FIRST AMENDMENT TO ENVIRONMENTAL IMPACT REPORT
(RESPONSE TO COMMENTS)

JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2007102015

FILE NO. PDC07-073 and GP07-03-04

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

April 2008

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STATE CLEARINGHOUSE #2007102015

FILE NO. PDC07-073 and GP07-03-04

Submitted to the:

Department of Planning,
Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Prepared by:

LSA Associates, Inc.
2215 Fifth Street
Berkeley, CA 94710
510.540.7331

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

April 2008

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I. INTRODUCTION

A. PURPOSE OF THE FIRST AMENDMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Japantown Corporation Yard Redevelopment Project (project). The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This First Amendment to Environmental Impact Report (Response to Comments) provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitute the Final EIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On October 3, 2007, the City of San Jose circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse) and neighborhood organizations considered likely to be interested in the proposed project and its potential impacts. Additionally, a public scoping session was held on November 29, 2007, to introduce the proposed project and CEQA process. Comments received by the City on the NOP and at the public scoping meeting were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on January 25, 2008 and was distributed to local and State responsible and trustee agencies. The public was notified of the availability of the Draft EIR through an advertisement in the *San Jose Mercury News* and through an announcement posted on the City of San Jose website. The Draft EIR was posted electronically on the City's website and a hard copy was available for public review at the City of San Jose Planning Department and at the Dr. Martin Luther King, Jr. Library of the San Jose Library system.

The CEQA-mandated 45-day public comment period ended on March 10, 2008. The City received a total of seven comment letters from State, regional and local agencies, three from organizations, and three from individuals during this period.

The Final EIR will be presented to the Planning Commission at a public hearing on April 21, 2008 during which the Commission may certify the Final EIR as a full disclosure of the potential environmental effects of the proposed project.

C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document, and how the RTC Document fits into the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies, Organizations, and Individuals.* This chapter contains a list of agencies, organizations and individuals who submitted written comments during the public review period.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the preceding comment.
- *Chapter IV: Draft EIR Revisions.* Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. Revisions to figures are also provided, where appropriate.

III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. Letters received on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenter as follows: State, regional and local agencies (A); organizations (B); and individuals (C).

Please note that text within individual letters that has not been numbered does not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, and therefore no comment is enumerated or response required, per *CEQA Guidelines* Section 15132.

A. STATE, REGIONAL AND LOCAL AGENCIES

Letter
A1

STATE OF CALIFORNIA — Arnold Schwarzenegger, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

March 7, 2008

Dipa Chundar
City of San Jose Planning
200 E. Santa Clara Street
San Jose, CA 95113-1905

RE: Japantown Corporation Yard, SCH# 2007102015

Dear Ms. Chundar:

Our agency provided comments on this project after receiving the Notice of Preparation from the State Clearinghouse. We expressed concerns that the project could impact the adjacent existing at-grade-highway-rail crossings on Jackson and 7th Streets.

Our specific concern is the close proximity of these rail crossings to the traffic intersection of 7th and Jackson Streets. Unfortunately, the traffic analysis in the Environmental Impact Report excluded this intersection entirely from its review.

The traffic intersection is currently controlled by a four-way stop, and if there is heavy traffic at the intersection it may not be possible for vehicles queued onto the crossing to clear off of the tracks prior to the arrival of a train. Even a slow moving train takes a considerable distance to stop; signalizing this intersection while including railroad preemption would allow for the clearance of vehicles trapped on the tracks. It should be noted that the California Manual on Uniform Traffic Control Devices (CA MUTCD) signal warrants do not take into account the unique issues associated with intersections near at-grade highway-rail crossings. An engineering analysis must be undertaken independent of the CA MUTCD warrants to ascertain if vehicles might queue onto the tracks. Please see the attached letter from the Federal Highway Administration further clarifying this point.

1

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

Letter
A1
cont.

cc: Terrel Anderson, Union Pacific Railroad
Jay Thorstensen, City of San Jose DOT

Letter
A1
Attach

U.S. Department of Transportation
Federal Highway Administration

400 Seventh St., S.W.
Washington, DC 20590

March 1, 2007

In Reply Refer To: HOTO-1

Mr. Daren Gilbert
Supervisor
Rail Crossings Engineering Section
California Public Utilities Commission
515 L Street, Suite 1119
Sacramento, CA 95814

Dear Mr. Gilbert:

Thank you for your January 29 letter to Mr. Hari Kalla of this office, requesting that the Federal Highway Administration (FHWA) issue an Interim Approval for a proposed new traffic signal warrant number 9 applying to intersections near highway-rail grade crossings.

The FHWA gives consideration to issuing an Interim Approval under the provisions of Section 1A.10 of the Manual on Uniform Traffic Control Devices (MUTCD) only under certain limited circumstances. The subject must be one that is intended to be proposed for the next edition of the MUTCD, and it must be a subject that has received favorable review by the National Committee on Uniform Traffic Control Devices (NCUTCD). Those criteria are partially met for the proposed new warrant 9. Given the unsettled state of this proposal within the community, the NCUTCD recommended that this proposed warrant be fully vetted during the next rulemaking activity, but did not recommend issuance of an Interim Approval. Thus, we do not plan to issue an Interim Approval in this case.

The FHWA recognizes the concerns about the possibility of a large vehicle becoming trapped on the tracks when a crossing is very near a stop-controlled approach to an intersection. We certainly understand and share the desire of your agency and all agencies involved in highway-rail grade crossing safety to encourage the consideration of the types of factors envisioned in the proposed warrant 9 when evaluating the need for signalization of such intersections. However, the addition of a separate traffic signal warrant to the MUTCD, which is certainly a strong possibility for the next edition, is not required in order for traffic engineering practitioners to give consideration to the unique crossing issues when evaluating the need for signalization of an intersection.

The existing provisions of Chapter 4C of the MUTCD state that an engineering study shall be performed and the study shall consider the specific numerical warrants as well as other pertinent factors. Chapter 4C states in a Guidance provision that a traffic signal should not be installed unless one of the warrants is met. This is Guidance, using the word "should," rather

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Attach

than a Standard using the word "shall," because it has been long recognized that there are sometimes special conditions that exist at a location that make the installation of a traffic signal the only or the best overall solution. Under the definition of Guidance in the MUTCD Introduction, the engineer has the latitude to decide to install a signal if the engineering study considers all pertinent factors, such as those that might exist at an intersection near a highway-rail grade crossing, and determines that a signal is required despite lack of numerical warrant satisfaction. We believe that these existing MUTCD provisions can be utilized by traffic engineering practitioners as needed until such time as rulemaking on the proposed warrant 9 is completed.

Thank you for your interest in highway-rail grade crossing safety. We regret that we cannot approve your specific request, but we hope this information is useful to you. If we can be of further assistance on this matter, please feel free to contact Mr. Scott Wainwright of our staff by e-mail at **scott.wainwright@dot.gov** or by telephone at 202-366-0857.

Sincerely yours,

Anthony T. Furst
Acting Director, Office of Transportation Operations

COMMENTER A1
State of California Public Utilities Commission
Kevin Boles, Rail Crossings Engineering Section, Consumer Protection and Safety Division
March 7, 2008

A1-1: The intersection of Jackson Street and North 7th Street was evaluated qualitatively and is discussed as it relates to pedestrian facilities on page 140 of the Draft EIR.

The Draft EIR identifies criteria of significance for transportation impacts on pages 122 to 123. As indicated in the Draft EIR, the City's LOS Policy for determining significant impacts does not apply to unsignalized intersections. The Draft EIR does, however, contain a significance criterion stating, "Substantially increase hazards due to a design feature or incompatible uses." The project would not substantially increase hazards at Jackson Street and North 7th Street. Based on field observations by Hexagon Transportation Consultants, no operational problems related to vehicle safety exist at this location, and adequate time exists for vehicles to clear off the tracks if a train were approaching on this UPRR track. As noted on page 188 of the Draft EIR, approximately four trains (two daytime and two nighttime trains) use this set of tracks each day; potential conflicts between automobiles and trains would be infrequent.

Letter
A2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5535
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

February 29, 2008

SCL-087-6.9
SCL087107
SCH2007102015

Ms. Dipa Chundur
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Ms. Chundur:

Japantown Corporation Yard Residential Mixed Use Development, Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

Traffic Forecasting

Complete Traffic Impact Study Required

Figure 1 displays the Japantown Corporation Yard Redevelopment Project bordered by Sixth St., Seventh St., and Jackson St. and Taylor St. Table 6, Project Trip Generation Estimates shows that the 5.23-acre project site will generate trip totals of 434 and 509 vehicle trips per hour (vph) during the AM and PM peak hour period. Table 19 shows that the Japantown Corporation Yard project site contributes significant cumulative traffic impacts to specific screenline link sets 1, 12 and 13. E/F link sets increase in volume to capacity (V/C) > 0.005 and peak hour traffic volumes > 2.5% of the average link capacity. The project will generate significant traffic impacts to interchanges and intersections of US 101, I-880 and State Route (SR) 87. Additionally, the aggregated screenline capacity analysis only shows link volumes, instead of traffic per lane per movement similar to Figure 16, Project Traffic Volumes. Please submit a complete traffic impact study, inclusive of traffic per turn-lane and Level of Service (LOS) at intersections and interchanges of US 101 and 13th St., I-880 and 1st St., and SR 87 and Taylor St. Also, include LOS analysis for the basic freeway segments of US 101 between 4th St. and Julian St., I-880 between 10th St. and Guadalupe Expressway, and SR 87 between Julian St. and I-880. 1

Cumulative Conditions and Cumulative plus Project Conditions Required For CEQA Document

The Department notes the December 2007 aggregated screenline capacity analysis/Winter 2008 cumulative GPA scenario is used for cumulative transportation impacts. However, this is not a traffic impact analysis. The December 2007/Winter 2008 analysis should be considered as current year analysis, and as such, the December 2007/Winter 2008 aggregated screenline capacity cannot substitute for the 2030 cumulative traffic impact study. Consequently, the report 2

Letter
A2
cont.

omits the 2030 cumulative traffic impact study and is incomplete. Please include the Cumulative and Cumulative plus Project Conditions in the traffic impact study and submit for our review. **2 cont.**

Highway Operations

1. Based on the background and project trips indicated on page 138, US-101 ramp queuing, we suggest adding a statement that the project proponent will contribute fair-share fees to improve off-ramps to Oakland Road and Taylor Street if the traffic impacts exceeded the standard threshold. **3**

2. On page 75 of the TIA, while some improvements to mitigate traffic impacts are identified, consider the possibility of reducing the intensity of project generated trips, such as the reduction of the number of dwelling units and/or alternate project occupancies. **4**

3. On page 62 of the TIA, Vehicle Queuing and Delay, the traffic impacts should not be based on the anticipated traffic that was shifted to other alternate routes or roadways in order to avoid unnecessary delays and reduce impacts of certain intersections. The Department suggests deleting this statement and treating these affected intersections as the subjects of study in the TIA. **5**

4. The project proponent should implement Transportation Demand Management (TDM) strategies, such as shuttle bus service, to mitigate parking shortfalls, reduce and ease project generated trips near the project. **6**

Bicycle Coordination

Please ensure that bicycle lanes and paths are contiguous and continuous to existing bicycle lanes. Consider providing bicycle lanes on Taylor Street. Please provide bicycle signs in the project area. **7**

Additional comments, if any from our Design unit will be forwarded as soon as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

Timothy C. Sable

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)

COMMENTER A2
State of California Department of Transportation
Timothy Sable, District Branch Chief, IGR/CEQA
February 29, 2008

A2-1: As stated on page 101 of the Draft EIR, the Transportation, Circulation and Parking section is based on the Traffic Impact Analysis (TIA) prepared by Hexagon Transportation Consultants. The complete TIA is included as Appendix B to the Draft EIR. The TIA includes traffic volumes per lane and includes a LOS analysis for 22 intersections, including the intersections of US 101/Oakland Road (North 13th Street), I-880/North 1st Street, and SR 87/Taylor Street. Draft EIR Table V.C-7 and TIA Table 7 include Project Intersection Levels of Service. The LOS analysis in the TIA includes the freeway segments of US 101, I-880 and SR 87, including US 101 between North 4th Street and Julian Street (McKee Road), I-880 between North 10th Street and Guadalupe Expressway, and SR 87 between Julian Street and I-880. Draft EIR Table V.C-8 and TIA Table 8 include Project Freeway Segment Levels of Service Calculations.

A2-2 The Cumulative Conditions Traffic Analysis is included beginning on page 148 of the Draft EIR and page 83 of the TIA, and accounts for pending and reasonably foreseeable projects. The cumulative impact analysis is based on the City's CUBE transportation planning software system. The City of San Jose's traffic forecasting model was developed to help the City project peak hour traffic impacts attributable to changes proposed to the City's General Plan. The CUBE model is consistent with the structures of the Metropolitan Transportation Commission's (MTC) BAYCAST regional model and VTA's VTP2030 model.

A2-3 As further described on page 142 of the Draft EIR, the project would be required to make a fair-share contribution under the adopted Transportation Development Policy (TDP) in the area, which includes major improvements to the US 101/Oakland Road interchange and construction of a new US 101/Mabury Road interchange. The intersection of SR 87 and Taylor Street would operate acceptably (LOS C) with the project. Thus, the project would not impact the SR 87/Taylor Street intersection and no improvements would be necessary.

The City does not consider vehicle queuing to be a significant impact unless it contributes to a safety hazard. As discussed on page 138 of the Draft EIR, the existing vehicle storage on the US 101 and SR 87 off ramps would be adequate to serve the maximum queues under project conditions, and the project would have very little effect on the peak hours of these off ramps.

A2-4 Alternatives to the proposed project are analyzed in Chapter VII. Alternatives, beginning on page 363 of the Draft EIR. Project alternatives include the No Development alternative, Existing General Plan alternative, Reduced Density

alternative, Diridon Area alternative and North 10th Street alternative. The Reduced Density alternative would develop the site as follows: the building footprint would be reduced by 25 percent which would also reduce the number of residential units (all of which would be market rate) on the Corporation Yard site to 350. The park would be relocated to the northerly end of the Corporation Yard parcel and increased in size from one to two acres. There would continue to be up to 30,000 square feet of ground floor retail, 20,000 square feet of community amenity space and underground parking. By reducing the number of units on the Corporation Yard parcel from 624 to 350, the significant impact to the North 10th Street/Hedding Street intersection would be reduced to a less-than-significant level. (Even the smallest amount of development on the project site would result in a significant impact to the North 1st Street/Taylor Street and North 10th Street/Taylor Street intersections.[1]) In addition, through the reduced building footprint, potential impacts to undisturbed archeological resources could be reduced and the size of the public park/plaza could be increased. As described on page 350 of the Draft EIR, in the context of global climate change, the proposed new development is of relatively high density and constitutes an urban infill project. It is an area served by public transit, is close to employment centers and existing services, and the proposed project includes a mix of uses intended to decrease reliance on the automobile.

A2-5 The traffic impacts associated with vehicle queuing and delay were not based on traffic that was shifted to other roadways. Vehicle queuing and delay were estimated based on project traffic volumes prior to any consideration of potential alternate routes. The TIA only identifies obvious alternative routes that would be available to drivers to avoid potential delays that could occur due to the northbound left-turn movement at the intersection of North 6th Street and Taylor Street.

A2-6 The project area includes transit service, bicycle facilities and pedestrian facilities. VTA bus route 62 runs along Taylor Street, adjacent to the project site, and several other VTA bus routes are within 3 to 4 blocks. The project site is located less than one-half mile from both the Japantown/Ayer and Civic Center LRT stations. Within the project study area, Class II bicycle facilities (striped bike lanes) are provided along North 10th Street north of Taylor Street and along 4th Street south of Jackson Street. In the vicinity of the project site, 13th Street, Hedding Street, 4th Street, and 11th Street are identified bike routes. Pedestrian facilities in the project area consist primarily of sidewalks along the streets; sidewalks are found along virtually all previously described roadways in the study area.

[1] As described in Chapter V.C, when measured against the City of San Jose level of service impact criteria, three protected study intersections would be significantly impacted by the project: North 1st Street and Taylor Street (PM peak hour); North 10th Street and Hedding Street (AM peak hour); and North 10th Street and Taylor Street (PM peak hour). Protected Intersections are not required to maintain a Level of Service D, which is the City of San Jose standard, and any level of service degradation at these intersections is considered acceptable despite the significant impact. However, the Reduced Density alternative has been developed to reduce impacts to the protected intersections.

The mix of uses proposed by the project would allow for a greater number of trips to be accommodated on the project site, reducing the potential auto trips.

Development of the Corporation Yard site includes elements that are considered Traffic Demand Management (TDM) measures, including secured bicycle parking and bicycle racks. Development of the surface parking lot site includes transit passes for all residents.

Other TDM measures, which may be incorporated by the applicants of the Corporation Yard site and/or the surface parking site include:

- Administration/Information dissemination, such as providing on-line commute information, and newsletters and resident/employee orientation package with commute information.
- Providing transit incentives, such as on-site sale of transit passes and Next Bus signs in the lobby.

A2-7 City of San Jose Transportation Policies #41, #42 and #43, included on page 150 of the Draft EIR, address the City's development of a safe, direct and well maintained bicycle network. Bike lanes are not required to mitigate any project impact. This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

Letter
A3

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

March 12, 2008

Dipa Chundur
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: Draft Environmental Impact Report for the Japantown Corporation Yard Redevelopment Project

Dear Dipa Chundur:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Environmental Impact Report (DEIR) for the Japantown Corporation Yard Redevelopment Project (Project). We understand that the Project, located in the City of San Jose (City), would result in development of up to 600 residential units, 30,000 square feet of retail, 10,000 - 20,000 square feet of community amenity space, and 900 parking spaces on the former Corporation Yard site. The proposed project includes a General Plan Amendment, an amendment to the Jackson-Taylor Residential Strategy, and will require rezoning of the site to a (PD) Planned Development Zoning District. The District has the following specific comments on the DEIR.

Exposure of Sensitive Receptors to Toxic Air Contaminants

The DEIR concludes that the project will not expose future residents of the Project to toxic air contaminants (TAC) but does not analyze the potential for adverse health impacts associated with emissions from trains running on the Union Pacific Railroad tracks located in close proximity to the Project. This is of special concern because one of the Project variations involves a senior housing complex. The DEIR should have identified existing sources of TAC (i.e., major roadways, existing industrial operations, train operations) within and adjacent to the Project area and their potential to adversely impact future sensitive populations. The California Environmental Quality Act (CEQA) requires that an EIR analyze any significant environmental effects a project might cause by bringing people into an area and exposing them to the hazards found there (State CEQA Guidelines § 15126.2(a)). We recommend that the FEIR identify existing sources of TAC emissions (i.e., major roadways, existing industrial operations, train operations) within a quarter mile of the Project and include an analysis to determine if future sensitive populations will be adversely impacted (above District significance thresholds) from TAC and to identify measures to mitigate any potentially significant impacts.

1

Letter
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cont.

Impact AIR-1: Emissions from Construction and Demolition

We note that the DEIR requires that all associated construction activities comply with the dust mitigation measures in the District's CEQA guidelines. Construction equipment generates not only fugitive dust emissions, but also exhaust emissions of criteria pollutants and TAC, specifically DPM, a known carcinogen. The DEIR does not evaluate potential offsite impacts or identify any measures to reduce health impacts offsite due to construction equipment diesel exhaust. We recommend that the FEIR include all feasible mitigation measures to reduce construction equipment exhaust emissions to lessen the exposure to TAC for adjacent sensitive receptors. Such measures could include but are not limited to: maintaining properly tuned engines; minimizing the idling time of diesel powered construction equipment to two minutes; using alternative powered construction equipment (i.e., CNG, biodiesel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; phasing project construction; and limiting the operating hours of heavy duty equipment. The EIR should provide justification for finding that any of these measures are deemed infeasible. 2

The DEIR indicates that past uses of the Project area involved storage and use of toxic material and that the presence of petroleum hydrocarbons and associated volatiles, lead, and some semi-volatile organic compounds on the site represent a potentially significant impact. The construction phase of the proposed project will require excavation and removal of substantial amounts of potentially toxic soils from the site. The FEIR should reference District Regulation 8, Rule 40 regarding aeration of contaminated soils and removal of underground storage tanks. Furthermore, we recommend that the City of San Jose require that truck activity associated with remediation operations not be directed through the residential neighborhoods surrounding the Project and that all loads of material should be covered with tarp in order to minimize short term exposure of people to airborne hazardous materials through the soil remediation process. 3

Impact Air-2: Exceedance of BAAQMD Thresholds of Significance

The DEIR concludes that the Project will exceed the District's significance thresholds for particulate matter (PM_{10}) and reactive organic gases (ROG), a precursor of ozone. The DEIR proposes to mitigate this significant impact by implementing several measures targeting trip reduction. We believe the measures included in the DEIR are insufficient to adequately mitigate this significant impact. We recommend that the FEIR include a more comprehensive set of feasible mitigation measures. These can include but are not limited to:

Transportation Mitigation Measures 4

- Provide shuttle service to Caltrain or other regional transit service.
- Provide subsidized transit passes to Project residents and retail employees.
- Provide a kiosk within the Project regarding alternative transportation modes and recycling services for residents, retailers, and employees.

Energy/GHG Measures

- Provide the necessary infrastructure to encourage the use of alternative fuel vehicles (e.g., electric vehicle charging facilities for neighborhood electric vehicles/plug-in hybrids).
- Require that all new buildings meet LEED Platinum certification. LEED (Leadership in Energy and Environmental Design) guidelines are developed by the U.S. Green Building Council and can assist in planning new buildings, new schools, and neighborhood

Letter
A3
cont.

development. Green building strategies result in multiple co-benefits by reducing a project's criteria pollutants, toxic air contaminants, and GHG emissions.
Promote the use of renewable sources of energy (e.g., photovoltaic and solar thermal systems) by partnering with the local energy provider to maximize the electrical demand of the Project that is being met through renewable energy sources.

4 cont.

In addition, we recommend that the project be required to implement parking mitigation measures. Parking policies can play a large role in supporting smart growth development and influencing vehicle miles traveled (VMT). Pricing strategies for both on-street and off-street parking, based on the market-demand for those spaces, can encourage the use of carpooling, walking, bicycling and transit. Such strategies may include unbundling the cost of parking for residential uses (i.e. charge for off-street parking separately from rents). The Metropolitan Transportation Commission (MTC) has developed the *Toolbox/Handbook: Parking Best Practices & Strategies For Supporting Transit Oriented Development In the San Francisco Bay Area* to assist local jurisdictions in designing parking policies that support smart growth principles. We recommend that the City of San Jose commit to utilizing and incorporating parking policies contained in the Toolbox into the Project design and operation:
http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox-Handbook.pdf.

5

If you have any questions regarding these comments, please contact Nadine Wilmot, Environmental Planner, at (415) 749-5074.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director Erin Garner
BAAQMD Director Yoriko Kishimoto
BAAQMD Director Liz Kniss
BAAQMD Director Ken Yeager

COMMENTER A3
Bay Area Air Quality Management District
Jean Roggenkamp, Deputy Air Pollution Control Officer
March 12, 2008

A3-1: The Draft EIR concludes that future residents of the project site would not be exposed to toxic air contaminants (TAC). The closest corner of project site is located approximately 90 feet from the Union Pacific Railroad tracks; however, the site is not located near a train station. Air quality dispersion modeling indicates that while train stations have the potential to create significant TAC concentrations during idling for loading and unloading, emissions from moving trains disperse more rapidly and do not create significant concentrations of TAC. Also, there are minimal train pass bys on these tracks (3 to 4 per day), therefore the project site would not be exposed to significant TAC emissions due to its proximity to the train tracks. Additionally, there are no high volume roadways or freeways in the vicinity of the project site. Interstate 880 (I-880) is located more than a mile from the project site; therefore emissions from I-880 would not significantly impact the project site. No other sources of TAC have been identified in the project vicinity, including potential sources of accidental releases of hazardous materials, sources of odorous emissions, or sources of high levels of nuisance dust emissions, all of which are types of TAC sources specified in BAAQMD's CEQA Guidelines.

A3-2: The BAAQMD indicates that construction equipment generates exhaust emissions of criteria pollutants and TAC, specifically diesel particulate matter (DPM), a known carcinogen. Criteria pollutant emissions from construction emissions would be less than significant due to the temporary nature of the operation of construction equipment. The effects of diesel particulate matter on sensitive receptors are long-term (typically measured during a 70-year period). Because the construction period impacts are relatively short in duration, the long-term effects of construction emissions would be less than significant. The measures described by BAAQMD to minimize potential risk to sensitive receptors in the project site vicinity are not included within or required under the BAAQMD CEQA Guidelines. The City and project applicant will nonetheless consider implementing these measures to the extent feasible. These measures include:

- The project applicant shall require contractors to maintain properly tuned engines;
- Idling time of diesel powered construction equipment shall be limited to 2 minutes when feasible;
- Alternative powered construction equipment (i.e., CNG, biodiesel, electric) shall be utilized when feasible;

- Add-on control devices shall be used such as diesel oxidation catalysts or particulate filters when feasible;
- Project construction shall be phased; and
- Operating hours of heavy duty equipment shall be minimized to the extent feasible.

A3-3: As discussed in Section H. Hazards and Hazardous Materials, beginning on page 225 of the Draft EIR, underground storage tanks (USTs) were used by the City of San Jose for the Corporation Yard and are still present on-site. The proposed project includes the removal of USTs, as well as other hazardous materials remediation work. On the pages noted below, the Draft EIR has been revised to specifically reference the BAAQMD Regulation 8, Rule 40 regarding aeration of contaminated soils and removal of USTs.

Page 225 of the Draft EIR is revised as follows:

Oversight over investigation and remediation of sites affected by hazardous materials releases can be performed by State agencies, such as the Department of Toxic Substances Control (DTSC), regional agencies, such as the San Francisco Bay Regional Water Quality Control Board (Water Board), or local agencies, such as SCCDEH or the Santa Clara Valley Water District (SCVWD). Additional requirements for the removal of leaking underground storage tanks (USTs) and removal of associated contaminated soils are promulgated by the Bay Area Air Quality Management District (BAAQMD).

Page 231 of the Draft EIR is revised as follows:

Prior to site redevelopment, the City would also remove the existing three USTs and other hazardous materials containers identified on the property, in accordance with local, state, and federal requirements. Specific requirements related to the removal of contaminated soils and USTs are found in the BAAQMD Regulation 8, Rule 40.[2] If contamination is discovered following the removal of these USTs, it is anticipated that the City/RDA (or applicant) would work with SCCDEH to complete the items required by the regulatory oversight agency, as described above, in order to achieve case closure.

Page 239 of the Draft EIR is revised as follows:

Mitigation Measure HAZ-1a: Trained workers, in accordance with local, state, and federal regulations, shall remove the three existing USTs and associated pipelines and fuel dispensers from the Corporation Yard site prior to site redevelopment activities. Closure of these USTs by the local regulatory agency (Fire Department, SCCDEH, as applicable), shall be obtained prior to or at the

[2] Bay Area Air Quality Management District, 2005. Rule 8-40-Organic Compounds- Aeration of Contaminated Soil and Removal of Underground Storage Tanks. Amended June 15.

initiation of site redevelopment activities. All UST and contaminated soils excavation and removal activities, soil sampling, and reporting of these activities shall also be made in accordance with the requirements of BAAQMD Regulation 8, Rule 40. If contamination is found associated with these USTs, the City/RDA (or applicant) shall ensure completion of all items required for closure by the regulatory oversight agency, which may include preparation and implementation of a CAP, verification monitoring, preparation of a RRMP (if residual contamination is left in place), or other required documentation or investigations.

If excavation activities are required to address on-site contamination (prior to case closure), the CAP shall include an assessment of air impacts associated with excavation activities, any applicable local dust or noise standards which may be exceeded by the excavation activities, transportation impacts from the removal or remediation activities, and risk of public upset should there be an accident at the site, or as otherwise required by the regulatory oversight agency. Also, any contaminated soils transported off-site shall be directed away from residential neighborhoods surrounding the proposed project to the extent feasible, and all loads of contaminated materials shall be tarped in order to minimize short term exposure of people to airborne hazardous materials from excavation of contaminated soils. This mitigation measure does not apply to the City parking lot site as it does not include USTs.

A3-4: Please refer to Response to Comment A2-6. However, as stated on page 170 of the Draft EIR, the project's regional air quality impacts would remain significant and unavoidable even with implementation of trip reducing measures.

A3-5: Please refer to Response to Comments B2-13 and B2-14.

Letter
A4

Santa Clara Valley Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED
FEB 29 2008
PLANNING DEPARTMENT

File: 31628
Guadalupe River

February 25, 2008

Ms. Dipa Chundur
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Subject: City File No. GP07-03-04 and PCD07-073

Dear Ms. Chundur:

Santa Clara Valley Water District (District) staff has reviewed the Draft Environmental Impact Report (DEIR) for the Japantown Corporation Yard Mixed Use Residential Project, received on January 28, 2008. The proposed project is not located on District easement or fee title right-of-way, nor does it affect the Guadalupe River. In accordance with District Ordinance 06-01, a District permit is not required for this project. Following a cursory review, it appears that potential water resource impacts of interest to this District have been adequately addressed in the DEIR.

1

We have no further comments at this time. If you have any questions or need further information, please contact me at (408) 265-2607, extension 2586. Please reference District File No. 31628 on any future correspondence.

Sincerely,

Kathrin A. Turner
Assistant Engineer
Community Projects Review Unit

cc: S. Tippets, B. Goldie, K. Turner, File (2)

31638_50327kt02-25

COMMENTER A4
Santa Clara Valley Water District
Kathrin A. Turner, Assistant Engineer, Community Projects Review Unit
February 25, 2008

A4-1: This comment notes that the Draft EIR adequately addresses the Santa Clara Valley Water District's interests; no further response is required.

Letter
A5

SANTA CLARA
Valley Transportation Authority

March 10, 2008

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Dipa Chandur

Subject: City File No. PDC07-073 / Japantown Corporation Yard

Dear Ms. Chandur:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for up to 600 residential units and 30,000 square feet of retail space on 5.78 acres for the site bounded by Jackson, Taylor, 6th, and 7th Streets. We have the following comments.

Transportation System Planning and Design

Proposed Traffic Impact Fee Program

The TIA work scope states that this project is supporting the proposal of Area Development Policy (ADP) for the US 101/Oakland Road Corridor as well as construction of a new US 101/Mabury Road interchange. VTA agrees with the recommendation for the project to make a fair-share contribution towards the ADP policy or, if necessary, to propose such a policy. Please include, in the TIA, a map that shows the area covered by the proposed ADP. 1

Vehicle Queuing and Storage Capacity at Intersections

Page 58 of draft traffic impact analysis report (Appendix B) states that the SR 87 and Taylor Street intersection would have inadequate capacity under project conditions. Since there is no room for widening at this intersection, VTA recommends reviewing potential signal timing modifications to alleviate impacts due to queuing at this intersection. It is also suggested that the Lead Agency may implement, or require the project sponsor to implement, the "Immediate Actions" listed in Appendix D (of the guidelines) as part of the project's approval. Many of these actions are similar to the Transportation Demand Management (TDM) measures also listed in the VTA *TIA Guidelines* on page 33 2

Trip Reductions

According to the VTA TIA guidelines (Page 31, bullet 10) the appropriate project entrance (housing front door, office pedestrian entrance) must be within a 2000-foot walk of the transit facility. The proposed development is estimated over a ½ mile (over 2000-foot) walk to Japantown / Ayer or Civic Center Light Rail Stations. Please provide clarification on how the distance is measured to make the transit reduction applicable. 3

Letter
A5
Cont.

Freeway and Expressway Analysis
VTA recommends using the latest *2006 Monitoring and Conformance Report* for freeway and expressway analysis. This report summarizes level of service (LOS) data for freeways, expressways in Santa Clara County. The document may be downloaded from *http://www.vta.org/news/vtacmp/mcreport2006/*. For more information please call Adam Burger of the CMP at 408-546-7923. 4

Development Design
VTA's *Community Design & Transportation (CDT) Guidelines* should be used when designing this development. This document provides guidance on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements. The *CDT Guidelines* are available upon request to any agency staff. For more information on *CDT Guidelines*, please call Adam Burger of the CMP at 408-546-7923. 5

Bus Service

VTA provides bus service along 6th Street adjacent to project site. In order to provide convenient access to transit service, VTA recommends that the project provide the following improvements for the existing bus stop adjacent to the project site: 6

- A 10' X 55' PCC pavement pad (see attached VTA standards)
- An 8' X 40' passenger waiting pad per ADA requirements.
- No trees, tree wells, or shrubs within the bus stop area

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services
Samantha Swan, VTA

SJ0731

Letter
A5
Attach

TECHNICAL SPECIFICATIONS

1. P.C.C. pavement with monolithic curb and gutter shall conform to the provisions in Section 40, " PORTLAND CEMENT CONCRETE PAVEMENT," and Section 90, " PORTLAND CEMENT CONCRETE" of the State Standard Specifications and these special provisions.

2. P.C.C. pavement shall be class A with a flexural strength of 650 psi. at the age of 28 days to be determined by Test Method ASTM C78. Polypropylene fibers (Fibermesh or approved equal), length 1/2", shall be added to the concrete at a rate of 1 1/2 lbs/cy.

3. After spreading and compacting, P.C.C. concrete shall be given a preliminary finish , which shall be smooth and true to grade. In advance of curing operations, the pavement shall be given a final rough broom finish with grooves having a depth of 1/8" perpendicular to the curb and gutter.

4. All newly - placed concrete shall be cured in accordance with the provisions in Section 90-7, "Curing Concrete," of the State Standard Specifications. Curing compound to be used shall be applied to the P.C.C. following the surface finishing operations immediately before the moisture sheen disappears from the surface and before any drying, shrinkage or craze cracks begin to appear. Curing compound shall be applied at a nominal rate of one gallon per 150 square feet. At any point, the application rate shall be within +/- 50 square feet per gallon of the nominal rate specified.

5. Sawcutting of the contraction joints must be performed within 24 hours after concrete has received final surface finish.

6. Contractor shall protect P.C.C. Pad as specified in Section 90-8.03, " Protecting Concrete Pavement" Where public traffic will be required to cross over new pavement, and if directed by the Engineer, Type III Portland Cement shall be used in concrete. When Type III Portland Cement is used in concrete, and if permitted in writing by the Engineer, the pavement may be opened to traffic as soon as the concrete has developed a modulus of rupture of 550 pounds per square inch. The modulus of rupture will be determined by Test Method ASTM C78.

   No traffic or Contractor's equipment, except as hereinafter provided, will be permitted on the pavement before a period of ten (10) calendar days has elapsed after the concrete has been placed, nor before the concrete has developed a modulus of rupture of at least 550 pounds per square inch. Concrete that fails to attain a modulus of rupture of 550 pounds per square inch within 10 days shall not be opened to traffic until directed by the Engineer.

   Equipment for sawing contraction joints (weakened plane joints) will be permitted on the pavement as specified in Section 40-1.08B, "Weakened Plane Joints," of the State Standard Specifications.

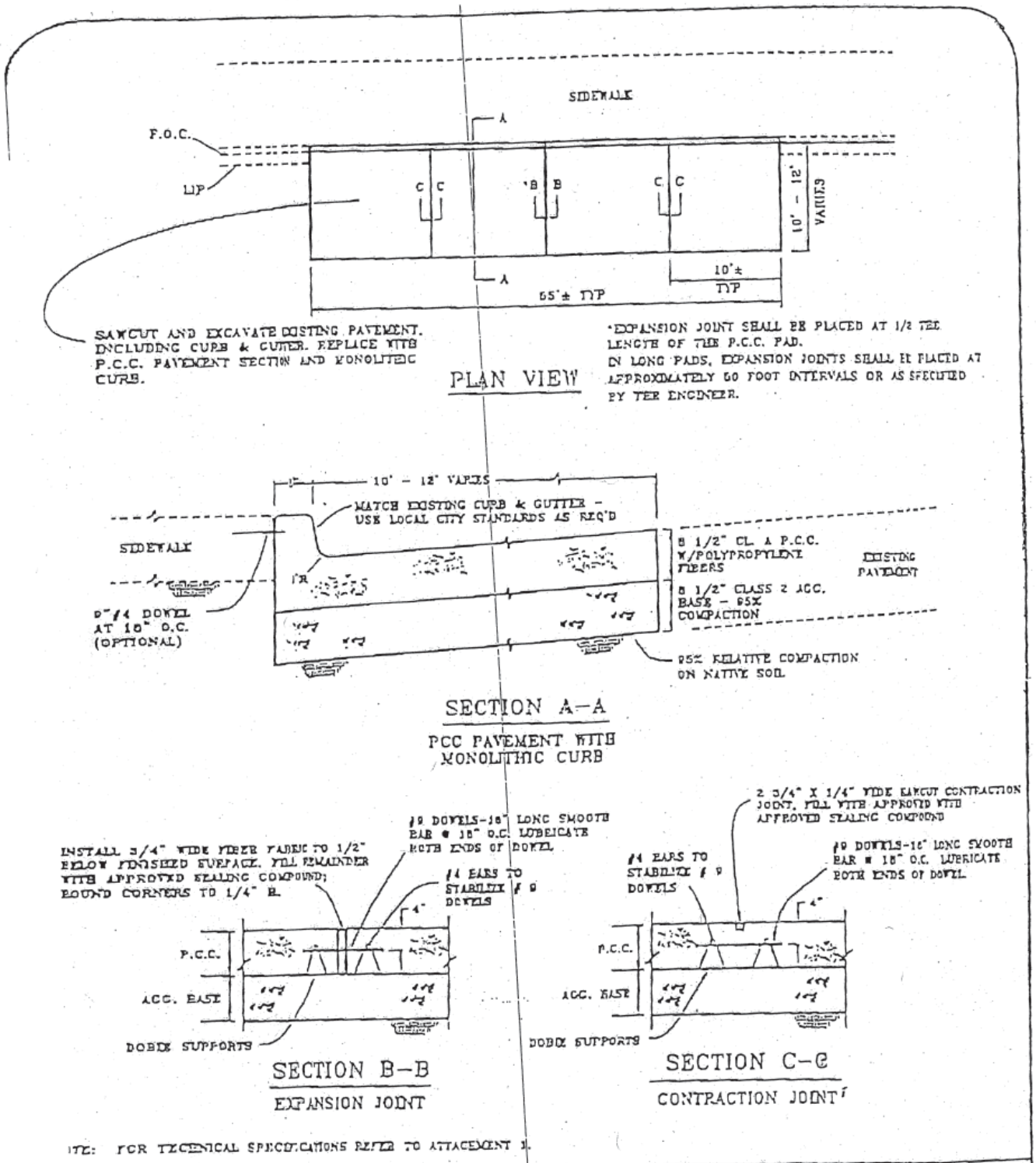
7. Contraction joints, expansion joints and gaps between the P.C.C. pad and the existing pavement section shall be cleaned and sealed prior to permitting traffic on the pad. Joint sealing compound shall be type "A" joint seal and shall conform to the provisions of Section 51-1.12F of the State Standard Specifications. The 2 component polyurethane sealant shall be State Specification 8030 - 61J - 01 or approved equal.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

ATTACHMENT 1 FOR FIGURE 26

Letter
A5
Attach



COMMENTER A5
Santa Clara Valley Transportation Authority
Roy Molseed, Senior Environmental Planner
March 10, 2008

A5-1: On December 18, 2007, the City adopted a Transportation Development Policy (TDP) for the US 101/Oakland Road interchange improvements and US 101/Mabury Road interchange construction project. The TDP differs from a standard Area Development Policy (ADP) in that the US 101/Oakland/Mabury TDP has no defined boundary. Instead, any project that would add PM peak hour trips to the US 101/Oakland Road interchange would be required to participate in the TDP program, regardless of the location of the project. As indicated on page 142 of the Draft EIR, because the project would add PM peak hour trips to the US 101/Oakland Road interchange, the project would be required to pay a fair share contribution toward the interchange improvements.

A5-2: See Response to Comment A2-3 regarding vehicle queuing.

See Response to Comment A2-6 regarding TDM Mesaures.

A5-3: The approximate distances from the project at North 6th St/Jackson St to Japantown/Ayer VTA station is 1,890 linear feet. The distance from the project at N. 6th Street/Taylor Street to the Civic Center VTA station is 2,026 linear feet.

The VTA guideline states: Housing developments where the walking distance from the unit or the front door of the housing complex to the station is 2,000 feet or less may reduce their trip generation volumes by no more than 9% unless special circumstances are justified in the project's TIA. The City of San Jose considers the project to be part of a larger redevelopment of the Japantown area into higher density, mixed-use, transit-oriented development area. Japantown is unique because it is considered a heavy-walking community. Thus, the City is confident the trip reductions are supported due to the proximity to LRT and the unique characteristic of the Japantown neighborhood.

A5-4: The freeway analysis included in the TIA is and summarized in the Draft EIR is based on the 2005 Monitoring and Conformance Report because the 2006 report was not available at the time the TIA was prepared. The freeway analysis (included as Appendix A to this First Amendment document) was re-run using the 2006 report. The results of the new freeway analysis show, based on the 2006 freeway volumes, the project would not cause a significant increase in traffic volume (more than 1 percent of capacity) on any of the study freeway segments currently operating at an unacceptable LOS F.

A5-5: The suggested guidelines may be considered by the City and developer at the Planned Development Permit stage. This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

A5-6: Typically, projects are conditioned to construct bus stop improvements if they are located along the project frontage. In this case, the existing bus stops are not located along the project frontages, rather across the street, so they would not be conditioned on the project. However, this project is required to construct offsetting improvements for impacts to the protected intersections and this could include bus stop improvements if desired by the community.

Letter
A6

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

February 29, 2008

Ms. Dipa Chundur
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

Subj: Japan Town Corporation Yard Mixed Used Residential Project
City File No: GP07-03-04, PDC07-073

Dear Ms. Chundur:

We received and reviewed your Notice of Availability of a Draft Environmental Impact Report for the subject above, and we have no comments. However, the website containing your Draft EIR is not accessible to our staff. In the future, we would prefer to review and comment based on a hardcopy of your EIR. This copy will be kept in our file for future reference. 1

Thank you for the opportunity to review and comment on this project. If you have questions, please call me at (408) 573-2462.

Sincerely,

Felix Lopez
Project Engineer

cc: MA, SK, WRL, RN, file

COMMENTER A6
County of Santa Clara Roads and Airports Department
Felix Lopez, Project Engineer
February 29, 2008

A6-1: The commenter received the Notice of Availability and has no comments; no further response is required.

Letter
A7

March 10, 2008

Dipa Chundur
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95112

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE JAPANTOWN CORPORATION YARD MIXED USE RESIDENTIAL PROJECT (File # PDC07-073)

Dear Ms. Chundur:

The Historic Landmarks Commission (Commission) discussed the Draft Environmental Impact Report for the Japantown Corporation Yard Mixed Use Residential Project at its February 6, 2008 and March 5, 2008 meetings. The Commission voted 6-0-2 (Thacker absent) to forward this comment letter to the Director of Planning, Building and Code Enforcement and to the Planning Commission.

The Commission would like to offer the following comments regarding the Project Description, Environmental Setting, Impacts and Mitigation, and Alternatives:

DESCRIPTION OF THE PROPOSED PROJECT

The Commission noted that the project description and graphic exhibits (Figures III-3 through II-5c) do not clearly indicate the maximum allowable building envelope of the Rezoning. Clarification of the project description language (number of residential floors above ground floor commercial on southern and northern portions of the site) and graphics - in particular to indicate the setback for the fourteen and eight story development from Sixth Street - was recommended. 1

ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

The Commission concurred with the assessment that Buildings 8 through 16 are eligible for the National Register as contributors to a Historic District; and that in addition the **Kogura Building** located at 605 N. Sixth Street, the **Kogura Appliance Co./Sakamoto Barbershop** located at 615-621 N. Sixth Street, **Ken Ying Low Restaurant** located at 625 N. Sixth Street, the **Prayer Garden Church** located at 651 N. Sixth Street, and the **Ideal Laundry/Nishioka Fish Market** located at 665 N. Sixth Street, are Candidate City Landmarks. Commissioners further noted that designation of these Candidate City Landmark structures would allow for the use of the Mills Act historical property contract and CRMP Building Tax exemption preservation incentives, together with Commission oversight of Historic Preservation Permits for proposed alterations. Designation of the National Register Historic District would allow all nine buildings to utilize the 20% Federal Rehabilitation Tax Credit economic preservation incentive. 2

The Commission agrees that implementation of the Corporation Yard portion of the project - with up to six residential stories above ground floor commercial - may overwhelm the setting and feeling of the nine contributors to the San Jose Japantown Historic District along North Sixth Street, if not sufficiently mitigated to be compatible in scale and massing. 3

Letter
A7
cont.

Mitigation Measure CULT -3a in the draft document, states that *Buildings 8 through 12 and the proposed structure immediately adjacent to Building 16, shall maintain and extend the scaled rhythm established by the contributing buildings along North 6th Street. The project should not "wall off" this portion of North Sixth Street with an undifferentiated, continuous façade...* To further maintain this rhythm, the Commission recommends that the massing of new construction along Sixth Street utilize staggered setbacks to reflect the historic lot patterns to the west.

3 cont.

Mitigation Measures CULT -3b in the draft document states that *Buildings 8 through 12, along with the proposed structure immediately adjacent to Building 16 on the City parking lot site, shall incorporate horizontal façade elements to distinguish the first story or two from the stories above. The third through sixth stories on buildings proposed across North 6th Street from Buildings 8 through 12 shall be set back substantially (10 to 15 feet) from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North Sixth Street.* Commissioners do not feel that the 10-15 foot setback for the six residential floors above ground floor commercial identified in the DEIR is sufficient to reduce the potential impact. The Commission believes that the mitigation should identify a stepped setback for the residential floors above the ground floor commercial stories. The first two floors of residential above the ground floor commercial should have a setback of 10 feet; and the next remaining floors of residential should have an additional setback of 10 feet.

4

In addition, Mitigation Measure CULT-4a in the draft document states that *should the implementation of Mitigation Measure NOI-2a and -2b demonstrate that ...vibration would damage any of the contributing buildings ...(Building 16, in particular)... the qualified professional shall develop specifications regarding the restriction and monitoring of construction activities that shall be incorporated into the contract.* Commissioner Thacker recommended taking a proactive approach by shoring up and protecting Building 16 prior to any construction activities.

5

ALTERNATIVES

Commissioner Stabile recommended that an Existing General Plan alternative including a public park/plaza located in a center of the site as in the proposed project (accessed from North Sixth and North Seventh Streets) be explored and analyzed to in order to include a wider range of alternatives.

6

The Commission appreciates the opportunity to comment on the Draft Environmental Impact Report for the Japantown Corporation Yard Mixed Use Residential Project.
We look forward to commenting on the conceptual elevations and architectural development standards for the proposed Planned Development Rezoning.

Sincerely,

Edward Janke, AIA
Chair, San Jose Historic Landmarks Commission

COMMENTER A7
San Jose Historic Landmarks Commission
Edward Janke, AIA, Chair
March 10, 2008

A7-1: Maximum building heights are included in the Planned Development Rezoning for the proposed project, as described beginning on page 50 of the Draft EIR. A maximum height of 175 feet for the Corporation Yard site, measured from grade to top of parapet and mechanical/penthouse or architectural features is proposed. In addition, the Project Design Standards, listed on page 48 of the Draft EIR, refine the building heights – the buildings would be stepped down from tower heights (6 to 14 stories) to 2 stories on 6th Street across from the proposed Japantown Historic District. Further, the proposed General Plan amendment for the project would restrict building heights across from the proposed Japantown Historic District to 85 feet. This height limit would extend to approximately grid line G (115 feet west of North 6th Street) as shown in Figure V.1-2. A maximum height of 85 feet measured from grade to top of parapet and mechanical/ penthouse or architectural features is proposed for the City parking lot site.

Page 50 of the Draft EIR is revised as follows:

... The Corporation Yard site would conform to the following development standards contained in the proposed Planned Development Rezoning:

- A maximum height of 175 feet for the Corporation Yard site from grade level to top of parapet and mechanical/penthouse or architectural features;
- <u>Building heights across from the proposed Japantown Historic District (located along North 6th Street, extending 300 feet north from Jackson Street) would have a maximum height of 85 feet, this restriction would extend 115 feet east from the property line on the North 6th Street frontage.</u>
- Building setbacks fronting public streets of zero feet, minimum, and zero feet for ground floor building elements and architectural projections;
- An on-site circulation system that includes an east-west internal "spine" connecting North 7th Street to North 6th Street; and
- An internal private street with approximately 45 diagonal parking stalls.

Notably, the graphic at the top of Figure V.I-2 in the Draft EIR incorrectly shows only four stories of residential above two stories of retail. This figure should show instead five stories of residential above two stories of retail, and a revised figure is included in Chapter IV, Draft EIR Text Revisions, of the First Amendment.

A7-2: The Draft EIR (pages 258 through 263) states that the buildings referenced by the San Jose Historic Landmarks Commission (i.e., 605 N. 6th Street; 615-621 N. 6th Street; 625 N. 6th Street; 651 N. 6th Street; and 665 N. 6th Street) appear eligible to be Candidate City Landmarks based on San Jose Historic Evaluation Sheets completed by Carey & Co, although they are not currently listed ason the San Jose Historic Resources Inventory as Candidate City Landmarks. The Landmarks Commission's comments on the various preservation-related incentives (e.g., Mills Act contracts) for preservation of these buildings, which are not within the project site, are noted.

A7-3: The Historical Architectural Setting of the project area is discussed beginning on page 257 of the Draft EIR. Descriptive elements of the buildings along North 6th Street associated with the Japantown Historic District include:

- regular commercial ground-floor entries
- varying scales (one and two stories, varying heights, size and mass)
- varying designs (varying buildings materials - stucco, wood siding, brick, etc.; varying architectural styles - flat roof, gabled roof, parapets, etc.)
- architectural context associated with period of construction (buildings were constructed between 1940 and 1960, with the exception of one structure built in 1929 and one in 1889 (with alterations in 1920 and 1950 respectively))

New construction associated with the proposed project may result in significant impacts to the integrity of setting and feeling of the San Jose Japantown Historic District. Proposed Mitigation Measures CULT-3a and -3b would reduce this potential impact to a less than significant level. Elements of the proposed Mitigation Measures include:

- The proposed project shall have **regular commercial ground-floor entries** along the following portions of North 6th Street: (1) that portion of the project area directly across from Buildings 8 through 12 (i.e., within the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site).
- The proposed buildings across from Buildings 8 through 12, along with the proposed structure immediately adjacent to Building 16, shall maintain and extend the **pedestrian-scaled rhythm of ground floor entries and storefronts** established by the contributing buildings along North 6th Street. The project should not "wall off" this portion of North 6th Street with an undifferentiated, continuous facade. Nor shall the buildings of this portion of the project be set so far back from the street that North 6th Street fails to feel like a commercial-lined street. Building to the property line on North 6th Street from Jackson Street to approximately Building 12 (APN 249-39-012) is desirable, because buildings 8 through 12 are generally located at the property line along North 6th Street.
- The proposed project shall **employ setbacks and horizontal facade elements** to reflect the scale of the San Jose Japantown Historic District along the following portions of North 6th Street: (1) that portion of the

project area directly across from Buildings 8 through 12 (i.e., the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site). This mitigation measure shall not be construed to require specific building materials or design elements.

- Maximum building heights fronting North 6th Street in proximity to Buildings 8 through 12 and Building 16 shall be **mid-rise [maximum height of 85 feet]** in order to be compatible with the mid-rise scale of the greater Japantown area and the low-rise scale of the identified Japantown Historic District.
- Proposed buildings on the Corporation Yard site directly across North 6th Street from Buildings 8 through 12, along with the proposed structure immediately adjacent to Building 16 on the City parking lot site, shall incorporate horizontal facade elements to distinguish the first story or two from the stories above. The **third through sixth stories** on buildings proposed across North 6th Street from Buildings 8 through 12 shall be **set back substantially (10 to 15 feet)** from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North 6th Street.
- Conceptual elevations and architectural development standards for the proposed development shall be **subject to City Council approval,** following community input at the Planning Development zoning stage.
- Then, **final elevations will be subject to the approval of the Director of Planning**, following community input at the Planned Development Permit stage.

In addition, pursuant to the Enhanced High-Rise Design Review Process, which applies to the project, projects must be reviewed by both the Architectural Review Committee and, if within 100 feet of a City Landmark or Contributing Structure to a designated Historic District, to the Historic Landmarks Commission prior to approval of the Planned Development Permit. Although the proposed Japantown Historic District has not yet been designated, the City intends to refer the project's Planned Development Zoning and Planned Development Permits to the Historic Landmarks Commission for review.

Page 279 of the Draft EIR is revised as follows:

Mitigation Measure CULT-3a: The proposed project shall have regular commercial ground-floor entries along the following portions of North 6th Street: (1) that portion of the project area directly across from Buildings 8 through 12 (i.e., within the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site).

While of varying scales and designs, the nine contributing buildings along the west side of North 6th Street, although interrupted by vacant parcels and surface parking lots, create a pedestrian-scaled rhythm of ground floor entries and storefronts. Buildings 13 through 16 will be across North 6th Street from a

proposed public open space; Buildings 8 through 12, however, will be across the street from proposed buildings. These proposed buildings, along with the proposed structure immediately adjacent to Building 16, shall maintain and extend the scaled rhythm established by the contributing buildings along North 6th Street. The project should not "wall off" this portion of North 6th Street with an undifferentiated, continuous facade. Nor shall the buildings of this portion of the project be set so far back from the street that North 6th Street fails to feel like a commercial-lined street. Staggered setbacks of up to 5 feet and/or architectural differentiation will be incorporated into the ground floor retail frontage. Building to the property line on North 6th Street from Jackson Street to approximately Building 12 (APN 249-39-012) is desirable.

A7-4: The commentor's opinion that a stepped setback approach is necessary, whereby the first two residential floors above the ground floor commercial should have a setback of 10 feet and the next remaining floors of residential should have an additional setback of 10 feet is noted. However, it is the professional opinion of the EIR preparers and the historic consultants retained to review the project that implementation of Mitigation Measures CULT-3a and -3b, including the requirement of a 10 to 15 foot setback for the residential floors above ground floor commercial, would reduce potential impacts of the proposed new construction to the integrity of setting and feeling of the HRHP/CRHR-eligible San Jose Japantown Historic district to a less-than-significant level. No facts, analysis or other rationale, other than the commentor's opinion, are provided to support the comment that the Draft EIR's setback mitigation is insufficient and that the additional setback is warranted to reduce the project's impact to a less-than-significant level. The additional setback suggested in the comment would further reduce the project's impact, and can be considered at the Planned Development Permit stage, but is not necessary as a zoning development standard. Please refer to Response to Comment A7-3.

As noted above, the upper residential floors of the building across from the District would step-back from the ground floor commercial. Additional stepping back of the building above this level is undesirable from a development standpoint as it reduces the efficiency of the upper floors, potentially creating awkward interior living space. In addition, the ability to have decks at the stepped floor may be compromised as it is undesirable from a building envelop design perspective to have deck space over occupied residential space below.

A7-5: As indicated on page 280 of the Draft EIR, groundborne vibration-producing construction-related activities could occur within 10 feet of Building 16 during redevelopment of the City surface parking lot site. Mitigation Measure NOI-2a would require the City parking lot site applicant to prepare a vibration impacts assessment when the necessary level of construction detail is available. It is possible that the impacts assessment would recommend shoring of Building 16, but until construction details are available it is speculative whether such shoring will be needed. If measures cannot be identified to reduce groundborne vibration impacts to below the groundborne vibration damage threshold of 96 VdB, then

Mitigation Measures CULT-4a and 4b would be implemented. These measures would require monitoring of vibration and implementation s of preventative and corrective measures, which again could include shoring, as well as a training program. These measures would mitigate groundborne vibration impacts to a less than significant level.

It should be noted that recent analysis conducted by the Wisconsin Department of Transportation indicates that little evidence exists to support the contention that construction vibrations pose a significant risk to historical buildings, and states further that "Catastrophic, or even severe, damage to buildings from vibrations or blasting is virtually unheard of."[3] Of all the types of construction activities, piledriving is consistently noted as having one of the highest potentials for resulting in vibration impacts to historical architectural resources. One of the main mitigation recommendations for reducing the potential for vibration impacts is using alternate construction methods.[4] As noted on page 186 of the Draft EIR, the proposed project would use auger cast piles, which are drilled and pumped piles, as an alternative to driven piles; as such, the use of auger cast piles would significantly reduce the generation of construction vibration.

A7-6: The comment proposes an alternative that more closely mirrors the site configuration of the proposed project. The Draft EIR does not preclude such an alternative, and the Commission may recommend aspects of the alternative be incorporated into the project when the project is referred to them.

As noted in the introduction of Chapter VII. Alternatives (page 363 of the Draft EIR), according to *CEQA Guidelines* Section 15126.6, the Draft EIR must identify a range of alternatives to the proposed project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. In addition, the alternatives analysis shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the Draft EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project. Moreover, an EIR is not required to consider each and every conceivable variation of a stated alternative. This governing principle for selecting alternatives to the proposed project is called the "rule of reason."

The comment requests the Existing General Plan Alternative (discussed beginning on page 370 of the Draft EIR) locate the public park/plaza in the center of the Corporation Yard site (similar to the proposed project), as opposed to on its southern end. Although the Draft EIR could have identified and analyzed an

[3] CTC & Associates LLC, 2003, p. 2. *Construction Vibrations and Historic Buildings.* Transportation Synthesis Report prepared for the Bureau of Environment, Division of Transportation Infrastructure Development, State of Wisconsin.

[4] Hendriks, Rudy, 2002, p. 19. *Transportation Related Earthborne Vibrations (Caltrans Experiences), Technical Advisory, Vibration, TAV-02-01-R9601.* Prepared for the California Department of Transportation, Division of Environmental Analysis, Office of Noise, Air Quality, and Hazardous Waste Management. Sacramento, California.

alternative that would keep some of the existing General Plan land use designations and placed a public park/plaza in the center of the Corporation Yard site, such an alternative would achieve the same goals as the Existing General Plan Alternative, and result in essentially the same impacts on the physical environment. For this reason and those described above, analysis of this additional alternative would be redundant. However, the Draft EIR does not preclude such an alternative, and the Planning Commission may recommend aspects of the alternative be incorporated into the project when the project is referred to them at the Planned Development Permit stage.

Please refer to Response to Comment B3-2.

B. ORGANIZATIONS

Letter
B1

Japantown Community Congress of San Jose

Japantown Community Congress of San Jose
588 N. Fourth Street
San Jose, CA 95112

March 10, 2008

Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San José, CA 95113

RE: Japantown Corporation Yard Draft EIR (File No. PDC07-073 & GP07-03-04)

To Whom It May Concern:

We, the Japantown Community Congress of San Jose, representing businesses, the neighborhood, property owners, cultural institutions, religious organizations, non-profit groups, and community members at large, have the following comments in regards to the Draft Environmental Impart Report for the proposed Corporation Yard Development Project.

Page 11: Mitigation Measures
NoI-2: Should also include construction-related ground borne vibration impacts to the historic structure located at 605 N. 6th Street (Kogura Store Annex).

This structure is also an unreinforced masonry (URM) structure and may be one of the last remaining structures from the Chinatown period. Although the facades facing the street have been plastered over, the exposed northern end shows deterioration in the mortar and the brickwork. (See Page 258 of the DEIR for info on this structure.) This would be particularly important if construction begins at the southern end of the corporation yard block and this structure receives the first exposure to the construction vibrations. (Page 57) **1**

Page 26: Mitigation Measures
CULT-2: Repository of artifacts. Should note where artifacts, should any be found, would be placed. Would request that qualified local community historical organizations such as the Chinese Historical and Cultural Project (CHCP), Japanese American Museum of San Jose (JAMsj), and History San Jose be considered for repository and interpretation if possible, on site. **2**

Page 28: Mitigation Measures
CULT-3: While in a later section, the term " District" is qualified, throughout the document, if it is used in capitals, as the San Jose Japantown Historic District, it should be qualified as Eligible or Potential District. **3**

Page 29: Mitigation measures
CULT-4a: Call out 605 N. 6th Street (Kogura Store Annex) as a building of particular concern as well as Building 16). **4**

Page 57: Phasing
8: There is community wide concern regarding first, when the community amenity will be build and second, what $7.4M will actually build in the future, taking into account rising cost of construction, inflation, and other economic factors. The community would like to see the $7.4M set aside for the amenity project to maintain its present day value. Second, the community would like to see the community amenity proposed with this project to be phased into the first half of the total project. **5**

Page 97: Induce Substantial Population Growth

Letter
B1
Cont.

Japantown Community Congress of San Jose

Japantown Community Congress of San Jose
588 N. Fourth Street
San Jose, CA 95112

B.2.b.(2): The proposed project includes 85 affordable units (approximately 12 percent) which would be designated exclusively for senior citizens. We need to stress the need for more affordable housing in Japantown and therefore, make all attempts for the remaining 8% of affordable units to be built as senior units in the Japantown area. **6**

Page 186: Noise Mitigation
Impact NOI-2: Any mitigation strategy which would utilize the future site of the community amenity or the urban plaza as a staging area for construction is not recommended as we are concerned that it will prolong the actual building of the community amenity. **7**

Page 187: Vibration mitigation
605 N. 6th Street (Kogura Store Annex) should be included in all vibration mitigation strategies. **8**

Page 226: Corporation yard history
There is an incorrect reference to a Chinese movie theater. The structure should be referred to as a Chinese Hall or Structure. **9**

Page 254 and 255: Culture and Palentological Resources
More description and potential findings for

- Heinlenville extension, e.g. the area south and just beyond Clay and the lot across the street (e.g. identified on Sanborn Map as Chinese theater building.) **10**
- Early Japantown, Clay to Jackson, between 6th and 7th (e.g. the historic beginnings of Japantown) **11**
- Identification of some of the significant structures/potential historic archaeological sites. **12**

Page 257: Table V.1-4: Historic-era Archaeological Property Types
Request to include property types more specific to ethnic area, including bathhouses, sake factory, herbal shops, etc. **13**

Page 256: Community Contacts
Statement on where artifacts should be kept. **14**

Page 270: Less-than-Significant Cultural Resource Impacts
I.4.b:
First, in the listing of cultural institutions and events, please list San Jose Taiko, Yu-Ai Kai, Issei Memorial Building, and recognize Wesley United Methodist Church as the organizer of Aki Matsuri. **15**

Second, change, "However, Japantown has an established and long standing role in the maintenance of the customs, traditions, and values of the Japanese-American community in San Jose" to read "However, Japantown has an established and long standing role in the maintenance of the customs, traditions, and values of the Japanese-American community in the United states as San Jose's Japantown is one of only 3 remaining Japantowns left in the entire country." **16**

Third, the community would like the history of the Japanese American community included in this report. There is no mention Japanese immigration or settlement and the impact of Internment and Resettlement is only briefly mentioned. Internment devastated Japanese communities through the country. This Japantown is one of only three remaining Japantowns. It is critically important to include this history and take into account the significance this area has to American history. **17**

Page 322: Electricity, Natural Gas, Telecommunications and Cable Television Services
M.1.d: utilities should be underground as possible on and around the proposed development **18**

Page 335: Police & Fire

Letter
B1
Cont.

Japantown Community Congress of San Jose

Japantown Community Congress of San Jose
588 N. Fourth Street
San Jose, CA 95112

N.2.b.(1): While a new police station may not be needed, we feel that the addition of 685 units which would increase the number of people in our community by 1908 residents will require additional police officers. We would also like to see an increase in fire personnel in the immediate vicinity to address the needs of the growing community. **19**

Page 336: Parks and Recreation Facilities

N.2.b.(3): The community strongly encourages the PDO/PIO fees generated by this project to be used onsite on the urban plaza and community amenity. The PDO/PIO fees generated by this project should be in addition and not in lieu of the $7.4M promised to the community originally. **20**

The corporation yard project is a pivotal piece in the long term efforts of the community for not only the preservation but the revitalization of one of the last three remaining Japantowns. Thank you very much for your time and consideration in understanding our community's concerns regarding the impacts of this project on Japantown.

Thank you,

Jerry Hiura
Japantown Community Congress of San Jose, President

COMMENTER B1
Japantown Community Congress of San Jose
Jerry Hiura, President
March 10, 2008

B1-1: The structure at 605 North 6th Street is located across North 6th Street from the Corporation Yard site (see Figure V.I-1, Adjacent Historic Resources on page 259 of the Draft EIR.) The structure at 605 North 6th Street is greater than 70 feet from the closest construction area on the Corporation Yard site. As stated in the groundborne noise and vibration impact discussion of the Draft EIR (page 187), typical groundborne vibration levels measured at a distance of 50 feet from heavy construction equipment in full operation would be below the damage threshold for historic or fragile buildings. The only project related groundborne vibration impact to sensitive structures on North 6th Street would be from required utility construction that could occur within the right of way of North 6th Street and, thus, possibly within less than 50 feet from all sensitive structures on this roadway segment (including the structure at 605 North 6th Street). Implementation of Mitigation Measure NOI-2b, would reduce this impact to a less-than-significant level.

B1-2: The Anthropological Studies Center (ASC) prepared a document entitled *Draft Archaeological Research Design, Testing, and Evaluation Plan: Heinlenville/San Jose Corporation Yard Project* (September 2007) to address the potential for subsurface archaeological deposits in the project area. On page 101 of the document, the ASC states that the archaeological collection generated from the archaeological excavation will remain the property of the San Jose Redevelopment Agency, but that upon completion of the final report, it will be transferred for permanent curation to a curation facility that meets the standards in the State Office of Historic Preservation's *Guidelines for the Curation of Archaeological Collections* (State Historic Resources Commission 1993). There, the collection will be available for future study by researchers. A reference to the artifacts being housed at an appropriate curation facility has been added to the Draft EIR.

Page 274 of the Draft DIR is revised as follows:

The ARDTEP shall be subject to review and approval by the Director of Planning (or their designated representative) in consultation with the City of San Jose Historic Preservation Officer. On approval, the Planning Director (or their designated representative) shall require that the terms of the ARDTEP be carried out by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology, prehistoric archaeology, and history (36 CFR Part 61, Appendix A). The ARDTEP will be used to inform the City's decision regarding project design, and will be carried out prior to project

construction. Artifacts recovered as a result of the implementation of the ARDTEP will be curated at an appropriate curation facility. The appropriate curation facility will meet the standards in the Office of Historic Preservation's *Guidelines for the Curation of Archaeological Collections* (State Historic Resources Commission 1993), or, at the City's discretion, an alternate facility will be selected to provide for the long-term curation of archaeological materials in a manner that allows for future community interpretation and/or scientific analysis.

B1-3: The Draft EIR has been revised to change the term "San Jose Japantown Historic District" to "NRHP/CRHR-eligible San Jose Japantown Historic District" throughout the Draft EIR.

Page 258 of the Draft EIR is revised as follows:

d. Historical Architectural Setting. Carey & Co. prepared a historic context and conducted an intensive survey to document the historical significance of individual buildings in San Jose's Japantown (included in Appendix E).[5] The study areas for Carey & Co.'s research, San Jose Japantown, consists of all of the properties between North 1st and North 10th Streets to the west and east and Taylor and Empire Streets to the north and south. Within this area, there are 86 resources that are significant for their role in the city's Japanese-American history, for their connection to historically important people, and/or for their architectural distinction. These 86 resources appear eligible for listing in the ~~As a group they appear eligible for a listing as a~~ NRHP and CRHR as a historic district, ~~and/or a Traditional Cultural Property~~ as well as a City of San Jose historic district. The district may also be eligible for listing as a Traditional Cultural Property. Additionally, certain contributors to the NRHP/CRHR-eligible San Jose Japantown Historic District ~~other special resources~~ may be individually significant and eligible for official designation as San Jose landmarks and/or separate listing in the NRHP and CRHR.

Page 262 of the Draft EIR is revised as follows:

Building 10 – 625 North 6th Street (APN 249-39-022). This two-story commercial building is rectangular in plan, has a gable roof clad in asphalt shingles, and is clad in horizontal wood siding with brick veneer present at the facade on the first floor. The building is in good condition. Records at the Santa Clara County Assessor show that the building was originally constructed in 1889, with alterations made in 1920 and 1950. This building is the oldest surviving structure in Japantown and its architecture is highly distinctive and rare in the city of San Jose. It housed for decades a Chinese restaurant that served as an important social center for both the local Chinese and Japanese communities. This building scored 100.72 on the City of San Jose Historic Evaluation Sheet,

[5] Carey & Company, 2006. *San Jose Japantown Historic Context and Survey Phase II, San Jose, California.* October 10, 2006. Carey & Company, San Francisco, California.

confirming the building's City Landmark status. It is also considered individually eligible for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 262 to 263 of the Draft EIR is revised as follows:

Building 13 – 651 North 6th Street (APN 249-39-016). This two-story religious building is rectangular in plan, has a flat roof, is made of poured concrete, and is clad in stucco. The building is in excellent condition, and San Jose permits show that it was constructed in 1955. It stands out on this block as the most stylized example of modern architecture in the post-war period. A church founded by the African-American community in the postwar period, it stands as a reflection of the mass migration of African-Americans to California during WW II and their tendency to settle in largely abandoned Japantowns. This building scored a total of 80 points by Carey & Co. on the City of San Jose Historical Evaluation Sheet, which appears to make it eligible as a Candidate City Landmark. Because of the building's relationship to the history of African-Americans in San Jose, it is also considered an individual candidate for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 263 of the Draft EIR is revised as follows:

Building 16 – 665 North 6th Street (APN 249-39-012). This two-story commercial building is rectangular in plan, has a flat roof, and is clad in brick. Apart from some broken windows and faded signs, the building is in good condition. San Jose building permits show that it was constructed in 1929. The building is the second oldest structure on the street and, apart from the Japanese internment period of World War II, it has always been owned and occupied by people in the Japanese community. Its brick architecture is unique on this street and unusual for the city of San Jose more generally. A score of 93.66 on the City of San Jose Historic Evaluation Sheet suggests that this structure qualifies as a Candidate City Landmark. Due to its historical association and architectural merits, this building is considered an individual candidate for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 271 of the Draft EIR is revised as follows:

b. Less-than-Significant Cultural Resource Impacts. The following provides a discussion of the less-than-significant cultural resource impacts of the proposed project.

No official action has been taken to designate the Japantown area as a TCP. However, Japantown has an established and long standing role in the maintenance of the customs, traditions, and values of the Japanese-American community in the United States as one of only three remaining Japantowns left in

the entire country. ~~in San Jose.~~ As such, events are frequently held to celebrate the history and cultural significance of Japantown, and such events are integral to maintaining the associative value of the buildings that comprise the NRHP/CRHR-eligible San Jose Japantown Historic District. Some of the major events, ongoing activities, and organizations in Japantown include:

Page 272 of the Draft EIR is revised as follows:

The project would introduce new land uses in and adjacent to the NRHP/CRHR-eligible San Jose Japantown Historic District that have not existed in those locations for over 50 years. This new land use would change the immediate architectural setting of a portion of Japantown. The project would not, however, result in a diminishment of those qualities that may qualify the NRHP/CRHR-eligible San Jose Japantown Historic District as a TCP. Those community events, activities, and traditions that make Japantown special would persist and, in fact, be complemented by the project.

Page 277 to 278 of the Draft EIR is revised as follows:

Impact CULT-3: New construction may result in significant impacts to the integrity of setting and feeling of the NRHP/CRHR-eligible San Jose Japantown Historic District. (S)

Redevelopment of the Corporation Yard site entails construction of approximately four buildings ranging in height from six to 14 stories. As shown, on Figure V.I-2, these buildings would be markedly taller than the nine existing structures across North 6th Street, although the intent is for the buildings to be stepped back from the street. Presumably, they will also be of markedly different design. Implementation of the Corporation Yard portion of the project may have a significant adverse impact on the integrity of setting and feeling of the nine contributors to the NRHP/CRHR-eligible San Jose Japantown Historic District along North 6th Street. Redevelopment of the City parking lot site would also change the immediate setting of the ~~San Jose Japantown Historic D~~district; however, this change would not result in a significant impact in and of itself because the existing six-story apartment building at the corner of East Taylor and North 6th streets has already altered the setting of adjoining parcels in the same block.

Page 281 of the Draft EIR is revised as follows:

Mitigation Measure CULT-3b: The proposed project shall employ setbacks and horizontal facade elements to reflect the scale of the NRHP/CRHR-eligible San Jose Japantown Historic District along the following portions of North 6th Street: (1) that portion of the project area directly across from Buildings 8 through 12 (i.e., the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site). This mitigation measure shall not be construed to require specific building materials or design elements.

Maximum building heights fronting North 6th Street in proximity to Buildings 8 through 12 and Building 16 shall be mid-rise in order to be compatible with the mid-rise scale of the greater Japantown area and the low-rise scale of the identified NRHP/CRHR-eligible San Jose Japantown Historic District. Proposed buildings on the Corporation Yard site directly across North 6th Street from Buildings 8 through 12, along with the proposed structure immediately adjacent to Building 16 on the City parking lot site, shall incorporate horizontal facade elements to distinguish the first story or two from the stories above. The third through sixth stories on buildings proposed across North 6th Street from Buildings 8 through 12 shall be set back substantially (10 to 15 feet) from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North 6th Street.

Page 282 of the Draft EIR is revised as follows:

Implementing Mitigation Measures CULT-3a and -3b would reduce the project's impact to the NRHP/CRHR-eligible San Jose Japantown Historic District's integrity of setting and feeling to a less-than-significant level. This reduction would be achieved by designing new construction that is sympathetic to the district's existing architectural context and historical qualities, and ensuring the implementation of such designs through public input and a City review and approval process. (LTS)

Impact CULT-4: New construction may result in significant impacts to the integrity of design, materials, and workmanship of the NRHP/CRHR-eligible San Jose Japantown Historic District. (S)

Page 283 of the Draft EIR is revised as follows:

Mitigation Measure CULT-4a: Should the implementation of Mitigation Measure NOI-2a and -2b demonstrate that construction-related vibration levels may be in excess of the damage threshold, a qualified geologist or other professional with expertise in ground vibration and its effect on existing structures shall determine the likelihood that such vibration would damage any of the contributing buildings of the NRHP/CRHR-eligible San Jose Japantown Historic District (Building 16 in particular). If such damage is likely, the qualified professional shall develop specifications regarding the restriction and monitoring of construction activities that shall be incorporated into the contract. Project modifications recommended by the qualified professional shall be made prior to project construction to reduce vibrations to below damage threshold levels.

Construction-related vibration levels in the vicinity of Buildings 8-16 shall be monitored during initial construction. If construction-related vibration exceeds threshold levels, then, prior to the commencement of construction within 50 feet of any of the NRHP/CRHR-eligible San Jose Japantown Historic District

contributing buildings (including development of the lot adjacent to Building 16 and subsurface utility construction in North 6th Street), an architect specializing in historic architecture[6] and a registered structural engineer[7] shall undertake an existing condition study of those contributing buildings at risk (in particular, Building 16). The purpose of the study would be to establish the baseline condition of at-risk buildings, prior to construction that may exceed vibration thresholds, by identifying the location and extent of any visible exterior surface cracks, spalls, or structural deficiencies. The documentation shall consist of written descriptions and photographs, and shall specifically address those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register and the local register. The documentation would be reviewed and approved by the City of San Jose's Historic Preservation Officer.

Page 284 of the Draft EIR is revised as follows:

If vibration impact assessments required by Mitigation Measures NOI-2a and 2b determine that vibration impacts to contributory buildings would be in excess of 96 VdB, then implementing Mitigation Measures CULT-4a and -4b would reduce the project's impacts to the NRHP/CRHR-eligible San Jose Japantown Historic District's integrity of design, materials, and workmanship to a less-than-significant level. This reduction would be achieved by taking feasible steps to identify, prevent, or repair project-related damage to the contributing buildings of the NRHP/CRHR-eligible San Jose Japantown Historic District. (LTS)

B1-4: The Kogura Store Annex at 605 North 6th Street (identified in the Draft EIR as Building 8) is discussed on page 258 of the Draft EIR. As indicated in the Draft EIR, this building received an overall rating of 67.62 in the City of San Jose Evaluation Sheet, suggesting that it may qualify as a City landmark. Building 8 is not identified as a building of particular concern under Mitigation Measure CULT-4a, however, because Building 8 is not located within 50 feet of heavy construction equipment in full operation, the distance at which typical groundborne vibration levels from such equipment range up to approximately 94 VdB. This is below the 96 VdB damage threshold for historic or fragile buildings. Unlike Building 8, because groundborne vibration-producing construction-related activities could occur as close as within 10 feet of Building 16 during redevelopment of the City surface parking lot, Building 16 is specifically identified as a building of concern in Mitigation Measure CULT-4a. See also Response to Comment B1-1.

[6] The architect shall meet the qualifications for historic architecture contained in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards* (36 CFR Part 61, Appendix A).

[7] The structural engineer shall have a minimum of five years of experience in the rehabilitation and restoration of historic buildings.

B1-5: The decision when to build the community amenity will be made through the Parks Master Plan Process administered by the City of San Jose Department of Parks, Recreation and Neighborhood Services. The community's desire is acknowledged to (1) set aside $7.4 million for the community amenity, and (2) construct the community amenity during Phases I and II of the project. This comment does not address the adequacy of the Draft EIR; no further response is required.

B1-6: The comment notes that 85 (12 percent) of the proposed 685 residential units would be affordable units for seniors. All of these affordable units would be located on the City surface parking lot site. Pursuant to State of California Redevelopment Law, the City of San Jose has adopted an inclusionary housing policy which requires projects in redevelopment areas to include 20 percent affordable units or payment of in-lieu fees. The project applicant will comply with this City policy, likely providing a combination of affordable units and payment of fees.

The comment also expresses a desire for other affordable senior housing to be built in the Japantown area. The above-mentioned inclusionary housing policy does not require new affordable housing to be intended specifically for seniors. This comment does not address the adequacy of the Draft EIR; therefore no further response is required.

B1-7: Construction staging areas will be identified as part of the building permit applications. To limit temporary impacts on surrounding roadways, construction staging will utilize the project site to the extent feasible, including the site area planned for the plaza and community amenity space. This comment does not address the adequacy of the Draft EIR, no further response is required.

B1-8: Please refer to Response to Comment B1-1 regarding potential vibration impacts to the structure at 605 North 6th Street.

B1-9: During background archival research, an 1891 Sanborn Fire Insurance map was obtained that identified the building in question as a “Chinese Theatre (closed).” It is not unusual for a building or structure to have several successive business or residential occupants who refer to the property under different names, which over time replace the earlier names as a community referent. Hence, an earlier building that served as a theatre could later lose that association and identifier as it was put to a different use.

B1-10: The land use history of the project area in which impacts may occur was extensively researched by the ASC (September 2007). The scope of the research included a detailed historic context in which to evaluate the historical significance of potentially occurring archaeological remains. Please see the ASC report for a more extensive discussion of the history of the project area and potential archaeological deposits. The report is included as Appendix B to this

First Amendment document and is available for review at the City of San Jose Department of Building, Planning and Code Enforcement.

B1-11: The ASC report addresses the early history of Japantown. The Draft EIR summarizes the background material contained in the ASC report. Please see the ASC report, included as Appendix B, for a more extensive discussion.

B1-12: The ASC report addresses the types of historical archaeological deposits that may be encountered during test excavations. Table V.I-4 of the Draft EIR presents the types of historic-period archaeological deposits/features that could be expected in the project area, and a land use overview for the project area is presented in the section on Historic-Era Archaeological Sensitivity. The Draft EIR summarizes the background material contained in the ASC report. Please see that report, which is included as Appendix B to this First Amendment document and is available for review at the City of San Jose Department of Building, Planning and Code Enforcement, for an expanded discussion.

B1-13: Table V.I-4 was updated to include the examples provided in the comment, with the exception of the sake factory. This is subsumed under the general category of "factory" already identified in Table V.I-4.

Table V.I-4 on page 257 of the Draft EIR is revised as follows:

Table V.I-4: Historic-era Archaeological Property Types

Property Type Category	Property Type
Industrial (e.g, factory, workshop)	Industrial building foundation/remains Industrial process remains Raw material, by-product or waste accumulation
Service/Mercantile/ (e.g., hotel, boardinghouse, general store, laundry, butcher shop, bathhouse, herbal shop)	Commercial building foundation/remains Sheet artifact concentration Specialized activity feature (e.g., boiler base, roasting oven) Artifact or by-product cache
Social (e.g., temple, theatre, family/social organization office)	Social building foundation/remains Sheet artifact concentration Specialized activity feature
Residential (e.g., house, tenement)	Private residential building foundation/remains Sheet artifact concentration Artifact cache Activity area, yard, garden
Infrastructure/public space (e.g., protective structures, open space)	Fence, guard station Sheet artifact concentration Artifact cache Specialized activity feature or area

Source: Anthropological Studies Center at Sonoma State University. 2007

B1-14: A statement reiterating the Japantown Community Congress of San Jose's preference that archaeological artifacts be curated at a local historical organization has been included in the Community Contacts section.

Page 256 of the Draft EIR has been revised as follows:

Community Contacts. A meeting was held between representatives of the City of San Jose Redevelopment Agency, project archaeologists, Connie Young Yu (San Jose Chinese Historical and Cultural Project) Rod Lum (Japantown Community Congress of San Jose and San Jose Chinese Historical and Cultural Project), and Steve Fugita (Japanese American Museum of San Jose) on July 17, 2007. This meeting included discussions of the planned approach to the investigation and treatment of archaeological resources during the project. The community representatives emphasized the great cultural sensitivity of the project area to the San Jose Chinese-American and Japanese-American communities, and their desire for the respectful treatment of associated archaeological remains and for continued community involvement in the project area's development. A memorandum from the Japantown Community Congress presented at the meeting contains the organizations' priorities for the project area:

> Our goals are that the archaeological features be properly recovered and that discovered artifacts be made available for curation and display. Furthermore, any information and conclusions from work on this site shall be made available to scholars, historical/cultural organizations, and the public to further elaborate upon the story of the Chinese-and Japanese-Americans in this area.

In a public review comment letter dated March 10, 2008, the Japantown Community Congress of San Jose reiterated their preference that artifacts that are recovered during excavation be considered for curation at local community repositories. Examples of such repositories, as noted in the letter, include the Chinese Historical and Cultural Project, Japanese American Museum of San Jose, and History San Jose.

B1-15: The Draft EIR has been revised to include the following additional cultural institutions and events: San Jose Taiko; Yu-Ai Kai; and the Issei Memorial Building. The text has also been revised to recognize Wesley United Methodist Church as the organizer of Aki Matsuri.

Page 271 of the Draft EIR has been revised as follows:

- *Nikkei Matsuri*, the annual spring Japantown arts and crafts festival featuring artists, ethnic foods, craft demonstrations, dancing, and music;
- *Obon/Bazaar*, the annual festival affiliated with San Jose Buddhist Church Betsuin featuring ethnic foods, cultural exhibits, and demonstrations;
- *Aki Matsuri*, the annual fall Japantown arts and crafts festival organized by the Wesley United Methodist Church;

- *Spirit of Japantown Festival*, an October festival organized by the Japantown Community Congress of San Jose, which uses festival profits to support the historical and cultural preservation of Japantown;
- *Contemporary Asian Theater Scene,* a local non-profit dedicated to presenting Asian Pacific American arts in Silicon Valley;
- *San Jose Taiko*, a community based Taiko drumming group;
- *Yu-Ai Kai*; a Japanese American Community Senior Service;
- *Issei Memorial Building*; a former hospital that currently serves as the home of the San Jose chapter of the Japanese American Citizens League and the Contemporary Asian Theater Scene; and
- *Certified Farmers' Market*, open every Sunday.

B1-16: Page 271 of the Draft EIR has been revised according to the comment's request. Please refer to revisions to Page 271 of the Draft EIR above in response to comment B1-3.

B1-17: The ASC report (pages 37 to 44) provides an overview of the history of the Japanese American community in San Jose, especially at it pertains to the historical development of Japantown. The report is included as Appendix B of this First Amendment document and is available for review at the City of San Jose Department of Building, Planning and Code Enforcement.

B1-18: The project will be required to conform to the City's Undergrounding Ordinance which means that the project will either underground the utilities along the project frontage or contribute to the In Lieu Undergrounding fee. This specifically applies to PG&E utilities but the developer typically includes other utilities in the process of undergrounding since it is aesthetically preferable.

B1-19: As described on page 335 and 336 of the Draft EIR, the San Jose Police Department and San Jose Fire Department have indicated that they would not need new police or fire stations to serve the proposed project. The City would allocate funding via the City's standard budget review process to the SJPD or SJFD should additional police officers or firefighters, vehicles, or other safety and communications equipment subsequently turn out to be needed to meet fire or police service delivery goals to the project area.

B1-20: This comment does not address the adequacy of the Draft EIR and will be considered by the City Council as it considers the project and the future Park Master Plan for the open space; no further response is required.

Letter
B2

March 10, 2008

Ron Eddow
City of San Jose
Planning Department – Attn: Akoni
San Jose, CA 95110

Fax: 408 292-6055

Re: Japantown Corporation Yard Redevelopment Project

To Whom It May Concern:
As President of the Japantown Neighborhood Association (JNA), this letter represents comments and feedback of the community relating to the Environmental Impact Report, State Clearing house No. 2007102015, File No. PDC07-073 & GP07-03-04. Overall the biggest area of concerns are traffic, density, visual resources and utility infrastructure as it relates to safety, pollution, intregirity of the setting and feeling of the San Jose Japantown Historic District and surrounding Japantown Neighborhoods. 1

In general, the Mitigation Measures as submitted for the identified Environmental Impacts are not acceptable to the Japantown community. The proposed project does not Advance the goals of the Jackson-Taylor Residential Strategy because the proposed development is at a scale and density that ignores the existing setting and feeling, but indeed meets the city's need to recoup dollars spent on relocating an outdated and inefficient operation at their facility in Japantown. This density proposed for this development will only bring more traffic and pollution – a significant impact identified in the EIR and contrary to creating a pedestrian-friendly neighborhood. 2 3 4

The following are the comments and questions relating to the EIR and are to be resolved prior to the EIR being approved.

Page 101 Setting a) Scope of Study: Why were the following intersections not included in the study? At current peak hours these intersections are clearly already negatively impacted and would be rated as follows and some the impact is unknown. The intersections noted with TBD should be included in this study 5

- 5th and Taylor - F
- 5th and Mission - TBD
- 5th and Jackson - TBD
- 6th and Taylor - E
- 6th and Jackson - TBD
- 6th and Mission - TBD
- 7th and Jackson - TBD
- 7th and Mission – TBD

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Page 103 Analysis Scenarios: There are several other projects that are being planned to be built in the immediate community. None of the scenarios contemplate approved unbuilt projects and future developments. These projects need to be included. **6**

Page 120 (3) Background Intersection Level of Service Conditions: This states that North 1st Street and Taylor Street are rated an F at the PM peak period. This is a correct statement but it is also an F at the AM peak period. It is the communities feeling that 1st, 3rd, 4th, 5th and Taylor are rated F as the AM and PM peak period and recommend that the city review their study. **7**

Page 120 (4) Signal Warrant Analysis: We believe that the study to determine if a signal is warranted at 6th and Taylor to be incorrect given the back up that already occurs from 7th to 1st on Taylor. This analysis does not appropriately address how and where approx. 1500 residents will exit from their residents or return in the evening. **8**

Page 124 Project Trip Generation: We do not agree that the analysis uses the best judgment and reasoning to apply the 25% retail pass-by reduction. Who come up with the observation that such retail traffic is not actually generated by the retail development when it is not known how much actual retail will be built and what type. **9**

In addition, we question the math and logic in determining the project would generate 5,010 net new daily trips, with 434 during AM peak hours and 509 during PM peak hour given the development will have over 600 units with multiple residents in each unit that will probably both work. These numbers need to be validated and be realistic. **10**

Page 131 Table V.C-6 Project Trip Generation: Project trip generation was based on 15,000 square feet of retail. There should be another table and figures calculated using 30,000 square feet of retail in order to determine how the differing amount of retail will effect the numbers. **11**

Page 133 Protect Intersection Impact: The JNA requires that the City present and obtain approval from the community on all specific improvements before the community will support the current density and size of the development. The community does not believe that the $1,527,000 is adequate to cover the cost of improvements for several reasons and the 3.5% annual increase is not sufficient. The annual increase should be some defined index that reflects reality and not some predetermined number that appears to be arbitrary. It takes years for the city to begin and complete improvement projects and by the time they are completed the project cost 3 times what it did when the funds were identified. JNA believes that the City must ensure all funds are adjusted for inflation until the projects are completed. In addition, the 509 PM peak hour trips the community feels is not accurate and that number should be higher. In addition, any improvements presented to the community must include the benefit to the community and impact it has. **12**

Page 138 Park Supply Analysis: Given the recent development in the community using the City formula for parking, the 934 spaces being called out in the EIR is grossly **13**

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inadequate to serve the development and will impact the adjacent housing and community. There is already a problem of on street parking in the community with the recent developments. It was disappointing that this report did not highlight the current issues of residential parking on the streets as it is a safety issue and quality of neighborhood issue. It is also disappointing that when this development was originally discussed, 1.8 spaces per unit were being called out as a minimum. What is the impact on property values of a lot of street parking? I do not see it in Los Gatos or Saratoga. **13**

Page 139 Affordable Senior Housing Site Parking Requirements: It is not understood why the City is allowing the development to under build parking. We do not support this. The project should include at a minimum 77 parking spaces. There needs to be a clearer reason for the City to recommend 43. **14**

Page 157 c. Air Quality Issues: As stated in the EIR, local air quality is most effected by CO emissions from motor vehicles. By building such a high density in the community and not having sufficient alternative transportation close by or a bicycle friendly environment, cars will be the primary means of transportation adding to the already poor air quality in our community due to the airport. It was also concerning that there was not mention of the impact of the airport pollution on the community. In addition, our community is surrounded by freeways which during peak hours must have some impact on the community as well. Page 170 clearly states that this development would clause the community to be above the BAAQMD pollution thresholds. The remediation steps defined are inadequate and not realistic means for taking cars off the streets. **15**

In conclusion, the community feels this development is going to have multiple significant negative impacts as identified in the report with one example being the pollution impact exceeding Bay Area Quality Management thresholds and density that does not fit into the nature of the existing community. High rise density should be along the light rail or downtown, even the existing and proposed developments along 1st Street between Taylor and Mission do not exceed 10 stories. **16** We would like the Architectural Review Committee to review this project again with the community present and for the community to have the ability to ask the ARC specific questions related to the "right size" density for this location. **17** We look forward to working with the City and other community groups to ensure that the development meets a majority of everyone's needs and expectations.

Regards,

William Lambson

Digitally signed by William Lambson
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William Lambson
Resident and President JNA
785 N. 5th Street
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COMMENTER B2
Japantown Neighborhood Association
William Lambson, Resident and President
March 10, 2008

B2-1: This is an introductory comment. The responses below address all of the concerns listed in this comment, with the exception of utility infrastructure. There is no further mention of utility infrastructure in the remainder of the comment letter. The Draft EIR found that the proposed project would have less-than-significant impacts on most utilities and infrastructure (i.e. water supply, water infrastructure, wastewater treatment, solid waste, natural gas, telecommunications, and cable television services), though it could exceed the capacity of some sewer lines in the immediate vicinity of the project site. This would constitute a significant impact on the physical environment. Implementation of Mitigation Measure UTIL-1 (page 327 of the Draft EIR) would reduce this impact to a less-than-significant level.

B2-2: As noted beginning on page 49 of the Draft EIR, the Corporation Yard site is within the Jackson-Taylor Planned Residential Community (Jackson-Taylor PRC), which was established by the General Plan to increase high density housing opportunities and support mixed-use in the central area of the City and in close proximity to transit. As described on page 55 of the Draft EIR, the Jackson-Taylor PRC is based on the Jackson-Taylor Residential Strategy, which provides policy direction for the review of rezoning and development permit applications within the Jackson-Taylor PRC. Under the existing Jackson-Taylor Residential Strategy, the Corporation Yard site is designated Mixed Use. The Jackson-Taylor Residential Strategy contains similar development caps as those identified in the General Plan for the Jackson-Taylor PRC.

The proposed project's consistency with the Residential Strategy is described beginning on page 73 of the Draft EIR. The proposed project includes amendments to the Jackson-Taylor Residential Strategy. Among other things, these amendments include higher allowable residential density and new height limits on the Corporation Yard site. As noted on page 58 of the Draft EIR, the City of San Jose may use the EIR to inform their approval or denial of the request for the amendments to the Residential Strategy.

B2-3: The proposed project would include amendments to both the San Jose 2020 General Plan and the Jackson-Taylor Residential Strategy in order to accommodate the proposed buildings on the Corporation Yard site. As described on page 48 of the Draft EIR, the buildings on the Corporation Yard site would be stepped down from tower heights (6 to 14 stories) to 2 stories on 6th Street across from the proposed NRHR/CRHR eligible San Jose Japantown Historic District. Buildings would be designed to reflect those in the vicinity creating a streetscape consistent with the existing 3 to 6 story experience.

The proposed project's potential impacts on visual resources are analyzed in Section V.K. Visual Resources, beginning on page 297 of the Draft EIR. The significance criteria for visual resources can be found on page 306 of the Draft EIR. Implementation of the proposed project would have a significant impact on visual and aesthetic quality if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Substantially damage a scenic resource, including but not limited to, trees and historic buildings;
- Result in the substantial disruption or blocking of existing views or public opportunities to view scenic resources; or
- Introduce new development which would substantially detract from the integrity, character, and/or aesthetic environment of a neighborhood.

The analysis on pages 306 to 309 of the Draft EIR concludes that the project would not disrupt existing scenic vistas, degrade the existing visual character of the project site, or detract from the integrity of the Japantown neighborhood as a whole. Although the proposed project would be taller and denser than any other development in the vicinity, its design would intend to minimize building mass of the taller buildings through a shift in massing, materials, color, and fenestration (building openings). Architectural and site design would be compatible with surrounding development, which represents the character and history of the Japantown community.

The visual resources analysis concludes that the proposed project would have two significant visual resources impacts. Impact VIS-1 concludes that development of the proposed project would substantially alter the existing visual character and context of the City Landmarks and Structures of Merit located across North 6th Street, directly across from the Corporation Yard site. However, implementation of Mitigation Measures CULT-3a and 3b would reduce the project's impacts to the San Jose Japantown Historic District's integrity of setting and feeling to a less-than-significant level. These mitigation measures would require design that is sympathetic to the district's existing architectural context and historical qualities. In addition, Impact VIS-2 determines that the removal of all ordinance sized trees from the project site would substantially damage scenic resources. However, Mitigation Measure VIS-2, which would require implementation of landscaping plans approved by the City of San Jose, would reduce this impact to a less-than-significant level.

B2-4: The proposed project's potential impact on traffic is analyzed in Section V.C. Transportation, Circulation and Parking, beginning on page 101 of the Draft EIR. Although the project would result in significant unavoidable impacts to levels of service (LOS) at four intersections, it would not have a significant adverse

impact on pedestrian safety. The analysis on page 140 of the Draft EIR concludes that the sidewalks within the study area have good connectivity. The extensive network of sidewalks within the study area would provide residents with a safe connection between the project site and the other surrounding land uses in the area. The need for the sidewalk and curb to be improved along the north side of Jackson Street at its intersection with North 7th Street adjacent to the rail crossing will be evaluated in detail at the PD Permit stage. The proposed project's potential impact on pollution is analyzed in Section V.D. Air Quality, beginning on page 151 of the Draft EIR.

B2-5: Of the eight intersections listed, one is signalized (North 5th Street/Taylor Street) and seven are unsignalized. The City of San Jose does not have a level of service standard for unsignalized intersections. As noted on page 104 of the Draft EIR, the City typically requires a signal warrant check at selected unsignalized intersection locations where the project would add a significant amount of traffic or where signalization potentially could be warranted. For this project, the City of San Jose determined that a signal warrant check was only needed at the intersection of North 6th Street and Taylor Street. The analysis revealed that the peak hour volume warrant would not be satisfied at this unsignalized intersection based on AM and PM peak hour project traffic volumes. Existing conditions at the other unsignalized intersections are such that signalization would not be considered. Furthermore, the Level-of-Service of any intersection, signalized or non-signalized is measured by the application of TRAFFIX, the industry standard software adopted by the VTA's Congestion Management Program for measuring how well an intersection functions. The seven non-signalized intersections listed in the comment surrounding the project are overwhelmingly LOS A or B due the volume of traffic currently using the Japantown streets. However, there are streets such as 10th, 11th, Taylor, Hedding, etc. that function as collectors or arterials and carry more traffic than a typical neighborhood street.

The one signalized intersection listed, North 5th Street and Taylor Street, is currently operating at LOS A, due mostly to the low traffic volumes on North 5th Street. Since the level of service at this intersection is LOS A, there would be no possibility of a significant impact and it was not included in the level of service analysis. The adjacent signalized intersection of North 4th Street and Taylor Street was analyzed for level of service (Study Intersection number 9; see Table V.C-3: Existing Intersection Level of Service Conditions on page 114 of the Draft EIR). The existing LOS at North 4th Street and Taylor Street is LOS C. With implementation of the proposed project, this intersection would continue to operate at LOS C.

B2-6: Background traffic volumes were estimated by adding to existing peak hour volumes the projected volumes from approved but not yet completed developments in the project area. The added traffic from approved but not yet completed developments was provided by the City of San Jose in the form of the Approved Trips Inventory (ATI). The projects on the ATI and associated trips are included in Appendix B of the TIA. The Cumulative Conditions Traffic

Analysis (beginning on page 148 of the Draft EIR) takes into account all future potential development and transportation improvements identified in the General Plan, including infrastructure that is not yet built and/or funded.

B2-7: As shown in Table V.C-5, Background Intersection Level of Service Conditions, the North 1st Street and Taylor Street intersection operates at LOS D under AM Peak Hour Existing and Background Condition (see page 121 of the Draft EIR). As shown in Table V.C-7, Project Intersection Level of Service, with implementation of the proposed project, the North 1st Street and Taylor Street intersection would operate at LOS D during the AM Peak Hour and LOS F during the PM Peak Hour (see page 132 of the Draft EIR).

The community's perception of unacceptable levels at other cited intersections are noted.

B2-8: As noted on page 120 of the Draft EIR, a peak hour signal warrant check (*MUTCD 2003 Edition*, Part 4, Warrant 3) was performed for the unsignalized study intersection of 6th Street and Taylor Street to determine whether signalization would be justified on the basis of background AM and PM peak hour traffic volumes. The analysis revealed that the peak hour volume warrant would not be satisfied at this intersection based on background AM or PM peak hour volumes. The signal warrant worksheet is included in Appendix B of the Draft EIR, the Traffic Impact Analysis (TIA) prepared by Hexagon Transportation Consultants. Signalizing this intersection would not improve vehicle queuing along Taylor Street, and could actually worsen vehicle queuing there.

The decision to install traffic signals in the City of San Jose is dependant on many factors in addition to the signal warrant study. Existing field conditions such as traffic signal spacing, pedestrian activity, and proximity to schools as well as volume of traffic are all determining factors. Construction of a traffic signal is both expensive to install and maintain. For all those reasons, the City attempts to predetermine where traffic signals are absolutely necessary. In evaluating the surrounding non-signalized intersections, this was the one location where installing a traffic signal might have been required. However, the result of the study concluded the signal was not warranted.

Access to structured parking areas on the Corporation Yard site would be provided by two new driveways located along North 7th Street. The Corporation Yard site would also include an east-west internal roadway through a portion of the site connecting North 7th Street and North 6th Street. Access to the surface parking site would be provided along North 6th Street. Project trip assignment is discussed on page 125 of the Draft EIR and distribution patterns are shown in Figure V.C-5. Figures V.C-6a and 6b show the trip assignments for the proposed project. Figures 10 through 14 in the TIA show the project trip assignment for each proposed land use.

B2-9: Several guidelines are available in order to determine the trip generation rates. These guidelines include the Institute of Transportation Engineers (ITE) Trip Generation Handbook, the Congestion Management Agency (CMP) rates, and the City of San Jose Traffic Impact Analysis guidelines. Based upon these guidelines, retail projects in San Jose are allowed a pass-by trip reduction of 25 percent as a way of representing actual driver behavior. Pass-by-trips are trips that would already be on the adjacent roadways (and are therefore already counted in the background traffic) but would turn into the site while passing by. Justification for applying the pass-by trip reduction is founded on the City observation that such retail traffic is not actually generated by the retail development, but is already part of the ambient traffic levels. Pass-by-trips are therefore excluded from the PM peak hour traffic projections.

B2-10: The trip generation rates used for the project were provided by the City of San Jose Department of Public Works and are contained in the *Interim Guidelines for Traffic Impact Analysis of Land Developments*, June 1994. The City of San Jose has studied trip generation rates for different types of development in San Jose. Based on their research, the City has produced a table of standard trip generation rates to be used in traffic studies. These rates are believed to accurately reflect the likely trip generation of different land use types.

B2-11: Due to unknown future market conditions, 30,000 square feet of ground-floor retail space may not be an economically viable choice for development on the project site. Therefore, as a variation on the proposed project, the project may include up to 15,000 square feet of retail space and up to 24 live/work units instead of 30,000 square feet of retail space. The appropriate use would be determined at the time that the final project development plans are filed with the City of San Jose. It should be emphasized that the 24 live/work units would generate slightly more AM peak hour traffic (17 trips) than the 15,000 square feet of retail space that it would replace, and would generate the same number of PM peak hour trips as 15,000 square feet of retail space. In order to present a reasonable worst-case traffic condition for the project scenario, the project traffic volumes presented in the TIA and Draft EIR are based on 15,000 square feet of retail space and 24 live/work units. If 30,000 square feet of retail space and no live/work units are proposed, then the project impacts would be slightly less than described herein, although not enough to avoid any significant impacts.

B2-12: The 3.5 percent cost escalation adjustment is based on a 20-year average construction cost factor. The adjustment will take effect annually on July 1st, and the project will pay the adjusted fee.

The commentor's interest in providing input into the nature and scope of the offsetting transportation improvements is noted. In fact, the process for determining what improvements will be built includes a public outreach meeting to discuss the possibilities and a follow-up public meeting to finalize the improvements to be included. These meetings would be scheduled during the Planned Development Permit process.

B2-13: As noted on page 139 of the Draft EIR, based on the City of San Jose standard parking rates and applicable parking reductions, the project should provide a total of 934 parking spaces for the Corporation yard redevelopment site, 869 of which should be provided for residents in the underground parking garages (assigned parking). A total of 934 parking spaces are being proposed; the project would satisfy the City code requirements and no safety impacts would result.

The comment regarding property values does not address environmental issues, and therefore no further response is required.

B2-14: As described on page 55 of the Draft EIR, the City parking lot site would provide a minimum of 0.5 parking space per senior unit, which is only three spaces less than the ITE recommended peak parking demand rate (which does not take into account affordability, which tends to result in lower auto ownership). As described on page 140 of the Draft EIR, the proposed parking supply on the affordable senior housing site would not result in any impact under CEQA.

B2-15: The Draft EIR evaluates the impacts from CO emissions and the project's contribution to CO hotspots. As indicated in Tables V.D-5, V.D-6 and V.D-7, the project would not significantly increase CO hotspots or cause CO levels to exceed State or federal CO standards. Existing ambient air quality in the vicinity of the project site is highlighted in Table V.D-4 of the Draft EIR. Air pollutant emissions are dispersed regionally and come from a variety of sources in addition to the airport. The airport is not considered a primary source of air pollution in San Jose. The project is located more than 1 mile from the closest freeway and, therefore, the freeway does not have a significant effect on air quality at the project site. Regional emissions have been identified in the Draft EIR as significant and unavoidable. The project applicant and the City are working to implement as many vehicle trip reduction measures as feasible. Please refer to Response to Comment A2-6.

B2-16: This comment does not address the adequacy of the Draft EIR; no further response is required.

B2-17: The community will have additional opportunities to comment on the density, height and other aspects of the project at public hearings on the proposed amendments to the General Plan and Jackson-Taylor Residential Strategy, and its proposed Planned Development Zoning.

The City's Enhanced High-Rise Design Review Process applies to any projects that propose buildings 100 feet or more in height throughout the City of San Jose. For the Japantown Corporation Yard Redevelopment Project, the Architectural Review Committee (ARC) meets with the project design team at two stages during the Enhanced High-Rise Design Review Process: first, at the Comprehensive Preliminary Review stage, and second, at the Planned

Development Permit stage. The ARC meetings provide an opportunity for the project design team to present the design concept to the ARC, and to receive feedback on the design and its consistency with the General Plan, Zoning regulations and applicable design guidelines. Members of the public may attend the ARC meetings, but do not make recommendations on a proposed design at the meeting.

The ARC met with the project's design team on October 16, 2007 during the Comprehensive Preliminary Review stage of the project. The ARC reviewed the project for consistency with the Residential Design Guidelines and the context of the surrounding neighborhood, and presented its comments to the design team during that meeting. The applicant has taken these comments into consideration in refining the project.

The ARC will meet again with the project's design team during the Planned Development Permit stage. During this stage of review, the ARC will evaluate the project for consistency with the General Plan, Jackson Taylor Residential Strategy, and Planned Development Zoning, as well as the surrounding land use context. Their evaluation will include a review of the project's architecture and urban design features, as well as its scale, massing, location, and composition of urban form.

Letter
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Preservation Action Council of San Jose

Dedicated to Preserving San Jose's Architectural Heritage

March 10, 2008

Dipa Chundar
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street, Tower 3
San Jose, CA 95113-1905

Subject: Draft Supplemental Environmental Impact Report
For the Japantown Corporation Yard Redevelopment Project
File No. PDC07-073 & GP07-03-04

First, the Preservation Action Council of San Jose's (PACSJ) primary concern is the retention and viability of historic Japantown, and in particular the historic commercial district on Jackson Street and North 6th Street. To that end, PACSJ's comments to the Japantown DEIR are as follows:

PACSJ's major concern regarding the development proposal for the Corporation Yard is that the project is too high and too dense. The existing General Plan restricts the height of buildings for this parcel of land to 65'. The proposed project, ranging in height from 6 to 14 stories, and possibly higher as reported in a recent article in the *Mercury News*, would increase the height for the majority of the project by twice the presently allowed height. The only Reduced Density Alternative identified in the DEIR reduced the footprint by 25%. Why weren't Reduced Density Alternatives developed that reduced the project by 50%, 75%? PACSJ is puzzled why the Diridon Area Alternative and the North 10th Street Alternative were even included in this DEIR. The site in question, the Corporation Yard, is the only site that should be considered in this DEIR. The surrounding new development in Japantown respects the General Plan and has not impacted the historic part of the area. It seems inconsistent and unfair to those earlier developers to change the rules this late in the game. They, too, could have realized additional profit from higher density projects. As the project is proposed, sections of the development would be as high as City Hall. This is not an appropriate height for a development in an area with a height limit of 65'. The project, as proposed, will loom over the commercial district and the surrounding development and especially the single family residences. This project reminds me of an Eichler development

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in the southeastern section of San Francisco that was built 40+ years ago: a huge tower sticking up in the middle of a residential area. The tower was eventually demolished. **Recommendation: Develop alternatives that only deviate marginally from the existing General Plan.** 4 cont. 5

PACSJ is very concerned about the impact of construction on the building at 665 N 6th Street. This building is a candidate city landmark and should not be put in harm's way during the construction of the senior housing project. Impact CULT – 4 recommends that if construction vibration becomes a problem to 665 N 6th Street work will be halted and a plan will be developed to lessen the impact on the historic building. To avoid the possible loss of this historic building, PACSJ would recommend that needed structural reinforcement to 665 N 6th Street take place before construction on the surface parking lot commences. **Recommendation: Structurally reinforce 665 N 6th Street before the start of construction of the senior housing on the surface parking lot on N 6th Street.** 6

It is suggested in the DEIR that Japantown would most likely be eligible to be considered for a Traditional Cultural Property designation. The DEIR does not make clear why the research and documentation was not done in order to accomplish this. From the criteria stated, it appears that Japantown could indeed be nominated to the National and California registers as a Traditional Cultural Property if additional research and documentation was undertaken. **Recommendation: PACSJ recommends that the necessary research and documentation be undertaken as part of this project to make Japantown a Traditional Cultural Property.** 7

The proposal includes 30,000 sq ft of retail space. PACSJ is concerned that introducing this amount of new retail space may have a negative impact on the existing Japantown commercial district. The most effective way of protecting our historic resources is keeping them in use. If the unseen impact of this project would be to create empty storefronts on Jackson Street as we now see on N 6th Street between Jackson and Taylor Streets, then alternatives for reduced retail should be evaluated. **Recommendation: An evaluation of the possible negative impact of an additional 30,000 sq ft of retail space on existing retail in the historic commercial Japantown should be undertaken.** 8

In conclusion, PACSJ would like to offer these comments. The proposed Japantown development on the former Corporation Yard is too tall and too dense, and deviates from the existing General Plan in an unacceptable manner. PACSJ understands the benefits the neighborhood may receive from this out-of-scale high density project, but there will be known and unknown consequences as a result of deviating from an established, well thought-out existing General Plan. Yes, the world, and San Jose, have changed since the 9

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adoption of the existing General Plan, but not so much so that good planning and good sense are no longer applicable.

We look forward to your responses to our comments.

Sincerely,

Judith Henderson
Chair, Advocacy Committee
Preservation Action Council*San Jose

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COMMENTER B3
Preservation Action Council of San Jose
Judith Henderson, Chair Advocacy Committee
March 10, 2008

B3-1: Please refer to Response to Comments B2-3.

B3-2: As noted in the introduction of Chapter VII. Alternatives (page 363 of the Draft EIR), according to *CEQA Guidelines* Section 15126.6, the EIR must identify a range of alternatives to the proposed project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. In addition, the alternatives analysis shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project. This governing principle for selecting alternatives to the proposed project is called the "rule of reason."

The comment questions why the Reduced Density Alternative does not reduce the proposed project's building footprint(s) by more than 25 percent – for instance, by 50 or 75 percent. As described on page 367 of the Draft EIR, the Reduced Density Alternative would reduce the proposed project's significant impact to the North 10th Street/Hedding Street intersection to a less-than-significant level (Even the smallest amount of development on the project site would result in a significant impact to the North 1st Street/Traylor Street and North 10th Street/Taylor Street intersections). In addition, a 25 percent reduction in building footprint(s) would reduce potential impacts to undisturbed archaeological resources and increase the size of the public park/plaza. The Reduced Density Alternative, as proposed, would achieve most of the project objectives and reduce a significant and unavoidable traffic impact to a less-than-significant level, but the potential for impacts on the visual character of cultural resources would be similar to or slightly less than the impacts from the proposed project. The same mitigation measure which would reduce the impacts of the proposed project to less-than-significant levels would also reduce the impacts of the Reduced Density alternative.

More notably, the Draft EIR also evaluated the Existing General Plan Alternative, which would develop the site in accordance with existing General Plan land use designations and result in a less dense project. Under this alternative, the maximum density on the Corporation Yard site would be 50 units/acre with a maximum height of 65 feet. The maximum residential density for the surface parking lot site would be 25 units/acre. Under this alternative the open space would be located on the south portion of the project site; Buildings 8 through 11 would be across North 6th Street from a proposed public open space.

The commenter questions the inclusion of the Diridon Area and North 10th Street Alternatives. *CEQA Guidelines* Section 15125.6(a) requires the lead agency to consider both alternatives to the project and alternative locations of the project that would achieve most of the basic project objectives and reduce its significant impacts. As described in Section 15124.6(f)(1), alternative locations should be proposed only if they would be feasible. The lead agency may consider such factors as site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, and jurisdictional boundaries when considering an alternative location's overall feasibility. The Draft EIR analyzed the above-mentioned off-site alternatives because the City determined that the Diridon Area and North 10th Street locations would be potentially feasible and reasonable locations, from a land use standpoint, for the proposed project, although they are not sites over which the applicant currently has control. The alternative locations serve to highlight the significant environmental effects that result from the project's particular setting and might be reduced were the project developed in an alternative location, as well as those significant effects that are unrelated to location and will remain significant regardless of where the project were developed.

B3-3: Please refer to Response to Comment B2-2 regarding the project's proposed amendments to the General Plan and Jackson-Taylor Residential Strategy. Earlier developers in the area - like all developers - also have had access to the General Plan amendment process and several sites within the Jackson-Taylor area have been the subject of General Plan Amendments. This comment addresses project approval decisions and as such does not address the adequacy of the Draft EIR; no further response is required.

B3-4: Please refer to Response to Comments B2-3, which explains how the massing of the project would incorporate mitigation to be compatible with the scale of the adjacent historic streetscape. The proposed new construction would not exceed 175 feet, and therefore would not be as tall as City Hall (285 feet) as suggested in the comment.

B3-5: Development of the project site in accordance with existing General Plan standards is included as the Existing General Plan alternative, analyzed beginning on page 370 of the Draft EIR. Under this alternative, the maximum density on the Corporation Yard site would be 50 units/acre and would have a maximum height of 65 feet. The southerly portion of the site would be improved with an approximately one acre park. The ground-floor of the building(s) on the both the northern and southern portions of the site would have up to 50,000 square feet of neighborhood-serving retail in total. The four stories above the ground floor could provide 210 market-rate housing units, 52 affordable senior-housing units, and 80,000 square feet of office use. Parking on the Corporation Yard site would be underground. The surface parking lot site would be developed with 14 market rate housing units.

As described above in Response to Comment B3-2, according to *CEQA Guidelines* Section 15126.6, the EIR must identify a range of alternatives to the proposed project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. CEQA Guidelines 15126.6 also suggests that the scope of reasonable alternatives may depend upon site, suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can reasonably acquire, control or otherwise have access to the alternative site. Moreover, the alternatives evaluated in an EIR must be a "reasonable range of alternatives." An EIR is not required to analyze every conceivable alternative that could be analyzed.

The Draft EIR evaluated five alternatives to the proposed project: (1) No Development Alternative; (2) Existing General Plan Alternative; (3) Reduced Density Alternative; (4) Diridon Area Alternative; and (5) North 10th Street Alternative. This was a reasonable range of alternatives in light of site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control or otherwise have access to the alternative site. An additional alternative that only deviated marginally from the existing General Plan is not necessary in light of this range of alternatives. The visual impacts from such an alternative would not be measurably different than the Existing General Plan and Reduced Density Alternatives that would bracket this alternative.

B3-6: Please refer to Response to Comment A7-5.

B3-7: The City of San Jose considered the nomination of Japantown to the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) as a Traditional Cultural Property (TCP). A TCP is a property (district, building, site, structure, or object) that is eligible for inclusion in the NRHP and/or the CRHR because of its association with cultural practices or beliefs of a living community that (1) are rooted in that community's history; and (2) are important in maintaining the continuing cultural identity of the community.[8]

The City elected to pursue documentation of Japantown as a historic district based on its significant historical associations and architectural distinction. In terms of CEQA review and the assessment of potential impacts, the NRHP and CRHR-eligible San Jose Japantown Historic District currently possesses the same regulatory status as if it were also nominated to, and listed in, the NRHP and CRHR on the merits of its status as a TCP.

[8] King, Thomas F., and Patricia Parker, 1990. *Guidelines for Evaluating and Documenting Traditional Cultural Properties.* National Park Service, Revised 1992 and 1998. Department of the Interior, Washington, D.C.

Potentially significant impacts to the NRHP and CRHR-eligible San Jose Japantown Historic District were addressed in the Draft EIR. The nomination of the San Jose Japantown Historic District as a TCP is not proposed as part of, nor precluded by, the proposed project, and is not germane to the assessment of impacts in this Draft EIR. Nomination may occur at some point in the future, but the district's regulatory status, and the consideration of potential impacts to the district that may occur, is procedurally equivalent to what it would be if such nomination were undertaken and listing achieved. Therefore, the issue of whether the NRHP and CRHR-eligible San Jose Japantown Historic District should be nominated to the NRHP and CRHR as a TCP is not relevant to an assessment of potentially significant impacts to the district under CEQA.

B3-8: Recent California Courts of Appeal cases, including *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) and *Anderson First Coalition v. City of Anderson* (2005), have encouraged many lead agencies to evaluate, in EIRs, the effects of large retail projects (typically big box retail stores) on existing commercial land uses or districts. The issue is one of whether the introduction of a new commercial outlet (a proposed project) could lead to diminished sales or even closure of existing commercial outlets, with potential adverse physical impacts as an indirect result. The term used by the courts to describe such impacts is "urban decay." In *Bakersfield*, the Court stated that a proposed new shopping center does not trigger the presumption that urban decay would occur as a result of the closure of local businesses; rather, when reasonable evidence is introduced that a project will result in urban decay, the lead agency must evaluate the potential for decay. Prior to *Bakersfield*, blight (the term often used to describe such outcomes) was seldom evaluated in enough detail as to be considered a physical environmental impact. *Anderson First Coalition* clarified the Bakersfield case by holding that an agency's decision regarding potential urban decay impacts may be supported when an agency prepares an economic analysis as part of an EIR and then uses that analysis to consider urban decay.

In this case, no reasonable evidence has been introduced that the proposed 30,000 square feet of retail space that would be developed as part of the project (or 16,000 square feet of retail, depending on market conditions) would cause a ripple of store closures and long-term vacancies in the Japantown area or surrounding areas in San Jose, and would result in urban decay. It is anticipated that the additional commercial space that would be developed as part of the project would be largely local-serving, would complement existing retail uses in Japantown, and would strengthen the neighborhood as a retail center.

Second, the proposed project is expected to counteract the forces that cause traditional blight. The project would result in the remediation of contamination within an old industrial site and the development of mixed uses, including housing, commercial uses, and park space. These mixed uses are anticipated to introduce economic vitality and a permanent residential population to the neighborhood. Implementation of the proposed project would ensure the site

would not remain vacant and blighted and would not result in indirect urban decay.

B3-9: Please refer to Response to Comments B2-3 and B2-2.

The comment addresses project approval decisions and also refers to "known and unknown consequences" that would from "deviating from an established, well thought-out existing General Plan." As described in Section 15002 of the *CEQA Guidelines*, the EIR is intended to identify ways to avoid or significantly reduce a project's damage to the environment. The EIR addresses the proposed project's (including the General Plan Amendment's) potential impacts on all topic areas required under CEQA.

C. INDIVIDUALS

Letter
C1

ROEM CORPORATION

EXQUISITE DETAIL ON
A SOLID FOUNDATION

March 10, 2008

Ms. Dipa Chundur
Department of Planning, Building
And Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

RE: Japantown Corporation Yard Mixed Use Residential Project
Draft EIR Comments

Dear Ms. Chundur,

As the owner of an approved mixed use residential development at 300, 302, and 340 East Taylor Street extending the entire block of North Seventh Street between Jackson and Taylor (the "ROEM Property") in San Jose's Japantown, this letter serves as the formal response from ROEM Development Corporation ("ROEM") to the Draft Environmental Impact Report (the "Draft EIR") for the Japantown Corporation Yard Mixed Use Residential Project (File #PDC07-073) (the "Corp Yard Project").

We cannot support the Corp Yard Project as currently proposed as it is clearly out of place and incongruent with the existing urban fabric of Japantown. Rather, this project threatens the long-established pedestrian friendly and medium density community by towering 175 feet over the surrounding buildings. It's zero foot setbacks and downtown-like design standards are both without precedent in Japantown and ignorant to the neighborhood's cultural roots. The Corp Yard Project will be a permanent source of vehicular traffic and congestion, which ultimately neglects the original intent of the General Plan and the Jackson Taylor Specific Plan. 1

In reviewing the Draft EIR, we have repeatedly found errors and omissions which do not accurately mitigate the environmental impacts caused by the project. The Draft EIR must be amended to correctly respond to these, as well as those impacts which have been omitted but are contained in this letter below. Upon it being amended, it needs to be then re-circulated to the community for further input. 2 Additional community meetings and outreach is required to seek resolution to the unavoidable impacts of the proposed Corp Yard Project. As an adjacent property owner, it is also imperative and required that ROEM is included in all public notices for all community meetings and study groups pertaining to the Corp Yard Project. To date, we have not received one notice announcing any of the gatherings that have taken place. 3

Below is a list of ROEM's major concerns with the proposed Corp Yard Project and its Draft EIR:

Shade, Shadow, Light and Glare:

The Draft EIR incorrectly indicates no impact to the ROEM Property or the surrounding sites from shade, shadows, light and glares. The size and mass of 4

1650 Lafayette Street, Santa Clara, California 95050 Tel (408) 984-5600 Fax 408-984-3111 www.roemcorp.com

the Corp Yard Project clearly indicates a significant amount of shadow cast on the ROEM Property to the North East. (See Draft EIR pages 132-315). (See Attached Shadow Study completed by MIRO Design Group).

The ROEM Property has been approved for a 5 story building consisting of 143 condominium units and ground floor retail. Consistent with the General Plan and the Jackson Taylor Specific Plan, our project fully conforms to all other existing land use requirements. The shadow studies completed in the Draft EIR clearly show the ROEM Property will be overshadowed by the height and mass of the towers in the Corp Yard Project. 4 cont.

Despite the shadow studies included in the Draft EIR, the ROEM Property is erroneously designated as a vacant lot and the Draft EIR has made no consideration of its existing approvals or any other potential development that may take place there. The conclusion that no significant impacts were identified in the Draft EIR is specifically due to this erroneous and purposeful designation of the ROEM Property approved as a vacant lot. A massing diagram of the ROEM Property, which can be found on the City of San Jose website, clearly shows the shadows of the towers of the Corp Yard Project result in a significant impact to the ROEM Property. This relationship, if followed through, would yield a significant loss in property and intrinsic value and would conclude in the ROEM Property being a less desirable place to live. The Draft EIR needs to consider the impact on any project currently planned in the Japantown neighborhood with particular emphasis placed on the Jackson-Taylor Specific Plan. 5 6 7

By conforming to the existing General Plan and Jackson Taylor Specific Plan, the Corp Yard Project would only be allowed a maximum height of 65 feet. The General Plan restrictions would be comparable to existing and future projects in the neighborhood and significantly mitigate the environmental impacts of the proposed project. 8

Transportation, Circulation and Parking:

The Draft EIR poorly describes how the proposed parking spaces provided in the Corp Yard Project meet or exceed the parking spaces per unit required by the City of San Jose (See Draft EIR pages 138-139). The Draft EIR further states and concludes that the project will not cause double parking on public streets, which would ultimately interfere with emergency vehicles and their ability to respond to an emergency. The plans provided for the Corp Yard Project do not even contain tables indicating the number and location of parking spaces with designations of reserved, guest, onsite or offsite parking. Typically, tables are shown to compare the provided spaces to that of the required spaces by the City of San Jose. The evidence shown in the Draft EIR is extremely insufficient and inaccurate so much as to invalidate all related conclusions pertaining to transportation, circulation and parking; including those specifically spelled out above. 9

The Draft EIR needs to be amended and re-circulated to accurately display and address these parking concerns. 10

Letter
C1
Cont.

The Draft EIR describes four significant and unavoidable impacts to traffic and congestion resulting from the Corp Yard Project (See Draft EIR page 363). It is unreasonable for the City to accept these impacts as they will significantly affect the quality of life in Japantown and the surrounding area. The project must not be approved with these significant and unavoidable impacts. An alternative needs to be approved that does not cause significant and unavoidable impacts. **11**

Visual Resources:

It has long been understood that in any new development built in the City of San Jose, adjacent buildings and developments are planned to compliment the use and visual appeal that justifies their design. Given the already approved PD Permit for the ROEM Property, the Corp Yard Project and its design needs to be more sensitive along 7th Street to carefully address the interface of the two projects. Currently, approximately 80% of the ROEM Property faces 2 levels of a parking structure which resemble the backside of a property. As mentioned above, the Corp Yard Project with its zero foot setbacks are without precedent and by no means create a pedestrian friendly environment that is consistent through existing and approved Japantown developments. These items further prove the Corp Yard Project has failed to make an attempt to visually compliment surrounding developments and neglected the approved use for the ROEM Property. (See Attached Massing Study completed by MIRO Design Group). **12**

The project description in the Visual Resources section fails to adequately address the impacts on the ROEM Property as well as indicate the long and short range impacts on vistas and views from the ROEM Property (See Draft EIR page 206). These impacts will be generated by the height and mass of the tower proposed along 7th Street. Furthermore, this section does not include adequate photographic representations of the view North East from the Corp Yard Project and South West from the ROEM Property. The failure to provide such representations obscures and misrepresents the impacts on visual resources on the North East side of the Corp Yard Project. **13** **14**

The description of the vertical tower elements of the Corp Yard Project is not consistent with the proposed project (See Draft EIR page 307). Ultimately the description does not indicate that the described vertical tower elements are only applied on three sides of the building. The side of the project facing 7th street does not contain any of the vertical tower element setbacks described in Section 2B (2) on page 307. **15**

The Draft EIR needs to be amended and re-circulated to address these visual resources concerns. **16**

In conclusion, the proposed Corp Yard Project is largely out of place and would unavoidably blemish the surrounding setting; forever altering the look and feel of Japantown. Its attempt to establish an urban center in a community setting ignores the existing way of life in Japantown. The Corp Yard Project has a defined front and backside. Unfortunately, its backside resembles that of a building facing a wall and neglects the approved ROEM Property and other **17** **18**

Letter
C1
Cont.

18 cont.

19

existing projects, which result in rendering them as second class properties that are substandard and less desirable. The design of the Corp Yard Project is unfriendly to the surrounding environment and ignores the purpose of the General Plan and Jackson Taylor Specific Plan. The Corp Yard Project needs to be limited to the General Plan alternative or one of the two off-site alternatives to avoid the exorbitant significant and unavoidable impacts currently associated with it.

Please note that this appeal is not merely made on behalf of the already approved interests of our neighboring project; but, also the future homeowners of Japantown who will dwell within it.

Sincerely,

Jonathan Emami
Vice President
ROEM Development Corporation

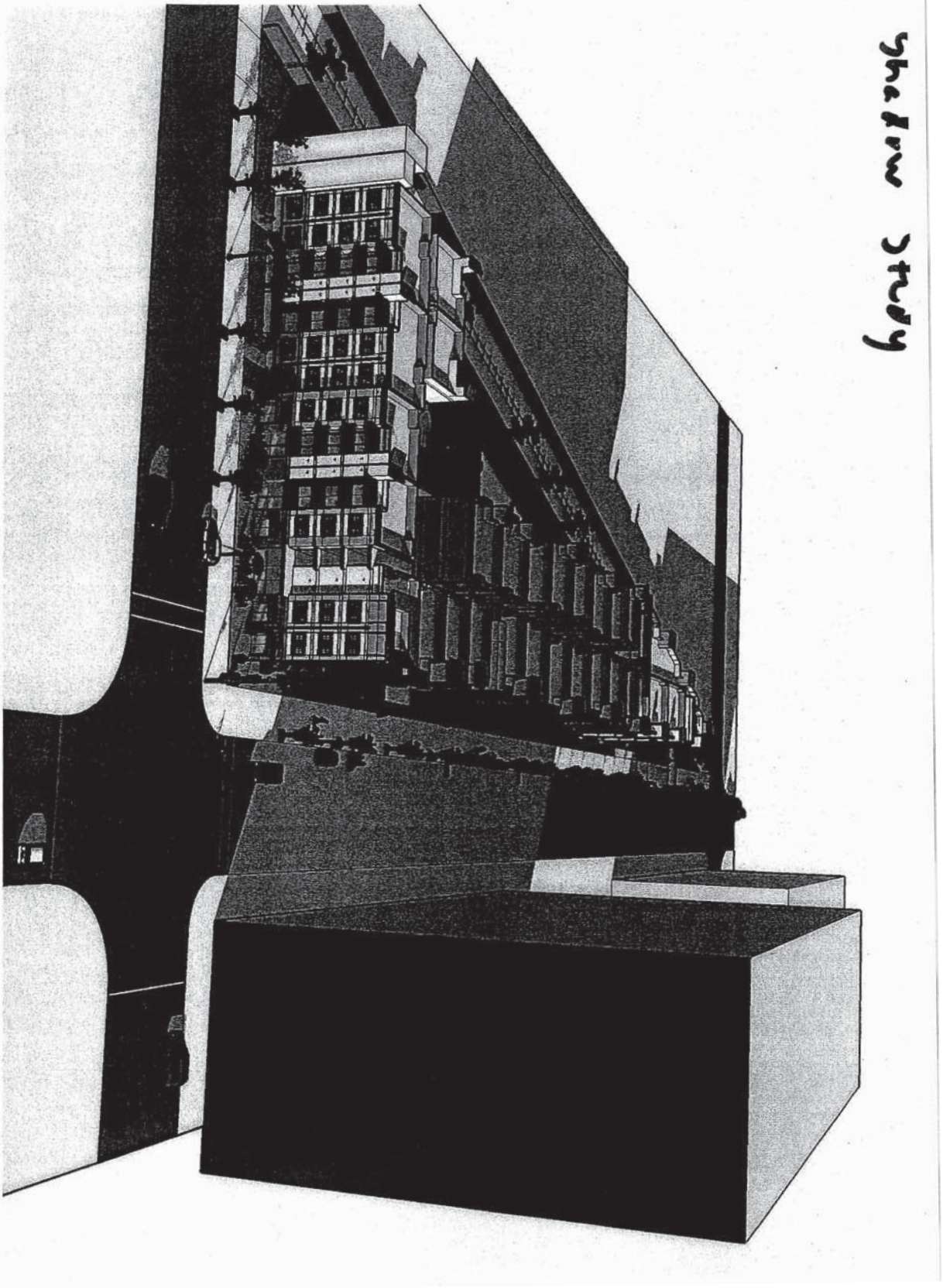
CC: Joseph Horwedel, Director, Planning, Building and Code Enforcement
Akoni Danielsen, Principal Planner, Planning, Building and Code Enforcement
Ron Eddow, Project Manager, Planning, Building and Code Enforcement
Councilmember Sam Liccardo

Attachments:

1. Shadow Study completed by MIRO Design Group (2)
2. Massing Study completed by MIRO Design Group

Letter
C1
Attach

Letter
C1
Attach



Letter
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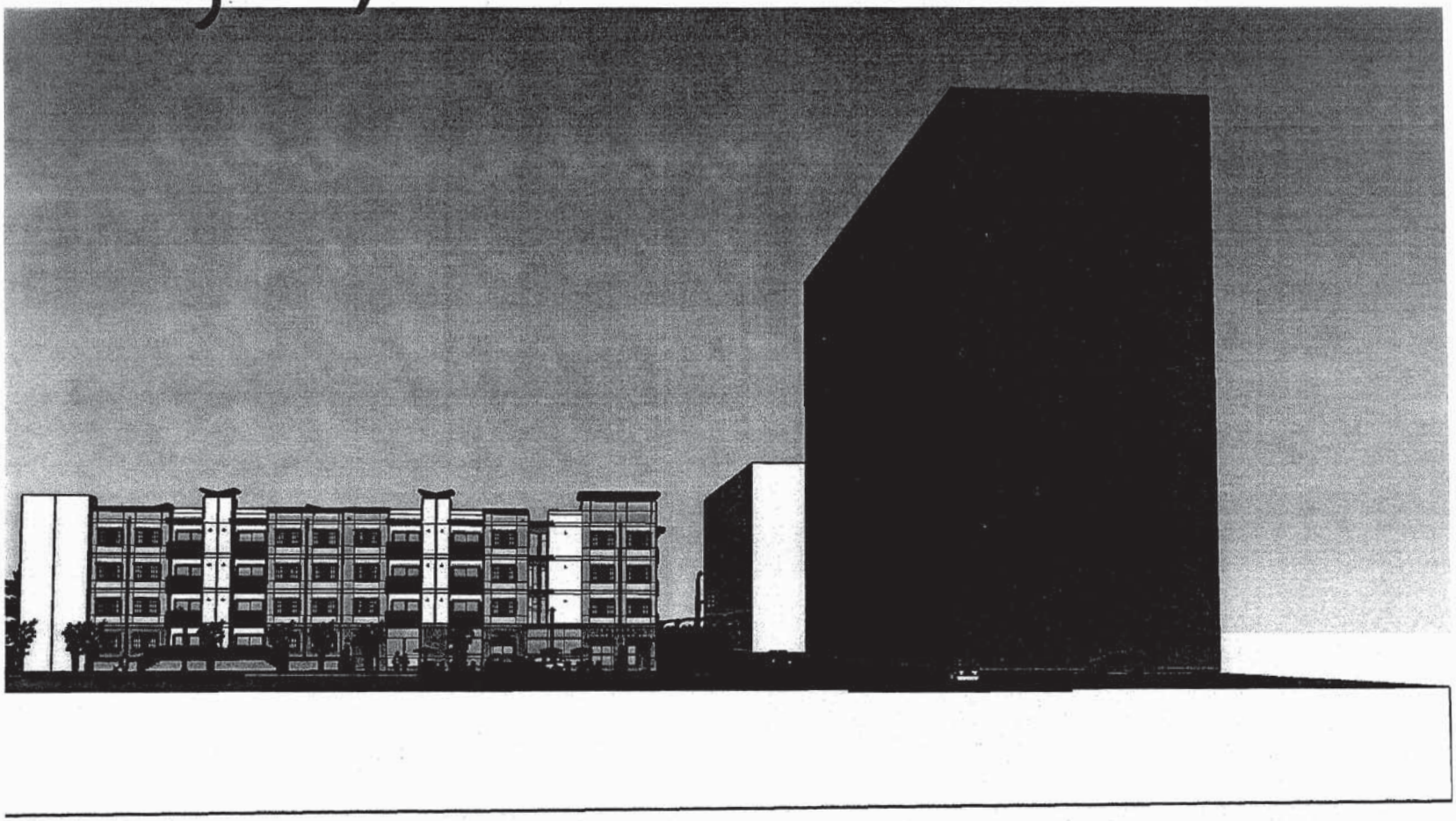
Massing Study



COMMENTER C1
Jonathan Emami
March 10, 2008

C1-1: This is an introductory comment. The responses below address the concerns listed in this comment, with the exception of proposed building setbacks. Although the proposed buildings on the Corporation Yard site would not be set back on the ground floor, their design would be intended to minimize building mass of the taller buildings through a shift in massing, materials, color, and fenestration (building openings). The EIR concludes that the project would not detract from the integrity of the Japantown neighborhood as a whole. For a full discussion of the project's impacts on visual resources, please refer to Response to Comment B2-3.

C1-2: The comment requests that the EIR be amended and recirculated. CEQA requires recirculation when "significant new information" is added to an EIR after publication of the Draft EIR, but before certification.[9] New information is considered significant under CEQA when: "The EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."[10]

"Significant new information" requiring recirculation includes a disclosure showing:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

3. A feasible project alternative or mitigation measure, which is considerably different from others previously analyzed, would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or

[9] *CEQA Guidelines* §15088.5; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 6 Cal. 1112 [1993]).

[10] Ibid.

4. The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.

"Recirculation is not required where the new information added to an EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR." [11]

None of the comments on the Draft EIR disclose any new significant information that would require recirculation of the Draft EIR. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified which are considerably different from others previously analyzed and which would clearly lessen the significant environmental impacts of the project that the applicant has declined to implement. All of the responses to comments provided in this First Amendment to the Draft EIR merely provide information that clarifies and amplifies the evaluations of impacts contained in the Draft EIR as explained in responses to comments provided below. Minor clarifying revisions are contained in Chapter IV, Revisions to the Draft EIR, which do not change any of the EIR impact conclusions.

C1-3: The noticing was done as required by City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals" which included a 1,000 feet radius around the project site, and publication in the San Jose Mercury News.

The notice was sent to three addresses listed with the County Assessor for ROEM Development Corp. (1895 Dobbin Drive San Jose CA 95133-1702, 340 E Taylor Street, San Jose CA 95112, and 302 E. Taylor Street San Jose CA 95112).

C1-4: The comment disputes the EIR's determination that shadows from the proposed project cast on the ROEM property northeast of the Corporation Yard site (across North 7th Street) would be less-than-significant shadow impacts. The criteria of significance for Shade and Shadow are included below, as well as on page 311 of the Draft EIR:

The proposed project would have a significant shade and shadow impact if it would:

- Result in a 10 percent or greater increase in the shadow cast onto a major open space area in the Downtown San Jose area (St. James Park, Guadalupe River Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de Antonio, McEnery Park, and Confluence Point at the Arena Green); or

[11] Ibid.

- Substantially shadow other public open space (beyond the major open space areas), but excluding streets and sidewalks or private open space, between September and March.

As indicated in the Draft EIR at page 312, the shadow analysis conservatively assumes a building envelope consisting of a single structure covering the entire Corporation Yard site with zero setbacks and a height of 175 feet, which of course results in shadows far greater than what would actually occur under the proposed project. The actual shadow impact of the project on the ROEM property therefore would be less than indicated in the shadow analysis.

As also noted in the Shade and Shadow section of the EIR (pages 311 to 315), the proposed project would not cast shadows on major open spaces in the Downtown San Jose area, nor would it substantially shadow other public open spaces. Based on the City's significance criteria, shadows case on private property, such as the ROEM property, would not constitute a significant shade and shadow impact.

In addition, the EIR is required to evaluate the project against baseline conditions. Because the ROEM property is currently vacant, the EIR considers it to be undeveloped. Even if developed, however, shadow impacts to this private property would not be considered significant under the City's significance criteria. (It is anticipated that winter shadows cast from the 5-story ROEM development project would shade the project's own common space.)

The discussion on page 80 of the EIR notes that the triangular parcel across North 7th Street from the Corporation Yard site has an approved Planned Development permit for a mixed use development. The commenter states that the ROEM property has been approved for a 5-story building consisting of 143 residential units and ground-floor retail.

Page 80 of the Draft EIR is revised as follows:

(2) Land Uses to the East. North 6th Street, a two-lane roadway, forms the eastern boundary of the parking lot site. The corporation yard site is located east of the parking lot site, on the opposite side of North 6th Street. North 7th Street, a two-lane roadway, forms the eastern boundary of the corporation yard site. As shown in Photo 6, on the opposite side of North 7th Street is a vacant, triangular parcel that has an approved Planned Development Permit (File No. PD04-076) for ~~138~~ 143 residential units and 12,000 square feet of commercial uses. The Union Pacific Railroad (UPRR) tracks border this parcel to the east. Beyond the railroad tracks, land uses consist of a block of three-story townhomes. Beyond the townhomes are warehouse/ outdoor storage uses followed by several blocks of single-family residences and small apartment complexes.

C1-5: Please refer to Response to Comment C1-4.

C1-6: The comment has requested that the EIR address the proposed project's effects on property values on adjacent sites. Economic issues of this type are not an appropriate topic of analysis under CEQA. Because this comment does not relate to the adequacy of the EIR, no further response is necessary.

C1-7: The comment states that the Draft EIR should consider the proposed project's impacts on any project currently planned in the Japantown Neighborhood. As set forth in Section 21002.1 of CEQA in the Public Resources Code, the purpose of an EIR is to identify a proposed project's significant effects on the environment, and not on other planned projects in the area. All other planned projects in the area are presumably consistent with the City's General Plan and the Jackson-Taylor Residential Strategy. Beginning on page 65, the Draft EIR evaluates the proposed project's consistency with both the City's General Plan and the Jackson-Taylor Residential Strategy. As described on pages 49 to 57 of the Draft EIR, the project proponent has submitted an application to amend the General Plan and the Jackson-Taylor Residential Strategy to ensure consistency between these plans and the proposed project. In addition, the proposed project would further these plans' objectives of, for example, maintaining and enhancing the character of the surrounding community; achieving a supportive mix of housing, employment, shopping, and public uses; and strengthening pedestrian linkages to adjacent neighborhoods, transit, and the Japantown Neighborhood Business District.

The comment refers here to the "Jackson-Taylor Specific Plan." There is no existing document with this name. However, the comment likely refers to the Jackson-Taylor Residential Strategy, which is sometimes referred to as a Specific Plan. The EIR uses the term "Specific Plan" once, on page 73. The text is revised as follows:

1. Jackson-Taylor Neighborhood Revitalization Plan

The Corporation Yard site is subject to the Jackson-Taylor Neighborhood Revitalization Plan.[12] The Revitalization Plan focuses on the long-term elimination of incompatible land uses, the preservation of residential areas from non-residential encroachment, the revitalization and the reinforcement of the Jackson Street Neighborhood Business District and the improvement of the overall quality of the residential environment. The Revitalization Plan identifies both the Corporation Yard site and the City parking lot site as locations for the City to "evaluate City-owned property for possible community center use." The Revitalization Plan establishes goals of relocating the Corporation Yard and converting industrial areas to residential uses through redevelopment or ~~Specific Plan actions~~ Jackson-Taylor Residential Strategy implementation.

C1-8: The comment expresses support for the proposed project to conform to the existing General Plan and Jackson-Taylor Revitalization Plan height restrictions.

[12] San Jose, City of, 1987. *The Jackson-Taylor Neighborhood Revitalization Plan.* December.

Please refer to the Existing General Plan Alternative, which is discussed on pages 370 to 374 in the EIR. Under this alternative, no buildings would exceed 65 feet in height.

C1-9: Parking spaces for residents of the mixed-use development would be located in underground garages on the Corporation Yard site. Parking spaces for the other uses would be located in the garage as well as the internal street which connects North 7th Street and North 6th Street. The San Jose parking ratios for residential parking include parking space required for guests or visitors. Refer to Response to Comments B2-13 and B2-14.

C1-10: Please refer to Response to Comment C1-2.

C1-11: The opinion expressed in this comment is noted. Should the proposed project result in significant impacts that are unavoidable but not substantially lessened through mitigation measures, Section 15091 of the CEQA guidelines requires the City of San Jose as lead agency to make findings for each significant impact that would result from a project for which an EIR has been certified before approving the project. Further, Section 15093 in the *CEQA Guidelines* requires the lead agency (City of San Jose) to make a statement of overriding considerations in order to approve the project. Reasons cited for such a statement could be based on a project's specific economic, legal, social, technological, or other benefits. If the City makes a statement of overriding considerations, it would be included in the record of the project approval, and would be mentioned in the Notice of Determination.

The comment expresses support for the approval of a project alternative that would not result in significant unavoidable impacts to the physical environment. As required under CEQA, the EIR proposes and analyzes a reasonable range of alternatives to the project. As discussed in Chapter VII, Alternatives, all of the proposed "build" alternatives would result in significant and unavoidable impacts to traffic intersections and air quality. The EIR identifies the Existing General Plan alternative as the environmentally superior alternative (besides the No Development alternative) because it would result in the fewest impacts. As noted on page 398 of the EIR, development of this alternative would generally result in the same impacts as the proposed project; however, some of these impacts would be slightly less adverse since the overall density of the development would be lower. This alternative would result in the same impacts to traffic and transportation, including a significant unavoidable impact in the cumulative condition.

C1-12: Please refer to Response to Comment B2-3 for additional discussion on the proposed projects' potential impacts on visual resources. Please refer to Response to Comment B2-17 for a discussion on the City's Enhanced High-Rise Design Review process and opportunity for pubic input regarding the project design.

C1-13: The Draft EIR describes the City's significance criteria for visual resources impacts on page 306. As set forth in the Draft EIR, impacts on views and vistas are only considered significant if there is a substantial adverse effect to a scenic vista or a substantial disruption or blocking of existing views or public opportunities to view scenic resources. As described on page 306 of the Draft EIR, the area in the vicinity of the project site primarily offers urban views (via "view corridors" in public rights-of-way), and views of the distant mountains to the east generally do not exist. Although development of the proposed project would affect views to the south from the ROEM property, this would not constitute a significant impact under CEQA because there are no existing scenic vistas or views of scenic resources from this vantage point.

C1-14: The comment expresses dissatisfaction with the breadth of the photos provided of the project site vicinity (pages 300 to 304 in the Draft EIR), specifically the absence of photos directed northeast from within the project site and southwest from the perspective of the ROEM property. The photos provided in the Draft EIR are intended to provide the reader a general representation of views in the vicinity of the project site, and are adequate in this regard. In addition, the commenter may have overlooked two photos directed southwest from the perspective of North 7th Street – one of which was taken from within the ROEM property. Although the Draft EIR does not provide a photo directed at the ROEM property from within the Corporation Yard site, Photo 5 (page 303) offers the view looking north from within the Site. A partial view to the northeast is visible in this photo.

C1-15: The commenter's belief that the design described for the tower element only applies to three sides of the tower is incorrect. The Project Design Standards, listed on page 48 of the Draft EIR, would apply to all four frontages of the proposed project, including the North 7th Street frontage.

Please refer to Response to Comment B2-17 for a discussion on the City's Enhanced High-Rise Design Review process and opportunity for pubic input regarding the project design.

C1-16: Please refer to Response to Comment C1-2.

C1-17: The comment expresses disapproval of the scale of proposed buildings on the Corporation Yard site. Although these buildings would be taller than any others in the vicinity, the Draft EIR found that the project would have a less-than-significant impact on the area's visual character, and that it would not visually detract from the integrity of the Japantown neighborhood. In addition, the Draft EIR proposes mitigation measures (pages 276 to 283) to avoid significant impacts on the integrity of the setting and feeling, as well as the integrity of design, materials, and workmanship of the San Jose Japantown Historic District. Implementation of these mitigation measures would reduce these impacts to less-than-significant levels.

C1-18: Please refer to Response to Comment C1-15.

C1-19: The comment expresses support for the General Plan Alternative, and for the two off-site alternatives. The comment is noted.

Letter
C2

1/31/08

CLASSIC ROCK

Dear City of San Jose
Department of Planning, Building
and Code Enforcement.

I have read the Notice of Availability of a Draft Environmental Impact Report (EIR) & Public Comment Period.

Opposition:

1) I have strong opposition to the live/work units.
2) I believe that these units will end up becoming live instead of work.
3) There are no code enforcement to make sure that these units stay work or retail.
4) I strongly believe it will detract from our beautiful retail spaces and the ability for Japantown to be a strong shopping area.
5) I vote for strong retail in Japantown to bring others from surrounding areas to buy culturally unique gifts & foods
6) I also think strong retail will bring more people to San Jose Japantown & the city of San Jose.

Fine Jewelry
Diamond Wholesaler

570 North 6th Street
San Jose, CA 95112, USA
408/298-1415 Business
408/298-1461 Fax

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2

Letter
C2
Cont.

Important:

7) Live Work will take away from the ability of the City of San Jose to make income off of Sales Tax

3

Concern:

14 Story Building

1) Traffic Impact on Taylor & Julian Guadalupe Freeway

4

2) Parking Impact
Pressure of Residential Parking May Cause Residents to use the Preciocs Retail Parking needed for Shopping

5

3) If this 14 Story Building is built Williams & Dame must build 2 parking spaces per unit minimum with many additional guest parking to prevent Impossible Parking on the Streets & Parking in the Retail Spaces.

6

Letter
C2
Cont.

Positive:

1) I am pleased that this Corporation Yard is being developed to boost the survival of San Jose Japantown
2) and that there will be a One acre amenity for the Community
3) As well as the 30,000 square feet of retail.
4) Thank you for supporting our community so that we can continue preserving our history & culture

I appreciate all that the City of San Jose and the Redevelopment Agency has done to help Japantown

Sincerely,

Joanne Eriksen

7

COMMENTER C2
Jeanne Katsuro
January 31, 2008

C2-1: Live/work units may be created and occupied upon issuance of a Planned Development Permit. The work portion of the live work unit may only be used by the occupants of the live work unit. Required parking is based on the commercial portion of the live work unit. The comment expresses opposition to the live/work units. This comment does not address the adequacy of the Draft EIR; no further response is required.

C2-2: The comment expresses support for the proposed project's 30,000 square feet of retail space (or 15,000 square feet, depending on market conditions), and for a strong retail presence in Japantown in general. This comment does not address the adequacy of the Draft EIR; no further response is required.

C2-3: Please refer to Response to Comment C2-1.

C2-4: The Traffic Impact Analysis (TIA) completed for the proposed project includes analyses of all roadways and freeway segments that would be noticeably affected by project traffic, including Taylor Street and the Guadalupe Parkway (SR 87). It was determined that the project-generated traffic that would use Julian Street would be negligible.

C2-5: Please refer to Response to Comments B2-13 and B2-14.

C2-6: Please refer to Response to Comments B2-13 and B2-14.

C2-7: The comment expresses support for development of the Corporation Yard site, particularly the proposed project's retail and public park/plaza components. This comment does not address the adequacy of the Draft EIR; no further response is required.

Letter
C3

-----Original Message-----
From: mjdorgan1@aol.com [mailto:mjdorgan1@aol.com]
Sent: Saturday, March 15, 2008 4:54 PM
To: Ron.Eddow@sanjoseca.gov
Subject: Japantown

Dear Mr. Edow,

As a homeowner on North Fifth Street, I am outraged by the plans by Williams & Dame to build 15-story towers on the former service lot on Sixth Street between Taylor and Jackson Streets. Such massive towers would be completely out of character with the neighborhood and would reduce the quality of life here by greatly increasing traffic and congestion. 1 2

I support infill development, but skyscrapers belong downtown. This development was to enhance Japantown, not destroy it. The deal may benefit a few community groups like the Taiko Drum club, but the larger Japantown community will suffer.

Please advise me of the status of this misguided proposal and let me know what I can do to add my voice to the many who oppose it. 3

Sincerely,
Michael Dorgan

COMMENTER C3
Michael Dorgan
March 15, 2008

C3-1: Please refer to Response to Comment B2-3.

C3-2: The proposed project's potential impacts on traffic and congestion are analyzed in Chapter V.C. Transportation, Circulation and Parking, beginning on page 101 of the Draft EIR.

C3-3: The Final EIR will be presented to the Planning Commission at a public hearing on April 21, 2008 during which the Commission may certify the Final EIR as a full disclosure of the potential environmental effects of the proposed project. The City Council will review the General Plan Amendment and the Jackson-Taylor Residential Strategy Amendment application for the proposed project at a public hearing on May 20, 2008. The City will review the Planned Development Zoning and Planned Development Permits for the project at future hearings. Please refer to Response to Comment B2-17 for a discussion on the City's Enhanced High-Rise Design Review process and additional opportunity for public input.

IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to amplify and clarify materials in the Draft EIR. In no case do these revisions result in a greater number of impacts or greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Pages numbers correspond to the page numbers of the Draft EIR.

These revisions to the Draft EIR derive from two sources: (1) comments raised in one or more of the 13 comment letters received by the City of San Jose on the Draft EIR; and (2) staff-initiated changes that correct minor inaccuracies or typographical errors found in the Draft EIR subsequent to its publication and circulation.

A. RESPONSE TO COMMENTS TEXT REVISIONS

The following revisions to the Draft EIR derive from comments raised in one or more of the comment letters received by the City of San Jose on the Draft EIR.

Page 50 of the Draft EIR is revised as follows:

> ... The Corporation Yard site would conform to the following development standards contained in the proposed Planned Development Rezoning:
>
> - A maximum height of 175 feet for the Corporation Yard site from grade level to top of parapet and mechanical/penthouse or architectural features;
> - Building heights across from the proposed Japantown Historic District (located along North 6th Street, extending 300 feet north from Jackson Street) would have a maximum height of 85 feet, this restriction would extend 115 feet east from the property line on the North 6th Street frontage.
> - Building setbacks fronting public streets of zero feet, minimum, and zero feet for ground floor building elements and architectural projections;
> - An on-site circulation system that includes an east-west internal "spine" connecting North 7th Street to North 6th Street; and
> - An internal private street with approximately 45 diagonal parking stalls.

Page 73 of the Draft EIR is revised as follows:

1. Jackson-Taylor Neighborhood Revitalization Plan

The Corporation Yard site is subject to the Jackson-Taylor Neighborhood Revitalization Plan.[1] The Revitalization Plan focuses on the long-term elimination of incompatible land uses, the preservation of residential areas from non-residential encroachment, the revitalization and the reinforcement of the Jackson Street Neighborhood Business District and the improvement of the overall quality of the residential environment. The Revitalization Plan identifies both the Corporation Yard site and the City parking lot site as locations for the City to "evaluate City-owned property for possible community center use." The Revitalization Plan establishes goals of relocating the Corporation Yard and converting industrial areas to residential uses through redevelopment or ~~Specific Plan actions~~ Jackson-Taylor Residential Strategy implementation.

Page 80 of the Draft EIR is revised as follows:

(2) Land Uses to the East. North 6th Street, a two-lane roadway, forms the eastern boundary of the parking lot site. The corporation yard site is located east of the parking lot site, on the opposite side of North 6th Street. North 7th Street, a two-lane roadway, forms the eastern boundary of the corporation yard site. As shown in Photo 6, on the opposite side of North 7th Street is a vacant, triangular parcel that has an approved Planned Development Permit (File No. PD04-076) for ~~138~~ 143 residential units and 12,000 square feet of commercial uses. The Union Pacific Railroad (UPRR) tracks border this parcel to the east. Beyond the railroad tracks, land uses consist of a block of three-story townhomes. Beyond the townhomes are warehouse/ outdoor storage uses followed by several blocks of single-family residences and small apartment complexes.

Page 225 of the Draft EIR is revised as follows:

Oversight over investigation and remediation of sites affected by hazardous materials releases can be performed by State agencies, such as the Department of Toxic Substances Control (DTSC), regional agencies, such as the San Francisco Bay Regional Water Quality Control Board (Water Board), or local agencies, such as SCCDEH or the Santa Clara Valley Water District (SCVWD). Additional requirements for the removal of leaking underground storage tanks (USTs) and removal of associated contaminated soils are promulgated by the Bay Area Air Quality Management District (BAAQMD).

Page 231 of the Draft EIR is revised as follows:

Prior to site redevelopment, the City would also remove the existing three USTs and other hazardous materials containers identified on the property, in accordance with local, state, and federal requirements. Specific requirements related to the removal of contaminated soils and USTs are found in the BAAQMD Regulation 8, Rule 40.[2] If contamination is discovered following the removal of these USTs, it is anticipated that the City/RDA (or applicant) would

[1] San Jose, City of, 1987. *The Jackson-Taylor Neighborhood Revitalization Plan.* December.

[2] Bay Area Air Quality Management District, 2005. Rule 8-40-Organic Compounds- Aeration of Contaminated Soil and Removal of Underground Storage Tanks. Amended June 15.

work with SCCDEH to complete the items required by the regulatory oversight agency, as described above, in order to achieve case closure.

Page 239 of the Draft EIR is revised as follows:

Mitigation Measure HAZ-1a: Trained workers, in accordance with local, state, and federal regulations, shall remove the three existing USTs and associated pipelines and fuel dispensers from the Corporation Yard site prior to site redevelopment activities. Closure of these USTs by the local regulatory agency (Fire Department, SCCDEH, as applicable), shall be obtained prior to or at the initiation of site redevelopment activities. All UST and contaminated soils excavation and removal activities, soil sampling, and reporting of these activities shall also be made in accordance with the requirements of BAAQMD Regulation 8, Rule 40. If contamination is found associated with these USTs, the City/RDA (or applicant) shall ensure completion of all items required for closure by the regulatory oversight agency, which may include preparation and implementation of a CAP, verification monitoring, preparation of a RRMP (if residual contamination is left in place), or other required documentation or investigations.

If excavation activities are required to address on-site contamination (prior to case closure), the CAP shall include an assessment of air impacts associated with excavation activities, any applicable local dust or noise standards which may be exceeded by the excavation activities, transportation impacts from the removal or remediation activities, and risk of public upset should there be an accident at the site, or as otherwise required by the regulatory oversight agency. Also, any contaminated soils transported off-site shall be directed away from residential neighborhoods surrounding the proposed project to the extent feasible, and all loads of contaminated materials shall be tarped in order to minimize short term exposure of people to airborne hazardous materials from excavation of contaminated soils. This mitigation measure does not apply to the City parking lot site as it does not include USTs.

Page 256 of the Draft EIR has been revised as follows:

Community Contacts. A meeting was held between representatives of the City of San Jose Redevelopment Agency, project archaeologists, Connie Young Yu (San Jose Chinese Historical and Cultural Project) Rod Lum (Japantown Community Congress of San Jose and San Jose Chinese Historical and Cultural Project), and Steve Fugita (Japanese American Museum of San Jose) on July 17, 2007. This meeting included discussions of the planned approach to the investigation and treatment of archaeological resources during the project. The community representatives emphasized the great cultural sensitivity of the project area to the San Jose Chinese-American and Japanese-American communities, and their desire for the respectful treatment of associated archaeological remains and for continued community involvement in the project area's development. A memorandum from the Japantown Community Congress presented at the meeting contains the organizations' priorities for the project area:

> Our goals are that the archaeological features be properly recovered and that discovered artifacts be made available for curation and display. Furthermore, any information and conclusions from work on this site shall be made available to scholars, historical/cultural

organizations, and the public to further elaborate upon the story of the Chinese-and Japanese-Americans in this area.

In a public review comment letter dated March 10, 2008, the Japantown Community Congress of San Jose reiterated their preference that artifacts that are recovered during excavation be considered for curation at local community repositories. Examples of such repositories, as noted in the letter, include the Chinese Historical and Cultural Project, Japanese American Museum of San Jose, and History San Jose.

Page 257 of the Draft EIR is revised as follows:

Table V.I-4: Historic-era Archaeological Property Types

Property Type Category	Property Type
Industrial (e.g, factory, workshop)	Industrial building foundation/remains Industrial process remains Raw material, by-product or waste accumulation
Service/Mercantile/ (e.g., hotel, boardinghouse, general store, laundry, butcher shop, bathhouse, herbal shop)	Commercial building foundation/remains Sheet artifact concentration Specialized activity feature (e.g., boiler base, roasting oven) Artifact or by-product cache
Social (e.g., temple, theatre, family/social organization office)	Social building foundation/remains Sheet artifact concentration Specialized activity feature
Residential (e.g., house, tenement)	Private residential building foundation/remains Sheet artifact concentration Artifact cache Activity area, yard, garden
Infrastructure/public space (e.g., protective structures, open space)	Fence, guard station Sheet artifact concentration Artifact cache Specialized activity feature or area

Source: Anthropological Studies Center at Sonoma State University. 2007

Page 258 of the Draft EIR is revised as follows:

d. Historical Architectural Setting. Carey & Co. prepared a historic context and conducted an intensive survey to document the historical significance of individual buildings in San Jose's Japantown (included in Appendix E).[3] The study areas for Carey & Co.'s research, San Jose Japantown, consists of all of the properties between North 1st and North 10th Streets to the west and east and Taylor and Empire Streets to the north and south. Within this area, there are 86 resources that are significant for their role in the city's Japanese-American history, for their connection to historically important people, and/or for their architectural distinction. These 86 resources appear eligible for listing in the ~~As a group they appear eligible for a listing as a~~ NRHP and CRHR as a historic district, ~~and/or a Traditional Cultural Property~~ as well as a City of San Jose historic district. The district may also be eligible for listing as a Traditional

[3] Carey & Company, 2006. *San Jose Japantown Historic Context and Survey Phase II, San Jose, California.* October 10, 2006. Carey & Company, San Francisco, California.

Cultural Property. Additionally, certain contributors to the NRHP/CRHR-eligible San Jose Japantown Historic District ~~other special resources~~ may be individually significant and eligible for official designation as San Jose landmarks and/or separate listing in the NRHP and CRHR.

Page 262 of the Draft EIR is revised as follows:

Building 10 – 625 North 6th Street (APN 249-39-022). This two-story commercial building is rectangular in plan, has a gable roof clad in asphalt shingles, and is clad in horizontal wood siding with brick veneer present at the facade on the first floor. The building is in good condition. Records at the Santa Clara County Assessor show that the building was originally constructed in 1889, with alterations made in 1920 and 1950. This building is the oldest surviving structure in Japantown and its architecture is highly distinctive and rare in the city of San Jose. It housed for decades a Chinese restaurant that served as an important social center for both the local Chinese and Japanese communities. This building scored 100.72 on the City of San Jose Historic Evaluation Sheet, confirming the building's City Landmark status. It is also considered individually eligible for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 262 to 263 of the Draft EIR is revised as follows:

Building 13 – 651 North 6th Street (APN 249-39-016). This two-story religious building is rectangular in plan, has a flat roof, is made of poured concrete, and is clad in stucco. The building is in excellent condition, and San Jose permits show that it was constructed in 1955. It stands out on this block as the most stylized example of modern architecture in the post-war period. A church founded by the African-American community in the postwar period, it stands as a reflection of the mass migration of African-Americans to California during WW II and their tendency to settle in largely abandoned Japantowns. This building scored a total of 80 points by Carey & Co. on the City of San Jose Historical Evaluation Sheet, which appears to make it eligible as a Candidate City Landmark. Because of the building's relationship to the history of African-Americans in San Jose, it is also considered an individual candidate for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 263 of the Draft EIR is revised as follows:

Building 16 – 665 North 6th Street (APN 249-39-012). This two-story commercial building is rectangular in plan, has a flat roof, and is clad in brick. Apart from some broken windows and faded signs, the building is in good condition. San Jose building permits show that it was constructed in 1929. The building is the second oldest structure on the street and, apart from the Japanese internment period of World War II, it has always been owned and occupied by people in the Japanese community. Its brick architecture is unique on this street and unusual for the city of San Jose more generally. A score of 93.66 on the City of San Jose Historic Evaluation Sheet suggests that this structure qualifies as a Candidate City Landmark. Due to its historical association and architectural merits, this building is considered an individual candidate for the CRHR in addition to its eligibility as a contributor to the NRHP/CRHR-eligible San Jose Japantown Historic District.

Page 271 of the Draft EIR is revised as follows:

b. Less-than-Significant Cultural Resource Impacts. The following provides a discussion of the less-than-significant cultural resource impacts of the proposed project.

No official action has been taken to designate the Japantown area as a TCP. However, Japantown has an established and long standing role in the maintenance of the customs, traditions, and values of the Japanese-American community in the United States as one of only three remaining Japantowns left in the entire country. ~~in San Jose.~~ As such, events are frequently held to celebrate the history and cultural significance of Japantown, and such events are integral to maintaining the associative value of the buildings that comprise the NRHP/CRHR-eligible San Jose Japantown Historic District. Some of the major events, ongoing activities, and organizations in Japantown include:

- *Nikkei Matsuri*, the annual spring Japantown arts and crafts festival featuring artists, ethnic foods, craft demonstrations, dancing, and music;
- *Obon/Bazaar*, the annual festival affiliated with San Jose Buddhist Church Betsuin featuring ethnic foods, cultural exhibits, and demonstrations;
- *Aki Matsuri*, the annual fall Japantown arts and crafts festival organized by the Wesley United Methodist Church;
- *Spirit of Japantown Festival*, an October festival organized by the Japantown Community Congress of San Jose, which uses festival profits to support the historical and cultural preservation of Japantown;
- *Contemporary Asian Theater Scene,* a local non-profit dedicated to presenting Asian Pacific American arts in Silicon Valley;
- *San Jose Taiko*, a community based Taiko drumming group;
- *Yu-Ai Kai*; a Japanese American Community Senior Service;
- *Issei Memorial Building*; a former hospital that currently serves as the home of the San Jose chapter of the Japanese American Citizens League and the Contemporary Asian Theater Scene; and
- *Certified Farmers' Market*, open every Sunday.

Page 272 of the Draft EIR is revised as follows:

The project would introduce new land uses in and adjacent to the NRHP/CRHR-eligible San Jose Japantown Historic District that have not existed in those locations for over 50 years. This new land use would change the immediate architectural setting of a portion of Japantown. The project would not, however, result in a diminishment of those qualities that may qualify the NRHP/CRHR-eligible San Jose Japantown Historic District as a TCP. Those community events, activities, and traditions that make Japantown special would persist and, in fact, be complemented by the project.

Page 274 of the Draft DIR is revised as follows:

> The ARDTEP shall be subject to review and approval by the Director of Planning (or their designated representative) in consultation with the City of San Jose Historic Preservation Officer. On approval, the Planning Director (or their designated representative) shall require that the terms of the ARDTEP be carried out by professionals who meet the Secretary of the Interior's Professional Qualifications Standards in historical archaeology, prehistoric archaeology, and history (36 CFR Part 61, Appendix A). The ARDTEP will be used to inform the City's decision regarding project design, and will be carried out prior to project construction. Artifacts recovered as a result of the implementation of the ARDTEP will be curated at an appropriate curation facility. The appropriate curation facility will meet the standards in the Office of Historic Preservation's *Guidelines for the Curation of Archaeological Collections* (State Historic Resources Commission 1993), or, at the City's discretion, an alternate facility will be selected to provide for the long-term curation of archaeological materials in a manner that allows for future community interpretation and/or scientific analysis.

Page 277 to 278 of the Draft EIR is revised as follows:

> **Impact CULT-3: New construction may result in significant impacts to the integrity of setting and feeling of the NRHP/CRHR-eligible San Jose Japantown Historic District. (S)**
>
> Redevelopment of the Corporation Yard site entails construction of approximately four buildings ranging in height from six to 14 stories. As shown, on Figure V.I-2, these buildings would be markedly taller than the nine existing structures across North 6th Street, although the intent is for the buildings to be stepped back from the street. Presumably, they will also be of markedly different design. Implementation of the Corporation Yard portion of the project may have a significant adverse impact on the integrity of setting and feeling of the nine contributors to the NRHP/CRHR-eligible San Jose Japantown Historic District along North 6th Street. Redevelopment of the City parking lot site would also change the immediate setting of the ~~San Jose Japantown Historic D~~district; however, this change would not result in a significant impact in and of itself because the existing six-story apartment building at the corner of East Taylor and North 6th streets has already altered the setting of adjoining parcels in the same block.

Page 279 of the Draft EIR is revised as follows:

> Mitigation Measure CULT-3a: The proposed project shall have regular commercial ground-floor entries along the following portions of North 6th Street: (1) that portion of the project area directly across from Buildings 8 through 12 (i.e., within the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site).
>
> While of varying scales and designs, the nine contributing buildings along the west side of North 6th Street, although interrupted by vacant parcels and surface parking lots, create a pedestrian-scaled rhythm of ground floor entries and storefronts. Buildings 13 through 16 will be across North 6th Street from a proposed public open space; Buildings 8 through 12, however, will be across the street from proposed buildings. These proposed buildings, along with the proposed structure immediately adjacent to Building 16, shall maintain and extend the scaled rhythm established by the contributing buildings along North 6th Street. The project

should not "wall off" this portion of North 6th Street with an undifferentiated, continuous facade. Nor shall the buildings of this portion of the project be set so far back from the street that North 6th Street fails to feel like a commercial-lined street. Staggered setbacks of up to 5 feet and/or architectural differentiation will be incorporated into the ground floor retail frontage. Building to the property line on North 6th Street from Jackson Street to approximately Building 12 (APN 249-39-012) is desirable.

Page 281 of the Draft EIR is revised as follows:

Mitigation Measure CULT-3b: The proposed project shall employ setbacks and horizontal facade elements to reflect the scale of the NRHP/CRHR-eligible San Jose Japantown Historic District along the following portions of North 6th Street: (1) that portion of the project area directly across from Buildings 8 through 12 (i.e., the Corporation Yard site); and (2) that portion of the project area adjacent to Building 16 (i.e., the City parking lot site). This mitigation measure shall not be construed to require specific building materials or design elements.

Maximum building heights fronting North 6th Street in proximity to Buildings 8 through 12 and Building 16 shall be mid-rise in order to be compatible with the mid-rise scale of the greater Japantown area and the low-rise scale of the identified NRHP/CRHR-eligible San Jose Japantown Historic District. Proposed buildings on the Corporation Yard site directly across North 6th Street from Buildings 8 through 12, along with the proposed structure immediately adjacent to Building 16 on the City parking lot site, shall incorporate horizontal facade elements to distinguish the first story or two from the stories above. The third through sixth stories on buildings proposed across North 6th Street from Buildings 8 through 12 shall be set back substantially (10 to 15 feet) from second stories. Such elements will prevent the taller proposed buildings from overwhelming the contributing one- and two-story buildings on the west side of North 6th Street.

Page 282 of the Draft EIR is revised as follows:

Implementing Mitigation Measures CULT-3a and -3b would reduce the project's impact to the NRHP/CRHR-eligible San Jose Japantown Historic District's integrity of setting and feeling to a less-than-significant level. This reduction would be achieved by designing new construction that is sympathetic to the district's existing architectural context and historical qualities, and ensuring the implementation of such designs through public input and a City review and approval process. (LTS)

Impact CULT-4: New construction may result in significant impacts to the integrity of design, materials, and workmanship of the NRHP/CRHR-eligible San Jose Japantown Historic District. (S)

Page 283 of the Draft EIR is revised as follows:

Mitigation Measure CULT-4a: Should the implementation of Mitigation Measure NOI-2a and -2b demonstrate that construction-related vibration levels may be in excess of the damage threshold, a qualified geologist or other professional with expertise in ground vibration and its

effect on existing structures shall determine the likelihood that such vibration would damage any of the contributing buildings of the NRHP/CRHR-eligible San Jose Japantown Historic District (Building 16 in particular). If such damage is likely, the qualified professional shall develop specifications regarding the restriction and monitoring of construction activities that shall be incorporated into the contract. Project modifications recommended by the qualified professional shall be made prior to project construction to reduce vibrations to below damage threshold levels.

Construction-related vibration levels in the vicinity of Buildings 8-16 shall be monitored during initial construction. If construction-related vibration exceeds threshold levels, then, prior to the commencement of construction within 50 feet of any of the NRHP/CRHR-eligible San Jose Japantown Historic District contributing buildings (including development of the lot adjacent to Building 16 and subsurface utility construction in North 6th Street), an architect specializing in historic architecture[4] and a registered structural engineer[5] shall undertake an existing condition study of those contributing buildings at risk (in particular, Building 16). The purpose of the study would be to establish the baseline condition of at-risk buildings, prior to construction that may exceed vibration thresholds, by identifying the location and extent of any visible exterior surface cracks, spalls, or structural deficiencies. The documentation shall consist of written descriptions and photographs, and shall specifically address those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register and the local register. The documentation would be reviewed and approved by the City of San Jose's Historic Preservation Officer.

Page 284 of the Draft EIR is revised as follows:

If vibration impact assessments required by Mitigation Measures NOI-2a and 2b determine that vibration impacts to contributory buildings would be in excess of 96 VdB, then implementing Mitigation Measures CULT-4a and -4b would reduce the project's impacts to the NRHP/CRHR-eligible San Jose Japantown Historic District's integrity of design, materials, and workmanship to a less-than-significant level. This reduction would be achieved by taking feasible steps to identify, prevent, or repair project-related damage to the contributing buildings of the NRHP/CRHR-eligible San Jose Japantown Historic District. (LTS)

B. STAFF-INITIATED TEXT REVISIONS

The following revisions to the Draft EIR derive from staff-initiated changes intended to correct minor errors or omissions in the Draft EIR.

The Draft EIR states in several places that the proposed project would include up to 900 underground/surface parking spaces. However, as accurately stated in Chapter V.C., Transportation,

[4] The architect shall meet the qualifications for historic architecture contained in the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards* (36 CFR Part 61, Appendix A).

[5] The structural engineer shall have a minimum of five years of experience in the rehabilitation and restoration of historic buildings.

Circulation and Parking, the project would provide 934 underground/surface parking spaces. The Draft EIR has been revised to reflect this change.

Page 1 of the Draft EIR has been revised as follows:

B. PROPOSED PROJECT

The proposed project would redevelop a total of 5.78 acres adjacent to North 6th Street between Jackson and Taylor Streets in the City of San Jose. The project site consists of two separate parcels, the 5.23-acre Corporation Yard site and the 0.55-acre surface parking lot site. The proposed project would include up to 600 market-rate residential units, up to 30,000 square feet of retail space, a 10,000 to 20,000 square foot community amenity space, and ~~up to 900~~ 934 underground/surface parking spaces on the Corporation Yard site. As a variation on the proposed project, up to 15,000 square feet of proposed retail space could be replaced with up to 24 live/work units. The existing surface parking lot would be redeveloped as an affordable senior housing complex including up to 85 units of affordable housing and up to 40 parking spaces. Residential/mixed use buildings would range from 6 to 14 stories and community amenity uses would range from 1 to 2 stories. An in-depth description of the project appears in Chapter III, Project Description.

Page 33 of the Draft EIR has been revised as follows:

A. PROJECT OVERVIEW

The proposed project would redevelop a total of 5.78 acres consisting of the City's former Corporation Yard and associated surface parking lot as a mixed-use development. The proposed project would include up to 600 market-rate residential units, up to 30,000 square feet of retail space, a 10,000 to 20,000 square foot community amenity space, and ~~up to 900~~ 934 underground/surface parking spaces on the Corporation Yard site. As a variation on the proposed project, up to 15,000 square feet of retail space could be replaced with up to 24 live/work units. The existing surface parking lot would be redeveloped as an affordable senior housing complex including up to 85 units of affordable housing and 40 parking spaces. Project buildings would range from 6 to 14 stories for the residential/mixed-uses and 1 to 2 stories for the community amenity uses. As the location and height of project buildings is conceptual at this time, this EIR evaluates a 14-story building envelope for the Corporation Yard site. A 6-story building envelope is evaluated for the surface parking lot site. The location and height of buildings would be determined based on standards to be established in the Planned Development Zoning for the Corporation Yard Site and the City parking lot site. The proposed project would require City entitlement actions including subsurface demolition, construction, and development permits.

Page 39 of the Draft EIR has been revised as follows:

a. Corporation Yard Site. The proposed project would redevelop the 5.23-acre former Corporation Yard site with up to 600 market-rate residential units, up to 30,000 square feet of ground-floor retail space, a 10,000 to 20,000 square foot community amenity space, and ~~up to 900~~ 934 under-ground/ surface parking spaces. Figure III-3 depicts the conceptual ground floor development plan for the corporation yard site. As a variation on the proposed project, up to

15,000 square feet of retail space could be replaced with up to 24 live/work units. The appropriate mix of retail and/or live/work ground-floor uses within each building would be determined at the time that the Planned Development permits for each building are filed, and would depend on the current market conditions.

Pages 48 and 49 of the Draft EIR have been revised as follows:

3. Circulation and Parking

The proposed project would include an east-west internal roadway through a portion of the Corporation Yard site connecting North 7th Street and North 6th Street. This internal street would provide vehicular and pedestrian access to the internal portion of the site and would provide surface level parking on both sides. Building storefronts and the public park/plaza would front the internal roadway. Surface parking would also be provided generally around the perimeter of the site. The majority of the ~~900~~ 934 parking spaces provided at the Corporation Yard site would be located within the podium structure. One level of subsurface parking would be provided. Parking would be provided at a minimum ratio of 1.5 to 2 spaces per residential unit, and 1 per 400 net square feet of retail as part of the proposed project. Access to structured parking areas would be provided by two new driveways located along North 7th Street.

The Draft EIR states in several places that the General Plan Amendment for the proposed project would allow residential uses at a density of up to 115 dwelling units per acre. However, the maximum allowable residential density would be 160 dwelling units per acre. The Draft EIR has been revised to reflect this change.

Pages 49 and 50 of the Draft EIR have been revised as follows:

The project site would require a General Plan Amendment to designate the entire Corporation Yard site Jackson-Taylor PRC Mixed-Use #2A, which would constitute a new land use designation within the City's General Plan. The parking lot site would not require a General Plan Amendment because the proposed senior housing complex could be found in conformance with the General Plan through use of the Discretionary Alternative Use Policy for location of projects proposing 100 percent affordable housing. With respect to the Corporation Yard site, Mixed-Use #2A would allow residential uses at a density of up to ~~115~~ 160 dwelling units per net acre. Further, it would allow over the entire Corporation Yard site up to 30,000 square feet of retail, and up to 20,000 square feet of community amenity space. The General Plan Amendment would also establish a height limit of up to 175 feet, and allow limited surface parking. As a variation, Mixed Use #2A would allow up to 15,000 square feet of retail space to be replaced with up to 24 live/work units.

Page 57 of the Draft EIR has been revised as follows:

With respect to the Corporation Yard Site, the amendment would allow residential uses at a density of up to ~~115~~ 160 dwelling units per gross acre (not including the possible live/work units) over the entire site, up to 30,000 square feet of retail, and 10,000 to 20,000 square feet of community amenity space; establish a height limit of up to 175 feet; and allow limited surface parking. As a variation on the proposed project, the amendment would allow up to 15,000

square feet of retail to be replaced with up to 24 live/work units. With respect to the City surface parking lot site, the Amendment would allow residential uses at a density of up to 155 dwelling units per acre; establish a height limit of up to 85 feet; and allow approximately 40 parking spaces. In addition, the amendments would: allow residential and live/ work uses to line the podium (in addition to commercial uses already permitted); allow some buildings to contain exclusively residential uses; and, allow zero-setback lines.

Page 66 of the Draft EIR has been revised as follows:

With respect to the Corporation Yard site, Mixed-Use #2A would allow residential uses at a density of up to ~~115~~ 160 dwelling units per gross acre (not including the possible live/work units) over the entire site, up to 30,000 square feet of retail, and 10,000 to 20,000 square feet of community amenity space; establish a height limit of up to 175 feet; and allow limited surface parking. As a variation on the proposed project, the General Plan Amendment would allow up to 15,000 square feet of retail to be replaced with up to 24 live/work units. Mixed Use #2A would also allow an approximately 0.9-acre public park/plaza open space area.

Pages 73 and 74 of the Draft EIR have been revised as follows:

With respect to the Corporation Yard Site, the amendment would allow residential uses at a density of up to ~~115~~ 160 dwelling units per gross acre over the entire site, up to 30,000 square feet of retail, and 10,000 to 20,000 square feet of community amenity space; establish a height limit of up to 175 feet; and allow limited surface parking. As a variation on the proposed project, the amendment would also permit up to 15,000 square feet of retail to be replaced with up to 24 live/work units.

Page 148 of the Draft EIR has been revised as follows:

The project would require a General Plan Amendment to designate the entire Corporation Yard site and the City surface parking lot site Jackson-Taylor PRC Mixed-Use #2A, which would constitute a new land use designation within the City's General Plan. With respect to the Corporation Yard site, Mixed-Use #2A would allow uses at a density of up to ~~105~~ 160 dwelling units per gross acre over the entire site, up to 30,000 square feet of retail, and 10,000 to 20,000 square feet of community amenity space. This new land use designation also would establish a height limit of up to 175 feet and allow limited surface parking.

The Draft EIR incorrectly states on two occasions that a General Plan Amendment for the proposed project would increase the total cap on dwelling units in the Jackson-Taylor Planned Residential Community to 2,024 dwelling units (page 50) or 2,000 dwelling units (page 57).

Page 50 of the Draft EIR has been revised as follows:

The existing Mixed Use #2 designation would continue to allow a 40-room inn, 150 senior housing units, and up to 80,000 square feet of office. The project would also require a General Plan Amendment to increase the total cap on dwelling units to ~~2,024~~ 2,225 dwelling units in the Jackson Taylor Planned Residential Community.

Page 57 of the Draft EIR has been revised as follows:

> The Residential Strategy would also be amended to modify the Residential Strategy's policies and design guidelines as necessary to implement the project. The project also would amend the Residential Strategy to increase the cap on dwelling units to ~~2,000~~ 2,225 dwelling units.

The Draft EIR states in several places that the project applicant will request an amendment to the Neighborhood Business District overlay boundary; however, the entirety of the Corporation Yard site is within the overlay. The Draft EIR has been revised to reflect this change.

Page 50 of the Draft EIR has been revised as follows:

> The project site is located within the Japantown Neighborhood Business District Overlay, as shown on Figures III-8 and III-9. The purpose of the overlay is to recognize the variety of commercial and non-commercial uses which contribute to neighborhood identity by focusing neighborhood activity. The overlay facilitates the implementation of the Neighborhood Business District (NBD) Program by identifying target areas. The NBD Program seeks to preserve, enhance, and revitalize San Jose's older neighborhood serving commercial areas through the coordination of public and private improvements, such as streetscape beautification, facade upgrading, business organization activities, business development, and promotional events. In areas designated with the Neighborhood Business District overlay, any new development or redevelopment must conform to both the underlying land use designation and the overlay designation. ~~Consistent with the intent of the NBD Program, the project applicant will request an amendment to the NBD Overlay boundary on the San Jose 2020 General Plan Land Use/Transportation diagram to include the entirety of the project site currently not within the NBD Overlay.~~

Pages 66 and 67 of the Draft EIR has been revised as follows:

> **(2) Japantown Neighborhood Business District Overlay.** The project site~~, within approximately 110 feet of Jackson Street,~~ is also located within the Japantown Neighborhood Business District Overlay. The purpose of the overlay is to recognize the variety of commercial and non-commercial uses which contribute to neighborhood identity by serving as a focus for neighborhood activity. The overlay facilitates the implementation of the Neighborhood Business District (NBD) Program by identifying target areas. The NBD Program seeks to preserve, enhance, and revitalize San Jose's older neighborhood serving commercial areas through the coordination of public and private improvements, such as streetscape beautification, facade upgrading, business organization activities, business development, and promotional events. In areas designated with the Neighborhood Business District overlay, any new development or redevelopment must conform to both the underlying land use designation and the overlay designation.
>
> ***Consistency:*** The proposed project would require a General Plan Amendment to designate the entire Corporation Yard site and the City surface parking lot site to Jackson-Taylor PRC

Mixed-Use #2A, which would constitute a new land use designation within the City's General Plan.

With respect to the Corporation Yard site, Mixed-Use #2A would allow residential uses at a density of up to 115 dwelling units per gross acre (not including the possible live/work units) over the entire site, up to 30,000 square feet of retail, and 10,000 to 20,000 square feet of community amenity space; establish a height limit of up to 175 feet; and allow limited surface parking. As a variation on the proposed project, the General Plan Amendment would allow up to 15,000 square feet of retail to be replaced with up to 24 live/work units. Mixed Use #2A would also allow an approximately 0.9-acre public park/plaza open space area.

With respect to the City surface parking lot site, residential uses at a density of up to 155 dwelling units per acre, a height limit of up to 85 feet; and approximately 40 parking spaces could be allowed with a discretionary alternate use policy for affordable housing projects.

The proposed project would generally be consistent with the intent of the Jackson-Taylor PRC, once amended.

In addition, the proposed project would generally consistent with the intent of the NBD Program~~, the project applicant will request an amendment to the NBD Overlay boundary on the San Jose 2020 General Plan Land Use/Transportation diagram to include the entirety of the Corporation Yard site currently not within the NBD Overlay~~.

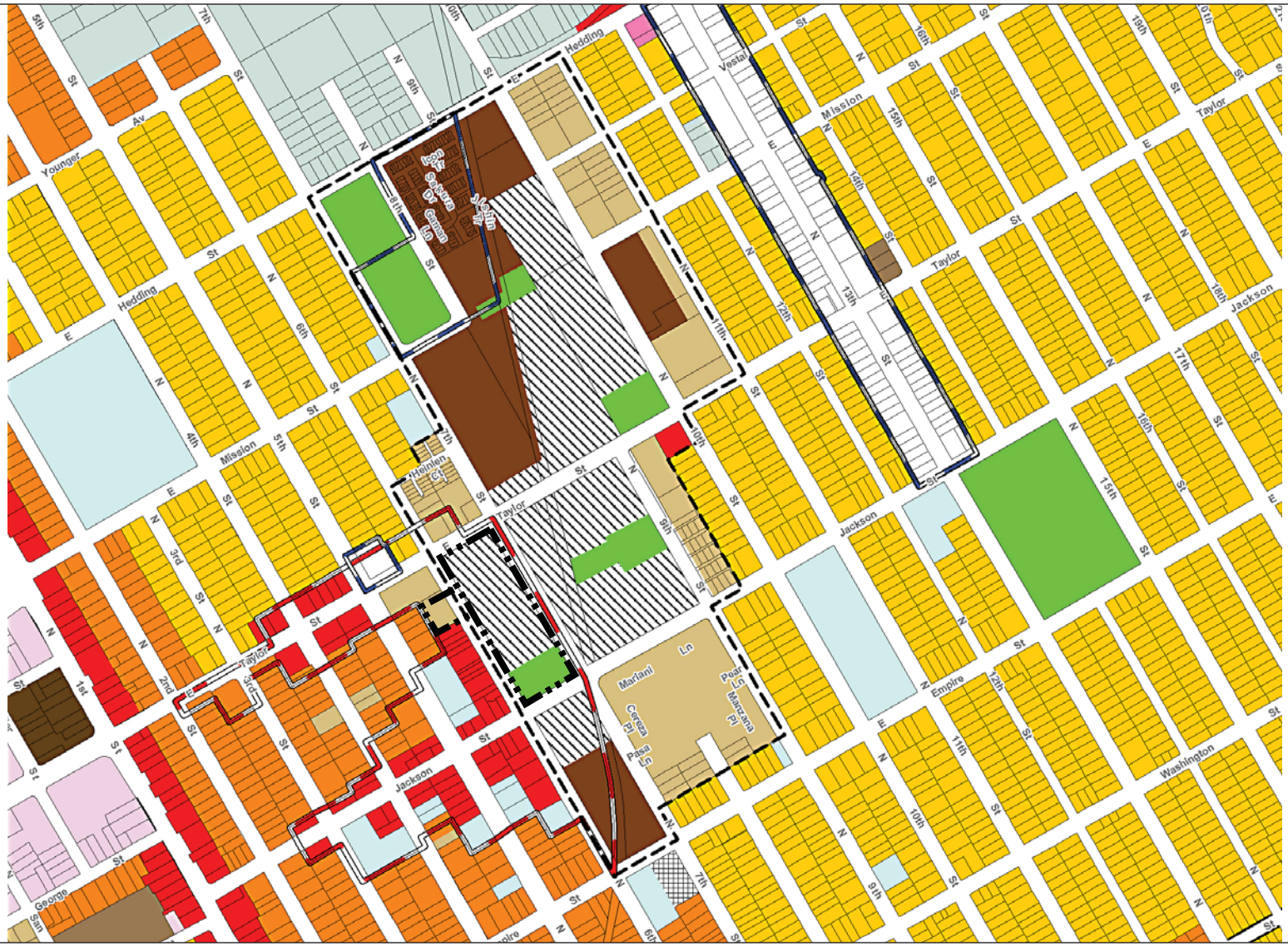
Figure III-8, General Plan Land Use Designation, and Figure III-9, Jackson-Taylor Planned Residential Community, on pages 51 and 52 of the Draft EIR, respectively, are revised to accurately reflect the Japantown Neighborhood Business District Overlay as follows (see following pages).

The project site is not located within an ALUC-designated safety area or within the 65 dBA CNEL noise contour for the San Jose International Airport. Pages 64 and 65 of the Draft EIR is revised as follows:

~~6. Land Use Plan for Areas Surrounding Santa Clara County Airports~~

~~The *Land Use Plan for Areas Surrounding Santa Clara County Airports*, adopted by the Santa Clara County Airport Land Use Commission (ALUC) in September 1992, established land use policies that provide for the orderly growth of the areas surrounding airports in Santa Clara County. The ALUC has established provisions for the regulation of land use, building height, safety, and noise insulation within areas adjacent to each of the public airports in the county. The project site is located within the ALUC height restriction boundary for the San Jose International Airport. However, the project site is not subject to the requirements of the ALUC land use plan.~~

~~Although the site is not currently located within any federal or locally-designated safety zone, development on the site is subject to height restrictions set forth by Federal Aviation Regulations (FAR), Part 77, administered by the Federal Aviation Administration (FAA) and incorporated into the ALUC policy. These federal regulations define a set of imaginary surface restrictions which radiate out several miles from an airport's runways. Proposed development~~



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LEGEND

- MEDIUM LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM HIGH DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- TRANSIT CORRIDOR RESIDENTIAL
- NEIGHBORHOOD COMMUNITY COMMERCIAL
- RESIDENTIAL SUPPORT FOR THE CORE AREA
- GENERAL COMMERCIAL
- OFFICE
- LIGHT INDUSTRIAL
- PUBLIC/QUASI-PUBLIC
- PUBLIC PARK/OPEN SPACE
- PLANNED COMMUNITY
- NEIGHBORHOOD BUSINESS DISTRICT
- TRANSIT-ORIENTED DEVELOPMENT CORRIDOR
- MIXED USE OVERLAY
- LRT LIGHT RAIL STATION
- PEDESTRIAN CORRIDOR
- AREA OF HISTORIC SENSITIVITY
- PROJECT SITE

N

NOT TO SCALE

FIGURE III-8

Japantown Corporation Yard Redevelopment Project EIR

General Plan Land Use Designations

SOURCE: CITY OF SAN JOSE, DEPT. OF PLANNING, BUILDING AND CODE ENFORCEMENT, MAY 24, 2007

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FIGURE III-9

Japantown Corporation Yard Redevelopment Project EIR
Jackson-Taylor Planned Residential Community

SOURCE: CITY OF SAN JOSE, PLANNING DIVISION, JULY 2007

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~~requiring notification to the FAA under Federal Aviation Regulations, Part 77, must receive a Determination of No Hazard prior to development permit approval in compliance with General Plan Aviation Policy #47. Developments that include structures exceeding the FAA's imaginary surface standards or exceed 200 feet in height, are required to include incorporation of any FAA requirements specified in a Determination of No Hazard (to be obtained prior to development approval) as well as dedication of navigation easements to the City of San Jose in compliance with General Plan Aviation Policy #49.~~

~~In addition, the City of San Jose is currently working to initiate amendments to the General Plan and other key policy documents to restrict maximum building heights of new development to elevations which would not impact airline emergency procedures criteria (known as One Engine Inoperative [OEI]) and are otherwise acceptable to the FAA. Under Federal Aviation Regulations Part 25, airlines must design emergency flight procedures in the event of a total power loss in one engine during takeoff. These OEI procedures are designed such that aircraft would gain some altitude and follow a simple flight path over the lowest terrain and any obstacles that would eventually allow a safe return to the airport. The intent of the proposed amendments is to protect OIE airspace surfaces from high rise development in the Downtown. The OEI surface restrictions would apply to two corridors within the Downtown: one in the core east of Route 87 and one west of Route 87. The project site is located outside of the City's proposed OEI height restriction boundary.[6]~~

~~***Consistency:*** The project site is not located within an ALUC-designated safety area or within the 65 dBA CNEL noise contour for the San Jose International Airport. The proposed project includes rezoning of the site allowing buildings up to 175 feet in height; which would exceed the FAA's 145-foot[7] imaginary surface standards for the site. As such, the proposed project would require a Determination of No Hazard from the FAA prior to any specific development approval and would require dedication of an avigation easement over the project site. The project site is located outside of the proposed OEI boundary, and would not be subject to reduced height restrictions beyond those required by the FAA.~~

Airspace impacts are addressed in Chapter V.H., Hazards and Hazardous Materials; the discussion in Chapter V.A., Land Use, is not necessary. Page 89 of the Draft EIR is revised as follows:

- North of the site, across Taylor Street, is a mix of uses, consisting primarily of medium density single-family homes, townhomes, and apartment complexes, with commercial uses concentrated along the Taylor Street corridor. The proposed ground-floor commercial uses and high density residential development would not conflict with land uses existing north of the site. Although project buildings would be considerably taller than uses existing to the north, the proposed project would compliment these uses, and provide increased activity in this urban area.

~~[6] Leigh Fisher Associates, 2006. Draft Comparison of TERPS vs. OEI Areas of Influence with Noise Contours. October 5.~~

~~[7] Greene, Cary, 2007. Airport Planner, City of San Jose Airport Department. Memorandum to Ron Eddow, City of San Jose Planning Department. September 19.~~

~~The San Jose International Airport is approximately 1 mile northwest of the site. Although the site is not currently located within any federal or locally-designated safety zone, development on the site is subject to height restrictions set forth by Federal Aviation Regulations, Part 77, administered by the Federal Aviation Administration (FAA) and incorporated into the Santa Clara County Airport Land Use Commission (ALUC) policy. These federal regulations define a set of imaginary surface restrictions which radiate out several miles from an airport's runways. Proposed development requiring notification to the FAA under Federal Aviation Regulations, Part 77, must receive a Determination of No Hazard prior to development permit approval in compliance with General Plan Aviation Policy #47. Developments that include structures exceeding the FAA's imaginary surface standards are required to include incorporation of any FAA requirements specified in a Determination of No Hazard (to be obtained prior to development approval) as well as dedication of avigation easements to the City of San Jose in compliance with General Plan Aviation Policy #49. The proposed project includes rezoning of the site allowing buildings up to 175 feet in height; which would exceed the FAA's 145-foot[8] imaginary surface standards for the site. As such, the proposed project would require a Determination of No Hazard from the FAA prior to any specific development approval and would require dedication of an avigation easement over the project site.~~

As a point of project clarification, and to assist the City in tracking the project's compliance with regulations and policy, potential aviation hazards on the Corporation Yard site will be categorized as a significant impact, and the compliance with regulations and policy will be called out as Mitigation Measure.

Page 237 of the Draft EIR is revised as follows:

(5) Aviation Hazards. The Corporation Yard and City parking lot sites are located within proximity to the Norman Y. Mineta San Jose International Airport (SJIA). However, these sites are located outside the land use referral boundary airport influence area for the Santa Clara County Airport Land Use Commission. The Corporation Yard and parking lot sites are also located outside the northern and southern safety zones established for SJIA. These safety zones are implemented to protect the public from potential aircraft accidents.[9] No private use airports or landing strips are located within proximity to either site.[10]

~~However, because the high-rise structure proposed at the corporation yard site are in excess of 145 feet above ground surface, the project applicant must submit a request to the Federal Aviation Administration (FAA) for an airspace safety determination.[11] This request is required pursuant to Federal regulations and City of San Jose General Plan Transportation Policies #47~~

~~[8] Greene, Cary, 2007. Airport Planner, City of San Jose Airport Department. Memorandum to Ron Eddow, City of San Jose Planning Department. September 19.~~

[9] Santa Clara County Airport Land Use Commission, 2006. Memorandum to Interested Parties Re: Approved amendments to Santa Clara County Land Use Plan for Areas Surrounding Santa Clara County Airports, 27 April (and map attachments).

[10] Information reviewed at http://www.skyvector.com, 2 August 2007.

[11] Greene, Cary, 2007. Airport Planner, City of San Jose Airport Department. Memorandum to Ron Eddow, City of San Jose Planning Department. September 19

~~and #49. The proposed project would therefore require a Determination of No Hazard from the FAA and must comply with any design or notification requirements or other requirements regarding elevation limits as specified in the FAA No Hazard Determination, including an avigation easement to the City prior to issuance of a building permit. Compliance with the Federal regulations and applicable General Plan policies, potential aviation hazards would be a less-than-significant impact.~~

~~A No Hazard Determination is not required for construction of the proposed development at the parking lot site since proposed buildings would not be in excess of 145 feet above ground surface.~~

Page 237 of the Draft EIR is revised as follows:

c. Significant Impacts. The project would result in ~~two~~ three potentially significant impacts related to hazardous materials.

Page 241 of the Draft EIR is revised as follows:

Impact HAZ-3: 175-foot tall buildings on the Corporation Yard Site could potentially create obstructions in the airspace surrounding San Jose International Airport. (S)

The San Jose International Airport is approximately one mile northwest of the site. Development on the site may be subject to height restrictions in compliance with Federal Aviation Regulations, Part 77, to protect use of the local airspace near an airport. These regulations, administered by the Federal Aviation Administration (FAA), define a set of imaginary surface restrictions which radiate out several miles from an airport's runways and set forth criteria for requiring FAA review of certain development proposals. For this project site, Airport staff has advised that any structure that would exceed a height of 145 feet must be submitted by the developer to the FAA for an airspace review and, consistent with General Plan Aviation Policy #47, receive an FAA Determination of No Hazard prior to development approval. As the proposed project for the Corporation Yard site includes rezoning of the site to allow buildings up to 175 feet in height, some proposed buildings on the project site would fall under this FAA review requirement. City approval of such buildings would be dependent on FAA issuance of a No Hazard Determination, compliance with any conditions specified in the FAA determination and, consistent with General Plan Aviation Policy #49, dedication of an avigation easement to the City setting forth acceptance of elevation limits over the property and other aviation-related impacts.

Mitigation Measure HAZ-3: The project applicant shall submit project components in excess of 145 feet above ground surface to the Federal Aviation Administration (FAA) for an airspace safety determination. Pursuant to City of San Jose General Plan Transportation Policy #47, the project would need to obtain a "Determination of No Hazard" from the FAA prior to City approval of an site development permits and would be required to comply with any conditions set by the FAA in its determination. Developer dedication of an avigation easement to the City, setting forth maximum height restrictions, would also be required pursuant to City General Plan Transportation Policy #49. Compliance with these federal regulations and General Plan policies would reduce the potential aviation hazard impact to a less-than-significant level.

A No Hazard Determination is not required for construction of the proposed development at the parking lot site since proposed buildings would not be in excess of 145 feet above ground surface.

Table II-1 on Page 21 of the Draft EIR is revised (please see the following page).

Page 98 of the Draft EIR states that the proposed project would provide 10,000 square feet of community amenity space and up to 704 residential units. However, as accurately described throughout the balance of the document, the project would provide 10,000 to 20,000 square feet of community amenity space and up to 709 residential units. The Draft EIR has been revised to reflect these changes.

Page 98 of the Draft EIR has been revised as follows:

(1) Jobs-to-Housing Imbalance. As noted in III. Project Description, uses and employment in the Corporation Yard have been relocated to the City's Central Service Yard on Senter Road. For the purposes of this EIR, the project site is assumed to be vacant. As described above, the project proposes to include up to 30,000 square feet of retail space, 10,000 to 20,000 square feet of community amenity space, and 685 residential units.

The *Employment Density Study*'s land use category of "Other Retail/Services" applies to proposed retail on the site. The average square footage per employee, as projected in the study, is 344 square feet for other retail/services. As such, the proposed 30,000 square feet of retail is expected to generate 87 jobs. The proposed 10,000 to 20,000 square feet of community amenity space is expected to generate 6 full-time jobs. As indicated above in Table V.B-2, the City of San Jose is currently "job poor" and is projected to remain as such through 2035. The proposed project would increase the City's estimated 2005 housing supply within its subregional study area to 310,035, and its projected 2010 supply to 329,955. It would also increase San Jose's estimated number of jobs in 2005 within its sphere of influence to 363,473 and its projected 2010 number of jobs to 405,263. The 93 new jobs would represent approximately one hundredth of a percent of the overall job growth projected for the City and County for the period of 2005-2035, and the proposed new households would represent less than one percent of the projected housing growth for the same period. Therefore, the proposed project would not substantially change either the City's or the County's projected jobs-to-housing balance.

Table II-1: Summary of Impacts and Mitigation Measures [Hazards Revised]

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HAZ-2 *Continued*		HAZ-2b: The contractor(s) redeveloping each of the Corporation Yard and parking lot sites shall prepare emergency procedures including notification procedures in the event of spills or other on-site hazardous materials releases, evacuation procedures, spill containment procedures, and required personal protective equipment, as appropriate, in responding to the emergency. Use, storage, disposal, and transport of hazardous materials during construction activities at both sites shall be performed in accordance with existing local, state, and federal hazardous materials regulations. These emergency procedures shall be prepared by the contractor(s) and submitted to the City/RDA prior to earthworking activities. Implementation of this two-part mitigation measure would reduce this impact to a less-than-significant level	
HAZ-3: 175-foot tall buildings on the Corporation Yard Site could potentially create obstructions in the airspace surrounding San Jose International Airport.	S	HAZ-3: The project applicant shall submit project components in excess of 145 feet above ground surface to the Federal Aviation Administration (FAA) for an airspace safety determination. Pursuant to City of San Jose General Plan Transportation Policy #47, the project would need to obtain a "Determination of No Hazard" from the FAA prior to City approval of an site development permits and would be required to comply with any conditions set by the FAA in its determination. Developer dedication of an avigation easement to the City, setting forth maximum height restrictions, would also be required pursuant to City General Plan Transportation Policy #49. Compliance with these federal regulations and General Plan policies would reduce the potential aviation hazard impact to a less-than-significant level. A No Hazard Determination is not required for construction of the proposed development at the parking lot site since proposed buildings would not be in excess of 145 feet above ground surface.	LTS

Pages 98 and 99 of the Draft EIR have been revised as follows:

> Based on market conditions, as a variation on the proposed project, up to 15,000 square feet of retail space may be replaced with up to 24 live/work units. This would increase the total amount of proposed housing on the project site from 685 units to ~~704~~ 709 units. Using San Jose's 2005 average household size of 3.18, the live/work units would add approximately 76 residents to the 2,078 persons anticipated to inhabit the proposed 685 units for a total population of up to 2,154. The San Jose Municipal Code indicates that work areas in live/work units must be compatible with residential uses.[12] Typical work activities in live/work units include the arts and light manufacturing, both with minimal noise generation and low levels of allowed hazardous materials. The proposed 24 live/work units would generate 24 jobs. However, the replacement of some of the proposed retail use with live/work use would not substantially change either the City's or the County's projected jobs-to-housing balance. As such, this modification to the proposed project would result in a less-than-significant impact on the City and County's jobs-to-housing balance.

Page 139 of the Draft EIR incorrectly states that the project would satisfy the City of San Jose parking code requirements for residential and retail by 123 spaces. In addition, the word "parctic" on this page is an error and should be removed. The Draft EIR has been revised to reflect these changes.

Pages 138 and 139 of the Draft EIR have been revised as follows:

> A reduction in required off-street parking spaces of up to 10 percent may be authorized with a Development Permit for structures or uses located within 2,000 feet of a proposed or an existing rail station, and areas designated as Neighborhood Busines Districts in the City's General Plan. The 10 percent reduction does not apply to retail uses because a reduction is already applied for retail uses within the Neighborhood Business District. Based on the City of San Jose standard parking rates and applicable parking reductions, the project should provide a total of 934 parking spaces for the Corporation Yard redevelopment site, 869 of which should be provided for residents in the underground parking garages (assigned parking). Since a total of 934 parking spaces are being proposed, the Corporation Yard project would satisfy the City of San Jose parking code requirements for residential and retail~~, by 123 spaces~~.
>
> The required parking supply for the commuity amenity space depends upon the mix of uses identified for the space (e.g., office, ~~parctic,~~ taiko practice). Thirty-five stalls have been set aside and additional stalls would be provided as required when the program is selected. When the community amenity space is programmed the City of San Jose Department of Planning Building and Code Enforcement would determine the parking requirement for the space and that amount of parking would be provided on-site.

Impact TRANS-4 has been revised to more accurately reflect the Draft EIR's discussion of cumulative transportation and circulation impacts.

[12] Please consult *Chapter 20.70.120 Live/work units* in the *San Jose Municipal Code* for a list of restrictions for live/work units.

Page 149 of the Draft EIR is revised as follows:

> **Impact TRANS-4: The proposed project ~~would cumulatively~~ , combined with other cumulative development, would cause the total VMT and VHT to exceed the significance criteria for all roadways in Santa Clara County during both the AM and PM traffic periods, significantly increase peak direction traffic volumes across all three special subarea cordon lines and significantly increase V/C across regional screenline links. (S)**

Table II-1 on Page 8 of the Draft EIR is revised (please see the following page).

A portion of the Draft EIR's discussion of noise-reducing engineering standards has been revised in order to avoid redundancy.

Page 184 of the Draft EIR is revised as follows:

> ~~According to the standards outlined in the Zoning Ordinance of the Municipal Code, a Planned Development permit may be required for this project due to stationary noise source impacts. In addition,~~ Title 24 of the California Building Code establishes construction engineering standards for reducing noise impacts in multi-family residential units. However, project related stationary noise source impacts would not exceed the City's established significance criteria.

Figure V.I-2 on page 277 of the Draft EIR shows four floors above one floor of retail. The proposed project would include five floors above one floor of retail at this point. Figure V.I-2 on page 277 of the Draft EIR is revised as follows (see following page).

Page 279 of the Draft EIR incorrectly identifies an opportunity for community input at the "Planning Department" zoning stage.

Page 279 of the Draft EIR is revised as follows:

> A two-part review process would be used to ensure that proposed designs meet the objectives of Mitigation Measures CULT-3a and 3b. First, conceptual elevations and architectural standards for the proposed development shall be subject to City Council approval, following community input at the ~~Planning Department~~ Planned Development zoning stage. Then, final elevations will be subject to the approval of the Director of Planning, following community input at the Planned Development Permit stage.

Table II-1: Summary of Impacts and Mitigation Measures [Transportation Revised]

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
A. LAND USE			
There are no significant land use impacts.			
B. POPULATION, EMPLOYMENT AND HOUSING			
There are no significant population, employment and housing impacts.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
TRANS-1: When measured against the City of San Jose level of service impact criteria, three protected study intersections out of the five would be significantly impacted by the project: North 1st Street and Taylor Street (PM peak hour), North 10th Street and Hedding Street (AM peak hour) and 10th Street and Taylor Street (PM peak hour).	S	TRANS-1: Feasible mitigation measures are not available to reduce this impact to a less than significant level.	SU
TRANS-2: Based on the impact criteria for the proximity analysis, the significant increases in PM peak hour traffic volumes on the congested roadways in close proximity to the proposed GPA site constitute a significant adverse traffic impact.	S	TRANS-2: Feasible mitigation measures are not available to reduce this impact to a less than significant level.	SU
TRANS-3: Based on the results of the proposed GPA screenline analysis, the significant increases in V/C and the corresponding significant increases in traffic volumes on the congested (LOS E/F) roadways included in link set #2 during the PM peak hour constitutes a significant adverse traffic impact	S	TRANS-3: Feasible mitigation measures are not available to reduce this impact to a less than significant level.	SU
TRANS-4: The proposed project ~~would cumulatively~~, combined with other cumulative development, would cause the total VMT and VHT to exceed the significance criteria for all roadways in Santa Clara County during both the AM and PM traffic periods, significantly increase peak direction traffic volumes across all three special subarea cordon lines and significantly increase V/C across regional screenline links.	S	TRANS-4: Feasible mitigation measures are not available to reduce this impact to a less than significant level.	SU

LSA

FIGURE V.I-2

N

NOT TO SCALE

NOTE: ILLUSTRATIVE AS TO NUMBER OF BUILDINGS, BUILDING LOCATIONS AND ORIENTATION, MASSING, ALIGNMENT OF STREETS AND ACCESS DRIVES, LOCATION AND CONFIGURATION OF OPEN SPACE, LOCATION OF DRIVEWAYS AND LOADING ACCESS, INTERNAL BUILDING CONFIGURATION, AND CONFIGURATION OF USES WITHIN BUILDINGS.

Japantown Corporation Yard Redevelopment Project EIR

Conceptual Building Elevations in Proximity to Historic Structures

SOURCE: ANKROM MOISAN, MARCH 2008

I:WDD0701 japantown\RTC\figures\Fig_V.I2.ai (3/21/08)

APPENDIX A

FREEWAY SEGMENT LEVEL OF SERVICE

Appendix A
Freeway Segment Levels of Service Under Project Conditions - With Live/Work Units

					Existing Plus Project Trips												Project Trips					
					Mixed-Flow						HOV Lane							Mixed-Flow		HOV Lane		
Freeway	Segment		Direction	Peak Hour	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Ave. Speed/a/	# of Lanes	Capacity (vph)	Volume/a/	Density	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity	Impact?
SR 87	I-280	to Julian St	NB	AM	15	2	4,400	2,954	98.5	F	–	–	–	–	–	–	17	14	0.3%	3	–	NO
				PM	66	2	4,400	3,076	23.3	C	–	–	–	–	–	–	43	36	0.8%	7	–	NO
SR 87	Julian St	to Coleman Ave	NB	AM	37	2	4,400	4,084	55.2	E	–	–	–	–	–	–	17	14	0.3%	3	–	NO
				PM	66	2	4,400	3,206	24.3	C	–	–	–	–	–	–	43	36	0.8%	7	–	NO
SR 87	Coleman St	to Taylor St	NB	AM	40	2	4,400	4,174	52.2	E	67	1	1,800	943	14.1	B	17	14	0.3%	3	0.2%	NO
				PM	66	2	4,400	3,336	25.3	C	67	1	1,800	207	3.1	A	43	36	0.8%	7	0.4%	NO
SR 87	Taylor St	to Skyport Dr	NB	AM	50	2	4,400	4,433	44.3	D	67	1	1,800	547	8.2	A	40	33	0.8%	7	0.4%	NO
				PM	67	2	4,400	1,490	11.1	B	67	1	1,800	74	1.1	A	24	20	0.5%	4	0.2%	NO
SR 87	Skyport Dr	to US 101	NB	AM	6	2	4,400	1,773	147.8	F	67	1	1,800	947	14.1	B	40	33	0.8%	7	0.4%	NO
				PM	67	2	4,400	2,300	17.2	B	67	1	1,800	544	8.1	A	24	20	0.5%	4	0.2%	NO
SR 87	US 101	to Skyport Dr	SB	AM	66	2	4,400	3,445	26.1	D	67	1	1,800	133	2.0	A	18	15	0.3%	3	0.2%	NO
				PM	59	2	4,400	4,406	37.3	D	67	1	1,800	807	12.0	B	43	36	0.8%	7	0.4%	NO
SR 87	Skyport Dr	to Taylor St	SB	AM	67	2	4,400	1,485	11.1	B	67	1	1,800	73	1.1	A	18	15	0.3%	3	0.2%	NO
				PM	19	2	4,400	3,226	84.9	F	67	1	1,800	1,217	18.2	C	43	36	0.8%	7	0.4%	NO
SR 87	Taylor St	to Coleman St	SB	AM	67	2	4,400	2,173	16.2	B	–	–	–	–	–	–	40	33	0.8%	7	–	NO
				PM	9	2	4,400	2,230	123.9	F	–	–	–	–	–	–	24	20	0.5%	4	–	NO
SR 87	Coleman ave	to Julian St	SB	AM	66	2	4,400	2,803	21.2	C	–	–	–	–	–	–	40	33	0.8%	7	–	NO
				PM	18	2	4,400	3,220	89.4	F	–	–	–	–	–	–	24	20	0.5%	4	–	NO
SR 87	Julian St	to I-280	SB	AM	67	2	4,400	2,443	18.2	C	–	–	–	–	–	–	40	33	0.8%	7	–	NO
				PM	9	2	4,400	2,160	120.0	F	–	–	–	–	–	–	24	20	0.5%	4	–	NO
US 101	Santa Clara St	to McKee Rd	NB	AM	11	3	6,900	3,663	111.0	F	20	1	1,800	1,641	82.0	F	4	3	0.0%	1	0.0%	NO
				PM	66	3	6,900	4,562	23.0	C	67	1	1,800	802	12.0	B	14	12	0.2%	2	0.1%	NO
US 101	McKee Rd	to Oakland Rd	NB	AM	17	3	6,900	4,642	91.0	F	41	1	1,800	2,090	51.0	E	2	2	0.0%	0	0.0%	NO
				PM	66	3	6,900	4,556	23.0	C	67	1	1,800	601	9.0	A	7	6	0.1%	1	0.1%	NO
US 101	Oakland Rd	to I-880	NB	AM	7	3	6,900	2,750	131.0	F	32	1	1,800	1,950	60.9	F	0	0	0.0%	0	0.0%	NO
				PM	66	3	6,900	4,160	21.0	C	67	1	1,800	540	8.1	A	0	0	0.0%	0	0.0%	NO
US 101	I-880	to Old Bayshore	NB	AM	14	3	6,900	4,160	99.0	F	47	1	1,800	2,160	46.0	D	0	0	0.0%	0	0.0%	NO
				PM	66	3	6,900	4,550	23.0	C	67	1	1,800	670	10.0	A	0	0	0.0%	0	0.0%	NO
US 101	Old Bayshore	to N. First St	NB	AM	18	3	6,900	4,700	87.0	F	15	1	1,800	1,430	95.3	F	0	0	0.0%	0	0.0%	NO
				PM	66	3	6,900	5,540	28.0	D	67	1	1,800	800	11.9	B	0	0	0.0%	0	0.0%	NO
US 101	N. First St	to SR 87	NB	AM	25	3	6,900	5,480	73.1	F	19	1	1,800	1,620	85.3	F	0	0	0.0%	0	0.0%	NO
				PM	67	3	6,900	3,020	15.0	B	67	1	1,800	600	9.0	A	0	0	0.0%	0	0.0%	NO
US 101	SR 87	to N. First St	SB	AM	67	3	6,900	2,810	14.0	B	67	1	1,800	270	4.0	A	0	0	0.0%	0	0.0%	NO
				PM	23	3	6,900	5,240	75.9	F	52	1	1,800	2,180	41.9	D	0	0	0.0%	0	0.0%	NO
US 101	N. First St	to Old Bayshore	SB	AM	67	3	6,900	3,420	17.0	B	67	1	1,800	670	10.0	A	0	0	0.0%	0	0.0%	NO
				PM	11	3	6,900	3,630	110.0	F	29	1	1,800	1,890	65.2	F	0	0	0.0%	0	0.0%	NO
US 101	Old Bayshore	to I-880	SB	AM	67	3	6,900	3,220	16.0	B	67	1	1,800	270	4.0	A	0	0	0.0%	0	0.0%	NO
				PM	11	3	6,900	3,700	112.1	F	33	1	1,800	1,980	60.0	F	0	0	0.0%	0	0.0%	NO
US 101	I-880	to Oakland Rd	SB	AM	66	3	6,900	3,760	19.0	C	67	1	1,800	340	5.1	A	0	0	0.0%	0	0.0%	NO
				PM	13	3	6,900	4,100	105.1	F	36	1	1,800	2,020	56.1	E	0	0	0.0%	0	0.0%	NO
US 101	Oakland Rd	to McKee Rd	SB	AM	67	3	6,900	3,625	18.0	C	67	1	1,800	401	6.0	A	6	5	0.1%	1	0.1%	NO
				PM	23	3	6,900	5,313	77.0	F	50	1	1,800	2,201	44.0	D	4	3	0.0%	1	0.0%	NO
US 101	McKee Rd	to Santa Clara St	SB	AM	67	3	6,900	3,630	18.1	C	67	1	1,800	342	5.1	A	12	10	0.1%	2	0.1%	NO
				PM	14	3	6,900	4,167	99.2	F	18	1	1,800	1,571	87.3	F	8	7	0.1%	1	0.1%	NO
I-880	Coleman Ave	to SR 87	NB	AM	20	3	6,900	4,929	82.2	F	–	–	–	–	–	–	11	9	0.1%	2	–	NO
				PM	55	3	6,900	6,623	40.1	D	–	–	–	–	–	–	28	23	0.3%	5	–	NO
I-880	SR 87	to N. 1st St	NB	AM	22	3	6,900	5,219	79.1	F	–	–	–	–	–	–	11	9	0.1%	2	–	NO
				PM	55	3	6,900	6,623	40.1	D	–	–	–	–	–	–	28	23	0.3%	5	–	NO
I-880	N. 1st St	to US 101	NB	AM	16	3	6,900	4,440	92.5	F	–	–	–	–	–	–	24	20	0.3%	4	–	NO
				PM	46	3	6,900	6,502	47.1	E	–	–	–	–	–	–	14	12	0.2%	2	–	NO
I-880	US 101	to E. Brokaw Rd	NB	AM	32	3	6,900	5,893	61.4	F	–	–	–	–	–	–	40	33	0.5%	7	–	NO
				PM	65	3	6,900	5,870	30.1	D	–	–	–	–	–	–	24	20	0.3%	4	–	NO
I-880	E. Brokaw Rd	to US 101	SB	AM	66	3	6,900	4,965	25.1	C	–	–	–	–	–	–	18	15	0.2%	3	–	NO
				PM	18	3	6,900	4,786	88.6	F	–	–	–	–	–	–	43	36	0.5%	7	–	NO
I-880	US 101	to N. 1st St	SB	AM	58	3	6,900	6,619	38.0	D	–	–	–	–	–	–	11	9	0.1%	2	–	NO
				PM	12	3	6,900	3,842	106.7	F	–	–	–	–	–	–	26	22	0.3%	4	–	NO
I-880	N. 1st St	to SR 87	SB	AM	57	3	6,900	6,692	39.1	D	–	–	–	–	–	–	26	22	0.3%	4	–	NO
				PM	19	3	6,900	4,913	86.2	F	–	–	–	–	–	–	16	13	0.2%	3	–	NO
I-880	SR 87	to Coleman Ave	SB	AM	62	3	6,900	6,532	35.1	D	–	–	–	–	–	–	26	22	0.3%	4	–	NO
				PM	40	3	6,900	6,253	52.1	E	–	–	–	–	–	–	16	13	0.2%	3	–	NO

/a/ Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study, 2006.

APPENDIX B

HISTORICAL CONTEXT AND ARCHAEOLOGICAL SURVEY REPORT: HEINLENVILLE/SAN JOSE CORPORATION YARD ARCHAEOLOGICAL PROJECT, SAN JOSE, CALIFORNIA

HISTORICAL CONTEXT AND ARCHAEOLOGICAL SURVEY REPORT: HEINLENVILLE/SAN JOSÉ CORPORATION YARD ARCHAEOLOGICAL PROJECT, SAN JOSÉ, CALIFORNIA

Prepared for the
The Redevelopment Agency
City of San José

ASC
ANTHROPOLOGICAL STUDIES CENTER
SONOMA STATE UNIVERSITY

Cover photo: Children from Heinlenville on their way to American school. They were educated both at integrated public schools, primarily San Jose's Grant School, and also at a Chinese Language school in the Ng Shung Gung temple. *Courtesy of Connie Young Yu.*

HISTORICAL CONTEXT AND ARCHAEOLOGICAL SURVEY REPORT: HEINLENVILLE/SAN JOSÉ CORPORATION YARD ARCHAEOLOGICAL PROJECT, SAN JOSÉ, CALIFORNIA

Prepared by

Anthropological Studies Center
Sonoma State University
Rohnert Park, California

Prepared for the

The Redevelopment Agency
City of San José
San José, California

April 2008

EXECUTIVE SUMMARY

The City of San José plans to redevelop approximately 5.8 acres in the city's Japantown district, historically known as Heinlenville. The Project area is part of a larger area that has been recorded in the California Historical Resources Information System as CA-SCL-742H/P-43-001102 for its association with historic Japanese and Chinese settlement. To inform the project's Environmental Impact Report, the Anthropological Studies Center (ASC) has undertaken fieldwork and archival research of the Project area, including an archaeological records search, geoarchaeological testing, and the preparation of a historic context. This research indicates that the Project area is likely to contain important archaeological resources related to the historic-era Chinese and Japanese communities that once resided there, and also has the potential to contain important Native American archaeological resources. ASC recommends that the location be systematically examined.

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Chapter 1: Introduction

PROJECT LOCATION AND DESCRIPTION

The Project area is located in the historic core of San Jose, Santa Clara County, California (Figures 1 and 2). Currently owned by the City of San José, the Project area consists of two areas; an entire city block bounded by Jackson, Taylor, Sixth, and Seventh streets that, until recently, was used as a City corporation yard, and a small paved lot located on the west side of Sixth Street, close to its intersection with Taylor Street, that is used as a parking lot. This small lot is identified as San Jose Assessor's Parcel 11, Block 249, Page 39. The City of San José plans to sell the Project area land for the purposes of constructing a mixed-use retail and residential development. The Project area was the site of Heinlenville, one of San Jose's most long-lived and historically important Chinatowns. It is located on the northeast boundary of San Jose's contemporary Nihonmachi, or Japantown, which has the distinction of being one of only three remaining historic Japantown communities in the United States. The Project area is part of a larger area between Taylor and Empire streets, and between Fourth and Seventh streets, San Jose that has been recorded previously in the California Historical Resources Information System (CHRIS) as CA-SCL-742H/P-43-001102 for its historical association with Heinlenville and Nihonmachi.

The Project area is located in northern Santa Clara Valley, several miles south of the San Francisco Bay. It is situated on a generally level alluvial floodplain, approximately 0.6 miles east of the Guadalupe River and 1 mile west of Coyote Creek. Geologically, the Project area is underlain by Holocene-age alluvial sediments that were deposited after initial prehistoric human occupation of the region, likely within the past few thousand years.

REGULATORY CONTEXT

The redevelopment of the City of San José Corporation Yard is being conducted in compliance with the California Environmental Quality Act (CEQA). CEQA requires that project effects on historical resources—which include both prehistoric and historic-era archaeological resources—shall be taken into consideration. According to the CEQA Guidelines (Section 15064.5), historical resources include the following:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) by the State Historical Resources Commission (PRC Section 5024.1, CCR Title 14, Section 4850 et seq.);
2. A resource included in a local register of historical resources;
3. Any resource that a lead agency determines meets the criteria for listing in the CRHR (PRC Section 5024.1, CCR Title 14, Section 4852).

To be eligible to the CRHR and, therefore, considered a historical resource, a property must meet one or more of the following criteria:

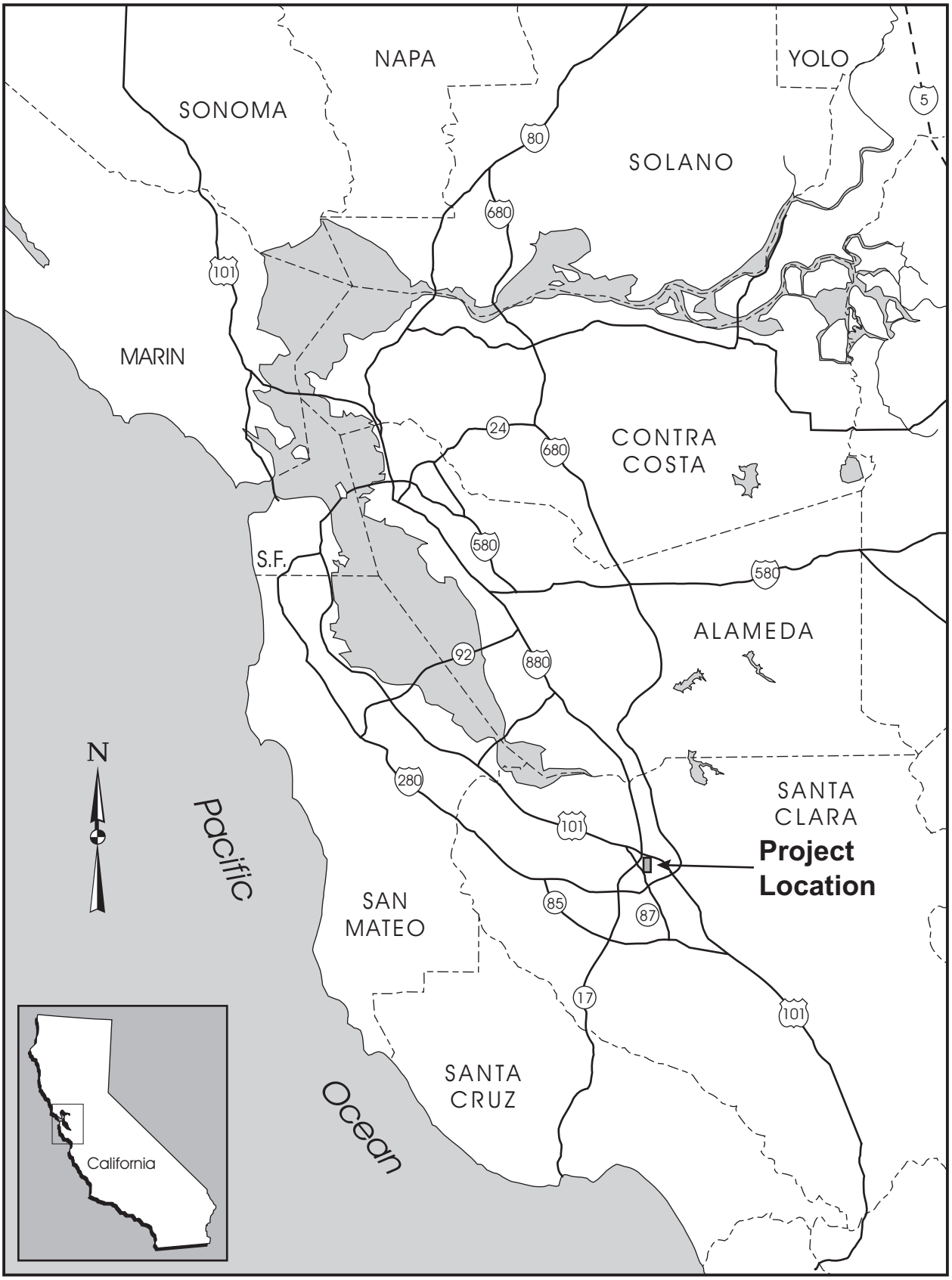


Figure 1. Project vicinity, Heinlenville/San José Corporation Yard Project, San José.

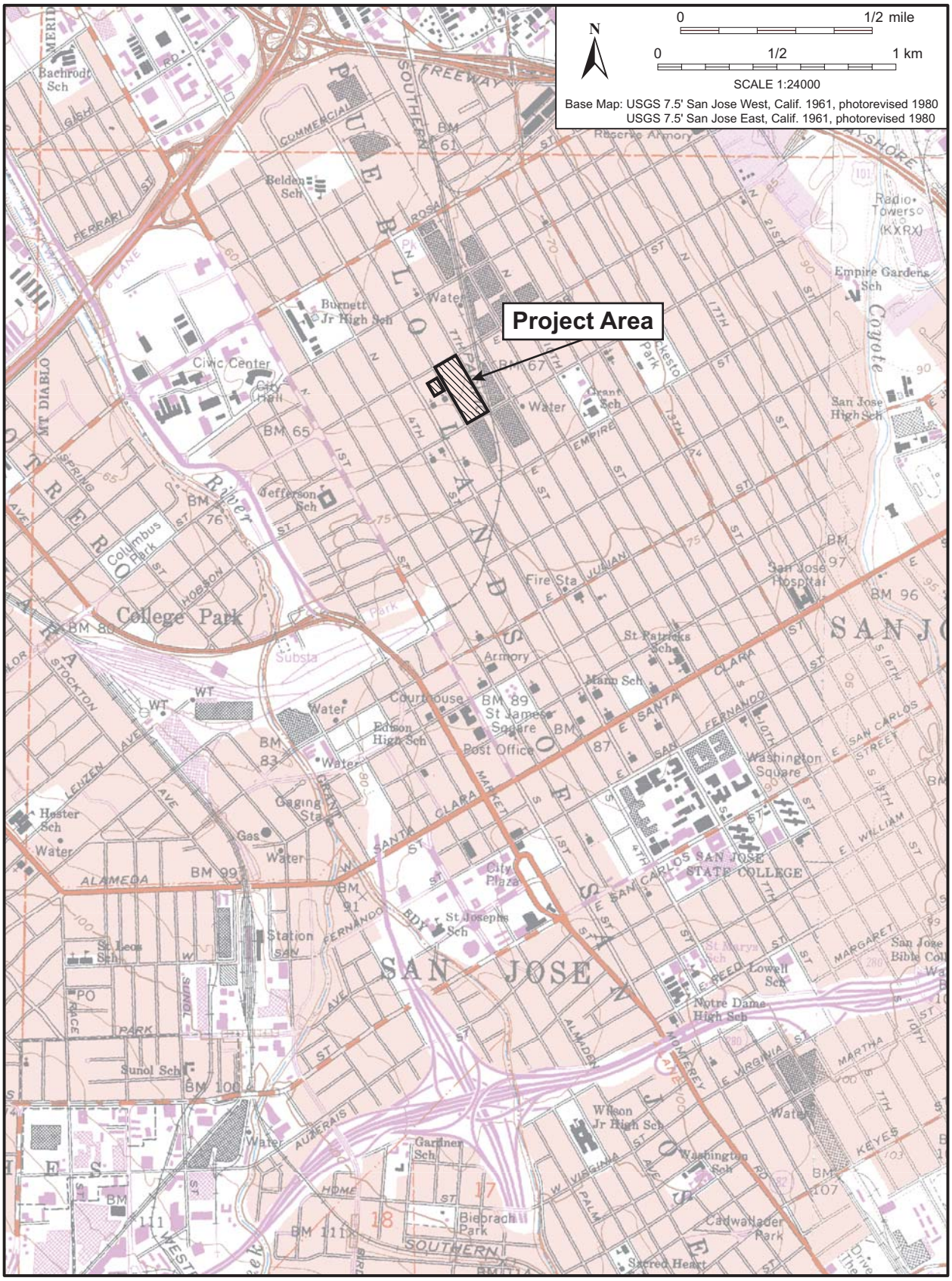


Figure 2. Location of Heinlenville/San José Corporation Yard Project.

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

2. It is associated with the lives of persons important to local, California, or national history; or

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation [CEQA Guidelines Section 15064.5(a) (3) (A–D)].

Archaeological resources generally qualify for listing under CRHR Criterion 4. Resources listed in or determined eligible for the National Register of Historic Places are considered eligible to the CRHR.

Native American human remains have been identified in large numbers at sites within 3 miles of the Project area. It is unknown whether human remains are located within the Project area. Human remains are protected from unauthorized disturbance by Public Resources Code sections 5097.98, 7050.5, and 7051. The CEQA Guidelines further describe the process by which prehistoric Native American remains shall be treated (Section 15065.4[e] (1–2)): If remains are discovered, excavation ceases and the County Coroner is called. If the coroner determines that the remains are those of a Native American, the Native American Heritage Commission (NAHC) is asked to identify the individual's Most Likely Descendant (MLD). The MLD consults with the landowner (in this case, the City) in order to arrange for the appropriate final disposition of the remains.

NATIVE AMERICAN AND LOCAL COMMUNITY CONTACTS

The NAHC provided a list of Native American community contacts for the Project area. Andrew Galvan, Ohlone Indian Tribal representative, and Rosemary Cambra, Muwekma Ohlone Indian Tribe representative, were advised of, and invited to attend geoarchaeological testing of the project area on 18 July 2007. Although both were unable to attend, Mr. Galvan expressed interest in being consulted regarding subsequent archaeological investigations within the Project area.

A meeting was held between representatives of the City of San José Redevelopment Agency; Adrian Praetzellis and Mary Praetzellis (ASC Archaeologists), Connie Young Yu (San Jose Chinese Historical and Cultural Project), Rod Lum (Japantown Community Congress and San Jose Chinese Historical and Cultural Project), and Steve Fugita (Japanese American Museum of San Jose) on 17 July 2007. This meeting included discussions of the planned approach to the investigation and treatment of archaeological resources during the project. The community representatives emphasized the great cultural sensitivity of the Project area to the San Jose Chinese-American and Japanese-American communities, their desire for the respectful treatment of associated archaeological remains and for continued community involvement in the Project area's development.

HISTORICAL RESEARCH METHODS AND SOURCES CONSULTED

PREHISTORIC-ERA BACKGROUND SOURCES

Several sources of information were reviewed to develop an understanding of the prehistoric occupation of the Project area and the nature and context of material remains that might be encountered during archaeological investigations. Information on the geologic evolution of the Bay Area came from a variety of geologic, biologic, and environmental studies. These sources are detailed in the Geoenvironmental Setting in Chapter 2. A geoarchaeological study by Meyer (1999, 2000) provided valuable background information regarding landscape evolution in the northern Santa Clara Valley and the potential for buried archaeological sites in the Project area. This study, conducted for the Guadalupe Parkway Corridor upgrade project, consisted of 60 subsurface exploration trenches along the Guadalupe River west and northwest of the Project area, in addition to stratigraphic analysis supplemented by 13 radiocarbon dates on a variety of materials.

Statewide overviews have discussed the prehistory of the South Bay within the greater San Francisco Bay Area prehistory (Jones and Klar 2007; Moratto 1984). Almost a century of archaeological research in the northern Santa Clara Valley, including the results of several recent archaeological investigations, has been synthesized into regional prehistoric overviews of the area (Elsasser 1986; Hylkema 2002, 2007; Milliken et al. 2007). Ethnographic information on the region surrounding the Project area has been synthesized by Kroeber 1925 and Levy 1978. Primary research has included examining mission baptismal records and diaries of early explorers (Milliken 1995, 2007), and obtaining first-hand perspectives of the Ohlone people regarding the ethnographic and historic periods in the region (Field et al. 2007).

HISTORICAL BACKGROUND SOURCES

Numerous secondary and primary sources were consulted to develop an understanding of the Chinese and Japanese occupation of the Project area and the nature of material remains that might be encountered during archaeological investigations.

In the course of researching the Project area, the following repositories were consulted: map and newspaper collections at History San José (Sanborn maps); California Room of the Martin Luther King Jr. Library (Sanborn maps, 1909, 1924 and 1927 block books, City of San Jose 1948 aerial photograph); San Jose State University; the Santa Clara County Surveyor's Office Map Archive; Special Collections, King Library (Sanborn maps); and the maps located at City of San José Public Works. Court transcripts for the case of Quen Hing Tong v. City of San Jose et al. (Circuit Court of the United States, Ninth Judicial Circuit and Northern District of California [Ninth Circuit Court] 1894) provide valuable details on life in Heinlenville in the 1890s. In addition, information on partnerships between merchants in San Francisco and San Jose are reported in District Court of the U.S. in and for the Northern District of California (1894)

These resources, as well as the U.S. Census population schedules (1900, 1910, 1920, 1930) were used to develop detailed residential and ownership histories for properties identified as suitable for archaeological testing. This information has been compiled

into documentary research tables (DRTs), and summarized in Chapter 3: Preliminary Archaeological Sensitivity Study – Historic-era Archaeology.

Secondary Sources

Asian immigration to the United States in the 19th and 20th centuries has been the subject of considerable historical research. Sources such as Daniels (1988) and Chan (1986) provide contextual material for Asian settlement in California and the Asian community's role in the agricultural development of counties, including Santa Clara. The Chinese and Japanese settlement of Santa Clara County has also been the subject of detailed historical and oral-history research presented in Hom (1971), Lukes and Okihiro (1985), and Young Yu (1991). The Chinese and Japanese communities were subject to intense discrimination during the late 19th century and the first half of the 20th century. McClain (1994) and Pfaelzer (2007) provide valuable detail on this period, including the case against police harassment known as Quen Hing Tong v. City of San Jose et al. Previous cultural resource studies of San Jose Japantown (Carey & Co. Inc. 2004, 2006, 2007) and San Jose's Woolen Mills Chinatown (Allen et al., 2002) provide important contextual and comparative material.

Historic Maps

Historic maps provide valuable information on the development of the project block. The Project area does not appear on the historic 1869, 1875, or ca. 1901 bird's-eye or panoramic maps of San Jose. The Sanborn Insurance maps are crucial for understanding the evolving occupation of the Project area, including the locations of outbuildings, building footprints, and consistency of addresses. The maps have also provided important information on post-depositional activities that may have affected the survival of archaeological deposits. Although there are a large number of Sanborn maps relating to San Jose in various repositories, there appear to have been only three original maps prepared for the City that are relevant to the occupation period of Heinlenville (1884, 1891, and 1915); other available maps are paste-corrected or revised versions of these. In the paste-correction process, the Sanborn Company issued to subscribers updates of small portions of its maps to reflect new or upgraded buildings. Subscribers applied these new paste-ups to the older maps to maintain their currency, until the point when the Sanborn Company issued completely new updated maps for a city or town. Sometimes it is possible to discern detail of earlier buildings under paste corrections. Other times, the pastes totally obscure the details of the earlier structures. Paste-corrected Sanborn maps are denoted in this report by both their original year and the last known year in which it was paste-corrected (e.g., 1884/1887). Such maps relevant for the Project area are 1884/1887, 1884/1889, 1884/1897, 1891/1901, 1891/1921, 1915/1929, 1915/1930, 1915/1932, 1915/1939, 1915/1950, 1915/1956, 1915/1957, 1915/61, and 1915/1969. Within the References Cited section of this report, these Sanborns are referenced according to the year of their last paste-correction.

Several memory maps that include the Project area have been prepared by previous residents of Heinlenville and Japantown, including the map created by Art Eng, born in Heinlenville in 1913, which is reproduced in Young Yu (1991:viii), and the map by Dr. Tokio Ishikawa (1996). A map given in Lukes and Okihiro (1985:22–23) also provides valuable detail on the location of businesses and residences in Japantown, 1910–1920.

Other maps relevant for the project area include City of San Jose Block Books (Hermann 1909, 1927) and an aerial photograph taken in 1948 (City of San Jose 1948).

Historic-era Photographs

A significant archive of photographs is available that depicts the general layout of Heinlenville, along with its resident individuals and families. These photographs provide information primarily on the settlement's Cleveland Street facades. No photographs are known however, that depict the backyard areas that were the subject of so many modifications during the settlement's history. Family-based research conducted primarily by Connie Young Yu has revealed a wealth of photographs recording Heinlenville's inhabitants. These include photographs in the collection of Eugene L. Chinn that depict a dragon procession around the fenced perimeter of Heinlenville, probably during the ca. 1910 "Da Jui," or Hungry Ghosts festival (Young Yu 1991:iii, vi, 122).

Oral Histories

Several oral-history interviews have been conducted by Jessica Yu with former inhabitants of Heinlenville (Chan 1990; Eng 1990; Lee 1990; Wong 1990). These interviews provide accounts of the events and flavor of day-to-day life in Heinlenville.

Records Search

The ASC conducted a records search at the Northwest Information Center (NWIC) of the CHRIS for the purposes of this project in June 2007. The Center, an affiliate of the State of California Office of Historic Preservation [CA-OHP], is the official state repository of archaeological and historical records and reports of a 16-county area that includes Santa Clara County. The records search and literature review for this study was carried out to determine whether recorded archaeological or historical resources exist within, or in the vicinity of the Project area. For the literature review, the following resources held by the NWIC were reviewed: the *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976), *Five Views: An Ethnic Sites Survey for California* (CA-OHP 1988), *California Historical Landmarks* (CA-OHP 1990), *Points of Historical Interest* (CA-OHP 1992), and the *National Register of Historic Places Index of Listed Propertie*s (National Park Service 1998).

According to the NWIC records, one investigation has been conducted within the Project area (Banet et al. 1993). This study involved a literature review, and archaeological and architectural field surveys; as the entire surface of the Project area is paved or covered by buildings, the study was unable to conduct an effective field inspection for prehistoric and historic-era archaeological resources. No subsurface archaeological resources have been recorded within the Project area. Several studies have been conducted within a 1-mile radius of the project area (Table 1). The Native American Heritage Commission has indicated that there are no properties listed in the Sacred Lands Files within or adjacent to the Project area (see Appendix B). However, several prehistoric archaeological sites and historic sites are located within a 1-mile radius of the Project area (Table 2); several of these sites which are relevant to the types of resources expected to occur in the Project area are further discussed below.

Table 1. Cultural Resources Investigations for the Project Area and Vicinity

CHRIS Report No.	Date	Author(s)	Title
S-5905	1983	Basin Research Associates	Archaeological Resources of Downtown San Jose. A Preliminary Planning Summary of Prehistoric and Historic Sites in the Central Business District.
S-7712	1985	Basin Research Associates	A Cultural Resources Assessment of the Proposed City of San José Enterprise Zone, Santa Clara Country, California.
S-8005	1986	Basin Research Associates	A Cultural Resources Assessment of Saint James Park Master Plan, City of San Jose, Santa Clara County, California.
S-13192	1991	Basin Research Associates	Cultural Resources Assessment for the Jackson-Taylor Residential Strategy EIR, City of San Jose, Santa Clara County, California.
S-14966	1993	Basin Research Associates	Cultural Resources Monitoring Japantown Parking Lot, 575 North Sixth Street, City of San Jose, Santa Clara County, California.
S-14886	1993	Basin Research Associates	Cultural Resources Assessment. The Japantown Redevelopment Project, City of San Jose, Santa Clara County, California.
S-25680	1999	Basin Research Associates	Historic Properties Survey Report. Vasona Corridor Light Rail Project, Santa Clara County, California.
S-23080	1999	Basin Research Associates	South Bay Water Recycling Program – Cultural Resources Program, Subcontract No. 728106.3024. Monitoring Closure Report – Phase 1.
S-25328	2002	Pacific Legacy, Inc.	Archaeological Investigations for the 101 Younger Street, San Jose Wireless Communications Site, CA 2044F.
S-27063	2002	Archaeological Resources Management	Archaeological Mitigation Program for the Ryland Park Trenching Project.
	2002	California Department of Transportation, District 4, Oakland	Excavation of the Woolen Mills Chinatown (CA-SCL-807H), San Jose.
	2004	Carey & Co. Inc.	San Jose Japantown Historic Context and Reconnaissance Survey, San Jose, California.
	2006	Carey & Co. Inc.	San Jose Japantown Historic Context and Survey Phase II, San Jose, California.
	2007	Carey & Co. Inc.	San Jose Corporation Yard Historic Resources Evaluation.

Table 2 has been removed because it contains confidential information.

Chapter 2:
Prehistoric and Historic-era Overviews

GEOENVIRONMENTAL SETTING

Climatically induced environmental changes over the past 15,000 years have resulted in significant changes in the landscape of the San Francisco Bay Area that have affected archaeological site visibility. Due to these changes, the known archaeological record likely does not represent the depth and extent of human occupation of the region (Meyer 2003). The following discussion provides a brief overview of geological and environmental changes that have occurred during the time span of human occupation of this region, and the effect these changes may have had on the archaeological record.

SEA LEVEL RISE

During the last glacial period, from 28,000 to 11,500 years before present (B.P.), immense ice sheets formed on the continents of the northern hemisphere covering vast areas in ice over 3 km thick (Williams et al. 1993:33–34). As a result, global sea level 15,000 years ago was over 100 meters (approximately 328 feet) lower than today, and the San Francisco Bay Area, then a large inland valley, was located over 25 km (15.5 miles) east of the shoreline of the Pacific Ocean than it is at present (Atwater et al. 1977:Figure 1; Bard et al. 1996). While the ice sheets melted at different times in different locations, global sea levels began to rise substantially between 15,000 and 11,000 cal B.P. (calibrated years before present) at a rate of 13 meters (43 ft.) every 1,000 years, decreasing to an average rate of approximately 8 meters (26 ft.) every 1,000 years between 11,000 cal B.P. to 8,000 cal B.P., at which point the rate slowed dramatically. Between 6,000 cal B.P. and the present, sea level rose at an average rate of 1.3 meters (4 ft.) every 1,000 years. Given this rate, the area now occupied by the San Francisco Bay was first flooded around 10,000 years ago and the estuary rapidly expanded until the rate of submergence decreased around 6,000 years ago (see Figure 3; Atwater 1979:39; Atwater et al. 1977:11; Atwater et al. 1979:347).

As submergence decreased, sediment deposition along the margins of the bay created large tidal flats that were later colonized by plants forming marshes. Over the past 6,000 years, the bay continued to expand due to increasing sea level, in addition to compaction, decomposition, and subsidence of intertidal deposits (Atwater et al. 1977:9; Wells 1995:243). Prior to this time tidal flats and marshes likely occurred as small areas lining a rapidly expanding bay. By the 1850s tidal flats and marshes covered 2,200 km^2 (about 850 square miles), almost double the area covered by the bay, however levee building and infilling over the past 150 years has reduced this number substantially (Atwater et al. 1979:347–348). In the southern San Francisco Bay, the formation of large tidal marshes began around 4,000 years ago and continued up to the historic period (Atwater et al. 1979:349). In this area this process was augmented by lowering ground levels from tectonic and isostatic subsidence, causing these tidal deposits to expand in size. As a result the historic tidal deposits of the southern San Francisco Bay represent the southernmost

extent of this landform during the Holocene (Atwater et al. 1977:Figure 2). This indicates that as the estuary in the southern San Francisco Bay expanded to the south during the Late Holocene, prehistoric populations situated near this resource base may have been forced, perhaps repeatedly, to move south as well (Allen et al. 1999: 2–51).

ALLUVIAL DEPOSITION

Rising sea levels during the Holocene forced streams flowing into the San Francisco Bay to adjust to higher base levels. As a result watercourses overflowed their channels and deposited alluvium on surrounding landforms (Helley et al. 1979:18). As a result, many Late Pleistocene and Early Holocene landforms along the margins of the bay, and in inland valleys throughout the bay area, are covered by alluvium that was deposited during the past 6,000 years (Meyer 2003:21; Rosenthal and Meyer 2004:29). These younger alluvial deposits typically contain several buried soils (paleosols) representing periods of landform stability interrupted by brief periods of erosion and/or rapid deposition. Additionally, Late Holocene alluvial deposits are typically 2 to 3 meters (6 to 10 ft.) thick, while in some areas this increases to more than 10 meters (33 ft.; Meyer 1999:2–49). The older landforms overlain by this younger sediment are typically marked by well-developed paleosols, indicating that these landforms remained stable at the surface for a considerable amount of time (Meyer 2003:4). For these reasons evidence of early human occupation of the San Francisco Bay Area is likely under the waters of the bay or associated with older stable landforms buried by alluvial and/or other recent sediments.

The Project area is in the northern Santa Clara Valley, situated on a generally level alluvial floodplain approximately 1 km (0.6 mile) east of the current location of the Guadalupe River, and 1.7 km (1 mile) west of the current location of Coyote Creek. These watercourses have two of the largest watersheds in the southern Bay Area, with the Guadalupe River draining 380 km^2 (147 square miles), and the significantly larger Coyote Creek draining 910 km^2 (351 square miles; Fio and Leighton 1995). The proximity of these watercourses indicates the potential for significant alluvial deposition since initial human occupation, and suggests both spatial and vertical variability of the timing and nature of alluvial deposits. Meyer (1999: 4–9), citing data from U.S. Army Corps of Engineers soil-borings in the San Jose Area, suggested that the Guadalupe River has migrated west during the Holocene, being "pushed" by the larger watershed and discharge of Coyote Creek to the east.

PALEOENVIRONMENT

Studies examining climate and vegetation changes between the Late Pleistocene and Late Holocene in the North Coast Ranges have been analyzed to create a paleoclimatic sequence for the region (West 1993). During the Late Pleistocene and Early Holocene, conditions in this area were cooler and more continental with pine and fir forests dominating most pollen assemblages. The highly variable Middle Holocene can be characterized as a Mediterranean climate, with no clear vegetation trend predominating in the region. During the Late Holocene, the current climate took hold, and modern vegetation communities became established during the past 4,000 to 2,000 years before present (West 1993:232).

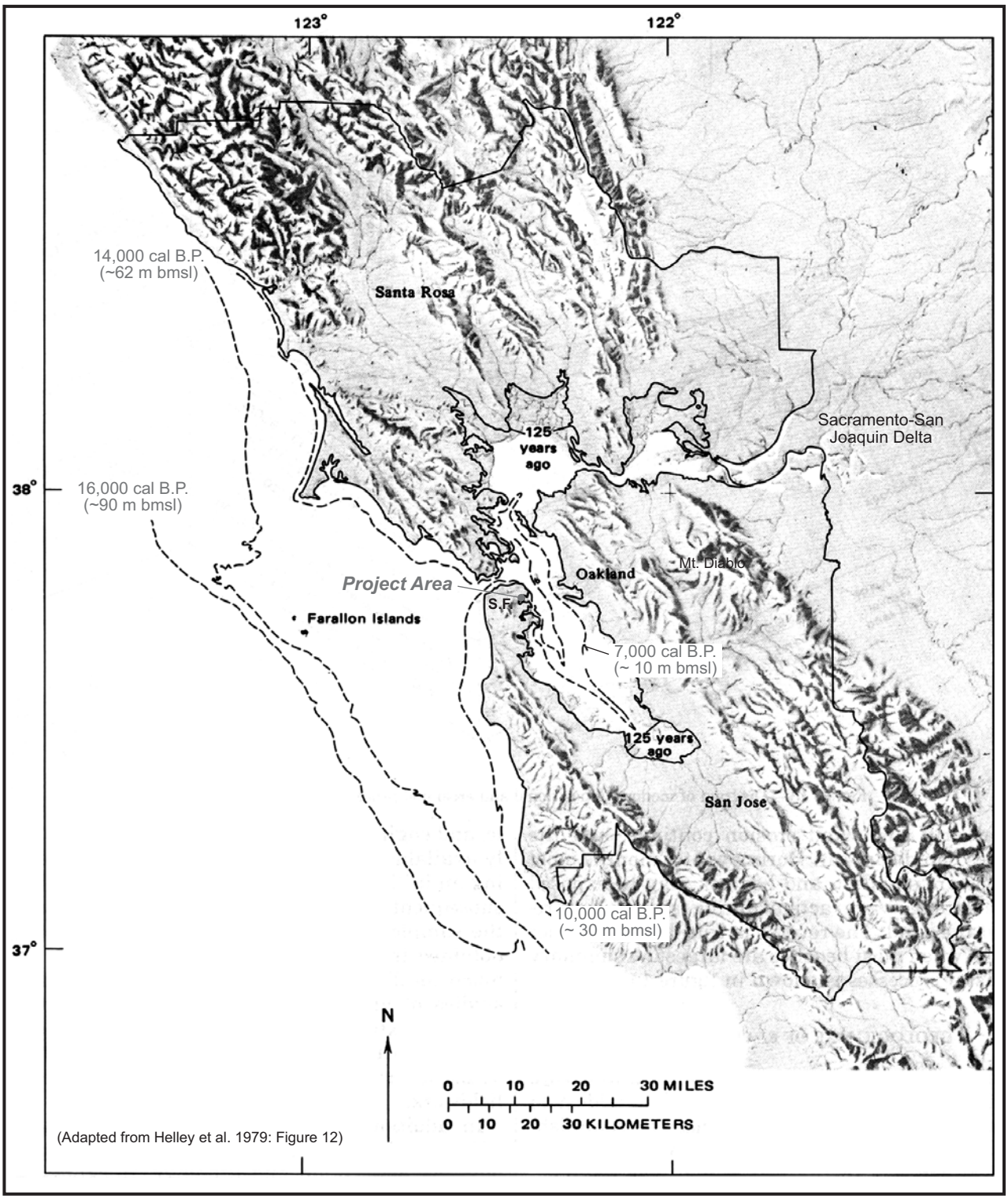


Figure 3. Timing and extent of Holocene sea-level rise in the San Francisco Bay Area.

In the South Bay researchers have documented several indications of local climate change during the Late Pleistocene and Holocene. Carbon isotope ($^{13}C/^{12}C$) analysis suggests that the overall trend in the northern Santa Clara Valley was from warmer and/or dryer to cooler and/or wetter conditions, with a highly variable period during the Middle Holocene. While this is in contrast to the regional trends discussed above, the trend in the South Bay may have been influenced locally by higher groundwater levels associated with rising sea levels (Meyer 2000:37–39). During the Early Holocene a pronounced period of aridity is indicated by significant development of calcium carbonate soil horizons in paleosols near Union City (Borchardt and Lienkaemper 1999). During the past 7,000 years the San Francisco Bay underwent major fluctuations in salinity, sedimentation, water temperature, and marsh development indicative of local environmental changes (Meyer 1999:2–51). One of the most prominent of these fluctuations occurred between 1,500 and 1,200 years ago, as indicated by increased salinity and temperature in the bay waters, and a major unconformity in bay sediments representing several hundreds of years of nondeposition. This may have been the result of a major drought in the southern Bay Area that has also been documented in the Sierra Nevada during this time period (Ingram 1998).

HISTORIC CHANGES

During the past few hundred years, the primary changes to the landscape of the northern Santa Clara Valley have been associated with historic development. During the historic period the Guadalupe River flooded periodically, depositing alluvial sediments near its channel and forcing the relocation of early settlements. This continued until the 1960s, when the channel was realigned and artificial levees were constructed (Allen et al. 1999: 3–16). This deposition may have been related to overgrazing and/or vegetation changes from the introduction on non-native species. Over the past one hundred years, artificial groundwater withdrawal has augmented tectonic and isostatic subsidence, lowering portions of northern Santa Clara Valley by approximately 4 meters, or 13 feet (Schmidt and Burgmann 2002). This drop has likely made these areas more susceptible to flooding and added to the recent sediment deposition along the Guadalupe River.

The landscape of the northern Santa Clara Valley has been greatly altered by environmental changes during the time span of human occupation. These changes likely submerged, buried under sediment, or eroded archaeological evidence of human occupation in the valley. Other changes in the recent geologic past would have influenced the location of human settlements, such as shifting watercourses. The nature and visibility of the archaeological record in this area has been strongly influenced by these changes and is likely incomplete.

PREHISTORIC-ERA OVERVIEW

PREHISTORY

While the Santa Clara Valley has a rich history of human settlement for several thousand years, until recently there have been few efforts to create a local cultural sequence. The first cultural sequence developed for central California was formulated in the Sacramento–San Joaquin Delta area in the 1930s by archaeologists from the Sacramento Junior College (Lillard, Heizer, and Fenenga 1939; Lillard and Purves 1936). The focus was on large cemetery mounds, which led to a three-part scheme—Early, Middle, and Late horizons—based on changes in kinds and quantities of abundant grave goods and burial positions. The scheme was augmented by Beardsley (1948, 1954) to include the San Francisco Bay Area and Marin coast, ultimately resulting in the Central California Taxonomic System (CCTS).

During the 1960s numerous archaeological investigations accumulated highly variable data that did not fit the temporally restrictive nature of the CCTS. This led Fredrickson (1973, 1974), with significant contributions from Bennyhoff, to revise the CCTS, proposing a more flexible system that looked at behavior and day-to-day subsistence activities in addition to ceremonial practices. Fredrickson's system, which focused on the North and East Bay, identified three periods (Paleoindian, Archaic, and Emergent) that encompass the entire time span of human occupation of the region based on the prevalent traits of those periods (Figure 4). Additionally, it introduces the *pattern* as "a way of life shared by a number of different peoples residing in a particular geographic space" (Fredrickson 1973:40). For the known archaeological record in the Bay Area and Delta at the time, the Windmiller, Berkeley, and Augustine patterns were defined (Fredrickson 1974).

The Santa Clara Valley has been subsumed under both the CCTS and Fredrickson scheme, an approach utilized below. This is problematic because the CCTS was derived primarily from research in the Sacramento–San Joaquin Delta, while Fredrickson's scheme was developed from work in the North and East Bay. Because these schemes were not developed for the Santa Clara Valley, refinements to address local complexity are needed (Hylkema 2007:29–30).

Paleoindian Period (ca. 13,000 to 8000 B.P.)

The Paleoindian period (ca. 13,000 to 8000 B.P.) was a time of major environmental change and rapidly rising sea level. People are believed to have lived in mobile groups that left only scant archaeological remains. Recent reexamination of human remains from the Channel Islands indicates a human presence on the California Coast by 13,100 cal B.P. (Stafford 2002). The past decade has also witnessed the discovery of numerous archaeological sites on the central California coast dating to the end of this period, suggesting a greater antiquity of occupation and larger population along this coastline than previously believed (Fitzgerald 2004). Only a handful of Paleoindian archaeological sites have been identified in northern California. Near the Project area the Scotts Valley site (CA-SCR-177), north of Santa Cruz, was radiocarbon-dated to about 12,000 B.P., indicating a Paleoindian presence in the region (Cartier 1993:5). In the southern Santa Clara Valley, SCL-178, a deeply buried site containing handstones, burnt bone, and shell, dates to at least 9000 B.P. (Fitzgerald, Jones, and Schroth 2005:428–430).

		Period Characteristics
1800	Emergent Period Upper	Clam disk bead money economy appears. Increasing quantities of goods moving farther and farther. Growth of local specializations re: production and exchange. Interpretation of south and central exchange systems.
1500	Emergent Period Lower	Bow and arrow introduced, replace dart and atlatl; south coast maritime adaptation flowers. Territorial boundaries fairly well established. Evidence of distinctions in social status linked to wealth increasingly common. Regularized exchanges between groups continue with more material entering into the network of exchanges.
1000	Upper Archaic Period	Growth of sociopolitical complexity; development of status distinctions based on wealth. Emergence of group-oriented religions. Greater complexity of exchange systems: evidence of regular, sustained exchanges between groups. Shell beads gain in significance, possibly indicators of both exchange and status. Possible origins of Kuksu religious system at the end of period.
A.D. / B.C.		
500	Middle Archaic Period	Altithermal may have ended by ca. 3000 B.C.; climate becomes more similar to present-day. Mortars and pestles and inferred acorn technology introduced. Hunting important. Possibility of entry of new population. Diversification of economy; sedentism more fully developed, population growth and expansion. Technological and environmental factors provide dominant themes. Little evidence for significant changes in exchange relations.
3000	Lower Archaic Period	Altithermal may have begun about 6000 B.C.; ancient lakes drying up. Milling stones develop or are introduced; plant food emphasis, little hunting. Although semi-sedentary life style, exchange seems similar to previous period. Most artifacts manufactured of local materials. Little emphasis upon wealth.
6000	Paleo-Indian Period	First demonstrated entry and spread of humans into California. Lakeside sites with a probable but not clearly demonstrated hunting emphasis. No evidence for a developed milling technology although cultures with such technology may exist in state at this time depth. Exchange probably ad hoc, individual, one-to one. Social unit not heavily dependent upon exchanges; resources acquired by changing habitat.
10,000		(No satisfactory information from the preceding Early Lithic Period.)

Figure 4. Hypothesized characteristics of prehistoric cultural periods in California (from Fredrickson 1994:100).

Lower Archaic Period (8000 to 5000 B.P.)

The Lower Archaic period (8000 to 5000 B.P.) was a time of generally arid climatic conditions. Artifacts typical of this time period include milling slabs and handstones, wide-stem points, and cobble core tools. An increase in the number of archaeological sites dating to the Middle Archaic period (5000 to 2500 B.P.) likely reflects a more sedentary population, but may also be a by-product of landscape evolution. At sites SCL-65 and -178 in the Santa Clara Valley, a transition from handstones and milling slabs to mortars and pestles is an early indication of the use of acorns for food, and a higher ratio of milling tools to projectile points suggests the importance of plant resources (Hylkema 2007:27). In the Delta area, the Early period of the CCTS coincides with the Middle Archaic period.

Early Bay/ Windmiller Pattern (Early Period 4000 to 2500 B.P.)

While the Windmiller pattern was present in the Delta during the Early period, material traits associated with the pattern were absent in the Bay Area, initially suggesting late occupation on the bay. The Windmiller pattern is defined by co-occurrence of milling slabs and mortars; large side-notched, square-stemmed, and contracting-stemmed chert projectile points; common polished stone implements and few polished bone implements; and typically ventrally extended burials. The introduction of the pestle and mortar (onset of acorn exploitation) in addition to the co-occurrence of milling slabs suggests an increased

reliance on vegetal resources (Allen et al. 1999: 2–41), while the generally low frequency of milling tools compared to large projectile points indicates a continued reliance on terrestrial game hunting (Hylkema 2007:398). In the South Bay a distinct contemporaneous culture was identified at the University Village site (SMA-77) on San Francisquito Creek. Termed the Early Bay culture (Gerow with Force 1968), this culture is defined by flexed burials, frequent use of red pigment (cinnabar), and a low frequency of drilled shell ornaments and beads. Also common to the Early Bay culture is the introduction of numerous bone implements, a trend that persists throughout the Berkeley pattern (Hylkema 2002:243).

Berkeley Pattern (Middle Period 2500 to 1300 B.P.)

During the Middle period, bayshore assemblages become more elaborate than those in the interior, with sites along the bay developing into massive shell mounds. In general, evidence of long-distance trade decreases, but trade in shell beads and obsidian begins to thrive locally (Allen et al. 1999:2–44). The Berkeley pattern in the region is defined by large accumulation of shell suggesting an intensive use of the tidal marsh ecosystem, in addition to increased reliance on acorns indicated by increases in the frequency of mortars and pestles. Burial practices of this pattern are characterized by random interment in residential areas, with flexed positioning lacking consistent orientation and/or significant grave goods. Contracting-stem and lanceolate (Excelsior) projectile points are typical of this pattern, while the frequency of projectile points deceases substantially (Hylkema 2002:245).

During the Middle period, a different culture had developed in the San Joaquin Valley: the Meganos tradition, a series of traits that later appeared in the southeast Bay Area (Bennnyhoff 1994:7–13). This tradition, which appears to be related to the earlier Windmiller pattern (Milliken et al. 2007:118), is represented by both ventrally and dorsally extended, in addition to flexed, burials in non-midden cemeteries with few grave goods; common mortars and pestles; very few projectile points; and large shield-shaped abalone (*Haliotis*) pendants. The Meganos tradition is thought to have been a seasonally mobile group who entered the South Bay from the Stockton area through the Livermore Valley and blended with existing Berkeley pattern groups. This tradition existed in the South Bay for only a few hundred years, then retreated back to the Stockton area. Near San Jose the Meganos tradition is represented at sites SCL-302, -327, and -478 (Hylkema 2007:411; Milliken et al. 2007:116).

Significant social changes are associated with the transition from the Middle to Late period in the southern Bay Area, between 1300 and 800 B.P. Burials from this period are similar to those of the Berkeley pattern, yet the frequency and number of grave goods per individual increases dramatically, particularly *Olivella* shell beads and the first forms of *Haliotis* banjo pendants. Investigations at SCL-690, a single-component site from this transitional period, documented over 100 burials, 76 percent of which had *Olivella* beads and 22 percent had Haliotis pendants (Hylkema 2007:416). A rapid intensification of the more labor-intensive horn snail, relative to mussel and oyster, occurred in the South Bay during this transition and continues into the Late period. This shift has been attributed to seasonality patterns or environmental changes (Hylkema 2002:252), or may reflect surplus labor being used to collect luxury food items (Milliken et al. 2007:109). By the end of the Middle period, the area surrounding the Guadalupe River and Coyote Creek were intensively occupied (Hylkema 2007:410).

Augustine Pattern (Late Period 1300 B.P. to Historic Period)

The social transformations of the Middle/Late transition continue during the Late period, with the addition new technologies and renewed long-distance trade. The Augustine pattern is characterized by large, well-shaped "flower pot" mortars and later hopper mortars; California-style bone and antler harpoons; tubular, polished stone tobacco pipes; and small, obsidian Stockton serrated points and occasional Desert side-notched points, marking the introduction of the bow and arrow (Hylkema 2002: 247–250). Burials are typically flexed, while cremation of wealthy individuals is common. *Haliotis* banjo pendants are common during this period and have been associated with the Kuksu cult, which continued up to the historic period. At the Yukisma site (SCL-38), located east of Coyote Creek in the northeast corner of the Santa Clara Valley, an elaborate sociopolitical hierarchy is suggested during this time. The late-period component of this site contains a cemetery organized by gender, age, and wealth, with large numbers of shaped shell beads associated with only a few individuals. This indicates social ranking with an elite social class during this period (Hylkema 2007:415).

ETHNOGRAPHY

Disruption of indigenous lifeways by non-native groups began with the establishment of the Mission Santa Clara and Mission San Jose in the South Bay, starting in the late 1770s, and Mission San Francisco de Asís some 40 miles to the north; missionization not only decimated local populations but also relocated native peoples from throughout north-central California into the San Jose area. Thus by the time the first anthropologists interviewed native people in the Santa Clara Valley, there was little reliable ethnographic information on the aboriginal inhabitants of the project area and vicinity. In fact, "no persons who lived a pre-contact hunting-collecting life in the Santa Clara Valley were ever interviewed by an ethnographer" (Milliken 2007:48). Much of what is known about the groups living in the region is based on bits of information from early explorers and missionaries representing only a small portion of native culture.

Territory, Language, and Population

The Project area falls within the territory of the Costanoan linguistic group, whose lands extended from Monterey Bay to San Francisco Bay. This group is part of the Utian language family and is comprised of eight distinct dialects thought to represent separate ethnic groups. The Tamien (Tamyen) ethnic group occupied the area surrounding the Project area (Levy 1978:485). Today, descendants of this group identify themselves as Ohlone, a preferred name for the Costanoan in this area. Ethnographic information indicates that the Ohlone were comprised of numerous tribelets, which were small independent clusters of family groups. Each tribelet had at least one large village headed by a single chief, a position that was inherited patrilineally. Tribelets cooperated in ceremony, resource procurement, and conflict resolution. Both the tribelet and the associated central village that occupied the lands of the Project area and vicinity are referred to as Tamien. This group is thought to have occupied the area along the Guadalupe River from Agnews to the present location of downtown San Jose, and west to upper Stevens Creek (Milliken 1995:256). The Tamien tribelet was bounded on the east by the Santa Ysabel group, whose territory was centered

on the present location of Alum Rock Park on Penitencia Creek (Milliken 1995:253; see Figure 5). The boundary between these groups, however, is unclear.

While the population of the Ohlone at the time of contact is impossible to determine, it has been estimated that the Costanoan-speaking people (from Monterey to San Francisco bays) may have ranged from 7,000 (Kroeber 1925:464) to 10,000 people (Levy 1978:486). By the time Spanish missions were established in the region, the Costanoan population had likely already been impacted from contact with the earliest European explorers. By 1832 their population had dropped to only 2,000 due to disease and other effects of missionization (Cook 1943). While Alfred Kroeber (1925:464) claimed that the Costanoans were virtually extinct in the 1920s, a thriving community descendant from the original inhabitants of this region continues to live in the area today (Field et al. 2007).

No formal census of the indigenous population was ever conducted in the Santa Clara Valley during the late 1700s. Review of early explorer's diaries and Mission Santa Clara baptismal registers suggest that the area near the project area supported a population of 4 to 5 persons per square mile. In 1776 the Anza expedition noted four Ohlone villages in the northern Santa Clara Valley, each home to approximately 100 people. The exact location of these villages, however, is unclear. Adding to this ambiguity is the fact that Spanish explorers frequently encountered abandoned and newly settled villages, suggesting a mobile culture. Baptismal records indicate that the closest village to the project area was named by the Spanish "Our Mother Santa Clara," and was located near Mission Santa Clara (Milliken 2007:51–53). This village was reportedly deserted by 1795 (Milliken 1995:256).

History

Linguistic information indicates that ancestors of the Ohlone moved into the Santa Clara Valley from the Delta region approximately 1500 years ago (Levy 1978:486). The establishment of Mission Santa Clara in 1777 brought about profound changes for the Ohlone people. During the 1790s the majority of native people in the Santa Clara Valley joined the mission, possibly under threat of destruction of their villages (Milliken 2007:47). A significant decline in Ohlone population, due to disease and declining birthrates at the Mission San Jose, led the mission's padres to seek more converts from neighboring Miwok, Yokuts, and Patwin groups. With the secularization of the mission by the Mexican government in 1834, many of the remaining Ohlone became employed as vaqueros on former mission land, while others moved to remote areas near their former homelands (Field et al. 2007:71–72).

Subsistence

At the time of contact, the Ohlone practiced a seasonal hunting and collecting lifestyle, often husbanding plant and animal resources for a better harvest (Milliken 2007:49). Several species of oak trees in the region provided acorns, possibly the most important food source to the Ohlone. Acorns were knocked down with long straight poles, ground down to a meal that was then leached to remove the tannins. The nuts of buckeye, laurel, and hazelnut trees were also consumed. Seeds from several plants were also eaten, including dock, tarweed, chia, digger pine, and holly-leaf cherry. Blackberries, elderberries, strawberries, manzanita berries, gooseberries, madrone berries, and wild grapes were collected seasonally. Roots were consumed, including wild onion, cattail,

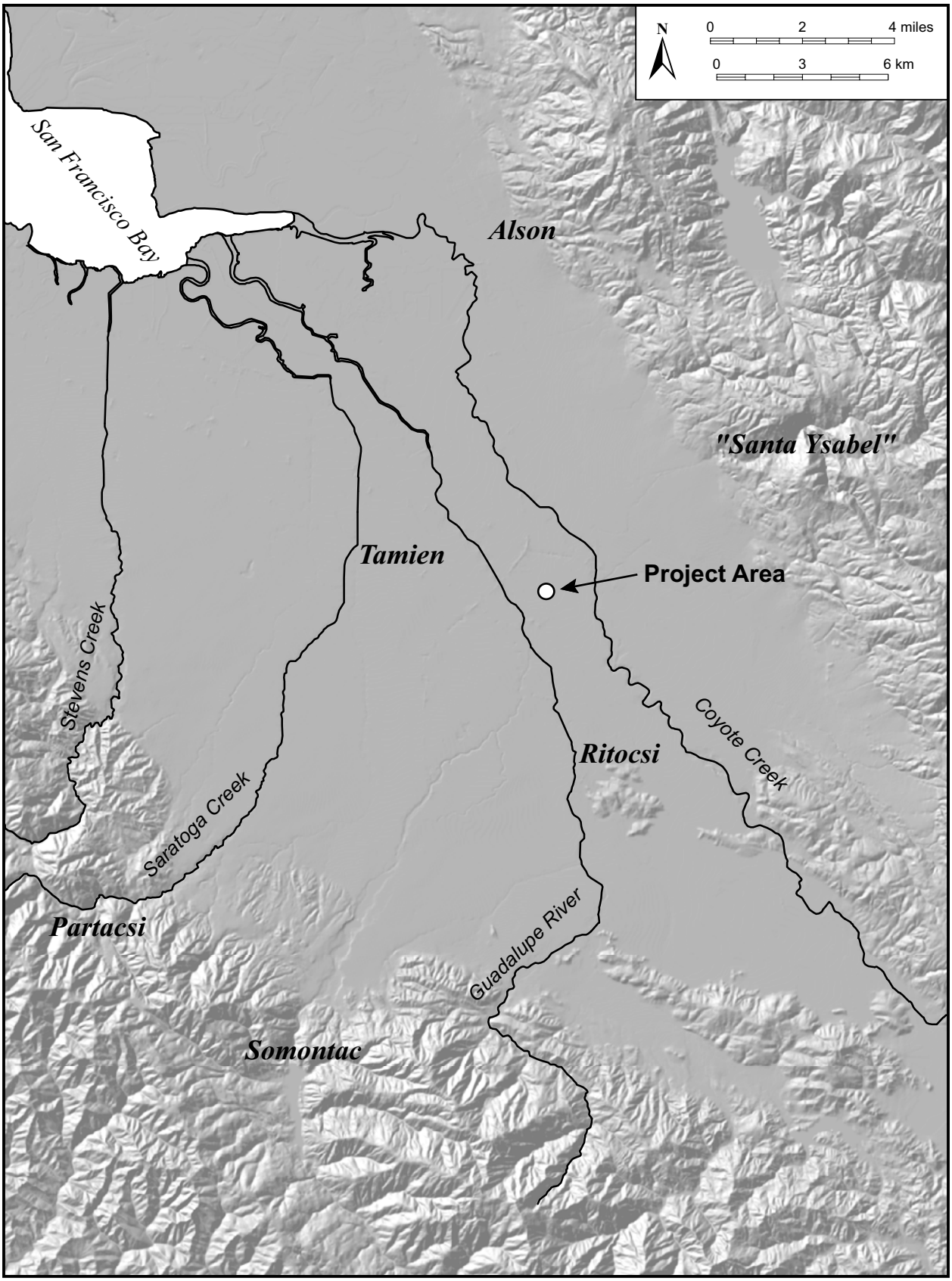


Figure 5. Possible configuration of contact period tribelet locations (adapted from Milliken 1995:Map 5)

chuchupate, amole, and wild carrots (Levy 1978:491). Deer, elk, rabbits, quail, and other game were hunted. A variety of shellfish, including mussel, abalone, and clam, were harvested in addition to several species of fish, sea lion, sea otter, and harbor seal (Baumhoff 1978:17). The Ohlone traded with neighboring groups, importing pinyon nuts from the neighboring Yokuts to the east, while exporting *Olivella* and *Haliotis* shells, dried abalone, salt, and hematite (cinnabar) for red pigment from the source at the Almaden Hills near San Jose (Levy 1978:488).

Material Culture

Numerous types of sedimentary and metamorphic rocks were used for grinding implements, sinkers, anchors, and pipes. Chipped-stone tools were made of obsidian and chert, but there is no ethnographic information regarding trade or quarrying of these materials (Milliken 2007:50). Ohlone baskets were typically twined rather than coiled. They were made from willow, rush, tule, and roots of "cut-grass," and were often decorated with abalone pendants, quail plumes, and woodpecker scalps. The Ohlone built watercraft from tule balsas, which were propelled with a double-bladed paddle. Domed structures with a rectangular doorway were common. These were constructed from tule, grass, wild alfalfa, ferns, or carizo. Ethnographic information indicates that Ohlone men and boys typically did not wear clothes during warm periods, and women wore skirts made of tule in front and buckskin or sea otter skin in back. During cold temperatures both men and women wore robes made of a variety of materials (Levy 1978:492–493).

HISTORIC-ERA OVERVIEW

EARLY DEVELOPMENT OF THE SANTA CLARA VALLEY

The Santa Clara Valley was first investigated by Europeans in the late 1760s. The reports of several exploratory parties, particularly that of Juan Bautista de Anza and Father Pedro Font in 1776, resulted in the establishment in 1777 of Mission Santa Clara and Pueblo San Jose de Guadalupe in the vicinity of what is now San Jose (Beck and Haase 1974:17). The Project area is located to the north and east of the Pueblo's original location. One of the settlement's economic mainstays was raising herds of cattle for the hide and tallow trade. Thus, the Project area may have been in use during the Spanish and Mexican periods for pasturing cattle.

The Gold Rush and the subsequent economic and population boom of the San Francisco Bay area led to the rapid development of livestock and grain-farming ventures—particularly wheat, oats, and barley—throughout the Santa Clara Valley. The valley was not only fertile and well watered, but close to important Bay area markets. The growth of agriculture in the valley was assisted by the development of a railroad link to San Francisco in 1864 and the completion of the transcontinental railroad in 1869. It quickly became apparent that rather than grain crops, the Santa Clara Valley could be more profitably used for growing fruit, and acreage dedicated to fruit production began to increase from the 1870s. Successful experiments in fruit drying and canning led to the establishment of a modern fruit-drying plant, the Alden Fruit and Vegetable Preserving Company in 1874, and Dr. James Dawson's fruit cannery at 21st and Julian streets by

1872. These experiments prompted the establishment of dozens of small-scale canneries and processors. The availability of land and subsurface water for irrigation encouraged many small-scale entrepreneurs to plant orchards. Between 1890 and 1900 the number of small farms (less than 100 acres in size) in Santa Clara County doubled, from 1,427 to 3,057 (Lukes and Okihiro 1985:15). By 1880 Santa Clara County was the preeminent California county in terms of the value of its orchard products. Orchards, canneries, and packinghouses were among the major employers for San Jose's workers (Chan 1986:227).

DEVELOPMENT OF HEINLENVILLE CHINATOWN

Chinese Settlement in the Santa Clara Valley

Among these workers were significant numbers of Chinese immigrants. The Chinese had first come to California in large numbers during the Gold Rush. Most came from the Kwangtung or Guangdong province of China, driven to immigrate by droughts, floods, and social upheaval. The majority came from impoverished, rural backgrounds. They planned to send money home and to ultimately return themselves to their villages with wealth gained from working in *Gum San,* or Gold Mountain (Young Yu 1991:4). Chinese immigrants to the Pacific Coast were generally from the Sze Yup (mostly from Toisan), Heungsan (later known as Chungsan), and Sam Yup districts of Kwangtung province. Stepping off the boat in ports such as San Francisco, they were met by representatives from their *hui guin,* or district association, who would guide them into employment opportunities. Once immigrants arrived in America, "Where they came from, their villages, their dialect, their district determined where they would live and work" (Young Yu 1991:4). Immigrants quickly transferred clan kinship and loyalties from home into family and district associations and tongs, which were to become such important organizing institutions within American Chinatowns (Young Yu 1991:4).

From the 1860s to the 1880s, Chinese workers came in large numbers to the Santa Clara Valley seeking work in orchards, strawberry fields, farms, mining, manufacturing, and as domestic help (Allen et al. 2002:12; Chan 1986:129). They became a crucial source of cheap labor to the valley's embryonic fruit-growing industry. The Chinese population in the Santa Clara Valley grew rapidly from the 1860s through the 1890s, as indicated by the biennial U.S. Census (Table 3). The actual population at any one time, however, could vary considerably. Since many Chinese were itinerant seasonal workers in the construction or agricultural industries, it is likely that Santa Clara's population was much higher during the summer harvest season. Most of these workers were men, either single or with wives and families waiting in China for their return. They were an attractive workforce for farmers and developers, willing to work for significantly smaller wages than their Euroamerican counterparts, and with the reputation of dependability, adeptness, and efficiency (Daniels 1988:19). Many found work in the Santa Clara Valley orchards and fields: it has been estimated that in 1880, 32.8 percent of farm labor in the county was provided by Chinese (Chan 1986:306, Table 25).

Table 3: Chinese and Japanese Populations in Santa Clara County, 1860–1940

Year	Chinese	Japanese
1860	22	-
1870	1,525	-
1880	2,695	-
1890	2,723	27
1900	1,738	284
1910	1,064	2,299
1920	839	2,981
1930	761	4,320
1940	555	4,049

From Lukes and Okihiro (1985:19)

Early Chinese Settlement in San Jose

Market Street and Vine Street Chinatowns

The first Chinatown in San Jose was developed at the intersection of Market and San Fernando streets by the late 1860s. When this was destroyed by fire in 1870, the Chinese community relocated to Vine Street, adjacent to the Guadalupe River. The 1870 Census revealed that this Chinatown was the home of over 500 Chinese, including several families with young children, and 75 female prostitutes. By 1872, however, the Vine Street Chinese community had returned to its original central location on Market Street. This reoccupied Chinatown contained an array of shops and services and served as an important civic and social center for Chinese workers in the Santa Clara Valley. San Jose residents from the 1870s remembered that, on weekends, Chinese employed on Alviso strawberry farms came into Chinatown to socialize and pick up supplies (Young Yu 1991:23).

Anti-Chinese Activism

Chinese immigrants had faced prejudice and hostility since their first arrival in California during the Gold Rush. Exacerbated by widespread economic depression in the 1870s, labor and political agitators stirred public feeling against Chinese workers and Chinese immigration. Nativist organizations such as the Anti-Coolie Association and the Supreme Order of the Caucasians lobbied for boycotts of Chinese labor. The Chinese workers' reputation for cheapness and dependability stood them in good stead, however, and they continued to find employment with West Coast manufacturers and farmers, who needed their low-priced labor to compete with East Coast counterparts. Heightened public emotions, however, led to numerous riots and attacks on Chinatowns throughout the American West, including Denver, Tacoma, Eureka, Chico, and Truckee (Young Yu 1991:13). In 1882 the U.S. Government passed the Chinese Exclusion Act, which prohibited immigration of Chinese laborers, and prevented those already in the country from easily returning after visits home.

San Jose proved to be no exception to the rising tide of anti-Chinese sentiment. Incidents of public abuse and even stoning became commonplace, encouraging San Jose's Chinese residents to stick closely to the security of Chinatown. Many of San Jose's most

prominent businesses boasted that they only employed "first class white labor" (Young Yu 1991:25, 27). The anti-coolie movement's pressure to only hire white labor made little impact on Santa Clara farmers, who not only could not afford to do without low-cost Chinese labor; many had also developed close working relationships with their long-term Chinese employees. Plans in the early 1880s by the City of San Jose to modernize the town led to calls to remove the Market Street Chinatown from its prominent downtown location, but on 4 May 1887, arson completely destroyed the quarter. The *San Jose Daily Herald* of the following day announced that, "Chinatown is dead. It is dead forever" (cited in Young Yu 1991:30). Reports of Chinatown's demise however, were much exaggerated, since within 10 days prominent Chinese merchants, working with local businessman John Heinlen, were already making plans for a new Chinatown on Heinlen's land at Fifth and Taylor streets. At the same time, some of the displaced Market Street community moved to the vicinity of the San Jose Woolen Mills factory, which employed large numbers of Chinese. The Woolen Mills Chinatown, buoyed by employment opportunities in nearby factories and canneries, survived until 1902, when it was destroyed by fire (Allen et al. 2002:9–11).

Establishment of Heinlenville

John Heinlen was a German immigrant who established himself in San Jose as a farmer and businessman. His assistance to the Chinese provoked immense public outrage. At a time when those whites who supported the Chinese were seen as race-traitors, Heinlen's actions seemed inexplicable to many (Young Yu 1991:13). An intensely private man, neither he nor his family ever expressed the reason behind his steady support for San Jose's Chinese. Despite public meetings, lawsuits, and threats, in mid-1887 Heinlen retained prominent local architect Theodore Lenzen, who was also commissioned to design San Jose's new City Hall, to design what he and the Chinese merchants intended to be a permanent home for San Jose's Chinese population. Aware of the history of arson attacks against San Jose's Chinatowns, and seeking to avoid furnishing the public with further ammunition, Heinlen and his Chinese collaborators specified that the new Chinatown was to be built in brick, and would be supplied with both piped water and sewers. Quen Hing Tong signed the master lease with Heinlen for $1,500 per month (Pfaelzer 2007:238).

Lenzen's plans outlined six blocks of structures, some two-storied, with restaurants and stores lining Cleveland Street (referred to by residents as Cleveland Avenue – pers. com. Young Yu 2007), and dwellings and tenements along the secondary Clay, Dupont and Kearney streets (named after streets in San Francisco's Chinatown). Streets were dirt with wooden boardwalks. A water tank and artesian well on Seventh Street supplied piped water. Rents were set for each of the buildings according to their size and use, with Heinlen paying the necessary property taxes. Sanborn Company fire insurance maps (1884/1887, 1884/1889, 1891, 1884/1897, 1891/1901, 1915, 1891/1921, 1915/1929, 1915/1930, 1915/1932, 1915/1939, 1915/1950, 1915/1956, 1915/1957, 1915/61, and 1915/1969) provide detailed information on the physical configuration and development of the settlement (Figures 6, 7, 8, 9 and 10). Tenants of the new buildings included general merchandise stores, butchers, and tongs and district associations. Families lived in the back or above their stores, while headquarters of district associations such as the Sze Yup and Yeung Wo housed many of the bachelor workers (Young Yu 1991:39–40). In order to ensure both security and privacy for the residents, Heinlen requested that the new Chinatown be

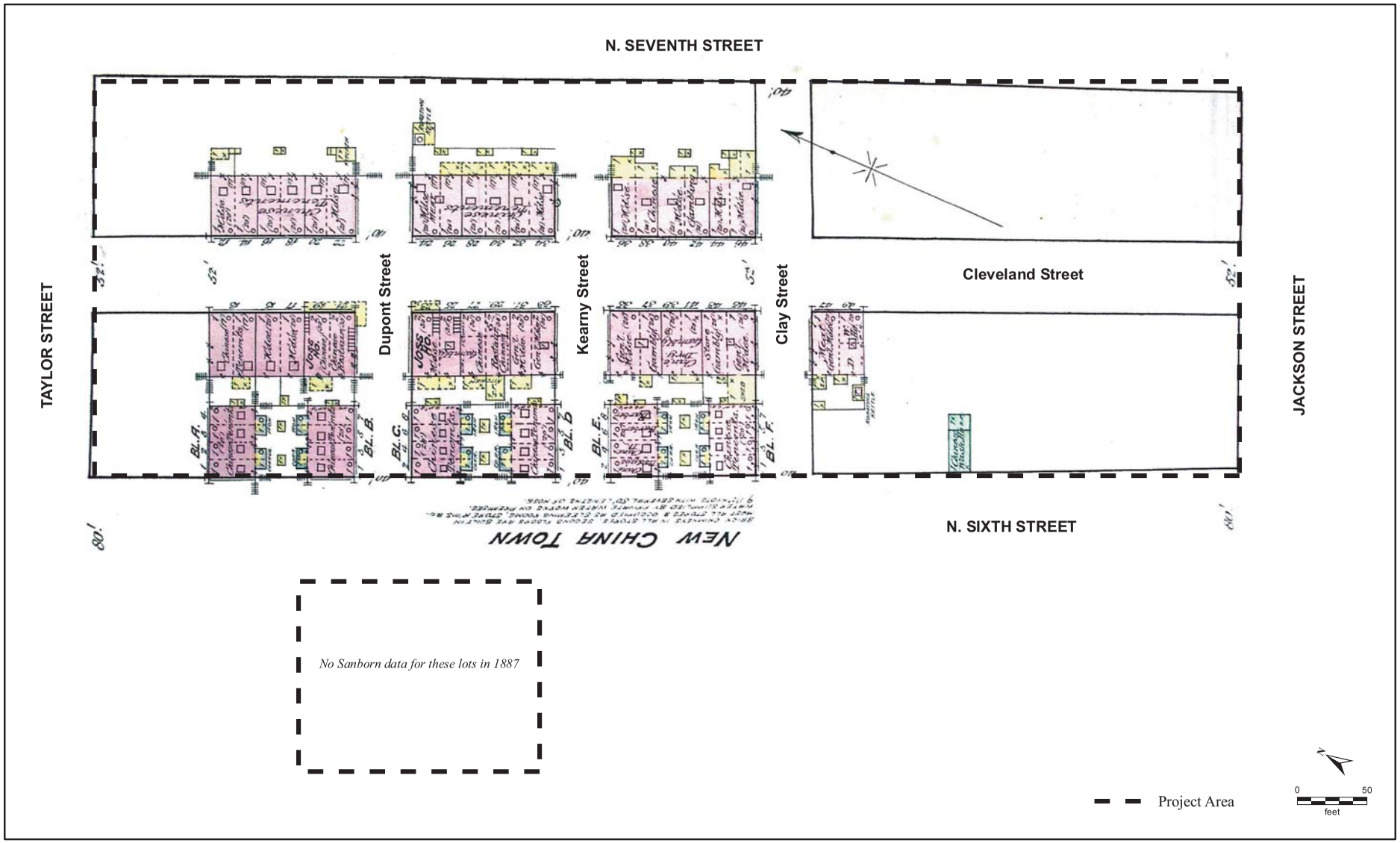


Figure 6. 1887 Sanborn map, shown with project area overlay.

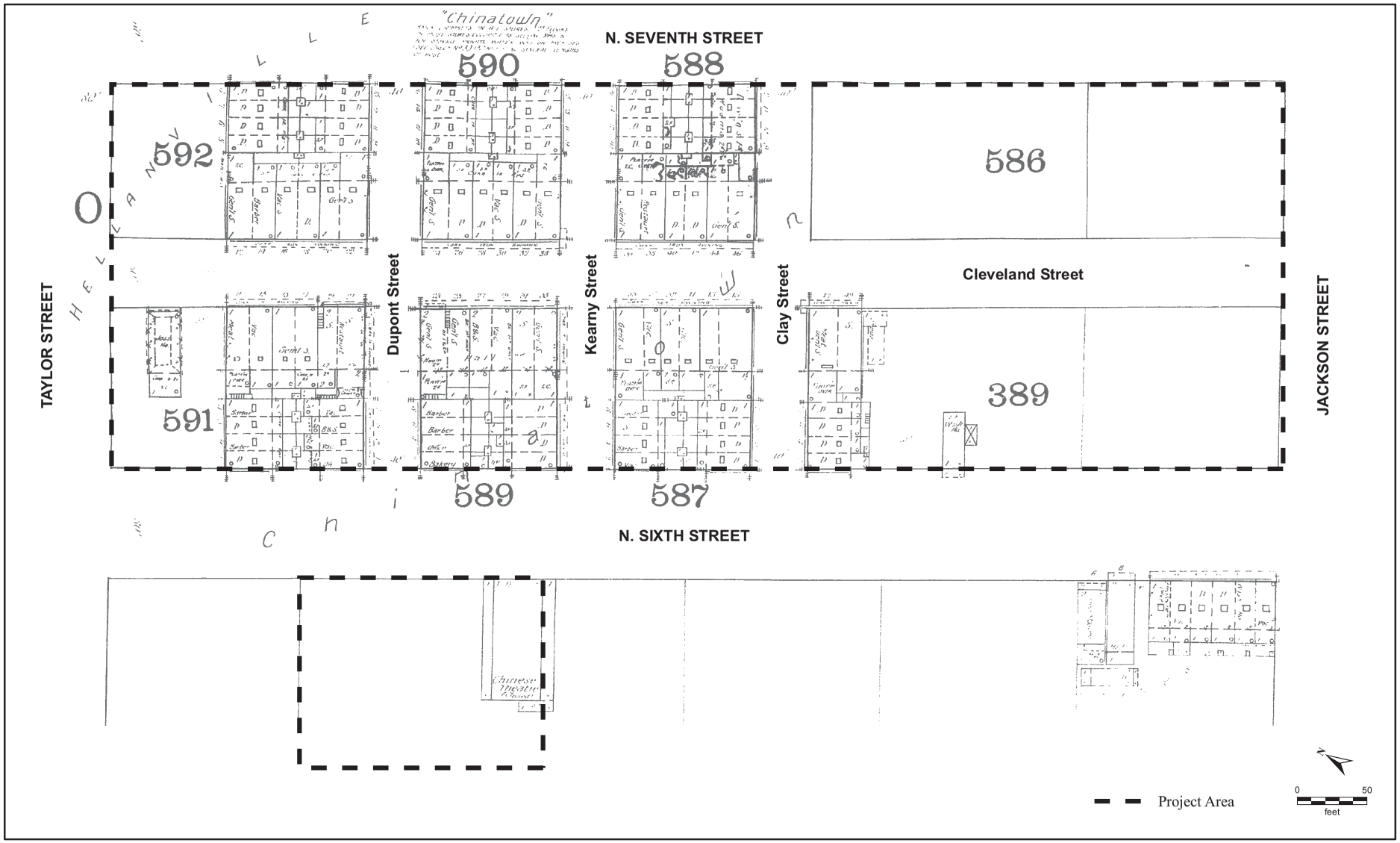


Figure 7. 1891 Sanborn map, shown with project area overlay.

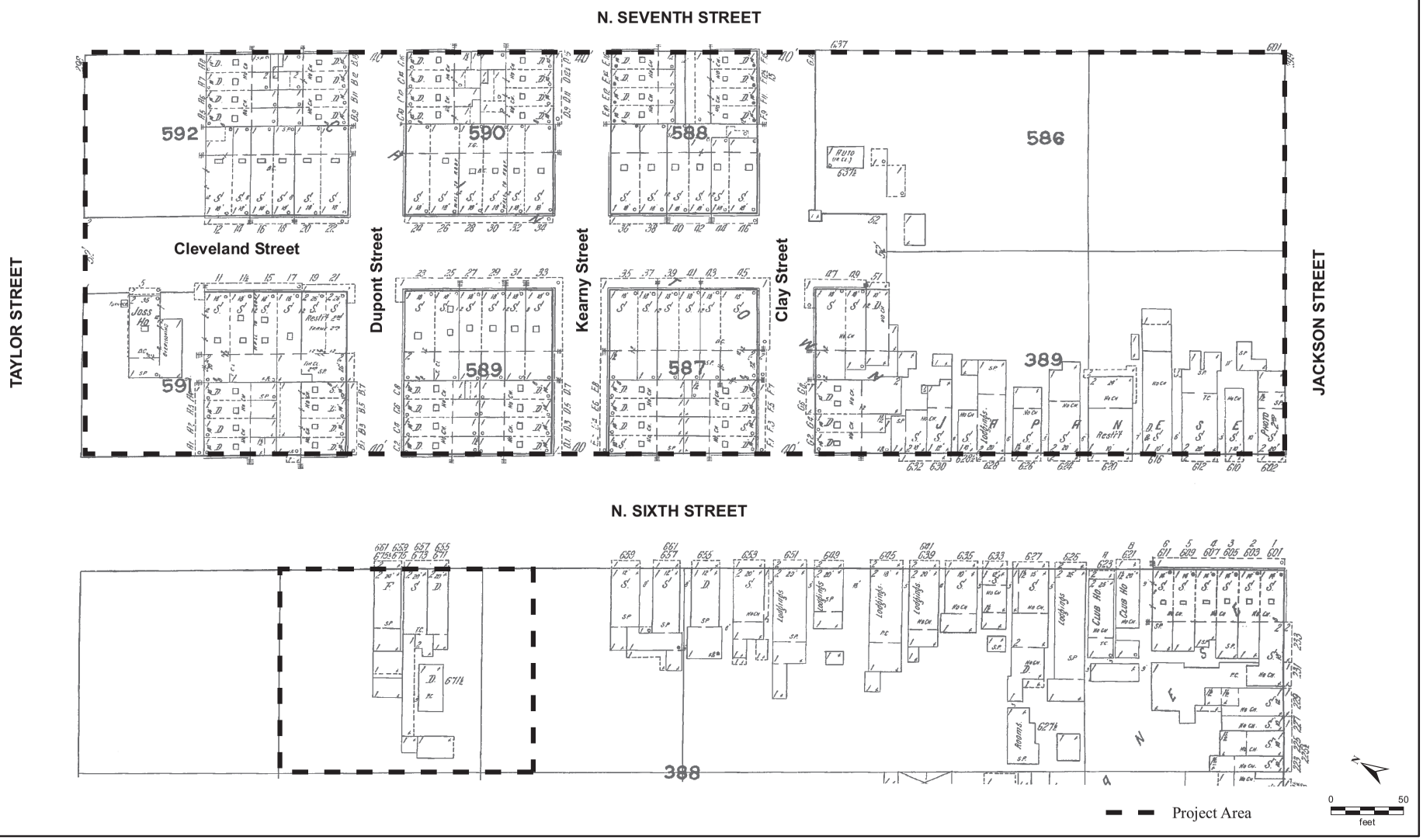
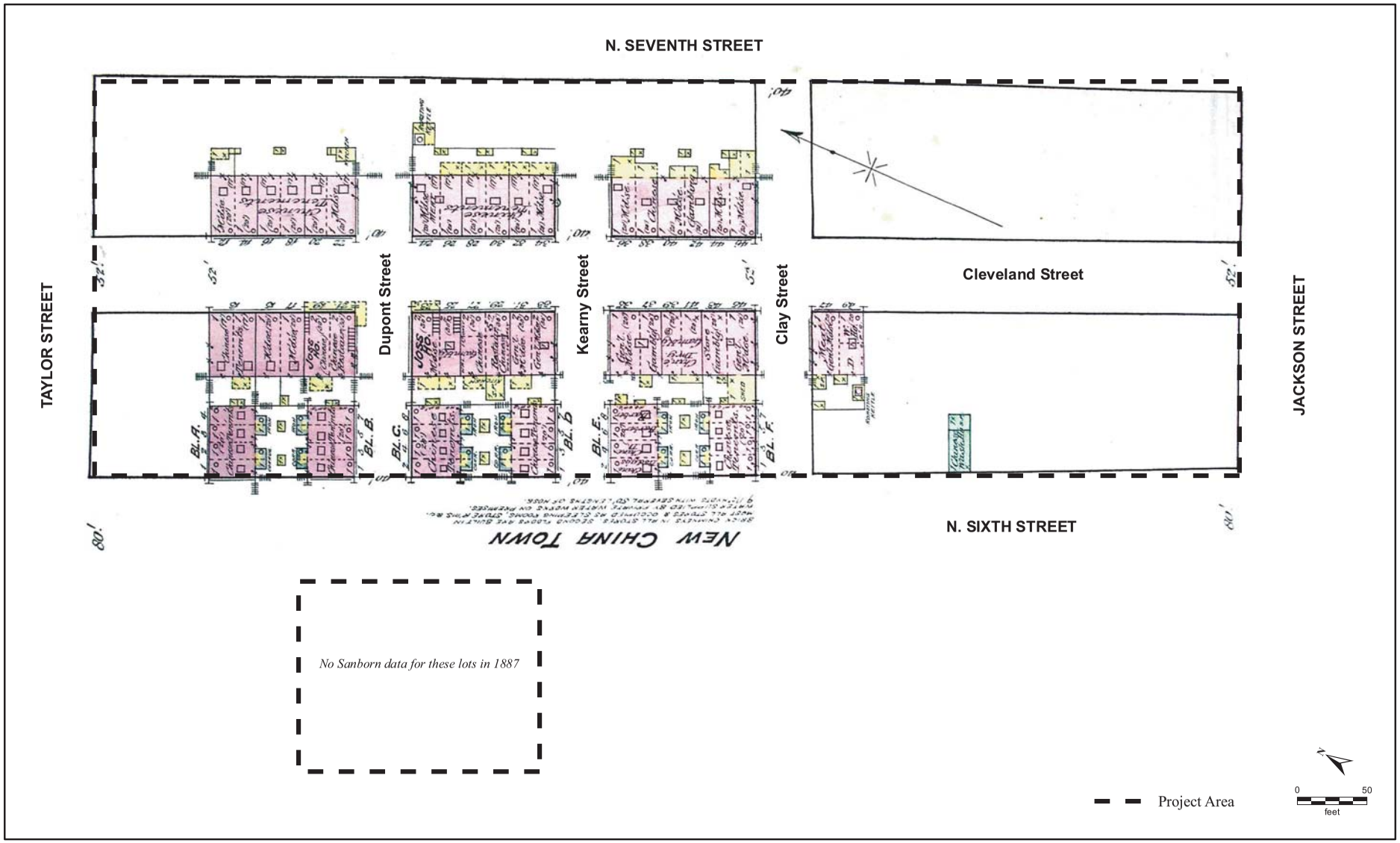


Figure 8. 1915 Sanborn map, shown with project area overlay.

Figure 9. 1930 Sanborn map, shown with project area overlay.



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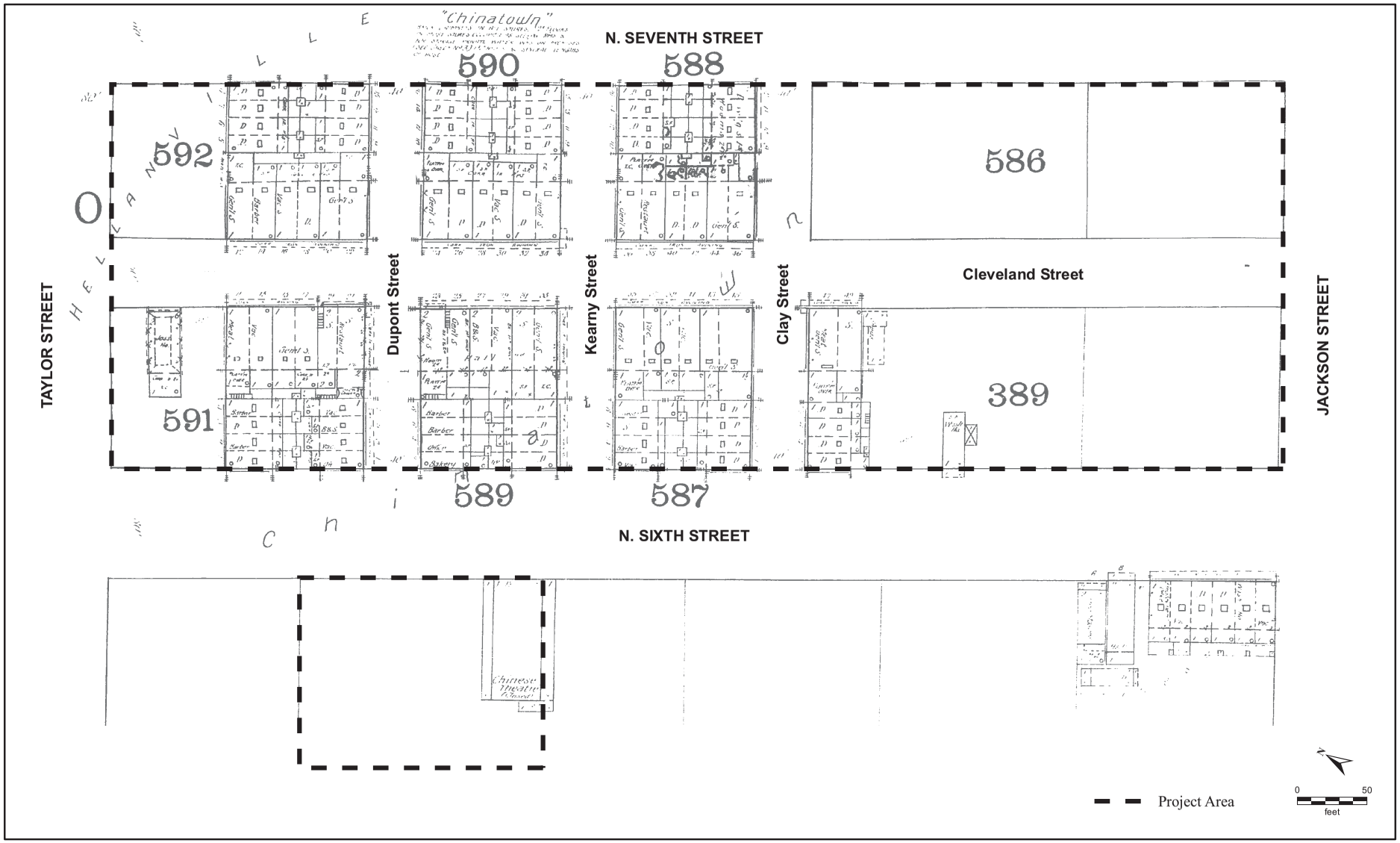

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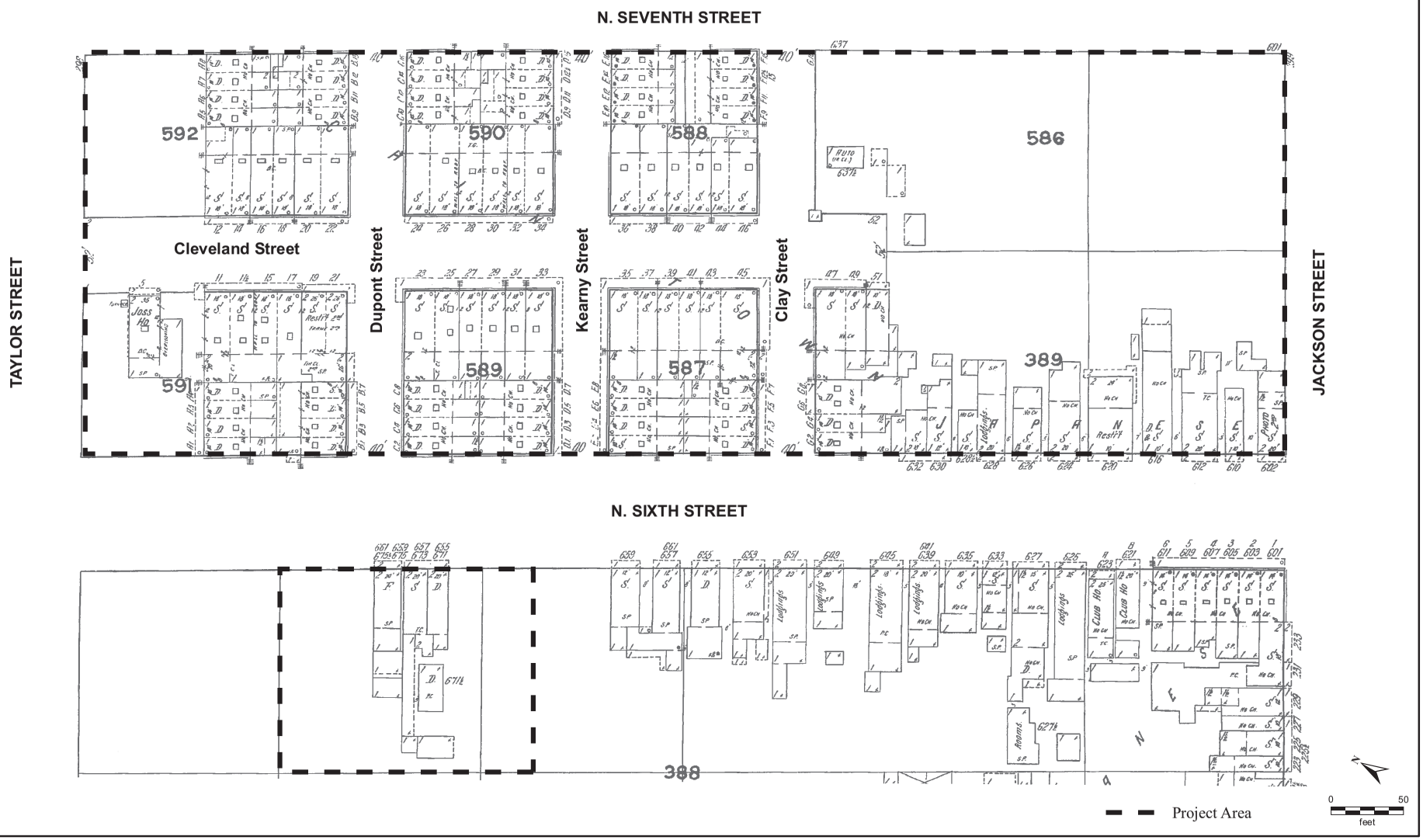

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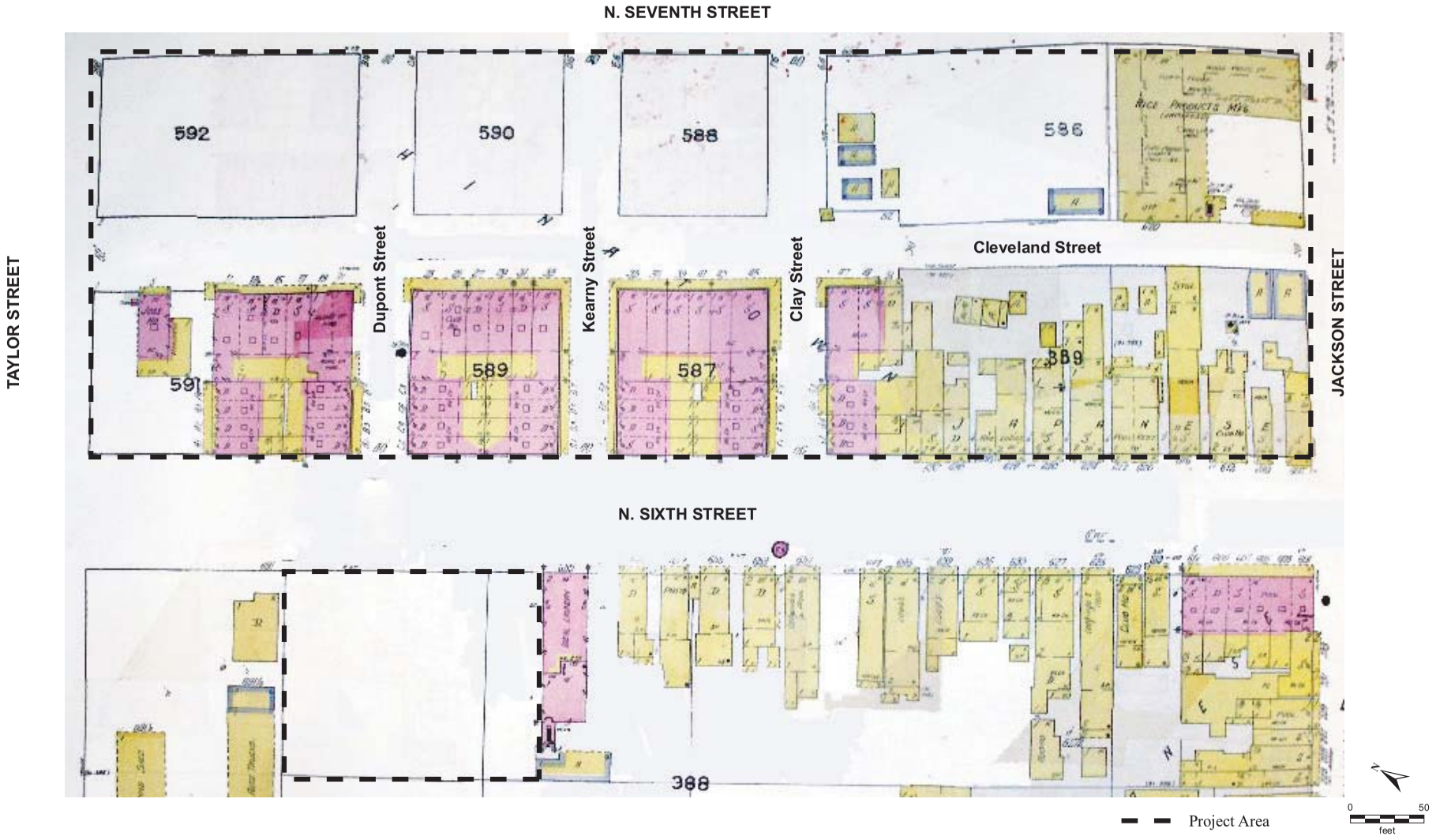

Figure 10. 1932 Sanborn map, shown with project area overlay.

surrounded by a high wooden fence topped with barbed wire. Gates in the fence, located on Taylor, Sixth, and Seventh streets, were locked each night, and the area patrolled by a white guard hired by the Chinese community leaders. Signs in English were posted at each entrance announcing "No Entrance" and "Private Grounds"; under trespass common law, the Chinese, being legal tenants, could control access to Chinatown. White agitators tore down signs and parts of the fence, which were always rebuilt (Pfaelzer 2007:238). Chinese workers also constructed a large temple for the five deities, the Ng Shing Gung on Cleveland near Taylor Street, to serve all districts and dialects represented in the town. For the Chinese community of San Jose, it was a promising new start, at a time when anti-Chinese laws and regulations were curtailing the options of other Chinese immigrants throughout the United States.

Heinlenville (also called the "Sixth Street Chinatown," "Cleveland Avenue," or *San-Doy-Say Tong Yun Fow* by its Chinese residents) quickly became the center for Chinese life in San Jose. It contained not only the Ng Shing Gung temple, but a variety of merchants, butchers, barbers, traditional doctors, and medicinal herb shops. By the early part of the 20th century, the main stores were Sing Chong (groceries and meat), Tuck Wo (merchandise and groceries), Kwong Wo Jan (merchandise, groceries, and some herbs; Figure 11), and Kow Kee (which sold roast pork from pigs butchered in town). Other stores included an herb and drug store operated by Wong Lo Shun; Kwong Sang Wo (fish, meat, poultry, and vegetables); and Kwong Lun Hing (dry goods). By the 1920s, three small clothing manufacturing businesses, along with at least three restaurants, operated in Heinlenville—the best known of them being the Ken Ying Low Restaurant operated by the Ng family. Many of the Heinlenville stores were associated either with a particular clan or Chinese region, such as the Sze Yup. For instance, the Ken Ying Low restaurant's owners sponsored the immigration of many Ng clan members, who would work in the restaurant for a time to pay off the cost of their passage from the home country (Young Yu 1991:63, 65).

Ng Shing Gung Temple

The heart of the new community was the Ng Shing Gung Temple. As a Taoist temple it did not hold organized services, but was a place to pray and make offerings of food or whiskey (Chan 1990:3). The temple altar was on the second story, while community activities including a Chinese language school were located on the ground floor. The temple building also housed a caretaker (Chan 1990:4). Religion was the center of many Chinese festivities in Heinlenville, including the preeminent annual festival of *Da Jiu* that drew people from Chinese communities across northern California (Figure 12). This event, celebrated in the summer, was based on a traditional Cantonese village festival, and honored the departed; its name literarily meant 'feeding the hungry ghosts' (Young Yu 1991:57). The festival, which ran for four days and three nights, included Chinese opera staged with hired singers and an orchestra, as well as feasts and the parading and hanging outside of the temple of 8- to 10-foot-tall papier-mâché effigies of deities, which were later burned. Community members and businesses, particularly gambling houses, contributed the funds required to stage the festival (Eng 1990:4; Lee 1990:2).

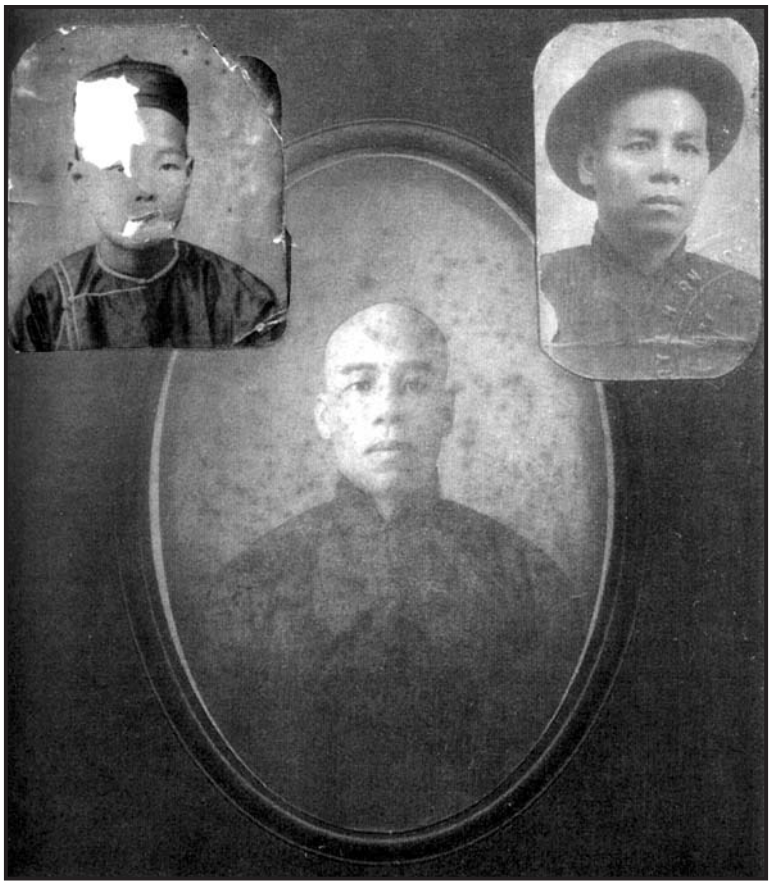

Figure 11. Passport and identification photographs of Young Soong Quong. A long term resident of Heinlenville, he came to the United States as a laborer in 1881 at the age of 11, and eventually opened the Kwong Wo Jan store at 34 Cleveland Avenue (Young Yu 1991:66-67). *Courtesy of Connie Young Yu.*

Agricultural Workers and Heinlenville

Heinlenville operated as a support center for Chinese farmers and farmworkers in Santa Clara Valley, who visited town regularly for supplies, social contact, and entertainment. Most of the actual residents of Heinlenville owned stores, restaurants, or gambling parlors. Many of the merchants were in partnership with merchants from San Francisco Chinatown (District Court of the U.S. in and for the Northern District of California 1894). People often lived behind or above their businesses rather than having a separate dwelling: "The front part is the store, the back part is the living quarters, the kitchen, the bedroom" (Wong 1990:3, 5, 7). Connie Young Yu recounts an old saying among Overseas Chinese: there were three types of businesses open to them: laundries, restaurants, and gambling. Although laundries and restaurants were indeed important in Heinlenville, gambling was the economic mainstay of the community (Young Yu 1991:71). It played not only a crucial economic role, but was an important social activity. Gambling parlors provided free food and snacks, increasing their appeal to workers (Lee 1990:10). Gambling games included not only *fan-tan*, but *pai gow*, a domino game, and the lottery, also known as *baakgapbiu,* or 'pigeon ticket.' Although there were dedicated gambling parlors, it was not uncommon for stores such as the Sing Chong store to include a partitioned gambling

Figure 12. The Ng Shing Gung temple hung with papier-mâché guardian effigies during Da Jui "Feast of Hungry Ghosts" (Young Yu 1991:56). *Courtesy of History San José*

section. Customers included Chinese and Asian agricultural workers, Japantown residents, and also white men. While gambling was illegal in San Jose, authorities generally turned a blind eye to the gambling in Heinlenville (Young Yu 1991:72, 75).

Many workers in the seasonal business of farm laboring paid for room and board in Heinlenville stores and businesses during their down periods: "People who work on the farms, they use that like a headquarters. When they're not working, they board, room and board there. Of course, when the season's on, then they stay at the ranches. So [Heinlenville] it's more or less like a boarding house. . . . There's no families. And . . . they just wait out the season till the next season comes around" (Lee 1990:3–4). Seasonal workers clustered around the stores and businesses that were closely associated with their district association or clan. Such stores often operated as labor contractors and offered the men small services such as lending money, pawning goods, storing possessions, and providing an address at which to receive mail: "one of the most important things in those times were receiving mail from their families in China" (Lee 1990:4; Young Yu 1991:63).

Figure 13. Mr. And Mrs. Young Soong Quong and their sons, Ming (George) and Jun (John). Young Soong Quong and his wife were reunited after a separation of sixteen years when she was permitted to immigrate to the U.S. (Young Yu 1991:68). *Courtesy of Connie Young Yu*.

District Associations and Tongs

For many such bachelor immigrants, tongs and district associations took the place of family in providing security, companionship, and a sense of identity. District associations were open to all from a particular Chinese region. They assisted in immigration and legal matters, facilitated the return of a member's remains to China in the event of death, and were local liaisons with the Chinese Six Companies, which was the group of district associations that coordinated Chinese immigrant protests against discriminatory state and federal laws. The three major district associations in Heinlenville were the Sze Yup, Sam Yup, and Yeung Wo (mostly Heungsan people). The Sze Yup had their headquarters on Clay Street, with the first floor being a boarding house for single men, and the district association rooms, located on the second floor, containing an altar (Young Yu 1991:68). Disputes in Heinlenville were customarily settled by a council of male elders made up of heads of stores, associations and tongs. Similar to the Chinese district associations was the Chee Kong Tong or Chinese Free Masons. This organization, which took members regardless of their origin region in China, was prominent not only in Heinlenville but also in the Chinatowns of Monterey, Salinas, and Watsonville (Young Yu 1991:69).

Tongs however became the most notorious manifestation of group societies in U.S. Chinatowns: former residents of Heinlenville noted that they played a substantial role in the community's life (Wong 1990:4). Tongs were essentially racketeering organizations, prominent particularly in the gambling business. There were two main tongs in San Jose: the Hop Sing and the Hip Sing. Each maintained headquarters in Heinlenville, with the Hop Sing Headquarters being located, ca. 1912, at 28 Cleveland Street. The tongs were deeply involved in the gambling business in Heinlenville, resulting in several so-called Tong wars, including the most famous incident in 1923, when armed tong members drove down Cleveland Street and two men were killed. Most gambling operators would join one of the tongs for their own protection, although coercion was not involved (Eng 1996:10–11): unlike other racketeering organizations, tongs did not exhort protection money or otherwise prey on the community. In Heinlenville, tong heads and members lived as part of the community and were major contributors to community organizations and ventures (Young Yu 1991:70). Each tong would hold an annual feast in a local restaurant (Lee 1990:10–11).

Figure 14. Sam (Wah Leh) Lee and James (Mun Gai) Chan playing in Heinlenville, ca. 1918. Sam Lee's father owned two stores in Heinlenville, while James Chan's father worked as a cook at the Ken Ying Low Restaurant (Young Yu 1991:63). *Courtesy of Connie Young Yu*

Women and Families in Heinlenville

By the 1920s, the bachelor society that had characterized Heinlenville's early years was all but gone. James Chan, who was born in 1917 in Heinlenville, remembers only four or five elderly single men remaining in the town (Chan 1990:7). Chinese merchants, who were the bulk of Heinlenville's householders, had been allowed under the 1882 Exclusion Act to bring their families from China (Figure 13). The role of women and children in increasing the permanence of Chinese communities was decried by many Euroamerican commentators. Judge Lorenzo Sawyer, who presided over the case resulting from the expulsion of the Chinese community from Eureka in 1885, noted that if Chinese immigrants "never bring their women here and never multiply . . . , their presence would always be an advantage to the State. . . . When the Chinaman . . . don't bring his wife here, sooner or later he dies like a worn out steam engine, he is simply a machine, and don't leave two or three or half a dozen children to fill his place" (Sawyer, cited in Pfaelzer 2007:208). The growing presence of women and children did change the character of Heinlenville (Figure 14). Wives helped run stores, and looked after children. While many who had come from China in the early years continued to wear traditional clothing, later wives and their daughters increasingly adopted more westernized styles. The town's children, who attended Chinese language school from 5 to 8 p.m. in the temple, also attended American school during the day (Chan 1990:4). They played baseball and other games in a small field across from the temple, and often played baseball against kids from Japantown (Eng 1990:4; Lee 1990:6). Only a few Chinese families lived outside of the protection and familiarity offered by Heinlenville (Wong 1990:3). One that did was the family of Pauline Wong; she notes that her father was very Americanized and although the family visited in Heinlenville, he chose to distance himself from the community (Wong 1990:3).

Heinlenville and the Broader San Jose Community

Heinlenville flourished despite continued political and public harassment, including the federal Geary Act in 1892 that extended the 1882 Chinese Exclusion Act for another 10 years, and required all Chinese residents to file for a certificate of registration—the hated *chak chee,* or photo passport which had to be carried everywhere—or to face deportation (Young Yu 1991:45). The passage of the Geary Act, fought against ferociously by the San Francisco Six Companies, was seen as an enormous blow to the U.S. Chinese community—local San Jose papers recorded "Mourning in two Chinatowns" upon its passing. The community also faced local harassment. In the fall of 1891, Heinlenville merchant Quen Hing Tong sued the mayor and police commissioner of San Jose, accusing them of using three "Special Police Officers" to patrol Chinatown stores, and intimidate residents and customers. The plaintiffs submitted affidavits from 10 Chinese merchants who claimed that because of the constant presence of the three officers, they were two months behind in rent and owed two thousand dollars (Ninth Circuit Court 1894; Pfaelzer 2007:241). The case, although ultimately unsuccessful, did place anti-Chinese activists on notice that the Heinlenville community would resist any attempts to drive them from their homes and businesses.

The Chinese community gradually expanded into the vacant land to the south of its original Heinlenville buildings, intermingling with the surrounding Japanese settlement that had begun establishing itself there in the 1890s. Relations between the two communities were cordial, even if there was little active socializing. Tuck Wo general merchandise store on the corner of Cleveland and Clay streets was popular with the Japanese, as it was the first store to extend them credit in the 1890s. Japanese families and farm workers would come into Heinlenville restaurants on the weekends for Chinese dinners (Lee 1990:7). Overall however, Heinlenville remained a true enclave within the broader San Jose community—it was very rare to see non-Chinese there: "You very seldom see Caucasians inside of Heinlenville. Mostly the Chinese, whole families, play with each other, talk to each other. They shop there, then they go back home—which is within Heinlenville itself" (Chan 1990:4).

Heinlenville was also surrounded by a sizable Italian neighborhood. The Italians and Chinese appear to have had relatively harmonious relations, with the Heinlenville children, at least, noticing little discrimination (Chan 1990:6; Lee 1990:5, 7; Wong 1990:3). The major reason for this was the integrated school system in San Jose, which was often not the case in other Asian communities, such as Sacramento Delta towns. Another ethnic group that settled in the vicinity of Heinlenville towards the end of the 19th century were members of San Jose's gradually increasing African American community. African Americans rented rooms in Chinese-run boarding houses, and even purchased property on the fringes of Heinlenville.

John Heinlen died in December 1903. His children continued as landlords for Chinatown and maintained their father's tradition of cordial and respectful dealings with the Chinese community. Two of Heinlen's children, Mary and Marion Albert, personally walked around the stores of Heinlenville to collect rents. Heinlenville suffered damage in the 1906 earthquake although it was not comparable to Chinatown in San Francisco, which was largely destroyed. Local merchants took the opportunity to remodel and

expand buildings. The period following the earthquake was one of general prosperity due to the booming times in the local agricultural industries (Young Yu 1991:60).

Dissolution of Heinlenville

Despite Heinlenville's early success, its population began to dwindle during the 1920s. Young Chinese Americans who had grown up in the community saw their future in business or industry rather than the traditional jobs of keeping stores or gambling parlors. Filipino workers were beginning to flood into the Santa Clara Valley, filling the void left as the aging Chinese farm workforce retired or returned to China. The 1882 Exclusion Act and 1892 Geary Act had prevented any new immigration of Chinese laborers to take their place. Heinlenville had traditionally operated as a service center for Chinese farm laborers. As they disappeared from Santa Clara Valley, Heinlenville began to suffer (Lee 1990:9). In addition, people found that they could increasingly afford better housing outside the confines of the original, aging Heinlenville buildings, as did James Chan's family: "we moved out. . . . find a little better place to live, and as we move out nobody would move into these shacks. . . And one by one they boarded it up, and pretty soon there's no one there at all" (Chan 1990:4). Many moved into nearby Japantown, while others left and went to San Francisco Chinatown (Wong 1990:4). By the early 1930s, Santa Clara County's Chinese population had decreased to less than 1,000 people (Table 3). The Depression had a severe effect on the John Heinlen Company, which had remained Heinlenville's landlord. Suffering from the effects of a collapsing rental market, the Company declared bankruptcy in 1931. The Chinatown land was sold to cover the Company debts, and the buildings began to be razed the same year; many remaining residents moved to Sixth and Jackson streets, traditionally part of Japantown (Young Yu 1991:108).

The advent of World War II severely impacted San Jose's Japantown when the entire Japanese community was evacuated and sent to the assembly center at Tanforan for assignment to internment camps. The repeal of the Chinese Exclusion Act in 1943 and changing social attitudes removed much of the impetus for Chinese-Americans to gather in Chinatowns for protection and support, and the community began to slowly disperse. In 1949 the Ng Shing Gung temple, the last symbol of Heinlenville was demolished. The block bounded by Taylor, Jackson, Sixth and Seventh streets was gradually taken over by the City of San Jose for use as a Corporation Yard, and the remains of Chinatown were buried under asphalt and buildings.

DEVELOPMENT OF SIXTH STREET NIHONMACHI – JAPANTOWN

Japanese Immigration to California

In 1853 after 200 years in which contact with foreign traders was strictly controlled, Japan was forced to open itself to U.S. trade and diplomatic relations by Commodore Matthew Perry. By 1868, the Meiji Restoration heralded a period of intense social and cultural upheaval in Japan that resulted in the rapid industrialization and modernization of the society and the imposition of westernized military reforms. During this period, many in Japan developed an enormous interest in western culture, including U.S. democratic ideals. From 1869, young Japanese men began arriving in California intent on pursuing education and cultural enrichment before returning home. These were the first Japanese immigrants to the United States. Due to social and economic upheavals wrought by the processes of modernization, however, these young men were rapidly succeeded by immigrants from Japan's traditional peasant class, who sought financial opportunities and social advance not available in their home country. From the 1880s U.S. legal barriers to Japanese immigration were relaxed, greatly encouraging the flow of immigrants to Hawaii and the West Coast (Carey & Co. 2006:3).

The Japanese in Santa Clara County Agriculture

While Chinese labor was an essential component in the early development of Santa Clara's fruit-growing and processing industries, the 1882 Chinese Exclusion Act halted the flow of new Chinese laborers into California. This shift presented a crisis for fruit growers, who initially tried to cope with the decreased availability of Chinese workers by hiring white labor, namely Portuguese and Italians. The growers found that "it was more inconvenient to obtain them [white men] than it had been to obtain the Chinese because they were not organized into groups, did not remain on the ranch year after year as the typical Chinese had done, and were not so skillful in their work" (U.S. Immigration Commission, *Reports: Immigrants in Industries* XXIV 1911:200, cited in Lukes and Okihiro 1985:20). Growers and fruit packers eventually turned to Asian immigrant groups many of which came from agricultural backgrounds, such as those from Japan and the Philippines, to provide handwork while they retained white workers (including ethnic whites such as southern European immigrants) for supervisory and teamster roles (Lukes and Okihiro 1985:20). Japanese immigrants began to move into the valley in large numbers after 1900 (Table 3). These new workers readily found work in the seed farms, orchards, and strawberry fields of the valley, alongside members of the gradually dwindling Chinese labor force.

The Issei, or first-generation Japanese immigrants, were largely a mobile, bachelor society, whose members generally intended to work and then return to Japan, a practice that came to be called *dekasegi rodo*, from the phrase for traditional trips of country dwellers to the city in search of temporary, seasonal work (Aoki 1998:Footnote 25). California's Japanese immigrants followed the crops alongside other immigrant laborers—the Chinese, Filipinos or southern Europeans. They worked either through the Sacramento Delta and Central Valley, or south through coastal valleys to Salinas and San Luis Obispo. Workers might arrive in the Santa Clara Valley to work the strawberry crop from April through June, staying on through August for the apricot, pear, and prune harvest, and then on to Fresno in the late summer to pick grapes (Lukes and Okihiro 1985:21). Aiding the Japanese

workers in their search for work in Santa Clara Valley was the traditional method of using labor contractors to obtain necessary workers. The Japanese, like the Chinese and other immigrant groups such as the Italians, readily participated in systems of ethnicity-based labor contracting and labor gangs (Lukes and Okihiro 1985:21).

Until about 1907, Japanese labor was welcomed in the United States as an alternative to the Chinese; in 1905 the *San Jose Mercury* could state that "we are learning to dissociate the Chinese and the Japanese—and to the later [sic] we now attribute many of the national characteristics that the European nations admire and possess" (*San Jose Mercury* 18 January 1905, cited in Lukes and Okihiro 1985:50). In the aftermath of the 1905 Russo-Sino War, however, as America began to recognize the military potential of the Japanese, many began to reevaluate their desirability as immigrants. This was exacerbated on the local level in areas such as Santa Clara Valley where Japanese farm labor became dominant, even replacing white women and children in fruit picking and packing work. Just over two years after its glowing report of Japanese labor in 1905, the *San Jose Mercury*, in speaking of the "Japanese problem," claimed that: "John Chinaman, once believed to be the greatest menace that confronted the future of the Pacific coast, has become, by contrast with his Mongolian neighbors, quite a respectable citizen. The Chinaman is content to earn his living as a laborer, a cook, and is seldom in competition with white merchants . . . he has never presumed to dare the wrath of the whites as the later-arriving Jap is now doing" (*San Jose Mercury* 21 September 1907, cited in Lukes and Okihiro 1985:51–52). Like the Chinese, the Japanese were the subject of numerous acts of harassment and violence from the larger community, as they began to develop a permanent presence in the county. In response to the growth of anti-Japanese feeling throughout the western United States, in 1907–1908, Japan and the United States made the Gentlemen's Agreement, in which Japan agreed to halt emigration of male laborers to America, in return for the United States providing protection for existing Japanese immigrants, and for permitting the immigration of wives, children, and parents of existing U.S. Japanese residents (Daniels 1988:125).

Despite discriminatory legislation—including California's Alien Land Laws in 1913 and 1920, which were intended to prevent Japanese ownership of land—Japanese workers managed to acquire a degree of permanence in the Santa Clara agricultural community. They worked not only as hand labor, but increasingly achieved a degree of autonomy by entering into tenancy or sharecropping arrangements, often by leasing land from former employers. Rather than presenting an insurmountable obstacle to Japanese farming interests, the 1913 Alien Land Law was circumvented by leasing land or by subterfuges such as purchasing it in the name of native-born children (Daniels 1988:143). Strawberries, pears, prunes, apricots, and truck-farming crops were among those sectors of the local agricultural industry increasingly identified with Japanese farmers in the early decades of the 20th century. These farmers would at times supplement their farm income by working in the winter at the canneries (Carey & Co 2006:13).

Immigration of Japanese Women between 1907 and 1924

The immigration of Japanese women was an important part of the development of permanent Japanese settlements in the United States. The 1907 Gentlemen's Agreement prevented the immigration of any Japanese with the exception of existing wives, children, and parents. Many of the Issei generation had been young single men when they left for America. Under the popular "picture-bride" system, however, in which photographs were

exchanged between immigrant men and women in Japan, Japanese men in the United States could marry by proxy and bring their new brides out to America. Such marriages were recognized under the 1907 Agreement and became one of the most frequent ways in which Japanese women came to the United States between 1907 and the passage of the Immigration Act of 1924, which halted all Japanese immigration. The picture-bride system rapidly changed the demographic makeup of the American Japanese community. Whereas the immigrant community had originally been predominantly male, by 1924, the ratio between the sexes was approaching one to one (Daniels 1988:126). The 1924 Immigration Act had a temporary shrinking effect on America's Japanese communities, as many Issei—fearing the increasing anti-Japanese sentiment—decided to return to Japan, often taking their American-born children with them. Because the rates of Japanese female immigration between 1907 and 1924 had been so high, however, and because American-born Japanese continued to be accorded American citizenship, the Japanese-American population did continue to grow, albeit more slowly than before (Daniels 1988:151). This was true of the Santa Clara Valley, whose Japanese population increased markedly in the 1920s even after the passage of the 1924 Immigration Act, from 2,981 in 1920 to 4,320 in 1930 (Table 3).

The Development of Nihonmachi

Originally there was no cultural center for Japanese workers in Santa Clara Valley. Migrant workers lived in bunkhouses at the farms and orchards where they were temporarily employed. Many of these workers, however, found their way to Heinlenville for food, supplies, and entertainment. By the early 1900s, a community of Issei was beginning to establish itself near Heinlenville, around the intersection of Jackson and Sixth streets, on land leased from the Heinlen Company. A collection of wood-frame buildings grew along the Sixth Street frontage of the Project area between Clay and Jackson streets, containing both Japanese and Chinese homes and businesses. By 1915 the Sanborn map delineated this stretch of Sixth Street frontage as being "Japanese." Although it remained centered around the Sixth and Jackson streets intersection, Nihonmachi, or 'Japan Town,' began to expand, eventually extending from Seventh down to Third streets.

The first Japanese buildings in the Nihonmachi area may have been cheap bunkhouses that acted as centralized recruiting centers for farm labor gangs. From Nihonmachi, workers would be taken to Santa Clara's fields and orchards for work, or to the large canneries that began to develop nearby to the east of the railroad tracks (Lukes and Okihiro 1985:24). The early businesses of Nihonmachi catered largely to the needs of these itinerant, male workers. Boarding houses, pool halls, bathhouses, gambling houses, and brothels developed, a pattern that continued for the first 10 to 15 years of the settlement. As immigrant and Nihonmachi resident Masuo Akizuki noted: "When I came to San Jose the day after my arrival, everybody was working in the countryside. The boarding houses in San Jose Japantown found jobs for us. They brought us by horse carriage to the place to work. . . . Our living conditions were miserable at that time. We slept next to a horse stable on our blankets and some straw. . . . When we finished the work, we went back to the boarding house and rested there until the next job came around" (Misawa 1981:12, cited in Lukes and Okihiro 1985:24).

The Sixth Street frontage of the Project area included some of the earliest commercial buildings in Nihonmachi. A memory map of Nihonmachi as it existed from 1910 to 1920

Figure 15. Yamato Bath House, 1911 (later known as the Minato-Yu Bath House), within the Project area on Sixth Street. The bath house included pool tables, and had rooms upstairs for boarders (Lukes and Okihiro 1985:40). *Courtesy of Kanemoto Collection, California History Center Archives*

included markets, five or six gambling houses, two restaurants, several bars, a bath house (Figure 15), barbershop, rooming house, a photo studio, and a few homes belonging to both Chinese and Japanese along the Sixth Street frontage of the Project area between Taylor and Jackson streets (Lukes and Okihiro 1985:22–23). These businesses included the Kani family's grocery store, Ishimaru's barber shop, Minato bath house, Sashi Shokai general merchandise store, the Ito family's restaurant with its tatami floors and shoji walls, and the Yamaguchi-ya boarding house. Also on the Project area block was the Nippon Sake Company at the corner of Jackson and Seventh streets (Ishikawa 1996:3). Nihonmachi resident, Masuo Akizuki noted that, "Most of the men were single, and they

played around whenever they had some money. The main entertainment was billiards and *hanafuda* [a Japanese card game] . . . the first floor of each [boarding house] had a billiard parlor" (Misawa 1981:12, 14). For health needs, the community had the Kuwabara Hospital, built in 1910, which was staffed by Japanese-educated doctors (Carey & Co. 2006:19). New migrants to California often gravitated towards work or geographical areas in which a family member, friend, or immigrants from their same village or prefecture were already established. Thus, Japanese agricultural laborers in Santa Clara County were often from the Hiroshima, Yamaguchi, Kumamoto, and Fukuoka prefectures. The prefecture, or *ken*, origins of immigrants could also influence which businesses in Nihonmachi an immigrant might prefer to frequent; the Nankai-ya boarding house, for instance, was run by immigrants from the Wakayama prefecture, and catered primarily to boarders from the same area (Carey & Co. 2006:5).

The increasing prominence and autonomy of Japanese immigrants in Santa Clara Valley's agriculture led to the development of smaller Japanese settlements at local farming communities, such as Alviso, Agnew, Berryessa, Milpitas, and in the Trimble Road area (Lukes and Okihiro 1985:29). Oral histories of Japanese Issei, together with reports from the 1908 U.S. Immigration Commission, indicate that unlike elsewhere in California, the majority of Japanese immigrant men in the Santa Clara Valley had been already married before coming to the United States. Their wives were quickly sent for, and were instrumental in not only enabling the early development of these smaller farming communities, but also in giving them the possibility of permanence through the birth of Nisei or second-generation Japanese. The labor of women and children were often crucial factors in the early years of Japanese tenant and sharecropping farms in the valley (Lukes and Okihiro 1985:56). These small farming communities were very different in tenor from the San Jose Nihonmachi, with the former being characterized by settled families, while Nihonmachi remained the preserve primarily of bachelor, migrant men, and stores and businesses that catered to their needs. The smaller settlements retained quite distinct identities, with residents, usually only the men, visiting Nihonmachi only occasionally (Lukes and Okihiro 1985:63). Thus, the Japanese community in the Santa Clara Valley was not homogeneous but included families and single men, farmers and merchants, tenants and itinerant workers.

Later Development of Nihonmachi Community

As the Japanese community in the Santa Clara Valley matured, Nihonmachi's layout and constituent community also evolved. In the early decades of the 20th century, the location reflected its primary function as a service center and labor reserve for Santa Clara agricultural workers, and contained associated services including bath houses, boarding houses, pool halls and stores. With the increased arrival of wives and children after 1907, via the picture-bride system, individual family homes began to predominate. Reflecting its increased family-based makeup, the Kuwabara Hospital hired two midwives (Carey & Co. 2006:10, 20). Other prominent cultural institutions included the Buddhist Church (established in 1902) and the Methodist Church (built in 1913), in addition to local associations, sports groups, and festivals. Throughout its history, the community retained a very strong Japanese cultural identity. The Okida Hall, a Japanese theater located near Jackson and Sixth streets, hosted traditional *Shibai* plays; they also produced performances of historical tales called *Naniwa-bushi*, epic singing known as *Utai*, along with Japanese

vaudeville acts and, later, Japanese films (Carey & Co. 2006:21). Sports included baseball and sumo wrestling held at a dual-purpose field on Sixth Street. Visually, Nihonmachi was dominated by small, wood-frame commercial and residential structures that did not differ architecturally from other areas of San Jose, with little evidence that they housed an exclusively Japanese population. This was despite the fact that local Japanese American construction companies, including the Nishiura Brothers, were responsible for most of the building in Japantown (Carey & Co. 2006:9). Instead, it has been suggested that years of anti-Japanese discrimination prompted Japanese immigrants to minimize perceived cultural differences between them and the surrounding Euroamerican community (Dubrow 2005).

Impact of World War II Internments on Nihonmachi

The Japanese attack on Pearl Harbor, 7 December 1941, changed the lives of all Japanese residents of the United States. On the 19 February 1942, President Franklin D. Roosevelt signed Executive Order 9066, which provided the authority to remove people without trials or hearings on the basis of "military necessity." This and subsequent Executive Orders allowed for the removal of U.S. citizens and residents of Japanese heritage to internment camps. By this time, approximately 27 Japanese households were living in Nihonmachi, constituting 72 percent of the non-rural Japanese living in San Jose at the time (*New World-Sun Book* 1939, cited in Carey & Co. 2006:25). Most residents from San Jose Nihonmachi were sent to the Heart Mountain internment camp in Wyoming. As was common in Japanese communities across the United States, they were given only days to prepare for a removal of unknown duration. Many abandoned or sold their assets at a loss, or sought help from non-Japanese friends or business associates to oversee homes or businesses left behind. In their absence, anti-Japanese activists in Santa Clara County campaigned to prevent any eventual resettlement by the Japanese community. As always, the objections were not to Japanese labor on farms, but to the prospect of Japanese settlements as a permanent aspect of the County's population.

From 2 January, 1945, Japanese Americans were released from the internment camps, and gradually made their way back to their home communities. However, the internments were a major blow to Japanese-american communities, many of which never succeeded in reestablishing themselves. When Japanese families returned to Santa Clara County in 1945, they found that their financial prospects had been severely damaged, and their community decimated. During the war, the Japanese place in the local farming economy had been taken by Italian and Portuguese truck market growers, and by Filipino, Mexican, and African American hand labor. Filipino and African American workers had moved into homes within the traditional confines of Nihonmachi. Some returnees arrived home to find that their stored goods and houses had been ransacked on the assumption that the removals would become permanent. During the late 1940s and 1950s, the development of high technology industries in Santa Clara County and the growth and urbanization of its population changed the future of the county as an agricultural center. Orchards were being uprooted to make way for homes, tenant farmers were often unable to regain their leases, and the soaring land prices made it almost impossible for many Japanese farmers to recoup land that they had sold, often at reduced prices, prior to the 1942 removal. Many returnees were forced to resort to farm laboring work again. Others took a leap into the

nursery and floral businesses that continued to thrive in Santa Clara and surrounding counties (Lukes and Okihiro 1985:120).

Despite the setbacks of the war years, the Japanese population of California proceeded to double during the 1950s, largely due to the high birth rate of the Nisei generation, and the return or movement of many Japanese Americans to the state. Among the reasons for the continuing survival of San Jose Nihonmachi during this period was that many Japanese Americans began to find work in the region's burgeoning high technology industries. The open-enrollment policy of San Jose State University also attracted many of the younger Nisei generation to the city. The 1950s also saw the beginning of acceptance of Japanese Americans by the broader community; in 1952 the McCarran Bill allowed for resumed immigration from Japan, and allowed the Issei generation to finally become American citizens. In 1956 California repealed its alien land laws that had long hampered the acquisition of land by Japanese Americans. A local triumph for the San Jose Japanese community was the election of the hometown Norman Mineta in 1967 to San Jose's City Council. He later became the city's mayor, elected a U.S. Congressman, and became the first Asian American to hold a cabinet post in the White House (Carey & Co. 2006:7, White House 2007). San Jose's Nihonmachi rebuilt its cultural institutions, and maintained strong Japanese cultural traditions. It was not markedly affected by the urban-renewal projects of the 1960s and 1970s that so dramatically transformed the appearance of San Francisco and Los Angeles Japantowns. Instead, San Jose Nihonmachi retains much of the configuration, scale, and flavor that it possessed in its early pre-war years of development, and remains the cultural center for the Japanese American community in Santa Clara County. Today, it is one of only three distinct historic Japantowns—Los Angeles, San Francisco, and San Jose—to exist in the United States.

Chapter 3:
Preliminary Archaeological Sensitivity Study

PREHISTORIC ARCHAEOLOGY

GEOARCHAEOLOGICAL FIELD INVESTIGATION

Subsurface geoarchaeoloigcal investigations of the Project area were conducted on 18 July 2007. The purpose of this work was to assess the likelihood that the location contains a substantial, buried prehistoric archaeological site. No prehistoric archaeological resources were identified, but analysis of the core samples indicate the presence of three stable soil surfaces (paleosols), at least two of which would have been available for human occupation. Methods and results of the fieldwork are given below; a technical report detailing the findings has also been prepared (Kaijankoski 2007).

Fieldwork consisted of collecting soil samples to depths that may be affected by Project construction. Using a truck-mounted geoprobe, nine 1-3/4-inch-diameter continuous core soil samples were bored to depths of 5 to 8 m (16 to 26 ft.) below surface (Figure 16). The borings were placed throughout the Project area to gain a representative sample of the underlying geology. Soil samples were collected for lab analysis and radiocarbon-dating; four of the samples were submitted to Beta Analytic, Inc., Coral Gables, Florida, for radiocarbon-dating.

The results document three prominent buried soils (paleosols), which represent former surfaces available for human occupation, in addition to a variable sequence of weakly developed paleosols in near-channel deposits. The first prominent paleosol was identified at 0.3 to 0.9 m (1 to 3 ft.) below surface in each soil core; it was overlain by historic materials. This paleosol has likely been disturbed by historic activities yet may still contain prehistoric archaeological materials. It was underlain by a thick alluvial deposit, the lower portions of which represented a near-channel/natural levee sediments that contained anywhere from 0 to 2 very weakly developed paleosols at a depth of 3.25 to 4m (10 to 13 ft.) below surface in each soil core. The second prominent surface was a well-developed, laterally extensive paleosol identified at a depth of 4 to 4.5 m (13 to 15 ft.) below surface in each soil core. Radiocarbon dates from this paleosol of 9630 $\pm$ 60 B.P. (10,920 cal B.P.) in the north end of the Project area and 5,710 $\pm$ 40 B.P. (6490 cal B.P.) from the south end of the Project area, indicate that it was buried at different times in the past. A radiocarbon date of 6,410 $\pm$ 40 B.P. (7,320 cal B.P.) from the deposit overlying this paleosol in the north end of the Project area confirms the variable timing of the burial. The third paleosol was identified at approximately 7 m (23 ft.) below surface in one core. A radiocarbon date of 11,380 $\pm$ 60 B.P. (13,250 cal B.P.) was obtained from this soil.

EXPECTED PREHISTORIC ARCHAEOLOGICAL PROPERTY TYPES

Research on local prehistory and the recent landscape evolution of the Project area and surrounding region has allowed prediction of the types of prehistoric archaeological remains that may be present in the Project area. These categories of potential archaeological features and sites, known as property types, would have been created by the series of events and processes described in the prehistoric overview and geoenvironmental setting sections.

Archaeological property types that may be present in the Project site are divided into two primary types that represent a range of activities and features (Table 4).

Table 4. Prehistoric Archaeological Property Types

Property Type Category	Property Type/Associated Artifacts/Features
Non-Residential	Lithic scatters Single or multiple human burials Isolated artifacts and/or features
Residential	Village or Camp, with some or all of the following: • culturally darkened soil (midden development); • lithic debitage and finished tools of flaked stone, ground stone, and bone; • remains of food processing and consumption (shell, bone, floral remains, charcoal, heat-affected rock, baked clay); and • human burials

Non-residential

The non-residential property type contains evidence of resource acquisition and/or processing, or represents mortuary practices of prehistoric people, but lacks evidence of prolonged residential use. These sites may be temporary camps, specialized task areas such as lithic scatters or quarries, sites of single or multiple graves, or isolated artifacts or features. They may occur as intact examples or as redeposits. This property type reflects patterns of land use beyond the confines of a residential base and is, therefore, representative of a wide range of human behavior and decision making among prehistoric people.

Residential

The residential property type contains evidence of permanent or semi-permanent living, such as structural remains, materials representing food-processing and/or consumption, multiple fire hearths, and human graves; it may occur as intact examples or as redeposits. Examples of this property type may contain a variety of lithic materials including chert and obsidian debitage, bifaces, scrapers, edge-modified flakes, and projectile points. Sites of this type may or may not contain evidence of culturally darkened soil (midden development) that indicates prolonged residential use. Floral and/or faunal subsistence and processing debris, such as shell and animal bone accompanied by heat-

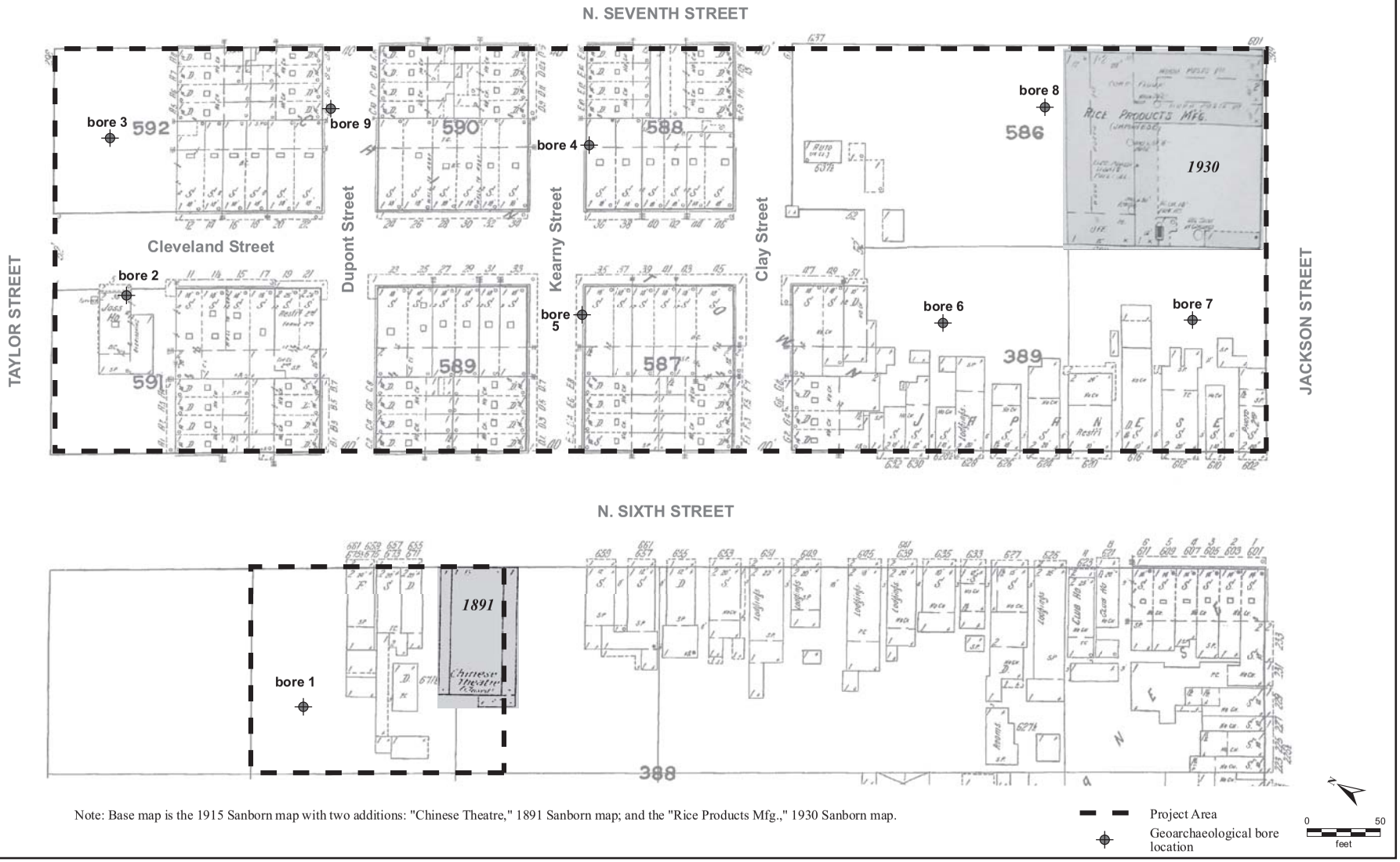

Figure 16. Geoarchaeological bore locations, shown on historical map composite of project area.

affected rock and baked clay, are common in this site type. In the San Francisco Bay Area, such sites are commonly represented by shellmounds, where shell dominates the site matrix; in the vicinity of the project area, however, few examples of shellmounds have been noted and it is unlikely that the area contained massive shellmounds such as those characteristic of the East Bay (e.g., CA-ALA-309, the Emeryville shellmound).

PREHISTORIC ARCHAEOLOGICAL SENSITIVITY

As discussed in the prehistoric overview, the region surrounding the Project area has been inhabited by humans for approximately 10,000 years, and intensively occupied during the past few thousand years. Situated in the generally level northern Santa Clara Valley, the Project area would have provided numerous resources for prehistoric inhabitants, including nearby access to water sources, food items, and various raw materials. Numerous prehistoric archaeological sites are located in the greater San Jose area in a similar geographic setting, some within a mile of the Project area.

The significant environmental changes reviewed in the geoenvironmental setting have likely affected archaeological site visibility in the Project area. Researchers working in the northern Santa Clara Valley have long acknowledged the potential for buried archaeology sites in the region (Allen et al. 1999:4–6). In a review of the age and context of sites within 2.5 miles of the Guadalupe River northwest of the Project area, Meyer (2000:9) observed that 60 percent of prehistoric sites were buried by a meter or more of alluvium. SCL-419 and -605 are examples of prehistoric sites buried within a meter of the surface located within one mile of the project area. The westward migration of the Guadalupe River during the Holocene would have not only increased deposition in the Project area, but resulted in decreased distance to a major water source at times in the past. Given that significant alluvial deposition has occurred in the Project area during the time period of human occupation, it is possible that prehistoric archaeological material may be buried at depth.

Subsurface geoarchaeological investigations of the Project area did not identify any prehistoric archaeological materials. The small diameter of the soil core (1-3/4-inch), however, provided only a very small sample and it is highly possible that this methodology missed prehistoric materials buried at depth. The subsurface stratigraphy of the Project area is characterized by buried soils (paleosols), which are surfaces representing a significant time period of landform stability that was available for human occupation. These surfaces were buried by thick alluvial deposits that likely accumulated quite rapidly. Therefore the paleosols are considered to have a moderate to high sensitivity for prehistoric archaeological materials, while the intervening alluvial deposits are considered to have a low sensitivity.

Prehistoric materials associated with the deepest paleosol, identified at 7m (23 ft.) below surface, could only contain evidence of the very earliest documented human occupation of California and has a low sensitivity for archaeological materials. The second paleosol, identified at a depth of 4 to 4.5 m (13 to 15 ft.) below surface, was deposited sometime after 13,000 cal B.P., and remained stable at the surface for a significant, yet variable, time period. This paleosol was buried by near-channel alluvial deposits in the northern portion of the Project area around 11,000 cal B.P., yet remained at the surface until

at least 6,500 cal B.P. in the southern portion. This indicates that a watercourse was present in or adjacent to the project area for several thousand years (from approximately 11,000 to 6,500 cal B.P.) in the past. The variability in timing of burial of this surface suggests that other portions may have remained at the surface for longer periods. This paleosol has high sensitivity for early (Paleoindian and Lower Archaic-period) archaeological materials. The variable sequence of weakly developed paleosols, ranging from 3.25 to 4.0m (10 to 13 ft.) below surface formed in near-channel deposits, represent only brief periods of landform stability and are considered to have a low to moderate sensitivity for archaeological materials. Additionally, an unconformity (missing time in the geologic record due, in this circumstance, to erosion) may be associated with the near-channel deposits. The paleosol identified between 0.3 to 1.5 m (1 to 5 ft.) below surface, may contain evidence of Late Holocene prehistoric occupation of the Project area. While this paleosol has likely been disturbed by historic activities, it may still contain intact prehistoric archaeological materials.

Based on the findings from the geoarchaeological investigation, the subsurface sensitivity of the Project area for prehistoric archaeological materials can be characterized as: 0.3 to 1.5 m (1 to 5 ft.), high; 1.5 to 3.25 m (5 to 10.5 ft.), low; 3.25 to 4.0 m (10 to 13 ft.), low to moderate; 4 to 5 m (13 to 16 ft.), high; and >5m (>16 ft.), low.

HISTORIC-ERA ARCHAEOLOGY

METHODS

The determination of archaeological sensitivity for historical sites requires an understanding of how archaeological sites are formed and how they are destroyed. On urban sites the historic ground surface is often buried, so the archaeologist must rely on other means to predict the types of potential archaeological deposits and their likelihood of survival. To assist in determining a site's potential, the following questions have been developed for the California Department of Transportation (2007:113) from criteria developed by Schulz (1979). The first two questions pertain to formation of archaeological deposits and the last to survivability.

1. Did the site's occupants engage in activities that would have created features or durable remains in sufficient quantity for archaeological analysis (e.g., household, blacksmith, laundry, store, warehouse, industrial process)?
2. Was the area in question occupied before or during a transitional event, either regulatory (e.g., city water/sewer installation), natural (e.g., fire/flood), or personal (e.g., death or household moving) in nature?
3. Is there evidence that archaeological remains created by these events or processes may have survived to the present (e.g., absence of deep basementing, the presence of protective concrete surface)?

For the entire Project area, all three questions are answered in the affirmative, indicating that potentially important archaeological deposits may be present.

Sensitivity for historical archaeology was determined by review of maps, newspaper articles, oral histories, and other historic documents compared with the results of archaeological excavation of similar sites. The primary source of information regarding historic buildings was Sanborn Fire Insurance maps. These were available for the years 1887, 1889, 1897, 1901, 1915, 1911/1921, 1929, 1930, 1932, 1939, 1950, 1956, 1957, and 1969. Although there are numerous maps, each represents a snapshot in time and there are large gaps in time between several of the maps. Plans and schematic drawings of the Corporation Yard were the primary source of information regarding post-depositional disturbances.

The uniform construction of interior blocks of brick buildings within Heinlenville limited the formation of backyard refuse deposits to a small area—an area that often shrank through time as buildings were extended to their lot line. This condition may have produced horizontal stratigraphy, as a building addition would cover and potentially cap a previously open yard space. Such deposition would have been dependent upon construction methods and whether or not items could have been tossed under the new construction. Due to the limited space available on Heinlenville brick building lots, backyards may have held cellars for storage. Although it does not appear that there were any basements under the main buildings, the possibility cannot be excluded.

Several buildings succumbed to fire. Depending upon the heat of the fire, level of destruction, and scavenging, items within a building at the time of the fire may be found within the burn layer.

Areas shown on the Sanborn maps as vacant lots are not necessarily void of archaeological deposits. Many spaces were likely used for community functions such as holding festivals, or as informal playgrounds.

RESULTS

The results for Historic-era Sensitivity are presented by block in Appendix C. In general, areas of high sensitivity are found behind original buildings and beside the temple. Areas within the footprint of main buildings are considered highly sensitive if there are fire deposits or if it can be shown that subsurface features, such as basements or cellars, are present at these locations. Otherwise, main building locations are considered to be of low to moderate sensitivity. Side yards of original buildings are considered to have moderate sensitivity. Open spaces that may have been used for a variety of activities are considered of low to moderate sensitivity. Streets are considered moderately sensitive due to the practice of filling potholes with refuse such as crushed ceramics.

ASSESSMENT OF DISTURBANCE

While the amount of disturbance from building demolition is unknown, the buildings within the Corporation Yard post-1949 were constructed on slab foundations. The deepest disturbance is from installation and removal of underground storage tanks. Other apparent disturbances are from trenching for storm sewers and underground utilities, such as sanitary sewer, water, gas, and electrical. Disturbance from tank installation/removal

affected an area of at least 45 x 55 ft. x 8 ft. deep at the intersection of Clay and Seventh streets and a smaller area in Cleveland Street near Clay. Individual tanks were located at the front of 620 Sixth, the backyard of 532 Sixth, and the intersection of Cleveland and Dupont. The storm sewers east of Building 200 run through the backyards of 23 to 49 Cleveland Street. The extent of disturbance is likely limited to two trenches 2- to 3-ft. wide and as deep. This would still leave a significant portion of the yards undisturbed.

EXPECTED HISTORIC ARCHAEOLOGICAL PROPERTY TYPES

Based on historical research done of the Project area, we can predict the types of archaeological remains that may be present and, therefore, the possible Project impact on these potential historical resources. These categories of potential archaeological features and sites, known as property types, would have been created by the series of historic-era events and processes described in the historic overview (Chapter 2).

Archaeological property types that may be present on the Project site represent a wide range of activities and features (Table 5).

If they are present on the Project site, most examples of these property types will be evaluated most appropriately under CRHR Criterion 4, which assesses the important information they may contain. Other features—such as the remains of the protective fence and the temple—may have intrinsic values that are best assessed under CRHR Criterion 1, for their role in local, state, or national history.

Archaeological Formation Processes

It is essential to understand the processes by which cultural and natural strata are formed in order to interpret archaeological data and evaluate their importance. When working in complex urban contexts, it is especially important to understand archaeological deposits in terms of the events that created them, not merely through the artifacts they contain. The excavation and recording system developed by Edward Harris (1974, 1977, 1979, 1988, 1989) aids in interpreting these events. Under this system, archaeologists must take note not only of solid features (such as walls) and negative features (such as pits), but also of contiguous interfaces that are created where stratigraphic units come into contact with one another. Thus, Harris recognizes layer interfaces, feature interfaces, and period interfaces—"a surface composed of a number of layer and feature interfaces" (1979:47). Leonard Wooley provides another definition of this concept: "the sum total of the ground surfaces which were ground levels in use at one and the same time" (1961:24).

Archaeological deposits reflect either periods of continuity or intervals of transition in site occupation or use. Continuous deposits are archaeological layers or living surfaces that become recognizable and distinct when buried by natural strata (i.e., flood silt, ash) or cultural strata (i.e., fill, roadway, building). Continuous deposits can form over periods of thousands of years, as on California prehistoric sites, or in just a few years, as in the sequence of fire, flood, and fill found in Sacramento. It is a transition, natural or cultural, that results in a layer interface and the sealing of a continuous deposit into an archaeological layer. A process of continuous discard produces "sheet refuse" or gradually fills hollows and negative features. Because they accumulate gradually, these strata are highly susceptible to depositional and post-depositional disturbance. Archaeologists employ assemblages

Table 5. Historic-era Archaeological Property Types

Property Type Category	Property Type
Industrial (factory, workshop)	Industrial building foundation/remains Industrial process remains Raw material, by-product, or waste accumulation
Service/Mercantile/ (hotel, boardinghouse, general store, laundry, butcher shop)	Commercial building foundation/remains Sheet artifact concentration Specialized activity feature (e.g., boiler base, roasting oven) Artifact or by-product cache
Social (temple, theatre, family/social organization office)	Social building foundation/remains Sheet artifact concentration Specialized activity feature
Residential (house, tenement)	Private residential building foundation/remains Sheet artifact concentration Artifact cache Activity area, yard, garden
Infrastructure/public space (protective structures, open space)	Fence, guard station Sheet artifact concentration Artifact cache Specialized activity feature or area

recovered from stratified, continuous archaeological layers to examine a variety of research problems concerning changes through time.

Archaeological strata formed during incidents of transition accumulate very quickly, often through a single depositional event in response to an abrupt change in the nature of site occupation and use. Activities such as the creation of a new feature interface (the removal of strata—hole digging) or the deposition of materials within a previously existing feature interface (the addition of strata—hole filling) often mark intervals of transition. Such deposits are more likely to retain their integrity than are continuous deposits and, therefore, possess greater visibility and focus in the archaeological record. In addition, deposits formed during intervals of transition may often be associated through historical research with specific households.

In urban areas, transitional feature interfaces and the strata that create them are often the result of changes on two levels: (1) those that result from the new use of a particular parcel due to the presence of a different commercial enterprise, occupant, or owner, or from modifications made by a continuing one; and (2) those produced by widespread responses to either natural disaster, such as floods or fires, or to municipal regulations governing sanitation practices, water delivery and storage, or street and lot improvements. More broadly, the latter transitions may be viewed as the movement by City government away from unplanned growth and development toward urban planning. In the case of Heinlenville, the planning movement was driven by an individual, John Heinlen, in

spite of the city council. During World War II the forced exodus of Japanese residents to internment camps was another type of regulation that had a profound impact on occupancy of the neighborhood and in turn affected the archaeological formation process as homes and businesses were abandoned.

The archaeological deposits created by the various processes can be divided into a variety of types or categories reflecting an association with individuals or groups who created the deposits and the type of data potential within the resource. Within Heinlenville many of these categories overlap as businesses and residences shared the same lot either simultaneously or alternating through time.

Domestic Occupation

Examples of this property type may occur in association with residences and other locations where people reside, such as boarding schools. These locations may be expected to contain deposits either as hollow-filled features or as sheet refuse. Either type of deposit may contain information that would make them legally important.

Before the days of organized refuse collection hollow features such as refuse pits and abandoned wells, cisterns, and outhouses were used as receptacles of the by-products of everyday living: discarded ceramics, food bones, containers of various materials, and broken or obsolete personal items. These discrete caches were often filled over a short duration and provide a snapshot in time of the residents who created the deposits. Domestic occupation sites also frequently contain deposits of sheet refuse. This is refuse that builds up on the horizontal plane. When these deposits are sealed either by intentional filling or covered by a building, they can yield assemblages that may be used for the same types of analysis as filled features. In addition, they can provide evidence of change through time that discrete caches cannot. The reconstruction of backyard use, functional layout, and vegetation may be possible by means of continuous pollen samples obtained from this type of deposit.

Several buildings within the project area are known to have burned in fires. In cases where the fire completely gutted the building so that the building's contents would have settled to the ground surface, this fire layer may contain a wealth of information. The deposit may provide information on the horizontal plane as would sheet refuse, with the known date of a fire providing a snapshot in time as would a discrete cache or hollow feature.

Archaeological investigations within the Asian community of Walnut Grove, California (Costello and Maniery 1988) and the Los Angeles Chinatown (Costello et al. 1998) found refuse used to fill potholes within streets. These pits were typically filled with broken ceramics. This type of fill may also be found in association with commercial occupation.

Domestic Architecture

These are the architectural remains of residences and domestic outbuildings. Since many of the buildings were used for both domestic and commercial purposes these categories will overlap. For brick buildings, the remains would take the form of footings. For wooden structures these may be found as brick footings, piers of brick, concrete, or stone, and wooden pilings or mudsills placed directly on the ground. Buildings whose

characteristics are known from the historic record would generally not be considered legally important. The remains of the brick quadrangles designed by Theodore Lenzen for John Heinlen would not be considered important if historic plans were available. With so little variation in the brick buildings there is limited research value once a sample of each type is investigated. Of greater importance are the modifications to these buildings, especially rear additions that are poorly documented in the historic record. While Sanborn maps may indicate the size and dates of changes through time, they only identify the materials used for wall and roofs and not the actual building techniques. Modifications such as the creation of basements or cellars not identified on Sanborn maps would be considered legally important. Archaeological investigations within the Asian community of Walnut Grove, California, uncovered basements, including niches for safes that had been excavated under buildings and extended under sidewalks, none of which were identified on Sanborn maps. The remains of wood-frame or other structures throughout the project area may contain information that does not exist in the historic record.

Commercial Occupation

Refuse caches and sheet deposits of refuse and fill, similar to resource types that occur on domestic sites, may also be expected on commercial sites. The artifact collections, however, will reflect the orientation of the business that contributed to it. Several types of businesses have been identified within the project area, including retail stores, butcher shops, bakery, restaurants, gambling, barber shops, lodging houses, rice products manufacturing, sake brewery, and auto repair. Collections contained in property types related to retail stores may be expected to consist of broken, spoiled, or otherwise unsalable goods. Lodging houses can be expected to have produced deposits that are similar in structure and function to those of domestic sites. Collections associated with service professions, such as barbershops, can be expected to consist of empty containers used in the trade and broken or obsolete equipment, along with personal items.

Commercial Architecture

For many of the retail and service establishments within the Project area, this category overlaps with domestic architecture. There were, however, structures strictly identified as commercial, including the Rice Products Manufacturing/Sake Brewery, and some Auto shops. The legal status of this type of resource depends on the degree to which the architectural details are a matter of record. If the remains can yield previously undocumented information, then they would be considered legally important.

Social Architecture

This type of site includes a variety of buildings used for social gatherings, including the temple, theatre, and family/social organization offices. Within the brick quadrangles this type of site would consist of building adaptations or special building features. The information would be similar to that of commercial and domestic architecture.

Social Occupation

Specialized activity features, refuse caches, and sheet deposits of refuse and fill, similar to resource types that occur on domestic and commercial sites, may also be expected on social sites.

Infrastructure & Public Space

This property type includes both formal infrastructure and open spaces that were structurally less formal, yet still significant to the community. Infrastructure includes a variety of architectural elements associated with the development of Heinlenville, including the protective structures such as the fence and guard station as well as the sewer system within the Project area, and the artesian well and water tower across Seventh Street. It does not include any refuse-filled deposits within outhouse features that would more likely be either domestic or commercial deposits. The information for infrastructure is primarily architectural; in addition, there may be refuse deposits associated with the guard station, or refuse may have been deposited within the backfill of infrastructure features during construction.

There are several areas within the block that were open space through the years. These spaces may have been used for festivals, other community gatherings, gardening, or as playgrounds. Deposits may include sheet refuse, artifact caches, or specialized activity features. Oral-history research will be necessary to identify use areas to target for archaeological investigation.

Post Historic-era Occupation Disturbances

Heinlenville and the adjacent Japantown development form the major, long-term historic use of the Project area. It is unclear whether the Project area was occupied by structures or activities such as market gardens etc. before the construction of Heinlenville, or in the vacant lots that persisted in the Project area historically bounded by Clay, Seventh, and Sixth and Jackson streets before the extension of Japantown in the early 1900s. Heinlenville was constructed as an architect-designed, planned community in 1887 by John Heinlen. This community was composed of blocks of one- and two-story brick buildings planned for dwellings, stores, restaurants, and storehouses (Young Yu 1991:39). According to successive Sanborn maps, none of the buildings within the planned Heinlenville development, or in subsequently built structures, included basements; additionally there were no other substantial subsurface structures, such as wells, that might have significantly impacted archaeological materials relating to pre-1887 occupation of the project area. With the exception of various, small-scale modifications relating principally to backyard areas and vacant areas, the physical configuration of Heinlenville remained relatively constant throughout its history until its demolition, beginning in the 1930s (Sanborn Map Company 1884/1887, 1884/1889, 1891, 1884/1897, 1891/1901, 1915, 1891/1921, 1915/1929, 1915/1930, 1915/1932, 1915/1939).

A more organic settlement of both Japanese and Chinese ethnic dwellings and stores began to develop in the early 1900s in the vacant lot bounded by Clay, Sixth, Seventh, and Jackson streets to the south of the planned Heinlenville development. Within this area several structures designated as being occupied by auto shops on Clay Street and Cleveland Street from at least 1911 may have included subsurface fuel tanks (Sanborn Map Company 1915, 1891/1921, 1915/1929, 1915/1930, 1915/1932, 1915/1939). The City of San Jose acquired the John Heinlen Company holdings within the Project area in 1931, and began the demolition of the existing structures and conversion of the area into a Corporation Yard for City services over a period of four decades (Sanborn Map Company 1915/1932, 1915/1939, 1915/1950, 1915/1956, 1915/1957, 1915/61, and 1915/1969).

The map data indicate that Corporation Yard buildings were all single-story constructions built on concrete slab floors. For this reason, the preservation of archaeological deposits beneath these slab floors is likely to be relatively good. The remainder of the project area is asphalt-paved, which has served to protect any underlying archaeological deposits. Plans of the locations of utilities installed from the 1930s to the present day in the Project area are incomplete. However, analysis of these plans together with field inspections indicates that survival may have been good, despite the presence of utility corridors and underground fuel tanks. Relatively large portions of the Project area (including some of the most archaeologically sensitive areas such as the Ng Shing Gung Temple on Cleveland Street, and backyard areas throughout the Project) have been subject to relatively little impact.

HISTORIC-ERA ARCHAEOLOGICAL SENSITIVITY

The Project area has a high level of historic-era archaeological sensitivity due to several factors:

- The Project area represents a substantial portion of Heinlenville—a historically cohesive and ethnically integrated community. As opposed to the study of sites occupied by a single dwelling, store, or activity, the Project area offers a relatively rare opportunity to conduct a neighborhood-level study of long-term community development.
- The Project area represents a long-term occupation by ethnic Japanese and Chinese communities. Sites associated with similar communities have had significant archaeological research value and have been found eligible for listing on the National Register of Historic Places.
- A high level of documentation exists for the Project area—including sources such as the Sanborn Company maps, U.S. Census population schedules, newspaper articles, and oral histories—that provide information on both the configuration of the built environment, and the social development and configuration of the Chinese and Japanese communities. This level of documentation allows for sophisticated and complex archaeological inquiry.
- The archaeological potential of the Project area is enhanced by the apparently minimal level of subsurface disturbance since the historic occupation. Disturbance appears to have been limited to several relatively narrow utility corridors and underground fuel tanks. Contemporary buildings on the site have been built on concrete slabs resulting in minimal subsurface disturbance.
- The San Jose Chinese-American and Japanese-American communities consider the Project area to represent an important location in their history and have expressed their desire to see the archaeological resources treated appropriately.

Chapter 4: Conclusion and Recommendations

Historical research indicates it is highly likely that the Project area contains historic-era archaeological remains that constitute historical resources for the purposes of CEQA. These deposits are likely to be associated with the Chinese and Japanese communities that occupied the location in the late 19th and early 20th centuries. Although geoarchaeological testing did not reveal the presence of substantial prehistoric remains, it is possible that prehistoric remains are present.

RECOMMENDATION: Create Archaeological Planning Documents

Considering the sensitivity of the Project site, ASC recommends that the City create planning documents to facilitate the identification, evaluation, and treatment of important archaeological remains, as well as the involvement of interested community groups. These documents include, as appropriate, an Archaeological Research Design and Testing Plan, an Archaeological Treatment Plan, and an Archaeological Monitoring Plan.

RECOMMENDATION: Appropriate Treatment of Human Remains

It is possible, although unlikely, that human remains are present on the Project site. If human remains are uncovered they should be treated according to Section 15065.4(e) (1–2) of the CEQA Guidelines, as follows:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
    A. The coroner of the County must be contacted to determine that no investigation of the cause of death is required, and
    B. If the coroner determines the remains to be Native American:
        i. The coroner shall contact the Native American Heritage Commission within 24 hours.
        ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
        iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;

B. The descendent identified fails to make a recommendation; or

C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

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APPENDIX A

Personnel List

PERSONNEL LIST

Name	Title	Qualifications	Responsibilities
Adrian Praetzellis	Principal Investigator	Ph.D. Anthropology; RPA	report writing, testing strategy, overall supervision
Mary Praetzellis	Co-principal Investigator	M.A. CRM; RPA; CCPH	project management and design, report writing
Julia Costello	Co-principal Investigator	Ph.D. Anthropology; RPA	report writing, testing strategy
Charlene Duval	Historian	M.A. Social Science	research
Connie Young Yu	Historian, Local Liaison	B.A. English	research, review, community contact
Ben Harris	Researcher	Graduate Student CRM	records search
Philip Kaijankoski	Author, Geoarchaeologist	M.A. CRM; RPA	report writing, geoarchaeological testing
Heidi Koenig	Researcher	M.A. CRM; RPA	archival research
Michael D. Meyer	Author	M.A. CRM; RPA	report writing, compilation, testing strategy
Bryan Mischke	Mapping Specialist	B.A. Anthropology	mapping
Bryan Much	GIS Specialist	Graduate Student CRM	mapping, database
Maria Ribeiro	Graphics Specialist	B.A. Anthropology	report graphics, production
Elaine-Maryse Solari	Researcher, Oral Historian	M.A. CRM, Juris Doctor	archival research, oral history
Suzanne Stewart	Editor	M.A. CRM; RPA	report editing
Annita Waghorn	Author	M.A. CRM; RPA	report writing, compilation

Qualifications: CCPH = Registered Professional Historian; CRM = Cultural Resources Management; RPA= Registered Professional Archaeologist.

APPENDIX B

Correspondence with the Native American Heritage Commission

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov

July 12, 2007

Michael Jablonowski
Sonoma State University

Sent by Fax: 707-664-0890
Number of Pages: 3

Re: Proposed Japantown, San Jose, Santa Clara County.

Dear Mr. Jablonowski:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

Debbie Pilas-Treadway
Environmental Specialist III

Native American Contacts
Santa Clara County
July 12, 2007

Jakki Kehl
720 North 2nd Street
Patterson , CA 95363
jakki@bigvalley.net
(209) 892-2436
(209) 892-2435 - Fax
Ohlone/Costanoan

Amah/MutsunTribal Band
Irene Zwierlein, Chairperson
789 Canada Road
Woodside , CA 94062
amah_mutsun@yahoo.com
(650) 851-7747 - Home
(650) 851-7489 - Fax
Ohlone/Costanoan

Amah MutsunTribal Band
Valentin Lopez, Chairperson
3015 Eastern Ave, #40
Sacramento , CA 95821
vlopez@amahmutsun.org
(916) 481-5785
Ohlone/Costanoan

Indian Canyon Mutsun Band of Costanoan
Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister , CA 95024
831-637-4238
Ohlone/Costanoan

Amah MutsunTribal Band
Edward Ketchum
35867 Yosemite Ave
Davis , CA 95616
aerieways@aol.com
Ohlone/Costanoan
Northern Valley Yokuts

Muwekma Ohlone Indian Tribe of the SF Bay Area
Rosemary Cambra, Chairperson
PO Box 360791
Milpitas , CA 95036
muwekma@muwekma.org
408-434-1668
408-434-1673
Ohlone / Costanoan

Amah/Mutsun Tribal Band
Michelle Zimmer, Cultural Resource Coordinator
P O Box 3892
Clear Lake , CA 95422
408-375-4281
Ohlone/Costanoan

The Ohlone Indian Tribe
Andrew Galvan
PO Box 3152
Mission San Jose , CA 94539
chochenyo@AOL.com
(510) 656-0787 - Voice
(510) 882-0527 - Cell
(510) 687-9393 - Fax
Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Japantown, San Jose, Santa Clara County

Native American Contacts
Santa Clara County
July 12, 2007

Trina Marine Ruano Family
Ramona Garibay, Representative
16010 Halmar Lane
Lathrop , CA 95330
510-300-5971 - cell

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Japantown, San Jose, Santa Clara County

APPENDIX C

Historic-era Archaeological Sensitivity Assessments

HISTORIC-ERA ARCHAEOLOGICAL SENSITIVITY ASSESSMENTS

Results of the historic-era archaeological sensitivity assessment are in the following tables listed by Sanborn map Block Numbers, with a final section for streets. Dates generally reflect evidence from Sanborn maps, although information from other documentary sources such as newspaper articles or dated photographs have been included when available.

- **Buildings** refers to buildings identified on each Sanborn block.
- **Occupancy** refers to the type of occupancy for a given block, such as commercial, residential, or Joss House. All of the blocks and many individual addresses had multiple types of occupation through the years.
- **Events** include changes to the physical structure of buildings by the first year shown on a Sanborn map or, in the case of fires or the removal of buildings, actual dates if known.
- **Disturbances** include known potential adverse effects to the blocks once the buildings were removed, which is itself a disturbance. These include new construction of buildings, utilities, and storms sewers, and tank installation and removal.
- **Sensitivity** is characterized by block, unless stated otherwise. Information may become more specific as new information is collected. If cellars or other similar underground features are found to be present within the footprint of brick buildings, then those areas would be more sensitive than previously designated.

Sanborn Block 592

Bounded By:	Taylor, Seventh, Dupont, Cleveland
Buildings	***North Half*** 1887-1939: Undeveloped ***South Half*** 1887: Brick buildings Cleveland frontage 1891-1930: Brick quadrangle
Occupancy	1887-1930: Commercial & Residential
Events	1891: 12 & 22 Cleveland, changes to original outbuildings 1901: 14-20 Cleveland, enlarged additions 13 Dupont, enlarged addition 1915: All addresses, modified additions
Disturbances	1939>: Buildings, utilities
Sensitivity	***High*** Behind original buildings *Low to Moderate* Under original buildings

Sanborn Block 591

Bounded By	Taylor, Cleveland, Dupont, Sixth
Buildings	***North Half*** 1887: Undeveloped 1889–1939: Ng Shing Gung building, Temple/Joss House 1901–1939: Furnace next to temple ***South Half*** 1887–1932: Brick quadrangle
Occupancy	1887–1930: Commercial, Residential, & Joss Houses/Temple
Events	1891: All Addresses, modified additions 1897: Temple, side addition 1901: Temple, side addition removed 1915: Temple, side addition Quadrangle yards, covered except 3–7 Dupont 1921: 13–21 Cleveland, Fire 18 November 1929: 19–21 Cleveland, "Ruins of Fire"
Disturbances	1950> Fire Station/Administrative offices, utilities, trees.
Sensitivity	***High*** Behind original buildings, around Temple, fire deposit at 13–21 Cleveland ***Low to Moderate*** Under original buildings

Sanborn Block 590

Bounded By	Dupont, Seventh, Kearney, Cleveland
Buildings	1887: Brick buildings, Cleveland frontage, roasting kettle behind 24 Cleveland. 1891–1930: Brick quadrangle
Occupancy	1887–1930: Commercial & Residential
Events	1897: 26–32 Cleveland, enlarged additions 1901: 24–34 Cleveland, brick additions cover yards Dupont & Kearney, no common outbuildings 1915, Dupont & Kearney, modified addition
Disturbances	1969>, Building 400 Warehouse, utilities
Sensitivity	***High*** Behind original buildings ***Low to Moderate*** Under original buildings

Sanborn Block 589

Bounded By	Dupont, Cleveland, Kearney, Sixth
Buildings	1887–1939: Brick quadrangle
Occupancy	1887–1930: Commercial, Residential, & Joss House
Events	1891: Quadrangle yards, modified additions 1894: 22–33 Cleveland, Fire 21 March 1901: All addresses except 8 Dupont, covered yards
Disturbances	1950>: Building 200 shops, utilities, storm sewers
Sensitivity	***High*** Behind original buildings and fire layer ***Low to Moderate*** Under original buildings

Sanborn Block 588

Bounded By	Kearney, Seventh, Clay, Cleveland
Buildings	1887: Brick buildings, Cleveland frontage 1891–1930: Brick quadrangle
Occupancy	1887–1930: Commercial & Residential
Events	1901: Most addresses, modified additions 1906: 9–12 Clay, collapse of upper façade. 1915: 9–12 Clay, reduced to 1-story 1915: Most addresses, modified additions
Disturbances	1969>: Building 400 Warehouse, utilities
Sensitivity	***High*** Behind original buildings ***Low to Moderate*** Under original buildings

Sanborn Block 587

Bounded By	Kearney, Cleveland, Clay, Sixth
Buildings	1887–1950: Brick quadrangle
Occupancy	1887–1930: Commercial & Residential 1956–1957: Municipal
Events	1891: Most addresses, enlarged additions 1901: Kearney addresses, yards covered 1–3 Clay, enlarged additions 1915: All addresses except 7 Clay, yards covered
Disturbances	1969>: Building 200 shops, utilities, storm sewers
Sensitivity	***High*** Behind original buildings ***Low to Moderate*** Under original buildings

Sanborn Block 586

Bounded By	Clay, Seventh, Jackson, Cleveland
Buildings	1887–1901: Undeveloped ***North Half*** 1915: Cleveland alignment blocked by an open building 637 1/2 Cleveland, auto shop 1915–1930: 52 Cleveland, two open buildings 1915–1950: Corner of Clay, small building 1929–1930: 637 1/2 Cleveland, auto shops (2) 1932–1950: 637 1/2 Cleveland, auto shops (5) ***South Half*** 1915: Undeveloped 1929–1932: 620 Cleveland, Rice Products Manufacturing 1939: 620 Cleveland, Nippon Sake Brewery Inc.
Occupancy	1887–1957: Commercial & Residential
Events	None
Disturbances	1989: Tank remediation Clay & Seventh, and Cleveland near Jackson, utilities.
Sensitivity	***High*** Behind original buildings and at outbuildings ***Moderate*** Side yards of original buildings ***Low to Moderate*** Under original buildings, open spaces

Sanborn Block 389

Bounded By	Clay, Cleveland, Jackson, Sixth
Buildings	***North Half*** 1887: Brick meat market with roasting kettle, warehouse NE corner 1887–1891: Chinese washhouse Sixth Street 1901: Chinese bunkhouse Sixth Street 1915–1939: Japanese wood-frame Businesses, Lodgings, & Dwellings 1950–1957: Wood-frame Businesses, Lodgings, Dwellings, & Mission ***South Half*** 1901: Chinese Dwellings "A" Sixth
Occupancy	1887–1957: Commercial & Residential
Events	1891: All addresses, modified additions 1901–1929: Most addresses, new or modified buildings 1929: All addresses, modified additions, new buildings 1939: Clay addresses, brick buildings removed 632 Sixth, addition 1950: 601–612 Sixth, cleared 1956: 620–622 & 626 Sixth, cleared
Disturbances	1969>: Building 200, utilities, storm sewers, tank remediation
Sensitivity	***High*** Behind original buildings and at outbuildings. ***Moderate*** Side yards of original buildings ***Low to Moderate*** Under original buildings

Sanborn Block 388: Assessor's Parcel 249-38-11

Bounded By	Taylor, Sixth, Jackson, Fifth
Buildings	***North Half*** 1901–1930: Stores, Flats, & Dwellings ***South Half*** 1891–1901: Chinese theatre
Occupancy	1887–1930: Social, Commercial, & Residential
Events	1911: 669 Sixth, Fire 5 January
	1915: Additions and conversions
Disturbances	Unknown, Fencing
Sensitivity	***High*** Behind original buildings and at outbuildings. ***Moderate*** Side yards of original buildings ***Low to Moderate*** Under original buildings

Streets

Buildings	1915: Cleveland near Block 586, wood frame building
Occupancy	See Block 586
Events	1929: Cleveland S end, opened
Disturbances	1956>: Buildings, utilities, storm sewers, tank remediation
Sensitivity	***Moderate*** Refuse filled potholes