

E. CULTURAL RESOURCES

This section describes existing cultural resources baseline conditions in the project site and vicinity, identifies potentially significant impacts to cultural resources that may result from project implementation, and identifies mitigation measures to reduce the severity of significant impacts.

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value for their historical significance. Cultural resources include a broad range of resources, examples of which include archaeological sites, historic roadways and railroad tracks, and buildings of architectural significance. For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources), it generally must be 50 years or older and qualify for at least one of four categories listed in *CEQA Guidelines* Section 15064.5(a):

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 California Code of Regulations (CCR), Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of section 5024.1 (g) of the Public Resources Code. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 CCR, Section 4852).
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Under CEQA, paleontological resources are a subset of cultural resources and include fossil plants and animals, and evidence of past life such as trace fossils and tracks. Ancient marine sediments may contain invertebrate fossils representing snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Terrestrial sediments may contain fossils that represent such vertebrate land mammals as mammoth, camel, saber tooth cat, horse, and bison.

1. Setting

This section: (1) describes the methods used to establish the baseline conditions for cultural resources in and around the project site; (2) provides a brief historical overview of the project area; (3) includes

the State and local legislative regulatory context for cultural resources; and (4) describes the cultural resources identified in the project site and their significance under CEQA.

a. Methods. This cultural resources analysis is based on archival records searches, a literature review, correspondence with local historical societies, and a field survey. This work was done to establish the baseline conditions for cultural resources in the project site and vicinity.

(1) Records Searches. Records searches were conducted to identify cultural resources within and adjacent to the project site. Records searches were conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park; the California Native American Heritage Commission (NAHC), Sacramento; and the University of California Museum of Paleontology (UCMP), Berkeley. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resources records and reports for Santa Clara County. The NAHC maintains the Sacred Lands File, which includes the locations of sites with cultural significance to Native American groups. The UCMP's database includes information on locations where fossils have been identified, the taxa of fossils found at a particular location, and the geological formations associated with a fossil locality.

As part of the records search, LSA reviewed the following State and local inventories for cultural resources in and immediately adjacent to the project site:

- *California Inventory of Historic Resources*;¹
- *California Historical Landmarks*;²
- *California Points of Historical Interest*;³
- *Five Views: An Ethnic Historic Site Survey for California*;⁴
- *Directory of Properties in the Historic Property Data File*.⁵ The directory includes the listings of the National Register of Historic Places, National Historic Landmarks, the California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest; and
- *City of Cupertino General Plan*.

(2) Literature Review. Publications, maps, historical aerial photographs, and internet sites were reviewed for archaeological, ethnographic, and historical information about the project site and its vicinity. The purpose of this review was to identify cultural resources in the project site and identify the potential for the project site to contain such resources.

¹ California Department of Parks and Recreation, 1976. *California Inventory of Historic Resources*. California Department of Parks and Recreation, Sacramento.

² California Office of Historic Preservation, 1996. *California Historical Landmarks*. California Department of Parks and Recreation, Sacramento.

³ California Office of Historic Preservation, 1992. *California Points of Historical Interest*. California Department of Parks and Recreation, Sacramento.

⁴ California Office of Historic Preservation, 1988. *Five Views: An Ethnic Historic Site Survey for California*.

⁵ California Office of Historic Preservation, 2011. California Department of Parks and Recreation, Sacramento. August 15.

The literature review indicates that the project site was occupied by Robert and Margaret Glendenning beginning in the 1850s. The site was owned and farmed by various members of the Glendenning family until 1964, when Varian Associates purchased the land for development. By 1968, the agricultural setting of the property had been substantially changed with the development of offices and roads (and residences in surrounding areas). The transition from farmland to office park continued until approximately 1987, by which time an aerial photograph indicates the remaining orchards east of the Glendenning Barn at 10955 Tantau Avenue were replaced with office buildings and parking lots.

LSA also reviewed paleontological and geological literature relevant to the project site and its vicinity. This review identified the development site as being underlain by Quaternary period (2.8 million years ago to present) deposits, some of which may contain fossils.⁶

No prehistoric archaeological or ethnographic sites were definitively identified within or immediately adjacent to the project site by the literature review. However, prehistoric sites in Santa Clara Valley are frequently buried under alluvium (sediments deposited by flowing water) and the absence of typical surface indicators of an archaeological site (e.g., midden soils; flaked chert, basalt, and obsidian; and subsistence-related detritus, such as burned bone and marine shell) do not necessarily indicate an absence of an archaeological deposits.⁷ Nevertheless, the likelihood that such deposits occur on the site is reduced due to the intense development of the site with urban uses starting in the mid-1960s.

(3) Consultation. For the purpose of gathering information, on November 9, 2011 LSA sent a letter describing the project and a map depicting the project area to the Cupertino Historical Society and Santa Clara County Historical Society, requesting information or concerns regarding historical resources in the project site.⁸ Both organizations are not affiliated with government agencies and have no regulatory authority. The outcomes of this consultation are summarized below.

- **Cupertino Historical Society.** On November 12, 2011, the Cupertino Historical Society (CHS) responded in a letter to LSA expressing concern about the project's potential impact on the Glendenning Barn.⁹ CHS notes that the historical significance of the barn lies not only with its architectural significance but with its association with the Glendenning family. (As described in this section, the barn is considered a historic resource under CEQA because it was identified by the City as such in a local register of historic resources.) CHS also states that it "would like to know what steps are going to be taken to honor this site and mitigate the loss of the barn and the property."

⁶ Hertlein, Leo G., 1951:187. Invertebrate Fossils and Fossil Localities. In *Geologic Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 187–192. Bulletin 154. State of California Division of Mines, San Francisco.

⁷ Meyer, Jack, and Jeffrey Rosenthal, 2007. *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Far Western Anthropological Research Group, Inc., Davis, California.

⁸ Jones, E. Timothy, 2011. Archaeologist/Cultural Resources Manager, LSA Associates, Inc. Written communication to the Cupertino Historical Society and Santa Clara County Historical Society, November 9.

⁹ McKenna, Mark, 2011. Acting Board Chair, Cupertino Historical Society. Written communication to LSA Associates, Inc. November 12.

- **Santa Clara County Historical Society.** No response to LSA's November 9, 2011 letter was received from the Santa Clara County Historical Society (SCCHS), and a follow-up email was sent to the organization on November 21, 2011, requesting that it contact LSA with any information or concerns regarding cultural resources in the project site. No response has been received to-date.

(4) **Field Survey.** On November 28, 2011, an LSA cultural resources manager with expertise in historic resources and archaeology conducted a field survey of the project site. The project site is mostly developed with buildings, asphalt parking lots, and landscaping, which precluded an intensive review of the native ground surface. Areas of exposed soils, however, were inspected for archaeological deposits. No surface archaeological deposits were identified during the survey.

(5) **Historic Architectural Evaluation.** Page & Turnbull, Inc. prepared a Historic Resource Evaluation for the Glendenning Barn. Page & Turnbull's study included background research, a field inventory of the Glendenning Barn by an architectural historian, and an evaluation of the barn as a historic resource as defined by CEQA. Page & Turnbull concluded that the Glendenning Barn lacked sufficient integrity to qualify for the California Register of Historical Resources. However, because it is listed as a Historic Site in the City's General Plan, the barn is presumed to be a historic resource for the purpose of CEQA due to its inclusion in an officially-designated local register of historic resources.

b. Cultural Resources Overview. This subsection briefly describes the prehistory and ethnography, history, and paleontology of the project site vicinity as determined by the records searches and literature review described above.

(1) **Prehistory and Ethnography.** The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson¹⁰ is commonly used to interpret the prehistoric occupation of Central California. The sequence is broken into three broad periods: the Paleoindian Period (12,000–8,000 years before the present (B.P.)); the three-staged Archaic Period, consisting of the Lower Archaic (8,000–5,000 B.P.), Middle Archaic (5,000–3,000 B.P.), and Upper Archaic (3,000–1,500 B.P.); and the Emergent Period (1500–200 B.P.).

The Paleoindian Period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had no known trade networks. The Archaic Period is characterized by increased use of plant foods, elaboration of burial and grave goods, and increasingly complex trade networks.¹¹ The Emergent Period is marked by an increase in cultural complexity as demonstrated through finely wrought materials, such as new *Olivella* bead types and an array of multi-perforated and bar-scored *Haliotis* ornaments. The first arrow-sized projectile points in the Bay Area did not appear until after A.D. 1250. An increase in the complexity

¹⁰ Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41–53.

¹¹ Bennyhoff, James A., and David A. Fredrickson, 1994. A Proposed Integrative Taxonomic Systems for Central California Archaeology. In *Toward A New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*, edited by Richard E. Hughes, pp. 15–24. Contributions of the University of California Archaeological Research Facility 52, Berkeley.

of social stratification is demonstrated through a change in mortuary practices.¹² These changes in mortuary practices reflect a new regional ceremonial system that was the precursor of the ethnographic Kuksu cult, a ceremonial system that unified the many language groups around San Francisco Bay.

The prehistoric hunters and gatherers who lived in Santa Clara Valley used a variety of microhabitats for food, resources, and shelter, including the marshes and sloughs of southern San Francisco Bay, riparian and associated freshwater marshes, alluvial plains, foothills, and mountains. Evidence of prehistoric occupation is found throughout Santa Clara Valley – often buried under several feet of alluvium – and includes human remains, shell ornaments, subsistence debris (e.g., shell and bone), and flaked and ground stone artifacts.

The Tamyen group of Ohlone inhabited what is now Cupertino at the time of Spanish contact. The Tamyen tribe probably consisted of three principal villages at the time of Spanish contact, all of which were abandoned by 1795, their inhabitants conscripted to Bay Area missions.¹³

(2) General History.¹⁴ The village of Cupertino sprang up at the crossroads of Saratoga-Sunnyvale Road (now De Anza Boulevard) and Stevens Creek Road. It was first known as West Side, but by 1898, the post office at the Crossroads needed a new name to distinguish it from other similarly named towns. John T. Doyle, a San Francisco lawyer and historian, had given the name Cupertino to his winery, in recognition of the name bestowed on the nearby creek. In 1904, the name was applied to the Crossroads and to the post office when the Home Union Store incorporated under the name (The Cupertino Store) and moved to the northeast corner of the Crossroads.

Many of Cupertino's pioneer settlers planted grapes and fruit trees in the late 1800s. As these orchards flourished the valley became known for a profusion of blossoms in spring. Many more people passed through the Cupertino area first by electric railway and later by car to view all the blossoms in the "Valley of Heart's Delight." The Monta Vista area of Cupertino developed in response to the extension of the electric railway. Monta Vista was the name of its first housing tract.

In the late 1940s, Cupertino was swept up in Santa Clara Valley's postwar population explosion. Concerned by unplanned development, higher taxes, and piecemeal annexation to adjacent cities, Cupertino's community leaders began a drive in 1954 for incorporation. Incorporation was approved in a September 27, 1955 election. Today, Cupertino is part of a world-renowned high technology center known as "Silicon Valley" and is home to several companies producing computers and software, including Apple (the project sponsor).

(3) Project Site History.¹⁵ The project site was occupied by Robert and Margaret Howie Glendenning beginning in the 1850s. The Glendennings, originally from Scotland, were one of the

¹² Milliken, Randall, et al., 2007:116-117. Punctuated Culture Change in the San Francisco Bay Area. In *California Prehistory*, edited by Terry L. Jones and Kathryn A Klar, pp 99–124. Rowman and Littlefield Publishers, Inc, Lanham, Maryland.

¹³ Milliken, Randall, 1995:256. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*. Ballena Press, Menlo Park, California.

¹⁴ This section adapted from Cupertino, City of, 2005. *City of Cupertino General Plan 2000-2020*. November.

¹⁵ This section adapted from Page & Turnbull, Inc., 2011. *Historic Resource Evaluation, Glendenning Barn, 10955 Tantau Avenue, Cupertino, CA*.

first European-Americans to homestead in Cupertino. In 1851, the couple began farming 160 acres of land, living initially in a tent on the land. After building a house and planting crops, the owners of the Alviso Land Grant laid claim to the property, and the Glendenings were compelled to purchase the land at \$30 an acre. Margaret Glendenning finished the land payments upon the death of her husband in 1868.

By 1884, when Robert and Margaret's children had come of legal age, the Glendenning property was divided among the family. Margaret Howie lived on the southern half of the property and the northern half was divided amongst the six Glendenning children: Mary, Margaret C. (Caroline), Ellen (Ella), Joe, Jim, and George. In 1888, approximately 60 acres of the property contained orchards and the remaining portion was utilized for grain and hay production. Margaret Howie had a house built on her property in 1889, where she lived with her daughters, Margaret C. Burrell and Ellen Glendenning.

In 1914, Margaret Burrell obtained her mother's parcel and her daughter and son-in-law, Grace and John Leonard, purchased the land. Leonard converted 48 acres of the property from dry-farming (hay and grain production) to irrigated orchards. It is thought that John Leonard built the Glendenning Barn around this time. The Leonards established a dehydrating and packing business on the property.

In 1964, Varian Associates purchased the Glendenning property from John Leonard and his son, Burrell. The Glendenning parcel was one of several family properties, including the Lester, Craft, and Orlando families, to be purchased by Varian. The Varian lands were pooled into the VALLCO land corporation, the name of which was derived from the first names of the principal parties involved in the sale. The Glendenning-Leonard acreages were the key parcels to be incorporated into VALLCO Park and became the site of the Varian building, the first constructed in the park. VALLCO continued minimal farming operations into the 1970s, but a master plan and associated development phased out farming.

VALLCO sold 46 acres to Hewlett-Packard in 1968, followed by another 50 acres in 1971. Aerial photographs from the 1980s show the barn, pump house, and windmill tower, but the Glendenning house built for Margaret Howie Glendenning, Margaret Burrell, and Ellen Glendenning was demolished in the early 1970s.¹⁶ The Hewlett-Packard and Ridgeview campuses were constructed in phases from the mid-1960s to late 1980s. Hewlett-Packard sold the 98-acre office park in November 2010 to Apple as part of its plan to consolidate employees at its Palo Alto campus. The property is just north of a 50-acre site Apple bought in 2006 and east of the main Apple campus. The properties purchased by Apple in 2006 and 2010 are part of the project site.

(4) Paleontology. The project site is underlain by artificial fill and stream-related Quaternary period deposits.¹⁷ The southeast portion of the project site includes Holocene (10,000 years ago to present) deposits from Calabazas Creek. The Holocene deposits are too recent to contain fossils. The remainder of the project site includes Pleistocene (10,000 to 2.8 million years ago) deposits. Fossils

¹⁶ Although no longer extant, the Glendenning house is listed in the *California Inventory of Historic Resources* (California Department of Parks and Recreation, 1976) for its architectural importance.

¹⁷ Arup, 2013. *Apple Campus 2 Geotechnical Interpretative Report. Issue 3.* April 30.

found in Pleistocene deposits include bison, mammoth, ground sloths, saber-toothed cats, dire wolves, horses, cave bears, rodents, birds, reptiles, and amphibians.^{18,19}

c. Regulatory Framework. The following describes CEQA and City regulatory and policy requirements for cultural resources.

(1) CEQA Requirements. CEQA defines a “historical resource” as a resource that is: 1) listed in, or determined eligible for listing, in the California Register of Historical Resources (California Register); 2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);²⁰ 3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or 4) determined to be a historical resource by a project’s lead agency (PRC Section 21084.1 and *CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

“Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California ... Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources” (*CEQA Guidelines* Section 15064.5(a)(3)).

In accordance with *CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment. Significant impacts under CEQA require that specific, feasible mitigation measures be developed to reduce adverse environmental conditions.

Thresholds for substantial adverse change are established in *CEQA Guidelines* Section 15064.5(b) as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Material impairment occurs when a project results in demolition, or materially alters in an adverse manner the physical characteristics that convey a property’s historic significance, or is the reason for that property’s inclusion in an official register of historic resources. Generally, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties is considered to have a less-than-significant impact on the resource.

If a proposed project could be expected to cause a substantial adverse change to a historical resource, CEQA requires the identification of mitigation measures to avoid or reduce impacts. CEQA also requires analysis of a reasonable range of alternatives to the project, or to the location of the project,

¹⁸ Helley, E.J., K.R. La Joie, W.E. Spangle, and M.L. Blair, 1979. *Flatland Deposits of the San Francisco Bay Region - their geology and engineering properties, and their importance to comprehensive planning*. Geological Survey Professional Paper 943. U.S. Geological Survey and Department of Housing and Urban Development, Washington, D.C.

¹⁹ Stirton, R.A., 1951. Prehistoric Land Mammals of the San Francisco Bay Region, pp. 177–186 in Olaf Jenkins (ed) *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*. Bulletin 154. State Division of Mines, San Francisco.

²⁰ Locally listed resources are presumed to be historical resources for purposes of CEQA, unless a preponderance of the evidence demonstrates that a resource is not significant.

which would feasibly attain most of the basic objectives of the project and avoid or substantially lessen any significant effects on the historical resource.

CEQA requires a lead agency to determine if an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the lead agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, then it is treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency must determine if it meets the definition of a unique archaeological resource as defined at *CEQA Guidelines* Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.²¹ Should the archaeological cultural resource meet the definition of a unique archaeological resource, then it must be treated in accordance with *CEQA Guidelines* Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, then effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

(2) Public Resources Code: California Register of Historical Resources. The California Register is established at PRC Section 5024.1. The California Register is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The California Register helps government agencies identify and evaluate California's historical resources and indicates which properties are to be protected, to the extent prudent and feasible, from a substantial adverse change (PRC Section 5024.1(a)). Any resource listed in, or eligible for listing in, the California Register must be considered during the CEQA process.²²

A cultural resource is evaluated under four California Register criteria to determine its historical significance (*CEQA Guidelines* Section 15064.5(a)(3); PRC 5024.1(c)). To be eligible for listing on the California Register, a resource must be significant at the local, State, or national level in accordance with one or more of the following criteria:

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

In addition, California Register eligibility is based on other considerations, as summarized below.

²¹ Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.

²² California Office of Historic Preservation, 2001. *California Environmental Quality Act (CEQA) & Historical Resources*. Technical Assistance Series No. 1. California Department of Parks and Recreation, Sacramento.

Age. In addition to meeting one or more of the above criteria, the California Register requires that sufficient time must have passed to allow a “scholarly perspective on the events or individuals associated with the resource.”²³ Fifty years is used as a general estimate of the time needed to understand the historical importance of a resource (California Code of Regulations (CCR) Title 14(11.5) §4852 (d)(2)). The State of California Office of Historic Preservation recommends documenting, and taking into consideration in the planning process, any cultural resource that is 45 years or older.²⁴

Period of Significance. The period of significance for a property is “the span of time when a property was associated with important events, activities, persons, cultural groups, and land uses, or attained important physical qualities or characteristics.”²⁵ The period of significance begins with the date of the earliest important land use or activity that is reflected by historic characteristics tangible today. The period closes with the date when events having historical importance ended. The period of significance for an archeological property is “the time range (which is usually estimated) during which the property was occupied or used and for which the property is likely to yield important information.”²⁶ Archeological properties may have more than one period of significance.

Integrity. The California Register also requires a resource to possess integrity, which is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Integrity is evaluated with regard to the retention of seven elements:

- *Location:* the place where the resource was constructed;
- *Design:* the combination of elements that create the form, plans, space, structure, and style of the resource;
- *Setting:* the physical environment of the resource, including the landscape and spatial relationship of the buildings;
- *Materials:* the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the resource;
- *Workmanship:* the physical evidence of the crafts of a particular culture or people during any given period of history;
- *Feeling:* the resource’s expression of the aesthetic or historic sense of a particular period of time; and
- *Association:* the direct link between an important historic event or person and a resource.

²³ California Office of Historic Preservation, 1999. *California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)*. Technical Assistance Series No. 6. California Department of Parks and Recreation, Sacramento.

²⁴ California Office of Historic Preservation, 1995. *Instructions for Recording Historical Resources*. California Office of Historic Preservation, Sacramento.

²⁵ National Park Service, 1999. *Guidelines for Evaluating and Documenting Rural Historic Landscapes*. National Park Service, Washington, D.C.

²⁶ National Park Service, 2000. *Guidelines for Evaluating and Registering Archaeological Properties*. National Park Service, Washington, D.C.

Resources that are significant, meet the age guidelines, and possess integrity will generally be considered eligible for listing in the California Register.

(3) Public Resources Code: Cultural and Paleontological Resources. PRC Section 5097.5 provides for the protection of cultural and paleontological resources. This PRC section prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

(4) Health and Safety Code: Human Remains. The California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

(5) City of Cupertino General Plan. The City addresses cultural resources in the Land Use/Community Design Element of the General Plan. This element discusses historical and archaeological resources and provides policies for preservation and mitigation of impacts to important cultural resources. On Figure 2-G, Cupertino's Historic Resources, the Glendenning Barn is identified as a Historic Site and Vallco Industrial Park is identified as a Community Landmark. Policies relevant to the proposed project are listed below.

Policy 2-62A: Historic Sites

- Projects on Historic Sites shall meet the Secretary of the Interior's Standards for Treatment of Historic Properties and provide a plaque, reader board and/or other educational tools on the site to explain the historic significance of the resource(s). The plaque shall include the city seal, name of resource, date it was built, a written description and photograph and shall be placed in a location where the public can view the information.
- For public and quasi-public sites, coordinate with property owner to allow public access of the historical site to foster public awareness and provide educational opportunities. For privately-owned sites, property owners would be encouraged, but in no way required, to provide access to the public.

Policy 2-62C: Community Landmarks

Projects on Landmark Sites shall provide a plaque, reader board and/or other educational tools on the site to explain the historic significance of the resource. The plaque shall include the city seal, name of resource, date it was built, a written description and photograph and shall be placed in a location where the public can view the information.

Policy 2-62E: Incentives for Preservation of Historical Resources

The City should utilize a variety of techniques to serve as incentives toward fostering the preservation and rehabilitation of Historic Sites including:

1. Allowing flexible interpretation of the zoning ordinance not essential to public health and safety. This could include flexibility as to use, parking requirements and/or setback requirements;

2. Using the California Historical Building Code for rehabilitation of historic structures;
3. Tax rebates (Mills Act or Local tax rebates); and
4. Financial incentives such as grants/loans to assist rehabilitation efforts.

Policy 2-63: Protect Archaeologically Sensitive Areas

Require an investigation for development proposed in areas likely to be archaeologically sensitive, such as along stream courses and in oak groves, to determine if significant archaeological resources may be affected by the project. Also require appropriate mitigation measures in the project design.

Policy 2-64: Protect Native American Burials

Upon discovery of such burials during construction, take action prescribed by State law, including stoppage of work in surrounding area, notification of appropriate authorities and reburial of remains in an appropriate manner.

(6) Cupertino Historic Preservation Policy. The City Planning Commission recommended that the City Council approve the Historic Preservation Policy and related General Plan Amendments on June 1, 2010. The legislative history of the Historic Preservation Policy indicates that historical resources identified in the General Plan would be presumed significant under CEQA.

The City Council Staff Report (April 20, 2010)²⁷ includes ten Historical Designation Criteria that – upon approval by the City Council – are to be used for evaluating the significance of historic resources in the City of Cupertino. The Historical Designation Criteria comprise a list of standards that allows for a variety of resources to be considered for aesthetic, historic, social, cultural, economic, and other reasons specific to Cupertino’s history. The Historical Designation Criteria are listed below.

1. It is a significant or representative example of the work or product of a master builder, engineer, designer, artist or architect whose individual genius influenced his era;
2. It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study;
3. It exemplifies or reflects valued elements of the City’s cultural, social, economic, political, aesthetic, engineering, archaeological, or architectural history;
4. The proposed resource or district identifies with a person or persons or groups who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the City, the State or the United States;
5. It is associated with events that have made a significant contribution to the broad patterns of our history;
6. It has potential of yielding information of archaeological interest;

²⁷ Cupertino, City of, 2010. *Staff Report*. Website: cupertino.granicus.com/MetaViewer.php?view_id=14&clip_id=929&meta_id=45028. April 20.

7. It has integrity as a natural environment that strongly contributes to the well-being of the people of the City;
8. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City;
9. It is a noncontiguous grouping of thematically related properties or a definable area possessing a concentration of historic, scenic, or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality;
10. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.

The City of Cupertino found the Glendenning Barn to be significant under Historic Designation Criteria 3, 4, and 8. According to the resource's significance statement:

The ... barn is one of the few remaining examples of the primary economic agricultural activity of Cupertino. Almost all of the land within Cupertino's present-day boundaries was covered by prune, plum, apricot, and cherry orchards. The Glennings arrived in Cupertino from Scotland in 1850. They purchased 200 acres for \$30 an acre, built a homestead, worked hard and prospered. They also sold their apricots to Gerber Baby Foods. The Glendenning acreage eventually became the site of HP in Cupertino.

The Historic Preservation Policy indicates that mitigation can generally reduce or eliminate impacts under CEQA. Specifically, it noted the two following types of mitigation as generally acceptable:

1. Redesign the project to meet the Secretary of Interior's Standards for the Treatment of Historic Properties.
2. Relocate the historical resource, as long as relocation does not constitute an adverse impact to the resource. However, in situations where relocation is the only feasible alternative to demolition, relocation may mitigate to below a level of significance provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the California Register.

d. Project Site Cultural Resources. The project site includes one cultural resource: the Glendenning Barn (barn). Page & Turnbull, Inc., prepared a Historic Resource Evaluation report for the barn that includes a description of the resource and an evaluation of its eligibility for listing in the California Register. A description of the barn and an evaluation of its significance for purposes of CEQA are presented below.

No other recorded existing cultural resources, including archaeological resources and fossils, were identified in the project site as a result of this study or previous studies adjacent to the site.^{28,29,30}

²⁸ Baker, Suzanne, 1998. *Archaeological Survey, San Tomas Aquino/Saratoga Creeks Trail Project, Santa Clara County, California*. Archaeological/Historical Consultants, Oakland, California.

²⁹ Cartier, Robert, 1987. *Cultural Resources Evaluation of the Calabasas Creek Flood Control Project in the Cities of Cupertino and Santa Clara, County of Santa Clara*. Archaeological Resource Management, San Jose, California.

However, the potential for subsurface cultural resources cannot be discounted and is discussed under “Impacts and Mitigation Measures,” below.

(1) Glendenning Barn Description.³¹ The circa 1916 barn is of an English design, which was typical during the early twentieth century. English barns feature a tripartite plan, with central doors that open onto a threshing floor flanked by two hay storage areas or stock aisles parallel to the gable ends. English barns typically contained post and beam construction and were clad with weather-board or board and batten siding. The steel track sliding doors on the barn were a technological advance common in the Victorian period. The interior lumber exhibits sawmill marks.

The rectangular-plan barn contains one story and a loft, and is capped by a front-gable roof with overhanging eaves and is covered with wood shingles. It is clad with vertical wood board and batten siding and contains board and batten hatches (windows) on its east and west facades. The north façade contains two wood sliding doors on a single upper track with metal strap hinges. A pedestrian door is located at the east end of the façade and a hayloft door on a single track is above the sliding doors. The rear (south) façade is similar but contains one centered sliding door on the ground level that is flanked by pedestrian doors. Figure V.E-1 contains representative photographs of the barn.

(2) Glendenning Barn Evaluation. As described above, for a resource to be eligible for listing in the California Register, it must meet at least one of the four criteria for listing and retain integrity. Page & Turnbull, Inc. evaluated the barn for its eligibility for listing in the California Register under Criterion 1 (events), Criterion 2 (persons), and Criterion 3 (architecture) and assessed its integrity.³² LSA Associates, Inc. conducted a peer review of the evaluation and agreed with its findings. The California Register evaluation of the barn is summarized below.

Criterion 1. The barn does not appear eligible for listing in the California Register under Criterion 1. Cupertino, like many other communities in California, developed in an agricultural setting, and the barn illustrates that past. However, the barn was not the location of new agricultural development, nor was it the site of an important agricultural event.

Criterion 2. The barn does not appear eligible for listing in the California Register under Criterion 2. Although Robert and Margaret Howie Glendenning are significant within the context of local history, the barn is thought to be constructed by John Leonard in approximately 1916.³³ No buildings on the project site, therefore, are directly associated with Robert and Margaret Howie Glendenning.

Criterion 3. The barn does not appear eligible for listing in the California Register under Criterion 3. The barn is of a common style and does not feature an unusual shape, it does not exhibit a new or unusual structure, nor does it represent a development in agricultural design.

³⁰ Edwards, Rob, 1974. *An Archaeological Reconnaissance of Calabazas Creek (from Lawrence Expressway to Wolfe Road) for the Santa Clara Valley Water District.*

³¹ The Resource Description is adapted from Page & Turnbull, 2011.

³² California Register Criterion 4, which applies to those resources “that have yielded or have the potential to yield information,” is mostly used to assess the significance of archaeological sites and rarely applies to historic built environment resources.

³³ Page and Turnbull, Inc., 2011.

Integrity. The barn retains its integrity of location, design, materials, and workmanship. However, the agricultural setting of the barn has been greatly altered, and the resource no longer retains its integrity of setting, feeling, and association. Integrity of setting is of particular importance to agricultural properties. With the exception of the barn, all elements of the Glendenning farmstead, including the residence, tankhouse, and surrounding orchards, have been demolished and removed. The barn is currently surrounded by asphalt parking lots and modern rectangular office buildings.

Significance of the Glendenning Barn Under CEQA. Although the barn meets the age requirement for listing in the California Register, it does not possess sufficient historic significance and integrity to be eligible for listing in the California Register. However, the barn meets the City's Historic Designation Criteria 3, 4, and 8 and is listed as a Historic Site in the City's General Plan. As described in *CEQA Guidelines* Section 15064.5(a)(2), a resource included in a local register of historical resources (as defined under PRC Section 5020.1(k)) shall be presumed to be historically or culturally significant.

Therefore, the barn is presumed to be a historical resource for purposes of CEQA due to its inclusion in an officially-designated register of historical resources.

2. Impacts and Mitigation Measures

The following section describes potentially significant impacts to cultural resources that could result from the proposed project. Mitigation measures are identified to reduce such impacts.

a. Criteria of Significance. Implementation of the proposed project would have a significant impact on cultural and/or paleontological resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5. Specifically, substantial adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.



Historical aerial photograph of Glendenning Farm
(Glendenning Barn at center)

Source: Cupertino Historical Society, date unknown



North façade of Glendenning Barn with
surrounding modern landscape elements

Source: Page & Turnbull, 2011.



North and east façade of Glendenning Barn

Source: LSA Associates, Inc., 2011.

LSA

FIGURE V.E-1

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b. Less-Than-Significant Impacts. No recorded archaeological or paleontological resources were identified in the project site. In addition, the flat site contains no unique geologic features, such as large, above-ground rock formations. As such, the project would have less-than-significant impacts on known archaeological sites that qualify as historical resources, archaeological sites that qualify as “unique archaeological resources” as defined in PRC Section 21083.2, identified unique paleontological resources or geologic features, or identified human remains.

There is a potential that previously unidentified archaeological deposits, paleontological resources, and/or human remains may be encountered during the project construction period (see “Significant Impacts,” below). If such remains are considered significant under CEQA, but can be avoided during project construction, a less-than-significant impact would occur.

The project is located within the Vallco Industrial Park, which is identified as a Community Landmark in the General Plan. Policy 2-62C of the General Plan states: “Projects on Landmark Sites shall provide a plaque, reader board and/or other educational tools on the site to explain the significance of the resource. The plaque shall include the city seal, name of resource, date it was built, a written description and photograph, and shall be placed in a location where the public can view the information.” The proposed project would not preclude compliance with Policy 2-62C.

c. Significant Impacts. The following discussion describes the significant impacts to cultural resources that could result from implementation of the proposed project.

(1) Historical Resources. As part of the project, the site would be redeveloped with approximately 3,420,000 square feet of office, research, and development uses; 245,000 square feet of auditorium, fitness center, and Valet Parking Reception uses; 92,000 square feet of utility plants; and parking and ancillary buildings (such as security receptions and landscape maintenance buildings). The project would also result in the relocation of Glendenning Barn, a historical resource under CEQA, from its current location to an on- or off-site location. Apple is currently proposing two potential on-site relocation sites: 1) to the northeast of the Corporate Fitness Center, south of East Homestead Road or 2) to the west of the Central Plant, near the southwestern property line of the project site. If relocated on-site, the barn would likely be used to store landscaping and maintenance equipment. No specific off-site relocation sites have been selected. Because specific sites have been identified for an on-site relocation, the impacts of relocation on-site are evaluated at a project level. However, because no specific off-site relocation sites have been selected, an off-site relocation of the barn is evaluated at a programmatic level and thus may be subject to supplemental environmental review when relocation details and future programming are finalized.

Based on the *CEQA Guidelines*, the project would have a significant impact on the environment if it causes a substantial adverse change in the significance of a historical resource. A substantial adverse change in the significance of a historical resource would occur from “the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired” (*CEQA Guidelines* Section 15064.5(b)(1)). Therefore, as described in more detail below, the relocation of Glendenning Barn is a significant impact under CEQA.

As documented in the Historic Resource Evaluation prepared by Page & Turnbull, the Glendenning Barn retains most of its architectural integrity, but no longer retains integrity of setting. The open

fields and orchards once located to the east, north, and west of the barn are no longer present, and the vicinity of the barn is occupied by surface parking lots and box-shaped office buildings that range from one to four stories in height.

Although relocation of a historical resource may result in a significant impact under the *CEQA Guidelines*, in some circumstances it is an appropriate mitigation, particularly if accomplished to prevent the demolition of the structure. Relocation of the Glendenning Barn was identified by Apple as the preferred treatment of the historic resource because: 1) demolition of the barn would result in significant unavoidable environmental effects; and 2) relocation and rehabilitation of the barn would allow the significant impacts of relocation to be mitigated to a less-than-significant level pursuant to CEQA.

The California Office of Historic Preservation provides little in the way of guidance for relocating historical resources, except to note that, under some circumstances, relocation can function as an appropriate mitigation:

“...it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.”³⁴

The Historic Preservation Policy also indicates that resource relocation is an acceptable form of mitigation consistent with City objectives for the protection of historic resources.³⁵ Under that policy, “in situations where relocation is the only feasible alternative to demolition, relocation may mitigate to below a level of significance provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the California Register.”

Relocation of the Glendenning Barn could result in a significant adverse effect to a historic resource. However, implementation of Mitigation Measure CULT-1a or Mitigation Measure CULT-1b would reduce impacts to a less-than-significant level.

Potential impacts to archaeological sites, which can qualify as “historical resources” under CEQA (*CEQA Guidelines* Section 15064.5(c)), are discussed under “Archaeological Resources,” below.

Impact CULT-1: The project would relocate the Glendenning Barn, a designated Historic Site under the City of Cupertino General Plan and a historical resource under CEQA. (S)

The proposed project would relocate the Glendenning Barn to an on- or off-site location. As noted above, Apple is currently proposing two potential on-site relocation sites: 1) to the northeast of the

³⁴ California Office of Historic Preservation, 1999. *California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)*. Technical Assistance Series #6. California Office of Historic Preservation, Sacramento.

³⁵ Cupertino, City of, 2010. *Staff Report*.

Corporate Fitness Center, south of East Homestead Road or 2) to the west of the Central Plant, near the southwestern property line of the project site. No specific off-site relocation sites have been selected. Depending on the final elevation of the barn foundation and surrounding landscaping, the barn at the site near the Corporate Fitness Center may not be visible from East Homestead Avenue or other public rights-of-way. The barn would not be visible from the second potential relocation site, to the west of the Central Plant. For the purpose of this analysis, it is assumed that the barn, at both potential on-site relocation sites, would not be visible from a public right-of-way.

If an on-site location is rejected in favor of an off-site location, the City, in consultation with Apple, would select the preferred off-site location for relocation. The possible locations would provide more open space than the current site and have a rural, agricultural feel similar to the historic setting of the barn.

The barn is currently located on private property and is not accessible to the public except with the express permission of Apple. If relocated and rehabilitated for use on the project site, the barn would continue to be inaccessible to the public. Per City Policy 2-62A, for historic sites on privately-owned sites, “property owners would be encouraged, but in no way required, to provide access to the public.”

However, if relocated and rehabilitated at an off-site location, the barn may be available for public access. On a program level of analysis, potential off-site locations present a feasible opportunity for relocation without significant environmental impacts. Because the relocated and rehabilitated barn would not be subject to intense use (such that significant traffic and related air and noise pollution would occur), design and siting of the barn at an on- or off-site location, in accordance with standard City practices and conditions of approval, would ensure that no significant unavoidable impacts would result. However, if an off-site location is chosen and the specific site design has been identified, the City would verify that all appropriate environmental protection measures have been incorporated into the relocation.

If an on- or off-site relocation is undertaken in accordance with Mitigation Measures CULT-1a (for on-site relocation) or CULT-1b (for off-site relocation), below, which establish performance standards for the relocation to ensure the historic integrity of the building is protected and enhanced, impacts to historic resources associated with relocation of the barn would not occur. Implementation of one of the following two mitigation measure would thus reduce impacts to the historical resource to a less-than-significant level:

Mitigation Measure CULT-1a (On-site Relocation): The Glendenning Barn shall be relocated to one of the following two sites within the Apple Campus 2 project site, subject to the approval of the City: 1) to the northeast of the Corporate Fitness Center, south of East Homestead Road or 2) at the proposed eastern termination of Pruneridge Avenue, near The Hamptons. The barn shall not be relocated to the second potential relocation site identified by Apple, to the west of the Central Plant, near the southwestern property line of the project site. This site is unacceptable to the City because it would be difficult to allow for the barn to be visible from a public right-of-way. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes to the resource are fully enforceable through permit conditions, agreements, or other measures. The following stipulations shall apply to the barn’s on-site relocation:

- The following character-defining architectural elements of the barn shall be substantially visible from a public right-of-way, per the discretion of City staff: 1) size/scale of barn; 2) board and batten siding (including windows, if possible); and 3) roofline.
- The new site for the Glendenning Barn shall include open space and/or land that can be converted to such use. The amount of open space shall be sufficient to reference the area's historic agricultural roots.
- The Glendenning Barn shall be relocated by a qualified structure-moving company with experience moving historic buildings.
- Relocation of the Glendenning Barn shall be overseen by a qualified historical architect. The architect shall ensure that the barn retains its significant character-defining features at its new location, including its form, proportion, structure, plan, style, and materials. The historian shall be responsible for documenting relocation of the barn from its current, historic site to its new site. Documentation shall include production of a report that includes photographic documentation of the move and a historical context for the barn that describes the resource's significance in local history. Copies of this documentation shall be offered to local libraries and local historical societies, and submitted to the Northwest Information Center at Sonoma State University.
- The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) shall be applied to the barn at its new location. The Standards consist of four possible treatments for historic properties: preservation, rehabilitation, restoration, and reconstruction. Depending on the nature of the barn's use at its new location and its current condition, one or more of these treatments shall apply.
- The applicant shall provide a plaque, reader board and/or other educational tools to explain the historic significance of the barn on the project site. The plaque shall include the City seal, name of the resource, date it was built, a written description, and photograph, and shall be placed in a location where the public can view the information, not necessarily on the barn. (LTS)

OR

Mitigation Measure CULT-1b (Off-site Relocation): The Glendenning Barn shall be relocated off the project site to a new site within Cupertino, subject to the approval of the City. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes to the resource are fully enforceable through permit conditions, agreements, or other measures. The following stipulations shall apply to the barn's relocation:

- The new site for the Glendenning Barn shall include open space and/or land that can be converted to such use. The amount of open space shall be sufficient to reference the area's historic agricultural roots. Appropriate uses of the new site could include educational uses determined by the City. Public access could be permitted and is encouraged, but is not required to reduce impacts to the resource.
- If located on private property, the following character-defining architectural elements of the barn shall be substantially visible from a public right-of-way or (if the barn and/or its surroundings are publicly-accessible) a public viewpoint, per the discretion of City staff: 1) size/scale of barn; 2) board and batten siding (including windows, if possible); and 3) roofline.

- The Glendenning Barn shall be relocated by a qualified structure-moving company with experience moving historic buildings.
- Relocation of the Glendenning Barn shall be overseen by a qualified historical architect. The architect shall ensure that the barn retains its significant character-defining features at its new location, including its form, proportion, structure, plan, style, and materials. The historian shall be responsible for documenting relocation of the barn from its current, historic site to its new site. Documentation shall include production of a report that includes photographic documentation of the move and a historical context for the barn that describes the resource's significance in local history. Copies of this documentation shall be offered to local libraries and local historical societies, and submitted to the Northwest Information Center at Sonoma State University.
- The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) shall be applied to the barn at its new location. The Standards consist of four possible treatments for historic properties: preservation, rehabilitation, restoration, and reconstruction. Depending on the nature of the barn's use at its new location and its current condition, one or more of these treatments shall apply.
- The applicant shall provide a plaque, reader board and/or other educational tools to explain the historic significance of the barn, both on the off-site location and on the project site. The plaques shall include the City seal, name of the resource, date it was built, a written description, and photograph, and shall be placed in a location where the public can view the information, not necessarily on the barn. (LTS)

(2) **Archaeological Resources.** Archaeological sites in Santa Clara Valley are frequently buried under alluvium and can bear few if any surface manifestations.³⁶ The project site includes Holocene coarse-grained alluvial fan deposits along the Calabazas Creek corridor.³⁷ Due to their age, these deposits have the potential to contain prehistoric archaeological resources. Furthermore, prior to its development as an office park in the 1970s, the property was inhabited and farmed by various members of the Glendenning family beginning in the 1850s. There is a potential for significant sub-surface historical archaeological features, including hollow-filled features (e.g., privies and wells) and other historic trash deposits associated with the Glendenning settlement, including the non-extant Glendenning house, which the California Department of Parks and Recreation recognizes in the *California Inventory of Historic Resources* as an important resource.

Although project site soils and historic features have been disturbed by farming operations and grading and trenching of the site for development of office uses, the site may still contain subsurface archaeological deposits.

The proposed project would require approximately 2,300,000 cubic yards of excavation, including for the construction of sub-grade parking, internal roads, and building footprints. These project ground-disturbing activities have the potential to affect subsurface prehistoric archaeological resources that could occur within the site. Based on the significance criteria identified above, the project would have a significant impact on the environment if these ground-disturbing activities cause a substantial

³⁶ Meyer and Rosenthal, 2007.

³⁷ Helley, et al., 1979.

adverse change in the significance of a historical or archaeological resource. A substantial adverse change in the significance of an archaeological resource would occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired (*CEQA Guidelines* Section 15064.5(b)(1)).

Impact CULT-2: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect archaeological resources. (S)

Implementation of Mitigation Measure CULT-2 would reduce this potential impact to archaeological resources to a less-than-significant level:

Mitigation Measure CULT-2a: The project applicant shall retain a qualified archaeologist to monitor project ground-disturbing activities. Prior to project ground-disturbing activities, the archaeologist shall prepare a Monitoring Plan for the project. The Monitoring Plan shall include: (1) a review of historical maps, photographs, soil inventories, and geotechnical reports to identify those locations where subsurface historical features may occur and areas of prehistoric sensitivity and (2) a Discovery Plan that describes the specific methods and procedures that will be used in the event that archaeological deposits are identified.

Archaeological monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered.

If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register of Historical Resources. If the deposits are not eligible, mitigation is not necessary. If the deposits are eligible, adverse effects on the deposits shall be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see *CEQA Guidelines* Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility.

Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the City of Cupertino and the Northwest Information Center at Sonoma State University upon completion of the resource assessment.

Mitigation Measure CULT-2b: If archaeological deposits are encountered during project subsurface construction when an archaeological monitor is not present, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the

situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The project applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits. The City shall verify that the following directive has been included in the appropriate contract documents:

“If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains.”

Adverse effects to archaeological deposits shall be treated in accordance with Mitigation Measure CULT-2a. (LTS)

(3) Paleontological Resources. A review of the UCMP’s fossil locality database was conducted of the project site and a surrounding 4-mile radius. No paleontological resources have been identified within 4 miles of the project site. However, the presence of Pleistocene deposits that are known to contain fossils indicates that the site could contain paleontological resources. Based on the significance criteria identified above, the project would have a significant effect on the environment if it would directly or indirectly destroy a unique paleontological resource or site. Construction-period impacts to fossils could constitute such a significant effect.

Impact CULT-3: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources. (S)

Implementation of Mitigation Measure CULT-3 would reduce this potential impact to a less-than-significant level:

Mitigation Measure CULT-3: Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Cupertino for review, and (if paleontological materials are recovered) a paleontological repository, such as the University of California Museum of Paleontology.

The project applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources. The City shall verify that the following directive has been included in the appropriate contract documents:

“The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction and a paleontologist is not on-site, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.” (LTS)

(4) **Human Remains.** Although Native American remains have not been identified within the project site, there is a possibility of encountering such remains, either in isolation or with prehistoric archaeological deposits. Such remains could be uncovered during project ground-disturbing activities. Based on the significance criteria identified above, the project would have a significant effect on the environment if it would disturb human remains, including those interred outside of formal cemeteries.

Impact CULT-4: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect Native American skeletal or cremated remains. (S)

Implementation of Mitigation Measure CULT-4 would reduce this impact to a less-than-significant level:

Mitigation Measure CULT-4: If human remains are encountered during construction, the project shall implement Mitigation Measure CULT-2a (archaeological monitoring) to identify and treat any human remains that may be present.

In addition, any human remains encountered during project ground-disturbing activities shall be treated in accordance with California Health and Safety Code Section 7050.5. The project applicant shall inform its contractor(s) of the sensitivity of the project site for human remains. The City shall verify that the following directive has been included in the appropriate contract documents:

“If human remains are uncovered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted – if one is not already on site – to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identifica-

tion. The Native American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.” (LTS)

d. Cumulative Impacts. The proposed project, in conjunction with other development in Cupertino, has the potential to affect cultural resources. If a potential for significant impacts to cultural resources is identified at the time development is proposed, an investigation is required to determine the nature and extent of the resources and identify appropriate mitigation measures. Therefore, past, present, and reasonably foreseeable future development in Cupertino is not expected to have a significant effect on cultural resources.

The number of historic resources in the City has diminished substantially as the City has urbanized; remaining resources (e.g., Union Church of Cupertino and Nathan Hall Tank House) are generally surrounded by modern development. However, these resources are generally protected in place by the City’s Historic Preservation Policy. If relocation is proposed for any individual resource, the merits of this relocation would be evaluated on a case-by-case basis. The provisions of the Historic Preservation Policy would be expected to prevent a significant loss (or inappropriate relocation) of remaining historic resources in the City. Therefore, future development in the City is not expected to result in a significant cumulative effect on historic resources.

The proposed project is not anticipated to have a significant impact on cultural resources, with implementation of the mitigation measures identified in this section. Relocation of Glendenning Barn in accordance with Mitigation Measures CULT-1a or CULT-1b would ensure that adverse impacts to the historic integrity of the barn are reduced to a less-than-significant level. Therefore, the project would not make a significant contribution to cumulative cultural resources impacts.

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