

# CHAPTER 7: DRAFT SECTION 4(F) EVALUATION

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## 7.1 INTRODUCTION

This Draft Section 4(f) Evaluation is being circulated with the Revised Draft Environmental Impact Statement (EIS) for the Silicon Valley Rapid Transit Corridor (SVRTC) for review and comment by federal, state, and local officials having jurisdiction over the resources regarding the effects, discussion of Section 4(f) use, avoidance alternatives, and planning efforts to reduce harm.

### 7.1.1 SECTION 4(f)

This discussion addresses the federal requirements found in 49 USC, Section 303 and 23 USC, Section 138, commonly referred to as Section 4(f). These requirements pertain to all actions or projects undertaken by agencies within the Department of Transportation (DOT), including the Federal Transit Administration (FTA). The essence of 4(f) requirements is that special efforts are to be made to protect public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Section 4(f) of the Department of Transportation Act of 1966 states that:

Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge or site) only if:

1. there is no prudent and feasible alternative to using that land; and
2. the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development, and relevant state and local officials, in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

Consultation with the Department of Agriculture (USDA) would occur whenever a project uses Section 4(f) land from the National Forest System. Consultation with the Department of Housing and Urban Development (HUD) would occur whenever a project uses Section 4(f) land for / on which certain HUD funding had been utilized. Since neither of these conditions applies to the proposed project, consultation with USDA and HUD is not required.

In general, a Section 4(f) "use" occurs when: 1) Section 4(f) land is permanently incorporated into a transportation facility; 2) there is a temporary occupancy of Section 4(f) land that is adverse in terms of the Section 4(f) preservation purposes as determined by specific criteria (23 CFR Section 774.13(d)); and 3) Section 4(f) land is not incorporated into the transportation project, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (constructive use) (23 CFR Section 774.15(a)).

### **7.1.2 SECTION 4(f) AND SECTION 106**

One of the issues addressed in this evaluation concerns the application of Section 4(f) to historic resources. The consideration of historic resources under Section 4(f) differs from their consideration under Section 106 of the National Historic Preservation Act (NHPA). Section 4(f) applies only to programs and projects undertaken by the U.S. Department of Transportation and only to publicly owned public parks, recreation areas, and wildlife refuges, and to historic sites on or eligible for the National Register of Historic Places (NRHP). For protected historic sites, Section 4(f) is triggered by the "use" or occupancy of a historic site by a proposed project. There is also the situation in which a project does not actually permanently incorporate land from a historic site, but because of its proximity impacts to the historic site, is determined by the U.S. Department of Transportation to substantially impair the qualities that made the historic site eligible for the NRHP. This is referred to as a "constructive use." In addition, when a temporary occupancy of Section 4(f) land meets specified conditions (23 CFR 774.15(a)), the occupancy is considered so minimal that it does not constitute a "use" within the meaning of Section 4(f).

Section 106 is a different requirement that applies to any Federal agency and addresses direct and indirect "effects" of an action on historic properties. Section 106 evaluates "effects" on a historic site, while Section 4(f) protects a historic site from "use" by a project. Therefore, even though there may be an "adverse effect" under Section 106 because of the effects upon the site, the provisions of Section 4(f) are not triggered if the project would not result in an "actual use" (permanent or certain temporary occupancy of land) or a "constructive use" (substantial impairment of the features or attributes which qualified the site for the NRHP).

## **7.2 DESCRIPTION OF THE PROPOSED PROJECT**

### **7.2.1 PROJECT PURPOSE AND NEED**

The overall project goal of the project is to improve transit services and increase intermodal connectivity, thereby improving mobility and accessibility, in the SVRTC. Meeting this overall project purpose would address a variety of related transportation needs in the SVRTC and benefit major portions of the Bay Area.

The project will also address a number of related needs. It will improve public transit service in this severely congested corridor by providing increased transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and residents from throughout the Bay Area and portions of the Central Valley of California. It will enhance regional connectivity by expanding and interconnecting Bay Area Rapid Transit (BART) service with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County and improve intermodal transit hubs where rail, bus, auto, bicycle, and pedestrian links meet. It will increase transit ridership by expanding modal options in a corridor with ever-increasing travel demand that cannot be accommodated by existing or proposed roadway facilities, in particular, help alleviate severe and worsening congestion on I-880 and I-680 between Alameda County and Santa Clara County. It will support transportation solutions that will be instrumental in maintaining the economic vitality and continuing development of Silicon Valley. The project would also improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations as discussed in Section 5.12, Socioeconomics. It would improve regional air quality by reducing auto emissions as discussed in Section 5.1, Air Quality. Finally, the project is expected to support local and regional land use plans and facilitate corridor cities' efforts to direct business and residential investments in transit oriented development. More efficient growth and sustainable development patterns are necessary to reduce impacts to the local and global environment, such as adverse climate change. A more detailed discussion of the project purpose and need is provided in Chapter 1, Purpose and Need.

## 7.2.2 DESCRIPTION OF ALTERNATIVES

Below are brief descriptions of the project alternatives. More detailed descriptions are provided in Chapter 2, Alternatives.

### **No Build Alternative**

The No Build Alternative consists of the existing transit and roadway networks and planned and programmed improvements in the SVRTC that are identified in the Bay Area's Regional Transportation Plan (RTP), *Mobility for the Next Generation – Transportation 2030 Plan for the San Francisco Bay Area* (Transportation 2030 Plan), adopted by MTC in February 2005, and the *Valley Transportation Plan 2030* (VTP 2030), adopted by VTA in February 2005.

### **Berryessa Extension Project Alternative**

The Berryessa Extension Project Alternative (BEP Alternative) would consist of the design, construction, and future operation of a 9.9 mile extension of the San Francisco BART heavy rail line. The BEP Alternative would begin south of the planned BART Warm Springs Station in Fremont (to be implemented by 2014) and proceed on the former Union Pacific Railroad (UPRR) right-of-way (ROW) through Milpitas to near Las Plumas Avenue in San Jose (Figure 2-3). Two stations are proposed, one in Milpitas

and one in San Jose. Passenger service for the BEP Alternative would start in 2018, assuming funding is available. The alignment under this alternative would include the following features:

- **City of Fremont** - The BEP Alternative in Fremont would extend from the planned BART Warm Springs Station to south of Scott Creek as shown on Figure 2-4.
- **City of Milpitas** - The BEP Alternative in Milpitas would begin at the County/City line and extend south of Montague Expressway to the Milpitas Station as shown on Figure 2-5.
- **Retained Cut Long and Intermediate Options** - Under these options, BART would transition into a retained cut from south of Curtis Avenue, continue past the Milpitas/San Jose city line, to south of Trade Zone Boulevard. Under the Retained Cut Intermediate Option, BART would transition into a retained cut farther south than under the Retained Cut Long Option. Under both the above options, UPRR freight service would be discontinued near Montague Expressway if VTA has not already arranged to discontinue freight service in this area, and BART would no longer share the railroad ROW with freight trains as the alignment continues south.
- **Milpitas Station** - The Milpitas Station area would be located between Montague Expressway and Capitol Avenue and on the east and west side of the railroad ROW, encompassing up to 27 acres of land. The Milpitas Station includes two options for the bus transit center. Under the East Bus Transit Center Option a 16-bay bus transit center with kiss-and-ride facilities would be located east of the station and south of the parking structure. Under the West Bus Transit Center Option a 15-bay bus transit center with kiss-and-ride facilities would be located west of the station and adjacent to surface parking and/or future transit facilities.
- **City of San Jose** - The BEP Alternative alignment located in San Jose would begin after the Milpitas Station and extend into San Jose terminating past the Berryessa Station east of US 101 as shown on Figure 2-7.
- **Berryessa Station** - The Berryessa Station area would be located between Berryessa Road and Mabury Road, and would encompass approximately 55 acres. A four- to eight-level parking structure on 3.4 acres would be constructed at the south end of the site and to the west of the ROW.
- **BEP Terminus** - BART would transition from an aerial configuration to an at grade configuration at the end of the alignment, where there are two options for the terminus. One option includes a maintenance of way siding track with no new yard and shops facility. The other option includes a yard and shops facility to store and service BART train cars.

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## Silicon Valley Rapid Transit Project Alternative

The Silicon Valley Rapid Transit Project Alternative (SVRTP Alternative) would consist of a 16.1-mile extension of the BART system as shown in Figure 2-15. The alignment would begin at the planned BART Warm Springs Station in Fremont (to be implemented by 2014) and proceed on the former UPRR ROW through the City of Milpitas to south of Mabury Road in the City of San Jose. The extension would then descend into a 5.1 mile-long subway tunnel, continue through downtown San Jose, and terminate at grade in the City of Santa Clara near the Caltrain Station. Six stations are proposed: Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon/Arena, and Santa Clara.

Passenger service for the SVRTP Alternative would start in 2018, assuming funding is available. The alignment under this alternative would include the following features:

- **Cities of Fremont and Milpitas** - The SVRTP Alternative would consist of the same design features and options as described under the BEP Alternative in Fremont and Milpitas. The reader should refer to the description of the BEP Alternative for the design features from the planned BART Warm Springs Station to the Milpitas/San Jose city line.
- **City of San Jose** - The SVRTP Alternative alignment in San Jose is shown on Figure 2-16 and includes portions of the BEP Alternative, including the Berryessa Station.
- **Alum Rock Station** - The Alum Rock Station area would be located between US 101 and 28<sup>th</sup> Street. The station area would encompass approximately 19 acres.
- **Tunnel Alignment Options Near Coyote Creek** - From Alum Rock Station, the tunnel would curve under 28<sup>th</sup> Street, 27<sup>th</sup> Street, and 26<sup>th</sup> Street before aligning under East Santa Clara Street. There are three options for its alignment beyond this point. Under the Southern Offset Option, the tunnel alignment would begin to transition south from the East Santa Clara Street ROW near 22<sup>nd</sup> Street. The tunnel would pass Coyote Creek to the south and avoid the Coyote Creek/East Santa Clara Street bridge foundations. The alignment would transition back into the street ROW near 13<sup>th</sup> Street. Under the Northern Offset Option, the tunnel alignment would begin to transition north from the East Santa Clara Street ROW near 22<sup>nd</sup> Street. The tunnel would pass under Coyote Creek to the north and avoid the Coyote Creek/East Santa Clara Street bridge foundations. The alignment would transition back into the street ROW near 13<sup>th</sup> Street. Under the Santa Clara Street Option, the tunnel alignment would remain under the East Santa Clara Street ROW. The tunnel would need to be deeper than the two offset options, as it must pass directly under the Coyote Creek/East Santa Clara Street bridge foundations.
- **Downtown San Jose Station** - BART would continue beneath East Santa Clara Street to the Downtown San Jose Station. The Downtown San Jose Station would be located underground from near 3<sup>rd</sup> Street to San Pedro Street.

- **Diridon/Arena Station** - The Diridon/Arena Station area would be located between Los Gatos Creek to the east and the San Jose Diridon Caltrain Station to the west.
- **City of Santa Clara** - The SVRTP Alternative in Santa Clara includes a yard and shops facility and Santa Clara Station as shown on Figure 2-20. The approximately 69-acre Newhall Yard and Shops facility would begin north of the west tunnel portal at Newhall Street in San Jose and extend to De La Cruz Boulevard in Santa Clara, where a single tail track would cross under the De La Cruz Boulevard overpass and terminate on the other side of the overpass.
- **Santa Clara Station** - The Santa Clara Station area would be located primarily between the Caltrain tracks on the west, Coleman Avenue on the east, and Brokaw Road on the south. The station area would encompass approximately 12 acres.

### **7.2.3 ALTERNATIVES CONSIDERED AND WITHDRAWN (POTENTIAL AVOIDANCE ALTERNATIVES)**

Eleven alternatives for the project were considered during the 2001 *Major Investment Study/Alternatives Analysis* (MIS/AA). Six of the eleven alternatives were further refined and subjected to technical analyses and ranked based on the adopted evaluation criteria. Alternative 11- BART on the former UPRR Alignment that had seven “high” and “medium high” ratings achieved the highest goals ranking of the six alternatives. Alternative 2- Busway on the former UPRR Alignment placed second with four “high” and “medium high” ratings. Alternative 1- Baseline Alternative had two “high” and two “medium high” ratings, Alternative 9- LRT on the former UPRR Alignment had three “medium high” ratings, Alternative 3- Commuter Rail Alternative on the Alviso Alignment had one “medium high” rating, and Alternative 5- Commuter Rail Alternative on the former UPRR Alignment had no “high” or “medium high” ratings, the lowest goals achievement ranking of the alternatives.

Upon review of the MIS, the VTA Board of Directors determined that “Alternative 11 - BART on the former UPRR Alignment” was the environmentally superior alternative and best achieved the goals and objectives for the corridor. Additionally, public involvement was extensive during the MIS, and public comment favored the BART mode over light rail or other new modal options. On November 9, 2001, the VTA Board of Directors approved Alternative 11 as the locally preferred alternative. The other ten alternatives were withdrawn from further study and the Board directed that the selected alternative be further evaluated in the environmental review and compliance phase of project development in accordance with state and federal guidelines.

## **7.3 SECTION 4(F) PROPERTIES**

Section 4(f) applies because the BEP and SVRTP alternatives potentially affect properties along the alignment that are protected under Section 4(f). These potentially affected properties are the Section 4(f) properties that are immediately adjacent to or above the alternatives' alignments or are adjacent to cut-and-cover construction areas. These properties could be affected by ROW acquisition, noise and vibration, visual, construction and other project activities and facilities. The potentially affected Section 4(f) properties and a summary of Section 4(f) uses by BEP and SVRTP alternatives are described below and listed in Table 7.1.

### **7.3.1 UNRECORDED ARCHAEOLOGICAL RESOURCES**

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

Given the findings of the archaeological inventory and sensitivity assessment, it is likely that resources that qualify as historic properties would be identified during the implementation of a build alternative. Pre-testing at this time is problematic in developed areas and is not feasible at places where facilities now stand that would need to be removed or demolished.

Pursuant to USDOT Rules and Regulations 23 CFR Part 774.13(b) (1), however, Section 4(f) would not apply to archaeological sites where the FTA, after consultation with the SHPO and the Advisory Council on Historic Preservation (ACHP), determines that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.

## **7.3.2 HISTORICAL AND RECREATIONAL RESOURCES**

### **Parc Metro East Public Park, Curtis Avenue, Milpitas**

The Parc Metro East Park (Figure 7-1) consists of an irregularly shaped parcel of land that is approximately 80,000 square feet in size at the eastern terminus of Curtis Avenue in Milpitas. It fronts for approximately 200 feet along the railroad corridor in which the BEP and SVRTP alternatives would be constructed. The park is developed as an open lawn area with benches, swings, and other play equipment for general use by Milpitas citizens although it is situated for ease of access by Parc Metropolitan Development residents.

### **Five Wounds Church, 1375–1401 East Santa Clara Street, San Jose**

The Five Wounds Church (Figure 7-2) was determined eligible for listing in the NRHP under Criterion C; the period of significance is the church's construction date, 1918. The church is San Jose "City Landmark" (HS 92-63) and is listed in the Santa Clara County Inventory (1974, 1979). Upon completion in 1919, the church was dedicated by Archbishop Edward J. Hanna, and operated as a national parish. The church is a major architectural monument in East San Jose and an exceptional church design in San Jose, and is likely the only Portuguese Revival Church in the Bay Area. It is the principal building of three in the complex, which also includes a rectory built between 1949 and 1950 and school/convent built in 1958. Given the significance of the church as central to the history of the Portuguese community, the Church and rectory appear to be eligible for listing together under criterion A, which relates to the consideration of religious properties.

### **Roosevelt Park, East Santa Clara & 21<sup>st</sup> streets, San Jose**

Roosevelt Park (Figure 7-3) is a public neighborhood park located at East Santa Clara and 21<sup>st</sup> streets in the City of San Jose and is managed by the City Parks Division. The property has 11 acres available for recreational use. Recreational resources available at this park include: picnic areas, BBQ grills, a playground, basketball courts, softball field, and a hockey roller rink.

### **Tuggle Medical Clinic and Pharmacy, 652-670 East Santa Clara Street, San Jose**

The Tuggle Medical Clinic and Pharmacy (Figure 7-4) was determined eligible for listing in the NRHP under Criterion C because of its architectural significance. The prosperous pharmacist John Tuggle decided to build his own offices across the street from the San Jose Hospital. It was designed by Charles McKenzie and built in Spanish Colonial Revival style in 1937. The building was designated for Tuggle's pharmacy and the offices of five physicians, as well as Tuggle's residence on the second floor. Two alterations of the main building have occurred since its completion; however, they did not alter the original design of the building and do not, therefore, affect the characteristics that make it an example of Spanish Colonial Revival style.



Source: VTA, 2008.



Figure 7-1: Parc Metro East

Source: VTA, 2008.



Figure 7-2: Five Wounds Church



Source: VTA, 2008.

Figure 7-3 Roosevelt Park



Source: JRP Historical Consulting, LLC., 2008.

Figure 7-4: Tuggle Medical Clinic

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## **San Jose Downtown Commercial Historic District, San Jose**

The San Jose Downtown Commercial Historic District (District) was listed in the NRHP on May 26, 1983. It comprises both architecturally and historically significant buildings dating from the 1870s to the early 1940s that represent the remaining vestiges of late nineteenth and early twentieth century commercial structures in the downtown area. The District is roughly composed of two city blocks and is bounded by South 1<sup>st</sup> Street to the west, East San Fernando Street to the south, South 3<sup>rd</sup> Street to the east, and East Santa Clara Street to the north, and also includes the south side of East Santa Clara Street between 3<sup>rd</sup> and 4<sup>th</sup> streets. The District includes about 30 contributory and 16 non-contributory buildings and sites dating from the 1870s reflecting the emergence of the American city; sites from the 1890s, reflecting San Jose's boom years as an agricultural center; and sites from the 1920s, reflecting the South Bay Area's first skyscraper construction. The following eight buildings are contributors to the District.

### **100 East Santa Clara Street, San Jose**

The building at 100 East Santa Clara Street (Figure 7-5) is listed in the NRHP as a contributor to the District. The building is a five-story commercial building that served as the YMCA and has stucco walls with terra cotta detailing. The building dates to 1913.

### **52 East Santa Clara Street, San Jose**

The building at 52 East Santa Clara Street (Figure 7-6) is listed in the NRHP as a contributor to the District. The building is a two and a half- to three-story Italianate structure built in 1900 and termed to be the "New Century Block."

### **The Moderne Drug Company / Western Dental Building , 42-48 East Santa Clara Street (Formerly 50 East Santa Clara Street), San Jose**

The building at 42-48 East Santa Clara Street (Figure 7-7), the Moderne Drug Company/Western Dental building, is listed in the NRHP as a contributor to the District. The building was constructed in 1937 and is an example of the streamlined design of the 1930's modernization of the downtown core, which was characterized as the "machine age."

### **36-40 East Santa Clara Street, San Jose**

The building at 36-40 East Santa Clara Street (Figure 7-8), is considered a contributing structure of the District based on an evaluation conducted in January 2002. The building was determined eligible based on its "early association with the commercial development of the downtown" area. The 2-story commercial brick building with stucco facades was constructed in the 1880's.

Source: VTA, 2008.



Figure 7-5: 100 East Santa Clara Street

Source: VTA, 2008.



Figure 7-6: 52 East Santa Clara Street



Source: VTA, 2008.

Figure 7-7: The Moderne Drug Company/Western Dental Building



Source: VTA, 2008.

Figure 7-8: 36-40 East Santa Clara Street and Firato Delicatessen / Ravioli Building

### **31-33 Fountain Alley, San Jose**

The building at 31-33 Fountain Alley (Figure 7-9) is listed in the NRHP as a contributor to the District. The three-story building with Classical Revival detailing and stuccoed brick was built in 1889.

### **Firato Delicatessen / Ravioli Building, 28 East Santa Clara Street, San Jose**

The building at 28 East Santa Clara Street (Figure 7-8, above) is listed in the NRHP as a contributor to the District. The two-story brick commercial building with a stuccoed façade dates from the 1880s. The building is one of the oldest surviving buildings in the District reflecting the emergence of the American city.

### **27-29 Fountain Alley, San Jose**

The building at 27-29 Fountain Alley (Figure 7-9) is listed in the NRHP as a contributor to the District. The three-story Italianate structure was built in 1889.

### **Bank of Italy / Bank of America Building, 8-14 South 1<sup>st</sup> Street, San Jose**

The Bank of Italy / Bank of America building (Figure 7-10) located at 8-14 South 1<sup>st</sup> Street is listed in the NRHP as a contributor to the District. The building is also San Jose City Landmark #HS 84-27. Built in 1926 and designed by H. A. Milton, the twelve-story building plus tower, is San Jose's first "sky-scraper" and also one of the first earthquake-proof buildings in the area.

### **James Clayton Building, 34 West Santa Clara Street, San Jose**

The building at 34 West Santa Clara Street (Figure 7-11), the James Clayton building, was determined eligible for listing in the NRHP under Criteria A and C and is a San Jose City Historic Landmark. The two-story brick building clad with stucco siding was initially constructed around 1880. The building is associated with the Clayton Company, the real estate firm that handled a majority of the real estate transactions in the City of San Jose during the last half of the nineteenth century, indirectly shaping the city's development.

### **San Jose Building and Loan Association Building, 81 West Santa Clara Street, San Jose**

The building at 81 West Santa Clara Street (Figure 7-12), the San Jose Building and Loan Association building, was determined eligible for listing in the NRHP under Criteria A and C. The building was also designated a San Jose City Landmark in May 1991. The small Beaux-Arts concrete and steel frame bank building was built in 1926. San Jose Building and Loan, founded in 1885, was San Jose's first building and loan business.



Source: VTA, 2008.

Figure 7-9: 27-29 and 31-33 Fountain Alley



Source: VTA, 2008.

Figure 7-10: Bank of Italy/Bank of America



Source: VTA, 2008.

Figure 7-11: James Clayton Building



Source: VTA, 2008.

Figure 7-12: San Jose Building and Loan Association Building



**San Jose National Bank, 101 West Santa Clara Street, San Jose**

The building at 101 West Santa Clara Street (Figure 7-13), the San Jose National Bank, was determined eligible for listing in the NRHP under Criteria A and C. The two-story concrete bank building was built in 1942. The building, an example of late Art Deco architecture, retains a high level of integrity with the original design by well-known local architect Ralph Wyckoff. The bank originated in 1874 as the Grower's Bank.

**San Jose Water Works, 374 West Santa Clara Street, San Jose**

The building at 374 West Santa Clara Street (Figure 7-14, above), the San Jose Water Works building, was determined eligible for listing in the NRHP under Criteria A and C. The building was built in two phases in 1934 and 1940 and is a two-story, rectangular building that combines elements of the Moderne and Spanish Colonial Revival architectural styles. Until 2008, the building housed the offices of the San Jose Water Company which has supplied water to the residents of San Jose since its organization in the 1860s, making it the oldest private water utility remaining in California today.

**Historic Cahill Station and Santa Clara Underpass, 65 Cahill Street, San Jose**

The historic Cahill Station (now San Jose Diridon Caltrain Station), shown in Figures 7-15 and 7-16, dates from 1935 and was listed in the NRHP on April 1, 1993 as a contributor to the Southern Pacific Depot Historic District and is a City of San Jose Landmark. The NRHP boundary for the site includes the depot, car cleaner's shack, herder's shack, compressor house, wall and fence system, water tower, Santa Clara Underpass, two butterfly sheds, and tracks at the station as contributors to the station. The Cahill Station and Santa Clara Underpass property was determined eligible under Criterion C (embodying distinctive characteristics of a type, period, or method of construction or that possess high artistic values), specifically, in the area of architecture as a late example of the Italian Renaissance Revival style in commercial architecture in the state.

**Calpak Plant #51, 50 Bush Street, San Jose**

The building at 50 Bush Street (Figure 7-17), also referred to as Calpak or Del Monte Plant #51, was determined eligible for listing in the NRHP under Criterion A. Constructed between 1914 and 1930, the building includes one- and two-story sections of un-reinforced masonry red brick. Plant #51 was an integral element in the local development of the California Packing Corporation and the fruit processing industry. The building is currently being remodeled for residential uses.

Source: VTA, 2008.



Figure 7-13: San Jose National Bank

Source: VTA, 2008.



Figure 7-14: San Jose Water Works

Source: JRP Historical Consulting, LLC., 2005.



Figure 7-15: Historic Cahill Station

Source: JRP Historical Consulting, LLC., 2005.



Figure 7-16: Santa Clara Underpass

Source: VTA, 2008.



Figure 7-17: Calpak Plant #51

Source: JRP Historical Consulting, LLC., 2008.



Figure 7-18: 49 Wilson Ave

**49 Wilson Avenue, San Jose**

The single-family residence at 49 Wilson Avenue (Figure 7-18, above) was determined eligible for listing in the NRHP under Criterion C as a distinctive example of its type and period of construction. The building is a distinctive example of a modest Queen Anne “workman’s cottage.” The building was constructed in 1890 during the early development of the surrounding neighborhood which was fueled by the introduction of the streetcar in the 1870s and 1880s that made downtown more accessible. The structure today retains much of its original material and design.

**176 North Morrison Ave, San Jose**

The building at 176 North Morrison Ave (Figure 7-19, above) was determined eligible for listing in the NRHP under Criterion C as a distinctive example of its type and period of construction. The Queen Anne style house was built circa 1898. The house is an important example of its style and the building practices of its period particularly within its local vicinity in western San Jose

**Historic Santa Clara Caltrain Station, Santa Clara**

The historic Santa Clara Caltrain Station (historic Station), also referred to as the Caltrain Depot or the Santa Clara Station, shown in Figures 7-20 and 7-21, includes the Santa Clara Station Depot (historic Depot) and Santa Clara Tower (historic Tower). The historic Depot, dating back to 1864, is the oldest continuously operating passenger depot in California and is listed in the NRHP. It was determined eligible under Criterion A (association with events that have made a significant contribution to the broad patterns of our history) for its association with the original development of rail transportation and Criterion C (embodying distinctive characteristics of a type, period, or method of construction or that possess high artistic values) at the state level. The historic Tower dates back to the 1920s and was determined to be eligible for listing in the NRHP under Criterion C. The boundary of the historic Station also includes the Maintenance of Way Speeder Shed and Maintenance of Way Section Tool House (Sheds) dating from 1863 to 1864 and 1877.

Source: VTA, 2008.



Figure 7-19: 176 North Morrison Ave

Source: JRP Historical Consulting, LLC., 2005.



Figure 7-20: Historic Santa Clara Caltrain Station



Figure 7-21: Santa Clara Tower and Sheds

## 7.4 IMPACTS TO SECTION 4(F) RESOURCES

**Table 7-1: Summary of Section 4(f) Uses by BEP and SVRTP Alternatives**

Section 4(f) Resource Potentially Affected	Alternative	Section 4(f) Use
Unrecorded, archaeological resources potentially eligible for the NRHP	BEP and SVRTP alternatives	Not applicable <sup>a</sup>
Parc Metro East Park, Curtis Avenue, Milpitas, public parkland	BEP and SVRTP alternatives	Direct Use
Five Wounds Church, 1375–1401 East Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
Roosevelt Park, East Santa Clara and 21 <sup>st</sup> Streets, San Jose, public parkland	SVRTP Alternative	None
Tuggle Medical Clinic And Pharmacy, 652 East Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
San Jose Downtown Commercial Historic District, San Jose, roughly bounded by South 1 <sup>st</sup> Street to the west, East San Fernando Street to the south, South 3 <sup>rd</sup> Street to the west, and East Santa Clara Street to the north, and also includes the south side of East Santa Clara Street between 3 <sup>rd</sup> and 4 <sup>th</sup> streets, listed in the NRHP as a historic district	SVRTP Alternative	Direct Use
100 East Santa Clara Street, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	None
52 East Santa Clara Street, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	None
The Moderne Drug Company / Western Dental building, 42-48 East Santa Clara Street (formerly 50 East Santa Clara Street), San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1C is selected
36-40 East Santa Clara Street, San Jose, considered a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1A is selected
31-33 Fountain Alley, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1A is selected
Firato Delicatessen / Ravioli building, 28 East Santa Clara Street, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1A is selected
27-29 Fountain Alley, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1A is selected
Bank of Italy / Bank of America building, 8-14 South 1 <sup>st</sup> Street, San Jose, listed in the NRHP as a contributor to a historic district	SVRTP Alternative	Direct Use if station entrance option M-1B is selected



<b>Section 4(f) Resource Potentially Affected</b>	<b>Alternative</b>	<b>Section 4(f) Use</b>
James Clayton Bldg, 34 West Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
San Jose Building & Loan, 81 West Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
San Jose National Bank, 101 West Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
San Jose Water Works, 374 West Santa Clara Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
Cahill Station and Santa Clara Underpass, 65 Cahill Street, San Jose, listed in the NRHP	SVRTP Alternative	Excluded from 4(f) evaluation <sup>b</sup>
Calpak Plant #51, 50 Bush Street, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
49 Wilson Avenue, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
176 N Morrison Avenue, San Jose, determined eligible for listing in the NRHP	SVRTP Alternative	None
Santa Clara Caltrain Station, Santa Clara, historic district with 2 individual resources, Santa Clara Station Depot, listed in the NRHP and Santa Clara Tower, determined eligible for listing in the NRHP	SVRTP Alternative	Excluded from 4(f) evaluation <sup>b</sup>

## Notes:

NRHP = National Register of Historic Places

<sup>a</sup> See Section 7.4.1 for additional information<sup>b</sup> See Section 7.4.2 for additional information

## 7.4.1 IMPACTS TO ARCHAEOLOGICAL RESOURCES

Section 5.4, Cultural and Historical Resources, reported that record surveys indicated there are numerous recorded archaeological resources and potential unrecorded resources that could be affected by the BEP and SVRTP alternatives. However, the alignments are in an urban setting that has been paved over, built up, or in-filled. Given the findings of the archaeological inventory and sensitivity assessment, it is likely that resources would qualify as historic properties. However, it is not anticipated that the BEP and SVRTP alternatives would encounter archaeological resources whose value is for preservation in place rather than data recovery. Therefore, subject to consultation with the SHPO and ACHP, it appears that Section 4(f) does not apply to any of the archaeological resources identified or potentially existing in the APE.

Additionally, the BEP and SVRTP alternatives would be implemented with contractual requirements that address unanticipated discovery of archaeological resources. These would include the following measures:

- If buried cultural resources are uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource.
- In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, CEQA 15064.5(e), and the Public Resources Code 5097.98 shall be implemented.
- Provisions for the disposition of recovered prehistoric artifacts shall be made in consultation with culturally affiliated Native Americans.

## **7.4.2 IMPACTS TO HISTORICAL AND RECREATIONAL RESOURCES**

### **Parc Metro East Park, Curtis Avenue, Milpitas**

The BEP and SVRTP alternatives would require acquisition of a 20-foot strip of land adjacent to the railroad ROW on the eastern edge of the park as shown on Figure 7-22. Total area required is less than 0.1 acres and is currently improved with landscaping. This land is needed to accommodate the relocation of freight track on the west side of the railroad ROW. The remainder of the park includes park amenities including an open lawn area with benches, swings, and other play equipment that is available for general use by Milpitas citizens.

The type of Section 4(f) use at the park property is the direct use resulting from the acquisition and permanent incorporation of the property into these alternatives.

### **Five Wounds Church, 1375–1401 East Santa Clara Street, San Jose**

The Five Wounds Church would potentially be affected by the SVRTP Alternative's Alum Rock Station and associated parking garage. The Station is approximately 240 feet north of the Church. A 4 to 5-level station parking garage would be located at the north end of the Station approximately 990 feet northeast of the Church.

As discussed in Section 5.14, Visual Quality and Aesthetics, the parking structure is not anticipated to have a visual effect on the church because the existing development where the structure would be located is of similar mass and height. The noise and vibration associated with the SVRTP Alternative would not substantially impair this resource as discussed in Section 5.10, Noise and Vibration.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into this alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by the SVRTP Alternative because the impacts would not substantially impair the use of the resource.



Figure 7-22: Impact at Parc Metro East

### **Roosevelt Park, East Santa Clara & 21st streets, San Jose**

The Northern Offset Option for the tunnel alignment associated with the SVRTP Alternative would potentially impact Roosevelt Park. The Northern Offset Option alignment would begin to transition north from the East Santa Clara Street ROW near 22<sup>nd</sup> Street and pass under the southern edge of Roosevelt Park. At this location, the center of the tunnel is approximately 60 feet below the surface.

No physical changes to the property and surrounding area would be result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. The Northern Offset Option would be constructed using highly resilient direct fixation rail fasteners (HRDF) and rail suspension fasteners (RSF) to minimize ground-borne noise and vibration levels to meet FTA criteria. See Section 5.10, Noise and Vibration, for these discussions. During construction, the tunnel boring machine (TBM) operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the park. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into this alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by the SVRTP Alternative because the impacts would not substantially impair the use of the resource.

### **Tuggle Medical Clinic and Pharmacy, 652-670 East Santa Clara Street, San Jose**

The Southern Offset Option for the tunnel alignment associated with the SVRTP Alternative would potentially affect the structure at 652-670 East Santa Clara Street, also known as the Tuggle Medical Clinic and Pharmacy. At this location, the bored tunnel passes under the property and is approximately 50 feet below the structure.

No physical changes to the property and surrounding area would be result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. The Southern Offset Option would be constructed using HRDF and RSF to minimize ground-borne noise and vibration levels to meet FTA criteria. See Section 5.10, Noise and Vibration, these discussions. During construction, the tunnel boring machine (TBM) operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the structure. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into this alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by this alternative because the impacts would not substantially impair the use of the resource.

### **San Jose Downtown Commercial Historic District, San Jose**

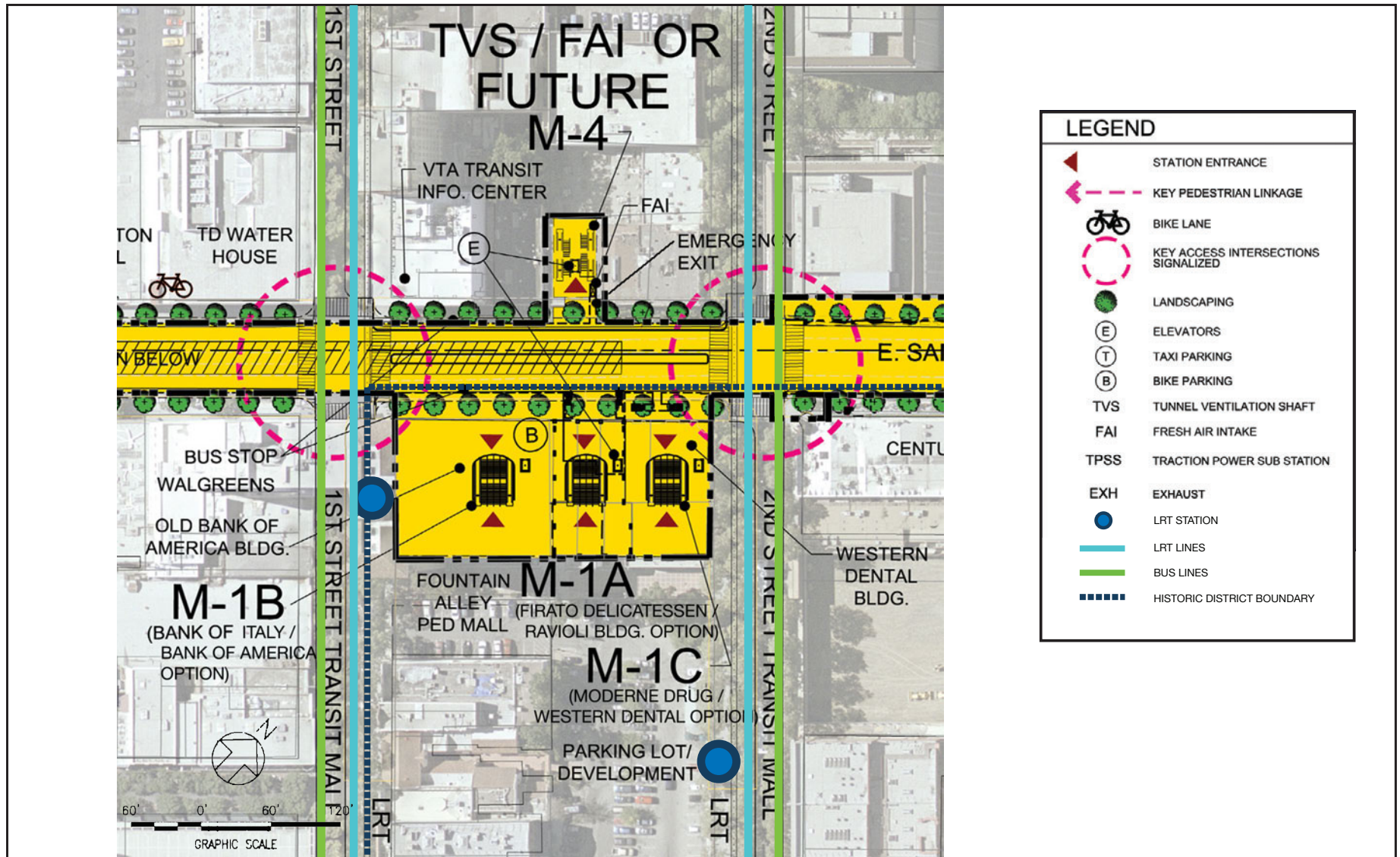
The San Jose Downtown Commercial Historic District (District) would be affected by station entrance options M-1A, M-1B and M-1C associated with the SVRTP Alternative (see Figure 7-23). These options would require interior changes to the buildings that are contributing elements of the District and require alteration to the exterior(s) of the buildings(s), possibly changing the physical features within the setting and visual linkage to the District and diminishing the integrity of the District.

**Station Entrance Option M-1A.** This option would construct a station entrance mid-block between 1<sup>st</sup> and 2<sup>nd</sup> streets and affect six small, individual buildings four of which are the Section 4(f) properties listed below and two which are non-contributing structures within the historic District. See below for a discussion of each affected building. This option would modify the buildings' exteriors by constructing new or expanding existing doorways in the building facades on East Santa Clara Street and Fountain Alley. The interiors of the buildings would be altered to accommodate station facilities including, but not limited to, elevators, escalators, lighting, signage, and security.

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

**Station Entrance Option M-1B.** This option would construct a station entrance at the southeast corner of East Santa Clara and 1<sup>st</sup> streets and affect one building, the Bank of Italy / Bank of America building, the Section 4(f) property listed below. See below for a discussion of the affected building. This option would modify the building exterior by constructing new doorways in the building façades on East Santa Clara Street and Fountain Alley. The interior of the building would be altered to accommodate station facilities including, but not limited to, elevators, escalators, lighting, signage, and security. This option would also require the seismic retrofit of the twelve-story building.

- Bank of Italy / Bank of America building, 8-14 South 1<sup>st</sup> Street, APN 467-22-097



Source: VTA, 2008.

Figure 7-23: Impacts at Downtown San Jose Historic Block

**Station Entrance Option M-1C.** This option would construct a station entrance at the southwest corner of East Santa Clara and 2<sup>nd</sup> streets and affect one building, the Moderne Drug / Western Dental building, the Section 4(f) property listed below. See below for a discussion of the affected building. This option would modify the building exterior by constructing new doorways in the building façades on East Santa Clara Street and Fountain Alley. The interior of the building would be altered to accommodate station facilities including, but not limited to, elevators, escalators, lighting, signage, and security.

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

Substantial alteration to the exterior(s) or demolition of the building(s) by any one of the station entrance options described above would reduce the linkage and continuity of the overall District, potentially affecting its architectural significance and diminishing its integrity. Alteration of the building(s), both interior and exterior, would likely affect characteristics of the building(s) that make them eligible for listing in the NRHP as a contributor(s) to the District. Alterations to the contributing building(s) that result in loss of its historic status would be a direct use of the historic District under Section 4(f).

In addition, the District would be affected by one of the three construction staging areas (CSAs) in Downtown San Jose associated with the SVRTP Alternative. This CSA is located on the south side of East Santa Clara Street between 1<sup>st</sup> and 2<sup>nd</sup> streets within the boundaries of the historic District. The property is currently a paved parking lot with no historic structures. The use of this property within the boundaries of the District as a CSA is considered a temporary occupancy of Section 4(f) and does not constitute a use within the meaning of Section 4(f) because the following conditions are met (23 CFR Section 774.13(d)):

1. The duration is temporary, less than the time needed for construction, and there is no change in ownership.
2. The scope of the work is minor.
3. There are no anticipated permanent adverse physical impacts and there is no interference with the protected activities, features, or attributes of the property.
4. The land is restored to a condition that is at least as good as that which existed prior to the project; and
5. There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The District is also adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more

information on these measures. Measures to minimize effects on visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

The type of Section 4(f) use of the District is the direct use resulting from the alteration of contributing structures to the District.

### **100 East Santa Clara Street, San Jose**

The building at 100 East Santa Clara Street is adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects during construction at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more information on these measures. Measures to minimize effects on visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

The SVRTP Alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into this alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by this alternative because the impacts would not substantially impair the use of the resource.

### **52 East Santa Clara Street, San Jose**

The building at 52 East Santa Clara Street is adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects during construction at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more information on these measures. Measures to minimize effects to visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

The SVRTP Alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by this alternative because the impacts would not substantially impair the use of the resource.

### **The Moderne Drug Company / Western Dental Building, 42-48 East Santa Clara Street, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1C, would result in a direct use as they would affect the characteristics that make the structure eligible for the NRHP.



If Station Entrance Option M-1C is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

### **36-40 East Santa Clara Street, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1A, would result in a direct use as it would affect the characteristics that make the resource eligible for the NRHP.

If Station Entrance Option M-1A is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

### **31-33 Fountain Alley, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1A, would result in a direct use, as they would affect the characteristics that make the structure eligible for the NRHP.

If Station Entrance Option M-1A is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

### **Firato Delicatessen / Ravioli Building, 28 East Santa Clara Street, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1A, would result in a direct use as they would affect the characteristics that make the structure eligible for the NRHP.

If Station Entrance Option M-1A is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

### **27-29 Fountain Alley, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1A, would result in a direct use, as they would affect the characteristics that make the structure eligible for the NRHP.

If Station Entrance Option M-1A is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

**Bank of Italy / Bank of America Building, 8-14 South 1<sup>st</sup> Street, San Jose**

The impacts listed for the District apply to the building itself. Substantial alterations of the interior and exterior of the building, as would potentially occur under entrance option M-1B, would result in a direct use, as they would affect the characteristics that make the structure eligible for the NRHP.

If Station Entrance Option M-1B is selected, the Section 4(f) use is the direct use resulting from the incorporation of the building into the SVRTP Alternative and from the substantial alteration of a historic structure.

**James Clayton Building, 34 West Santa Clara Street, San Jose**

The James Clayton building at 34 East Santa Clara Street is adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects during construction at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more information on these measures. Measures to minimize effects to visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

**San Jose Building and Loan Association Building, 81 West Santa Clara Street, San Jose**

The San Jose Building and Loan building at 81 East Santa Clara Street is adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects during construction at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more information on these measures. Measures to minimize effects to visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

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**San Jose National Bank, 101 West Santa Clara, San Jose**

The San Jose National Bank building 101 East Santa Clara Street is adjacent to a cut-and-cover section of the tunnel alignment. Measures to maintain noise and vibration effects during construction at or below FTA noise and vibration criteria will be applied as needed. See Section 6.3.10 of Construction for more information on these measures. Measures to minimize effects to visual quality and aesthetics will also be applied as needed. See Section 6.3.14 of Construction for more information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

**San Jose Water Works, 374 West Santa Clara, San Jose**

The tunnel alignment for the SVRTP Alternative would potentially affect the San Jose Water Works building at 374 West Santa Clara Street. At this location, the bored tunnel passes under the property with the center of the bored tunnel approximately 60 feet below the structure.

No physical changes to the property and surrounding area would be result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. See Section 5.10, Noise and Vibration, for these discussions. During construction, the tunnel boring machine (TBM) operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the structure. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

**Historic Cahill Station and Santa Clara Underpass, 65 Cahill Street, San Jose**

The Diridon/Arena Station associated with the SVRTP Alternative would be located between Los Gatos Creek and the Historic Cahill Station. The station includes two entrances, two elevators, two fresh air intake/exhaust fans, and four ventilation shafts into the underground Diridon/Arena Station. One entrance, one elevator, one fresh air intake/exhaust fan, and two tunnel ventilation shafts are within the NRHP boundary of the Cahill Station and Santa Clara Underpass property. The entrance, elevator, intake/exhaust fan and ventilation shafts would be located east of the railroad tracks and west of Cahill Street in areas now used for parking, and are separated from the depot building by an existing bus transfer facility. This existing

bus transit center located south of West Santa Clara Street between the railroad tracks and Cahill Street and within the NRHP boundary would be expanded. A parking lot south of the existing Historic Cahill Station, also within the NRHP boundary, would be replaced by a new Bus Transit Center for non-VTA buses. A traction power substation, auxiliary substation, and an emergency generator would be west of the railroad track, on railroad property that is vacant and outside but adjacent to the NRHP boundary. One of the two potential station entrances and two of the four potential ventilation shafts are located to the east of Cahill Street, outside the NRHP boundary. The Diridon/Arena Station support facilities include an eight-level parking structure. The Parking Structure would be located east of the Cahill Station between Montgomery and Autumn streets and outside the NRHP boundary.

The potential entrances, elevators, ventilation shafts, and other above ground facilities of the Diridon/Arena Station would not physically affect the nearby Santa Clara Underpass. In addition, these station features would not physically affect the other contributing elements of the historic property, including the Cahill Station. The placement of these facilities at the Cahill Station, however, results in a direct use of the resource.

The affected portion of the grounds of the historic Cahill Station and Santa Clara Underpass property currently serve transportation purposes (parking and pedestrian access to transportation service). Implementation of the SVRTP Alternative would result in ongoing use of the grounds for transportation purposes. This circumstance is addressed in Department of Transportation Environmental Impact and Related Procedures, Final Rule, Section 774.13(g):

A determination of whether a resource is used under Section 4(f) is also subject to consideration of 23 CFR § 774.13(f) of the Department of Transportation guidelines for preparation of environmental documents. This section states that certain properties are excluded from 4(f) evaluation because they are already in use for transportation purposes; the project contemplates the restoration, rehabilitation, or maintenance of these properties; and the project will not adversely affect the historic qualities of these properties.

The SVRTP Alternative would maintain the transportation functions of the historic property and would not alter the characteristics of the property that qualifies it for the NRHP. Inasmuch as the alternative's elements qualify for the above exemption, no discussions of avoidance alternatives or efforts to reduce harm are provided for the Cahill Station and Santa Clara Underpass property.

### **Calpak Plant #51, 50 Bush Street, San Jose**

The tunnel alignment for the SVRTP Alternative would potentially affect the Calpak or Del Monte Plant #51 at 50 Bush Street. At this location, the tunnel passes under the property with the center of the bored tunnel approximately 47 feet below the structure.

No physical changes to the property and surrounding area would result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. See Section 5.10, Noise and Vibration, for these discussions. During construction, the TBM operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the structure. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

#### **49 Wilson Ave, San Jose**

The tunnel alignment for the SVRTP Alternative would potentially affect the single-family residence at 49 Wilson Avenue. At this location, the tunnel passes under the property with the center of the bored tunnel approximately 50 feet below the structure.

No physical changes to the property and surrounding area would be result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. See Section 5.10, Noise and Vibration, for these discussions. During construction, the TBM operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the structure. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

#### **176 North Morrison Ave, San Jose**

The tunnel alignment for the SVRTP Alternative would potentially affect the single-family residence at 176 North Morrison Avenue. At this location, the tunnel passes under the property with the center of the bored tunnel approximately 65 feet below the structure.

No physical changes to the property and surrounding area would be result from the SVRTP Alternative. No airborne noise effects were identified at this location. Ground-borne noise and vibration would not substantially impair this resource. See Section 5.10, Noise and Vibration, for these discussions. During construction, the

TBM operating below the surface is not expected to cause substantial noise or vibration effects or damage or substantially impair the use of the structure. See Section 6.3.10 of Construction for additional information.

This alternative will not result in a Section 4(f) use as it will not require land from this resource to be permanently incorporated into This alternative; there will not be an adverse temporary occupancy of this resource; and the features or attributes that qualify this resource for protection under Section 4(f) are not substantially impaired or constructively used by This alternative because the impacts would not substantially impair the use of the resource.

### **Historic Santa Clara Caltrain Station, Santa Clara**

The SVRTP Alternative includes an approximate 400-foot-long, pedestrian overcrossing which would connect the historic Station on the west side of the railroad tracks with the mezzanine level of the BART station on the east side of the track. The SVRTP Alternative also includes the relocation of the historic Tower and Sheds from north of Benton Street to approximately 30 feet south of the historic Depot to maintain the historic relationship between the Tower, Sheds, and Depot.

The pedestrian overcrossing with its terminus at the historic Station would result in a direct use of the historic property because a portion of the Section 4(f) property would be permanently incorporated into a transportation facility.

The relocation of the Tower and Sheds would be performed in consultation with the SHPO and South Bay Historic Railroad Society and in a manner consistent with NRHP considerations and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. The relocation plan was developed in consultation with the South Bay Historic Railroad Society and, although considered an adverse effect under Section 106 of the National Historic Preservation Act, would result in relocated structures that retain the physical characteristics that qualify them for protection under Section 4(f). The relocation would not result in a Section 4(f) use of the resources. The area vacated by the relocation of the Tower and Sheds, however, would be used as a construction staging area (CSA) and would result in a direct use of the resource.

The affected portions of the historic Station currently serve transportation purposes (parking, transit center, and pedestrian access to transportation services). Implementation of the proposed project would result in ongoing use of the grounds for transportation purposes. This circumstance is addressed in Department of Transportation Environmental Impact and Related Procedures, Final Rule, Section 774.13(g):

A determination of whether a resource is used under Section 4(f) is also subject to consideration of 23 CFR § 774.13(f) of the Department of Transportation guidelines for preparation of environmental documents. This section states that certain properties are excluded from 4(f) evaluation because they are already in

use for transportation purposes; the project contemplates the restoration, rehabilitation, or maintenance of these properties; and the project will not adversely affect the historic qualities of these properties.

The SVRTP Alternative would maintain the transportation functions of the historic property and would not alter the characteristics of the property that qualify it for the NRHP or result in an adverse effect under Section 4(f). Inasmuch as this alternative's elements qualify for the above exemption, no discussions of avoidance alternatives or efforts to reduce harm are provided for the historic Station.

## 7.5 AVOIDANCE ALTERNATIVES

Section 7.2.3, Alternatives Considered and Withdrawn (Potential Avoidance Alternatives), describes the potential transportation alternatives that have been evaluated for the SVRTC through the planning process that included the completion of a MIS/AA in 2001 and the environmental process that included the completion of an environmental impact report in 2004 and supplemental environmental impact report in 2007. Of the alternatives considered, the BEP and SVRTP alternatives have been carried forward as the alternatives that most satisfactorily meet the purpose and need to improve transit services and increase intermodal connectivity in the SVRTC. Additional avoidance alternatives to the use of Section 4(f) properties are discussed below.

### 7.5.1 ALTERNATIVES TO AVOID USE

#### Alternatives to Avoid Use of Parc Metro East Park

**No Build Alternative.** The No Build Alternative would not use Parc Metro East Park. This alternative, however, would not meet the project's purpose and need. The No Build Alternative would not improve transit services sufficiently to meet the future demand for transit travel within the SVRTC, nor would it improve regional connectivity, attract the new transit ridership, or achieve the reductions in corridor vehicle miles traveled (VMT), air emissions or energy use that are obtainable with the BEP or SVRTP alternatives. The No Build Alternative would also not support local economic and urban development goals by influencing higher-density development near the new BART stations. Thus, while the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need.

**Alignment Alternatives.** VTA evaluated alignment alternatives for locating the replacement UPRR industrial spur between Curtis Avenue and Montague Expressway that would avoid acquisition of the 20-foot-wide by 100-foot-long strip (0.05 acres) of public parkland. These alternatives would acquire the additional ROW on the east side of the existing ROW.

The total width needed for the combined BART and UPRR tracks in this area is 80 feet, providing 50 feet for the BART line and 30 feet for the UPRR industrial spur. The existing railroad ROW width is only 60 feet, requiring the 20-foot acquisition of additional ROW. While the alternative ROW acquisition and realignment of the BEP and SVRTP alternatives to the east side of the existing ROW appears technically feasible, the ROW acquisition and alignment of the BEP and SVRTP alternatives and spur track on the west side addresses the following issues:

- The existing industrial spur serves only businesses on the east side of the BART alignment. A west side spur would require a grade-separated crossing of the BART alignment. To accomplish this grade separation, the BART alignment would need to be in a retained cut section and the railroad would cross over this trench at grade. To locate this crossing north of Curtis Avenue would require extending the BART trench section northward approximately 1,800 feet at an additional estimated cost of \$19 million (including add-ons).
- Positioning the spur entirely on the east side of the ROW would require the purchase of a 20-foot-wide strip approximately 2,000 feet long, directly affecting three industrial buildings by eliminating approximately 200 parking spaces. Acquisition of the ROW on the east side would cost approximately \$1 million to \$3 million.
- In addition, the three industrial buildings on the east side of the ROW have loading docks facing west, and tractor-trailer trucks serving these buildings would have restricted turning radii for maneuvering into these loading docks.
- An east side alignment would also be positioned near an existing 42-inch diameter Milpitas water pipeline, potentially requiring its relocation.

Given the high costs for acquisition of ROW, and direct impact to three businesses on the east side of the ROW including the loss of approximately 200 parking spaces and restricted loading dock access, while the east side design option is technically feasible, it is not a prudent alternative.

There are no other feasible and prudent avoidance alignment options for the use of the Parc Metro East Park. The ROW can be expanded only to the east or west.

### **Alternatives to Avoid Use of San Jose Downtown Commercial Historic District**

**No Build Alternative.** The No Build Alternative would not use the San Jose Downtown Commercial Historic District. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need. See the discussion of the No Build Alternative under "Alternatives to Avoid Use of Parc Metro East Park" above.



**Station Entrance Alternatives.** Options for station entrance locations were developed during Station Entrance Workshops with downtown property owners and members of the downtown business community in attendance. In addition, VTA met with the following project stakeholders to receive input regarding their concerns: the San Jose Redevelopment Agency, the City of San Jose, the Downtown San Jose Community Working Group, BART, and SHPO.

Due to its proximity to other transit systems, including light rail and bus services, the block between 1<sup>st</sup> and 2<sup>nd</sup> streets on the south side of East Santa Clara Street was selected as a location for a station entrance. This block is within the San Jose Downtown Commercial Historic District. Light rail operates on 1<sup>st</sup> and 2<sup>nd</sup> streets and stops, both north and southbound, are located within the block. Buses operate and stops are located on 1<sup>st</sup>, 2<sup>nd</sup>, and East Santa Clara streets, also within the block. Three station entrance options are identified in this block. These options are further discussed in Section 7.5.2 of this chapter.

Alternative locations for station entrances were considered, including the following:

- Former M-1B at 26 South 1<sup>st</sup> Street, approximately 100 feet south of East Santa Clara Street;
- M-3 at 15 East Santa Clara Street on the northeast corner of East Santa Clara Street and 1<sup>st</sup> Street;
- M-4 at 17-25 East Santa Clara Street, a locally significant historic building, on the north side of East Santa Clara Street, mid-block between 1<sup>st</sup> and 2<sup>nd</sup> streets;
- M-6 at the southeast corner of East Santa Clara and Market streets;
- M-8 at the northeast corner of East Santa Clara and San Pedro streets;
- M-10 at the southeast corner of East Santa Clara Street and Almaden Avenue; and
- M-11 at the northeast corner of East Santa Clara Street and Almaden Avenue.

While these alternative locations are feasible, they are not supported by project stakeholders, are less convenient for connections to other transit services, and would not be prudent avoidance alternatives in relationship to the project's purpose and need.

### **Alternatives to Avoid Use of Moderne Drug / Western Dental Building, 42-48 East Santa Clara Street**

**No Build Alternative.** The No Build Alternative would not use the Moderne Drug / Western Dental building. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need. See the discussion of the No Build Alternative under "Alternatives to Avoid Use of Parc Metro East Park" above.

**Station Entrance Alternatives.** Station Entrance Options M-1A and M-1B would avoid the use of the Moderne Drug / Western Dental building. Each of these options, however, would result in the use of at least one other Section 4(f) property. See the discussion of the alternatives under "Alternatives to Avoid Use of San Jose Downtown Commercial Historic District" above.

### **Alternatives to Avoid Use of 36-40 East Santa Clara Street**

**No Build Alternative.** The No Build Alternative would not use the building at 36-40 East Santa Clara Street. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need. See the discussion of the No Build Alternative under "Alternatives to Avoid Use of Parc Metro East Park" above.

**Station Entrance Alternatives.** Station Entrance Options M-1B and M-1C would avoid the use of the building at 36-40 East Santa Clara Street. Each of these options, however, would result in the use of another Section 4(f) property. See the discussion of the alternatives under "Alternatives to Avoid Use of San Jose Downtown Commercial Historic District" above.

### **Alternatives to Avoid Use of Firato Delicatessen / Ravioli Building, 28 East Santa Clara Street**

**No Build Alternative.** The No Build Alternative would not use the Firato Delicatessen / Ravioli building. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need. See the discussion of the No Build Alternative under "Alternatives to Avoid Use of Parc Metro East Park" above.

**Station Entrance Alternatives.** Station Entrance Options M-1B and M-1C would avoid the use of the Firato Delicatessen / Ravioli building. Each of these options, however, would result in the use of another Section 4(f) property. See the discussion of the alternatives under "Alternatives to Avoid Use of San Jose Downtown Commercial Historic District" above.

### **Alternatives to Avoid Use of 31-33 Fountain Alley**

**No Build Alternative.** The No Build Alternative would not use the building at 31-33 Fountain Alley. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project's purpose and need. See the discussion of the No Build Alternative under "Alternatives to Avoid Use of Parc Metro East Park" above.

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**Station Entrance Alternatives.** Station Entrance Options M-1B and M-1C would avoid the use of the building at 31-33 Fountain Alley. Each of these options, however, would result in the use of another Section 4(f) property. See the discussion of the alternatives under “Alternatives to Avoid Use of San Jose Downtown Commercial Historic District” above.

#### **Alternatives to Avoid use of 27-29 Fountain Alley**

**No Build Alternative.** The No Build Alternative would not use the building at 27-29 Fountain Alley. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project’s purpose and need. See the discussion of the No Build Alternative under “Alternatives to Avoid Use of Parc Metro East Park” above.

**Station Entrance Alternatives.** Station Entrance Options M-1B and M-1C would avoid the use of the building at 27-29 Fountain Alley. Each of these options, however, would result in the use of another Section 4(f) property. See the discussion of the alternatives under “Alternatives to Avoid Use of San Jose Downtown Commercial Historic District” above.

#### **Alternatives to Avoid Use of Bank of Italy / Bank of America Building 8-14 South 1<sup>st</sup> Street**

**No Build Alternative.** The No Build Alternative would not use the Bank of Italy / Bank of America building. While the No Build Alternative is feasible, it would not be a prudent avoidance alternative in relationship to the project’s purpose and need. See the discussion of the No Build Alternative under “Alternatives to Avoid Use of Parc Metro East Park” above.

**Station Entrance Alternatives.** Station Entrance Options M-1A and M-1C would avoid the use of the Bank of Italy / Bank of America building. Each of these options, however, would result in the use of another Section 4(f) property. See the discussion of the alternatives under “Alternatives to Avoid Use of San Jose Downtown Commercial Historic District” above.

### **7.5.2 ALTERNATIVE CAUSING THE LEAST OVERALL HARM**

There are no prudent and feasible avoidance alternatives to the use of the Section 4(f) properties as discussed above. There are, however, three remaining station entrance options being considered at the SVRTP Alternative Downtown San Jose Station. Each option uses at least one Section 4(f) property. The alternative or option that causes the least overall harm is determined by balancing the following factors:

- i. The ability to mitigate adverse impacts to each Section 4(f) property;
- ii. The relative severity of the remaining harm, after mitigation, to the attributes that qualify the Section 4(f) properties for protection;
- iii. The relative significance of each Section 4(f) property;

- iv. The views of the official(s) with jurisdiction over each Section 4(f) property;
- v. The degree to which each alternative meets the purpose and need for the project;
- vi. The magnitude of any adverse impacts, after reasonable mitigation, to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among the alternatives.

Table 7-2 compares the three options by the factors used to determine the alternative that causes the least overall harm as specified in 23 CFR § 774.3(c)(1). Of the three options, Station Entrance Option M-1A will cause greatest harm because it will impact four Section 4(f) properties and two properties not protected by Section 4(f). Options M-1B and M-1C will each impact only one Section 4(f) property. Due to the quantity of Section 4(f) and non-Section 4(f) properties affected by Option M-1A, factors i, ii, iii, and vi indicate that Option M-1A causes more harm than Options M-1B and M-1C. The efforts to mitigate the impacts and the relative severity of remaining harm after mitigation to the six properties will be more than the efforts to mitigate and the severity of remaining harm to one property.

Options M-1B and M-1C are equal for all least overall harm factors except vii, the difference in costs. Each option affects one Section 4(f) building. The buildings are equal in their NRHP status; both are listed in the NRHP as contributors to the historic district. Each option would require the construction of new doorways in the building's exterior and station facilities in the building's interior. Each option occupies a corner location that provides equal visibility and accessibility. The cost to construct the station entrance under Option M-1B, excluding the cost for seismic retrofit, is the lowest of the three options while the cost under Option M-1C is the highest. Option M-1B, however, will require the seismic retrofit of the twelve-story Bank of Italy / Bank of America building; and when this work is included, the cost under Option M-1B is substantially greater than the other options.

**Table 7-2: Least Overall Harm Evaluation**

<b>Factor number</b>	<b>Factor</b>	<b>Option M-1A Firato Delicatessen/ Ravioli building complex</b>	<b>Option M-1B Bank of Italy/ Bank of America building</b>	<b>Option M-1C Moderne Drug/ Western Dental building</b>
(i)	Ability to mitigate adverse impacts to each Section 4(f) property	Less able. Must mitigate adverse impacts to 4 Section 4(f) properties	More able. Must mitigate impact to 1 Section 4(f) property	More able. Must mitigate impact to 1 Section 4(f) property
(ii)	Relative severity of remaining harm, after mitigation, to each Section 4(f) property	More severe. Will harm 4 Section 4(f) properties <sup>a</sup>	Less severe. Will harm 1 Section 4(f) property <sup>a</sup>	Less severe. Will harm 1 Section 4(f) property <sup>a</sup>
(iii)	Relative significance of each property Section 4(f) property	More significant due to quantity--four Section 4(f) properties <sup>a</sup>	Less significant due to quantity—one Section 4(f) property <sup>a</sup>	Less significant due to quantity—one Section 4(f) property <sup>a</sup>
(iv)	Views of the officials with jurisdiction over each Section 4(f) property (SHPO)	Currently consulting with SHPO	Currently consulting with SHPO	Currently consulting with SHPO
(v)	Degree to which the alternative meets the project purpose & need	Less. Location is mid-block; less visible to the public	More. Location is on corner, more visible to public	More. Location is on corner, more visible to public
(vi)	Magnitude of adverse impacts to other non-Section 4(f) resources after mitigation	Greater magnitude. Will impact 2 non-Section 4(f) properties	Lesser magnitude. Will impact no non-Section 4(f) properties	Lesser magnitude. Will impact no non-Section 4(f) properties
(vii)	Substantial differences in costs among the alternatives	\$15.6M <sup>b d</sup>	\$10.3M <sup>b</sup> plus \$36 to \$46 M for seismic retrofit <sup>c</sup>	\$17.2M <sup>b e</sup>

Notes:

<sup>a</sup> Assumes that, even with mitigation measures applied, each property will be substantially altered by the Option.<sup>b</sup> Costs do not include ROW acquisition or tenant relocation costs.<sup>c</sup> Costs for the seismic retrofit of the Bank of Italy / Bank of America building banking lobby and office tower. City of San Jose may secure funding for this cost.<sup>d</sup> Construction cost includes protecting, preserving, and restoring the buildings' facades along East Santa Clara Street and Fountain Alley.<sup>e</sup> Construction cost includes protecting and preserving the building facades along East Santa Clara Street, 2<sup>nd</sup> Street and Transit Mall, and Fountain Alley.

## 7.5.3 PLANNING TO REDUCE HARM

### Planning to Reduce Harm to Parc Metropolitan Development Parkland

The acquisition of a 20-foot wide strip of land from the eastern edge of the proposed park would affect only 2.5 percent of the total area of the park. Early in the planning of the project, VTA met with the City of Milpitas to discuss the acquisition of the ROW and development of this park. As a result of this coordination effort, the City of Milpitas developed and constructed the park with only landscaping and no facilities

in the area to be acquired. This will allow the ROW to be acquired without affecting the public use of the park, including the open lawn area with benches, swings, and other recreational equipment. Decreasing of the park area by this 20-foot wide strip would not compromise the intended function of the park.

VTA will continue discussions with the City of Milpitas at Project Development Team meetings to specify measures to mitigate the acquisition and reduce harm. One or a combination of the following measures, suggested by the City of Milpitas, will be implemented and reported in the Final EIS.

- Pay an in-lieu fee equivalent to the cost of replacement parkland;
- Fund expansion of a nearby park;
- Provide additional amenities at the affected parkland site; and/or
- Assist in funding a pedestrian crossing over the railroad corridor that would link and facilitate access to the affected park, possibly at Curtis Avenue.

**Planning to Reduce Harm to the San Jose Downtown Commercial Historic District and Its Contributory Properties: 42-48, 36-40, and 28 East Santa Clara Street; 31-33 and 27-29 Fountain Alley; and 8-14 South 1<sup>st</sup> Street**

VTA has conducted and will continue to conduct planning sessions with interested and affected parties associated with the San Jose Downtown Commercial Historic District, including the City of San Jose, San Jose Historic Landmarks Commission, and the SHPO, regarding the locations and elements of station entrances and ancillary facilities that may be constructed within the District. The goal of this planning is to develop specific plans to incorporate project-related elements into the historic District in a manner that minimizes and mitigates for the impacts to the historic District and individual properties and reduces harm to the resources.

The historic District exists within a modern urban setting, as recognized by the City of San Jose General Plan and Municipal Code, which provides for and requires the issuance of Historic Preservation (HP) Permits for properties listed as City Landmarks or in a city historic district. VTA's coordination with the City of San Jose and San Jose Historic Landmarks Commission regarding the San Jose Downtown Commercial Historic District is continuing.

Prior to the issuance of the Record of Decision for this project by the FTA, VTA will execute a Programmatic Agreement (PA) with appropriate government and historic preservation bodies, including the SHPO, to ensure the most effective approach to mitigation of impacts to historical resources. The measures to be included in the PA are described below:

**Design Standards and Guidelines.** The project features that impact the contributing element(s) of the San Jose Downtown Commercial Historic District historical resources will be designed to be compatible with the historic and architectural qualities of the affected historic building(s) and surrounding historic district in terms of scale, massing, color, and materials. Designs and specifications for these project features shall be developed in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (U.S. Department of the Interior, National Park Service, 1995), the California Historical Building Code or to equivalent mitigation measures that will ensure that the alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes.

**Protective Measures.** VTA, in consultation with the owners of historic properties immediately adjoining the construction sites will develop and implement measures to protect the contributing elements of the historic District from damage by any aspect of the undertaking. Such measures will include, but are not necessarily limited to, a pre-construction structural survey and/or photo-documentation to determine the integrity of existing historic/non-historic buildings within and adjacent to the project. This survey would be used to finalize detailed construction techniques along the alignment and as the baseline for monitoring construction effects during and following construction. During construction, VTA would monitor adjacent buildings for movement and, if movement is detected, take immediate action to control the movement.

**Recordation.** VTA will ensure that the buildings to be relocated or altered are recorded to Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards prior to any construction activities. Recordation of the adversely affected historic buildings is recommended to ensure a permanent record of the properties' present appearance and context. The HABS/HAER documentation will be filed with the SHPO and the HABS/HAER collection in the Library of Congress, the National Park Service, and copies provided to local historical agencies.

**Interpretive Display, Museum Exhibit, and/or Historic Image Reproduction.** VTA staff will develop displays of photographs produced in the HABS/HAER documentation for public exhibition. Given that the affected properties are contributing to the historic District, these displays could be provided by VTA at a location within the historic District. VTA could also offer the display as a permanent exhibit to local historical groups. VTA could provide, if extant, copies of existing historic photographs and/or historic documentary footage that includes information about the construction and operation of the adversely affected historic properties. Copies could be provided to City of San Jose, Preservation Action Council of San Jose, and other interested historical groups.

These and other potentially feasible measures to mitigate significant adverse changes in the significance of historic resources will be identified in consultation with

the appropriate governmental and historic preservation bodies and will be set forth in the PA. The PA will ensure that any measures to mitigate or avoid adverse effects are fully enforceable. A draft PA is provided in Appendix F, Draft Programmatic Agreement.

## 7.6 PROPOSED FINDING

The FTA has determined the following:

1. There are no feasible and prudent alternatives that would avoid use of unrecorded archaeological resources that may be affected by construction of the BEP or SVRTP alternatives.
2. The BEP or SVRTP alternatives include planning to minimize harm to unrecorded archaeological resources, as evidenced by contractual requirements that address unanticipated discovery of archaeological resources.
3. There is no feasible and prudent BEP or SVRTP alternative alignment that would avoid use of the Parc Metro East Park in the City of Milpitas.
4. There is no feasible and prudent station entrance option for the SVRTP Alternative Downtown San Jose Station that would avoid the direct use of the San Jose Downtown Commercial Historic District and a component of the District. All three station entrance options would involve the direct use of one or more of the following components of the District.
  - a. 36-40 East Santa Clara Street (Station Entrance Option M-1A)
  - b. 31-33 Fountain Alley (Station Entrance Option M-1A)
  - c. Firato Delicatessen /Ravioli building , 28 East Santa Clara Street (Station Entrance Option M-1A)
  - d. 27-29 Fountain Alley (Station Entrance Option M-1A)
  - e. Bank of Italy / Bank of America building, 8-14 South 1<sup>st</sup> Street (Station Entrance Option M-1B)
  - f. Moderne Drug / Western Dental building, 42-48 East Santa Clara Street, (Station Entrance Option M-1C)
5. Station Entrance Option M-1A causes the most overall harm in light of Section 4(f)'s preservation purpose. The alternatives that cause the least overall harm are Station Entrance Option M-1B and M-1C.
6. The SVRTP Alternative includes current and future planning, including the development of the project features that affect the resources under the guidance



of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (U.S. Department of the Interior, National Park Service, 1995) to minimize harm to the historic District and components of the District.

7. Station entrances, elevators, ventilation shafts, and other above ground features, including the bus transfer/transit centers at the Diridon/Arena Station of the SVRTP Alternative that are within the NRHP boundary of the historic Cahill Station and Santa Clara Underpass property would be ongoing transportation uses of the property and would not alter the characteristics of the property that qualify it for the NRHP or result in an adverse effect under Section 4(f) and thus are exempt from Section 4(f) under 23 CFR § 771.135(f).
8. The SVRTP Alternative pedestrian overcrossing connection from the BART Santa Clara Station to the Historic Santa Clara Caltrain Station, the relocation of the Tower and Sheds in a manner that retains the attributes that make the Station, Tower and Sheds eligible for the NRHP, and the use of a portion of the historic Station as a construction staging area would be ongoing transportation uses of the properties and would not alter the characteristics of the properties that qualify them for the NRHP or result in an adverse impact under Section 4(f) and thus are exempt from Section 4(f) under 23 CFR § 771.135(f).

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