

## 5.4 CULTURAL AND HISTORICAL RESOURCES

### 5.4.1 INTRODUCTION

Under the National Historic Preservation Act (NHPA) a significant property is one that is listed on or determined eligible for listing on the National Register of Historic Places (NRHP). Eligibility for listing on the NRHP rests on twin factors of significance and integrity: a property must have both significance and integrity to be considered eligible. Significance is judged by applying NRHP Criteria A through D. Integrity is determined by applying the factors of location, design, setting, materials, workmanship, feeling, and association to the property. Certain property types, such as moved properties or those that are less than 50 years old, are usually excluded from consideration for listing in the NRHP.

For an archaeological site “integrity” means that the site still possesses those qualities that make it important: original location; intact deposits, structures, and/or features; and data which can add to our knowledge of the history or prehistory of an area. For an historic property there are three types of “integrity” considerations: location and setting relate to the relationship between the property and its environment; design, materials, and workmanship relate to construction methods and architectural details; and feeling and association pertain to the overall ability of the property to convey a sense of the historical time and place in which it was constructed.

Under federal regulations, adverse effects on cultural resources need only be analyzed if a resource meets the eligibility criteria for listing in the NRHP. Federal regulations define an adverse effect on a cultural resource when the effect may diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties can include:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization,
- Hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;
- Removal of the property from its historic location;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features;

## 5.4.2 IMPACT DISCUSSION

### Disturbance of Archaeological Materials

#### No Build Alternative

Projects planned under the No Build Alternative would undergo separate environmental review to define potential adverse effects to historic properties, both archaeological and architectural, and to determine appropriate mitigation measures. (See Section 2.3 of Chapter 2, Alternatives for a list of future projects under the No Build Alternative.) The No Build Alternative projects would likely result in adverse effects to cultural resources typically associated with transportation projects in a culturally rich and diverse area. Where historic archaeological properties have adverse effects from by the No Build Alternative projects, mitigation measures could include but not be limited to avoidance, protection, data recovery, and public education. The mitigation measures would be developed through a Programmatic Agreement (PA).

#### BEP Alternative

The BEP Alternative alignment would pass through the cities of Fremont, Milpitas, and a portion of San Jose. Archaeological resources inventories identified known resources and locations within the archaeological APE with high sensitivity for buried resources along the BEP Alternative alignment. The number of known archaeological resources and areas of high sensitivity within the APE associated with each city are shown in Table 5.4-1. Four known archaeological resources occur within the APE of the BEP Alternative, 14 locations of potential buried resources, and 11 locations of possible historic-era archaeological resources have been identified within the APE of the BEP Alternative.

**Table 5.4-1: Archaeological Locations and Resources Affecting BEP Alternative**

Resources	Fremont	Milpitas	San Jose
Known Sites	1	1	2
Potential Buried Resources	6	7	1
Possible Historic-Era Resources	3	0	8

Source: Far Western Anthropological Research Group, March 2008.

Whether these locations contain deposits that qualify as significant under Section 106 of the NHPA cannot be determined without evaluation. Testing to confirm the presence of and evaluate the significance of archaeological resources is problematic at this time, because much of the APE is already improved with structures, pavement, and street rights-of-way. Given the findings of the archaeological inventory and sensitivity assessment, it is likely that resources that qualify as historic properties would be identified during the implementation of the BEP Alternative. Pre-testing at this time is

problematic in developed areas and is not feasible at places where facilities now stand that would need to be removed or demolished.

Therefore, although the confirmation of archaeological resources and the evaluation of their significance are not possible at this time, due to the scale of the BEP Alternative and the sensitivity of the corridor for archaeological resources, it is reasonable to conclude that the BEP Alternative would have adverse effects on historic archaeological properties.

Mitigation Measure CUL-1: A Programmatic Agreement (PA) and a supporting Cultural Resources Treatment Plan (CRTP) will be developed and executed by VTA in consultation with the appropriate government and historic preservation bodies, and Native American community.

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 highly or moderately sensitive, will be field investigated, concentrating on, but not confined to, the area of direct effect. The CRTP will 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).

Appropriate testing or mitigation measures may include the following:

- Conducting controlled subsurface excavations at prehistoric or historic archaeological resources;
- Conducting subsurface exploratory trenching in large construction-element areas within highly 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 details and requirements for each mitigation measure will be set forth in the PA. A draft PA is provided in Appendix F.

### SVRTP Alternative

The SVRTP Alternative alignment would pass through the cities of Fremont, Milpitas, San Jose and Santa Clara. Archaeological resources inventories identified known resources and locations within the archaeological APE with high sensitivity for buried resources along the SVRTP Alternative alignment. The number of known archaeological resources and areas of high sensitivity within the APE associated with each city are shown in Table 5.4-2. The most archaeologically sensitive portions of the APE are the main route through downtown San Jose and the zones surrounding the first and third missions in Santa Clara.

Six known archaeological sites, 17 locations of potential buried resources and 166 locations of possible historic-era archaeological resources have been identified within the APE of the SVRTP Alternative. The number of resources affected does not vary with the design options associated with the SVRTP Alternative.

**Table 5.4-2: Archaeological Locations and Resources Affecting SVRTP Alternative**

Resources	Fremont	Milpitas	San Jose	Santa Clara
Known Sites	1	1	3	1
Potential Buried Resources	6	7	3	1
Possible Historic-Era Resources	3	0	160	3

Source: Far Western Anthropological Research Group, March 2008.

Whether these locations contain deposits that qualify as significant under Section 106 of the NHPA, cannot be determined without evaluation. Testing to confirm the presence of and evaluate the significance of archaeological resources is problematic at this time,

because much of the APE is already improved with structures, pavement, and street rights-of-way. Given the findings of the archaeological inventory and sensitivity assessment, it is likely that resources that qualify as historic properties would be identified during the implementation of the SVRTP Alternative. Pre-testing is problematic at this time in developed areas and is not feasible at places where facilities now stand that would need to be removed or demolished.

Therefore, although the confirmation of archaeological resources and the evaluation of their significance are not possible at this time, due to the scale of the SVRTP Alternative and the sensitivity of the corridor for archaeological resources, it is reasonable to conclude that the SVRTP Alternative would have adverse effects on historic archaeological properties.

The mitigation measure for the SVRTP Alternative is the same as for the BEP Alternative. See Mitigation Measure CUL-1.

### **Degradation of Historic Architecture**

#### **No Build Alternative**

The No Build Alternative projects would likely result in adverse effects to cultural resources typically associated with transportation projects in a culturally rich and diverse area. Where historic architectural properties have adverse effects from the No Build Alternative projects, mitigation measures could include but not be limited to avoidance, protection, adherence to *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), recordation, and interpretive display. The mitigation measures would be documented in a MOA or PA.

#### **BEP Alternative**

There are no historic architectural resources within the BEP Alternative APE. Therefore, development of the BEP Alternative would not affect historic architectural properties.

#### **SVRTP Alternative**

As discussed in Section 4.4, Cultural and Historical Resources Affected Environment, the SVRTP Alternative APE includes 25 existing properties in the City of San Jose and one existing property in the City of Santa Clara that have been determined eligible, are listed on the National Register of Historic Places (NHRP), or appear eligible for listing. These properties are referred to as "historic properties." A *Finding of Effects* report will

be completed prior to the Final EIS in accordance with the guidelines for documentation in 36 CFR Part 800.5 for the 26 historic properties identified. Preliminary findings of effect are summarized in Table 5.4.3. A discussion of potential adverse effects to these resources follows.

Implementation of the SVRTP Alternative would have no adverse effect on 24 of the 26 historic properties. With the measures described in Section 5.10, predicted operational noise and vibration levels are not anticipated to cause adverse changes to the significance of the 24 historic properties. 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 project features would not alter the characteristics of the properties that qualify them for listing on the NRHP and would not adversely affect these historic properties.

Implementation of the SVRTP Alternative would have an adverse effect on two of the 26 historic properties identified within the APE, the San Jose Downtown Commercial Historic District (historic District) and the historic Santa Clara Caltrain Station (historic Station). The historic District will be affected by the station entrance options for the Downtown San Jose Station. Depending on which station entrance option is selected, up to four contributing buildings within the historic District will be altered. The historic Station will be affected by the pedestrian overcrossing at the Santa Clara Station which would alter the relationship and linkage between the structures at the historic Station. These effects and related mitigation measure are discussed below.

### ***City of San Jose***

The Downtown San Jose Station includes options for entrances and other facilities within the boundaries of the historic District. The following station entrance options would require interior changes to the building(s) that are contributing elements of the historic District and would require alterations to the exterior(s) of the building(s), possibly changing the physical features within the setting and visual linkage to the historic District and diminishing the integrity of the historic District.

Station entrance Option M-1A would involve the following contributing historic properties:

- 27-29 Fountain Alley, APN 467-22-158 (formerly 467-22-038);
- 31-33 Fountain Alley, APN 467-22-158 (formerly 467-22-039);
- 36-40 East Santa Clara Street, APN 467-22-158 (formerly 467-22-043); and
- 28 East Santa Clara Street, APN 467-22-158 (formerly 467-22-045), the Firato Delicatessen/Ravioli Building.

These properties are listed on the NRHP as contributors or potential contributors to a historic district.

Station entrance option M-1B would involve the following contributing historic property:

- 8-14 South First Street, APN 467-22-097, the Bank of Italy/Bank of America Building.

This property is listed on the NRHP as a contributor or potential contributor to a historic district.

Station entrance option M-1C would involve the following contributing historic property:

- 42-48 East Santa Clara Street, APN 467-22-041 and 042, the Moderne Drug/Western Dental building.

This property is listed on the NRHP as a contributor or potential contributor to a historic district.

### ***City of Santa Clara***

The SVRTP Alternative would construct a 400-foot long pedestrian overcrossing connecting the Santa Clara Station of the SVRTP Alternative on the east of the tracks with the historic Station on the west. The following historic properties would be affected:

- 1 Railroad Avenue, APN 230-06-050, Santa Clara Station Depot
- Benton Street and Railroad Avenue, APN 230-06-040, Santa Clara Tower and Sheds

The overcrossing includes a landing structure just north of the historic Santa Clara Station Depot (Depot), between the Depot and the historic Santa Clara Tower (Tower) and related speeder shed and section tool house (Sheds). The landing structure would interfere with and diminish the visual and physical linkage between the properties at the historic Station. Therefore, the Tower and Sheds will be relocated to approximately 30 feet south of the historic Depot where the relationship and linkage between the structures will be retained. The relocation of the historic Tower and Sheds, however, is considered an adverse effect.

**Table 5.4-3: Summary of Findings for Historic Properties within the SVRTP Alternative APE**

Address	APN	Effect
San Jose Downtown Commercial Historic District Including the following contributing elements:	Various	Adverse. Station entrance options M-1A, M-1B, and M-1C would require interior changes and would require alterations of the exteriors of up to four buildings within the historic District, depending on which option is selected, possibly changing the physical features within the setting and visual linkage to the historic District and diminishing the integrity of the historic District.
• 142-150 East Santa Clara Street. City of San Jose Landmark	467-23-035	No adverse effects anticipated.
• 138 E. Santa Clara Street	467-23-036	No adverse effects anticipated.
• 124-126 East Santa Clara Street	467-23-038	No adverse effects anticipated.
• 114-118 East Santa Clara Street	467-23-039	No adverse effects anticipated.
• 100 E. Santa Clara Street, San Jose	467-23-089	No adverse effects anticipated.
• 82 East Santa Clara Street. City of San Jose Landmark	467-22-149	No adverse effects anticipated.
• 52 East Santa Clara Street. City of San Jose Landmark	467-22-148	No adverse effects anticipated.
• 42-48 East Santa Clara Street, Moderne Drug/Western Dental building	467-22-041 467-22-042	Adverse if station entrance option M-1C is selected.
• 36-40 E. Santa Clara Street	467-22-158 (formerly 467-22-043)	Adverse if station entrance option M-1A is selected.
• 31-33 Fountain Alley	467-22-158 (formerly 467-22-039)	Adverse if station entrance option M-1A is selected.
• 28 East Santa Clara Street, Firato Delicatessen/Ravioli building	467-22-158 (formerly 467-22-045)	Adverse if station entrance option M-1A is selected.
• 27-29 Fountain Alley. City of San Jose Landmark	467-22-158 (formerly 467-22-038)	Adverse if station entrance option M-1A is selected.
• 8-14 South First Street, Bank of Italy/Bank of America building	467-22-097	Adverse if station entrance option M-1B is selected.
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.

<b>Address</b>	<b>APN</b>	<b>Effect</b>
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. Station elements and parking would not diminish the linkage of resources at the property and would not require demolition or alteration of contributing elements. Therefore, the project would constitute no adverse effect to the property.
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 Theatre 1191 East Santa Clara Street	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.
East San Jose Library 1102 E. Santa Clara Street, San Jose	467-58-001	No adverse effects anticipated.
Fox Building 40 N. Fourth Street, San Jose	467-20-016	No adverse effects. The building has been demolished.
San Jose Building and Loan 81 W. Santa Clara Street, San Jose	259-34-018	No adverse effects anticipated.
James Clayton Building 34 W. Santa Clara Street, San Jose	259-34-038	No adverse effects anticipated.
San Jose National Bank 101 W. Santa Clara Street, San Jose	259-34-046	No adverse effects anticipated.
The Old Spaghetti Factory 51 N. San Pedro Street, San Jose	259-35-041	No adverse effects anticipated.
St. Patrick's School 359 E. Santa Clara Street, San Jose	467-18-101	No adverse effects anticipated.
Tuggle Medical Clinic and Pharmacy 652 E. Santa Clara Street, San Jose	467-18-101	No adverse effects anticipated.
49 Wilson Avenue, San Jose	261-33-025	No adverse effects anticipated.
745 Schiele Avenue, San Jose	261-07-003	No adverse effects anticipated.
151 W. 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.

Address	APN	Effect
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 421-436 Stockton Avenue, San Jose	261-03-051	No adverse effects. This building has been demolished.
Historic Santa Clara Caltrain Station including the following properties:	Various	Adverse. See below.
<ul style="list-style-type: none"> <li>Santa Clara Station Depot, 1 Railroad Avenue, Santa Clara</li> </ul>	230-06-050	Adverse. The landing of the pedestrian overcrossing connecting the BART Santa Clara Station and the historic Santa Clara Caltrain Station would be constructed between the Depot and Tower and Sheds, thereby altering the visual and physical linkage of the structures at the historic Station.
<ul style="list-style-type: none"> <li>Santa Clara Tower and Sheds, Benton Street and Railroad Avenue, Santa Clara</li> </ul>	230-06-040 and 52	Adverse. The Tower and Sheds will be relocated at the historic Station to a site approximately 30 feet south of the Depot where the relationship and linkage between the structures will be retained. This relocation is considered an adverse effect.

Source: JRP Historical Consulting Services, HRER 2003 and Addendum to HRER 2008

**Mitigation Measure Cul-2:** If adverse effects cannot be avoided, the features of the SVRTP Alternative that affect historical resources will be designed to be compatible with the historic and architectural qualities of the affected historic building(s) and surrounding historic district in terms of scale, massing, color, and materials. Designs and specifications for these project features shall be developed in accordance with *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), the California Historical Building Code or to equivalent mitigation measures that will ensure that the alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes.

VTA will execute a Programmatic Agreement (PA) with the appropriate government and historic preservation bodies to ensure the most effective approach to mitigation of effects on historical resources. The measures to be included in the PA are described below.

- Design Standards and Guidelines.** The features of the SVRTP Alternative affecting the contributing element(s) of the San Jose Downtown Commercial Historic District will be designed in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (Secretary of the Interior's Standards) or to equivalent mitigation measures

that will provide an equivalent level of protection for historical resources. The relocation of the Tower and Sheds will also be designed in accordance with the Secretary of the Interior's Standards to maintain the relationship and physical linkage between the Depot, Tower, and Sheds.

- **Protective Measures.** VTA, in consultation with the owners of historic properties immediately adjoining the construction sites and with the City of Santa Clara Historical and Landmarks Commission and the South Bay Historical Railroad Society (SBHRS), will develop and implement measures to protect the contributing elements of the historic District and historic Station 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 within and adjacent to the SVRTP Alternative. This survey would be used to finalize detailed construction techniques along the alignment and as the baseline for monitoring adverse construction effects 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.** VTA will ensure that the buildings to be relocated or altered are recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards prior to any construction activities. Recordation of the adversely affected historic buildings is recommended to ensure a permanent record of the properties' present appearance and context. 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 displays of photographs produced in the HABS/HAER documentation, for public exhibition. Given that the affected properties are contributing to the historic District and historic Station, these displays could be provided by VTA at locations within the historic District and at the historic Station. VTA could also offer the display as permanent exhibits to local historical groups. 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 City of San Jose, Preservation Action Council of San Jose, City of Santa Clara, South Bay Historical Railroad Society, and other interested historical groups.

These and other potentially feasible measures to mitigate significant adverse changes in the significance of historic resources will be identified in consultation with the appropriate governmental and historic preservation bodies and will be set forth in the PA. The PA will ensure that any measures to mitigate or avoid adverse effects are fully enforceable. A draft PA is provided in Appendix F.

### **5.4.3 CUMULATIVE IMPACTS**

As described in Section 4.4, there are several recorded and potential prehistoric and historic archaeological resources and historic architectural resources within the APE. Many of these resources are related to the Native American and Spanish colonial settlements that once existed in the corridor. There are also zones within the corridor, especially historic stream channels and drainages, where the potential existence of undiscovered historic archaeological resources is moderate to high.

Several federal and state regulations and local policies have been developed to preserve these resources in the face of mounting development pressures over the last 40 years. The trend among the counties and cities, as reflected by goals and policies set forth in their general plans, is an ongoing effort to retain and preserve these resources. All general plans contain policies geared toward the ongoing preservation of these resources.

The BEP and SVRTP alternatives have the potential to affect cultural resources, archaeological only for the BEP Alternative and both archaeological and architectural for the SVRTP Alternative. These alternatives, in combination with other transportation projects in the counties, will contribute to cumulative impacts on cultural resources. Adverse cultural resource effects will be offset by project-specific mitigation and compliance with federal and state cultural resource protection requirements.