

## **4.6 CULTURAL AND HISTORIC RESOURCES**

### **4.6.1 REGULATORY SETTING**

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, requires federal agencies to take into account the effects of their activities and programs on historic properties. Section 106 of the Act lays out affirmative agency responsibilities with respect to historic properties and establishes the National Register of Historic Places (NRHP) for identifying and listing historic properties of importance at the national, state, and/or local levels.

Guidelines for implementing Section 106 requirements are promulgated by the Advisory Council on Historic Preservation (ACHP) in "Protection of Historic Properties" (36 CFR Part 800). These guidelines require agencies to comply also with other federal laws related to historic preservation, including the National Environmental Policy Act of 1969; the Archaeological and Historic Preservation Act of 1979; and Executive Order 11593 (1971), addressing "Protection and Enhancement of the Cultural Environment." Other agency-specific legislation requires consideration of the impacts of federal actions on cultural resources. Transportation projects must comply with the provisions of Section 4(f) of the Department of Transportation Act of 1966.

The State of California references cultural resources in CEQA with archaeological and historical resources specifically treated under Sections 21083.2 and 21084.1, respectively. California Public Resources Code, Sections 5020.1 through 5024.6 (effective 1992) creates the California Register of Historical Resources (CRHR) and sets forth requirements for protection of historic cultural resources.

City-designated structures and districts are considered historic resources under CEQA as they are listed on a local register. In addition, resources listed or determined eligible for listing in the CRHR or in the NRHP are also considered historic resources under CEQA.

In accordance with Section 106 of the NHPA, an *Archaeological Survey and Sensitivity Report* (ASSR) and a *Historic Resource Evaluation Report* (HRER) were prepared and submitted to the State Historic Preservation Officer (SHPO).<sup>1</sup> These reports identify and assess the eligibility for inclusion in the NRHP of cultural resources within the Areas of Potential Effects (APEs), as described below.

### **4.6.2 AREAS OF POTENTIAL EFFECTS**

#### **Baseline and BART Alternatives**

Two APEs were delineated by the FTA and VTA in consultation with the SHPO, as found in Appendix E. The APE for archaeological resources is defined as the extent of proposed construction for the project alternatives, or "project footprint." It encompasses the busways proposed under the Baseline Alternative, as well as the BART Alternative tracks, supporting physical facilities and improvements, stations, parking areas, building footprints, construction laydown areas, sound walls, retaining walls, and other tracks that would be relocated and reconfigured to accommodate the BART extension. Where the BART alignment is in a subway, parcels surrounding facilities that connect from the surface to the top of the tunnel (40- to 50-foot-deep) are included in the archaeological APE, although the bored tunnel itself is not. The locations of the components of the project alternatives are described in Chapter 3, *Alternatives*.

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<sup>1</sup> The ASSR contains the locations of archaeological sites and, therefore, is excluded from the provisions of the Freedom of Information Act and is not available to the general public. For additional information, contact VTA, Environmental Planning, at (408) 321-5789.

The APE for historic architectural resources is defined to take into account the potential impacts associated with the various project components. It encompasses the properties within the project footprint, as well as a buffer zone immediately adjacent to surface construction and the legal parcels immediately above the work for tunneled portions of the BART Alternative. Where the alternatives bisect a parcel, the APE boundary was drawn to include the whole parcel.

### **4.6.3 ARCHAEOLOGICAL RESOURCES**

#### **4.6.3.1 Existing Conditions**

##### **Baseline and BART Alternatives**

An archival records search was conducted at the Northwest Information Center of the California Historic Resources Information System (NWIC-CHRIS), housed at Sonoma State University. Locally relevant materials housed at the Martin Luther King, Jr. Public Library in San Jose were also reviewed, with particular attention given to recent studies completed for other environmental documents. Historical maps were examined, as was the Archaeological Sensitivity Geographic Information System layer maintained by the City of San Jose Planning Department. Several archaeologists well versed in San Jose/Santa Clara Valley archaeology were contacted, and Basin Research Associates, Inc. provided access to materials in its library. Record search results indicated that approximately 70 percent of the SVRTC had been previously inventoried by close-interval pedestrian survey. Additional findings of the record search are summarized below.

The Native American Heritage Commission was consulted to request a Sacred Lands file search, and to obtain the names of Native American contacts who may have an interest in the project. The Commission reported no known Sacred Lands within the archaeological APE and provided a list of 12 Native American contacts. A letter was sent and follow-up telephone calls were made to each contact asking them to share any relevant concerns, information, or recommendations regarding cultural resources. Responses from Native American contacts are included in the ASSR.

A field survey was conducted of the unsurveyed and accessible undeveloped portions of the archaeological APE. Open areas and fields were surveyed using close-interval (approximately 80 feet or less) transects. Station areas that are already moderately developed were "windshield" surveyed and reconnoitered on foot to inspect bare ground where it was exposed. Heavily altered portions of the corridor, including asphalt and gravel-capped lands and the downtown San Jose area were windshield surveyed only. One previously unknown prehistoric archaeological resource was discovered.

The record search identified 18 previously recorded and 1 newly recorded prehistoric and historic archaeological resources within 0.25 miles of the archaeological APE. Eight of these recorded resources (3 prehistoric, 1 with both prehistoric and historic materials, and 4 historic) lie within or extend into the archaeological APE and are listed in Table 4.6-1. The records search also identified 63 potential historic archaeological resources that could occur within the archaeological APE based on historical information.

Zones of high and moderate archaeological sensitivity have been identified in the ASSR for each of the five segments of the SVRTC, covering both the Baseline and BART alternatives. These zones include areas that extend 500 feet from well-developed historic stream channels and drainages.

<b>Table 4.6-1: Prehistoric and Historic Archaeological Resources Recorded Within the Archaeological APE</b>	
<b>Number</b>	<b>Comments</b>
<b>Segment 1</b>	
CA-ALA-610	Prehistoric resource found during survey for this project.
ISO JN-2	Prehistoric resource (isolated handstone)
<b>Segment 2</b>	
C-1414	Prehistoric resource (possible village) encompassing two resources: C168 and C447
SCL-438H	Historic resource (19 <sup>th</sup> century refuse) tested in 1994, monitored in 1998.
DUMPS (2)	Historic resource near SCL-438H
<b>Segment 4</b>	
A	Historic resource (adobes)
SCL-363H	Historic resource (adobe)
<b>Segment 5</b>	
SCL-30/H	Prehistoric and historic resource (cemetery, adobes, mission-era materials and village)
<i>Source: Archaeological Survey and Sensitivity Report, Far Western Anthropological Research Group, December 2002.</i>	

#### **4.6.3.2 Archaeological Resources Impacts**

##### **No-Action Alternative**

Projects planned under the No-Action Alternative would undergo separate environmental review to define impacts to archaeological resources. (See Section 3.2.1.2 for a list of future projects under the No-Action Alternative.)

##### **Baseline Alternative**

There are no recorded archaeological resources within the proposed busway direct connector roadway segments. Archival research did not identify any likely locations for potential historic archaeological materials. Both the Warm Springs Station to I-880 connector and the Montague Expressway to I-880 connector would affect areas of moderate archaeological sensitivity.

##### **BART Alternative**

The archaeological resources inventory identifies numerous locations within the archaeological APE where archaeological materials may be expected to occur along the BART Alternative alignment. Whether those locations contain deposits that qualify as significant under Section 106 of the NHPA, or as important or unique under the standards of CEQA, cannot be determined until excavations are conducted. The number of archaeological resources that are likely to occur along the different corridor segments and alignment options are described below and shown in Table 4.6-2. In addition, the corridor segments would pass through areas of high and moderate archaeological sensitivity, as identified in the ASSR.

	<b>Segment 1</b> <sup>[2]</sup>	<b>Segment 2</b> <sup>[2]</sup>	<b>Segment 3</b> <sup>[3]</sup>	<b>Segment 4</b> <sup>[4] [5]</sup>	<b>Segment 5</b> <sup>[2]</sup>
Number of Archaeological Resources	3	10	8	68	8
Notes:					
<sup>[1]</sup> Segment numbers refer to BART Alternative segments identified in Chapter 3, <i>Alternatives</i> .					
<sup>[2]</sup> The number of resources affected does not vary with the design options selected for this segment.					
<sup>[3]</sup> The Railroad/28 <sup>th</sup> St. Option would affect 7 of the 8 archaeological resources in this segment. The US 101/Diagonal Option would affect the 8 archaeological resources in this segment.					
<sup>[4]</sup> The Diridon/Arena Alignment and Station North Option would affect 15 of the 68 archaeological resources in this segment. The Diridon/Arena Alignment and Station South Option would affect 14 of the 68 archaeological resources in this segment.					
<sup>[5]</sup> The West of Civic Plaza/SJSU Crossover Option would affect 7 of the 68 archaeological resources in this segment. The West of Market Street Crossover Option would affect 8 of the 68 archaeological resources in this segment.					
<i>Source: Archaeological Survey and Sensitivity Report, Far Western Anthropological Research Group, December 2002.</i>					

- **Segment 1** contains 3 locations within the archaeological APE where recorded or potential archaeological resources may be affected, as indicated in Table 4.6-2. These include 1 prehistoric and 2 historic archaeological resources. The number of resources affected does not vary with the design options selected in this segment.
- **Segment 2** contains 10 locations within the archaeological APE where recorded or potential archaeological resources may be affected, as indicated in Table 4.6-2. These include 1 prehistoric resource and 9 historic resources. The number of resources affected does not vary with the design options selected in this segment. However, deferring construction of the Berryessa Station under MOS-1E would reduce the number of resources affected by 3 to a total of 7.
- **Segment 3** contains up to 8 locations within the archaeological APE where recorded or potential archaeological resources may be affected, depending on the design option, as indicated in Table 4.6-2. The Alum Rock Alignment and Station, Railroad/28<sup>th</sup> Street Option would affect 7 of the 8 locations. For comparison, the Alum Rock Alignment and Station, US 101/Diagonal Option would affect all 8 locations.
- **Segment 4** contains up to 68 locations within the archaeological APE where recorded or potential historic archaeological resources may be affected, depending on the design options, as indicated in Table 4.6-2. The Diridon/Arena Alignment and Station, North Option would affect 15 of the 68 resources. For comparison, the Diridon/Arena Alignment and Station, South Option would affect 14 of the 68 resources. The West of Civic Plaza/SJSU Station Crossover Option would affect 7 of the 68 archaeological resources. For comparison, the West of Market Street Station Crossover Option would affect 8 of the 68 archaeological resources. With the other design options in this segment, the number of resources affected by each option does not vary. Resources that are linear and run parallel to the street may be affected by more than one design option.
- **Segment 5** contains 8 locations within the archaeological APE where recorded or potential archaeological resources may be affected, as indicated in Table 4.6-2. These include 1 prehistoric/historic archaeological resource and 7 historic archaeological resources. The number of resources affected does not vary with the design options selected in this segment.

In accordance with 36 CFR Part 800.5(a)(2)(i), physical destruction or damage to all or part of a historic property constitutes an adverse effect. Part 800.6(a) calls for continued consultation to develop and evaluate alternatives or modifications to the project that could avoid, minimize, or mitigate adverse effects on historic properties. As previously described, a large amount of the project corridor is in an

urban setting, and has been paved over, built up, or in-filled. Given the findings of the archaeological inventory and sensitivity assessment, it is likely that resources that qualify as historic properties would be identified while project activities are on going. Pre-testing is problematic in developed areas and is not feasible at places where facilities now stand that would need to be removed or demolished.

#### **4.6.4 HISTORIC ARCHITECTURAL RESOURCES**

Background research and appropriate fieldwork were conducted to assess which resources would be part of the survey population for this study. County property record research was conducted through First American Real Estate Solutions (FARES) commercial database and area maps were reviewed, as were Santa Clara County and Alameda County assessment records, historical photographs, and other documents including the previous documentation of historic properties. This work determined which buildings, groups of buildings, structures and objects would be included in the survey population as resources 50 years old or older as of 2013, the estimated nearest-term year of project completion. These buildings, groups of buildings, structures and objects that appear to have been built in or before 1962 were studied in more detail to determine whether they meet the criteria for listing in the NRHP or appear to be historical resources under CEQA.<sup>2</sup>

Twenty-five local government offices, historical organizations, and individuals interested in historic preservation in Alameda and Santa Clara counties were consulted for comments and additional information relating to known or potential historic resources in the project vicinity. Letter responses were received from the City of Milpitas and Los Fundadores-Santa Clara. Consultations with the cities of Milpitas, San Jose, and Santa Clara and other historical and governmental organizations are continuing.

In keeping with the standards of the State Office of Historic Preservation, the survey population was inspected in the field, photographed, and described in detail on California Department of Parks and Recreation (DPR) 523 forms, as necessary. Property-specific research was undertaken for individual resources, in both archival and published records. Research was conducted at the California State Library, Sacramento; Shields Library, University of California, Davis; Caltrans Transportation Library, Sacramento; Caltrans District 4 Maps and Plans Office, Oakland; Assessors' Offices at Alameda and Santa Clara counties; Santa Clara County Recorder's Office; Santa Clara County Surveyor's Office; Alameda County Maps and Files Room (Hayward); California Room, San Jose Public Library; History San Jose Archives, Kelly Park; Map Collection-University of California, Berkeley; and California State Railroad Museum Library. Personal interviews were also conducted, and a meeting was held with the City of San Jose's Historic Preservation Officer. Existing information from previous surveys was also reviewed. The NRHP, the CRHR, the California Historical Landmarks, and California Points of Historic Interest lists were all consulted, as were previous historic resource inventory evaluation surveys and reports. The findings of this work and the field survey are summarized below.

##### **4.6.4.1 Existing Conditions**

##### **Baseline and BART Alternatives**

A total of 657 buildings, structures, and objects are located within the architectural APE for the Baseline and BART alternatives. Of the total number of resources, 250 were built in or before 1962 and required survey or recordation as part of the survey population for the project. The remaining 407 buildings, structures, or objects were constructed in or after 1963 or were vacant parcels at the time of the field

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<sup>2</sup> Generally, properties that are less than 50 years old are excluded from listing in the National Register, unless they can be shown to be exceptionally important. Buildings, structures, and objects determined to have been built in 1963 or later and that would be less than 50 years old as of estimated project completion were therefore considered non-historic. None of the post-1962 resources appeared to be eligible for inclusion in the National Register, and none required further study.

surveys in the spring and summer of 2002. These non-historic or vacant parcels required no further study.

Of the 250 buildings, structures, and objects evaluated, 21 historic properties are listed in the NRHP, have been determined eligible for the NRHP, or appear eligible for listing in the NRHP. Two of these historic properties, the San Jose Downtown Commercial Historic District and the Santa Clara Station, are multi-component historic districts with 13 and 2 individual historic resources, respectively, for a total of 34 individual buildings, structures, or objects studied. The 21 historic properties are listed in Table 4.6-3. Four additional properties within the architectural APE do not appear to meet criteria for listing in the NRHP but do appear eligible as historic resources for the purposes of CEQA. These are listed in Table 4.6-4. The remaining 212 historic resources do not appear to meet criteria for listing in the NRHP nor do they appear to be historical resources under CEQA.

#### **4.6.4.2 Historic Architectural Resources Impacts**

##### **No-Action Alternative**

Projects planned under the No-Action Alternative would undergo separate environmental review to define impacts to historic architectural resources.

##### **Baseline Alternative**

There are no historic architectural resources located in the vicinity of the proposed busway direct connector roadway segments; therefore, no adverse effects on historic properties would occur with the Baseline Alternative.

##### **BART Alternative**

A *Finding of Effects* report will be completed prior to the Final EIS/EIR for the BART Alternative in accordance with the guidelines for documentation in 36 CFR Part 800.5 for the 21 historic properties identified as part of this project. Preliminary findings of effect are summarized in Table 4.6-5. There would be no change to these findings based on the MOS scenarios.

Implementation of the BART Alternative would have no adverse effect on 19 of the 21 historic properties. Construction activities, including, but not limited to, cut-and-cover and tunneling construction methodologies, are not anticipated to generate noise and vibration levels that would cause either structural or cosmetic damage to these properties. Predicted operational noise and vibration levels would also have no adverse effect on these properties. Construction and operation of station entrances, tunnel ventilation shafts, parking structures, and construction staging areas are also not anticipated to generate adverse noise, vibration, and visual effects on these properties. These undertakings would not alter the characteristics of the properties that qualify them for listing on the NRHP and would not adversely affect these historic properties. There would be no effect on the 4 properties that are considered historical resources only under CEQA.

Station entrance/elevator/bicycle storage/ventilation shaft options at the Market Street Station and pedestrian linkage options at the Santa Clara Station would have an adverse effect on up to 2 historic properties by affecting buildings within the 2 historic districts depending on the options chosen. These options would require the demolition and/or substantial alteration of contributing elements of each district, would change the physical features within the settings of the properties, or would diminish the integrity of the properties, resulting in adverse effects to these properties.

<b>Table 4.6-3: Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP <sup>[1]</sup></b>				
<b>Address</b>	<b>APN <sup>[2]</sup></b>	<b>Year Built</b>	<b>NR Status Code <sup>[3]</sup></b>	<b>Evaluated by (if appears eligible)</b>
San Jose Downtown Commercial Historic District Including the following contributing elements:				
• 142-150 East Santa Clara Street, San Jose City of San Jose Landmark	467-23-035	1913	1D	*
• 138 East Santa Clara Street, San Jose	467-23-036	1905	1D	*
• 124-126 East Santa Clara Street, San Jose	467-23-038	1900	1D	*
• 114-118 East Santa Clara Street, San Jose	467-23-039	1920	1D	*
• 100 East Santa Clara Street, San Jose	467-23-089	1912	1D	*
• 82 East Santa Clara Street, San Jose City of San Jose Landmark	467-22-091	1898	1D	*
• 52 East Santa Clara Street, San Jose City of San Jose Landmark	467-22-046	1900	1D	*
• 42-48 East Santa Clara Street, San Jose	467-22-041 467-22-042	1930s	1D	*
• 36-40 East Santa Clara Street, San Jose	467-22-043	1880s	1D	*
• 31 Fountain Alley, San Jose	467-22-039	1915	1D	*
• 28 East Santa Clara Street, San Jose	467-22-045	1880	1D	*
• 27-29 Fountain Alley, San Jose City of San Jose Landmark	467-22-038	1895	1B	*
• 8-14 South First Street, San Jose	467-22-097	1926	1D	*
Vintage Towers/Medico-Dental Building 227-247 East Santa Clara Street, San Jose	467-19-057	1928	2	*
The Realty Building 19 North Second Street, San Jose	467-21-028	1925	2S2	*
The Commercial Building 22 North First Street, San Jose	467-54-001 467-54-034	1926	2	*
De Anza Hotel 231-233 West Santa Clara Street, San Jose	259-35-022	1931	1S	*
San Jose Water Works Building 374 West Santa Clara Street, San Jose	259-38-128	1934	2	*
Cahill Station and Santa Clara Underpass, San Jose	261-34-020	1935	1D	*
Church of the Five Wounds 1375-1401 East Santa Clara Street, San Jose	467-08-007 467-08-009 478-08-014	1916- 1960	3	Ward Hill 2002
Mayfair Theater 1191 East Santa Clara Street, San Jose	467-10-043	1949	3	Ward Hill 2002
B.F. Allen House 1169 East Santa Clara Street, San Jose	467-10-046	1888	3	Ward Hill 2002
Fox Building 40 North Fourth Street, San Jose	467-20-016	1919	3S	JRP 2002
San Jose Building and Loan 81 West Santa Clara Street, San Jose	259-34-018	1926	3S	Franklin Magi 2002 / JRP 2002

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<b>Table 4.6-3: Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP <sup>[1]</sup></b>				
<b>Address</b>	<b>APN <sup>[2]</sup></b>	<b>Year Built</b>	<b>NR Status Code <sup>[3]</sup></b>	<b>Evaluated by (if appears eligible)</b>
James Clayton Building 34 West Santa Clara Street, San Jose	259-40-038	1880s / 1910s / 1920s	3S	Glory Anne Laffey 1991 / JRP 2002
San Jose National Bank 101 West Santa Clara Street, San Jose	259-34-046	1942	3S	Franklin Magi 2000
The Old Spaghetti Factory 51 North San Pedro Street, San Jose	259-35-041	1901	3S	Franklin Magi 2000
151 West Santa Clara Street, San Jose	259-35-049	1877 / 1930	3	Franklin Magi 2000
Calpak Plant #51 50 Bush Street, San Jose	261-33-038	1914 / 1925 / 1930	3B	Glory Anne Laffey 1998
Schurra's Candy Factory 848 The Alameda, San Jose	261-33-020	ca. 1884	3S	Glory Anne Laffey 1991 / JRP 2002
176 N. Morrison Avenue, San Jose	261-01-074	ca. 1898	3	JRP 2002
Muirson Label and Carton Company 421-435 Stockton Avenue, San Jose	261-03-051	1913 / 1927	3	Ward Hill 2001
Santa Clara Station Including the following contributing elements:				
• Santa Clara Station Depot 1 Railroad Avenue, Santa Clara	230-06-050	1876	1S	*
• Santa Clara Tower Benton Street and Railroad Avenue, Santa Clara	230-06-040	1904 / 1927	2	Caltrans 1991 / JRP 2002
Notes:				
<sup>[1]</sup> All properties listed in this table are also eligible to be considered historic resources for the purposes of CEQA.				
<sup>[2]</sup> APN: Assessor's Parcel Number				
<sup>[3]</sup> Status Codes for the National Register of Historic Places:				
1 Listed in the NRHP				
2 Determined eligible for listing in the NRHP through a formal process involving federal agencies				
3 Appears eligible for listing in the NRHP as judged by the qualified person completing or reviewing the DPR 523 form for the property				
S Considered a separate or individual property				
D Considered a contributor or potential contributor to a historic district or potential historic district				
B Considered both an "S" and "D" property				
2S2 Determined eligible for separate listing through a consensus determined by a federal agency and the California Office of Historic Preservation (OHP)				
* These properties are listed in the NRHP or were previously determined eligible. Information regarding the evaluators is not required in the HRER.				
Source: <i>Historic Resources Evaluation Report, JRP Historical Consulting Services, 2002.</i>				

<b>Table 4.6-4: Historic Properties That Do Not Appear Eligible for Listing in the NRHP, But Appear Eligible to be Considered Historic Resources Under CEQA</b>				
<b>Address</b>	<b>APN</b>	<b>Year Built</b>	<b>Status Code <sup>[1]</sup></b>	<b>Evaluated by (if appears eligible)</b>
43-49 East Santa Clara Street, San Jose	467-21-027	1877 / 1924	5S3	Other / JRP 2002
35-39 East Santa Clara Street, San Jose	467-21-026	1876 / 1946	5S3	Other / JRP 2002
177 West Santa Clara Street, San Jose 124-126 E. Santa Clara Street, San Jose	259-35-048	1884	5S1	Other / JRP 2002
808-824 The Alameda, San Jose	261-33-023	1920s / 1930s / 1954	5S1	Other / JRP 2002
Notes: <sup>[1]</sup> Status codes: 5S1 Property is not eligible for NR listing, but is separately listed under an existing local ordinance or is eligible for such listing. 5S3 Property is not eligible for NR listing or for listing under a local ordinance, but is eligible for special consideration in local planning (such as having been evaluated as eligible to be a historical resource for the purposes of CEQA). <i>Source: Historic Resources Evaluation Report, JRP Historical Consulting Services, 2002.</i>				

#### **4.6.5 DESIGN REQUIREMENTS AND BEST MANAGEMENT PRACTICES**

##### **Baseline and BART Alternatives**

The following best management practices will reduce adverse effects on archaeological and historic architectural resources for the Baseline and BART alternatives, as well as the MOS scenarios:

- VTA will continue to coordinate with historic preservation interests, including owners of historic properties potentially affected by the project, throughout the final design and construction phases of the project.
- VTA will ensure the dissemination of information to all interested and affected parties in a timely manner regarding anticipated construction activities.

#### **4.6.6 MITIGATION MEASURES**

##### **4.6.6.1 Archaeological Resources Mitigation**

##### **No-Action Alternative**

Projects planned under the No-Action Alternative would undergo separate environmental review to define impacts to archaeological resources and determine appropriate mitigation measures.

##### **Baseline Alternative**

- There is the moderate possibility that deeply buried prehistoric deposits exist underneath approximately 2.0 miles of the busway connectors based on the geomorphological context. The appropriate measure to address this concern is exploratory subsurface trenching in select areas

**Table 4.6-5: Summary of Findings for Historic Properties within the BART Alternative APE**

Address	APN	Effect
San Jose Downtown Commercial Historic District Including the following contributing elements:		The Market Street Station includes options for two options for entrances and other facilities within the boundaries of the San Jose Downtown Commercial Historic District (District).
<ul style="list-style-type: none"> <li>• 142-150 East Santa Clara Street, San Jose</li> <li>• City of San Jose Landmark</li> </ul>	467-23-035	Adverse. Option M-1A includes a station entrance, elevator, and bike parking area that would be constructed on a parcel (APN 467-22-045) currently occupied by one building listed on the NRHP as a contributor to the District and a building that appears to be a non-contributing element of the District (APN 467-22-044). This construction would require the demolition and/or substantial alteration of the contributing and non-contributing buildings. This would constitute an adverse effect to both the contributor and the District, as this would change the physical features within the setting and visual linkage of the District and possibly diminish the integrity of the District.
<ul style="list-style-type: none"> <li>• 138 E. Santa Clara Street, San Jose</li> </ul>	467-23-036	
<ul style="list-style-type: none"> <li>• 124-126 East Santa Clara Street, San Jose</li> </ul>	467-23-038	
<ul style="list-style-type: none"> <li>• 114-118 East Santa Clara Street, San Jose</li> </ul>	467-23-039	
<ul style="list-style-type: none"> <li>• 100 E. Santa Clara Street, San Jose</li> </ul>	467-23-089	
<ul style="list-style-type: none"> <li>• 82 East Santa Clara Street, San Jose</li> <li>• City of San Jose Landmark</li> </ul>	467-22-091	
<ul style="list-style-type: none"> <li>• 52 East Santa Clara Street, San Jose</li> <li>• City of San Jose Landmark</li> </ul>	467-22-046	
<ul style="list-style-type: none"> <li>• 42-48 East Santa Clara Street, San Jose</li> </ul>	467-22-041 467-22-042	No adverse effects anticipated. Option M-1B includes a station entrance facility that would be constructed on a parcel that is currently vacant. This site faces onto S. 1 <sup>st</sup> Street and is bordered by Fountain Alley, a parking lot, a non-contributing building. The setting and linkage of the District along the east side of S. 1 <sup>st</sup> Street is less cohesive and includes more open space and non-contributing elements. This option would not appear to diminish the linkage of historic resources in the District and would not require demolition or alteration of contributing elements. Therefore, Option M-1B would constitute no adverse effect to the District.
<ul style="list-style-type: none"> <li>• 36-40 E. Santa Clara Street, San Jose</li> </ul>	467-22-043	
<ul style="list-style-type: none"> <li>• 31 Fountain Alley, San Jose</li> </ul>	467-22-039	
<ul style="list-style-type: none"> <li>• 28 East Santa Clara Street, San Jose</li> </ul>	467-22-045	
<ul style="list-style-type: none"> <li>• 27-29 Fountain Alley, San Jose</li> <li>• City of San Jose Landmark</li> </ul>	467-22-038	
<ul style="list-style-type: none"> <li>• 8-14 South First Street, San Jose</li> </ul>	467-22-097	
Vintage Towers/Medico-Dental Building 227-247 East Santa Clara Street, San Jose	467-19-057	No adverse effects anticipated.
The Realty Building 19 North Second Street, San Jose	467-21-028	No adverse effects anticipated.
The Commercial Building 22 North First Street, San Jose	467-54-001 467-54-034	No adverse effects anticipated.
De Anza Hotel 231-233 W. Santa Clara Street, San Jose	259-35-022	No adverse effects anticipated.
San Jose Water Works Building 374 West Santa Clara Street, San Jose	259-38-128	No adverse effects anticipated.
Cahill Station and Santa Clara Underpass, San Jose	261-34-020	No adverse effects anticipated.

*continued*

**Table 4.6-5: Summary of Findings for Historic Properties within the BART Alternative APE**

Address	APN	Effect
Church of the Five Wounds 1375-1401 East Santa Clara Street, San Jose	467-08-007 467-08-009 467-08-014	No adverse effects anticipated.
Mayfair Theater 1191 East Santa Clara Street, San Jose	467-10-043	No adverse effects anticipated.
B.F. Allen House 1169 East Santa Clara Street, San Jose	467-10-046	No adverse effects anticipated.
Fox Building 40 North Fourth Street, San Jose	467-20-016	No adverse effects anticipated.
San Jose Building and Loan 81 West Santa Clara Street, San Jose	259-34-018	No adverse effects anticipated.
James Clayton Building 34 West Santa Clara Street, San Jose	259-40-038	No adverse effects anticipated.
San Jose National Bank 101 West Santa Clara Street, San Jose	259-34-046	No adverse effects anticipated.
The Old Spaghetti Factory 51 North San Pedro Street, San Jose	259-35-041	No adverse effects anticipated.
151 West Santa Clara Street, San Jose	259-35-049	No adverse effects anticipated.
Calpak Plant #51 50 Bush Street, San Jose	261-33-038	No adverse effects anticipated.
Schurra's Candy Factory 848 The Alameda, San Jose	261-33-020	No adverse effects anticipated.
176 N. Morrison Avenue, San Jose	261-01-074	No adverse effects anticipated.
Muirson Label and Carton Company 421-435 Stockton Avenue, San Jose	261-03-051	No adverse effects anticipated.
Santa Clara Station Including the following contributing elements: ----- • Santa Clara Station Depot 1 Railroad Avenue, Santa Clara ----- • Santa Clara Tower Benton Street and Railroad Avenue, Santa Clara	230-06-050 230-06-040	Adverse. The Aerial Walkway South Option and the Underground Walkway Option provide a connection between the east and west sides of the railroad tracks with the west end of the aerial structure or underground walkway located south of the Santa Clara Tower (Tower), between the Tower and the Santa Clara Station Depot (Depot). These walkway options would adversely affect the historic station. The Aerial Walkway South Option would change the relationship of physical features within the setting of the historic station and would diminish the integrity of the Tower and other historic structures and affect their relationships to the Depot. Depending on the scale of the "pop-up" entrance in relation to the Depot, Tower, and other structures, the Underground Walkway Option would also result in an adverse effect. Given the small size of the historic structures, even a relatively small walkway entrance would change the relationship of physical features within the setting of the historic station and diminish the integrity of the Tower and other structures and affect their relationships to the Depot.

Source: *Finding of Effects, JRP Historical Consulting Services, 2003.*

along the Warm Springs Station to I-880 connector and along the Montague Expressway to I-880 connector. If a significant, buried archaeological deposit is encountered, subsequent controlled subsurface excavations are the appropriate mitigation measure to be completed.

### **BART Alternative**

Because it is reasonable to conclude that cultural resources are likely to be discovered during implementation of this undertaking, the process for addressing impacts and avoiding, minimizing, or mitigating adverse effects on historic properties will be developed in advance and included in a Memorandum of Agreement (MOA) and supporting Cultural Resources Treatment Plan (CRTP).

The MOA and CRTP will be developed in consultation with the Native American community, Hispanic historical organizations, appropriate city and county historic preservation bodies, SHPO, and ACHP. FTA, VTA, SHPO, and ACHP will be signatories to the agreement document.

The CRTP will specify the NRHP criteria that will be applicable, the procedures to be used to implement the Section 106 process in the field, and the standards of evaluation that will be appropriate given the locations and kinds of cultural properties predicted. The CRTP will also present methods that combine pre-testing where possible (i.e., on open lots or undeveloped lands); testing after demolition of extant structures but before new ground-disturbing construction begins; construction-phase monitoring where appropriate; and standards for data recovery. In any event, areas within the APE where potential resources have been identified, or that are designated as high or moderately sensitive will be field investigated, concentrating on, but not confined to the area of direct impact. The CRTP shall meet *The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (U.S. Department of the Interior, National Park Service, 1983, as amended and annotated).

For the BART Alternative and MOS scenarios, appropriate mitigation measures to be specified in the documents may include:

- Conducting controlled subsurface excavations at prehistoric or historic archaeological resources;
- Conducting subsurface exploratory trenching in large construction-element areas within high and moderately sensitive zones to determine the presence of buried deposits;
- Undertaking detailed and focused archival research of particular historic archaeological resources;
- Protecting sites or portions of sites from intrusion where practical and feasible, to minimize adverse effects;
- Conducting on-site monitoring during surface-disturbing construction activities;
- Following procedures established in the CRTP when human remains are encountered;
- Completing detailed analyses of artifacts and organic remains consistent with the parameters detailed in the CRTP;
- Preparing and distributing reports and results of the technical studies, as detailed in the CRTP;
- Providing for the curation of archaeological materials recovered from project sites;
- Adhering to the procedures detailed in the CRTP regarding how interested parties will be invited to participate; and
- Providing for a public interpretation component in the technical archaeological studies.

The particular mitigation measures to be written into the MOA and CRTP will be determined in consultation among the signatories. A draft MOA is provided in Appendix F.

#### 4.6.6.2 Historic Architectural Resources Mitigation

##### **No-Action Alternative**

Projects planned under the No-Action Alternative would undergo separate environmental review to define impacts to historic architectural resources and determine appropriate mitigation measures.

##### **Baseline Alternative**

No historic architectural resource mitigation measures are required beyond the Design Requirements and Best Management Practices identified in Section 4.6.5 above.

##### **BART Alternative**

Mitigation measures for historic architectural resources will also be set forth in a MOA to be developed and executed by VTA, appropriate city and county historic preservation bodies, FTA, ACHP, and SHPO, as appropriate. The MOA for the BART Alternative and MOS scenarios will likely include the measures discussed below.

- **Design Standards and Guidelines.** If adverse effects cannot be avoided by the selection of alternatives, VTA will ensure that the project features affecting the contributing element(s) of the San Jose Downtown Commercial Historic District and the Santa Clara Caltrain Station complex are compatible with the historic and architectural qualities of the affected historic building(s) and surrounding historic district(s) in terms of scale, massing, color, and materials. Design and specifications for these project features shall be developed under the guidance of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (U.S. Department of the Interior, National Park Service, 1995).
- **Protective Measures.** VTA, in consultation with the owners of historic properties immediately adjoining the construction sites, will develop and implement measures to protect the contributing elements of the San Jose Downtown Commercial Historic District and the Santa Clara Caltrain Station complex from damage by any aspect of the undertaking. Such measures will include, but are not necessarily limited to, a pre-construction structural survey and/or photo-documentation to determine the integrity of existing historic/non-historic buildings adjacent to and over the proposed extension. This survey would be used to finalize detailed construction techniques along the alignment and as the baseline for monitoring construction impacts during and following construction. During construction, VTA would monitor adjacent buildings for movement and, if movement is detected, take immediate action to control the movement.
- **Recordation.** Recordation of the adversely affected historic building(s) is recommended to ensure a permanent record of the properties' present appearance and context. Under this mitigation measure, VTA will ensure that building(s) to be demolished or altered are recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards prior to any construction activities. The HABS/HAER documentation will be filed with the SHPO and the HABS/HAER collection in the Library of Congress, the National Park Service, and copies provided to local historical agencies.
- **Interpretive Display, Museum Exhibit, and/or Historic Image Reproduction.** VTA staff will develop a display of photographs produced in the HABS/HAER documentation, for public exhibition. Given that the affected properties are either contributing to the San Jose Downtown Commercial Historic District or within the Santa Clara Caltrain Station complex, this display could be provided by VTA at a location within the San Jose Downtown Commercial Historic District and/or at the Santa Clara Caltrain Station, as appropriate. VTA could also offer the display(s) as permanent exhibits to

local interested parties. VTA could provide, if extant, copies of existing historic photographs and/or historic documentary footage that includes information about the construction and operation of the adversely affected historic properties. Copies could be provided to Preservation Action Council of San Jose, the South Bay Historical Railroad Society, and other interested parties that do not already have copies of this documentation.

- **Opportunities for Salvage.** After recordation and at least 30 days prior to demolition, VTA and appropriate museums and/or historical societies will have the opportunity to salvage architectural elements for re-use or curation. Items selected will be removed in a manner that minimizes damage.

The specific mitigation measures identified above are likely measures that would apply to the BART Alternative and MOS scenarios. The details and requirements for each measure will be set forth in the MOA. A draft MOA is provided in Appendix F.