

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: San José Buddhist Church Betsuin Expansion Project

PROJECT FILE NUMBERS: PDC23-104, PD23-016, and ER23-176

PROJECT DESCRIPTION: Planned Development Rezoning and Planned Development permit for the demolition all existing structures, including an existing school, and the construction of a two-story school building totaling 10,771 square feet. The school capacity would increase from 24 students to 30 students. One teacher would also be added to the staff. The new library, conference room, and multi-purpose room would be used for small community meetings and events. The project also includes a new preschool play area, courtyard plaza, and garden at the center of the site.

PROJECT LOCATION:

Location: The 1.17-acre project site is 639 and 645 North Fifth Street and 624 and 642 North Fourth Street, located between North Fourth Street and North Fifth Street in the Japantown neighborhood in the City of San José.

ASSESSORS PARCEL NO.: 249-41-009, -22, -23, -24, -25, -75 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: San José Buddhist Church (Attn: Steve Onishi); 640 North Fifth Street, San José, CA 95112; (408)439-3206; sjbc@sjbetsuin.org

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY.

Impact AIR-1: Construction activities associated with the proposed project would expose the project's off-site maximum exposed individuals (MEIs) to a cancer risk of 23.38 cases per one million for infants and an annual particulate matter with a diameter of 2.5 microns or less (PM2.5) of 0.32 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) which exceeds the Bay Area Air District significance thresholds of 10 cases per one million for cancer risk and annual PM2.5 of 0.3 $\mu\text{g}/\text{m}^3$, respectively.

MM AIR-1.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan for review and approval to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee, demonstrating that the offroad equipment used for construction of the project would achieve a fleetwide average of at least 60 percent reduction in diesel particulate matter (DPM) emissions. The plan to achieve the 60 percent reduction would include the following, or an equivalent alternative that meets the required reduction:

- All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously or 20 hours total shall, at a minimum, meet the United States (U.S.) Environmental Protection Agency (EPA) Tier 4 final emission standards for fine particulate matter (PM2.5) and coarse particulate matter (PM10).
 - Alternatively, equipment that meet U.S. EPA emissions for Tier 3 engines and is equipped with California Air Resources Board-certified Level 3 Diesel Particulate Filters that altogether achieve a 60 percent reduction in DPM emissions would meet this requirement.

As an alternative to the measures above, the project applicant could commission a construction operations plan from a qualified air quality specialist that would achieve a reduction in construction DPM emissions of 60 percent or greater. The plan shall be submitted to the City of San José Director of PBCE or the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest). The plan could include a combination of the following measures:

- Installation of electric power lines during early construction phases to avoid use of diesel portable equipment,
- 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 used.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the proposed project could disrupt nesting raptors, or other birds, resulting in the loss of fertile eggs 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 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 breeding season, 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 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 ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest. 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 demolition or grading permits (whichever occurs first), the applicant shall submit an ornithologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or Director's designee.

E. CULTURAL RESOURCES.

Impact CUL-1: The project would demolish the existing building at 639 North Fifth Street, a contributing property to the eligible Japantown National Register and eligible City Landmark Historic Districts.

MM CUL-1.1: Relocation by a Third Party: Prior to the issuance of demolition or grading permits, whichever comes first, the Permittee shall advertise the building at 639 North Fifth Street for relocation by a third party. The Permittee shall be required to advertise the availability of the building for a period of no less than 60 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The Permittee must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.

If a third party volunteers to relocate the building at 639 North Fifth Street, the following measures shall be completed:

1. The City's Director of PBCE or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.
2. Prior to relocation, the Permittee or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study of the building. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.
3. To protect the building during relocation, the Permittee or third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.
4. Once moved, the building shall be repaired and restored, as needed, by the Permittee or third

party in conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. In particular, the exterior character-defining features (e.g., cantilevered roofs and overhangs, projecting eaves, canted windows, stucco siding, large expanses of windows, flat or shed roof forms, stacked roman brick cladding or brick veneer, and occasionally vertical wood siding) shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features. Upon completion of the repairs, a qualified architectural historian shall document and confirm that exterior renovations of the structure were completed in conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The Permittee shall submit a report to the City’s Historic Preservation Officer documenting the relocation.

5. **Salvage:** If no third party relocates the building at 639 North Fifth Street, the Permittee shall make the building available to salvage companies or any other party that can facilitate the reuse of the historic building materials. The Permittee shall advertise the salvage opportunity for a period of no less than 30 days following the 60 advertisements for relocation. The advertisements shall include a newspaper of general circulation, a website, and notice on the project site. The Permittee must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of PBCE or the Director’s designee, that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.

MM CUL-1.2: Commemoration and Public Interpretation: Prior to the issuance of a certificate of occupancy, the Permittee shall retain qualified historian to create a permanent interpretive program, exhibit, or display that tells the story of the historical development of the site as a hostel and social hall to house returning evacuees from the internment camps and later conversion to classrooms and support of the San José Buddhist Church Betsuin and Japanese religion and culture in Japantown. Commemoration and public interpretation could include, but is not limited to, video or interactive media that features historic photographs, interpretive text, or drawings. The exhibit/display shall be placed in a suitable publicly accessible location on the project site near the public right-of-way and if applicable at a public repository, such as the San José Public Library or a dedicated website. The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City’s Historic Preservation Officer and implemented following approval.

The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City’s Historic Preservation Officer.

- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS.**

Impact HAZ-1: Construction activities associated with the proposed project could expose the public and/or the environment to hazardous materials from soil contamination associated with lead-containing paint used for the prior on-site structures.

MM HAZ-1.1: Prior to the issuance of any demolition, grading, or building permits, whichever occurs first, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to remediate the lead contaminated soil to ensure the future development does not pose a potential health risk to residences. A Site Management Plan, A Remedial Action Plan (RAP) or equivalent document shall be prepared under regulatory oversight and approval by a qualified environmental consultant that identifies remediation measures. The plan and evidence of regulatory oversight approval shall be provided to the Director of the City of San José Department of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the Environmental Compliance Officer in the City of San José's Environmental Services Department for review prior to any demolition, grading permits or ground disturbing activities.

- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE.**

Impact NOI-1: The proposed project could exceed the City's thresholds of 0.08 inches/second (in/sec) peak particle velocity (PPV) for nearby historical buildings and 0.2 in/sec PPV for buildings of conventional construction.

MM NOI-1.1: Prior to the issuance of any demolition, grading, or building permits, whichever occurs earliest, the project applicant shall implement a Construction Vibration Monitoring Plan (Plan) to document conditions prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any demolition, grading, or building permit, whichever occurs earliest. The Plan shall include, but not be limited to, the following measures:

- A list of all potential historic buildings within 200 feet of the project site shall be identified.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee by the contractor. The list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Operating equipment on-site shall be placed at least 20 feet from the project boundaries shared with existing buildings of conventional construction and at least 65 feet from potential historic buildings.
- Smaller equipment shall be used at the property lines adjoining adjacent buildings to minimize vibration levels to below 0.2 in/sec PPV. For example, a smaller vibratory roller, such as the

Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional buildings.

- The use of vibratory rollers and clam shovel drops shall be avoided within 30 feet of the adjacent buildings of conventional construction and at least 65 feet from potential historic buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, within 30 feet of the adjacent buildings of conventional construction and at least 65 feet from potential historic buildings.
- Designate a disturbance coordinator to register and investigate any claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site in a visible location.

MM NOI-1.2: As part of the Plan and prior to the issuance of any demolition, grading, or building permits, whichever occurs earliest, including any ground disturbing activities, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRPP) that provides measures and procedures to protect nearby historic resources within 200 feet of the site from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage).

The HRPP shall be prepared by a qualified Historical Architect and reviewed and approved by the Historic Preservation Officer or equivalent of the City of San José Department of Planning, Building and Code Enforcement (PBCE) prior to demolition and Public Works clearance, including any ground-disturbing work. The project applicant shall ensure the construction contractor follows the HRPP while working near these historic resources. At a minimum, the plan shall include:

- Pre-construction documentation of historic structures within 200 feet;
- Guidelines for operation of construction equipment adjacent to historical resources;
- Means and methods to reduce vibrations levels from excavation and construction;
- Requirements for monitoring and documenting compliance with the HRPP; and
- Education/training of construction workers about the significance of the adjacent historical resources.

MM NOI-1.3: The Historic Architect shall establish a “Monitoring Team” comprised of at least one qualified Historic Architect and one qualified structural engineer for the duration of the site monitoring process. The Monitoring Team shall monitor the adjacent historical resources and any changes to existing conditions shall be reported, including, but not limited to, expansion of cracks, new spalls, or other exterior deterioration during construction phase and any changes to the existing conditions shall be reported.

In addition, the Monitoring Team shall prepare a site visit report documenting all site visits. The Monitoring Team shall submit the site visit reports and documents to the City’s Historic Preservation Officer no later than one week after each reporting period (as defined by the HRPP). The City’s Historic Preservation Officer shall determine the frequency of the reporting period. The structural engineer shall consult with the Historic Architect if any problems related to the character-defining features of the historic resources occur. The Director of PBCE or the Director’s designee and the Historic Preservation Officer of the City of San José Department of PBCE may request any additional number of site visits at their discretion.

If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, the Monitoring Team shall inform the project applicant (or

the applicant's designated representative responsible for construction activities), the Director of PBCE or the Director's designee, and the Historic Preservation Officer of the potential impacts immediately. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. In the event of damage to a nearby historic resource during construction, the project applicant shall ensure that repair work is performed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status. The Monitoring Report shall also include, but is not limited to, the following:

- Summary of the construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.
- In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Director of PBCE or the Director's designee and the Historic Preservation Officer of the City of San José Department of PBCE prior to the issuance of any Certificate of Occupancy (temporary or final).

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES.

Impact TCR-1: Project construction may impact Native American archaeological deposits.

MM TCR-1.1: Cultural Resources Awareness Training. Prior to the issuance of any demolition or grading permits, whichever occurs first, the applicant shall be required to submit evidence that Cultural Awareness Training has been provided to construction personnel prior to ground disturbance. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code (PRC) Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

MM TCR-1.2: Monitoring Plan. Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archaeologist, in consultation with a Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of PBCE or the Director’s designee for review and approval. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contract information
- Recommended monitoring methods
- Timing of reporting finds

A qualified archeologist in collaboration with a Native American monitor, registered with the NAHC 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 in accordance with the Monitoring Plan. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday, May 28, 2025** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

May 6, 2025

Tina Gray

Date

Deputy

Bethlehem Telahun
Environmental Project Manager

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