

## J. CULTURAL AND PALEONTOLOGICAL RESOURCES

This section presents an overview of the City's history, describes the cultural and paleontological resources within and immediately adjacent to the project area, and provides mitigation measures for effects to cultural and paleontological resources which may result from the implementation of the proposed project. This summary is based on a background report on Cultural and Paleontological Resources that is presented as Appendix G to this EIR.

Background research for this section included a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. The NWIC is an affiliate of the California Office of Historic Preservation and is the official state repository of cultural resources reports and records for Santa Clara County. Other State of California and City of San Jose cultural resources listings reviewed include: (1) California Inventory of Historic Resources;<sup>1</sup> (2) Five Views: An Ethnic Historic Site Survey for California;<sup>2</sup> (3) California Historical Landmarks;<sup>3</sup> (4) California Points of Historical Interest;<sup>4</sup> (5) Directory of Properties in the Historic Property Data File for Santa Clara County;<sup>5</sup> and (6) City of San Jose's Historic Resources Inventory.<sup>6</sup> Additional historical research for this study was conducted at the History Park Research Library in San Jose, the San Jose Library and the California Room, Special Collections and Sourisseau Academy within the library, Santa Clara County Recorders Office, the City of San Jose's online Planning, Building and Code Enforcement website, and the City of San Jose Development Services Department at City Hall.

The California Native American Heritage Commission (NAHC) was consulted regarding information about cultural resources in the project area, but did not identify Native American resources within the study area. The San Jose Historical Landmarks Commission and the Preservation Action Council of San Jose were also consulted regarding information about cultural resources in the project area. The San Jose Historical Landmarks Commission will review the historic properties within the project area as part of the EIR, and the Preservation Action Council of San Jose recommended evaluating any "threatened building or structure 50 years old or older."

### 1. Setting

The section below summarizes the site's paleontological resources, and San Jose's history from about 12,000 years ago when Native Americans first entered the area, to modern times. Discussion of the cultural resources within the project area follows. Lastly, laws, codes, and regulations relevant to cultural resources in the City of San Jose are presented.

<sup>1</sup> California Department of Parks and Recreation, 1976. *California Inventory of Historic Resources*.

<sup>2</sup> California Department of Parks and Recreation, Office of Historic Preservation, 1988. *Five Views: An Ethnic Historic Site Survey for California*.

<sup>3</sup> California Department of Parks and Recreation, Office of Historic Preservation, 1990. *California Historical Landmarks*.

<sup>4</sup> California Department of Parks and Recreation, Office of Historic Preservation, 1992. *California Points of Historical Interest*.

<sup>5</sup> California Department of Parks and Recreation, Office of Historic Preservation, 2005. *Directory of Properties in the Historic Property Data File*.

<sup>6</sup> City of San Jose, Planning Divisions, 2005. "Historic Resources Inventory." Website: [www.ci.san-jose.ca.us/planning/sjplan/Historic/pdf/Historic\\_resources.pdf](http://www.ci.san-jose.ca.us/planning/sjplan/Historic/pdf/Historic_resources.pdf).

**a. Paleontological Resources.** Paleontological resources, fossils, are the remains of plants and animals and the rocks that contain them. This section describes background paleontological research, and then describes the project area's paleontological setting and sensitivity.

Background research to identify paleontological resources (fossils) within and adjacent to the project area consisted of a review of paleontological and geological literature and maps, and a fossil locality search (conducted on November 8, 2005, at the University of California Museum of Paleontology (UCMP), Berkeley). This locality search is described in the report attached as Appendix G. The fossil locality search identified three fossil localities within approximately 5 miles of the project area.

The project area lies on a layer of soils approximately 5 feet deep, which does not contain significant paleontological resources.<sup>7</sup> Underlying this soil is young Holocene-aged alluvium that has a depth of 0 to 10 feet within the project area and is considered too young to contain fossil resources. Older Late Pleistocene alluvium underlies the Holocene-aged alluvium and can be as deep as 150 feet. Late Pleistocene alluvium is known to contain fossil resources throughout the Bay Area<sup>8</sup> and is highly sensitive for paleontological resources. This alluvium contains continental vertebrate fauna that can include, but is not limited to saber-toothed cat, camel, bison, horse, sloth, and mammoth of the Rancholabrean land mammal age.<sup>9</sup> There are two vertebrate fossil localities from Late Pleistocene alluvial deposits approximately 5 miles north and northwest from the project area.

The nearest fossil locality is less than one mile west of the project area and lies within Miocene sandstones of the Briones Formation.<sup>10</sup> Both vertebrate and invertebrate fossils have been found within this formation that underlies the Late Pleistocene alluvium described above.<sup>11</sup> It seems unlikely that project ground-disturbing construction could affect this geologic unit considering the depth of the alluvium within the project area.<sup>12</sup> However, since the fossil locality from this bedrock is less than

---

<sup>7</sup> Soil Conservation Service. 1968:193. *Soil Survey of Santa Clara County, California*. United States Department of Agriculture, Soil Conservation Service, Morgan Hill, California.

<sup>8</sup> Helley, E.J., K.R. LaJoie, W.E. Spangle, and M.L. Blair. 1979. *Flatland Deposits of the San Francisco Bay Region – their geology and engineering properties, and their importance to comprehensive planning*. Geological Survey Professional Paper 943. U.S. Geological Survey and Department of Housing and Urban Development, Washington, D.C.

Wentworth, C.M., M.C. Blake, Jr., R.J. McLaughlin, and R.W. Graymer. 1999. *Preliminary Geologic Map Description of the San Jose 30 x 60 Minute Quadrangle, California*. U.S. Geological Survey Open-File Report 98-795.

<sup>9</sup> Stirton, R.A., 1951. Prehistoric Land Animals of the San Francisco Bay Region. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 177-186. Bulletin 154. State of California Division of Mines, San Francisco.

Savage, Donald, 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. UC Publications Bulletin of the Dept. of Geological Sciences 28(10):215:314.

Helley, E.J., K.R. LaJoie, W.E. Spangle, and M.L. Blair. 1979. *Flatland Deposits of the San Francisco Bay Region – their geology and engineering properties, and their importance to comprehensive planning*. Geological Survey Professional Paper 943. U.S. Geological Survey and Department of Housing and Urban Development, Washington, D.C.

Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski. 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*, edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.

<sup>10</sup> Wentworth, C.M., M.C. Blake, Jr., R.J. McLaughlin, and R.W. Graymer, 1999, op. cit.

<sup>11</sup> Wagner, J. 1978. *Late Cenozoic history of the Coast Range east of San Francisco Bay*. Ph.D. dissertation, Department of Geological Science, University of California, Berkeley, 161 pp.

<sup>12</sup> Helley, E.J., K.R. LaJoie, W.E. Spangle, and M.L. Blair., 1979, op. cit.

one mile from the project area,<sup>13</sup> the alluvium underlying the project area may not be as deep as suggested by the literature, and may therefore contain significant fossils.

**b. Prehistory and Ethnography.** California was probably settled by native Californians between 12,000 and 6,000 years ago.<sup>14</sup> Penutian-speaking peoples migrated into central California around 4,500 year ago and were settled around San Francisco Bay by 1,500 years ago. The descendants of the native groups who lived between the Carquinez Strait and the Monterey area prefer to be called Ohlone, although they are often referred to by the name of their linguistic group, Costanoan. San Jose is within the ethnographic territory of the Tamyen tribelet of Ohlone, who occupied a large area in the South Bay. The Tamyen spoke Tamyen, or Santa Clara Costanoan, one of eight Ohlone languages.<sup>15</sup>

The basic Ohlone social unit was the family household, which was made up of about 15 individuals.<sup>16,17</sup> Households grouped together to form villages. In the San Jose area, many of these villages were located along the Guadalupe River, Coyote Creek, and Los Gatos Creek. Ohlone culture was transformed when European settlers moved into northern California. These settlers set up the mission system, which used the native peoples for labor, and almost destroyed the native culture by exposing the Ohlone to diseases to which they had no immunity. After the secularization of the missions in 1834, native people in the Bay Area moved to ranchos, where they worked as manual laborers.<sup>18</sup>

**c. San Jose History.** San Jose is California's oldest civil settlement, founded in November 1777 under orders from Governor Felipe de Neve.<sup>19</sup> The settlement was first established on the banks of the Guadalupe River, at what is now the corner of Hobson and Vendome streets.<sup>20</sup> In 1849, San Jose served briefly as California's first capital. In the years following the Civil War, San Jose continued to grow. Trinity Episcopal Church, the City's oldest surviving religious building, was built in 1863 at the corner of Second and St. John Streets. In 1892, the City's first federal building, the old post office at 110 Market Street (which contains a portion of the current day San Jose Museum of Art) was completed. San Jose's first residential neighborhoods grew up around its downtown commercial core.<sup>21,22</sup>

San Jose was actively involved in the agriculture industry, which was of major importance to the Santa Clara Valley economy. When Louis Pellier successfully introduced the French prune to wild plums trees in his San Jose nursery, a new and vibrantly lucrative crop was created. During the 1930s and 1940s, approximately 25,000 men, women, and children found seasonal employment in San

<sup>13</sup> Wagner, J., 1978, op. cit.

<sup>14</sup> Moratto, Michael J., 1984. *California Archaeology*. Academic Press, Orlando.

<sup>15</sup> Levy, Richard, 1978. "Costanoan." In *California*, edited by Robert F. Heizer, pp. 485-495. Handbook of North American Indians, Volume 8; William C. Sturtevant, general editor. Smithsonian Institution, Washington D.C.

<sup>16</sup> Harrington, J.P., 1933. Report of Fieldwork. *Annual Report of the Bureau of American Ethnology for the Years 1931-1932*.

<sup>17</sup> Broadbent, Sylvia M., 1972. *The Rumson of Monterey: An Ethnography from Historical Sources*. Contributions of the University of California Archaeological Research Facility, Berkeley.

<sup>18</sup> Levy, 1978, op. cit.

<sup>19</sup> Gudde, Erwin G., 1998. *California Place Names: The Origin and Etymology of Current Geographical Names*.

<sup>20</sup> Hoover, et al., 1990. *Historic Spots in California*.

<sup>21</sup> Gudde, 1998, op. cit.

<sup>22</sup> Hoover, 1990, op. cit.

Jose's two dozen fruit canneries. Fruit production and processing continued to be the mainstay of San Jose's economy until the 1960s.<sup>23</sup>

San Jose has always been known for being on the cutting edge of developments in electronics. In 1909, the City was the site of a successful electronic endeavor: the world's first radio broadcast station was established at the corner of First and E. San Fernando Streets by Dr. Charles Herrold. In the years following World War II, the Santa Clara Valley experienced tremendous growth, with electronics, aviation, and semiconductor companies opening offices and factories in "Silicon Valley," creating thousands of jobs for returning military personnel, defense workers, and their families. San Jose was transformed from a market town with an agricultural economic base to a business and residential community known for its high-technology companies. The City has more high-tech firms than any other city in the world. Today San Jose has an ethnically diverse population of more than 900,000 and is a modern thriving city.<sup>24</sup>

**d. Project Area History.** During the Mission period from 1797 until 1834, the project area served as pastures for pigs. In 1842, the lands were granted to Roberto, a Christianized Indian of Mission Santa Clara. Rancho Los Coches was named for the pigs that formerly resided on the property. In 1857, the lands were sold to the Suñol family and Henry M. Naglee. The Suñols built an adobe, approximately ½ mile southwest of the project area, that is a local landmark.<sup>25</sup>

Henry M. Naglee subdivided his property, including the project area, into lots in 1860.<sup>26</sup> North Street (today's West San Fernando); South Street (today's Park Avenue); and East Street (today's South Montgomery Street) are depicted on Healey's 1860 map. The proposed project area contains two lots and portions of two additional lots. Lot 29 was bounded by North Street, South Street, East Street, and Los Gatos Creek to the east. Lots 27 and 28 were just west of Lot 29; today's Southern Pacific Railroad tracks would run through the center of Lot 27. Lot 62 was the southernmost lot and Southern Pacific Railroad tracks would also cross through the western portion of the lot. Through time, these lots were subdivided resulting in numerous small lots.

Naglee, a distinguished Civil War officer, did not build his home within the project area but chose what is today Naglee Park, from Eleventh Street to Coyote Creek. The project area was agricultural land with a few homes and little need for further subdivision. By 1876, the area was identified as being within San Jose's Fourth Ward and contained four buildings.<sup>27</sup> The 1884 Sanborn depicts several single-family dwellings, multi-family dwellings, a boarding house and outbuildings within the project area. Due to the rural location, few lots were further subdivided by 1891.<sup>28</sup>

---

<sup>23</sup> Beilharz, Edwin A. and Donald O. DeMers, Jr., 1980. *San Jose, California's First City*. Continental Heritage Press, Tulsa, Oklahoma.

<sup>24</sup> City of San Jose, 2005. *About San Jose*. City of San Jose, California. <http://www.sanjoseca.gov/about.html>.

<sup>25</sup> Hoover, et al., 1990, op. cit.

<sup>26</sup> Healey Charles T., 1860. *Rancho de Los Coches Subdivision*. On file, California Room, San Jose Library, San Jose, California.

<sup>27</sup> Thompson and West, 1876. *Historical Atlas of Santa Clara County, California*. Thompson and West, San Francisco, California. Reprinted 1973 by Smith and McKay, San Jose.

<sup>28</sup> Sanborn Map Company, 1884. New York.

The project area and vicinity, known by various names including West End, West Side, and Crandallville, was just beyond the city limits. Crandall Street, approximately 700 feet north of the project area is named after Oliver L. Crandall. Crandall & Sons opened a grocery store, the first commercial enterprise within the vicinity, in the early 1870s. The completion of the South Pacific Coast Railroad in 1877 led to additional development. The Southern Pacific Coast narrow gauge line ran from Alameda County through San Jose and on to Santa Cruz. The Westside Depot, also opened in 1877, was northwest of and adjacent to the project area. The same year, West San Fernando and South Montgomery streets were laid out. In 1891, Jacob Rich's First Street line constructed an extension for his electric trolley cars, along West San Fernando and north on Cahill to the Westside Depot.

In 1911, the project area, along with the Gardiner District, was the first area to be annexed to the City of San Jose since 1850.<sup>29</sup> According to Sanborn Insurance Maps and City Directories, the project area was residential while adjacent areas contained a mix of residential, commercial, and industrial enterprises. Project area residents included cannery workers, Southern Pacific engineers and workers, laborers, and warehouse workers.

The first industry within the project area was the 1889 Electric Improvement Company, and slowly, beginning in the 1930s, commercial and industrial buildings replaced residences. The increase in commercial and industrial development within the project area and vicinity was the result of new construction related to the Southern Pacific Depot (today's Diridon Station). Construction of Cahill Station, as it was originally named, and associated railroad tracks, tunnels and underpasses, began in 1928 and was completed in 1935. This Depression Era project was one of the largest railroad projects in the United States and added more than three million dollars to the local economy. The depot construction provided jobs at a time when many people were destitute.<sup>30</sup> By 1950, the project area was a mix of residential and industrial. The 1962 Sanborn Insurance Map depicts most of the current buildings in place. Several project area buildings were remodeled or demolished and replaced in the 1970s.

Street names and locations have changed through the years. In 1860, West San Fernando was called North Street, South Montgomery Street was East Street, and Park Avenue was South Street.<sup>31</sup> Otterson Street first appears on the 1891 Sanborn map. By 1915, Alameda Street (later changed to Pearl Street) appears south of Otterson Street; Gillespie Avenue extends south from West San Fernando in the same location as today's South Autumn Street. Gillespie Avenue did not connect with Park Avenue, as South Autumn does today, but ended at the southern boundary of today's 140 South Montgomery Street. Pearl Street is no longer extant and the South Autumn Street extension was completed by 1970.

The section below discusses the project area by address.

**630 W. San Fernando Street.** (Figure V.J-1, #16) In 1889, the Electric Improvement Company occupied the same location as the current PG&E Substation. At that time the address was 17 Otterson Street. Two contending power companies operated in San Jose from the 1880s until they were merged

<sup>29</sup> Arbuckle, Clyde, 1986. *Clyde Arbuckle's History of San Jose*. Memorabilia of San Jose, San Jose.

<sup>30</sup> Gilbert, Lauren Miranda, and Bob Johnson, 2004. *San Jose's Historic Downtown*. Arcadia Publications, Charleston, South Carolina.

<sup>31</sup> Healey, 1860, op. cit.

Figure V.J-1: Project Area Building

8x11 B&W

in 1902 by the United Gas and Electric Company. In 1914, United Gas and Electric Company merged with PG&E.<sup>32</sup>

The substation is one of two such distribution substations in San Jose that transforms electrical voltage to a lower voltage for business and residential use. Originally the substation also provided power for urban and interurban car lines, and continues to be in use today. Although PG&E has occupied the same property for almost 100 years, structural components of the facility have been continuously upgraded. No buildings are associated with the substation; the property contains multiple modern transformers situated between West San Fernando Street and extending south past Otterson Street.

**102 S. Montgomery Street.** (Figure V.J-1, #1) The second commercial operation within the project area was also constructed in the late 1800s.<sup>33</sup> The Italianate Commercial building was a store sheathed with channel rustic siding and a hipped roof with closed eaves appearing much as it does today. Benjamin Ouimet (spelled Quimet in some documents) owned the parcel of property that includes 530 West San Fernando Street (see below). Ouimet had a grocery store that he operated until the 1930s.<sup>34</sup> In the late 1930s, the building was a tavern called Patty's, although the owner was Adolph Krickeberg, the grandfather of the current owner. Krickeberg, a local rancher, reopened the pub after Prohibition. During Prohibition, the building served as a voting precinct. Krickeberg's clientele included cannery workers, train crew, and warehouse workers that lived and worked nearby.<sup>35</sup>

Other names and uses associated with the building are the O'Neill & Krickeberg liquor store in the late 1930s and early 1940s, and a restaurant operated by J.B. Corda in the 1950s. Since the 1960s the building has been a tavern or bar, with names including Depot Inn Tavern, Cordas Restaurant and Tavern, and Patty's Inn.

**530 W. San Fernando Street.** (Figure V.J-1, #15) The only remaining residence within the project area is on the same parcel as Patty's Inn (see above, 102 South Montgomery Street). Property owner and building contractor Ben Ouimet applied for City of San Jose Building Permit number 158 on January 28, 1924. The building permit states the building was a four room 1-story residence, 10- by 12-feet, with a concrete foundation, plastered interior, tar and gravel roof, and outside walls to be 2- by 4-foot rustic partitions. The estimated cost to build the residence was \$1,900. The building permit line for listing the name of an architect was blank.

The residence is a typical bungalow available by mail order or in architectural pattern books, built during a period when the City was expanding westward from its historic core. The residence has been occupied by renters for many years.<sup>36</sup>

---

<sup>32</sup> Arbuckle, Clyde, 1986. *Clyde Arbuckle's History of San Jose*. Memorabilia of San Jose, San Jose.

<sup>33</sup> Foster, Stason I., and Ron L. Helm, 2005a. *Phase I Environmental Site Assessment 102 South Montgomery Street and 530 West San Fernando Street, San Jose, California*. Lowney Associates, Mountain View, California.

<sup>34</sup> Polk and Husted, 1925-34. *San Jose City Directories 1925-1934*. On file at the California Room of the San Jose Library, San Jose.

<sup>35</sup> Hazle, Maline, 1993. Historic S.J. Pub Burns. *San Jose Mercury*, 20 December 1993:1B, 8B. San Jose, California.

<sup>36</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 102 South Montgomery Street and 530 West San Fernando Street, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

**140 S. Montgomery Street.** (Figure V.J-1, #4) The Gillespie Lumber Yard was between S. Montgomery Street and S. Autumn Street in the same location as today's 140 S. Montgomery Street.<sup>37</sup> Harold Hellwig, who owned the adjacent ironworks company at 150 South Montgomery Street, purchased the property in 1936. Hellwig constructed a new building in 1948 that was replaced in 1977. ARC Gas Products Inc. currently occupies the building.

**150 S. Montgomery Street.** (Figure V.J-1, #10) The Gillespie Lumber Yard (see above) extended from 140 South Montgomery Street into this property until the 1930s. Reinhard Hellwig established an ironworks in San Jose in 1871. Harold, possibly a son or nephew, worked at Reinhard's shop until the late 1920s when he established his own shop at 577 West Santa Clara Street. After 1935 Harold moved his Hellwig Ironworks to 150 South Montgomery Street and constructed a two-story Minimal Traditional style "clinker" brick building circa 1935 (Foster and Helm 2005b).<sup>38</sup> Hellwig applied for City of San Jose Building Permit number 2614 on November 27, 1934. The permit states the building was a one-story, type III industrial building, to be used as an iron shop. The estimated cost to build the iron shop was \$13,000. The building permit line provided for listing the name of an architect was blank. In 1951, Hellwig added an extension to the western side of the building. The building permit lists the addition as a machine shop and Hellwig listed himself as the contractor/agent.

Hellwig's ironworks and machine shop moved from the building in the early 1960s and in 1969 it was renovated by Navlet's Florist for a wholesale flower market. The eastern portion of the building extended across today's South Autumn Street and into the southern portion of 150 South Autumn Street. That eastern portion of the building was removed in 1969 when South Autumn Street was realigned and became a throughway between Park Avenue and West San Fernando Street.

By 1991, portions of the building were converted to office use but most of the building continued to serve as a warehouse. Currently, Anno Domini Gallery occupies the western portion of the building and Pacific Traders occupies the eastern portion of the building.

**145 S. Montgomery Street.** (Figure V.J-1, #5) In 1933, Allen T. Gilliland, Sr., and his wife paid \$3,000 for the assets of a bankrupt San Jose bakery which came to be called the Sunlite Baking Company. On August 31, 1936, the Sunlite Baking Company applied for City of San Jose Building Permit number 4176, for a 1-story, type V business building, to be occupied as a bakery. The estimated cost to build the bakery was \$22,000. History San Jose archives contain some plans of architectural details by Ralph Wyckoff for the Sunlite Baking Company. Wyckoff is also the listed architect on the 1943 bakery addition permit. Other buildings designed by Wyckoff include the 1933 San Jose Post Office, which is listed in the National Register; the Spanish Colonial-style Science Building at San Jose State University; and downtown commercial buildings including the San Jose National Bank Building at Market and Santa Clara Streets, and the Moderne Drugstore Building at 2nd and Santa Clara Streets.

The bakery building is a one-story Moderne board-formed concrete industrial building with a flat roof with a parapet and a scalloped cornice. Covered by a cantilevered canopy, the entrance is in a projecting stepped-front piece that features vertical fluting. The double-hung industrial metal sash windows are in recessed panels separated by fluted pilasters. The central projecting block has triple

<sup>37</sup> Sanborn Map Company, 1915. *San Jose, Cal.* Sanborn Map Company, New York.

<sup>38</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 150 South Montgomery Street, San Jose, California.* Lowney Associates, Inc., Mountain View, California.

banks of windows with enriched blind arches that flank the frontispiece. A bay on the south end of the east front façade is filled with glass brick.

By the mid-1950s, the company was one of the largest Santa Clara County bakeries.<sup>39</sup> The company expanded the bakery and constructed a bread depot across the street at 327 Otterson Street (see below) as depicted on the 1962 Sanborn Insurance Map.

Upon the death of his father, Allen Gilliland, Jr. took over the operation of the company, which included San Jose's first television station, KNTV-Channel 11. Gilliland sold the bakery in 1966 and maintained ownership of the television station.<sup>40</sup> Pacific Telephone and Telegraph Company purchased the single-story Moderne industrial building in the 1970s and converted the buildings' interiors for the telephone industry. The interior has been extensively remodeled to accommodate telephone companies. SBC Communications currently occupies the building.

**327 Otterson Street.** (Figure V.J-1, #6) This property is adjacent to the PG&E substation. No city records for the address or parcel number are available. The 1915 and 1950 Sanborns depict an office in the approximate location of the current building. This building was probably associated with the PG&E substation since the surrounding area was vacant or residential. The 1962 Sanborn depicts the current building, as a 'bread depot' that would have been associated with the Sunlite Baking Company, across the street (see above). The building appears to have been extensively remodeled or rebuilt in the 1970s. Pacific Bell Fleet Management currently occupies the building.

**105 S. Montgomery Street.** (Figure V.J-1, #2) This property was residential until the late 1940s. City directories indicate the first commercial building within what is currently the Stephen's Meats complex was occupied by Milligan News Agency, a wholesale magazine distributor. The Milligan News agency building, then 123 South Montgomery Street and currently the southernmost building within the Stephen's Meat Products complex, was in use in 1947 when the northern portion of the complex was still residential. The original Stephen's Meat Products building was constructed in the northernmost portion of the property in the late 1940s by Stephen Pizzo.<sup>41</sup> References to Stephen's Meat Products first appeared in city directories in 1949. The neon sign reading "Pure Pork Sausage Stephen's Meat Products" on South Montgomery Street was also erected in the late 1940s.

The Milligan News Agency constructed a second magazine warehouse in the mid-1950s. Stephen's Meat Products purchased the two magazine buildings in the 1960s and, in 1964, the buildings were converted for meat processing. A. John Novelli, an Oakland engineer, designed the plans for the expansion and facility conversion. The buildings contain four original brick smokehouses. In 2002, the business converted from meat processing to meat distribution. Currently, the buildings are vacant.

**510 W. San Fernando Street, 114 S. Montgomery Street, and 115 S. Autumn Street.** (Figure V.J-1, #14, #13, #3) The large parcel that contains these properties was residential in the late 1800s. Two commercial buildings had been constructed on the eastern portion of the property by 1939. The northern building, in the same location as 510 West San Fernando Street and 115 South Autumn Street,

<sup>39</sup> Arbuckle, Clyde, 1986, op. cit.

<sup>40</sup> Ibid.

<sup>41</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 105 South Montgomery Street and 530 West San Fernando Street, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

was occupied by the Pacific Telephone and Telegraph Company. An artificial stone manufacturing operation occupied the southern building that is currently an open storage area. The building was demolished between 1974 and 1982.<sup>42</sup> The 1950 Sanborn continued to depict a dwelling at 114 South Montgomery Street.

The Butcher Electric Company building at 510 West San Fernando Street was built in 1943 by Roy Butcher. Butcher founded his electric company in 1914 and received California's fourth electrical contractor license. The company was one of the largest electric companies in Santa Clara Valley.<sup>43</sup> Butcher Electric conducted business on West San Fernando Street from 1946 until 1992. Two other buildings are associated with Butcher Electric Company: both buildings are one-story industrial warehouses. The building at 115 South Autumn Street was constructed in 1948 to be used as an electric shop, and the building at 114 South Montgomery Street was constructed in 1952 as an electrical supply warehouse. Due to several additions to the 510 West San Fernando Street and 115 South Autumn Street buildings, they appear to be a single structure from the exterior. City of San Jose building permits for the properties include a 1957 office addition, a 1959 motor shop addition, and a \$30,000 exterior remodel in 1971.

Butcher Electric ceased operations within the project area in 1992 and currently leases the buildings to Amtrak. Amtrak has remodeled the interiors of the buildings since their occupancy began.

**645 Park Avenue.** (Figure V.J-1, #7) The western portion of the property was residential until 1955. The eastern portion of the property remained residential until 1965.

The KNTV building was constructed in 1955<sup>44</sup> by Allen T. Gilliland, the founder of Sunlite Baking Company. The bakery was north and adjacent to the TV studio. Gilliland planned on using the new concrete block building as a garage for his bakery if the TV station failed, since the television industry was not fully established and there were concerns that TV was a passing fad. KNTV's first broadcast was on September 12, 1955<sup>45</sup> and, as a result of Gilliland's foresight to establish the first TV station in the South Bay, San Jose had a TV station that continues successfully to this day.

The station became an affiliate of ABC in 1960, the same year Gilliland died. His son continued the station, and remodeled and added to the building in 1965. In 1968, Gilliland began the San Jose Cable TV system and continued operating KNTV. The station was sold in 1978 and another building addition was made in 1980.<sup>46</sup> KNTV3 no longer occupies the building.

---

<sup>42</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 510 West San Fernando Street and 115 South Autumn Street, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

<sup>43</sup> Arbuckle, 1986, op. cit.

<sup>44</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Assessment 645 Park Avenue, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

<sup>45</sup> San Jose Mercury News, 1955. Station KNTV Starts Telecasting Today. *San Jose Mercury News*, 12 September 1955:1. San Jose, California.

<sup>46</sup> Hill, Ward. Department of Parks and Recreation DPR523 form for P-43-001285, the KNTV Building. On file, Northwest Information Center, California Historical Resources Information System, Sonoma State University, Rohnert Park, California.

**595 Park Avenue.** (Figure V.J-1, #19) This multi-tenant commercial office building was built in 1983.

**150 S. Autumn Street.** (Figure V.J-1, #11) The 1891 Sanborn Insurance Map depicts a dwelling and outbuildings within this property. In 1915, the property was occupied by United States Laundry (Foster and Helm 2005f). The laundry's address was 496 West San Fernando Street. In the 1930s, Consolidated Laundry owned the property and added a second building. In 1972, the address was changed and a new one-story building was constructed. Yoshihiro Uchida, a San Jose entrepreneur,<sup>47</sup> owned the building from 1972 until 1984. The property was rented and occupied as a physician's laboratory and medical office beginning in the 1970s. Currently the building is used for office space.

The eastern portion of Harold Hellwig's circa 1935 building at 150 South Montgomery Street extended into the southern portion of this property. That eastern portion of the building was removed by 1970 when South Autumn Street was realigned and became a throughway between Park Avenue and West San Fernando Street.

**170 S. Autumn Street.** (Figure V.J-1, #12) South Autumn Street was not constructed adjacent to this property until the 1970s. South Montgomery Street properties extended into this property and, until the 1950s, contained sheds and outbuildings.<sup>48</sup> In the 1950s, a taxi and towing business building was constructed. The building was demolished in 1968, when the current building was constructed. The building was an auto parts and machine shop until the early 1990s and is currently Carquest Auto Parts.

**245 S. Montgomery Street and 255 S. Montgomery Street.** (Figure V.J-1, #8, #9) Hiram Cahill built a home within this property and in 1860 sold the land to the City. The house became the Infirmary until City residents complained about the proximity of the "pest house". The Infirmary was closed in 1871. Sanborn maps indicate these properties were vacant in 1884, and residential in 1891 and 1915. The 1950 Sanborn map depicts the Pacific Truck Service Inc. building at 245 South Montgomery Street, and its truck service yard at 255 South Montgomery Street. The San Jose Fire Department buildings currently at the addresses were built in 1976. The San Jose Fire Department Field Operations building is at 255 South Montgomery Street and 245 South Montgomery Street is the General Services Vehicle Maintenance building.

**e. Development Adjacent to the Project Area.** Areas adjacent to the project area had development patterns similar to that of the project area. The area north of West San Fernando is currently a mix of residential and commercial buildings. The areas south and west of the project area are primarily commercial. The area east of Los Gatos Creek, however, continues to be a residential area.

The Delmas Park neighborhood, which includes the Lakehouse and the Auzerais/Bird residential areas, is east and southeast of the project area on the east side of Los Gatos Creek.

---

<sup>47</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 150 South Autumn Street, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

<sup>48</sup> Foster, Stason I., and Ron L. Helm, 2005. *Phase I Environmental Site Assessment 170 South Autumn Street, San Jose, California*. Lowney Associates, Inc., Mountain View, California.

The Southern Pacific Railroad tracks have been at their location (the western boundary of the project area) since 1878, when the line was extended south to Los Gatos from San Jose. The Westside Depot, northwest and adjacent to the project area, was built at the same time and provided access to project area. In 1935, the Cahill Station replaced the original small depot. The Southern Pacific Railroad depot or Diridon Station, the former Cahill Station, has been listed in the National Register of Historic Places since 1993.

East of Los Gatos Creek is a residential area containing Queen Anne style residences constructed between 1892 and 1898. The City has approved plans for a commercial/residential development immediately northeast of the project area that includes recommendations for the treatment of two architectural resources within that project area. One resource, the 1919 San Jose Water Works building, was determined eligible for the National Register and meets the requirements for the City of San Jose's City Landmark classification. Mitigation recommendations require maintaining and rehabilitating the building in place or moving the building to another location within the current parcel. The second resource, a circa 1890s Queen Anne Style residence (45 Delmas Avenue), is not eligible for listing in the California Register but does meet the requirements for classification as a City of San Jose Structure of Merit classification. Recommendations, subject to City determination, included salvaging and relocating features of the residence, and photo documentation of the building.<sup>49</sup>

Southwest of the project area are several California Packing Company (Calpak) and Del Monte fruit processing plants. These canneries were constructed between the 1890s and 1940s. The City has approved plans for a residential development that includes demolition of Del Monte/Calpak Plant #3 at 801 Auzerais Avenue. Plant #3 operated from 1917 until 1999. The plant was designated a Structure of Merit in 1992 and currently appears to be a Candidate City Landmark.<sup>50</sup> The property also appears eligible for listing in the National Register as a contributor to a potential multi-property historic district containing seven San Jose Del Monte canneries.<sup>51</sup>

The most recent addition to the area was the HP Pavilion at San Jose at 525 West Santa Clara Street, one city street north of the project area. The pavilion was completed in 1993 and hosts San Jose Sharks games as well as visiting entertainers.

**f. Known Cultural Resources.** Known cultural and archaeological resources in the project area are discussed below.

**(1) Previously-Identified Resources.** There are five previously-identified resources within the project area, and two previously-identified resources adjacent to the project area.

The *City of San Jose Historic Resources Inventory* lists the following buildings in the project area:

- 145 S. Montgomery Street, Structure of Merit;
- 150 S. Montgomery Street, Structure of Merit;

<sup>49</sup> Hill, Ward, 2002. *Historic Evaluation Report, San Jose Water Works, Delmas Avenue Project, City of San Jose, Santa Clara County, California*. Basin Research Associates, San Leandro, California.

<sup>50</sup> Page and Turnbull, Inc., 2004. *Del Monte Plant #3 Historic Resource Evaluation and Re-Use Study*. San Francisco, California.

<sup>51</sup> Archives and Architecture, 1998 *Historical and Architectural Evaluation for Del Monte Plant #51 at 50 Bush Street in the City of San Jose, County of Santa Clara*. San Jose, California.

645 Park Avenue, Structure of Merit;  
102 S. Montgomery Street, Identified Structure; and  
530 W. San Fernando Street, Identified Structure.

The *City of San Jose Historic Resources Inventory* lists the following buildings adjacent to the project area.

65 Cahill Street, a City Landmark, and listed in the National Register; and  
92-98 S. Montgomery Street, Identified Structure.

(2) **Archaeological Sensitivity.** The project area is sensitive for the presence of possibly-significant prehistoric and historical archaeological deposits.

**Prehistoric Archaeological Sensitivity.** Although no prehistoric archaeological sites have been recorded in or adjacent to the project area, human occupancy and use of the general area spans 5,000 to 7,000 years before present, and possibly longer. Adjacent Los Gatos Creek, which seasonally floods, indicates that the project area has a moderate to high sensitivity for the presence of prehistoric archaeological deposits, possibly beneath flood-deposited soils. Numerous prehistoric archaeological sites are documented in similar environmental contexts in Santa Clara Valley. Also, the general vicinity of the project area offered early inhabitants a diversity of rich ecological communities from which to gather necessary plant and animal resources.

**Historical Archaeological Sensitivity.** The project area's sensitivity is indicated by numerous buildings depicted on Sanborn maps. While many of these buildings are no longer present in the project area, associated subsurface archaeological deposits may be present. Such deposits may include privies, trash pits, or structural remains associated with the businesses and homes, and may contain important information about several periods in San Jose's historical development.

The *acequia*, San Jose's original irrigation system, ran through the original downtown San Jose area. It is unlikely remains of the *acequia* extend into the project area since City limits were east of the project area.

**g. Regulatory Context.** The sections below briefly discuss laws, codes, and regulations applicable to cultural resources within the City of San Jose.

(1) **California Environmental Quality Act.** CEQA defines a "historical resource" as a resource which is listed in or determined eligible for listing on the California Register (California Register), listed in a local register of historical resources (as defined at PRC 5020.1(k)), identified as significant in a historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, or determined to be a historical resource by a project's lead agency (§15064.5(a)). A historical resource consists of "Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (§15064.5(a)(3)). The California Environmental Quality Act (CEQA) states that a substantial adverse change in the significance of a historical resource is a significant effect on the environment (§15064.5(b)).

CEQA applies to effects on archaeological sites (§15064.5(c)). A Lead Agency applies a two-step screening process to determine if an archaeological site meets the definition of a historical resource, a unique archaeological resource, or neither. Prior to considering potential impacts, the Lead Agency must determine whether a cultural resource meets the definition of a historical resource in §15064.5(a). If the cultural resource meets the definition of a historical resource, then it is treated like any other type of historical resource in accordance with §15126.4. If the cultural resource does not meet the definition of a historical resource, then the Lead Agency applies the second screen to determine if the resource meets the definition of a unique archaeological resource as defined in §21083.2(g). Should the archaeological site meet the definition of a unique archaeological resource, then it must be treated in accordance with §21083.2. If the archaeological site does not meet the definition of a historical resource or a unique archaeological resource, then effects to the site are not considered significant effects on the environment (§15064.5(c)(4)).

**(2) Local Programs.** The City of San Jose is a “Certified Local Government” which qualifies its historic preservation program for technical and financial assistance from the California Office of Historic Preservation. The City’s Historic Preservation Ordinance (Municipal Code Chapter 13.48), adopted in 1975, authorizes San Jose to maintain an inventory of historic resources, establish a historic landmarks commission, preserve historic properties using a landmark designation process, require historic preservation permits for additions or alterations to designated City Landmarks or buildings within City Historic Districts, and provide financial incentives through the Historic Property Contracts program.<sup>52,53</sup>

**(3) San Jose 2020 General Plan Policies.** San Jose’s General Plan reaffirms the City’s commitment to preserve its cultural heritage. The following policies from the Historic, Archaeological and Cultural Resources sub-section of the Aesthetic, Cultural and Recreational Resources Element of the General Plan:

#### **Aesthetic, Cultural and Recreational Resources**

- *Historic, Archaeological and Cultural Resources Policy 5:* New development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resources. In particular, development proposals located within the Areas of Historic Sensitivity designation should be reviewed for such designed sensitivity.
- *Historic, Archaeological and Cultural Resources Policy 8:* For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.
- *Historic, Archaeological and Cultural Resources Policy 9:* Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

---

<sup>52</sup> San Jose Department of City Planning and Building, 1995. *What is Historic Preservation?*

<sup>53</sup> San Jose Department of Planning, Building and Code Enforcement, 2000a. *Incentives for Ownership of a Designated City Landmark.*

## 2. Impacts and Mitigation Measures

Implementation of the proposed project has the potential to impact cultural resources. Significance criteria, the potential impacts of several components of the proposed project, and recommended mitigation measures are described below.

**a. Criteria of Significance.** Significance thresholds based on the *CEQA Guidelines* for cultural resources are presented below, followed by a description of the evaluation criteria and process used for possibly significant historic properties.

**(1) Cultural Resources Criteria of Significance.** The proposed project would have a significant effect on cultural resources if it would:

- Result in the physical demolition, destruction, relocation, or alteration of a historical resource that is eligible for listing on the California Register, listed in a local register of historical resources (as defined at PRC 5020.1(k)), identified as significant in a historical resource survey meeting the requirements of §5024.1(g) of the Public Resources Code, or determined to be a historical resource by the City of San Jose (§15064.5(a));
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

**(2) Historic Properties Significance Criteria.** Properties in the City of San Jose are evaluated for historic significance using the criteria established under the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), and the City of San Jose historic evaluation criteria.

*i. National Register of Historic Places Criteria.* The National Register considers the quality of significance in American history, architecture, archeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- Criterion A: that are associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B: that are associated with the lives of persons significant in our past; or
- Criterion C: that embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: that have yielded, or may be likely to yield, information important in prehistory or history.

*ii. California Register of Historical Resources Criteria.* Properties in the City of San Jose that are evaluated for historical significance are also considered under the criteria of the California Register. The significance criteria are generally parallel to those used by the National Register, but are oriented to document the unique history of California. The California Register consists of

resources that are listed automatically, under the provisions of Public Resources Code §5024.1 (which are listed in or eligible for the National Register or State Historical Landmarks numbered 770 or greater), and those that may be listed by application and acceptance by the California Historical Resources Commission.

In order for a resource to be eligible for listing in the California Register of Historical Resources, a building, site or object must meet the following standards:

A property must be significant at the local, state or national level, under one or more of the following criteria:

- Criterion 1: It is associated with events or patterns of events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or
- Criterion 2: It is associated with the lives of persons important in our past; or
- Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4: It has yielded, or may be likely to yield, information important in prehistory or history.

“All resources nominated for listing must have integrity, which is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association. It must also be judged with reference to the particular criteria under which a resource is proposed for nomination.”<sup>54</sup>

*iii. City of San Jose Historic Preservation Ordinance and Evaluation Procedures.* Under the City of San Jose Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historic landmarks and districts is promoted in order to stabilize neighborhoods and areas of the city; to enhance, preserve and increase property values; carry out the goals and policies of the city's general plan; increase cultural, economic, and aesthetic benefits to the city and its residents; preserve, continue, and encourage the development of the city to reflect it's historical, architectural, cultural, and aesthetic value or traditions; protect and enhance the city's cultural and aesthetic heritage; and to promote and encourage continued private ownership and utilization of such structures. Buildings and sites that qualify based on historical, architectural, cultural, aesthetic and engineering interest or value are evaluated according to the following criteria:

1. Identification or association with persons, eras or events that have contributed to local, regional, State or national history, heritage or culture in a distinctive, significant or important way;

---

<sup>54</sup> California Office of Historic Preservation, 1999:1. *California Register of Historical Resources: The Listing Process*. California Office of Historic Preservation, Sacramento.

2. Identification as, or association with, a distinctive, significant or important work or vestige:
  - a. of an architectural style, design or method of construction;
  - b. of a master architect, builder, artist or craftsman;
  - c. of high artistic merit;
  - d. the totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
  - e. that has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surrounds in which past generations lived or worked; or
  - f. that the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.

The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists.

A historic district may be established if the City Council finds that the following criteria are satisfied: (1) that said proposed historic district is a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, buildings, structures or objects unified by past events or aesthetically by plan or physical development, and (2) the district has special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature.

**b. Less-than-Significant Cultural Resource Impacts.** Less-than-significant impacts of the proposed project are discussed below.

Fourteen buildings and one structure (listed below) within the project area do not meet the significance criterion or lack the integrity or age requirement to be listed in the National or California registers, and do not appear to be eligible as City of San Jose City Landmarks or Candidate City Landmarks.

A brief synopsis listing why each of the fifteen buildings and one structure are not historical resources as defined by CEQA, and therefore need no impact mitigation or preservation, is presented below. One adjacent building (#18) is included in the list. Building numbers refer to the numbers on Figure V.J-1.

1. 102 S. Montgomery Street  
Does not meet any of the eligibility criterion  
Lacks integrity
2. 105 S. Montgomery Street  
Does not meet any of the eligibility criterion  
Lacks integrity

3. 114 S. Montgomery Street  
Secondary building  
Does not convey the significance of the Butcher Electric Company
4. 140 S. Montgomery Street  
Does not meet the age requirement; built in 1977
5. 145 S. Montgomery Street  
Lacks integrity
6. 327 Otterson Street  
Secondary building  
Lacks integrity
8. 245 S. Montgomery Street  
Does not meet the age requirement; built in 1976
9. 255 S. Montgomery Street  
Does not meet the age requirement; built in 1976
10. 150 S. Montgomery Street  
Lacks integrity
11. 150 S. Autumn Street  
Does not meet the age requirement; built in 1972
12. 170 S. Autumn Street  
Does not meet the age requirement; built in 1970
13. 115 S. Autumn Street  
Lacks integrity
14. 510 W. San Fernando Street  
Lacks integrity
15. 530 W. San Fernando Street  
Does not meet any of the eligibility criterion
16. 630 W. San Fernando Street  
Lacks integrity
18. 92-98 South Montgomery Street  
Does not meet any of the eligibility criterion
19. 595 Park Avenue  
Does not meet the age requirement; built in 1983

In addition, there are not enough cohesive elements within the project site to constitute a historic district. As noted above, and described in greater detail in Appendix G, many of the buildings constructed in the 1930s and 1940s have been demolished and replaced by 1970s buildings or have been expanded or remodeled. Older structures on the site do not meet any of the eligibility criterion or they lack integrity.

This EIR will be referred to the Historic Landmarks Commission for review and comment.

**c. Significant Cultural Resources Impacts and Mitigation Measures.** Five significant impacts are evaluated below.

**(1) Cultural Resources.** Impacts CULT-1 through CULT-4 relate to cultural resources. Impact CULT-5 relates to paleontological resources.

**Impact CULT-1: The KNTV Broadcast Facility, 645 Park Avenue, appears eligible for listing in the California Register and as Candidate for City Landmark (CCL) and would sustain direct impacts due to the proposed project. (S)**

Since the building is the birthplace of TV in San Jose, is still identified as the KNTV building, and continues to house TV station KNTV3, the building appears eligible for the California Register. Preservation in place is always the preferred mitigation measure for such a historic resource; however, the building must be removed for construction of the proposed stadium. Four mitigation measures are included below. Mitigation Measure CULT-1a shall be undertaken in conjunction with Mitigation Measure CULT-1b, 1c or 1d. Implementation of Mitigation Measures CULT-1b, Relocation, or CULT-1c, Incorporation, would reduce this significant impact to a less-than-significant level. Implementation of CULT-1d, Salvage, would *not* reduce this significant impact to a less-than-significant level.

**Mitigation Measure CULT-1a: Documentation.** The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*.<sup>55</sup> Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools.

---

<sup>55</sup> Pacific Coast Basin Regional Office, U.S. National Park Service 1993.

If only documentation were undertaken for mitigation, impacts to this resource would be significant unavoidable. (SU)

*and*

**Mitigation Measure CULT-1b: Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards<sup>56</sup> to ensure that the building retains its integrity and historical significance. (LTS)

*or*

**Mitigation Measure CULT-1c: Incorporation.** If preservation or relocation is not possible, the building, or portions thereof, shall be incorporated into the ballpark to the extent feasible, following the Secretary of the Interior's Standards<sup>57</sup> to ensure that the building retains its integrity and historical significance.<sup>58</sup> (LTS)

*or*

**Mitigation Measure CULT-1d: Salvage.** If relocation, preservation, or incorporation are not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements. (SU)

**Impact CULT-2: The Sunlite Baking Company building, 145 South Montgomery, appears eligible for listing in the National and California registers and as a Candidate City Landmark and would sustain direct impacts due to the proposed project. (S)**

Preservation in place is always the preferred mitigation measure for such a historic resource; however, the building must be removed for construction of the proposed stadium. Incorporation in the project is not feasible because the building would be located in the middle of the ballpark playing field. Architectural documentation, relocation, and salvage are mitigation options for this resource. Architectural documentation can be used to lessen the severity of impacts to architectural historical resources by recording architecturally significant features that justify the resource's California Register eligibility. Relocation can be undertaken to maintain a resource's California Register eligibility, and thereby reduce the severity of impacts, provided that the following conditions are met: (1) the resource is relocated to prevent its destruction; and (2) the resource, in its new location, retains its historic features and compatibility in orientation, setting, and general environment.<sup>59</sup> Salvage can reduce potential impacts by removing distinctive architectural elements for reuse in other projects.

---

<sup>56</sup> U.S. Department of the Interior, Office of the Secretary 1990

<sup>57</sup> Ibid.

<sup>58</sup> PETCO Park in San Diego successfully incorporated the 95 year-old Western Metal Supply Company building into their ballpark.

<sup>59</sup> California Office of Historic Preservation, 1999, p. 3. *California Register and National Register: A Comparison*. Technical Assistance Series 6. California Department of Parks and Recreation, Sacramento.

Three mitigation measures are included below: Mitigation Measure CULT-2a (Documentation), CULT-2b (Relocation) and CULT-2c (Salvage). Mitigation Measure CULT-2a shall be undertaken in conjunction with Mitigation Measure CULT-2b or 2c. Implementation of Mitigation Measures CULT-2a and CULT-2b would reduce this significant impact to a less-than-significant level. Implementation of CULT-2c would *not* reduce this significant impact to a less-than-significant level.

**Mitigation Measure CULT-2a: Documentation.** The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*.<sup>60</sup> Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools.

If only documentation were undertaken for mitigation, impacts to this resource would be significant unavoidable. (SU)

*and*

**Mitigation Measure CULT-2b: Relocation.** If feasible, the building shall be stabilized and relocated to another nearby site appropriate to its historic character. After relocation, preservation, rehabilitation, and restoration, as appropriate, shall follow the Secretary of the Interior's Standards<sup>61</sup> to ensure that the building retains its integrity and historical significance. (LTS)

*or*

**Mitigation Measure CULT-2c: Salvage.** If relocation is not possible, the building shall be offered to an appropriate agency or museum, such as History San Jose, for salvage of its architectural elements. (SU)

**Impact CULT-3: The project area may contain buried archaeological resources. (S)**

(2) **Historical Archaeological Sensitivity.** The project area's sensitivity is indicated by numerous buildings depicted on Sanborn maps from the late 1800s and early 1900s. While many of these buildings are no longer present in the project area, associated subsurface archaeological deposits may remain. Such deposits may include privies, trash pits, or structural remains associated with the

<sup>60</sup> Pacific Coast Basin Regional Office, U.S. National Park Service 1993.

<sup>61</sup> U.S. Department of the Interior, Office of the Secretary 1990

businesses and homes, and may contain important information about several periods in San Jose's historical development.

**(3) Prehistoric Archaeological Sensitivity.** The historically-documented seasonal flooding of Los Gatos Creek suggests that the project area has a moderate to high sensitivity for the presence of prehistoric archaeological deposits beneath flood-deposited soils. Numerous prehistoric archaeological sites are documented in similar environmental contexts in Santa Clara Valley.

Mitigation Measure CULT-3: Due to high sensitivity for both prehistoric and historical archaeological resources, a qualified archaeologist shall monitor all ground-disturbing activities within the project area for historical and prehistoric archaeological resources. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. A cultural resources monitoring plan shall be prepared prior to the issuance of a grading or building permit. The monitoring plan shall describe how project construction will be monitored to reduce impacts to cultural resources which may be identified within the project site. The monitoring plan shall also include a review of Sanborn fire insurance maps, historical photographs, and other appropriate historical materials to identify potentially archaeologically sensitive areas for monitoring. Limited subsurface testing may be appropriate prior to construction to identify archaeological deposits.

If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can review the finds and make recommendations.<sup>62</sup> Monitoring shall continue until, in the archaeologist's judgment, archaeological resources are no longer likely to be encountered. It is recommended that such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility. Archaeological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible archaeological material and to protect the resource while it is being evaluated. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided or adverse effects must be mitigated. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC.

Prehistoric and historic archaeological sites may extend into State Right-of-Way (R/W). Should ground disturbing activities within State R/W take place as part of this project and there is an inadvertent archaeological or burial discovery, the Caltrans Cultural Resource Study Office, District 4, shall be immediately contacted.<sup>63</sup> A Caltrans staff archeologist evaluates the finds within one business day of being contacted.

---

<sup>62</sup> Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

<sup>63</sup> The Caltrans Cultural Resource Study Office can be contacted at (510) 286-5618 or (510) 286-5615.

Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Fill soils used for construction purposes should not contain archaeological materials. (LTS)

**Impact CULT-4: Ground disturbance associated with the demolition, grading, site preparation and construction of the proposed project may disturb human remains, including those interred outside of formal cemeteries. (S)**

Given that the project area is sensitive for the presence of prehistoric archaeological sites, there is the possibility for discovery of human remains during ground disturbing activities. The following mitigation measure shall be implemented.

Mitigation Measure CULT-4: If human remains are encountered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to City of San Jose Planning, Building, and Code Enforcement director, and the NWIC. (LTS)

**Impact CULT-5: Ground disturbing activities within the project area could adversely impact paleontological resources. (S)**

Project soils are approximately five feet deep within the project area. If paleontological resources are encountered within this depth from the ground surface, they shall be handled according to the accidental discovery section described in CULT-2. The Late Pleistocene alluvium that underlies the project area soils is highly sensitive for fossil resources, as are the sandstones of the Briones Formation beneath this alluvium. The following two-part mitigation measure shall be implemented.

Mitigation Measure CULT-5a: A qualified paleontologist shall be present during initial project ground-disturbance at or below 5 feet from original ground surface. The paleontologist shall determine if further monitoring of project ground-disturbing activities below the soil layer is necessary, or if periodic site inspections are appropriate. If site inspections are recommended,

each subsequent inspection shall determine if more thorough paleontological monitoring is necessary. Prior to project ground-disturbing activities, pre-field preparation by a qualified paleontologist shall take into account specific details of project construction plans for the project area as well as information from available paleontological, geological, and geotechnical studies. Limited subsurface investigations may be appropriate for defining areas of paleontological sensitivity prior to ground disturbance.

If paleontological resources are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor can evaluate the resources and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by project activities. Paleontological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects to such resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the UCMP.

Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the City of San Jose Planning, Building, and Code Enforcement director and to the repository to which any fossils were transmitted.

Mitigation Measure CULT-5b: If paleontological resources are encountered during project activities, and a paleontologist monitor is not present, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has evaluated the discoveries, prepared a fossil locality form documenting the discovery and made recommendations regarding the treatment of the resources. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, adverse effects shall be mitigated. At a minimum, mitigation shall include data recovery and analysis, preparation of a report, and the transmittal of any fossil material recovered to a paleontological repository, such as the UCMP. Upon completion of project activities, a report documenting the methods and findings of the mitigation shall be prepared and copies submitted to City of San Jose Planning, Building, and Code Enforcement director as well as to the paleontological repository to which fossils were transmitted.

Project personnel should not collect or move any paleontological materials and associated materials. Fill soils used for construction purposes should not contain paleontological materials. (LTS)

**d. Policy Conflicts.** The proposed project would be inconsistent with several San Jose General Plan Historic, Archeological and Cultural Resources policies regarding the historic buildings. As discussed in Impact CULT-1, implementation of the proposed project would likely result in the demolition or relocation of one historic building on the project site. As discussed in Impact CULT-2, the proposed project would also alter the character of the historic San Jose Diridon Station, a designated City Landmark. To the extent feasible, the stadium would be designed to be visually compatible with adjacent historic structures; however, due to the lack of design details for the

proposed project, a positive policy determination in regard to that compatibility cannot be made at this time.

