

4.5 CULTURAL RESOURCES

The following discussion is based upon a cultural resource assessment that was prepared for the CVSP project in July 2006 by *Basin Research Associates*. The assessment contains sensitive information regarding the locations of archaeological resources and, therefore, those sections of the assessment are not included in the printed appendices to this EIR. This information is, however, available for review by qualified personnel. Such requests for review can be made to the City's Department of Planning, Building, and Code Enforcement located at 200 East Santa Clara Street (3rd Floor), San José, during normal business hours. Information in the assessment regarding historic architectural resources is included in Appendix F.

Introduction

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts resulting from planned development within the City. All future development addressed by this EIR will be subject to the cultural resources policies listed in Chapter 4, *Goals and Policies*, of the City's General Plan, including the following:

- *Historic, Archaeological, and Cultural Resources Policy #1:* Historically or archaeologically significant sites should be preserved.
- *Historic, Archaeological, and Cultural Resources Policy #2:* The Area of Historic Sensitivity overlay and landmark designation process should be used to promote and enhance preservation.
- *Historic, Archaeological, and Cultural Resources Policy #4:* Areas with a concentration of historically significant sites should be considered for preservation through the creation of Historic Preservation Districts.
- *Historic, Archaeological, and Cultural Resources Policy #6:* The rehabilitation of historic buildings should be encouraged.
- *Historic, Archaeological, and Cultural Resources Policy #7:* The relocation of historic structures should be considered as a means of preservation.
- *Historic, Archaeological, and Cultural Resources Policy #8:* Archaeologically sensitive development sites should be investigated during the planning process and appropriate mitigation should be incorporated.
- *Historic, Archaeological, and Cultural Resources Policy #9:* Development activity shall cease if Native American burials are encountered during construction, until a professional archaeologist is consulted.
- *Historic, Archaeological, and Cultural Resources Policy #10:* Heritage Trees shall be maintained and protected.

In addition to the above-listed policies of the San José General Plan, the CEQA Guidelines provide detailed direction on the requirements for avoiding or mitigating significant impacts to historical and archaeological resources. Guidelines §15064.5(b)(4) states that a lead agency shall identify mitigation measures and ensure that the adopted measures are fully enforceable through permit conditions, agreements, or other measures. In addition, Guidelines §15126.4(b)(3) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature. Preservation in place is the preferred manner of avoiding impacts to archaeological sites, although data recovery through excavation is acceptable if preservation is not feasible. If data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from

and about the historic resource, needs to be prepared and approved by the City prior to any excavation being undertaken.

4.5.1 Existing Cultural Resources

Existing conditions within the CVSP Area were determined by: 1) reviewing previous cultural resources assessments on file with Basin Research Associates and the City of San José, 2) completing several archival records searches²², 3) windshield and selected parcel specific surveys of the built environment; and 4) limited field surveys to relocate recorded and identified areas of archaeological sensitivity. It should be noted that the following discussion pertains to properties for which access was granted by the property owner during the field work completed for the project. Future development of properties that were not accessed will require subsequent environmental review prior to any development or construction.

4.5.1.1 *Regional Setting*

In northern California, cultural resources extend back in time for at least 9,000 to 11,500 years with Native American occupation and use of the Santa Clara/Coyote Valley extending over 5,000 to 8,000 years and possibly longer. At the time of Spanish contact, the CVSP area was within the territory of the Native American group identified as the Costanoan or *Ohlone* and within the areas attributed to two sub-groups; the *Tamyen (Tamien)* and *Mutsun*. The CVSP Area would have provided a favorable environment during the prehistoric period with a variety of ecological niches available for resource use including riparian areas adjacent to Coyote Creek and other water courses in the area.

Various Spanish expedition parties passed through the Coyote Valley and likely followed existing aboriginal trails. In 1777, when Mission Santa Clara and the Pueblo of San José were established, all land in the area was held by the Spanish Crown. Beginning in 1822, when Mexico broke away from Spanish control, the area was under the control of Mexican governors. In 1848, at the end of the Mexican American War, the area became part of the United States.

Coyote Valley is within the historic boundaries of *Rancho La Laguna Seca* (“Dry Lake”), which was granted in 1834 to Juan Alvires. Covering slightly more than 20,000 acres, it was among the largest of the dozen or so ranchos in southern Santa Clara Valley. In addition to raising cattle, Alvires cultivated wheat on his rancho where he also had a flourmill. His adobe was located near Coyote Creek, not far from the existing Hamlet of Coyote. During the Spanish-Mexican Colonial period, the principal road between Monterey and San José ran through the Santa Clara and Coyote Valleys. By 1845, the rancho was acquired by William Fisher. Upon his death in 1850, the property was divided amongst his wife and children, which marked the subdivision of the rancho into smaller landholdings.

The CVSP Area began to develop as a farming district after the Gold Rush in the early 1850s. The Hamlet of Coyote had its origins in the 1850s as a stop on the line of the Butterfield Overland Stage, which ran its stagecoaches through the valley. Inns were named for their distance from the center of San José, such as the Twelve Mile House at Coyote, the Fifteen Mile House (Perry Station), and the Eighteen Mile House at Madrone (now within the city limits of Morgan Hill). The Hamlet of Coyote later became a station on the line of the Santa Clara & Pajaro Valley Railroad, which was soon

²²California Historic Resources Information System, Northwest Information Center (CHRIS/NWIC) at Sonoma State University, Rohnert Park.

absorbed by the Central/Southern Pacific system. Train stations in the southern Santa Clara Valley also included the Perry and Madrone Stations.

Following American settlement, the valley developed a diversified agricultural economy based on the cultivation of wheat and fruit. During the later American Period and into the Contemporary Period (approximately 1876-1950s), fruit production became a major industry. Prune and seed farms became dominant by the early 20th century. This predominance of fruit production/processing continued until after World War II and the Hamlet of Coyote served as a shipping and receiving point for the surrounding agricultural area. After the war, the Hamlet was used less for agricultural business as the southern cities of Morgan Hill and Gilroy became more developed.

Linear resources throughout the CVSP Area include Native American trails, Hispanic Era trails and roads, American Era roads, the Santa Clara & Pajaro Valley Railroad, and agricultural irrigation/water systems.

4.5.1.2 Cultural Resources within the CVSP Development Area

A records search and literature review for prehistoric and historic resources was completed for the entire CVSP Area; however, the southern Greenbelt was not physically examined for historic structures because urban development within the Greenbelt would not occur as part of the project. Additional cultural resource analysis would be completed as appropriate and necessary prior to the approval of any ground disturbance within the Greenbelt (including improvements to Fisher Creek, the installation of groundwater recharge basins, or conversion to agricultural land). As previously stated, specific information regarding archaeological resources and their locations is on file at the City of San José's Department of Building, Planning, and Code Enforcement for review by qualified personnel.

Prehistoric Archaeological Resources

In general, the CVSP Area appears to have a moderate to high potential for prehistoric archaeological resources especially within valley floor areas near water resources and along trails and access points. Prehistoric resources include: 1) several probable village sites with possible associated burials; 2) a site characterized by burials and no evidence of occupation; 3) a large, long-term habitation and burial ground; 4) isolated Native American skeletal remains; 5) a rock shelter; 6) a rock outcrop with numerous cupules; 7) isolated Native American skeletal remains; 8) low density lithic scatters, some with fire-cracked rock; 9) a quarry; and 10) isolated artifact finds that may be indicative of buried archaeological sites.

The first known discovery of Native American finds in the Coyote Valley dates to 1932 and the first formally recorded archaeological site, CA-SC1-2, was recorded in 1949. CA-SC1-60 to 62 were observed and recorded in the 1970s during early cultural resource compliance surveys. The most recently discovered sites were located near the Metcalf Energy Center and the recently constructed Bailey/US 101 Interchange. Archaeological monitoring was undertaken during construction at both sites.

A total of 35 prehistoric archaeological sites have been recorded within the CVSP Area, five of which have been formally evaluated and found to be eligible for inclusion on the National/California Registers. Seven additional sites appear to be eligible for inclusion on the National/California Registers; therefore, further investigations of these sites would be required prior to development or construction. Five resources do not appear to be eligible. The remaining 18 resources are either located in the Greenbelt, where detailed analyses were not completed, or on properties located in the

Development Area, but access was denied. These sites would require a further identification effort at the time specific development is proposed. There is also one formally reported but unrecorded site, three informally reported sites, and one isolated prehistoric find in the CVSP Area.

With the exception of one village site identified by some researchers in the northern portion of the CVSP Development Area, no known ethnographic or contemporary Native American resources, including villages, sacred places, traditional or contemporary use areas, have been identified within the CVSP Area. Native American trails would have been located along creeks, proceeding through the Coyote and Almaden valleys between prehistoric and protohistoric sites/villages. Physical remnants of former trails in the CVSP Development Area have not been located.

Historic Archaeological Resources

American Period historic archaeological resources include those where houses and/or farm complexes previously existed and therefore, the only remaining resources are subsurface. Locations where structures remain could also contain subsurface materials. Based on a review of *Thompson and West (1876)* and historical research, there are three recorded American Period archaeological sites recorded within the CVSP Area, all of which are located in the Greenbelt. No Hispanic Period archaeological sites have been recorded within the CVSP Area.

In addition to recorded resources, 33 locations for potential historic archaeological deposits associated with former early American Period occupation have been identified in the CVSP Area, based on a review of historic records and maps. Many of these potential sites are concentrated along Monterey Road, which was the primary transportation corridor through the valley. Historic archaeological sites within the valley are described in detail in Appendix F, and include Twelve Mile House, the Depot Complex and Grange, Ketchum/Stevens/Malech House, O. Stevens & Sons Store Site, and Emada Methodist Episcopal Church, among many others.

Because subsurface investigations were not done for the cultural resources report upon which this discussion is based, further archaeological investigations would be required to determine whether potential historic archaeological sites are eligible for the California/National Registers. These sites are therefore assumed to be potentially eligible until further research is done. These sites are described in detail in Appendix F. Further investigation of these sites will be required prior to the issuance of environmental clearance for any public or private development projects potentially affecting these sites.

Linear resources throughout the CVSP Area include Hispanic Era trails and roads, American Era roads, and the Santa Clara & Pajaro Valley Railroad, and agricultural irrigation/water systems. The Juan Bautista de Anza National Historic Trail was authorized by the United States Congress in 1990 and has been mapped as traveling through the Coyote Valley approximately along the alignment of Santa Teresa Boulevard.²³ While Anza referred to the *Arroyo de Coyote*, he is not believed to have camped in the Coyote area.

Historic Architectural Resources

The majority of historic resources within the CVSP Area consist of buildings and structures from the early 20th century. Resources include the Hamlet of Coyote, farmsteads/ranches, residential, commercial and public properties, transportation-related and water control features, wineries, quarries, etc. Historic architecture was not evaluated in the southern Greenbelt Area because

²³ www.solideas.com/DeAnza/TrailGuide

development within that portion of the CVSP Area is not proposed; however, there is one known recorded architectural resource located in the Greenbelt; the Coyote/Fisher Ranch. This site was first occupied by the Fisher Family in about 1849. The existing Colonel Revival Style house was constructed in about 1900 at the site of the Alvires adobe, which was razed prior to construction of the house.

Three bridges constructed between 1931 and 1946 are present in the Coyote Valley. These bridges were evaluated by Caltrans in the Historic Bridge Inventory of 1987 and are considered Category 5 bridges and therefore, are not eligible for the National/California Registers.

4.5.1.3 *Cultural Resources within the CVSP Development Area*

Because the proposed project does not include urban development in the Greenbelt, existing conditions within the CVSP Development Area are only described below. Subsequent analysis would be completed in the Greenbelt prior to implementation of any mitigation measures that could affect potential cultural resources. As with the CVSP Area, the Development Area should be considered to have a moderate to high sensitivity for buried prehistoric cultural resources with a high sensitivity for resources near the edges of the former *Laguna Seca* marshlands and especially within valley floor areas near water resources and along trails. Within the CVSP Development Area, there are 19 recorded archaeological sites, four reported but unrecorded sites, and one isolated prehistoric find. There are also 29 locations of potential historic archaeological sites as previously described in Section 4.5.1.2. Areas adjacent to major archaeological resources are also sensitive for buried resources.

There are 34 historic architectural resources identified within the CVSP Development Area on properties where access was granted during the field review, as shown in Table 4.5-1, below. Five of these resources have been determined to be potentially eligible for the National/California Registers and one resource complex has been evaluated as a potential historic district (the Coyote Depot Complex in the Hamlet of Coyote). Three additional resources have been identified as being potentially eligible for the California Register; however they do not meet the more stringent National Register requirements. The remaining 26 resources do not appear to be eligible for inclusion on the National/California Registers.

At the local level, seven resources in the CVSP Development Area are potential San José City Landmarks. One resource is a City of San José Structure of Merit and three other buildings may also qualify as such.

T A B L E 4.5-1
SUMMARY OF POTENTIAL ARCHITECTURAL RESOURCES
EXAMINED IN THE CVSP DEVELOPMENT AREA*

Name/Location	Description
Blanchard Road House A (South side of Blanchard Rd., west of Monterey Rd.)	Simply detailed, vernacular Bungalow Style house (circa 1920) with front gable roof and eaves with exposed rafters. Historic integrity and setting have been compromised. Does not appear to be eligible for the N/CRs or as a SM on the City's Historic Resource Inventory.
Blanchard Road House B (South of Blanchard Rd.)	Simply detailed Bungalow Style house (circa 1920) with a front gable roof and a projecting gabled front porch. Does not appear to be eligible for the N/CRs or as a SM on the City's Historic Resource Inventory.
Groesbeck/Puppo Farm Complex (South of Emado Ave., west of Monterey Rd.)	Farm complex consisting of a four-unit migrant worker structure, two houses, a barn, sheds, five fruit dehydrators, and a prune-drying barn. Does not appear to be eligible for the N/CRs or as a SM on the City's Historic Resource Inventory due to a lack of historic integrity and setting.
Lester Farm Complex (North side of Emado Avenue)	Farm complex consisting of a corrugated metal warehouse, a concrete block fruit dehydrator, and two small metal buildings. In the first half of the 20 th century, Harry Lester was one of the most prominent orchardists southern Santa Clara County. The historic integrity of the complex has seriously deteriorated due to the removal of buildings and orchard trees. Does not appear to be eligible for the N/CRs. The warehouse appears to be eligible as a SM on the City's Historic Resource Inventory.
Ryder/Polhemus/Benson Farm (8820 Santa Teresa Blvd., south of Bailey Ave., west of Monterey Rd.)	Two-story brick Colonial Revival house, circa 1945 and front garden; wood-frame barn circa 1920 and shed (the old Railroad Depot); and worker housing. Worker housing appears not eligible for N/CRs; other buildings and garden potentially eligible for the CR only and may be a potential City of San José Landmark.
Ryder/Polhemus Farm (00 Block Bailey Ave., near the southwest corner with Monterey Rd.)	One-story wood-frame bungalow, circa 1915. Identified during wind-shield survey, but access to site was not allowed. Potentially eligible for N/CRs.
Coast Counties Gas and Electric Company Building (100 Laguna Ave.)	Small utility building (pump house) constructed by Coast Counties Gas and Electric Company in the 1940s. Not an exceptional example of utility architecture and does not appear to be eligible for the N/CRs.
Stiffler/Kruse House (8101 Monterey Rd.)	Built in 1886, the house was owned by George Stiffler, the local blacksmith who operated out of a shop located just north of the house. By 1922, the property was purchased by Charles Kruse. The house is a one-story, wood-frame structure with a generally rectangular plan. This structure was extensively remodeled beginning in the 1940s and so does not appear to be eligible for the N/CRs.
Stiffler Blacksmith Shop/Kruse Garage (8120 Monterey Rd.)	Building was constructed as a blacksmith shop by George Stiffler in 1886, but the structure was converted to an auto repair garage/gas station by Charles Kruse in 1922. The gas station water later remodeled and is typical of late 1940s or early 1950s "Moderne Style" Texaco gas station design. It is not an exceptional or distinguished example of gas station design and therefore, does not appear to be eligible for the N/CRs.

Johnson Gas Station and Lunch Stand (8125 Monterey Road)	By about 1928, Burwell and Terese Johnson were renting the house on the property and operating a gas station and lunch stand. Eventually, the Johnsons purchased the property, which was later sold to William Beatty. The original one-story wood-frame house has been extensively remodeled and the gas station has been altered, compromising their integrity of design. Therefore, the structures do not appear to be eligible for the N/CRs.
Coyote Grange Hall (8140 Monterey Rd.)	Built in 1892, the structure served as a meeting place for the local community. It is vernacular in style, but not representative of any one recognized architectural style. The building has not been extensively altered over time and maintains its integrity of location, design, feeling, and association. The building appears to be eligible for the N/CRs and is listed as a SM on the City's Historic Resources Inventory and is a potential City of San José Landmark.
Shady Nook Gas Station (8145 Monterey Rd.)	Built in 1928 as a wood-frame gas station by Charles Pigott. The original gas station has had many alterations and is currently used as a bait and tackle shop/convenience store. Due to the extensive alterations, the gas station does not appear to be eligible for the N/CRs.
Rodoni/Turturici House (8170 Monterey Road)	Built in the 1920s after the original home on the site burned down, the house is a single-story, wood-frame Bungalow Style house with a gently pitched gable roof. The historic integrity of the house has been compromised because of extensive recent alterations, including adding a projecting front gabled bay and front entrance. For this reason, the structure does not appear to be eligible for the N/CRs.
Santa Clara and Pajaro Railroad Depot/Braslan Warehouse Complex (8215 Monterey Rd.)	Complex constructed in 1869 and includes the depot, bunkhouse, pump house, water tank, and ca. 1892 warehouse. The simply designed buildings are now being used for various functions unrelated to the original railroad use, but overall, retain their historic integrity. Additions incurred in the 1930s have achieved significance in their own right. This complex is a potential historic district and appears to be eligible for the N/CRs. The depot may be a potential City of San José Landmark.
J. M. Owen House (8470 Monterey Rd./Toms Trails)	Built in 1875 by J.M. Owen, a Coyote Valley Pioneer, the two-story, wood-frame Greek Revival house is situated on a deep parcel in an agricultural setting. While the house has been altered extensively and is vacant and in poor condition, the overall integrity of the house has not been compromised. The house is potentially eligible for the N/CRs and may be a potential City of San José Landmark.
Johnson House (8600 Monterey Rd.)	The one story Bungalow Style house was built in 1915 by James Stevens. The historic integrity of the house has been compromised by extensive remodeling, including the total rebuilding of the front façade. The house does not appear to be eligible for the N/CRs.
Sugishita House (9000 Monterey Rd.)	The existing two-story wood-frame house on the site was constructed in about 1915 and is of no particular style. The severely deteriorated condition and 1950s additions have compromised the historic integrity of the house. Therefore, the house does not appear be eligible for the N/CRs.
Ramelli House (9550 Monterey Rd.)	The two matching Bungalow Style houses were built between 1915 and 1917 by the Ramelli family, who eventually owned approximately 4,000 acres of land in the Coyote Valley area. While the two structures maintain a high level of historic integrity, they are typical examples and are not associated with local themes, cultural patterns, or significant figures. Therefore, they do not appear to be eligible for the N/CRs. The buildings may be potential City of San José Structures of Merit.

Fourteen Mile House/Peppin House Ruin (9560 Monterey Rd.)	Fourteen Mile House (the distance from downtown San José) was built in the 1860s as a restaurant and inn for travelers along the Monterey Road corridor. The historic integrity of the structure was compromised when the second story was removed when it became a single family residence. It does not appear to be eligible for the N/CRs, but may have importance as a historic archaeological site. The building may be a potential City of San José Structure of Merit.
Vogler/Malech House (584 Monterey Rd.)	Built prior to 1915, this single-family, single-story Craftsman/Colonial Revival Style house does not appear to be eligible for the N/CRs due to extensive alterations.
Stevens/Malech House (585 Monterey Rd.)	This structure and the structure at 586 Monterey Road were constructed as part of Orvis Stevens Subdivision and are the only surviving features of the 19 th century community of South Coyote. This one-story wood-frame Queen Anne Style house was built in 1892 and although it has been altered, it retains the major design features of its style and period. It appears eligible for the California Register; however, due to the alterations, it does not appear to be eligible for the National Register. The building may be a potential City of San José Landmark.
Ketchum/Malech House (586 Monterey Rd.)	This vernacular Queen Anne style farmhouse was constructed in about 1892 and retains good integrity, although the front porch has been rebuilt. It appears eligible for the California Register; however, due to structural alterations, it does not appear to be eligible for the National Register. The building may be a potential City of San José Landmark.
Pacific Coast Aggregates Gravel Loading Structures (Located on east side of Monterey Rd., near Laguna Ave.)	Concrete gravel loading docks constructed as early as 1928, were used to load gravel mined from Coyote Creek onto trucks. The docks do not appear to be eligible for the N/CRs because other structures associated with the loading docks have been removed thus compromising the historic integrity of the overall mining operation.
Tururici House (9670 or 9680 Monterey Rd.)	One-story, wood-frame Craftsman bungalow built in the 1920s, but was moved onto the site in the 1960s. The historic integrity of the house has been compromised by extensive recent alterations, including moving the house. The house is not an exceptional example of Bungalow Style architecture and therefore does not appear to be eligible for the N/CRs.
McClellan House (9674 Monterey Rd.)	Single-story wood-frame Ranch Style house was built in 1950. It is not an exceptional example of the Ranch House Style and does not appear to be eligible for the N/CRs.
Ross/Saso House (9690 Monterey Rd.)	One-story concrete block Ranch House Style house built in 1950. It is not an exceptional example of the Ranch House Style and does not appear to be eligible for the N/CRs.
Joseph Saso House (9760 Monterey Rd.)	Built in the 1920s, this one-story wood-frame Bungalow Style house has been extensively altered and is not an exceptional example of this style. Therefore, it does not appear to be eligible for the N/CRs.
Masamichi Kawanami House (9770 Monterey Rd.)	Built in 1930, this one-story wood-frame Spanish Colonial Style house appears to retain a high level of historic integrity, but is not an exceptional example of this type of architecture. Therefore, it does not appear to be eligible for the N/CRs.
Calvin Kawanami House (9798 and 9796 Monterey Rd.)	The two single-story wood frame Ranch House Style houses were constructed in about 1953. While they appear to retain a high level of historic integrity, they are not exceptional examples of Ranch House Style houses. Therefore, they do not appear to be eligible for the N/CRs.

Barnhart/Saso House (9940 Monterey Rd.)	This wood-frame, hip roofed house was built in 1909 on the site of the Fifteen Mile House (Perry’s Station) which was either demolished or reconstructed after the 1906 earthquake. The house has an eclectic design mixing Craftman, Prairie, and Colonial Revival Styles and retains a high degree of historic integrity. It is an impressive example of early 20 th century residential design and thus appears to be eligible for the N/CRs. The building may be a potential City of San José Landmark.
Costa House (595 Palm Avenue)	This former prune farm includes two houses, a garage/residence, and various sheds in an agricultural setting. The 1920s Bungalow Style house was built in the 1920s, and while it retains a good level of historic integrity, it does not appear to be eligible for the N/CRs due to extensive alterations. The remainder of the site, including the other Ranch Style house (1959) and garage/shed does not appear to retain historic integrity as a farm complex from the early years of the Costa prune ranch. The Bungalow Style building may be a potential City of San José Structure of Merit.
Ducoty/Christopher House (602 Palm Avenue)	The Bungalow Style house was constructed in 1920 and is part of a farm complex with a garage, barn, and sheds. The house has been extensively altered and is now used as an office. The house and related farm small outbuildings do not appear to retain historic integrity as a farm complex and do not appear to be eligible for the N/CRs.
Spaich Bros’ Help House (607 Palm Avenue)	The small one-story wood-frame Bungalow Style House was constructed in the 1920s. Although the house retains historic integrity, it is a typical example of a Bungalow Style residence in the south San José/Morgan Hill area. Therefore, it does not appear to be eligible for the N/CRs.
Worker’s House/Vianelle House (601 Scheller Road)	The small one-story wood-frame Bungalow Style house was constructed in the 1930s and while it appears to have retained its historic integrity, it is a typical architectural example of Bungalow Style houses in the south San José/Morgan Hill area. Therefore, it does not appear to be eligible for the N/CRs.
*For a complete description of all properties, refer to Appendix F.	
CLS - City Landmark Site	SM - Structure of Merit
CCL - Candidate City Landmark	
HRI – City of San José Historic Resources Inventory	IS - Identified Structure
N/CR – National/California Register	
Sources: See Section 9.0 of Appendix F, <i>References Cited and Consulted</i> .	

4.5.1.4 *Arboricultural Resources within the CVSP Development Area*

Forty-three California black walnuts are located on the west side of Monterey Road within the Development Area. These notable trees were planted around the turn of the century by Horace G. Keesling to provide shade along the heavily traveled Monterey Road, and are commonly known as the “Keesling walnuts.” They are generally in good condition, although their health is beginning to decline as they age. Black walnut trees can live up to a maximum of approximately 200 years. Four of the trees are in poor condition and one appears to be dead. These trees are designated by the City of San José as Heritage Trees because of their historical significance (Municipal Code Sections 13.28.330 and 13.32.090).

4.5.1.5 *Cultural Resources within the Bailey-over-the-Hill Area*

A literature review was completed for the portion of the project area where the extension of Bailey Avenue over the western hills to the Almaden Valley would be constructed in the future (refer to Figure 2.0-14 for the alignment area as shown in the San José 2020 General Plan). There appears to be a locally moderate potential for inadvertent discoveries of archaeological deposits within the alignment area. Seven recorded and one reported prehistoric archaeological sites are located within the corridor area; however, there are no Hispanic Period archaeological sites. Two American Era historic archaeological sites have been recorded and one potential American Period archaeological site may be located within the corridor area. Three historic architectural properties are located within the corridor area; of which two do not appear to be eligible for inclusion on the California/National Registers. All potential cultural resources in the Bailey-over-the-Hill corridor will be taken into account when a roadway alignment is chosen for the extension and, if necessary, during design of the proposed roadway.

4.5.1.6 *Tribal Consultation*

California State Senate Bill 18, which was signed into law in September 2004, requires cities and counties to consult with Native American tribes when adopting and amending their General Plans or specific plans. Consultations with tribes are required for the purpose of preserving or mitigating impacts to California Native American cultural places. In conformance with this state law, the City of San José sent requests for formal consultation to 12 individuals and groups identified by the California Native American Heritage Commission (NAHC). Two responses were received from members of the Amah Mutsun Tribal Band of Ohlone Costanoan Indians.

A meeting was held on February 7, 2006 with City staff, the project's cultural resources and environmental consultants, and two representatives of the Amah Mutsun Tribal Band. The proposed project was described and a short presentation was given on the cultural resources work done to date in the Coyote Valley. A field inspection of selected sites within the CVSP Development Area was completed and the tribal representatives made suggestions regarding the proposed urban development and methods to protect the identified traditional tribal sites.

Subsequent to the field inspection, the Amah Mutsun Tribal Band sent the City of San José a letter summarizing the results of the field inspection held on February 7, 2006. The letter is confidential due to the sensitive nature of cultural resource sites identified. The letter also includes information regarding the most "appropriate descendants" of the peoples that once inhabited the geographic area in which the CVSP area is located. It should be noted that the most appropriate descendants do not currently participate in the Tribal Consultation process, and it was determined that the Amah Mutsun were the most appropriate tribal band to participate in the CVSP Tribal Consultation process. The Amah Mutsun representatives provided some recommendations for ways to honor the first inhabitants of the area; primarily the avoidance and preservation in open space of one particular location, which will be incorporated into the CVSP during the "plan refinement" process.

4.5.2 **Cultural Resources Impacts**

4.5.2.1 *Thresholds of Significance*

For this project, the thresholds of significance for cultural resources impacts are defined as follows:

§ the project will cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines §15064.5; or

- § the project will cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines §15064.5; or
- § the project will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- § the project will disturb any human remains, including those interred outside of formal cemeteries.

4.5.2.2 Cultural Resources Impacts

Future development activity that is anticipated to occur if the proposed CVSP is approved is likely to cause both direct and indirect impacts to known and unknown archaeological resources and to historic buildings and resources. Subsurface resources may be exposed during grading, utility trenching, and other subsurface work in areas with no prior surface evidence of cultural materials. The potential for the presence of additional buried sites with undisturbed or partially undisturbed cultural deposits is very high throughout Coyote Valley.

The following discussion of impacts to cultural resources focuses on the CVSP Development Area because that is where construction is proposed. It is not anticipated that impacts to resources would occur in the Greenbelt as a result of the proposed development; however, it should be noted that if uses such as groundwater recharge ponds or agricultural land mitigation, are eventually proposed for the Greenbelt, additional environmental review will be required. Due to the expected length of time it will take the CVSP to build out, the significance of various cultural resources will likely change, particularly for architectural resources with increased age or rarity.

Impacts to Prehistoric Archaeological Resources

As described in Section 4.5.1.3, the project area has a high sensitivity for prehistoric archaeological resources. There are 19 recorded archaeological sites, four reported but unrecorded sites, and one isolated prehistoric find within the CVSP Development Area. Two of the recorded sites have been formally evaluated and found to be eligible for inclusion on the National/California Registers as part of one archaeological district located in the southwestern portion of the CVSP Development Area. As a result of formal consultation with tribal representatives, this district shall be preserved in open space as part of the proposed project; thereby avoiding impacts to this archaeological district.

While the remaining prehistoric sites have not been formally evaluated, 17 appear to be eligible or potentially eligible for the National/California Registers with further identification and evaluation. Five resources do not appear to be eligible for the registers based on available data. Construction could occur in areas with a high sensitivity for subsurface resources and in areas where resources have physically been identified. Such construction would directly impact these resources by disturbing and/or destroying the significant information contained within them.

It should be noted that additional resources may exist within the CVSP Development Area; however, because access was not allowed on all properties, these resources have not yet been identified. At the time urban development is proposed and access to these properties is secured, additional analysis and potentially additional environmental review, will be required. The demolition of eligible or potentially eligible historic structures would be a significant impact.

Impact CR -1: Construction activities within the CVSP Development Area could occur in areas with a high sensitivity for prehistoric archaeological subsurface resources and in areas where resources have physically been identified. Such construction would directly impact these resources by disturbing and/or

destroying the significant information contained within them. **[Significant Impact]**

Impacts to Historic Archaeological Resources

As described in Section 4.5.1.3, there are no recorded Hispanic or American Period archaeological sites in the Development Area; however, there are 29 locations identified as having a potential for subsurface historic American Period archaeological materials. Construction in these areas could directly impact subsurface historic resources by disturbing and/or destroying the significant information contained within them.

Impact CR-2: Construction activities within the CVSP Development Area could directly impact subsurface historic resources by disturbing and/or destroying the cultural artifacts contained within them. **[Significant Impact]**

Direct Impacts to Historic Resources

The following discussion reflects the information available in existing documents and for those properties to which the City was granted permission to access. As described in Section 4.5.1.3, historic structures are located within the CVSP Development Area, some of which appear to be eligible for inclusion on the California and/or National/California Registers and are Candidate City Landmarks, including the Coyote Depot Complex within the Hamlet of Coyote. It should be noted that additional resources may exist within the CVSP Development Area; however, because access was not allowed on all properties, these resources have not yet been identified. At the time urban development is proposed and access to these properties is secured, additional analysis and potentially additional environmental review, will be required as appropriate. The demolition of eligible or potentially eligible historic structures would be a significant impact.

The San José 2020 General Plan and adopted City Council policies on historic resources strongly encourage their protection and reuse. Because these policies provide for protection of these resources, and would characterize loss of significant historic structures as a significant impact, the analysis in this EIR assumes that any structures that are found to be historical resources as defined by CEQA Guidelines Section 15064.5(a) will be preserved or otherwise protected from demolition and any substantial adverse change in their historic significance. This may be accomplished by refining elements of the CVSP in conjunction with project specific analysis. Any future urban development that proposes removal or substantial adverse change in the historic significance of such resources would require preparation of another EIR.

Impact CR-3: Future development and redevelopment of properties within the CVSP that contain historically significant architectural resources are assumed to include the preservation and protection of such resources. Impacts to historic resources would therefore, be less than significant. **[Less than Significant Impact]**

Indirect Impacts to Historic Architectural Resources

The proposed project would result in construction in the immediate vicinity of historic structures which could affect their eligibility for the California and/or National Registers or City Landmark designation by altering their historical settings and thus, their historic integrity. Historical settings and context are very important factors for determining the eligibility of historic structures for the Registers. Any impacts to these buildings' integrity that could affect their eligibility would be a

significant impact. Physical impacts to these structures during construction in surrounding areas could also occur and could include dust accumulation on building facades, and noise and vibration from construction equipment.

Impact CR-4: The proposed project could result in significant indirect impacts to historic structures either by constructing new uses in proximity to these resources, construction impacts to these resources, or by the relocation of these resources to areas that could adversely affect their eligibility for the National and/or California Registers. These would be significant impacts.
[Significant Impact]

Impacts to Unique Geologic and Paleontological Resources

There are no known unique paleontological sites or unique geologic features on or near the Development Area. Geologic features are described in Section 4.7, *Geology*. Known paleontological resources (i.e., fossils) were recovered during archaeological monitoring of the Metcalf Energy Center project in the northeastern portion of the Coyote Valley. Therefore, there is a potential that they could be discovered during CVSP construction. Impacts to paleontological resources during construction would be a significant impact.

Impact CR-5: Construction activities as a result of the project would adversely affect paleontological resources should they be discovered during construction.
[Significant Impact]

Impacts to Arboricultural Resources

It is assumed that the healthy 43 Keesling walnut Heritage Trees along Monterey Road will be preserved as part of the project. In the event that these identified Heritage Trees are removed to accommodate development or due to construction-related impacts, it is considered to be a significant unavoidable impact because there are no feasible mitigation measures available to reduce the impact to a less than significant level. Simply planting replacement trees would not compensate for the loss of these Heritage Trees.

In addition, other candidate Heritage Trees may be located within the CVSP Development Area, as described in Section 4.6.3.5. The loss of these trees would also be significant and unavoidable.

Impact CR-6: While the project proposes to protect the Keesling walnut Heritage Trees during construction and in perpetuity, the loss of any of these trees due to removal or due to construction would be a significant unavoidable impact. The loss of as yet unidentified candidate Heritage Trees would also be significant and unavoidable. **[Significant Unavoidable Impact if Keesling Walnut Trees or candidate Heritage Trees are Removed] [Less than Significant Impact if Keesling Walnut Trees or candidate Heritage Trees are Retained.]**

Impacts to Bailey-over-the-Hill Alignment Area

As previously described in Section 4.5.1.4, there are prehistoric and historic resources, including structures within the Bailey Avenue over the Hill alignment corridor. A roadway alignment has not been determined for the future roadway and although an alignment would be chosen based on environmental considerations, it is possible that cultural resources could be impacted during

construction. It should be noted that there is a potential that the roadway could ultimately be located in areas that avoid significant resources, however, the destruction or disturbance of cultural resources would be a significant adverse environmental impact.

Impact CR-7: The future construction of the BOH roadway could result in significant impacts to both prehistoric and historic archaeological impacts. **[Significant Impact]**

4.5.3 Mitigation and Avoidance Measures for Impacts to Cultural Resources

As previously described, the policies in the City of San José's 2020 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future CVSP development projects shall be subject to these General Plan policies, as well as the following standard measures to mitigate environmental impacts. Additional or modified mitigation measures may be identified based on subsequent environmental review, once specific development is proposed.

4.5.3.1 *Mitigation Measures for Prehistoric and Historic Subsurface Cultural Resources*

MM CR-1.1 and 2.1: Prior to the issuance of development permits or contracts for construction, parcel-specific/project-specific preconstruction literature studies and field review shall be undertaken by a qualified professional archaeologist to identify, record, and evaluate archaeological resources within the CVSP Development Area that may be affected by proposed urban development. Formally record and/or update previously recorded sites and file the documentation with CHRIS/NWIC. Any new or non-evaluated cultural resources shall be evaluated in accordance with the criteria of the National/California Registers. Resources shall be reported in accordance with the generally accepted format for an *Archaeological Resources Review*. All work shall be completed by a qualified professional archaeologist meeting the qualifications of the Secretary of the Interior.

MM CR-1.2 and 2.2: Prior to the issuance of development permits or contracts for construction, parcel-specific/project-specific archaeological presence/absence testing shall be undertaken by a qualified professional archaeologist meeting the qualifications of the Secretary of the Interior as part of an enhanced identification and evaluation effort when a known resource cannot be evaluated through the literature and field review. Results of the testing and evaluation of the resource shall be reported in accordance with the generally accepted format for an *Archaeological Resources Review*.

If suspected human bone or important archaeological features are encountered, work in the immediate area of the discovery (approximately 50 feet) shall be halted and the coroner shall be notified. If the remains are determined to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendent. The finds shall be exposed, recorded, and removed by a qualified archaeologist. Any human remains encountered shall be handled in accordance with State law and any applicable Native American agreements.

All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the City's Director of Planning, Building, & Code Enforcement.

MM CR-1.3 and 2.3: Construction in or adjacent to all significant or potentially significant prehistoric resources in the CVSP Development Area shall be avoided to the maximum extent practicable. A professional archaeologist meeting the qualifications of the Secretary of the Interior and Native Americans with appropriate local knowledge, shall be consulted during planning and design to facilitate avoidance, conservation, and preservation of known and potential archaeological resources (e.g., use of open space, capping, etc.). If avoidance and/or conservation are not possible, professional archaeologists and Native Americans shall be consulted to develop appropriate mitigation measures, as required by State Government Code §65352.3. All cultural resources conditions mandated by the City of San José and other regulatory/permitting agencies shall be implemented to reduce impacts to a less than significant level.

MM CR-1.4 and 2.4: A comprehensive *Archaeological Resources Management Plan* (ARMP) for the CVSP shall be developed by a professional archaeologist meeting the qualifications of the Secretary of the Interior and implemented to provide a management framework for archaeological resources prior to the commencement of any construction of the CVSP project. The ARMP shall be reviewed and approved by the City of San José's Director of Planning, Building, and Code Enforcement after review and comment by the City's Historic Preservation Officer. The ARMP shall include:

- a context statement;
- a research process for the evaluation of any cultural materials with an emphasis on resources of the Prehistoric and Early American periods;
- a strategy to evaluate significance of cultural materials;
- treatment protocols to mitigate any significant cultural resources including the implementation of presence/absence site testing and appropriate data recovery programs;
- the development of archaeological monitoring protocols during construction including appropriate training for construction personnel to recognize, avoid, and report cultural resources;
- a discovery plan to guide the identification, evaluation, management, and mitigation of previously unknown subsurface cultural materials discovered during construction;
- protocols for the treatment of Native American human remains including notification, consultation, treatment (avoidance, removal, temporary storage, etc.), laboratory analysis, reburial, reporting, non-burial artifacts, samples, and curation;
- reporting requirements for any archaeological work completed under the ARMP including a *Monitoring Closure Report*;
- curation of recovered cultural materials with a repository acceptable to the City of San José; and

- a public education component to present the results of any archaeological research to the interested public.

4.5.3.2 *Mitigation and Avoidance Measures for Historic Architectural Resources*

The following mitigation and avoidance measures apply to structures determined to be eligible or potentially eligible for the National and/or California Registers and Candidate City of San José Landmarks:

MM CR-3.1 and 4.1:

Prior to the issuance of development permits or contracts for construction, specific pre-construction literature and field review shall be undertaken to locate and record all historic architectural resources within the CVSP Development Area. Resources shall be formally recorded and/or previously recorded sites shall be updated where applicable and filed with the appropriate repository. Resources shall be evaluated in accordance with the criteria of the National/California Registers and where applicable, with the City of San José Historic Landmarks criteria. Resources shall be reported in accordance with the generally accepted format for a City approved *Architectural History Review* by a professional consulting architectural historian meeting the requirements of the Secretary of the Interior.

MM CR-3.2 and 4.2:

A comprehensive *Architectural Treatment Program Plan* (ATPP) for the CVSP shall be developed and implemented for architecturally and/or historically significant buildings and building complexes prior to the commencement of any construction. This Plan shall be developed after review and confirmation that historically significant buildings are present within the CVSP Development Area by the City of San José Historic Preservation Officer. The ATPP shall focus on buildings on or eligible for the National/California Registers and potential city landmarks. The ATPP shall be reviewed and approved by the City of San José's Director of Planning, Building, and Code Enforcement after review and comment by the City's Historic Preservation Officer.

The ATPP shall provide for mitigation options and procedures for buildings and complexes to be affected by the project including any adjacent buildings with the potential to be affected by either direct or indirect construction impacts. The ATPP shall include and consider the following mitigation measures to reduce impacts to a less than significant level:

- Retain eligible buildings in the CVSP Development Area in original locations and rehabilitate according to the *Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, 1990). New construction in the CVSP Development Area near the buildings shall be consistent with their historic character.
- If retention in the original location is not possible, move or restore and adaptively reuse eligible buildings in the CVSP Development Area to a different location within current parcel or a parcel

appropriate to its historic character.²⁴ The Hamlet of Coyote is considered to be an appropriate location in which to move and rehabilitate eligible structures. The Greenbelt area may also be considered an appropriate location. New construction in the Development Area near these relocated buildings (whether in the Hamlet of Coyote or elsewhere in the CVSP Area), shall be consistent with their historic character. Subsequent environmental review would be required for the relocation of any eligible structure.

- Protocols to reduce short-term construction activities that may affect the historic buildings and structures shall be developed, especially in the Hamlet of Coyote. Project construction shall be required to conform to all City of San José noise control and other requirements, as described in Appendix F.

**MM CR-3.3
and 4.3:**

Historic buildings (including settings) shall be documented according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data* (Pacific Coast Basin Regional Office, U.S. National Park Service, 1993) and the *Photographic Specifications – Historic American Building Survey* (U.S. National Park Service, 1989). This document shall include at a minimum, archival quality, large format photographs and negatives of the building, original plans, and historic views (if available). Documentation should be placed in an historical archive or collection accessible to the general public.

**MM CR-3.4 and
4.4:**

Historic names shall be incorporated into the CVSP as street and park names, and for any new buildings in the CVSP Development Area, including meeting rooms and public spaces in public buildings.

**MM CR-3.5 and
4.5:**

A public exhibit/education program shall be developed to present interpretive information on Coyote Valley history with a focus on the southern Santa Clara Valley and the Hamlet of Coyote. Such exhibits could include a public exhibit in any public facility, including transit stops.

4.5.3.3 *Mitigation Measures for Impacts to Paleontological Resources*

MMCR-5.1:

Should paleontological resources be discovered during project grading and/or excavation, all construction activities within 50 feet of the discovery shall be halted and a qualified paleontologist shall be contacted. The paleontologist shall divert earth-moving equipment away from the site until they have examined the remains to determine if they are significant. If significant large fossil remains are discovered, the property shall be made available to the paleontologist for collection and processing. Fossil remains recovered from the field or by processing will be prepared, identified, and along with the accompanying field notes, maps, and photographs, incorporated into the

²⁴ The feasibility of moving any affected historically significant buildings should be determined by a Preservation Architect, contractor, or engineer experienced in moving historic buildings. Structurally sound wood-frame buildings can usually be moved without difficulty.

collections of the Museum of Paleontology, University of California, Berkeley.

4.5.3.4 *Mitigation Measures for Impacts to Arboricultural Resources*

Mitigation measures BIO 23.1 and 24.1 through 23.13 and 23.14, as described in Section 4.6.4, apply to the protection of the Keesling walnut trees (IMPACT BIO-23) and candidate Heritage Trees. Implementation of these measures would reduce the potential for impacts to occur to Heritage and candidate Heritage Trees. However, if trees are lost it would be a significant unavoidable impact.

4.5.4 Conclusions regarding Cultural Resources Impacts

- Impact CR -1:** Significant buried prehistoric archaeological resources may be present within various portions of the CVSP Development Area and could be adversely impacted during construction activities. Implementation of the measures described above (MM CR-1.1 through 1.4) will mitigate this impact to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
- Impact CR-2:** Construction activities within the CVSP Development Area would adversely impact subsurface historic archaeological resources by disturbing and/or destroying the cultural artifacts contained within them. Implementation of the measures described above (MM CR-2.1 through 2.4) will mitigate this impact to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
- Impact CR-3:** Future development and redevelopment of properties within the CVSP that contain historically significant architectural resources are assumed to include the preservation and protection of such resources. **[Less than Significant Impact]**
- Impact CR-4:** The proposed project would result in significant indirect impacts to historic structures either by constructing new uses in proximity to the structures, or construction impacts to the structures, that would adversely affect their eligibility for the National and/or California Registers or City Landmark designation. Implementation of the measures described above (MM CR-4.1 through 4.3) will reduce these impacts to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
- Impact CR-5:** Construction activities as a result of the project would adversely affect paleontological resources should they be discovered during construction. Implementation of the measures described above (MM CR-5.1) will reduce these impacts to a less than significant level. **[Less than Significant Impact with Mitigation Incorporated]**
- Impact CR-6:** While the project proposes to protect the Keesling walnut Heritage Trees during construction and in perpetuity, the loss of any of these trees due to removal or due to construction would be a significant unavoidable impact. The loss of as yet unidentified candidate Heritage Trees would also be significant and unavoidable. **[Significant Unavoidable Impact if Keesling**

Walnut Trees and candidate Heritage Trees are Removed] [Less than Significant Impact if Keesling Walnut Trees and candidate Heritage Trees are Retained]

Impact CR-7:

It is anticipated that the future construction of the BOH roadway could result in significant impacts to both prehistoric and historic archaeological and possibly architectural resources. Therefore, the selection of an alignment and the ultimate design of this future roadway will be subject to the General Plan policies described in the introduction of this section of the EIR. In addition, it is assumed that mitigation measures similar to the ones described above (MM CR-1.1, through CR-6.1) would be considered at the time of development.

[Less than Significant Impact with Mitigation Incorporated]