

### 3.5 Cultural Resources

This section describes the potential cultural resources impacts associated with the proposed changes to the approved project.

#### Environmental Setting

The following discussion describes the changes to the existing cultural resources conditions subsequent to the certification of the 2014 Subsequent IS/MND.

#### HISTORICAL RESOURCES

The 2014 Subsequent IS/MND stated that there were no historical resources within the vicinity of the changes to the project analyzed in that environmental document based on the 2010 update to the *Cultural Resources Identification and Evaluation Report* (CRIER) (ICF International 2010). The 2010 CRIER stated that 15 properties constructed before 1965 (45 years prior to the completion of the CRIER) were located adjacent to the project footprint. None of these 15 properties qualified as a historical resource for the purposes of California Environmental Quality Act (CEQA) review.

Two properties constructed between 1966 and 1968 (1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue) are located adjacent to the proposed changes to the project. Figure 3.5-1 shows the existing buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue. While these properties were not considered for their potential to be CEQA historical resources in past studies including the 2014 Subsequent IS/MND, they have since become eligible for consideration (over 50 years old). Therefore, these properties require California Register of Historical Resources (CRHR) evaluation. Neither building has previously been evaluated for listing in the CRHR or has otherwise been evaluated to determine its CEQA historical resource status. Both buildings were recorded and evaluated for listing in the CRHR during an intensive-level historical resources survey on May 22, 2018. ICF documented the CRHR evaluations on Department of Parks and Recreation 523A (Primary Record) and 523B (Building, Structure, Object) forms completed for each building (included in Attachment B of the Second Subsequent IS). The CRHR evaluations concluded that neither building meets the criteria for listing in the CRHR; thus, 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue do not qualify as historical resources under CEQA. Therefore, no additional historical resources are located adjacent to the location of the proposed changes to the project.



a. View of the building at 1091-1093 S. Capitol Avenue.



b. View of the building at 1148 S. Capitol Avenue.

Source: ICF 2018.

Graphics ... 0001138 (7/17/18) TAG

**Figure 3.5-1**  
**1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue**

A summary of the evaluations for the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue under CRHR Criteria 1 through 4 is provided below.

- **Criterion 1 (Events):** The buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue were constructed during the second half of the 1960s and are typical examples of suburban commercial retail development in eastern San Jose from this period. Neither property represents a prominent or influential instance of commercial development within the context of San Jose’s low-density suburban expansion in the post-World War II period. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 1.
- **Criterion 2 (Persons):** Past owners and individuals associated with the commercial tenants of 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not known to have made important contributions to local, California, or national history that are directly conveyed through the subject properties. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 2.
- **Criterion 3 (Architecture/Design):** Both 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are commercial retail buildings designed in a vernacular mid-century modern architectural style that is common throughout San Jose, Santa Clara County, and California as a whole. The buildings are unremarkable examples of 1960s-era commercial architecture and do not possess high artistic merit. The buildings’ architects have not been identified, and neither building appears to be the work of a master architect or designer. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 3.
- **Criterion 4 (Information Potential):** Neither the building at 1091–1093 S. Capitol Avenue nor the building at 1148 S. Capitol Avenue appears to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, the buildings at 1091–1093 S. Capitol Avenue and 1148 S. Capitol Avenue are not significant under CRHR Criterion 4.

## ARCHAEOLOGICAL RESOURCES

Based on the 2010 CRIER, the 2014 Subsequent IS/MND did not identify any archaeological resources within the project footprint. The following discussion is based on and supported by the May 16, 2018, *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Final Cultural Resources Memorandum* (Attachment C of the Second Subsequent IS). The memorandum reviewed the findings of previous analyses, performed an updated records review and continued Native American consultation, and reviewed previous analyses of buried archaeological resource sensitivity. As summarized below, these efforts did not identify any newly recorded archaeological resources within the area in which direct ground disturbance is anticipated as a result of the proposed changes (the project footprint). An updated literature review at

the Sonoma State University Northwest Information Center did not identify any new known archaeological resources within the project footprint.

As discussed in Chapter 2, *Changes to the Approved Project, Changes in Circumstances, and Introduction of New Information*, effective July 1, 2015, Assembly Bill (AB) 52 formally established new requirements under CEQA to protect tribal cultural resources. AB 52 requires the lead agency under CEQA to consult with California Native American tribes who have requested consultation as of July 2015, as described in Public Resources Code § 21080.3.1, subdivisions (b), (d), and Chapter 532 Statutes of 2014. In February, 2018 Santa Clara Valley Transportation Authority (VTA) mailed letters serving as formal notification under AB 52 to all nine previously contacted individuals to continue consultation with local Native American individuals. VTA requested an updated Native American Heritage Commission (NAHC) Sacred Lands File search and list of parties who hold affiliations with the general area in February 2018. The NAHC responded on March 1, 2018 with a negative Sacred Lands File search and a list of six tribal representatives, five of which were included in previous consultation. In April 2018, a letter serving as formal notification under AB 52 was mailed to one new individual (Katherine Erolinda Perez, Chairperson of the North Valley Yokuts Tribe) identified in the 2018 NAHC response. To date, no comments were received from those individuals that VTA staff were able to reach and no responses have been received.

In addition, a desktop-based geoarchaeological sensitivity analysis revealed that the project footprint is underlain by landforms that have sensitivity for containing unknown buried archaeological resources. The presence of such landforms were verified by a previous geoarchaeological field study (Psota 2015). Although the previous geoarchaeological field study did not identify any buried archaeological resources or surfaces, the sample size of the study was not large enough to rule out the potential for encountering unknown buried archaeological resources.

## Environmental Impacts and Mitigation

The impact discussion in this section primarily focuses on the proposed changes to the approved project that could result in new or more significant cultural resources impacts compared to the impacts previously identified and analyzed for the approved project.

As with the approved project, there are no historical resources as defined in Section 15064.5 of the CEQA Guidelines located within or adjacent to the location of the proposed changes to the approved project. As such, the proposed changes to the approved project would not result in changes to the significance of a historical resource or additional impacts on historical resources beyond the impacts previously identified and analyzed for the approved project.

**Impact:** Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to historical resources.

**Mitigation:** None required. There is “No Impact.”

**No impact. No mitigation required.**

As with the approved project, there are no known archaeological resources located within the project footprint for the proposed changes to the approved project. Similarly, there are no isolated human remains, cemeteries, or archaeological resources that contain human remains identified within the project corridor according to the updated literature review at the Sonoma State University Northwest Information Center. As such, the proposed changes to the approved project would not result in additional impacts on known archaeological resources (including human remains) compared to the impacts previously identified and analyzed for the approved project. However, the horizontal and vertical extent of ground disturbing activities associated with some of the proposed changes to the approved project (specifically, pile driving and the minor shift in the location and straightening of the Story Station pedestrian overcrossing) would be different than those analyzed for the approved project. Thus, the proposed changes to the approved project could result in impacts on unknown archaeological resources.

**Impact:** The May 16, 2018 *Eastridge to BART Regional Connector: Capitol Expressway Light Rail Project Final Cultural Resources Memorandum* indicates that the total amount of ground disturbance from the instances where the proposed changes to the approved project (0.06 acre) would account for a very small percentage (0.7 percent) of the 9-acre project footprint. Therefore, the conclusions of the prior archaeological reports have not changed, and the potential for the proposed changes to the approved project to affect as-yet undocumented archaeological resources would be minimal.

The following procedures represent standard practice that would be followed in the case of inadvertent discovery of buried cultural resources and human remains:

- **Stop work immediately if buried cultural deposits are encountered during construction activities.** Should any cultural and/or archaeological resources be discovered (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) during construction activities, VTA shall suspend work in the immediate vicinity, and VTA’s construction inspector shall contact VTA’s Environmental Programs Department to coordinate site investigations by a qualified archaeologist to assess the materials and determine their significance.
- **Stop work immediately if human remains are encountered during construction activities:** If human remains are unearthed during construction, pursuant to Section 50977.98 of the Public Resources Code and Section 7050.5 of the State Health and Safety

Code, VTA and Contractor shall immediately suspend work in the immediate vicinity and contact the Santa Clara County coroner. If the Santa Clara County coroner determines the remains are Native American in origin, VTA will contact the Native American Heritage Commission to request a Most Likely Descendent to coordinate the disposition of the remains.

- **Native American monitoring during construction:** VTA shall retain the services of a Native American monitor during construction involving subsurface excavation between Cunningham Avenue and Quimby Avenue.

Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to archaeological resources (including human remains).

**Mitigation:** None required. With inclusion of the standard practice procedures, there is “No Impact.”

**No impact. No mitigation required.**

As with the approved project, the potential is low for a unique paleontological resource or site to occur in the Capitol Expressway corridor. As such, the proposed changes to the approved project would not result in the direct or indirect destruction of a unique paleontological resource or site beyond the impacts previously identified and analyzed for the approved project.

**Impact:** Based on the analysis above, the proposed changes to the approved project would not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts related to paleontological resources.

**Mitigation:** None required. This impact is “Less than Significant.”

**Less-than-significant impact. No mitigation required.**