

4.4 CULTURAL AND HISTORICAL RESOURCES

This section describes the cultural resources within the area that could be affected by implementation of the Build Alternatives. Cultural resources are generally defined as archaeological resources, while historical resources are defined as architectural resources. Cultural and historical resources that are eligible for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) are identified as historic properties.

Information about cultural and historical resources is based on surveys and reports prepared by Far Western Anthropological Research Group, Inc. (2002, 2006, and 2008) and JRP Historical Consulting Services (2003, 2006, 2007, and 2008) as referenced in the bibliography (Chapter 11) of this EIS. These reports include an Archaeological Survey and Sensitivity Report (ASSR) and a Historic Resource Evaluation Report (HRER) which were submitted to the State Historic Preservation Officer (SHPO).¹ These documents are available for review at VTA.

4.4.1 AREA OF POTENTIAL EFFECTS

Two Areas of Potential Effects (APEs), one for archaeological resources and one for architectural resources, have been identified and are included in this EIS as Appendix G. The APEs for archaeological and historic architectural resources were defined by FTA and VTA, in consultation with the SHPO.

The APE for archaeological resources is defined as the extent of proposed construction for the Build Alternatives, or “alternatives footprint.” It encompasses the BART tracks, supporting physical facilities and improvements, stations, parking areas, building footprints, construction laydown or staging areas, sound walls, retaining walls, and other tracks that would be relocated and reconfigured to accommodate the Build Alternatives. Where the alignment is in a subway, parcels surrounding facilities that connect from the surface to the top of the tunnel are included in the archaeological APE, as is the bored tunnel itself. Where the tunnel passes under structures, the top of the tunnel would generally be 40 feet below ground level. Localized areas with a reduced depth of cover will occur as the alignment transitions from bored tunnels into cut-and-cover and at-grade structures and passes beneath localized topographic features. The locations of the components of the project alternatives are described in Chapter 2, Alternatives.

The archaeological APE begins at Durham Road and I-680, north of the City of Fremont. From there it runs southwest through the City of Fremont and then south

¹ The ASSR contains the locations of archeological 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 Programs and Resources Management, at (408) 321-5789.

along the existing Union Pacific Railroad ROW to the City of Milpitas. The APE follows the eastern tracks south to the intersection of US 101 and East Santa Clara Street (the proposed Alum Rock Station) and then turns southwest along East Santa Clara Street to Guadalupe Parkway in downtown San Jose. At Guadalupe Parkway, the APE turns northwest to follow the railroad ROW to Brokaw Road and the proposed Santa Clara Station in the City of Santa Clara.

The APE also encompasses an area at the north end of the project between I-680 and I-880 north of S. Grimmer Boulevard, and several laydown and construction staging areas placed at various locations along the corridor. It also includes the Union Pacific ROW from Fremont to San Jose to encompass the Build Alternatives trackway, supporting physical facilities and improvements, soundwalls and retaining walls, gradients leading from the surface or near surface to the deep bored tunnel, as well as other tracks that will be relocated and reconfigured. The APE extends outside of the Union Pacific ROW to encompass wye-turnaround tracks, traction power substations, high voltage substations/switching stations, gap breaker stations, power line reroutes, and six stations, including access route reconfigurations, parking areas, building footprints, and cut-and-cover construction at specific stations.

The APE for historic architectural resources is defined to take into account the potential adverse effects associated with the various components of the Build Alternatives. It encompasses the properties within the alternatives' footprint, as well as a buffer zone immediately adjacent to surface construction. Where the Build Alternatives bisect a parcel, the APE boundary was drawn to include the whole parcel.

4.4.2 ARCHAEOLOGY

Methodology

Records Searches and Archival Research

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 APE had been previously inventoried by close-interval pedestrian survey.

Historian Charlene Duval, a specialist in San Jose-area history, conducted research specific to historic-era archaeological resources in August and September 2002, August 2004, October 2005, September 2006, February 2008. She carried out her research at local repositories of historical records, which included the County of Santa Clara

Surveyor's Office, the archives of History San Jose, the California Room of the Martin Luther King, Jr. Public Library, as well as the consultant's personal library which includes the files of the late Glory Anne Laffey, principal of Archives & Architecture. Specific sources included Sanborn Fire Insurance maps, city directories, census and death records, tax assessment rolls and maps, and other historical maps such as those in Thompson & West 1876 and 1878. These sources provided information that assisted in identifying locations within or adjacent to the APE that might contain significant historic-period archaeological resources.

Native American Consultation

The Native American Heritage Commission (NAHC) reviewed Sacred Lands Files for an area encompassing the project area. No resources of concern were identified from the review of the sacred lands file. The NAHC identified 12 individuals or groups who may have information relevant to the project area. Letters were sent and phone calls made to the Native American contacts to inform and update them of the project and ask them to share relevant concerns, information, or recommendations concerning cultural resources in 2002, 2004, and 2008. Workshops to discuss the development of a Cultural Resources Treatment Plan for the project, express additional concerns, share information, and make recommendations concerning the management of cultural resources that might be affected by the project were also conducted in 2004.

One of the Native American contacts who attended a workshop reported that prehistoric remains were discovered in the Southern Pacific Railroad ROW several miles to the north of the current BART alignment, north of the Warm Springs Station. Additionally, the Third Mission Santa Clara orchard and related features, specifically an adobe wall around the orchard, were identified as possibly extending into the APE. Other comments, including possible mitigation measures, concerns about the consultation process, monitoring during construction, and damage caused by subsurface investigations, were made during the consultations. A summary of the consultation efforts is included in the ASSR.

Field Inventory

Record search results indicated that approximately 70 percent of the APE had been previously inventoried at close-interval pedestrian survey. 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. In areas where the ground was covered by buildings, sidewalks, or pavement, the surveyors did a visit on foot to look for any open areas (around trees, in planting beds, in drainage cuts, etc.). One previously unknown prehistoric archaeological site, ALA-610, was discovered as a result of the field investigation: a very sparse scatter of marine shell found near the northern end of the APE.

Geomorphology

An assessment of the geomorphology of the APE identified areas of high or moderate potential for buried soils that might contain archaeological deposits. Nearly all of the areas with high sensitivity are associated with stream channels. These zones include areas that extend 500 feet from well-developed historic stream channels and drainages. Both the Build Alternatives would pass through areas of high and moderate archaeological sensitivity, as identified in the ASSR.

Bore Hole Monitoring

Both the SHPO and representatives of the local Ohlone community expressed concerns about potential adverse effects on buried prehistoric archaeological deposits resulting from boring under downtown San Jose. Consequently, bore holes were monitored for the presence of subsurface archaeological deposits.

In conjunction with project engineering studies, a total of 47 bore holes located through downtown San Jose were monitored in areas of High sensitivity for prehistoric archaeological deposits and in locations where background research suggested the potential for important archaeological features. The archaeological bore hole monitoring occurred between October 2004 and September 2007.

The majority of the monitored bore holes were excavated with a standard rotary wash, truck-mounted drill rig that create 5-inch diameter holes. Most bore holes were initially dry-drilled to depths between eight and ten feet, with all excavated spoils being deposited in an open-top tub. Archaeological monitors observed and sifted through the materials, as necessary. Below about ten feet, water was used to facilitate drilling, producing a fluid slurry, a portion of which was continuously sieved by project engineers through 1/16-inch mesh screen. The slurry was monitored to depths between 30 and 50 feet.

Because of the depth and method of construction used to bore the tunnel, traditional pre-construction cultural resources testing and construction monitoring would be impossible. At the same time, local studies indicate that geological deposits found at or below 20 feet may be exceedingly old, predating any known human occupation in North America. For this reason, the deeper borings have very little potential to have adverse effects on cultural resources. To test this conclusion radiocarbon dates were obtained from soil samples recovered from three cores excavated as part of project engineering studies. These samples were designed to identify the late Pleistocene and Holocene depositional record at three points along the tunnel segment and to demonstrate the depth at which geological deposits predating human occupation are encountered. Cores selected for study originated in the western and eastern and center portions of the tunnel alignment. All three cores extended from the surface to between 140 feet and 150 feet deep. Detailed descriptions of the textural variability of different geological strata were recorded in boring logs.

Radiocarbon dates from buried soils clearly demonstrated that geologic strata deeper than 20 to 25 feet below surface are late Pleistocene and are well beyond the maximum age of human occupation in North America. The buried soil identified at 20 feet below surface near the center of the tunnel alignment, however, appeared to be middle Holocene in age.

In contrast to the geological strata exposed at either end of the tunnel alignment, those exposed in the middle of the alignment consisted of several high-energy sand and gravel deposits, probably laid down near an active channel incised into an older floodplain. Differences in age and depth of geological strata between the center of the tunnel alignment and those exposed at either end suggested that the now-flat floodplain of Santa Clara Valley was heavily incised during the early and middle Holocene, with a vertical offset on the order of 30 feet. Buried Holocene-age soils identified appeared to be associated with an inset terrace, bound on the east and west by higher and older terraces.

More than half of the bore holes produced historical and modern debris within the first several feet, however, only two historical features were observed during monitoring work. The first is remnants of former street-car tracks running down Santa Clara Street (potential resource H16C). The second is what appears to be the basement of a commercial building, possibly the Smout Building (potential resource H34K). No prehistoric archaeological materials were observed in any of the bore holes and no historic materials clearly representing occupation prior to the Late American Period were found.

Archaeological Resources Present or Immediately Adjacent to the APE

Based upon field studies and records searches there are 11 known archaeological locations and resources either within or immediately adjacent to the APE. There are seven recorded archaeological sites within the APE and four others immediately adjacent to the APE. These locations are listed in Table 4.4-1 by corresponding city. Whether these locations and resources all contain deposits that qualify as significant under Section 106 of the NHPA cannot be determined until excavations are conducted. Testing at this time is problematic as the APE is in an urban setting and much of the APE is improved with structures, pavement, and street ROW. Archival research has also identified nearly 200 locations in or adjacent to the APE where historic-era archaeological features or deposits are likely to be uncovered.

City of Fremont

The City of Fremont contains one documented archaeological site and three locations with high sensitivity for historic-era remains. Six areas covering approximately one mile of the APE have been identified as having high sensitivity for buried surfaces.

Table 4.4-1: Known Archaeological Resources in or Immediately Adjacent to APE

Number	City	Comments	In/Adjacent to APE
CA-ALA-610	Fremont	Prehistoric shell scatter	In
C-1414	Milpitas	Unconfirmed village site	In
SCL-438H	San Jose	Mabury Dumps	In
“The Dumps”	San Jose	Historic-era dumps probably associated with SCL-438H	In
SCL-363H	San Jose	Foundations, midden, part of old Pueblo and Chinatown	In
SCL-390H	San Jose	Peralta Adobe	Adjacent
SCL-39H	San Jose	Plaza de San Jose – heart of original plaza, ca. 1770-1840	Adjacent
SCL-693H	San Jose	Plaza de San Jose Dump—ca. 1870-1920	Adjacent
SCL-30/H	Santa Clara	Third Mission Sensitivity Zone	In
SCL-30/H	Santa Clara	Third Mission Santa Clara Mission and grounds	In
SCL-430H	Santa Clara	First Mission Santa Clara	Adjacent

Source: Archaeological Survey and Sensitivity Report, Far Western Anthropological Research Group, March 2008.

City of Milpitas

One prehistoric resource has been recorded within the APE in Milpitas. Three sites with possible archaeological resources were recorded adjacent to the APE. Archival research identified no areas in the city where historic-era archaeological resources are likely to be present. Seven areas covering approximately one mile of the APE have been identified as having a high sensitivity for buried surfaces.

City of San Jose

The City of San Jose is the most archaeologically-sensitive section of the APE. The records searches identified three documented sites that may extend into the APE and 13 others in the vicinity of the APE. Archival research identified more than 160 locations where historic-era archaeological materials may be encountered within the APE. Approximately one mile of this section was found to have high sensitivity for buried surfaces that may contain archaeological deposits.

City of Santa Clara

Three archaeological sites have been recorded within 1/4 -mile of the Santa Clara APE. Additionally, archival research identified four locations where historic period archaeological materials could likely be encountered. No areas of high sensitivity for buried surfaces have been identified in this area.

4.4.3 HISTORIC ARCHITECTURE

Methodology

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 historical properties. This work determined which properties, buildings, groups of buildings, structures and objects would be included in the survey population as resources 50 years old or older as of 2016. Buildings or groups of buildings, structures and objects that appeared to have been built in or before 1966 were studied in more detail to determine whether they met the criteria for listing in the NRHP.² Buildings, structures, and objects determined to have been built in 1967 or after were considered non-historic.

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 historical resources in the project vicinity. Letter responses were received from the cities of Milpitas, San Jose, and Santa Clara, San Jose Historic Landmarks Commission, Preservation Action Council of San Jose, Santa Clara Historical and Landmarks Commission, South Bay Historical Railroad Society, 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

² 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 1967 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-1967 resources appeared to be eligible for inclusion in the National Register, and none required further study.

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 surveys are summarized below.

Historic Architecture Present in the APE

A total of 934 properties, buildings, structures, and objects are located within the architectural APE for the SVRTC. Of the total number of resources, 314 were built in or before 1966 and required survey or recordation as part of the survey population for the project. The remaining 620 buildings, structures, or objects were constructed in 1967 or later or were vacant parcels at the time of the field surveys in the spring and summer of 2002, and fall and winter of 2006. These non-historic or vacant parcels required no further study.

Of the 314 buildings, structures, and objects evaluated, 26 historic properties are listed in the NRHP, have been determined eligible for the NRHP, or appear eligible for listing in the NRHP. The 26 historic properties are listed in Table 4.4-2. Two of these historic properties, the Fox Building at 40 North Fourth Street, APN 467-20-016, and the Muirson Label and Carton Company at 421-435 Stockton Avenue, APN 261-03-051, have been demolished. Two other properties, the San Jose Downtown Commercial Historic District and the historic Santa Clara Caltrain Station are multi-component historic districts with 13 and 2 individual historic resources, respectively, for a total of 37 individual buildings, structures, or objects. The remaining 288 historic resources do not appear to meet the criteria for listing in the NRHP. There are no historic properties, buildings, structures, or objects within the portion of the APE located in the cities of Fremont and Milpitas.

Table 4.4-2: Historic Properties Listed in the NRHP, Eligible for Listing in the NRHP, or Appearing Eligible for Listing in the NRHP

Address	APN ^a	Year Built	NR Status Code ^b	Evaluated by (if appears eligible)
San Jose Downtown Commercial Historic District Including the following contributing elements:	See below	See below	See below	See below
142-150 East Santa Clara Street City of San Jose Landmark	467-23-035	1913	1D	*
138 East Santa Clara Street	467-23-036	1905	1D	*

Address	APN ^a	Year Built	NR Status Code ^b	Evaluated by (if appears eligible)
124-126 East Santa Clara Street	467-23-038	1900	1D	*
114-118 East Santa Clara Street	467-23-039	1920	1D	*
100 East Santa Clara Street	467-23-089	1912	1D	*
82 East Santa Clara Street City of San Jose Landmark	467-22-091	1898	1D	*
52 East Santa Clara Street City of San Jose Landmark	467-22-046	1900	1D	*
42-48 East Santa Clara Street, Moderne Drug/Western Dental building	467-22-041 467-22-042	1930s	1D	*
36-40 East Santa Clara Street	467-22-158 (formerly 467-22-043)	1880s	1D	*
31-33 Fountain Alley	467-22-158 (formerly 467-22-039)	1915	1D	*
28 East Santa Clara Street, Firato Delicatessen/Ravioli building	467-22-158 (formerly 467-22-045)	1880	1D	*
27-29 Fountain Alley City of San Jose Landmark	467-22-158 (formerly 467-22-038)	1895	1B	*
8-14 South First Street, Bank of Italy/Bank of America building	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	*

Address	APN ^a	Year Built	NR Status Code ^b	Evaluated by (if appears eligible)
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	2	Ward Hill 2002
Mayfair Theater 1191 East Santa Clara Street, San Jose	467-10-043	1949	2	Ward Hill 2002
B.F. Allen House 1169 East Santa Clara Street, San Jose	467-10-046	1888	2	Ward Hill 2002
East San Jose Library 1102 E. Santa Clara Street	467-58-001	1908	1	JRP 2008
Fox Building ^a 40 North Fourth Street, San Jose	467-20-016	1919	2S	JRP 2002
San Jose Building and Loan 81 West Santa Clara Street, San Jose	259-34-018	1926	2S	Franklin Magi 2002/JRP 2002
James Clayton Building 34 West Santa Clara Street, San Jose	259-40-038	1880s / 1910s / 1920s	2S	Glory Anne Laffey 1991 / JRP 2002
San Jose National Bank 101 West Santa Clara Street, San Jose	259-34-046	1942	2S	Franklin Magi 2000
The Old Spaghetti Factory 51 North San Pedro Street, San Jose	259-35-041	1901	2S	Franklin Magi 2000
St. Patrick's School 389 East Santa Clara Street, San Jose	467-18-101	1899 1925	2S2	Laffey1991/JRP 2008
Tuggle Medical Clinic and Pharmacy 652 East Santa Clara Street, San Jose	467-27-010	1915 1940	2S2	JRP 2008
49 Wilson Avenue, San Jose	261-33-025	ca. 1890	2S	JRP 2008
745 Schiele Avenue, San Jose	261-07-003	1924	2S	JRP 2008
151 West Santa Clara Street, San Jose	259-35-049	1877 / 1930	2	Franklin Magi 2000
Calpak Plant #51 50 Bush Street, San Jose	261-33-038	1914 / 1925 / 1930	2B	Glory Anne Laffey 1998

Address	APN ^a	Year Built	NR Status Code ^b	Evaluated by (if appears eligible)
Schurra's Candy Factory 848 The Alameda, San Jose	261-33-020	ca. 1884	2S	Glory Anne Laffey 1991 / JRP 2002
176 N. Morrison Avenue, San Jose	261-01-074	ca. 1898	2	JRP 2002
Muirson Label and Carton Company ^c 421-435 Stockton Avenue, San Jose	261-03-051	1913 / 1927	2	Ward Hill 2001
Historic Santa Clara Caltrain Station Including the following properties:	See below	See below	See below	See below
Santa Clara Station Depot 1 Railroad Avenue, Santa Clara	230-06-050	1876	1S	*
Santa Clara Tower and Speeder and Utility Sheds Benton Street and Railroad Avenue, Santa Clara	230-06-040 and 052	1894 / 1904 / 1926 / 1927	2D (contributing elements of depot property)	Caltrans 1991 / JRP 2002

^a APN: Assessor's Parcel Number

^b 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.

^c Building(s) has been demolished.

Source: JRP Historical Consulting Services LLC, Historic Resources Evaluation Report (HRER), 2002, and Addendum Draft Technical Memorandum to the HRER, February, 2008.

City of San Jose

There are a total of 23 existing historic resources within the San Jose portion of the APE. The San Jose Downtown Commercial Historic District is a multi-component historic district with 13 individual historic resources, for a total of 35 individual buildings or structures in this portion of the APE.

City of Santa Clara

The historic Santa Clara Caltrain Station is a multi-component historic district with two individual historic resources and two ancillary structures. These are the only resources within the Santa Clara portion of the APE.

4.4.4 REGULATORY CONSIDERATIONS

The National Historic Preservation Act (NHPA) sets forth national policy for protecting historic properties under the jurisdiction or control of federal agencies or affected by undertakings funded or permitted by the federal government. Section 106 of the NHPA of 1966, as amended, requires federal agencies to take into account the effects of their activities and programs on historic properties listed, or eligible for listing on the National Register of Historic Places. Section 106 establishes affirmative agency responsibilities with respect to historic properties and establishes the NRHP for identifying and listing historic properties of importance at the national, state, and/or local levels. The definition of historic properties includes archaeological sites and properties of traditional cultural value, as well as those solely of historic significance.

Guidelines for implementing Section 106 requirements are circulated 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. See Chapter 7, Draft Section 4(f) Evaluation, for additional discussions on the adverse effects of the alternatives on cultural resources.

In accordance with Section 106 of the NHPA, an ASSR and a HRER were prepared and submitted to the SHPO.