EIR did not identify or evaluate the potential environmental effects of the specific cleanup activities needed for remediation of the hazardous materials. Because a previous EIR was approved by the City as the lead agency, DTSC is required by CEQA to conduct an analysis of those previous documents and determine the type of environmental document required to be prepared for the project as provided by sections 15162, 15163, and 15164 of the CEQA Guidelines.

Description of Proposed Modifications

The remedial activities proposed in the RAW consist of limited removal of contaminated shallow soil to 2 feet below ground surface (bgs) in proposed softscape areas and capping with pervious pavers and clean import soil. Excavation associated with the remedial activities will require approximately 6,650 cubic yards of soil removal along with 1,360 cubic yards of clean fill (Table 4A of the RAW). The remainder of the onsite soil will be capped underneath the hardscape. The hardscape on the Site (e.g., building foundations, roads, sidewalks) will serve as a cap. The modified project includes the same site boundaries, building footprint, aesthetic design, and operational characteristics as previously evaluated in the Baypointe EIR. In addition, implementation of the RAW will include recordation of a land use covenant (LUC) that will limit excavation and management of soil in capped areas in order to minimize potential exposure to the underlying impacted soils.

A site-specific site management plan (SMP) will be implemented to ensure construction worker safety and minimize the potential for airborne off-site transport. In addition, soil cleanup will comply with applicable Bay Area Air District (BAAD) rules, including BAAD Regulation 6, which will lessen emissions and control dust from leaving the site. Best Available Control Measures described in BAAD's Regulation 6, Particulate Matter, will be implemented to control fugitive dust from migrating beyond the property line during construction activities. Perimeter air monitoring will be performed as detailed in the Community Air Monitoring Plan (CAMP). The CAMP will include details on which details procedures to be taken during excavation activities to monitor transport of dust off-Site, and mitigating measures taken to limit dust transport. Additionally, a Traffic Control Plan will be prepared to outline transportation and disposal details, including traffic control and truck routes.

The excavated soil from the site will be characterized for waste disposal in stockpiles prior to transportation offsite. Transport of waste off-site will be carried out by permitted hazardous waste transporters, and appropriate documentation pertaining to the transport and disposal of wastes will be provided by the transporters and accepting facilities. Disposal or reuse of soil will be discussed with an appropriate landfill or reuse site.

Because a previous EIR was approved by the City of San Jose as the lead agency, DTSC is required by CEQA to conduct an analysis of the previous document and determine the type of environmental document required to be prepared for the project as provided by sections 15162, 15163, and 15164 of the CEQA Guidelines.

Scope of Addendum Analysis

This Addendum has been prepared in accordance with the requirements of CEQA and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.). This Addendum considers each of the environmental impacts that were analyzed in the prior Baypointe EIR and focuses on determining whether the modified project would result in an increase in the severity of the impacts that were previously identified or would result in any new impacts not previously considered in the prior Baypointe EIR. The criteria for determining the significance of environmental impacts in this Addendum are the same as those contained within the prior Baypointe EIR. The topic areas considered in the prior Baypointe EIR include the following: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. This Addendum focuses on the potential for remedial activities identified in the RAW to result in new impacts or substantially increase impacts related to air quality, noise, and transportation. The remaining 17 environmental topics would not be materially affected by the remedial actions identified in the RAW; therefore, no additional analysis is required for these environmental topics.

Analysis of Potential Impacts

Under Section 15164(a) of the State CEQA Guidelines, an addendum to a previously certified EIR shall be prepared by a lead or responsible agency if some changes or additions are necessary but none of the conditions described in Section 15162(a) requiring the preparation of a subsequent EIR or negative declaration are applicable. The conditions listed under Section 15162(a) are as follows:

- 1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*
- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*
- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

- a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
- b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The remedial activities proposed as part of the RAW entails limited removal of shallow soil to 2 feet bgs in proposed softscape areas and capping with pervious pavers and/or clean import soil, capping the remainder of the onsite contaminated soil underneath the hardscape, and recordation of a LUC. The total amount of soil to be excavated will be approximately 6,650 cubic yards along with 1,360 cubic yards of clean fill (Table 4A of the RAW). The excavation of the contaminated soil on the site will occur at the same time and as part of the same site preparation and construction activities which have already been considered in the previous environmental review document. The modifications and expansions will not require any substantial changes to the timing or duration of site preparation and construction activities (4 months of remediation activities within the 32 months of development activities). Lastly, the hauling of contaminated soil offsite and fill onsite will require approximately 608 trucks (assuming each truck carries approximately 13 cubic yards).

Prior CEQA Review and Analyses

The DTSC's CEQA documentation for the RAW is based on prior environmental review performed by the City of San Jose, the lead agency for the Baypointe EIR. On October 15, 2024, City of San Jose certified the EIR. The EIR evaluated environmental impacts associated with redevelopment of the site with three-story townhouses, a seven-story apartment building, and a surface parking lot. The Baypointe project would develop the 42 townhouses on the 4.3-acre site in six buildings and one 292-unit, seven-story apartment building. Specific actions evaluated in the EIR that are related to the remediation activities identified in the RAW include construction activities associated with the multifamily residential buildings (townhouses and apartments) and surface parking. The Baypointe EIR also identifies the total construction period would last approximately 32 months with an estimated completion by 2026. Lastly, construction

activities are proposed to occur between the hours of 7:00 AM to 7:00 PM Monday through Friday, and Saturday 8:00 AM to 5:00 PM.

The prior environmental review in the Baypointe EIR did not identify or evaluate the potential environmental effects associated with the remedial activities identified in the RAW. Specifically, the EIR identifies the site would require a maximum excavation of six feet below the existing grade, or 7.5 feet below the finished grade, for utilities and elevator pits. Excavation of the project site would also require approximately 4,100 cubic feet of soil removal and 1,100 cubic feet of fill. However, a specific volume of contaminated soil associated with the excavation is not identified. Therefore, it is assumed that excavation of contaminated soil and fill was not identified or evaluated as part of the Baypointe EIR.

Air Quality

As related to air quality impacts, the EIR determined implementation of the redevelopment project would result in a less-than-significant impact related to air emissions. Specifically, the Baypointe EIR concluded that the ROG, NO_x, and exhaust PM emissions during construction would not exceed the established BAAD thresholds and that all proposed projects (including the remedial activities) would be required to implement BAAD’s basic best management practices for fugitive dust control (PM₁₀ and PM_{2.5}) from construction activities. To further analyze the specific air pollutant emissions generated by excavation activities (6,650 cubic yards of contaminated soil along with 1,560 clean fill), these construction activities were input into CalEEMod (version 2022.1.1.29). The estimated air emissions for excavation activities are shown in the table below.

Criteria Pollutant	Project-Related Emissions (lbs/day)	Threshold of Significance (lbd/day)	Exceed Threshold?
ROG	13.8	54	No
NO _x	8.8	54	No
PM ₁₀	2.5	82	No
PM _{2.5}	1.1	54	No

ROG = reactive organic gases
 NO_x = nitrogen oxides
 PM₁₀ = particulate matter of 10 micrometers or less
 PM_{2.5} = particulate matter of 2.5 micrometers or less

Source: BAAD 2022. *Air Quality Guidelines*. Available at: https://www.baaqmd.gov/?sc_itemid=CDA5FAE5-BBDC-4337-A10C-5648BCD2D71F (Accessed August 26, 2025).

As shown in the table above, based on the CalEEMod outputs, the construction activities associated with the remedy would be below BAAD thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. Therefore, the remedial actions would not substantially increase the impact identified in the EIR.

Noise

As related to noise impacts, the Baypointe EIR determined that because project construction would be located within 500 feet of existing residential uses, would last for a period of approximately 32 months, would require work on Saturday between 8:00 am and 5:00 pm, and noise levels would intermittently exceed 80 dBA L_{eq} when construction equipment is being used along property lines, construction of the proposed project would be considered significant in accordance with the City of San Jose's General Plan. The Baypointe EIR concluded that application of mitigation measure NOI-1.1 would ensure compliance with City of San Jose policies for construction noise and would reduce temporary noise during construction to a less than significant level for nearby sensitive receptors. Because the Baypointe EIR concluded a less-than-significant impact would result with implementation of mitigation for the redevelopment project (which would also be required of the cleanup activities), it is concluded that the additional construction activities identified in the RAW would also result in a less-than-significant impact to noise.

Transportation

It is noted that the Baypointe EIR does not identify the number of trucks needed to haul any amount of soil offsite. In addition, the Baypointe EIR does not analyze any potential transportation impacts associated with construction activities. The Baypointe EIR defers to an analysis of project vehicle miles traveled (VMT), pursuant to Senate Bill 743 (SB 743), and to CEQA Guidelines section 15064.3(b)(1) (Determining the Significance of Transportation Impacts) which describes factors that might indicate whether a development project's VMT may be significant. Approximately 608 truckloads would be required for hauling 6,650 cubic yards of contaminated soil along with fill of approximately 1,360 cubic yards. It is assumed that the Baypointe EIR did not evaluate any truck trips needed for offsite disposal of contaminated soil and fill.

The list of transportation resource effects that may be considered significant contained in Appendix G of the CEQA Guidelines (Environmental Checklist) was used to establish a threshold of significance for the remedial activities. In 2013, the State of California passed Senate Bill (SB) 743 which required the Office Land Use and Climate Innovation (LUCI) to amend the CEQA Guidelines to provide an alternative to level of service (LOS) for evaluating transportation impacts. LOS was replaced with Vehicle Miles Traveled (VMT) as "the most appropriate metric of a Project's potential transportation impacts". Vehicle miles traveled (VMT) is a measure used in transportation planning for

a variety of purposes. VMT is primarily used to measure the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. VMT is calculated by adding all the miles driven by all the cars and trucks on all the roadways in a region.

Implementation of the remedial activities would not generate additional long-term vehicle trips or change circulation patterns in the project area. Specifically, heavy haul truck trips associated with the remedial activities would not occur for the long-term (lifetime of the larger redevelopment project). No permanent employees or residents would be added at the site as a result of the remedial activities. During site remediation, a limited number of vehicle trips would occur, such as construction worker trips and deliveries of equipment and materials to the site. Even though the remediation would require approximately 608 truck trips in itself, these truck trips would be temporary in nature and would not conflict with nor be inconsistent with provisions of the CEQA guidelines pertaining to VMT.

Impact Conclusions

The removal of impacted soil would be incorporated as part of the same site preparation and construction activities which have already been considered in the previous environmental review document (Baypointe EIR). Removal of the impacted soil would not require any substantial changes to the timing or duration of site preparation and construction activities, the type of equipment utilized as part of site preparation and construction, or the number of workers involved or number of worker transportation trips for the site preparation and construction processes. The remediation will not require any changes to the site boundaries, building footprint, aesthetic design, or operational characteristics from what was previously evaluated. Additionally, the modified project will remain subject to applicable mitigation measures identified in the Baypointe EIR (see Attachment A). This will entail using construction equipment with appropriate emissions ratings, avoiding construction activities during nesting season for protected bird species, providing pre-construction briefings to site workers for identification of cultural resources and adherence to protocol in the event of discoveries, and abiding by noise-related equipment and timing requirements. Compliance with other applicable regulations, policies, standards, and specifications will further reduce or eliminate potential environmental effects of the project.

Compliance with other applicable regulations, policies, standards, and specifications will further reduce or eliminate potential environmental effects of the project. Based on this information, the modified project would not result in substantial changes to the project as described in CEQA Guidelines Section 15162(a)(1).

Regarding CEQA Guidelines Section 15162(a)(2), the circumstances under which the remedial activities are undertaken have not changed in a manner such that some new or substantially increased significant environmental impact would occur.

Based on research and analysis performed during the preparation of this Addendum, there is no new information of substantial importance known concerning the project that will result in additional significant effects, any previously examined effects that will be substantially more severe; or infeasible mitigation measures or alternatives that are now feasible or considerably different from those analyzed in the previous Baypointe EIR. As such, the conditions described under CEQA Guidelines Section 15162(a)(3) are not applicable.

Conclusion

As demonstrated in the preceding analysis, none of the conditions described in State CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR or Negative Declaration are applicable to the changes or additions necessary to address the remedial activities included as part of the RAW. Implementation of remedial activities will not introduce new environmental impacts, will not extend the timeline or project site boundaries, and will continue to comply with all recommended mitigation measures of the Baypointe EIR. Therefore, no additional CEQA analysis is required beyond this Addendum. A Notice of Determination presenting the findings of this Addendum will be filed by the DTSC with the California State Clearinghouse within the State of California's Office of Land Use and Climate Innovation.

Attachment A

Mitigation Measures

Following is a list of applicable Mitigation Measures from the Baypointe EIR.

Air Quality

MM AIR-1.1: All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for Particulate Matter (PM) (PM10 and PM2.5).

If Tier 4 equipment is not available, the project may use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).

Alternatively, the applicant may request the development of a construction operations plan from a qualified air quality specialist demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 80 percent or greater. Elements of the plan could include a combination of the following measures:

- Implementation of the statement above to use Tier 4 engines or alternatively fueled equipment,
- Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
- Use of electrically-powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

The plan shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

Biological Resources

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 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor 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 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), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the qualified 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 will be disturbed by construction, the qualified ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

Cultural Resources

MM CUL-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permit, the project applicant shall be required to conduct a Cultural Awareness Training for construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

MM CUL-1.2: Sub-Surface Monitoring. A qualified archeologist, in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities including, but not limited to, trenching, initial or full grading, lifting of foundations, boring on-site, or major landscaping. If evidence of historic or prehistoric era resources are found during monitoring, then an archaeological resources treatment plan (as described in MM CUL-1.3) shall be prepared and

implemented.

MM CUL-1.3: Treatment Plan. If required pursuant to MM CUL-1.2, a qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare and implement a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to implementation of the plan. The plan shall be fully implemented prior to the issuance of building permits activities. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Monitoring schedules and individuals
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information)
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Security approaches or protocols for finds.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. Once implementation of the Treatment Plan is complete, no further mitigation is required on the project site.

MM CUL-1.4: Evaluation. The project applicant shall notify the Director of Planning, Building and Code Enforcement or Director's designee of any finds during earthmoving activities or during implementation of the treatment plan. Any historic or prehistoric material recovered in the project area during implementation of the treatment plan shall be evaluated by a qualified archeologist for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel

test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee.

Hazardous Materials

MM HAZ-1.1: Prior to issuance of any excavation or grading permits, the applicant shall enter into an agreement with the Department of Toxic Substances Control (DTSC). The applicant shall meet with DTSC and perform additional sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to DTSC for their approval. The Plan shall include a Health & Safety Plan (HASP) and shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants and visitors. The SMP shall include a plan for management of soil during construction, dust control measures, and waste management.

If the contaminated materials are planned to be capped during construction by site improvements (landscape beds, buildings, pavements, turf sections, etc.), it shall be included in the SMP or similar document, for approval under the regulatory oversight of the Department of Toxic Substances Control (DTSC). If the contaminated soils are planned to be removed from the site, these shall be hauled off-site and disposed of at a licensed hazardous materials disposal site in accordance with applicable regulatory requirements. Capped areas (if and as included in the SMP) will likely require institutional controls by DTSC which may include a deed restriction for the affected areas and an operations and maintenance (O&M) Plan.

The DTSC-approved plan(s) shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee, and the City's Environmental Compliance Officer in the City of San José's Environmental Services Department, prior to issuance of grading or excavation permits.

Noise

MM NOI-1.1: Pursuant to General Plan Policy EC-1.7, prior to provision of demolition or grading permits, a construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the

start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. 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 PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or other noise-sensitive land uses. A temporary eight-foot noise barrier shall be constructed along the southeast property line and a portion of the northwest property line of the project site to shield adjacent residential buildings within 100 feet of the property lines from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a five dBA noise reduction. The first floor of the residential building to the southwest is a parking garage, and a noise barrier is not needed in this location.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- 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 sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to adjacent land uses and nearby residences.
- Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to current the problem. Conspicuously post a telephone number for the disturbance coordinator at the

construction site and include it in the notice sent to neighbors regarding the construction schedule.