

---

## 15. CULTURAL AND HISTORIC RESOURCES

---

Possible impacts of the proposed Downtown Improvement Program Update on project area cultural and historic resources, and any warranted mitigation measures, are described in this EIR chapter. Existing setting information for this chapter was derived from California Historical Resources Information System (CHRIS) reports, the City's Cultural Resources Inventory (prepared as part of the General Plan *Heritage Preservation Sub-Element*), the City's 1993 Sunnyvale Downtown Specific Plan, the 1999 Sunnyvale Town Center Mall Modifications Project EIR, the City's 2000 Block 1 Office/Retail Project Mitigated Negative Declaration,<sup>1</sup> and the City's August 2002 *Downtown Design Plan*.

### 15.1 SETTING

#### 15.1.1 Recorded Archaeological Resources

(a) Archaeological Resources. An archival literature review was conducted in 1998 by the Northwest Information Center (NWIC), located at Sonoma State University, to compile information about recorded historic and prehistoric site locations in the Town Center Mall vicinity.<sup>2</sup> A similar archival literature review was completed in 2000 for the Block 1 Office/Retail Project vicinity.<sup>3</sup> These literature reviews and the information cited above--i.e., the August 2002 Design Plan, 1993 Downtown Specific Plan, and the City's Cultural Resources Inventory, provide the basis for the following discussion of prehistoric resources in the project area.

---

<sup>1</sup>Wagstaff and Associates, 2000. Block 1 Office/Retail Project Initial Study/Mitigated Negative Declaration.

<sup>2</sup>Letter from Lynn Compas, Researcher II, California Historical Resources Information System Northwest Information Center, Sonoma State University, to Wagstaff and Associates, re. "Record Search for the Sunnyvale Downtown Specific Plan Area," December 1, 1998.

<sup>3</sup>Letter from Kim Esser, Researcher II, California Historical Resources Information System, Northwest Information Center, Sonoma State University, to Wagstaff and Associates, re. "Sunnyvale 'Block 1' Project Area," January 18, 2000.

Based on these various information sources, there are no known archaeological resources in the project area.<sup>1</sup> Review of historical literature and maps on file at the CHRIS gave no indication of historic archaeological sites in the project area.<sup>2</sup>

The project area contains no former or existing sources of water. Nevertheless, the project area has some potential of containing Native American archaeological resources. Native Americans are known to have lived in the project area vicinity at the time of Euroamerican contact. Native American archaeological sites in this portion of Santa Clara County tend to be situated along historic bay margins on flat terraces. The project area is located on an open terrace near the historic bay margin. Numerous other sites are located in similar environments near the project area, and a burial site has been found nearby. In addition, local soils consist of quaternary alluvium that is "*locally known to contain aboriginal artifacts.*"<sup>3</sup> Given these environmental setting characteristics, there is a moderate to high potential for Native American archaeological sites in the project area.<sup>4</sup>

As-yet unidentified artifacts were discovered and removed during excavation of the Mozart development on Mathilda Avenue; these artifacts, now in storage, have not yet been researched or cataloged.<sup>5</sup>

#### **15.1.2 Historic Resources**

The *Sunnyvale Heritage Preservation Ordinance* was enacted in 1980 (chapter 19.80 of the Municipal Code, now chapter 19.96) to assess designation and protection of properties to be listed on the City's Cultural Resources Inventory. The subsequent Cultural Resources Inventory scope was divided into two categories--"heritage resources" and "heritage landmarks."

"Heritage resources" are defined in the Municipal Code as improvements, buildings, structures, signs, features, landscape, trees, sites, places, areas, or other artifacts of architectural, artistic, cultural, engineering, aesthetic, archeological, historical, political, or social significance to the

---

<sup>1</sup>Compas.

<sup>2</sup>Esser, Gerry Caruso, AICP, Associate Planner, City of Sunnyvale; written communication, February 8, 2000.

<sup>3</sup>Letter from Kim Esser, Researcher II, California Historical Resources Information System, Northwest Information Center, Sonoma State University, to Wagstaff and Associates, re. "Sunnyvale 'Block 1' Project Area," January 18, 2000.

<sup>4</sup>Ibid.

<sup>5</sup>Diana O'Dell, AICP, Associate Planner, City of Sunnyvale Department of Community Development, personal communication, March 17, 2003.

citizens of Sunnyvale. The term "heritage resource" has usually been used in a manner that suggests that it includes both landmarks and cultural resources.

"Heritage landmarks" are defined in the Municipal Code as any heritage resource that has been designated pursuant to chapter 19.96 of the Municipal Code for its value as part of the development, heritage or history of the city, state or nation. A significant level of protection is afforded to landmark properties to discourage inappropriate alteration or demolition. A landmark may be any of the following:

- (1) an individual structure or portion thereof or a natural feature, such as a tree;
- (2) an integrated group of structures in an area;
- (3) the site of a previous landmark; or
- (4) any combination of the above."

The City has also adopted the Secretary of the Interior's *Guidelines for Designation of National Landmark Properties* for use in guiding the designation of and protecting the City's heritage landmark properties.

In addition, the City of Sunnyvale General Plan Heritage Preservation Sub-Element has designated various "landmark districts" in the City, each defined as "an area containing heritage resources, the collective integrity of which is essential to the sustained value of the separate individual resources and which has been designated a landmark district pursuant to this chapter."<sup>1</sup>

A number of these various types of City-designated historic resources have been identified in the project area. These resources are described below.

(a) Murphy Avenue Heritage Landmark District. The Murphy Avenue Heritage Landmark District is located on the 100 block of Murphy Avenue between Washington Avenue and Evelyn Avenue. The Murphy Avenue Heritage Landmark District has protected status under the City's *Heritage Preservation Ordinance* (chapter 19.96 of the Municipal Code). Any alteration of one or more of the 32 buildings in the district must be consistent with the historic character of the building, and demolition is prohibited unless retention of the building is found to cause a substantial hardship. Building alterations in the district require a Landmark Alterations Permit and approval by the Heritage Preservation Commission at a public hearing.

---

<sup>1</sup>City of Sunnyvale, City of Sunnyvale General Plan, 1995, *Heritage Preservation Sub-Element*, pp. 14-16.

(b) Frances Taaffe Heritage Housing District. The Frances Taaffe Heritage Housing District includes numerous residential properties located on Taaffe Street and Frances Street between Olive Avenue and El Camino Real, as well as residential properties on Olive Avenue between Taaffe Street and Murphy Avenue. In the 400 and 500 blocks of Frances Street and Murphy Avenue and the 500 block of Taaffe Street, several streetscapes (i.e., the Murphy Avenue Streetscape) and houses (i.e., in the Frances Taaffe Heritage District) are listed in the City's Cultural Resource Inventory. As a Heritage Housing District, the Frances Taaffe District has the same protected status as the Murphy Avenue Heritage District under chapter 19.96 of the City's Municipal Code.

(c) Del Monte Building Heritage Landmark. The project area currently contains one individual City Heritage Landmark--the Del Monte Building (1904) at 114 S. Murphy Avenue.

(d) Cultural Resource Inventory Listings. The Sunnyvale Cultural Resources Inventory lists seven properties in the project area of potential architectural or historical significance that are not included in either the Frances Taaffe or the Murphy Avenue Heritage Districts. These include two properties on the 500 block of S. Sunnyvale Avenue, four properties on the 300 block of E. Washington Avenue, and one property on the 500 block of S. Mathilda Avenue. The listing of houses and streetscapes in the Cultural Resource Inventory provides recognition of the architectural and historical significance of these resources, but does not protect them from modification or demolition. However, proposed alterations to the buildings and streetscapes listed in the Cultural Resources Inventory are subject to advisory review by City staff.

(e) Historically Significant Trees. As noted in the 1999 Town Center Mall EIR, trees within the existing Town Center Mall courtyard are listed on the Cultural Resources Inventory trees list as the "Sunnyvale Town Center Trees." Inclusion on this list provides recognition of the historic significance of the trees, but does not protect them from modification or demolition.

(f) Other Possible Resources. In addition to the identified historic resources identified above, there is an identified high possibility of identifying other historic archaeological resources in the project vicinity, based on United States Geological Survey (USGS) records that show structures located in the project area in the early 1900s. While these buildings may not be standing, their remains may still exist (e.g., in subsurface deposits).<sup>1</sup>

---

<sup>1</sup>Ibid.

## 15.2 PERTINENT PLANS AND POLICIES

### 15.2.1 City of Sunnyvale General Plan

The City of Sunnyvale General Plan Cultural Element, Heritage Preservation Sub-Element (adopted 1995) and Community Development Element, Housing and Community Revitalization Sub-Element (adopted 2002) establish a policy framework for the identification and protection of heritage resources. Policies and action statements applicable to the proposed project and consideration of its potential environmental impacts include the following:

#### *Heritage Preservation Sub-Element:*

- *Preserve existing landmarks and cultural resources and their environmental settings. (Policy 6.3B.1, p. 42)*
- *Continue to monitor and review development on Murphy Avenue, to preserve its heritage resources and encourage the maintenance of an environment that attracts both visitors and local residents, thereby encouraging Murphy Avenue's ongoing commercial vitality. (Action Statement 6.3B.1a, p. 42)*
- *Use the review process to encourage the development and maintenance of appropriate settings and environments for heritage structures, to the greatest degree feasible. (Action Statement 6.3B.1b, p. 42)*
- *Protect the architectural and spatial development characteristics of cultural resource streetscapes, to the greatest degree feasible. (Action Statement 6.3B.1c, p. 42)*
- *Enhance the visual character of the City by preserving diverse as well as harmonious architectural styles, reflecting various phases of the City's historical development and the cultural traditions of past and present residents. (Policy 6.3B.3, p. 43)*
- *Identify architectural features and styles which are of historical, architectural, or cultural interest, and encourage the preservation of these features and styles whenever possible, even when a building or streetscape has not been specifically designated as a heritage resource. The City-Wide Design Guidelines and the design review process can be used to support this approach. (Action Statement 6.3B.3a, p. 43)*
- *Identify and work to resolve conflicts between the preservation of heritage resources and alternative land uses. (Policy 6.3B.4, p. 44)*
- *When proposals are received which could involve removal of heritage resources or significantly affect such resources or their environments, including cultural resources streetscapes, such proposals should be reviewed by a heritage resources committee, composed of staff from various divisions of the Community Development Department, to*

*ensure that decisions that are made consider all significant factors. The committee should seek the advice of the Heritage Preservation Commission when appropriate. (Action Statement 6.3B.4a, p. 44)*

- *Consider providing more flexibility in the zoning code to provide for adaptive reuse of heritage structures when existing uses are not economically feasible and alternative uses would not be allowed under existing zoning regulations. (Action Statement 6.3B.4b, p. 44)*
- *Seek out, catalog, and evaluate heritage resources which may be significant. (Policy 6.3B.5, p. 44)*
- *Where it has been determined that a structure, streetscape, or other heritage resource should be considered for designation as a cultural resource or as a landmark, institute the process to designate them accordingly. (Action Statement 6.3B.5d, p. 45)*
- *Whenever a local landmark may have qualities that might make it eligible for a State or National Landmark status, encourage the owner of the landmark to apply for that status, and actively assist with the application process. (Policy 6.3B.6, p. 45)*
- *Maintain the Heritage Preservation Ordinance and its regulations and procedures as part of the Sunnyvale Municipal Code, making minor modifications as necessary but keeping its principle functions intact, including the maintenance of the Heritage Preservation Commission's roles and functions. (Policy 6.3B.9, p. 46)*
- *Archaeological resources should be preserved whenever possible. (Policy 6.3B.10, p. 46)*
- *Whenever construction is proposed in an area which may contain archaeological resources, a condition of approval of the project should provide that construction should cease and a qualified archaeologist be called in the event that evidence of archaeological resources is found. (Action Statement 6.3B.10a, p. 46)*

*Housing and Community Revitalization Sub-Element:*

- *Maintain the Heritage Housing Combining District. (Policy C.10.a, p. 71)*

**15.2.2 Heritage Preservation Ordinance**

The City's Charter (chapters 1015 and 1016) has instituted a Heritage Preservation Commission responsible for making recommendations regarding the City's heritage resources. The Commission's responsibilities include: (1) review of all permit applications that involve change of use, exterior alteration, or demolition on a landmark site or landmark district-designated structure; and (2) review of all environmental assessments, environmental impact

reports, and environmental impact statements that involve heritage resources (Heritage Preservation Ordinance, Sunnyvale Municipal Code, chapter 19.96, section 19.96.040.g). See additional discussion above under subsection 15.1.2.

### **15.2.3 Tree Preservation Ordinance**

The City's *Tree Preservation Ordinance* (Sunnyvale Municipal Code, chapter 19.94) provides for protection, installation, removal, and long-term management of significantly sized trees on private property and on City-owned golf courses and parks. The ordinance defines "protected tree" as a tree of "significant size" (i.e., a tree 38 inches or greater in circumference measured four feet above ground). The ordinance sets standards and criteria for issuance of tree removal permits, criteria for replacement trees, and requirements for replanting programs, tree relocation, and tree protection during site development or modification. Requirements for protected trees during site development or modification include: (1) applicant preparation of a tree survey; (2) project modification to retain, relocate, or replant protected trees; and (3) preparation of a tree protection plan that demonstrates how trees will be protected during and after construction (Sunnyvale Municipal Code section 19.94.120). See additional discussion under subsection 15.1.2 above.

## **15.3 IMPACTS AND MITIGATION MEASURES**

### **15.3.1 Significance Criteria**

Based on the CEQA Guidelines,<sup>1</sup> the project and project-facilitated future development activities would be considered to have a *significant* cultural or historic resources impact if they would:

- (a) cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;
- (b) cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5;
- (c) directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- (d) disturb any human remains, including those interred outside of formal cemeteries.

Section 15064.5 of the CEQA Guidelines further defines criteria for determining the significance of impacts on archaeological and historic resources. Section 15064.5 provides

---

<sup>1</sup>CEQA Guidelines, 2002. Section 15065(a); Appendix G, Item V (a)-(d).

that, in general, a resource not listed on state or local registers of historical resources shall be considered by an agency to be historically significant if the resource meets the criteria for listing on the California Register of Historical Resources. The section also provides standards for determining what constitutes a "substantial adverse change" that must be considered a significant impact on an historic resource. The section further states that its provisions apply to those archaeological resources that also qualify as historic resources.

### **15.3.2 General Impact Determination Approach**

This EIR describes the general cultural and historic resource impacts anticipated as a result of the proposed project (the Downtown Improvement Program Update) and project-facilitated development activities. Those more specific cultural resource impacts that may result from certain individual future, site-specific developments encouraged or facilitated by the Downtown Improvement Program Update that cannot be reasonably determined in this program EIR would be disclosed in future site-specific environmental reviews for those individual projects.

### **15.3.3 Impacts and Mitigation Measures**

**Impact 15-1: Disturbance of Archaeological Resources.** Additional downtown development and redevelopment facilitated by the project could disturb existing unrecorded sensitive archaeological resources in the project area. This possibility represents a ***potentially significant impact*** (see criteria (b) and (d) under subsection 7.3.1, "Significance Criteria," above).

The project area possesses moderate to high potentials for containing buried or obscured prehistoric cultural resources. Due to the broad nature of the proposed project and associated future central area development activities, and the lack of extensive archaeological field data on the area, it is difficult to forecast the specific effects of future project-facilitated development on archaeological resources. However, as noted in subsection 15.1.1 above, because of the project area proximity to the San Francisco Bay margin and its flat terrace conditions, there is a moderate to high probability of encountering additional archaeological sites in the project area during project-facilitated construction activities. These construction activities (e.g., grading, excavation) could disturb or destroy such archaeological resources (e.g., subsurface lithic materials, trash scatters, historic articles, etc.).

**Mitigation 15-1:** During the City's normal project-specific environmental review (Initial Study) process for all future, discretionary, public improvement and private development projects in the project area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For projects involving substantial ground disturbance, the individual project sponsor shall be required to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future development projects that the CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project sponsor contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

To make an adequate determination in these particular instances, the archaeologist shall conduct a preliminary field inspection to: (1) assess the amount and location of visible ground-surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit), or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts to an archaeological site. Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, greenspace, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

**(continued)**

**Mitigation 15-1 (continued):**

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared and adopted prior to any additional excavation being undertaken. Such studies must be submitted to the California Historical Resources Regional Information Center. If Native American artifacts are indicated, the studies must also be submitted to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to resumption of construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR or are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a project area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and *CEQA Guidelines* section 15126.4(b) shall apply.

Implementation of this measure would reduce this impact to a ***less-than-significant level***.

**Impact 15-2: Destruction/Degradation of Historic Resources.** The project-proposed changes in downtown development standards incorporate policies, standards, and guidelines from the 1993 Specific Plan, Murphy Avenue Heritage Landmark District, Taaffe/Frances Heritage Housing District, and City's Cultural Resources Inventory for protecting historic resources. Nevertheless, future development projects that are otherwise consistent with the proposed project may still result in substantial adverse changes in the significance of one or more individual, project area, potentially significant downtown historic properties, including identified historic structures and districts. As of March 2003, seven project area properties were listed in the City's Cultural Resources Inventory but were not yet designated as heritage landmarks or as part of a landmark district, and, therefore, were not protected from modification or demolition. The Downtown Improvement Program Update, however, currently proposes no destruction/degradation of any historic resource. If a historic resource were the subject of a future, site-specific development proposal, substantial adverse changes that may potentially occur include physical demolition, destruction, relocation, or alteration of one or more of these identified resources, such that the resource is "materially impaired." The significance of a historic resource is considered to be "materially impaired" when a project demolishes or materially alters the physical characteristics that justify the determination of its significance [CEQA Guidelines section 15064.5(b)]. Such an adverse change to a CEQA-defined historic resource would constitute a **significant impact** (see criteria (a), (b), and (d) in subsection 7.3.1, "Significance Criteria," above).

**Mitigation 15-2:** Generally, for any future discretionary action within the project area that the City determines through the CEQA-required Initial Study review process may cause a "substantial adverse change" to an identified downtown historic resource, including an identified historic structure or district, or to one of the potentially significant project area historic resources identified in the City's Cultural Resources Inventory, the City and applicant shall incorporate measures that would seek to improve the affected resource in accordance with either of the following publications:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

**(continued)**

**Mitigation 15-2 (continued):**

Successful incorporation of these measures would reduce the impact to a ***less-than-significant level*** [CEQA Guidelines section 15126.4(b)]. This mitigation shall be made enforceable by its incorporation into the amended Downtown Specific Plan as a City-adopted requirement to be implemented through subsequent development-specific permits, conditions, agreements, or other measures, pursuant to CEQA Guidelines section 15064.5(b)(3-5).

Although not anticipated under the proposed Downtown Improvement Program Update, for any future discretionary action that would result in the demolition of a City-identified historic resource, or otherwise cause the significance of the resource to be “materially impaired,” the City must determine through the Initial Study process that the resulting potential for a significant impact is unavoidable, thereby requiring a project-specific EIR [CEQA Guidelines section 15064.5(a) and (b)].

---

**Impacts to Heritage Trees.** The only designated heritage trees in the project area are the trees in the Town Center Mall. Any construction in this area that may potentially impact these protected trees would be required to comply with all specifications of the City's *Tree Preservation Ordinance*. Compliance with these specifications would ensure no impact to historic trees.

**Mitigation.** No significant project impact related to heritage trees has been identified; no mitigation is necessary.